MARKS OF ORIGIN

Submission of Laws and Regulations

The following statements and information have been received from the Governments of Cuba, Italy and Pakistan.

CUBA

I. Article II of the law of 9 November 1937.

II. Article 16, 17 and 18 of the decree 995 of 6 May 1938.

III. Article 30, 31 and 32 of the decree 3643 of 23 August 1951.

Law of 9 November 1937 published in the Official Gazette of 10 November 1937

Article II: There shall be applied on any industrial product whether of domestic origin or imported, on the outside and in a prominent position, in respect of every unit offered for sale, the name of the manufacturer and his place of residence. If the product concerned has been manufactured in Cuba, the indication "Hecho en Cuba" (made in Cuba) shall also be affixed to it.

The provisions of this Article shall enter into force upon the expiration of a period of six months from the date of publication in the official Gazette of the Republic. Upon the expiration of a period of equal duration as from promulgation, regulations enacted by Decree of the President of the Republic shall become applicable.

Upon the expiration of the periods referred to above, any person infringing the above-mentioned provisions shall be punished by a fine of $20 for the first offence which shall be increased to $100 for the second offence, then to $500 for any subsequent repetition of offence. Furthermore, the products in respect of which an offence is committed shall be confiscated and forfeited to the Ministry of Health and Welfare, which may dispose of them for the benefit of its hospitals and homes.
If the offence concerns articles manufactured in Cuba, it shall be deemed to have been committed by the manufacturer and by the tradesman holding the goods. In cases relating to imported articles the offence shall be deemed to have been committed by the importer and by tradesmen offering them for sale.

II

Decree No. 995 of 6 May 1938 published in the Official Gazette of 13 May 1938, regulating the Law of 9 November 1937

Article 16. The indications of origin which, in Article II of the Law of 9 November 1937 can be affixed to each industrial article offered for sale, that is, the name and domicile of the manufacturer accompanied if necessary, by the mention "Hecho en Cuba" (made in Cuba) shall appear conspicuously on the outside of each article in the place which appears most appropriate to the producer.

The indication of the domicile of the domestic manufacturer may validly consist of the name of the municipality, town or village where the manufacturer resides.

The mention "Hecho en Cuba" (made in Cuba) may be substituted by any other indication having the same meaning.

Such indications shall be compulsory with respect to all categories of industrial articles whether they be products of a primary necessity or not.

Article 17. Where a manufacturer is the proprietor of a mark registered in Cuba it will be sufficient to affix the mark and to indicate the place where the manufacturer concerned has his domicile, to articles of his manufacture, with the mention "Hecho en Cuba" (made in Cuba) if the product concerned has been manufactured in Cuba.

Where the manufacturer operates for the account of another manufacturer or of a tradesman and holds a mark registered in Cuba, it will be sufficient to affix the mark to such articles and to indicate the place where the manufacturer or tradesman concerned has his domicile, with the mention "Hecho en Cuba" (made in Cuba) if the product has been manufactured in Cuba.

Imported industrial products handled or further processed in Cuba, to the extent that such operations do not constitute a thorough or substantial transformation of the imported product concerned, shall not be subject to the requirement concerning the indication "Hecho en Cuba" (made in Cuba) or any other indications having the same meaning. There may be affixed, however, to such imported industrial products, indications relating to the degree of processing undergone in the country such as "Estampado en Cuba" (stamped in Cuba), "Refinado en Cuba" (refined in Cuba), "Envasado en Cuba" (packed/bottled in Cuba).
Article 18. In cases where imported articles are covered by a mark registered in Cuba, it will be sufficient to affix the mark to such products and to indicate the country from which the goods have been shipped in direct consignment.

Where imported articles are not covered by a mark registered in Cuba, the name and domicile of the manufacturer or the name or mark registered in Cuba of the importer of such products or the name of the country from which the goods have been shipped in direct consignment, may be indicated. The indication of the country of origin may be substituted by such indications as "Hecho en ..." (made in ...) followed by the mention of the place of origin, "Producción extranjera" (foreign made) or any other indication having the same meaning or the translation into English of such indications.

III

Decree No. 3643 of 23 August 1951 published in Supplement of the Official Gazette of 14 September 1951 concerning the procedures applicable to the Commission on the footwear industry

Article 30. There shall be affixed to any article of footwear offered for sale on the domestic market, whether it be manufactured domestically or imported from abroad, under appropriate conditions and in a conspicuous place as authorized by the Commission, by stamping in the Spanish language, the words "Hecho en Cuba" (made in Cuba) or "Hecho en ..." (made in ...) followed by the name of the country of origin.

This stamping requirement shall be compulsory for domestic manufacturers and importers and any failure to comply will result in any such footwear offered for sale under such conditions to be deemed to be offered for sale clandestinely.

Article 31. In the case of footwear of domestic origin, the stamp referred to in the preceding Article shall be applied to the identification tag mentioned in Article 24, indelibly and in such a way that the tag shall be cancelled as a result of stamping, on the part of the article which has been determined by the Commission, depending upon the goods under consideration and the category of footwear, as the case may be.

