

N° 2703.

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**POLOGNE ET PORTUGAL**

Echange de notes comportant une convention de commerce et de navigation. Lisbonne, le 28 décembre 1929.

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**POLAND AND PORTUGAL**

Exchange of Notes constituting a Convention regarding Commerce and Navigation. Lisbon, December 28, 1929.

<sup>1</sup> TRADUCTION. — TRANSLATION.No. 2703. — EXCHANGE OF NOTES<sup>2</sup> BETWEEN THE POLISH AND PORTUGUESE GOVERNMENTS CONSTITUTING A CONVENTION<sup>3</sup> REGARDING COMMERCE AND NAVIGATION. LISBON, DECEMBER 28, 1929.

*French official text communicated by the Polish Delegate accredited to the League of Nations. The registration of this Exchange of Notes took place May 15, 1931.*

## I.

POLISH LEGATION,  
LISBON.

LISBON, *December 28, 1929.*

MONSIEUR LE MINISTRE,

THE GOVERNMENT OF THE REPUBLIC OF POLAND and THE GOVERNMENT OF THE PORTUGUESE REPUBLIC, being equally desirous of concluding a Convention of Commerce and Navigation with the object of promoting and developing commercial relations between Portugal and Poland, and in view of the fact that the High Contracting Parties after conducting the necessary negotiations have agreed upon the stipulations of this Convention, have decided to apply for a period determined hereinafter the following provisions, which have been accepted by both Parties and shall be regarded as constituting the above-mentioned Convention.

*Article 1.*

Portuguese nationals shall enjoy in Poland and Polish nationals shall enjoy in Portugal, the adjacent islands and the Portuguese colonies the treatment granted to nationals of the most favoured nation, both as regards their entry, residence and establishment in the territories belonging to the other Contracting Party, and as regards the right to appear in the courts as plaintiffs or defendants, to acquire immovable property and to carry on commerce and industries.

Polish commercial travellers in Portugal, the adjacent islands and the Portuguese colonies, and Portuguese commercial travellers in Polish Customs territory, and samples coming from the Customs territories of the two Parties, shall enjoy the treatment granted to commercial travellers and samples of the most favoured nation.

*Article 2.*

Products of the soil and industry of Portugal, her adjacent islands and the Portuguese colonies shall enjoy most-favoured-nation treatment in Polish Customs territory, both as regards import

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations, à titre d'information.

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.

<sup>2</sup> The ratification by the Polish Government was notified to the Portuguese Government on March 7, 1931.

<sup>3</sup> This Convention applies to the Free City of Danzig.

duties, surtaxes, payment of Customs duties in paper money or in gold, and as regards export and re-export duties, internal charges and any other similar advantages which are or may in future be granted to a third country.

Polish products of the soil and industry shall enjoy most-favoured-nation treatment in Portugal, the adjacent islands and the Portuguese colonies, both as regards import duties, surtaxes, payment of Customs duties in paper money or in gold, and as regards export and re-export duties, internal charges and any similar advantages which are or may in future be granted to a third country.

*Article 3.*

The provisions of the preceding Articles shall not apply to the treatment which has been or may hereafter be granted by Portugal to Spain and to Brazil. The provisions of the preceding Articles shall not apply to the treatment which has been or may hereafter be granted by Poland to the Baltic countries, namely: Latvia, Estonia, Lithuania and Finland. Neither shall those provisions apply to the treatment which is or may hereafter be granted to neighbouring countries for the purpose of facilitating frontier traffic, nor to special concessions made in consequence of a Customs union, nor to the provisional Customs régime in force between the Polish and German parts of Upper Silesia.

*Article 4.*

Portugal (with her adjacent islands and colonies), of the one part and Poland, of the other part, guarantee each other most-favoured-nation treatment as regards the warehousing of goods, transport and transit.

*Article 5.*

The vessels of either High Contracting Party, together with their crews and cargoes, shall enjoy in the ports and waters placed under the sovereignty, authority or protection of the other Party, the same treatment in all respects as the vessels, crews and cargoes of the most-favoured-nation.

