

# GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

L/478/Add.6  
13 August 1956

Limited Distribution

Original: French

## MARKS OF ORIGIN

### Submission of Laws and Regulations

The following statements have been received from the Governments of France and Greece:

#### FRANCE

"French regulations on marks of origin comprise, on the one hand, measures for the repression of false indications of origin, and on the other, deterrent provisions involving the obligation to indicate the true origin of the products.

#### Repression of false marks of origin

"As regards protection of foreign origin, France applies the provisions of the international Agreement of Madrid of 14 April 1891.

"Protection of French origin is currently ensured upon importation by Article 39 of the Customs Code, which reads as follows:

'1. Importation, warehousing in bond, transit and circulation of the following are prohibited: all foreign, natural or manufactured products bearing on the product, or on packing, crates, bales, covering, bands or labels, etc..., a trade or manufacturer's mark or name, sign or any reference purporting to indicate that they were manufactured in France and were of French origin.

'2. This provision applies likewise to foreign manufactured or natural products, obtained in a place having the same name as a French locality, which do not bear the name of that locality, as well as the name of the country of origin, and the inscription imported in clear lettering.'

"Such prohibition is applicable to foreign products bearing false inscriptions, as soon as they cross the geographical frontier, although they may not have been entered at the customs. False inscriptions are interpreted to mean all marks purporting to imply directly or indirectly that the origin of the products was French.

"The affixture on foreign products of inscriptions such as: 'Dijon mustard', 'Paris articles', 'Elbeuf cloth', etc. ... shall be considered as purporting to imply directly that the origin is French. These products come under the provisions for strict import prohibition, and simultaneously, under the juridical provisions of common law prohibiting the use of false indications of origin.

"On the other hand, and in the majority of cases, all false marks which mention only indirectly the French origin of the product, may be legally corrected by the addition of an inscription, such as: 'imported from', 'manufactured in'. Thus, in many cases, the false nature of inscriptions on foreign products may be corrected by the addition of a reference giving the idea of importation, or of foreign manufacture or production. This corrective must fulfil a certain number of conditions, if it is to be valid. It must, in particular, be very noticeable and inscribed in indelible Latin letters.

#### Compulsory indication of the true origin of goods

"In certain rare cases, repression of false indications of origin has appeared inadequate, and French legislation provides that certain imported products shall compulsorily bear the indication of their country of origin. In this connexion, a distinction should be drawn between the legislation, as it is in fact applied on imports of certain specific products, and legislation under the Act of 20 April 1932 which has remained a dead letter since the last world war.

"Compulsory indication of origin affects the following products in France, upon importation:

- foreign wines,
- foreign preserved fish and vegetables, plums, nuts and fresh walnuts,
- foreign margarine,
- honey of all origins,
- dairy products of all origins.

"The above obligation to indicate the origin derives from the legal provisions applicable for each individual product.

"Further, an Act of 20 April 1932 had authorized governments to enact decrees imposing compulsory affixture of marks of origins on foreign imported products which they might specify. That Act is incorporated in Article 40 of the Customs Code:

'Importation and warehousing of all foreign products shall be prohibited when these do not comply with the obligations stipulated in regard to marks of origin by the Act of 20 April 1932 and the decrees enacted in implementation thereof.'

"It should be stressed that since the last war, the provisions of this Act of 20 April 1932 and of Article 40 of the Customs Code have never been applied.

"In conclusion, French regulations on marks of origin applicable to foreign goods are very liberal. There are very few cases which come under the strict prohibition of false marks of origin, the corrective procedure being widely permitted.

"As regards the obligation of indication of origin applicable, on the other hand, to imports of some food products, it should be noted that the purpose of these regulations is not only to protect French quality, but it also corresponds to issues of public health which concern all countries.

"The French delegation therefore raise no objections with regard to the recommendations of the International Chamber of Commerce that legislation applicable to marks of origin shall not become an instrument of administrative protectionism."

GREECE

"Greek exporters of citrus fruits, olives, grapes, figs, raisins and powdered locust beans are obliged to affix marks of origin on the packing of these products when they are intended for exportation. This obligation is stipulated under the Acts Sub 5693 of 1932 and Sub 5806 of 1933, and in the Decrees of 22 July 1938, 7 August 1950 and 11 November 1952.

"There are no stipulations in Greece compelling Greek importers of products manufactured abroad to affix marks of origin.

"Under the Act Sub 3205 of 1955, manufacturers of products processed in Greece are obliged to affix on them legibly and in the Greek language, the mark 'Greek made'. This Act also stipulates that foreign products packed in Greece shall bear the inscription, 'Product of foreign make packed in Greece'".

