

Working Party on Marks of Origin

DRAFT RECOMMENDATION

Drafting suggestions proposed at a meeting of 1 November 1958

Observations relating to paragraph 3 of the draft Recommendation  
reproduced in document L/871

The new paragraph 3 should read:

"If marks of origin are required, any method of legible and conspicuous marking should be accepted which will remain on the article until it reaches the ultimate purchaser."

This revised version differs from the previous paragraph 3 in order to take account of the suggestions made by Canada, Ceylon and the United States.

Observations relating to paragraph 4 of the draft Recommendation

The value of this paragraph was generally doubted. Some representatives stressed that in the case of their countries no restrictions concerning the procedure to be followed could be accepted.

In those circumstances it seems advisable to delete the recommendation included in paragraph 4.

Observations relating to paragraph 5

The second sentence of paragraph 5 should be deleted. This deletion seems advisable in order to take account of the suggestions made by Ceylon and other delegations, namely, that the maintenance of the second sentence could give the impression that this recommendation aims to influence governmental action in other fields than marks of origin. The idea of restricting marks of origin provisions to the requirement of indicating the origin could, however, be illustrated in the report accompanying the recommendation, indicating in particular that such provisions should be kept separate from requirements introduced for other purposes, e.g. to protect the health of the population, etc.

United States of America. The representative of the United States indicated that the United States legislation in some instances requires additional information and that the United States are not in a position to accept the recommendation included in paragraph 5.

Some representatives drew attention to Article III of GATT which requires countries to give to imported and domestic products the same treatment and that this obligation, being in Part II of GATT, is governed by the terms of the Protocol of Provisional Application.