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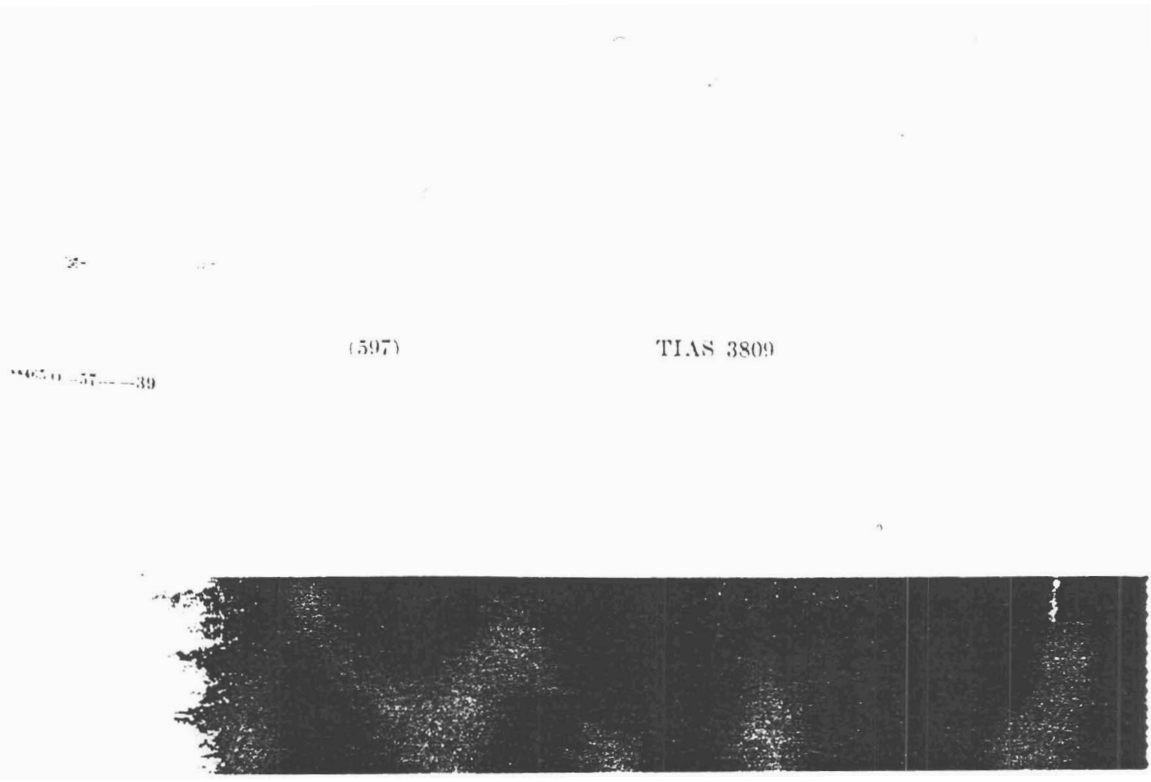
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# TURKEY

## Interchange of Patent Rights and Technical Information for Defense Purposes

*Agreement signed at Ankara May 18, 1956;  
Entered into force April 2, 1957.*



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(597)

TIAS 3809

4450-57-39

AGREEMENT TO FACILITATE INTERCHANGE OF  
PATENT RIGHTS AND TECHNICAL INFORMATION  
FOR DEFENSE PURPOSES

The Government of the United States of America and the Government of the Republic of Turkey,

Desiring generally to assist in the production of equipment and materials for defense, by facilitating and expediting the interchange of patent rights and technical information; and

Acknowledging that the rights of private owners of patents and technical information should be fully recognized and protected in accordance with the Contracting Governments' laws and regulations applicable to such patents and technical information;

Have agreed as follows:

ARTICLE I

Each Contracting Government shall, whenever practicable without undue limitation of, or impediment to, defense production, facilitate the use of patent rights, and encourage the flow and use of privately-owned technical information, as defined in Article VIII, for defense purposes:

(a) Through the medium of any existing commercial relationships between the owner of such patent rights and technical information and those in the other country having the right to use such patent rights and technical information; and

(b) in the absence of such existing relationships, through the creation of such relationships by the owner and the user in the other country.

provided that, in the case of classified information, such arrangements are permitted by the laws and security requirements of both Governments, and provided further that the terms of all such arrangements shall remain subject to the applicable laws of the two countries.

