

No. 5875

**HUNGARY
and
GERMAN DEMOCRATIC REPUBLIC**

Agreement (with Protocols) concerning prolongation of the periods of priority for patents and industrial and commercial trade marks and regulating other matters relating to the legal protection of industrial property. Signed at Berlin, on 12 January 1960

Official texts: Hungarian and German.

Registered by Hungary on 26 September 1961.

**HONGRIE
et
RÉPUBLIQUE DÉMOCRATIQUE ALLEMANDE**

Accord (avec Protocoles) relatif à la prorogation des délais de priorité pour le dépôt des brevets et des marques de fabrique ou de commerce ainsi qu'à d'autres questions de propriété industrielle. Signé à Berlin, le 12 janvier 1960

Textes officiels hongrois et allemand.

Enregistré par la Hongrie le 26 septembre 1961.

[TRANSLATION — TRADUCTION]

No. 5875. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE HUNGARIAN PEOPLE'S REPUBLIC AND THE GOVERNMENT OF THE GERMAN DEMOCRATIC REPUBLIC CONCERNING PROLONGATION OF THE PERIODS OF PRIORITY FOR PATENTS AND INDUSTRIAL AND COMMERCIAL TRADE MARKS AND REGULATING OTHER MATTERS RELATING TO THE LEGAL PROTECTION OF INDUSTRIAL PROPERTY. SIGNED AT BERLIN, ON 12 JANUARY 1960.

The Government of the Hungarian People's Republic and the Government of the German Democratic Republic, being desirous of regulating the matters arising between the two States as a result of the reapplication by the German Democratic Republic of the Union Convention of Paris, of 20 March 1883, for the protection of industrial property and of the agreements supplementary thereto,² have decided to conclude this Agreement.

They have for this purpose appointed their plenipotentiaries as follows :

The Government of the Hungarian People's Republic :

Mr. István Rostás, Ambassador Extraordinary and Plenipotentiary of the Hungarian People's Republic to the German Democratic Republic ;

The Government of the German Democratic Republic :

Mr. Gerhard Rudolph, Acting President of the Inventions and Patent Office, who, having exchanged their full powers, found in good and due form have agreed as follows :

Article 1

Those periods of priority for the deposit of applications for patents and industrial and commercial trade marks, provided for in article 4 of the Union Convention of Paris, of 20 March 1883, for the protection of industrial property, which were still effective on 1 January 1946, as well as those periods of priority which began between

¹ Came into force on 7 September 1960, the date of the exchange of notes signifying its approval, in accordance with article 6.

² League of Nations, *Treaty Series*, Vol. CXCII, p. 17 ; Vol. CCIV, p. 469, and Vol. CCV, p. 218 ; and United Nations, *Treaty Series*, Vol. 1, p. 269 ; Vol. 32, p. 406 ; Vol. 267, p. 393, and Vol. 343, p. 369.

1 January 1946 and 16 January 1956, shall be prolonged for one year commencing on the day following the date on which this Agreement enters into force, in favour of nationals of the other State.

Article 2

Applications for recognition of the rights accorded under article 1 shall be filed within a period of one year beginning on the day following the date on which this Agreement enters into force. Requests for a ruling on applications filed during the period 1 January 1946 to 16 January 1956 shall be made within the same time-limit, and any addenda to such applications shall be supplied at the same time. No previous decision in the matter shall constitute a let or hindrance to such a ruling.

Article 3

1. The recognition of a claim filed in an application deposited within the supplementary period of priority shall not affect rights acquired in good faith by third parties prior to the date of such deposit. This provision shall not, however, restrict the application of the domestic provisions of the Contracting Parties relating to the extinction and invalidation of rights.

2. Third parties who have exploited the invention concerned in good faith up to the date of deposit of an application in which priority is claimed under article 1 shall be entitled to continue such exploitation subject to the conditions laid down by the domestic law of the Contracting Party concerned.

Article 4

If an applicant claims priority under article 1 of this Agreement or under article 4 of the Union Convention of Paris, he shall be required to produce only a certificate from the competent authority of the other Contracting Party attesting to the date of deposit of the original application. The applicant shall be required to present a certificate of priority or of origin only when expressly requested to do so.

Article 5

Each Signatory State shall grant to nationals of the other State protection in respect of internationally registered industrial and commercial trade marks which are still valid and which were registered between 8 May 1945 and 16 January 1956 with the International Bureau of the Union for the Protection of Industrial Property, except in cases where protection has been refused under article 5 of The Hague text¹ of the Madrid Agreement concerning international registration of commercial and industrial trade marks.

¹ League of Nations, *Treaty Series*, Vol. LXXIV, p. 327; Vol. LXXXIII, p. 464; Vol. LXXXVIII, p. 367; Vol. XCII, p. 404; Vol. C, p. 247; Vol. CVII, p. 508; Vol. CXVII, p. 187; Vol. CXXX, p. 449; Vol. CXXXIV, p. 406; Vol. CXXXVIII, p. 445; Vol. CXLII, p. 350; Vol. CLX, p. 347, and Vol. CLXIV, p. 379.

Article 6

This Agreement is subject to approval in accordance with the domestic provisions of the Contracting Parties. The Agreement shall enter into force on the date of the exchange of notes confirming such approval.

This Agreement was drawn up at Berlin on 12 January 1960, in duplicate in the Hungarian and German languages. Both texts are equally authentic.

IN WITNESS WHEREOF the aforementioned plenipotentiaries have signed this Agreement and have thereto affixed their seals.

For the Government
of the Hungarian People's
Republic :

I. ROSTÁS

For the Government
of the German Democratic
Republic :

G. RUDOLPH

FIRST SUPPLEMENTARY PROTOCOL TO THE AGREEMENT BETWEEN
THE GOVERNMENT OF THE HUNGARIAN PEOPLE'S REPUBLIC AND
THE GOVERNMENT OF THE GERMAN DEMOCRATIC REPUBLIC CON-
CERNING PROLONGATION OF THE PERIODS OF PRIORITY FOR
PATENTS AND INDUSTRIAL AND COMMERCIAL TRADE MARKS AND
REGULATING OTHER MATTERS RELATING TO THE LEGAL PRO-
TECTION OF INDUSTRIAL PROPERTY, SIGNED AT BERLIN, ON
12 JANUARY 1960¹

The plenipotentiaries of the two Contracting Parties have agreed to the following provisions supplementing the Agreement between the Government of the Hungarian People's Republic and the Government of the German Democratic Republic concerning prolongation of the periods of priority for patents and industrial and commercial trade marks and regulating other matters relating to the legal protection of industrial property, signed at Berlin, on 12 January 1960 :¹

§ 1

1. The legal status of German trade marks registered in Hungary which, under the Potsdam Agreement or under article 28 of the Hungarian Peace Treaty,² became the property of the Soviet Union shall not be affected by the Agreement of today's date between the Government of the Hungarian People's Republic and the Government of the German Democratic Republic concerning prolongation of the periods of

¹ See p. 32 of this volume.

² United Nations, *Treaty Series*, Vol. 41, p. 135.

priority for patents and industrial and commercial trade marks and regulating other matters relating to the legal protection of industrial property, or by such legal acts as may be executed in the course of implementation of the said Agreement. The trade marks concerned have become the property of the Hungarian State under an agreement concluded with the Soviet Union.

2. The aforementioned legal status shall, moreover, in no way be altered by the fact that a former German proprietor or other German person may have obtained an extension or re-registration of the trade marks concerned during the intervening period.

§ 2

1. This Protocol has been drawn up in duplicate in the Hungarian and German languages, both texts being equally authentic.

2. The Protocol is an integral part of the Agreement.

DONE at Berlin, on 12 January 1960.

For the Government
of the Hungarian People's
Republic :

I. ROSTÁS

For the Government
of the German Democratic
Republic :

G. RUDOLPH

SECOND SUPPLEMENTARY PROTOCOL TO THE AGREEMENT BETWEEN
THE GOVERNMENT OF THE HUNGARIAN PEOPLE'S REPUBLIC AND
THE GOVERNMENT OF THE GERMAN DEMOCRATIC REPUBLIC CON-
CERNING PROLONGATION OF THE PERIODS OF PRIORITY FOR
PATENTS AND INDUSTRIAL AND COMMERCIAL TRADE MARKS AND
REGULATING OTHER MATTERS RELATING TO THE LEGAL PRO-
TECTION OF INDUSTRIAL PROPERTY, SIGNED AT BERLIN, ON
12 JANUARY 1960¹

The plenipotentiaries of the two Contracting Parties have agreed to the following provisions supplementing the Agreement between the Government of the Hungarian People's Republic and the Government of the German Democratic Republic concerning prolongation of the periods of priority for patents and industrial and commercial trade marks and regulating other matters relating to the legal protection of industrial property, signed at Berlin, on 12 January 1960 :¹

¹ See p. 32 of this volume.

§ 1

Article 1 of the Agreement shall also apply to utility models.

§ 2

1. This Protocol has been drawn up in duplicate in the Hungarian and German languages, both texts being equally authentic.

2. The Protocol is an integral part of the Agreement.

DONE at Berlin, on 12 January 1960.

For the Government
of the Hungarian People's
Republic :

I. ROSTÁS

For the Government
of the German Democratic
Republic :

G. RUDOLPH