

No. 11847

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## MULTILATERAL

**Convention of Paris for the protection of industrial property of March 20, 1883 revised at Brussels on December 14, 1900, at Washington on June 2, 1911, at The Hague on November 6, 1925, at London on June 2, 1934, and at Lisbon on October 31, 1958. Done at Lisbon on 31 October 1958**

*Authentic text: French.*

*Registered by the Director General of the World Intellectual Property Organization, acting on behalf of the Parties, on 30 June 1972.*

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## MULTILATÉRAL

**Convention de Paris pour la protection de la propriété industrielle du 20 mars 1883 révisée à Bruxelles le 14 décembre 1900, à Washington le 2 juin 1911, à La Haye le 6 novembre 1925, à Londres le 2 juin 1934 et à Lisbonne le 31 octobre 1958. Conclue à Lisbonne le 31 octobre 1958**

*Texte authentique : français.*

*Enregistrée par le Directeur général de l'Organisation mondiale de la propriété intellectuelle, agissant au nom des parties, le 30 juin 1972.*

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]CONVENTION OF PARIS FOR THE PROTECTION OF INDUSTRIAL PROPERTY OF MARCH 20, 1883<sup>3</sup> REVISED AT BRUSSELS ON DECEMBER 14, 1900,<sup>4</sup> AT WASHINGTON ON JUNE 2, 1911,<sup>5</sup> AT THE HAGUE ON NOVEMBER 6, 1925,<sup>6</sup> AT LONDON ON JUNE 2, 1934,<sup>7</sup> AND AT LISBON ON OCTOBER 31, 1958<sup>8</sup>

German Federal Republic, Australia, Austria, Belgium, United States of Brazil, People's Republic of Bulgaria, Canada, Cuba, Denmark, Dominican Republic, Spain, United States of America, Finland, France, Great Britain and Northern Ireland, Hungarian People's Republic, Indonesia, Ireland, Israel, Italy, Japan, Liechtenstein, Luxembourg, Morocco, Mexico, Monaco, Norway, New Zealand, Netherlands, Polish People's Republic, Portugal, Rumanian People's Republic, Federation of Rhodesia and Nyasaland, Sweden, Switzerland, Czechoslovak Socialist Republic, Turkey, Union of South Africa, Viet-Nam, Socialist Federal People's Republic of Yugoslavia.

Being unanimously moved by the desire to protect in as effective and uniform a manner as possible industrial property rights,

Judged it opportune to make certain modifications and additions to the International Convention of March 20, 1883,<sup>3</sup> establishing the International Union for the Protection of Industrial Property, revised at Brussels on December 14, 1900,<sup>1</sup> at Washington on June 2, 1911,<sup>2</sup> at The Hague on November 6, 1925,<sup>3</sup> and at London on June 2, 1934,<sup>4</sup>

<sup>1</sup> Translation supplied by the World Intellectual Property Organization.

<sup>2</sup> Traduction fournie par l'Organisation mondiale de la propriété intellectuelle.

<sup>3</sup> *British and Foreign State Papers*, vol. 74, p. 44.

<sup>4</sup> *Ibid.*, vol. 92, p. 807.

<sup>5</sup> *Ibid.*, vol. 104, p. 116.

<sup>6</sup> League of Nations, *Treaty Series*, vol. LXXIV, p. 289.

<sup>7</sup> *Ibid.*, vol. CXCII, p. 17.

<sup>8</sup> Came into force on 4 January 1962 between the following countries, which had before that date deposited their instrument of ratification or accession with the Government of Switzerland, i.e. one month after the deposit of the sixth instrument of ratification had been notified by that Government, in accordance with articles 16 and 18 (1):

Country	Date of notification of deposit of instrument of ratification, or accession (a)
France .....	29 May 1961
(With a declaration to the effect that the ratification shall apply to all the territories of the French Republic: Metropolitan Departments, Algerian Departments, Departments of the Sahara, Departments of Guadeloupe, Guyana, Martinique and Reunion, and Overseas Territories.)	

(Continued on page 111)

(Footnote 8 continued from page 109)

Country	Date of notification of deposit of instrument of ratification, or accession (a)	
Federal Republic of Germany . . . . .	19 September	1961
(With a declaration to the effect that the Convention shall also apply to <i>Land Berlin</i> with effect from the date on which it enters into force in re- spect of the Federal Republic of Germany.) <sup>(1)</sup>		
Czechoslovakia . . . . .	3 October	1961
Monaco . . . . .	10 October	1961
United Kingdom of Great Britain and Northern Ireland . . . . .	19 October	1961
(The Government of the United Kingdom notified the Government of Switzerland, on 16 August 1967, that the Convention shall apply to the Bahamas. The application took effect on 20 October 1967, in accordance with article 16 <i>bis</i> , paragraph 1, of the Convention.)		
United States of America . . . . .	4 December	1961
(In a notification addressed to the Government of Switzerland on 5 March 1963, the Government of the United States indicated that the Convention shall apply to Puerto Rico, the United States Virgin Islands, the American Samoa and Guam. The application took effect on 7 July 1963, in accord- ance with article 16 <i>bis</i> , paragraph 1, of the Convention.)		
Haiti . . . . .	4 December	1961 <sup>a</sup>
Iran . . . . .	4 December	1961 <sup>a</sup>

<sup>(1)</sup> The following countries notified the Government of Switzerland of the communications by which they objected to the declaration by the Federal Republic of Germany: Cuba, Czechoslovakia, Hungary, Poland, Romania.