MÜDAFAA MAKSATLARI İÇİN İHTİRA BERATI HAKLARININ VE TEKNİK MALÛMATIN MÜBADELESİNİN KOLAYLAŞTIRILMASINA DAİR ANLAŞMA

Amerika Birleşik Devletleri Hükûmeti ile Türkiye Cumhuriyeti Hükûmeti,

Müdafaa için lüzumlu teçhizat ve malzemenin istihsaline ihtira berati haklarının ve teknik malûmatın mübadelesinin teshili ve tesrii yolile umumî surette yardım etmeyi arzu ediyerek; ve

Hususî mülkiyet altındaki ihtira beratları ve teknik malûmat sahiplerinin haklarının Âkit Hükûmetlerin ihtira beratları ve teknik malûmata şamil kanun ve nizamları dairesinde külliye tanınması ve korunması gerektiğini kabul ederek;

Aşağıdaki hükümler üzerinde mutâbık kalmışlardır:

MADDE I

Âkit Hükûmetlerden her biri, müdafaa ile ilgili istihsalâta yersiz şekilde mani olmayacağı veya bu istihsalâtı tahdid etmeyeceği hâllerde:

(a) İhtira berati hakları ve teknik malûmat sahibi ile diğer memlekette ihtira beratını ve teknik malûmatı kullanma hakkı sahibi arasında mevcut olabilecek her nevi ticarî münasebetler vasıtasıyla; ve

(b) Bu gibi münasebat mevcut olmadığı ahvâlde, ihtira berati hakları veya teknik malûmat sahibi ile diğer memlekette bunları kullanan arasında bu çeşit münasebetlerin tesisi suretiyle,

Müdafaa maksatları için ihtira berati haklarının kullanılmasını teşvil edecek ve VIII.inci maddede târif olunan hususî mülkiyet altındaki teknik malûmatın kullanılmasını ve mübadele edilmesini teşvik edecektir.

Şu kadar ki mahrem malûmat mevzuubahis olması halinde her iki Hükûmetin kanunları ve emniyet icabatı bu nevi münasebata müsait bulunmalıdır; ve şu kadar ki bu nevi bilûmum münasebatın esasları her iki Hükûmetin bu husustaki kabili tatbik kanunlarına tâbi kalmalıdır.

ARTICLE II

When, for defense purposes, technical information is supplied by one Contracting Government to the other for information only, and this is stipulated at the time of supply, the recipient Government shall treat the technical information as disclosed in confidence and use its best endeavors to ensure that the information is not dealt with in any manner likely to prejudice the rights of the owner thereof to obtain patent or other like statutory protection therefor.

ARTICLE III

When technical information dealing with categories of items to be established by the Contracting Governments is made available by one Contracting Government to the other for the purposes of defense and discloses an invention which is the subject of a patent or patent application held in secrecy in the country of origin, the recipient country shall accord similar secrecy to a corresponding patent application filed in the recipient country. The two Governments shall establish appropriate procedures for the implementation of the secrecy contemplated by this article.

ARTICLE IV

(a) Where privately-owned technical information

(i) has been communicated by or on behalf of the owner thereof to the Contracting Government of the country of which he is a national, and

(ii) is subsequently disclosed by that Government to the other Contracting Government for the purposes of defense and is used or disclosed by the latter Government without the express or implied consent of the owner, the Contracting Governments agree, that, where any compensation is paid to the owner by the Contracting Government first receiving the information, such payment shall be without prejudice to any arrangements which may be made between the two Governments regarding the assumption as between them of liability for compensation. The Technical Property Committee established under Article VI of this Agreement will discuss and make recommendations to the Governments concerning such arrangements.

