



CANADA

TREATY SERIES 1960 No. 17 RECUEIL DES TRAITÉS

ATOMIC ENERGY

Amendment to an Agreement between

CANADA and the UNITED STATES OF AMERICA

cooperation) et une énergie

Signed at Washington June 11, 1960

In force July 14, 1960

ÉNERGIE ATOMIQUE

Modification d'un Accord entre le CANADA
et les ÉTATS-UNIS D'AMÉRIQUE

Signé à Washington le 11 juin 1960

En vigueur le 14 juillet 1960

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**AMENDMENT TO THE AGREEMENT FOR CO-OPERATION CONCERNING CIVIL
USES OF ATOMIC ENERGY BETWEEN THE GOVERNMENT OF CANADA
AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA**

The Government of Canada and the Government of the United States of America,

Desiring to amend the Agreement for Co-operation Concerning Civil Uses of Atomic Energy Between the Government of Canada and the Government of the United States of America signed at Washington on June 15, 1955⁽¹⁾ (hereinafter referred to as the "Agreement for Cooperation"), as amended by the Agreement signed at Washington on June 26, 1956,⁽²⁾ and as modified by the Agreement signed at Washington on May 22, 1959,⁽³⁾

Agree as follows:

ARTICLE I

Notwithstanding the provisions of Article I of the Agreement for Co-operation, that Agreement, as amended, shall remain in force for a period of twenty years from the date this Amendment enters into force.

ARTICLE II

Article VI A of the Agreement for Co-operation is amended as follows:

1. In the first sentence a comma is inserted after the word "sell" and the phrase "lease, or, subject to required governmental authorizations, loan" is inserted directly thereafter.
2. In the second sentence a comma is inserted after the word "sell" and the phrase "lease, or loan" is inserted directly thereafter.
3. In the second paragraph the word "purchased" is deleted and the word "received" is substituted in lieu thereof.

ARTICLE III

The second sentence of Article VI C of the Agreement for Co-operation is amended by deleting the phrase "sell to Atomic Energy of Canada Limited," and substituting in lieu thereof the phrase "transfer to Atomic Energy of Canada Limited, by sale, lease, or, subject to required governmental authorizations, loan".

ARTICLE IV

1. Subparagraph (1) of Article IX A of the Agreement for Co-operation is amended by inserting a comma after the word "license" and by deleting the phrase "for its own governmental purposes and for purposes of mutual defense" and substituting in lieu thereof the phrase "with the right to grant sublicenses, for all purposes"

⁽¹⁾ Canada Treaty Series 1955, No. 16.

⁽²⁾ Canada Treaty Series 1957, No. 8.

⁽³⁾ Canada Treaty Series 1959, No. 16.

(Traduction)

MODIFICATION DE L'ACCORD DE COOPÉRATION CONCERNANT LES EMPLOIS CIVILS DE L'ÉNERGIE ATOMIQUE ENTRE LE GOUVERNEMENT DU CANADA ET LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE

Le Gouvernement du Canada et le Gouvernement des États-Unis d'Amérique,

Désirant modifier l'Accord de coopération concernant les emplois civils de l'énergie atomique entre le Gouvernement du Canada et le Gouvernement des États-Unis, signé à Washington le 15 juin 1955,⁽¹⁾ (ci-après désigné «l'Accord de coopération») et modifié par l'Accord signé à Washington le 26 juin 1956⁽²⁾ et par l'Accord signé à Washington le 22 mai 1959,⁽³⁾

Sont convenus de ce qui suit:

ARTICLE I

Nonobstant les dispositions énoncées à l'Article I de l'Accord de coopération, ledit Accord, dans sa version modifiée, demeurera en vigueur pendant vingt ans, à compter de la date où s'appliquera la présente Modification.

ARTICLE II

Les modifications ci-après sont apportées au paragraphe A de l'Article VI:

1. Insertion, à la première phrase, après le mot «vendra», d'une virgule et des termes «louera ou, sous réserve des autorisations gouvernementales nécessaires, prêtera».
2. A la deuxième phrase, après le mot «vendra», insertion d'une virgule et des termes ci-après «louera ou prêtera».
3. Substitution, dans le deuxième paragraphe, du mot «reçu» au mot «acheté».

ARTICLE III

La deuxième phrase de l'Article VI, paragraphe C, de l'Accord de coopération est ainsi modifiée: les termes «vendra aussi à Énergie atomique du Canada, limitée,» sont supprimés et remplacés par «transférera à Énergie atomique du Canada, limitée, par vente, bail ou, sous réserve des autorisations gouvernementales nécessaires, par prêt».

ARTICLE IV

1. L'alinéa 1 de l'Article IX, paragraphe A de l'Accord de coopération, est ainsi modifié: les termes «pour ses propres fins gouvernementales et pour les fins de la défense mutuelle» sont supprimés et remplacés par «comportant le droit d'octroyer des sous-licences à toutes fins».

⁽¹⁾ Recueil des Traités 1955 n° 16.

