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**INTERNATIONAL COMMITTEE ON INTELLECTUAL  
CO-OPERATION**

**REPORT ON SCIENTIFIC PROPERTY**

submitted on behalf of the Committee of Experts appointed to draw up a  
Draft International Convention,  
by M. Marcel PLAISANT.

At its last session, held in July 1927, the International Committee on Intellectual Co-operation adopted the report which we had submitted on behalf of the Sub-Committee on Intellectual Rights, including the section dealing with scientific property. This report recommended that a Committee of Experts should be summoned to frame a draft international Convention.

On September 2nd, 1927, the Council of the League of Nations, adopted the following resolution:

" With reference to its decision of September 12th, 1924, the Council empowers the International Committee on Intellectual Co-operation to summon a Committee of Experts to prepare a draft Convention on Scientific Property. " <sup>1</sup>

This Committee of Experts met in Paris at the seat of the International Institute of Intellectual Co-operation at the Palais Royal, under the presidency of M. Casares, and held five meetings, on December 12th, 13th and 14th, 1927. The Minutes, printed at Geneva on June 4th, 1928 (document C.I.C.I.196), give a full account of the Committee's work, and the names of the twenty experts who took part. It will be noticed that they belong to scientific, industrial and legal circles.

Three classes of documents were submitted to the experts: Senator Ruffini's report and original draft (document A.38.1923.XII); the results of the enquiries regarding scientific property addressed to industrial and legal circles by the International Institute of Intellectual Co-operation, and the preliminary draft international Convention drawn up by the legal service of the Institute. None of the experts could fail to realise the complexity of the problem before the Committee, or the many and various objections raised by the most highly qualified authorities against the draft Convention on Scientific Property. Our duty was nevertheless to draw up a text reconciling these different elements and capable of meeting criticism, much of which is contradictory. This is not the place to outline the history of the question; its origin may be found in M. Ruffini's report, and all its subsequent developments can be followed in the two reports submitted by the International Institute of Intellectual Co-operation to the Sub-Committee in 1926 and 1927.

When it is remembered that the first steps were due to the movement initiated by M. Lucien Klotz at Paris in 1921, and to the Bill introduced in 1922 by Professor Joseph Barthélemy, and when it is realised that the solution of this international problem affects powerful interests and raises acute legal difficulties, the impartial observer will have to admit that the various organs of the League have done much to advance the question of scientific property to its present degree of maturity.

My task as Rapporteur of the Committee of Experts consists in clearly distinguishing the different opinions and the tendencies which I, in common with my colleagues, found to exist; in endeavouring to define the jurisprudence we wished to adopt; and lastly, in explaining the substance and interpreting the spirit of the international Convention we have drawn up.

I. CONFLICTING CURRENTS OF OPINION.

The results of the two enquiries, even where they conflict with one another, definitely confirm the moral, social and economic necessity of protecting the rights of scientific discoverers. The

<sup>1</sup> *Official Journal of the League of Nations*, 8th Year, No. 10, October 1927.

economic consequences of the war in the various countries and the unmistakable indications of recovery only emphasise the precarious situation of the intellectually distinguished amid the clash of material interests, and the urgent need to safeguard the intellectual bases of civilisation.

The first results of the enquiry, however, seemed to indicate that, with the best will in the world, it was impossible to remove the obstacles in the way of the effective protection of scientists, in view of the difficulty of defining their position in legal terms and of laying down principles or methods of application which would not profoundly disturb industrial life. Accordingly, in our report submitted on July 14th, 1926, on behalf of the Sub-Committee on Intellectual Rights, we requested the International Institute to pursue its investigations through another channel.

This prudent decision not only furnished us with further criticism but compelled the adversaries of the scheme to define their objections and point out exactly what matters called for further explanation and definition. If the results of this second enquiry by the International Institute, which consulted Governments, scientists and industrialists, have not been as favourable as might have been expected, they have at all events enabled the nature of the reservations, reticence and even opposition met with in certain quarters to be ascertained more accurately.

It should be frankly recognised that, in certain countries such as Germany, England and the United States, if the general trend of feeling is not one of hostility to the scheme, there is at all events a certain amount of misgiving and apprehension which it is hard to define.

We have endeavoured to analyse these various opinions, because they are deserving of respect and will probably find further expression.

