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PART I.

OBLIGATION TO AFFIX A MARK OF ORIGIN ON GOODS.

NOTE DRAWN UP BY THE SECRETARIAT OF THE LEAGUE OF NATIONS.

PART 2.

OBSERVATIONS ON MARKS OF ORIGIN AND THE VARIOUS  
LAWS RELATING THERETO.

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COMMITTEE FOR THE CONFERENCE (WITH ANNEXES).

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## PART I

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# OBLIGATION TO AFFIX A MARK OF ORIGIN ON GOODS

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### INTRODUCTION

The object of affixing marks of origin on goods or their wrappings is to make it possible, for a longer or shorter period, to distinguish national products from foreign products when the latter are sold in the country of importation, particularly when the imported products may easily be taken for national products.

Traders, especially manufacturers, object to this new system of identifying the origin of products on two grounds. First, they claim that the requirements of certain countries are sometimes so exacting that the affixing of the indication presents technical difficulties, and is, moreover, often costly and inconvenient. Secondly, the regulations differ in the different countries, so that sometimes a whole stock of goods is left on a manufacturer's hands when he would like, owing to unforeseen circumstances, to send them to some country other than that for which they were originally intended.

It was to obviate these inconveniences that the Italian National Committee asked the International Chamber of Commerce to try to bring about a standardisation of the laws of the different countries on marks of origin.

We give below a brief survey of the regulations now in force in a number of countries.

The first nine countries dealt with have regulations making the indication of the country of origin compulsory for all or almost all commodities. The others have only enacted such regulations for certain products, or in exceptional cases.

The present survey is probably incomplete as regards the list of countries, and even perhaps as regards the regulations in force in those which are mentioned. The information given is largely taken from official sources, but partly also from unofficial or private documents, such as reviews and commercial year-books, etc., so that to a certain extent reservations must be made as to the accuracy of the data on which the survey is based.

Further, in drawing up the present Note, the aim has been to achieve completeness as far as possible, *i.e.*, to collect from as many countries as possible a list of all legislative and executive measures requiring the origin of foreign goods to be indicated. The fact that a measure of this kind is mentioned must not be regarded as implying criticism of the country concerned, or as an expression of

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<sup>1</sup> Note drawn up by the Secretariat of the League of Nations.

opinion on the aim of the measure adopted on the consequences ensuing from it.

Moreover, in a Note of a strictly objective character such as the present, it is impossible to draw any distinction between the measures taken in the various countries from the point of view of the grounds on which they are based or their effect upon international trade.

Part I of the present brochure does not deal with the various measures which have been taken in numerous countries to prevent the illicit use of trade-marks and marks of origin with the object of protecting fair trade<sup>1</sup>.

Nor does the present brochure deal with the regulations in force in certain countries regarding the importation of foreign goods where such regulations do not relate to the indication of origin. They are only mentioned in exceptional cases where they form a single whole with the regulations governing the indication of origin.

## A. COUNTRIES WHERE REGULATIONS OF A GENERAL NATURE EXIST.

### THE ARGENTINE.

The question of the mark of origin is governed by the Law of November 10th, 1923, which came into operation on November 10th, 1924, and also by the administrative regulations of July 8th, 1924.

Under these provisions, all goods of foreign origin must bear the indication of their country of origin in Spanish, French, English, Italian, Portuguese or German.

In addition, each article must bear mention of the quality, weight, size, etc., and the same indications must appear on packing, cases, etc.

The omission of these indications on each individual article is allowed only where, in accordance with commercial custom, it is not usual to declare each unit separately, or else where it would be impossible to affix the indications because of the smallness of the article. In this case, it is enough for the indications to appear on the packing.

The mention of the origin must always appear on the wrapper in which an article is sold. Indication of the origin on the packing in which it is transported is only compulsory when the article is sold in the same packing.

A recent decree modifying the previous regulations regarding the identification of goods contains, among others, a provision to the effect that, in the manufacture of metals, the mark showing the country of origin must be stamped, in the same way as a trade-mark, on each piece, where this operation is customary,

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<sup>1</sup> This question is dealt with in Part II of the present brochure which has been drafted by Dr. Trendelenburg, member of the Preparatory Committee for the International Economic Conference. Part II is entitled "Observations on Marks of Origin and the Various Laws relating thereto".

and, in the case of machines, on a metal plate to be affixed to the principal part of the machine in a place where it will be easily visible. The plate must be soldered on or, where such a process would be harmful, it must be fixed with screws which have been treated with a substance the chemical action of which will render it impossible to withdraw them.

A Decree of January 30th, 1925, concerning the containers of food products imported into the Argentine and the indications which these containers must bear came into operation on April 1st, 1926. This decree relates in particular to the importation of bottles, containers, utensils or objects destined to come into contact with foods, condiments or beverages, or used on account of their preservative effects; kitchen and table utensils in general; tubes, pipes and measures used to convey liquids from one vessel to another or to divide them into portions, with the exception of water pipes (Article 1).

The decree also lays down the materials which may be employed for the manufacture of these objects. It prohibits or prescribes the use of certain materials for the painting, decoration, enamelling or varnishing of such objects and for the soldering and closing of containers and utensils, as also for the composition of the wire protectors of syphons, etc.

Apparatus, utensils, containers or objects (except bottles) destined to come into contact with food substances and beverages must bear, either engraved or printed, the name of the factory which produced them and the country of origin, or, failing this, the name of the agent or importer (Article 11).

Containers containing food substances or beverages must bear engraved, printed or tightly adherent labels, devices or inscriptions giving, in type of standard size, relief and colour, certain indications as to the exact name of the product, size, volume, date when it was put into the container and, further, the country or region of origin, as well as the registered title of the firm or name of the owner of the producing establishment or of the importing agent or representative (Article 12).

The above indications must appear on the labels or printed devices and also on the outer wrapper in which the products are sold (Article 14).

The labels, as well as the inscriptions on the containers, may not include any term, indication or sign which might mislead the purchaser as to the quality, origin and quantity of the goods (Article 13).

#### AUSTRALIA.

Trade indications as to the country or place where goods were produced or manufactured which are false, by reason of omission, misrepresentations or in any other way, are prohibited, and the importation of goods bearing such indications is prohibited under penalty of a fine and confiscation of the goods (Commerce (Trade Descriptions) Act 1905).

The importation of all goods produced in any place whatever outside Australia,

and bearing the registered factory or trade-mark of an Australian producer, dealer or trader, is prohibited unless accompanied by an exact designation of the country in which the goods were produced or manufactured (Trade Marks Act, 1905).

It is forbidden to import foodstuffs, beverages, pharmaceutical products, fertilisers, clothing, jewellery, grain or plants, unless such articles bear, in addition to other particulars, a trade-mark indicating, *inter alia*, the place or country of origin.

When, for inscriptions affixed to goods, a different language is used from that in use in the country of origin, the indication "Made in Denmark" (for example) is necessary, in the case of Danish goods bearing English inscriptions.

The indications of origin should be distinct and indelible. The lettering must be similar to that used for the mark that is to be supplemented, and the two indications should be as close together as possible.

Imported goods which do not comply with these regulations may be confiscated.

#### FEDERATED MALAY STATES.

It is forbidden to import hothouse plants not bearing a mark of origin (Law of August 20th, 1912).

In general, it is necessary to mark goods or their wrappings intended for importation (Customs tariff of September 21st, 1922, § 304).

#### FRANCE.

The fundamental provision governing the subject of the present study is Article 15 of the Law of January 11th, 1892, which runs as follows:

"All foreign products, raw or manufactured, bearing either upon them or upon the package, case, bale, wrapper, band or label, etc., a factory- or trade-mark, name, sign or any sort of indication calculated to lead the public to believe that they were manufactured in France or that they are of French origin are prohibited for entry, warehousing, transit or circulation."

These goods are not admitted for entry, transit, etc., in France and in the French colonies unless they bear the "legal rectification". No special form is provided for this rectification, but it must be clear and calculated to prevent any confusion. It must also be easily seen and indelible.

Indications such as "imported from...", "manufactured in...", "coming from...", followed by the indication of the country in question, are sufficient.

The indication upon a commodity of a place bearing the same name as a place in France — for example, Vienne — is not allowed unless the rectification "Autriche" is added.

When the producer of an article also possesses an establishment in France, the rectification may be either in the language of the consignee country or in the language used for the mark itself which gave rise to the rectification.

There are special provisions for certain articles like hat leather, labels, corks, wrappings, wine, preserved foods, etc.

It should be observed that all these provisions apply not only to the importation of goods but also to the entry of goods admitted for re-exportation ("in transit").

Severe penalties are provided in case of infringement; the goods may be confiscated, or fines may be imposed for an amount equal to the trade value of the goods.

All foreign wines not bearing on the container an indelible mark showing the country of origin are prohibited for entry, warehousing, transit or circulation.

The same applies to preserves of fish, vegetables and plums. The designation of the country of origin must be stamped with a die on each container in very clear Latin characters, either raised or sunk, of at least 4 millimeters, in the middle of the lid or at the bottom and on a part bearing no other impression.

Fashion papers printed abroad must be clearly marked on the front page with the words "imprimé à..." (Circular notice sent to Directors of Customs in regard to the application of Article 15 of the Law of October 3rd, 1923, regarding the Customs tariff). The particulars which all foreign journals bearing the name of a French bookseller must contain after the address of the French publisher or on the last page (Circular notice of 1914 to Directors of Customs) are not sufficient.

Labels of foreign origin which show the name of the tailor and are to be sewn inside articles of clothing must bear a mark of origin even if this mark has to be affixed in a place where it will be visible (Circular notice of December 21st, 1923, to Directors of Customs).

Imported grain must bear an indication of the country and part of the country where it was grown (Decree of March 26th, 1925).

#### GREAT BRITAIN AND NORTHERN IRELAND.

(Also applicable at present in the Irish Free State).

The indication of origin is not required if no mark appears on the goods themselves or on their package. When goods intended for importation bear a designation or mark identical with that of a dealer or merchant domiciled in Great Britain, or which is liable to be confused with the designation or mark of the latter, the indication of the country of origin must be added.

If the name of an English firm only is indicated without any indication of the place, it is enough to add "Belgium", "France", etc. Otherwise the indication "Made in Belgium (France)", etc., is compulsory.

As in France, the country of origin must also be mentioned whenever the name of a place indicated on the goods is the same as that of a place in England.

The indication of origin is also necessary for goods imported under the name of a place in which they were not produced, as, for instance, "Swiss Champagne".

The use of a place-name is authorised, however, if, in accordance with general usage and without fraudulent intention, the name is used to describe a special class of goods, such as the term "Portland cement".

The use of the English language is authorised in a general way provided that the form of the inscription is not calculated to make the public believe that the article in question is British. But if a different language is used from that in use in the country of origin, the indication "Made in Germany", etc., is necessary in the case of German goods bearing English inscriptions.

As regards the form of indication of origin on the outside, the regulations in force merely state that the indication must be distinct and indelible, that the lettering must be like that used for the mark which is to be supplemented, and that the two indications must be as close together as possible.

Where certain inscriptions upon the goods necessitate the indication of origin, it is not enough to affix the latter on the package only.

Any infringement of these provisions may involve confiscation of the goods.

The Customs administration does not stop goods in transit, but reserves the right to do so in the case of foreign goods bearing a false indication of British origin.

These regulations, subject to a few modifications, are also in force in the *British Colonies*. In the latter it is often compulsory to affix marks of origin on the outer package even when the goods bear no inscription or mark.

The Act known as the Merchandise Marks Act, which applies to the United Kingdom and Northern Ireland, came into force on December 15th, 1926.<sup>1</sup>

The main provisions of this Act are as follows:

(a) Imported goods bearing on themselves or the covering in which they are exposed for sale the name or trade-mark of any British manufacturer, dealer or trader cannot be sold or exposed for sale unless the name or trade-mark is accompanied by an indication of origin (this provision does not apply in principle to "blends or mixtures").

Nevertheless, the Board of Trade may, after considering representations made by a person having an interest in the matter, direct that this provision shall not apply to such classes of goods or to such goods sold under a special designation. They shall do so if they are satisfied that difficulties would arise if an indication of the origin of such goods were required and that public interests in the United Kingdom would not be prejudiced by such exemption.

(b) After an enquiry by a special committee — on a reference from the appropriate department at the request of a person concerned as a manufacturer, producer, dealer, consumer or member of any body of wage-earners — the department in question may apply for an Order in Council stipulating that goods of a specific class or description must bear an indication of origin on importation. It shall not do so, however, unless it considers that the

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<sup>1</sup> By Order in Council, goods from the Isle of Man and the Channel Islands may be classed as goods from the United Kingdom.

trade of the United Kingdom or the trade generally of other parts of the Empire with the United Kingdom would not be prejudiced if imported goods of that class or description were prohibited to be sold without an indication of origin; and it must take all circumstances into account, including those of the re-export trade and the requirements of transit.

Goods which, under the terms of the Order in Council, should bear an indication of origin at the time of importation and which did not at that time bear such indication, shall be deemed to be goods which are prohibited to be imported.

The special committee, when proposing an Order in Council of this kind, recommends what should be the form of the indication of origin and in what manner it should be applied to the goods, and the Order in Council will contain the necessary provisions for that purpose.

The competent department may, at the request of any interested person, provisionally grant exemptions for such goods or classes of goods if it considers that the application of the Order in Council or some of its provisions has caused or is likely to cause an injury or hardship to the said persons or to any one of them. The law provides for the appointment of two or more standing committees, of which at least one will be instructed to carry out enquiries relating to agricultural and horticultural produce and the produce of any fishing industry.