⁽²⁾ Recueil des Traités 1957 n° 8.

⁽³⁾ Recueil des Traités 1959 n° 16.

2. The first sentence of subparagraph (2) of Article IX A of the Agreement for Co-operation is amended to read as follows:

"(2) As to its right, title, and interest in and to any such invention, discovery, patent application, or patent in its own or third countries will, upon request of the other party, grant to the other party a royalty-free, non-exclusive, irrevocable license, with the right to grant sublicenses, for all purposes in all such countries."

3. The following new paragraph is added to Article IX:

"C. With respect to inventions or discoveries made or conceived in circumstances other than those provided for in paragraph A of this Article, it is agreed that additional mutual specific patent arrangements may be made."

ARTICLE V

This Amendment shall enter into force on the date of receipt by the Government of Canada of a notification from the Government of the United States of America that all statutory and constitutional requirements of the Government of the United States of America for the entry into force of such amendment have been complied with, and it shall remain in force for the period of the Agreement for Co-operation, as amended.

IN WITNESS WHEREOF, the undersigned, duly authorized, have signed this Amendment.

DONE at Washington, in duplicate, this eleventh day of June 1960.

For the Government of Canada,

A. D. P. HEENEY

For the Government of the United States of America,

FOY D. KOHLER
JOHN A. McCONE

ARTICLE VI

1. Subparagraph (1) of Article IX A of the Agreement for Co-operation¹⁰,¹¹ is amended by deleting the word "and" and inserting the word "but" before the phrase "co-operative purposes".

¹⁰ Canada Treaty Series 1956, No. 16, 31 in 2891.
¹¹ Canada Treaty Series 1957, No. 8, 8 in 1601.
¹² Canada Treaty Series 1959, No. 18, 31 in 2891.

2. La première phrase de l'alinéa 2, Article IX, paragraphe A, est remplacée par celle-ci:

«(2) Quant à ses droits, titres et participations relatifs à ladite invention ou découverte ou à toute demande de brevet ou tout brevet dans son propre pays ou dans des pays tiers, elle accordera à l'autre partie, sur demande de celle-ci, une licence franche de redevances, non exclusive, irrévocable et comportant le droit d'octroyer des sous-licences à toutes fins dans tous ces pays.»

3. Un nouveau paragraphe est ajouté à l'Article IX:

«C. Des arrangements supplémentaires mutuels et précis touchant les brevets pourront être conclus en ce qui aura trait aux inventions ou découvertes effectuées dans des circonstances non prévues au paragraphe A du présent Article.»

ARTICLE V

La présente Modification entrera en vigueur à la date où le Gouvernement du Canada sera notifié par le Gouvernement des États-Unis d'Amérique que toutes ses exigences juridiques et constitutionnelles auront été satisfaites à cet égard, et le demeurera pendant toute la durée de l'Accord de coopération modifié.

EN FOI DE QUOI, les soussignés, dûment autorisés, ont signé la présente Modification.

FAIT à Washington en double exemplaire le 11 juin 1960.

Pour le Gouvernement du Canada,
A. D. P. HEENEY

Pour le Gouvernement des États-Unis d'Amérique,
FOY D. KOHLER
JOHN A. McCONE

1980 Nov 17

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Article (2) of Article IV of the Agreement
 is amended to read as follows: "Article IV
 of the Agreement is amended to provide that the
 Convention, which is binding on the signatory countries and
 third countries, shall be open to signature by other
 countries which have not yet become members of
 the Convention, and that any other party
 which has signed the Convention may exercise
 the right to become a member of the Convention."
 (s) GENEVIEVE DUBREUIL, Secretary General

The following Article is added after Article IV:

C. With regard to Article VI, it is agreed that the Convention shall be open to signature by other countries which have not yet become members of the Convention, and that any other party which has signed the Convention may exercise the right to become a member of the Convention. The Convention shall remain in force until such time as all countries which have not yet become members of the Convention have ratified it.

ARTICLE V

Article V

This Amendment shall enter into force on the date of receipt by the Government of Canada of the instrument of ratification or acceptance of the Convention by the Government of Canada. It shall remain in force until such time as all countries which have not yet become members of the Convention have ratified it.

Done at Washington in the year 1960.
 This is the original instrument of ratification of the Convention by the Government of Canada.

Done at Washington in the year 1960.

Government of Canada,

A. D. P. HEENEY A. D. P. HEENEY

John A. McCone, United States of America.

JOHN A. McCONE ROY D. KOHLER JOHN A. McCONE

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CANADA

TREATY SERIES 1960 No. 18 RECUEIL DES TRAITSÉS

SCIENCE

Exchange of Notes Between Canada
and the

No. 18 was not assigned to
Ottawa, Aug. 24, 1960
any document in the year
In force Aug. 24, 1960 of this Series.

SCIENCE

Échange de Notes entre le Canada
et les États-Unis d'Amérique

Ottawa, le 24 août 1960

En vigueur le 24 août 1960

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