
Article 1
(1) The countries to which the present Convention applies constitute themselves into a Union for the protection of industrial property.
(2) The protection of industrial property is concerned with patent, utility models, industrial designs, trademarks, trade names, and indications of source or appellations of origin, and the repression of unfair competition.
(3) Industrial property shall be understood in the broadest sense and shall apply not only to industry and commerce proper, but likewise to agricultural and extractive industries and to all manufactured or natural products; for example, wines, grain, tobacco leaf, fruit, cattle, minerals, mineral water, beer, flowers and flour.
(4) The term "patent" shall include the various kind of industrial patent recognized by the law of the countries of the Union, such as patents of importation, patents of improvement, patents and certificates of addition, etc.

Article 2
(1) Nationals of each of the countries of the Union shall, as regards the protection of industrial property, enjoy in all the other countries of the Union the advantages that their respective laws now grant, or may hereafter grant, to nationals, without prejudice to the rights specially provided by the present Convention. Consequently, they shall have the same protection as the latter, and the same legal remedy against any infringement of their rights, provided they observe the conditions and formalities imposed upon nationals.
(2) However, no condition as to the possessions of a domicile or establishment in the country where protection is claimed may be required of persons entitled to the benefits of the Union for the enjoyment of any industrial property rights.
(3) The provisions of the laws of each of the countries of the Union relating to judicial and administrative procedure and to jurisdiction, and to the election of domicile or the designation of an agent, which may be required by the laws on industrial property, are expressly reserved.

Article 3
Nationals of countries not forming part of the Union, who are domiciled or who have real and effective industrial or commercial establishments in the territory of one of the countries of the Union, are treated in the same manner as nationals of the countries of the Union.

Article 4
A.1. A person who has duly filed an application for a patent, or for the registration of a utility model, or of an industrial design, or of a trademark, in one of the countries of the Union, or his successors in title, shall enjoy, for the purposes of filing in the other countries, a right of priority during the periods hereinafter stated.
A.2. Every filing that is equivalent to a regular national filing under the domestic law of any country of the Union, or under international treaties concluded between several countries of the Union shall be recognised as giving rise to a right of priority.

B. Consequently, the subsequent filing in any of the other countries of the Union before the expiration of those periods shall not be invalidated through any acts accomplished in the interval, as, for instance, by another filing, by publication or exploitation of the invention, by the putting on sale of copies of the design or model, or by use of the mark, and these acts cannot give rise to any right of third parties, or of any personal possession. Rights acquired by third parties before the date of the first application which serves as the basis for the right of priority are reserved under the domestic legislation of each country of the Union.

C.1. The above-mentioned periods of priority shall be twelve months for patents and utility models, and six months for industrial design and for trademarks.

C.2. These periods shall start from the date of filing of the first application; the day of filing shall not be included in the period.

C.3. If the last day of the period is an official holiday, or a day when the Office is not open for the filing of applications, in the country where protection is claimed, the period shall be extended until the first following working day.

D.1. Any person desiring to take advantage of the priority of a previous filing be required to make a declaration indicating the date of such filing and the country in which it was made. Each country will determine the latest permissible date for making such declaration.

D.2. These particulars shall be mentioned in the publications issued by the competent authority, and in particular in the patents and the specifications relating thereto.

D.3. The countries of the Union may require any person making a declaration of priority to produce a copy of the application (specification, drawings, etc.) previously filed. The copy, certified as correct by the authority which received the application, shall not require any authentication, and may in any case be filed, without fee, at any time within three months of the filing of the subsequent application. They may require it to be accompanied by a certificate from the same authority showing the date of filing, and by a translation.

D.4. No other formalities may be required for the declaration of priority at the time of filing the application. Each of the countries of the Union shall decide what consequences shall follow the omission of the formalities prescribed by the present Article, but such consequences shall in no case go beyond the loss of the right of priority.

D.5. Subsequently, further proof may be required.

E.1. Where an industrial design is filed in a country by virtue of a right of priority based on the filing of a utility model the period of priority shall be only that fixed for industrial designs.
E.2. Furthermore, it is permissible to file a utility model in a country by virtue of a right of priority based on the filing of a patent application, and vice versa.