The following shall not be regarded as "imported" within the meaning of the Act: Goods of foreign origin which since the date of their importation have undergone in the United Kingdom any treatment or process resulting in a substantial change in the goods, or goods produced or manufactured in the United Kingdom which have undergone abroad any treatment or process not resulting in a substantial change in the goods.

Under the terms of the Act, "indication of origin" means, at the option of the person applying the indication, either, in the case of goods manufactured or produced in a foreign country, the word "foreign"; or, in the case of goods produced or manufactured in any part of His Majesty's Dominions or in a territory under a British mandate of the League of Nations, the word "Empire"; or a definite indication of the country in which the goods were manufactured or produced.

In any case, the indication must be given conspicuously.

#### INDIA.

There is a law called the Merchandise Marks Act, the object of which is to prevent goods bearing counterfeit marks, false descriptions, etc., from being imported into the country.

Under this law, the country of origin must be indicated on the goods only if the inscriptions on them are of a nature or in a language which might mislead the consumer as to the real country of origin of the product.

If, for instance, goods coming from Germany bear inscriptions in a language other than German, the name of the country of origin must be stamped on the goods. If, on the other hand, the goods bear no such misleading inscription, indication of the country of origin is not necessary.

#### NEW ZEALAND.

Under Section 96 of the Patents, Designs and Trade Marks Act, 1908, and Section 91 of the Customs Law Act, 1908, it is prohibited to import goods manufactured or produced abroad bearing the name or mark of a manufacturer, dealer or merchant in the United States, New Zealand or any British Possession unless the name or mark is accompanied by the express indication of the country in which the goods were produced or manufactured.

It is likewise prohibited to import goods bearing the name, or an imitation of the name, of any place in the United Kingdom, New Zealand or the British Possessions unless the name or mark upon the goods is accompanied by the designation of the foreign country.

When, for inscriptions on goods, a different language is used from that in use in the country of origin, the indication "Made in Denmark" (for example) is necessary, in the case of Danish goods bearing English inscriptions.

The indication of origin should be distinct and indelible. The lettering must be similar to that used for the mark that is to be supplemented and the two indications should be as close together as possible.

When indication of the origin is required, it is not enough for it to appear on the outer wrapper alone.

Goods imported contrary to these regulations may be confiscated.

#### PERSIA.

In this country, the mark of origin must always appear on imported goods as well as on their packaging.

#### SWEDEN.

A Law of January 4th, 1923, lays down that goods not bearing any clear intimation of their origin will not be admitted for importation unless the foreign origin of the goods is indicated in a distinct and permanent manner at least by the mark "imp." (imported). Disregard of this provision involves confiscation.

#### UNITED STATES OF AMERICA.

Under Section 304 of the Customs Law of September 21st, 1922, all imported goods on which it is possible, without damaging them, to affix a mark of origin, as on inner and outer wrappers, must bear in a clearly visible place, in English

and in legible lettering, an indelible indication of the country of origin in the form of a stamp, impress, brand or label.

Special provisions apply to cutlery, pincers, surgical and scientific instruments and watches.

Textile goods imported in a form suitable for retail sale must bear a label with the name of the country of origin.

Imported bricks must have the mark of the country of origin affixed in an indelible manner.

Goods imported contrary to these provisions are not delivered to the consignee until the missing marks of origin have been affixed, and, in addition to the ordinary customs duties, they are subject to an extra 10 per cent *ad valorem* duty.

## B. COUNTRIES IN WHICH THERE ARE REGULATIONS CONCERNING CERTAIN GOODS ONLY.

### AUSTRIA.

Under the Law of March 17th, 1907, foreign hops must bear an indication of the country of origin.

The same regulation applies to foreign seeds. If they come from a country outside Europe, however, the name of the continent only need be stated (Decree of July 29th, 1924, and Law of September 26th, 1923).

### BELGIAN CONGO.

Alimentary fats must bear an indication of the country of origin (Decree of October 21st, 1911).

### BRAZIL.

It is forbidden to sell pharmaceutical products not bearing the name of the manufacturer or the place of origin (Decree of November 3rd, 1897).

### BULGARIA.

A mark of origin is required for wine, cognac, liqueurs, ink, sealing wax, indiarubber, matches, paraffin and thread (Law of December 31st, 1903/January 13th, 1904, and Regulation of April 15th/28th, 1904, Article 8).

### CANADA.

It is forbidden to import any of the goods enumerated in Part VII of the Penal Code. Further, foreign goods cannot be imported if they bear the name or business address of a manufacturer or dealer in the United Kingdom, Canada

or other British territory unless the name of the country of origin is given as well. If they bear the name of a foreign locality which is the same as that of a locality in any of the above-mentioned countries, the name of the country of origin must also, as a rule, be indicated. In cases of infringement of these regulations, the goods are officially seized and confiscated on behalf of the State (Customs tariff of April 12th, 1907, Article 11, attached to Table G).

Each barrel or sack of salt imported into Canada must bear the name and address of the importer. In addition, each unit must comply with the conditions prescribed for sacks or barrels sold or retailed in the country and produced in Canada. These conditions refer to the gross and net weight, which must be indicated clearly and indelibly on each barrel or sack, and also the number and total weight, to be marked on the stave of the barrel when the latter contains several sacks.

Under the Fruit Act of 1923, packages containing fruit imported into Canada must be marked distinctly and indelibly with the words "imported by... ", followed by the initials, name and address of the importer or the importing firm.

Under a Law which was to come into force on December 31st, 1921, all goods imported into Canada, with a very few exceptions, that are capable of being marked or stamped must bear a mark or impress indicating the country of origin. Otherwise the wrapper or the container must bear this indication.

As a result, however, of numerous protests against the unduly stringent extension of the provisions of this law, its application was suspended and it was so amended as to make the Government responsible for deciding which goods had to be thus marked.

In execution of the Law of June 27th, 1922, a mark of origin has been made obligatory for pencils, printed matter and lithographs (including books and illustrations) (Order in Council of September 21st, 1923).

Detailed regulations as to procedure have been laid down in the executive provisions relating to the above decree. It is left to the administration to decide whether the indication is clear and indelible. In order to avoid the rectification of a mark, the goods may be re-exported.

No mark of origin is necessary for seals, notes and labels the diameter of which does not exceed 1 inch (Order in Council of June 11th, 1923).

In the case of rolls, bands or sheets of seals, etc., each part of which is more than 1 inch in diameter, each separate part must bear a mark of origin (Memorandum of November 24th, 1924).

Notepaper imported in boxes having a printed cover must bear a mark of origin (Executive Regulations of 1923).

Under an Order in Council of September 22nd, 1926, bricks imported into Canada after October 15th, 1926, must have the mark of the country of origin affixed in an indelible manner.

Goods to be used for trade purposes must bear on their wrappings the name and address of the manufacturer (Law of November 10th, 1919, regarding the

system of temporary importation, manufacture and sale of oleo-margarine in Canada).

Meat, pork-butchers' wares and certain other specified foodstuffs, if retailed, must bear the name and address of the manufacturer (Order in Council of March 19th, 1926).

#### CZECHOSLOVAKIA.

The affixing of a mark of origin on foreign hops may be prescribed by decree (Law of August 12th, 1921.)

The Government may also prescribe by decree that plant preservatives and plants, young plants, scions, etc., must bear an indication of origin.

#### DENMARK.

The Law of April 12th, 1911, concerning the trade in butter and other agricultural products, and the Decrees for its application of November 17th, 1911, and July 24th, 1925, contain various provisions which should be mentioned.

Foreign butter intended to be retailed in the country or to be re-exported must bear on the package on entry into Denmark the word "Udenlandsk" ("Foreign") in black letters on a light ground (painted, printed or branded). The letters must be 20 millimeters high and very legible. If the importer receives butter not bearing these indications, he must affix them and advise the Customs administration. As to the butter itself, to be admitted for importation it must fulfil the same conditions as Danish butter. For exportation, the law contains various provisions the object of which is to prevent confusion abroad with butter of Danish origin.

The Law of April 12th and the Regulations of November 18th, 1911, on the trade in foreign agricultural products lay down that certain products, such as eggs, honey, bacon, suet and meat, including preserved meats, sausages and other food products prepared with meat, must, if they are of foreign origin and sold in Denmark or re-exported after importation, be marked "Udenlandsk" ("Foreign").

Imported eggs must bear an indication of the country from which they came (Decree of June 12th, 1925).

The same mark is required for foreign industrial products such as iron and steel cutlery, matches, washing powders, etc., sold or retailed in Denmark.

For certain kinds of shoes (in the manufacture of which artificial leather and cardboard are used) admitted for importation, it is prescribed that they must on entry bear not only the mark "Udenlandsk" but also an indication of the name and domicile of the importer, as well as a capital letter indicating the schedule under which these shoes are to be classified.

Under the Law of March 29th, 1924, regarding the suppression of unfair competition and false descriptions of goods, the Minister of Commerce is authorised

to require an indication of origin to be given in the case of articles to be *retailed*. In virtue of this power, the Minister has issued the following decrees:

Decrees of October 8th, 14th and 29th and November 19th, 1924, regarding meters and electrical machines, articles of sheet-iron and foreign matches.

Decree of February 2nd, 1925, regarding books, pamphlets, etc., printed in Danish abroad.

Decree of July 24th, 1924, regarding poultry and eggs of foreign origin. This decree merely prescribes that these articles must be stated to be "Udenlandsk" ("Foreign").

Decree of November 30th, 1925, regarding imported tombstones (they must be stated to be "Udenlandsk" ("Foreign")), and articles of rope and iron and steel cabling, whether of Danish or of foreign origin.

The Decree of June 6th, 1923, lays down that an indication of origin must be given on bituminated cardboard roofing.

The Decree of March 27th, 1923, requires an indication of origin to be given on dry electrical batteries.

Under the Law of February 18th, 1922, regarding the tobacco tax, all cigarette wrappers must bear, in addition to particulars as to the contents, the name and address of the manufacturer or importer. The Customs administration may, however, allow an approved mark to be affixed in place of the address, so that the name of the firm and the origin of the goods will be known to the Customs administration alone.

Under the Law of March 31st, 1926, the Minister of Agriculture is authorised to require an indication of origin to be given for the importation of horses and ungulates.

By the Law of April 1st, 1925, and the Decree of May 30th, 1925, an indication of origin must be given for margarine; imported margarine must bear the word "Udenlandsk" ("Foreign").

Meat, offal and preserves manufactured from the latter must, if imported, bear the word "Udenlandsk" ("Foreign"); in the case of meat and offal, this indication must be given not only on the wrapping but on the articles themselves (sixteen times on halves of horses or halves of beef and six times on each half of pork, etc.). The indication must be affixed by a seal on specified parts of the animal (Decree of July 24th, 1925).

By the Law of March 26th, 1898, and the Decree of May 27th, 1905, on the trade in fertilisers and fodder, the origin must be stated on the wrapping of commercial fertilisers.

#### FINLAND.

The executive Regulations of March 7th, 1924, relating to the law on the manufacture of and trade in margarine provide that imported margarine and margarine cheese must be marked "Imported margarine" and "Imported margarine cheese."

In cases of a breach of this regulation, the indication is affixed by the Customs administration. Imported seeds must be marked "Foreign seeds" whenever successful cultivation may depend upon the origin of the seed.

#### GERMANY.

Spirits for consumption may be retailed only in containers which conform to the legal provisions, and must be of a minimum alcoholic strength. Containers must bear a mark showing whether the contents were manufactured in the country or made abroad. The manufacturer and the place of manufacture must be indicated.

Gold and silver articles from abroad, the standard of which is indicated in a manner not conforming with the provisions of the Law of July 15th, 1884, cannot be retailed until they have been stamped in accordance with the law.

#### HUNGARY.

Animal and vegetable fats and articles manufactured of fat or oil must bear an indication of origin (Law No. XLVI, 1895). Dried yeast may not be sold unless the name of the factory is imprinted on the yeast itself. The wrapping must bear the name and address of the factory and must state the quality of the yeast.

#### ITALY.

Under the internal regulations in force in Italy, the containers of preserved foods must bear the indication of the name and the head office of the factory from which they come, as well as certain other particulars showing the composition and quality of the products.

With a view to insuring equality of treatment for imported products, these rules apply also to preserved foods coming from abroad.

A declaration of origin must be made in respect of grain and oil-cake intended for sale, and a mark of origin must also be given on the wrapping (Decree-Law of October 15th, 1925).

Foreign flour cannot be cleared through the Customs unless imported in sealed sacks, indicating the foreign origin of the flour.

#### NORWAY.

The Law of March 8th, 1902, on the supervision of the manufacture and trade in margarine and margarine cheese, prohibits these goods to be imported under names other than "margarine" and "margarine cheese". No other indication is required except the name of the manufacturer, place of manufacture and the usual trade indications as to quality, but the latter must not include any terms which might lead to confusion with milk products.

The importation of butter and margarine containing any other preservative than salt is prohibited.

Margarine must be put up in containers bearing on two opposite faces the designation "Margarine" or "Margarine cheese" in letters 1, 3 to 7 centimeters high on an oval shield 13 to 21 centimeters long and 6 to 9 centimeters high. The container must also bear the name of the manufacturer or the factory mark.

Every margarine container must in addition bear an indelible red band 2 to 5 centimeters wide and the word "Foreign" in Norwegian in the oval shield above the word "Margarine".

Margarine cheese must be treated with red colouring matter over all its surface and thickness, and must bear on both faces the word "Margarinost" ("Margarine cheese").

When margarine is imported in packages not bearing the prescribed marks or margarine cheese is imported without these marks, the goods are kept at the Customs until these omissions have been made good.

