

The present additional Act shall have the same value and duration as the Convention of the 20th March, 1883: It shall be ratified, and the ratifications shall be exchanged at Brussels, in the form adopted for that Convention, as soon as possible, and within a year at the latest. It shall come into operation three months after such exchange.

In witness whereof the undersigned have signed the present additional Act.

Done at Brussels, the

The respective Governments are invited to sign the above draft within six months; the signature and exchange of ratifications shall take place in the manner provided for in the said additional Act.

Done in single copy at Brussels.

For Belgium—	For Italy—
A. NYSENS.	R. CANTAGALLI.
L. CAPELLE.	C. F. GABBA.
GEORGES DE RO.	S. OTTOLENGHI.
J. DUBOIS.	For Norway—
For Brazil—	CHR. HANSSON.
F. VIEIRA MONTEIRO.	For the Netherlands—
For Denmark—	SNYDER VAN WYSENKERKE.
H. HOLTEN NIELSEN.	For Portugal—
For Spain—	F. QUINTELLA DE SAMPAYO.
The Marques DE BERTEMATI.	JAYME DE SÉQUIER.
EDUARDO TODA.	For Servia—
For the United States of America—	SPASSOYE RADOÏTCHITCH.
BELLAMY STORER.	For Sweden—
FRANCIS FORBES.	HUGO E. G. HAMILTON.
For France—	For Switzerland—
MONTHOLON.	ALPHONSE RIVIER.
C. NICOLAS.	L. R. DE SALIS.
MICHEL PELLETIER.	For Tunisia—
For Great Britain—	MONTHOLON.
CHARLES B. STUART WORTLEY.	ÉTIENNE BLADÉ.
H. G. BERGNE.	
C. N. DALTON.	

International Union for the Protection of Industrial Property.

Second Final Protocol.

[This was not signed by the British Delegates.]

The undersigned, representatives of the States which have adhered to the arrangement of Madrid of the 14th April, 1891, respecting the international registration of trade-marks, assembled in Conference at Brussels on the 1st December, 1897, submit to their respective Governments the following draft:—

Additional Act to the Arrangement of April 14, 1891, respecting the International Registration of Trade-marks, concluded between [Here follow the names of the contracting States].

The undersigned, duly authorised by their respective Governments, have, under reserve of ratification, agreed as follows:—

Article 2 of the arrangement shall run as follows:—

The subjects or citizens of States which have not given their adherence to the present arrangement, but which, within the limits of the restricted Union set up by the arrangement, satisfy the conditions established by Article III. of the General Convention, shall be assimilated to the subjects or citizens of the contracting States.

Article 3 shall run as follows:—

The International Bureau shall at once register marks deposited in conformity with Article 1. It shall notify such registration to the contracting States. The marks registered shall be published in a supplement to the Journal of the International Bureau by means of a representation of the mark to be furnished by the depositor. If the depositor claims the colour of the mark as a distinctive element, he shall be bound—(1) To make a declaration to that effect, and to accompany his deposit with a description, in which mention shall be made of the colour; (2) To join to his claim coloured copies of the said mark, which shall be annexed to the notifications made by the International Bureau. The number of these copies shall be fixed by the regulations for carrying the arrangement into effect. In view of the publicity necessary in the different States for registered marks, each Administration shall receive gratis from the International Bureau such a number of copies of the above publication as it may choose to apply for.

An Article 4 *bis* is inserted in the arrangement, conceived in the following terms:—

When a mark already deposited in one or several of the contracting States has been subsequently registered by the International Bureau in the name of the same owner or of his legal representative, the international registration shall be considered as substituted for such previous national registrations, without prejudice to the rights acquired by the previous registration having taken place.

Article 5 shall run as follows:—

In the countries where it is authorised by legislation, the Administration to whom the registration of a mark is notified by the International Bureau shall have the right to make a declaration stating that protection cannot be granted to this mark on their territory. Such a refusal can only be given in the conditions applicable, in virtue of the Convention of the 20th March, 1883, to a mark deposited for national registration. The Administrations must exercise this faculty within the delay provided for by their national law, and at the latest in the year of the notification provided for by Article 3, by indicating to the Bureau the motives of their refusal. The said declaration thus notified to the International Bureau shall be transmitted by it without delay to the Administration of the country of origin and to the owner of the mark. The interested party shall have the same means of redress as if the mark had been directly deposited by him in the country where protection is refused.