

N° 1746.

ALLEMAGNE, BELGIQUE,
VILLE LIBRE DE DANTZIG,
ESPAGNE, FRANCE, etc.

Arrangement concernant le dépôt
international des dessins ou mo-
dèles industriels. Signé à La Haye,
le 6 novembre 1925.

GERMANY, BELGIUM,
FREE CITY OF DANZIG,
SPAIN, FRANCE, etc.

Agreement concerning the Inter-
national Registration of Industrial
Designs or Models. Signed at
The Hague, November 6, 1925.

¹ TRADUCTION. — TRANSLATION.No. 1746. — AGREEMENT² CONCLUDED AT THE HAGUE,
NOVEMBER 6, 1925, CONCERNING THE INTERNATIONAL RE-
GISTRATION OF INDUSTRIAL DESIGNS OR MODELS.

French official text communicated by the Netherlands Chargé d'affaires a. i. at Berne. L'enregistrement of this Agreement took place June 12, 1928.

The undersigned Plenipotentiaries of the above-mentioned Governments,
In view of Article 15 of the Convention of the International Union³ of March 20, 1883, for the Protection of Industrial Property, revised at Brussels⁴ on December 14th, 1900, and at Washington⁵ on June 2nd, 1911,

Have, by common consent and subject to ratification, drawn up the following Arrangement :

Article 1.

Nationals of each of the contracting countries and persons who have, in the territory of the limited Union, fulfilled the conditions laid down in Article 3 of the General Convention, may ensure the protection of their industrial designs or models in all the other contracting countries, by effecting an international registration of the same at the International Bureau for the Protection of Industrial Property at Berne.

Article 2.

International registration shall comprise designs or models either in the form of the industrial product for which they are intended, or in the form of a drawing photograph or any other adequate graphic representation of the design or model in question.

The articles shall be accompanied by a request for international registration done in duplicate and containing in French certain details to be specified in the Rules for the Application of this Arrangement.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² Deposit of ratifications :

Switzerland, Germany, Spain, The Netherlands, at The Hague, May 1, 1928.

Accession :

Spanish Zone of Morocco, effective as from November 5, 1928.

³ *British and Foreign State Papers*, Vol. 74, page 44.

⁴ *British and Foreign State Papers*, Vol. 92, page 807.

⁵ *British and Foreign State Papers*, Vol. 104, page 116.

Article 3.

As soon as the International Bureau at Berne has received a request to effect an international registration, it shall enter this request in a special register, notify the entry to the Administration indicated by each contracting country, and publish the entry in a periodical of which it shall distribute free of charge to each Administration as many copies as may be desired.

The articles deposited shall be kept in the archives of the International Bureau.

Article 4.

The person who effects the international registration of an industrial design or model shall, until the contrary be proved, be regarded as the owner of the article.

International registration shall be merely declaratory. As a registration, it shall produce in each of the contracting countries the same effects as if the designs or models had been registered direct in those countries on the date of the international registration, subject however to the special rules laid down in the present Arrangement.

The publicity mentioned in the preceding article shall be regarded in all the contracting countries as adequate, and the applicant shall not be required to give any further publicity, apart from the formalities under the internal laws of each country with which he must comply, before he can exercise his right.

The right of priority established under Article 4 of the General Convention shall, without any of the formalities provided for in that article, be assured to any design or model registered internationally.

Article 5.

The contracting countries undertake that designs or model which have been registered internationally shall not require to have affixed to them any compulsory mark. They will not cancel them either on the ground of non-exploitation or because articles have been introduced which are similar to the protected articles.

Article 6.

International registration may consist in the depositing of a single design or model, or of several, the number of which must be specified in the request.

The designs or models may be registered either in an unsealed or in a sealed cover. As a sealed deposit, they may in particular be registered in double envelopes perforated with a control number (Soleau system) or in accordance with any other system which ensures identification.

The maximum dimensions of articles for registration shall be determined in the Rules for the Application of this Arrangement.

Article 7.

The duration of international protection shall be for fifteen years, as from the date on which the designs or models are registered at the International Bureau at Berne ; this time-limit shall be divided into two periods of five and ten years respectively.

Article 8.

During the first period of protection articles for registration, may be admitted either in unsealed or in sealed covers ; during the second period, they shall only be admitted without covers.

Article 9.

During the first period, deposits in sealed covers may be opened at the request of the applicant or of a competent tribunal ; on the expiration of the first period they shall, upon a request for prolongation, be opened, with a view to their passing into the second period.

Article 10.

Within the first six months of the fifth year of the first period, the International Bureau shall send a semi-official notice of the expiration of protection to the applicant for the registration of the design or model.

Article 11.

