

Državni zakonik

za

kraljevine in dežele v državnem zboru zastopane.

Kos XXVI. — Izdan in razposlan dne 22. maja 1872.

66.

Dogovor mej avstrijsko-ogersko državo in mej zedinjenimi državami severne Amerike od 25. novembra 1871 v zaščito trgovinskim markam.

(Sklenen na Dunaji, dne 25. novembra 1871; Njegovo cesarsko in kraljevsko apostolsko Veličanstvo vanj pritrdilo v Budimu, dne 9. marca 1872, in v obojnih pritrditvah izmenjen na Dunaji, dne 22. aprila letos.)

Nos Franciscus Josephus Primus,
divina favente clementia Austriae Imperator;
 Apostolicus Rex Hungariae, Rex Bohemiae, Dalmatiae, Croatiae, Slavoniae, Galiciae, Lodomeriae et Illyriae; Archidux Austriae; Magnus Dux Cracoviae; Dux Lotharingiae, Salisburgi, Styriae, Carinthiae, Carnioliae, Bucovinae, superioris et inferioris Silesiae; Magnus Princeps Transilvaniae; Marchio Moraviae; Comes Habsburgi et Tirolis etc. etc.

Notum testatumque omnibus et singulis, quorum interest, tenore praesentium facimus:

Posteaquam a Nostro et a potentissimi Praesidis unitorum Statuum Americae Plenipotentiaro ad tuendas tesseras mercibus affixas, Conventio die vigesima quinta mensis Novembris anni millesimi octingentesimi septuagesimi primi Viennae inita et signata est, tenoris sequentis:

Njegovo Veličanstvo cesar avstrijski, kralj češki i.t.d. in apostolski kralj ogerski ter zedinjene države severne Amerike, želèč v svojih dotičnih ozémljijih zaščítiti svojinsko pravo, katero zagotavljajo trgovinske marke,

His Majesty the Emperor of Austria, King of Bohemia etc. and Apostolic King of Hungary, and the United States of America, desiring to secure in their respective territories, a guarantee of property in Trade

ukrenili so, v to namero skleniti poseben dogovor ter narekli svoje pooblaščenec, namreč :

Njegovo Veličanstvo cesar avstrijski in apostolski kralj ogerski :

grofa Julija Andrásy pl. Csik-Szent-Királskega in Kraszna-Horskega, Svojega tajnega svétnika, ministra cesarske hiše in vkupnega ministra vnanjih stvarij, vélikokrižnika redú sv. Štefana i.t.d. ;

prvosednik zedinjenih držav ameriških :

gospoda John-a Jay, preizrednega poslanika in pooblaščenega ministra zedinjenih držav ameriških pri Njegovem cesarskem in kraljevskem apostolskem Veličanstvu,

katera sta se dogovorila, podpisati naslednje člene :

Člen I.

Vsaka ponaredba trgovinskih mark, katere v deželah ali ozémljijih enega obeh pogodnikov so na nekaterem blagu v dokaz, od kod in kakšno je, prepoveduje se v deželah ali ozémljijih ónega pogodnika, ter okvarjeni stranki bodi to za uzrok take tožbe ali tacega postopanja in tacega iskanja odméne (odškodbe), kakoršno opravičajo zakoni tiste države, v kateri se ponaredba dokaže, isto tako, kakor bi tožnik bil državljan te dežele.

Izključljiva pravica, rabiti trgovinsko marko na korist državljanom zedinjenih držav v avstrijsko - ogerski monarhiji ali kacemu državljanu avstrijsko - ogerske monarhije v ozémljiji zedinjenih držav ne more veljati za daljšo nego za tisto dobo, katero deželni zakoni ustanavljajo svojim državljanom.

Kadar je trgovinska marka že občno blago v tisti deželi, kjer je narejena, naj bode tudi po deželah ali ozémljijih ónega izmej obeh pogodnikov občno blago.

Marks, have resolved to conclude a special Convention for this purpose, and have named as teir Plenipotentiaries :

His Majesty the Emperor of Austria and Apostolic King of Hungary :

the Count Julius Andrásy of Csik Szent Király and Kraszna-Horka, His Majesty's Privy Counsellor and Minister of the Imperial House and of Foreign Affairs, Grand Cross of the order of St. Stephen etc. ;

and the President of the United States of America :

John Jay, their Envoy Extraordinary and Minister Plenipotentiary from the United States of America to His Imperial and Royal Apostolic Majesty ;

who have agreed to sign the following articles :

Article I.

