

No. 11848

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**MULTILATERAL**

**Madrid Agreement for the repression of false or deceptive indications of source on goods of April 14, 1891, revised at Washington on June 2, 1911, at The Hague on November 6, 1925, at London on June 2, 1934, and at Lisbon on October 31, 1958. Done at Lisbon on 31 October 1958**

**Additional Act of Stockholm of July 14, 1967 to the above-mentioned Agreement. Done at Stockholm on 14 July 1967**

*Authentic texts: French.*

*Registered by the Director General of the World Intellectual Property Organization, acting on behalf of the Parties, on 30 June 1972.*

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**MULTILATÉRAL**

**Arrangement de Madrid concernant la répression des indications de provenance fausses ou fallacieuses du 14 avril 1891 révisé à Washington le 2 juin 1911, à La Haye le 6 novembre 1925, à Londres le 2 juin 1934 et à Lisbonne le 31 octobre 1958. Conclu à Lisbonne le 31 octobre 1958**

**Acte de Stockholm du 14 juillet 1967 additionnel à l'Arrangement susmentionné. Conclu à Stockholm le 14 juillet 1967**

*Textes authentiques : français.*

*Enregistrés par le Directeur général de l'Organisation mondiale de la propriété intellectuelle, agissant au nom des parties, le 30 juin 1972.*

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]

MADRID AGREEMENT FOR THE REPRESSION OF FALSE OR DECEPTIVE INDICATIONS OF SOURCE ON GOODS OF APRIL 14, 1891,<sup>3</sup> REVISED AT WASHINGTON ON JUNE 2, 1911,<sup>4</sup> AT THE HAGUE ON NOVEMBER 6, 1925,<sup>5</sup> AT LONDON ON JUNE 2, 1934,<sup>6</sup> AND AT LISBON ON OCTOBER 31, 1958<sup>7</sup>

## Article 1

(1) All goods bearing a false or deceptive indication by which one of the countries to which this Agreement applies, or a place situated therein, is

<sup>1</sup> Translation supplied by the World Intellectual Property Organization.

<sup>2</sup> Traduction fournie par l'Organisation mondiale de la propriété intellectuelle.

<sup>3</sup> *British and Foreign State Papers*, vol. 96, p. 837.

<sup>4</sup> *Ibid.*, vol. 104, p. 137.

<sup>5</sup> League of Nations, *Treaty Series*, vol. LXXIV, p. 319.

<sup>6</sup> *Ibid.*, vol. CXCII, p. 9.

<sup>7</sup> Came into force on 1 June 1963 between the following countries, which had deposited their instrument of ratification with the Government of Switzerland, or whose application for accession had been notified by the latter by 1 May 1963 at the latest, in accordance with article 6 (1) and (2):

Country	<i>Date of deposit of the instrument of ratification, or of notification of application for accession (a)</i>	
France .....	24 March	1961
(With a declaration to the effect that the ratification shall apply to all the territories of the French Republic: Metropolitan Departments, Algerian Departments, Departments of the Sahara, Departments of Guadeloupe, Guyana, Martinique and Reunion, and Overseas Territories.)		
Federal Republic of Germany .....	28 July	1961
(With a declaration to the effect that the Agreement shall also apply to <i>Land Berlin</i> with effect from the day it will come into force for the Federal Republic of Germany.) <sup>(1)</sup>		
Czechoslovakia .....	12 August	1961 <sup>a</sup>
Monaco .....	2 September	1961
United Kingdom of Great Britain and Northern Ireland .....	6 September	1961
(With the following declaration:		

“With regard to the International Agreement for the Suppression of False Indications of Origin on Goods, the Embassy have the honour to declare that, in the view of Her Majesty’s Government, the United Kingdom, by its present legislation, gives full and complete effect to the Arrangement of Madrid as revised at Lisbon on the 31st of October, 1958, and that the United Kingdom domestic legislation does not impair this Arrangement in any way.”)

Switzerland .....	25 June	1962
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<sup>(1)</sup> The following countries notified the Government of Switzerland of the communications by which they objected to the declaration by the Federal Republic of Germany: Cuba, Czechoslovakia, Hungary, Poland, Romania.