When the name of the importer appears on tins of preserved fish, the name of the country of origin and of the producer or consigner must also be given.

Cheeses imported into Norway are, like those manufactured in the country, classified in four categories having special denominations. Retail importers of cheeses, whose products would be subject to stamping if they were produced in Norway must register with the Department of Agriculture as the producer and take out a number. As this number has to be reproduced in the inscriptions stamped on the cheese, the foreign origin of the latter is indicated by this means. Further, imported foreign cheeses must bear a seal clearly showing the origin or containing the words "Foreign cheese" (Law of April 23rd, 1925).

The packaging of foreign eggs imported and sold in Norway or re-exported, in boxes of a gross weight of over 10 kilograms, must bear an indication of the country of origin and the inscription "Preserved eggs" or "Frozen eggs" as the case may be. Imported eggs not marked in this way are kept at the Customs until the omission has been made good.

The importation of seeds of bastard clover, red clover, white clover, timothy, turnips and kohlrabi is subject to an import licence from the Ministry of Agriculture.

The seeds of red clover, bastard clover and timothy as well as seeds of firs, and pines of every kind except the varieties *Pinus cambra* and *Pinus cimbirica*, must, for entry into Norway, be packed in bags bearing the indication "Foreign seeds". The documents relating to the sale and transport of such seeds must indicate expressly that they are foreign seeds (Law of June 27th, 1924).

Imported butchers' meat must — in addition to the various particulars required by the sanitary police regulations — bear an indication showing its foreign origin.

#### PARAGUAY.

All foreign medicinal specialities must bear an indication of their origin and country of production (Decree of October 22nd, 1921).

POLAND.

Certain foreign goods must, on importation, be provided with an official seal indicating that they are imported goods, and they cannot be retailed without this seal (Decree of March 1st, 1923).

SWEDEN.

Certain specified foreign seeds cannot be imported unless they are marked "Foreign seeds" (Royal Decree of November 24th, 1922).

Imported hens'-eggs must be marked "Import" (Royal Decree of August 10th, 1926).

SWITZERLAND.

Containers holding foreign honey or honey mixtures must bear the distinct indication "Foreign honey" or the indication of the country of origin (Ordinance of the Federal Council of May 8th, 1914).

UNION OF SOUTH AFRICA.

Foreign dairy products cannot be sold within the country unless the indication of their foreign origin is clearly marked upon their packaging.

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## PART II

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### OBSERVATIONS ON MARKS OF ORIGIN AND THE VARIOUS LAWS RELATING THERETO

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#### SECTION I.

##### *Definition of Mark of Origin.*

##### *1. Developments leading to the Introduction of Marks of Origin.*

With the great speeding-up of world agricultural and industrial production during the second half of the past century, the struggle for markets became increasingly keen. In this competition no methods were left untried, not even unfair methods. Producers frequently adopted the scheme of making their own goods outwardly similar to goods, especially popular articles, already introduced on the markets. This form of unfair competition assumed special importance in the struggle for foreign markets. Goods destined for foreign markets were got up so as to resemble others which, by their special quality or the creation of a regular clientele, had already found an assured market.

The extensive use of these methods compelled Governments to take steps to prevent them. Such preventive measures aimed, in the first place, at the protection of consumers against deception regarding the quality and origin of the goods offered to them, and, secondly, at the protection of home production against the penetration of foreign goods. Thus legislation regarding marks of origin sometimes became an instrument for the protection of national markets.

##### *2. Trade-marks.*

The basis of this legislation is the trade-mark. The term "trade-mark" must be taken to include for the present purpose all indications referring to the nature of the goods, the firm or names of the makers or vendors, the country

or place of production or sale or any special distinguishing mark. This includes not only inscriptions but also pictorial representations, such as the arms of countries or towns, flags, reproductions of well-known views, towns or buildings. Further, the language used in these inscriptions is also taken into consideration.

### 3. *False Trade-marks.*

Steps have been taken to suppress false trade-marks. A trade-mark is considered to be false not only when definitely false statements are made but also when the inscription or pictorial representation or merely the language used is of a nature to deceive the purchaser regarding the character or origin of the goods. Statements true in themselves may fall within the meaning of false trade indications, for instance, goods made by two firms with similar names in different countries and bearing the marks of the firms but no indication as to which of the two countries they were made in.

### 4. *Definition of Marks of Origin.*

In view of the above, the following definition of marks of origin from the standpoint of international trade may be laid down: marks of origin are those literal or pictorial marks which either indicate the country or place of origin explicitly or by their form or language suggest it.

## SECTION II.

### *Legal Regulations regarding Marks of Origin.*

Legal regulation of marks of origin takes different forms in the different countries, according to whether the protection of the general consumer or the protection of home production is the governing consideration. The question can accordingly be considered under the following heads:

#### 1. *Prohibition of False Marks of Origin.*

In most countries — for example, in Denmark, Germany, Great Britain, Italy, Norway, Austria and Switzerland — measures are taken against false marks of origin. In some of these countries the law only applies to directly false indications, while in others, again, marks of a nature to convey a false idea of the origin of the goods are also dealt with.

#### 2. *Prohibition of Marks wrongly suggesting that the Goods are of Domestic Origin.*

A certain number of countries — for example, the Australian Commonwealth, France, Roumania and Sweden — direct their regulations against marks of origin

calculated to convey the impression that foreign goods are actually home-produced. There is no general requirement that goods should be marked as foreign or domestic goods. As in the first group of countries considered, goods can also be imported and put on the market without any description. The regulations only come into play when the goods bear a mark wrongly suggesting that they are of home production. This condition is considered to exist when the goods bear the name of a home manufacturer or trader, and also, in many countries, when the home language is used for marking the goods. In all such cases, the origin of the goods must be expressly stated.

On the other hand, these regulations do not affect cases in which a false indication of foreign origin is given — for example, goods imported into Roumania shown as of German production although they are really English.

### 3. *Compulsory Indication of the Country of Origin.*

The regulations in certain countries — for example, in the Argentine and the United States of America — lay down that, in the case of all imported goods, there should be an indication of the country of origin. Thus, in principle, all goods must bear marks of origin; exception is made, however, in cases in which the marking of goods is impossible for technical reasons, or where the marking would decrease the value (as, for example, in *objets d'art*), or cases in which marking is contrary to trade practice. On the other hand, it is laid down that certain goods must bear marks of origin in all circumstances.

In other countries — for example, the Commonwealth of Australia, Belgium, Brazil, Denmark, France, Norway and Hungary — compulsory marking is restricted to certain classes of goods.

In one group of countries regulations are laid down that marks of origin must be affixed for special reasons, particularly for the protection of human beings, animals or plants against infectious diseases. This especially applies to the marking of medicines, foodstuffs, seeds and other special articles used in horticulture, such as cuttings, grafts, etc.

Finally, it may be pointed out that, in a small number of States — as for example, the Argentine and Brazil — marks of origin are also required for home products. In a few countries, such as the Kingdom of the Serbs, Croats and Slovenes, marks of origin for home products are only required when these are intended for export.

### 4. *Penalties for Infringement of the Regulations.*

The regulations imposed in the different countries may be divided into two groups: either no distinction is made as to whether the goods bearing a false mark come from abroad or not, or special provisions are laid down regarding imported goods with false marks. In the first case, imported goods are treated in the same way as home goods. Judicial measures for the punishment of

contraventions include seizure and confiscation by legal process, instituted by an injured party or by the authorities of their own proper motion. In other cases, import is merely forbidden or the goods in question are subject to seizure by the on their officials. Here, again, legal action is taken either by the authorities Customs own initiative or at the instance of an injured party.

In some countries, in cases of seizure, provision is made for the rectification of the marks or for the re-exportation of the goods if of foreign origin. In other countries — for example, Portugal — rectifications are not allowed.

In Annex 1 is given a summary of the laws in force on this question in so far as they could be ascertained.

### SECTION III.

#### *International Efforts to secure Uniformity of Regulations.*

From the above it will be seen that the regulations imposed by the various Governments differ very widely. Efforts have therefore been made for the adoption of international regulations relating to marks of origin. Those efforts led to the conclusion of the Paris Convention of March 20th, 1883, and the Madrid Agreement of April 14th, 1891.

#### *1. The Paris Convention.*

This Convention provides that the nationals of each of the contracting States shall enjoy in all the other contracting States, as regards marks of origin, the advantages that the respective laws thereof accord to its own nationals. Trade-marks registered in the countries of origin are to be recognised in the other countries parties to the Convention, with the exception of those that are entirely composed of signs and statements that might serve in trade to indicate the nature, character, quantity, definition, value and place of origin of the goods. Goods bearing one of these recognised trade-marks in contravention of the law are liable to seizure on import into one of the countries parties to the Convention. Moreover, all goods are liable to seizure that bear falsely, as indication of origin, the name of a definite place when such indication is appended to a fictitious commercial name or a name borrowed with intent to deceive.

#### *2. The Madrid Agreement.*

Under this Agreement, all goods are liable to seizure that bear a false indication of origin, in which one of the contracting States, or a place situated therein, is incorrectly indicated, whether directly or indirectly, as being the country or place of origin. The seller may add his name or address on the goods provided that the real producing country is correctly indicated. The different countries may, if

they so desire, seize the goods or, if such seizure is impossible under the law of the country, they may prohibit import by administrative action or at the instance of an injured person or third party.

The essential provisions of these two Agreements and information received from the signatory States are given in Annex 2.

#### SECTION IV.

##### *Final Considerations.*

These two international Agreements have regulated the legal position to a limited extent only. They contain provisions only for the treatment of imported goods bearing a false mark of origin, together with the special provision of Article 3 of the Madrid Agreement stating that its stipulations are not intended to prevent the vendor from indicating his name or address on goods coming from a country other than that where the sale takes place if the address or name is accompanied by an indication of the country of origin. They do not, however, define the meaning or scope of the term "mark of origin". The various countries are free to decide for themselves how they will assess various forms of indication, especially pictorial representations, the fact that a foreign language is used, and the style of the marks, as marks of origin. In addition, the provisions apply to different kinds of goods in different countries, and the legal consequences of a false mark of origin are differently regulated in different States. It is essential for exporters to acquire a complete knowledge of the regulations — varying in almost every detail in the various countries — a lengthy and troublesome process. Even if an exporter has full knowledge of the provisions, he often cannot be certain beforehand that the mark chosen by him will be accepted by the officials of the country of import. Even although in most countries provision is made for the subsequent rectification of these marks to enable the goods to be placed on the market, this course entails great expenditure and cannot be employed when such rectification is technically impossible. Simplification and uniformity of the provisions would appear to be of value in the interests of international commerce.

Of late years, the laws relating to marks of origin have been more and more used for the purpose of closing home markets to foreign goods. This application of the law causes great disturbance to international trade and often proves more restrictive than protective Customs policies. The promotion of international commerce would seem urgently to require that the laws on marks of origin should be applied in the future only for their original and essential purpose — the repression of unfair competition. Such a limitation would also be in the interest of the consumer. The compulsory indication of the origin of foreign goods often induces the consumer to buy home products instead of better and often cheaper foreign

goods. Supplies at favourable prices eventually improve the economic position of the country by increasing the purchasing power of the population and developing those of its industries which are most capable of development.

Finally, it should also be noted that measures intended for the prohibition of trade in many cases fail to fulfil their purpose. This applies especially to raw materials and semi-manufactured goods. Iron rods or glass tubes which have to be cut up into pieces in connection with their further treatment bear these marks on one place only. The other portions, when sold, no longer furnish any indication of the place of origin. This also applies to textiles. In all these cases, the results anticipated from the use of marks of origin cannot be obtained even with the closest supervision on the part of the officials, and evasions of the provisions are possible. Should such regulations continue to exist, although more or less ineffective, their sole result would be to disturb and hinder trade.

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## ANNEX I.

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### SUMMARY OF THE REGULATIONS CONCERNING MARKS OF ORIGIN IN THE VARIOUS COUNTRIES.

(D.H.A. = Deutsches Handels-Archiv = German Trade Record Office.)

#### ALGERIA.

Algeria has adhered to the Paris Convention and to the Madrid Agreement. The regulations in force in France apply as well as the following decrees:

*Decree of July 28th, 1908.* — False indications as to the place of origin of beer, cider, perry and vinegar are prohibited if the indication of the place concerned may be regarded as the most important reason for purchase.

*Decree of March 11th, 1908.* — Similar regulations concerning the trade in fats and oils.

#### THE ARGENTINE.

The Argentine has not adhered to the Paris Convention or to the Madrid Agreement.

*Law concerning Marks of Origin and Trade-marks on Goods, dated November 10th, 1923, and Executive Regulations regarding Article 5 of this Law* (D.H.A. 1924, p. 813). — All national products must bear the mark "Industria Argentine". Imported goods must bear the name of the country of origin.

*Executive Regulations dated July 8th, 1924* (D.H.A. 1924, p. 1551). — Marks are not necessary in the case of articles which, on account of their small size or for other reasons, are not, as a rule, marked. In such cases the indication on the wrapper is sufficient. Contraventions are punished by fines; no confiscations.

*Decree of 1908* (D.H.A. 1908, p. 1303). — National and foreign patent medicines must show their place of origin.

*Regulations of the Public Health Department concerning the Importation of Foodstuffs of Animal Origin, dated May 9th, 1913, Decree of February 28th, 1914* (D.H.A. 1914, p. 699). — Imported foodstuffs must show the name of the producer and indicate the country of origin on the package.

