

N° 4458.

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**ALLEMAGNE,  
ÉTATS-UNIS DU BRÉSIL,  
CUBA, ESPAGNE, FRANCE, etc.**

**Arrangement de Madrid du 14 avril  
1891 concernant la répression des  
fausses indications de provenance  
sur les marchandises, révisé à  
Washington, le 2 juin 1911, à La  
Haye, le 6 novembre 1925, et à  
Londres, le 2 juin 1934.**

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**GERMANY,  
UNITED STATES OF BRAZIL,  
CUBA, SPAIN, FRANCE, etc.**

**Agreement of Madrid of April 14th,  
1891, for the Prevention of False  
Indications of Origin on Goods,  
revised at Washington, June 2nd,  
1911, at The Hague, November  
6th, 1925, and at London, June  
2nd, 1934.**

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

No. 4458. — AGREEMENT<sup>2</sup> OF MADRID OF APRIL 14TH, 1891, FOR THE PREVENTION OF FALSE INDICATIONS OF ORIGIN ON GOODS, REVISED AT WASHINGTON, JUNE 2ND, 1911, AT THE HAGUE, NOVEMBER 6TH, 1925, AND AT LONDON, JUNE 2ND, 1934.

*French official text communicated by His Majesty's Secretary of State for Foreign Affairs in Great Britain. The registration of this Agreement took place October 12th, 1938.*

The undersigned, duly authorised to that effect, have drawn up, in common accord, the following text, which shall be substituted for the Agreement<sup>3</sup> of Madrid of the 14th April, 1891, revised at Washington<sup>4</sup> on the 2nd June, 1911, and at The Hague<sup>5</sup> on the 6th November, 1925, that is to say :

*Article I.*

1. All goods bearing a false indication, by which one of the countries to which the present Agreement applies, 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.

2. 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.

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

4. If the law of any country does not permit either seizure upon importation, or the prohibition of importation, or seizure in the interior, and pending the requisite amendment of that law, these measures shall be replaced by the remedies assured in such case by the law of such country to its nationals.

5. 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.

<sup>1</sup> Traduction du Foreign Office de Sa Majesté britannique.

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

<sup>2</sup> *Ratifications deposited in London :*

GERMANY . . . . .	August 10th, 1937.
UNITED KINGDOM . . . . .	June 30th, 1938.

Came into force August 1st, 1938.

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

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

<sup>5</sup> Vol. LXXIV, page 319; Vol. LXXXVIII, page 367; Vol. XCII, page 403; Vol. C, page 247; Vol. CIV, page 513; Vol. CVII, page 507; Vol. CXXX, page 449; Vol. CXXXIV, page 406; Vol. CXXXVIII, page 444; Vol. CXLII, page 350; Vol. CXLVII, page 335; and Vol. CLXIV, page 379, of this Series.

*Article 2.*

1. 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 unincorporate, 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.

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

*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 in legible 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 3 bis.*

The countries to which the present Agreement applies similarly undertake to prohibit the use in connection with the sale or exposing or offering for sale of any goods, of all indications in the nature of publicity capable of deceiving the public as to the origin of the goods, and appearing on signs, advertisements, invoices, wine lists, business letters or papers or any other commercial communication.

*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.*

1. 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.

2. The provisions of Articles 16 *bis* and 17 *bis* of the general Convention are applicable to the present Agreement.

*Article 6.*

1. The present Act shall be ratified and the instruments of ratification deposited in London not later than the 1st July, 1938. It shall come into force, between the countries in whose names it shall have been ratified, one month after that date. Nevertheless, if before that date it has been ratified in the name of 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 in whose names it shall have been ratified at a later date, one month after the notification of each of such ratifications.

2. The countries in whose names the instrument of ratification has not been deposited within the period contemplated by the preceding paragraph shall be entitled to adhere under the terms of Article 16 of the general Convention.

3. The present Act shall, as regards the relations between the countries to which it applies, replace the Agreement concluded at Madrid on the 14th April, 1891, and the subsequent Revisions.

4. As regards the countries to which the present Act does not apply, but to which the Agreement of Madrid revised at The Hague in 1925 applies, the latter shall remain in force.

5. Similarly, as regards countries to which neither the present Act nor the Agreement of Madrid revised at The Hague applies, the Agreement of Madrid revised at Washington in 1911 shall remain in force.

Done at London, in a single copy, the 2nd June, 1934.

*For Germany :*

HOESCH.

Georg KLAUER.

Wolfgang KÜHNAST.

Herbert KÜHNEMANN.

*For Brazil :*

J. A. BARBOZA-CARNEIRO.

*For Cuba :*

Gabriel SUÁREZ SOLAR.

*For Danzig :*

*For Spain :*

Ramón PÉREZ DE AYALA.

Fernando CABELLO LAPIEDRA.

José GARCÍA MONGE.

*For France :*

Marcel PLAISANT.

Roger CAMBON.

Georges LAINEL.

Georges MAILLARD.

*For Great Britain and Northern Ireland :*

F. W. LEITH-ROSS.

M. F. LINDLEY.

William S. JARRATT.

*For the Irish Free State :*

*For Liechtenstein :*

W. KRAFT.

*For Morocco :*

HALGOUËT.

*For Poland :*

Stefan CZAYKOWSKI.

*For Portugal :*

João DE LEBRE E LIMA.

Arthur DE MELLO QUINTELLA SALDANHA.

*For Sweden :*

Birger LINDGREN.

Ake DE ZWEIGBERGK.

*For Switzerland :*

W. KRAFT.

*For Syria and Lebanon :*

Marcel PLAISANT.

*For Czechoslovakia :*

Dr. Karel SKÁLA.

Dr. Otto PARSCH.

*For Tunis :*

C. BILLECOCQ.

*For Turkey :*

A. FETHI.