Subsequently, the Agreement came into force in each of the following countries after the notification by the Government of Switzerland of the deposit of its instrument of accession, in accordance with article 6 (1) and (2):

(Continued on page 167)

directly or indirectly indicated as being the country or place of origin shall be seized on importation into any of the said countries.

(2) Seizure shall also be effected in the country where the false or deceptive indication of source has been applied, or into which the goods bearing the false or deceptive indication have been imported.

(3) If the laws of a country do not permit seizure upon importation, such seizure shall be replaced by prohibition of importation.

(Footnote 7 continued from page 165)

Country	Date of notification of the accession		Date of entry into force	
Algeria .....	5 April	1972	5 July	1972 <sup>(1)</sup>
Cuba .....	11 September	1964	11 October	1964
German Democratic Republic .....	15 December	1964 <sup>(2)</sup>	15 January	1965
Hungary .....	23 February	1967	23 March	1967

(With the following declaration:

[Translation—Traduction] With regard to article 5 (2) of the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods or 14 April 1891, revised at Washington on 2 June 1911, at the Hague on 6 November 1925, at London on 2 June 1934, and at Lisbon on 31 October 1958, the Presidential Council of the Hungarian People's Republic wishes to state that it adheres to the principles embodied in the Declaration adopted on 14 December 1960<sup>(3)</sup> by the United Nations General Assembly guaranteeing the independence of colonial countries and peoples. Accordingly, the Presidential Council of the Hungarian People's Republic considers that colonialism, in any of its forms and manifestations, is contrary to existing international law.)

Ireland .....	9 May	1967	9 June	1967
Israel .....	2 June	1967	2 July	1967
Italy .....	29 November	1968	29 December	1968
Japan .....	21 July	1965	21 August	1965
Liechtenstein .....	10 March	1972	10 April	1972
Morocco .....	15 April	1967	15 May	1967
Sweden .....	3 September	1969	3 October	1969

<sup>(1)</sup> The date of entry into force, in respect of Algeria, of the Additional Act of Stockholm of 14 July 1967 to the above-mentioned Madrid Agreement (see p. 177 of this volume).

<sup>(2)</sup> The Governments of the following States have sent communications to the depositary to the effect that they objected to that instrument: Australia, Austria, Belgium, Brazil, Canada, Central African Republic, Denmark, Federal Republic of Germany, France, Greece, Haiti, Holy See, Iceland, Iran, Ireland, Ivory Coast, Japan, Luxembourg, Madagascar, Netherlands, New Zealand, Niger, Norway, Portugal, Republic of Viet Nam, San Marino, South Africa, Spain, Sweden, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

<sup>(3)</sup> United Nations, *Official Records of the General Assembly, Fifteenth Session, Supplement No. 16 (A/4684)*, p. 66.

(4) If the laws of a country permit neither seizure upon importation nor prohibition of importation nor seizure within the country, then, until such time as the laws are modified accordingly, those measures shall be replaced by the actions and remedies available in such cases to nationals under the laws of such country.

(5) In the absence of any special sanctions ensuring the repression of false or deceptive indications of source, the sanctions provided by the corresponding provisions of the laws relating to marks or trade names shall be applicable.

#### *Article 2*

(1) Seizure shall take place at the instance of the customs authorities, who shall immediately inform the interested party, whether an individual person or a legal entity, in order that such party may, if he so desires, take appropriate steps in connection with the seizure effected as a conservatory measure. However, the public prosecutor or any other competent authority may demand seizure either at the request of the injured party or *ex officio*; the procedure shall then follow its normal course.

(2) The authorities shall not be bound to effect seizure in the case of transit.

#### *Article 3*

These provisions 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 an exact indication in clear characters of the country or place of manufacture or production, or by some other indication sufficient to avoid any error as to the true source of the wares.

#### *Article 3bis*

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

#### *Article 4*

The courts of each country shall decide what appellations, on account of their generic character, do not fall within the provisions of this Agree-

ment, regional appellations concerning the source of products of the vine being, however, excluded from the reservation specified by this Article.