F. No country of the Union may refuse a patent application on the ground that it contains multiple priority claims, provided that there is unity of invention within the meaning of the law of the country.

G. If examination reveals that an application for a patent contains more than one invention, the applicant may divide the application into a certain number of divisional applications and preserve as the date of each the date of the initial application and the benefit of the right or priority, if any.

H. Priority may not be refused on the ground that certain elements of the invention for which priority is claimed do not appear among the claims formulated in the application in the country of origin, provided that the application documents as a whole specifically disclose such elements.

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 patents obtained for the same invention in other countries, whether members of the Union or not.
(2) This provision is to be understood in an unrestricted sense, in particular, in the sense that patents applied for during the period of priority are independent, both as regards the grounds for invalidation and for forfeiture and as regards their normal duration.
(3) The provision shall apply 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 patent in existence on either side at the time of accession.
(5) Patents obtained with the benefit of priority shall have in the various countries of the Union a duration equal to that which they would have had if they had been applied for or granted without the benefit of priority.

Article 4 ter
The inventor shall have 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 article manufactured in any of the countries of the Union shall not entail forfeiture of the patent.
(2) Nevertheless, each country of the Union shall have the right to take the necessary legislative measures to prevent the abuses which might result from the exclusive rights conferred by the patent, for example, failure to work.
(3) These measures shall not provide for the forfeiture of the patent unless the grant of compulsory licenses 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 grant of the patent, and this licence may be granted only if the patentee fails to justify himself
by legitimate reasons. No proceedings for the forfeiture or revocation of a patent may be instigated before the expiration of two years from the grant of the first compulsory licence.

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

B. The protection of industrial designs shall not, under any circumstance, be liable to any forfeiture either by reasons of failure to work or by reason of the importation of article corresponding to those which are protected.

C.

(1) If, in any country, the use of a registered trademark is compulsory, the registration shall not be cancelled until after a reasonable period, and then only if the person concerned cannot justify his inaction.

(2) The use of a trademark by the proprietor in a form differing in elements which do not alter the distinctive character of the mark in the form in which it was registered in one of the countries of the Union, shall not entail invalidation of the registration and shall not diminish the protection granted to the mark.

(3) The concurrent use of the same mark on identical or similar goods by industrial or commercial establishments considered as co-proprietors of the mark according to the provisions of the national law of the country where protection is claimed, shall not prevent the registration or diminish in any way the protection granted to the mark in any country of the Union, provided the use does not result in misleading the public and is not contrary to the public interest.

D. No indication or mention of the patent, of the utility model, of the registration of the trademark, or of the deposit of the industrial design shall be required upon the product as a condition of recognition of the right to protection.

Article 5 bis

(1) A period of grace of not less than three months shall be allowed for the payment of the prescribed fees for the maintenance of industrial property rights, subject to the payment of a surcharge, if the domestic law so provides.

(2) In the case of patents, the countries of the Union further undertake, either to increase the period of grace to not less than six months, or to provide for the restoration of a patent which has lapsed by reason of the non-payment of fees, such measures being subject in each case to the conditions prescribed by the domestic legislation.

Article 5 ter

In each of the countries of the Union 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 devices forming the subject of this patent in the body of the vessel, in the machinery, tackle, gear and other accessories, when such vessels temporarily or accidentally enter the waters of a country, provided that such devices are used there exclusively for the needs of the vessel;

(2) the use of devices forming the subject of the patent in the construction or operation of aircraft or land vehicles of other countries of the Union, or of
accessories to such aircraft or land vehicles, when those aircraft or land vehicles
temporarily or accidentally enter the country.