In substance, the criticism expressed or implied most clearly in industrial circles is that scientific property is merely an abstract conception — a right proclaimed by its advocates but one that is without definite object-matter and attributes and that cannot be given actual application. In short, this view expresses fear of the unknown. Rightly interpreted, the reservations made by the authorities consulted in England, Italy, the United States and Belgium resemble the caution of a lawyer awaiting the further conclusions of his opponent before summing up the vital points of the discussion. Scientific property is passing through a crisis *de verborum significatione*.

This is quite intelligible, because the National Committees, learned bodies and experts consulted had to reply to a questionnaire of the Institute drawn up *in abstracto* and in an alternative form. This was unavoidable, since no other method could be adopted for preparatory work. But such a system of compulsory investigation, at the first stage of the enquiry, was bound to elicit replies of this kind; and these replies, some of which are thick with objections, are a mine of valuable information, and also a helpful indication to the Committee of Experts as to the direction in which it should pursue its work.

Another current of opinion which should be mentioned is that manifested by those who fear that the present legal relations between inventors and industrialists may be upset. In Germany, the opinion given by the Prussian Academy of Sciences in July 1926 is not so hostile as might appear from the actual terms of the reply. The members of that body chiefly fear that the foundations of German patent law may be undermined, and it is worthy of note that this reply agrees with the opinion of the French Technical Committee on Industrial Property, which expresses the same reservations.

Apart from the various proposals in regard to national rewards to scientists and national funds contemplated in the Torres-Quevedo or Gariel schemes, if we take into account merely the systems based on the principle of the individual right to scientific property, it is only natural that the industrial world should prefer to wait until it knows clearly and definitely what is expected of it.

This is the most important point of the Convention to which this report refers. The Convention constitutes a formal text open for public criticism. Moreover, before drawing up this text, the authors took into account the main currents of enlightened opinion.

## II. NATURE OF THE RIGHT.

The new right which we wish to define defies the ordinary rules of definition. It is not the right of authorship governed by the Berne Convention; it is not a right of scientific literary property.

We do not, of course, deny the unity of human thought; the same creative power manifests itself by invention, by the written word or by plastic art. But the field of action is not the same; the size of the canvas varies. The artist, like the writer, moves in the infinite realms of fantasy. The inventor, on the other hand, works "with a view to an industrial result" within the limitations imposed by technique. While the common store of human passions is the inevitable subject-matter for an imaginative artist, he has absolute freedom in the choice of form. The inventor is not only bound as regards subject-matter by the laws of science, but his freedom in the creation of forms is limited by previous inventions in the same sphere and by physical limitations, so that his power is only relative. It is therefore just that different human aptitudes manifested in different spheres should enjoy rights of different amplitude.

This right will not be, properly speaking, the right of the inventor; it must not and cannot disturb the legal relationships established by patent law. As Senator Ruffini well said at the outset in his remarkable report:

“ We refer to the important zone in which scientific work, properly so called, is developed, in which are inherent the rights of author and inventor, and which yet constitutes an intermediate and highly important zone between the two territories. Far larger space must therefore be given to scientific work in the system which has been evolved with a view to protecting works of the human intelligence. ”

To comprehend this right we must go back to the principles so ably represented by men like Gierke and Kohler. There are rights of personality which are in the nature of legal attributes closely attached to all the manifestations of the individual. To use the formula of an old lawyer of the Renaissance: *inhaerent ossibus, sicut lepra cuti*.

Society protects these rights in virtue of the respect due to creative intellectual activity. Such rights deserve to be guaranteed by legal sanction, in the interests both of the person to whom the right belongs and of society, which, in the end, benefits from the most splendid products of the human mind. The individual in whom these rights have their origin must be guaranteed the right of scientific creation which we regard as one of the main sources of force and life.

After defining the nature of what we have called the right of scientific property, we must now go on to define its object. It cannot take the form of a monopoly of exploitation, which would be contrary to the spirit in which it was conceived. The right is not exclusive. It must simply be recognised. Here we have the essential characteristic of this new right. To it the *jus utendi et abutendi* cannot apply. It must not hinder in the slightest degree the freedom of exploitation in the industrial sphere.

It will simply be manifested by the payment of a royalty, in recognition of the “ honourable paternity ” of the scientist and research worker, on the industrial applications of his discovery. This royalty must be exceedingly elastic so as to leave every latitude for an agreement between the parties in this respect or for decisions by the courts.

Thus the new right will enjoy an atmosphere of full liberty — absolute liberty for industry, which must only have a small burden to add to its general expenses, without having to fear any sort of interference in its exploitation — liberty of the parties, scientists and users, who must be free to adopt any procedure they please in settling their legal relationships.