#### Article 5

(1) Countries of the Union for the Protection of Industrial Property which have not acceded to this Agreement may accede at their request in the manner prescribed by Article 16 of the General Convention.<sup>1</sup>

(2) The provisions of Articles 16 *bis* and 17 *bis* of the General Convention shall apply to this Agreement.

#### Article 6

(1) This Act shall be ratified and the instruments of ratification deposited at Berne not later than May 1, 1963. It shall come into force, between the countries in whose names it has been ratified, one month after that date. However, 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 countries in whose names it has been ratified at a later date, one month after the notification of each of such ratifications.

(2) Countries in whose names the instrument of ratification has not been deposited within the period provided for in the preceding paragraph may accede under the terms of Article 16 of the General Convention.

(3) This Act shall, as regards the relations between the countries to which it applies, replace the Agreement concluded at Madrid on April 14, 1891,<sup>2</sup> and the Acts resulting from subsequent revisions.<sup>3</sup>

(4) As regards countries to which this Act does not apply, but to which the Madrid Agreement revised at London in 1934<sup>4</sup> applies, the latter shall remain in force.

(5) Similarly, as regards countries to which neither this Act nor the Madrid Agreement revised at London applies, the Madrid Agreement revised at The Hague in 1925<sup>5</sup> shall remain in force.

<sup>1</sup> *British and Foreign State Papers*, vol. 74, p. 44; vol. 92, p. 807; vol. 104, p. 116; League of Nations, *Treaty Series*, vol. LXXIV, p. 289; vol. CXCII, p. 17; and p. 107 of this volume.

<sup>2</sup> *British and Foreign State Papers*, vol. 96, p. 837.

<sup>3</sup> *Ibid.*, vol. 104, p. 137; and League of Nations, *Treaty Series*, vol. LXXIV, p. 319, and vol. CXCII, p. 9.

<sup>4</sup> League of Nations, *Treaty Series*, vol. CXCII, p. 9.

<sup>5</sup> *Ibid.*, vol. LXXIV, p. 319.

(6) Similarly, as regards countries to which neither this Act nor the Madrid Agreement revised at London nor the Madrid Agreement revised at The Hague applies, the Madrid Agreement revised at Washington in 1911<sup>1</sup> shall remain in force.

DONE at Lisbon, on October 31, 1958.

For the Federal Republic of Germany:

BERGER  
HERBERT KÜHNEMANN  
KURT HAERTEL

For the United States of Brazil:

For Cuba:

*ad referendum*  
DR. JOSÉ ANTONIO MAHY

For the Dominican Republic:

For Spain:

*ad referendum*  
RAFAEL MORALES

For France:

G. FINNISS

For the United Kingdom of Great Britain and Northern Ireland:

STEPHEN L. HOLMES  
GORDON GRANT  
WILLIAM WALLACE

For the People's Republic of Hungary:

*ad referendum*  
PÁL RÁCZ

<sup>1</sup> *British and Foreign State Papers*, vol. 104, p. 137.

For Ireland:

J. J. LENNON

For Israel:

DR. G. KITRON  
DR. REINHOLD COHN  
DR. I. BEN-MEIR

For Italy:

TALAMO  
GIUSEPPE MARCHEGIANO  
MARCELLO ROSCIONI

For Japan:

YUZO ISONO  
SHOICHI INOUYE

For Liechtenstein:

PLINIO BOLLA  
HANS MORF

For Morocco:

TAHAR MEKOUAR

For Monaco:

CONDE DE BOBONE  
J. M. NOTARI

For New Zealand:

J. W. MILES

For the Polish People's Republic:

ZBIGNIEW MUSZYNSKI

For Portugal:

LUÍS DA CÂMARA PINTO COELHO  
AFONSO MARCHUETA  
ALEXANDRE DE LANCASTRE ARAÚJO BOBONE  
JORGE VAN ZELLER GARIN

For Sweden:

STURE PETRÉN  
ÅKE V. ZWEIGBERGK

For Switzerland:

