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## 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.<sup>2</sup>"; *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.<sup>2</sup>: 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)<sup>3</sup>

*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 Annex<sup>4</sup>, 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 ratification<sup>5</sup>.

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

<sup>4</sup> This Annex is not reproduced here.

<sup>5</sup> 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)<sup>6</sup>

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 Protocol<sup>7</sup> 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)<sup>8</sup>

*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 B<sup>9</sup> 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

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

<sup>7</sup> This Annex is not reproduced here.

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

<sup>9</sup> 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 duration<sup>10</sup>.

(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.

<sup>10</sup> 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)<sup>11</sup>

*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 B<sup>12</sup> 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

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

<sup>12</sup> 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 duration<sup>13</sup>.

(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)<sup>14</sup>

#### 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

<sup>13</sup> This Agreement entered into force on August 12, 1967.

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

forth in Annexes A and B<sup>15</sup> 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

<sup>15</sup> 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 duration<sup>16</sup>.

(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, aerioúchos, 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.

<sup>16</sup> 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)<sup>17</sup>

*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 B<sup>18</sup> 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.

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

<sup>18</sup> 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 duration<sup>19</sup>.

(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)<sup>20</sup>

*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

<sup>19</sup> This Treaty entered into force on September 27, 1973.

<sup>20</sup> 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 duration<sup>21</sup>.

(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

<sup>21</sup> This Agreement entered into force on August 19, 1972.

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)<sup>22</sup>

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 B<sup>23</sup> of this Arrangement.

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

<sup>23</sup> These Annexes are not reproduced here.

*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)<sup>24</sup>

*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.

<sup>24</sup> 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 duration<sup>25</sup>.

(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.

<sup>25</sup> 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)<sup>26</sup>

#### Article 1

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 B<sup>27</sup> 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.

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

<sup>27</sup> These Annexes are not reproduced here.

*GENERAL STUDIES*

**Revision of the Lisbon Agreement for the Protection  
of Appellations of Origin**

By Albrecht KRIEGER \*













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- 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 (3<sup>rd</sup> 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