

AGREEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF INDIA RESPECTING THE RECIPROCAL PROTECTION OF THE PRIORITY OF PATENTS OF INVENTION

The GOVERNMENT OF CANADA and the GOVERNMENT OF INDIA,

Desiring to protect the priority of patents of invention, on a reciprocal basis,

have agreed as follows:—

ARTICLE I

The Government of Canada shall grant to citizens of India and to bodies incorporated or registered in India under any law in force in India relating to the registration or incorporation of companies or corporations, the benefits of section 29 of the Patent Act, chap. 203 of the Revised Statutes of Canada, 1952, whereby an application for a patent for an invention filed in Canada by any of these persons who has or whose agent or legal representative has previously regularly filed an application for patent for the same invention in India shall have the same force and effect as the same application would have if filed in Canada on the date on which the application for patent for the same invention was first filed in India,—provided the application in Canada is filed within twelve months from the earliest date on which such application was filed in India.

ARTICLE II

The Government of India shall grant to citizens of Canada, and to bodies incorporated or registered in Canada under any law in force in Canada relating to the registration or incorporation of companies or corporations, the benefits of section 78A of the Indian Patents and Designs Act, 1911, whereby an application for a patent for an invention filed in India by any of these persons who has or whose agent or legal representative has previously regularly filed an application for patent for the same invention in Canada shall have the same force and effect as the same application would have if filed in India on the date on which the application for a patent for the same invention was first filed in Canada,—provided the application in India is filed within twelve months from the earliest date on which such application was filed in Canada.

ARTICLE III

The implementation of these reciprocal arrangements shall be governed by the procedural and other applicable provisions of the legislations referred to in Articles I and II above.

ARTICLE IV

This Convention shall come into force three months after signature— at which time the appropriate notifications concerning these arrangements shall have been published respectively in the Canada Gazette and the Gazette of India—and shall be applicable to applications first filed in India (and claiming a Canadian Priority date) and to applications first filed in Canada (and claiming an Indian Priority date) on or after the date on which the Convention shall come into force.