

1903.

PROTECTION OF TRADE-MARKS IN MOROCCO.

Agreement effected by exchange of notes June 13, 1903-March 12, 1904.

(Translation.)

TANGIER, *June 13th 1903.*

DEAR COLLEAGUE: I have the honor to inform you that the Government of my Sovereign gives its adherence to the agreements concluded and resulting from the declarations exchanged in 1892, 1894, 1895, 1896, 1899 and 1900 between the Consulate-General of the United States and the Legations of France, Portugal, Belgium, Germany, Spain, Austria-Hungary, the Consulate-General of Holland and the Legation of His Britannic Majesty, with regard to the mutual protection of property in Trade-Marks in Morocco.

I. By virtue of the civil and criminal jurisdiction which they have acquired and exercise, in that country, the Consuls and Consular Courts of His Majesty have jurisdiction over all claims regarding the infringement of Trade-Marks by Italian subjects.

II. Consequently, all complaints addressed to them by American manufacturers to obtain protection for Trade-Marks duly registered in the Kingdom, against infringement by Italian subjects should in future be prosecuted, in the first place before the Consular Court and finally before the Royal Court of Appeals in Genoa.

III. The right of proprietorship in Trade-Marks is regulated in Italy by the law of August 30th 1898.

I beg you, dear Colleague, to take note of the present declaration and let me know whether Italian subjects will have the same legal protection before the Consular authorities of the United States in all that concerns the proprietorship of their Trade-Marks duly registered in the United States.

Accept, dear Colleague, the assurances of my high consideration.

MALMUSI.

Mr. GUMMERÉ,
Consul-General of the United States of America.

TANGIER, *July 29th 1903.*

YOUR EXCELLENCY: In pursuance of your letter to the Consul-General of June 13th last, I have the honor to inform you that I am in receipt of Instructions from my Government, authorizing me to enter into a reciprocal agreement with the Government of the Kingdom of Italy and the United States. The agreement to be for the mutual protection of Trade-Marks registered in Italy and the United States against infringement in Morocco by subjects of the respective nations, on the lines of that now existing between the United States and Great Britain.

Accept, Mr. Minister, the assurance of my high consideration.

HOFFMAN PHILIP,
Acting Consul-General.

Mr. MALMUSI,
Minister of Italy.

TANGIER, *March 12th 1904.*

SIR: Referring to the letter of the 13th of June 1903, received from His Excellency the Italian Minister, and to our interview of the 10th instant, I beg to assure you that I am authorized by my Government to declare that the same protection will be accorded by the Consular Authorities of the United States in Morocco, to Italian Trade-Marks duly registered in the United States in conformity with the laws, as that accorded to American Trade-Marks under the same circumstances, by Italian tribunals in Morocco.

Accept, Sir, the assurance of my distinguished consideration.

S. R. GUMMERÉ.

Mr. GIANATELLI GENTILE,
Chargé d'Affaires of Italy.

[Translation.]

ROYAL EMBASSY OF ITALY,
Washington, D. C., December 12, 1903.

Mr. SECRETARY OF STATE: As Your Excellency is aware, an agreement was reached by an exchange of notes dated August 13* and 4

* Evidently a clerical error. For dates of notes see *ante*. The note of July 29 is a duplicate of the note of August 4. There is no note of August 13 in the correspondence, but one of June 13, 1903.

last between the Minister of Italy at Tangiers and the representative, there, of the United States of America, respectively to defer to the Italian and American Consular courts in Morocco disputes arising from the counterfeiting of trade marks committed by the citizens of either country to the prejudice of those of the other.

The Government of the King has issued to the Royal Legation at Tangiers appropriate instructions for the execution of this agreement in accordance with articles 65, 67 and 111 of the existing Consular laws of Italy. I am directed by my Government and have, in consequence, the honor to transmit herewith to your Excellency the text of those instruction together with its two accompaniments, for the due information of the Government of the United States and in completion of the agreement made at Tangiers by the representatives of the two States.

I embrace the opportunity, &c.,

V. MACCHI DI CELLERA.