In this way the Committee of Experts feels that it has answered the legitimate apprehensions expressed in the course of the enquiry by the most qualified industrialists and jurists; and the whole jurisprudence of patents remains intact within its own sphere of action.

Industrial exploitation is left untrammelled and is guaranteed against the introduction of any new monopoly or privilege.

It remains to be considered whether the enjoyment of scientific property may be expected to give rise to conflicts which leave the respective rights of users and authors uncertain.

It is only by considering the actual text of the Convention that we can see whether all the necessary precautions have been taken to avoid confusion and ambiguity in the recognition of rights and in the conditions of their enjoyment and exercise.

### III. EXAMINATION OF THE CONVENTION.

The Convention which has emerged from the discussions of the Committee of Experts is divided into five parts and twenty articles. If it is compared with the preliminary draft prepared by the International Institute of Intellectual Cooperation, and which proved of the greatest value to the experts in their work, it will be noticed that the new Convention is much shorter than the preliminary draft (twenty articles instead of twenty-six), and in particular that it has been drafted in more concise terms. The articles are intentionally brief, in order to avoid all obscurity. They may also provide the framework of more explicit internal legislation.

The texts were agreed upon after lengthy discussions; in which all the experts took a personal share. It has been wrongly asserted that there were defenders of the scientists and defenders of industry. A tribute should be paid to men like M. Esnault-Pelterie, who, speaking for the scientists, showed a highly conciliatory spirit and a shrewd grasp of facts. We must also, to be impartial, express our gratitude to representatives of big industries, such as M. Meinhardt, Sir Hugo Hirst and Prince Ginori Conti, who evinced the most liberal desire to make provision for this new form of right.

As M. Meinhardt said, in a statement which greatly impressed the Committee, manufacturers are ready to remunerate scientists, but they must know exactly what their liabilities are going to be. They wish to eliminate causes of dispute, and will certainly never accept a system which introduces an element of uncertainty into the management of their business. M. Serruys, speaking with an intimate knowledge of all economic circles, supported this view.

The principles governing this right having been determined, the Committee instructed a Sub-Committee, consisting of M. Gérard, M. Ostertag, M. Marcel Plaisant, and M. Ruffini, assisted by M. von Schmieden and M. Weiss, to draft and subdivide the text. The members of the Sub-Committee were specially concerned to emphasise the respective rights and obligations of authors and users — this at the express desire of their colleagues.

*Preamble and Part I. — Principle governing the Right.*

The Preamble was designed to be simple. The high contracting parties have the general interest in view, this implying that both science and industry will derive benefit from the agreement.

International agreement is the necessary means to this end.

The industry of a country will not accept extra liabilities unless it is certain that it will not be handicapped in competing with its rivals on the great international markets.

The term "industrial exploitation" also covers agricultural undertakings, as we pointed out in reply to an observation by M. Gérard. In French, the term "industry" covers all forms of activity in which man is engaged in his efforts to subjugate matter.

Part I defines the principle governing the right in three articles.

Scientific discoveries which confer upon their authors a right to remuneration must fulfil two conditions:

1. They must be capable of practical utilisation; they must result in the production of a commercial commodity.

2. They must give rise to new means of production, or to the adaptation of known means to fresh purposes. This form of words has the advantage of setting up a criterion already current in legal phraseology. The scope of the positive condition is further explained by a negative proposition. Demonstrations or explanations of previous discoveries, or commentaries thereon, are excluded. These two limits being set, those concerned will be able to gauge what discoveries entitle them to the exercise of a right.

*Part II. — Rights and Obligations of Authors.*

Part II deals with the rights and obligations of authors. For a full understanding of the scope of Article 4, it should be remembered that it was the outcome of almost passionate discussions, from which the following principle emerged:

It is essential to distinguish between the coming into being of a right and the laying claim thereto.

As regards its coming into being, the experts were anxious to adopt the most liberal possible policy; the right will accrue from any definitely established publication; any form of publication of which the date is certain will enable the author to adduce proof of his priority over a rival, that is to say, a counter-claimant who represents himself to be the author.

As regards the taking of proceedings to enforce, against any parties liable, the author's right in relation to users, the experts were anxious to be rigorously precise. The only thing which can be adduced against the users is the deposit, registered by an international organisation, of a note laying claim to the right. The Rapporteur is convinced that he voices the opinion of the whole Committee of Experts in expressing the view that manufacturers will not consent to be bound by obligations, and will not accept liability, unless the scientist's right is claimed under conditions of publicity which are specifically determined, and are sufficiently well known internationally to give rise to no dispute.