Subsequently, the Convention came into force in respect of each of the following countries after notification by the Government of Switzerland of the deposit of the instrument of ratification or accession, in accordance with articles 16 (3) and 18 (1) (in the case of a notification of succession the Convention is deemed to have been applied by the country concerned in its own name from the date of accession to independence):

Country	Date of notification of deposit of instrument of ratification, or accession (a), or of notification of succession (d)		Date of entry into force	
Algeria . . . . .	5 November	1965 <sup>a</sup>	1 March	1966
Argentina . . . . .	10 January	1967 <sup>a</sup>	10 February	1967
Austria . . . . .	31 October	1969 <sup>a</sup>	30 November	1969
Belgium . . . . .	21 July	1965 <sup>a</sup>	21 August	1965
Bulgaria . . . . .	28 February	1966 <sup>a</sup>	28 March	1966
Cameroun . . . . .	10 April	1964 <sup>a</sup>	10 May	1964
Central African Republic . . . . .	19 October	1963 <sup>a</sup>	19 November	1963
Chad . . . . .	19 October	1963 <sup>a</sup>	19 November	1963
Congo (Brazzaville) . . . . .	2 August	1963 <sup>a</sup>	2 September	1963
Cuba . . . . .	17 January	1963	17 February	1963
Cyprus . . . . .	17 December	1965 <sup>a</sup>	17 January	1966
Dahomey . . . . .	10 December	1966 <sup>a</sup>	10 January	1967
Federation of Rhodesia and Nyasaland . . . . .	16 May	1963	16 June	1963
Gabon . . . . .	29 January	1964 <sup>a</sup>	29 February	1964
German Democratic Republic . . . . .	15 December	1964 <sup>a</sup> ( <sup>1</sup> )	15 January	1965
Hungary . . . . .	23 February	1967 <sup>a</sup>	23 March	1967

(With the following declaration:

[Translation <sup>(2)</sup> — Traduction <sup>(3)</sup>]

With regard to article 16 *bis* of the Paris Convention, of March 20, 1883, for the Protection of Industrial Property, as revised at Brussels on December 14, 1900, at Washington on June 2, 1911, at The Hague on November 6, 1925, at London on June 2, 1934, and at Lisbon on October 31, 1958, the Council of Ministers of the Hungarian People's Republic wishes to express its attachment to the principles contained in the Declaration adopted on December 14, 1960,<sup>(4)</sup> by the General Assembly of the United Nations Organization guaranteeing independence to colonial countries and peoples. It follows that the Council of Ministers of the Hungarian People's Republic is of the opinion that colonialism, in any shape or form, is contrary to international law now in force.)

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Resolved to send representatives to the Diplomatic Conference which took place at Lisbon from October 6 to 31, 1958,

And have agreed as follows:

(Footnote 8 continued from page 111)

Country	Date of notification of deposit of instrument of ratification, or accession (a), or of notification of succession (d)		Date of entry into force	
Ireland .....	9 May	1967 <sup>a</sup>	9 June	1967
Israel .....	18 June	1966 <sup>a</sup>	18 July	1966
Italy .....	29 November	1968 <sup>a</sup>	29 December	1968
Ivory Coast .....	23 September	1963 <sup>a</sup>	23 October	1963
Japan .....	21 July	1965 <sup>a</sup>	21 August	1965
Kenya .....	14 May	1965 <sup>a</sup>	14 June	1965
Laos .....	19 October	1963 <sup>a</sup>	19 November	1963 <sup>(5)</sup>
Madagascar .....	21 November	1963 <sup>a</sup>	21 December	1963
Malawi .....	5 November	1965 <sup>d(6)</sup>	6 July	1964 <sup>(6)</sup>
Malta .....	20 September	1967 <sup>a</sup>	20 October	1967
Mauritania .....	11 March	1965 <sup>a</sup>	11 April	1965
Mexico .....	10 April	1964 <sup>a</sup>	10 May	1964
Morocco .....	15 April	1967 <sup>a</sup>	15 May	1967
Niger .....	5 June	1964 <sup>a</sup>	5 July	1964
Nigeria .....	2 August	1963 <sup>a</sup>	2 September	1963
Norway .....	10 April	1964 <sup>a</sup>	10 May	1964
Philippines .....	27 August	1965 <sup>a</sup>	27 September	1965
Romania .....	19 October	1963 <sup>a</sup>	19 November	1963
Senegal .....	21 November	1963 <sup>a</sup>	21 December	1963
South Africa .....	17 March	1965 <sup>a</sup>	17 April	1965
Southern Rhodesia .....	6 March	1965 <sup>a(7)</sup>	6 April	1965
Switzerland .....	17 January	1963	17 February	1963
Tanganyika .....	16 May	1963 <sup>a</sup>	16 June	1963
Togo .....	10 August	1967 <sup>a</sup>	10 September	1967
Trinidad and Tobago .....	1 July	1964 <sup>a</sup>	1 August	1964
Uganda .....	14 May	1965 <sup>a</sup>	14 June	1965
Union of Soviet Socialist Republics .....	10 April	1965 <sup>a</sup>	1 July	1965
Upper Volta .....	19 October	1963 <sup>a</sup>	19 November	1963
Uruguay .....	18 February	1967 <sup>a</sup>	18 March	1967
Yugoslavia .....	11 March	1965 <sup>a</sup>	11 April	1965
Zambia .....	6 March	1965 <sup>a(7)</sup>	6 April	1965

(1) The Governments of the following States have sent communications to the depositary to the effect they objected to that instrument: Australia, Austria, Belgium, Brazil, Canada, Central African Republic, Denmark, Federal Republic of Germany, France, Greece, Haiti, Holy See, Iceland, Iran, Ireland, Ivory Coast, Japan, Luxembourg, Madagascar, Netherlands, New Zealand, Niger, Norway, Portugal, Republic of Viet-Nam, San Marino, South Africa, Spain, Sweden, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

(2) Translation supplied by the Government of Switzerland.

(3) Traduction fournie par le Gouvernement suisse.

