

No. 1965

**NETHERLANDS
and
ITALY**

Agreement for the settlement of certain question concerning industrial property arising from measures taken as a result of the existence of the state of war. Signed at Rome, on 22 September 1952

Official text: French.

Registered by the Netherlands on 1 December 1952.

**PAYS-BAS
et
ITALIE**

Accord pour le règlement de certaines questions concernant la propriété industrielle découlant de mesures prises par suite de l'existence de l'état de guerre. Signé à Rome, le 22 septembre 1952

Texte officiel français.

Enregistré par les Pays-Bas le 1^{er} décembre 1952.

[TRANSLATION — TRADUCTION]

No. 1965. AGREEMENT¹ BETWEEN THE NETHERLANDS AND ITALY FOR THE SETTLEMENT OF CERTAIN QUESTIONS CONCERNING INDUSTRIAL PROPERTY ARISING FROM MEASURES TAKEN AS A RESULT OF THE EXISTENCE OF THE STATE OF WAR. SIGNED AT ROME, ON 22 SEPTEMBER 1952

The GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS and the GOVERNMENT OF THE ITALIAN REPUBLIC, desirous of giving effect to article 12 of the Agreement between Italy and the Netherlands signed at Rome on 15 June 1951² for the settlement of certain questions arising from the economic provisions of the Treaty of Peace³ between the Allied and Associated Powers and Italy, are agreed on the following provisions :

Article 1

Rights in industrial property which belonged to the Italian State or its nationals (individuals or corporate bodies) and which were automatically transferred to the Netherlands State in accordance with Netherlands legislation governing enemy property, shall be restored to the Italian State or to the aforesaid Italian nationals or their beneficiaries, in pursuance of the provisions laid down in the articles which follow.

Article 2

The rights referred to in article 1 shall be restored as they were upon the coming into force of this Agreement, in so far as they have not been forfeited, allowed to lapse or modified after that date in execution of Netherlands legislation on industrial property. The Foundation for the Administration of Enemy Patents and Trade-Marks at The Hague shall not be bound to take any steps to preserve the aforesaid rights, but shall inform the parties concerned through the Central Patents Office of the Italian Ministry of Industry and Commerce at Rome of the steps needed to preserve these rights.

Article 3

Restoration will be made upon application to the Foundation at The Hague, either directly or through the Central Patents Office at Rome. Such applications must reach the Foundation at The Hague not later than 1 July 1953.

¹ Came into force on 22 September 1952, as from the date of signature, in accordance with article 7.

² See p. 103 of this volume.

³ United Nations, *Treaty Series*, Vols. 49 and 50.

Article 4

For the restoration to be effected, the claimants must pay to the Foundation a sum of 15 guilders for each patent or application for a patent and 6 guilders for each trade-mark, plus whatever costs or expense the Foundation shall have incurred with respect to the rights referred to in each application.

When the claimant has paid the sum due, the rights referred to in the claim shall be restored without delay, under article 12 of the Netherlands law of 20 July 1951 relating to the disposal of enemy property (Official Gazette, No. 311), by decision of the Netherlands Ministers of Justice and Finance, which shall have the effect of an act of transfer.

Article 5

Upon receipt of the claim, the Foundation shall inform the claimant as soon as possible of the sum to be paid under article 4. At the same time, the Foundation shall, if necessary, inform the claimant of the steps to be taken and the sum to be paid in order to effect registration in the books of the Netherlands Office of Industrial Property.

Article 6

The Netherlands State and the Foundation shall not be responsible in respect of restoration effected on the basis of the information contained in the claim.

Article 7

This Agreement shall come into force on the day it is signed.

DONE at Rome, in duplicate, 22 September 1952.

For the Government
of the Kingdom
of the Netherlands :
(Signed) R. FACK

For the Government
of the Italian Republic :
(Signed) Antonio PENNETTA