

Industrial Property

Monthly Review of the
WORLD INTELLECTUAL PROPERTY
ORGANIZATION (WIPO)

Published monthly
Annual subscription: Sw.fr. 75.—
Each monthly issue: Sw.fr. 9.—

13th year - No. 9
SEPTEMBER 1974

Contents

International Patent Classification. Entry Into Force of the Second Edition . . . 370

CONVENTIONS NOT ADMINISTERED BY WIPO

— Bilateral Instruments relating to Appellations of Origin and Other Indications of Source

France—Belgium-Luxembourg Economic Union. Art. 21 of the Commercial Agreement, 1928 371

Italy—Portugal. Art. 17 of the Treaty of Commerce and Navigation, 1934 371

Austria—Italy. Agreement of February 1, 1952, and Additional Protocol of December 17, 1969 372

Federal Republic of Germany—France. Agreement and Protocol of March 8, 1960 373

Federal Republic of Germany—Italy. Agreement and Protocol of July 23, 1963 375

Federal Republic of Germany—Greece. Agreement and Protocol of April 16, 1964 376

France—Italy. Convention and Protocol of April 28, 1964 378

Federal Republic of Germany—Switzerland. Treaty and Protocol of March 7, 1967 378

Federal Republic of Germany—Spain. Treaty and Protocol of September 11, 1970 379

Austria—Greece. Agreement and Protocol of June 5, 1970; Arrangement of June 20, 1972 381

Austria—Hungary. Agreement and Protocol of July 21, 1972; Arrangement of June 12, 1973 384

GENERAL STUDIES

— Revision of the Lisbon Agreement for the Protection of Appellations of Origin (Albrecht Krieger) 387

CALENDAR OF MEETINGS 395

International Patent Classification

Entry Into Force of the Second Edition

On July 1, 1974, the Second Edition of the International Patent Classification entered into force.

It is recalled that the original "skeleton" system of the International Patent Classification was attached, as an Annex, to the European Convention on the International Classification of Patents for Invention concluded in 1954 within the framework of the Council of Europe. This 1954 Convention provides for the possibility of further elaborating and modifying the International Patent Classification. It prescribes the basic procedure that has to be followed for the adoption of elaborations or modifications of the system, and regulates their entry into force.

On this basis, the skeleton system was then further elaborated, i. e. substantially refined by further subdividing it, under the responsibility of the Committee of Experts on Patents of the Council of Europe — a task which took twelve years — and unofficially published part by part as the first elaboration of the International Patent Classification during that period. After a revision of the first elaboration in 1966 and 1967, a final version was adopted by the said Committee of Experts and entered into force on September 1, 1968, when it was published as the "First Edition" of the International Patent Classification.

During the years 1969 to 1973, various Working Groups under a "Joint ad hoc Committee of the Council of Europe and the World Intellectual Property Organization on the International Patent Classification," created for the purpose, examined the First Edition of the International Patent Classification and proposed numerous modifications to it. Since that period marked the beginning of a series of five-year periods, agreed upon by the Joint ad hoc Committee mentioned above, for periodic revision of the International Patent Classification, it is usually referred to as the "first revision period," while the work of reviewing the whole of the First Edition of the International Patent Classification, and the result of that work, is known as the "first revision" of the Classification. The Committee of Experts approved the first revision and, since none of the States party to the 1954 Convention expressed objections within the time limit allowed, the first revision came into effect on July 1, 1974, and was published as the "Second Edition" of the International Patent Classification in July 1974.

The Second Edition differs in many respects from the First Edition. The total number of subdivisions has increased from approximately 46,000 to 51,000, and thousands of entries have been modified, deleted or transferred. The extent of these changes warranted the publication of a new consolidated printing of the International Patent Classification, rather than merely the printing of sheets showing the changes.

To avoid confusion, it is recommended that the modified version of the International Patent Classification which came into effect on July 1, 1974, be called "Second Edition" rather than "First Revision."

From what date will the Second Edition be applied and how will it be possible to ascertain, by looking at the classification symbols appearing on patent documents, whether they are based on the First Edition or on the Second Edition?

In reply to the first question, it is recalled that the Joint ad hoc Committee strongly recommended that national Offices should start applying the classification symbols of the Second Edition on all patent documents published on or after January 1, 1975*.

As for the second question, the situation is as follows: according to the recommendation of the Joint ad hoc Committee, symbols based on the Second Edition will differ in two respects from those based on the First Edition; *first*, the abbreviation "Int. Cl." (which must precede each indication) will be accompanied, as a superscript, by an Arabic figure 2 (standing for Second Edition) thus: "Int. Cl.²"; *second*, the subclass symbol will be capitalized, in other words, the letter of the Latin alphabet which stands for the subclass will be a capital letter and not, as generally applied formerly, a small letter. It should be noted that a "symbol" of the International Patent Classification is composed of a single letter (standing for the Section), followed by a two-digit number (standing for the class), another single letter (standing for the subclass) and numbers (standing for the group or subgroup). It is the second of the two letters, the one standing for the subclass, which in future should also be a capital letter (the first letter, the one standing for the Section, always was and remains a capital letter). Thus, for example, a complete symbol which, under the First Edition, would have read as follows:

"Int. Cl.: C 12 b 1/04"

will read as follows under the Second Edition:

"Int. Cl.²: C 12 B 1/04."

The Second Edition has two authentic versions, English and French. They are available in loose-leaf form and in bound volumes (there are two volumes per language)**. A German version, prepared by the German Patent Office on the basis of the authentic versions, is also available†. Translated versions in other languages are under preparation.

A useful tool which was published at the same time as the Second Edition is the "Catchword Index." This Index contains, in alphabetical order, terms denoting technical subject matter and the symbols under which this subject matter appears in the Second Edition (NB: The International Patent Classification itself is organized in a logical — not alphabetical — order). At present, Catchword Indexes exist in English and French**. A Catchword Index in German is being prepared by the German Patent Office.

* See *Industrial Property*, 1974, p. 139.

** The English and French versions may be ordered from the publishers, Morgan-Grampian Limited, 30 Calderwood Street, Woolwich, London SE18 6QH, England.

† The German version may be ordered from Carl Heymanns Verlag KG, Gereonstrasse 18-32, 5 Cologne 1, Federal Republic of Germany.

repression on its territory of the importation, storing (custom-house stores, bonded or public warehouses), preparation, exportation, distribution, offering for sale and sale of wines bearing the above-mentioned appellations, recognized by the other Party, where such wines do not originate, as far as Portugal is concerned, in the regions of the Douro, the island of Madeira, Setubal, Carcavelos and Estremadura and, as far as Italy is concerned, in Sicily and the adjacent islands, and where the said wines have not been shipped as follows:

Port: from the mouth of the Douro, or the port of Leixões;
 Madeira: from the port of Funchal;
 Moscatel de Setubal: from the ports of Lisbon or Setubal;
 Estremadura: from the port of Lisbon;
 Marsala: from the Italian ports.

Measures for the repression of any contravention of the provisions of this Article shall include seizure, non-utilization or any other appropriate sanction, even if the true source of the product is indicated or if the false appellations are qualified by terms such as "kind," "type," "quality," "rival," etc., or by a specific regional or other indication. Marks, labels or written matter capable of misleading the purchaser or creating confusion in his mind as to the true origin of the wine he purchases shall be prohibited.

Similar sanctions shall be taken against any attempt to offer for sale dessert wines which are entitled, under this Article, to an appellation of origin and which have been adulterated on importation by the addition of water or other wines.

The measures referred to above shall be taken on the territory of each of the High Contracting Parties at the instance of the competent Office or at the request of the public prosecutor, in accordance with the law of each of the said Parties, or on the initiative of any interested party, private person, federation or association having the nationality of one of the High Contracting Parties.

Agreement
between the Austrian Federal Government
and the Italian Government
Relating to Geographical Appellations of Origin
and Denominations of Certain Products

(of February 1, 1952)³

Article 1

(1) Each of the Contracting Parties undertakes to take all necessary measures to ensure effective protection against unfair competition in business dealings for geographical appellations of origin and denominations of certain products indicating directly or indirectly the origin of one of the Contracting Parties.

(2) Without prejudice to the provisions of the Paris Convention for the Protection of Industrial Property, any act of

competition contrary to honest practices in industrial or commercial matters constitutes an act of unfair competition.

(3) Geographical appellations of origin and denominations of certain products are listed in the Annex⁴, which may subsequently be completed by either of the Contracting Parties by means of a notification approved by the other Contracting Party.

Article 2

(1) Each of the Contracting Parties undertakes, in particular, to take all measures provided under its national legislation with a view to the repression and prohibition of the distribution, importation, storage, sale or offering for sale, inside the country or for export purposes, of any products bearing themselves or on their get-up or outer packaging, or in invoices, waybills and business papers, or in marks, any of the appellations or denominations set forth in the Annex and which would be capable of deceiving the public as to the source, type, characteristics or specific qualities of such products or merchandise.

(2) It is understood that the provisions of this Article shall apply to use in the original language as well as to imitations in foreign languages of the appellations and denominations of either of the Contracting Parties, even where the true source of the product is indicated or the denomination is qualified by terms such as "kind," "make," "type," or the like.

(3) It is also understood that the provisions of this Article shall not apply to products in transit.

Article 3

Products covered by the appellations or denominations set forth in the Annex and protected under this Agreement must be accompanied at the time of importation by a certificate of origin issued by any authority, body or group designated by the exporting country and approved by the importing country.

Article 4

(1) This Agreement shall remain in force for a period of five years after the date of its entry into force.

(2) This Agreement shall be tacitly renewed every three years unless it is denounced.

(3) Denunciation shall require at least six months' notice prior to the expiration of the period referred to in paragraph (1).

Article 5

(1) This Agreement shall be ratified in accordance with the constitutional processes of each of the Contracting Parties.

(2) Instruments of ratification shall be exchanged at Vienna.

(3) This Agreement shall enter into force on the date of exchange of the instruments of ratification⁵.

³ Translation by the International Bureau. Source: *Bundesgesetzblatt für die Republik Österreich*, 1954, p. 1057.

⁴ This Annex is not reproduced here.

⁵ This Agreement entered into force on September 1, 1954.

**Additional Protocol
to the Agreement between Austria and Italy
Relating to Geographical Appellations of Origin
and Denominations of Certain Products**

(of December 17, 1969)⁶

The Austrian Federal Government and the Italian Government, desiring to extend to other products the protection provided for under the Agreement between the Austrian Federal Government and the Italian Government relating to geographical appellations of origin and denominations of certain products, of February 1, 1952, have agreed, in accordance with Article 1(3) of the said Agreement, that the lists annexed to that Agreement shall be replaced by the lists annexed to this Additional Protocol⁷ which have been the subject of mutual notifications.

This Additional Protocol shall apply to the denominations of cheeses indicated by the footnote "See Protocol" only in the event of the abrogation or the revision of the International Convention of Stresa of June 1, 1951.

This Additional Protocol shall enter into force thirty days after the exchange of the instruments of ratification.

**Agreement
between the Federal Republic of Germany
and the French Republic
on the Protection of Indications of Source, Appellations
of Origin and Other Geographical Denominations**

(of March 8, 1960)⁸

Article 1

Each of the Contracting States undertakes to take all necessary measures to ensure effective protection for natural and manufactured products originating on the territory of the other State against unfair competition in the course of trade and to ensure effective protection for the denominations set forth in Annexes A and B⁹ of this Agreement, in conformity with the provisions of Articles 2 to 9 below.

Article 2

The denominations set forth in Annex A of this Agreement shall be exclusively reserved on the territory of the French Republic as defined in Article 13(1) for German products or merchandise and may be used therein only in the conditions provided for by the law of the Federal Republic of Germany. However, certain provisions of such law may be declared inapplicable by a protocol.

Article 3

The denominations set forth in Annex B of this Agreement shall be exclusively reserved on the territory of the Federal

Republic of Germany for French products or merchandise and may be used therein only in the conditions provided for by the law of the French Republic. However, certain provisions of such law may be declared inapplicable by a protocol.

Article 4

(1) Action shall be taken against the use in the course of trade, in contravention of the provisions of Articles 2 and 3, of any of the denominations set forth in Annexes A and B of this Agreement on any products or merchandise or their get-up or outer packaging or in invoices, waybills or other business papers or in advertising; in such action, resort shall be had to all judicial or administrative remedies that are provided under the law of each of the Contracting States, including seizure to the extent that such law permits.

(2) The provisions of this Article shall apply even where denominations set forth in Annexes A and B of this Agreement are used in translation or with an indication of the true source or with the addition of terms such as "kind," "type," "make," "imitation," or the like.

(3) The provisions of this Article shall not apply to products or merchandise in transit.

Article 5

The provisions of Article 4 of this Agreement shall likewise apply where, in respect of products or merchandise or their get-up or outer packaging or in invoices, waybills or other business papers or in advertising, use is made of distinctive signs, trademarks, names, written matter or graphic representations which directly or indirectly contain false or deceptive indications as to the source, origin, nature, variety or essential properties of the products or merchandise concerned.

Article 6

(1) The protection provided for in Articles 4 and 5 of this Agreement may be invoked by virtue of this Agreement itself.

(2) Each of the Contracting States may request the other State not to authorize importation of products or merchandise covered by any of the denominations set forth in Annexes A and B of this Agreement unless such products or merchandise are accompanied by a document showing that they are entitled to such denomination. In such cases, products or merchandise not accompanied by such document shall be turned back upon importation.

(3) When making the request referred to in paragraph (2) above, the Contracting State shall inform the other State of the authorities empowered to issue the document. A specimen of the document must accompany such notification.

Article 7

(1) Actions for damages alleging usurpation of any of the denominations set forth in Annex A of this Agreement or the use of false or deceptive indications within the meaning of Article 5 may be brought before the courts of the French Republic not only by natural persons and legal entities entitled under the law of the French Republic to bring such

⁶ Translation by the International Bureau. Source: *Österreichisches Patentblatt*, 1972, p. 143.

⁷ This Annex is not reproduced here.

⁸ Translation by the International Bureau. Source: *Bundesgesetzblatt*, 1961, Part II, p. 23.

⁹ These Annexes are not reproduced here.

actions, but also by associations, groups and bodies that represent the producers, manufacturers or traders concerned and have their registered office on the territory of the Federal Republic of Germany, in so far as the law of the French Republic permits French associations, groups and bodies to bring such actions.

(2) Actions for an injunction alleging usurpation of any of the denominations set forth in Annex B of this Agreement or the use of false or deceptive indications within the meaning of Article 5 may be brought before the courts of the Federal Republic of Germany not only by natural persons and legal entities entitled under the law of the Federal Republic of Germany to bring such actions, but also by associations, groups and bodies that represent the producers, manufacturers or traders concerned and have their registered office on the territory of the French Republic, in so far as the law of the Federal Republic of Germany permits German associations, groups and bodies to bring such actions. The same shall apply to actions known as "Privatklagen."

Article 8

Products and merchandise, packaging, invoices, waybills and other business papers as well as advertising material which, at the time of entry into force of this Agreement, are on the territory of either of the Contracting States and have lawfully been marked with indications whose use is prohibited under this Agreement may still be disposed of or used for a period of two years after the entry into force of this Agreement.

Article 9

(1) The lists in Annexes A and B of this Agreement may be amended or extended pursuant to a written communication made by one of the Contracting States, subject to the consent of the other Contracting State. However, either of the Contracting States may reduce the list of denominations covering products or merchandise originating on its territory without the consent of the other Contracting State.

(2) The provisions of Article 8 shall apply in cases of amendment or extension of the list of denominations relating to products or merchandise originating on the territory of either of the Contracting States, provided that the period of two years shall start to run from the date of publication of the said amendment or extension by the other Contracting State.

Article 10

The provisions of this Agreement shall be without prejudice to the protection that is or may be afforded, in the Contracting States under domestic law or other international conventions, to denominations set forth in Annexes A and B of this Agreement.

Article 11

(1) A joint commission consisting of representatives of the Government of each Contracting State shall be established to facilitate the implementation of this Agreement.

(2) The joint commission shall be responsible for examining any proposals for amending or extending the lists in

Annexes A and B of this Agreement for which the consent of the Contracting States is required, as well as for discussing all questions relating to the application of this Agreement.

(3) A meeting of the joint commission shall be convened if either Contracting State so requests.

Article 12

This Agreement shall also apply to *Land Berlin*, unless the Government of the Federal Republic of Germany transmits a declaration to the contrary to the Government of the French Republic within three months after the date of entry into force of this Agreement.

Article 13

(1) This Agreement shall apply, as far as the French Republic is concerned, to the metropolitan departments, the departments of Algeria, the departments of Oasis and Saoura, the departments of Guadeloupe, French Guiana, Martinique and Réunion, and the overseas territories (New Caledonia and its dependencies, French Polynesia, Saint-Pierre and Miquelon, French Somaliland and the Comoro Archipelago).

(2) This Agreement may be applied, pursuant to an exchange of Notes between the Governments of both Contracting States, to one or more of the States members of the Community, in accordance with the procedure laid down in each case for such exchanges of Notes.

Article 14

(1) This Agreement shall be subject to ratification; the instruments of ratification shall be exchanged at Paris as soon as possible.

(2) This Agreement shall enter into force one month after the exchange of the instruments of ratification and shall remain in force without any limitation of duration¹⁰.

(3) Either Contracting State may denounce this Agreement by giving one year's notice to that effect.

Protocol

(of March 8, 1960)

1. Articles 2 and 3 of the Agreement shall not oblige either of the Contracting States to apply, at the time when products or merchandise covered by the denominations set forth in the lists in Annexes A and B of the Agreement are placed on the market on their territory, the legislative and administrative provisions of the other Contracting State in regard to administrative supervision, in particular those relating to the maintenance of entry and exit records and the movement of the said products or merchandise.

2. The inclusion in the lists in Annexes A and B of the Agreement of denominations covering products or merchandise shall not affect the provisions regulating the importation of such products or merchandise in either of the Contracting States.

¹⁰ This Agreement entered into force on May 7, 1961.

3. The indications as to essential properties within the meaning of Article 5 of the Agreement shall include in particular:

- (a) as far as German and French wines are concerned:
 - the mention of the vintage (vintage year);
 - the name of one or more grape varieties;
- (b) as far as German wines are concerned:
 - Naturwein, naturrein, Wachstum, Gewächs, Kreszenz, Originalwein, Originalabfüllung, Originalabzug, Kellerabfüllung, Kellerabzug, Schlossabzug, Eigengewächs, Fass Nr. . . ., Fuder Nr. . . ., Spätlese, Auslese, Beerenauslese, Trockenbeerenauslese, Hochgewächs, Spitzengewächs, Kabinettwein;
- (c) as far as French wines are concerned:
 - Blanc de blanc, rosé, sec, doux, Zwicker, Edelszwicker, haut, grand cru, cru classé, premier cru, grand vin, pétillant, méthode champenoise, mousseux, brut, appellation contrôlée, appellation d'origine, appellation réglementée, vin délimité de qualité supérieure (or V. D. Q. S.), mise en bouteille au château, mise en bouteille à la propriété;
- (d) as far as French brandies are concerned:
 - V. O., V. S. O. P., Réserve, extra, Napoléon, Vieille réserve, Trois étoiles.

Agreement

between the Federal Republic of Germany and the Italian Republic

on the Protection of Indications of Source, Appellations of Origin and Other Geographical Denominations

(of July 23, 1963)¹¹

Article 1

Each of the Contracting States undertakes to take all necessary measures to ensure effective protection for natural and manufactured products originating on the territory of the other State against unfair competition in the course of trade and to ensure effective protection for the denominations set forth in Annexes A and B¹² of this Agreement, in conformity with the provisions of Articles 2 to 9 below.

Article 2

The denominations set forth in Annex A of this Agreement shall be exclusively reserved on the territory of the Italian Republic for German products or merchandise and may be used therein only in the conditions provided for by the law of the Federal Republic of Germany. However, certain provisions of such law may be declared inapplicable by a protocol.

Article 3

The denominations set forth in Annex B of this Agreement shall be exclusively reserved on the territory of the Federal

Republic of Germany for Italian products or merchandise and may be used therein only in the conditions provided for by the law of the Italian Republic. However, certain provisions of such law may be declared inapplicable by a protocol.

Article 4

(1) Action shall be taken against the use in the course of trade, in contravention of the provisions of Articles 2 and 3, of any of the denominations set forth in Annexes A and B of this Agreement on any products or merchandise or their get-up or outer packaging or in invoices, waybills or other business papers or in advertising; in such action, resort shall be had to all judicial or administrative remedies that are provided under the law of each of the Contracting States, including seizure to the extent that such law permits.

(2) The provisions of this Article shall apply even where denominations set forth in Annexes A and B of this Agreement are used in translation or with an indication of the true source or with the addition of terms such as "kind," "type," "make," "imitation," or the like.

(3) The provisions of this Article shall not apply to products or merchandise in transit.

Article 5

The provisions of Article 4 of this Agreement shall likewise apply where, in respect of products or merchandise or their get-up or outer packaging or in invoices, waybills or other business papers or in advertising, use is made of distinctive signs, trademarks, names, written matter or graphic representations which directly or indirectly contain false or deceptive indications as to the source, origin, nature, variety or essential properties of the products or merchandise concerned.

Article 6

(1) The protection provided for in Articles 4 and 5 of this Agreement may be invoked by virtue of this Agreement itself.

(2) Each of the Contracting States may request the other State not to authorize importation of products or merchandise covered by any of the denominations set forth in Annexes A and B of this Agreement unless such products or merchandise are accompanied by a document showing that they are entitled to such denomination. In such cases, products or merchandise not accompanied by such document shall be turned back upon importation.

(3) When making the request referred to in paragraph (2) above, the Contracting State shall inform the other State of the authorities empowered to issue the document. A specimen of the document must accompany such notification.

Article 7

Actions alleging misuse of any of the denominations set forth in Annexes A and B of this Agreement and actions alleging the use of false or deceptive indications within the meaning of Article 5 may be brought before the courts of the Contracting States not only by natural persons and legal entities entitled under the law of the Contracting States to bring such

¹¹ Translation by the International Bureau. Source: *Blatt für Patent-, Muster- und Zeichenwesen*, 1965, p. 139.

¹² These Annexes are not reproduced here.

actions, but also by associations, groups and bodies that represent the producers, manufacturers or traders concerned and have their registered office in one of the Contracting States, in so far as the law of the State in which that office is situated empowers them to take civil proceedings. Subject to the same conditions, they may claim rights and the application of legal remedies in criminal proceedings, to the extent provided for by the law of the State in which the proceedings take place.

Article 8

Products and merchandise, packaging, invoices, waybills and other business papers as well as advertising material which, at the time of entry into force of this Agreement, are on the territory of either of the Contracting States and have lawfully been marked with indications whose use is prohibited under this Agreement may still be disposed of or used for a period of two years after the entry into force of this Agreement.

Article 9

(1) The lists in Annexes A and B of this Agreement may be amended or extended pursuant to a written communication made by one of the Contracting States, subject to the consent of the other Contracting State. However, either of the Contracting States may reduce the list of denominations covering products or merchandise originating on its territory without the consent of the other Contracting State.

(2) The provisions of Article 8 shall apply in cases of amendment or extension of the list of denominations relating to products or merchandise originating on the territory of either of the Contracting States, provided that the period of two years shall start to run from the date of publication of the said amendment or extension by the other Contracting State.

Article 10

The provisions of this Agreement shall be without prejudice to the protection that is or may be afforded, in either of the Contracting States under domestic law or other international conventions, to denominations of the other Contracting State set forth in Annex A or B of this Agreement.

Article 11

(1) A joint commission consisting of representatives of the Government of each Contracting State shall be established to facilitate the implementation of this Agreement.

(2) The joint commission shall be responsible for examining any proposals for amending or extending the lists in Annexes A and B of this Agreement for which the consent of the Contracting States is required, as well as for discussing all questions relating to the application of this Agreement.

(3) A meeting of the joint commission shall be convened if either Contracting State so requests.

Article 12

This Agreement shall also apply to *Land* Berlin, unless the Government of the Federal Republic of Germany transmits a

declaration to the contrary to the Government of the Italian Republic within three months after the date of entry into force of this Agreement.

Article 13

(1) This Agreement shall be subject to ratification; the instruments of ratification shall be exchanged at Rome as soon as possible.

(2) This Agreement shall enter into force three months after the exchange of the instruments of ratification and shall remain in force without any limitation of duration¹³.

(3) Either Contracting State may denounce this Agreement by giving one year's notice to that effect.

Protocol

(of July 23, 1963)

1. Articles 2 and 3 of the Agreement shall not oblige either of the Contracting States to apply, at the time when products or merchandise covered by the denominations set forth in the lists in Annexes A and B of the Agreement are placed on the market on their territory, the legislative and administrative provisions of the other Contracting State in regard to administrative supervision, in particular those relating to the maintenance of entry and exit records and the movement of the said products or merchandise.

2. The inclusion in the lists in Annexes A and B of the Agreement of denominations covering products or merchandise shall not affect the provisions regulating the importation of such products or merchandise in either of the Contracting States.

3. The inclusion in Annex B of the Agreement of the denomination "Traminer" does not preclude the use of the latter in the Federal Republic of Germany as a grape variety denomination in addition to a geographical denomination.

4. The period of two years provided for in Article 8 of the Agreement shall be extended for a further period of two years for the denomination "Gorgonzola" set forth in Annex B of the Agreement.

Agreement

between the Federal Republic of Germany and the Kingdom of Greece on the Protection of Indications of Source, Appellations of Origin and Other Geographical Denominations

(of April 16, 1964)¹⁴

Article 1

Each of the Contracting States undertakes to take all necessary measures to ensure effective protection for natural and manufactured products originating on the territory of the other State against unfair competition in the course of trade and to ensure effective protection for the denominations set

¹³ This Agreement entered into force on August 12, 1967.

¹⁴ Translation by the International Bureau. Source: *Blatt für Patent-, Muster- und Zeichenwesen*, 1965, p. 129.

forth in Annexes A and B¹⁵ of this Agreement, in conformity with the provisions of Articles 2 to 9 below.

Article 2

The denominations set forth in Annex A of this Agreement shall be exclusively reserved on the territory of the Kingdom of Greece for German products or merchandise and may be used therein only in the conditions provided for by the law of the Federal Republic of Germany. However, certain provisions of such law may be declared inapplicable by a special protocol.

Article 3

The denominations set forth in Annex B of this Agreement shall be exclusively reserved on the territory of the Federal Republic of Germany for Greek products or merchandise and may be used therein only in the conditions provided for by the law of the Kingdom of Greece. However, certain provisions of such law may be declared inapplicable by a special protocol.

Article 4

(1) Action shall be taken against the use in the course of trade, in contravention of the provisions of Articles 2 and 3, of any of the denominations set forth in Annexes A and B of this Agreement on any products or merchandise or their get-up or outer packaging or in invoices, shipping papers or other business papers or in advertising; in such action, resort shall be had to all judicial or administrative remedies that are provided under the law of each of the Contracting States, including seizure to the extent that such law permits.

(2) The provisions of this Article shall apply even where denominations set forth in Annexes A and B of this Agreement are used in translation or with an indication of the true source or with the addition of terms such as "kind," "type," "make," "imitation," or the like.

(3) The provisions of this Article shall not apply to products or merchandise in transit.

Article 5

The provisions of Article 4 of this Agreement shall likewise apply where, in respect of products or merchandise or their get-up or outer packaging or in invoices, shipping papers or other business papers or in advertising, use is made of distinctive signs, trademarks, names, written matter or graphic representations which directly or indirectly contain false or deceptive indications as to the source, origin, nature, variety or essential properties of the products or merchandise concerned.

Article 6

(1) The protection provided for in Articles 4 and 5 of this Agreement may be invoked by virtue of this Agreement itself.

(2) Each of the Contracting States may request the other State not to authorize importation of products or merchandise covered by any of the denominations set forth in Annexes A

and B of this Agreement unless such products or merchandise are accompanied by a document showing that they are entitled to such denomination. In such cases, products or merchandise not accompanied by such document shall be turned back upon importation.

(3) When making the request referred to in paragraph (2) above, the Contracting State shall inform the other State of the authorities empowered to issue the document. A specimen of the document must accompany such notification.

Article 7

Actions alleging misuse of any of the denominations set forth in Annexes A and B of this Agreement and actions alleging the use of false or deceptive indications within the meaning of Article 5 may be brought before the courts of the Contracting States not only by natural persons and legal entities entitled, under the law of the Contracting State in which the action is brought, to institute such actions, but also by associations, groups and bodies that represent the producers, manufacturers or traders concerned and have their registered office in one of the Contracting States, in so far as the law of one of the Contracting States empowers them to take civil proceedings. Subject to the same conditions, they may claim rights and the application of legal remedies in criminal proceedings, to the extent provided for by the law of the State in which the proceedings take place.

Article 8

Subject to the provisions of paragraphs 4 and 6 of the Protocol annexed to this Agreement, products and merchandise, packaging, invoices, shipping papers and other business papers which, at the time of entry into force of this Agreement, are on the territory of either of the Contracting States and have lawfully been marked with indications whose use is prohibited under this Agreement may still be disposed of or used for a period of two years after the entry into force of this Agreement.

Article 9

(1) The lists in Annexes A and B of this Agreement may be amended or extended pursuant to a written communication made by one of the Contracting States, subject to the consent of the other Contracting State. However, either of the Contracting States may reduce the list of denominations covering products or merchandise originating on its territory without the consent of the other Contracting State.

(2) The provisions of Article 8 shall apply in cases of amendment or extension of the list of denominations relating to products or merchandise originating on the territory of either of the Contracting States, provided that the period of two years shall start to run from the date of publication of the said amendment or extension by the other Contracting State.

Article 10

The provisions of this Agreement shall be without prejudice to the protection that is or may be afforded, in either of

¹⁵ These Annexes are not reproduced here.

the Contracting States under domestic law or other international conventions, to denominations of the other Contracting State set forth in Annex A or B of this Agreement.

Article 11

(1) A joint commission consisting of representatives of the Government of each Contracting State shall be established to facilitate the implementation of this Agreement.

(2) The joint commission shall be responsible for examining any proposals for amending or extending the lists in Annexes A and B of this Agreement for which the consent of the Contracting States is required, as well as for discussing all questions relating to the application of this Agreement.

(3) A meeting of the joint commission shall be convened if either Contracting State so requests.

Article 12

This Agreement shall also apply to *Land Berlin*, unless the Government of the Federal Republic of Germany transmits a declaration to the contrary to the Government of the Kingdom of Greece within three months after the date of entry into force of this Agreement.

Article 13

(1) This Agreement shall be subject to ratification; the instruments of ratification shall be exchanged at Athens as soon as possible.

(2) This Agreement shall enter into force one month after the exchange of the instruments of ratification and shall remain in force without any limitation of duration¹⁶.

(3) Either Contracting State may denounce this Agreement by giving one year's notice to that effect.

Protocol

(of April 16, 1964)

1. Articles 2 and 3 of the Agreement shall not oblige either of the Contracting States to apply, at the time when products or merchandise covered by the denominations set forth in the lists in Annexes A and B of the Agreement are placed on the market on their territory, the legislative and administrative provisions of the other Contracting State in regard to administrative supervision, in particular those relating to the maintenance of entry and exit records and the movement of the said products or merchandise.

2. The inclusion in the lists in Annexes A and B of the Agreement of denominations covering products or merchandise shall not affect the provisions regulating the importation of such products or merchandise in either of the Contracting States.

3. The indications as to essential properties within the meaning of Article 5 of the Agreement shall include in particular:

- (a) as far as German and Greek wines are concerned:
the mention of the vintage (vintage year);
the name of one or more grape varieties;

(b) as far as German wines are concerned:

Naturwein, naturrein, Wachstum, Gewächs, Kreszenz, Originalwein, Originalahfüllung, Originalahzug, Kellerabfüllung, Kellerahzug, Schlossabzug, Eigengewächs, Fass Nr. . . ., Fuder Nr. . . ., Spätlese, Auslese, Beerenauslese, Trockenbeerenauslese, Hochgewächs, Spitzengewächs, Kabinettwein;

(c) as far as Greek wines are concerned:

lefkós, rosé, erythros, xirós, imíglykos, glykís, physikós glykís, mistéllion, moschátos, aeriouchos, afródís, retsinátos;

(d) as far as Greek brandy is concerned:

V. O., V. O. S., V. S. O. P., extra, one, three or five stars.

The list of these indications may be amended or extended pursuant to a written communication made by one of the Contracting States, subject to the consent of the other Contracting State. However, each Contracting State may reduce the list of indications relating to products or merchandise originating on its territory without the consent of the other Contracting State.

4. The period of two years provided for in Article 8 of this Agreement shall be shortened to 18 months for the denomination "Samos" set forth in Annex B of the Agreement.

5. The inclusion of the denomination "Ouzo" in Annex B of the Agreement shall not preclude the use in the Federal Republic of Germany of the denomination Anis or derivations thereof for spirits.

6. For a period of six years after the entry into force of the Agreement, the denominations "Idor Kolonias" and "Kolonias" may still be used in the Kingdom of Greece for merchandise manufactured therein. Article 8 shall not apply in such case.

Convention

between the French Republic and the Italian Republic on the Protection of Appellations of Origin, Indications of Source and Denominations of Certain Products

(of April 28, 1964)

This Convention and its protocol, which entered into force on April 24, 1969, were published in *Industrial Property*, 1969, page 253.

Treaty

between the Federal Republic of Germany and the Swiss Confederation on the Protection of Indications of Source and Other Geographical Denominations

(of March 7, 1967)

This Treaty and its protocol, which entered into force on August 30, 1969, were published in *Industrial Property*, 1969, page 63.

¹⁶ This Agreement entered into force on April 1, 1967.

Treaty
between the Federal Republic of Germany
and the Spanish State
on the Protection of Indications of Source, Appellations
of Origin and Other Geographical Denominations

(of September 11, 1970)¹⁷

Article 1

Each of the Contracting States undertakes to take all necessary measures to ensure effective protection:

1. for natural and manufactured products originating on the territory of the other Contracting State against unfair competition in the course of trade,
2. in conformity with this Treaty and its protocol, for the names and denominations mentioned in Articles 2 and 3 as well as the denominations set forth in Annexes A and B¹⁸ of this Treaty.

Article 2

(1) The name "República Federal de Alemania" or "Bundesrepublik Deutschland," the denomination "Alemania" or "Deutschland," the names of German *Länder* as well as the denominations set forth in Annex A of this Treaty shall, except where otherwise provided in paragraph (2) to (4), be exclusively reserved on Spanish territory for German products or merchandise and may be used therein only in the conditions provided for by the law of the Federal Republic of Germany, in so far as certain provisions of such law have not been declared inapplicable by the protocol annexed to this Treaty.

(2) If any denomination set forth in Annex A of this Treaty, other than the names of the State and of *Länder* mentioned in paragraph (1), is used for products or merchandise other than those to which it is assigned in Annex A, paragraph (1) shall apply only:

1. where such use is capable of having an adverse effect, in the field of competition, on enterprises that are lawfully using the denomination in respect of German products or merchandise mentioned in Annex A, unless there is a legitimate interest in using the denomination on Spanish territory in respect of products or merchandise that are not of German origin, or
2. where such use is capable of diluting the denomination's special reputation or appeal.

(3) If any denomination protected under paragraph (1) is the same as the name of a region or a locality situated outside the territory of the Federal Republic of Germany, such denomination may be used in connection with products or merchandise that are not of German origin only as an indication of source and only in such a way as to avoid any possibility of confusion as to the source and nature of the products or merchandise concerned.

¹⁷ Translation by the International Bureau. Source: *Blatt für Patent-, Muster- und Zeichenwesen*, 1972, p. 242.

¹⁸ These Annexes are not reproduced here.

(4) Furthermore, the provisions of paragraph (1) shall not prevent any person from indicating his name, trade name — to the extent that it comprises the name of a natural person — and domicile or registered office on products or merchandise, on their packaging, in business papers or in advertising, in so far as such indications do not serve to distinguish the products or merchandise concerned. The use of the name and the trade name as a distinctive sign shall nevertheless be lawful where justified by a legitimate interest.

(5) This Article shall be without prejudice to Article 5.

Article 3

(1) The name "Spanien" or "España," the denominations "Hispania" and "Iberia" and the names of Spanish provinces and regions as well as the denominations set forth in Annex B of this Treaty shall, except where otherwise provided in paragraphs (2) to (4), be exclusively reserved on the territory of the Federal Republic of Germany for Spanish products or merchandise and may be used therein only in the conditions provided for by the law of Spain, in so far as certain provisions of such law have not been declared inapplicable by the protocol annexed to this Treaty.

(2) If any denomination set forth in Annex B of this Treaty, other than the names of the State and of provinces and regions mentioned in paragraph (1), is used for products or merchandise other than those to which it is assigned in Annex B, paragraph (1) shall apply only:

1. where such use is capable of having an adverse effect, in the field of competition, on enterprises that are lawfully using the denomination in respect of Spanish products or merchandise mentioned in Annex B, unless there is a legitimate interest in using the denomination on the territory of the Federal Republic of Germany in respect of products or merchandise that are not of Spanish origin, or
2. where such use is capable of diluting the denomination's special reputation or appeal.

(3) If any denomination protected under paragraph (1) is the same as the name of a region or a locality situated outside Spanish territory, such denomination may be used in connection with products or merchandise produced in such region or in such locality only as an indication of source and only in such a way as to avoid any possibility of confusion as to the source and nature of the products or merchandise concerned.

(4) Furthermore, the provisions of paragraph (1) shall not prevent any person from indicating his name, trade name — to the extent that it comprises the name of a natural person — and domicile or registered office on products or merchandise, on their packaging, in business papers or in advertising, in so far as such indications do not serve to distinguish the products or merchandise concerned. The use of the name and the trade name as a distinctive sign shall nevertheless be lawful where justified by a legitimate interest.

(5) This Article shall be without prejudice to Article 5.

Article 4

(1) If, in the course of trade, denominations protected under Articles 2 and 3 are used, in contravention of those provisions, in respect of products or merchandise or their get-up or packaging or in invoices, shipping papers or other business papers or in advertising, action shall be taken against such use by virtue of this Treaty; in such action, resort shall be had to all judicial or administrative remedies, including seizure, that are provided under the law of the Contracting State in which protection is claimed and are available to combat unfair competition or may otherwise be directed against unlawful denominations.

(2) The provisions of this Article shall apply even where such names or denominations are used in translation or with an indication of the true source or with the addition of terms such as "kind," "type," "make," "style," "imitation," or the like. In particular, this Article shall not be rendered inapplicable by the fact that denominations protected under Articles 2 and 3 are used in a modified form, if a risk of confusion in the trade still remains despite the modification.

(3) The provisions of this Article shall not apply to products or merchandise in transit.

Article 5

The provisions of Article 4 shall likewise apply where, in respect of products or merchandise or their get-up or packaging or in invoices, shipping papers or other business papers or in advertising, use is made of distinctive signs, trademarks, names, written matter or graphic representations which directly or indirectly contain false or deceptive indications as to the source, origin, nature, variety or essential properties of the products or merchandise concerned.

Article 6

Actions alleging violation of this Treaty may be brought before the courts of the Contracting States not only by the persons and companies entitled under the law of the Contracting States to institute such actions, but also by associations, groups and bodies that represent the producers, manufacturers, traders or consumers concerned and have their registered office in either of the Contracting States, in so far as the law of the State in which that office is situated empowers them to take civil proceedings. Subject to the same conditions, they may claim rights and the application of legal remedies in criminal proceedings, to the extent provided for by the law of the State in which the proceedings take place.

Article 7

(1) Each of the Contracting States may request the other State not to authorize importation of products or merchandise covered by any of the denominations set forth in Annexes A and B of this Treaty unless such products or merchandise are accompanied by a document showing that they are entitled to such denomination. In such cases, products or merchandise not accompanied by such document shall be turned back upon importation.

(2) When making the request referred to in paragraph (1) above, the Contracting State shall inform the other State of the authorities empowered to issue the document. A specimen of the document must accompany such notification.

Article 8

(1) Products and merchandise, packaging, invoices, shipping papers and other business papers as well as advertising material which, at the time of entry into force of this Treaty, are on the territory of either of the Contracting States and have lawfully been marked with indications whose use is prohibited under this Treaty may still be disposed of or used for a period of two years after the entry into force of this Treaty.

(2) Where any denomination protected under Articles 2 and 3 constitutes an element of a trade name already lawfully used before March 25, 1969, the provisions of Article 2(4), first sentence, and of Article 3(4), first sentence, shall apply even if the said trade name does not comprise the name of a natural person. The right to use the denomination may not be transferred on death or inter vivos except with the enterprise to which the denomination corresponds.

(3) This Article shall be without prejudice to Article 5.

Article 9

(1) The lists in Annexes A and B of this Treaty may be amended or extended by an exchange of notes. However, each Contracting State may reduce the list of denominations relating to products or merchandise originating on its territory, without the consent of the other Contracting State.

(2) The provisions of Article 8 shall apply in cases of amendment or extension of the list of denominations relating to products or merchandise originating on the territory of either of the Contracting States, provided that the effective date shall be the date of publication of the said amendment or extension by the other Contracting State, instead of the dates mentioned in Article 8.

Article 10

The provisions of this Treaty shall be without prejudice to more extensive protection that is or may be afforded, in either of the Contracting States under domestic law or other international conventions, to denominations of the other Contracting State that are protected under Articles 2 and 3.

Article 11

(1) A joint commission consisting of representatives of the Government of each Contracting State shall be established to facilitate the implementation of this Treaty.

(2) The joint commission shall be responsible for examining any proposals for amending or extending the lists in Annexes A and B of this Treaty for which the consent of the Contracting States is required, as well as for discussing all questions relating to the application of this Treaty.

(3) A meeting of the joint commission shall be convened if either Contracting State so requests.

Article 12

This Treaty shall also apply to *Land Berlin*, unless the Government of the Federal Republic of Germany transmits a declaration to the contrary to the Spanish Government within three months after the date of entry into force of this Treaty.

Article 13

(1) This Treaty shall be subject to ratification; the instruments of ratification shall be exchanged at Madrid as soon as possible.

(2) This Treaty shall enter into force three months after the exchange of the instruments of ratification and shall remain in force without any limitation of duration¹⁹.

(3) Either Contracting State may at any time denounce this Treaty by giving one year's notice to that effect.

Protocol

(of September 11, 1970)

1. Articles 2 and 3 of the Treaty shall not oblige the Contracting States to apply, at the time when products or merchandise covered by denominations protected under Articles 2 and 3 of the Treaty are placed on the market on their territory, the legislative and administrative provisions of the other Contracting State in regard to administrative supervision, in particular those relating to the maintenance of entry and exit records and the movement of the said products or merchandise.
2. The Treaty shall not, subject to Article 7 thereof, affect the provisions regulating the importation of such products or merchandise in either of the Contracting States.
3. The inclusion of the denomination "Iberia" in Article 3 of the Treaty shall not preclude its use in the Federal Republic of Germany for Portuguese products or merchandise.
4. The indications as to essential properties within the meaning of Article 5 of the Treaty shall include in particular:
 - (a) as far as Spanish wines are concerned: amontillado, generoso, noble de mesa, oloroso, solera;
 - (b) as far as German wines are concerned: Auslese, Beerenauslese, Eiswein, Kabinett, Spätlese, Trockenbeerenauslese.

The list of these indications may be amended or extended pursuant to a written communication made by one of the Contracting States, subject to the consent of the other Contracting State. However, either of the Contracting States may reduce the list of denominations covering products or merchandise originating on its territory without the consent of the other Contracting State.

5. Articles 2 and 3 of the Treaty shall not apply to denominations for animal breeds.

6. The period provided for in Article 8(1) shall be extended to eight years for glass or pottery containers on which a denomination protected under the Treaty has been engraved.

**Agreement
between the Republic of Austria
and the Kingdom of Greece
on the Protection of Indications of Source, Appellations
of Origin and Denominations of Products
of Agriculture and Industry**

(of June 5, 1970)²⁰

Article 1

Each of the Contracting States undertakes to take all necessary measures to ensure effective protection, in accordance with this Agreement, for denominations of products of agriculture and industry originating on the territory of the other Contracting State against unfair competition in the course of trade.

Article 2

(1) This Agreement shall apply to indications of source, appellations of origin and denominations of products of agriculture and industry which fall into the groups mentioned in Article 4 and which are listed in detail in the Arrangement referred to in Article 5.

(2) For the purposes of this Agreement, "indications of source," "appellations of origin" and "denominations" mean all indications which relate directly or indirectly to the source of a product. Such indication generally consists of a geographical denomination. However, it may also consist of other indications provided that, when used in connection with a product so designated, the indication is seen in interested business circles in the country of origin to be a reference to the country of production. In addition to an affirmation of origin in a specific geographical area, such denominations may also include an affirmation of the quality of the product concerned. These special characteristics of the products must be due exclusively or essentially to geographical or human factors.

Article 3

(1) The name "Αυστριακή Δημοκρατία - Austriake Demokratia" or "Republik Österreich," the denominations "Αυστρία - Austria" or "Österreich" and "Austria" and the names of the Austrian federal provinces shall be exclusively reserved on the territory of the Kingdom of Greece for Austrian products. The Austrian federal provinces are: Burgenland, Kärnten, Niederösterreich, Oberösterreich, Salzburg, Steiermark, Tirol, Vorarlberg, Wien.

(2) The name "Königreich Griechenland" or "Βασιλείον της Ελλάδος - Basileion tes Ellados" and the denominations "Griechenland" or "Ελλάς - Ellas" and "Hellas" shall be

¹⁹ This Treaty entered into force on September 27, 1973.

²⁰ Translation by the International Bureau. Source: *Österreichisches Patentblatt*, 1972, p. 166.

exclusively reserved on the territory of the Republic of Austria for Greek products.

Article 4

(1) The groups of Austrian goods are as follows:

.....

(2) The groups of Greek products are as follows:

.....

Article 5

(1) Denominations of individual products to which the provisions of Articles 2 and 4 apply and which are eligible for protection under this Agreement shall be listed in an Arrangement which shall be concluded between the competent national bodies of each State.

(2) The provisions of paragraph (1) of this Article shall apply to any reduction, amendment or extension of the Arrangement.

Article 6

(1) Austrian denominations protected under this Agreement shall be exclusively reserved on the territory of the Kingdom of Greece for Austrian products.

(2) The provisions of paragraph (1) of this Article shall not preclude the use of a Greek proper name on the territory of the Kingdom of Greece where that name corresponds, in whole or in part, to an Austrian proper name which is also a denomination protected under this Agreement. In such case, the Greek proper name must not be translated into German.

Article 7

(1) Greek denominations protected under this Agreement shall be exclusively reserved on the territory of the Republic of Austria for Greek products.

(2) The provisions of paragraph (1) of this Article shall not preclude the use of an Austrian proper name on the territory of the Republic of Austria where that name corresponds, in whole or in part, to a Greek proper name which is also a denomination protected under this Agreement. In such case, the Austrian proper name must not be translated into Greek.

Article 8

(1) If, in the course of trade, a denomination protected under this Agreement is used, in contravention of the provisions of Articles 6 and 7 of this Agreement, in respect of products, and particularly their get-up or packaging, or in invoices, waybills or other business papers or in advertising, resort shall be had to all judicial and administrative remedies, including all coercive measures (for instance, seizure) that are provided under the law of the Contracting State in which protection is claimed and are available to combat unfair competition or may otherwise be directed against unlawful denominations, subject to the conditions laid down in the said law and in accordance with the provisions of Article 10. This Article shall not be rendered inapplicable by the fact that denominations protected under this Agreement are used in a modified form or for products other than those to which they are assigned in the Arrangement concluded under Article 5, if a risk of confusion in the trade still remains.

(2) The provisions of paragraph (1) of this Article shall apply even where denominations protected under this Agreement are used in any translation or with an indication of the true source or with the addition of terms such as "kind," "type," "make," "process," "imitation," or the like.

(3) The provisions of paragraph (1) of this Article shall not apply to translations of the denominations of either of the Contracting States if the translation in the language of the other Contracting State is a word in everyday use.

Article 9

The provisions of Article 8 of this Agreement shall likewise apply where, in respect of products whose denominations are protected under this Agreement or their get-up or packaging or in invoices, waybills or other business papers or in advertising, use is made of distinctive signs, trademarks, names, written matter or graphic representations which directly or indirectly contain false or deceptive indications as to the source, origin, nature, variety or essential properties of the products concerned.

Article 10

(1) Actions alleging violation of this Agreement may be brought before the courts of the Kingdom of Greece not only by natural persons and legal entities entitled under the law of the Kingdom of Greece to bring such actions, but also by associations, groups and bodies that represent the producers, manufacturers or traders concerned and have their registered office on the territory of the Republic of Austria, in so far as the law of the Kingdom of Greece permits Greek associations, groups and bodies to bring such actions.

(2) Actions alleging violation of this Agreement may be brought before the courts of the Republic of Austria not only by natural persons and legal entities entitled under the law of the Republic of Austria to bring such actions, but also by associations, groups and bodies that represent the producers, manufacturers or traders concerned and have their registered office on the territory of the Kingdom of Greece, in so far as the law of the Republic of Austria permits Austrian associations, groups and bodies to bring such actions.

Article 11

(1) This Agreement shall not preclude the use of a trademark registered prior to January 1, 1969 (reference date).

(2) Paragraph (1) of this Article shall apply to denominations whose use is regulated under this Agreement only on the basis of an amendment or extension of the lists contained in the Arrangement (Article 5), provided that the date of entry into force of the amended Arrangement (Article 5) shall be considered to be the reference date.

Article 12

(1) Products, packaging and advertising material as well as invoices, waybills and other business papers which, at the time of entry into force of the Arrangement (Article 5) are on the territory of either of the Contracting States and have lawfully been marked with indications whose use is prohibited

under this Agreement may be disposed of or used in the course of trade for a period of 18 months after the entry into force of the Arrangement (Article 5).

(2) The provisions of paragraph (1) of this Article shall apply in cases of amendment or extension of the lists of denominations contained in the Arrangement (Article 5), provided that the period of 18 months shall start to run from the date of entry into force of the amended Arrangement (Article 5).

Article 13

This Agreement shall not apply to denominations of products which are merely in transit through the territory of one of the Contracting States.

Article 14

The protection afforded under this Agreement to denominations in respect of products shall not affect the provisions regulating the importation of such products in either of the Contracting States.

Article 15

The provisions of this Agreement shall be without prejudice to more extensive protection that is or may be afforded, in either of the Contracting States under domestic law or other international conventions, to denominations that are protected under this Agreement.

Article 16

The competent authorities of the Contracting States shall regularly consult each other to discuss proposals for amending or extending the Arrangement (Article 5), and any questions that may arise in relation to the application of the Agreement.

Article 17

(1) This Agreement shall be subject to ratification; the instruments of ratification shall be exchanged at Vienna as soon as possible.

(2) This Agreement shall enter into force 60 days after the exchange of instruments of ratification and shall remain in force without any limitation of duration²¹.

(3) Either Contracting State may denounce this Agreement by giving a minimum of one year's notice in writing to that effect.

(4) Arrangements under Article 5 may be concluded prior to the entry into force of this Agreement, provided that they shall not enter into force before the said Agreement.

Protocol

(of June 5, 1970)

(1) The indications as to essential properties within the meaning of Article 9 of the Agreement shall include, in particular:

- (a) as far as Austrian wines are concerned:
the mention of the vintage (vintage year); the name of

one or more grape varieties; the designations: rosé, méthode champenoise, naturbelassen, Wachstum, Gewächs, Kreszenz, original, echt, Originalabfüllung, Originalabzug, Kellerabfüllung, Kellerabzug, Eigen-gewächs, Spätlese, Auslese, Beerenauslese, Trocken-beerenauslese, Ausbruch, Hochgewächs, Spitzenge-wächs, Clarettwein, Kabinett (Cabinet);

- (b) as far as Greek wines are concerned:
the source, the mention of the vintage (vintage year), the name of one or more grape varieties, the place of bottling, the method of processing, the designations: moschátos, retsinátos, physikós glykýs, afródís;
- (c) as far as Austrian and Greek brandies are concerned:
V. O., V. O. S., V. S. O. P., extra; one, three, five and seven stars.

(2) Proper names within the meaning of Articles 6 and 7 of the Agreement shall mean both names of persons and geographical denominations.

(3) The provisions of the Agreement shall not in principle restrict the use of the following denominations for grape varieties in conjunction with a directly or indirectly Austrian geographical denomination: Bouviertraube, Blaufränkisch, Blauer Portugieser, Burgunder (Klevner, Blauburgunder, Grauburgunder, Weissburgunder), Cabernet, Jubiläumsrebe, Malvasier, Morillon (Chardonnay), Müller-Thurgau, Muskat, Muskat-Ottonel, Muskat-Sylvaner, Neuburger, Pinot, Riesling (Rheinriesling, Welschriesling), Rotgipfler, Ruländer (grauer Burgunder), St. Laurent (Laurenzitraube), Sauvignon (Muskat-Sylvaner), Sylvaner, Traminer, Veltliner, Zierfandler (Spätrot), Zweigeltrebe.

Arrangement

for the Purposes of the Application of the Agreement of June 5, 1970, between the Republic of Austria and the Kingdom of Greece on the Protection of Indications of Source, Appellations of Origin and Denominations of Products of Agriculture and Industry

(of June 20, 1972)²²

In accordance with Article 5 of the Agreement of June 5, 1970, between the Republic of Austria and the Kingdom of Greece on the Protection of Indications of Source, Appellations of Origin and Denominations of Products of Agriculture and Industry, the following provisions have been agreed upon:

Article 1

The Austrian and Greek denominations which are protected under the Agreement of June 5, 1970, between the Republic of Austria and the Kingdom of Greece on the Protection of Indications of Source, Appellations of Origin and Denominations of Products of Agriculture and Industry are listed respectively in Annexes A and B²³ of this Arrangement.

²² Translation by the International Bureau. Source: *Österreichisches Patentblatt*, 1972, p. 175.

²³ These Annexes are not reproduced here.

²¹ This Agreement entered into force on August 19, 1972.

Article 2

(1) This Arrangement shall enter into force at the same time as the Agreement referred to in Article 1.

(2) This Arrangement has been drawn up in the German and Greek languages, both texts being equally authentic.

Agreement

**between the Republic of Austria
and the Hungarian People's Republic
on the Protection of Indications of Source, Appellations
of Origin and Other Denominations Indicating Source,
for Products of Agriculture and Industry**

(of July 21, 1972)²⁴

Article 1

Each of the Contracting States undertakes to take all necessary measures to provide and ensure, in accordance with this Agreement, effective protection against unfair competition in the course of trade for denominations of products of agriculture and industry originating on the territory of the other Contracting State and mentioned in Article 2.

Article 2

(1) This Agreement shall apply to indications of source, appellations of origin and other denominations indicating source, for products of agriculture and industry, which fall into the groups mentioned in Article 4 and which are listed in detail in the Arrangement referred to in Article 5.

(2) For the purposes of this Agreement, "indications of source," "appellations of origin" and "other denominations indicating source" mean all indications which relate directly or indirectly to the source of a product. Such indication generally consists of a geographical denomination. However, it may also consist of other indications provided that, when used in connection with a product so designated, the indication is seen in interested business circles in the country of origin to be a reference to the country of production. In addition to an affirmation of origin in a specific geographical area, such denominations may also include an affirmation of the quality of the product concerned. These special characteristics of the products must be due exclusively or essentially to geographical or human factors.

Article 3

This Agreement shall also apply to the name "Republik Österreich" ("Osztrák Köztársaság"), the denomination "Österreich" ("Ausztia"), the names of the Austrian federal provinces — including their translations in Hungarian —, the name "Magyar Népköztársaság" ("Ungarische Volksrepublik"), the denomination "Magyarország" ("Ungarn"), where they are used to designate products of agriculture or industry.

²⁴ Translation by the International Bureau. Source: *Bundesgesetzblatt für die Republik Österreich*, 1973, p. 1957.

Article 4

The groups of Austrian and Hungarian products are as follows:

.....

Article 5

(1) Denominations of individual products to which the provisions of Articles 2 and 4 apply and which are eligible for protection under this Agreement shall be listed in an Arrangement which shall be concluded between the competent national bodies of each State.

(2) The provisions of paragraph (1) shall apply to any reduction, amendment or extension of the Arrangement.

Article 6

(1) Austrian denominations protected under this Agreement shall be exclusively reserved on the territory of the Hungarian People's Republic for the Austrian products to which the said denominations relate.

(2) The provisions of paragraph (1) of this Article shall not preclude the use of a proper name on the territory of the Hungarian People's Republic by the person entitled to that name where the name is, in whole or in part, an Austrian denomination protected under this Agreement. In such case, the proper name may only be used in its original form, and not in such a way as to be liable to mislead.

Article 7

(1) Hungarian denominations protected under this Agreement shall be exclusively reserved on the territory of the Republic of Austria for the Hungarian products to which the said denominations relate.

(2) The provisions of paragraph (1) of this Article shall not preclude the use of a proper name on the territory of the Republic of Austria by the person entitled to that name where the name is, in whole or in part, a Hungarian denomination protected under this Agreement. In such case, the proper name may only be used in its original form, and not in such a way as to be liable to mislead.

Article 8

(1) If, in the course of trade, a denomination protected under this Agreement is used, in contravention of the provisions of Articles 6 and 7 of this Agreement, in respect of products, and particularly their get-up or packaging, or in invoices, waybills or other business papers or in advertising, resort shall be had to all judicial and administrative remedies that are provided under the law of the Contracting State in which protection is claimed and are available to combat unfair competition or may otherwise be directed against unlawful denominations, subject to the conditions laid down in the said law and in accordance with the provisions of Article 10.

(2) The provisions of this Article shall apply even where denominations protected under this Agreement are used in translation, or with an indication of their true source, or with

the addition of terms such as "kind," "type," "make," "imitation," or the like.

(3) The provisions of paragraph (1) of this Article shall not apply to translations of the denominations of either of the Contracting States if the translation in the language of the other Contracting State is a word in everyday use.

Article 9

(1) The provisions of Article 8 of this Agreement shall likewise apply where, in respect of products whose denominations are protected under this Agreement or their get-up or packaging, or in invoices, waybills or other business papers or in advertising, use is made of distinctive signs, trademarks, names, written matter or graphic representations, in particular national and provincial colors, armorial bearings and flags, which directly or indirectly contain false or deceptive indications as to the source, origin, nature, variety or essential properties of the products concerned.

(2) Where, in the course of trade, names or graphic representations of localities, buildings, monuments, rivers, mountains and the like in either of the Contracting States are used in the other Contracting State for products or merchandise not originating in the former State, such use shall be presumed to be deceptive as to the source of the products or merchandise so designated, unless, in the specific case, it cannot reasonably be held to be deceptive.

Article 10

(1) Actions alleging violation of this Agreement may be brought before the courts of the Hungarian People's Republic not only by natural persons and legal entities entitled under the law of the Hungarian People's Republic to bring such actions, but also by associations, groups and bodies that represent the producers, manufacturers or traders concerned and have their registered office on the territory of the Republic of Austria, in so far as the law of the Hungarian People's Republic permits Hungarian associations, groups and bodies to bring such actions.

(2) Actions alleging violation of this Agreement may be brought before the courts of the Republic of Austria not only by natural persons and legal entities entitled under the law of the Republic of Austria to bring such actions, but also by associations, groups and bodies that represent the producers, manufacturers or traders concerned and have their registered office on the territory of the Hungarian People's Republic, in so far as the law of the Republic of Austria permits Austrian associations, groups and bodies to bring such actions.

Article 11

(1) This Agreement shall not preclude the use of a trademark registered prior to January 1, 1971 (reference date) and still in force.

(2) Paragraph (1) of this Article shall apply to denominations whose use is regulated by this Agreement only on the basis of an amendment or extension of the lists contained in

the Arrangement (Article 5), provided that the date of entry into force of the amended Arrangement (Article 5) shall be considered to be the reference date.

Article 12

(1) Products, packaging and advertising material as well as invoices, waybills and other business papers which, at the time of entry into force of the Arrangement (Article 5), are on the territory of either of the Contracting States and have lawfully been marked with indications whose use is prohibited under this Agreement may be used for a period of one year after the entry into force of the Arrangement (Article 5).

(2) The provisions of paragraph (1) shall apply in cases of amendment or extension of the lists of denominations contained in the Arrangement (Article 5), provided that the period of one year shall start to run from the date of entry into force of the amended Arrangement (Article 5).

Article 13

This Agreement shall not apply to denominations of products which are merely in transit through the territory of one of the Contracting States.

Article 14

The protection afforded under this Agreement to denominations in respect of products shall not affect the provisions regulating the importation of such products in either of the Contracting States.

Article 15

The provisions of this Agreement shall be without prejudice to more extensive protection that is or may be afforded, in either of the Contracting States under domestic law or other international conventions, to denominations that are protected under this Agreement.

Article 16

The competent authorities of the Contracting States shall regularly consult each other to discuss proposals for amending or extending the Arrangement (Article 5), and any questions that may arise in relation to the application of the Agreement.

Article 17

(1) This Agreement shall be subject to ratification; the instruments of ratification shall be exchanged at Vienna as soon as possible.

(2) This Agreement shall enter into force 60 days after the exchange of the instruments of ratification and shall remain in force without any limitation of duration²⁵.

(3) Either Contracting State may denounce this Agreement by giving a minimum of one year's notice in writing to that effect.

(4) Arrangements under Article 5 may be concluded prior to the entry into force of this Agreement, provided that they shall not enter into force before the said Agreement.

²⁵ This Agreement entered into force on August 11, 1973.

Protocol

(of July 21, 1972)

(1) The provisions of the Agreement shall not in principle restrict the use of the following denominations for grape varieties: Bouviertraube, Blaufränkisch, Blauer Portugieser, Blauer Wildbacher (or Schilcher), Burgunder or Pinot (Klevner, Blauburgunder, Grauburgunder, Weissburgunder), Cabernet, Cabernet-Sauvignon, Jubiläumsrebe, Malvasier, Merlot, Morillon (or Chardonnay), Müller-Thurgau, Muskat, Muskateller, Muskat-Ottonel, Muskat-Sylvaner, Neuberger, Rheinriesling (or Riesling), Rotgipfler, Ruländer (or grauer Burgunder), St. Laurent (or Laurenzitraube), Sauvignon (or Muskat-Sylvaner), Sylvaner, Traminer (Roter Traminer, Gewürztraminer), Veltliner (Grüner Veltliner, Roter Veltliner, Frühroter Veltliner), Welschriesling (or Riesling), Zierfandler (or Spätrot), Zweigeltrebe.

(2) The indications as to essential properties within the meaning of Article 9 of the Agreement shall include, in particular, the following as far as wines are concerned:

the mention of the vintage (vintage year);
the name of one or more grape varieties;
alcoholic strength, manufacturer (producer), bottler, dealer;

the designations: weiss, rosé, Schiller (Siller), rot, méthode champenoise, Wachstum, Gewächs, Kreszenz, original, Originalabfüllung, Originalabzug, Kellerabfüllung, Kellerabzug, Eigengewächs, Spätlese, Auslese, Beerenauslese, Trockenbeerenauslese, Ausbruch, Hochgewächs, Spitzengewächs, Clarettwein, Kabinett (Cabinet), Tischwein (Tafelwein), Bratenwein, Qualitätswein, Delikatesswein, aromatisierter Wein, Dessertwein, Schaumwein, Perlwein.

(3) Proper names within the meaning of Articles 6 and 7 of the Agreement mean both names of persons and geographical denominations.

(4) A translation within the meaning of Article 8(2) shall include a traditional denomination in the respective other language or in Latin.

(5) The inclusion of the denominations "Magyar Szalami" and "Magyar marhagulyas" in Annex B of the Arrangement concluded in relation with the Agreement shall not preclude the use in the Republic of Austria of German translations of these denominations for Austrian products, subject to the following conditions:

(a) The denomination "ungarisch" must be accompanied, in a directly related position and in letters of the same type, size and color as those of the denomination itself, by the words "österreichisches Erzeugnis" or "Made in Austria."

(b) The producing enterprise shall be indicated by its name and registered office.

(6) The inclusion of the denomination "Csabai kolbász" in Annex B of the Arrangement concluded in relation with the Agreement shall preclude the use of the denominations

"Csabai" or "Czabaier" for Austrian products unless their Austrian origin is clearly indicated.

(7) The inclusion of the denomination "Debreceni páros-kolbász" in Annex B of the Arrangement concluded in relation with the Agreement shall not restrict the use of the denomination "Debreziner" in Austria.

(8) The Agreement shall not apply to fresh foods which are sold or served directly to the consumer, for instance in restaurants and public houses.

(9) The denomination "Helvécia" included under "Wines" in Annex B of the Arrangement concluded in relation with the Agreement may only be used in this spelling in Austria, and only when accompanied by the denomination "Ungarn."

(10) The denomination "Györ" may only be used for Hungarian products in this form or as "Györ-Raab." This provision shall not restrict the use of the denomination "Raab" for Austrian products.

(11) The Contracting Parties agree to set up in any event, for the application of Article 16 of the Agreement, a joint commission consisting of representatives of the competent authorities of the Contracting States and of experts who shall be appointed for the purpose. The joint committee shall meet regularly, at least once a year, in order to consider and discuss problems and experiences arising from the practical application of the Agreement.

Arrangement

for the Purposes of the Application of the Agreement between the Republic of Austria and the Hungarian People's Republic on the Protection of Indications of Source, Appellations of Origin and Other Denominations Indicating Source, for Products of Agriculture and Industry

(of June 12, 1973)²⁶

Article I

The Austrian and Hungarian denominations which are protected under the Agreement concluded at Vienna on July 21, 1972, between the Republic of Austria and the Hungarian People's Republic on the Protection of Indications of Source, Appellations of Origin and Other Denominations Indicating Source, for Products of Agriculture and Industry, are listed respectively in Annexes A and B²⁷ of this Arrangement.

Article 2

(1) This Arrangement shall enter into force at the same time as the Agreement referred to in Article 1.

(2) This Arrangement has been established in two originals, each drawn up in the German and Hungarian languages, both texts being equally authentic.

²⁶ Translation by the International Bureau. Source: *Bundesgesetzblatt für die Republik Österreich*, 1973, p. 1966.

²⁷ These Annexes are not reproduced here.

the main reason why so far only eleven States have ratified the Lisbon Agreement or acceded to it¹⁰. Under the present conditions, any significant geographical extension of the Agreement is unlikely.

4. In these circumstances, the Federal Republic of Germany, which is greatly dependent on its exports and therefore has a special interest in the international protection of its traditional indications of source, set out to solve the problems by means of bilateral agreements with a number of States. The Federal Government adopted a pragmatic approach, carrying on a series of negotiations with States which had also shown an interest in strengthening the international protection of geographical denominations and were of particular importance for the German export trade. A beginning was made with the agreement with France of March 8, 1960¹¹. This was followed by the agreements with Italy¹², Greece¹³, Switzerland¹⁴ and Spain¹⁵. A similar agreement with Austria is still under negotiation.

All these bilateral agreements are based on the principle that the interests of the contracting parties will be most effectively safeguarded if it is left to them not only to specify which of their denominations are to be protected but also to determine the nature and extent of protection in the other country. The agreements therefore all contain annexes listing in detail the appellations to be protected. They also lay down the principle that the denominations listed are exclusively reserved for the products of the country of origin and may be used for those products only under the conditions provided for by the law of that country. The agreements thus provide protection in two respects: if the goods for which a protected denomination is used do not come from the country of origin, it is not necessary in any legal proceedings to examine whether the conditions imposed by the law of the country of origin for the use of the denomination are met; such use is in any event illegal. If, however, the first prerequisite is fulfilled, in other words if the goods bearing the protected denomination do come from the country of origin, the use of the denomination is still illegal if it is not in conformity with all the other requirements imposed by the law of the country of origin.

This system of bilateral agreements, between the Federal Republic of Germany and the States referred to, above all enables account to be taken of the fluctuating opinion of the public in the Contracting States¹⁶ — and the opinion of the public is the basic criterion for protection in German law and

¹⁰ See the table in *Industrial Property*, 1974, p. 22, which lists the following States as parties to the Agreement on January 1, 1974: Algeria, Cuba, Czechoslovakia, France, Haiti, Hungary, Israel, Italy, Mexico, Portugal and Tunisia.

¹¹ See p. 373 above; *Bundesgesetzblatt* 1961 II, p. 22; *GRUR Int.* 1960, p. 431. For more details, see A. Krieger, *GRUR* 1960, pp. 400 et seq. and 1964, p. 499.

¹² See p. 375 above; *Bundesgesetzblatt* 1965 II, p. 156; *GRUR Int.* 1964, p. 428.

¹³ See p. 376 above; *Bundesgesetzblatt* 1965 II, p. 176; *GRUR Int.* 1965, p. 425.

¹⁴ See *Industrial Property*, 1969, p. 63; *Bundesgesetzblatt* 1969 II, p. 138; *GRUR Int.* 1967, p. 347. For details, see A. Krieger, *GRUR Int.* 1967, pp. 334 et seq.

¹⁵ See p. 379 above; *Bundesgesetzblatt* 1972 II, p. 109.

¹⁶ See A. Krieger, *GRUR Int.* 1960, p. 400 (at p. 405).

also in the law of many other countries — and of the different systems of protection for geographical denominations in the Contracting States¹⁷. This is particularly relevant where protection is sought against the use of denominations with some “delocalizing” addition (showing that the product does not in fact come from the place evoked by the denomination), and also where the country of origin wishes to have certain prerequisites for protection under its domestic law observed also in the country where protection is claimed on the basis of the bilateral agreement.

II. The Efforts to Revise the Lisbon Agreement

To the best of my knowledge, the new system of protection described here has so far proved its full effectiveness. It should however not be forgotten that the fact that this system was established by means of bilateral treaties also reflects a certain resignation and disappointment at the apparent lack of progress (at least at the initial stage) in the efforts to obtain a multilateral improvement of the international protection of geographical denominations used in trade. The governments concerned believed that, if at least a gradual reinforcement of international protection was to be achieved, bilateral agreements would have to be concluded so long as the multilateral development held no real promise of progress. The German Federal Government, for its part, has however at no time left any doubt that it will always be prepared to accept an effective multilateral solution of the problem and would even prefer such a solution to bilateral agreements if it could be expected to provide at least equivalent protection. Accordingly, at the time of the final vote on the Lisbon Agreement during the Lisbon Diplomatic Conference, the German Federal Government made a declaration¹⁸ clearly showing that its country was not definitively rejecting the Lisbon Agreement but was prepared to give serious consideration to acceding if the Agreement were to provide protection also for geographical denominations other than appellations of origin “recognized and protected as such in the country of origin”¹⁹.

Perhaps the intermediate phase — not to say detour — of bilateral agreements was necessary in order to give a new impetus to development at the multilateral level. The success of these bilateral agreements and the reservations expressed by the German side and by others regarding the Lisbon Agreement as now worded would clearly seem to have prompted the steps taken by the Director General of WIPO, which is responsible for administering the Lisbon Agreement, to initiate a discussion concerning a revision of the substantive-law provisions of the Agreement.

1. On January 13, 1971, in response to a letter from the President of the Czechoslovak Patent Office asking for further information on the German reservations regarding the Lisbon Agreement, the Director General requested the German Federal Government to provide a written statement setting out once more the German position. This request was

¹⁷ See A. Krieger, *GRUR Int.* 1960, p. 400 (at pp. 405/406).

¹⁸ Quoted by A. Krieger, *GRUR Int.* 1959, p. 58 (at p. 99).

¹⁹ See also Beier, *GRUR Int.* 1968, p. 69 (at p. 81).

acceded to in a detailed letter of March 11, 1971²⁰, which again pointed out that the German Federal Government attached considerable importance to strengthening the international protection of geographical denominations used in trade and was prepared to support all efforts to enlarge the scope of such protection. The Government was not yet able, however, to regard the Lisbon Agreement as an appropriate basis for such protection. The Agreement, the letter continued, was a significant step towards the improvement of protection, but the strict conditions upon which protection depended did not take sufficient account of the diversity of the legal systems of countries interested and were the main cause of the Agreement's failure so far to attain the desired extension of its territorial scope.

2. The Director General of WIPO officially communicated this statement of March 11, 1971, to the Governments of the States party to the Lisbon Agreement with a view to the sixth ordinary session of the Council of the Lisbon Union, which took place on October 1 and 2, 1971 at Geneva²¹. Although the Federal Republic of Germany was represented at that session only as an observer, the statement of its position was the starting point for an animated discussion during which representatives of Contracting States (in particular, Czechoslovakia, but also Israel, Italy, Hungary and France) also expressed the view that the central role that was intended for the Lisbon Agreement could only be achieved if it were possible to considerably increase the number of Contracting States and thus substantially extend its territorial scope. The Director General of WIPO was therefore asked to undertake a detailed study of the amendments which should be made to the Agreement in order to enable the accession of non-member States which were very interested in the international protection of geographical denominations²².

3. The Director General of WIPO then summarized the general opinion prevailing in the Council of the Lisbon Union, noting that the Agreement should be made more flexible to enable a larger number of interested States to accede. In view of the great workload of WIPO, which had numerous other large projects in the field of industrial property and copyright, he did not feel that a working group should be convened immediately, as proposed by Israel, but suggested instead that WIPO should be asked to prepare a study on possible amendments to the Lisbon Agreement. The study would be based on a questionnaire to be sent to the Governments of all the member States of the Paris Union and would then be submitted at the seventh session of the Council of the Lisbon Union in September 1972 as a basis for further decisions²³.

4. This proposal was unanimously adopted by the Council. On the basis of that decision, the Director General of WIPO sent a questionnaire on November 11, 1971, to the

Governments of all the Paris Union States, requesting them to reply by March 31, 1972²⁴. In that way a worldwide discussion was once more initiated on the possibilities of strengthening the international protection of geographical denominations at the multilateral level.

5. In the meantime, the Director General of WIPO, pursuant to a decision of the Council of the Lisbon Union of September 1972, invited the Paris Union States to be represented on a committee of experts which is to meet in November 1974. Under the Council's decision of September 1972, the work thus started will be not only to prepare a revision of the Lisbon Agreement, but also to examine the possibility of consolidating all existing international agreements for the protection of indications of source²⁵. Parallel efforts are being made by the International Association for the Protection of Industrial Property (AIPPI) to ensure that the international protection of geographical denominations is given greater attention in future in view of their increasing importance for international trade²⁶.

The international protection of geographical denominations has thus again reached a turning point. If it should prove possible to develop the Lisbon Agreement further in such a way as to enable a larger number of States to accede, the decisive breakthrough which has so long been sought, and has so often failed to materialize, towards effective protection on a multilateral basis might be achieved.

III. Possible Solutions

1. The principal criticisms of the Lisbon Agreement in its present form are the following:

(a) Under Article 1(2) of the Agreement, only appellations of origin which are recognized and protected *as such* in the country of origin are entitled to the protection under the Agreement. Such protection in the country of origin must be evidenced in a specific act (including an instrument or decision of a legislative, judicial or administrative nature). The Regulations under the Agreement moreover expressly provide that an application for international registration must state the legislative or administrative provisions or judicial decision recognizing the protection of the appellation in the country of origin.

This requirement is tailored to meet the needs of those States whose law makes protection of a national appellation of origin dependent on the prior, express recognition by the State. It does not meet the need for protection in countries which afford protection to national appellations of origin without such recognition, on the sole basis of a general statutory prohibition of deceptive advertising. If they acceded to the Lisbon Agreement in its present form, these countries would be able to have few, if any, appellations of origin registered under the Agreement, because no such appellations or

²⁰ Reproduced in the annex to WIPO document AO/VI/4 of June 25, 1971.

²¹ See WIPO document AO/VI/4 of June 25, 1971.

²² For details see the Report on the 6th session in WIPO document AO/VI/6; a Note on this session was published in *Industrial Property*, 1971, p. 299.

²³ See the report on the 6th session of the Council of the Lisbon Union, referred to in the preceding footnote.

²⁴ See the memorandum in the annex to circular No. 1338-AO-081.3 of the Director General of WIPO of November 11, 1971.

²⁵ See the Note in *Industrial Property*, 1972, p. 302; see also the Note on the 4th session of the administrative bodies of WIPO and the Unions administered by it in *Industrial Property*, 1973, p. 369.

²⁶ See the detailed report by Beier on behalf of the German Group of AIPPI for the meeting of the Executive Committee in Melbourne, February 24 to March 2, 1974, GRUR Int. 1974, p. 134.

only a few of them enjoy special domestic protection as a result of specific official acts.

(b) States having such a system of protection based solely on the prohibition of deceptive advertising are unable — except perhaps in a few rare cases — to fulfill the requirements of Article 5(1) of the Agreement. Under that provision, appellations of origin are registered in the name of the persons having, according to the legislation of the country of origin, the right to use them. On the basis of that provision, Article 1(1) of the Regulations requires every application for international registration to state the person or persons having that right.

Even if these provisions are applied in such a way that only the area covered by the appellation of origin is required to be stated in the application, considerable problems still arise for States which provide protection for their appellations of origin or geographical denominations solely through the prohibition of deceptive advertising. In the legal systems of these States, provisions laying down in detail the area for which the appellations of origin or geographical denominations may be used do not exist — a few exceptions apart. It would be unrealistic to recast the legal system of these States in such a radical fashion as to transform it into a system of the kind required by the Lisbon Agreement in its present version.

2. The Federal Republic of Germany is among those States which do not require recognition by a specific State act for the protection of appellations of origin or geographical denominations. Under German law, the protection of indications of source, including appellations of origin, is based solely on the Law Against Unfair Competition, which in Sections 3 and 4 contains a general prohibition of deceptive statements. Under these provisions it is in principle unlawful to use geographical denominations for products not manufactured in the place or region indicated. In addition, account must be taken of the quality characteristics which the interested public concerned attach to an indication of source; under Sections 3 and 4 of the Unfair Competition Law deceptive statements concerning the essential qualities of products are also unlawful.

The protection of nearly all German indications of source is exclusively based on these general provisions. In only a very few cases are there specific laws providing special protection for appellations. One such case is the appellation "Solingen"²⁷. Again, only a few judicial decisions have related to appellations; these have mainly been concerned with the question whether a denomination has become a generic name. Since the general prohibition of Sections 3 and 4 of the Unfair Competition Law is usually complied with, decisions recognizing protection for one particular denomination are extremely rare. As for administrative measures evidencing such protection for specific appellations in the country, reference can be made at most to the registration of certain appellations for wine in the register of vineyards.

²⁷ See the law of July 25, 1938, Reichsgesetzblatt I, p. 954 and its regulations of the same date, Reichsgesetzblatt I, p. 954. See also the law on the indication of source for hops of December 9, 1929, Reichsgesetzblatt I, p. 213 and its various regulations in the *Länder*, reprinted in Stiegler-Künstler-Mayer, *Gesetz über die Herkunftsbezeichnung des Hopfens*, 2nd edition, 1955, pp. 92 et seq.

With the Lisbon Agreement in its present form, the Federal Republic of Germany, like other States with a comparable legal system, could therefore only submit a few appellations for international registration. It is precisely the best-known German appellations — those which are generally respected by German competitors — that would be ineligible for protection under the Lisbon Agreement.

3. With respect to the question of how the Lisbon Agreement should be amended in order to open it to a larger number of interested States, the system of protection underlying the bilateral agreements concluded by the Federal Republic of Germany with a number of States should in my opinion be given first consideration especially, if for no other reason, because the territorial scope of that system is probably already larger than that of the Lisbon Agreement or will certainly be larger in the foreseeable future. Not only is this system the basis of the bilateral agreements already concluded by the Federal Republic of Germany with France, Italy, Greece, Switzerland and Spain²⁸, but these agreements would seem to be increasingly used as models for similar bilateral agreements concluded by the treaty partners of the Federal Republic of Germany with each other and with other States. France and Italy entered into such an agreement as early as 1964²⁹, replacing an agreement of 1948³⁰, which was still based on the system of protection subsequently adopted in the Lisbon Agreement. Negotiations for similar agreements between France and Switzerland and between Austria and Spain have already been concluded or are in progress. Similar agreements have been concluded between Austria and Greece, Austria and Hungary³¹, and Switzerland and Czechoslovakia; it is more than likely that there will be more bilateral links of this kind. A system of protection binding so large a number of States through bilateral agreements should form a suitable basis for a multilateral arrangement. It should therefore be possible to amend the Lisbon Agreement in this light, thus making it perhaps the starting point for a worldwide protection.

4. In my opinion, however, we should proceed with caution and not ask for too much at once.

(a) As has already been pointed out³², the agreements referred to provide a twofold protection for the denominations covered by them: they reserve the denominations exclusively for goods coming from the country of origin and make them subject to the domestic law of the country of origin when they are used in the other country for goods produced in the country of origin. In practice this means: first, that the protected denominations are reserved exclusively for the country of origin and, second, that it is the law of the country

²⁸ See footnotes 11 to 15 above.

²⁹ Convention between the French Republic and the Italian Republic on the Protection of Appellations of Origin, Indications of Source and Denominations of Certain Products of April 28, 1964, *Industrial Property*, 1969, p. 253.

³⁰ Agreement between the Italian Republic and the French Republic on the Protection of Appellations of Origin and the Denominations of Certain Products of May 28, 1948, *La Propriété industrielle*, 1948, p. 217.

³¹ See p. 381 and p. 384 above.

³² See point I.4 above.

of origin which exclusively decides who may use the denominations and for what goods of the country of origin they may be used.

(b) The essential advantage of this system of twofold protection is that it both reserves a protected denomination for the country of origin, in relations between the Contracting States, and prevents the protection from being crystallized in the form that it has in the country of origin at the time when the denomination is included in the agreement. In other words, it allows the nature and scope of protection to evolve with changes in the opinion of the public — which, under German law for example, is the basic criterion governing the protection of geographical denominations used in trade. It also enables a geographical denomination to be defined, by a legislative or administrative act or a judicial decision, as an appellation of origin within the meaning given to the term in the laws of the Latin countries. It is solely the law of the country of origin which decides whether a denomination protected under the agreement constitutes an indication of source in the country of origin and may therefore be used only for goods coming from the specific geographical area to which it refers, or whether it is also to be treated as an appellation of origin in the strict sense, in that it indicates not only geographical source but also certain qualities of the products concerned, or whether the denomination is regarded in the country of origin as a generic name and may therefore be used in that country by everyone, although it is still reserved for the country of origin as far as relations between the Contracting States are concerned³³. This very flexible solution leaves it entirely up to the country of origin to determine under what conditions and to what extent a geographical denomination is to be protected in the other country; it would thus seem to correspond in the most effective way to the interests of each of the Contracting States. In my view, this is of particular importance for the developing countries, should they contemplate joining such a system of protection. In the discussion on a revision of the Lisbon Agreement, it should therefore first be considered whether this system can be taken up, entirely as it is, to form a multilateral arrangement. The Contracting States would, in such a case, not need to amend their domestic law in line with the multilateral system because domestic law would in each instance also form the basis of international legal protection.

(c) It should, however, not be overlooked that the system also has its disadvantages. The greatest disadvantage is that where the protection is an issue in any dispute, the law applicable in the country of origin will have to be ascertained, and in many cases solely for the purpose of determining the rights of one user of a geographical denomination from the country of origin vis-à-vis other users of the denomination in the same country of origin. This already causes problems in the case of bilateral agreements, and the difficulties are aggravated where the Contracting States are further apart, geographically or jurisprudentially. In a multilateral agreement, the system described may be found too cumbersome from the outset.

Mention need only be made of the difficulties that a foreign court would have in determining the opinion of the public in the country of origin.

(d) In the discussions on a revision of the Lisbon Agreement, consideration should therefore also be given to starting, at least in a first phase of the extension of international protection for geographical denominations, with a system under which denominations are reserved for the country of origin, but the nature and scope of protection are governed not by the law of the country of origin but by that of the country in which protection is sought. Such a system would probably meet with some hesitation on the part of States which attach importance to the protection of certain geographical denominations as appellations of origin within the meaning described³⁴; in countries whose law does not have this concept of an appellation of origin, the denominations would, at least in many cases, only be protected as indications of source. Some countries may regard such protection as not far-reaching enough, in that the criterion of protection is solely the geographical source of the goods and not their qualities. These States should however realize that the protection under the Lisbon Agreement is no more extensive in this respect and is no different in practice from the protection already provided by the substantive-law provisions of the Madrid Agreement³⁵, if one disregards the fact that Article 3 of the Lisbon Agreement extends the protection of appellations to cases where they are used with delocalizing additions and that Article 6 prevents internationally registered appellations from being regarded as generic so long as they are protected as appellations of origin in the country of origin (and these provisions should in any case be retained in the revised Lisbon Agreement). Under Article 5(1) of the Agreement and Article 1(1) of the Regulations, applications for the international registration of an appellation must indicate who, under the law of the country of origin, has the right to use the appellation. It might be inferred from these provisions that the appellations concerned are to be reserved for use by the persons shown in the international register also in those States in which protection is sought under the Agreement. But there is no provision expressly confirming such an interpretation and making it quite clear that internationally registered appellations may be used under the Agreement only by the persons registered as having the right. In the absence of an express provision in the Agreement, the question can be settled only by the courts of the country in which protection is sought. In any event, there is no guarantee under the Agreement that users will comply with the provisions relating to quality on which the use of an appellation is made dependent by the law of the country of origin.

One of the essential characteristics of the Lisbon Agreement is that only appellations of origin in the strict sense are eligible for international registration. And this is its greatest disadvantage. Moreover, wherever no substantive-law provision of the Agreement is relevant — such as the extension of the protection to cases where the registered appellations are

³³ For details, see Beier, GRUR 1963, p. 169 (at p. 180) and GRUR Int. 1968, p. 69 (at pp. 82 et seq.); A. Krieger, GRUR Int. 1960, p. 400 (at p. 407).

³⁴ See point I.3 above.

³⁵ See also Beier, GRUR Int. 1968, p. 69 (at p. 80).

used in combination with delocalizing additions, or the provision protecting a registered appellation from becoming generic — the nature and scope of protection of an appellation of origin registered under the Agreement are solely governed by the law of the Contracting State in which the protection conferred by the registration is claimed and not by the law of the country of origin. The solution considered here would therefore be still closer to the Lisbon Agreement in its present form than to the bilateral agreements referred to. The essential innovation with respect to the present version of the Lisbon Agreement would only consist in an extension of the range of appellations qualifying for international registration, so as to cover all geographical denominations used in trade, irrespective of whether they are protected in the country of origin as appellations of origin or indications of source or whether they are regarded as generic names in that country.

If that solution were adopted, it would not be necessary to limit the range of geographical denominations eligible for international registration to "qualified indications of source" or "geographical indications of source of special reputation." Why, for example, should the denomination "Steinhäger," which in the Federal Republic of Germany is undoubtedly a generic name³⁶ but is still understood abroad as a reference to a German product, not qualify for international registration under a revised Lisbon Agreement? It is true that member States are interested in keeping the trade free from exclusive rights to denominations which are used on their territory as generic names or as indications of quality to describe their own products, but adequate allowance would be made for this interest by the possibility of refusing protection within a certain period, as already provided by the existing Lisbon Agreement³⁷. Even States interested primarily in the protection of appellations of origin in the strict sense should not be able to ask for more, because the Lisbon Agreement in its present form does not give them more. The territorial extension of the Lisbon Agreement, which they too regard as necessary, will be achieved only if at least the range of geographical denominations eligible for international registration is substantially widened. There would be no need to change the domestic laws of States adhering to a Lisbon Agreement revised in this way, just as no such change would be necessary if the system of bilateral agreements were used as the basis for the new Agreement.

(e) This minimum solution then would, on the one hand, extend the protection of the Agreement to all indications of source and, on the other hand, limit the protection by the requirement that the denominations must be used only for the products of the country of origin, but without making this right of use dependent upon the conditions imposed in the country of origin. It is submitted that this solution would have good prospects of acceptance by a substantial number of States in their capacity of "importing countries" — that is, countries which will have to grant the legal protection; it could therefore be given first consideration during the preparatory studies. It may well be, however, that such a solution

would be regarded as inadequate by some of the States which are already parties to the Lisbon Agreement since, where their appellations of origin evoke not only a geographical source but also a certain quality, they may wish to prevent export products made in their country but not corresponding to the special requirements of production from being labeled with valuable appellations of origin. It is however doubtful whether the Lisbon Agreement in its present form requires importing countries to respect the geographical, let alone the quality conditions of production of the country of origin. On the other hand, the interest of States in a measure of protection going well beyond both that of the Lisbon Agreement in its present form and the minimum protection proposed here undeniably has some justification, at least in the case of certain denominations.

In addition to the system of bilateral agreements in its entirety (point III.4(a), (b) and (c) above) and the minimum solution (point III.4(d)), consideration should therefore also be given to a compromise solution which would afford protection to all indications of source, like the minimum solution, but would give special protection to indications for which a given geographical area and quality standard have been laid down.

The importing country, of course, cannot be expected to take account of the provisions in the country of origin governing use unless these special conditions can be reliably ascertained by its competent authorities and courts and it is not too difficult to check that the rules have been complied with. Clearly, no difficulties would arise where the indications have had their area of production and their quality defined by a legal instrument or decision and are, in addition, covered by a certificate of origin accompanying products lawfully marked. Whether special protection could also be provided for other indications is a question which cannot be discussed here. Thought might however be given to the possible extension of this reinforced protection so as to cover indications which are registered in the country of origin, with a reference to a certain geographical area and quality standard, as collective marks or — in the Anglo-Saxon countries — as certification marks³⁸.

Whether all the States, as importing countries, will accept this system of special protection, or accept it when limited to indications for which conditions with respect to use have been laid down, or whether — in the interest of achieving the maximum territorial applicability for the Agreement — States would be able to make a reservation concerning the grant of such special protection³⁹, are questions which can only be answered by the preparatory discussions to be held at the international level.

(f) An indispensable condition for a revision of the Lisbon Agreement so as to increase the geographical denominations eligible for international registration would in any case

³⁸ See Beier, GRUR Int. 1968, pp. 69 and 70; Beier, in *Festschrift für Joaquin Garrigues* (1971), pp. 80 to 95 and in the report of the German Group of AIPPI, GRUR Int. 1974, pp. 134 to 138. In a work now under preparation, Tilmann is studying the possibilities of using the institution of the collective mark and the certification mark for the improvement of the international protection of indications of source.

³⁹ The recommendations of the German Group of AIPPI (see preceding footnote) are in this direction.

³⁶ See only RGZ 137, pp. 282 et seq.; BGH of October 23, 1956, GRUR 1957, pp. 128 et seq.

³⁷ For more discussion, see paragraph (g) below.

be the prohibition of the use of the protected appellations even in combination with delocalizing additions, as already provided in Article 3 of the existing Agreement and, as an essential ingredient, also in all the bilateral agreements referred to. Without such a prohibition the international registration of indications of source in the wide sense would be deprived of much of its effect precisely in those States which confine the protection against the use even in combination with delocalizing additions to appellations of origin in the strict sense⁴⁰. The absolute prohibition against using the protected appellations even in combination with delocalizing additions, combined with the recognition of all geographical denominations as eligible for international registration, would represent a decisive advance, even if the substance of the protection were to continue to be governed, as under the existing Lisbon Agreement, by the law of the country in which protection is claimed and not that of the country of origin.

(g) This would not however wipe out the "sins of the past"⁴¹, and it is this that is regarded by many as one of the main objections to the Lisbon Agreement⁴². But the considerations which underlie the prohibition against using the protected appellations even in combination with delocalizing additions should provide, again in the framework of the Lisbon Agreement, a basis for eliminating the "sins of the past." The Agreement in Article 5 allows a Contracting State to refuse protection for an internationally registered appellation of origin without having to base the refusal on any specific ground; this right will have to be retained in principle also in a revised Lisbon Agreement — at least it will hardly be possible to have it removed. But perhaps some restriction on the grounds for refusal could be obtained and, even if this were not feasible, the right to refuse protection could in my opinion at least provide an impetus for bilateral negotiations in order to wipe out the "sins of the past" within the framework of the multilateral agreement. There would thus be a starting point and a basis for a bilateral adjustment of interests by mutual concessions with regard to certain denominations. Perhaps such bilateral negotiations on the basis of the Contracting States' right to refuse protection could even be institutionalized in the case of a revision of the Lisbon Agreement. A description of how this could be done would however go beyond the scope of this Study.

(h) With a Lisbon Agreement revised in the way discussed here, the bilateral agreements on the protection of geographical denominations would retain their importance in practice in all cases where they not only reserve the denominations for use on goods from the country of origin but also make the content of protection subject to the law of the country of origin. This will be true even where both parties to the agreement concerned have acceded to the revised Lisbon Agreement. The bilateral agreements would in such a case

⁴⁰ For details, see A. Krieger, GRUR Int. 1959, p. 54 (at p. 95) and 1960, p. 400 (at p. 405).

⁴¹ This expression has been created by Moser v. Filseck to describe the situation where geographical denominations which once indicated that certain products originated in a particular country have become generic terms in another country and may be used by anyone there since they no longer indicate that the products to which they relate have their source in a particular country.

⁴² See Beier, GRUR Int. 1968, p. 69 (at p. 80).

merely reflect particularly close relations between two States in this special field within the framework of a territorially larger but substantively less far-reaching international system of protection; they would not enter into any conflict with that system of protection as such. They would remain entirely within the limits set by Article 19 of the Paris Convention (Stockholm Act) for such special agreements and would be a starting point for wiping out the "sins of the past," by means of mutual concessions, in greater measure than would be possible even under a revised Lisbon Agreement.

(i) The Madrid Agreement, too, would retain its own independent role vis-à-vis a Lisbon Agreement revised in the way described. This applies particularly to the obligation to seize goods bearing a false or deceptive indication of source when they are being imported into a Contracting State and above all to the general prohibition of deception regarding the source of goods (Article 3^{bis} of the Madrid Agreement), which will retain considerable practical importance for at least as long as a corresponding addition to Article 10^{bis}(3) of the Paris Convention cannot be obtained⁴³. Only Article 4 of the Madrid Agreement, which leaves it to the courts of each Contracting State to decide what appellations, on account of their generic character, do not fall within the provisions of the Agreement, would lose much of its importance if the Lisbon Agreement were revised in the way suggested. But this itself would mean a substantial progress over the present legal position.

Consideration should also be given to the possibility of merging the Madrid Agreement in a revised Lisbon Agreement, if one day all parties to the Madrid Agreement have acceded to the new Lisbon Agreement. In order to keep this possibility open in the interests of the consolidation of international protection for geographical denominations, an effort should in my view be made to include from the start, in any revised version of the Lisbon Agreement, the provisions of the Madrid Agreement concerning seizure and the general prohibition of deception.

IV. The Outlook for the Future

All in all, there appears to be an opportunity today to decisively improve the international protection of geographical denominations through a comprehensive revision of the Lisbon Agreement which would not be confined to details. In addition, use should be made of the opportunity — in accordance with the decision adopted by the Council of the Lisbon Union in September 1972 — to explore the possibility of elaborating an entirely new multilateral agreement side by side with the Lisbon Agreement of 1958 and the Madrid Agreement of 1891, both of which would remain unchanged at least for the time being. Such a relationship would be similar to the one that is to exist between the Madrid Agreement concerning the International Registration of Marks and the new Vienna Trademark Registration Treaty (TRT). In view of the increasing importance of the international protection of geographical denominations, especially for the developing countries, a serious attempt should be made in the coming negotiations

⁴³ See point I.1 above.

under the auspices of WIPO to improve the existing multilateral system of protection and perhaps even to achieve a decisive breakthrough towards the strengthening of protection on a multilateral basis.

I should like to conclude with a passage taken from the report submitted by Professor Beier on behalf of the German Group of AIPPI⁴⁴, which in my view needs no further comment:

"All endeavors to increase the international protection of geographical indications of source on a worldwide basis will be successful only if the idea gains recognition in all countries that appellations of origin and

indications of source are an important means for improving quality and promoting the export of national products. Also in those countries where up to the present the protection of geographical indications of source has been accorded little significance, such as in the Anglo-American countries, the Nordic countries, and the Benelux countries, there are numerous national, regional, and local indications of source which represent a significant economic value and which need an increased protection, in the interest of the domestic producer, the export trade and the domestic consumer. It is then a matter of course that, conversely, an adequate protection for foreign indications of source must be accepted. The call for an increased protection of indications of source on the national and international level thus corresponds both to the requirements of an effective promotion of export trade and to the trend, which may be observed in all countries, toward an increasing emphasis on consumer protection."

⁴⁴ See footnote 26 above.

- November 3 to 14, 1975 (Berne) — International Patent Classification (IPC) — Working Group II of the Joint ad hoc Committee
- November 10 to 14, 1975 (Geneva) — Revision of the Model Law on Inventions — Working Group (3rd session)
- November 17 to 21, 1975 (Geneva) — International Patent Classification (IPC) — Bureau
- November 24 to 28, 1975 (Geneva) — International Patent Classification (IPC) — Joint ad hoc Committee
- December 1 to 4, 1975 (Geneva) — International Protection of Appellations of Origin and Other Indications of Source — Committee of Experts
- December 1 to 12, 1975 (Munich) — International Patent Classification (IPC) — Working Group III of the Joint ad hoc Committee
- December 8, 9 and 16, 1975 (Geneva) — International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations — Intergovernmental Committee — Ordinary Session (jointly organized with the International Labour Organisation and Unesco)
- December 10 to 12, 1975 (Geneva) — ICIREPAT — Technical Coordination Committee (TCC)
- December 10 to 16, 1975 (Geneva) — Executive Committee of the Berne Union (Extraordinary Session)
- December 15 to 19, 1975 (Geneva) — International Classification of the Figurative Elements of Marks — Provisional Committee of Experts

UPOV Meetings

Meeting of Member and Non-Member States: October 21 to 23, 1974 — Council: October 24 to 26, 1974; October 7 to 10, 1975 — Consultative Working Committee: October 23, 1974; March 4 to 6, 1975; October 6 and 10, 1975 — Technical Steering Committee: November 5 and 6, 1974; April 9 to 11, 1975; November 5 to 7, 1975 — Working Group on Variety Denominations: September 15 and 16, 1975 — Fee Harmonization Working Party: April 24 and 25, 1975 — Working Group on Centralization: November 7, 1974 — Committee of Experts on Centralization: January 14 to 17, 1975; April 15 to 18, 1975; July 1 to 4, 1975; November 25 to 28, 1975 — Committee of Experts on the Revision of the Convention: February 25 to 28, 1975; December 2 to 5, 1975

Note: All these meetings will take place in Geneva at the headquarters of UPOV

Technical Working Parties: (i) for Vegetables: May 28 to 30, 1975 (Lund - Sweden); (ii) for Forest Trees: August 19 and 20, 1975 (Hannover - Federal Republic of Germany); (iii) for Ornamental Plants: September 9 to 11, 1975 (Hornum - Denmark)

Meetings of Other International Organizations concerned with Intellectual Property

- November 11 to 16, 1974 (Santiago) — Inter-American Association of Industrial Property — Congress
- December 6 to 10, 1974 (Yaoundé) — African and Malagasy Industrial Property Office — Executive Board
- December 9 to 11, 1974 (Rijswijk) — International Patent Institute — Administrative Board
- February 5 to 7, 1975 (Paris) — International Literary and Artistic Association — Working Session, Executive Board and General Assembly
- April 21 to 25, 1975 (Hamburg) — International Confederation of Societies of Authors and Composers — Congress
- May 3 to 10, 1975 (San Francisco) — International Association for the Protection of Industrial Property — Congress