MARKS OF ORIGIN

Submission of Laws and Regulations

The following information has been received from the Government of Canada:

CANADA

I

SECTION 15 - CUSTOMS TARIFF ACT

Specified classes of imported goods to be marked
with country of origin

"15. (1) The Governor in Council may from time to time, as he deems it expedient, order that goods of any description or class specified in such order, imported into Canada, shall be marked, stamped, branded or labelled in legible English or French words, in a conspicuous place that shall not be covered or obscured by any subsequent attachments or arrangements, so as to indicate the country of origin; and said marking, stamping, branding or labelling shall be as nearly indelible and permanent as the nature of the goods will permit.

(2) All such goods imported into Canada after the date of the coming into force of any such order of the Governor in Council that do not comply with the requirements of such order shall not be released from Customs possession until they have been so marked, stamped, branded or labelled under Customs supervision at the expense of the importer.

(3) Any person who violates of the provisions so established relating to the marking, stamping, branding or labelling of any such imported goods, or defaces, destroys, removes, alters or obliterates any such marks, stamps, brands or labels, with intent to conceal the information given by or contained in such marks, stamps, brands or labels, is liable on summary conviction to a penalty not exceeding one thousand dollars, or to imprisonment not exceeding one year, or to both fine and imprisonment.

(4) The Minister may make such regulations as are deemed necessary for carrying out the provisions of this section and for the enforcement thereof."
II

REGULATIONS RESPECTING THE MARKING
OF IMPORTED GOODS

1. Goods of the descriptions or classes hereinafter specified, imported into Canada, shall be marked in legible English or French words so as to indicate their country of origin in the manner hereinafter set forth; such markings shall be made in a conspicuous place that shall not be covered or obscured by any subsequent attachment or arrangement, and shall be as indelible and permanent as the nature of the goods or article will permit.

GENERAL

2. The country of origin of a manufactured article in the condition in which it is exported to Canada is that country in which the article has been finished and the industry of which comprises not less than one-half the cost of production of the article.

3. Goods bearing the name of the country of origin or the manufacturer's name with that of the city and province, state or division, or internationally known city, in which the goods were produced, shall be deemed to be properly marked, provided that the marking is otherwise acceptable as regards location, legibility and indelibility, and provided, further, that the relative invoice and shipping and other documents show clearly the place of origin of the goods so marked; where only the name of an internationally known city is used, it shall be accompanied by the words 'Made in', 'Produced in', 'Printed in', or words of similar import.

4. The Collector of Customs shall decide, subject to the approval of the Deputy Minister of National Revenue (Customs and Excise), whether or not the marking found on goods at the time of importation is as nearly indelible and permanent as the nature of the goods permits.

5. Where goods on examination at Customs are found to be not properly marked, the Collector shall require the importer at his expense to mark them in the Customs warehouse, or under Customs supervision on the importer's premises.

6. If the importer fails to mark goods when required by the Collector to do so, the Collector may order that they be exported, failing which they shall be deemed to be unclaimed as of the date of importation and, if subsequently sold by Customs, shall be marked by the purchaser under Customs supervision.

7. Goods entered for subsequent exportation from Canada or solely in transit through Canada are not required to be marked.
8. Goods admissible under Tariff Items 178b, 287a, 481, 690, 693, 695, 695a, 696, 696a, 703, 704, 705, 706 and 707, and articles classed as antiques or curios, imported by individuals for private collections, including items of chinaware or porcelainware certified by the exporter on the invoice to be over twenty-five years old, are not required to be marked.

9. (1) Printed or lithographed matter of all kinds

(2) Writing, Marking or Drawing Pencils of all kinds, Penholders of Wood and Fountain Pens

(3) Empty Paper or Paper Board Folding or Set Up Boxes or Cartons, etc.

(4) Brushes of all Kinds, Including Toothbrushes and Toothbrush Handles

(5) Razor Blades (Safety Type)

(6) Boots, Shoes and Slippers

(7) Chinaware and Porcelainware

(8) Ladies' Purses

(9) Thermometers of All Kinds

(10) Pen Knives, etc.

(11) Articles Wholly of Porcelain for Electrical Use
(12) Clocks and Clock Movements

(13) Packages Containing Fresh Fruit, Vegetables or Honey

(14) Glazed Wall and Hearth Tiles, etc.

(15) Vacuum Bottles, etc.

(16) Imitation Totem Poles

(17) Stainless Steel Table Knives, Forks and Spoons

(18) Expansion Watch Bracelets

(19) Cigarette and Cigar Lighters

"It will be noted also that paragraph (b) of Item 1209 of Schedule C of the Customs Tariff provides for the prohibition of:

'Any goods manufactured in any foreign state or country which bear any name or trade mark which is or purports to be the name or trade mark of any manufacturer, dealer or trader in the United Kingdom, or in Canada, or in any other British country, unless such name or trade mark is accompanied by a definite indication of the foreign state or country in which the goods were made or produced.'"

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1 The details of section 9 are not reproduced but can be consulted in the office of the secretariat.
The Canadian Government has also submitted copies of the regulations affecting the following products:

Corselettes, girdles, brassieres, lacing corsets and garter belts.
Cotton sheets and pillow slips.
Laminated glass, sheet and plate glass in sheets or panes, and common or colourless window glass.
Knitted garments, knitted underwear, socks, stockings, knitted gloves, mitts and other knitted goods (except knitted fabrics in the piece) when for sale to the ultimate consumer in the finished form in which imported.
Narrow woven or braided fabrics, containing rubber yarns, not exceeding twelve inches in width, and boot and shoe laces.
Tableware and decorative household articles of semi-porcelain, white granite, ironstone, earthenware, stoneware or pottery.

1 These regulations are available in the files of the secretariat.