

No. 5306

**UNITED STATES OF AMERICA
and
GREECE**

Exchange of notes (with enclosure) constituting an agreement relating to the reciprocal filing of classified patent applications under the terms of the Agreement of 16 June 1955 to facilitate interchange of patent rights and technical information for defense purposes. Athens, 26 April 1960

Official text: English.

Registered by the United States of America on 12 August 1960.

**ÉTATS-UNIS D'AMÉRIQUE
et
GRÈCE**

Échange de notes (avec annexe) constituant un accord concernant la procédure à suivre pour le dépôt mutuel des demandes de brevets considérées comme confidentielles en application de l'Accord du 16 juin 1955 tendant à faciliter l'échange de brevets et de renseignements techniques aux fins de la défense. Athènes, 26 avril 1960

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 12 août 1960.

No. 5306. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND GREECE RELATING TO THE RECIPROCAL FILING OF CLASSIFIED PATENT APPLICATIONS UNDER THE TERMS OF THE AGREEMENT OF 16 JUNE 1955² TO FACILITATE INTERCHANGE OF PATENT RIGHTS AND TECHNICAL INFORMATION FOR DEFENSE PURPOSES. ATHENS, 26 APRIL 1960

I

The American Ambassador to the Greek Minister for Foreign Affairs

EMBASSY OF THE UNITED STATES OF AMERICA

No. 355

Athens, April 26, 1960

Excellency :

I have the honor to refer to the Agreement between the Government of the United States of America and the Government of Greece to Facilitate Interchange of Patent Rights and Technical Information for Defense Purposes, which was signed in Athens on June 16, 1955,² and to the discussions between representatives of our two Governments regarding procedures for the reciprocal filing of classified patent applications under the terms of Articles III and VI of this Agreement. I attach a copy of the procedures³ prepared during the course of these discussions and agreed to by these representatives.

I am now instructed to inform you that the enclosed procedures have been agreed to by the Government of the United States of America. I would appreciate it if you would confirm that they are also acceptable to your Government. Upon receipt of such confirmation, my Government will consider that these procedures shall thereafter govern the reciprocal filing of classified patent applications, in accordance with the terms of the aforesaid Agreement.

Please accept, Excellency, the renewed assurances of my highest consideration.

Ellis O. BRIGGS

Enclosure :

Copy of Procedures.

His Excellency M. Evangelhos Averoff-Tossizza
Minister for Foreign Affairs
Athens

¹ Came into force on 26 April 1960 by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 262, p. 137.

³ See p. 302 of this volume.

PROCEDURES FOR RECIPROCAL FILING OF CLASSIFIED PATENT APPLICATIONS IN THE UNITED STATES OF AMERICA AND GREECE

1. GENERAL

The following procedures are in implementation of Article III of the Agreement between the Government of the United States of America and the Government of Greece to Facilitate Interchange of Patent Rights and Technical Information for Defense Purposes which was signed and entered into force on June 16, 1955. The purpose of these procedures is to facilitate the filing of patent applications involving classified subject matter of defense interest, by inventors of one country in the other country, and to guarantee adequate security in such other country for the inventions disclosed by such applications. These procedures are based upon the following understandings with respect to basic security requirements :

(a) Each Government has authority within its jurisdiction to impose secrecy on an invention of defense interest which it considers to involve classified subject matter.

(b) The authority of each Government, when acting as the originating Government, to impose, modify or remove secrecy orders shall be exercised only at the request, or with the concurrence, of national defense officials of that Government, or pursuant to criteria established by national defense agencies, of that Government.

(c) Secrecy orders shall apply to the subject matter of the inventions concerned, and prohibit unauthorized disclosure of the same by all persons having access thereto.

(d) Adequate physical security arrangements shall be provided in all Government departments, including Patent Offices, handling inventions of defense interest and all persons in these departments and offices required to handle such inventions shall have been security cleared.

(e) Each Government shall take all possible steps to prevent unauthorized foreign filing of patent applications which may involve classified subject matter of defense interest.

(f) Permission for foreign filing of a patent application involving classified subject matter of defense interest shall remain discretionary with each Government.

(g) The recipient Government shall assign to the invention involved a classification corresponding that given in the country of origin and shall take effective measures to provide security protection appropriate to such classification.

