

No. 13171

MULTILATERAL

Lisbon Agreement for the protection of appellations of origin and their international registration (with Regulations for carrying out the said Agreement and official English translation). Done at Lisbon on 31 October 1958

Authentic text: French.

Registered by the Director-General of the World Intellectual Property Organization, acting on behalf of the Parties, on 22 March 1974.

MULTILATÉRAL

Arrangement de Lisbonne concernant la protection des appellations d'origine et leur enregistrement international (avec Règlement pour l'exécution dudit Arrangement et traduction anglaise officielle). Fait à Lisbonne le 31 octobre 1958

Texte authentique : français.

Enregistré par le Directeur général de l'Organisation mondiale de la propriété intellectuelle, agissant au nom des Parties, le 22 mars 1974.

[OFFICIAL ENGLISH TRANSLATION—TRADUCTION ANGLAISE OFFICIELLE]¹

LISBON AGREEMENT² FOR THE PROTECTION OF APPELLATIONS OF ORIGIN AND THEIR INTERNATIONAL REGISTRATION

Cuba, the Czechoslovak Republic, France, the Hungarian People's Republic, Israel, Italy, Portugal, the Romanian People's Republic and Spain,

Being equally desirous of protecting appellations of origin as effectively and uniformly as possible,

Having regard to article 15 of the Paris Convention of 20 March 1883 for the Protection of Industrial Property,³ revised at Brussels on 14 December 1900,⁴ at Washington on 2 June 1911,⁵ at The Hague on 6 November 1925,⁶ at London on 2 June 1934⁷ and at Lisbon on 31 October 1958,⁸

Have, by mutual consent and subject to ratification, adopted the following Agreement:

Article 1. The countries to which this Agreement applies form a Special Union within the framework of the Union for the Protection of Industrial Property.

¹Established by the World Intellectual Property Organization in accordance with article 14 (3) (except, for the preamble, which has been translated by the Secretariat) — Etablie par l'Organisation mondiale de la propriété intellectuelle conformément à l'article 14, paragraphe 3 (à l'exception du préambule qui a été traduit par le Secrétariat).

²Came into force on 25 September 1966, in respect of the following seven countries, i.e. one month after the deposit of the fifth ratification had been notified by the Government of Switzerland, in accordance with article 13 (2). The instruments of ratification and accession were deposited with the Government of Switzerland as indicated hereafter:

Country	Date of deposit of instrument of ratification, or accession (a)	Date of the corresponding notification
Haiti	17 January 1961a	25 August 1966*
France	24 March 1961	29 May 1961
(With a declaration that the Agreement shall apply to all the territories of the French Republic — Metropolitan Departments, Algerian Departments, Saharian Departments, Departments of Guadeloupe, Guyana, Martinique, Reunion, and Overseas Territories.)		
Czechoslovakia	12 August 1961	3 October 1961
Israel	31 January 1963	1 June 1963
Cuba	17 September 1963	28 October 1963
Mexico	21 February 1964a	25 August 1966*
Portugal	9 June 1966	25 August 1966

Subsequently, the Agreement came into force in respect of the following countries as indicated hereafter, i.e. one month after the deposit of their instrument of ratification had been notified by the Government of Switzerland, in accordance with article 13 (2):

Country	Date of deposit of the instrument of ratification	Date of the notification
Hungary**	29 December 1966 (With effect from 23 March 1967.)	23 February 1967
Italy	15 August 1968 (With effect from 29 December 1968.)	29 November 1968

* Accession under article 11 of the Agreement.

** See p. 203 of this volume for the text of the declaration made upon ratification.

³ *British and Foreign State Papers*, vol. 74, p. 44.

⁴ *Ibid.*, vol. 92, p. 807.

⁵ *Ibid.*, vol. 104, p. 116.

⁶ League of Nations, *Treaty Series*, vol. LXXIV, p. 289.

⁷ *Ibid.*, vol. CXCI, p. 17.

