

No. 10894

FRANCE
and
ITALY

Agreement on the protection of appellations of origin and the safeguarding of designations of certain products (with annex and exchange of letters). Signed at Rome on 29 May 1948

Authentic text of the Agreement and exchange of letters : French.

Authentic texts of annex A: French and Italian.

Registered by France on 31 December 1970.

FRANCE
et
ITALIE

Accord relatif à la protection des appellations d'origine et à la sauvegarde des dénominations de certains produits (avec annexe et échange de lettres). Signé à Rome le 29 mai 1948

Texte authentique de l'Accord et de l'échange de lettres : français.

Textes authentiques de l'annexe A : français et italien.

Enregistré par la France le 31 décembre 1970.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN FRANCE AND ITALY ON THE
PROTECTION OF APPELLATIONS OF ORIGIN AND
THE SAFEGUARDING OF DESIGNATIONS OF CERTAIN
PRODUCTS

The French Government and

The Italian Government,

Considering, on the one hand, that it is in the interests of the two countries reciprocally to protect their natural or manufactured products against unfair competition and to safeguard appellations of origin and designations of certain products,

Realizing, on the other hand, that Italy is at present contemplating the enactment of legislation on the subject,

Have agreed as follows:

Article 1

Each High Contracting Party shall take any necessary measures to ensure effective protection of natural or manufactured products originating in the other Contracting Party against unfair competition in commercial transactions.

Without prejudice to the provisions of the Paris Convention for the Protection of Industrial Property,² any act of competition not in conformity with professional etiquette and likely to be detrimental to the enterprise of another person shall constitute an act of unfair competition.

Each High Contracting Party shall, in particular, prevent and prohibit, by providing for seizure or any other penalty established in its own legislation, the manufacture, circulation, import, warehousing, sale or offering for sale within the country or for export of any products bearing or displaying on their inner or outer packaging, on invoices, way-bills or commercial documents, trade marks, names, inscriptions or illustrations directly or indirectly giving

¹ Came into force on 1 September 1948, after approval by the Parliament of each of the two countries under their constitutional procedures, in accordance with article 6.

² *British and Foreign State Papers*, vol. 74, p. 44; vol. 92, p. 807. and vol. 104, p. 116; and *League of Nations, Treaty Series*, vol. LXXIV, p. 289, and vol. CXCII, p. 17.

false indications as to the origin, species, nature or specific qualities of such products or goods.

The above-mentioned seizure or other penalties shall be implemented in the territory of each of the High Contracting Parties in accordance with their respective legislations:

- 1) At the request of the authorities or of the Public Prosecutor's Office, or
- 2) On the initiative of an interested party, private individual, trade union or association under the jurisdiction of one of the High Contracting Parties.

It shall be understood that the provisions of this article do not apply to products in transit.

Article 2

Each High Contracting Party shall take any necessary measures to prevent, in its territory, the use in the original language or the imitation in a foreign language of the geographical appellations of origin and designations of products of the other Party listed in annex A, even if the true origin of the product is indicated or the designation is accompanied by some rectifying term such as "kind", "style", "type", or other such terms.

The use of such appellations or designations shall be prevented or prohibited in accordance with the provisions of article 1 of this Agreement.

Article 3

The High Contracting Parties may require that products covered by the appellations of origin or designations protected by this Agreement be accompanied, at the time of importation, by a certificate of origin issued by any authority, body or group designated by the exporting country and accepted by the country of destination.

Article 4

The list of products specified in annex A may be subsequently supplemented upon notification by one of the High Contracting Parties, with the agreement of the other Party.

Article 5

The Mixed Commission provided for in the Protocol on the Establishment of the French-Italian Customs Union shall include in its programme the

drafting of similar or parallel legislation on appellations of origin and fairness of transactions. This Commission shall also consider the most effective means of ensuring the joint protection of French and Italian appellations of origin in third States.

Article 6

This Agreement, which is concluded for an indefinite period, may be denounced at one year's notice as of 1 September 1953.

It shall be submitted for the approval of the Parliament of each of the two countries according to constitutional procedure and shall enter into force on 1 September 1948.

The instruments of ratification shall be exchanged at Rome.

DONE at Rome, on 29 May 1948, in duplicate

For France:

J. FOUQUES DUPARC

For Italy:

SFORZA

ANNEX A

I. LIST OF FRENCH APPELLATIONS OF ORIGIN TO BE PROTECTED IN ITALY

[For the text of this list, see p. 170 of this volume]

II. LIST OF ITALIAN APPELLATIONS OF ORIGIN AND DESIGNATIONS OF PRODUCTS TO BE PROTECTED IN FRANCE

[For the text of this list, see p. 177 of this volume]

EXCHANGE OF LETTERS

I a

Rome, 29 May 1948

Sir,

With reference to the Agreement signed today on appellations of origin and the conversations which preceded its signature, I have the honour to draw your attention once more to the reservations made by the Italian delegation concerning the immediate protection of the designation "Cognac" appearing in List A annexed to the Agreement.

In order that the protection may be effective and that stocks held by retailers may be disposed of, the Italian Government requests that the provisions of the Agreement concerning the appellation "Cognac" should not enter into force until 1 June 1949.

I should be grateful if you would confirm the French Government's agreement on this point.

Accept, Sir, the assurances of my highest consideration.

SFORZA

His Excellency Mr. Fouques Duparc
French Ambassador
Farnese Palace
Rome

I b

Rome, 29 May 1948

Sir,

In your letter of today's date, you drew my attention to the reservations made by the Italian concerning the immediate protection of the designation "Cognac" appearing in List A annexed to the Agreement.

In order that the protection may be effective and that stocks held by retailers may be disposed of, the Italian Government requested that the provisions of the Agreement concerning the appellation "Cognac" should not enter into force until 1 June 1949.

I have the honour to take note of this communication and to confirm the French Government's agreement on this point.

Accept, Sir, the assurances of my highest consideration.

J. FOUQUES DUPARC

His Excellency Count Sforza
Minister for Foreign Affairs of Italy
Rome

II a

Rome, 29 May 1948

Sir,

During the discussions which resulted in the signature of the present Agreement, the French Government indicated the importance which it attached to Italy's accession to the Agreement of Madrid for the Prevention of False Indications of Origin.¹

I have the honour to inform you that the Italian Government undertakes to accede to that Agreement as soon as the present Agreement has been ratified by the High Contracting Parties.

Accept, Sir, the assurances of my highest consideration.

SFORZA

His Excellency Mr. Fouques Duparc
French Ambassador
Farnese Palace
Rome

II b

Rome, 29 May 1948

Sir,

In your letter of today's date, you informed me that the Italian Government undertook to accede to the Madrid Agreement as soon as the present Agreement had been ratified by the High Contracting Parties.

¹ League of Nations, *Treaty Series*, vol. CXCII, p. 9.

I have the honour to acknowledge receipt of this communication.

Accept, Sir, the assurances of my highest consideration.

J. FOUQUES DUPARC

His Excellency Count Sforza
Minister for Foreign Affairs of Italy
Rome