

No. 2915

**UNITED STATES OF AMERICA
and
DENMARK**

**Exchange of notes (with annex) constituting an agreement
relating to trade-mark registration. Washington, 26 June
and 15 October 1953**

Official text of the exchange of notes: English.

Official text of the annex: Danish.

Registered by the United States of America on 12 September 1955.

**ÉTATS-UNIS D'AMÉRIQUE
et
DANEMARK**

**Échange de notes (avec annexe) constituant un accord
relatif à l'enregistrement des marques de fabrique ou
de commerce. Washington, 26 juin et 15 octobre 1953**

Texte officiel de l'échange de notes: anglais.

Texte officiel de l'annexe: danois.

Enregistrés par les États-Unis d'Amérique le 12 septembre 1955.

No. 2915. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND DENMARK RELATING TO TRADE-MARK REGISTRATION. WASHINGTON, 26 JUNE AND 15 OCTOBER 1953

I

The Secretary of State to the Danish Ambassador

DEPARTMENT OF STATE, WASHINGTON

June 26 1953

Excellency :

I have the honor to refer to Section 14 of the Danish Trade-mark Act of April 7, 1936, which provides that persons domiciled in countries granting Danish applicants trade-mark registration without requiring submission of proof of registration in Denmark can be accorded a corresponding benefit in Denmark.

With a view to assuring the Government of Denmark that a corresponding benefit is extended to persons domiciled in Denmark with respect to the registration of trade-marks in the United States of America, I wish to invite your attention to the Trade-mark Act of July 5, 1946, 60 Stat. 427, whereby any foreign national, regardless of domicile, is entitled by registration to the exclusive right of utilization of trade-marks in the United States of America, upon compliance with the same requirements of the law and subject to the same conditions which are applicable to citizens of the United States of America, and irrespective of whether such trade-mark is registered or not for the applicant outside the United States of America.

There is no distinction in the law based upon citizenship, nationality, or residence, except that a trade-mark applicant not domiciled in the United States of America is required in all cases to designate the name of a person resident in the United States for the possible service of papers in proceedings affecting the trade-mark. Under the law foreign applicants have an option either to rely on the same requirements which apply to domestic applicants, which requirements include the use of the mark in the United States of America, or to base the application on a foreign registration certificate, in which event some of the conditions applying to domestic applicants, particularly use of the mark in the United States of America, are not required. The above-mentioned regulations do also apply to collective marks which are being registered under the same conditions as trade-marks.

¹ Came into force on 15 October 1953 by the exchange of the said notes.

The Government of the United States of America would, therefore, greatly appreciate it if a Royal Decree were issued by His Majesty the King of Denmark, granting persons domiciled in the United States of America the access by registration to the exclusive right of utilization of trade-marks in Denmark, irrespective of whether such trade-mark is registered or not in the United States of America.

The Government of the United States of America is prepared, if this proposal is acceptable to the Government of Denmark, to regard the present note and your reply to the same effect as constituting an understanding between the two Governments in this matter.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State :

Samuel C. WAUGH

His Excellency Henrik de Kauffmann
Ambassador of Denmark

II

The Danish Chargé d'Affaires ad interim to the Acting Secretary of State

DANISH EMBASSY
WASHINGTON 8, D. C.

Reference No. 67. D. 1

October 15th, 1953

Sir :

I have the honor to refer to the note of June 26th, 1953 from the Honorable the Secretary of State to the Ambassador of Denmark, which note reads as follows :

[See note I]

I have the honor to inform you that on September 17th, 1953 His Majesty the King of Denmark has issued a Royal Decree, a copy of which is annexed hereto, granting persons domiciled in the United States of America who are engaged in industry, handicraft, farming, mining, commerce or other gainful occupation the access by registration to the exclusive right of utilization of trade-marks in Denmark, irrespective of whether such trade-mark is registered or not in the United States of America. The Decree also covers registration in Denmark of collective marks.

The Government of Denmark accordingly considers the Secretary's note and the present note in reply as constituting an understanding between our two Governments in this matter.

Accept, Sir, the assurances of my highest consideration.

encl.

Aage HESSELLUND-JENSEN

The Honorable General Walter Beddell Smith
Acting Secretary of State,
Department of State,
Washington, D. C.