In the case of imported footwear, the stamp of origin shall be applied in the manufacture itself, and the identification tag shall be affixed by the importer in Cuba, then cancelled by the latter under the conditions determined by the Commission depending upon the goods under consideration and category of footwear concerned, as the case may be.

Article 32. The Commission, through its inspectors, shall ensure complete enforcement of the regulations incorporated in this chapter and any failure to comply shall result in the footwear concerned being deemed to be of clandestine origin and in its manufacturer, importer or retailer being deemed to have committed an offence.
ITALY

Extracts of Laws and Regulations concerning various products

EGGS

Imports of chicken eggs in the shell intended for human consumption are subject to previous marking including the indication of the country of origin.

The mark should be affixed to each egg in legible Roman type no less than 2 millimetres high in indelible ink.

The marking requirement also applies to containers and coverings. The country of origin and the number of eggs contained should be mentioned in Roman type no less than 3 centimetres high on the end of each container or covering. The marking should be affixed to the eggs before the goods are entered at the customs.

Legal basis: Decree-Law No. 1878 of 14 October 1932, which subsequently became the Law of 13 April 1933, and Ministerial Decree of 15 January 1933.

BUTTER

Butter offered for sale for direct consumption should be put up in sealed packages of a net weight of less than 1 kilogramme. The seal should be affixed in such a way that it cannot be re-used after the packet has been opened. The description of the product, the weight of the block, the name and first name or the style and place of residence of the producer should be indicated permanently and prominently inside the seal on the paper covering.

The justification of imports of butter from abroad not put up in sealed packets on the ground that such butter is not intended for direct consumption is provided by the customs import bulletin.

Legal basis: Decree-Law No. 2033 of 15 October 1925 which has subsequently become Law No. 562 of 18 March 1926. Regulations approved by Decree No. 1361 of 1 July 1926. Law No. 777 of 19 May 1930. Decree-Law No. 381 of 6 April 1933, which has subsequently become Law No. 765 of 8 June 1933.

MARGARINE AND HYDROGENATED FATS INTENDED FOR DIRECT CONSUMPTION

Such products should be put up in blocks not exceeding 1 kilogramme in weight and wrapped in sealed coverings bearing on the flat side the mention "margarine" or "hydrogenated fat", and an indication of the weight in grammes, together with the name and first name or style and place of residence of the producer. On the other sides of the coverings there should be mentioned, in
continuous type of no less than 2 millimetres in height, the words "margarine" or "hydrogenated fat", the interspace between two consecutive lines being no less than 4 millimetres. The dimensions of any other possible descriptions should not exceed the dimensions of the descriptions required and should not include the words "butter" or "butter derivatives".

**Legal basis:** Law No. 1316 of November 1951.

**Cocoa and Chocolate**

Such products should bear a clear indication of the producer and the place of manufacture affixed to the labels or to the containers or coverings of all kinds.

Wherever chocolate is offered for sale unwrapped, the name of the manufacturer and place of manufacture should be printed prominently on the product itself.

**Legal basis:** Law No. 916 of 9 April 1931. Regulations approved by Decree No. 1174 of 26 May 1932.

**Wine**

Once their unadulteratedness has been ascertained, wines of foreign origin should be sold under their original names or descriptions.

Imports of foreign wines in containers bearing indications which may lead to their being taken for Italian wines are prohibited.

Wine exports to the United States of America, Canada and Mexico are subject to national marking requirements.

**Legal basis:** Decree-Law No. 2033 of 15 October 1925, which subsequently became Law No. 562 of 18 March 1926. Regulations approved by Decree No. 1361 of 1 July 1926. Decree-Law No. 1225 of 2 September 1932, which subsequently became Law No. 170 of 2 September 1932. Decree-Law No. 1443 of 26 October 1933, which subsequently became Law No. 332 of 29 January 1934.

**Vinegar**

Vinegar may not be marketed or delivered to the consumer unless it is put up in containers of 2 litres, 1 litre, 0.5 litre or 0.1 litre carrying a seal of guarantee and labels indicating the name and headquarters of the producer.

**Legal basis:** Law No. 1151 of 14 December 1950.
CHEESE

Cheeses of foreign origin should be sold under their original names.

Legal basis: Decree-Law No. 2033 of 15 October 1925, which subsequently became Law No. 562 of 18 March 1926. Regulations approved by Decree-Law No. 1361 of 1 July 1926, Decree-Law No. 381 of 6 April 1933, which subsequently became Law No. 765 of 8 June 1933. Decree-Law No. 1762 of 30 November 1933, which subsequently became Law No. 225 of 25 January 1934.

FRUITS AND VEGETABLES

The containers of the following fruits and vegetables should bear permanently and prominently a number of indications including the national export mark: citrus fruit, cauliflower, potatoes, tomatoes, peaches, plums, salads, shelled almonds, dessert grapes, chestnuts, apricots, onions, pears and persimmons.


RICE

Exports of rice are subject to the national marking requirements only in respect of processed rice of "official types and descriptions".

The affixing of the mark is not required when processed rice is not exported under such descriptions or in the case of exports of unprocessed or semi-processed rice.

Legal basis: Decree-Law No. 486 of 8 January 1928. Decree-Law No. 2232 of 20 September 1925.

FOOD PRESERVES

The following indications should be printed prominently and permanently on containers of food preserves: nature of the preserve, composition of the constituents, net weight, style and headquarters of the manufacturer, statement that the product has been manufactured in conformity with existing legislative requirements.

Such indications as "tomato concentrate or extract", "double concentrate or double extract", "triple concentrate or triple extract" may be used only if the solid content of the preserves to which they refer is at least 16, 28 or 36 per cent of the total content, irrespective of any salt added; the above-mentioned figures should in no case be exceeded.

EDIBLE FISHERIES PRODUCTS

Edible fisheries products should be sold in tins or other containers with an indication of the contents, the kind of oil used for preservation purposes, the weight, the style and place of the producing concern.

Legal basis: Decree-Law No. 1548 of 7 July 1927.

EDIBLE EXTRACTS OF ANIMAL OR VEGETABLE ORIGIN AND LIKE PRODUCTS

Such products should be sold as put up originally with legible indications in the Italian language relating to the name, style and place of the manufacturing concern as well as their composition and weight expressed in grammes.

Any other possible descriptions should be indicated in type not exceeding the dimensions and of the same colour as the required indications.

The use of marks or illustrations referring to extracts, broth or fat from chicken or other poultry is strictly prohibited.

Any presentation should bear the number of the authorization delivered by the Office of the High Commissioner for Public Health.

Legal basis: Decree-Law No. 567 of 30 May 1953.

PHARMACEUTICAL SPECIALITIES

Imports of pharmaceutical specialities are subject to the previous registration of such specialities with the Home Office.

Any product imported shall contain an inside label and bear an outside label, inter alia, the mention of the producing laboratory.

Legal basis: B.U.D. 134 153

MANNITE

Mannite should be put up and sold in sealed coverings with an indication of the net weight, the name and place of the concern where preparation is effected, with the exception of mannite sold by dispensing chemists in therapeutic doses.

Legal basis: Decree-Law No. 529 of 8 March 1937.

PIANOS AND OTHER INSTRUMENTS INCORPORATING A KEYBOARD

Automatic pianos, harmoniums and other similar instruments imported from abroad should bear an indication of the name of the manufacturer and the place of manufacture.
Such indications should be printed prominently and permanently on the inside of the keyboard lid.

Pianos and automatic pianos should bear in print the same indications in the upper part of the metal frame or plate.

Legal basis: Law No. 875 of 22 June 1933.

PAKISTAN

I. Articles 9 and 13 of the Merchandise Marks Act of 1889.

II. Article 18 of the Pakistan Sea Customs Act of 1878 (1949 Edition).

Merchandise Marks Act, 1889 (Act IV of 1889)

Forfeiture of Goods

9. — (1) When a person is convicted under section 482 of the Pakistan penal Code of using a false trade mark, or under section 486 of that Code of selling, or exposing or having in possession for sale or any purpose of trade or manufacture, any goods or things with a counterfeit trade mark applied thereto, or under section 487 or section 488 of that Code of making, or making use of, a false mark, or under section 6 or 7 of this Act of applying a false trade description to goods or of selling, or exposing or having in possession for sale or any purpose of trade or manufacture, any goods or things to which a false trade description is applied, or is acquitted on proof of the matter or matters specified in section 486 of the Pakistan Penal Code or section 7 or section 8 of this Act, the Court convicting or acquitting him may direct the forfeiture to Government of all goods and things by means of, or in relation to, which the offence has been committed or, but for such proof as aforesaid, would have been committed.

(2) When a forfeiture is directed on a conviction, and an appeal lies against the conviction, an appeal shall lie against the forfeiture also.

(3) When a forfeiture is directed on an acquittal and the goods or things to which the direction relates are of value exceeding fifty rupees, an appeal against the forfeiture may be preferred, within thirty days from the date of the direction, to the Court to which in appealable cases appeals lie from sentences of the Court which directed the forfeiture.

1 XLV of 1860.
Supplemental Provisions concerning Evidence of origin of goods imported by sea

13. In the case of goods brought into the Provinces and the Capital of the Federation by Sea, evidence of the Port of shipment shall, in a prosecution for an offence against this Act or section 18 of the Sea Customs Act, 1878\(^1\) as amended by this Act, be prima facie evidence of the place or country in which the goods were made or produced.

II

Pakistan Sea Customs Act, 1878: (1949 Edition)

18. No goods specified in the following clauses shall be brought, whether by land or sea into \[the Provinces and the Capital of the Federation\].

(d) goods having applied thereto a counterfeit trade mark within the meaning of the Pakistan Penal Code\(^2\), or a false trade description within the meaning of the Merchandise Marks Act, 1889;

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1 VIII of 1878.

2 XLV of 1860 and IV of 1889.