

U. S. Treaties, etc.

United States Treaties and Other International Agreements.



VOLUME 12

IN THREE PARTS

Part 1

1961

AGREEMENT FOR THE MUTUAL SAFEGUARDING OF
SECURITY OF INVENTIONS RELATING TO DEFENCE AND
FOR WHICH APPLICATIONS FOR PATENTS HAVE BEEN
MADE

The Governments of Belgium, Canada, Denmark, France, The Federal Republic of Germany, Greece, Italy, Luxembourg, The Netherlands, Norway, Portugal, Turkey, The United Kingdom and The United States of America,

Parties to the North Atlantic Treaty signed in Washington on 4th April, 1949; [¹]

desirous of encouraging economic collaboration between any or all of their Governments, as agreed in Article 2 of the Treaty;

mindful of the undertaking they have entered into under the terms of Article 3, to maintain and develop, by means of continuous and effective self-help, their individual and collective capacity to resist armed attack;

considering that the imposition of secrecy on an invention relating to defence in one of the North Atlantic Treaty Organization countries has generally as its corollary, when a patent has been applied for, or granted, the prohibition to apply for a patent for the same invention in other countries, including North Atlantic Treaty Organization countries;

considering that the territorial limitation resulting from this prohibition may cause prejudice to the applicants for patents and consequently adversely affect economic collaboration between North Atlantic Treaty Organization countries;

considering that mutual assistance makes desirable reciprocal communication of inventions relating to defence and that in some cases such communication may be obstructed by this prohibition;

considering that if the Government originating the prohibition is prepared to authorise the filing of an application for a patent in one or more of the other North Atlantic Treaty Organization countries, provided that the Governments of these countries also impose secrecy on the invention, the latter should not be free to refuse to impose secrecy;

considering that provision has been made between the Governments of the Parties to the North Atlantic Treaty for the mutual protection and safeguarding of the classified information they may interchange;

Have agreed as follows:

¹ TIAS 1964; 63 Stat., pt. 2, p. 2241.

ARTICLE I

The Governments Parties to this Agreement shall safeguard and cause to be safeguarded the secrecy of inventions for which applications for patents have been received under agreed procedures whenever the secrecy has been imposed on such inventions in the interests of national defence by the Government, hereinafter referred to as the "originating Government", which was the first to receive an application for a patent covering these inventions.

Provided that this provision shall not prejudice the right of the originating Government to prohibit the filing of an application for a patent for the invention with one or more of the other Governments Parties to this Agreement.

The Governments Parties to this Agreement agree to develop such operational procedures as may be required to effectuate this Article.

ARTICLE II

The provisions of Article I shall be applied at the request either of the originating Government, or of the applicant for the patent, provided that the latter produces evidence that secrecy has been imposed by the originating Government and that he has received authorisation from that Government to file his application for a secret patent in the country in question.

ARTICLE III

The Government called upon to safeguard the secrecy of an invention under the terms of Article I shall be entitled to demand from the applicant for the patent a waiver of any claim to compensation for loss or damage due solely to the imposition of secrecy on the invention as a condition prerequisite to the application of such safeguard.

ARTICLE IV

The secrecy measures imposed under Article I shall be removed only on the request of the originating Government. This Government shall give the other Governments concerned six weeks' notice of its intention to remove its own measures.

The originating Government shall take into account as far as possible, having due regard to the security of the North Atlantic Treaty Organization, the representations made by other Governments within the said six weeks' period.

ARTICLE V

This Agreement shall not prevent the signatory Governments from entering into bilateral agreements for the same purpose. Existing bilateral agreements shall remain unaffected.

ARTICLE VI

The instruments of ratification or approval of this Agreement shall be deposited as soon as possible with the Government of the United States of America which will inform each signatory Government of the date of deposit of each instrument.

This Agreement shall enter into force [1] 30 days after deposit by two signatory Parties of their instruments of ratification or approval. It shall enter into force for each of the other signatory Parties 30 days after the deposit of its instrument of ratification or approval.

