

N° 1743.

ALLEMAGNE, AUSTRALIE,
AUTRICHE,
BELGIQUE, BRÉSIL, etc.

Convention d'union de Paris du
20 mars 1883, pour la protection
de la propriété industrielle, révisée
à Bruxelles, le 14 décembre 1900,
à Washington, le 2 juin 1911, et à
La Haye, le 6 novembre 1925.

GERMANY, AUSTRALIA,
AUSTRIA,
BELGIUM, BRAZIL, etc.

Union Convention of Paris, March
20, 1883, for the Protection of
Industrial Property, revised at
Brussels, December 14, 1900, at
Washington, June 2, 1911, and at
The Hague, November 6, 1925.

¹ TRADUCTION. — TRANSLATION.

No. 1743. — UNION CONVENTION ² OF PARIS, MARCH 20, 1883, FOR THE PROTECTION OF INDUSTRIAL PROPERTY, REVISED AT BRUSSELS, DECEMBER 14, 1900, AT WASHINGTON, JUNE 2, 1911, AND AT THE HAGUE, NOVEMBER 6, 1925.

French official text communicated by the Netherlands Chargé d'Affaires a. i. at Berne. The registration of this Convention took place June 12, 1928.

THE PRESIDENT OF THE GERMAN REICH ; THE PRESIDENT OF THE AUSTRIAN REPUBLIC ; HIS MAJESTY THE KING OF THE BELGIANS ; THE PRESIDENT OF THE UNITED STATES OF BRAZIL ; THE PRESIDENT OF THE REPUBLIC OF CUBA ; HIS MAJESTY THE KING OF DENMARK ; THE PRESIDENT OF THE DOMINICAN REPUBLIC ; HIS MAJESTY THE KING OF SPAIN ; THE PRESIDENT OF THE ESTONIAN REPUBLIC ; THE PRESIDENT OF THE UNITED STATES OF AMERICA ; THE PRESIDENT OF THE REPUBLIC OF FINLAND ; THE PRESIDENT OF THE FRENCH REPUBLIC ; HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA ; HIS SERENE HIGHNESS THE GOVERNOR OF HUNGARY ; HIS MAJESTY THE KING OF ITALY ; HIS MAJESTY THE EMPEROR OF JAPAN ; HIS MAJESTY THE SULTAN OF MOROCCO ; THE PRESIDENT OF THE UNITED STATES OF MEXICO ; HIS MAJESTY THE KING OF NORWAY ; HER MAJESTY THE QUEEN OF THE NETHERLANDS ; THE PRESIDENT OF THE POLISH REPUBLIC, IN THE NAME OF POLAND AND OF THE FREE CITY OF DANZIG ; THE PRESIDENT OF THE PORTUGUESE REPUBLIC ; HIS MAJESTY THE KING OF THE SERBS, CROATS AND SLOVENES ; HIS MAJESTY THE KING OF SWEDEN ; THE FEDERAL COUNCIL OF THE SWISS CONFEDERATION ; THE STATES OF SYRIA AND GRAND LEBANON ; THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC ; HIS HIGHNESS THE BEY OF TUNIS ; THE PRESIDENT OF THE TURKISH REPUBLIC,

Having deemed it expedient to make certain modifications in, and additions to, the International Convention ³ of the 20th March, 1883, for the creation of an International Union for the Protection of Industrial Property, revised at Brussels ⁴ on the 14th December, 1900, and at Washington ⁵ on the 2nd June, 1911, have named as their Plenipotentiaries, that is to say :

THE PRESIDENT OF THE GERMAN REICH :

M. W. F. VON VIETINGHOFF, Councillor of the German Legation at The Hague ;
M. VON SPECHT, Geheimer Oberregierungsrat, President of the Patent Office ;
M. KLAUER, Ministerial Councillor at the Ministry of Justice ;
Prof. Dr. Albert OSTERRIETH, Justizrat ;

¹ Traduction communiquée par le Ministère des Affaires étrangères de Sa Majesté britannique.

¹ Translation communicated by His Britannic Majesty's Foreign Office.

² The deposit of ratifications by Italy, Germany, Great Britain and Northern Ireland, Austria, Canada, Spain and The Netherlands took place at The Hague, May 1, 1928. Accessions : Spanish Zone of Morocco, July 27, 1928, Kingdom of the Serbs, Croats and Slovenes, October 29, 1928, Portugal, November 17, 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.

