

N° 3092.

HONGRIE ET POLOGNE

Echange de notes comportant un arrangement au sujet de la protection des appellations d'origine et des dénominations de qualité des produits vinicoles. Varsovie, le 4 novembre 1931.

HUNGARY AND POLAND

Exchange of Notes constituting an Agreement regarding the Protection of Appellations of Origin and of Designations of Quality of Wine Products. Warsaw, November 4, 1931.

¹ TRADUCTION. — TRANSLATION.

No. 3092. — EXCHANGE OF NOTES² BETWEEN THE HUNGARIAN AND POLISH GOVERNMENTS CONSTITUTING AN AGREEMENT REGARDING THE PROTECTION OF APPELLATIONS OF ORIGIN AND OF DESIGNATIONS OF QUALITY OF WINE PRODUCTS. WARSAW, NOVEMBER 4, 1931.

French official text communicated by the Permanent Delegate of Poland accredited to the League of Nations and by the Head of the Hungarian Delegation accredited to the League of Nations. The registration of this Exchange of Notes took place November 23, 1932.

I.

POLISH REPUBLIC.
MINISTRY
FOR FOREIGN AFFAIRS.
No. P.V. 3482/31.

WARSAW, November 4, 1931.

SIR,

With reference to the recent negotiations between the Government of the Polish Republic and the Government of the Kingdom of Hungary regarding the protection in Poland of appellations of origin and descriptions of quality of Hungarian wine products and of similar appellations and descriptions of Polish wine products in Hungary, and to the desire of our respective Governments to arrive at a settlement of this question, I have the honour to propose on behalf of the Polish Government that the following provisions should be applied with that object :

The Polish Government and the Hungarian Government agree to take all necessary steps to suppress in their respective territories the misuse of geographical appellations of origin and descriptions of quality of wine products of the other Party, provided such appellations and descriptions are properly protected by the latter and notified by it.

Misuse of appellations of origin and descriptions of quality of either of the two countries shall be deemed to mean the application of such appellations or descriptions to products to which they are not applicable under the laws or regulations of that country.

The notification for which provision is made above shall contain precise indications of the documents issued by the competent authority of the country of origin attesting the right to the appellations of origin in question.

The above provisions shall not preclude the vendor from placing his name and address on the make-up of the product ; but, in the absence of a regional or local appellation,

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² The exchange of ratifications took place at Budapest, October 19, 1932.

he must specify in addition in legible characters the country of origin of the product, wherever the addition of the name and address is liable to give rise to confusion with a district or locality situate in another country.

The seizure of products to which objection is taken, or other punitive measure or measures, shall take place either on the initiative of the administrative authorities or on the application of any individual, association or syndicate concerned, in accordance with the respective laws of the two countries.

The use of false appellations of origin as defined in preceding paragraphs shall be treated as unfair competition and shall be subject accordingly to the penalties imposed under the laws and regulations in force in Poland and Hungary respectively.

The above provisions accepted by both Parties shall be deemed to constitute the present Agreement between Poland and Hungary, which shall be ratified as soon as possible.

The exchange of the instruments of ratification of this Agreement shall take place at Budapest.

This Agreement shall come into force on the fifteenth day after the exchange of ratifications, and shall remain in force for the same period as the Commercial Convention¹ between Poland and Hungary signed at Budapest on March 26, 1925.

Your confirmation of the present Note will be appreciated.

I have, etc.

BECK.

To

Baron Eugène Miske Gerstenberger,
Acting Hungarian Chargé d'Affaires,
Warsaw.

II.

ROYAL HUNGARIAN LEGATION.

No. 4550/Kig/31.

WARSAW, *November 4, 1931.*

SIR,

In your Note No. P. V. 3482/31 of November 4, 1931, you were good enough to make me the following communication :

“ With reference to the recent negotiations between the Government of the Polish Republic and the Government of the Kingdom of Hungary regarding the protection in Poland of appellations of origin and descriptions of quality of Hungarian wine products and of similar appellations and descriptions of Polish wine products in Hungary, and to the desire of our respective Governments to arrive at a settlement of this question, I have the honour to propose on behalf of the Polish Government that the following provisions should be applied with that object :

“ The Polish Government and the Hungarian Government agree to take all necessary steps to suppress in their respective territories the misuse of geographical appellations of origin and descriptions of quality of wine products of the other Party, provided such appellations and descriptions are properly protected by the latter and notified by it.

“ Misuse of appellations of origin and descriptions of quality of either of the two countries shall be deemed to mean the application of such appellations or descriptions

¹ Vol. XXXVII, page 151 ; Vol. CVII, page 476 ; and Vol. CXI, page 404, of this Series.

to products to which they are not applicable under the laws or regulations of that country.

“ The notification for which provision is made above shall contain precise indications of the documents issued by the competent authority of the country of origin attesting the right to the appellations of origin in question.

“ The above provisions shall not preclude the vendor from placing his name and address on the make-up of the product ; but, in the absence of a regional or local appellation, he must specify in addition in legible characters the country of origin of the product, wherever the addition of the name and address is liable to give rise to confusion with a district or locality situate in another country.

“ The seizure of products to which objection is taken, or other punitive measure or measures, shall take place either on the initiative of the administrative authorities or on the application of any individual, association or syndicate concerned, in accordance with the respective laws of the two countries.

“ The use of false appellations of origin as defined in preceding paragraphs shall be treated as unfair competition and shall be subject accordingly to the penalties imposed under the laws and regulations in force in Poland and Hungary respectively.

“ The above provisions accepted by both Parties shall be deemed to constitute the present Agreement between Poland and Hungary, which shall be ratified as soon as possible.

“ The exchange of the instruments of ratification of this Agreement shall take place at Budapest.

“ This Agreement shall come into force on the fifteenth day after the exchange of ratifications, and shall remain in force for the same period as the Commercial Convention between Poland and Hungary signed at Budapest on March 26, 1925.

“ Your confirmation of the present Note will be appreciated.”

In acknowledging the receipt of the above note, I have the honour to confirm, in the name of the Hungarian Government, the agreement arrived at between Poland and Hungary in accordance with the provisions proposed in that note.

I have, etc.

B. E. Miske GERSTENBERGER

To

His Excellency M. Józef Beck,
Under-Secretary of State
in the Ministry for Foreign Affairs,
Warsaw.