*Decree of January 30th, 1925* (D.H.A. 1925, p. 2087). — Wrappings of foodstuffs must indicate the name of the producer and the country of origin. All

inscriptions or pictorial representations calculated to deceive the purchaser as to the origin of the goods are prohibited.

*Law of October 14th, 1900, concerning Property Rights in Factory, Trade and Agricultural Marks.* — The fraudulent adoption of a false mark of origin in the trade-mark is punishable.

*Pan-American Agreement for the Protection of Factory, Trade and Agricultural Marks of April 28th, 1923 (D.H.A. 1925, p. 2509).* — Contains regulations concerning mutual protection of trade marks, but no definite provisions concerning marks of origin.

#### AUSTRALIAN COMMONWEALTH.

Great Britain has adhered on behalf of the Australian Commonwealth to the Paris Convention but not to the Madrid Agreement.

*Trade-Marks Act, 1905 to 1922, Article 90 (D.H.A. 1925, p. 872.)* — Importation is prohibited in the case of:

- (a) Goods to which a registered trade-mark is illegally affixed;
- (b) Goods produced elsewhere than in Australia and bearing the registered trade mark of an Australian firm or the name of an Australian manufacturer or dealer, without showing the country of origin.

Such goods are liable to seizure, but need not be confiscated or destroyed if the indications are rectified.

*British Merchandise Marks Act 1887 (renewed by Article 5 of the Merchandise Marks Act, 1905-1922).* — Cf. GREAT BRITAIN.

*Executive Regulations of the Merchandise Marks Act of March 31st, 1923 (D.H.A. 1926, p. 465).* — The importation of foodstuffs, beverages, medicaments, manures, articles of clothing, jewellery, agricultural seeds and plants is prohibited if, *inter alia*, a trade-mark showing the place of origin or the country of origin is not affixed thereto.

*Order of January 13th, 1926 (D.H.A. 1926, p. 50).* — The importation of goods bearing indications in a language other than that of the country of origin is prohibited unless the origin is also indicated in English.

*Trade Marks Act, 1905-1922, text of August 11th, 1926 (D.H.A. 1926, pp. 464, 2131 and 1927, No. 2, January, p. 120).* — Marks of origin for brushmakers' wares:

#### AUSTRIA.

Has adhered to the Paris Convention but not to the Madrid Agreement.

*Federal Law against Unfair Competition of September 26th, 1923* (D.H.A. 1924, p. 707 *et seq.*). — Incorrect marks, *inter alia*, concerning the origin of goods are prohibited if they are likely to create the impression that the offer of the goods is a particularly favourable one.

§ 39. — Pictorial representations are considered as marks.

§ 32. — The mark of origin may be made compulsory by decree for all goods and a particular mark may be required.

§§ 35-36. — In the case of contraventions, Customs authorities may seize the goods in virtue of other provisions. Rectification of the indication, or, if this is not possible, confiscation of the goods by the local political authority.

*Decree of July 29th, 1924, issued under the above Law* (D.H.A. 1925, p. 614.) — Seeds produced in Austrian territory must be marked "Austrian goods". In the case of foreign seeds, the country of origin must be indicated. In the case of seeds not produced in Europe, it is enough to indicate the continent.

*Law concerning the Trade in Foodstuffs and certain Articles of Consumption of January 16th, 1896* (D.H.A. 1897, p. 814), and *Order of the Ministry of Interior of February 23rd, 1913*. — The sale or offering for sale of foodstuffs under a false indication with intent to deceive is prohibited. Marks of origin fall within the meaning of the term "indication".

*Law of March 17th, 1907* (D.H.A. 1907, p. 555.) — Foreign hops must bear marks of origin.

*Executive Regulations of the State Department for Social Administration of August 26th, 1920* (D.H.A. 1920, p. 604). — The name of the maker must be indicated on patent medicines.

*Federal Law of December 19th, 1922* (D.H.A. 1923, p. 156). — Prohibition of marks on wines or spirits which are not admissible under Article 227 of the Treaty of St. Germain.

The Customs authorities may seize goods bearing inadmissible marks. Rectification by the local political authority.

*Decree of the Federal Ministry for Traffic and Commerce of February 26th, 1923, for the Application of Article 227 of the Treaty of St. Germain* (D.H.A. 1924, p. 1053). — Indications of localities which belong to France or French regional appellations may be used solely to indicate the place where the goods come from.

*Decree of the Federal Government of December 18th, 1925, concerning the Entry into Force of the Provisions contained in the Exchange of Notes with Portugal of the same date* (D.H.A. 1926, p. 523), and *Decree of the Federal Ministry for Commerce and Industry of March 24th, 1926* (D.H.A. 1926, p. 845). — Names of Portuguese

wines do not count as indications of a brand or quality if they are accompanied by the words "Brand", "Sort" or "Type", etc.

*Commercial Agreement with the Czechoslovak Republic of May 4th, 1921, Article V (D.H.A. 1923, pp. 41 et seq.).* — The import and export of wines, spirits and beer the names of which do not comply with the regulations of the other party to the Agreement are prohibited.

*Decree of the Federal Ministry for Traffic and Commerce of December 15th, 1925, for the Application of Article V of the above Agreement (D.H.A. 1926, p. 844).* — Provisions identical with those of the above Decree of December 18th, 1925, concerning appellations of beer made in the territory of the Czechoslovak Republic.

#### BAHAMAS.

Have not adhered to the Paris Convention or to the Madrid Agreement.  
No information concerning regulations for the suppression of false indications of origin could be obtained.

#### BARBADOS.

Has not adhered to the Paris Convention or to the Madrid Agreement.  
*Decree No. 28 of 1888 to 1889, No. 7 of 1896, No. 16 of 1897.* — Similar provisions to those contained in the British Merchandise Marks Act of 1887.

#### BECHUANALAND.

Has not adhered to the Paris Convention or to the Madrid Agreement. The British Merchandise Marks Act of 1887 applies.

#### BELGIAN CONGO.

Has adhered neither to the Paris Convention nor to the Madrid Agreement.  
*Decree of October 21st, 1911 (D.H.A. 1913, p. 113).* — Edible fats must bear an indication of the country of origin. There is no prohibition of import in case of contravention; only internal measures are applied.

#### BELGIUM.

Has adhered to the Paris Agreement. No special law concerning marks of origin exists. A series of regulations requiring the indication of the name and address of the manufacturer or vendor exists in respect of foodstuffs. The importation of goods which are not marked according to the regulations is not prohibited. Prosecution in the first instance only in internal trade, according to the general Penal Code.

BERMUDAS.

Has adhered neither to the Paris Convention nor the Madrid Agreement.  
*Decree of 1889.* — Provisions as in the British Merchandise Marks Act of 1887.

BOLIVIA.

No regulations concerning marks of origin.

BRAZIL.

Has adhered to the Paris Convention and Madrid Agreement.

*Decree of November 28th, 1905.* — The importation of goods with false indications of origin is prohibited. Rectification is not allowed. In case of contravention, goods must be re-exported within thirty days if seized within the fiscal area; if seized outside the fiscal area, they are destroyed.

*Decree of November 3rd, 1897.* — The importation of labels calculated to make home products appear to be foreign products is prohibited. Medicaments which do not show the name of the manufacturer or the place of origin must not be offered for sale. In the case of contravention they are confiscated.

*Decree of October 6th, 1926. Regulations for the Execution of the Law for the Tax on Consumption.* — Goods which are subject to the tax on consumption (*e.g.*, salt, vinegar, wine, tobacco, etc., matches, perfumery, preserves) must bear the registered trade-mark as well as the name and address of the producer or factory and the indication "Industria Brasoleria".

*Pan-American Agreement.* — See under ARGENTINE.

BRITISH GUIANA.

Has adhered neither to the Paris Convention nor to the Madrid Agreement.  
*Merchandise Marks Ordinance 1888.* — Identical with the provisions of the British Merchandise Act of 1887.

*Declaration of December 22nd, 1911.* — Wines bearing the name of a place in which they are not produced (*e.g.*, port wine) must bear an indication of origin on importation.

BRITISH HONDURAS.

Has adhered neither to the Paris Convention nor to the Madrid Agreement.  
*Merchandise Marks Act 1888.* — Corresponds to the British Merchandise Marks Act of 1887.

BRITISH NEW GUINEA (PAPUA).

There are no regulations concerning indications of origin.

BRITISH NORTH BORNEO.

Has not adhered to the Paris Convention or to the Madrid Agreement.

*Merchandise Marks Act of 1891 and 1893.* — British Merchandise Marks Act of 1887.

BRITISH NYASALAND (Protectorate).

Has not adhered to the Paris Convention or to the Madrid Agreement.

*Customs Regulations, dated October 31st, 1906.* — The importation of goods of foreign origin bearing the name of a manufacturer or dealer or of a place in the United Kingdom or its colonies is prohibited if this indication is calculated to suggest that the goods are of British make.

BULGARIA.

Has not adhered to the Paris Convention or to the Madrid Agreement.

*Law concerning Trade Names and Trade Marks of December 31st, 1903-13; January 1904.* — The importation of goods bearing fraudulent trade-marks or false marks of origin is prohibited. Contravention involves seizure.

*Regulation of April 15-28, 1904, Article 8.* — A trade description of the goods is necessary in the case of wine, cognac, liqueurs, ink, sealing-wax, gum, matches, petroleum and yarn. No description is admissible which describes foreign goods as home products.

*Peace Treaty of Neuilly-sur-Seine, of November 27th, 1919, Article 154 (D.H.A. 1924, p. 533 ff.).* — Bulgaria undertakes by confiscation and by other appropriate measures to prevent the importation and exportation, sale or offering for sale in her territory of all goods bearing any marks which are calculated to convey, even indirectly, a false indication of their origin.

CANADA.

Has adhered to the Paris Convention but not to the Madrid Agreement.

*Penal Code, Part VII.* — Corresponds to the British Merchandise Marks Act of 1887.

*Customs Tariff Act of April 12th, 1907, Article II, in conjunction with Table C.* — The import of goods mentioned in Part VII of the Penal Code is prohibited, and also the import of foreign goods which bear the trade-mark of a manufacturer

or dealer in the United Kingdom, in Canada or in other parts of the British Empire, without showing the country of origin. If a foreign place-name is indicated which is identical with the name of a place in the countries referred to above, the country of origin must also be indicated. In case of contravention, the goods are subject to seizure and confiscation for the benefit of the State.

*Act concerning the Customs and Revenue Department dated June 4th, 1921* (D.H.A. 1921, p. 581). — The Governor-General in Council is empowered to decree that the country of origin of imported goods should be indicated.

In case of contravention, an additional duty of 10 per cent is levied; the goods will be seized but may be reclaimed if the mark is subsequently affixed.

*Order in Council of September 21st, 1923* (D.H.A. 1922, p. 836). — In application of the Law of June 27th, 1922, marks of origin are compulsory for pencils and printed matter and lithographs, including books and pictures.

*Regulations for the Execution of the same.* — Contain detailed rules of procedure. The authorities must decide whether the indication is plain and indelible.

No alteration need be made if the goods are to be re-exported.

*Order in Council of June 11th, 1923.* (D.H.A. 1923, p. 767). — Stamps, tickets and labels which are not larger than 1 inch in diameter need not bear the indication of origin.

*Memorandum of November 24th, 1924* (D.H.A. 1925, p. 726). — In the case of rolls, strips and sheets of stamps, etc., the individual parts of which exceed 1 inch in diameter, each individual part must bear the indication of origin.

*Act concerning the Conditions for the Temporary Import, Manufacture and Sale of Oleomargarine in Canada, dated November 10th, 1919* (D.H.A. 1923, p. 378). — For purposes of trade, the goods must bear the name and mark of the manufacturer on the wrapper.

*Order in Council of March 19th, 1926* (*Board of Trade Journal, of May 27th, 1926*, p. 565). — Meat, meat products and certain other foodstuffs must, if offered for sale, bear the name and address of the manufacturer.

*Order of September 22nd, 1926* (D.H.A. 1926, p. 2355). — The importation of foreign bricks is prohibited unless they bear an indication of their country of origin.

#### CAPE COLONY.

Has not adhered to the Paris Convention or the Madrid Agreement.

*Merchandise Marks Act of 1888 and Act amending the same of 1889.* — Corresponds with the British Merchandise Marks Act of 1887, except for the fact that the United Kingdom is on the same footing with foreign countries. Thus the law only protects the names of producers and places in Cape Colony in the case

of identical foreign names, but not those of the United Kingdom (as, for example, in India) or of the other British Colonies (as in some other cases).

CEYLON.

Great Britain has<sup>v</sup> adhered on behalf of Ceylon to the Paris Convention but not to the Madrid Agreement.

*Merchandise Marks Ordinance of 1888-1902.* — Textual reproduction of British Merchandise Marks Act of 1887.

CHILE.

There are no regulations concerning marks of origin in the sense of this memorandum.

*Pan-American Agreement of April 28th, 1923* (D.H.A. 1925, p. 2509). — Cf. under ARGENTINE.

CHINA.

Has adhered neither to the Paris Convention nor the Madrid Agreement.

*Trade-Marks Law of May 3rd, 1923* (D.H.A. 1925, p. 1391). — This only contains regulations concerning the unlawful use of registered trade-marks. There are no provisions concerning marks of origin on goods nor import prohibitions in respect of illegally marked goods; such goods may, however, be confiscated upon the request of the injured party.

COLOMBIA.

Neither the Paris Convention nor the Madrid Agreement is in force.

*Law relating to the Marking of Articles of National Production, dated November 7th, 1925* (D.H.A. 1926, p. 362). — Home products must be marked next to the name or firm of the producer or dealer, with the words "Industria Colombiana". In advertising home and foreign goods, the origin must be indicated. A fine for contravention.

