

No. 1238

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**BELGIUM, CANADA, CZECHOSLOVAKIA, etc.**

**International Accord (with Final Act) regarding the treatment of German-owned patents. Signed at London, on 27 July 1946**

**Protocol amending the Accord of 27 July 1946 regarding the treatment of German-owned patents. Signed at London. on 17 July 1947**

*Official texts: English and French.*

*Registered by the United Kingdom of Great Britain and Northern Ireland on 12 June 1951.*

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**BELGIQUE, CANADA, TCHÉCOSLOVAQUIE, etc.**

**Accord international (avec Acte final) sur les brevets allemands. Signé à Londres, le 27 juillet 1946**

**Protocole modifiant l'Accord du 27 juillet 1946 sur les brevets allemands. Signé à Londres, le 17 juillet 1947**

*Textes officiels anglais et français.*

*Enregistrés par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 12 juin 1951.*

No. 1238. INTERNATIONAL ACCORD<sup>1</sup> REGARDING THE  
TREATMENT OF GERMAN-OWNED PATENTS. SIGNED  
AT LONDON, ON 27 JULY 1946

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The Governments on whose behalf the present Accord is signed :

Desiring to make arrangements with regard to former German-owned patents in their possession or control :

Have agreed as follows :

*Article 1*

Subject to the provisions of the following Articles, each Government, party to this Accord, undertakes that all former wholly German-owned patents, issued by it and in its possession or control under the general law and regulations relating to German-owned property, which have not ceased or been dedicated to the public, shall be dedicated to the public or placed in the public domain or continuously offered for licensing without royalty to the nationals of all Governments, parties to this Accord.

*Article 2*

In cases where a Government, party to this Accord, makes available by the grant of licences or otherwise to its own nationals rights under patents in which there was formerly a German interest (other than the patents specified in Article 1), such rights shall be made available to the nationals of all Governments, parties to this Accord, on the same terms as to the nationals of that Government.

*Article 3*

Subject to the provision of Article 4, all licences granted in accordance with Article 1 and, in cases where the Government is not prevented by the terms of the patent, licence or other right which it acquires, all licences granted in accordance with Article 2 shall include the right to practise and exercise the inventions claimed in the patents, and to make, use and sell the products of the inventions regardless of where such products are manufactured.

*Article 4*

The provisions of Articles 1 and 2 shall be subject to the right of each Government to take appropriate measures to protect and preserve proprietary,

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<sup>1</sup> Came into force on 30 November 1946, in accordance with article 11, see list of acceptances pages 250-252.

licence or other rights or interests in such patents which have been before the 1st August, 1946, lawfully granted to or acquired by any non-German. An exclusive licence granted before the 1st August, 1946, may be protected by declining to grant any new licence during the period of such exclusive licence, and a non-exclusive licence may be protected by imposing on new licensees the same terms as those imposed on the existing licensee.

#### *Article 5*

For the purposes of this Accord, each Government may treat as non-German-owned those patents, or interests in patents, belonging to persons in special classes (such as Germans residing outside Germany, German refugees &c.), whose property that Government has exempted or may in the future exempt from its general law and regulations relating to German-owned property.

#### *Article 6*

In order to carry out the purposes of this Accord and to provide for the interchange of information through a central office, the Government of the French Republic will provide facilities for receiving and disseminating reports from Governments, parties to this Accord, and for notifying these Governments of matters of common interest under this Accord.

#### *Article 7*

Each Government, party to this Accord, shall furnish as soon as possible to the central office referred to in Article 6, for transmission to the other Governments, parties to this Accord, a list of all former wholly or partly German-owned patents which are not available to the nationals of these Governments by way of dedication or royalty-free licences, together with a schedule of the licences and of non-German interests existing under or in those patents. In addition, the Governments, which can conveniently do so shall furnish a list of all such patents still in force which are licensable on a royalty-free basis and of all such patents as have ceased or been dedicated to the public.

#### *Article 8*

The present Accord shall remain open for signature in London on behalf of any Government represented at the Conference in London until the 31st December, 1946.

The Government of the United Kingdom shall notify to all other Governments represented at the Conference the names of the Governments on whose behalf the Accord has been signed.

*Article 9*

The Government of any other member of the United Nations, or of any country which remained neutral during the second World War, may become a party to this Accord by notifying the Government of the United Kingdom of its acceptance thereof before the 1st January, 1947. The Government of the United Kingdom shall inform all Governments represented at the Conference in London on German-owned patents, or which have accepted this Accord under this Article, of all acceptances so notified.

*Article 10*

Any Government, party to this Accord, may extend the Accord to any of its colonies, overseas territories, or to any territories under its protection or jurisdiction or which it administers under mandate, by a notification addressed to the Government of the United Kingdom.

