

GENERAL AGREEMENT ON
TARIFFS AND TRADE

RESTRICTED

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MARKS OF ORIGIN

Submission of Laws and Regulations

The following statements have been received from the Governments of Japan and Sweden.

JAPAN

" ... in Japan there are no laws or regulations requiring imported goods to carry a mark of origin. Certain provisions contained in the Customs Law (1954 Law No. 61), the Unfair Competition Prevention Law (1934 Law No. 299) and the Export-Import Transactions Law (1952 Law No. 299) relate to the prevention of deceptive marks of origin, which does not come within the scope of the subject referred to above."

SWEDEN

"In the opinion of the Swedish Government it should be possible to use the International Chamber of Commerce resolution on marks of origin as a basis for an international discussion of the marking problems. As to the Swedish attitude, I would like to draw attention to the fact that, at the GATT session in 1954, the Swedish Government presented a proposal for changing the General Agreement with a view to simplifying and liquidating the present marking regulations."

Existing Legislation

Royal Decree of 15 December 1933 concerning
marking of certain commodities of foreign origin

"Sect.1 If an article which is included in the annexed Schedule¹ is imported into the Kingdom it may not be released from the customs unless

¹ This schedule which covers some fifty items or groups of items has not been reproduced but can be consulted in the office of the secretariat. In all instances, the method of marking is laid down, e.g. in the case of Earthenware and Chinaware ... "the mark shall be indelibly impressed in or upon the material or affixed on a label pasted on the commodity."

when it reached Sweden it was already furnished with a mark stating it to be of foreign origin or unless it has subsequently been furnished with such a mark by the owner of the article, under the supervision of a customs officer. The mark must be clear and easily visible and must have been applied in the manner stated in the Schedule. In cases where the regulations do not require that the mark shall be indelible, it must be of such a character that it cannot easily be removed.

The marking of an article which has arrived in the Kingdom without the requisite mark shall be effected within thirty days from the date when, according to the Customs Statute, it is to be regarded as having been received by the customs establishment or, where it has been referred for customs examination by a customs warehouse or transit depot, from the date of such reference.

"Sect.2 The provisions of section one shall not apply:

when it is evident that the article has not been imported for purposes of sale or that it consists of a semi-manufactured product which has been imported for further processing;

when the article has been imported in connexion with frontier traffic in the proper sense of that term;

when free entry or entry at a reduced rate of duty is enjoyed by or has been conceded in respect of a dutiable article in accordance with the provisions of the Customs Ordinance or when a non-dutiable article is imported in such circumstances that if it had been of a dutiable character, it could in conformity with such provisions have been imported with the enjoyment of the privileges just mentioned.

"Sect.3 An article which according to section one may not be released from the customs may under proper customs control be re-exported by the owner within the period and in the manner prescribed by the customs regulations concerning the examination of returned goods.

If the article has not been thus re-exported and has not been duly marked within the period prescribed in section one, it shall, together with its packing and container, be forfeit to the Crown.

"Sect.4 Where the marking of an article to which this Decree is applicable offers material difficulty or would involve the owner in considerable expense or inconvenience, the Royal Board of Customs may, after consulting the Board of Trade, direct that the article may, notwithstanding that it is not already marked and has not been marked under the supervision of a customs officer, be released from the customs on such conditions as the Royal Board of Customs may see fit to prescribe with a view to preventing abuse.

"Sect.5 Payment for supervision by a customs officer in connexion with marking carried out in accordance with section one shall be made by the owner of the article in the manner prescribed in the current tariff for extra customs services concerning payment for customs services other than examination and safe-keeping, with due observance of the circumstance that such payment is to be made even when the supervision is exercised during the ordinary customs control period.

"Sect.6 In regard to the importation into the Kingdom of goods with incorrect declarations of origin, the provisions laid down in another enactment shall apply.

"Sect.7 An article coming under this Decree which was properly marked at the time of its release from the customs must, when it is placed on sale, whether wholesale or retail, be marked in the same way as it was when it was released from the customs.

"Sect.8 A person who:

sells an article coming under this Decree from which the proper mark as described in section one has been erased and who knows or ought to know of such erasure; or

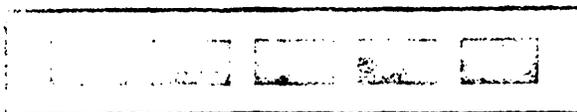
in a customs declaration submitted by him gives incorrect information regarding the nature of the article and is unable to show that this incorrect information was not given with the object of avoiding the application to the article of the provisions in section one,

shall be punished by a fine."

Notice of the Royal Board of Customs dated 14 March 1934
(TFS 84) regarding certain statements made in the course
of the preparatory work for the Royal Decree of 15 December
1933 concerning Marking

"After consulting the Board of Trade, the Royal Board of Customs has thought it desirable to make generally known the following statement prepared by both Boards in the course of the preparatory work for the Royal Decree of 15 December 1933 concerning the marking of certain commodities of foreign origin, it being considered that the statement is of essential importance for the application of the Decree:

Under the proposed Decree the mark shall consist of ... or of a description which states the country from which the article originated. Concerning the interpretation of this provision, it is possible that, in order to secure uniformity of application,



further directions may be issued by the Royal Board of Customs after consultation with the Board of Trade. As an example of what the Boards have in mind in this respect, it may be mentioned that if china articles bear a factory mark generally known in Sweden or if knives and similar manufactured goods of iron and steel bear the name of a well-known foreign place of production (Sheffield, Solingen, etc.) or if an article bears a description such as 'Made in Germany', 'British Manufacture', or the like, it should not be necessary to require that it be marked with the word 'Import'."

In addition the Swedish Government has transmitted extracts from various Royal Decrees, etc., dealing with the marking of special goods. The following agricultural and fishery products are affected:

hens' eggs, arctic prawns, fish from Norway sent through Sweden, margarine products, cheese, honey, seeds, butter, meat products and animal fats;

and the following industrial products:

certain types of leather, cardboard and artificial leather in shoes and anti-gas equipment.

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These extracts have not been reproduced but can be consulted in the office of the secretariat.

