

ARTICLE 4 bis

1. Patents applied for in the various countries of the Union by persons entitled to the benefits of the Union shall be independent of the patents obtained for the same invention in the other countries, whether members of the Union or not.

2. This stipulation must be strictly interpreted, for example, it shall be understood to mean that patents applied for during the period of priority are independent, in respect of the grounds for refusal and for revocation, as well as in respect of their normal duration.

3. The stipulation applies to all patents existing at the time when it comes into effect.

4. Similarly it shall apply, in the case of the accession of new countries, to patents in existence either on one side or the other at the time of accession.

5. Patents obtained with the benefit of priority shall enjoy in the various countries of the Union a duration equal to that which they would have enjoyed if they had been applied for or issued without the benefit of priority.

ARTICLE 4 ter

The inventor has the right to be mentioned as such in the patent.

ARTICLE 5

A. 1. The importation by the patentee into the country where the patent has been granted of articles manufactured in any of the countries of the Union shall not entail revocation of the patent.

2. Nevertheless each of the countries of the Union shall have the right to take the necessary legislative measures to prevent the abuses which might result from the exercise of the exclusive rights conferred by the patent, for example, failure to work.

3. These measures shall not provide for the revocation of the patent unless the grant of compulsory licences is insufficient to prevent such abuses.

4. In any case, an application for the grant of a compulsory licence may not be made before the expiration of three years from the date of the issue of the patent, and this licence may only be granted if the patentee is unable to justify himself by legitimate reasons. No proceedings for the revocation of a patent may be instituted before the expiration of two years from the date of the granting of the first compulsory licence.

5. The foregoing provisions shall be applicable, *mutatis mutandis*, to utility models.

B. The protection of industrial designs and models may not, under any circumstances, be liable to revocation either by reason of non-working or by reason of the importation of articles corresponding to those which are protected.

C. 1. If, in any country, the utilization of a registered trade mark is compulsory, registration cannot be cancelled until after a reasonable period has elapsed, and then only if the person interested cannot justify the causes of his inaction.

2. The use of a trade mark by the proprietor in a form differing in elements which do not alter the distinctive character of the mark from the form in which it was registered in one of the countries of the Union shall not involve cancellation of the registration, and shall not prejudice the protection granted to such mark.