*Article 6.*

Each of the High Contracting Parties undertakes to adopt all the necessary measures for the effective protection of natural or manufactured products originating in the territory of the other Contracting Party from unfair competition in commercial transactions, and in particular to punish and prohibit by seizure or other appropriate penalties, in conformity with its own law, the manufacture, distribution, importation, warehousing, sale and offering for sale within the country, and the exportation of all products bearing upon themselves or their immediate make-up or outer wrappings, or on the invoices, waybills and commercial documents, any marks, names, descriptions, illustrations or devices whatsoever which are calculated to convey directly or indirectly a false indication of the origin, type, nature or special characteristics of such products or goods.

*Article 7.*

Each of the High Contracting Parties agrees to take all necessary steps to make the improper use in its territory of geographical appellations of origin belonging to products of the wine industry of the other Party a punishable offence, provided that such appellations are duly protected by the latter and have been notified by it.

The appellations of origin of either country shall be regarded as improperly used when they are applied to products which are not entitled to them under that country's laws or regulations.

The notification in question must specify the documents issued by the competent authority of the country of origin, certifying that the products are entitled to the appellations of origin.

In particular, the use of a geographical appellation of origin to designate products of the wine industry other than those justly entitled thereto, even when the true origin of the products is mentioned or when the false appellation is accompanied by the expression "kind", "style", "type" or any other similar expression, shall be prohibited.

Similarly, no geographical appellation of origin of the products of the wine industry of either of the High Contracting Parties may, provided that it is duly protected in the country of production and has been properly notified to the other Party, be regarded as a generic name.

The foregoing provisions shall not debar a seller from placing his name and address on the make-up of the product; in the absence of any regional or local appellation he shall, however, be required to add thereto the country of origin of the product in conspicuous lettering, whenever the name and address might lead to confusion with district or locality situated in another country.

The High Contracting Parties agree to regard the appellations of Port, Madeira, Muscatel of Setubal and Carcavellos wines as regional appellations. The Portuguese Government shall communicate to the Polish Government its legislation in regard to the protection of the said appellations.

#### *Article 8.*

The Polish Government, which is responsible for the conduct of the foreign relations of the Free City of Danzig in virtue of Article 104 of the Treaty of Versailles and Articles 2 and 6 of the Treaty of Paris<sup>1</sup>, concluded between Poland and the Free City of Danzig on November 9, 1920, reserves the right to declare that the Free City is a Contracting Party to the present Convention and accepts the obligations and acquires the rights resulting therefrom. This reservation does not apply to the provisions of the present Convention which the Polish Republic has agreed to as regards the Free City of Danzig, in conformity with her rights under the treaties relating thereto.

#### *Article 9.*

The foregoing provisions constitute the Convention of Commerce and Navigation between Poland and Portugal, which shall be ratified in accordance with the legislation of each country. The said Convention shall come into force on the thirtieth day after its ratification by Poland has been notified to Lisbon, and shall remain in force for one year as from that date. Unless it is denounced six months before the expiry of this period of one year, the Convention shall be extended by tacit agreement until the expiration of a period of six months as from the date on which either High Contracting Party has notified the other of its intention to terminate the Convention.

In faith whereof I have signed the present declaration, to be exchanged for another of like tenor signed this day by Your Excellency.

I have the honour, etc.

(—) J. PERŁOWSKI.

His Excellency  
Monsieur J. da Fonseca Monteiro,  
Portuguese Minister for Foreign Affairs,  
Lisbon.

## II.

MINISTERIO  
DOS NEGOCIOS ESTRANGEIROS.

MONSIEUR LE MINISTRE,

LISBON, *December 28, 1929.*

The Government of the Portuguese Republic and the Government of the Republic of Poland, being equally desirous of concluding a Convention of Commerce and Navigation with the object of promoting and developing commercial relations between Portugal and Poland and in view of the fact that the High Contracting Parties after conducting the necessary negotiations having agreed upon the provisions of this Convention, have decided to apply for a period determined hereinafter the following provisions, which have been accepted by both Parties and shall be regarded as constituting the above-mentioned Convention.

*Article 1.*

Portuguese nationals shall enjoy in Poland and Polish nationals shall enjoy in Portugal, the adjacent islands and the Portuguese colonies the treatment granted to nationals of the most favoured nation, both as regards their entry, residence and establishment in the territories belonging to the other Contracting Party, and as regards the right to appear in the courts as plaintiffs or defendants, to acquire immovable property and to carry on commerce and industries.

