

No. 7151

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
NETHERLANDS**

**Exchange of notes constituting an agreement concerning
the safeguarding of secrecy of inventions relating to
defence and for which applications for patents have
been made. London, 30 October 1963**

Official text: English.

*Registered by the United Kingdom of Great Britain and Northern Ireland on 2 March
1964.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
PAYS-BAS**

**Échange de notes constituant un accord relatif à la sauve-
garde du secret des inventions intéressant la défense et
ayant fait l'objet de demandes de brevet. Londres,
30 octobre 1963**

Texte officiel anglais.

Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 2 mars 1964.

No. 7151. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS CONCERNING THE SAFEGUARDING OF SECRECY OF INVENTIONS RELATING TO DEFENCE AND FOR WHICH APPLICATIONS FOR PATENTS HAVE BEEN MADE. LONDON, 30 OCTOBER 1963

I

The Netherlands Chargé d'Affaires to Her Majesty's Principal Secretary of State for Foreign Affairs

London, 30th October, 1963

Sir,

I have the honour to inform you that in view of the desire of the appropriate authorities in our two countries to secure a firm basis for the administrative handling of secret patents and patent applications the Government of the Kingdom of the Netherlands is prepared, pending the entry into force between our two Governments of the "Agreement for the Mutual Safeguarding of Secrecy of Inventions relating to Defence and for which Applications for Patents have been made", which was signed in Paris on the 21st of September, 1960,² between parties to the North Atlantic Treaty,³ provisionally to observe the regulations of the Agreement and of the "Agreed Procedures" pertaining thereto which were accepted by the North Atlantic Council on the 7th of March, 1962.

However, whereas the present Patent Act of the Kingdom of the Netherlands provides for the safeguarding of the secrecy of inventions for which applications for patents have been filed only if the applicants transfer the rights resulting from their patent applications to the Kingdom of the Netherlands; and whereas, whilst secrecy is maintained, such patent applications if accepted will, under the Act, result in the grant to the Kingdom of the Netherlands of actual patents; the provisional application

¹ Came into force on 30 October 1963, in accordance with the provisions of the said notes.

² United Nations, *Treaty Series*, Vol. 394, p. 3; Vol. 421, p. 348; Vol. 451, p. 340, and Vol. 460, p. 324.

³ United Nations, *Treaty Series*, Vol. 34, p. 243; Vol. 126, p. 350, and Vol. 243, p. 308.

of the above mentioned Agreement and Procedures shall be conditional on the following :

- (a) The competent authority in the United Kingdom shall ensure that applications originating in the United Kingdom for patents relating to defence, and on which secrecy is to be imposed in the Netherlands, are accompanied by a statement from the applicant in which the latter declares himself willing to assign his rights in trust to the Kingdom of the Netherlands on the general conditions prescribed by it.
- (b) The Kingdom of the Netherlands shall not be obliged to take legal action to defend, in respect of infringements, patents which may have been granted in the Netherlands on the basis of applications originating in the United Kingdom.
- (c) Each Government shall ensure that applications to be filed in the other country are accompanied by a statement from the applicant constituting a "waiver of claim" as provided for in Article III of the North Atlantic Treaty Organisation Agreement.

If the Government of the United Kingdom are prepared to accept the foregoing conditions, I have the honour to suggest that the present Note and your reply to that effect be regarded as constituting an Agreement between our two Governments which shall, as regards the Kingdom of the Netherlands, apply to the Kingdom as a whole, and which shall enter into force immediately and shall be valid for a period of one year. Thereafter it shall continue in force from year to year unless it is denounced by notice in writing given by either Government to the other two months before the expiry of any such yearly period. The Agreement shall, however, cease to have effect on the date of entry into force between the two Governments of the North Atlantic Treaty Organisation Agreement referred to in the first paragraph of the present Note.

I have, etc.

C. W. VAN BOETZELAER

II

*Her Majesty's Principal Secretary of State for Foreign Affairs to the
Netherlands Chargé d'Affaires*

FOREIGN OFFICE, S.W. 1

October 30, 1963

Sir,

I have the honour to acknowledge receipt of your Note of the 30th of October, 1963, which reads as follows :

[See note I]

I confirm that the conditions set out in your Note are acceptable to the Government of the United Kingdom, who are likewise prepared, pending the entry into force

between our two Governments of the "Agreement for the Mutual Safeguarding of Secrecy of Inventions relating to Defence and for which Applications for Patents have been made", which was signed in Paris on the 21st of September, 1960, between parties to the North Atlantic Treaty, provisionally to observe the regulations of the Agreement and of the "Agreed Procedures" pertaining thereto which were accepted by the North Atlantic Council on the 7th of March, 1962. I accordingly agree that your Note, together with the present reply, shall be regarded as constituting an Agreement between the two Governments in this matter, which shall, as regards the Kingdom of the Netherlands, apply to the Kingdom as a whole, and which shall enter into force immediately and shall be valid for a period of one year. Thereafter it shall continue in force from year to year unless it is denounced by notice in writing given by either Government to the other two months before the expiry of any such yearly period. The Agreement shall, however, cease to have effect on the date of entry into force between the two Governments of the North Atlantic Treaty Organisation Agreement referred to in the first paragraph of the present Note.

I have, etc.

For the Secretary of State :

E. J. W. BARNES