Article 6
A. Every trademark duly registered in the country of origin shall be accepted for
filling and protected in its original form in the other countries of the Union,
subject to the reservations indicated below. These countries may, before
proceeding to final registration, require the production of a certificate of
registration in the country of origin, issued by the competent authority. No
authentication shall be required for this certificate.
B. (1) Nevertheless, registration of the following may be refused or invalidated:
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 are devoid of any distinctive character, or consist exclusively of
signs or indications which may serve in trade to designate the kind, quality,
quantity, intended purpose, value, or place of origin of the goods or time of
production, or have become customary in the current language or in the bona fide
and established practices 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 factual
circumstances must be taken into consideration, particularly the length of time the
mark has been in use;
3) marks which are contrary to morality or public order, in particular those of such a
nature as to deceive the public. It is understood that a mark may not be considered
contrary to public order for the sole reason that it does not conform to provisions of
the law relating to trade marks, except where such provisions itself relates to public
order.
(2) Trademarks shall not be refused in the other countries of the Union for the sole
reason that they differ from the marks protected in the country of origin only by
elements that do not alter the distinctive character and do not affect the identity of
the marks in the form in which these have been registered in the said country of
origin.
C. The country of the Union where the applicant has a real and effective industrial
or commercial establishment, or, if he has not such an establishment, the Union
country where he has his domicile, or if he has no domicile in the Union, the country
of his nationality if he is a national of a Union country, shall be considered his
country of origin.
D. When a trademark has been duly registered in the country of origin and then in
one or more of the other countries of the Union, each of these rational marks shall be
considered, from the date of its registration, as independent of the mark in the
country of origin, provided it conforms to the domestic legislation of the country of
importation.
E. In no case shall the renewal of the registration of a mark in the country of origin
involve the obligation to renew the registration in the other Union countries where
the mark has been registered.
FL The benefit of priority shall be accorded to applications for the registration of
marks filed within the period fixed by Article 4, even when registration in the
country of origin does not occur until after the expiration such period.

Article 6 bis
(1) The countries of the Union undertake, either administratively if their legislation so permits, or at the request of an interested party, to refuse or to cancel the registration of a trademark which constitutes a reproduction, imitation or translation, liable to create confusion, of a mark considered by the competent authority of the country of registration to be well-known in that country as being already the mark of a person entitled to the benefits of the present Convention and used for identical or similar goods. These provisions shall also apply when the essential part of the mark constitutes a reproduction of any such well-known mark or an imitation liable to create confusion therewith.

(2) A period of at least three years shall be allowed for seeking the cancellation of such marks. The period shall start running from the date of the registration of the mark.

(3) No time limit shall be fixed for seeking the cancellation of marks registered in bad faith.

**Article 6 ter**

(1) The countries of the Union agree to refuse or to invalidate the registration, and to prohibit by appropriate measures the use, without authorization by the competent authorities, either as trademarks or as elements of trademarks, or armorial bearings, flags and other State emblems of the countries of the Union, official signs and hall-marks indicating control and warranty adopted by them and all imitations thereof from a heraldic point of view.

(2) The prohibition of the use official signs and hall-marks indicating control and warranty shall apply solely in cases where the marks which contain them are intended to be used on goods of the same or a similar kind.

(3) For the application of these provisions the countries of the Union agree to communicate reciprocally, through the International Bureau, the list of Star emblems and official signs and hall-marks indicating control and warranty which they desire, or may thereafter desire, to place wholly or within certain limits under the protection of the present Article and all subsequent modifications of this list. Each country of the Union shall in due course make available to the public the lists so communicated.

(4) Any country of the Union may, within a period of twelve months from the receipt of the communication, transmit through the International Bureau its objections, if any, to the country concerned.

(5) In the case of well-known State emblems, the measures prescribed by paragraph (1) shall apply solely to marks registered after 6th November, 1925.

(6) In the case of State emblems which are not well-known, and in the case of official signs and hall-marks, these provisions shall be applicable only to marks registered more than two months after the receipt of the communication provided for in paragraph (3).

(7) In case of bad faith the countries shall have the right to cancel the registration of marks that contain State emblems, signs or hall-marks even though registered before 6th November, 1925.

(8) Nationals of each country who are authorized to make use of State emblems, signs or hall-marks of their country, may use them even though they are similar to those of another country.