*Pan-American Agreement of April 28th, 1923.* — See under ARGENTINE.

COSTA RICA.

Neither the Paris Convention nor the Madrid Agreement is in force.

*Law relating to the Protection of Trade-marks, Commercial and Industrial, dated May 22nd, 1896.* — Contains no provisions regarding the marks of origin of goods.

*Pan-American Agreement of April 28th, 1923.* — See under ARGENTINE.

CURA.

Has adhered both to the Paris Convention and the Madrid Agreement.

*Decree of July 15th, 1922* (D.H.A. 1923, p. 387). — In the case of medicaments of home or foreign origin, the name and address of the manufacturer must be indicated in a conspicuous position.

Goods are subject to seizure in the case of contravention.

*Pan-American Agreement, April 28th, 1923* (D.H.A. 1925, p. 2509). — Cf. under ARGENTINE.

CYPRUS.

Neither the Paris Convention nor the Madrid Agreement is in force.

*Trade-Marks Act of 1892* (D.H.A. 1924, p. 1004). — Is modelled on the British Merchandise Marks Act of 1887.

CZECHOSLOVAKIA.

Has adhered to the Paris Convention and to the Madrid Agreement.

*Law of December 20th, 1923* (D.H.A. 1924, p. 1678). — The use, on goods and raw material, of marks calculated to convey, either directly or indirectly, by word or picture, a false impression regarding the origin of such products is prohibited.

The addition of such terms as "Category", "Type", "Kind", is not adequate justification if, notwithstanding the addition of such terms, the mark is calculated to create a false impression as to the origin of the product.

Names of localities which have become generic appellations are not covered by these provisions unless such names regain their original significance or origin by the addition of such words as "Genuine", "Natural", "Original". In the case of wine, the names of localities are never regarded as generic appellations.

If marking with the name of a trader is calculated to give a false impression as to the origin of the goods, the origin must also be indicated.

Marks of origin may be made compulsory by regulations in the case of certain goods to be decided upon.

In the case of contravention, proceedings may be taken at the request of the injured party. Goods may only be confiscated by order of the Court. Rectification is admissible.

*Law of January 16th, 1896, renewed by the above Law of December 20th, 1923* (D.H.A. 1897, p. 814). — The offering for sale and the sale of food products under false marks with intent to deceive is prohibited.

*Law of October 25th, 1901, concerning Commerce in Butter, Cheese, etc., and their Substitutes* (D.H.A. 1902, p. 336), and *Executive Regulations thereto dated*

*February 1st, 1902, (D.H.A. 1902, p. 339).* — For the home trade, oleomargarine, margarine and margarine lard and compound cooking fat must bear the name of the maker.

*Law of August 12th 1921 (D.H.A. 1922, p. 273).* — Home-grown hops must bear an indication showing the place of origin.

In the case of foreign hops, marks of origin may be made compulsory by decree. All indications liable to mislead in regard to origin are prohibited.

*Law Concerning Plant Protection of July 2nd, 1924 (D.H.A. p. 1795).* — A Government regulation may lay down that horticultural such as seedlings, saplings, grafting twigs, etc., must bear an indication of origin.

#### DANZIG.

Has adhered both to the Paris Convention and the Madrid Agreement.

#### DENMARK.

The Paris Convention is in force.

*Regulations against Unfair Competition and Incorrect Trade-marks, Law of March 29th, 1924 (D.H.A. 1924, p. 1260).* — Incorrect marks of origin are forbidden. Indications of value, volume and weight do not count as marks of origin, nor the use of a language other than that of the country of origin as a false mark of origin. Incorrect marks, if the place of origin is added, are not subject to penalties. Names which are generally accepted as describing the nature of the articles and not the place of origin do not come within these provisions.

It is forbidden to use the Danish national emblem on foreign goods.

In cases of contravention, judgment may be given for the correction of the marks of origin; in the case of imported goods, the offender has the option of re-exporting the goods.

The Minister of Commerce is empowered to introduce regulations regarding marks of origin for the retail trade.

*Proclamations of October 8th, 14th and 29th and November 19th, 1924 (D.H.A. 1925, pp. 4-5).* — This has been done in the case of electrical meters, electrical machines, sheet iron and foreign matches.

*Proclamation of February 2nd, 1925 (D.H.A. 1925, p. 888).* — Printed matter, printed abroad in Danish.

*Proclamation of July 24th, 1924 (D.H.A. 1925, p. 2091).* — Poultry, honey and eggs imported from abroad, which need only be marked "foreign".

*Proclamation of November 30th, 1925 (D.H.A. 1926, p. 225.)* — Tombstones imported from abroad (must be marked "Foreign"), iron or steel cables and hawsers, whether of home or foreign manufacture.

*Proclamation of February 20th, 1926* (D.H.A. 1926, p. 658). — Iron or steel table knives of home or foreign manufacture.

*Proclamation of March 25th, 1926* (D.H.A. 1926, p. 767). — Cleaning powders and washing powders manufactured abroad.

*Decree of June 6th, 1923* (*Board of Trade Journal* of July 5th, 1923). — Marks of origin for roofing felt.

*Decree of March, 27th 1925* (*Board of Trade Journal* of April 19th, 1923, p. 482). Marks of origin for dry batteries.

*Tobacco Duty Law of February 18th, 1922* (D.H.A. 1922, p. 655). — Every packet of cigarettes must, in addition to the declaration concerning the contents, indicate the name and place of origin of the producer or importer. The Customs officials may, however, permit the firm to be indicated by a recognised mark, so that the firm and place of origin shall be known only to the Customs officials.

*Law of March 31st and Proclamation of April 27th, 1926* (D.H.A. 1926, p. 1304). — Limitation of the use of felt and artificial leather in the manufacture of boots and shoes. Such imported boots and shoes must be marked "Foreign", etc.

*Law of Authorisation dated March 31st, 1926* (D.H.A. 1926, p. 767). — The Minister of Agriculture may make it compulsory to provide marks of origin for foreign horses and cattle.

*Law of April 1st, 1925* (D.H.A. 1925, p. 1481) and *Proclamations of May 30th, 1925* (D.H.A. 1925, p. 1569) and *September 20th, 1926* (D.H.A. 1926, p. 2337). — Compulsory marks of origin for margarine, which, when imported, must be marked "Foreign".

*Law relating to the Trade in Butter, etc., dated April 12th, 1911* (D.H.A. 1911, p. 1334), and *Proclamation of July 24th, 1925* (D.H.A. 1926, p. 121). — Imported foreign butter must be marked "Foreign" and exported foreign butter must be marked "Not Danish".

*Proclamation of June 12th, 1925* (D.H.A. 1925, p. 1570) and *Law of April 10th, 1926* (D.H.A. 1926, p. 1428). — Compulsory marks of origin for the import and export of foreign eggs.

*Proclamation of July 24th, 1925* (D.H.A. 1926, p. 123). — Imported meat, offal and preserved meats must be marked "Foreign", and, as regards meat and offal, this mark must be affixed not only to the wrappings but also on the articles themselves (on each half horse or beef carcass sixteen times, on each half-pig carcass six times, etc. and stamped in certain definite places.

*Law of March 26th, 1898* (D.H.A. 1909, I, p. 522) and *Proclamation of May 27th, 1905* (D.H.A. 1909, I, p. 525). — Trade in fertilisers and fodder: the containers or wrappings must be marked.

DOMINICAN REPUBLIC.

The Paris Convention is in force. There are no other provisions concerning marks of origin.

*Pan-American Agreement of April 28th, 1923* (D.H.A. 1925, p. 2509). — See under ARGENTINE.

DUTCH EAST INDIES.

Have adhered to the Paris Convention but not to the Madrid Agreement.

*Order of July 10th, 1888.* — Contains regulations similar to those in the Dutch Penal Code.

ECUADOR.

Has adhered neither to the Paris Convention nor to the Madrid Agreement.

*Law relating to Trade marks of October 23rd, 1908.* — The use of trade-marks giving false indications as to the origin of the goods is prohibited.

*Pan-American Agreement of April 28th, 1923* (D.H.A. 1925, p. 2509). — See under ARGENTINE.

EGYPT.

Egypt has not adhered to the Paris Convention or to the Madrid Agreement. No regulations concerning indications of origin.

FALKLAND ISLANDS.

Have adhered neither to the Paris Convention nor to the Madrid Agreement.

*Decree of 1889.* — Modelled on the British Merchandise Marks Act of 1887.

FEDERATED MALAY STATES.

Has not adhered to the Paris Convention or to the Madrid Agreement.

*Law No. 1 of 1910.* — Substantially the same as the Straits Settlements Act.

FIJI ISLANDS.

Have adhered neither to the Paris Convention nor to the Madrid Agreement.

*Act relating to the Protection of Trade-marks of November 16th, 1889.* — Modelled on the British Merchandise Marks Act of 1887.

FINLAND.

Has acceded to the Paris Convention but not to the Madrid Agreement.

*Law for the Prohibition of Incorrect Marks relating to the Origin or Nature of Goods, of Februray 8th, 1924 (D.H.A. 1924, pp. 655 et seq.).* — Prohibition of the import of goods intended for sale bearing a mark of a nature to convey false indication of the origin of the goods. Place-names used in commercial practice only as generic appellations are excepted. The use of a language other than that of the place of origin and the use of pictorial representations of other places shall not, by themselves, constitute false marks of origin.

For contraventions, seizure by the Customs officials when brought to their notice; in the case of obvious false marks, by administrative order.

*Executive Orders under the Law relating to the Production of ... and Trade in Margarine, of March 7th, 1924 (D.H.A. 1924, p. 1200).* — Imported margarine and margarine cheese must be marked "Imported margarine" and "Imported margarine cheese". In cases of contravention, these marks shall be applied by the Customs officials.

*Commercial Agreement with France of July 13th, 1921, Articles 16 and 17 (D.H.A. 1921, p. 437).* — The contracting parties undertake to conform to the provisions of the Madrid Agreement and Paris Convention.

*Law of December 30th, 1919, § 5 (D.H.A. 1920, p. 137).* — Seeds imported from abroad the origin of which may affect the results of agriculture must be plainly marked "Foreign seeds".

The import of infertile seed for sowing is forbidden. In case of contravention, confiscation of the goods.

#### FRANCE.

Has acceded to the Paris Convention and the Madrid Agreement.

*Laws of July 28th and August 4th, 1824.* — Prohibition of the use of false marks of origin on manufactured articles. These provisions are also applied by the Courts to natural products.

For contraventions, seizure of the goods on the complaint of an injured person. The Customs officials do not intervene.

*Law relating to Trade-marks of June 23rd, 1857.* — Prohibition of the import and transit of foreign goods bearing the marks or names of a factory situated in France or the seat of a French factory.

For contraventions, automatic seizure by Customs officials.

*Law of January 11th, 1892 (Article 15 of the Customs Tariff Law, now Article 25 of the Codification Decree of December 28th, 1926).* — Prohibition of the import and transit of foreign natural and manufactured products with marks (trade-mark, name, sign, or any other indication) which might suggest French origin. Should the place of origin have a similar name to a French place, the country of origin must be indicated.

For contraventions, automatic seizure by the Customs officials.

*Instructions to Customs Directors relating to the Application of Article 15 of the Customs Tariff Law of October 3rd, 1923* (D.H.A. 1923, p. 888, and D.H.A. 1914, p. 180). — Fashion journals printed abroad must have clearly marked on the first page "Printed in ...". As regards foreign printed matter bearing the name of a French bookseller, the indication required under the general regulations after the address of the French publisher or on the last page (*Instructions to Customs Directors for 1914*) is not sufficient.

*Instructions to Customs Directors of December 21st, 1923* (D.H.A. 1924, p. 67). — Labels of foreign origin to be sewn on articles of clothing and bearing the name of the maker must indicate the place of origin, though not necessarily in a conspicuous place.

*Instructions to Customs Directors of May 7th, 1925* (D.H.A. 1925, p. 2265). — Foreign preserved sardines bearing a label that might suggest French origin must bear a mark of origin in very conspicuous letters on the top and on one side of the tin.

*Law relating to the Repression of Deception in Commerce and the Adulteration of Foodstuffs of August 1st, 1905*. — False marks of origin are prohibited when they represent the chief inducement to buy. Regulations for marking may be enforced by decree.

For contraventions, seizure by administrative decree.

*Executive Orders to the Law of August 1st, 1905, and April 15th, 1912*. — The use in respect of articles of food of any appellation and mark likely to deceive the purchaser in regard to the origin of the goods in so far as such marks of origin represent the chief inducement to buy.

*Executive Orders to the Law of August 1st, 1905, relating to Dairy Produce, of March 25th, 1924* (D.H.A. 1924, p. 1202), and *Instructions to Customs Directors of March 27th, 1925* (D.H.A. 1925, p. 1501). — Similar provisions for dairy produce (fresh and condensed milk, cream, cheese, butter, etc.).

*Executive Orders to the Law of August 1st, 1902, of March 11th, June 28th and July 28th, 1908*. — Similar provisions for edible oils and fats, liqueurs and syrups, beer, cider and perry.

*Executive Orders to the same Law relating to Wine, etc., of August 19th, 1921* (D.H.A. 1923, p. 260). — Similar provisions for wine, sparkling wines and brandy.

*Law relating to the Protection of Marks of Origin of May 6th, 1919* (D.H.A. 1919, p. 497). — The placing of marks of origin known to be false on natural or manufactured articles is prohibited.