PLINIO BOLLA  
HANS MORF  
FERD. DUFOUR  
LÉON EGGER  
PIERRE JEAN POINTET  
WALTER STAMM

For the Czechoslovak Republic:

For Turkey:

For Viet-Nam:



ADDITIONAL ACT OF STOCKHOLM OF JULY 14, 1967<sup>1</sup> TO THE MADRID AGREEMENT FOR THE REPRESSION OF FALSE OR DECEPTIVE INDICATIONS OF SOURCE ON GOODS OF APRIL 14, 1891,<sup>2</sup> REVISED AT WASHINGTON ON JUNE 2, 1911,<sup>3</sup> AT THE HAGUE ON NOVEMBER 6, 1925,<sup>4</sup> AT LONDON ON JUNE 2, 1934,<sup>5</sup> AND AT LISBON ON OCTOBER 31, 1958<sup>6</sup>

*Article 1*

Instruments of accession to the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods, of April 14, 1891<sup>2</sup> (hereinafter designated as "the Madrid Agreement"), as revised at Washington on June 2, 1911,<sup>3</sup> at The Hague on November 6, 1925,<sup>4</sup> at London on June 2, 1934,<sup>5</sup> and at Lisbon on October 31, 1958<sup>6</sup> (hereinafter designated as "the Lisbon Act"), shall be deposited with the Director General of the World Intellectual Property Organization (hereinafter designated as "the Director General"), who shall notify such deposits to the countries party to the Agreement.

<sup>1</sup> Came into force on 26 April 1970, the date on which the Stockholm Convention of 14 July 1967 establishing the World Intellectual Property Organization<sup>(1)</sup> came into force, as between the following countries, which had by that date deposited their instrument of ratification or accession with the Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI), in accordance with article 5 (1):

<i>Country</i>	<i>Date of deposit of instrument of ratification, or accession (a)</i>	
Ireland .....	27 March	1968
German Democratic Republic .....	20 June	1968a <sup>(2)</sup>
United Kingdom of Great Britain and Northern Ireland .....	26 February	1969
Israel .....	30 July	1969
Sweden .....	12 August	1969
Hungary .....	18 December	1969
Switzerland .....	26 January	1970

(<sup>1</sup>) See p. 3 of this volume.

(<sup>2</sup>) The Governments of the following States have sent communications to the depositary to the effect that they objected to that instrument: Argentina, Belgium, Canada, Denmark, Federal Republic of Germany, France, Gabon, Greece, Haiti, Holy See, Iceland, Iran, Ireland, Israel, Japan, Luxembourg, Madagascar, Niger, Portugal, South Africa, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Subsequently, the Additional Act came into force with respect to each of the following countries three months after the date on which its ratification or accession had been notified by the Director General of the World Intellectual Property Organization (WIPO) (the Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI) before 22 September 1970), in accordance with article 5 (2):

<i>Country</i>	<i>Date of notification of deposit instrument of ratification, or accession (a)</i>		<i>Date of entry into force</i>	
Algeria .....	5 April	1972a	5 July	1972
Czechoslovakia .....	29 September	1970a	29 December	1970

(Continued on page 181)

### Article 2

References in Articles 5 and 6 (2) of the Lisbon Act to Articles 16, 16 *bis*, and 17 *bis*, of the General Convention shall be construed as references to those provisions of the Stockholm Act of the Paris Convention for the Protection of Industrial Property<sup>7</sup> which correspond to the said Articles.

### Article 3

(1) This Additional Act may be signed by any country party to the Madrid Agreement and may be ratified or acceded to by any country which has ratified or acceded to the Lisbon Act.

(2) Instruments of ratification or accession shall be deposited with the Director General.

### Article 4

Any country which has not ratified or acceded to the Lisbon Act shall become bound also by Articles 1 and 2 of this Additional Act from the date on which its accession to the Lisbon Act enters into force, provided however that, if on the said date this Additional Act has not yet entered into force pursuant to Article 5 (1), then, such country shall become bound by Articles 1 and 2 of this Additional Act only from the date of entry into force of this Additional Act pursuant to Article 5 (1).