The Government of the United Kingdom shall inform all other Governments, party to this Accord, of any notification which it receives under this Article.

*Article 11*

This Accord shall come into force as soon as it has been signed or accepted by the Governments of the French Republic, the United Kingdom, the United States of America and of four other countries.

IN WITNESS WHEREOF the undersigned duly authorised thereto have signed the present Accord.

DONE in London this 27th day of July, 1946, in English and French, both texts being equally authentic, in a single copy which shall remain deposited in the archives of the Government of the United Kingdom. The Government of the United Kingdom shall transmit certified copies of this Accord to all Governments represented at the Conference in London on German-owned patents and to all Governments entitled to become a party to this Accord under the provisions of Article 9.

For the Government of Belgium :

G. WALRAVENS

For the Government of Canada :

N. A. ROBERTSON

For the Government of Czechoslovakia :

Max. LOBKOWICZ

- For the Government of Denmark :  
E. SCHRAM-NIELSEN
- For the Government of the French Republic :  
R. MONMAYOU  
E. MATHON
- For the Government of Luxembourg :  
A. J. CLASEN
- ✓ For the Government of the Netherlands :  
DYCKMEESTER
- For the Government of Norway :  
Reidar SOLUM
- For the Government of the Union of South Africa :  
Eugene K. SCALLAN  
30th November, 1946
- For the Government of the United Kingdom :  
Harold L. SAUNDERS  
B. G. CREWE
- For the Government of the United States of America :  
Casper W. OOMS

FINAL ACT OF THE CONFERENCE ON  
GERMAN-OWNED PATENTS

The Conference, which was convened on the invitation of the Governments of the French Republic, the United Kingdom, and the United States of America, held meetings in London between the 15th and 27th July, 1946.

The following Delegations participated in the Conference:—

	<i>Delegates</i>	<i>Advisers</i>
GOVERNMENT OF	Mr. H. F. E. Whitlam	
AUSTRALIA	Mr. L. B. Davies	
GOVERNMENT OF	M. J. Hamels	
BELGIUM	Baron de Lettenhove	
GOVERNMENT OF	Dr. E. H. Coleman	Mr. K. J. Burbridge
CANADA		Mr. P. H. Russell
GOVERNMENT OF	M. Celestin Simr	M. V. Sedlacek
CZECHOSLOVAKIA	M. Frank Kafka	M. B. Stuchly

	<i>Delegates</i>	<i>Advisers</i>
GOVERNMENT OF DENMARK	Mr. Ehrenreich-Hansen Mrs. Jansen Simonsen	Miss Julie Olsen
GOVERNMENT OF CZECHOSLOVAKIA	( <i>cont'd</i> )	M. J. Rieger M. F. Vohryzek M. J. Vojacek
GOVERNMENT OF THE FRENCH REPUBLIC	M. R. Monmayou M. E. Mathon	M. P. Dreyfus M. O. Pichot
GOVERNMENT OF LUXEMBOURG	M. A. de Muysen	
GOVERNMENT OF THE NETHERLANDS	Dr. H. Gelissen Mr. J. Dyckmeester	Mr. J. Al Dr. A. Treer Dr. J. M. Fehmers Dr. A. Koerts Dr. H. Jonker
GOVERNMENT OF NORWAY	Mr. Bredo Stabell Dr. Harald Aarflot	Mr. Jacques Raeder Mr. Johan Helgeland
GOVERNMENT OF THE UNION OF SOUTH AFRICA	Mr. G. D. Louw Mr. E. Swart or Mr. D. B. Sole	
GOVERNMENT OF THE UNITED KINGDOM	Sir Harold Saunders Mr. B. G. Crewe	Mr. J. L. Blake
GOVERNMENT OF THE UNITED STATES OF AMERICA	Mr. Casper W. Ooms	Mr. Bennett Boskey Mr. Francis Brown Mr. John Green Mr. Howland H. Sargeant Mr. James Simsarian Mr. Robert Terrill

Sir Harold Saunders (United Kingdom) was elected President of the Conference, and Mr. H. W. Clarke and Mr. T. H. Mobbs, Secretaries.

The Conference drew up an Accord<sup>1</sup> of which the text is set forth in the Annex to this Final Act. This Accord was signed on behalf of the Governments of the French Republic, the Netherlands, the United Kingdom and the United States of America. The Accord remains open for signature until the 31st December, 1946, on behalf of all other Governments represented at the Conference. The Governments of any other members of the United Nations or of Neutral Countries may also become parties to this Accord. The Delegations of the Commonwealth of Australia, Canada, Czechoslovakia, and the Union of South Africa will recommend to their respective Governments that the Accord should be signed on their behalf.

<sup>1</sup> See p. 230 of this volume.

The following Resolutions were adopted at the Conference :—

RESOLUTION NO. 1

To render possible the fulfilment of the Accord set forth in the Annex, each Government whose Delegation has signed this Final Act undertakes that, after the 1st August, 1946, and until it has decided whether it will sign this Accord, it will not sell or transfer, encumber or restrict its rights to grant licences under, or to take any other action with regard to, the patents referred to therein, which would interfere with its ability to carry out the terms of the Accord.

Any Government which decides not to sign the Accord will immediately communicate its decision to the Government of the United Kingdom, which will transmit this information to all other Governments represented at the Conference.

The Delegation of Australia wished to record that, while fully in favour of this Resolution, it was not able to commit the Government of Australia.

RESOLUTION NO. 2

Each Delegation will recommend to its Government that the Delegates of that Government to the Inter-Allied Reparation Agency should be instructed to support proposals : (a) that the reparation share of any Government, party to the Accord, set forth in the Annex should not be charged under the Paris Reparations Agreement with the value of German rights or interests in patents issued by that Government and made available, without royalty, as provided in Articles 1 and 2 of the Accord and : (b) that, in cases where royalties and other sums have been or will be received by any Government, party to the Accord, in respect of German rights or interests in these patents, the Inter-Allied Reparation Agency should consider whether any, and if so what, charge should be made against the reparation share of that Government.

The Delegations of Belgium, Denmark, Luxembourg and Norway desired to record that they considered this Resolution to be so closely connected with the Accord that the view of their Governments with regard to this Resolution would depend on the question whether they were prepared to sign the Accord.

The Conference also decided to record the following :—

1. Subject to the statement of the position of the French and United Kingdom Delegations as set forth below, it is the view of all Delegations to the Conference that the programme now in operation for obtaining, analysing

and publicly disseminating German technology and "know-how" has proved of great common benefit and should be continued. At the suggestion of other Delegations, the Delegates of France and the United States will urge their Governments to request the military occupation authorities in Germany to give early consideration to utilising in this programme, so far as practicable, trained technical personnel and physical equipment which any other country represented at the Conference is able to furnish.

2. The Delegation of the United Kingdom, while sharing the view that the programme now in operation has proved of great common benefit, and declaring that the Government of the United Kingdom would continue its practice of publishing all information of this character received from Germany, was unable to participate in any recommendation on this matter because there had been no time for the consultation with the occupying authorities in Germany which the Government of the United Kingdom considered to be necessary.

3. The French Delegation, while associating themselves wholly with everything that is stated in paragraph 1 above, added that in this matter questions of reciprocity should, of course, be taken into consideration.

IN WITNESS WHEREOF the undersigned have signed this Final Act.

DONE at London this 27th day of July, 1946, in English and French, both texts being equally authentic, in a single copy which will remain deposited in the archives of the United Kingdom.

The Government of the United Kingdom will transmit to all Governments represented at the Conference certified copies of this Final Act.

For Australia :

L. B. DAVIES

For Belgium :

Baron A. KERVYN DE LETTENHOVE

For Canada :

E. H. COLEMAN  
K. J. BURBRIDGE

For Czechoslovakia :

Celestin SIMR  
Dr. Frank KAFKA



## For Denmark :

N. J. EHRENREICH-HANSEN  
Dagmar SIMONSEN  
Julie OLSEN

## For the French Republic :

R. MONMAYOU  
E. MATHON  
P. DREYFUS

## For Luxembourg :

A. J. CLASEN

## For the Netherlands :

DYCKMEESTER

## For Norway :

Bredo STABELL  
Harald AARFLOT  
Jac. RAEDER  
Johan HELGELAND

## For the Union of South Africa :

D. B. SOLE

## For the United Kingdom :

Harold L. SAUNDERS  
B. G. CREWE  
J. L. BLAKE

## For the United States of America :

Casper W. OOMS  
Robert P. TERRILL  
Bennett BOSKEY  
Howland H. SARGEANT  
John C. GREEN

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PROTOCOL<sup>1</sup> AMENDING THE ACCORD OF 27 JULY 1946  
REGARDING THE TREATMENT OF GERMAN-OWNED  
PATENTS. SIGNED AT LONDON, ON 17 JULY 1947

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The Governments parties to the International Accord on German-owned Patents drawn up in London on 27th day of July, 1946 :

Desiring to amend in certain respects the aforesaid Accord :

Have agreed as follows :—

*Article 1*

Article 3 of the International Accord on German-owned Patents drawn up in London on 27th day of July, 1946, shall be amended by the deletion of the words “ regardless of where such products are manufactured ” and the insertion of the words “ provided that such products are manufactured in a country or territory to which the Accord applies,” after the word “ inventions.”

