

No. 27160

**ISRAEL
and
FEDERAL REPUBLIC OF GERMANY**

**Agreement on cooperation in the area of intellectual property.
Signed at Bonn on 3 March 1989**

Authentic texts: Hebrew, German and English.

Registered by Israel on 15 March 1990.

**ISRAËL
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord de coopération en matière de propriété intellectuelle.
Signé à Bonn le 3 mars 1989**

Textes authentiques : hébreu, allemand et anglais.

Enregistré par Israël le 15 mars 1990.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE
STATE OF ISRAEL ON CO-OPERATION IN THE AREA OF IN-
TELLECTUAL PROPERTY

The Government of the Federal Republic of Germany and the
Government of the State of Israel,

wishing to promote friendship and co-operation by strength-
ening mutual trade flows in view, *inter alia*, of the Punta
del Este Declaration of September 1986,

realizing the importance of the protection of intellectual
property, including protection against unfair competition,
especially as regards the proper use of trade and merchan-
dise indications,

recognizing the damage done to legitimate trade flows by the
illegitimate marking of merchandise and the marketing of
counterfeit goods,

desirous of protecting the holders of intellectual property
rights and the rightful users of trade and merchandise indi-
cations, as well as the consumers in both countries,

noting that the national legal systems of both countries
have developed means of repressing the infringement of in-
tellectual property rights, including the illegal use of
trade and merchandise indications,

¹ Came into force on 26 February 1990, the date on which the Parties informed each other of the completion of their respective national requirements, in accordance with article 10.

confirming that both countries are parties to the Paris Convention for the Protection of Industrial Property,¹ the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods,² the Berne Convention for the Protection of Literary and Artistic Works³ and the Universal Copyright Convention,⁴

affirming that increased intergovernmental co-operation is necessary to improve the effective enforcement of the existing legal remedies against the illegitimate marking of merchandise and the marketing of counterfeit goods.

determined to promote co-operation in these areas,

have agreed as follows:

Article 1

The Government of the Federal Republic of Germany and the Government of the State of Israel hereby confirm that German trade and merchandise indications, including in particular indications of source, appellations of origin and other geographical indications, enjoy in Israel, and that Israeli trade and merchandise indications, including in particular indications of source, appellations of origin and other geographical indications, enjoy in the Federal Republic of Germany, protection in accordance with the relevant domestic legislation and the relevant provisions of international law in force in each of the countries, in so far as the requirements for the application of such legislation and provisions are met.

¹ United Nations, *Treaty Series*, vol. 828, pp. 107 and 305.

² *Ibid.*, p. 162.

³ *Ibid.*, p. 221.

⁴ *Ibid.*, vol. 216, p. 132, and vol. 943, p. 178.

Article 2

Whenever the Government of the Federal Republic of Germany acquires knowledge of cases in which German trade and merchandise indications are being misused in Israel to the detriment of the rightful users of the indications, it may inform the Government of the State of Israel of these cases. The Government of the State of Israel declares itself ready to bring these cases, in accordance with the law applicable in the State of Israel, to the notice of the competent authorities for the repression of the misuse of trade and merchandise indications so that these authorities may take the necessary measures.

Article 3

Whenever the Government of the State of Israel acquires knowledge of cases in which Israeli trade and merchandise indications are being misused in the Federal Republic of Germany to the detriment of the rightful users of the indications, it may inform the Government of the Federal Republic of Germany of these cases. The Government of the Federal Republic of Germany declares itself ready to bring these cases, in accordance with the law applicable in the Federal Republic of Germany, to the notice of the competent authorities for the suppression of the misuse of trade and merchandise indications so that these authorities may take the necessary measures.

Article 4

Whenever the Government of the Federal Republic of Germany or the Government of the State of Israel acquire knowledge of cases in which counterfeits of German products are pro-

duced or marketed in Israel or counterfeits of Israeli products are produced or marketed in the Federal Republic of Germany, Articles 2 and 3 shall apply.

Article 5

The furnishing of information provided for in Articles 2, 3 and 4 of this Agreement, and the measures which may be taken, are in no way intended to exclude the possibility of action against the infringement of intellectual property rights, including the misuse of trade and merchandise indications, also being taken by those persons entitled under the law of each State to assert claims.

Article 6

This Agreement is in no way intended to create any private right of action or remedy.

Article 7

The Government of the Federal Republic of Germany and the Government of the State of Israel undertake to do all in their power to ensure that this Agreement is applied in a manner which is beneficial to the economic relations between the two countries and which enhances the protection of trade and merchandise indications and the repression of trade in counterfeit goods.

Article 8

Representatives of the Government of the Federal Republic of Germany and of the Government of the State of Israel may meet at any time to deal with any questions concerning the application of the present Agreement.

Article 9

This Agreement shall also apply to Land Berlin, provided that the Government of the Federal Republic of Germany does not make a contrary declaration to the Government of the State of Israel within three months of the date of entry into force of this Agreement.

Article 10

This Agreement shall enter into force on the date on which both Governments have informed each other that their respective national requirements for the entry into force have been fulfilled.

Article 11

Either Government may terminate this Agreement by giving written notice of at least one year to the other Government.

Done at *Bonn* on *March 3rd, 1989*
in duplicate in the German, Hebrew and English languages,
all three texts being authentic. In case of divergent inter-
pretations of the German and Hebrew texts, the English text
shall prevail.

For the Government
of the Federal Republic
of Germany:

[Signed — Signé]¹

[Signed — Signé]²

For the Government
of the State of Israel:

[Signed — Signé]³

[Signed — Signé]⁴

¹ Signed by Hans Werner Lautenschlager — Signé par Hans Werner Lautenschlager.

² Signed by Albrecht Krieger — Signé par Albrecht Krieger.

³ Signed by Mayer Gabay — Signé par Mayer Gabay.

⁴ Signed by Benjamin Navon — Signé par Benjamin Navon.