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Citation: 1 Indus. Prop. Q. 6 1956-1958



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Wed Oct 12 03:26:55 2016

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Articles

The Protection of Appellations and Indications of Origin*

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What is an appellation of origin?

An *Appellation* of origin is a geographical name, enjoying a certain reputation, which is used to designate the product of a particular place of origin and possessing certain original qualities which result from the geographical place and from conditions of production allied to faithful and constant local methods.

It is in this way, for instance, that the wine growers in the Sauternes district have for many years produced a sweet white wine which draws its special quality from the place where it is made and from established and unvarying local practices used in its production.

An appellation of origin may be more or less famous and its reputation may be either on an international, or national, or merely a regional plane.

With regard to the place of origin, the area of production may be great (a whole country or region) or relatively small (a mere district surrounding a town or village).

The influence of the geographical origin on the quality and characteristics of the product is primordial and unquestionable.

The nature of the soil (texture and chemical properties), the sub-soil (geological formation), the climate (temperature, sunshine, rainfall and humidity), all constitute natural factors which enter into the matter, not only because they are favourable to this or that plant or animal product or manufacture, but because they also give the product its particular quality.

*) This is a summary of an article which appeared in French in four parts in *La Propriété Industrielle* in November and December 1956 and January and February 1957.

For example, the same variety of grape cultivated in two regions having different soil or climate, produces two completely different wines. For instance, the "Melon" vine-plant produces a delicious wine known as "Muscadet" in the region of Nantes (Western France), but a very ordinary wine when cultivated in other regions.

Conditions of production employing unvarying local customs introduce the human factor which is equally important.

The factors of production due to human skill are many and include the choice of the kind of plants to be cultivated, the selection of animal stock, and the methods of culture and manufacture.

It is therefore essential that local customs be both faithful and invariable, that is to say, that the producers of a particular region must have maintained certain standards over a sufficiently long period to establish and justify a tradition. They must not vary at the whim of the producer and they must be constant in the interest of honest trading.

What is an indication of origin?

An *indication* of origin is an expression used to indicate that a product comes from or is produced in a country, a region or a specific place, i. e. Australian wool, French wines, Sheffield cutlery, Paris perfumes, Egyptian cotton, Algerian dates, etc.

If it has become customary for certain products to be so described it is clearly because those products possess certain distinctive qualities attributable to their place of origin.

An *indication* of origin, like an *appellation* of origin, is intended to give information on the origin of a product and on the quality connected with that origin, but much less fully.

Generally speaking, following the role more or less important played by natural and human factors, there are two types of *indications* of origin.

In the first class the characteristics of the product for which the *indication* of origin is used result essentially from the geographical area of production. For example, from the soil or climate:

Algerian dates, Australian wool; from the sub-soil: Chilean nitrates; or from the qualities of the water: Vittel water.

In such cases, the human influence is relatively small.

In the second class, we have *indications* of origin based more on human skill connected with a certain area rather than on any natural geographical factor. For example, Paris perfumes are produced in Paris and possess certain original qualities, but are made from raw materials which do not necessarily come from the soil or the region of Paris. The essential factor in such a case is undoubtedly one of human skill.

The same can be said of a Paris dress which is a dress created and coming from Paris. Certain chinaware and porcelain which are sold with *indications* of origin are the result much more of human influence as shown in a tradition of design, of colour or of form, or of certain technical processes, but in which the natural factors such as the soil or the climate do not represent any essential element.

In the first class the *indication* of origin is essentially based on natural geographic conditions where the human element is often negligible, whereas in the second class, on the contrary, the human influence is the dominant factor.

It is for this reason that we consider that the *indication* of origin is a less complete concept than the *appellation* of origin which is based on a geographical area of production and on local practices or methods of production imposing a rigorous discipline upon the producer.

Obviously there are border-line cases where it is difficult to say whether or not a geographical name is an *appellation* or an *indication* of origin and this, to some extent, explains the confusion in the minds of those who use both terms without distinction.