(4) United Nations, *Official Records of the General Assembly, Fifteenth Session, Supplement No. 16 (A/4684)*, p. 66.

(5) Laos has denounced the Convention of 30 November 1967, with effect from 30 November 1968, in accordance with article 17 *bis*.

(6) The accession, effected by the Federation of Rhodesia and Nyasaland, came into force on 16 June 1963 in respect of the Territory of Malawi.

(7) In its instrument of accession the Government of that country also declared that the Convention had continued to apply to its territory after 31 December 1963, i.e., after the dissolution of the Federation of Rhodesia and Nyasaland, on the basis of the accession which was effected by the latter, and came into force on 16 June 1963 in respect of the said territory.

*Article 1*

(1) The countries to which the present Convention applies constitute themselves into a Union for the protection of industrial property.

(2) The protection of industrial property is concerned with patents, utility models, industrial designs, trademarks, service marks, trade names, and indications of source or appellations of origin, and the repression of unfair competition.

(3) Industrial property shall be understood in the broadest sense and shall apply not only to industry and commerce proper, but likewise to agricultural and extractive industries and to all manufactured or natural products; for example, wines, grain, tobacco, leaf, fruit, cattle, minerals, mineral waters, beer, flowers and flour.

(4) The term “patents” shall include the various kinds of industrial patents recognized by the laws of the countries of the Union, such as patents of importation, patents of improvement, patents and certificates of addition, etc.

*Article 2*

(1) Nationals of each of the countries of the Union shall, as regards the protection of industrial property, enjoy in all the other countries of the Union the advantages that their respective laws now grant, or may hereafter grant, to nationals, without prejudice to the rights specially provided by the present Convention. Consequently, they shall have the same protection as the latter, and the same legal remedy against any infringement of their rights, provided they observe the conditions and formalities imposed upon nationals.

(2) However, no condition as to the possession of a domicile or establishment in the country where protection is claimed may be required of persons entitled to the benefits of the Union for the enjoyment of any industrial property rights.

(3) The provisions of the laws of each of the countries of the Union relating to judicial and administrative procedure and to jurisdiction, and to the election of domicile or the designation of an agent, which may be required by the laws on industrial property, are expressly reserved.

*Article 3*

Nationals of countries not forming part of the Union, who are domiciled or who have real and effective industrial or commercial establishments in the territory of one of the countries of the Union, are treated in the same manner as nationals of the countries of the Union.

*Article 4*

A. (1) A person who has duly filed an application for a patent, or for the registration of a utility model, or of an industrial design, or of a trademark, in one of the countries of the Union, or his successors in title, shall enjoy, for the purpose of filing in the other countries, a right of priority during the periods hereinafter stated.

(2) Every filing that is equivalent to a regular national filing under domestic law of any country of the Union or under bilateral or multilateral treaties concluded between countries of the Union shall be recognized as giving rise to a right of priority.

(3) By a regular national filing is meant any filing that is adequate to establish the date on which the application was filed in the country concerned, whatever may be the outcome of the application.

B. Consequently, the subsequent filing in any of the other countries of the Union before the expiration of those periods shall not be invalidated through any acts accomplished in the interval, as, for instance, by another filing, by publication or exploitation of the invention, by the putting on sale of copies of the design or model, or by use of the mark, and these acts cannot give rise to any right of third parties, or of any personal possession. Rights acquired by third parties before the date of the first application which serves as the basis for the right of priority are reserved under the domestic legislation of each country of the Union.

C. (1) The above-mentioned periods of priority shall be twelve months for patents and utility models, and six months for industrial designs and for trademarks.

(2) These periods shall start from the date of filing of the first application; the day of filing shall not be included in the period.

(3) If the last day of the period is an official holiday, or a day when the Office is not open for the filing of applications in the country where protection is claimed, the period shall be extended until the first following working day.

(4) A subsequent application for the same subject as a previous first application within the meaning of paragraph (2) above, and filed in the

same country of the Union, shall be considered as the first application, of which the filing date shall be the starting point of the period of priority, provided that, at the time of filing the subsequent application, the previous application has been withdrawn, abandoned or refused, without being open to public inspection and without leaving any rights outstanding, and has not served as a basis for claiming a right of priority. The previous application may not thereafter serve as a basis for claiming a right of priority.

D. (1) Any person desiring to take advantage of the priority of a previous filing shall be required to make a declaration indicating the date of such filing and the country in which it was made. Each country will determine the latest permissible date for making such declaration.

(2) These particulars shall be mentioned in the publications issued by the competent authority, and in particular in the patents and the specifications relating thereto.

(3) The countries of the Union may require any person making a declaration of priority to produce a copy of the application (specification, drawings, etc.) previously filed. The copy, certified as correct by the authority which received the application, shall not require any authentication, and may in any case be filed, without fee, at any time within three months of the filing of the subsequent application. They may require it to be accompanied by a certificate from the same authority showing the date of filing, and by a translation.

(4) No other formalities may be required for the declaration of priority at the time of filing the application. Each of the countries of the Union shall decide what consequences shall follow the omission of the formalities prescribed by the present Article, but such consequences shall in no case go beyond the loss of the right of priority.

(5) Subsequently, further proof may be required.

A person who avails himself of the priority of a previously filed application shall be required to specify the number of that application, which shall be published under the conditions provided for by paragraph (2) above.

E. (1) Where an industrial design is filed in a country by virtue of a right of priority based on the filing of a utility model, the period of priority shall be only that fixed for industrial designs.

(2) Furthermore, it is permissible to file a utility model in a country by virtue of a right of priority based on the filing of a patent application, and vice versa.

