

Agreement regarding Protection of Trade Marks

June 19, 1961

AGREEMENT BETWEEN THE GOVERNMENT OF INDIA AND THE GOVERNMENT OF DENMARK CONCERNING THE REGISTRATION AND PROTECTION OF TRADE MARKS OF THE CITIZENS OF ONE COUNTRY IN THE TERRITORY OF THE OTHER

Copenhagen

The Government of India and the Government of Denmark desiring to enter into a reciprocal agreement for the registration And protection of trade marks of persons domiciled in one country in the territory of the other hereby agree as follows

Article I

The Government of Denmark agree that persons having their domicile in India shall have the right to obtain registration of their trade marks and protection of such marks under and in accordance with the Danish law for the time being in force relating to the registration of Trade Marks, whether or not such marks are registered in India.

Article II

The Government of India agree that persons having their domicile in Denmark shall have the right to obtain registration of trade marks and the protection of such marks under and in accordance with the Indian law relating to the registration of trade marks, namely, the Trade and Merchandise Marks Act, 1958, or any statutory modification or re enactments thereof, whether or not such marks are registered in Denmark.

Article III

The Government of Denmark shall grant to a person who has duly made an application for the registration of a trade mark in India the benefit of the rule where under an application for the registration of a trade mark filed in Denmark by any person who has or whose agent or whose predecessor in title has previously regularly filed an application for the registration of the same trade mark in India shall have the same force and effect as the same application would have, if filed in Denmark on the date on which the application for the registration of the trade mark was first filed in India.

Provided that the application in Denmark is filed within six months from the earliest date on which such application was filed in India, and

Provided further that the applicant has not made an application for the registration of the trade mark in any country with which Denmark has entered into reciprocal arrangements for trade marks under the appropriate statute therefore beyond six months before the date of the filing of the application for registration in Denmark and .the applicant under. this Agreement claims the priority date of the earliest application for the registration of the Trade Mark in any such country as aforesaid.

Article IV

The Government of India shall grant to a person who has duly made an application for the registration of a trade mark in Denmark the benefit of section 131 of the Trade and Merchandise Marks Act, 1958, or any statutory modifications or re-enactments thereof whereby an application for the registration of a trade mark filed in India by any person who has or whose agent or whose predecessor in title has previously regularly filed an application for the registration of the same trade

mark in Denmark, shall have the same force and effect as the same application would have if filed in India on the date on which the application for the registration of the trade mark was first filed in Denmark,

Provided that the application in India is filed within six months from the earliest date on which such application was filed in Denmark, and

Provided further that the applicant has not made an application for the registration of the trade mark in any convention country as defined in section 131 of the Trade and Merchandise Marks Act, 1958, or any statutory modifications or re enactments thereof beyond six months before the date of the filing of the application in India, and the applicant under this Agreement claims the priority date of the earliest application for the registration of the Trade Mark in any such convention country.

Article V

The implementation of these reciprocal arrangements shall be governed by the procedural and other applicable provisions of the laws referred to in Articles III and IV above.

Article VI

This Agreement shall come into force three months after signature at which time the appropriate notifications concerning these arrangements shall have been published respectively by Order in Council in Denmark and in the Gazette of India and shall be applicable to every application filed in India and claiming a Danish priority date and every application filed in Denmark and claiming an Indian priority date on or after the date on which the Agreement shall come into force.

Article VII

This Agreement shall remain in force for a period of one year and thereafter shall continue in force until three months after the date of a notice of intention to withdraw by either Government.

Explanation In the above Agreement,

"Person" includes a corporation and a juridical entity; and

"Trade Mark" means a trade mark as defined by the respective relevant statutes of India and of Denmark.

IN WITNESS WHEREOF the undersigned, duly authorised by their respective Governments, have signed the present Convention and have affixed thereto their seals.

DONE in duplicate at Copenhagen on the 19th day of June, 1961.

For the Government of India

Sd/-

KEWAL SINGH

For the Government of Denmark

Sd/-

J.O. Krag

MINISTRY OF FOREIGN AFFAIRS

O.P. 111. Ref, 67.D.96

Copenhagen

March 30th, 1962

Enclosure

Excellency,

With reference to the Agreement between Denmark and India concerning the Registration and Protection of Trade Marks" signed in Copenhagen on June 19th, 1961, I have the honour to inform you, for the sake of good order, that in connection with the publication of the Agreement in Denmark, two errors were discovered in the signed copies. These errors are found in the introduction where the words "registration of protection of trade marks" should be "registration And protection trade marks", and in the latter part of Article VI where the words "claiming priority date or after the date" should be "claiming priority date on or after the date", as stated in the original draft agreement. These evident errors have been corrected in the Danish publication of the Agreement of which a copy is enclosed.

I should be grateful to have it confirmed that the Indian authorities consent in these corrections.

Please accept, Excellency, the assurance of my highest consideration.

J.O. KRAG

His Excellency

Mr: KEWAL SINGH,

Ambassador of India, STOCKHOLM.

April 4th, 1962

Excellency,

I have the honour to acknowledge with thanks your kind note No. O.P. III Ref.67. D.96 dated the 30th March, 1962 regarding the Registration and Protection of Trade Marks between Denmark and India, signed in Copenhagen on June 19th, 1961 and the clerical errors noted in the Preamble and Article VI of the said Agreement.

The Government of India agree with the corrections made in the Danish publication of the Agreement and accordingly similar corrections have been made in the publication of the Agreement by the Government of India.

Please accept, Excellency, the assurance of my highest consideration.

Sd/-

KEWAL SINGH

His Excellency Mr. J. O. KRAG,

Foreign Minister of Denmark,

Copenhagen.