MARKS OF ORIGIN

Submission of Laws and Regulations

The following additional statement has been received from the Government of the Federal Republic of Germany:

FEDERAL REPUBLIC OF GERMANY

"As has already been stated in the information given about the laws and regulations existing in the Federal Republic of Germany (see GATT document L/478/Add.8), there are no general provisions on the marking of goods imported into the Federal Republic. That means that, in general, goods imported into the Federal Republic need not bear any kind of marking as to their origin. As far as by virtue of special laws or ordinances a marking is required, it is limited to some categories of food and agriculture and only serves to protect the consumer.

"The Federal Government supports any effort towards unifying and simplifying the existing prescriptions concerning marks of origin. The Resolution of the International Chamber of Commerce to create "Guiding Principles for the Application of Marks of Origin" is supported by the Federal Government all the more since, in part, it conforms to the German proposals concerning Article IX of the General Agreement on Tariffs and Trade, made in the course of the review of the General Agreement (see GATT document L/261/Add.1).

"The Federal Government would, however, like to make the following detailed proposals in respect of the International Chamber of Commerce Resolution contained in GATT document L/430.

General Remarks

"It should be pointed out in the preamble that the "Guiding Principles" aim at unifying and simplifying the existing prescriptions. Contracting parties should be asked to refrain from tightening existing prescriptions or introducing new prescriptions or extending existing ones to other goods. Besides, a progressive suppression of existing prescriptions might be recommended."
Moreover, it should be expressly emphasised that the 'Guiding Principles' do not apply to foodstuffs and other agricultural products for which, to safeguard the health of the consumer and to protect him against adulteration and deception, the indication of origin is required, not only for foreign products but for similar home products as well.

1. **Time of Affixing the Mark**

   "The mark of origin on the goods is already required at the time of importation. However, no objections against the imported products being marked subsequently under customs supervision exist, if the required marking is technically feasible at this stage.

2. **Nature of the Mark**

   "The mark of origin must clearly state the country of manufacture. The word 'Foreign' as well as the name of a place or province do not suffice.

   "For the indication of the country of manufacture, the internationally adopted and mostly used form of stating the origin by the words 'Made in ....', in English, in Latin letters, should, in principle, be maintained; however, the indication of the country of manufacture without the words 'Made in' should likewise be recognised as being sufficient.

   "Abbreviations of names of countries should, in principle, not be admissible; generally known abbreviations only, such as 'USA', should be exempted from this rule.

   "The name of the manufacturer or other additional indications should not be required for the indication of origin.

   "Any reasonable form of marking should be admitted provided that it is ensured that the marking does not disappear before the commodity reaches the consumer.

3. **Special Provisions**

   **ad (a):**

   "In principle, the mark of origin should be affixed on the goods themselves; if this is not possible or seems to be impracticable, it should be admissible to affix the mark to the packing. For sets and collections (e.g. travelling cases, manicure cases), which are imported together with a packing (e.g. a case), the mark should be required only on the packing."
ad (b):

"For exemptions from the obligation to mark component parts dispatched separately, see paragraph 4.

"As regards articles advertising foreign goods, facilitations permitting the mark to be affixed in a less conspicuous way should be granted.

4. Exemptions

ad (bb):

"Exemptions from the obligation to mark samples corresponding to Articles II and III of the International Convention to Facilitate the Importation of Commercial Samples would be desirable in the interest of the international exchange of samples. The range of products obviously imported for the personal use of the buyer should include articles which travellers carry with them during the journey for their own use or for the exercise of their profession or should include articles which have been sent to them in advance or will be sent later on for that purpose.

"Further exemptions should be provided for:

"prospectuses, posters, dummy packs and similar advertising matter which, according to its nature, is not destined for sale;

"bulk goods (raw materials and semifinished products) destined for further processing or such which are products to be repacked into retail packings in the importing country;

"accessories or component parts to be used for the manufacture of goods of the importing country, on condition that these goods are sent from abroad directly to the manufacturer in the importing country;

"spare parts for the repair of goods already imported;

"packings, containers, reels, fillers, bottles, labels etc., as well as, in general, any articles imported for the only purpose of serving to wrap, make up etc., goods of the importing country;

"in principle, all articles for which exemptions from duty are provided by tariff legislation (e.g., goods to be removed, property of deceased persons).
5. Penalties

"No comment."

6. Entry into Force and Notification

"For the entry into force of new prescriptions a period of three months – from the date of notification – should be fixed.

Procedure of Appeal

"According to sub-paragraph b of paragraph 3 of Article X of the General Agreement on Tariffs and Trade, each contracting party shall maintain or institute judicial, arbitral or administrative tribunals or procedures for the purpose, inter alia of the prompt review and correction of administrative action relating to customs matters.

"It would be desirable to provide a corresponding procedure of appeal also for questions concerning marks of origin. In this connection, countries where the normal legal procedure is exclusively applied to questions concerning marks of origin, should be recommended to institute a procedure corresponding to that for customs matters."