**The difference between an appellation or indication of origin
and a trade mark**

The trade mark is above all an indication which enables a distinction to be made between the products of one producer or trader and those of another. The origin of the product is clearly

indicated but it is more a matter of specifying who is responsible for producing or manufacturing or selling the goods rather than indicating a geographical place where they are made. A trade mark is not necessarily connected with a region or area of production, nor is it necessarily bound to a particular method of manufacture.

Constant and unvarying methods are undoubtedly part of an *appellation* or *indication* of origin, whereas, on the contrary, methods of production or preparation of a product sold under a trade mark may vary according to the policy of the owner of the mark.

Although a trade mark may on occasion be collectively owned, it is usually the property of an individual, a firm or a company. On the other hand, an *appellation* of origin necessarily relates to a collective right.

While the proprietor of a mark may assign it or licence it to anyone he chooses, the producers who comply with the conditions of production of a product with an *appellation* of origin (i. e. definite area of production, local methods, . . .) are the only ones who can properly use this *appellation* of origin, and they must not dispose of this right to a third party who does not comply with the conditions of production.

It may therefore be said that the right to use an *appellation* of origin is a collective proprietary right over a geographical name subject to obligations as to the standard of production.

The history of the *appellation* or *indication* of origin

A study of many documents has shown that the use of a geographical name to indicate the products of a particular region is an ancient custom.

One finds it in ancient Greece, four centuries before Christ: in Corinthian wines, Sicilian honey, Naxos almonds and Paros marble, etc.

One finds it again in Roman times: in Egyptian dates, Brindisi oysters, Iberian hams and Carara marble, etc.

One can find in an export treaty in 1712 a long list of geographic names including the following: Polish lead, Bordeaux wine,

Cognac brandy, Champagne, Rouen sewing thread, Persian and Chinese silks, London cloth, linen cloth from Gand and Russian leather, etc. Most of these *appellations* which were current in former times are no longer used.

Nevertheless, *appellations* and *indications* of origin are always widely employed because they correspond to a need, and one can find them in practically every country in the world and in every sphere. This is not generally known and we venture to give a few examples:

Mineral products: English anthracite, Ruhr coal, Carara marble, Sheffield steel, Swiss knives and watches, Limoges porcelain, Delft china, Vichy water, etc.

Plant products: Wines ¹⁾: Champagne, Bordeaux, Medoc, Sauternes, Chablis, Port, Madeira, Sherry, Chianti and many others; Cognac, Armagnac brandies; Scotch, Irish and Canadian whiskies, Kentucky bourbon and Virginia Rye; Devonshire and Somerset ciders; Indian and Ceylon teas; Brazilian and Arabian coffees; Jaffa oranges; Canadian and Indian River (USA) apples; Canary bananas; Dutch bulbs; rice from Iran; Havana cigars; Irish linen, etc.

Animal products: Bresse chicken, New Zealand lamb, Whitstable oysters; Roquefort, Gorgonzola and many other cheeses; Danish butter; Australian and Shetland wools, Harris tweed; Aubusson, Persian and Chinese carpets, etc.

Miscellaneous: French perfumes, Paris dresses, etc.

Why should appellations and indications of origin be protected?

First, such protection is a proper safeguard of rights acquired by honest and reputable producers, against infringements and

1) Appellations of origin for wines and spirits are numerous and it is impossible to mention them all. In many wine growing countries the methods of production are very carefully determined and strictly regulated. This is the case in France for instance, where a special organisation "l'Institut national des appellations d'origine" has been established by legislation to organise the protection in France and abroad of the appellations of origin of French wines and spirits.

improper use of appellations of origin, which constitute unfair competition.

Products sold under an *appellation* of origin correspond to certain standards of quality and price which result from a self imposed discipline of the producers, whereas products which have improperly adopted those *appellations* are sold with different standards and at lower prices. In these conditions, the consumer may be tempted to buy a cheaper product and so gets the imitation instead of the original. Moreover, as the cheaper product is often of inferior quality, it would discredit the original appellation which it is infringing.

