

No. 8826

**GREECE
and
FEDERAL REPUBLIC OF GERMANY**

Agreement (with Protocol and annexes) concerning the protection of marks of origin, designations of origin and other geographical designations. Signed at Wiesbaden, on 16 April 1964

Official texts: Greek and German.

Registered by Greece on 6 November 1967.

**GRÈCE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

Accord (avec Protocole et annexes) relatif à la protection des marques d'origine, des appellations d'origine ainsi que d'autres noms géographiques. Signé à Wiesbaden, le 16 avril 1964

Textes officiels grec et allemand.

Enregistré par la Grèce le 6 novembre 1967.

[TRANSLATION — TRADUCTION]

No. 8826. AGREEMENT¹ BETWEEN THE KINGDOM OF GREECE AND THE FEDERAL REPUBLIC OF GERMANY CONCERNING THE PROTECTION OF MARKS OF ORIGIN, DESIGNATIONS OF ORIGIN AND OTHER GEOGRAPHICAL DESIGNATIONS. SIGNED AT WIESBADEN, ON 16 APRIL 1964

His Majesty the King of the Hellenes and the President of the Federal Republic of Germany,

Considering that it is in the interest of both Contracting States to afford effective protection against unfair competition to agricultural and industrial products, and particularly to marks of origin, including designations of origin and other geographical designations reserved for particular products or goods,

Have agreed to conclude an Agreement for that purpose and have appointed as their Plenipotentiaries :

His Majesty the King of the Hellenes : Mr. Constantine N. Papas,
Special Legal Adviser, Royal Ministry of Foreign Affairs;

The President of the Federal Republic of Germany : Mr. Gerrit von Haeften,
Ministerial Director in the Ministry of Foreign Affairs,

Who, having exchanged their full powers, found in good and due form, have agreed as follows :

Article 1

Each Contracting State undertakes to take all necessary measures to afford effective protection against unfair commercial competition to agricultural and industrial products originating in the territory of the other Contracting State and to ensure the effective protection of the designations listed in annexes A and B of this Agreement in accordance with articles 2-9 below.

Article 2

The designations listed in annex A of this Agreement shall be reserved exclusively for German products or goods in the territory of the Kingdom of Greece and may be used there only under the conditions laid down in the legis-

¹ Came into force on 1 April 1967, one month after the exchange of the instruments of ratification which took place at Athens, in accordance with article 13.

lation of the Federal Republic of Germany. However, particular provisions of the said legislation may at any time be declared inapplicable by means of a special protocol.

Article 3

The designations listed in annex B of this Agreement shall be reserved exclusively for Greek products or goods in the territory of the Federal Republic of Germany and may be used there only under the conditions laid down in the legislation of the Kingdom of Greece. However, particular provisions of the said legislation may at any time be declared inapplicable by means of a special protocol.

Article 4

1. Where one of the designations listed in annexes A and B of this Agreement is used commercially in a manner contrary to the provisions of articles 2 and 3 on products or goods or their packaging or external packing, on bills, shipping documents or other commercial documents or in advertisements, such use shall be restrained by all judicial and administrative means provided for by the legislation of the respective Contracting States, including confiscation, where the latter is permitted by the legislation in question.

2. The provisions of this article shall also apply if the designations listed in annexes A and B of this Agreement are used in translation or include a reference to the actual origin or additional words such as "kind", "type", "style", "imitation" or the like.

3. The provisions of this article shall not apply to products or goods being conveyed in transit.

Article 5

The provisions of article 4 of this Agreement shall also apply where distinguishing marks, names, inscriptions or illustrations containing, directly or indirectly, false or misleading information regarding the origin, nature, type or essential characteristics of products or goods are used on products or goods or their packaging or external packing, on bills, shipping documents or other commercial documents or in advertisements.

Article 6

1. Protection under articles 4 and 5 of this Agreement shall derive from the Agreement itself with the force of law.

2. Each Contracting State shall have the right to require the other Contracting State not to permit the import of products or goods bearing one of the designations listed in annexes A and B of this Agreement unless such products or goods are accompanied by a certificate showing that authorization exists for the use of the designation. In such cases, the products or goods shall be turned back if they are not accompanied by the certificate.

3. When making an application under paragraph 2, the Contracting State in question shall notify the other Contracting State of the authorities empowered to issue the certificate. Such notification shall be accompanied by a model of the certificate.

Article 7

Claims in respect of the improper use of one of the designations listed in annexes A and B of this Agreement and claims in respect of the use of false or misleading information within the meaning of article 5 may be made in the courts of the Contracting States not only by the individuals and bodies corporate entitled to do so under the legislation of the Contracting State in which the claim is made but also by associations and organizations representing the producers, manufacturers or merchants concerned and having their head office in one of the Contracting States, provided that, under the legislation of one of the Contracting States, the said associations and organizations are permitted to institute actions in their capacity as such in civil cases. Subject to the above-mentioned conditions, the associations and organizations in question may also make claims or file objections in criminal proceedings, provided that the legislation of the Contracting State in which the proceedings are conducted makes provision for such claims or objections.

Article 8

Save as provided in paragraphs 4 and 6 of the Protocol to this Agreement, products and goods, packing, bills, shipping documents and other commercial documents which at the time of the entry into force of this Agreement are situated in the territory of one of the Contracting States and legally bear marks of origin whose use is prohibited by this Agreement may be sold or used for a period of two years after the entry into force of this Agreement.

Article 9

1. The lists contained in annexes A and B of this Agreement may be amended or supplemented by either Contracting State by notification in writing, subject to the consent of the other Contracting State. However, either Contracting State may limit the list of designations for products or goods originating in its own territory without the consent of the other Contracting State.

2. Where the list of designations for products or goods originating in the territory of one Contracting State is amended or supplemented, the provisions of article 8 shall apply, it being understood that the two-year period shall commence upon publication by the other Contracting State of the amendment or supplement.

Article 10

The provisions of this Agreement shall not preclude such protection as is or may hereafter be afforded in one of the Contracting States, under domestic law or other international agreements, to the designations of the other Contracting State listed in annexes A and B of this Agreement.

Article 11

1. To facilitate the implementation of this Agreement, a Mixed Commission consisting of representatives of the Government of each Contracting State shall be established.

2. The function of the Mixed Commission shall be to consider proposals for amending or supplementing the lists contained in annexes A and B of this Agreement, which require the consent of the Contracting States, and to discuss all questions connected with the application of this Agreement.

3. Either Contracting State shall be entitled to call for a meeting of the Mixed Commission.

Article 12

This Agreement shall also apply to *Land* Berlin unless the Government of the Federal Republic of Germany delivers a contrary declaration to the Government of the Kingdom of Greece within three months after the entry into force of the Agreement.

Article 13

1. This Agreement is subject to ratification; the instruments of ratification shall be exchanged at Athens as soon as possible.

2. This Agreement shall enter into force one month after the exchange of the instruments of ratification and shall remain in force for an indefinite period of time.

3. This Agreement may be denounced in writing by either Contracting State subject to one year's notice.

IN WITNESS WHEREOF the aforementioned Plenipotentiaries have signed this Agreement and have thereto affixed their seals.