F. No country of the Union may refuse a priority or a patent application on the ground that the applicant claims multiple priorities, even

originating in different countries, or on the ground that an application claiming one or more priorities contains one or more elements that were not included in the original application or applications whose priority is claimed, provided that, in both cases, there is unity of invention within the meaning of the law of the country.

With respect to the elements not included in the original application or applications whose priority is claimed, the filing of the later application shall give rise to a right of priority under the usual conditions.

G. (1) If examination reveals that an application for a patent contains more than one invention, the applicant may divide the application into a certain number of divisional applications and preserve as the date of each the date of the initial application and the benefit of the right of priority, if any.

(2) The applicant may also, on his own initiative, divide a patent application and preserve as the date of each divisional application the date of the initial application and the benefit of the right of priority, if any. Each country of the Union shall have the right to determine the conditions under which such division shall be authorized.

H. Priority may not be refused on the ground that certain elements of the invention for which priority is claimed do not appear among the claims formulated in the application in the country of origin, provided that the application documents as a whole specifically disclose such elements.

#### *Article 4bis*

(1) Patents applied for in the various countries of the Union by persons entitled to the benefits of the Union shall be independent of patents obtained for the same invention in other countries, whether members of the Union or not.

(2) This provision is to be understood in an unrestricted sense, in particular, in the sense that patents applied for during the period of priority are independent, both as regards the grounds for invalidation and for forfeiture, and as regards their normal duration.

(3) The provision shall apply to all patents existing at the time when it comes into effect.

(4) Similarly, it shall apply, in the case of the accession of new countries, to patents in existence on either side at the time of accession.

(5) Patents obtained with the benefit of priority shall have in the various countries of the Union a duration equal to that which they would have had if they had been applied for or granted without the benefit of priority.



*Article 4<sup>ter</sup>*

The inventor shall have the right to be mentioned as such in the patent.

*Article 4<sup>quater</sup>*

The grant of a patent shall not be refused and a patent shall not be invalidated on the ground that the sale of the patented product or of a product obtained by means of the patented process is subject to restrictions or limitations resulting from the domestic law.

*Article 5*

A. (1) The importation by the patentee into the country where the patent has been granted of articles manufactured in any of the countries of the Union shall not entail forfeiture of the patent.

(2) Each country of the Union shall have the right to take legislative measures providing for the grant of compulsory licences to prevent the abuses which might result from the exclusive rights conferred by the patent, for example, failure to work.

(3) Forfeiture of the patent shall not be prescribed except in cases where the grant of compulsory licences would not have been sufficient to prevent such abuses. No proceeding for the forfeiture or revocation of a patent may be instituted before the expiration of two years from the grant of the first compulsory licence.

(4) An application for a compulsory licence may not be made on the ground of failure to work or insufficient working before the expiration of a period of four years from the date of filing of the patent application or three years from the date of the grant of the patent, whichever period last expires; it shall be refused if the patentee justifies his inaction by legitimate reasons. Such a compulsory licence shall be non-exclusive and shall not be transferable, even in the form of the grant of a sub-licence, except with that part of the enterprise or goodwill using such licence.

(5) The foregoing provisions shall be applicable, *mutatis mutandis*, to utility models.

B. The protection of industrial designs shall not, under any circumstance, be liable to any forfeiture either by reason of failure to work or by reason of the importation of articles corresponding to those which are protected.

C. (1) If, in any country, the use of a registered trademark is compulsory, the registration shall not be cancelled until after a reasonable period, and then only if the person concerned cannot justify his inaction.

(2) The use of a trademark by the proprietor in a form differing in elements which do not alter the distinctive character of the mark in the form in which it was registered in one of the countries of the Union shall not entail invalidation of the registration and shall not diminish the protection granted to the mark.

(3) The concurrent use of the same mark on identical or similar goods by industrial or commercial establishments considered as co-proprietors of the mark according to the provisions of the national law of the country where protection is claimed shall not prevent the registration or diminish in any way the protection granted to the mark in any country of the Union, provided the use does not result in misleading the public and is not contrary to the public interest.

D. No indication or mention of the patent, of the utility model, of the registration of the trademark, or of the deposit of the industrial design, shall be required upon the product as a condition of recognition of the right to protection.

#### *Article 5bis*

(1) A period of grace of not less than six months shall be allowed for the payment of the prescribed fees for the maintenance of industrial property rights, subject to the payment of a surcharge, if the domestic law so provides.

(2) The countries of the Union shall have the right to provide for the restoration of patents which have lapsed by reason of non-payment of fees.

#### *Article 5ter*

In each of the countries of the Union the following shall not be considered as infringements of the rights of a patentee:

1. the use on board vessels of other countries of the Union of devices forming the subject of his patent in the body of the vessel, in the machinery, tackle, gear and other accessories, when such vessels temporarily or accidentally enter the waters of a country, provided that such devices are used there exclusively for the needs of the vessel;
2. the use of devices forming the subject of the patent in the construction or operation of aircraft or land vehicles of other countries of the Union, or of accessories to such aircraft or land vehicles, when those aircraft or land vehicles temporarily or accidentally enter the country.

*Article 5quater*

When a product is imported into a country of the Union where there exists a patent protecting a process of manufacture of the said product, the patentee shall have all the rights, with regard to the imported product, as are accorded to him by the domestic law of the country of importation, on the basis of the process patent, with respect to products manufactured in that country.

*Article 5quinquies*

Industrial designs shall be protected in all the countries of the Union.

*Article 6*

(1) The conditions for the filing and registration of trademarks shall be determined in each country of the Union by its domestic law.

(2) However, an application for the registration of a trademark filed by a national of a country of the Union in any country of the Union may not be refused nor may a registration be cancelled on the ground that filing, registration or renewal has not been effected in the country of origin.

(3) A mark duly registered in a country of the Union shall be regarded as independent of marks registered in the other countries of the Union, including the country of origin.

