

No. 10895

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**FRANCE**  
and  
**ITALY**

**Exchange of letters constituting an agreement concerning trade marks. Rome, 8 January 1955**

**Exchange of letters constituting an agreement concerning the territorial application of the above-mentioned Agreement. Rome, 21 October 1959**

**Exchange of letters constituting an agreement concerning trade marks. Paris, 9 April and 21 May 1970**

*Authentic texts: French.*

*Registered by France on 31 December 1970*

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**FRANCE**  
et  
**ITALIE**

**Échange de lettres constituant un accord relatif aux marques de fabrique et de commerce. Rome, 8 janvier 1955**

**Échange de lettres constituant un accord relatif au champ d'application territoriale de l'Accord susmentionné. Rome, 21 octobre 1959**

**Échange de lettres constituant un accord relatif aux marques de fabrique et de commerce. Paris, 9 avril et 21 mai 1970**

*Textes authentiques : français.*

*Enregistrés par la France le 31 décembre 1970.*

[TRANSLATION — TRADUCTION]

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN FRANCE AND ITALY CONCERNING TRADE MARKS

I

THE HEAD OF THE FRENCH DELEGATION

Rome, 8 January 1955

Sir,

It appears that the practical application of the Agreement on trade marks signed on 21 December 1950, supplemented by an exchange of letters dated 5 April 1952, may give rise to certain difficulties.

I therefore have the honour to suggest that those provisions should be replaced by the following text:

“With regard to the deposit and registration of trade marks in the two countries:

“1. Without any formality other than the payment of a 50 per cent surcharge and the provision of an additional copy, any trade mark duly deposited and registered in one of the two countries shall be protected in the territory of the other country if the depositor so requested at the time of deposit.

“2. Any trade mark covered by article 1 shall be subject, in the other country, to the same conditions of validity and shall enjoy the same protection, independently from the protection in its country of origin, as if the trade mark had been directly deposited in the other country, without prejudice to the provisions of article 6 of the Union Convention<sup>2</sup>.

“3. The Administration responsible for registering the trade mark shall, immediately after the registration, transmit to the Administration of the other country a copy of the trade mark for which the extension of protection is claimed, together with all particulars concerning the deposit and registration of the trade mark.

<sup>1</sup> Came into force on 2 January 1961 by the exchange of the instruments of ratification, which took place at Paris, in accordance with the said letters.

<sup>2</sup> *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.

“4. The official publications containing the reproduction of the trade marks registered shall, where appropriate, indicate that the depositor asked to benefit from the provisions of the present Agreement.

“This publicity shall be considered as fully sufficient and no other publicity may be required of the depositor in the second country.

“5. The provisions of the present Agreement shall apply only to trade marks deposited after its entry into force.

“The present Agreement shall supersede the Agreements of 21 December 1950 and 5 April 1952. It shall be ratified and shall enter into force on the date of the exchange of the instruments of ratification.”

Accept, Sir, etc.

G. CLAUZEL  
Head of the French Delegation

The Head of the Italian Delegation  
Rome

## II

### THE HEAD OF THE ITALIAN DELEGATION

Rome, 8 January 1955

Sir,

In a letter of today's date, you informed me of the following:

*[See letter I]*

Thank you for that letter. I have the honour to confirm the Italian Government's agreement to the above proposal, subject to its approval by the Italian Parliament.

Accept, Sir, the assurances of my highest consideration.

Antonio PENNETTA  
Head of the Italian Delegation

The Head of the French Delegation  
Rome

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN FRANCE AND ITALY CONCERNING THE TERRITORIAL APPLICATION OF THE AGREEMENT OF 8 JANUARY 1955 CONCERNING TRADE MARKS<sup>2</sup>

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I

MIXED FRENCH-ITALIAN COMMISSION

French Delegation

Rome, 21 October 1959

Sir,

It appears desirable to define more precisely the territorial application of the French-Italian Agreement of 8 January 1955<sup>2</sup> on trade marks.

The Government of the French Republic therefore proposes that the said Agreement should be considered to be applicable, so far as the French Republic is concerned, to the metropolitan departments, the Algerian departments, the departments of Oasis and Saoura, the departments of Guadeloupe, Martinique, Guiana and Réunion and the Overseas Territories.

The Government of the French Republic also proposes that it should be possible, through exchanges of notes between the French and Italian Governments, to make the present Agreement applicable to the member States of the Community or to one or more of them, in accordance with conditions to be laid down in each case in such exchanges of notes.

Accept, Sir, etc.

Lucien HUBERT  
Head of the French Delegation

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<sup>1</sup> Came into force on 2 January 1961, the date of the entry into force of the Agreement of 8 January 1955.

<sup>2</sup> See p. 193 of this volume.

## II

## MIXED FRENCH-ITALIAN COMMISSION

## Italian Delegation

Rome, 21 October 1959

Sir,

In a letter of today's date, you informed me of the following :

[*See letter I*]

Thank you for that letter. I have the honour to inform you that the Italian Government agrees to the above proposal.

Accept, Sir, the assurances of my highest consideration.

TALAMO  
Head of the Italian Delegation

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN FRANCE AND ITALY CONCERNING TRADE MARKS

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I

THE AMBASSADOR OF ITALY

Paris, 9 April 1970

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Sir,

Exchanges of views on the subject of the application of the Agreement on trade marks, concluded at Rome on 8 January 1955<sup>2</sup> between Italy and France, were held during the twenty-sixth session of the French-Italian Mixed Commission for industrial property and appellations of origin, established by the agreements of 29 May 1948.<sup>3</sup>

Further to these exchanges of views, I have the honour to propose to Your Excellency, on the instructions of my Government, that the above-mentioned Agreement — which covers service marks as well as trade marks — should apply only, in the case of Italy, to Italian nationals and to natural or juridical persons having either their domicile or an effective and genuine industrial or commercial establishment in the territory of the Italian Republic and, in the case of France, to French nationals and to natural or juridical persons having either their domicile or an effective and genuine industrial or commercial establishment in the territory of the French Republic.

If this proposal meets with the approval of the French Government, I suggest that the rules set out above should be applicable upon the expiry of a period of three months following the date of your reply.

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<sup>1</sup> Came into force on 21 August 1970, i.e., thirty days after the date of the French reply, in accordance with the provisions of the said letters.

<sup>2</sup> See p. 193 of this volume.

<sup>3</sup> See pp. 155 and 167 of this volume.

Accept, Sir, etc.

Franco MALFATTI

Mr. Maurice Schumann  
Minister for Foreign Affairs  
of the French Republic

II

THE MINISTER FOR FOREIGN AFFAIRS

21 May 1970

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Sir,

I have the honour to acknowledge receipt of Your Excellency's letter dated 9 April 1970, which reads as follows:

[*See letter I*]

I have the honour to inform Your Excellency that the proposals made in the letter meet with the approval of the French Government.

Accept, Sir, etc.

SCHUMANN

His Excellency Mr. Francesco Malfatti di Montetretto  
Ambassador of Italy  
Paris

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