(b) When, for the purposes of defense, technical information is made available by a national of one Contracting Government to the other Government at the latter's request and use or dis-

### MADDE II

Müdafaa maksatları için teknik malûmatın bir Âkit Hükûmetten diğerine sadece bilgi vermek için açıklanması ve bu hususun peşinen tebarüz ettirilmesi halinde malûmatı alan Hükûmet bu malûmatı mahrem malûmat muamelesine tâbi tutacak ve mevzuubahis malûmatın, malûmat sahibinin ihtira beratı almak hakkının veya buna mümasil kanunî hükümlerden neş'et eden sair koruyucu haklarının tesisinin hiçbir şekilde ihlâl edilmesine meydan vermiyecek şekilde kullanılması için azamî gayret sarfedecektir.

### MADDE III

Âkit Hükûmetlerce tesbit edilecek sınıflara dahil teknik malûmatın bir Âkit Hükûmetten diğerine müdafaa maksatları için açıklanması ve bu malûmatın menşe memlekette gizli tutulmakta olan bir ihtira beratına veya bir ihtira tescil talebine mevzu teşkil eden bir icadî açıklaması hâlinde malûmatı alan Hükûmet buna mütenazır bir ihtira tescil talebine aynı mahremiyeti tanıyacaktır. Her iki Hükûmet işbu maddede derpiş olunan gizliliğin tatbik edilebilmesi için gerekli usulleri tesbit edecektir.

### MADDE IV

(a) Âkit Hükûmetler, hususî mülkiyet altındaki teknik malûmatın,

(i) Sahibi tarafından veya onun namına, mümaileyhin tebaası bulunduğu Âkit memleket Hükûmetine açıklanması; ve

(ii) Bilâhare işbu malûmatın mezkûr Hükûmetçe müdafaa maksatları için diğer Âkit Hükûmete açıklanması ve bu sonuncu Hükûmetin de mevzuubahis malûmatı, sahibinin sarih veya zımnî rızası alınmadan, kullanması veya açıklaması hâlinde; malûmatı ilk olarak alan Âkit Hükûmetçe malûmat sahibine bir tazminat ödendiği takdirde, işbu ödeme keyfiyetinin, Âkit Hükûmetlerin kendi aralarında tazminat mükellefiyeti hakkında yapabilecekleri anlaşmalara tesiri olmayacağını kabul ederler.

(b) Müdafaa maksatları için teknik malûmatın bir Âkit Hükûmetin tebaası tarafından diğer Âkit Hükûmete bu sonuncu Hükûmetin vaki talebi üzerine verilmesi ve işbu malûmatın

closure is subsequently made of that information for any purpose whether or not for defense, the recipient Government shall, at the owner's request, take such steps as may be possible under its laws to provide prompt, just, and effective compensation for such use or disclosure to the extent that the owner may be entitled thereto under such laws.

ARTICLE V

When one Contracting Government, or an entity or agency owned or controlled by such Government, owns or has the right without cost to itself to grant a license to use an invention and that invention is used by the other Government for defense purposes, the using Government shall be entitled to use the invention without cost.

ARTICLE VI

Each Contracting Government shall designate a representative to meet the representative of the other Contracting Government to constitute a Technical Property Committee. Each representative may be accompanied by one or more experts or advisers. It shall be the function of this Committee:

(a) To consider and make recommendations on such matters relating to the subject of this Agreement as may be brought before it by either Contracting Government;

(b) To make recommendations to the Contracting Governments concerning any question, brought to its attention by either Government, relating to patent rights and technical information which arises in connection with the common defense effort;

(c) To assist, where appropriate, in the negotiation of commercial or other agreements for the use of patent rights and technical information in the common defense effort;

(d) To take note of pertinent commercial or other agreements for the use of patent rights and technical information in the common defense effort, and, where necessary, to obtain the views of the two Governments on the acceptability of such agreements;

(e) To assist, where appropriate, in the procurement of licenses and to make recommendations, where appropriate, respecting payment of indemnities covering inventions used in the common defense effort;

mezkûr Hükûmetçe müdafaa maksatları için veya başka gayelerle kullanılması veya açıklanması hâlinde malûmat sahibinin talebi üzerine, malûmatı alan Hükûmet, kendi kanunları ahkâmı dairesinde, mümaileyhe malûmatın kullanılması veya açıklanması dolayısıyla hak ettiği adil bir tazminatın derhal fiilen ödenmesi için gereken tedbirleri alacaktır.