*Article 6bis*

(1) The countries of the Union undertake, either administratively if their legislation so permits, or at the request of an interested party, to refuse or to cancel the registration and to prohibit the use of a trademark which constitutes a reproduction, imitation or translation, liable to create confusion, of a mark considered by the competent authority of the country of registration or use to be well known in that country as being already the mark of a person entitled to the benefits of the present Convention and used for identical or similar goods. These provisions shall also apply when the essential part of the mark constitutes a reproduction of any such well-known mark or an imitation liable to create confusion therewith.

(2) A period of at least five years from the date of registration shall be allowed for seeking the cancellation of such a mark. The countries of the Union may provide for a period within which the prohibition of use must be sought.

(3) No time limit shall be fixed for seeking the cancellation or the prohibition of the use of marks registered or used in bad faith.

*Article 6ter*

(1) (a) The countries of the Union agree to refuse or to invalidate the registration, and to prohibit by appropriate measures the use, without authorization by the competent authorities, either as trademarks or as elements of trademarks, of armorial bearings, flags and other State emblems of the countries of the Union, official signs and hall-marks indicating control and warranty adopted by them and all imitations thereof from a heraldic point of view.

(b) The provisions of sub-paragraph (a) above apply equally to armorial bearings, flags and other emblems, abbreviations or titles of international intergovernmental organizations of which one or more countries of the Union are members, with the exception of armorial bearings, flags and other emblems, abbreviations or titles that are already the subject of existing international agreements intended to ensure their protection.

(c) No country of the Union shall be required to apply the provisions of sub-paragraph (b) above to the prejudice of the owners of rights acquired in good faith before the entry into force, in that country, of the present Convention. The countries of the Union shall not be required to apply the said provisions when the use or registration covered by sub-paragraph (a) above is not of such a nature as to suggest to the public that a connection exists between the organization concerned and the armorial bearings, flags, emblems, abbreviations or titles, or if such use or registration is clearly not of a nature to mislead the public as to the existence of a connection between the user and the organization.

(2) The prohibition of the use of official signs and hall-marks indicating control and warranty shall apply solely in cases where the marks which contain them are intended to be used on goods of the same or a similar kind.

(3) (a) For the application of these provisions the countries of the Union agree to communicate reciprocally, through the International Bureau, the list of state emblems and official signs and hall-marks indicating control and warranty which they desire, or may thereafter desire, to place wholly or within certain limits under the protection of the present Article and all subsequent modifications of this list. Each country of the Union shall in due course make available to the public the lists so communicated.

Nevertheless, this communication is not obligatory so far as the flags of States are concerned.

(b) The provisions of sub-paragraph (b) of paragraph (1) of this Article shall only apply to armorial bearings, flags and other emblems, abbreviations or titles of international intergovernmental organizations that the latter have communicated to the countries of the Union through the International Bureau.

(4) Any country of the Union may, within a period of twelve months from the receipt of the communication, transmit through the International Bureau its objections, if any, to the country or international intergovernmental organization concerned.

(5) In the case of State flags, the measures prescribed by paragraph (1) above shall apply solely to marks registered after November 6, 1925.

(6) In the case of State emblems other than flags, and of official signs and hall-marks of the countries of the Union, and in the case of armorial bearings, flags and other emblems, abbreviations or titles of international intergovernmental organizations, these provisions shall be applicable only to marks registered more than two months after the receipt of the communication provided for in paragraph (3) above.

(7) In cases of bad faith the countries shall have the right to cancel the registration of marks that contain State emblems, signs or hall-marks even though registered before November 6, 1925.

(8) Nationals of each country who are authorized to make use of State emblems, signs or hall-marks of their country may use them even though they are similar to those of another country.

(9) The countries of the Union undertake to prohibit the unauthorized use in trade of the State armorial bearings of the other countries of the Union, when the use is of such a nature as to be misleading as to the origin of the goods.

(10) The above provisions shall not prevent the countries from exercising the power given in paragraph (3) of Article 6 *quinquies* B to refuse or to cancel the registration of marks containing, without authorization, the armorial bearings, flags and other State emblems or official signs or hall-marks adopted by a country of the Union as well as the distinctive signs of international intergovernmental organizations mentioned in paragraph (1) of this Article.

#### *Article 6quater*

(1) When, in accordance with the law of a country of the Union, the assignment of a mark is valid only if it takes place at the same time as the

transfer of the business or goodwill to which the mark belongs, it shall suffice for the recognition of this validity that the portion of the business or goodwill situated in that country be transferred to the assignee, together with the exclusive right to manufacture or sell there the goods bearing the mark assigned.

(2) This provision does not impose upon the countries of the Union any obligation to regard as valid the assignment of any mark the use of which by the assignee would, in fact, be of such a nature as to mislead the public, particularly as regards the origin, nature or material qualities of the goods to which the mark is applied.

#### *Article 6quinquies*

A. (1) Every trademark duly registered in the country of origin shall be accepted for filing and protected in its original form in the other countries of the Union, subject to the reservations indicated in the present Article. These countries may, before proceeding to final registration, require the production of a certificate of registration in the country of origin, issued by the competent authority. No authentication shall be required for this certificate.

(2) The country of the Union where the applicant has a real and effective industrial or commercial establishment, or, if he has not such an establishment within the Union, the Union country where he has his domicile, or if he has no domicile in the Union, the country of his nationality if he is a national of a Union country, shall be considered his country of origin.

