

*Amendment of Article XI.* speaks for itself, and seems to be unobjectionable.

*Amendment to Article XIV.* merely omits an unnecessary reference to the former meeting at Rome.

*Amendment to Article XVI.* defines the procedure in regard to accessions to the Union in a more convenient mode than that in the existing Convention.

None of these amendments appear to give rise to any objection, or to require fresh legislation in the United Kingdom, and we venture to recommend the first final protocol for signature on behalf of Her Majesty's Government within the prescribed period of six months.

The second final protocol relates to the Madrid arrangement for the international registration of marks, to which Great Britain is not a party. We did not, therefore, sign it, and it calls for no observation on our part.

At the end of the sittings the United States Minister gave an invitation for the next meeting of the Union to be held at Washington, at a date to be hereafter fixed. This proposal met with general assent. We reserved the expression of the opinion of Her Majesty's Government, as we had received no instructions on the subject.

As a summary of the above report, we may state that, if the positive results of the Conference are not great, the thorough discussion to which the disputed points have been subjected may possibly clear the ground for the establishment of a general accord.

It is evident that the German Government will not join the Union unless satisfaction is given to them on two points, viz.: (1.) Agreement to three years as the minimum period for the forfeiture of patents for non-working; and (2) the extension of the period of priority for patents from six to twelve months. Great Britain could grant the former of these concessions without fresh legislation; not so, however, as regards the latter.

It will be for Her Majesty's Government to consider whether, if an agreement can be reached between Great Britain and France and the other contracting States as to Article VI., relative to the registration of a trade-mark "*telle quelle*," it is desirable or not to undertake the legislation which would be required to give effect to an extension of the period of priority for patents from six to twelve months. If this could be done, every obstacle, so far as Great Britain is concerned, would apparently be removed to the adhesion of Germany to the Union.

When the *procès-verbaux* of the Conference are printed in a complete shape we shall have the honour to send copies for the use of the Board of Trade.

As regards the final protocol, which we have signed, we venture to express the opinion that it contains some useful amendments to the Convention of 1883, and that none of its stipulations are open to objection as regards British interests. If it be accepted by Her Majesty's Government it will be necessary, at the time of its signature by Her Majesty's Minister at Brussels, to make a declaration as to the extent of its application to British colonies, of which two—viz., Queensland and New Zealand—are already parties to the Union.

In concluding this despatch we desire to record our grateful appreciation of the support afforded to us by Her Majesty's Minister, the Hon. Sir F. Plunkett, who was always ready and able, by his influence and high position, to help us in any difficulty. We venture also to suggest that the thanks of Her Majesty's Government are due to Mr. Herbert Hughes for his services as technical adviser to the British delegates. The suggestion originally made by him for an amendment of Article VI. of the Convention formed the basis of the proposals made by us to the Conference on this difficult point; and his legal knowledge and general counsel proved invaluable during the course of the proceedings. We have also to express our thanks to Mr. Charles Somers-Cocks for his efficient services as secretary to the British delegates.

We have, &c.,

CHARLES B. STUART WORTLEY.  
H. G. BERGNE.  
C. N. DALTON.

#### Enclosure 1.

*Paper presented by the British Delegation to the Conference.*

#### *Exposé des Motifs.*

The application of Article VI. and of No. 4 of the final protocol has given rise in England to rather serious difficulties. The Conference may be reminded that the true principle of the Union, established in Article II. of the Convention, consists in this: that subjects of each of the contracting States are entitled to enjoy in the other States the same advantages as, and not superior advantages to, nationals.

Article VI. in its present form and the interpreting protocol appear to authorise the foreign depositor to claim protection for a mark for which registration would not be accorded to a national, because the local law does not allow of such a mark being considered as entitled to registration.

The Government of Her Britannic Majesty hesitate to give their assent to a provision in virtue of which a stranger might claim in England advantages superior to those enjoyed by nationals, and it seems difficult to them to make the stipulations of Article II. tally with those of Article VI. and of No. 4 of the final protocol. The British delegates beg the Conference to give due weight to this difficulty.

The Convention, taken as a whole, appears to aim at securing a right of priority for obtaining registration rather than an absolute right to such registration, and at laying down that the depositor ought to submit to local law in every country where he claims registration.

An instance may be quoted which will prove to the Conference the danger of allowing the registration of marks without any restriction; if, for instance, some one succeeded in getting the