

Done at Bonn, Petersberg, on 21 September 1949.

A. FRANCOIS-PONCET,
French High Commissioner for Germany,
JOHN J. McCLOY,
U. S. High Commissioner for Germany,
B. H. ROBERTSON,
U. K. High Commissioner for Germany.

TEXT OF OCCUPATION STATUTE PROMULGATED ON THE 12TH MAY 1949 BY THE MILITARY GOVERNORS AND COMMANDERS IN CHIEF OF THE WESTERN ZONES

In the exercise of the supreme authority which is retained by the Governments of France, the United States and the United Kingdom,

We, General Pierre Koenig, Military Governor and Commander-in-Chief of the French Zone of Germany,

General Lucius D. Clay, Military Governor and Commander-in-Chief of the United States Zone of Germany, and

General Sir Brian Hubert Robertson, Military Governor and Commander-in-Chief of the British Zone of Germany,

Do hereby jointly proclaim the following Occupation Statute:

1. During the period in which it is necessary that the occupation continue, the Governments of France, the United States and the United Kingdom desire and intend that the German people shall enjoy self-government to the maximum possible degree consistent with such occupation. The Federal State and the participating Laender shall have, subject only to the limitations in this Instrument, full legislative, executive and judicial powers in accordance with the Basic Law and with their respective constitutions.

2. In order to ensure the accomplishment of the basic purposes of the occupation, powers in the following fields are specifically reserved, including the right to request and verify information and statistics needed by the occupation authorities:

(a) Disarmament and demilitarization, including related fields of scientific research, prohibitions and restrictions on industry, and civil aviation;

(b) Controls in regard to the Ruhr, restitution, reparations, decartelization, deconcentration, non-discrimination in trade matters, foreign interests in Germany and claims against Germany;

(c) Foreign affairs, including international agreements made by or on behalf of Germany;

(d) Displaced persons and the admission of refugees;

(e) Protection, prestige, and security of Allied forces, dependents, employees and representatives, their immunities and satisfaction of occupation costs and their other requirements;

(f) Respect for the Basic Law and the Land constitutions;

(g) Control over foreign trade and exchange;

(h) Control over internal action, only to the minimum extent necessary to ensure use of funds, food and other supplies in such manner as to reduce to a minimum the need for external assistance to Germany;

(i) Control of the care and treatment in German prisons of persons charged before or sentenced by the courts or tribunals of the occupying Powers or occupation authorities; over the carrying out of sentences imposed on them; and over questions of amnesty, pardon or release in relation to them.

3. It is the hope and expectation of the Governments of France, the United States and the United Kingdom that the occupation authorities will not have occasion to take action in fields other than those specifically reserved above. The occupation authorities, however, reserve the right, acting under instructions of their Governments, to resume, in whole or in part, the exercise of full authority if they consider

that to do so is essential to security or to preserve democratic government in Germany or in pursuance of the international obligations of their Governments. Before so doing they will formally advise the appropriate German authorities of their decision and of the reasons therefor.

4. The German Federal Government and the Governments of the Laender shall have the power, after due notification to the occupation authorities, to legislate and act in the fields reserved to these authorities, except as the occupation authorities otherwise specifically direct or as such legislation or action would be inconsistent with decisions or actions taken by the occupation authorities themselves.

5. Any amendment of the Basic Law will require the express approval of the occupation authorities before becoming effective. Land constitutions, amendments thereof, all other legislation, and any agreements made between the Federal State and foreign Governments, will become effective 21 days after its official receipt by the occupation authorities unless previously disapproved by them, provisionally or finally. The occupation authorities will not disapprove legislation unless in their opinion it is inconsistent with the Basic Law, a Land constitution, legislation or other directives of the occupation authorities themselves or the provisions of this Instrument, or unless it constitutes a grave threat to the basic purposes of the occupation.

6. Subject only to the requirements of their security, the occupation authorities guarantee that all agencies of the occupation will respect the civil rights of every person to be protected against arbitrary arrest, search or seizure; to be represented by counsel; to be admitted to bail as circumstances warrant; to communicate with relatives; and to have a fair and prompt trial.

7. Legislation of the occupation authorities enacted before the effective date of the Basic Law shall remain in force until repealed or amended by the occupation authorities in accordance with the following provisions:

(a) Legislation inconsistent with the foregoing will be repealed or amended to make it consistent herewith;

(b) Legislation based upon the reserved powers, referred to in paragraph 2 above will be codified;

(c) Legislation not referred to in (a) and (b) will be repealed by the occupation authorities on request from appropriate German authorities.

