

## THE FIRST SCHEDULE

### PART VIII

#### FINAL CLAUSES

##### Article 38

##### *ANNEX IV*

##### *Special Provisions Relating to Certain Kinds of Property*

#### A. INDUSTRIAL, LITERARY AND ARTISTIC PROPERTY

- (a) (a) A period of one year from the coming into force of the present Treaty shall be accorded to the Allied and Associated Powers and their nationals without extension fees or other penalty of any sort in order to enable them to accomplish all necessary acts for the obtaining or preserving in Roumania of rights in industrial, literary and artistic property which were not capable of accomplishment owing to the existence of a state of war.
  - (b) Allied and Associated Powers or their nationals who had duly applied in the territory of any Allied or Associated Power for a patent or registration of a utility model not earlier than twelve months before the outbreak of the war with Roumania or during the war, or for the registration of an industrial design or model or trade mark not earlier than six months before the outbreak of the war with Roumania or during the war, shall be entitled within twelve months after the coming into force of the present Treaty to apply for corresponding rights in Roumania, with a right of priority based upon the previous filing of the application in the territory of that Allied or Associated Power.
  - (c) Each of the Allied and Associated Powers and its nationals shall be accorded a period of one year from the coming into force of the present Treaty during which they may institute proceedings in Roumania against those natural or juridical persons who are alleged illegally to have infringed their rights in industrial, literary or artistic property between the date of the outbreak of the war and the coming into force of the Treaty.
2. A period from the outbreak of the war until a date eighteen months after the coming into force of the present Treaty shall be excluded in determining the time within which a patent must be worked or a design or trade mark used.
  3. The period from the outbreak of the war until the coming into force of the present Treaty shall be excluded from the normal term of rights in industrial, literary and artistic property which were in force in Roumania at the outbreak of the war or which are recognised or established under part A of this Annex and belong to any of the Allied and Associated Powers or their nationals. Consequently, the normal duration of such rights shall be deemed to be automatically extended in Roumania for a further term corresponding to the period so excluded.
  4. The foregoing provisions concerning the rights in Roumania of the Allied and Associated Powers and their nationals shall apply equally to the rights in the territories of the Allied and Associated Powers of Roumania and its nationals. Nothing, however, in these provisions shall entitle Roumania or its nationals to more favourable treatment in the territory of any of the Allied and Associated Powers than is accorded by such Power in like cases to other United Nations or their nationals, nor shall Roumania be thereby required to accord to any of the Allied and Associated Powers or its nationals more favourable treatment than Roumania or its nationals receive in the territory of such Power in regard to the matters dealt with in the foregoing provisions.
  5. Third parties in the territories of any of the Allied and Associated Powers or Roumania who, before the coming into force of the present Treaty, had *bona fide* acquired industrial, literary

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or artistic property rights conflicting with rights restored under part A of this Annex or with rights obtained with the priority provided thereunder, or had *bona fide* manufactured, published, reproduced, used or sold the subject matter of such rights, shall be permitted, without any liability for infringement, to continue to exercise such rights and to continue or to resume such manufacture, publication, reproduction, use or sale which had been *bona fide* acquired or commenced. In Roumania, such permission shall take the form of a non-exclusive licence granted on terms and conditions to be mutually agreed by the parties thereto or, in default of agreement, to be fixed by the Conciliation Commission established under Article 32 of the present Treaty. In the territories of each of the Allied and Associated Powers, however, *bona fide* third parties shall receive such protection as is accorded under similar circumstances to *bona fide* third parties whose rights are in conflict with those of the nationals of other Allied and Associated Powers.

6. Nothing in part A of this Annex shall be construed to entitle Roumania or its nationals to any patent or utility model rights in the territory of any of the Allied and Associated Powers with respect to inventions, relating to any article listed by name in Annex III of the present Treaty, made, or upon which applications were filed, by Roumania, or any of its nationals, in Roumania or in the territory of any other of the Axis Powers, or in any territory occupied by the Axis forces, during the time when such territory was under the control of the forces or authorities of the Axis Powers.

7. Roumania shall likewise extend the benefits of the foregoing provisions of this Annex to France, and to other United Nations which are not Allied or Associated Powers, whose diplomatic relations with Roumania have been broken off during the war and which undertake to extend to Roumania the benefits accorded to Roumania under the said provisions.

8. Nothing in part A of this Annex shall be understood to conflict with Articles 24, 27 and 29 of the present Treaty.