

conclusive evidence of the validity of the registration and, subject to this Act, of his right to the exclusive use of the trade mark in respect of the goods in respect of which it is registered, upon the registered proprietor proving that he or his predecessors in title have continuously used the trade mark in respect of the goods to a substantial extent for the five years immediately preceding the commencement of the legal proceedings.

New Zealand.—It is specially provided that no trade mark shall be registered for artificial manures manufactured in the colony unless accompanied by a chemical analysis setting forth the component parts of the substance of such manure. A copy of such analysis, made by a competent analytical chemist, must be affixed to every parcel of the manure to which the trade mark is attached and shall be deemed to form part of such trade mark.

III.—THE INTERNATIONAL CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY.

By the International Convention of 20 March, 1883, the Governments of Belgium, Brazil, France, Guatemala, Holland, Italy, Portugal, San Salvador, Servia, Spain, and Switzerland constituted themselves into a Union for the protection of industrial property.

The following Governments have since adhered to the Convention and become parties to the Union, viz., Great Britain, Tunis, San Domingo, Sweden, Norway, the United States, New Zealand, Denmark, Japan, Mexico, Germany, Cuba, Ceylon, Australia, Trinidad and Tobago, Austria and Hungary; while San Salvador and Guatemala have left the Union.

Article II. of the Convention provides that the subjects and citizens of each of the Contracting States shall in all the other States of the Union, in matters concerning patents of invention, industrial designs or models, trade and commercial marks and trade names, enjoy the advantages which their respective laws now grant or shall hereafter grant to natives.

Article IV. provides that;—

“Any person who has duly lodged an application for a patent of invention, an industrial design or model, or a trade or commercial mark in one of the Contracting States, shall enjoy, for lodging the application in the other States, and reserving the rights of third parties, a right of priority during the terms hereinafter stated.

“Consequently a subsequent application in one of the other States of the Union before the expiration of these terms shall not be invalidated through any acts accomplished in the interval, either, for instance, by another application, by publication of the invention, or by the working thereof by a third party, by the sale of copies of the design or model, or by the use of the mark.”

The above-mentioned terms of priority, as fixed by the original Convention of 1883, were six months for patents of inventions, and three months for industrial designs and models and for trade and commercial marks. These terms were increased by a month for “countries beyond the sea,” an expression which has been interpreted as meaning “countries outside Europe which do not border on the Mediterranean.”

By the Additional Act of the 14th of December, 1900, the terms of priority were fixed for all countries at twelve months for patents and four months for industrial designs and models and for trade and commercial marks.

Article V. of the Convention provides that—

“The introduction by the patentee into the country where the patent has been issued of objects manufactured in any of the States of the Union shall not entail forfeiture.

“Nevertheless, the patentee shall remain subject to the obligation to work his patent in conformity with the laws of the country into which he introduces the patented objects.”

This article has been modified by the Additional Act of the 14th of December, 1900, which provides that “the patentee in each country shall not incur forfeiture