⁸ United Nations, *Treaty Series*, vol. 828, p. 107.

They undertake to protect on their territories, in accordance with the terms of this Agreement, the appellations of origin of products of the other countries of the Special Union, recognized and protected as such in the country of origin and registered at the Bureau of the Union for the Protection of Industrial Property.

Article 2. (1) In this Agreement “appellation of origin” means the geographical name of a country, region or locality which serves to designate a product originating therein, the quality and characteristics of which are due exclusively or essentially to the geographical environment, including natural and human factors.

(2) The country of origin is the country whose name, or the country in which is situated the region or locality whose name, constitutes the appellation of origin which has given the product its reputation.

Article 3. Protection shall be ensured against any usurpation or imitation, even if the true origin of the product is indicated or if the appellation is used in translated form or accompanied by terms such as “kind,” “type,” “make,” “imitation,” or the like.

Article 4. The provisions of this Agreement shall in no way exclude the protection already granted to appellations of origin in each of the countries of the Special Union by virtue of other international instruments, such as the Paris Convention of March 20, 1883, for the protection of industrial property and the Madrid Agreement of April 14, 1891, for the repression of false or deceptive indications of source,¹ last revised at Lisbon on October 31, 1958,² or by virtue of national legislation or judicial decisions.

Article 5. (1) The registration of appellations of origin shall be effected at the International Bureau for the Protection of Industrial Property, at the request of the administrations of the countries of the Special Union, in the name of any individual person or legal entity, public or private, having, according to their national legislation, a right to use such appellations.

(2) The International Bureau shall, without delay, notify the administrations of the various countries of the Special Union of such registrations, and shall publish them in a periodical.

(3) The administration of any country may declare that it cannot ensure the protection of an appellation of origin whose registration has been notified to it, but only in so far as its declaration is notified to the International Bureau, together with an indication of the reasons therefor, within a period of one year from the receipt of the notification of the registration, and provided that this declaration is not detrimental, in the country concerned, to the other forms of protection of the appellation which the owner thereof may be entitled to claim under article 4, above.

(4) This declaration may not be made by the administrations of the countries of the Union after the expiry of the period of one year provided for in the preceding paragraph.

(5) The International Bureau shall, as soon as possible, notify the administration of the country of origin of any declaration made under the terms of paragraph (3) by the administration of another country. The interested party, when informed by his national administration of the declaration made by another country, may resort, in that other country, to all the judicial and administrative remedies open to the nationals of that country.

¹ *British and Foreign State Papers*, vol. 96, p. 387.

² *United Nations, Treaty Series*, vol. 828, p. 163.

(6) If an appellation which has been granted protection in a given country pursuant to the notification of its international registration has already been used by third parties in that country from a date prior to that notification, the competent administration of the said country shall have the right to grant to such third parties a period not exceeding two years to terminate such use, on condition that it advise the International Bureau accordingly during the three months following the expiration of the period of one year provided for in paragraph (3), above.

Article 6. An appellation which has been granted protection in one of the countries of the Special Union, pursuant to the procedure provided for in article 5, cannot, in that country, be considered as having become generic, as long as it is protected as an appellation of origin in the country of origin.

Article 7. (1) Registration effected at the International Bureau in conformity with article 5 shall ensure, without renewal, protection for the whole of the period referred to in the preceding article.

(2) A single fee shall be paid for the registration of each appellation of origin.

The amount of the fee to be collected shall be fixed unanimously by the Council established under article 9, below.

The receipts from the fees collected by the International Bureau shall be used to meet the expenses of the international registration service of appellations of origin, subject to the application, to the countries of the Special Union, of article 13(8) of the Paris Convention.

Article 8. The legal action required for ensuring the protection of appellations of origin may be taken in each of the countries of the Special Union under the provisions of the national legislation:

1. at the instance of the competent administration or at the request of the public prosecutor;
2. by any interested party, whether an individual person or a legal entity, whether public or private.