Every reproduction of Trade Marks which in the countries or territories of the one of the contracting parties are affixed to certain merchandize to prove its origin and quality is forbidden in the countries or territories of the other of the contracting parties, and shall give to the injured party ground for such action or proceedings to prevent such reproduction, and to recover damages for the same, as may be authorized by the laws of the country in which the counterfeit is proven, just as if the plaintiff were a citizen of that country.

The exclusive right to use a Trade Mark for the benefit of citizens of the United States in the Austro-Hungarian Empire, or of citizens of the Austro-Hungarian Monarchy in the territory of the United States, cannot exist for a longer period than that fixed by the law of the country for its own citizens.

If the Trade Mark has become public property in the country of its origin, it shall be equally free to all in the countries or territories of the other of the two contracting parties.

Člen II.

Ako trgovinskih mark imetelji, bivajoči po deželah ali ozemljijih katerega izmej pogodnikov, želé zagotoviti si pravice po deželah ali ozemljijih ónega pogodnika, naj trgovinski in obrtni zbornici dunajski in peštanski ter uradu za privilegije v Washingtonu *in duplo* založé posnetke (kopije) teh mark.

Člen III.

Ta dogovor naj dobode veljavnost devetdeset dníj po izmenílu pritrdil, ter naj v moči ostane deset let od te dobe.

A če noben izmej obeh visokih pogodnikov dvanajst mesecev, predno mine dogovor, ne oznani, da mu namerja konec storiti, naj v moči ostane še leto dníj od časa, katerega kdo izmej obeh visokih pogodnikov oznani, da je minil.

Člen IV.

Pritrdili v ta dogovor naj se na Dunaji znamenita v dvanajst mesecih, ali še prej, če se more.

V dokaz sta dotična pooblaščenca ta dogovor podpisala v nemškem, ogerskem in angleškem jeziku, in mu svoj pečat naudarila.

Tako storjeno na Dunaji, dne dvajsetega in petega novembra v letu našega Gospoda tisoč osem sto sedemdesetem in prvem, v dvajsetem in tretjem vladanja Njegovega cesarskega in kraljevskega apostolskega Veličanstva, a v devetdesetem in šestem letu samosvojnosti ameriških zedinjenih držav.

(L. S.) **Andrássy** s. r.

(L. S.) **John Jay** s. r.

Article II.

If the owners of Trade Marks residing in the countries or territories of the one of the contracting parties, wish to secure their rights in the countries or territories of the other of the contracting parties, they must deposit duplicate copies of those marks in the Chambers of Commerce and Trade in Vienna and Pesth and in the Patent office at Washington.

Article III.

The present arrangement shall take effect ninety days after the exchange of ratifications, and shall continue in force for ten years from this date.

In case neither of the high contracting parties gives notice of its intention to discontinue this Convention twelve months before its expiration, it shall remain in force one year from the time that either of the high contracting parties announces its discontinuance.

Article IV.

The ratifications of this present Convention shall be exchanged at Vienna within twelve months or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the present Convention, as well in German and Hungarian, as in English, and have affixed thereto their respective seals.

Done at Vienna the twenty fifth day of November in the year of our Lord one thousand eight hundred and seventy one, in the twenty third year of the reign of His Imperial and Royal Apostolic Majesty and in the ninety sixth year of the Independence of the United States of America.

(L. S.) **Andrássy** m. p.

(L. S.) **John Jay** m. p.

Nos visis et perpensis Conventionis hujus articulis illos omnes ratos confirmatosque habere profiteamur ac declaramus, Verbo Nostro Caesareo et Regio promittentes, Nos omnia quae in illis continentur fideliter executioni mandatueros esse.

In quorum fidem majusque robur praesentes ratihabitionis Nostrae tabulas manu Nostra signavimus, sigilloque Nostro Cesareo et Regio adpresso muniri jussimus.

Dabantur in Regia urbe Nostra Buda, die nona mensis Martii, anno millesimo octingentesimo septuagesimo secundo, Regnorum Nostrorum vigesimo quarto.

Franciscus Josephus m. p.



Andrássy m. p.

Ad mandatum Sacrae Caes. et Reg. Apost. Majestatis proprium:

Maximilianus Liber Baro a **Gagern** m. p.,

Consiliarius aulicus et ministerialis.

Zgornji dogovor se privoljen v obeh zbornicah državnega zbora tukaj razglaša.

Na Dunaji, dne 3. maja 1872.

Auersperg s. r.

Banhans s. r.