THE PRESIDENT OF THE AUSTRIAN REPUBLIC :

Dr. Carl DUSCHANEK, Ministerial Councillor, Vice-President of the Austrian Patent Office ;

Dr. Hans FORTWÄNGLER, Ministerial Councillor at that Office ;

HIS MAJESTY THE KING OF THE BELGIANS :

M. Octave MAVAUT, Director-General of Industry at the Ministry of Industry, Labour and Social Service ;

M. Albert CAPITAINE, Advocate at the Liège Court of Appeal, former Bâtonnier, Belgian Delegate at the Washington Conference ;

M. Louis ANDRÉ, Advocate at the Brussels Court of Appeal ;

M. Thomas BRAUN, Advocate at the Brussels Court of Appeal ;

M. Daniel COPPIETERS, Advocate at the Brussels Court of Appeal ;

THE PRESIDENT OF THE UNITED STATES OF BRAZIL :

Dr. Julio Augusto BARBOZA CARNEIRO, Member of the Economic Commission of the League of Nations ;

Prof. Dr. Carlos Americo BARBOSA DE OLIVEIRA, Professor at the Polytechnic School, Director of the Wenceslau Braz Normal School of Arts and Crafts ;

THE PRESIDENT OF THE CUBAN REPUBLIC :

Dr. Raphaël Martinez ORTIZ, Envoy Extraordinary and Minister Plenipotentiary of Cuba at Paris ;

Dr. Raphaël DE LA TORRE, Cuban Chargé d'Affaires at The Hague ;

HIS MAJESTY THE KING OF DENMARK :

Dr. N. J. Ehrenreich HANSEN, Under-Secretary at the Ministry of Industry, Commerce and Navigation ;

THE PRESIDENT OF THE DOMINICAN REPUBLIC :

M. C. G. DE HASETH Cz., Consul of the Dominican Republic at The Hague ;

HIS MAJESTY THE KING OF SPAIN :

His Excellency M. Santiago MENDEZ DE VIGO, Envoy Extraordinary and Minister Plenipotentiary of His Majesty at The Hague ;

M. Fernando CABELLO Y LAPIEDRA, Head of the Spanish Bureau of Industrial and Commercial Property ;

M. José GARCIA-MONGE Y DE VERA, Secretary of the Spanish Bureau of Industrial and Commercial Property ;

THE PRESIDENT OF THE ESTONIAN REPUBLIC :

M. O. AARMANN, Engineer, Director of the Patent Office ;

THE PRESIDENT OF THE UNITED STATES OF AMERICA :

Mr. Thomas E. ROBERTSON, Commissioner of Patents, Member of the Bar of the Supreme Court of U.S.A. ;

Mr. Wallace R. LANE, former President of the American and Chicago Patent Law Associations, Member of the Bar of the Supreme Court of U.S.A. and the Supreme Court of Illinois ;

Mr. Jo. Baily BROWN, Pittsburgh, Member of the Bar of the Supreme Court of U.S.A. and the Supreme Court of Pennsylvania ;

THE PRESIDENT OF THE REPUBLIC OF FINLAND :

M. Yrjö SAASTAMOINEN, Chargé d'Affaires of Finland at The Hague ;

THE PRESIDENT OF THE FRENCH REPUBLIC :

His Excellency M. CHASSAIN DE MARCILLY, Envoy Extraordinary and Minister Plenipotentiary of France at The Hague ;
M. Marcel PLAISANT, Deputy, Advocate at the Paris Court of Appeal ;
M. Charles DROUETS, Director of Industrial Property at the Ministry of Commerce ;
M. Georges MAILLARD, Advocate at the Paris Court of Appeal, Vice-President of the Technical Committee on Industrial Property ;

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA :

FOR GREAT BRITAIN AND NORTHERN IRELAND :

Sir Hubert Llewellyn SMITH, G.C.B., Chief Economic Adviser to His Britannic Majesty's Government ;
Mr. Alfred James MARTIN, O.B.E., Assistant Comptroller of the Patent Office and Industrial Property Department of the Board of Trade ;
Sir Arthur BALFOUR, K.B.E., One of His Majesty's Justices of the Peace, Chairman of the Committee on Trade and Industry ;

