

No. 33348

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
UNITED STATES OF AMERICA**

**Exchange of notes constituting an agreement concerning the
Agreement on the annex on intellectual property rights
of 29 November 1995. Washington, 29 November 1995**

Authentic text: English.

*Registered by the United Kingdom of Great Britain and Northern Ireland
on 5 November 1996.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
ÉTATS-UNIS D'AMÉRIQUE**

**Échange de notes constituant un accord relatif à l'Accord sur
l'annexe concernant les droits de la propriété intellec-
tuelle du 29 novembre 1995. Washington, 29 novembre
1995**

Texte authentique : anglais.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
le 5 novembre 1996.*

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING THE AGREEMENT ON THE ANNEX ON INTELLECTUAL PROPERTY RIGHTS OF 29 NOVEMBER 1995

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*The Department of State of the United States of America
to the British Embassy at Washington*

Washington
29 November 1995

The Department of State refers the British Embassy to the attached Annex on Intellectual Property Rights initialled November 29, 1995, by representatives of the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland. The Department of State proposes that whenever scientific and technical agencies of our governments enter into cooperative agreements/arrangements, they will make best efforts to include the aforesaid Annex by specific reference within those agreements/arrangements unless the agencies concerned specifically agree otherwise.

If the foregoing proposal is acceptable to the Government of the United Kingdom of Great Britain and Northern Ireland, the Department of State further proposes that this note and the note in reply from the British Embassy shall constitute an Agreement between the two governments, which shall enter into force on the date of the British Embassy note in reply.

¹ Came into force on 29 November 1995, in accordance with the provisions of the said notes.

ANNEX I—INTELLECTUAL PROPERTY

Preamble

The Parties shall ensure adequate and effective protection of intellectual property created or furnished under this agreement/arrangement and relevant implementing arrangements. The Parties shall ensure that the relevant entities participating in activities under this agreement/arrangement (hereinafter “cooperating entities”) which may include the Parties themselves, agree to notify one another in a timely fashion of any inventions or copyrighted works arising under this agreement/arrangement and to seek protection for such intellectual property in a timely fashion. Rights to such intellectual property shall be allocated as provided in this annex.

Section I—Scope

A. This annex is applicable to all cooperative activities undertaken by the cooperating entities pursuant to this agreement/arrangement, except as otherwise specifically agreed by the cooperating entities.

B. For purposes of this agreement, “intellectual property” shall have the meaning found in Article 2 of the Convention Establishing the World Intellectual Property Organisation, done at Stockholm July 14, 1967.¹

C. This annex addresses the allocation of rights, interests, and royalties between the cooperating entities. Each cooperating entity shall ensure that the other cooperating entity can obtain the rights to intellectual property allocated in accordance with this annex. Subject to this, the allocation between a Party and its cooperating entities, which shall be determined by the Party's practices and national laws, shall not be altered or prejudiced by application of this annex.

D. Disputes concerning intellectual property arising under this agreement/arrangement should be resolved through discussions between the relevant cooperating entities or, if necessary, the Parties. Upon mutual agreement of the Parties, a dispute shall be submitted to an arbitral tribunal for binding arbitration in accordance with the applicable rules of international law. Unless the Parties or their designees agree otherwise in writing, the arbitration rules of UNCITRAL shall govern.

E. Termination or expiration of this agreement/arrangement shall not affect the rights or obligations created by this annex.

Section II—Allocation of Rights

A. Each cooperating entity, subject to the restrictions of Section III of this annex, shall be entitled to a nonexclusive, irrevocable, royalty-free right in all countries to translate, reproduce, and publicly distribute scientific and technical journal articles, reports and books containing non-proprietary information directly arising from cooperation under this agreement/arrangement. All publicly-distributed copies of a copyrighted work prepared under this provision shall indicate the names of the authors of the work unless an author explicitly declines to be named. Each cooperating entity shall have the right to review a translation prior to public distribution.

¹ United Nations, *Treaty Series*, vol. 828, p. 3.