Article 9. (1) A Council composed of representatives of all the countries members of the Special Union shall be established, at the International Bureau, for the implementation of this Agreement.

(2) This Council shall draw up its own statutes and rules of procedure and coordinate them with the organs of the Union for the Protection of Industrial Property and with those of international organizations which have concluded agreements for cooperation with the International Bureau.

Article 10. (1) The details for carrying out this Agreement are fixed in the Regulations which shall be signed at the same time as the Agreement.

(2) This Agreement, and the Regulations for carrying it out, may be revised in accordance with article 14 of the General Convention.

Article 11. (1) Member countries of the Union for the Protection of Industrial Property which are not parties to this Agreement may accede to it at their request and in the manner prescribed in articles 16 and 16*bis* of the Paris Convention.

(2) Notification of accession shall, in itself, ensure, on the territory of the acceding country, the benefit of the above provisions for appellations of origin which, at the time of the accession, are the subject of international registration.

(3) However, any country acceding to this Agreement may, within a period of one year, declare in regard to which appellations of origin, already registered at the International Bureau, it wishes to exercise the right provided for in article 5(3).

(4) In the event of denunciation of this Agreement, article 17*bis* of the Paris Convention shall apply.

Article 12. This Agreement shall remain in force as long as five countries at least are parties to it.

Article 13. This Agreement shall be ratified and the instruments of ratification deposited with the Government of the Swiss Confederation.

It shall come into force upon ratification by five countries, one month after the deposit of the fifth ratification has been notified by the Government of the Swiss Confederation, and, in the countries in whose name it is ratified at a later date, one month after the notification of each of such ratifications.

Article 14. (1) This Agreement shall be signed in a single copy in the French language, which shall be deposited in the archives of the Government of the Swiss Confederation. A certified copy shall be transmitted by the latter to each of the Governments of the countries of the Special Union.

(2) This Agreement shall remain open for signature by the countries of the Union for the Protection of Industrial Property until December 31, 1959.

(3) Official translations of this Agreement shall be established in English, German, Italian, Portuguese and Spanish.

IN WITNESS WHEREOF the plenipotentiaries of the States listed above have signed the present Agreement.

DONE at Lisbon on 31 October 1958.

For Cuba:

ad referendum
Dr. JOSÉ ANTONIO MAHY

For Spain:

ad referendum
RAFAEL MORALES

For France:

G. FINNISS

For the Hungarian People's Republic:

ad referendum
PÁL RÁCZ

For Israel:

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

For Italy:

TALAMO
GIUSEPPE MARCHEGIANO
MARCELLO ROSCIONI

For Portugal:

LUÍS DA CÂMARA PINTO COELHO
AFONSO MARCHUETA
ALEXANDRE DE LANCASTRE ARAÚJO BOBONE
JORGE VAN ZELLER GARIN
JOÃO BARATA GAGLIARDINI GRAÇA
VÍTOR HUGO FORTES ROCHA

For the Romanian People's Republic:

Dr. CLEJA

For the Czechoslovak Republic:

JAN OBHLÍDAL

For Morocco:

TAHAR MEKOUAR

For Turkey:

Prof. Dr. F. K. GÖKAY

For Greece:

A. CONTOUMAS

REGULATIONS FOR CARRYING OUT THE AGREEMENT OF LISBON CONCERNING THE PROTECTION OF APPELLATIONS OF ORIGIN AND THEIR INTERNATIONAL REGISTRATION

Article 1. An application for the international registration of an appellation of origin shall be drawn up in French in duplicate on forms supplied by the International Bureau. It shall be accompanied by the amount of the fee due and shall contain the following particulars:

1. the country making the application and its administration competent to receive notifications, together with an indication of the owner or owners of the appellation of origin;
2. the appellation of origin whose registration is requested;
3. the product to which this appellation applies;
4. the producing area;
5. the title and date of legislative or administrative provisions or of judicial decisions recognizing protection in the country making the application;
6. the date of dispatch of the application.