FOR THE DOMINION OF CANADA :

Mr. Frederick Herbert PALMER, M.C., Canadian Government Trade Commissioner ;

FOR THE COMMONWEALTH OF AUSTRALIA :

Lieutenant-Colonel Charles Vincent WATSON, D.S.O., V.D., Commissioner of Patents and Registrar of Trade Marks and Designs ;

FOR THE IRISH FREE STATE :

Comte Gerald O'KELLY DE GALLAGH, Representative of the Irish Free State ;

HIS SERENE HIGHNESS THE GOVERNOR OF HUNGARY :

M. Elemér DE POMPÉRY, President of the Court of Patents ;

HIS MAJESTY THE KING OF ITALY :

M. Dominico BARONE, Councillor of State ;
M. Gustavo DE SANCTIS, Director of the Industrial Property Bureau ;
M. Letterio LABOCCETTA, Engineer ;
M. Gino OLIVETTI, Deputy, Secretary-General of the Confederation of Italian Industry ;
Prof. Mario GHIRON, Professor of Industrial Law at Rome University ;

HIS MAJESTY THE EMPEROR OF JAPAN :

Mr. Saichiro SAKIKAWA, President of the Patent Office ;
Mr. Nobumi ITO ;

HIS MAJESTY THE SULTAN OF MOROCCO :

His Excellency M. CHASSAIN DE MARCILLY, Envoy Extraordinary and Minister Plenipotentiary of France at The Hague ;

THE PRESIDENT OF THE UNITED STATES OF MEXICO :

M. Julio POULAT, Commercial Attaché to the Mexican Legation at Paris ;

HIS MAJESTY THE KING OF NORWAY :

M. Birger Gabriel WYLLER, Director-General of the Norwegian Bureau of Industrial Property ;

HER MAJESTY THE QUEEN OF THE NETHERLANDS :

Dr. J. Alingh PRINS, President of the Council for Patents, Director of the Industrial Property Office ;

Dr. H. BIJLEVELD, ex-Minister, Member of the Chamber of Deputies, ex-President of the Council for Patents, ex-Director of the Industrial Property Office ;

Dr. J. W. DIJCKMEESTER, Member of the Council for Patents ;

THE PRESIDENT OF THE POLISH REPUBLIC :

FOR POLAND :

His Excellency Dr. Stanislas KOZMIŃSKI, Envoy [Extraordinary and Minister Plenipotentiary of Poland at The Hague ;

Dr. Frédéric ZOLL, Professor at Cracow University ;

FOR THE FREE CITY OF DANZIG :

His Excellency Dr. Stanislas KOZMIŃSKI, Envoy Extraordinary and Minister Plenipotentiary of Poland at The Hague ;

THE PRESIDENT OF THE PORTUGUESE REPUBLIC :

His Excellency M. A. C. DE SOUSA SANTOS BANDEIRA, Envoy Extraordinary and Minister Plenipotentiary of Portugal at The Hague ;

HIS MAJESTY THE KING OF THE SERBS, CROATS AND SLOVENES :

Dr. Yanko CHOUMANE, President of the Office for the Protection of Industrial Property at the Ministry for Commerce and Industry ;

M. Mihailo PREDITCH, Secretary of that Office ;

HIS MAJESTY THE KING OF SWEDEN :

Directeur-Général E. O. J. BJÖRKLUND, Head of the Administration of Patents and Registration ;

M. K. H. R. HJERTÉN, Councillor at the Court of Appeal of Göta ;

M. A. E. HASSELROT, ex-Director of Bureau at the above Administration, Adviser in matters of industrial property ;

THE FEDERAL COUNCIL OF THE SWISS CONFEDERATION :

His Excellency M. Arthur DE PURY, Envoy Extraordinary and Minister Plenipotentiary of Switzerland at The Hague ;

M. Walther KRAFT, Director of the Federal Bureau of Intellectual Property ;

THE PRESIDENT OF THE FRENCH REPUBLIC :

FOR THE STATES OF SYRIA AND GRAND LEBANON :

His Excellency M. CHASSAIN DE MARCILLY, Envoy Extraordinary and Minister Plenipotentiary of France at The Hague ;

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

His Excellency M. P. BARÁČEK, Engineer, Envoy Extraordinary and Minister Plenipotentiary of Czechoslovakia at The Hague ;

Dr. Karel HERMANN-OTAVSKÝ, Professor at Prague University ;

M. Bohuslav PAVLOUSEK, Engineer, Vice-President of the Patent Office at Prague ;

HIS HIGHNESS THE BEY OF TUNIS :

His Excellency M. CHASSAIN DE MARCILLY, Envoy Extraordinary and Minister Plenipotentiary of France at The Hague ;

THE PRESIDENT OF THE TURKISH REPUBLIC :

Mehmed ESSAD bey, Chargé d'Affaires of Turkey at The Hague ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles :

Article 1.