In practice, two kinds of dispute can be conceived:

A dispute between authors; they may lawfully have recourse to any means of proof to establish the priority of their right, provided they produce a document which is not open to question.

A dispute between author and users; the only lawful form of proof which can be adduced against the users is a note registered with an international organisation and accompanied by a claim with reference to the practical application of the discovery.

In the interests of scientists and research workers, it is quite understood that formalities should be reduced to a minimum, but registration with an international organisation is a condition of real importance.

We believe this result could be achieved by the institution of a new bureau on the lines of the Berne Bureaux of Industrial, Literary and Artistic Property. An international bulletin would (if founded) provide the necessary means of liaison, and would periodically publish a schedule of registered deposits with their serial numbers and a summary. It is quite easy to imagine a service for communication to the public; but these are details to be settled in regulations for the execution of the Agreement.

Article 5 provides that the period for the right shall be thirty years. Scientists would have liked a longer period. But the Committee of Experts preferred a moderate policy. The recent discussions at the Rome Conference, where a uniform period of fifty years for authors' rights could not be secured, justify our cautious attitude.

Article 6 provides for diplomatic reciprocity. It is in line with the present trend of international law, and is calculated to produce emulation between countries for the protection of the new right.

Article 7, which states that the previous publication of the discovery by its author does not entail the forfeiture of any of his rights, is merely explanatory. Since Article 4 provides that the right shall be brought into being by publication and the claim to the right established by registration, it is quite clear that no publication can entail the forfeiture of rights. But scientific discoverers were anxious that Article 7 should be included, being mindful of the fact that the publication of the inventor's "new and original" idea destroys novelty in the case of patents. Although the Committee of Experts was setting up a new and wholly different right, it had no reason for refusing to accede to this request from scientists and discoverers.

*Part III. — Rights and Obligations of Users.*

Part III, which defines the position of users in Articles 8, 9 and 10, is intended to show that the new right is not a monopoly of exploitation. A clear distinction has therefore been drawn between it and patents.

Relations between users and the heads of business and industrial concerns are free. Exploitation is free, subject to the payment of consideration; agreements between the parties are freely concluded. The Committee purposely avoided defining the kind of consideration to be given. The parties will be able to choose between the payment of a lump sum, a periodical allowance, an annual payment, or royalties varying in time or according to volume of production, or any all-inclusive or proportional payment. If neither parties nor the arbitrators should be able to reach an agreement, the ordinary courts will adjudicate.

At the express request of one of our eminent colleagues, M. Esnault-Pelterie, who voiced the opinion of large numbers of scientists and discoverers, the Committee of Experts requested us to reproduce in our report the following unanimous recommendation:

“ The consideration due, or the sum of the amounts due by way of consideration, to the author or authors of scientific discoveries in respect of one and the same article may not in any case exceed 1 per cent of the sale price of the said article. ”

In Article 11 we have embodied a scheme of procedure for revision which was suggested to us by the new French draft Patent Law, the provisions of which are similar in this respect to those of the Japanese, Polish and Dutch laws. This Article 11 is particularly liberal towards the discoverer.

Article 12 contemplates a form of dispute which is inevitable in a world of competing ideas. A scientist contests the right of another who has already established a claim thereto, by virtue of a contract concluded with a user. He must have the right of action to enforce his claim against the other, in whom the right has been unjustly vested. In such a case he will have an action comparable to the collision procedure of the United States and the interference procedure in England. But, in order that the industrial exploitation may not be affected, the issue is fought out, in this action, between the two authors only, over the head of the user. In order to provide for the consequences which follow from the special character of this singular form of action, the Committee of Experts decided, at our proposal, that any judgment given which reinstates the real author in his rights would entail the transference to the said author of the claim against the business firm, without prejudice to the payment of fair compensation for the losses suffered, such compensation to be paid by the author in whom the right had been unjustly vested.

On several occasions the Committee of Experts expressed itself anxious to ensure that the term of contracts should not destroy the legitimate expectations which the Convention encourages in the minds of discoverers. It was necessary to provide clauses for the annulment of leonine contracts. Accordingly, Article 13 lays down that all stipulations which are contrary to the provisions of the Convention shall be null and void.

*Part IV. — Rules of Competence.*

When the parties belong to the same country, no special rules need be laid down as regards competence. The ordinary law of the country will apply, and in any case the question belongs to the sphere of domestic legislation.