(h) Where patent applications covered by a secrecy order are handled by patent agents or attorneys in private practice, arrangements shall be made for the security clearance of these agents or attorneys and such of their employees who may be involved prior to their handling such applications or information relating thereto, as well as for adequate physical security measures in their offices.

(i) When secrecy has been imposed on an invention in one country and the inventor has been given permission to apply for a patent in the other country, all communications regarding the classified aspects of the invention shall pass through diplomatic or other secure channels.

2. APPLICATIONS ORIGINATING IN THE UNITED STATES

The following provisions shall apply when, for defense purposes, a United States patent application has been placed in secrecy under the provisions of Title 35, United States Code, Section 181, and the applicant wishes to file a corresponding application in Greece :

(a) The applicant shall petition the United States Commissioner of Patents for modification of the secrecy order to permit filing in Greece. This petition will be prepared in conformance with paragraph 5.5 of Part 5, Title 37, Code of Federal Regulations, the provisions of which are incorporated herein by reference.

(b) Permission to file a classified patent application in Greece is conditional upon the applicant agreeing to :

- (1) Make the invention involved and such information relating thereto as may be necessary for its proper evaluation for defense purposes available to the Greek Government for purposes of defense;
- (2) Waive any right to compensation for damage which might arise under the laws of Greece by virtue of the mere imposition of secrecy on his invention in Greece, but reserving any right of action for compensation provided by the laws of Greece for use by the Greek Government of the invention disclosed by the application or for unauthorized disclosure of the invention in Greece.

(c) Upon obtaining permission to file in Greece, the applicant shall forward the documents for the Greek application to the defense agency which initiated the secrecy order.

(d) The defense agency shall transmit, through diplomatic channels, the documents received from the applicant, simultaneously, as follows :

- (1) One copy to the Military Attache at the Greek Embassy in the United States for use by the Greek Government for defense purposes; and
- (2) One copy to the appropriate section of the American Embassy in Greece. The letter transmitting the documents to the American Embassy in Greece shall indicate the security classification given to the application in the United States; state that the invention involved and such information relating thereto as was necessary for its proper evaluation for defense purposes has been made available to the Greek Government for purposes of defense, and state that the applicant has authorization to file a corresponding application in Greece under the provisions of Title 35, United States Code, Section 184. It shall also include instructions for the Embassy to inquire of appropriate Greek Ministry of National Defense officials as to whether the Greek

attorney designated by the applicant is security cleared in accordance with the provisions of subparagraph 1 (*h*), *supra*.

(*e*) If the designated attorney is not security cleared, the Greek Ministry of National Defense shall so inform the appropriate section of the American Embassy, which shall forward such information to the United States defense agency which initiated the secrecy order. It shall then be necessary for the designated attorney to become security cleared, if time permits, or for the patent applicant to select another attorney and submit his name through the United States defense agency to the American Embassy in Greece.

(*f*) When a security cleared patent attorney has been designated, the Embassy shall transmit the documents to the appropriate Greek Ministry of National Defense officials who will notify the patent attorney of the availability of the documents for processing.

(*g*) After completion of the necessary processing of the documents by the patent attorney under Ministry of National Defense Control, the appropriate Greek Ministry of National Defense officials shall then file the application in the Greek Patent Office, and notify the patent attorney of the serial number and filing date of the Greek application.

(*h*) The Government of Greece shall then place the application in secrecy.

(*i*) The applicant shall submit as soon as possible to the initiating agency the serial number and filing date of the foreign application.

3. APPLICATIONS ORIGINATING IN GREECE

The following provisions shall apply when, for defense purposes, a Greek patent application involving classified subject matter of defense interest has been placed in secrecy under the provisions of Greek law, and the applicant wishes to file a corresponding application in the United States :

(*a*) The applicant shall send a written request to the Greek Minister of National Defense asking permission to file such an application in the United States.

(*b*) Permission to file a classified patent application in the United States shall be conditional upon the applicant agreeing to :

- (1) Make the invention involved and such information relating thereto as may be necessary for its proper evaluation for defense purposes available to the United States Government for purposes of defense;
- (2) Waive any right to compensation for damage which might arise under the laws of the United States by virtue of the mere imposition of secrecy on his invention in the United States, but reserving any right of action for compensation provided by the laws of the United States for use by the United States Government of the invention disclosed by the application or for unauthorized disclosure of the invention in the United States.

