

**No. 3209**

---

**CANADA  
and  
FRANCE**

**Agreement concerning the restoration of industrial property  
rights affected by World War II. Signed at Ottawa, on  
5 May 1948**

*Official texts: English and French.*

*Registered by Canada on 27 March 1956.*

---

**CANADA  
et  
FRANCE**

**Accord concernant la restauration des droits de propriété  
industrielle atteints par la deuxième guerre mondiale.  
Signé à Ottawa, le 5 mai 1948**

*Textes officiels anglais et français.*

*Enregistré par le Canada le 27 mars 1956.*

No. 3209. AGREEMENT<sup>1</sup> BETWEEN CANADA AND FRANCE  
CONCERNING THE RESTORATION OF INDUSTRIAL  
PROPERTY RIGHTS AFFECTED BY WORLD WAR II.  
SIGNED AT OTTAWA, ON 5 MAY 1948

---

The Government of Canada and the Government of the French Republic,  
Desiring to settle questions of industrial property rights which have arisen  
between the two countries as a result of the war and, in particular, to extend  
priority rights in patent matters and also the time required to comply with for-  
malities concerning patents and applications for patents,

Have agreed as follows :

*Article I*

Applications for patents, properly drawn up, filed by Canadian citizens  
with the French ministry of Industry and Commerce prior to November 16, 1947,  
and supported by a priority claim as provided by Article 4 of the Union Convention  
signed at Paris in 1883 for the Protection of Industrial Property, as subsequently  
modified or supplemented,<sup>2</sup> shall be considered valid if the priority rights to which  
they are related had not expired on September 3, 1939 or if such rights have come  
into being since that date.

*Article II*

Applications for patents already filed by Canadian citizens unsupported by  
the priority claims specified in Article I above will enjoy the benefit of such priority  
claims if the applicants or their beneficiaries have filed such applications before  
May 16, 1948.

*Article III*

The documents required to support such priority claims filed according to  
Articles I and II above shall be considered to have been duly filed if filed prior  
to August 16, 1948.

---

<sup>1</sup> Notifications of acceptance having been given by Canada on 24 January 1949 and by  
France on 2 August 1949, the Agreement came into force on 2 August 1949, the date of the  
second notification, in accordance with article XI.

<sup>2</sup> *British and Foreign State Papers*, Vol. 74, p. 44 ; Vol. 92, p. 807, and Vol. 104, p. 116 ;  
League of Nations, *Treaty Series*, Vol. LXXIV, p. 289 ; Vol. LXXX, p. 464 ; Vol. LXXXVIII,  
p. 366 ; Vol. XCII, p. 403 ; Vol. C, p. 246 ; Vol. CIV, p. 512 ; Vol. CVII, p. 506 ; Vol. CXVII,  
p. 185 ; Vol. CXXX, p. 448 ; Vol. CXXXIV, p. 405 ; Vol. CXXXVIII, p. 443 ; Vol. CXLVII,  
p. 335 ; Vol. CLVI, p. 205 ; Vol. CLXIV, p. 378 ; Vol. CXCII, p. 17, and Vol. CCV, p. 218 ; and  
United Nations, *Treaty Series*, Vol. 1, p. 269, and Vol. 32, p. 406.

*Article IV*

The terms of patents issued under this Agreement shall not exceed twenty-two years from the day on which the application used as a basis for a priority claim has been filed. The normal due dates of annual fees provided by the French law shall remain unchanged.

The amount of the annual fees relating to the twenty-first and twenty-second years of the term of patents shall be equal to the amount required in respect of the twentieth year.

*Article V*

Nothing in the present Agreement shall be construed to extend the time for filing requests for extensions of the duration of patents authorized by the French laws concerning exceptional extension of the duration of patents on account of the war.

*Article VI*

Patents issued by the French Government under this Agreement shall in no case affect the right of third parties or their beneficiaries to continue to work them if such third parties or beneficiaries have undertaken in good faith to work an invention prior to November 16, 1946. On the other hand, such patents shall not affect the rights acquired prior to November 16, 1946 by bona-fide holders of patents or applications for patents or by their beneficiaries to work inventions protected by such patents or applications for patents.

*Article VII*

Canadian citizens who have paid :

1° Together with the amount of the supplementary fee for late payment, payable on September 3, 1939, such annual fees on patents as can still validly be paid on the above date,

2° Without the supplementary fee, annual fees which have fallen due after September 3, 1939,

shall be considered to have made such payments validly if the payments were made prior to May 16, 1948.

*Article VIII*

In no case shall this Agreement invalidate a decision of a French Court, rendered prior to the date of the coming into force of this Agreement regarding the validity of a patent.

*Article IX*

The Canadian Government considers that the terms provided in the foregoing Articles in favour of Canadian citizens constitute reciprocal treatment as required by Section 28 A of the Canadian Patent Act as contained in the Patent Act Amendment Act, 1947. Consequently, the Canadian Government undertakes to validate all applications for patents made out in due form and filed by French nationals prior to November 16, 1947, with the Canadian Patent Office when accompanied by requests for the extensions provided under Section 28 A or when such requests are made prior to May 16, 1948.

*Article X*

Each of the two Contracting Governments, in accordance with its own legislation, shall notify the other Government that it has accepted this Agreement and shall take any steps necessary to enable it to carry out its obligations under this Agreement.

*Article XI*

This Agreement shall come into force on the date on which notifications are exchanged. If the notifications are given on different dates, this Agreement shall come into force at the date on which the second notification is given.

DONE in duplicate, at Ottawa, this fifth day of May 1948 in the English and French languages, both texts being equally authentic.

For Canada :

L. B. PEARSON

For France :

F. GAY

---