*Ordinance relating to the Indication of the Nature and Origin of Seeds for Sowing*

of March 26th, 1925 (D.H.A. 1925, p. 1193). — Imported seed for sowing must bear an indication of the country and districts in which it was grown.

For contraventions, the same penalties as in the Law of August 1st, 1905.

#### FRENCH INDO-CHINA.

Has acceded to the Paris Convention and the Madrid Agreements.

*Ordinances of December 15th, 1904 and May 19th 1909.* — The names and regional appellations in the French colonies are assimilated to those of the mother-country. Under the Ordinance of May 19th, 1909, the French laws of July 28th, 1824, June 23rd, 1857, and August 1st, 1905, apply.

#### GERMANY.

Has adhered both to the Paris Convention and the Madrid Agreement.

*Law relating to the Adhesion of the Reich to the Madrid Agreement dated March 21st, 1925 (R.G.B., 1925, II, p. 115).* — Goods not bearing marks in conformity with the provisions of the Madrid Agreement are to be seized by the Customs officials in their official capacity on import or export. Rectification of marks is permitted.

*Law relating to the Protection of Trade Descriptions, dated May 12th, 1894, §§ 14-16 (R.G.B. 1894, pp. 441 et seq.).* — The illegal marking of goods by the use of the names of other persons or firms, or a protected trade-mark, or a false indication of origin; trading in such goods is also prohibited.

§ 17. — In cases of contravention, the goods are liable to be seized at the time of importation by the Customs officials on complaint of an injured person, a security deposit being required.

*Law against Unfair Competition, dated June 7th, 1909 (R.G.B. 1909, p. 499).* — The public use of false indications of origin is forbidden. The Reichsrat may require marks of origin for certain goods in the retail trade.

For contraventions, judicial seizure at the instance of an injured person.

*Law of Epizootic Diseases, June 26th, 1909, § 17 (R.G.B. 1909, p. 519).* — With a view to the protection of cattle against the permanent danger of epizootic diseases, the provincial Governments order the production of certificates of health and of origin for all cattle brought to market or in the possession of cattle dealers.

*Law on Wines, of April 7th, 1909 (R.G.B. 1909, p. 393), and Amending Law of February 1st, 1923 (R.G.B., 1923, I, p. 107).* — As regards wine, regional appellations are considered as marks of origin. The names of certain vintages may be used for the products of a similar nature and quality of the neighbourhood in so far as there is nothing to the contrary in international treaties.

For contraventions, fines and confiscation of the goods by administrative procedure.

*Law on the Brandy Monopoly, dated April 8th, 1922 (R.G.B., 1922, Part I, p. 484) § 100.* — Brandy intended for consumption and sold in bottles or other containers of the same kind must bear an indication showing whether it was manufactured in the country or abroad. The name of the manufacturer, the place of manufacture and the place where the head offices of the firm are situated, if not the same as the place of manufacture, must also be stated. Bottles must not be got up in such a way as to mislead purchasers as to their origin.

#### GIBRALTAR.

Has acceded neither to the Paris Convention nor to the Madrid Agreement.

*Act of 1888.* — Modelled on the British Merchandise Marks Act of 1887.

#### GOLD COAST.

Has adhered neither to the Paris Convention nor to the Madrid Agreement.

*Merchandise Marks Acts Nos. 4 and 16 of 1888.* — Modelled on the British Merchandise Marks Act of 1887.

#### GREAT BRITAIN.

Has acceded both to the Paris Convention and the Madrid Agreement.

*Merchandise Marks Act of August 23rd, 1887.* — Prohibition of import of goods bearing false trade-marks. Marks of origin are considered to be trade-marks. The term "marks of origin" means any direct or indirect description, statement, or other indication as to the place or country in which the goods were made or produced.

The term "false trade-marks" means a trade description which is false in a material respect; it also covers alteration, omissions or additions.

*Ordinance of August 1st, 1887.* — For contraventions, seizure is made *ex officio* by the Customs officials.

*Merchandise Marks (Amendment) Act of May 11th, 1891.* — The Customs declarations relating to imported goods shall be considered as merchandise marks.

*General Orders of February 26th, 1900, made by the Commissioners of Customs for carrying into effect the Merchandise Marks Act.* — These rules contain detailed provisions for the additional marks required to be affixed to imported goods by way of correct indication of the place of origin. In accordance with them, the decision is made whether any mark without an additional mark contravenes the order by conveying the impression of British origin or any other origin than the real one.

The use of a language other than that of the country of origin shall only be considered as a false mark when it leads to deception.

A correct trade-mark may fall under these provisions, such as: (1) the use of British names and the names of British firms; (2) foreign trade-marks containing the name of a place identical with that of a place in the United Kingdom or a trade-mark containing the names or the name of a firm identical to those of British manufacturers or dealers, which are likely to be mistaken for a British trade mark.

Such trade-marks shall be considered as counterfeiting British origin. It is therefore necessary to add a mark showing the country of origin.

*Order of 1912.* — Lays down that foreign gooseberries shall be indicated as "Imported gooseberries".

*Merchandise Marks Act of December 15th, 1926* (D.H.A. 1927, No. 1, February, p. 289). — This Act lays down that goods, although only partially manufactured abroad and bearing a British merchandise mark, must bear an indication of origin. Further, the Government is empowered to enforce compulsory marks of origin for foreign goods by Administrative Order. The Government is advised by a special committee on this matter.

#### GREECE

Has acceded to the Paris Convention but not to the Madrid Agreement.

*Law of January 26th, 1914.* — General provisions relating to the misuse of foreign names.

#### GRENADA

Has adhered neither to the Paris Convention nor to the Madrid Agreement.

*Ordinance No. 9 of 1889.* — Modelled on the British Merchandise Marks Act of 1887.

#### GUATEMALA

Has acceded neither to the Paris Convention nor to the Madrid Agreement.

*General Penal Laws.* — These laws consider false marks of origin with intent to defraud and the sale of goods bearing such marks as punishable offences.

*Ordinance of 1916.* — For the *export* of coffee, sacks must be provided with an official seal certifying the goods to be of native production.

*Pan-American Agreement of April 28th, 1923.* — See under ARGENTINE.

#### HAITI

Has adhered neither to the Paris Convention nor to the Madrid Agreement. There are no special provisions regarding marks of origin.

*Pan-American Agreement, April 28th, 1923.* — See under ARGENTINE.

HONDURAS.

Has acceded neither to the Paris Convention nor to the Madrid Agreement.

*Law relating to Trade-marks of March 11th, 1902.* — Contains no provisions regarding marks of origin.

*Pan-American Agreement, April 28th, 1923.* — See under ARGENTINE.

HONG-KONG.

Has acceded neither to the Paris Convention nor to the Madrid Agreement.

*Merchandise Marks Act, August 7th, 1890.* — Is essentially the same as the British Merchandise Marks Act of 1887.

*Executive Rules of July 10th, 1913, to the Act of March 30th, 1911.* — Wine similar to port wine but not produced in the original district may be sold as "port wine" if the place of origin is indicated.

HUNGARY.

Has adhered to the Paris Convention but not to the Madrid Agreement.

*Industrial Law of 1884, Article XVII, § 58.* — The use of all false indications, marks or data in commerce is prohibited.

*Order of the Minister of Commerce of November 2nd, 1906, supplementary to the above article.* — More especially the use of marks calculated to pass off foreign goods as being of national origin is prohibited. Words, names and pictorial representations borrowed from Hungarian history or geography or customs are regarded as marks of Hungarian origin.

*Article XLVI of the Law of 1895 prohibiting the Adulteration of Agricultural Produce, Products or Articles.* — In the case of agricultural products, the use of a mark which does not correspond to their real origin, and more especially the indication of a place or district from which the goods did not originate, is prohibited.

*Law of October, 25th 1921, concerning the Trade in Butter, Cheese, etc., and their Substitutes (D.H.A. 1902, p. 336): Executive Regulations thereto, dated February 1st, 1902 (D.H.A. 1902, p. 339).* — In the home trade, animal and vegetable fats, fat products and oils must bear the marks of origin. Margarine must bear the name of the maker.

*Order of the Minister for Agriculture which came into force on March 1st, 1911.* — In the case of dry-yeast, the name of the factory must be stamped upon the yeast. The wrappings must indicate the name and place of the factory and the quality of the yeast.

Article IX of the Law of May 10th, 1924, concerning the regulation of the trade in the production and treatment of wine and prohibition of the adulteration of wine (D.H.A 1924 A., p. 1681 ff.): Regulations for the description, etc. of wine distillate as "alcoholic liquor" (D.H.A. 1920, pp. 1960-1961). — Wine may only be offered for sale under an appellation which corresponds to its place of origin. Foreign dessert wines may be offered for sale under special appellations (e.g., Port Wine and Madeira) if they comply with the provisions in force in the places of origin. They must be marked as foreign products.

Decree of the Minister of Commerce No. 52253 of February 9th, 1926, concerning the Packing of Surgical Bandages on Importation (D.H.A. 1926, p. 984). — Surgical bandages must bear the name of the firm of the maker upon the wrappers.

#### ICELAND.

Has acceded neither to the Paris Convention nor to the Madrid Agreement. There are no provisions relating to marks of origin.

#### INDIA.

Has adhered to the Paris Convention but not to the Madrid Agreement.

*Maritime Customs Law 1878* (D.H.A. 1926, p. 3741). — Importation is prohibited in the case of:

- (a) Goods bearing a false trade description;
- (b) Goods not produced in the United Kingdom or India and bearing the name of a manufacturer, dealer, or a place in the United Kingdom or India without indicating the real place of origin. This applies also if the foreign place-name is the same as an English or Indian name.

*Indian Merchandise Marks Act, 1889* (D.H.A. 1889, I, pp. 396 and 646). — This Act corresponds to the British Merchandise Marks Act of 1887. In case of contravention, goods are seized and confiscated.

#### IRISH FREE STATE.

Has acceded to the Paris Convention.

*Industry and Trades Journal, October 4th, 1924.* — The importation of all goods bearing trade-marks in contravention of the provisions of the British Merchandise Marks Act of 1887 and the Amending Act of 1891 is prohibited.

ITALY.

Italy has adhered to the Paris Convention.

*Penal Code of June 30th, 1889, Article 297.* — Import and traffic in goods the marks on which are calculated to deceive the purchaser as to their origin is a punishable offence.

*Law of July 17th, 1910* (presumably superseded by the *Regulation of October 25th, 1925, Article 35*, which requires no trade-mark; should therefore be deleted). — Margarine and margarine cheese must be described as such and bear the manufacturer's mark for import and export and for internal commerce.

*Law for the Prevention of Adulteration in the Manufacture of Wines and the Wine Trade, dated July 11th, 1904, and Regulations for the Carrying out thereof* (superseded by *Regulation of October 15th, 1925, Article 14*: provisions given below). — Foreign wines the description of which is calculated to simulate wines of Italian origin will be confiscated automatically by the Customs authorities.

*Import of Animals and Animal Products: Order of January 1st, 1923* (D.H.A. 1923, p. 266). — Imported fresh or salt meat, dead fowls, fresh hides, raw wool and animal offal must be accompanied by certificates of origin. Tins and other receptacles for preserved meats must bear the name of the firm and factory.

*Import of Mineral Waters: Regulation of May 11th, 1923* (D.H.A. 1923, p. 700). — Spring, commune, province and country must be indicated.

*Legal Regulation concerning the Suppression of Fraud in the Production of and Trade in Materials used for Agriculture and of Agricultural Products, dated October 15th, 1925* (D.H.A. 1926, p. 600). — Seeds and oil-cakes offered for sale must bear the indication of origin upon the package.

In the case of contravention, goods are confiscated for the benefit of the State.

The import of foreign wine purporting to be of Italian origin is prohibited.

*Regulation concerning the Import of Wheat-Flour, dated September 18th, 1926* (D.H.A. 1926, I, November). — Foreign wheat-flour may only be cleared from the Customs in sacks with a lead seal indicating foreign origin.

JAMAICA.

Has not adhered to the Paris Convention or the Madrid Agreement.

*Acts of 1888.* — Correspond to the British regulations.

JAPAN.

Has adhered to the Paris Convention but not to the Madrid Agreement. There are no other regulations concerning marks of origin.

KENYA.

Has not adhered to the Paris Convention or the Madrid Agreement.  
In general, the regulations in force in Great Britain are applicable.

LAGOS.

Has not adhered to the Paris Convention or the Madrid Agreement.

*Trade Marks Act of 1888 and 1889.* — *Cf.* British Merchandise Marks Act of 1887.

LATVIA.

Has adhered both to the Paris Convention and the Madrid Agreement.  
There are no special regulations concerning marks of origin.

LITHUANIA.

Has adhered neither to the Paris Convention nor to the Madrid Agreement.

*Customs Law of July 10th, 1924, § 101.* (D.H.A. 1924, pp. 1573 *et seq.* — The Finance Minister is empowered to decree that the passing of imported goods through the Customs shall be shown by the affixing of Customs marks (seals, banderoles, etc.).

In case of contravention, goods are considered as contraband.

*Decree of the Minister of Finance, No. 1359 of 1925* (D.H.A. 1926, p. 491). — The following articles must bear marks of origin: tobacco, leather and furs, shoes and other leather goods, watches, perfumery, woven materials, articles of clothing, hats.

The Decree contains detailed provisions for the application of Customs marks.

LUXEMBURG.

Has adhered to the Paris Convention but not to the Madrid Agreement.

MADAGASCAR.

Has adhered to the Paris Convention and the Madrid Agreement.  
Regulations in force in France are applicable.

MAURITIUS.

Has not adhered to the Paris Convention or the Madrid Agreement.

