



Treaty Series No. 53 (1956)

Agreement

between the Government of the
United Kingdom of Great Britain and Northern Ireland,
the Government of Canada
and the Government of the United States of America
as to Disposition of Rights in Atomic
Energy Inventions

Washington, September 24, 1956

*Presented by the Secretary of State for Foreign Affairs to Parliament
by Command of Her Majesty
December 1956*

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AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA AS TO DISPOSITION OF RIGHTS IN ATOMIC ENERGY INVENTIONS

Washington, September 24, 1956

The Government of the United Kingdom of Great Britain and Northern Ireland, the Government of Canada, and the Government of the United States of America;

Recognising that the rights, title and interests in certain inventions and discoveries (known as Combined Policy Committee inventions) resulting from wartime co-operation of the Governments of the United Kingdom, Canada, and the United States are held in a fiduciary capacity at present; and

Believing (1) that it is desirable at this time to make the final disposition of the rights, title and interests in those inventions and discoveries, and (2) that mutual benefit will result from the interchange of rights, title and interests in existing inventions and discoveries in the field of and related to atomic energy which are the subject of patents or patent applications by one Government in the country of one or both of the other Governments;

Have agreed as follows:—

ARTICLE I

The term "Government" or "Governments" in this Agreement shall be deemed to include—

1. In the case of the United States, the United States Atomic Energy Commission;
2. In the case of the United Kingdom, the United Kingdom Atomic Energy Authority;
3. In the case of Canada, the Atomic Energy Control Board, Atomic Energy of Canada Limited, Eldorado Mining and Refining Limited, National Research Council, and the Department of Mines and Technical Surveys.

ARTICLE II

It is desirable to make final and ultimate disposition of the rights, title and interests in the Combined Policy Committee inventions, thereby terminating the fiduciary provision heretofore applying. To that end, the Government or Governments employing the inventor or inventors shall own the entire rights, title and interests in any such Combined Policy Committee invention which is the subject of a patent or patent application in one or more of the three countries.

ARTICLE III

In addition, it is desirable and to the mutual benefit to exchange certain rights, title and interests in all inventions or discoveries in the field of atomic energy which are the subject of patents or patent applications by one Government in the country or countries of either one or both of the other two Governments as of November 15, 1955.

ARTICLE IV

With respect to any invention or discovery within the scope of Articles II and III, each Government, within the limits of its ownership as of November 15, 1955—

1. Shall transfer and assign to the other Government or Governments such rights, title and interests as the assigning and transferring Government may own in the other's country, subject to the retention by the assigning and transferring Government of a non-exclusive, irrevocable, paid-up licence to make, use and have made or used such invention or discovery by or for the assigning and transferring Government or for purposes of mutual defence.
2. Shall accord the right to a non-exclusive, irrevocable, paid-up licence to the other Governments to make, use, and have made or used such invention or discovery by or for such other Government or Governments or for purposes of mutual defence in all countries.
3. Shall not discriminate against nationals of the other Government or Governments in the grant of licences in any patents or patent applications owned by each Government or in which each Government acquires ownership or rights under this Agreement, but shall accord licences to nationals of the other Government or Governments on the same or as favourable terms as it accords licences to its own nationals (including its Government-owned or controlled corporations when such corporations practise the invention or discovery in the performance of services for a party other than the licensing Government).
4. Shall waive any and all claims against the other Government or Governments for compensation, royalty or award as respects any invention or discovery within the scope of Articles II and III, and release the other Government or Governments with respect to any claim on any such invention or discovery.

ARTICLE V

This Agreement shall come into force on the date of signature.

In witness whereof, the undersigned, duly authorised, have signed this Agreement.

Done at Washington this twenty-fourth day of September, 1956 in three original texts.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

ROGER MAKINS.

For the Government of Canada:

A. D. P. HEENEY.

For the Government of the United States of America:

C. BURKE ELBRICK.
LEWIS L. STRAUSS.

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