The administration of a country to which a registration is notified may request through the International Bureau a copy, in the original language, of the documents provided for under 5 above.

The Bureau shall complete this information by adding the date of the deposit and the serial number.

Article 2. The International Bureau shall keep:

1. a general Register of appellations of origin, in which shall be entered in chronological order, together with the particulars specified in article 1 and the date of the receipt of the notification form the national administration making the application, the date of the notification by the International Bureau to the administrations of the other countries of the special Union and of the refusals by the latter, and an indication of any periods of respite granted in accordance with paragraph (6) of article 5 of the Agreement;
2. a special Register for each country of the special Union in which the same information shall be entered in chronological order.

Article 3. If the International Bureau finds that an application for registration contains certain irregularities as to form, it must postpone the registration of the appellation of origin and inform without delay the administration making the application, in order that the application may be put into the proper form.

Article 4. (1) Once an entry has been made in the Register, the International Bureau shall certify on the two copies of the application that the registration has been effected and shall sign and stamp them.

(2) One of these two copies shall remain in the archives of the Bureau; the other shall be sent to the administration concerned.

(3) The International Bureau shall, as soon as possible, notify the various national administrations of all the details specified in article 1 as well as of the notifications by the national administrations specified in article 5.

(4) The national administrations may at any time ask for the cancellation of a registration made at their request. The International Bureau shall effect this cancellation and notify the various national administrations.

Article 5. The International Bureau shall publish in its periodical list "Appellations of Origin":

- (a) the appellations of origin registered, together with the details specified in paragraphs 1 to 6 of article 1 of these Regulations;
- (b) any notifications of refusal which may have reached it in accordance with article 5, paragraph (3), of the Agreement, as well as any action taken in regard to them;
- (c) any authorizations for continued use of certain appellations, in conformity with article 5, paragraph (6), of the Agreement;
- (d) any cancellations of international registrations that may be effected.

Article 6. The Council shall meet when convened by the Director of the International Bureau.

It shall hold its first meeting during the three months following the entry into force of the Agreement.

Article 7. (1) In order to implement article 7, paragraph (2), of the Agreement, and subject to the competency of the High Supervisory Authority, the International Bureau shall present the Council in the first quarter of each year with a special management report on the service for the international registration of appellations of origin.

(2) The amount of the single registration fee shall, at the outset, be 50 Swiss francs.

Article 8. These Regulations shall come into force at the same time as the Agreement to which they refer and shall be of the same duration.

For Cuba:

ad referendum
Dr. JOSÉ ANTONIO MAHY

For Spain:

ad referendum
RAFAEL MORALES

For France:

G. FINNISS

For the Hungarian People's Republic:

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VÍTOR HUGO FORTES ROCHA

For the Romanian People's Republic:

Dr. CLEJA

For the Czechoslovak Republic:

JAN OBHLÍDAL

For Morocco:

TAHAR MEKOUAR

For Turkey:

Prof. Dr. F. K. GÖKAY

For Greece:

A. CONTOUMAS

DECLARATION MADE UPON RATIFICATION

HUNGARY

[TRANSLATION¹ — TRADUCTION²]

With regard to paragraph (1) of article 11 of the Lisbon Agreement of October 31, 1958, for the protection of appellations of origin and their international registration, the Council of Ministers of the Hungarian People's Republic wishes to express its attachment to the principles contained in the Declaration adopted on December 14, 1960, by the General Assembly of the United Nations Organization guaranteeing independence to colonial countries and peoples.³ It follows that the Council of Ministers of the Hungarian People's Republic is of the opinion that colonialism, in any shape or form, is contrary to international law now in force.

¹ Translation supplied by the World Intellectual Property Organization.

² Traduction fournie par l'Organisation mondiale de la propriété intellectuelle.

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