

No. 14128

**AUSTRALIA
and
CHINA**

**Exchange of notes constituting an agreement concerning
registration of trade marks. Peking, 12 October 1974**

Authentic texts: Chinese and English.

Registered by Australia on 7 August 1975.

**AUSTRALIE
et
CHINE**

**Échange de notes constituant un accord relatif à l'enregistre-
ment des marques de commerce. Pékin, 12 octobre 1974**

Textes authentiques : chinois et anglais.

Enregistré par l'Australie le 7 août 1975.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN AUSTRALIA AND THE PEOPLE'S REPUBLIC OF CHINA CONCERNING REGISTRATION OF TRADE MARKS

I

[CHINESE TEXT — TEXTE CHINOIS]

尊敬的澳大利亚联邦海外贸易部长凯恩斯阁下：

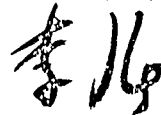
我荣幸地提及我们两国政府的代表关于两国间在互惠的基础上注册商标的会谈。这些会谈的举行，是为了加强中华人民共和国和澳大利亚的友好关系和促进两国贸易的发展。我现谨代表中华人民共和国政府荣幸地确认我们两国间已就互惠商标注册问题达成如下协议：

双方政府同意在平等互利的基础上，一方国家的公司、企业和国民可在对方国家申请任何商标的注册，并按该国的法律和规章取得这样注册的商标的专用权。

如果上述内容与贵国政府对双方所达成的协议的理解一致，我荣幸地建议本照会与您表示这种意思的复照即构成并证实为我们两国政府间的协议，协议自您复照之日起生效。

阁下，接受我最崇高的敬意。

中华人民共和国对外贸易部长



一九七四年十月十日于北京

¹ Came into force on 12 October 1974, the date of the note in reply, in accordance with the provisions of the said notes.

[TRANSLATION — TRADUCTION]

Excellency,

[See note II]

Accept, Sir, etc.

Peking, 12 October 1974.

LI CHIANG
Minister of Foreign Trade
of the People's Republic of China

His Excellency Mr. J. F. Cairns
Minister for Overseas Trade of Australia

II

Excellency,

I have the honour to acknowledge receipt of your note of today's date concerning the conclusion of an agreement on reciprocal trade mark registration, the text of which reads as follows:

"Excellency, I have the honour to refer to discussions between representatives of our two Governments concerning the registration of trade marks on a reciprocal basis between the two countries. The discussions have been held with a view to strengthening the friendly relations between the People's Republic of China and Australia and to promoting the development of trade between the two countries. On behalf of the Government of the People's Republic of China I hereby have the honour to confirm that the following agreement on the reciprocal registration of trade marks has been reached between the two countries.

The Governments of both countries agree that corporations, enterprises, and nationals of either country may, on the basis of equality and mutual benefit, apply for the registration of any trade mark in the other country and, in accordance with the laws and regulations of that country, acquire the exclusive right to the use of trade marks so registered.

If the foregoing accords with your Government's understanding of the position reached, I have further the honour to propose that this note together with your reply to that effect should constitute and evidence an agreement between our two Governments to enter into force on the date of your reply.

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

On behalf of the Government of Australia, I have the honour to confirm that the foregoing accords with the Australian Government's understanding of the position reached and agree that your note together with the present reply shall constitute and evidence an agreement between our two Governments to enter into force on today's date.

Accept, Excellency, the assurances of my highest consideration.

Peking, October 12, 1974.

J. F. CAIRNS
Minister of Overseas Trade of Australia

The Hon. Li Chiang
Minister of Foreign Trade of the People's Republic of China