*Regulations of 1888 concerning Trade-marks.* — Follows the British Merchandise Marks Act of 1887.

*Customs Tariff Act of December 10th, 1908.* — Prohibits the import of foreign goods with names, brands or trade-marks identical with those of a manufacturer in the United Kingdom.

MEMEL TERRITORY.

*Decree of the Lithuanian Finance Minister, 1926 (D.H.A. 1926, p. 843).* — The compulsory indication of origin for goods mentioned in the Lithuanian Customs tariff and in the Decree of the Lithuanian Finance Minister, No. 1359, of 1925, from which the Memel Territory was exempt, applies to the Memel Territory.

MEXICO.

Has adhered to the Paris Convention but not to the Madrid Agreement.

*Law concerning Factory and Trade-marks, Trade-names and Commercial Advertisement, dated August 25th, 1903.* — The use of a mark which, by its appearance or the accompanying inscriptions or devices, is calculated to convey an erroneous indication of the origin of the goods is prohibited.

NATAL.

Has not adhered to the Paris Convention or the Madrid Agreement.

*Merchandise Marks Act of 1888 and Act modifying the same of 1889.* — Correspond to the stipulations of the British Merchandise Marks Act of 1887.

NETHERLANDS.

Have adhered to the Paris Convention but not to the Madrid Agreement.

*Penal Code, Article 337.* — Prohibits the import and the offering for sale of goods which bear the name of any place with the addition of a fictitious name or name of firm by way of mark of origin.

*Executive Regulations for the Law concerning the Tobacco Tax of May 6th, 1921 : Royal Decree of March 16th, 1922 (D.H.A. 1922, p. 369).* — The name of the producer must be indicated on all packages of tobacco.

NEWFOUNDLAND.

Has adhered neither to the Paris Convention nor the Madrid Agreement.

*Act of 1888.* — Is based upon the British Merchandise Marks Act of 1887.

NEW ZEALAND.

The stipulations of the Paris Convention and the Madrid Agreement are in application.

*Patents, Design and Trade-marks. Act of 1908* — Corresponds to the British Merchandise Marks Act of 1887. The same regulations apply to goods from the United Kingdom and all British Colonies as to New Zealand products.

*Order of March 13th, 1914* (D.H.A. 1914, p. 816). — In the case of contravention, imported goods are officially confiscated by the Customs Authorities.

*Act regarding Foodstuffs of November 9th, 1907* (D.H.A. 1914, p. 1292). — False marks of origin upon drugs and foodstuffs are prohibited.

*Order of the Governor-General of December 21st, 1909* (D.H.A. 1910, p. 579). — Wrappers on marmalade and jelly must show the name and address of the manufacturer.

#### NICARAGUA.

Has adhered neither to the Paris Convention nor to the Madrid Agreement. Regulations concerning indications of origin do not appear to exist.

*Pan-American Agreement, April 28th, 1923.* — Cf. ARGENTINE.

#### NORTHERN RHODESIA.

Has not adhered to the Paris Convention nor to the Madrid Agreement. In general, the regulations in force in Great Britain are applicable.

#### NORWAY.

Has adhered to the Paris Convention but not to the Madrid Agreement.

*Law concerning Trade-marks dated July 2nd, 1910.* — Incorrect or misleading marks of origin on goods are prohibited.

In case of contravention, a fine is inflicted. The King may decree import prohibitions in virtue of international conventions.

*Law of Authorisation of July 14th, 1916* (D.H.A. 1916, p. 1109), and *Royal Decree of November 17th, 1916* (D.H.A. 1917, p. 85), and *July 16th 1926* (D.H.A. 1926, p. 2373). — In the case of fish of Norwegian origin in hermetically sealed tins, the country of origin must be indicated.

*Royal Order concerning the Amendment of the Regulations concerning the Import of Meat of June 29th, 1922* (D.H.A. 1922, p. 778). — Killed meat must bear the indication of origin upon import (in addition to other indications required by Health and Police Regulations).

*Royal Decree of August 4th, 1922* (D.H.A. 1922, p. 789). — Foreign margarine must be labelled "Foreign" upon import.

*Law concerning Traffic in Patent Foods for Cattle, Artificial Fertilisers and Seeds, dated June 27th, 1924 (D.H.A. 1924, p. 1730), and Royal Decree of September 12th, 1924 (D.H.A. 1925, pp. 610-612).* — Certain classes of seeds must bear the mark "Foreign seeds" upon import. In the case of contravention, the mark must be affixed by the Customs authorities.

*Law of Authorisation of August 8th, 1924 (D.H.A. 1925, p. 203).* — The King is empowered to promulgate decrees to prevent false indications of origin in the home and foreign trade in potatoes, eggs, honey, butter, cheese, fresh berries and other fruits, juices and preserves of fruits, and rhubarb.

*Royal Decree of April 23rd, 1925 (D.H.A. 1925, pp. 1524 et seq.).* — Foreign cheese must upon import bear either the official stamp of the country of origin showing the source of origin, or the indication "Foreign cheese".

*Decree of the Agricultural Department dated April 14th, 1925 (D.H.A. 1926, p. 173).* — Home-produced eggs must upon export bear the mark "Norwegian eggs" on the package, and imported foreign eggs must show the country of origin.

*Law concerning the Stamp Duty on Cigars, Cigarettes, etc., dated April 29th, 1915 (D.H.A. 1915, p. 826).* — The name and address of the maker must be indicated on the wrappings of tobacco goods.

*Law of May 14th 1926 on the Inspection of Shoes and Leather Goods: Royal Decree of May 28th, 1926 and Circular Note of June 5th, 1926 (D.H.A. 1926, July, II, p. 1357).* — 1. In order to limit and restrict the use of artificial leather and cardboard in the manufacture of boots and shoes, the fact that these materials have been used must be specially mentioned at the time of manufacture, importation and sale.

2. Leather which has been artificially weighted must also bear an indication to that effect at the time of preparation, importation and sale.

#### PANAMA.

Has adhered neither to the Paris Convention nor to the Madrid Agreement.

*Law of January 29th, 1911, amending the Law of November 14th, 1908, concerning Patents and the Registration of Manufacturers and Trade-marks.* — The use of false indications of origin with intent to deceive is punishable.

*Pan-American Agreement of April 28th, 1923.* — Cf. ARGENTINE.

#### PAPUA.

Has adhered neither to the Paris Convention nor to the Madrid Agreement. The Australian Merchandise Marks Act of 1905 was extended to Papua, with a few amendments, by the Order of November 6th, 1912.

PARAGUAY.

Has adhered neither to the Paris Convention nor to the Madrid Agreement.

*Law concerning Trade Names and Trade-marks of July 6th, 1889.* — The affixing of false indications of origin to goods and the trade in such goods is prohibited.

*Decree of the President of the Republic of October 27th, 1921, amending the Pharmacies Order (D.H.A. 1923, p. 966).* — The country of origin and manufacture must be indicated on foreign patent medicines.

*Pan-American Agreement of April 28th, 1923.* — Cf. ARGENTINE.

PERSIA.

Has adhered neither to the Paris Convention nor to the Madrid Agreement.

*Customs Tariff of April 2nd, 1920, Article 28, § 6 (Board of Trade Journal of May 20th, 1920).* — The importation of goods bearing a mark calculated to convey, directly or indirectly, a false impression as to the place of origin is forbidden.

PERU.

Has adhered neither to the Paris Convention nor to the Madrid Agreement.

*Trade-mark Law of December 19th, 1892.* — The use of false indications of origin with intent to deceive is a punishable offence.

Proceedings are only taken at the instance of the injured party.

THE PHILIPPINES.

By decision of the Attorney-General, dated July 26th, 1909, the *Trade-Marks Law (Federal Law) of February 20th, 1905*, is made applicable to the Philippines.

The importation of goods illicitly bearing the name of a home manufacturer or dealer or the name of foreign manufacturer or dealer, or bearing any mark calculated to convey a false impression as to their origin, is prohibited.

*Law of May 18th, 1907, on Foodstuffs and Drugs (D.H.A. 1908, p. 197).* — The importation of foodstuffs and products under a false mark is prohibited.

*Executive Regulations of May 23rd, 1907 (D.H.A. 1908, p. 200).* — Foodstuffs must bear a mark of origin. Pictorial representations are covered by the term "Mark".

*Customs Law of March 3rd, 1917, § 1272 (D.H.A. 1926, p. 103).* — All imported goods must bear a mark of origin.

POLAND.

Has adhered to the Paris Convention but not to the Madrid Agreement.

*Decree of December 1st, 1923 (Ind. u. Hand. Ztg. of February 3rd, 1924).* — Certain foreign goods must be officially marked as imported goods on importation. Foreign goods not bearing such marks which are found in trade are to be treated as smuggled goods.

*Law of February 5th, 1924, on the Protection of Inventions, Designs and Marks (State Legal Gazette of the Polish Republic, 1924, No. 31).* — Among the marks which may not be registered are those which actually mislead or are obviously liable to mislead purchasers as to the origin of the goods.

If the mark includes the coat-of-arms of the State, communes, etc., the consent of the competent authorities must be communicated to the Patents Office.

*Law of August 2nd, 1926, against Unfair Competition (State Gazette of the Polish Republic, 1926, No. 96).* — The following are prohibited:

- (a) All acts likely to convey a false impression as to the origin of products or goods.
- (b) The illicit use of regional appellations established by the Cabinet in cases where the special value of products or goods depends on the place of origin.
- (c) The use of foreign regional appellations duly notified, under commercial agreements, even if such appellations are known in Poland as generic names.
- (d) The conveying of a false impression by the use, with intent to defraud, of marks and other signs and the affixing of such marks or signs on goods, sign boards or shop-fittings (liability to penal prosecution).

The Cabinet has the right to publish decrees empowering the competent authorities to seize imported or exported goods bearing indications contrary to the provisions of the law on unfair competition or the laws on the protection of trade-marks.

PORTO RICO.

The provisions in force in the United States of America apply also to Porto Rico.

PORTUGAL.

Has also adhered to the Paris Convention and to the Madrid Agreement for the Azores and Madeira.

*Law on the Protection of Industrial Property and the Prevention of Unfair Competition, dated May 21st, 1896.* — The importation of goods bearing a false mark of origin is prohibited. The use of the Portuguese language on foreign goods is deemed to be a false indication of origin. Where a foreign name or mark is used, the foreign origin of the goods must be explicitly indicated.

In the event of contravention, confiscation by the Customs authorities *ex officio* in cases where Portuguese origin is falsely alleged; at the instance of the injured party in other cases.

*Government Decree of March 2nd, 1926 (D.H.A. 1926, p. 866).* — In the case of butter, the name and address of the producer must be indicated.

#### PORTUGUESE COLONIES.

The provisions in force in the home country apply also to the oversea possessions of Timor, Mozambique and Nyassaland.

#### ROUMANIA.

Has adhered to the Paris Convention but not to the Madrid Agreement.

*Trade-mark Law of April 14th/15th, 1879, Article 19.* — The importation and Transit of foreign products bearing the mark or indication of name or place of a Roumanian industrial concern is prohibited.

#### ST. LUCIA.

Has not adhered to the Paris Convention or to the Madrid Agreement.

*Law of 1888.* — Corresponds to the British Merchandise Marks Act of 1887.

#### ST. VINCENT.

Has not adhered to the Paris Convention or to the Madrid Agreement.

*Trade-mark Law of April 5th, 1888.* — Is substantially the same as the British Merchandise Marks Act of 1887.

#### SALVADOR.

Has adhered neither to the Paris Convention nor to the Madrid Agreement.

*Trade-marks Law of July 22nd, 1921 (D.H.A. 1925, p. 1535).* — The importation of goods bearing false marks, more particularly a false mark of origin, is prohibited.

In the event of contravention, measures of confiscation to be automatically applied by the Customs authorities.

*Pan-American Agreement of April 28th, 1923.* — Cf. ARGENTINE.

KINGDOM OF THE SERBS, CROATS AND SLOVENES.

Has adhered to the Paris Convention but not to the Madrid Agreement.  
Certain regulations concerning the marking of goods for export have been laid down.

SIAM.

Has adhered neither to the Paris Convention nor the Madrid Agreement.  
No provisions have been enacted respecting marks or origin.

SIERRA LEONE.

Has not adhered to the Paris Convention or to the Madrid Agreement.  
*Laws Nos. 7 and 12 of 1889.* — Coincide with the British Merchandise Marks Act of 1887.

SOUTHERN NIGERIA.

Has not adhered to the Paris Convention or to the Madrid Agreement.  
Substantially the provisions applied are those in force in Great Britain.

SOUTHERN RHODESIA.

Has not adhered to the Paris Convention or to the Madrid Agreement.  
Substantially the provisions applied are those in force in Great Britain (*Board of Trade Journal*, No. 943).

SPAIN.

Has adhered to the Paris Convention and to the Madrid Agreement.

*Law of May 16th, 1902, on Industrial Property.* — The use of false marks of origin is prohibited. By "mark of origin" is meant the indication of a geographical name as place of manufacture. In the case of foreign goods, the term is applied in a wider sense.

The importation of foreign goods bearing the names or marks of Spanish manufacturers or traders or indications in Spanish is prohibited except where the goods concerned come from the Spanish-American countries. The use of such indications is allowable provided the country of origin is given. This applies equally to the use of names of localities identical with or similar to Spanish names.

Spanish products bearing the name of a foreign trader must in addition bear a mark of origin.

In the event of contraventions, automatic confiscation by the Customs authorities.

*Royal Decree to prevent the Adulteration of Foodstuffs, dated December 22nd, 1908.* — Any misleading indication as to the place of origin of foodstuffs is prohibited.