(9) The countries of the Union undertake to prohibit the unauthorized use in trade of the State armorial bearings of the other countries of the Union, when the use if of such a nature as to be misleading as to origin of the goods.
(10) The above provisions shall not prevent the countries from exercising the power given in paragraph (1) (NO-3) of Article 6 B, to refuse or to cancel the registration of marks containing, without authorization, the armorial bearings, flags, decorations and other State emblems or official signs or hallmarks adopted by a country of the Union.

**Article 6 quarter**

(1) When, in accordance with the law of a country of the Union, the assignment of a mark is valid only if it takes place at the same time as the transfer of the business or goodwill to which the mark belongs, it shall suffice for the recognition of this validity that the portion of the business or goodwill situated in that country be transferred to the assignee, together with the exclusive right to manufacture or sell there goods bearing the mark assigned.

(2) This provision does not impose upon the countries of the Union any obligation to regard as valid the assignment of any mark the use of which by the assignee would, in fact, be of such a nature as to mislead the public, particularly as regards the origin, nature of material qualities of the goods to which the mark is applied.

**Article 7**

The nature of the goods to which the trade mark is to be applied shall in no case form an obstacle to the registration of the mark.

**Article 7 bis**

(1) The countries of the Union undertake to accept for filing and to protect collective marks belonging to associations the existence of which is not of the count of on in, even if such associations do not contrary to the law possess an industrial or commercial establishment.

(2) Each country shall be the judge of the particular conditions under which a collective mark shall be protected and may refuse protection if the mark is contrary to the public interest.

(3) Nevertheless, the protection of these marks shall not be refused to any association the existence of which is not contrary to the law of the country of origin, on the ground that such association is not established in the country where protection is sought or is not constituted according to the law of the latter country.

**Article 8**

A trade name shall be protected in all the countries of the Union without the obligation of filing or registration, whether or not it forms part of a trademark.

**Article 9**

(1) All goods unlawfully bearing a trademark or trade name shall be seized on importation into those countries of the Union where such mark or name has a right to legal protection.

(2) Seizure shall likewise be effected in the country where the unlawful application occurred or in the country into which the goods have been imported.

(3) Seizure shall take place at the request either of the public prosecutor or of any other competent authority or of any interested party, whether a natural or a juridical person, in conformity with the domestic law of each country.

(4) The authorities shall not be bound to effect seizure in transit.

(5) If the law of a country does not permit seizure on importation, such seizure shall be replaced by prohibition of importation or by seizure within such country.

(6) If the law of a country permits neither seizure on importation nor prohibition of importation nor seizure within the country, then, until such time as the law is
modified accordingly, these measures shall be replaced by the actions and remedies available in such cases to nationals under the law of such country.

**Article 10**

(1) The provisions of the preceding Article shall apply to any goods which falsely bear as an indication of source the name of a specified locality or country, when such indication is joined to a trade name of fictitious character or used with fraudulent intention.

(2) Any producer, manufacturer or trader, whether a natural or juridical person, engaged in the production or manufacture of or trade in such goods, and established either in the locality falsely indicated as the source or in the district where this locality is situated, or in the country falsely indicated, or in the country where the false indication of source is used, shall in any case be deemed an interested party.

**Article 10 bis**

(1) The countries of the Union are bound to assure to persons entitled to the benefits of the Union effective protection against unfair competition.

(2) Any act of competition contrary to honest practices in industrial or commercial matters constitutes an act of unfair competition.

(3) The following in particular shall be prohibited:

1. all acts of such a nature as to create confusion by any means whatever with the establishment, the goods, or the industrial or commercial activities of a competitor;

2. false allegations in the course of trade of such a nature as to discredit the establishment, the goods, or the industrial or commercial activities of a competitor.

**Article 10 ter**

(1) The countries of the Union undertake to assure to nationals of other countries of the Union appropriate legal remedies to repress effectively all the acts referred to in Articles, 9, 10 and 10 bis.

(2) They undertake, further, to provide measures to permit syndicates and associations which represent the industrialists, producers or traders concerned and the existence of which is not contrary to the laws of their countries, to take action in the Courts or before the administrative authorities, with a view to the repression of the acts referred to in Articles 9, 10 and 10 bis, in so far as the law of the country in which protection is claimed allows such action by the syndicates and associations of that country.

