

AGREEMENT BETWEEN CANADA AND FRANCE CONCERNING THE RESTORATION OF INDUSTRIAL PROPERTY RIGHTS AFFECTED BY WORLD WAR II

The Government of Canada and the Government of the French Republic

Desiring to settle questions of industrial property rights which have arisen between the two countries as a result of the war and, in particular, to extend priority rights in patent matters and also the time required to comply with formalities concerning patents and applications for patents,

Have agreed as follows:

ARTICLE I

Applications for patents, properly drawn up, filed by Canadian citizens with the French ministry of Industry and Commerce prior to November 16, 1947, and supported by a priority claim as provided by Article 4 of the Union Convention signed at Paris in 1883 for the Protection of Industrial Property, as subsequently modified or supplemented, shall be considered valid if the priority rights to which they are related had not expired on September 3, 1939 or if such rights have come into being since that date.

ARTICLE II

Applications for patents already filed by Canadian citizens unsupported by the priority claims specified in Article I above will enjoy the benefit of such priority claims if the applicants or their beneficiaries have filed such applications before May 16, 1948.

ARTICLE III

The documents required to support such priority claims filed according to Articles I and II above shall be considered to have been duly filed if filed prior to August 16, 1948.

ARTICLE IV

The term of patents issued under this Agreement shall not exceed twenty-two years from the day on which the application used as a basis for a priority claim has been filed. The normal due dates of annual fees provided by the French law shall remain unchanged.

The amount of the annual fees relating to the twenty-first and twenty-second years of the term of patents shall be equal to the amount required in respect of the twentieth year.

ARTICLE V

Nothing in the present Agreement shall be construed to extend the time for filing requests for extensions of the duration of patents authorized by the French laws concerning exceptional extension of the duration of patents on account of the war.