The Contracting Countries constitute themselves into a Union for the protection of industrial property.

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

Industrial property is to be understood in the broadest sense and applies not only to industry and commerce properly so called, but likewise to agricultural industries (wines, corn, tobacco leaves, fruit, cattle, etc.) and extractive industries (minerals, mineral waters, etc.).

Under the term "patents" are included the various kinds of industrial patents recognised by the laws of the Contracting Countries, such as patents of importation, patents of improvement, patents and certificates of addition, etc.

Article 2.

Persons within the jurisdiction of each of the Contracting Countries 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 their 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 on nationals.

Nevertheless, 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.

The provisions of the laws of each of the Contracting Countries relative to judicial and administrative procedure and competence, and to the choice of domicile or the authorisation of an agent which may be required by the laws of industrial property, are expressly reserved.

Article 3.

Persons within the jurisdiction 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 assimilated to persons within the jurisdiction of the Contracting Countries.

Article 4.

(a) Any person who has duly deposited an application for a patent, or for the registration of a utility model, industrial design or model or trade mark in one of the Contracting Countries, or his legal representative or assignee, shall enjoy, for the purposes of deposit in the other countries, and reserving the rights of third parties, a right of priority during the periods hereinafter stated.

(b) Consequently, a subsequent deposit in any of the other countries of the Union before the expiration of these periods shall not be invalidated through any acts accomplished in the

interval, either, for instance, by another deposit, 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.

(c) The above-mentioned periods of priority shall be twelve months for patents and utility models, and six months for industrial designs and models and trade marks.

These periods start from the date of deposit of the first application in a country of the Union ; the day of deposit is not included in the period.

If the last day of the period is a *dies non* in the country where protection is claimed, the period shall be extended until the first following working day.

(d) Any person desiring to take advantage of the priority of a previous deposit shall be bound to make a declaration giving particulars as to the date of such deposit and the country in which it was made. Each country will determine for itself the latest time at which such declaration must be made.

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

The Contracting Countries may require any person making a declaration of priority to produce a copy of the application (with the specification, drawings, etc.) previously deposited. The copy, certified as correct by the authority by whom the application was received, shall not require any legal authentication, and may in any case be deposited at any time within three months from the deposit of the subsequent application. They may require it to be accompanied by a certificate from the proper authority showing the date of the deposit, and also by a translation.

No other formalities may be required for the declaration of priority at the time of depositing the application. Each of the Contracting Countries shall decide for itself what consequences shall follow the omission of the formalities prescribed by the present article, but such consequences shall in no case be more serious than the loss of the right of priority.

Subsequently, further proof in support of the declaration may be required.

(e) Where an application for the registration of an industrial design or model is deposited in a country in virtue of a right of priority based on a previous deposit of an application for registration of a utility model, the period of priority shall only be that fixed for industrial designs and models.

Further, it is permissible to deposit in a country an application for the registration of a utility model in virtue of a right of priority based on the deposit of a patent application and *vice versa*.

(f) If an application for a patent contains multiple priority claims, or if examination reveals that an application contains more than one invention, the competent authority shall at least authorise the applicant to divide the application, subject to such conditions as may be imposed by domestic legislation, and preserving as the date of each part of the application the date of the initial application and, if necessary, the benefit of the right of priority.

Article 4 bis.

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

This stipulation must be strictly interpreted, for example, it shall be understood to mean that patents applied for during the period of priority are independent, in respect of the grounds for refusal and for revocation, as well as in respect of their normal duration.

The stipulation applies to all patents existing at the time when it comes into effect.

Similarly it shall apply, in the case of the accession of new countries, to patents in existence, either on one side or the other, at the time of accession.

