

May 19, 1908.

Convention between the United States and Japan for the protection of patents, etc., in China. Signed at Washington, May 19, 1908; ratification advised by the Senate, May 20, 1908; ratified by the President, June 2, 1908; ratified by Japan, August 3, 1908; ratifications exchanged at Tokyo, August 6, 1908; proclaimed August 11, 1908.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Protection of inventions, etc., in China.
Preamble.

Whereas a Convention between the United States of America and the Empire of Japan providing for reciprocal protection in China for the inventions, designs, trade marks and copyrights of their respective citizens and subjects, was concluded and signed by their respective Plenipotentiaries at Washington on the nineteenth day of May, one thousand nine hundred and eight, the original of which Convention is word for word as follows:

Contracting powers.

The President of the United States of America and His Majesty the Emperor of Japan being desirous to secure in China reciprocal protection for the inventions, designs, trade marks and copyrights of their respective citizens and subjects have resolved to conclude a convention for that purpose and have named as their Plenipotentiaries, that is to say:

Plenipotentiaries.

The President of the United States of America, Robert Bacon, Acting Secretary of State of the United States; and

His Majesty the Emperor of Japan, Baron Kogoro Takahira, Shosammi, Grand Cordon of the Imperial Order of the Rising Sun, His Ambassador Extraordinary and Plenipotentiary to the United States of America;

Who, after having communicated to each other their Full Powers, found to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

Infringements.

Inventions, designs and trade marks duly patented or registered by citizens or subjects of one High Contracting Party in the appropriate office of the other Contracting Party shall have in all parts of China the same protection against infringement by citizens or subjects of such other Contracting Party as in the dominions and possessions of such other Contracting Party.

ARTICLE II.

Copyrights.

The citizens or subjects of each of the two High Contracting Parties shall enjoy in China the protection of copyright for their works of literature and art as well as photographs to the same extent as they are protected in the dominions and possessions of the other party.

ARTICLE III.

Reciprocal rights in consular, etc., courts.

In case of infringement in China by a citizen or subject of one of the two High Contracting Parties of any invention, design, trade

mark or copyright entitled to protection in virtue of this convention the aggrieved party shall have in the competent territorial or consular courts of such Contracting Party the same rights and remedies as citizens or subjects of such Contracting Party.

ARTICLE IV.

Each High Contracting Party engages to extend to the citizens or subjects of the other Contracting Party the same treatment in China in the matter of protection of their commercial names as they enjoy in the dominions and possessions of such Contracting Party under the convention for the protection of industrial property signed at Paris March 20, 1883. "Hong" marks shall be considered to be commercial names for the purpose of this convention.

Commercial names.

Vol. 25, p. 1372.

"Hong" marks.

ARTICLE V.

Citizens of possessions belonging to the United States and subjects of Korea shall have in China the same treatment under the present convention as citizens of the United States and subjects of Japan respectively.

Rights of Koreans and citizens of United States possessions.

ARTICLE VI.

It is mutually agreed between the High Contracting Parties that the present convention shall be enforced so far as applicable in any other country in which either Contracting Party may exercise extraterritorial jurisdiction.

Enforcement in certain other countries.

All rights growing out of the present convention shall be recognized in the insular and other possessions and leased territories of the High Contracting Parties and all legal remedies provided for the protection of such rights shall be duly enforced by the competent courts.

ARTICLE VII.

Any person amenable to the provisions of this convention who possesses at the time the present convention comes into force merchandise bearing an imitation of a trade mark owned by another person and entitled to protection under said convention shall remove or cancel such false trade mark or withdraw such merchandise from market in China within six months from the date of the enforcement of this convention.

Imitation trademarks to be canceled, etc.

ARTICLE VIII.

Unauthorized reproductions by the citizens or subjects of one High Contracting Party prior to the operation of this convention of the works of literature and art as well as photographs of the citizens or subjects of the other Contracting Party published after the 10th day of May, 1906, and entitled to protection in virtue of this convention shall be withdrawn from sale or circulation in China within one year from the date of the enforcement of this convention.

Withdrawal of unauthorized reproductions.

ARTICLE IX.

The present convention shall be ratified and the ratifications thereof shall be exchanged at Tokyo as soon as possible. It shall come into force together with the convention relative to the protection of inventions, designs, trade marks and copyrights in Korea, ten days after such exchange of ratifications.

Exchange of ratifications.

Ante, p. 2041.

Signatures.

In witness whereof, the respective Plenipotentiaries have signed the present convention in duplicate and have thereunto affixed their seals.

Done at the City of Washington the 19th day of May in the nineteen hundred and eighth year of the Christian era corresponding to the 19th day of the 5th month of the 41st year of Meiji.

ROBERT BACON [SEAL.]
K. TAKAHIRA [SEAL.]

Ratification.

And whereas the said Convention has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Tokyo, on the sixth day of August, one thousand nine hundred and eight;

Proclamation.

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this eleventh day of August in the year of our Lord one thousand nine hundred and
- [SEAL.] eight, and of the Independence of the United States of America, the one hundred and thirty-third.

THEODORE ROOSEVELT

By the President:

ALVEY A. ADEE

Acting Secretary of State.