

1947
NEW ZEALAND

INTERNATIONAL ACCORD ON GERMAN PATENTS AND PROTOCOL

SIGNED IN LONDON ON 27 JULY 1946
BY THE REPRESENTATIVES OF CERTAIN
GOVERNMENTS, MEMBERS OF THE
INTER-ALLIED REPARATIONS AGENCY

Presented to both Houses of the General Assembly by Leave

THE CONFERENCE IN LONDON OF REPRESENTATIVES OF CERTAIN GOVERNMENTS, MEMBERS OF THE INTER-ALLIED REPARATIONS AGENCY, HAVING CONSIDERED THE QUESTION OF THE TREATMENT OF GERMAN-OWNED PATENTS, SIGNED THE INTERNATIONAL ACCORD ON GERMAN-OWNED PATENTS ON 22 JULY 1946.* A PROTOCOL TO THIS ACCORD WAS SIGNED IN LONDON ON 30 JULY 1947.

ACCORD

The Governments on whose behalf the present Accord is signed :

Desiring to make arrangements with regard to former German-owned patents in their possession or control :

Have agreed as follows :

Article 1

Subject to the provisions of the following Articles, each Government, party to this Accord, undertakes that all former wholly German-owned patents, issued by it and in its possession or control under the general law and regulations relating to German-owned property, which have not ceased or been dedicated to the public, shall be dedicated to the public or placed in the public domain or continuously offered for licensing without royalty to the nationals of all Governments, parties to this Accord.

Article 2

In cases where a Government, party to this Accord, makes available by the grant of licences or otherwise to its own nationals rights under patents in which there was formerly a German interest (other than the patents specified in Article 1), such rights shall be made available to the nationals of all Governments, parties to this Accord, on the same terms as to the nationals of that Government.

Article 3

Subject to the provision of Article 4, all licences granted in accordance with Article 1, and, in cases where the Government is not prevented by the terms of the patent, licence or other right which it acquires, all licences granted in accordance with Article 2 shall include the right to practise and exercise the inventions claimed in the patents, and to make, use and sell the products of the inventions regardless of where such products are manufactured.

* New Zealand became a party to this Accord on 22 November, 1946, by notifying the Government of the United Kingdom in terms of Article 9 of its acceptance thereof.

Article 4

The provisions of Articles 1 and 2 shall be subject to the right of each Government to take appropriate measures to protect and preserve proprietary, licence or other rights or interests in such patents which have been before the 1st August, 1946, lawfully granted to or acquired by any non-German. An exclusive licence granted before the 1st August, 1946, may be protected by declining to grant any new licence during the period of such exclusive licence, and a non-exclusive licence may be protected by imposing on new licensees the same terms as those imposed on the existing licensee.

Article 5

For the purposes of this Accord, each Government may treat as non-German-owned those patents, or interests in patents, belonging to persons in special classes (such as Germans residing outside Germany, German refugees, &c.) whose property that Government has exempted or may in the future exempt from its general law and regulations relating to German-owned property.

Article 6

In order to carry out the purposes of this Accord and to provide for the interchange of information through a central office, the Government of the French Republic will provide facilities for receiving and disseminating reports from Governments, parties to this Accord, and for notifying these Governments of matters of common interest under this Accord.

Article 7

Each Government, party to this Accord, shall furnish as soon as possible to the central office referred to in Article 6, for transmission to the other Governments, parties to this Accord, a list of all former wholly or partly German-owned patents, which are not available to the nationals of these Governments by way of dedication or royalty-free licences, together with a schedule of the licences and of non-German interests existing under or in those patents. In addition, the Governments, which can conveniently do so shall furnish a list of all such patents still in force which are licensable on a royalty-free basis and of all such patents as have ceased or been dedicated to the public.

Article 8

The present Accord shall remain open for signature in London on behalf of any Government represented at the Conference in London until the 31st December, 1946. The Government of the United Kingdom shall notify to all other Governments represented at the Conference the names of the Governments on whose behalf the Accord has been signed.

Article 9

The Government of any other member of the United Nations, or of any country which remained neutral during the second World War, may become a party to this Accord by notifying the Government of the United Kingdom of its acceptance thereof before the 1st January, 1947. The Government of the United Kingdom shall inform all Governments represented at the Conference in London on German-owned patents, or which have accepted this Accord under this Article, of all acceptances so notified.

Article 10

Any Government, party to this Accord, may extend the Accord to any of its colonies, overseas territories, or to any territories under its protection or jurisdiction or which it administers under mandate, by a notification addressed to the Government of the United Kingdom.

The Government of the United Kingdom shall inform all other Governments, party to this Accord, of any notification which it receives under this Article.

Article 11

This Accord shall come into force as soon as it has been signed or accepted by the Government of the French Republic, the United Kingdom, the United States of America and of four other countries.

In witness whereof the undersigned duly authorized thereto have signed the present Accord.

Done in London this 27th day of July, 1946, in English and French, both texts being equally authentic, in a single copy which shall remain deposited in the archives of the Government of the United Kingdom. The Government of the United Kingdom shall transmit certified copies of this Accord to all Governments represented at the Conference

in London on German-owned patents and to all Governments entitled to become a party to this Accord under the provisions of Article 9.

- For the Government of Belgium :
G. WALRAVENS.
- For the Government of Canada :
N. A. ROBERTSON.
- For the Government of Czechoslovakia :
MAX. LOBKOWICZ.
- For the Government of Denmark :
E. SCHRAM-NIELSEN.
- For the Government of the French Republic :
R. MONMAYOU.
E. MATHON.
- For the Government of Luxembourg :
A. J. CLASEN.
- For the Government of the Netherlands :
DYCKMEESTER.
- For the Government of Norway :
REIDAR SOLUM.
- For the Government of the Union of South Africa :
EUGENE K. SCALLON.
- 30th November, 1946
- For the Government of the United Kingdom :
HAROLD L. SAUNDERS.
B. G. CREWE.
- For the Government of the United States of America :
CASPER W. OOMS.

PROTOCOL

The Governments parties to the International Accord on German-owned Patents drawn up in London on 27th day of July, 1946 :

Desiring to amend in certain respects the aforesaid Accord :
Have agreed as follows :—

Article 1

Article 3 of the International Accord on German-owned Patents drawn up in London on 27th day of July, 1946, shall be amended by the deletion of the words “regardless of where such products are manufactured” and the insertion of the words “provided that such products are manufactured in a country or territory to which the Accord applies,” after the word “inventions.”

Article 2

Article 9 of the aforesaid Accord is amended by the substitution therefor of the following paragraphs:—

“The Government of any other member of the United Nations, or of any country which remained neutral during the Second World War, may also become a party to this Accord by notifying the Government of the United Kingdom of its acceptance thereof before 31st July, 1947. The Government of the United Kingdom shall inform all Governments represented at the Conference in London on German-owned Patents, or which have accepted this Accord under this Article, of all acceptances so notified.

“Any Government accepting this Accord between 1st January, 1947, and 31st July, 1947, undertakes that, in exercising the right provided for in Article 4, it will not protect or preserve rights or interests granted to or acquired by any non-German subsequently to 1st August, 1946.”

In witness whereof the undersigned, duly authorized thereto by their respective Governments, have signed the present Protocol.

Done in London this 30th day of July, 1947, in English and in French, both texts being equally authentic, in a single copy, which shall remain deposited in the archives of the Government of the United Kingdom.

The Government of the United Kingdom shall transmit certified copies of this Protocol to all Governments represented at the Conference in London on German-owned patents and to any Government which has become or is entitled to become a party to the Accord under the provisions of Article 9 thereof, as hereby amended.

For the Government of the Union of South Africa :

G. HEATON NICHOLLS.

For the Government of Belgium :

OBERT DE THIEUSIES.

For the Government of Bolivia :

NAPOLEON SOLARES.

For the Government of Canada :

L. Q. WILGRESS.

For the Government of Czechoslovakia :

B. J. RRATOCHVIL.

For the Government of Denmark :

WILHELM EICKHOFF.

For the Government of the Dominican Republic :

A. PASTORIZA.

- For the Government of Ecuador :
HOMERO VITERI LAFRONTE.
- For the Government of France :
R. MASSIGLI.
- For the Government of the United Kingdom :
ERNEST BEVIN.
- For the Government of Guatemala :
M. YDIGORAS FUENTES.
- For the Government of India :
M. K. VELLODI.
- For the Government of Iran :
SEUED HASSEN TAQIZADEH.
- For the Government of Iraq :
AMIR ZAID IBN AL-HUSSEIN.
- For the Government of Lebanon :
N. B. DIMECHKIE.
- For the Government of Luxembourg :
ANDRE CFASDN.
- For the Government of the Netherlands :
E. MICHIELS VAN VERDUYNEN.
- For the Government of New Zealand :
W. J. JORDAN.
- For the Government of Norway :
REIDAR SOLUM.
- For the Government of Poland :
JERZY BICHALOWSKI.
- For the Government of Syria :
NAJEEB AL-ARMANAZI.
- For the Government of Turkey :
F. VAL ACIKALIN.
- For the Government of U.S.A. :
LEWIS W. DOUGLAS.
- For the Government of Venezuela :
LUIS CABANA (*Ad Referendum*).

Approximate Cost of Paper.—Preparation, not given ; printing (508 copies), £14.

By Authority: E. V. PAUL, Government Printer, Wellington.—1947.

Price 6d.]