8. Any action shall be deemed to be the act of the occupation authorities under the powers herein reserved, and effective as such under this Instrument, when taken or evidenced in any manner provided by any agreement between them. The occupation authorities may in their discretion effectuate their decisions either directly or through instructions to the appropriate German authorities.

9. After 12 months and in any event within 18 months of the effective date of this Instrument the occupying Powers will undertake a review of its provisions in the light of experience with its operation and with a view to extending the jurisdiction of the German authorities in the legislative, executive and judicial fields.

Publication of this notice is not intended to and does not in any way add to or detract from the presently existing legal force and effect of the matter quoted above.

For the Secretary of State:

HENRY A. BYROADE,
Director, Bureau of German Affairs.

DECEMBER 6, 1949.

[F. R. Doc. 49-9950; Filed, Dec. 12, 1949; 8:55 a. m.]

[Public Notice 14]

OCCUPATION; DEFINITIONS

The following proclamations and regulations issued by the Allied High Commission for Germany and by the United States High Commissioner for Germany are deemed to be of interest to certain United States citizens as having legal effect upon them or their property.

[Law No. 2]

DEFINITIONS

The Council of The Allied High Commission enacts as follows:

ARTICLE 1

In the absence of any indication to the contrary, in legislation of the Allied High Commission:

1. The expression "Occupation Authorities" shall include the Council of the Allied High Commission, the High Commissioners, and Allied Organizations and persons exercising power on their behalf.

2. The expression "Occupation Forces" shall include the Armed Forces of the Occupying Powers and auxiliary contingents of other Powers serving with them.

3. The expression "Allied Forces" shall include—

(a) The Occupation Authorities.
(b) The Occupation Forces and their members.

(c) Non-German nationals, civilian or military, who are serving with the Occupation Authorities.

(d) Members of the families and non-German persons in the service of the persons referred to in subparagraphs (a) (b) and (c) of this paragraph.

(e) Non-German persons whose presence in the occupied territory is certified by a High Commissioner or Commander of any of the Occupation Forces to be necessary for the purposes of the occupation.

4. The expressions "the territory of the Federal Republic" and "the Federal Territory" shall include the territories of the Laender of Baden, Bavaria, Bremen, Hamburg, Hesse, Lower Saxony, North Rhine/Westphalia, Rhineland Palatinate, Schleswig-Holstein, Wuerttemberg-Baden and Wuerttemberg-Hohenzollern, as constituted on the effective date of this Law.

ARTICLE 2

This law shall become effective on the 21st September 1949.

Done at Bonn, Petersberg, on 21 September 1949.

A. FRANCOIS-PONCET,
French High Commissioner for Germany,
JOHN J. McCLOY,
U. S. High Commissioner for Germany,
B. H. ROBERTSON,
U. K. High Commissioner for Germany.

Publication of this notice is not intended to and does not in any way add to or detract from the presently existing legal force and effect of the matter quoted above.

For the Secretary of State.

HENRY A. BYROADE,
Director, Bureau of German Affairs.

DECEMBER 6, 1949.

[F. R. Doc. 49-9951; Filed, Dec. 12, 1949; 8:55 a. m.]

[Public Notice 15]

TRANSITIONAL PROVISIONS

The following proclamations and regulations issued by the Allied High Com-

mission for Germany and by the United States High Commissioner for Germany are deemed to be of interest to certain United States citizens as having legal effect upon them or their property.

[Law No. 3]

TRANSITIONAL PROVISIONS

The Council of The Allied High Commission enacts as follows:

ARTICLE 1

Where any legislation repealed by the Occupation Authorities contained any provision repealing other legislation, such other legislation shall not be deemed to be revived in the absence of an express provision to that effect.

ARTICLE 2

Where any legislation has been revised or replaced by the Occupation Authorities, references in other legislation to articles, sections or paragraphs of the former text shall be deemed to be references to the corresponding provisions of the new text, notwithstanding any difference in the numbering or lettering.

ARTICLE 3

Any implementing regulations issued in pursuance of any legislation which has been revised or replaced by the Occupation Authorities shall remain in force, unless repealed under or inconsistent with, the new legislation.

ARTICLE 4

No person may be prosecuted for an offence under legislation repealed by the Occupation Authorities unless such offence also constitutes a violation of legislation in force or proceedings are instituted within three months of the repeal.

ARTICLE 5

References in any legislation enacted before the entry into force of the Occupation Statute to the Control Council, the Supreme Commander Allied Expeditionary Force, the Commanding General, the Armed Forces, Military Government, the Military Governor and to other authorities shall, where the context so requires or admits, be deemed to refer to the appropriate authorities exercising the particular functions mentioned in such legislation.

