

words "pig iron" registered as a trade-mark in one of the contracting States, would all the States of the Union be bound to grant protection to these words, even England and the United States, where no other term exists for designating the substance?

It can, moreover, be affirmed that the principle of the British proposal should be admitted by all the States as resulting from international law.

It would be contrary to the true interests of all Unionists to grant to an individual the exclusive right of using terms bearing on the nature or quality of goods, geographical names, or names of individuals or societies. Such words or names should always remain public property; no one can wish a monopoly in them to be granted to a private person.

Difficulties have already arisen in regard to this matter in England, and the Government of Her Britannic Majesty considers the moment to have come when the real bearing of the provisions on this point should be defined.

Acting on this theory, the British delegates venture to submit to the favourable consideration of this Conference their proposal, which aims at inserting in the Convention a series of exceptions to the principle which appears to be involved in the present text of Article VI. and of No. 4 of the final protocol. This proposal keeps in view the amendments proposed by the International Bureau and by the Administration of the Netherlands. Should it be accepted, No 4 of the final protocol would cease to be of use, and be suppressed.

Enclosure 2.

International Union for the Protection of Industrial Property.

First Final Protocol.

The International Conference of the Union for the Protection of Industrial Property, called together at Brussels the 1st December, 1897, submits to the Government of the States of the Union the following draft:—

Additional Act to the Convention of March 20, 1883, concluded between [Here follow the names of the contracting States].

The undersigned, duly authorised by their respective Governments, have, under reserve of ratification, agreed as follows:—

Article III. of the Convention shall run as follows:—

Subjects or citizens of States not forming part of the Union, who are domiciled or who own effective and serious industrial or commercial establishments in the territory of any of the States of the Union, shall be assimilated to the subjects or citizens of the contracting States.

Article IV. shall run as follows:—

Any one who has duly applied for a patent, industrial design, or model, or trade-mark in one of the contracting States shall enjoy, as regards registration in the other States, and reserving the rights of third parties, a right of priority during the periods hereinafter stated. Consequently, subsequent registration in any of the other States of the Union before expiry 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 the sale of copies of the design or model, or by the use of the trade-mark. The above-mentioned terms of priority shall be six months for patents and three months for industrial designs or models and trade-marks. A month longer is allowed for countries beyond the sea.

An Article IV. *bis* is inserted in the Convention, running as follows:—

The patents claimed in the different contracting States by persons entitled to the benefit of the Convention, in accordance with the terms of Articles II. and III., shall be independent of the patents obtained for the same invention in other States, whether adhering to the Union or not. This provision shall apply to patents existing at the time of its coming into operation. The same rule shall apply, in the case of the accession of new States, to patents existing in either State at the time of accession.

Two paragraphs are added to Article IX., running as follows:—

In States where the legislation does not allow seizure on importation, it shall be possible for such seizure to be replaced by a prohibition of entry.

The authorities shall not be bound to seize in case of transit.

Article X. shall run as follows:—

The provisions of the preceding article shall apply to all goods falsely bearing the name of a specified locality as indication of the place of origin, when such indication is associated with a trade name of a fictitious character, or assumed with a fraudulent intention.

Any producer, manufacturer, or trader engaged in the production of, fabrication of, or trade in, such goods, and established either in the locality falsely designated as the place of origin, or in the region where such locality is situated, shall be deemed an interested party.

Article XI. shall run as follows:—

The high contracting parties shall grant, in conformity with the legislation of each country, temporary protection to patentable inventions, to industrial designs or models, and to trade-marks, for articles appearing at official or officially recognised international exhibitions organized in the territory of one of them.

Article XIV. shall run as follows:—

The present Convention shall be subjected to periodical revisions, with a view to introducing improvements calculated to perfect the system of the Union. To this end Conferences shall be successively held in one of the contracting States between the delegates of the said States.

Article XVI. shall run as follows:—

States which have not taken part in the present Convention shall be permitted to adhere to it at their request. Such adhesion shall be notified through the diplomatic channel to the Government of the Swiss Confederation, and by the latter Government to all the others. It shall imply complete accession to all the clauses, and admission to all the advantages stipulated by the present Convention, and shall become effective one month after the notification made by the Swiss Government has been sent to the other Unionist States, unless a later date has been indicated by the adhering State.