#### MADDE V

Herhangi bir Âkit Hükûmetin veya bu Hükûmetin sahip olduğu veya kontrol ettiği müessesatın, herhangi bir icadın kullanılması için gerekli lisansa sahip olmaları veya işbu icadın kullanılması için gerekli lisansı herhangi bir masraf ihtiyar etmeksizin verebilmeleri ve diğer Hükûmetin de bu icadı müdafaa maksatları için kullanmak istemesi hâlinde, bu sonuncu Hükûmet bilâbedel mezkûr icadı kullanmağa yetkili olacaktır.

#### MADDE VI

Âkit Hükûmetlerce, bir Teknik Mülkiyet Komitesi teşkil edilmek üzere birer temsilci tayin olunacaktır. Temsilcilere bir veya daha fazla eksper veya müşavir terfik edilebilir. Komitenin deruhte edeceği vazifeler aşağıda gösterilmiştir:

(a) Bu Anlaşma ile ilgili olarak Âkit Hükûmetlerin herhangi biri tarafından kendisine sorulacak meseleleri tetkik etmek ve tavsiyelerde bulunmak;

(b) Müşterek müdafaa gayretleri ile ilgili olarak ihtira beratı hakları ve teknik malûmata müteallik olarak Âkit Hükûmetlerden herhangi biri tarafından nazarı dikkatine arzedilen bilûmum meseleler hakkında tavsiyelerde bulunmak;

(c) Müşterek müdafaa maksatları için ihtira beratı hakları ve teknik malûmatın istimâline mütedair ticarî ve diğer mahiyetteki anlaşmaların akdi hususundaki müzâkerata lüzumu hâlinde yardım etmek;

(d) Müşterek müdafaa gayretleri için, ihtira beratı haklarının ve teknik malûmatın istimâli hususunda yapılacak ticarî ve diğer mahiyetteki anlaşmalara ittilâ kesbetmek ve icabı hâlinde her iki Hükûmetin bu çeşit anlaşmaların şayanı kabul olup olmadığı hususundaki görüşlerini istihsâl etmek;

(e) Lisansların temini hususunda, lüzumu hâlinde, yardımlarda bulunmak ve müşterek müdafaa gayretleri için kullanılan icatlar dolayısıyla ödenecek tazminatlar hususunda lüzumu hâlinde tavsiyelerde bulunmak;

(f) To encourage projects for technical collaboration between and among the armed services of the two Contracting Governments and to facilitate the use of patent rights and technical information in such projects;

(g) To keep under review all questions concerning the use, for the purposes of the common defense effort, of all inventions which are, or hereafter come, within the provisions of Article V;

(h) To make recommendation to the Contracting Governments, either with respect to particular cases or in general, on the means by which any disparities between the laws of the two countries governing the compensation for or otherwise concerning technical information made available for defense purposes might be remedied.

#### ARTICLE VII

Upon request, each Contracting Government shall, as far as practicable, supply to the other Government all necessary information and other assistance required for the purposes of:

(a) affording the owner of technical information made available for defense purposes as contemplated by this Agreement the opportunity of protecting and preserving any rights he may have in the technical information; and

(b) assessing payments and awards arising out of the use of patent rights and technical information made available for defense purposes as contemplated by this Agreement.

#### ARTICLE VIII

(a) "Technical information" as used in this Agreement means information originated by or peculiarly within the knowledge of the owner thereof and those in privity with him and not available to the public.

(b) The term "use" includes manufacture by or for a Contracting Government.

(c) Nothing in this Agreement shall apply to patents, patent applications and technical information in the field of atomic energy.

(d) Nothing in this Agreement shall contravene present or future security arrangements between the Contracting Governments.