For instance, the real Sauternes wine is produced under very strict conditions and consequently, the price is relatively high, but the product which wrongly adopts this description is nearly always a combination of ordinary wines of lower price and quality.

Secondly, the protection of the *appellation* of origin is also a protection for consumers against confusion and deception.

When a consumer asks for a bottle of Champagne or a Roquefort cheese, a box of Havana cigars, a bag of Brazilian coffee or a Swiss watch, it is the geographical origin shown by the name which is the principal reason for the purchase, because he knows that when a product is sold under this description there are attached certain qualities and characteristics which he wants, and which, as we have shown, are the result of certain methods of production in a certain area.

Why are appellations of origin infringed?

Whatever may be the reasons given by persons who infringe (that is to say, improperly use) an appellation of origin and who wish to justify their act, fundamentally their principal motive is the desire to profit from the already existing reputation and market for the particular product which is rightly entitled to use that appellation.

A wine producer for instance, who wishes to market his wine must go to some effort and expense to promote his product. To

avoid such effort and expense, he may simply try to take advantage of the reputation of a wine already well-known and appreciated by consumers by using a known appellation of origin and selling his wine under that name.

In this way, he not only finds a ready-made market but he can also sell his product at a higher price than he would have been able to do, had he not infringed an appellation already familiar to the public.

**Reasons given by an infringer to justify the use of an appellation
of origin**

A. *He did not know what name to use to describe his product, so he used a name already known to the public with the intention, according to him, of describing the type of product rather than the place of its origin.*

With regard to the first part of this argument it is clear that the infringer wished to benefit from a reputation already established, but this is more an admission of fact than a justification. If a name is already known to the public, it is undoubtedly due to the efforts of the legitimate producers who have an exclusive right to the name.

As to the second part of the argument, if the original product possesses certain qualities, it is because of a combination of human skill with geographical factors. For the product made in some other region, the geographical factors can never be the same, and it is impossible for the imitation product to possess the original and essential characteristics, even if certain general and secondary characteristics may be comparable.

The following example will serve to illustrate this:

The wine-plant known as "Chardonnay" when cultivated in certain soil possessing a certain particular sub-soil known as "kim-méridgien" in the region of Chablis (France) produces the well-known wine "Chablis", but when cultivated in neighbouring districts, the wine no longer possesses the same characteristics and has no right to the appellation "Chablis".

The argument is not only wrong, but it is interesting to note that the infringers themselves do not appear to believe in it. If they were sincere, they would attempt to copy as closely as possible the methods of production and adopt the strict requirements appropriate to the appellation of origin; this would still not entitle them to adopt the appellation, but at least it would be a proof of good faith.

In actual fact, appellations of origin are adopted haphazardly as may be seen in the typical example of wine sold as "Dry Sauternes", whereas the genuine "Sauternes" is a very sweet wine. Similarly "Sweet Burgundy" is used for red wines having a high sugar content, while the authentic red "Burgundy" wine is not sweet.

Such examples of infringement explain why an Australian producer, on tasting a perfect example of an authentic Burgundy, remarked that the wine was very good, but lacked in his opinion, the characteristics of Burgundy!

A further proof of the absence of good faith on the part of infringers is that, while pretending that they employ true appellations of origin to describe the type of product, they are in most cases careful not to mention on their labels some such description as "type", "kind" or "imitation". While this would still constitute unfair competition in relation to the legitimate producers, it would at least have the advantage of indicating to the consumers that it was an imitation.

B. Infringement has not lead to any protest by the producers concerned.

An inquiry made in several countries shows that this statement is by no means well-founded.

In spite of numerous difficulties in obtaining information as to abuses, producers have often protested against practices of infringement, but there has been little hope of obtaining results when the legislation of the country, where infringement is practised, does not make provision for prohibiting it and where there is no competent authority to deal with the question.