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*Article 2.*

Products of the soil and industry of Portugal, her adjacent islands and the Portuguese colonies shall enjoy most-favoured-nation treatment in Polish Customs territory, both as regards import duties, surtaxes, payment of Customs duties in paper money or in gold, and as regards export and re-export duties, internal charges and any other similar advantages which are or may in future be granted to a third country.

Polish products of the soil and industry shall enjoy most-favoured-nation treatment in Portugal, the adjacent islands and the Portuguese colonies, both as regards import duties, surtaxes, payment of Customs duties in paper money or in gold, and as regards export and re-export duties, internal charges and any similar advantages which are or may in future be granted to a third country.

*Article 3.*

The provisions of the preceding Articles shall not apply to the treatment which has been or may hereafter be granted by Portugal to Spain and to Brazil. The provisions of the preceding Articles shall not apply to the treatment which has been or may hereafter be granted by Poland to the Baltic countries, namely : Latvia, Estonia, Lithuania and Finland. Neither shall these provisions apply to the treatment which is or may hereafter be granted to neighbouring countries for the purpose of facilitating frontier traffic, nor to special concessions made in consequence of a Customs union, nor to the provisional Customs régime in force between the Polish and German parts of Upper Silesia.

*Article 4.*

Portugal (with her adjacent islands and colonies), of the one part and Poland, of the other part, guarantee each other most-favoured-nation treatment as regards the warehousing of goods, transport and transit.

*Article 5.*

The vessels of either High Contracting Party, together with their crews and cargoes, shall enjoy in the ports and waters placed under the sovereignty, authority or protection of the other Party, the same treatment in all respects as the vessels, crews and cargoes of the most favoured nation.

*Article 6.*

Each of the High Contracting Parties undertakes to adopt all the necessary measures for the effective protection of natural or manufactured products originating in the territory of the other Contracting Party, from unfair competition in commercial transactions, and in particular to punish and prohibit by seizure or other appropriate penalties, in conformity with its own law, the manufacture, distribution, importation, warehousing, sale and offering for sale within the country, and the exportation of all products bearing upon themselves or their immediate make-up or outer wrappings, or on the invoices, waybills and commercial documents, any marks, names, descriptions, illustrations or devices whatsoever which are calculated to convey directly or indirectly a false indication of the origin, type, nature or special characteristics of such products or goods.

*Article 7.*

Each of the High Contracting Parties agrees to take all necessary steps to make the improper use in its territory of geographical appellations of origin belonging to products of the wine industry of the other Party a punishable offence, provided that such appellations are duly protected by the latter and have been notified by it.

The appellations of origin of either country shall be regarded as improperly used when they are applied to products which are not entitled to them under that country's laws or regulations.

The notification in question must specify the documents issued by the competent authority of the country of origin, certifying that the products are entitled to the appellations of origin.

In particular, the use of a geographical appellation of origin to designate products of the wine industry other than those justly entitled thereto, even when the true origin of the products is mentioned or when the false appellation is accompanied by the expression "kind", "style", "type" or any other similar expression, shall be prohibited.

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The Polish Government, which is responsible for the conduct of the foreign relations of the Free City of Danzig in virtue of Article 104 of the Treaty of Versailles and Articles 2 and 6 of the Treaty of Paris, concluded between Poland and the Free City of Danzig on November 9, 1920, reserves the right to declare that the Free City is a Contracting Party to the present Convention, and accepts the obligations and acquires the rights resulting therefrom. This reservation does not apply to the provisions of the present Convention which the Polish Republic has agreed to as regards the Free City of Danzig in conformity with her rights under the treaties relating thereto.

*Article 9.*

The foregoing provisions constitute the Convention of Commerce and Navigation between Poland and Portugal, which shall be ratified in accordance with the legislation of each country. The said Convention shall come into force on the thirtieth day after its ratification by Poland has been notified to Lisbon, and shall remain in force for one year as from that date. Unless it is denounced six months before the expiry of this period of one year, the Convention shall be extended by tacit agreement until the expiration of a period of six months as from the date on which either High Contracting Party has notified the other of its intention to terminate the Convention.

In faith whereof I have signed the present declaration to be exchanged for another of like tenor signed this day by Your Excellency.

I have the honour, etc.,

(—) J. DA FONSECA MONTEIRO.

His Excellency  
Monsieur Jean Perłowski,  
Envoy Extraordinary and Minister Plenipotentiary  
of Poland at Lisbon,  
etc., etc.