(f) İki Âkit Hükümet silâhlı kuvvetleri arasında teknik işbirliği sağlayacak teşebbüsleri teşvik etmek ve bu gibi teşebbüslerde ihtira beratı haklarının ve teknik malûmatın kullanılmasını kolaylaştırmak;

(g) V.inci madde ahkâmına giren veya bundan böyle girecek olan bilûmum icatların müsterek müdafaa gayretleri için kullanılmasına mütedair bütün meseleleri incelemek;

(h) Âkit memleketlerin müdafaa maksatları için açıklanan teknik malûmata müteallik veya bu hususta ödenecek tazminata mütedair kanunları ahkâmı arasında mevcut aykırılıkların giderilmesi çareleri hususunda Âkit Hükümetlere muayyen hâllerde veya umumî olarak tavsiyelerde bulunmak.

#### MADDE VII

Âkit Hükümetlerden her biri diğer Hükümetin talebi üzerine imkân nisbetinde:

(a) Bu Anlaşmada derpiş olunan şekilde müdafaa maksatları için verilmiş olan teknik malûmatın sahibine işbu malûmat üzerindeki bütün haklarının muhafaza ve siyanetini sağlamak imkânını vermek; ve

(b) İşbu Anlaşmada derpiş olunan şekilde müdafaa maksatları için verilmiş olan teknik malûmatın ve ihtira beratı haklarının istimalinden neş'et edecek istihkak ve tediyenin tayin ve tesbiti için,

Gereken bütün lüzumlu malûmatı ve diğer yardımları temin edecektir.

#### MADDE VIII

(a) İşbu Anlaşmadaki "teknik malûmat" tâbirinden, bizzat malûmat sahibinden sâdır olan veya münhasıran malûmat sahibinin veya kendisinin bu hususta bilgi verdiği kimselerce bilinen ve umuma açıklanmayan malûmat anlaşılır.

(b) "Kullanmak" tâbiri Âkit Hükümet tarafından veya Hükümet namına yapılan imalâtı ihtiva eder.

(c) İşbu Anlaşmanın herhangi bir hükmü atom enerjisi sahasındaki ihtira beratlarına, ihtira tescil taleplerine ve teknik malûmata şamil değildir.

(d) İşbu Anlaşma ahkâma Âkit Hükümetler arasında hâlen mevcut bulunan emniyet anlaşmalarını ihlâl edemeyeceği gibi ileride bu gibi anlaşmalar aktedilmesine de mâni teşkil etmeyecektir.

## ARTICLE IX

(a) This Agreement shall enter into force<sup>[1]</sup> on the date of receipt by the Government of the United States of America of a notification in writing from the Government of the Republic of Turkey of approval of the Agreement in accordance with the constitutional procedures of Turkey.

(b) The terms of this Agreement may be reviewed at any time at the request of either Contracting Government.

(c) This Agreement shall terminate six months after notice of termination by either Contracting Government but without prejudice to obligations and liabilities which have then accrued pursuant to the terms of this Agreement.

<sup>1</sup> Apr. 2, 1957.

MADDE IX

(a) İşbu Anlaşma Türk Teşkilâtı Esasiye ahkâmı dairesinde Anlaşmanın tasvib edildiği hususunda Türkiye Cumhuriyeti Hükûmetince yapılacak tahriri tebligatın Amerika Birleşik Devletleri Hükûmetine vürudu tarihinde mer'iyete girecektir.

(b) İşbu Anlaşma ahkâmı herhangi bir Âkit Hükûmetin talebi ile her zaman yeniden gözden geçirilebilecektir.

(c) İşbu Anlaşma herhangi bir Âkit Hükûmetin feshi ihbar tarihinden itibaren 6 ay sonra yürürlükten kalkacak; ancak işbu fesih keyfiyeti Anlaşma ahkâmı dairesinde o ana kadar teessüs etmiş vecibe ve mesuliyetleri ihlâl etmiyecektir.

In witness whereof the undersigned, being duly authorized thereto by their respective Governments, have signed the present Agreement.

Done at Ankara, in duplicate, in the English and Turkish languages, each of which shall be of equal authenticity, this eighteenth day of May 1956.

For the Government of the  
United States of America  
Amerika Birleşik Devletleri  
Hükûmeti Adına  
FOY D. KOHLER  
[SEAL]

Keyfiyeti tasdiklen Hükûmetleri tarafından usulü dairesinde selâhiyetli kılınmış olan ve aşağıda imzaları bulunan temsilciler işbu Anlaşmayı imzalamışlardır.

