

No. 7867

**ITALY
and
NETHERLANDS**

**Exchange of notes constituting an agreement for the safeguarding of secrecy of inventions relating to defence.
Rome, 29 May 1964**

Official text: French.

Registered by Italy on 2 August 1965.

**ITALIE
et
PAYS-BAS**

**Échange de notes constituant un accord pour la sauvegarde
du secret des inventions intéressant la défense. Rome,
29 mai 1964**

Texte officiel français.

Enregistré par l'Italie le 2 août 1965.

[TRANSLATION — TRADUCTION]

No. 7867. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN ITALY AND THE NETHERLANDS FOR THE SAFEGUARDING OF SECRECY OF INVENTIONS RELATING TO DEFENCE. ROME, 29 MAY 1964

I

Rome, 29 May 1964

Sir,

I have the honour to inform you that in view of the desire of the appropriate authorities in our two countries to secure a firm basis for the administrative handling of secret patents and patent applications, the Government of the Kingdom of the Netherlands is prepared, pending the entry into force with respect to the Government of the Kingdom of the Netherlands and the Government of the Italian Republic of the NATO "Agreement for the mutual safeguarding of secrecy of inventions relating to defence and for which applications for patents have been made", which was signed at Paris, on 21 September 1960,² provisionally to observe with respect to the Government of the Italian Republic the regulations of the Agreement and of the Rules of Procedure established in application of the Agreement which were adopted by the Atlantic Council on 7 March 1962.

Under the Netherlands Patents Act at present in force, accelerated procedure is required to be followed for the preliminary examination of an application for a patent on which secrecy has been imposed for reasons of defence; and if the invention seems to be patentable, secrecy may be maintained only by the issue of a secret patent in the name of the Netherlands State. That means that secrecy may be maintained only if the rights resulting from the application are transferred to the Kingdom of the Netherlands; this transfer, moreover, may be made while reserving all possible rights to the patentee and may be made subject to a resolatory condition in the event of the removal of secrecy.

Consequently the above-mentioned Agreement and Rules of Procedure will be provisionally applied to the Netherlands on the following conditions:

(1) The competent authority in the Italian Republic shall ensure that applications originating in Italy for patents which relate to defence and which, being already classified as secret in Italy, must also be classified as secret in the Netherlands, are accompanied by a statement from the applicant in which the

¹ Came into force on 29 May 1964 by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 394, p. 3; Vol. 421, p. 348, Vol. 451, p. 340, Vol. 460, p. 324, and Vol. 535.