(Footnote 1 continued from page 179)

Country	Date of notification of deposit instrument of ratification, or accession (a)		Date of entry into force	
Federal Republic of Germany . . . . . (With a declaration to the effect that the Additional Act shall also apply to <i>Land Berlin</i> with effect from the day it will come into force for the Federal Republic of Germany.)	19 June	1970	19 September	1970
Liechtenstein . . . . .	25 February	1972	25 May	1972

<sup>2</sup> *British and Foreign State Papers*, vol. 96, p. 837.

<sup>3</sup> *Ibid.*, vol. 104, p. 137.

<sup>4</sup> League of Nations, *Treaty Series*, vol. LXXIV), p. 319.

<sup>5</sup> *Ibid.*, vol. CXCH, p. 9.

<sup>6</sup> See p. 165 of this volume.

<sup>7</sup> *British and Foreign State Papers*, vol. 74, p. 44; vol. 92, p. 807; vol. 104, p. 116; League of Nations, *Treaty Series*, vol. LXXIV, p. 289; vol. CXCH, p. 17; and p. 305 of this volume.

*Article 5*

(1) This Additional Act shall enter into force on the date on which the Stockholm Convention of July 14, 1967,<sup>1</sup> establishing the World Intellectual Property Organization has entered into force, provided however that, if by that date at least two ratifications or accessions to this Additional Act have not been deposited, then, this Additional Act shall enter into force on the date on which two ratifications or accessions to this Additional Act have been deposited.

(2) With respect to any country which deposits its instrument of ratification or accession after the date on which this Additional Act has entered into force pursuant to the foregoing paragraph, this Additional Act shall enter into force three months after the date on which its ratification or accession has been notified by the Director General.

*Article 6*

(1) This Additional Act shall be signed in a single copy in the French language and shall be deposited with the Government of Sweden.

(2) This Additional Act shall remain open for signature at Stockholm until the date of its entry into force pursuant to Article 5 (1).

(3) The Director General shall transmit two copies, certified by the Government of Sweden, of the signed text of this Additional Act to the Governments of all countries party to the Madrid Agreement and, on request, to the Government of any other country.

(4) The Director General shall register this Additional Act with the Secretariat of the United Nations.

(5) The Director General shall notify the Governments of all countries party to the Madrid Agreement of signatures, deposits of instruments of ratification or accession, entry into force, and other relevant notifications.

*Article 7*

Until the first Director General assumes office, references in this Additional Act to him shall be construed as references to the Director of the United International Bureaux for the Protection of Intellectual Property.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Additional Act.

DONE at Stockholm, on July 14, 1967.

<sup>1</sup> See p. 3 of this volume.

For Brazil:

For Ceylon:

For Cuba:

A. M. GONZÁLEZ  
12/1/68

For Spain:

J. F. ALCOVER  
ELECTO J. GARCIA TEJEDOR

For France:

B. DE MENTHON

For Hungary:

ESZTERGÁLYOS  
12/1/1968  
Subject to ratification.

For Ireland:

VALENTIN IREMONGER  
12 January 1968

For Israel :

Z. SHER  
G. GAVRIELI

For Italy:

CIPPICO  
GIORGIO RANZI

For Japan:

M. TAKAHASHI  
C. KAWADE

For Lebanon:

For Liechtenstein:

MARIANNE MARXER

For Morocco:

H'SSAINE

For Monaco:

J. M. NOTARI

For New Zealand:

For Poland:

M. KAJZER

Subject to subsequent ratification.

For Portugal:

ADRIANO DE CARVALHO

JOSÉ DE OLIVEIRA ASCENSÃO

RUY ALVARO COSTA DE MORAIS SERRÃO

For the United Arab Republic:

For the Dominican Republic:

For the Federal Republic of Germany:

KURT HAERTEL

For the Republic of Viet-Nam:

For the United Kingdom of Great Britain and Northern Ireland:

GORDON GRANT  
WILLIAM WALLACE

For San Marino:

For Sweden:

HERMAN KLING

For Switzerland:

HANS MORF  
JOSEPH VOYAME

For Syria:

For Czechoslovakia:

For Tunisia:

M. KEDADI

For Turkey: