

Bilag A.Draft.

Agreement between His Majesty's Government in the United Kingdom and the Government of Denmark relating to certain rights in respect of Industrial Property which have been affected by the war.

London, 1946.

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Denmark desiring to re-establish certain rights in respect of industrial property which have been affected by the war, have agreed as follows:

Article 1.

1. Nationals of the contracting Governments, on request made within a period of 12 months commencing from the coming into force of the present Agreement and without supplementary fee or penalty, may obtain —
 - a) restoration of the priority rights stipulated in Article 4 of the International Industrial Property Convention of Paris of the 20th March, 1883, as revised at London on the 2nd June, 1934, for the deposit of applications for patents or for the registration of trade marks and industrial designs or models, which had not expired on the 3rd September, 1939, and of the priority rights which have arisen during the war or might have arisen if the war had not taken place;
 - b) restoration of their applications for patents, or for the registration of trade marks and industrial designs or models, deemed to have been abandoned or expired since the 3rd September, 1939, on condition of the accomplishment of all acts, of the fulfilment of all formalities, of the payment of all taxes and generally of the fulfilment of all obligations prescribed by the laws and regulations of each country for obtaining or maintaining in force rights of industrial property;
 - c) restoration of rights of industrial property which have expired since the 3rd September, 1939, in consequence of failure to accomplish any act, to fulfil any formality or to make any payment of fees, on condition that the said act, formality or payment is accomplished, fulfilled or made.
2. a) The restoration of a patent or design pursuant to paragraph 1 of this Article shall not entitle the patentee or registered proprietor of the design to commence any proceedings or recover any damage in respect of any infringement of the patent or design during the period after the date when the patent or the design registration ceased and before the date of restoration. Nevertheless, third parties who have *bona fide* commenced the exploitation of inventions or of industrial designs or models before the date of restoration, may obtain a non-exclusive licence for such exploitation after the date of restoration. In default of agreement between the parties, the conditions of the licence shall be fixed in accordance with the respective laws of the contracting Governments.
 - b) The period of twelve months provided for in paragraph 1 of this article may be extended subject to conditions which shall be fixed by agreement between the two contracting Governments.