**Article 11**

(1) The countries of the Union shall in conformity with their domestic law, grant temporary protection to patentable inventions, utility models, industrial designs and trade marks, in respect of goods exhibited at official or officially recognized international exhibitions held in the territory of one of them.

(2) This temporary protection shall not extend the periods provided by Article 4. If later the right of priority is invoked, each country may provide that the period shall start from the date of introduction of the foods into the exhibition.

(3) Each country may require, as proof of the identity of the article exhibited and of the date of its introduction, such evidence as it considers necessary.

**Article 12**
(1) Each of the countries of the Union undertakes to establish a special industrial property service and a central office for the communication to the public of patents, utility models, industrial designs and trade marks.
(2) This service shall publish an official periodical journal. It shall publish regularly:
   a. the names of the proprietors of patents granted with a brief description of the inventions patented;
   b. reproductions of trade marks registered.

Article 13

(1) The international office established at Berne under the name International Bureau for the Protection of Industrial Property is placed under the high authority of the Government of the Swiss Confederation, which regulates its organization and supervises its operation.
(2) The official language of the International Bureau is French.
(3) The International Bureau centralizes information of every kind relating to the protection of industrial property and compiles and publishes it. It undertakes studies of general utility concerning the Union and edits, with the help of documents supplied to it by the various Administrations, a periodical journal, in French, dealing with questions relating to the objects of the Union.
(4) The issues of this journal, as well as all the documents published by the International Bureau, shall be distributed to the Administrations of the countries of the Union in proportion to the number of contributing units mentioned below. Additional copies as may be requested, either by the said Administrations or by companies or private persons, shall be paid for separately.
(5) The International Bureau shall at all times hold itself at the disposal of the countries of the Union, to supply them with any special information they may need on questions relating to the international industrial property service. The Director of the International Bureau shall make an annual report on his administration, which shall be communicated to all the countries of the Union.
(6) The ordinary expenditure of the International Bureau shall be borne by the countries of the Union in common. Until further authorization, it shall not exceed the sum of 120,000 Swiss francs per annum. This sum may be increased, when necessary, by a unanimous decision of one of the conferences provided for in Article 14.
(7) Ordinary expenditure does not include expenses relating to the work of conferences of plenipotentiaries or administrative conferences nor the expenses caused by special work or publications effected in conformity with the decisions of a conference. Such expenses, the annual total of which may not exceed 20,000 Swiss francs, shall be divided among the countries of the Union in proportion to their contributions towards the operation of the International Bureau in accordance with the provisions of paragraph (8) below.
(8) To determine the contribution of each country to this total expenditure, the countries of the Union and those which may afterwards join the Union are divided into six classes, each contributing in the proportion of a certain number of units, namely:

<table>
<thead>
<tr>
<th>Class</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st</td>
<td>25</td>
</tr>
<tr>
<td>2nd</td>
<td>20</td>
</tr>
<tr>
<td>3rd</td>
<td>15</td>
</tr>
<tr>
<td>4th</td>
<td>10</td>
</tr>
<tr>
<td>5th</td>
<td>5</td>
</tr>
</tbody>
</table>
6th class . . . . . . . . . . 3 units
These coefficients are multiplied by the number of countries in each class, and the sum of the products thus obtained gives the number of units by which the total expenditure is to be divided. The quotient gives the amount of the unit of expense.

(9) Each of the countries of the Union shall, at the time it becomes a member, designate the class in which it wishes to be placed. However, any country of the Union may declare later that it desires to be placed in another class.

(10) The Government of the Swiss Confederation will supervise the expenditure of the International Bureau, will make the necessary advances, and establish the annual accounts which shall be communicated to all the other Administrations.

**Article 14**

(1) The present Convention shall be submitted to periodical revision with a view to the introduction of amendments designed to improve the system of the Union.

(2) For this purpose conferences shall be held successively in one of the countries of the Union between the delegates of the said countries.

