

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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## MARKS OF ORIGIN

### Submission of Laws and Regulations

The following statements and information have been received from the Governments of the Federal Republic of Germany, the Kingdom of the Netherlands, Norway and the Union of South Africa.

#### FEDERAL REPUBLIC OF GERMANY

"There is no general regulation in the Federal Republic of Germany requiring imported goods to carry marks of origin. That means that imported goods in general do not need to bear any kind of marking as to their origin. It is only in the case of certain goods which without exception belong to the categories of food and of agriculture that, pursuant to special laws or ordinances and for the purpose of protecting the consumer, it is required that, in addition to certain dates concerning purity and mixture, particulars be given of the country of origin."<sup>1</sup>

#### KINGDOM OF THE NETHERLANDS

"Neither laws nor regulations on marks of origin exist in the Kingdom of the Netherlands."

#### NORWAY

"The Norwegian Government is of the opinion that the International Chamber of Commerce's resolution on marks of origin would form a valuable basis for an international discussion on these problems. As regards Norwegian law relating to such marks an extract from the Law of 21 June 1929 is enclosed.

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<sup>1</sup> The German Government has forwarded extracts of the regulations concerning marking requirements for brandy, sparkling wine, other wine, vermouth, cheese, seed, ducks' eggs and hens' eggs. The details are available in the files of the secretariat.

"Law on Marks of Origin etc. of 21 June 1929

"Paragraph 1. The King may declare that specified products may not be sold, offered for sale or imported from abroad, unless they are furnished with a mark stating whether they are of Norwegian or foreign origin, or giving information regarding their place of origin or production. Goods passing through this country in transit only and goods which, when imported, are declared to be destined for re-export, are exempt from the regulation on importation.

The King decides in which manner and to which degree the aforementioned marks are to be furnished, and also what is to be understood as the place of origin or production in each case. He arranges for the necessary control to ensure that the regulations are complied with.

"Paragraph 2. The authorities responsible for the control may enter any place where goods mentioned in paragraph 1 are stored, produced or offered for sale. They may take samples and demand any information necessary for the control.

"Paragraph 3. The importer, seller or producer may be held responsible for the cost of the effectuation of this law or regulations given in compliance therewith.

"Paragraph 4. Contravention of this law or of regulations given in compliance therewith may be penalized with fines."

"By Royal Decrees detailed regulations have been established concerning the marking of matches (13/6-1930), textiles (6/2-31, modified 12/5-39), paint-brushes and toothbrushes (20/3-31), yeast (17/4-31 & 17/6-32), rubber footwear and some other rubber articles (12/3 & 29/2-32), plywood (10/6-32), paintware (7/10-32), glassware (7/10-32), cast-iron goods, flushing cisterns for w.c.s, wash basins (20/10-32 & 8/2-35), feathers and down (6/1-33), iron and steel wire (24/2-33), transmission belts (9/2-34), pencils (9/2-34), galvanic elements and batteries (16/3-34), razor-blades (31/8-34), skis (13/3-35), meat extract and boullion cubes (31/5-35), cotton waste (7/2-36), porcelain and other clayware (6/5-38, modified 28/4-39)."

UNION OF SOUTH AFRICA

Extracts from the Merchandise Marks Act, No. 17 of 1941, as amended relating to the country of origin of goods.<sup>1</sup>

(Date of commencement - 18 August 1941)

"... 8. (1) Any person who sells or, for the purpose of advertising goods, distributes in the Union any goods which were not made or produced in the Union, and to which there is applied any name or mark being or purporting to be the name or mark of any manufacturer, producer or trader in the Union or the name of any place or district in the Union, shall be guilty of an offence, unless there is added to that name or mark, in a conspicuous manner, the name of the country in which the goods were made or produced, with a statement that they were made or produced there.

(2) This section shall not have effect in respect of the application of a name or trade mark to articles used or to be used for any of the following purposes, that is to say, as coverings, labels, reels, or otherwise as articles in or with which goods manufactured or produced in the Union are or are to be sold, if the name or mark so applied is the name or trade mark of a manufacturer, producer or trader in those goods in the Union, and the name or trade mark was applied with his consent.

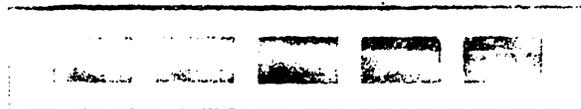
(See paragraph 3 under Remarks)

"9. Any person who sells or, for the purpose of advertising goods, distributes in the Union any goods which were not made or produced in the Union, and to which there is applied any trade mark, mark or trade description in the English or Afrikaans language, shall be guilty of an offence, unless there is added to that mark or description, in a conspicuous manner, the name of the country in which the goods were made or produced, with a statement that they were made or produced there.

(See paragraph 3 under Remarks)

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<sup>1</sup> The South African Government has also submitted the following sections of the Act: Section 1 - Definitions; Section 2 - What acts amount to applying a trade mark or trade description; Section 6 - Forging or falsely applying trade marks and applying false trade description; Section 7 - Sale of goods bearing forged trade marks and false trade descriptions; Section 12 - Certain provisions not to apply to trade descriptions applied to certain goods at commencement of Act; Section 13 - Affording of opportunity to interested persons to submit representations; Section 16 - Implied warranty on sale of marked goods; Section 18 - Evidence; Section 19 - Limitation of prosecution; Section 20 - Penalties. These are available in the files of the secretariat.



"10. (1) The Minister may, after such investigation as he may think fit, by notice in the Gazette prohibit the importation into or the sale in the Union of goods of any class or description specified in the notice, whether made or produced in the Union or elsewhere, unless one or more of the following requirements, specified in the notice, have been complied with in respect of those goods

- (a) there shall be applied to them in a manner specified in the notice words stating clearly the country in which they were made or produced, or, if the manner in which the words shall be applied is not so specified, the words shall be applied to the goods in a conspicuous manner;

(See paragraph 1 under Remarks)

"11. (1) If the Minister, after such investigation as he may think fit, is satisfied -

- (a) that by reason of the fact that a considerable part of the labour expended in the manufacture of any goods of any class or description which are sold or which it is proposed to sell in the Union has been expended in any particular country or elsewhere than in any particular country; or
- (b) that, by reason of the fact that a considerable part of the material of which any goods of any class or description which are sold or which it is proposed to sell in the Union are composed has been produced in any particular country or elsewhere than in any particular country,

it is desirable that in order that the purpose of the provisions of this Act which relate to the disclosure of the place or country in which goods have been manufactured or produced may be attained, disclosure be made concerning such goods of the facts referred to in paragraph (a) or (b), he may by notice in the Gazette prohibit the importation into or the sale in the Union of such goods, unless there is applied to them in a conspicuous manner words specified in the notice making disclosure of the facts referred to concerning such goods.

(See paragraph 2 under Remarks)

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Remarks

"1. No regulations have as yet been published in terms of Section 10(1)(a).

"2. No regulations have as yet been published in terms of Section 11(1).

"3. The Minister of Economic Affairs has exercised the powers vested in him by Section 12(4) and has suspended the operation of Sections eight and nine for an indefinite period (vide Government Notice No. 1682 dated 9 August 1946)."