When the parties belong to different countries, we must first consider the hypothesis of their agreeing on the choice of a court of jurisdiction, and then the case of their signing a special agreement to submit the dispute to freely chosen arbitrators.

When neither of these amicable solutions can be adopted, the parties may apply to the President of the Permanent Court of International Justice with a view to the selection of the members of an international arbitration commission from a list drawn up by the Secretariat of the League of Nations.

Naturally, these awards, whether pronounced by arbitrators or an arbitral commission, will be enforceable in conformity with the Geneva Protocol of September 23rd, 1927.

Experience has shown that scientists, research workers and inventors who spend their lives in laboratories are often unskilful in defending their rights. For this reason we have included a clause outside the orbit of the ordinary law: Article 16 allows all parties to be represented by professional associations invested with legal personality. Users, of course, will be allowed to avail themselves of the same right.

Article 17 is a clause which it has become customary to insert in all modern conventions. It establishes the competence of the Permanent Court of International Justice in disputes arising between States.

*Part V. — Miscellaneous Clauses.*

The Paris Convention of 1883 for the Protection of Industrial Property included an annexed protocol.

The Hague Arrangement of 1925 for the protection of designs and models is provided with regulations governing its execution.

There can be no doubt that the present Convention should be supplemented by very detailed regulations of this kind, prepared by administrators and specialists.

One of the experts, M. Gérard, rightly emphasised the necessity of a very precise formula governing the claiming of rights in respect of the practical utilisation of discoveries. The deposit and registration of such a claim must be attended by all the necessary safeguards. The Convention can only be of value on this condition.

The question of rights during the period of transition still remained to be settled. The experts thought it fair to agree that protection should be granted to the authors of discoveries made within the ten years preceding the entry into force of the Convention.

Naturally, the rights thus acquired can only be enforced on the strength of registered claims, and these can only be binding on third parties subject to rights acquired *in intervallo*. Clearly established rights of personal possession and exploitation cannot be retrospectively affected. The new right claimed by the application can only be effective as against users who do not enjoy a right acquired by a previous industrial exploitation.

Several experts, including M. Meinhardt and M. Leo Gérard, expressed the wish that this reservation should be clearly expressed in our report, to serve as a commentary on Article 19.

#### CONCLUSIONS.

The Committee of Experts has endeavoured to perform its task in conformity with the instructions it received from the International Committee on Intellectual Co-operation.

Its first duty was to master the results of the two great enquiries conducted by the International Institute of Intellectual Co-operation.

The serious objections and legitimate apprehensions voiced — and even the reticence observable in certain quarters — all received the fullest consideration of the Committee, the latter desiring that the text submitted should give proper place to the rights of all parties.

The Committee of Experts is aware that this text is likely to arouse keen criticism. It is this report's purpose to show that the twenty articles of the Convention contain many more guarantees than might be suspected at a first reading, but that they remain within the bounds of what can only be regarded as prudent circumspection, as compared to the vast hopes held out by the lofty ideal of scientific property.

As it stands, this Convention can at any rate serve as a basis for the discussions of a diplomatic Conference, which might proceed on still more definite lines.

The present draft has, moreover, within its very elastic limits, the advantage of leaving the freest play to domestic legislation.

It should not be forgotten that the great Conventions on intellectual property, like the Paris Convention of 1883 for the Protection of Industrial Property and the Berne Convention of 1886 for the Protection of Literary and Artistic Property, set out from very modest beginnings and have nevertheless given rise to most effective and beneficial international unions.

In international law, even more than in domestic law, our duty is to aim at the ideal and to be bold and determined, for in this sphere more than in any other the most generous aspirations can call into being new creative power to make fresh conquests for civilisation.

With the foregoing observations we have the honour to submit to your consideration the text of the international Convention.

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#### Appendix.

#### DRAFT INTERNATIONAL CONVENTION ON SCIENTIFIC PROPERTY.

The High Contracting Parties,  
Being convinced that it is equitable and in the general interest that the authors of scientific discoveries should share in the material profits derived from the industrial exploitation of the latter,  
And being of opinion that this object cannot be completely achieved except by international agreement,

Undertake to enforce by appropriate legislation the following provisions:

#### PART I. — PRINCIPLE GOVERNING THE RIGHT.

##### Article 1.

Every scientific discovery open to material utilisation entitles its author to remuneration from the users thereof under the following conditions and subject to the following reservations.

##### Article 2.

For the purposes of the preceding article, material utilisation shall be restricted to utilisation contributory to the production of a commercial commodity.

