

INVENTIONS, PATENTS, DESIGNS, AND INDUSTRIAL MODELS (INTER-AMERICAN)

Convention signed at Buenos Aires August 20, 1910

Senate advice and consent to ratification February 8, 1911

Ratified by the President of the United States March 21, 1911

*Ratification of the United States deposited at Buenos Aires May 1,
1911*

Entered into force July 31, 1912¹

Proclaimed by the President of the United States July 29, 1914

38 Stat. 1811; Treaty Series 595

CONVENTION

INVENTIONS, PATENTS, DESIGNS AND INDUSTRIAL MODELS

Their Excellencies the Presidents of the United States of America, the Argentine Republic, Brazil, Chili, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Salvador, Uruguay and Venezuela:

Being desirous that their respective countries may be represented at the Fourth International American Conference, have sent thereto the following delegates, duly authorized to approve the recommendations, resolutions, conventions and treaties which they might deem advantageous to the interests of America.

United States of America: Henry White, Enoch H. Crowder, Lewis Nixon, John Bassett Moore, Bernard Moses, Lamar C. Quintero, Paul Samuel Reinsch, David Kinley.

Argentine Republic: Antonio Bermejo, Eduardo L. Bidau, Manuel A. Montes de Oca, Epifanio Portela, Carlos Rodríguez Larreta, Carlos Salas, José A. Terry, Estanislao S. Zeballos.

United States of Brazil: Joaquim Murinho, Domicio da Gama, José L. Almeida Nogueira, Olavo Bilac, Gastão da Cunha, Herculano de Freitas.

Republic of Chili: Miguel Cruchaga Tocornal, Emilio Bello Codecido, Aníbal Cruz Díaz, Beltrán Mathieu.

¹ Date of deposit of second instrument of ratification.

Republic of Colombia: Roberto Ancizar.

Republic of Costa Rica: Alfredo Volio.

Republic of Cuba: Carlos García Vélez, Rafael Montoro y Valdés, Gonzalo de Quesada y Aróstegui, Antonio Gonzalo Pérez, José M. Carbonell.

Dominican Republic: Américo Lugo.

Republic of Ecuador: Alejandro Cárdenas.

Republic of Guatemala: Luis Toledo Herrarte, Manuel Arroyo, Mario Estrada.

Republic of Haiti: Constantin Fouchard.

Republic of Honduras: Luis Lazo Arriaga.

Mexican United States: Victoriano Salado Alvarez, Luis Pérez Verdía, Antonio Ramos Pedrueza, Roberto A. Esteva Ruiz.

Republic of Nicaragua: Manuel Pérez Alonso.

Republic of Panama: Belisario Porras.

Republic of Paraguay: Teodosio González, José P. Montero.

Republic of Peru: Eugenio Larrabure y Unánue, Carlos Alvarez Calderón, José Antonio de Lavalle y Pardo.

Republic of Salvador: Federico Mejía, Francisco Martínez Suárez.

Republic of Uruguay: Gonzalo Ramírez, Carlos M. de Pena, Antonio M. Rodríguez, Juan José Amézaga.

United States of Venezuela: Manuel Díaz Rodríguez, César Zumeta.

Who, after having presented their credentials, and the same having been found in due and proper form, have agreed upon the following Convention on Inventions, Patents, Designs and Industrial Models.

ARTICLE I

The subscribing Nations enter into this convention for the protection of patents of invention, designs and industrial models.

ARTICLE II

Any persons who shall obtain a patent of invention in any of the signatory States, shall enjoy in each of the other States all the advantages which the laws relative to patents of invention, designs and industrial models concede. Consequently, they shall have the right to the same protection and identical legal remedies against any attack upon their rights, provided they comply with the laws of each State.

ARTICLE III

Any person who shall have regularly deposited an application for a patent of invention or design or industrial model in one of the contracting States shall enjoy, for the purposes of making the deposit in the other States, and under the reserve of the rights of third parties, a right of priority during a period of twelve months for patents of invention, and of four months for designs or industrial models.

In consequence the deposit subsequently made in any other of the signatory States before the expiration of these periods, cannot be invalidated by acts performed in the interval, especially by other deposits, by the publication of the invention or its working, or by the sale of copies of the design or of the model.

ARTICLE IV

When, within the terms fixed, a person shall have filed applications in several States for the patent of the same invention, the rights resulting from patents thus applied for shall be independent of each other.

They shall also be independent of the rights arising under patents obtained for the same invention in countries not parties to this Convention.