ARTICLE 6

This law shall become effective on the 21st September 1949.

Done at Bonn, Petersberg, on 21 September 1949.

A. FRANCOIS-PONCET,
French High Commissioner for Germany.
JOHN J. MCCLOY,
U. S. High Commissioner for Germany.
E. H. ROBERTSON,
U. K. High Commissioner for Germany.

Publication of this notice is not intended to and does not in any way add to or detract from the presently existing legal force, and effect of the matter quoted above.

For the Secretary of State.

HENRY A. BYROADE,
Director, Bureau of German Affairs.

DECEMBER 6, 1949.

[F. R. Doc. 49-9952; Filed, Dec. 12, 1949; 8:56 a. m.]

[Public Notice 16]

PRESS, RADIO, INFORMATION AND ENTERTAINMENT

The following proclamations and regulations issued by the Allied High Commission for Germany and by the United States High Commissioner for Germany are deemed to be of interest to certain United States citizens as having legal effect upon them or their property.

[Law No. 5]

PRESS, RADIO, INFORMATION AND ENTERTAINMENT

The Council of The Allied High Commission enacts as follows:

ARTICLE 1

1. The German press, radio and other information media shall be free as is provided by the Basic Law. The Allied High Commission reserves the right to cancel or annul any measure, governmental, political, administrative or financial, which threatens such freedom.

ARTICLE 2

1. An enterprise or a person engaged therein or utilizing the facilities thereof shall not act in a manner affecting or likely to affect prejudicially the prestige or security of the Allied Forces.

2. Where in the opinion of the Allied High Commission an enterprise or a person has violated the provisions of paragraph 1 of this Article, the Allied High Commission may prohibit the enterprise from continuing its activities or the person from engaging in any enterprise or utilizing the facilities thereof, for a definite or an indefinite period of time. The Allied High Commission may impose a like prohibition on an enterprise or person where in its opinion there is sufficient evidence that such person or enterprise is about to violate the provisions of this law.

3. Where any enterprise is so prohibited for more than three months, or any person for more than one month, the enterprise or person affected shall have the right to appeal to an agency to be established for the purpose. Such agency shall, after hearing the appellant or his representative and any witnesses whom the appellant or the agency desires to call, either confirm, extend, reduce or modify the terms of the order appealed from.

ARTICLE 3

1. No new radio broadcasting, television or wired radio transmission installation shall be set up and there shall be no transfer of control of any installation of this nature without the authorization of the Allied High Commission. German radio operations shall be conducted in accordance with frequency and power allocations made by the Allied High Commission.

2. International relays, foreign language broadcasting and negotiations with foreign countries on matters of broadcasting shall be subject to prior authorization by the Allied High Commission.

ARTICLE 4

Any radio broadcasting stations and any publications shall, when required by the Allied High Commission, broadcast or publish any information deemed necessary by the Commission to further the purposes of the Occupation Statute.

ARTICLE 5

A copy of every publication or production of any enterprise shall, on publication or production in the federal territory, be filed as the Allied High Commission may direct.

ARTICLE 6

The Allied High Commission may prohibit the distribution, display or possession in the federal territory of any publication or production of any enterprise which in its opinion is likely to prejudice the prestige or security of the Allied Forces. It may also prohibit the bringing into the federal territory of such publications or productions.

ARTICLE 7

The Allied High Commission may confiscate any publication or production distributed or produced contrary to the provisions of this law.

ARTICLE 8

Administrative action taken in accordance with the provisions of this law shall not be a bar to criminal proceedings.

ARTICLE 9

Any person who violates any provision of this law or of any regulation or order made thereunder shall, upon conviction, be liable to a term of imprisonment not exceeding five years or to a fine not exceeding DM 10,000 or both. If the offense has been committed by an enterprise the fine may be increased to a maximum of DM 100,000. The Court may also order the forfeiture of any property of which the possession or use was an essential element of the offense for which the person is convicted.

ARTICLE 10

The Allied High Commission may issue regulations implementing this law.

ARTICLE 11

For the purpose of this law, the expression "Enterprise" shall mean any undertaking, private or public, individual or collective, engaged in:

(a) The printing, production, publication, distribution, sale or commercial lending of any printed or any mechanically reproduced matter;

(b) The making or dissemination of sound recordings or motion picture films;

(c) The operation of news, feature or photographic services;

(d) Transmission by Hellschreiber, radio transmission and broadcasting, television transmission and broadcasting, wired radio transmission and broadcasting and audio-frequency distribution;

(e) The operation of any place of entertainment, of film laboratories, film exchanges, film studios, as well as the production or presentation of films and all forms of entertainment.

