

**No. 11070**

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**UNITED STATES OF AMERICA  
and  
FRANCE**

**Exchange of notes constituting an agreement for the protection of names of Bourbon whiskey and certain French brandies. Paris, 2 December 1970 and 18 January 1971**

*Authentic texts: French and English.*

*Registered by the United States of America on 4 May 1971.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
FRANCE**

**Échange de notes constituant un accord relatif à la protection de l'appellation «Bourbon Whiskey» et de l'appellation de certaines eaux-de-vie françaises. Paris, 2 décembre 1970 et 18 janvier 1971**

*Textes authentiques: français et anglais.*

*Enregistré par les États-Unis d'Amérique le 4 mai 1971.*

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND FRANCE FOR THE PROTECTION OF NAMES OF BOURBON WHISKEY AND CERTAIN FRENCH BRANDIES

ÉCHANGE DE NOTES CONSTITUANT UN ACCORD<sup>1</sup> ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LA FRANCE RELATIF À LA PROTECTION DE L'APPELLATION « BOURBON WHISKEY » ET DE L'APPELLATION DE CERTAINES EAUX-DE-VIE FRANÇAISES

## I

*Le Ministre français des affaires étrangères à l'Ambassadeur des États-Unis d'Amérique*

*The French Minister for Foreign Affairs to the American Ambassador*

LE MINISTRE  
DES AFFAIRES ÉTRANGÈRES

171CM

2 décembre 1970

Monsieur l'Ambassadeur,

Le Gouvernement des États-Unis a demandé au Gouvernement français, en considération du fait que le « Bourbon Whiskey » est un produit américain typique, dont les caractéristiques sont définies par la réglementation fédérale, d'interdire l'utilisation en France des appellations « Bourbon » et « Bourbon Whiskey » pour désigner tout whiskey ou mélange de whiskeys produit en France et de prohiber la vente en France ou l'exportation hors de France de tout whiskey ainsi étiqueté ou décrit à moins qu'il ne soit produit aux États-Unis en conformité de la législation américaine réglementant la fabrication de ce spiritueux.

A l'appui de sa demande, le Gouvernement des États-Unis a observé que certaines appellations d'origine d'eaux-de-vie françaises, notamment les appellations « Cognac » et « Armagnac », étaient en fait protégées aux États-Unis. Toutefois, le Gouvernement des États-Unis n'a jusqu'à présent souscrit à l'égard de la France aucune obligation de continuer à protéger ces appellations sur le territoire des États-Unis. Dans ces conditions, le Gouvernement de la République française propose au Gouvernement des États-Unis de s'engager à réserver dans le commerce inter-États et dans le commerce extérieur des États-Unis l'utilisation des appellations « Cognac », « Armagnac » et « Calvados » aux produits français ayant droit à ces appellations en vertu de la législation française

<sup>1</sup> Came into force on 20 March 1971, i.e. at the expiration of 60 days from the date of the reply of the United States Government, in accordance with the provisions of the said notes.

<sup>1</sup> Entré en vigueur le 20 mars 1971, soit à l'expiration d'un délai de 60 jours à compter de la réponse du Gouvernement des États-Unis, conformément aux dispositions desdites notes.

[TRANSLATION — TRADUCTION]

THE MINISTER FOR FOREIGN AFFAIRS

171CM

2 December 1970

Excellency,

[See note II]

Accept, Sir, etc.

[Signed]

MAURICE SCHUMANN

His Excellency Arthur K. Watson  
Ambassador of the United States of America  
Paris

## II

### *The American Ambassador to the French Minister for Foreign Affairs*

EMBASSY OF THE UNITED STATES OF AMERICA

Paris, January 18, 1971

Excellency :

I have the honor to acknowledge receipt of your Excellency's letter No. 171CM dated December 2, 1970 which is exactly quoted hereinbelow :

“The Government of the United States has requested that the French Government, taking into consideration the fact that ‘Bourbon Whiskey’ is a distinctive American product the characteristics of which are defined by Federal regulation, prohibit the use in France of the names ‘Bourbon’ and ‘Bourbon Whiskey’ for the designation of any whiskey or mixture of whiskeys produced in France, and that it prohibit the sale in France or the export from France of any whiskey labeled or described in such a manner, unless produced in the United States in conformity with American legislation regulating the manufacture of the spirit.

“In support of its request, the United States Government has noted that certain appellations of origin for French brandies, in particular the names ‘Cognac’ and ‘Armagnac’, are, in fact, protected in the United States. However, the United States Government has thus far undertaken no obligation to France to continue the protection of these appellations in the territory of the United States. Under these circumstances, the Government

of the French Republic proposes that the Government of the United States undertake to reserve the use, in the interstate and foreign commerce of the United States, of the names 'Cognac', 'Armagnac', and 'Calvados' to the French products entitled by virtue of existing French legislation to use those names and to prohibit and repress the use of those names for any other product, even if modified by such terms as 'kind', 'type', 'fashion', or similar expressions, or by an indication of the true place of origin.

"In return, the French Government will reserve the use in French territory of the names 'Bourbon' and 'Bourbon Whiskey' exclusively to whiskey produced in the territory of the United States in conformity with American legislation governing such whiskey and will prohibit and repress the use of those names in the labeling or description of any other whiskey or mixture of whiskeys, even if modified by such terms as 'kind', 'type', 'fashion', or similar expressions.

"The obligation of each Government will extend to products intended for export beyond its territory as well as for consumption therein.

"The Government of the French Republic, which, as is well known, attaches the greatest importance to the protection of its appellations of origin, expresses the hope that the positive attitude which it adopts with regard to the protection of the names 'Bourbon' and 'Bourbon Whiskey' will encourage the Government of the United States to consider favorably, in the future, insofar as possible, the protection of other French appellations of origin.

"If the proposals listed above are acceptable to the Government of the United States, I suggest that this letter, and the letter in reply of Your Excellency, constitute an agreement between the two Governments which will enter into force at the expiration of sixty days from the date of that reply, and will remain in force indefinitely, either Party having the right to terminate it by addressing to the other a written notice to that effect at least thirty days in advance."

On behalf of the Government of the United States, I accept the contents of this letter which constitute an agreement on this subject between the two governments.

I avail myself of this opportunity to renew the assurance of my highest consideration.

[Signed]

ARTHUR K. WATSON

His Excellency Maurice Schumann  
Minister for Foreign Affairs  
Paris