Very often diplomatic representatives of those countries whose appellations of origin have been infringed have protested to foreign Governments, but in most cases, the lack of adequate legislation, the absence of a competent tribunal, the lack of information from the public and, above all, the pressure brought by the offenders on their own Governments under the false pretext "to protect or encourage national industry", have made intervention very difficult.

Further proof that producers are by no means disinterested is found in the existence of regulations adopted for many years in some countries to fight misuse and infringements of indications and appellations of origin, and in the efforts which have been made over the passed 60 years (a) to incorporate in the framework of international agreements: i. e. the International Convention for the Protection of Industrial Property and in the Madrid Arrangement for the prevention of false indications of origin, and in treaties and bilateral agreements, provisions for the protection of appellations and indications of origin; (b) to improve legislation in this field; and (c) to intervene on every possible occasion, especially before the Courts.

C. The adoption of an appellation of origin is not harmful to the legitimate producers, and it may even be considered to procure a certain amount of publicity for the true product.

If, as a matter of principle, such a statement had any foundation, it would be difficult to understand why owners of trade marks and other industrial property rights go to such trouble to prevent infringement. The damage done to producers whose appellations have been infringed is undoubtedly real, both materially and morally.

First of all, when an article is sold under an infringed appellation of origin, it is more often than not sold instead of the original article, the more so because the imitation product is usually cheaper. It is also likely that some uninformed consumers may lose interest in the true product after an unhappy experience with an imitation.

Again, the volume of imitation goods may completely overwhelm the original and authentic product and the consumer's taste is thus spoiled or altered.

The Courts have, in fact, recognised that actual damage can be suffered by the legitimate producers and in countries which have legislation against infringement and fraud in regard to appellations of origin, they not only sentence the offender to a fine, but also order him to pay damages to the representatives of the producers who have brought civil actions.

Infringers themselves do not fail to protest against the same practices when they are the victims. For instance, Chilean producers who have not hesitated to use foreign appellations of origin for their wines have protested vigorously when their own Chilean names of origin have been used for wines produced in another country.

D. Rights have been acquired by the infringers by long use.

To recognise this point of view is to admit that an abuse can create a right.

A detailed study of infringements shows that they are not so general as we are lead to believe.

Not only are the conditions of production different from those of the true product, but they vary from one producer to another and even a producer may himself vary them according to the market demand. As we have seen, the infringer does not bind himself to a strict discipline, his chief aim being to use a name already known to the public and for which there is a ready-made market.

It is symptomatic that, in order to establish the theoretical basis for their infringements, the producers in some countries have found it useful to name their towns or localities with the original names of other areas famous for an industry or a specific product. I think, for instance, of a town in the United States where porcelain is made called "Limoges", which is the name of the famous porcelain producing town in France.

Conclusion

Mr. Pheseey, the British Delegate to the Wine and Spirit Congress, in a speech at the International Exhibition at Liège, in 1905, expressed the following opinion on the motives for the use of false appellations: "It is both distressing and surprising to hear the reasons put forward to justify such a practice. Men of unquestionable reputation seriously maintain that the long abuse of a wine grower's name has deprived the latter of his undeniable and exclusive right to that name, which has now become a generic term and may be used by anybody according to his fancy . . . What is the motive behind these false names? Let our conscience answer in all sincerity! The motive is no better than that which prompts a person to gild a sixpence and to pass it off as a half sovereign."

The protection of appellations and indications of origin and the fight against infringement and fraud

Having examined the concept of both appellations and indications and the reasons why they should be protected, we should review briefly the efforts made to ensure such protection and to prevent infringement and fraud.

For a very long time steps have been taken against such infringements, but, as it is impossible to set out here every case, we have shown a few examples in a few countries in order to make it clear that it is not a question of isolated or exceptional cases, and that the concern for the prevention of infringement is both real and general²⁾.