Ankara'da bugünkü on sekiz Mayıs 1956 tarihinde, aynı derecede muteber olmak üzere İngilizce ve Türkçe metinler halinde ikişer nüsha olarak tanzim edilmiştir.

Türkiye Cumhuriyeti  
Hükûmeti Adına  
For the Government of the  
Republic of Turkey  
M NURİ BİRGI  
[SEAL]

## TURKEY

### Interchange of Patent Rights and Technical Information for Defense Purposes: Filing of Classified Patent Applications

*Agreement effected by exchange of notes  
Signed at Ankara March 17 and September 16, 1959;  
Entered into force September 16, 1959.*

*The American Ambassador to the Turkish Minister of Foreign Affairs*

No. 1934

*ANKARA, March 17, 1959.*

#### EXCELLENCY:

I have the honor to refer to the Agreement between the Government of the United States of America and the Government of the Republic of Turkey to Facilitate Interchange of Patent Rights and Technical Information for Defense Purposes, which was signed at Ankara on May 18, 1956,<sup>[1]</sup> and to the discussions between representatives of our two Governments regarding procedures for the reciprocal filing of classified patent applications under the terms of Articles VI and III of this Agreement. I attach a copy of the procedures prepared during the course of these discussions and agreed to by those representatives.

I am now instructed to inform you that the enclosed procedures have been agreed to by the Government of the United States of America. I would appreciate it if you would confirm that they are also acceptable to your Government. Upon receipt of such confirmation, my Government will consider that these procedures shall thereafter govern the reciprocal filing of classified patent applications, in accordance with the terms of the aforesaid Agreement.

Please accept, Excellency, the renewed assurances of my highest consideration.

FLETCHER WARREN

#### Enclosure:

Copy of Procedures.

His Excellency

FATMA RÜSTÜ ZORLU,  
*Minister of Foreign Affairs,  
Ankara.*

<sup>1</sup> TIAS 3809; 8 UST 597.

January 1959

PROCEDURES FOR RECIPROCAL FILING OF  
 CLASSIFIED PATENT APPLICATIONS  
 IN THE UNITED STATES OF AMERICA  
 AND TURKEY

1. *General*

The following procedures are in implementation of Article III of the Agreement between the Government of the United States and the Government of the Republic of Turkey to Facilitate Interchange of Patent Rights and Technical Information for Defense Purposes which was signed on May 18, 1956, and entered into force on April 2, 1957. The purpose of these procedures is to facilitate the filing of patent applications involving classified subject matter of defense interest, by inventors of one country in the other country, and to guarantee adequate security in such other country for the inventions disclosed by such applications. These procedures are based upon the following understandings with respect to basic security requirements:

(a) Each Government has authority within its jurisdiction to impose secrecy on an invention of defense interest which it considers to involve classified matter.

(b) The authority of each Government, when acting as the originating Government, to impose, modify or remove secrecy orders shall be exercised only at the request, or with the concurrence, of national defense officials of that Government, or pursuant to criteria established by national defense agencies of that Government.

(c) Secrecy orders shall apply to the subject matter of the inventions concerned, and prohibit unauthorized disclosure of the same by all persons having access thereto.

(d) Adequate physical security arrangements shall be provided in all Government departments, including Patent Offices, handling inventions of defense interest and all persons in these departments and offices required to handle such inventions shall have been security cleared.

(e) Each Government shall take all possible steps to prevent unauthorized foreign filing of patent applications which may involve classified subject matter of defense interest.

(f) Permission for foreign filing of a patent application involving classified subject matter of defense interest shall remain discretionary with each Government.

(g) The recipient Government shall assign to the invention involved a classification corresponding to that given in the country of origin and shall take effective measures to provide security protection appropriate to such classification.

(h) Where patent applications covered by a secrecy order are handled by patent agents or attorneys in private practice, arrangements shall be made for the security clearance of these agents or attorneys and such of their employees who may be involved, prior to their handling such applications or information relating thereto, as well as for adequate physical security measures in their offices.