Article 5.

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 revocation of the patent.

Nevertheless each of the Contracting Countries shall have the right to take the necessary legislative measures to prevent the abuses which might result from the exercise of the exclusive rights conferred by the patent, for example, failure to work.

These measures shall not provide for the revocation of the patent unless the grant of compulsory licences is insufficient to prevent such abuses.

In no case can the patent be made liable to such measures before the expiration of at least three years from the date of grant of the patent and then only if the patentee is unable to justify himself by legitimate reasons.

The protection of industrial designs and models may not, under any circumstances, be liable to revocation by reason of the importation of articles corresponding to those which are protected.

No sign or mention of registration shall be required on the goods in order to maintain recognition of the rights given by such registration.

If, in any country, the utilisation of a registered trade mark is compulsory, registration cannot be cancelled until after a reasonable period has elapsed, and then only if the person interested cannot justify the causes of his inaction.

Article 5 bis.

An extension of time of not less than three months shall be allowed for the payment of the prescribed fees for the maintenance of industrial property rights, on condition (if the national legislation of a country so provides) of the payment of a supplementary fee.

In the case of patents, the Contracting Countries further undertake, either to increase the above-mentioned extension of time to not less than six months, or to provide for the restoration of a patent which has expired by reason of the non-payment of fees, subject in each case to the conditions prescribed by the domestic legislation.

Article 5 ter.

In each of the Contracting Countries 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 a patented invention in the body of the vessel, in the machinery, tackle, apparatus and other accessories, when such vessels penetrate temporarily or accidentally into the territorial waters of the country, provided that such invention is used exclusively for the actual needs of the vessel.

(2) The use of a patented invention in the construction or working of aircraft or land vehicles of other countries of the Union, or of the accessories to such aircraft or vehicles, when such aircraft or vehicles penetrate temporarily or accidentally into the country.

Article 6.

Every trade mark duly registered in the country of origin shall be admitted for deposit and protected in its original form in the other countries of the Union.

Nevertheless, registration of the following may be refused or cancelled :

(1) Marks which are of such a nature as to infringe rights acquired by third parties in the country where protection is claimed.

(2) Marks which have no distinctive character, or which consist exclusively of signs or indications which serve in trade to designate the kind, quality, quantity, destination, value, place of origin of the goods or date of production, or which have become customary in the current language, or in the *bona fide* and recognised customs of the trade of the country where protection is claimed.

In arriving at a decision as to the distinctive character of a mark, all the circumstances of the case must be taken into account, including the length of time during which the mark has been in use.

(3) Marks which are contrary to morality or public order.

It is understood that a mark cannot be considered as contrary to public order for the sole reason that it does not conform to some stipulation of the laws concerning marks, except where such stipulation itself relates to public order.

Shall be considered as the country of origin :

The country of the Union where the depositor has a real and effective industrial or commercial establishment ; if he has not such an establishment, the country of the Union where he is domiciled, and if he is not domiciled in the Union, the country of his nationality if he is a person within the jurisdiction of one of the countries of the Union.

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

The benefits of priority shall be accorded to applications for the registration of marks deposited within the period fixed by Article 4, notwithstanding the fact that registration in the country of origin may not be completed until after the expiration of such period.

The stipulations of paragraph 1 do not exclude the right of requiring from a depositor a certificate of due registration, issued by the competent authority of the country of origin, but no legal authentication of such certificate shall be required.

Article 6 bis.

The Contracting Countries undertake to refuse or to cancel, either administratively if their legislation so permits, or at the request of an interested party, the registration of any trade mark which is a reproduction of or an imitation capable of creating confusion with a mark considered by the competent authority of the country of registration to be well-known in that country as being already the mark of a person within the jurisdiction of another Contracting Country, and utilised for the same or similar classes of goods.

A period of at least three years shall be allowed for claiming the removal of such marks. This period shall run from the date of registration of the mark.

There shall be no limit to the period within which application may be made for the removal of marks registered in bad faith.

Article 6 ter.

The Contracting Countries agree to refuse or to cancel the registration, and to prohibit by appropriate measures the utilisation, without authorisation by the competent authorities, either as trade marks or as elements of trade marks, of armorial bearings, flags and other State emblems of the Contracting Countries, official signs and hall-marks indicating control or warranty adopted by them, and all imitations thereof from an heraldic point of view.