France

As far back as 1316, merchants who applied the stamps of the city of Sedan on cloth made elsewhere were put into the iron collar!

A decree of King Jean in 1350 provided that inn-keepers must not sell wines from a particular region or country under a false description of origin, subject to a fine and confiscation, and a decree of Charles VI, in 1415, made similar provision.

²⁾ A fuller examination of the history in many countries will be found in the original article in *La Propriété Industrielle*.

By-laws adopted by the town of Carcassonne in 1666, provided for six hours in the public pillory for those who used the city mark on cloth made elsewhere.

England

The Cutler's Company Act of 1623 set up the corporation of cutlers whose duty was to supervise the use of marks in the district of Hallamshire to preserve the reputation of cutlery produced in that area.

In 1898, the High Court condemned the use of the description "Scotch ham" for hams originating from America.

In 1913, the High Court condemned the use of the description "British Tarragona Wines" which contained only 15 % genuine Tarragona, and in 1923, the High Court similarly condemned the use of "Tarragona Port" as a false trade description.

Germany

In 1900, the Solingen Chamber of Commerce took action against two local firms who had stamped the word "Sheffield" on table knives of their own manufacture.

Belgium

A judgment of 1890 of the Commercial Court of Brussels declared that the name of a locality placed on a product for a considerable time, with the purpose of indicating a producer or a special local process, confers an exclusive right and may not be used, and it is not permissible for another manufacturer, who does not possess a factory or a depot in the area, to indicate this locality in his trade mark.

USA

In 1895, a decision of a circuit court of the Southern district of New York declared that the town of Karlsbad had the exclusive right to designate by its name mineral waters produced in its territory and salts manufactured from those waters.

A decision of 1898 of the Federal Court of New York prohibited the use of the name "Plymouth" for gin not manufactured in Plymouth.

Present situation

Although the fight against infringement and abusive uses of appellations and indications of origin is old, it is only during the last 70 years that the protection of geographical names has been developed and organised, largely through the growing interest of professional groups (especially producers), lawyers and administrations. Over this period considerable progress has been made and at the present time a number of countries respect both appellations and indications of origin.

It must be pointed out that a number of international organisations or associations have expressed their interest in this question and have without hesitation adopted resolutions or recommendations in favour of protection.

These bodies include the International Association for the Protection of Industrial Property, the International Chamber of Commerce, the International League against Unfair Competition and the International Office for Wines³⁾.

On the international level, protection has been granted to appellations and indications of origin in a number of International Conventions and agreements, both bilateral and multilateral, including:

- (a) the Paris Convention for the Protection of Industrial Property which provides in article 10 that "the stipulations of the preceding article⁴⁾ shall be applicable to all goods which falsely bear as an indication of origin the name of a specific locality or country, when such indication is joined to a trade name of a fictitious character or used with fraudulent intention";
- (b) the Arrangement of Madrid for the Prevention of False Indications of Origin on goods which deals with the subject of appellations in Articles 1, 3^{bis} and 4;
- (c) the General Agreement on Tariffs and Trade which provides in article 9: "The contracting parties shall co-operate with

³⁾ For the texts of resolutions of these bodies, see *La Propriété Industrielle*, December 1956.

⁴⁾ This Article provides for seizure of the goods bearing a false indication.

each other with a view to preventing the use of trade names in such manner as to misrepresent the true origin of a product, to the detriment of such distinctive regional or geographic names of products of the territory of a contracting party as are protected by its legislation. Each contracting country shall accord full and sympathetic consideration to such requests or representations as may be made by any other contracting party regarding the application of the undertaking set forth in the preceding sentence to names of products which have been communicated to it by the other contracting party"; (d) the International Convention on the use of appellations and indications of origin in respect of cheeses signed at Stresa in 1951⁵).

There are in existence many bilateral agreements which contain provisions for protection, as for instance, those between France and twenty-eight countries, and between Portugal and twenty-one countries.

The agreement between Portugal and the United Kingdom, for instance, was made effective in the United Kingdom by the Anglo-Portuguese Commercial Treaty Act of 1914, which contains the following provisions: "the description 'Port' or 'Madeira' applied to any wine or other liquor other than wine the produce of Portugal and the Island of Madeira respectively, shall be deemed to be a false trade description within the meaning of the Merchandise Marks Act of 1887, and that Act shall have effect accordingly . . ." Further protection to "Port" was given in the Anglo-Portuguese Commercial Treaty Act 1916.

Examples of other recent bilateral agreements are those between Italy and Austria, and Italy and Argentine in 1952, and between Germany and Cuba in 1954.

Legislation providing for the protection of appellations and indications of origin exists in many countries and falls into two categories:

⁵) The text of this Convention was published in *La Propriété Industrielle*, February 1953.

- (a) legislation whose object is the protection of consumers against deception as to the description of goods, in particular descriptions relating to their origin, and the protection of producers and traders against unfair competition;
- (b) legislation dealing only with the protection of appellations and indications of origin and sometimes only a single appellation, and establishing the conditions in which a particular product must be produced if it is to be sold under that appellation.

Not all legislations provide a perfect protection for appellations and indications of origin, but in the majority of countries the laws are sufficiently effective to give protection against fraud and infringement.

We must add, however, that a few countries — fortunately only a few — provide a more extensive protection for their own appellations than for those of goods imported from abroad. We shall not mention their names but we must deplore such an inequitable practice.

Legislation, more or less effective, exists in the following countries, among others: Germany, United Kingdom, Argentine, Belgium, Brazil, Cuba, Spain, France, Switzerland and the United States of America. We regret that space prevents us from giving details of the laws in force.

There have been many judicial decisions in the various countries dealing with fraud, falsification and infringement of appellations and indications of origin; these arise from complaints by consumers or traders, or from professional associations as well as from the public administrations. Many other cases in this field reach an amicable settlement through the intervention of interested producers.

Here follows a brief selection from decisions condemning the improper use of appellations and indications of origin:

Germany

“Roquefort” in 1934 and 1935.

“Cognac” in 1935.

United Kingdom

- “Scotch Ham” for imported American Ham in 1898.
- “Chablis”, “Sauternes” and “Burgundy” in 1932.
- “Sherry” in 1947 and 1948.
- “Australian Port” for produce of Australia in 1951.
- “Scotch Whisky” for a mixture of Scotch whisky and other spirits in 1952.
- “Old Wilkie Scotch Type Whisky — Produce of Holland” in 1953.

Belgium

- “Champagne” in 1939, 1951, 1953 and 1954.
- “St. Emilion”, “Bordeaux”, “St. Julien” and “St. Estèphe” in 1948.
- The description “of France” or “of Paris” in 1951 for luxury goods not made in France.

France

This being a country having a great interest in the strict protection of wine names, the decisions concerning wines and spirits are very numerous. But in addition one finds decisions dealing with appellations of other countries such as:

- “Madère” in 1902, 1926 and 1934.
- “Porto” in 1926, 1934, 1935 and 1951.
- “Asti Spumante” in 1949.
- “Eagle Whisky, Scotch Type” in 1954.

U. S. A.

- “Roquefort” in 1933 and 1935.
- Other decisions covering, inter alia, “Akron Cement”, “California Pears”, “St. Louis” and “Milwaukee” Beers, “Plymouth Gin”, etc.

The protection of appellations and indications of origin is of interest to all countries since it aims at protecting the consumer against deception in the quality and origin of the goods he buys, and the producers against unfair competition and infringement of his appellation. Such protection is as justified as that granted to

trade marks, patents and copyright, and experience has shown that it is no more difficult to ensure.

There are two reasons which may explain the slow progress made in some countries towards the solution of this question of protection. One is the determination of infringers to continue their practices. This cannot be admitted. Abuse does not create a right, and the rights of the legitimate producers are much more important than the habits of an infringer. The other reason is the lack of information among interested parties, both producers and administrations, as to the best means to ensure simply and effectively the necessary protection. The growing interest shown in many countries for indications and appellations of origin, proves that this is not a difficult problem and remedies are easily found.

It can be said, however, that certain infringers have declared that they adopt appellations, to which they have no proper right, principally because their competitors do the same and that they would be prepared to give up the practice if their competitors also did so.

It is of interest to note some of the statements made by some American wine experts which are quoted from recent publications of United States professional bodies.

“American wine makers should adopt American place names. They can make just as good wines as Europeans. They should no longer find it necessary to lean upon European wine names.”

“The more involved foreign sounding wine type names hold back total wine consumption by helping to perpetuate the idea that wine is more foreign than American.”

“The advisability of using such foreign names as ‘Burgundy’ and ‘Sauternes’ for Californian wines has often been questioned. Undoubtedly it would be desirable to develop unique and distinctive names which would be characteristic of our wines.”

As to the means of protecting appellations and indications of origin, one sees from the various national legislations that such means may differ greatly according to the country and may be more or less complicated, and more or less effective.

To justify protection, the appellations must first be recognised and defined in the country of origin, which must also determine what are the local and constant methods relating to the appellation (concerning principally the natural conditions of production, the areas of production, and possibly processes due to human skill). It would be desirable, to avoid differences between producers, that these factors should be laid down in a text, that is to say in a professional code of practice, a set of standards, administrative regulations or legislation⁶⁾.

If adequate protection is to be provided, the legislation must contain provisions for the prevention of fraud, and the infringement and abusive use of both appellations and indications of origin, including any use which might lead to confusion in the minds of consumers as to the origin. (As for instance the addition of the terms "kind", "type", "similar", etc. even if the true origin of the product is also shown.)

Legal action should be available either to the Administration or the competent legal authority or on the initiative of an interested party. Legislation should also provide penalties to discourage offenders. These might be either administrative sanctions such as seizure or prohibition of sale, obligation to modify labels, etc., or judicial sanctions such as fines, publication of decisions taken against the offender either in newspapers or by fixing them to his premises, or damages to be paid to injured producers, and, in the most serious cases, imprisonment.

In order that an appellation of origin should be protected in a country other than that of production, it is essential that it should be effectively protected in the country of origin and that the laws of the country other than the country of origin should provide an effective protection against fraud and infringement, either as a result of international multilateral or bilateral agreements or on their own initiative.

⁶⁾ In France, for example, the National Institute for Appellations of Origin is responsible for codifying, supervising and publishing local standards and methods in respect of appellations for wines and brandies.

It is desirable that the country of production should give to other countries all the information which the authorities of those countries need to fight effectively against fraud and infringement, that is to say, a list of its appellations of origin and the means, by way of documents accompanying a product, seals or labels, to facilitate recognition of the right to an appellation of origin.

Finally a close and active co-operation between the competent services and organisations in the producing country and the consuming country would no doubt facilitate control and provide more effective protection.

A Letter from Belgium

by Thomas and Antoine BRAUN, Advocates, Brussels

I. Legislation

1. — The draft law in relation to disclosure and working of inventions and manufacturing secrets concerning the defence of the territory or security of the State has now been adopted by the Chamber and is the law of 10th January, 1955¹⁾.

It prohibits the disclosure of inventions prejudicial to the interests of territorial defence and establishes control of the exploitation of such inventions. The State reserves the right to a licence or even to the transfer of the invention, on payment of compensation.

2. — Similarly, we wish to draw attention to the Brussels Agreement of 12th October, 1954, between Belgium and the United States of America with a view to facilitating the mutual exchange of patents and technical information in relation to defence (*Moniteur Belge*, 24th March, 1955).

This agreement was concluded within the framework of the mutual defence agreement signed at Washington on 27th January, 1950.

1) *La Propriété Industrielle*, 1955, p. 63.