(*c*) Upon obtaining permission to file in the United States, the applicant shall forward to the Greek Ministry of National Defense, four copies of the United States patent application, all in conformance with Greek security regulations.

(d) The Greek Ministry of National Defense shall retain one copy and transmit, through diplomatic channels, the remaining documents received from the applicant, simultaneously, as follows :

- (1) One copy to the Military Attache in the American Embassy in Greece for use by the United States Government for defense purposes; and
- (2) Two copies to the Military Attache at the Greek Embassy in the United States. The letter transmitting the documents to the Military Attache at the Greek Embassy in the United States shall indicate the security classification given to the application or patent in Greece and state that the invention involved and such information relating thereto as was necessary for its proper evaluation for defense purposes has been made available to the United States Government for purposes of defense, in accordance with provisions of Title 35, United States Code, Section 181-188, inclusive. It shall also include instructions for the Military Attache to inquire of the Secretary, Armed Services Patent Advisory Board, Patents Division, Office of the Judge Advocate General, Department of the Army, Washington 25, D. C., as to whether the American attorney or agent designated by the applicant is security cleared in accordance with the provisions of subparagraph 1 (h), supra.

(e) If the designated attorney or agent is not security cleared, the Secretary, Armed Services Patent Advisory Board, shall so inform the Military Attache, who shall forward such information to the Greek Ministry of National Defense. It shall then be necessary for the designated attorney or agent to become security cleared, if time permits, or for the patent applicant to select another attorney or agent and submit his name through the Greek Military Attache to the Secretary of the Armed Services Patent Advisory Board.

(f) When a security cleared attorney or agent has been designated, the Greek Military Attache shall transmit the documents to him by personal delivery or in any other manner consistent with United States security regulations. The designated attorney or agent shall then file the application in the United States Patent Office and shall forward to the Secretary of the Armed Services Patent Advisory Board a copy of the application as filed, as well as a copy of the document issued by the Greek Government to the patent applicant permitting him to file in the United States.

(g) The Government of the United States shall then place the application in secrecy.

4. SUBSEQUENT CORRESPONDENCE BETWEEN APPLICANT AND FOREIGN PATENT OFFICE

(a) All subsequent correspondence of a classified nature between an applicant in either country and the patent office in the other country shall be through the same channels as outlined for the original application.

(b) Unclassified formal notifications such as statements of fees, extensions of time limits, etc., may be sent by the patent offices directly to the applicant or his authorized representative without any special security arrangements.

5. REMOVAL OF SECRECY

(a) A secrecy order shall be removed only on the request of the originating Government.

(b) The originating Government shall give the other Government at least six weeks' notice of its intention to remove secrecy and shall take into account, as far as possible, any representations made by the other Government during this period.

6. NOTIFICATION OF CHANGES IN LAWS AND REGULATIONS

Each Government shall give the other Government prompt notice through the Technical Property Committee of any changes in its laws or regulations affecting these procedures.

II

*The Greek Minister for Foreign Affairs to the American Ambassador*MINISTÈRE ROYAL DES AFFAIRES ÉTRANGÈRES¹

N° 18977

Athens, April 26, 1960

Excellency :

I have the honour to acknowledge the receipt of your letter of to-day No. 355 transmitting a copy of the procedures for the reciprocal filing of classified patent applications under the terms of Articles III and VI of the Agreement between the Government of the United States of America and the Government of Greece to Facilitate Interchange of Patent Rights and Technical Information for Defense Purposes.

These procedures were prepared during the course of recent discussions between representatives of our two Governments and I am now in a position to confirm that they are acceptable to my Government. The Government of Greece considers therefore that, upon receipt of this letter by Your Excellency, the aforementioned procedures will thereafter govern the reciprocal filing of classified patent applications, in accordance with the terms of the aforesaid Agreement.

Please accept, Excellency, the renewed assurances of my highest consideration.

E. AVEROFF TOSSIZZA

His Excellency the Honorable Ellis O. Briggs
Ambassador of the United States of America
Athens

¹ Royal Ministry for Foreign Affairs.