(i) When secrecy has been imposed on an invention in one country and the inventor has been given permission to apply for a patent in the other country, all communications regarding the classified aspects of the invention shall pass through diplomatic or other secure channels.

## 2. *Applications Originating in the United States*

The following provisions shall apply when, for defense purposes, a United States patent application has been placed in secrecy under the provisions of Title 35, United States Code, Section 181,<sup>1</sup> and the applicant wishes to file a corresponding application in Turkey:

(a) The applicant shall petition the United States Commissioner of Patents for modification of the secrecy order to permit filing in Turkey. This petition will be prepared in conformance with paragraph 5.5 or Part 5, Title 37, Code of Federal Regulations, the provisions of which are incorporated herein by reference.

(b) Permission to file a classified patent application in Turkey is conditional upon the applicant agreeing to:

- (1) Make the invention involved or any information relating thereto available to the Turkish Government for purposes of defense;
- (2) Waive any right to compensation for damage which might arise under the laws of Turkey by virtue of the mere imposition of secrecy on his invention in Turkey, but reserving any right of action for compensation provided by the laws of Turkey for use by the Turkish Government of the invention disclosed by the application.

(c) Upon obtaining permission to file in Turkey, the applicant shall forward the documents for the foreign application to the defense agency which initiated the secrecy order.

(d) The defense agency shall transmit, through diplomatic channels, the documents received from the applicant, simultaneously, as follows:

- (1) One copy to the Military Attache at the Turkish Embassy in the United States for use by the Turkish Government for defense purposes; and

<sup>1</sup> 66 Stat. 805.

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(2) One copy to the appropriate section of the United States Embassy in Turkey. The letter transmitting the documents to the United States Embassy in Turkey shall indicate the security classification given to the application in the United States, state that the invention involved or information relating thereto has been made available to the Turkish Government for purposes of defense, and state that the applicant has authorization to file a corresponding application in Turkey under the provisions of Title 35, United States Code, Section 184. It shall also include instructions for the Embassy to inquire of appropriate Turkish Ministry of Defense officials as to whether the Turkish attorney or agent designated by the applicant is security cleared in accordance with the provisions of subparagraph 1(h), supra.

(e) If the designated attorney or agent is not security cleared, the Turkish Ministry of Defense shall so inform the appropriate section of the American Embassy, which shall forward such information to the United States defense agency which initiated the secrecy order. It shall then be necessary for the designated attorney or agent to become security cleared, if time permits, or for the patent applicant to select another attorney or agent and submit his name through the United States defense agency to the American Embassy in Turkey.

(f) When a security cleared attorney or agent has been designated, the Embassy shall transmit the documents to him by personal delivery or in any other manner consistent with Turkish security regulations.

(g) The Turkish attorney or agent shall then file the application in the Turkish Patent Office.

(h) The Government of Turkey shall then place the application in secrecy.

(i) The applicant shall submit as soon as possible to the initiating agency the serial number and filing date of the foreign application.

3. *Applications Originating in Turkey*

The following provisions shall apply when, for defense purposes, a Turkish patent application involving classified subject matter of defense interest has been placed in secrecy under the provisions of Turkish law, and the applicant wishes to file a corresponding application in the United States of America:

(a) The applicant shall send a written request to the Turkish Director of Industrial Property, Ministry of Industry, asking permission to file such an application in the United States of America.

(b) Permission to file a classified patent application in the United States shall be conditional upon the applicant agreeing to:

(1) Make the invention involved or any information relating thereto available to the United States Government for purposes of defense;



(2) Waive any right to compensation for damage which might arise under the laws of the United States by virtue of the mere imposition of secrecy on his invention in the United States, but reserving any right of action for compensation provided by the laws of the United States for use by the United States Government of the invention disclosed by the application.

(c) Upon obtaining permission to file in the United States, the applicant shall forward to the Turkish Ministry of Defense, four copies of the foreign patent application, all in conformance with Turkish security regulations.

