

RECIPROCAL BENEFITS UNDER PATENT LAWS

Exchange of notes at Bern January 17 and 28, 1908
Entered into force January 28, 1908

Department of State files

The American Minister to the President of the Swiss Confederation

AMERICAN LEGATION
BERNE, 17 January 1908

HIS EXCELLENCY
MR. BRENNER
President of the Swiss Confederation
Berne

SIR:

Respectfully referring to the new Swiss Patent Law which became effective on December 1, 1907, and which, in its article 18, contains a provision for the annulment of patents for failure to utilize them adequately in Switzerland within three years, and also provides for the setting aside of such provision in favor of States granting reciprocal right, I have the honor to inform Your Excellency that I am instructed by my Government to declare: "That under the Patent Laws of the United States no patent may be annulled for failure to put the invention covered thereby into practice".

In communicating to Your Excellency the above declaration, I respectfully request that the reciprocal benefit referred to in article 18 of the new Swiss Patent Law be granted to the citizens of the United States.

I take this occasion to renew to Your Excellency the assurance of my highest consideration.

BRUTUS J. CLAY
American Minister

The Swiss Federal Council to the American Minister

[TRANSLATION]

BERNE, 28th January 1908

MR. MINISTER:

By a note of the 17th instant, Your Excellency communicated to us a declaration from Your Government stating that, according to the Patent

laws of the United States of America no patent may be annulled owing to the failure to put into practice a patented invention. In view of this declaration, we have the honor to inform You that, in accordance with article 18, 2nd paragraph, of the Federal Patent Law of June 21, 1907, we declare the dispositions of the 1st paragraph of article 18 inapplicable as regards the United States of America, with the understanding that the execution of an invention in the United States is equivalent to its execution in Switzerland.

We are greatly obliged to Your Excellency if you will inform Your Government of this decision.

Please accept, Mr. Minister, etc., etc., etc.

In the name of the Swiss Federal Council,

The President of the Confederation:

BRENNER

The Chancellor of the Confederation:

RINGIER

His Excellency

MR. BRUTUS J. CLAY

*Envoy Extraordinary and Minister Plenipotentiary of the
United States of America
Berne*