Chargé d'Affaires a. i.

ANNEX — ANNEXE

[DANISH TEXT — TEXTE DANOIS]

ANORDNING OM REGISTRERING AF VAREMÆRKER OG FÆLLESMÆRKER FOR NÆRINGS-
DRIVENDE OG FOR FORENINGER OG OFFENTLIGE MYNDIGHEDER HJEMMEHØRENDE
I AMERIKAS FORENEDE STATER

Vi Frederik den Niende, af Guds Nåde Konge til Danmark, de Venders og Goters, Hertug til Slesvig, Holsten, Stormarn, Ditmarsken, Lauenborg og Oldenburg,

Gør vitterligt: I medfør af bestemmelserne i § 14 i lov nr. 101 af 7. april 1936 om varemærker, jfr. § 1 i kongelig anordning af 26. september 1936 om beskyttelse af varemærker, og § 7 i lov nr. 102 af 7. april 1936 om fællesmærker vil Vi herved have anordnet som følger:

§ 1.

Enhver, der er hjemmehørende i Amerikas Forenede Stater, og som dér driver industri eller håndværksvirksomhed, jordbrug, bjergværk, handel eller anden næring, skal have adgang til ved registrering at erhverve eneret til benyttelse af varemærker her i riget uden hensyn til, om de til registrering anmeldte mærker er registreret for den pågældende næringsdrivende i hjemlandet.

§ 2.

Lovligt bestående foreninger, som er hjemmehørende i Amerikas Forenede Stater, og som har til formål at varetage erhvervsmæssige fællesinteresser for sine medlemmer, samt amerikanske offentlige myndigheder, der varetager erhvervsmæssige fællesinteresser for grupper af statsborgere, skal have adgang til ved registrering at erhverve eneret for sine medlemmer, henholdsvis for vedkommende statsborgere, til benyttelse af fællesmærker her i landet uden hensyn til, om de til registrering anmeldte mærker er registreret for den pågældende forening eller offentlige myndighed i Amerikas Forenede Stater.

§ 3.

Denne anordning træder i kraft straks.

GIVET på Amalienborg, den 17. september 1953.

Under Vor Kongelige Hånd og Segl.

[L.S.]

FREDERIK R.

Aage L. RYTTER

[TRANSLATION¹ — TRADUCTION²]

DECREE REGARDING THE REGISTRATION OF TRADE-MARKS AND JOINT TRADE-MARKS
FOR BUSINESSMEN AND FOR ASSOCIATIONS AND GOVERNMENTAL AUTHORITIES
DOMICILED IN THE UNITED STATES OF AMERICA

We, Frederik the Ninth, by the Grace of God King of Denmark, of the Wends and the Goths, Duke of Schleswig, Holstein, Stormarn, Dithmarschen, Lauenburg and Oldenburg.

Make known: Pursuant to the provisions of Section 14 of Law No. 101 of April 7, 1936, on trade-marks, cf. Section 1 of the Royal Decree of September 26, 1936, on the protection of trade-marks, and Section 7 of Law 102 of April 7, 1936, on joint trade-marks, we hereby decree the following :

Section 1

Any person who is domiciled in the United States of America and who there engages in industry or handicraft, agriculture, mining, commerce, or any other trade, shall have the right by registration to acquire exclusive right to the use of trade-marks in the Kingdom regardless of whether the trade-marks submitted for registration are registered for the businessman concerned in his home country.

Section 2

Legally constituted associations which are domiciled in the United States of America and have as their purpose the safeguarding of the joint business interests of their members, as well as American governmental authorities which safeguard joint business interests for groups of citizens, shall have the right by registration to acquire for their members, or for the citizens concerned, the exclusive right to the use of joint trade-marks in the Kingdom, regardless of whether the trade-marks submitted for registration are registered in the United States of America for the association or the governmental authority concerned.

Section 3

This decree shall come into force immediately.

DONE at Amalienborg on September 17, 1953.

Under Our Royal Hand and Seal.

[L.S.]

FREDERIK R.

Aage L. RYTTER

¹ Translation by the Government of the United States of America.

² Traduction du Gouvernement des États-Unis d'Amérique.