ARTICLE 12

The following legislation is hereby repealed:

United States Military Government Law No. 76 (Amended) Posts, Telephone, Telegraphs and Radio, and the censorship regulations issued thereunder,

United States Military Government Law No. 191 (Amended 1) Control of Publications, Radio Broadcasting News Services, Films, Theatres and Music and Prohibition of Activities of the Reichsministerium fuer Volksaufklaerung und Propaganda, and Information Control Regulations No. 2 and 3 issued thereunder,

British Military Government Law No. 76 (Amended 1) Posts, Telephones, Telegraphs and Radio, except paragraphs 8 and 10 thereof,

SHAEF Censorship for the civilian population of Germany under the jurisdiction of Military Government,

British Military Government Law No. 191 (Amended 1) Control of Publications, Radio Broadcasting News Services, Films, Theatres, and Music and Prohibition of Activities of

Reichsministerium fuer Volksaufklaerung und Propaganda,

British Military Government Ordinance No. 22 Postal Censorship (Prevention of Evasion),

British Military Government Information Control Regulations No. 1 and 2,

British Military Government Ordinance No. 113, Import of Literature, and Regulation No. 1 issued pursuant thereto,

British Military Government Instructions for Printers,

SHAEF Law No. 191 dealing with the suspension of press, radio, the closing of theatres and places of entertainment, the prohibition of the activities of the Reichsministerium fuer Volksaufklaerung und Propaganda,

French Military Government Ordinance No. 34 regarding the registration of all cinecameras, cine sound apparatus or cine projectors,

French Military Government Ordinance No. 85 regarding the possession and the surrendering to the French Authorities of positive films or unused or printed negative films and of all copies of films of all types.

ARTICLE 13

This law shall become effective on the 21st September 1949.

Done at Bonn, Petersberg, on 21 September 1949.

A. FRANCOIS-PONCET,
French High Commissioner for Germany.
JOHN J. McCLOY,
U. S. High Commissioner for Germany.
B. H. ROBERTSON,
U. K. High Commissioner for Germany.

Publication of this notice is not intended to and does not in any way add to or detract from the presently existing legal force and effect of the matter quoted above.

For the Secretary of State.

HENRY A. BYROADE,
Director, Bureau of German Affairs.

DECEMBER 6, 1949.

[F. R. Doc. 49-9953; Filed, Dec. 12, 1949; 8:56 a. m.]

[Public Notice 17]

INDUSTRIAL, LITERARY AND ARTISTIC PROPERTY RIGHTS OF FOREIGN NATIONS AND NATIONALS

The following proclamations and regulations issued by the Allied High Commission for Germany and by the United States High Commissioner for Germany are deemed to be of interest to certain United States citizens as having legal effect upon them or their property.

[Law No. 8]

INDUSTRIAL, LITERARY AND ARTISTIC PROPERTY RIGHTS OF FOREIGN NATIONS AND NATIONALS

The Council of The Allied High Commission enacts as follows:

ARTICLE 1

The industrial, literary and artistic property rights in Germany of foreign nations and foreign nationals which have been impaired by the existence of a state of war or as a result of German war legislation shall be restored in the territory of the Federal Republic in accordance with this law.

ARTICLE 2

Upon request, filed without fee with the Patent Office prior to 3 October 1950, any industrial, literary or artistic property rights in Germany owned by a foreign nation or foreign national at the commencement of or

during the state of war between Germany and the foreign nation concerned which were transferred, seized, requisitioned, revoked or otherwise impaired by war measures, whether legislative, judicial or administrative, shall be restored by the Patent Office, without fee or penalty, to such foreign nation or foreign national or his legal successor; *Provided, however,* That this Article shall not affect any petition which may have been filed under United States Military Government Law No. 59 or British Military Government Law No. 59 or any judgment, decision or order which has been or may be rendered or made under such laws. A decision of the Patent Office denying any such request shall be subject to appeal to the Occupation Authorities in such manner as may be prescribed in regulations issued by them.

ARTICLE 3

Prior to 3 October 1950, a foreign nation or foreign national owning industrial, literary or artistic property rights in Germany at the commencement of or during the state of war between Germany and the foreign nation concerned may accomplish, without incurring restoration fees or other penalty, all acts which are necessary for the obtaining or preserving in the territory of the Federal Republic of rights in industrial, literary and artistic property which were not performed owing to the existence of the state of war or the Military Occupation of Germany. Such acts shall have the same effect as if they had been done at the proper time. Where any such act would have involved the payment of money, such payment shall be considered to have been made.

