

International Arrangements for Protection of Industrial Property and Prevention of False Indications of Origin on Goods.

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THE following notices are published for general information.

J. C. LEWIS,
Registrar.

[Translation.]

UNION CONVENTION OF PARIS ON MARCH 20, 1883, FOR THE PROTECTION OF INDUSTRIAL PROPERTY.

REVISED AT BRUSSELS ON DECEMBER 14, 1900,
AND AT WASHINGTON ON JUNE 2, 1911.

Article I.

The Contracting Countries constitute themselves into a Union for the protection of Industrial Property.

Article II.

The subjects or citizens of each of the Contracting Countries shall, in all the other countries of the Union, as regards patents, utility models, industrial designs or models, trade-marks and trade-names, indications of origin, and the suppression of unfair competition, enjoy the advantages that their respective laws now grant or may hereafter grant to their own subjects or citizens. 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 native subjects or citizens. No obligation as to the possession of a domicile or establishment in the country where protection is claimed shall be imposed on those who enjoy the benefits of the Union.

Article III.

Subjects or citizens of countries not forming part of the Union who are domiciled or have real and effective industrial or commercial establishments in the territory of any of the countries of the Union shall be assimilated to the subjects or citizens of the Contracting Countries.

Article IV.

(a.) Any person who has duly applied for a patent, 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 registration in other countries, and reserving the rights of third parties, a right of priority during the periods hereinafter stated.

(b.) Consequently, subsequent registration 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 registration, by publication of the invention or by the working of it by a third party, by the sale of copies of the design or model, or by use of the trade-mark.

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

(d.) Any person desiring to take advantage of the priority of a previous application must make a declaration giving particulars as to the date of such application and the country in which it was made. Each country will determine for itself the latest date at which such declaration must be made. The particulars referred to shall be stated in the publications issued by the competent authority and in particular in the patents issued, 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, &c.) previously made, certified as correct by the authority by whom it was received. Such copies shall not require any legal authentication. They may also require that the declaration shall be accompanied by a certificate from the proper authority showing the date of the application, and also by a translation. No other formalities may be required for the declaration of priority at the time of 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.

(e.) At later stages further proof in support of the application may be required.

Article IV (bis).

Patents applied for in the various Contracting Countries by persons admitted to the benefits of the Convention in the terms of Articles II and III shall be independent of the patents obtained for the same invention in the other countries whether such countries be or be not parties to the Union.

This stipulation must receive a strict interpretation; in particular, it shall be understood to mean that patents applied for during the period of priority are independent, both as regards the grounds for refusal and for revocation, and also as regards their normal duration.

The stipulation shall apply to all patents already existing at the time when it shall come into effect.

The same stipulation 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 V.

The introduction by the patentee into the country where the patent has been granted of objects manufactured in any of the countries of the Union shall not entail forfeiture.

Nevertheless, the patentee shall remain bound to work his patent in conformity with the laws of the country into which he introduces the patented objects, but with this reservation: that the patent shall not be liable to revocation on account of failure to work it in any country of the Union until after the expiration of three years from the date of application in that country, and then only in cases where the patentee cannot show reasonable cause for his inaction.

Article VI.

Every trade-mark duly registered in the country of origin shall be admitted for registration and protected in the form originally registered in the other countries of the Union.

Nevertheless, the following marks may be refused or cancelled:—

(1.) Those which are of such a nature as to prejudice rights acquired by third parties in the country in which protection is applied for.

(2.) Those 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, or date of production, or which have become customary in the current language, or in the *bona fide* and unquestioned usages of the trade, of the country in which protection is sought.

In arriving at a decision as to the distinctiveness of the character of a mark all the circumstances of the case must be taken into account, and in particular the length of time that such a mark has been in use.

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

That country shall be deemed the country of origin where the applicant has his chief seat of business.

If this chief seat of business is not situated in one of the countries of the Union, the country to which the applicant belongs shall be deemed the country of origin.

Article VII.

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

Article VII (bis).

The Contracting Countries undertake to allow the registration of and to protect trade-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 on which an association may be allowed to obtain protection for its marks.