B. Trademarks under the present Article may not be denied registration or invalidated except in the following cases:

1. when they are of such a nature as to infringe rights acquired by third parties in the country where protection is claimed;
2. when they are devoid of any distinctive character, or consist exclusively of signs or indications which may serve in trade to designate the kind, quality, quantity, intended purpose, value, place of origin of the goods or time of production, or have become customary in the current language or in the bona fide and established practices of the trade of the country where protection is claimed;
3. when they are contrary to morality or public order and, in particular, of such a nature as to deceive the public. It is understood that a mark may not be considered contrary to public order for the sole reason that it does not conform to a provision of the law relating to trademarks, except where such provision itself relates to public order.

The above is, however, subject to Article 10<sup>bis</sup>.

C. (1) To determine whether a mark is eligible for protection, all the factual circumstances must be taken into consideration, particularly the length of time the mark has been in use.

(2) Trademarks shall not be refused in the other countries of the Union for the sole reason that they differ from the marks protected in the country of origin only by elements that do not alter the distinctive character and do not affect the identity of the marks in the form in which these have been registered in the said country of origin.

D. No person may benefit from the provisions of the present Article if the mark for which he claims protection is not registered in the country of origin.

E. However, in no case shall the renewal of the registration of a mark in the country of origin involve the obligation to renew the registration in the other Union countries where the mark has been registered.

F. The benefit of priority shall be accorded to applications for the registration of marks filed within the period fixed by Article 4, even when registration in the country of origin does not occur until after the expiration of such period.

#### *Article 6<sup>sexies</sup>*

The countries of the Union undertake to protect service marks. They shall not be required to provide for the registration of such marks.

#### *Article 6<sup>septies</sup>*

(1) If the agent or representative of the person who is the proprietor of a mark in one of the countries of the Union applies, without such proprietor's authorization, for the registration of the mark in his own name in one or more Union countries, the proprietor shall be entitled to oppose the registration applied for or demand its cancellation or, if the law of the country so allows, the assignment in his favour of the said registration, unless such agent or representative justifies his action.

(2) The proprietor of the mark shall, subject to the reservations of paragraph (1) above, be entitled to oppose the use of his mark by his agent or representative if he has not authorized such use.

(3) Domestic laws may provide an equitable time limit within which the proprietor of a mark must assert the rights provided for in the present Article.

*Article 7*

The nature of the goods to which the trademark is to be applied shall in no case form an obstacle to the registration of the mark.

*Article 7bis*

(1) The countries of the Union undertake to accept for filing and to protect collective marks belonging to associations the existence of which is not contrary to the law of the country of origin, even if such associations do not possess an industrial or commercial establishment.

(2) Each country shall be the judge of the particular conditions under which a collective mark shall be protected and may refuse protection if the mark is contrary to the public interest.

(3) Nevertheless, the protection of these marks shall not be refused to any association the existence of which is not contrary to the law of the country of origin, on the ground that such association is not established in the country where protection is sought or is not constituted according to the law of the latter country.

*Article 8*

A trade name shall be protected in all the countries of the Union without the obligation of filing or registration, whether or not it forms part of a trademark.

*Article 9*

(1) All goods unlawfully bearing a trademark or trade name shall be seized on importation into those countries of the Union where such mark or name has a right to legal protection.

(2) Seizure shall likewise be effected in the country where the unlawful application occurred or in the country into which the goods have been imported.

(3) Seizure shall take place at the request either of the public prosecutor or of any other competent authority or of any interested party, whether a natural or a juridical person, in conformity with the domestic law of each country.

(4) The authorities shall not be bound to effect seizure in transit.



(5) If the law of a country does not permit seizure on importation, such seizure shall be replaced by prohibition of importation or by seizure within such country.

(6) If the law of a country permits neither seizure on importation nor prohibition of importation nor seizure within the country, then, until such time as the law is modified accordingly, these measures shall be replaced by the actions and remedies available in such cases to nationals under the law of such country.

#### *Article 10*

(1) The provisions of the preceding Article shall apply in cases of direct or indirect use of a false indication of the source of the product or the identity of the producer, manufacturer or trader.

(2) Any producer, manufacturer or trader, whether a natural or juridical person, engaged in the production or manufacture of or trade in such goods and established either in the locality falsely indicated as the source or in the district where this locality is situated, or in the country falsely indicated, or in the country where the false indication of source is used, shall in any case be deemed an interested party.

#### *Article 10bis*

(1) The countries of the Union are bound to assure to persons entitled to the benefits of the Union effective protection against unfair competition.

(2) Any act of competition contrary to honest practices in industrial or commercial matters constitutes an act of unfair competition.

(3) The following in particular shall be prohibited:

1. all acts of such a nature as to create confusion by any means whatever with the establishment, the goods, or the industrial or commercial activities of a competitor;
2. false allegations in the course of trade of such a nature as to discredit the establishment, the goods, or the industrial or commercial activities of a competitor;
3. indications or allegations the use of which in the course of trade is liable to mislead the public as to the nature, the manufacturing process, the characteristics, the suitability for their purpose or the quantity of the goods.

*Article 10<sup>ter</sup>*

(1) The countries of the Union undertake to assure to nationals of the other countries of the Union appropriate legal remedies to repress effectively all the acts referred to in Articles 9, 10 and 10<sup>bis</sup>.

(2) They undertake, further, to provide measures to permit syndicates and associations which represent the industrialists, producers or traders concerned, and the existence of which is not contrary to the laws of their countries, to take action in the Courts or before the administrative authorities, with a view to the repression of the acts referred to in Articles 9, 10 and 10<sup>bis</sup>, in so far as the law of the country in which protection is claimed allows such action by the syndicates and associations of that country.

*Article 11*

(1) The countries of the Union shall in conformity with their domestic law, grant temporary protection to patentable inventions, utility models, industrial designs and trademarks, in respect of goods exhibited at official or officially recognized international exhibitions held in the territory of one of them.

(2) This temporary protection shall not extend the periods provided by Article 4. If later the right of priority is invoked, each country may provide that the period shall start from the date of introduction of the goods into the exhibition.