*Article 2*

Article 9 of the aforesaid Accord is amended by the substitution therefor of the following paragraphs :—

“ The Government of any other member of the United Nations, or of any country which remained neutral during the Second World War, may also become a party to this Accord by notifying the Government of the United Kingdom of its acceptance thereof before 31st July, 1947. The Government of the United Kingdom shall inform all Governments represented at the Conference in London on German-owned patents, or which have accepted this Accord under this Article, of all acceptances so notified.

“ Any Government accepting this Accord between 1st January, 1947, and 31st July, 1947, undertakes that, in exercising the right provided for in Article 4, it will not protect or preserve rights or interests granted to or acquired by any non-German subsequently to 1st August, 1946.”

IN WITNESS WHEREOF the undersigned, duly authorised thereto by their respective Governments, have signed the present Protocol.

DONE in London this 27th day of July, 1947, in English and in French, both texts being equally authentic, in a single copy, which shall remain deposited in the archives of the Government of the United Kingdom.

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<sup>1</sup> Came into force on 17 July 1947, by signature.

The Government of the United Kingdom shall transmit certified copies of this Protocol to all Governments represented at the Conference in London on German-owned patents and to any Government which has become or is entitled to become a party to the Accord under the provisions of Article 9 thereof, as hereby amended.

- For the Government of the Union of South Africa :  
G. HEATON NICHOLLS
- For the Government of Belgium :  
Obert DE THIEUSIES
- For the Government of Bolivia :  
Napoleón SOLARES
- For the Government of Canada :  
L. D. WILGRESS
- For the Government of Czechoslovakia :  
B. J. KRATOCHVIL
- For the Government of Denmark :  
Wilhelm EICKHOFF
- For the Government of the Dominican Republic :  
A. PASTORIZA
- For the Government of Ecuador :  
Homero VITERI L.
- For the Government of the French Republic :  
R. MASSIGLI
- For the Government of the United Kingdom of Great Britain and  
Northern Ireland :  
Ernest BEVIN
- For the Government of Guatemala :  
M. YDIGORAS F.
- For the Government of India :  
M. K. VELLODI
- For the Government of Iran :  
S. H. TAQIZADEH
- For the Government of Iraq :  
ZEID
- For the Government of Lebanon :  
N. DIMECHKIÉ

For the Government of Luxembourg :

A. J. CLASEN

For the Government of the Netherlands :

E. MICHIELS VAN VERDUYNEN

For the Government of New Zealand :

W. J. JORDAN

For the Government of Norway :

R. SOLUM

For the Government of Paraguay :

A. AGUILERA

Subject to the Constitutional approval of the Government of Paraguay

For the Government of Poland :

Jerzy MICHALOWSKI

For the Government of Syria :

N. ARMANAZI

For the Government of Turkey :

Cevat AÇIKALIN

For the Government of the United States of America :

L. W. DOUGLAS

For the Government of Venezuela :

L. CABANA

*Ad referendum*

#### ACCEPTANCES OF ACCORD

India .....	4th Nov., 1946	Poland .....	31st Dec., 1946
New Zealand .....	21st Nov., 1946	Salvador .....	2nd Aug., 1947
Bolivia .....	13th Dec., 1946	Saudi Arabia .....	14th June, 1947
Chile .....	31st Dec., 1946	Turkey .....	30th Dec., 1946
Ethiopia .....	16th May, 1947	Venezuela.....	23rd Dec., 1946
Haiti .....	29th July, 1947	Yugoslavia .....	30th Dec., 1946
Honduras .....	31st Jan., 1947		
Iran .....	31st Dec., 1946	<i>Subject to Ratification—</i>	
Iraq .....	31st Dec., 1946	Cuba .....	31st July, 1947
Lebanon .....	31st Dec., 1946	Dominican Republic ...	31st Dec., 1946
Panamá .....	23rd July, 1947	Ecuador .....	28th Dec., 1946

Guatemala .....	31st Dec., 1946	Southern Rhodesia ...	24th Dec., 1946
Nicaragua.....	9th Dec., 1946	Ceylon .....	}
		Falkland Islands .....	
Paraguay .....	31st Dec., 1946	Malta .....	} 19th May, 1947
Syria .....	31st Dec., 1946	Nigeria .....	
		Northern Rhodesia	
<i>With reservation regarding application of Article 7—</i>		Palestine .....	
Egypt .....	30th July, 1947	Tanganyika .....	
		Jamaica .....	} 22nd Aug., 1947
<i>Extensions—</i>		Zanzibar .....	
Newfoundland .....	31st Dec., 1946	Belgian Congo and Ruanda-Urundi .....	} 22nd Nov., 1947