(3) The Administration of the country in which the conference is to be held shall make preparations for the work of the conference, with the assistance of the International Bureau.

(4) The Director of the International Bureau shall be present at the meetings of the conferences, and take part in the discussions, but without the right of voting.

**Article 15**

It is understood that the countries of the Union reserve the right to make separately between themselves special arrangements for the protection of industrial property, in so far as these arrangements do not contravene the provisions of the present Convention.

**Article 16**

(1) Countries which are not parties to the present Convention shall be permitted to accede to it at their request.

(2) Any such accession shall be notified through diplomatic channels to the Government of the Swiss Confederation, and by it to all the other Government.
(3) Accession shall automatically entail acceptance of all the clauses and admission to all the advantages of the present Convention and shall take effect one month after the dispatch of the notification by the Government of the Swiss Confederation to the other countries of the Union, unless a subsequent date is indicated in the request for accession.

Article 16 bis

(1) Any country of the Union may at any time notify in writing to the Government of the Swiss Confederation that the present Convention is applicable to all or part of its colonies, protectorates, territories under mandate or any other territories subject to its authority, or any territories under its sovereignty, and the Convention shall apply to all the territories named in the notification one month after the dispatch of the communication by the Government of the Swiss Confederation to the other countries of the Union unless a subsequent date is indicated in the notification. Failing such a notification, the Convention shall not apply to such territories.

(2) Any country of the Union may at any time notify in writing the Government of the Swiss Confederation that the present Convention ceases to be applicable to all or part of the territories that were the subject of the notification under the preceding paragraph, and the Convention shall cease to apply in the territories named in the notification twelve months after the receipt of the notification addressed to the Government of the Swiss Confederation.

(3) All notifications sent to the Government of the Swiss Confederation in accordance with the provisions of paragraphs (1) and (2) of the present Article shall be communicated by that Government to all the countries of the Union.

Article 17

The carrying out of the reciprocal obligations contained in the present Convention is subject, as far as necessary, to the observance of the formalities and rules established by the constitutional laws of those of the countries of the Union which are bound to procure their application, which they undertake to do with as little delay as possible.
Article 17 bis

(1) The Convention shall remain in force for an indefinite time, until the expiration of one year from the date of its denunciation.
(2) Such denunciation shall be addressed to the Government of the Swiss Confederation. It shall affect only the country in whose name it is made, the Convention remaining in operation as regards the other countries of the Union.

Article 18

(1) The present Act shall be ratified and the instruments of ratification deposited in London not later than the 1st July, 1938. It shall come into force, between the countries in whose names it has been ratified, one month after that date. However, if before that date it is ratified in the name of a least six countries, it shall come into force between those countries one month after the deposit of the sixth ratification has been notified to them by the Government of the Swiss Confederation, and for countries in whose names it is ratified at a later date, one month after the notification of each such ratification.
(2) Countries in whose names no instrument of ratification has been deposited within the period referred to in the preceding paragraph shall be permitted to accede under the terms of Article 16.
(3) The present Act shall, as regards the relations between the countries to which it applies, replace the Convention of the Union of Paris 1883 and the subsequent acts of revision.
(4) As regards the countries to which the present Act does not apply, but to which the Convention of the Union of Paris revised at The Hague in 1925 applies, the latter shall remain in force.
(5) Similarly, as regards countries to which neither the present Act nor the Convention of the Union of Paris revised at The Hague apply, the Convention of the Union of Paris revised at Washington in 1911 shall remain in force.

Article 19

The present Act shall be signed in a single copy, which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland. A certified copy shall be forwarded by the latter to each of the Governments of the countries of the Union.
Note:
1) The Act of London was signed by the following 29 States: Australia, Austria, Belgium, Brazil, Cuba, Czechoslovakia, Denmark, Finland, France, Germany, Great Britain and Northern Ireland, Hungary, Italy, Japan, Liechtenstein, Mexico, Morocco, Norway, Poland, Portugal, Spain, Sweden, Switzerland, Syria and Lebanon, Tunisia, Turkey, United States of America and Yugoslavia.