

N° 1744.

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ALLEMAGNE, BRÉSIL,  
CUBA,  
VILLE LIBRE DE DANZIG,  
ESPAGNE, etc.

Arrangement de Madrid du 14 avril  
1891, concernant la répression des  
fausses indications de provenance  
sur les marchandises, révisée à  
Washington, le 2 juin 1911, et à  
La Haye, le 6 novembre 1925.

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GERMANY, BRAZIL, CUBA,  
FREE CITY OF DANZIG,  
SPAIN, etc.

Agreement of Madrid of April 14,  
1891, for the Prevention of False  
Indications of Origin on Goods,  
revised at Washington, June 2,  
1911, and at The Hague, Novem-  
ber 6, 1925.

<sup>1</sup> TRADUCTION. — TRANSLATION.

No. 1744. — AGREEMENT<sup>2</sup> OF MADRID<sup>3</sup> OF APRIL 14, 1891, FOR THE PREVENTION OF FALSE INDICATIONS OF ORIGIN ON GOODS. REVISED AT WASHINGTON<sup>4</sup>, JUNE 2, 1911, AND AT THE HAGUE, NOVEMBER 6, 1925.

*French official text communicated by the Netherlands Chargé d'Affaires a. i. at Berne. The registration of this Agreement took place June 12, 1928.*

The undersigned, duly authorised by their respective Governments, have drawn up, in common accord, the following text, which shall be substituted for the Agreement of Madrid<sup>3</sup> of the 14th April, 1891, revised at Washington<sup>4</sup> on the 2nd June, 1911, that is to say :

*Article 1.*

All goods bearing a false indication of origin, in which one of the Contracting Countries, or a place situated therein, shall be directly or indirectly indicated as being the country or place of origin, shall be seized on importation into any of the said countries.

The seizure shall take place either in the country where the false indication of origin has been applied, or in that into which the goods bearing the false indication may have been imported.

If the law of any country does not permit seizure on importation, such seizure shall be replaced by prohibition of importation.

If the law of any country does not permit seizure in the interior, such seizure shall be replaced by the remedies assured in such case by the law of such country to its nationals.

In the absence of any special penalties ensuring the repression of false indications of origin, the penalties provided by the corresponding stipulations of the laws relating to marks or trade names shall be applicable.

*Article 2.*

The seizure shall be made by the Customs Authorities, who shall immediately inform the person interested (whether an individual or a body of persons corporate or incorporate) in order that such person may, if he so desires, take appropriate steps to confirm the seizure made as a protective measure. Nevertheless, the Public Prosecutor or any other competent authority may demand the seizure either at the request of the party injured or in their official capacity ; the procedure shall then follow its ordinary course.

The Authorities are not bound to effect the seizure of goods in transit.

<sup>1</sup> Traduction communiquée par le Ministère des Affaires étrangères de Sa Majesté britannique.

<sup>1</sup> Translation communicated by His Britannic Majesty's Foreign Office.

<sup>2</sup> The deposit of ratifications by Switzerland, Germany, Great Britain and Northern Ireland and Spain took place at The Hague, May 1, 1928. Accessions : Spanish Zone of Morocco, November 5, 1928; Poland, December 10, 1928.

<sup>3</sup> *British and Foreign State Papers*, Vol. 96, page 837.

<sup>4</sup> *British and Foreign State Papers*, Vol. 104, page 137.

*Article 3.*

The present stipulations shall not prevent the vendor from indicating his name or address upon goods coming from a country other than that in which the sale takes place ; but in such case the address or the name must be accompanied by a clear indication and in intangible characters of the country or place of manufacture or production, or by some other indication sufficient to avoid any error as to the true origin of the goods.

*Article 4.*

The tribunals of each country will decide what appellations, on account of their generic character, do not fall within the provisions of the present Agreement, regional appellations concerning the origin of products of the vine being, however, not comprised in the reserve specified by this article.

*Article 5.*

Countries belonging to the Union for the Protection of Industrial Property, which have not acceded to the present Agreement, shall be allowed to accede on their demand in the manner prescribed by Article 16 of the general Convention. \*

The provisions of Article 16 *bis* of the Convention of the Union \* are applicable to the present Agreement.

*Article 6.*

The present Act shall be ratified and the ratifications deposited at The Hague not later than the 1st May, 1928.

It shall come into force, between the countries which shall have ratified it, one month after that date, and shall have the same force and duration as the general Convention. Nevertheless, if before that date it has been ratified by at least six countries, it shall come into force, between those countries, one month after the deposit of the sixth ratification has been notified to them by the Government of the Swiss Confederation, and in the case of countries which may ratify at a later date, one month after the notification of each of such ratifications.

This Act shall, as regards the relations between the countries which ratify it, replace the Agreement concluded at Madrid on the 14th April, 1891, and revised at Washington on the 2nd June, 1911, which shall, however, remain in force as regards relations with the countries which shall not have ratified the present Act.

In witness whereof the respective Plenipotentiaries have signed the present Agreement.

Done at The Hague in a single copy, the 6th November, 1925.

*For Germany :*

VIETINGHOFF.  
V. SPECHT.  
KLAUER.  
Albert OSTERRIETH.

*For the United States of Brazil :*

J. A. Barboza CARNEIRO.  
Carlos Americo BARBOSA DE OLIVEIRA.

*For Cuba :*

R. DE LA TORRE.

*For the Free City of Danzig :*

St. KOZMIŃSKI.

<i>For Spain :</i>	Santiago MENDEZ DE VIGO. Fernando CABELLO LAPIEDRA. José GARCIA MONGE.
<i>For France :</i>	Ch. DE MARCILLY. Marcel PLAISANT. Ch. DROUETS. Georges MAILLARD.
<i>For Great Britain and Northern Ireland :</i>	H. Llewellyn SMITH. A. J. MARTIN. A. BALFOUR.
<i>For Morocco :</i>	Ch. DE MARCILLY.
<i>For Portugal :</i>	BANDEIRA.
<i>For Switzerland :</i>	A. DE PURY. W. KRAFT.
<i>For Syria and Grand Lebanon :</i>	Ch. DE MARCILLY.
<i>For Czechoslovakia :</i>	BARÁČEK. Prof. Dr. Karel HERMANN-OTAVSKÝ. Ing. Bohuslav PAVLOUSEK.
<i>For Tunis :</i>	Ch. DE MARCILLY.

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