ARTICLE VII

This Agreement may be denounced by any contracting Party by written notice of denunciation given to the Government of the United States of America which will inform all the other signatory Parties of such notice. Denunciation shall take effect one year after receipt of notification by the Government of the United States of America but shall not affect obligations already contracted and the rights or prerogatives previously acquired by the signatory Parties under the provisions of this Agreement.

In witness whereof the undersigned Representatives duly authorised thereto, have signed this Agreement.

¹ Jan. 12, 1961.

Fait à PARIS, le 21 Septembre 1960 en français et en anglais, les deux textes faisant également foi, en un exemplaire unique qui restera déposé dans les archives du Gouvernement des Etats - Unis d'Amérique et dont copie certifiée conforme sera transmise par ce Gouvernement à chacun des autres Gouvernements signataires.

Done in PARIS this 21st day of September 1960 in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the United States of America which will transmit a duly certified copy to the Governments of the other signatory Parties.

Pour le Royaume de Belgique:
For the Kingdom of Belgium:

ANDRÉ DE STAERCKE

Pour le Canada:
For Canada:

JULES LÉGER

Pour le Royaume de Danemark:
For the Kingdom of Denmark:

M.A. WASSARD

Pour la France:
For France:

PIERRE DE LEUSSE

Pour la République Fédérale d'Allemagne:
For the Federal Republic of Germany:

WALTHER

Pour le Royaume de Grèce:
For the Kingdom of Greece:

M.C MÉLAS

Pour l'Italie:
For Italy:

A. ALESSANDRINI

Pour le Grande-Duché de Luxembourg:
For the Grand Duchy of Luxembourg:

PAUL REUTER

Pour le Royaume des Pays-Bas:
For the Kingdom of the Netherlands:

J A. DE RANITZ
(pour le Royaume tout entier)

Pour le Royaume de Norvège:
For the Kingdom of Norway:

JENS BOYESEN

[Instrument of ratification deposited December 13, 1960.]

Pour le Portugal:
For Portugal:

A DE FARIA

Pour la Turquie:
For Turkey:

M NURI BIRGI

Pour le Royaume-Uni de Grande-
Bretagne et d'Irlande du
Nord:

For the United Kingdom of
Great Britain and Northern
Ireland:

FRANK K ROBERTS

Pour les Etats-Unis d'Amérique:
For the United States of America:

JOSEPH J WOLF

[Instrument of approval deposited December 8, 1960.]

I CERTIFY THAT the foregoing is a true copy of the Agreement for the Mutual Safeguarding of Secrecy of Inventions Relating to Defence and for which Applications for Patents have been made, signed in the English and French languages at Paris on September 21, 1960, the signed original of which is deposited in the archives of the Government of the United States of America.

IN TESTIMONY WHEREOF, I, CHRISTIAN A. HERTER, Secretary of State of the United States of America, have hereunto caused the seal of the Department of State to be affixed and my name subscribed by the Authentication Officer of the said Department, at the city of Washington, in the District of Columbia, this thirty-first day of October, 1960.

[SEAL]

CHRISTIAN A. HERTER
Secretary of State

By BARBARA HARTMAN
Authentication Officer
Department of State

ARTICLE VI

Les instruments de ratification ou d'approbation du présent Accord seront déposés aussitôt que possible auprès du Gouvernement des Etats-Unis d'Amérique qui notifiera la date de ces dépôts à chaque Gouvernement signataire.

Le présent Accord entrera en vigueur 30 jours après le dépôt par deux Etats signataires de leurs instruments de ratification ou d'approbation. Il entrera en vigueur pour chacun des autres Etats signataires 30 jours après le dépôt de son instrument de ratification ou d'approbation.

ARTICLE VII

Le présent Accord pourra être dénoncé par chaque Partie contractante au moyen d'une notification écrite de dénonciation adressée au Gouvernement des Etats-Unis d'Amérique qui informera toutes les autres Parties contractantes de cette notification. La dénonciation prendra effet un an après réception de sa notification par le Gouvernement des Etats-Unis d'Amérique. Toutefois, elle n'affectera pas les obligations contractées et les droits ou facultés acquis antérieurement par les Parties contractantes en vertu des dispositions du présent Accord.

En foi de quoi, les Représentants soussignés, dûment autorisés à cet effet, ont signé le présent Accord.