ARTICLE 4

Upon request, filed without fee with the Patent Office prior to 3 October 1950, any application to the former German Patent Office (Reichspatentamt) for the granting of industrial property rights filed by or on behalf of any foreign nation or foreign national shall be reinstated, without restoration fees or other penalty, in the territory of the Federal Republic by the Patent Office in any case in which the application was pending, had been filed or had been rejected during the period between the date of the commencement of the state of war between Germany and the foreign nation concerned and 30 September 1949, both dates inclusive. Any such request shall be made by or on behalf of the original applicant or his legal successor. In the case of any application for a patent which has been published and which is reinstated by virtue of this Article, the protection afforded by publication in accordance with Article 30 of the Reich Patent Law of 5 May 1936, as amended, shall be deemed to have been effective within the territory of the Federal Republic as from 1 October 1949.

ARTICLE 5

Upon request, filed without fee with the Patent Office prior to 3 October 1950, the Patent Office shall extend, without additional fees or other penalty, in the territory of the Federal Republic the duration of any industrial, literary or artistic property right in Germany owned by a foreign nation or foreign national at the date of commencement of or during the state of war between Germany and the foreign nation concerned, or granted upon an application reinstated pursuant to Article 4 of this law. Such period of extension shall correspond to the period between such date of commencement of the state of war, or such later date on which such right came into existence, and 30 September 1949, both dates inclusive, but shall not exceed the unexpired period of the duration of any right which existed at such date of commencement of the state of war. Any such request shall be made by or on behalf of the original owner of the right or his legal successor.

ARTICLE 6

1. Any foreign nation or foreign national who, prior to 1 October 1949 shall have duly made first application in any country other than Germany for a patent or for the registration of a utility model (Gebrauchsmuster) not earlier than twelve months before the commencement of the state of war between Germany and the foreign nation concerned or for the registration of an industrial design or model or trade mark not earlier than six months before the date of commencement of such state of war, may apply, prior to 3 October 1950, to the Patent Office for corresponding rights in the territory of the Federal Republic and shall be entitled to rights of priority based on such first application.

2. The provisions of paragraph 1 of this Article shall apply only to a foreign nation and the nationals of a foreign nation which officially notifies the Patent Office prior to 1 April 1950 that:

(a) It permits the filing of applications for industrial property rights by German nationals,

(b) It accords rights of priority at least as great as those specified by the Convention in respect of applications filed with a Filing Office and application filed with the Patent Office, and

(c) If German nationals were not permitted to file applications in such foreign nation prior to 1 April 1949, it permits the filing of applications by German nationals and accords the same priority as would have been obtained if a filing had taken place within one year of the filing with a Filing Office or the Patent Office.

ARTICLE 7

1. Natural or juristic persons resident of or carrying on business in the territory of the Federal Republic who, between 1 September 1939 and 30 September 1949, both dates inclusive, bona fide acquired industrial, literary or artistic property rights, other than a trade mark, which conflict with rights restored under this Law or with rights obtained with the priority provided thereunder, or were bona fide manufacturing, publishing, reproducing, using or selling the subject matter of such industrial, literary or artistic property rights, other than a trade mark, and have not disposed or been deprived of such rights prior to 1 October 1949, shall be permitted, without liability for infringement, to continue to exercise such rights and to continue or resume such manufacture, publication, reproduction, use or sale, in accordance with a non-exclusive license granted by the holder of the rights restored by this Law or obtained with the priority given thereunder, on terms to be mutually agreed. If agreement on the terms of such non-exclusive license is not reached, a prospective party to the license agreement, at any time prior to 1 April 1951, may request the Grand Senate (Grosser Senat) of the Patent Office to fix such terms. Upon such request the Grand Senate, not later than 1 October 1951, shall fix the terms of such license after giving an opportunity for the prospective parties to the license agreement to be heard.

2. The Grand Senate of the Patent Office shall establish rules of procedure with respect to the hearings provided for in paragraph 1 above.

3. A decision of the Grand Senate shall be subject to appeal to the Occupation Authorities in such manner as may be prescribed in regulations issued by them.

ARTICLE 8

Any foreign nation or foreign national or the legal successor of a foreign national, may, not later than 1 October 1951, institute proceedings against those natural or juristic persons who are alleged to have infringed the industrial, literary or artistic property rights of such foreign nation or foreign national either