The prohibition of the utilisation of official signs and hall-marks indicating control or warranty shall apply solely in cases where the marks which contain them are intended to be utilised for the same or similar classes of goods.

For the application of these stipulations the Contracting Countries agree to communicate mutually through the medium of the International Bureau of Berne, the list of State emblems and official signs and hall-marks indicating control or warranty which they desire, or may hereafter desire, to place wholly or within certain limits, under the protection of the present Article, and all subsequent modifications of this list. Each contracting Country shall forthwith make the lists so communicated available to the public.

Any Contracting Country may, within a period of twelve months from the receipt of the communication, transmit any objections which it may desire to offer to the country concerned through the medium of the International Bureau.

In the case of State emblems which are well-known the measures prescribed by first paragraph shall apply solely to marks registered after the signature of the present Convention.

As regards State emblems which are not well-known and official signs and hall-marks such stipulations shall be applicable only to marks registered more than two months after the receipt of the communication provided for in paragraph 3.

In cases of bad faith, however, each country shall be entitled to cause removal of marks, even though registered before the signature of the present Convention if they contain State emblems, signs or hall-marks.

The nationals of each country who have been authorised to make use of State emblems, signs or hall-marks of their country may continue to use them even though they are similar to those of another country.

The Contracting Countries undertake to prohibit the unauthorised use in trade of the State armorial bearings of the other Contracting Countries, when such use is of a nature to cause deception as to the origin of the goods.

The above stipulations shall not prevent the countries from exercising the power given in the third sub-section of second paragraph of Article 6, to refuse or to cancel the registration of marks containing, without authorisation, the armorial bearings, flags, decorations, and other State emblems or official signs or hall-marks adopted by a country of the Union.

Article 7.

The nature of the goods to which the trade mark is to be applied can, in no case, form an obstacle to the registration of the mark.

Article 7 bis.

The Contracting Countries undertake to admit to deposit and to protect 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.

Nevertheless, each country shall be the sole judge of the particular conditions under which an association may be allowed to obtain protection for its marks.

Article 8.

A trade name shall be protected in all the countries of the Union without necessity of deposit or registration, whether or not it forms part of a trade mark.

Article 9.

All goods illegally bearing a trade mark or trade name shall be seized on importation into those countries of the Union where this mark or name has a right to legal protection.

Seizure shall be effected equally in the country where the mark or name was illegally applied, or in the country into which the goods bearing it may have been imported.

The seizure shall take place at the request either of the Public Prosecutor or of any other competent authority or of any interested party whether an individual or a body of persons corporate or unincorporate in conformity with the domestic law of each country.

The authorities shall not be bound to effect the seizure of goods in transit.

If the laws of a country do not admit of seizure on importation, such seizure shall be replaced by prohibition of importation or seizure within such country.

If the laws of any country do not admit either of seizure upon importation, or of prohibition of importation, or of seizure within the country, and pending the requisite modification of these laws, these measures shall be replaced by the remedies available in such cases to nationals.

Article 10.

The stipulations of the preceding Article shall be applicable to all goods which falsely bear as an indication of origin the name of a specified locality or country, when such indication is joined to a trade name of a fictitious character or used with fraudulent intention.

Any producer, manufacturer or trader, whether an individual or a body of persons corporate or incorporate, engaged in the production, manufacture, or trade of such goods, and established either in the locality falsely indicated as the place of origin, in the district where the locality is situated, or in the country falsely indicated shall in any case be deemed a party interested.

Article 10 bis.

The Contracting Countries are bound to assure to persons entitled to the benefits of the Union an effective protection against unfair competition.

Every act of competition contrary to honest practices in industrial or commercial matters constitutes an act of unfair competition.

The following acts among others shall be prohibited :

(1) All manner of acts, of such a nature as to create confusion by any means whatsoever with the goods of a competitor ;

(2) False allegations, in the course of trade, of such a nature as to discredit the goods of a competitor.

Article 10 ter.

The Contracting Countries undertake to assure to persons within the jurisdiction of other countries of the Union appropriate legal remedies to repress effectively all acts referred to in Articles 9, 10 and 10 *bis*.