(d) The Turkish Ministry of Defense shall retain one copy and transmit, through diplomatic channels, the remaining documents received from the applicant, simultaneously, as follows:

(1) One copy to the Military Attache in the United States Embassy in Turkey for use by the United States Government for defense purposes; and

(2) Two copies to the Military Attache at the Turkish Embassy in the United States. The letter transmitting the documents to the Military Attache at the Turkish Embassy in the United States shall indicate the security classification given to the application or patent in Turkey and state that the invention involved and information relating thereto has been made available to the United States Government for purposes of defense, in accordance with provisions of Title 35, United States Code, Section 181-188, inclusive. It shall also include instructions for the Military Attache to inquire of the Secretary, Armed Services Patent Advisory Board, Patents Division, Office of the Judge Advocate General, Department of the Army, Washington 25, D.C., as to whether the American attorney or agent designated by the applicant is security cleared in accordance with the provisions of subparagraph 1 (h), supra.

(e) If the designated attorney or agent is not security cleared, the Secretary, Armed Services Patent Advisory Board, shall so inform the Military Attache, who shall forward such information to the Turkish Ministry of Defense. It shall then be necessary for the designated attorney or agent to become security cleared, if time permits, or for the patent applicant to select another attorney or agent and submit his name through the Turkish Military Attache to the Secretary of the Armed Services Patent Advisory Board.

(f) When a security cleared attorney or agent has been designated, the Turkish Military Attache shall transmit the documents to him by personal delivery or in any other manner consistent with United States security regulations. The designated attorney or agent shall

then file the application in the United States Patent Office and shall forward to the Secretary of the Armed Services Patent Advisory Board a copy of the application as filed, as well as a copy of the document issued by Turkey to the patent application permitting him to file in the United States.

(g) The Government of the United States shall then place the application in secrecy.

4. *Subsequent Correspondence Between Applicant and Foreign Patent Office*

(a) All subsequent correspondence of a classified nature between an applicant in either country and the patent office in the other country shall be through the same channels as outlined for the original application.

(b) Unclassified formal notification such as statements of fees, extensions of time limits, etc., may be sent by the patent offices directly to the applicant or his authorized representative without any special security arrangements.

5. *Removal of Secrecy*

(a) A secrecy order shall be removed only on the request of the originating Government.

(b) The originating Government shall give the other Government at least six weeks notice of its intention to remove secrecy and shall take into account, as far as possible, any representations made by the other Government during this period.

6. *Notification of Changes in Laws and Regulations*

Each Government shall give the other Government prompt notice through the Technical Property Committee of any changes in its laws or regulations affecting these procedures.

*The Assistant Secretary General for NATO [1] Affairs in the Turkish Ministry of Foreign Affairs to the American Ambassador*

TÜRKİYE CUMHURİYETİ  
 HARIÇİYE VEKÂLETİ [2]

ANKARA, 16 September, 1959

EXCELLENCY,

I have the honor to refer to your Excellency's Note and its enclosure dated March 17, 1959 which reads as follows:

<sup>1</sup> North Atlantic Treaty Organization.

<sup>2</sup> Republic of Turkey  
 Ministry of Foreign Affairs

"Excellency:

I have the honor to refer to the Agreement between the Government of the United States of America and the Government of the Republic of Turkey to Facilitate Interchange of Patent Rights and Technical Information for Defense Purposes, which was signed at Ankara on May 18, 1956, and to the discussions between representatives of our two Governments regarding procedures for the reciprocal filing of classified patent applications under the terms of Articles VI and III of this Agreement. I attach a copy of the procedures prepared during the course of these discussions and agreed to by those representatives.

I am now instructed to inform you that the enclosed procedures have been agreed to by the Government of the United States of America. I would appreciate it if you would confirm that they are also acceptable to your Government. Upon receipt of such confirmation, my Government will consider that these procedures shall thereafter govern the reciprocal filing of classified patent applications, in accordance with the terms of the aforesaid agreement.

Please accept, Excellency, the renewed assurances of my highest consideration."

I have the honor to inform your Excellency that my Government is in agreement with the above arrangement.

I avail myself of this opportunity to renew to your Excellency the assurances of my highest consideration.

HÜVEYDA MAYATEPEK

His Excellency  
FLETCHER WARREN,  
*Ambassador of the  
United States of America,  
Ankara.*

Conform to the original

