

No. 3679

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND, FRANCE,
UNITED STATES OF AMERICA
and
ITALY**

**Memorandum of Understanding regarding German trade-
marks in Italy. Signed at Rome, on 5 July 1956**

Official texts: English, French and Italian.

*Registered by the United Kingdom of Great Britain and Northern Ireland
on 30 January 1957.*

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD, FRANCE,
ÉTATS-UNIS D'AMÉRIQUE
et
ITALIE**

**Mémorandum d'accord relatif aux marques de fabrique
allemandes en Italie. Signé à Rome, le 5 juillet
1956**

Textes officiels anglais, français et italien.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord
le 30 janvier 1957.*

No. 3679. MEMORANDUM OF UNDERSTANDING¹ BETWEEN THE GOVERNMENTS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, THE FRENCH REPUBLIC AND THE UNITED STATES OF AMERICA, ON THE ONE HAND, AND THE GOVERNMENT OF THE ITALIAN REPUBLIC, ON THE OTHER, REGARDING GERMAN TRADE-MARKS IN ITALY. SIGNED AT ROME, ON 5 JULY 1956

With reference to Article 77, paragraph 5, of the Treaty of Peace with Italy,² and the last sentence of paragraph 2 of the Memorandum of Understanding signed at Washington on August 14, 1947,³

the Governments of the French Republic, of the United Kingdom of Great Britain and Northern Ireland and of the United States of America on the one hand

and the Government of the Italian Republic on the other hand

have entered into the following understanding with respect to German trade-marks in Italy :

1. The separate measures with respect to German trade-marks previously held in abeyance, shall be taken by the Government of Italy in accordance with the principles set forth in this Memorandum.

2. Subject to the conditions and exceptions set out in this Memorandum, all German trade-marks will be released to the former German owners.

3. As a general rule German trade-marks relating to goods manufactured in Italy by formerly German-controlled enterprises will be sold to the persons to whom the enterprises were sold. If, instead, one of these trade-marks is returned to the former German owner in application of paragraph 8 below, the interests of the persons to whom the enterprise was sold will be safeguarded. However, trade-marks owned by enterprises organised under German law in which there is a substantial non-German interest legitimately acquired prior to September 16, 1947, will as a general rule not be regarded as German. Sales will be made to manufacturers rather than to sales agents.

4. Special provisions shall be adopted for the safeguard of a right of a person or enterprise to use a German trade-mark in instances where the person or enterprise legitimately used that trade-mark in Italy prior to September 16, 1947.

¹ Came into force on 5 July 1956, the date of signature, in accordance with paragraph 9.

² United Nations, *Treaty Series*, Vols. 49 and 50.

³ United Nations, *Treaty Series*, Vol. 138, p. 111.

5. Any German trade-marks which have been cancelled in Germany by the Allied Powers shall be cancelled also in Italy, and their re-registration and exclusive use shall be prohibited in Italian territory, in accordance with the existing Italian legislation governing the subject matter. Any German trade-mark, the use of which has been restricted under legislation in force in the Federal Republic of Germany, shall be subject to like restrictions in Italy.

6. Pending the unification of Germany, the provisions on release in this Memorandum shall not apply to trade-marks owned by residents of the Soviet Zone of Germany. However, in cases in which a trade-mark which would otherwise be subject to release is registered in Italy in the name of a resident of the Soviet Zone, and the Federal Republic of Germany has allowed a resident of the Federal Republic to acquire an identical trade-mark, the resident of the Federal Republic should in appropriate circumstances also be allowed to acquire such trade-mark in Italy.

7. Residents of the Western Sector of Berlin are to be accorded the same treatment with respect to trade-marks as is accorded to residents of the Federal Republic.

8. Exceptions may be made to the foregoing principles in the case of any trade-mark where special conditions obtain.

9. This Memorandum of Understanding shall enter into force on the date of signature.

DONE in quadruplicate at Rome, this 5th day of July, 1956, in the English, French and Italian languages, each text being equally authoritative.

For the Government
of the French Republic :

J. FOUQUES DUPARC

For the Government
of the United Kingdom of Great Britain
and Northern Ireland :

Ashley CLARKE

For the Government
of the United States
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For the Government
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