They undertake, further, to provide measures to permit syndicates and associations which represent industries or trades interested, and of which the existence is not contrary to the laws of their country, to take proceedings in the Courts or before the administrative authorities with a view to securing repression of the acts referred to in Articles 9, 10 and 10 *bis* so far as the law of the country in which protection is claimed permits such action to the syndicates and associations of that country.

Article 11.

The Contracting Countries shall, in conformity with their domestic legislation, grant temporary protection to patentable inventions, utility models, industrial designs or models, and trade marks, in respect of goods exhibited at official, or officially recognised, international exhibitions held in the territory of one of them.

This temporary protection shall not prolong the periods of priority provided by Article 4. If, at a later date, the right of priority is invoked, the Administration of each country may date the period of priority as from the date of introduction of the goods into the exhibition.

Each country may require, as proof of the identity of the object exhibited, and of the date of its introduction into the exhibition such evidence as it may consider necessary.

Article 12.

Each of the Contracting Countries undertakes to establish a special Government department for industrial property, and a central office for communication to the public of patents, utility models, industrial designs or models, and trade marks.

This department shall publish an official periodical journal.

Article 13.

The International Office, established at Berne under the name "Bureau international pour la protection de la Propriété Industrielle" is placed under the high authority of the Government of the Swiss Confederation, which regulates its organisation and supervises its working.

The official language of the International Bureau is French.

The International Bureau centralises information of every kind relating to the protection of industrial property and collates and publishes it. It studies matters of general utility which interest the Union, and edits, with the help of documents supplied to it by the various Administrations, a periodical journal in French, dealing with questions concerning the object of the Union.

The numbers of this journal, as well as all the documents published by the International Bureau, are circulated among the Administrations of the countries of the Union in the proportion of the number of contributing units as mentioned below. Such further copies as may be desired, either by the said Administrations, or by societies or private persons, shall be paid for separately.

The International Bureau shall at all times hold itself at the service of countries of the Union, in order to supply them with any special information they may need on questions relating to the international system of industrial property. The Director of the International Bureau will furnish an annual report on its working, which shall be communicated to all the countries of the Union.

The expenses of the International Bureau shall be borne by the Contracting Countries in common. Until fresh sanction is given, they must not exceed the sum of 120,000 Swiss francs per annum. This sum may be increased, in case of necessity, by a unanimous decision of one of the conferences referred to in Article 14.

To determine the quota which each country should contribute to this common total of expenses, the Contracting Countries 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 :

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

These co-efficients 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 expenses has to be divided. The quotient gives the amount of the unit of expense.

Each of the Contracting Countries will designate at the time of its accession the class in which it wishes to be placed.

The Government of the Swiss Confederation superintends the expenses of the International Bureau, advances the necessary funds and renders an annual account, which will be communicated to all the other Administrations.

Article 14.

The present Convention shall be submitted to periodical revisions with a view to the introduction of amendments calculated to improve the system of the Union.

For this purpose, Conferences shall be held, successively in one of the Contracting Countries, among the delegates of the said countries.

The Administration of the country in which the Conference is to be held will make preparations for the work of that Conference, with the assistance of the International Bureau.

The Director of the International Bureau will be present at the meetings of the Conferences, and will take part in the discussions, but without the right of voting.

Article 15.

It is understood that the Contracting Countries respectively reserve to themselves the right to make separately, as between themselves, special agreements for the protection of industrial property, in so far as such agreements do not contravene the stipulations of the present Convention.

Article 16.

Countries which are not parties to the present Convention shall be allowed to accede to it upon their request.

This accession shall be notified through diplomatic channels to the Government of the Swiss Confederation, and by the latter to all the other countries.

It shall entail, as a matter of right, accession to all the clauses, and admission to all the advantages stipulated in 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 has been indicated by the acceding country.

Article 16 bis.

The Contracting Countries have the right of acceding to the present Convention at any time, on behalf of their Colonies, Possessions, Dependencies and Protectorates, or territories administered in virtue of a mandate from the League of Nations, or of any of them.

For this purpose they may either make a general declaration, including all their Colonies, Possessions, Dependencies and Protectorates, and the territories referred to in paragraph 1, in the accession, or may expressly name those which are included, or may confine themselves to indicating those which are excluded therefrom.

This declaration shall be notified in writing to the Government of the Swiss Confederation and by the latter to all the other countries.