(3) Each country may require, as proof of the identity of the article exhibited and of the date of its introduction, such evidence as it considers necessary.

*Article 12*

(1) Each of the countries of the Union undertakes to establish a special industrial property service and a central office for the communication to the public of patents, utility models, industrial designs and trademarks.

(2) This service shall publish an official periodical journal. It shall publish regularly:

- (a) the names of the proprietors of patents granted, with a brief description of the inventions patented;
- (b) reproductions of trademarks registered.

*Article 13*

(1) The international office established under the name International Bureau for the Protection of Industrial Property is placed under the high authority of the Government of the Swiss Confederation, which regulates its organization and supervises its operation.

(2) (a) The French and English languages shall be used by the International Bureau in performing the tasks provided for in paragraphs (3) and (5) of this Article.

(b) The conferences and meetings referred to in Article 14 shall be held in the French, English and Spanish languages.

(3) The International Bureau centralizes information of every kind relating to the protection of industrial property and compiles and publishes it. It undertakes studies of general utility concerning the Union and edits, with the help of documents supplied to it by the various Administrations, a periodical journal dealing with questions relating to the objects of the Union.

(4) The issues of this journal, as well as all the documents published by the International Bureau, shall be distributed to the Administrations of the countries of the Union in proportion to the number of contributing units mentioned below. Additional copies as may be requested, either by the said Administrations or by companies or private persons, shall be paid for separately.

(5) The International Bureau shall at all times hold itself at the disposition of the countries of the Union, to supply them with any special information they may need on questions relating to the international industrial property service. The Director of the International Bureau shall make an annual report on his administration, which shall be communicated to all the countries of the Union.

(6) The ordinary expenditure of the International Bureau shall be borne by the countries of the Union in common. Until further authorization, it shall not exceed the sum of 120,000 Swiss francs per annum. This sum may be increased, when necessary, by a unanimous decision of one of the conferences provided for in Article 14.

(7) Ordinary expenditure does not include expenses relating to the work of conferences of plenipotentiaries or administrative conferences nor the expenses caused by special work or publications effected in conformity with the decisions of a conference. Such expenses, the annual total of which may not exceed 20,000 Swiss francs, shall be divided among the countries of the Union in proportion to their contributions towards the operation of the International Bureau in accordance with the provisions of paragraph (8) below.

(8) To determine the contribution of each country to this total expenditure, the countries of the Union and those which may afterwards join the Union are divided into six classes, each contributing in the proportion of a certain number of units, namely:

1 st class .....	25 units
2nd class .....	20 units
3 rd class .....	15 units
4 th class .....	10 units
5 th class .....	5 units
6 th class .....	3 units

These coefficients are multiplied by the number of countries in each class, and the sum of the products thus obtained gives the number of units by which the total expenditure is to be divided. The quotient gives the amount of the unit of expense.

(9) Each of the countries of the Union shall, at the time it becomes a member, designate the class in which it wishes to be placed. However, any country of the Union may declare later that it desires to be placed in another class.

(10) The Government of the Swiss Confederation will supervise the expenditure of the International Bureau and its accounts, and will make the necessary advances.

(11) The annual account rendered by the International Bureau shall be communicated to all the other Administrations.

#### *Article 14*

(1) The present Convention shall be submitted to periodical revision with a view to the introduction of amendments designed to improve the system of the Union.

(2) For this purpose conferences shall be held successively in one of the countries of the Union between the delegates of the said countries.

(3) The Administration of the country in which the conference is to be held shall make preparations for the work of the conference, with the assistance of the International Bureau.

(4) The Director of the International Bureau shall be present at the meetings of the conferences, and take part in the discussions, but without the right of voting.

(5) (a) During the interval between the Diplomatic Conferences of revision, Conferences of Representatives of all the countries of the Union shall meet every three years in order to draw up a report on the foreseeable

expenditure of the International Bureau for each three-year period to come and to consider questions relating to the protection and development of the Union.

(b) Furthermore, they may modify, by unanimous decision, the maximum annual amount of the expenditure of the International Bureau, provided they meet as Conferences of Plenipotentiaries of all the countries of the Union, convened by the Government of the Swiss Confederation.

(c) Moreover, the Conferences provided for in paragraph (a) above may be convened between their triennial meetings by either the Director of the International Bureau or the Government of the Swiss Confederation.

### *Article 15*

It is understood that the countries of the Union reserve the right to make separately between themselves special arrangements for the protection of industrial property, in so far as these arrangements do not contravene the provisions of the present Convention.

### *Article 16*

(1) Countries which are not parties to the present Convention shall be permitted to accede to it at their request.

(2) Any such accession shall be notified through diplomatic channels to the Government of the Swiss Confederation, and by it to all the other Governments.

(3) Accession shall automatically entail acceptance of all the clauses and admission to all the advantages of the present Convention and shall take effect one month after the dispatch of the notification by the Government of the Swiss Confederation to the other countries of the Union, unless a subsequent date is indicated in the request for accession.

### *Article 16bis*

(1) Any country of the Union may at any time notify in writing the Government of the Swiss Confederation that the present Convention is applicable to all or part of its colonies, protectorates, territories under mandate or any other territories subject to its authority, or any territories under its sovereignty, and the Convention shall apply to all the territories named in the notification one month after the dispatch of the communication by the Government of the Swiss Confederation to the other countries of

the Union unless a subsequent date is indicated in the notification. Failing such a notification, the Convention shall not apply to such territories.

(2) Any country of the Union may at any time notify in writing the Government of the Swiss Confederation that the present Convention ceases to be applicable to all or part of the territories that were the subject of the notification under the preceding paragraph, and the Convention shall cease to apply in the territories named in the notification twelve months after the receipt of the notification addressed to the Government of the Swiss Confederation.

(3) All notifications sent to the Government of the Swiss Confederation in accordance with the provisions of paragraphs (1) and (2) of the present Article shall be communicated by that Government to all the countries of the Union.

#### *Article 17*

Every country party to this Convention undertakes to adopt, in accordance with its constitution, the measures necessary to ensure the application of this Convention.

It is understood that at the time an instrument of ratification or accession is deposited on behalf of a country, such country will be in a position under its domestic law to give effect to the provisions of this Convention.

#### *Article 17bis*

(1) The Convention shall remain in force for an indefinite time, until the expiration of one year from the date of its denunciation.

(2) Such denunciation shall be addressed to the Government of the Swiss Confederation. It shall affect only the country in whose name it is made, the Convention remaining in operation as regards the other countries of the Union.

#### *Article 18*

(1) The present Act shall be ratified and the instruments of ratification deposited in Bern not later than May 1, 1963. It shall come into force, between the countries in whose names it has been ratified, one month after that date. However, if before that date it is ratified in the name of at least six countries, it shall come into force between those countries one month after the deposit of the sixth ratification has been notified to them by the Gov-

ernment of the Swiss Confederation, and for countries in whose names it is ratified at a later date, one month after the notification of each such ratification.

(2) Countries in whose names no instrument of ratification has been deposited within the period referred to in the preceding paragraph shall be permitted to accede under the terms of Article 16.

(3) The present Act shall, as regards the relations between the countries to which it applies, replace the Convention of Paris of 1883 and the subsequent acts of revision.

(4) As regards the countries to which the present Act does not apply, but to which the Convention of Paris revised at London in 1934 applies, the latter shall remain in force.

(5) Similarly, as regards countries to which neither the present Act nor the Convention of Paris revised at London applies, the Convention of Paris revised at The Hague in 1925 shall remain in force.

(6) Similarly, as regards countries to which neither the present Act nor the Convention of Paris revised at London nor the Convention of Paris revised at The Hague applies, the Convention of Paris revised at Washington in 1911 shall remain in force.

### *Article 19*

(1) The present Act shall be signed in a single copy in the French language, which shall be deposited in the archives of the Government of the Swiss Confederation. A certified copy shall be forwarded by the latter to each of the Governments of the countries of the Union.

(2) The present Act shall remain open for signature by the countries of the Union until April 30, 1959.

(3) Official translations of the present Act shall be established in the English, German, Italian, Portuguese and Spanish languages.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, after presenting their full powers, have signed the present Act.

DONE at Lisbon on October 31, 1958.

For the Federal Republic of Germany:

BERGER

HERBERT KÜHNEMANN

KURT HAERTEL

For Australia:

For Austria:

Dr CLAUD WINTERSTEIN  
PSENICKA

For Belgium:

Bon RUZETTE

For the United States of Brazil:

NILTON SILVA

For the People's Republic of Bulgaria:

For Canada:

For Cuba:

*ad referendum*  
Dr. JOSE ANTONIO MAHY

For Denmark:

F. NEERGAARD-PETERSEN  
JULIE OLSEN  
DAGMAR SIMONSEN

For the Dominican Republic:

For Spain:

*ad referendum*  
RAFAEL MORALES



For the United States of America:

ROBERT C. WATSON

For Finland:

PAAVO ANT-WUORINEN

For France:

G. FINNISS

For the United Kingdom of Great Britain and Northern Ireland:

STEPHEN L. HOLMES

GORDON GRANT

WILLIAM WALLACE

For the People's Republic of Hungary:

*ad referendum*

PÁL RÁCZ

For Indonesia:

For Ireland:

J. J. LENNON

For Israel:

Dr. G. KITRON

Dr. REINHOLD COHN

Dr. I. BEN-MEIR

For Italy:

TALAMO

GIUSEPPE MARCHEGIANO

MARCELLO ROSCIONI

For Japan:

YUZO ISONO

SHOICHI INOUE

For Liechtenstein:

PLINIO BOLLA

HANS MORF

For Luxembourg:

J. P. HOFFMANN

For Morocco:

TAHAR MEKOUAR

For Mexico:

For Monaco:

CONDE DE BOBONE

J. M. NOTARI

For Norway:

JOHAN HELGELAND

For New Zealand:

J. W. MILES

For the Netherlands:

G. VELDKAMP

C. J. DE HAAN

For the Polish People's Republic:

ZBIGNIEW MUSZYNSKI

For Portugal:

LUÍS DA CÂMARA PINTO COELHO

AFONSO MARCHUETA

ALEXANDRE DE LANCASTRE ARAÚJO BOBONE

JORGE VAN ZELLER GARIN

JOÃO BARATA GAGLIARDINI GRAÇA

VÍTOR HUGO FORTES ROCHA

For the People's Republic of Romania:

*ad referendum*

Dr. CLEJA

For the Federation of Rhodesia and Nyasaland:

RALPH G. FELTHAM

For Sweden:

STURE PETRÉN

ÅKE V. ZWEIGBERGK

For Switzerland:

PLINIO BOLLA

HANS MORF

FERD. DUFOUR

LÉON EGGER

PIERRE JEAN POINTET

WALTER STAMM

For the Czechoslovak Republic:

JAN OBHLÍDAL

For Turkey:

Pr. Dr. F. K. GÖKAY

For the Union of South Africa:

For Viet-Nam:

For the People's Federal Republic of Yugoslavia:

MIL. JAKOVLJEVIĆ

For Saudi Arabia:

For Argentina:

For Ecuador:

For Iran:

For Iraq:

For Liberia:

O. NATTY DAVIS

For Panama:

For El Salvador:

For the Union of Soviet Socialist Republics:

For the Vatican City:

For Venezuela: