

**No. 6669**

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**UNITED STATES OF AMERICA  
and  
SWEDEN**

**Exchange of notes constituting an agreement relating to the  
interchange of patent rights and technical information  
for defense purposes. Washington, 4 October 1962**

*Official text: English.*

*Registered by the United States of America on 24 April 1963.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
SUÈDE**

**Échange de notes constituant un accord relatif à l'échange  
de brevets d'invention et de renseignements techniques  
pour les besoins de la défense. Washington, 4 octobre  
1962**

*Texte officiel anglais.*

*Enregistré par les États-Unis d'Amérique le 24 avril 1963.*

No. 6669. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND SWEDEN RELATING TO THE INTERCHANGE OF PATENT RIGHTS AND TECHNICAL INFORMATION FOR DEFENSE PURPOSES. WASHINGTON, 4 OCTOBER 1962

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*The Swedish Ambassador to the Secretary of State*

ROYAL SWEDISH EMBASSY

Washington, D.C., October 4, 1962

No. 273

Excellency,

In an exchange of notes between the Swedish Minister of Foreign Affairs and the United States Ambassador to Sweden, dated June 30, and July 1, 1952,<sup>2</sup> respectively, the terms were agreed upon under which the Government of Sweden desires to procure for defense purposes military equipment, materials, or services on a reimbursable basis from the Government of the United States of America. By an exchange of notes dated January 30, 1961,<sup>3</sup> the scope of this agreement was enlarged, insofar as it regards security measures, to cover any information, equipment, materials or services relating to defense, given a security classification by either Government and communicated directly or indirectly between our two Governments.

Recent discussions between representatives of our two Governments have dealt with the protection of privately owned technical property disclosed by or connected with the transfer between our two Governments of information, equipment, materials or services relating to defense, whether or not classified. In furtherance of the principle that the rights of private owners of patents and other technical property should be fully recognized and protected in accordance with the law applicable to such privately owned patents and technical property relating to defense, these discussions have resulted in the following agreement :

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<sup>1</sup> Came into force on 4 October 1962 by the exchange of the said notes.

<sup>2</sup> United Nations, *Treaty Series*, Vol. 187, p. 3.

<sup>3</sup> United Nations, *Treaty Series*, Vol. 404, p. 340.

1. When privately owned technical property is disclosed for defense purposes by transferring information, equipment, materials or services relating to defense either directly between our two Governments or from a national of one Contracting Government to the other Government at the latter's request, the recipient Government will :

- (a) use its best efforts to ensure that such disclosure is treated as being made in confidence if the transfer is for information purposes only ;
- (b) use its best endeavors to ensure that the rights of the private owners to obtain patent or other like statutory protection therefor are not prejudiced ;
- (c) when such disclosure includes an invention which is the subject of a patent or patent application held in secrecy in the country of origin, accord, to the fullest extent possible under its laws, treatment similar to that accorded in the country of origin to a corresponding patent application filed in the recipient country in accordance with implementing procedures to be agreed upon.

2. When privately owned technical property included in a direct Government-to-Government transfer for defense purposes is used or disclosed by the recipient Government without the consent of the owner and as a result thereof compensation is paid to the owner by the originating Government, such payment shall be without prejudice to any arrangements which may be made between the two Governments regarding the assumption of the ultimate liability.

3. When privately owned technical property, included in a transfer for defense purposes from a national of one Contracting Government to the other Government at the latter's request, is used or disclosed by the recipient Government for any purpose, the recipient Government will take such steps as its laws permit for the prompt, just and effective compensation for such use or disclosure, when requested to do so by the owner.

4. Upon the request of either Government and as far as practicable, each Contracting Government will supply to the other Government all necessary information and assistance (a) to afford the private owner of technical property an opportunity to protect and preserve his rights therein and (b) to assess payments and awards arising out of its use.

5. Each Contracting Government shall designate a representative to meet with the representative of the other Contracting Government to constitute a Technical Property Committee, which shall consider and make recommendations on such matters relating to the subject matter of this agreement as may be brought before it by either Government, including :

(a) the establishment of procedures to facilitate the reciprocal filing of classified patent applications as contemplated in paragraph 1 (c) above ; and

(b) the entering into arrangements referred to in paragraph 2 above.

6. (a) The terms of this agreement may be reviewed at any time at the request of either Contracting Government.

(b) This agreement will terminate six months after written notice of termination has been given by either Contracting Government to the other, but without prejudice to obligations and liabilities which have then accrued pursuant to the terms of this agreement.

If the foregoing is agreeable to your Government, I propose that this note and your reply to that effect shall constitute an agreement on this matter which shall enter into force on the date of your reply.

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

Gunnar JARRING

His Excellency Dean Rusk  
Secretary of State  
Washington, D.C.

## II

### *The Secretary of State to the Swedish Ambassador*

DEPARTMENT OF STATE  
WASHINGTON

October 4, 1962

Excellency :

I have the honor to acknowledge the receipt of Your Excellency's note of October 4, 1962, the text of which is as follows :

[See note I]

I accept the proposals in Your Excellency's note and concur that Your Excellency's note and this acceptance shall constitute an agreement on this subject to enter into force on today's date.

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

For the Secretary of State :

William C. BURDETT

His Excellency Gunnar Jarring  
Ambassador of Sweden