##### Article 3.

The privilege conferred by Article 2 shall be restricted to discoveries from which new means of production or new applications of existing means are developed. It shall not apply to demonstrations or explanations of previous discoveries or to comments thereon.

PART II. — RIGHTS AND OBLIGATIONS OF AUTHORS.

*Article 4.*

The rights of the author of a scientific discovery are derived from its unequivocal publication. The exercise of these rights against users of the discovery shall only be effective as from the date of the registration, by an international body, of the deposit of a note claiming for the author the right defined in Article 1 over all possible material applications of such discovery.

*Article 5.*

The protection conferred by this Convention on authors of discoveries, their heirs and assigns shall remain in force for thirty years from the date of registration referred to in Article 4.

*Article 6.*

Authors who are nationals of any Contracting Party and their heirs and assigns shall enjoy in all the other contracting countries rights and privileges equivalent to those which are at present or may hereafter be granted by their laws to nationals of the other contracting countries.

*Article 7.*

Previous publication of the discovery by its author does not entail the forfeiture of any of his rights.

PART III. — RIGHTS AND OBLIGATIONS OF USERS.

*Article 8.*

A scientific discovery to the authorship of which a claim is laid by registration may be used by any undertaking on condition that a consideration fixed either by agreement between the parties or, failing such agreement, by judicial procedure is paid to the author.

*Article 9.*

On receipt of an application from the author of a discovery deposited in accordance with Article 4 of this Convention, the undertaking shall be bound to enter into negotiations with a view to fixing by agreement the amount of the consideration provided for in the preceding article.

*Article 10.*

If a friendly agreement cannot be reached, either party may take legal proceedings.

*Article 11.*

If, after the lapse of five years, either party is of opinion that the consideration fixed no longer corresponds to the value of the service rendered, that party shall be entitled to demand a judicial review of the existing settlement. It may again be reviewed at the end of each period of five years.

*Article 12.*

Any person alleging that a contract between an author of a discovery and an undertaking is prejudicial to him, or that a judgment has been given in contempt of his rights, shall be entitled to bring an action against the person improperly recognised as the author.

Any judgment delivered reinstating the true author in his rights shall have the effect of transferring the claim against the undertaking to him, without prejudice to the payment, by the person improperly recognised as the author, of fair compensation for damage incurred.

*Article 13.*

All private agreements contrary to the provisions of this Convention shall be deemed null and void, as being prejudicial to public order.

PART IV. — RULES OF COMPETENCE.

*Article 14.*

Where the parties are not nationals of the same country, should they fail to agree upon a jurisdiction satisfactory to both, or upon the selection of arbitrators, the case shall be settled by an international arbitration commission, the members of which may be selected by the parties themselves from a list of scientific authorities, manufacturers and jurists drawn up by the Secretariat of the League of Nations.

Each party shall appoint one or two arbitrators of different nationalities. The arbitrators thus selected shall, if necessary, jointly appoint an umpire. If no agreement is reached, either party may apply directly to the President of the Permanent Court of International Justice requesting him to select an arbitrator or umpire.

*Article 15.*

Awards rendered by arbitrators or arbitration commissions shall be enforceable as between the contracting countries under the conditions specified in the Convention for the Execution of Foreign Arbitral Awards, with Protocol, opened for signature at Geneva on September 23rd, 1927.

*Article 16.*

In all courts, and in proceedings of all kinds, the parties shall be entitled to be represented by professional associations enjoying corporate status, which may act for them.

*Article 17.*

All disputes arising between Contracting States with regard to the interpretation or application of this Convention shall, failing direct agreement between the States concerned, be referred to the Permanent Court of International Justice, whose jurisdiction the High Contracting Parties undertake to accept.

PART V. — MISCELLANEOUS CLAUSES.

*Article 18.*

A special arrangement shall be made by the signatories of this Convention to settle the details of the registration of discoveries and to determine all the executory measures.

*Article 19.*

This Convention shall apply only to discoveries registered subsequently to its entry into force or to the accession of each of the Governments concerned.

As a transitional measure, and without prejudice to any vested interests, protection may be obtained by the authors or their heirs or assigns of discoveries made during a period of ten years prior to the entry into force of the Convention or to the accession of the Governments concerned. Such authors or their heirs and assigns shall be granted six months' grace, as from the entry into force of the Convention or the accession of the Governments, to forward to the registration office the notification required under Article 4.

*Article 20.*

The present Convention requires ratification.  
It shall come into force, as between States which have ratified it, one month after the date of ratification.

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