When the applicant desires to obtain the prolongation of protection by entering into the second period, he must submit a request for prolongation to the International Bureau at least three months before the expiration of the time-limit.

The Bureau shall then open the cover, if the design or model is sealed, notify the prolongation to all the Administrations and publish the fact in its journal.

Article 12.

The designs and models contained in deposits which have not been prolonged and those for which the period of protection has expired, shall be returned, as they are, to their owners at the request and expense of the latter. If not claimed, they shall be destroyed at the end of two years.

Article 13.

Applicants may at any time renounce their registration, either in whole or in part, by means of a declaration to be sent to the International Bureau. The Bureau shall give this declaration the publicity mentioned in Article 3.

Renunciation shall involve the return of the deposit at the expense of the applicant.

Article 14.

When a tribunal or any other competent authority orders the communication to it of a secret design or model, the International Bureau shall, when requested in due form, open the deposited packet, withdraw the design or model asked for, and transmit it to the authority making application. The article thus communicated must be returned as soon as possible and restored to its place in the sealed cover or envelope.

Article 15.

The charges for international registration, which must be paid before the entry can be made in the register, shall be as follows :

- (1) For a single design or model and for the first period of five years : 5 francs ;
- (2) For a single design or model on the expiration of the first period and for the duration of the second period of ten years : 10 francs ;
- (3) For the registration of more than one article and for the first period of five years : 10 francs ;

(4) For the registration of more than one article on the expiration of the first period and for the duration of the second period of ten years : 50 francs.

Article 16.

The annual net yield of the charges shall, on the lines indicated in Article 8 of the Rules, be apportioned between the contracting countries by the International Bureau, after deduction of the joint expenditure occasioned in carrying out the present Arrangement.

Article 17.

The International Bureau shall enter in its registers all changes affecting the ownership of designs or models of which it may have been notified by the parties concerned ; it shall in turn communicate this information to the Administrations of the contracting countries and publish the facts in its journal.

A charge, to be determined in the Rules for the Application of this Arrangement, may be levied for these transactions.

Article 18.

The International Bureau shall deliver to any person who so requests, for a charge to be fixed in the Rules, a transcript of the entries in the register regarding a given design or model.

The transcript may be accompanied by any copy or reproduction of the design or model which may have been supplied to the International Bureau and which the Bureau shall certify as giving a correct idea of the article deposited without a cover. If the Bureau possesses no copies or reproductions of this description, it shall have these made at the request and at the expense of the persons concerned.

Article 19.

The archives of the International Bureau shall be accessible to the public as regards the open deposits they contain. Any person may inspect these deposits, in the presence of an official, or obtain from the Bureau information in writing regarding the contents of the register on payment of a charge to be determined in the Rules.

Article 20.

The details for the application of the present arrangement shall be determined in Rules for the Application of this arrangement, the provisions of which may at any time be modified, by common consent, by the Administrations of the contracting countries.

Article 21.

The provisions of the present arrangement ensure only a minimum protection. They shall not prevent the application of more liberal measures which may be introduced under the internal laws of a contracting country from being claimed. They shall not affect the application of the provisions of the revised Berne Convention of 1908, concerning the Protection of Artistic Works and works of Art applied to Industrial Purposes.

Article 22.

Countries members of the Union which are not parties to the present Arrangement may accede thereto at their request and in the form prescribed under Articles 16 and 16(a) of the General Convention.

Article 23.

The present Arrangement shall be ratified and the ratifications shall be deposited at The Hague not later than May 1st, 1928.

It shall come into force, as between the countries which have ratified it, one month after that date, and shall have the same validity and duration as the General Convention.

In faith whereof the Plenipotentiaries of the above-mentioned States have signed the present Arrangement.

Done at The Hague, in a single copy, on November 6, 1925.

For Germany :

VIETINGHOFF.
V. SPECHT.
KLAUER.
Albert OSTERRIETH.

For Belgium :

CAPITAINE.
Louis ANDRÉ.
Thomas BRAUN.
D. COPPIETERS.

For the Free City of Danzig :

St. KOŹMIŃSKI.

For the Dominican Republic :

For Spain :

Santiago MENDEZ DE VIGO.
Fernando CABELLO LAPIEDRA.
José GARCIA MONGE.

For France :

Ch. DE MARCILLY.
Marcel PLAISANT.
Ch. DROUETS.
Georges MAILLARD.

For Morocco :

Ch. DE MARCILLY.

For the Netherlands :

J. Alingh PRINS.
BIJLEVELD.
DIJCKMEESTER.

For Portugal :

BANDEIRA.

For Switzerland :

A. DE PURY.
W. KRAFT.

For Syria and Great Lebanon :

Ch. DE MARCILLY.

For Czechoslovakia :

For Tunis :

Ch. DE MARCILLY.