As from July 31st, 1925 (D.H.A. 1925, pp. 1213 and 1751). — A mark of origin is prescribed for perfumeries.

*Modification of Article 280 of the Customs Regulations: Decree of April 13th, 1926* (D.H.A. 1926, p. 1372). — The marking of import goods otherwise than in the prescribed manner is deemed to be an attempt at Customs evasion and will be dealt with as such.

#### STRAITS SETTLEMENTS.

Have not adhered to the Paris Convention or to the Madrid Agreement.

*Merchandise Marks Act of November 23rd, 1888.* — Reproduces, practically word for word, the British Merchandise Marks Act of 1887.

*Order of April 26th, 1913.*— Prohibits the importation of goods whose markings are not in accordance with the law.

#### SWEDEN.

Has adhered to the Paris Convention but not to the Madrid Agreement.

*Law prohibiting the Importation of Goods bearing Incorrect Marks of Origin, dated June 4th, 1913* (D.H.A. 1913, p. 1001), and *Law for the Amendment of § 18 of the said Law, dated October 9th, 1914* (D.H.A. 1915, p. 37). — The importation of foreign products with a mark calculated to convey an indication of Swedish origin is prohibited where they are imported with a view to subsequent sale.

The use of the Swedish language or of pictorial representations bearing Swedish mottoes is not in itself regarded as a false mark of origin, nor are marks which are customary generic trade appellations. A false mark is nullified by the express indication of a foreign origin.

In virtue of Agreements with another State, subject to reciprocity, the King may direct that goods whose marks convey the impression that the country of origin is the country party to the Agreement shall be refused admittance as though Swedish origin had been falsely alleged.

In the event of contravention, confiscation by the Customs authorities shall take place automatically where the goods are falsely alleged to be of Swedish origin, but in other cases if a complaint is received or if the offence is gross, rectification shall be allowable.

*Decree of October 13th, 1905* (D.H.A. 1908, I, p. 133), and *October 15th, 1909* (D.H.A. 1910, I, p. 126). — Foreign margarine must bear the name of the producer.

*Royal Decree of May 9th, 1919* (D.H.A. 1921, p. 144). — Footwear must bear the manufacturer's trade-mark or trade name.

*Royal Proclamation of November 24th, 1922* (D.H.A. 1923, p. 159). — Certain foreign seeds must be marked "Foreign seeds" on importation.

*Law of October 9th, 1914* (D.H.A. 1915, p. 36). — The marking of goods with false marks of origin or the trade in goods so marked is prohibited.

*Royal Proclamation of August 10th, 1926* (D.H.A. 1926, p. 2190). — Hens'-eggs to be marked with the word "Import" on importation by way of indication of origin.

SWITZERLAND.

Has adhered to the Paris Convention and to the Madrid Agreement.

*Federal Law on the Protection of Manufacturers' Marks and Trade-marks, Marks of Origin and Industrial Marks, dated September 26th, 1890.* — The use of false marks of origin is prohibited. The names of towns, localities, districts or countries are alone regarded as indications of origin. Names which have become generic appellations are excepted.

The indication of the main manufacturing centre is allowable on goods produced outside this centre for the account of the main manufacturing concern.

Contravention is punishable by fines or imprisonment. No provision is made for confiscation by the Customs authorities.

*Decree of February 23rd, 1926, on the Trade in Foodstuffs and Commodities* (D.H.A. 1926, p. 1480). — Foodstuffs may not be marked in such a way as to convey a false impression that they are of foreign origin.

Marks of origin are not prescribed for wine, but must be correct if given. The names of areas are not regarded as generic appellations except in the case of the term "Cognac".

*Federal Law on the Manufacture and Sale of Matches, dated November 2nd, 1898.* — The packages must bear the registered trade-mark of the manufacturer.

TRANSVAAL.

Has not adhered to the Paris Convention or to the Madrid Agreement.

*Trade-Mark Ordinance of July 14th, 1903.* — Corresponds to the British Trade-Marks Act of 1887, subject to the modifications indicated in the case of Cape Colony.

TRINIDAD AND TOBAGO.

Have adhered to the Paris Convention but not to the Madrid Agreement.

*Act of 1888.* — Corresponds to the British Merchandise Marks Act of 1887.

TUNIS.

Has adhered to the Paris Convention and to the Madrid Agreement.

*Law of June 3rd, 1889* (D.H.A. 1893, p. 252). — False marks of origin on industrial products are prohibited.

The import of all foreign products bearing the trade-mark or name of a manufacturer resident in Tunis or the name of a place in Tunis is prohibited.

In the case of contravention, the goods are confiscated by the Customs authorities *ex officio*.

#### TURKEY.

Has adhered to the Paris Convention but not to the Madrid Agreement.

There are no regulations concerning indications of origin for imported goods. In the case for certain goods for export, a special trade-mark must be affixed.

*Trade-Marks Law of May 10th, 1888.* — A false indication of origin upon goods of Ottoman manufacture is prohibited.

#### UGANDA.

The regulations in force in Great Britain are applicable.

#### UNION OF SOUTH AFRICA.

Has uniform Customs arrangements throughout the States of the Union (Cape Colony, Natal, Transvaal, Orange Free State, Basutoland, Bechuanaland and Swaziland).

*Customs Administration Act of April 21st, 1913.* — The importation of foreign goods bearing the name or mark of a manufacturer in the United Kingdom or in any British possession and of all goods whose markings are contrary to the regulations in force in any State of the Union is prohibited.

In the event of infringements, confiscation.

#### UNITED STATES OF AMERICA.

Has adhered to the Paris Convention but not to the Madrid Agreement.

*Trade Marks Act of February 20th, 1905.* — The importation of goods which unlawfully bear the name of a national maker or dealer, the name of a foreign maker or dealer or any other mark calculated to deceive the buyer as to the origin of the goods is prohibited.

*Law for preventing the Manufacture, etc., of Adulterated Foodstuffs of June 30th, 1926 (D.H.A. 1906) p. 1954.* — The importation of foodstuffs and drugs with a false mark of origin is prohibited. Geographical appellations which are customary generic trade appellations are not regarded as false indications.

*Regulations of July 15th, 1924, for the Execution of the same Law (D.H.A. 1916, pp. 195, 215).* — Pictures, drawings and marks are treated on the same footing as inscriptions.

*Plants Quarantine Act of August 20th, 1922* (D.H.A. 1913, I, p. 153). — The importation of material for forestry without an indication of origin is prohibited.

*Customs Tariff Act of September 21st, 1922* (D.H.A. 1922, pp. 854, 918), Section 304 (2). — All imported goods and their wrappers must bear marks of origin.

*Circular Order of October 4th, 1922, concerning the Marking of Imported Goods* (D.H.A. 1924, p. 1767). — Certain sections of the Customs Tariff Act contain the provision that the affixing of the mark of origin after importation is not, as formerly, permissible. Such unmarked goods must under all circumstances be sent back.

The goods affected are the following: Cutlery, scissors, razors, surgical and scientific instruments, pincers and watches, and thermos flasks (Nos. 354-55, 357-61, 367-68, and 1455 of the Tariff).

#### URUGUAY.

Has adhered neither to the Paris Convention nor to the Madrid Agreement.

*Decree concerning the Safeguarding of Marks of March 1st, 1877.* — The affixing of false marks of origin upon goods and the trade in such goods is prohibited.

In case of contraventions, measures of seizure to be automatically applied by the Customs authorities.

*Pan-American Agreement of April 28th, 1922.* — Cf. ARGENTINE.

#### VENEZUELA.

Has adhered neither to the Paris Convention nor to the Madrid Agreement.  
Has no provisions concerning indication of origin on goods.

*National Health Order of 1914, Chapter XIII.* — The trade in adulterated foodstuffs is prohibited. A false indication of origin is treated as an adulteration.

*Pan-American Agreement of April 28th, 1922.* — Cf. ARGENTINE.

#### ZANZIBAR.

Has not adhered to the Paris Convention or to the Madrid Agreement.  
The regulations in force in British India apply.

*Customs Order of October 30th, 1911.* — It is prohibited to import goods on which the name, address or trade-mark of a maker or dealer or the name of a place in the United Kingdom or the British Colonies is marked with intent to deceive as to the special character of their manufacture.

In the case of contraventions, seizure by the Customs officer.

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ANNEX II.

INTERNATIONAL REGULATIONS REGARDING INDICATIONS  
OF ORIGIN.

I. — CONVENTION OF THE UNION OF PARIS, MARCH 20th, 1883, FOR THE PROTECTION OF INDUSTRIAL PROSPERITY, REVISED AT BRUSSELS, DECEMBER 14th, 1900; AT WASHINGTON, JUNE 2nd, 1911; AT THE HAGUE, NOVEMBER 6th, 1925<sup>1</sup>.

The following countries belong to the Union (June 1st, 1926): Belgium, Brazil, Bulgaria, Cuba, Denmark (with the Faroe Islands), Danzig, Germany, the Dominican Republic, Estonia, Finland, France (with Algeria and the French Colonies), Greece, Great Britain (with the Australian Commonwealth), Ceylon, Canada, New Zealand, Trinidad and Tobago, Irish Free State, Italy, Japan, the Kingdom of the Serbs, Croats and Slovenes, Latvia, Luxemburg, Morocco (exclusive of the Spanish zone), Mexico, the Netherlands (with the Dutch Indies, Surinam and Curaçao), Norway, Austria, Poland, Portugal (with the Azores and Madeira), Roumania, Sweden, Switzerland, Spain, the Group of States of Syria and the Lebanon, Czechoslovakia, Tunis, Hungary, United States of America.

The provisions of the Convention of the Union relating to marks of origin are as follows:

*Article 9.*

Any product illegally bearing a factory or trade-mark or a trade name shall be seized on importation into those of the countries of the Union in which such mark or trade name has a right of legal protection.

The seizure may likewise be effected in the country where the illegal affixing has taken place, or in the country into which the product has been imported.

The seizure shall be made at the request of the public prosecutor or any other competent authority, or by an interested party, whether an individual or a body corporate, in conformity with the internal laws of the individual countries.

The authorities shall not be bound to make a seizure in the case of goods in transit.

If the laws of a country do not admit of seizure on importation, the seizure shall be replaced by the prohibition of importation, *or seizure within the country itself.*

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<sup>1</sup> The new provisions and words introduced in the text as a result of the revision by the Hague Conference in 1925 are italicised.

If the law of any country does not admit of seizure upon importation, of prohibition of importation or of seizure within the country, *and pending the consequent modification of such laws*, these measures shall be replaced by the remedies which the law of the country would provide in such a case for its own nationals.

*Article 10.*

The provisions of the preceding article shall be applicable to any product falsely bearing, as an indication of its place of production, the name of a definite locality *or country* when this indication is attached to a fictitious or borrowed trade name with intent to defraud.

Any producer, manufacturer or merchant engaged in the production or manufacture of or trade in such products, and established either in the locality falsely indicated as the place of production, or in the region where this locality is situated, *or in the country falsely indicated*, shall *in any case, whether an individual or a body corporate*, be regarded as an interested party.

II. — MADRID ARRANGEMENT OF APRIL 14th, 1891, FOR THE PREVENTION OF FALSE INDICATIONS OF THE ORIGIN OF GOODS, REVISED AT WASHINGTON, JUNE 2nd, 1911, AND AT THE HAGUE, NOVEMBER 6th, 1925.

This Arrangement is in force in the following countries (June 1st, 1926): Brazil, Cuba, Danzig, Germany, France (with Algeria and the French Colonies), Great Britain (with New Zealand), Latvia, Morocco (exclusive of the Spanish zone), Portugal (with the Azores and Madeira), Switzerland, Spain, the Group of States of Syria and the Lebanon, Czechoslovakia and Tunis.

The provisions of the Arrangement regarding marks of origin are as follows <sup>1</sup>.

*Article 1.*

All goods bearing a false indication of origin, in which one of the contracting countries or a place situated therein is directly or indirectly indicated as being the country or place of origin, shall be seized on importation into any of the said countries.

The seizure may also take place in the State where the false indication of origin was applied, or in that into which the goods bearing the false indication have been imported.

If the law of any State does not permit seizure on importation, such seizure shall be replaced by prohibition of importation.

If the law of any State does not permit of seizure within the country itself, such seizure shall be replaced by the remedies provided in such case by the law of that State for its own nationals.

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<sup>1</sup> The new provisions and words inserted in the text as a result of the revision by the Hague Conference in 1925 are italicised.

*In the absence of special penalties for the prevention of false indications of origin, the penalties provided by the corresponding legal provisions regarding trade-marks and names shall be applicable.*

*Article 2.*

*The seizure shall take place at the suit of the Customs administration, which shall at once notify the person concerned, whether an individual or a body corporate, in order to enable such person, if desirous of doing so, to rectify the matter on account of which the seizure was made, the goods seized being held provisionally. Nevertheless, the public prosecutor or any other competent authority may claim seizure either at the request of the injured party or ex officio; the procedure will then follow the official course.*

The authorities shall not be bound to effect the seizure of goods in transit.

*Article 3.*

*The present stipulations shall not prevent the vendor from indicating his name or address upon goods coming from a country other than that where the sale takes place; but in such case the address or the name must be accompanied by a clear indication in legible characters of the country or place of manufacture or production, or some other indication sufficient to prevent any mistake as to the real origin of the goods.*

*Article 4.*

The tribunals of each country will decide what appellations, on account of their generic character, do not fall within the provisions of the present Arrangement, regional appellations concerning the origin of products of the vine being, however, not comprised in the reservation provided for by the present article.

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