

No. 5664

**BELGIUM, CANADA, DENMARK,
FRANCE, FEDERAL REPUBLIC OF GERMANY, etc.**

Agreement for the mutual safeguarding of secrecy of inventions relating to defence and for which applications for patents have been made. Signed at Paris, on 21 September 1960

Official texts : English and French.

Registered by the United States of America on 30 March 1961.

**BELGIQUE, CANADA, DANEMARK,
FRANCE, RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE, etc.**

Accord pour la sauvegarde mutuelle du secret des inventions intéressant la défense et ayant fait l'objet de demandes de brevet. Signé à Paris, le 21 septembre 1960

Textes officiels anglais et français.

Enregistré par les États-Unis d'Amérique le 30 mars 1961.

No. 5664. AGREEMENT¹ FOR THE MUTUAL SAFEGUARDING OF SECRECY OF INVENTIONS RELATING TO DEFENCE AND FOR WHICH APPLICATIONS FOR PATENTS HAVE BEEN MADE. SIGNED AT PARIS, ON 21 SEPTEMBER 1960

The Governments of Belgium, Canada, Denmark, France, The Federal Republic of Germany, Greece, Italy, Luxembourg, The Netherlands, Norway, Portugal, Turkey, The United Kingdom and The United States of America,

Parties to the North Atlantic Treaty signed in Washington on 4th April, 1949;²
desirous of encouraging economic collaboration between any or all of their Governments, as agreed in Article 2 of the Treaty;

mindful of the undertaking they have entered into under the terms of Article 3, to maintain and develop, by means of continuous and effective self-help, their individual and collective capacity to resist armed attack;

considering that the imposition of secrecy on an invention relating to defence in one of the North Atlantic Treaty Organization countries has generally as its corollary, when a patent has been applied for, or granted, the prohibition to apply for a patent for the same invention in other countries, including North Atlantic Treaty Organization countries;

considering that the territorial limitation resulting from this prohibition may cause prejudice to the applicants for patents and consequently adversely affect economic collaboration between North Atlantic Treaty Organization countries;

considering that mutual assistance makes desirable reciprocal communication of inventions relating to defence and that in some cases such communication may be obstructed by this prohibition;

considering that if the Government originating the prohibition is prepared to authorise the filing of an application for a patent in one or more of the other North Atlantic Treaty Organization countries, provided that the Governments of these countries also impose secrecy on the invention, the latter should not be free to refuse to impose secrecy;

¹ In accordance with article VI, the Agreement came into force in respect of the United States of America and Norway on 12 January 1961, thirty days after deposit of their instruments of ratification or approval with the Government of the United States of America. The instruments of ratification or approval (a) were deposited on the dates indicated:

United States of America . 8 December 1960(a) Norway 13 December 1960

² United Nations, *Treaty Series*, Vol. 34, p. 243; Vol. 126, p. 350, and Vol. 243, p. 308.

considering that provision has been made between the Governments of the Parties to the North Atlantic Treaty for the mutual protection and safeguarding of the classified information they may interchange ;

Have agreed as follows :

Article I

The Governments Parties to this Agreement shall safeguard and cause to be safeguarded the secrecy of inventions for which applications for patents have been received under agreed procedures whenever the secrecy has been imposed on such inventions in the interests of national defence by the Government, hereinafter referred to as the "originating Government", which was the first to receive an application for a patent covering these inventions.

Provided that this provision shall not prejudice the right of the originating Government to prohibit the filing of an application for a patent for the invention with one or more of the other Governments Parties to this Agreement.

The Governments Parties to this Agreement agree to develop such operational procedures as may be required to effectuate this Article.

Article II

The provisions of Article I shall be applied at the request either of the originating Government, or of the applicant for the patent, provided that the latter produces evidence that secrecy has been imposed by the originating Government and that he has received authorisation from that Government to file his application for a secret patent in the country in question.

Article III

The Government called upon to safeguard the secrecy of an invention under the terms of Article I shall be entitled to demand from the applicant for the patent a waiver of any claim to compensation for loss or damage due solely to the imposition of secrecy on the invention as a condition prerequisite to the application of such safeguard.

Article IV

The secrecy measures imposed under Article I shall be removed only on the request of the originating Government. This Government shall give the other Governments concerned six weeks' notice of its intention to remove its own measures.

The originating Government shall take into account as far as possible, having due regard to the security of the North Atlantic Treaty Organization, the representations made by other Governments within the said six weeks' period.