ARTICLE V

Questions which may arise regarding the priority of patents of invention, shall be decided with regard to the date of the application for the respective patents in the countries in which they are granted.

ARTICLE VI

The following shall be considered as inventions: A new manner of manufacturing industrial products; a new machine or mechanical or manual apparatus which serves for the manufacture of said products; the discovery of a new industrial product; the application of known methods for the purpose of securing better results; and every new, original and ornamental design or model for an article of manufacture.

The foregoing shall be understood without prejudice to the laws of each State.

ARTICLE VII

Any of the signatory States may refuse to recognize patents for any of the following causes:

- (a) Because the inventions or discoveries may have been published in any country prior to the date of the invention by the applicant;
- (b) Because the inventions have been registered, published, or described in any country more than one year prior to the date of the application in the country in which the patent is sought;
- (c) Because the inventions have been in public use, or have been on sale in the country in which the patent has been applied for, one year prior to the date of said application;
- (d) Because the inventions or discoveries are in some manner contrary to morals or laws.

ARTICLE VIII

The ownership of a patent of invention comprises the right to enjoy the benefits thereof, and the right to assign or transfer it in accordance with the laws of the country.

ARTICLE IX

Persons who incur civil or criminal liabilities, because of injuries or damage to the rights of inventors, shall be prosecuted and punished, in accordance with the laws of the countries wherein the offence has been committed or the damage occasioned.

ARTICLE X

Copies of patents certified in the country of origin, according to the national law thereof, shall be given full faith and credit as evidence of the right of priority, except as stated in Article VII.

ARTICLE XI

The treaties relating to patents of invention, designs or industrial models, previously entered into between the countries subscribing to the present Convention, shall be superseded by the same from the time of its ratification in so far as the relations between the signatory States are concerned.

ARTICLE XII

The adhesion of the American Nations to the present Convention shall be communicated to the Government of the Argentine Republic in order that it may communicate them to the other States. These Communications shall have the effect of an exchange of ratifications.

ARTICLE XIII

A signatory Nation that sees fit to retire from the present convention, shall notify the Government of the Argentine Republic, and one year after the receipt of the communication the force of this Convention shall cease, in so far as the nation which shall have withdrawn its adherence is concerned.

In witness whereof, the Plenipotentiaries have signed the present treaty and affixed thereto the Seal of the Fourth International American Conference.

Made and signed in the city of Buenos Aires on the twentieth day of August in the year one thousand nine hundred and ten, in Spanish, English, Portuguese, and French, and deposited in the Ministry of Foreign Affairs of the Argentine Republic, in order that certified copies be made for transmission to each of the Signatory Nations through the appropriate diplomatic channels.

For the United States of America:

HENRY WHITE
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 LEWIS NIXON
 JOHN BASSETT MOORE
 BERNARD MOSES
 LAMAR C. QUINTERO
 PAUL S. REINSCH
 DAVID KINLEY

For the Argentine Republic:

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 MANUEL A. MONTES DE OCA
 EPIFANIO PORTELA
 CARLOS SALAS
 JOSÉ A. TERRY
 ESTANISLAO S. ZEBALLOS

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 BELTRÁN MATHIEU

For the Republic of Colombia:

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For the Republic of Costa Rica:

ALFREDO VOLIO

For the Republic of Cuba:

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 RAFAEL MONTORO Y VALDÉS
 GONZALO DE QUESADA Y ARÓSTEGUI
 ANTONIO GONZALO PÉREZ
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For the Republic of Guatemala:

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For the Republic of Haiti:

CONSTANTIN FOUCHARD

For the Republic of Honduras:

LUIS LAZO ARRIAGA

For the Mexican United States:

VICTORIANO SALADO ALVAREZ
 LUIS PÉREZ VERDÍA
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 ROBERTO A. ESTEVA RUIZ

For the Republic of Nicaragua:

MANUEL PÉREZ ALONSO

For the Republic of Panama:

BELISARIO PORRAS

For the Republic of Paraguay:

TEODOSIO GONZÁLEZ
 JOSÉ P. MONTERO

For the Republic of Peru:

EUGENIO LARRABURE Y UNÁNUE
 CARLOS ALVAREZ CALDERÓN
 JOSÉ ANTONIO DE LAVALLE Y PARDO

For the Republic of Salvador:

FEDERICO MEJÍA
 FRANCISCO MARTÍNEZ SUÁREZ

For the Republic of Uruguay:

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MANUEL DÍAZ RODRÍGUEZ
 CÉSAR ZUMETA