

No. 10233

**FRANCE
and
ITALY**

Convention on the protection of appellations of origin, indications of source and designations of certain products (with protocol and annexes). Signed at Rome on 28 April 1964

Authentic texts of the Convention, the protocol and annex A: French.

Authentic text of annex B: Italian.

Registered by France on 27 January 1970.

**FRANCE
et
ITALIE**

Convention sur la protection des appellations d'origine, des indications de provenance et des dénominations de certains produits (avec protocole et annexes). Signée à Rome le 28 avril 1964

Textes authentiques de la Convention, du protocole et de l'annexe A: français.

Texte authentique de l'annexe B: italien.

Enregistrée par la France le 27 janvier 1970.

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN THE FRENCH REPUBLIC AND
THE ITALIAN REPUBLIC ON THE PROTECTION OF
APPELLATIONS OF ORIGIN, INDICATIONS OF SOURCE
AND DESIGNATIONS OF CERTAIN PRODUCTS

The President of the French Republic, President of the Community, and the President of the Italian Republic,

Recognizing that it is in the interests of each Contracting State to ensure protection against unfair competition in natural or manufactured products and in particular the protection of appellations of origin, indications of source and other designations reserved for certain specified products and goods;

Desiring, in that spirit, to revise the Agreement relating to the protection of appellations of origin and the designations of certain products, concluded at Rome on 29 May 1948² between France and Italy,

Have designated as their plenipotentiaries:

The President of the French Republic, President of the Community: Mr. Lucien Hubert, Counsellor of State on Special Service, Director of the Legal Department of the Ministry of Foreign Affairs, Commander of the National Order of the Legion of Honour;

The President of the Italian Republic: Mr. Giuseppe Talamo Atenolfi Brancaccio di Castelnuovo, Ambassador of Italy,

who, having exchanged their full powers, found in good and due form, have agreed as follows:

Article 1

Each Contracting State shall take any necessary measures to ensure effective protection of natural and manufactured products originating in the territory of the other State against unfair competition in trade and to ensure

¹ Came into force on 24 April 1969, one month after the date of the exchange of the instruments of ratification, which took place at Paris on 28 March 1964, in accordance with article 11 (2).

² United Nations, *Treaty Series*, vol. 760, n° 10894.

effective protection for the designations specified in annexes A and B to this Convention, in accordance with the provisions of articles 2 to 6 below.

Article 2

The designations specified in annex A to this Convention shall, in the territory of the Italian Republic, be reserved exclusively to French products or goods and they may be used there only in accordance with the conditions laid down in the legislation of the French Republic.

Article 3

The designations specified in annex B to this Convention shall, in the territory of the French Republic, be reserved exclusively to Italian products or goods and they may be used there only in accordance with the conditions laid down in the legislation of the Italian Republic.

Article 4

The inclusion in the lists contained in annexes A and B to this Convention of designations covering certain products or goods shall not affect the provisions governing the import of those products or goods in force in each Contracting State.

Article 5

1. The use, in trade, in contravention of the provisions of articles 2 and 3, of any of the designations included in annexes A and B to this Convention on any products or goods or on their inner or outer packaging or on invoices, way-bills or other commercial documents, as well as in advertising, shall be subject to all the legal or administrative penalties provided in the respective legislation of each Contracting State, including seizure where this is permitted under the legislation in question.

2. The provisions of this article shall apply even when the designations specified in annexes A and B to this Convention are used either in translation or with an indication of the true source, or with the addition of such terms as "kind", "type", "style", "imitation", or similar terms.

3. The provisions of this article shall not apply to products or goods in transit.

Article 6

The provisions of article 5 of this Convention shall likewise apply when the following are used on products or goods, on their inner or outer packaging or on invoices, way-bills or other commercial documents, or in advertising:

- (a) false or misleading indications of the source, origin, nature, variety or essential qualities of products or goods resulting directly or indirectly from designations, trade marks, names, inscriptions or illustrations;
- (b) indications to which those products or goods are not entitled under the legislative provisions of the country of origin.

Article 7

1. The protection provided under articles 5 and 6 of this Convention shall be automatic.

2. Either Contracting State may notify the other State that the importation into the latter State of products or goods covered by one of the designations specified in annexes A and B to this Convention should be authorized only if those products or goods are accompanied by a document proving that they are entitled to the said designation. In such a case, products or goods which are not accompanied by such a document shall be refused entry.

3. The Contracting State which exercises the right mentioned in paragraph 2 above shall inform the other State which authorities are competent to issue the document in question. A specimen of the document must accompany such notification.

Article 8

The lists contained in annexes A and B to this Convention may be modified or extended by means of a written communication from one of the Contracting States, subject to agreement by the other Party. Either Contracting State, may, however, make deletions in the list of designations covering products or goods originating in its territory without the agreement of the other Party.

Article 9

The provisions of this Convention shall be without prejudice to the protection which is or may be accorded in one Contracting State, under its internal legislation or under other international conventions, to the designations of the other State specified in annexes A and B to this Convention.

Article 10

1. The Mixed Commission established under article 5 of the Agreement of 29 May 1948 shall facilitate the application of this Convention.

Its tasks shall include:

- (a) The drafting or improvement of similar or parallel legislation governing appellations of origin, indications of source and protection against unfair competition;
- (b) Consideration of the most effective means of ensuring the joint protection of French and Italian appellations of origin in third States;
- (c) Review of proposals for amending or extending the lists contained in annexes A and B;
- (d) Consideration of any questions connected with the application of this Convention.

2. Either Contracting State may request a meeting of the Mixed Commission.

Article 11

1. This Convention shall be subject to ratification; the instruments of ratification shall be exchanged in Paris at the earliest possible date.

2. This Convention shall enter into force one month after the exchange of the instruments of ratification and shall remain in force indefinitely. On its entry into force it shall replace the Agreement of 29 May 1948.

3. Either Contracting State may denounce this Convention by giving one year's notice in writing to the other State.

IN WITNESS WHEREOF the above-named Plenipotentiaries have signed this Convention and have affixed thereto their seals.

DONE at Rome, on 28 April 1964, in duplicate.

Lucien HUBERT

Giuseppe TALAMO

PROTOCOL

The inclusion in the lists annexed to this Convention of the designations of cheeses of one of the two Countries which are specified or may be specified in annex B to the International Convention signed at Stresa on 1 June 1951 shall not affect the recognized rights of the other Country to use those designations in accordance with the conditions laid down in that Convention.

Lucien HUBERT

Giuseppe TALAMO

ANNEX A

[For the text of this annex, see p. 334 of this volume.]

ANNEX B

[For the text of this annex, see p. 349 of this volume.]
