

In the case of patents, the contracting countries further undertake, either to increase the above-mentioned extension of time to not less than six months, or to provide for the restoration of a patent which has expired by reason of the non-payment of fees, subject in each case to the conditions prescribed by the domestic legislation.

#### ARTICLE 5ter

In each of the contracting countries the following shall not be considered as infringements of the rights of a patentee.

1. The use on board vessels of other countries of the Union of a patented invention in the body of the vessel, in the machinery, tackle, apparatus and other accessories, when such vessels penetrate temporarily or accidentally into the territorial waters of the country, provided that such invention is used exclusively for the actual needs of the vessel.
2. The use of a patented invention in the construction or working of aircraft or land vehicles of other countries of the Union, or of the accessories to such aircraft or vehicles, when such aircraft or vehicles penetrate temporarily or accidentally into the country.

#### ARTICLE 6

Every trade mark duly registered in the country of origin shall be admitted for deposit and protected in its original form in the other countries of the Union. Nevertheless, registration of the following may be refused or cancelled:—

1. Marks which are of such a nature as to infringe rights acquired by third parties in the country where protection is claimed.
2. Marks which have no distinctive character, or which consist exclusively of signs or indications which serve in trade to designate the kind, quality, quantity, destination, value, place of origin of the goods or date of production, or which have become customary in the current language, or in the *bona fide* and recognized customs of the trade of the country where protection is claimed.

In arriving at a decision as to the distinctive character of a mark, all the circumstances of the case must be taken into account, including the length of time during which the mark has been in use.

3. Marks which are contrary to morality or public order.

It is understood that a mark cannot be considered as contrary to public order for the sole reason that it does not conform to some stipulation of the laws concerning marks, except where such stipulation itself relates to public order.

Shall be considered as the country of origin:

The country of the Union where the depositor has a real and effective industrial or commercial establishment; if he has not such an establishment, the country of the Union where he is domiciled, and if he is not domiciled in the Union the country of his nationality if he is a person within the jurisdiction of one of the countries of the Union.

In no case shall the renewal of the registration of a mark in the country of origin involve the obligation to renew the registration of the mark in other countries of the Union where it has been registered.

The benefits of priority shall be accorded to applications for the registration of marks deposited within the period fixed by Article 4, notwithstanding the fact that registration in the country of origin may not be completed until after the expiration of such period.