Under the same conditions, the Contracting Countries may denounce the Convention on behalf of their Colonies, Possessions, Dependencies, and Protectorates, or the territories referred to in paragraph 1, or of any of them.

Article 17.

The carrying out of the reciprocal engagements contained in the present Convention is subject, so far as necessary, to the observance of the formalities and rules established by the constitutional laws of those of the Contracting Countries which are bound to procure their application which they engage to do with as little delay as possible.

Article 17 bis.

The Convention shall remain in force for an unlimited time, till the expiry of one year from the date of its denunciation.

This denunciation shall be addressed to the Government of the Swiss Confederation. It shall only affect the denouncing country, the Convention remaining in operation as regards the other Contracting Countries.

Article 18.

The present Act shall be ratified and the ratifications deposited at The Hague not later than the 1st May, 1928. It shall come into force, between the countries which shall have ratified it, one month after that date. Nevertheless, if before that date it has been ratified by 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 Government of the Swiss Confederation and, in the case of countries which may ratify at a later date, one month after the notification of each of such ratifications.

This Act shall, as regards the relations between the countries which ratify it, replace the Convention of Paris of 1883, revised at Washington on the 2nd June, 1911, and the Final Protocol, which shall, however, remain in force as regards relations with the countries which shall not have ratified the present Act.

Article 19.

The present Act shall be signed in a single copy, which shall be deposited in the archives of the Government of The Netherlands. A certified copy shall be forwarded by the latter to each of the Governments of the Contracting Countries.

In witness whereof the respective Plenipotentiaries have signed the present Act.

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

For Germany :

VIETINGHOFF.
V. SPECHT.
KLAUER.
Albert OSTERRIETH.

For Australia :

C. V. WATSON.

For Austria :

Dr. Carl DUSCHANEK.
Dr. Hans FORTWÄNGLER.

For Belgium :

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

For the United States of Brazil :

J. A. BARBOZA CARNEIRO.
Carlos Americo BARBOSA DE OLIVEIRA.

For Canada :

Frederick H. PALMER.

For Cuba :

R. DE LA TORRE.

For Denmark :

N. J. Ehrenreich HANSEN.

For the Free City of Danzig :

St. KOŹMIŃSKI.

For the Dominican Republic :

C. G. DE HASETH Cz.

For Spain :

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

For Estonia :

O. AARMANN.

<i>For the United States of America :</i>	Thomas E. ROBERTSON. Wallace R. LANE. Jo. Baily BROWN.
<i>For Finland :</i>	Yrjö SAASTAMOINEN.
<i>For France :</i>	Ch. DE MARCILLY. Marcel PLAISANT. Ch. DROUETS. Georges MAILLARD.
<i>For Great Britain and Northern Ireland :</i>	H. Llewellyn SMITH. A. J. MARTIN. A. BALFOUR.
<i>For Hungary :</i>	Elemér DE POMPÉRY.
<i>For the Irish Free State :</i>	G. O'KELLY DE GALLAGH.
<i>For Italy :</i>	Domenico BARONE. Lctterio LABOCCETTA. Mario GHIRON.
<i>For Japan :</i>	S. SAKIKAWA. N. ITO.
<i>For Morocco :</i>	Ch. DE MARCILLY.
<i>For the United States of Mexico :</i>	Julio POULAT.
<i>For Norway :</i>	B. WYLLER.
<i>For The Netherlands :</i>	J. Alingh PRINS. BIJLEVELD. DIJCKMEESTER.
<i>For Poland :</i>	St. KOŹMIŃSKI. Frédéric ZOLL.
<i>For Portugal :</i>	BANDEIRA.
<i>For the Kingdom of the Serbs, Croats and Slovenes :</i>	Dr. Yanko CHOUMANE. Mihailo PRÉDITCH.
<i>For Sweden :</i>	E. O. J. BJÖRKLUND. H. HJERTÉN. Axel HASSELROT.
<i>For Switzerland :</i>	A. DE PURY. W. KRAFT.
<i>For Syria and Grand Lebanon :</i>	Ch. DE MARCILLY.
<i>For Czechoslovakia :</i>	BARÁČEK. Prof. Dr. Karel HERMANN-OTAVSKÝ. Ing. Bohuslav PAVLOUSEK.
<i>For Tunis :</i>	Ch. DE MARCILLY.
<i>For Turkey :</i>	