

Parliamentary Decree no. 217 of 23 December 2014

**We the Captains Regent of
the Most Serene Republic of San Marino**

Having regard to the combined provisions of Article 5, paragraph 3, of Constitutional Law no. 185 /2005 and of Article 11, paragraph 2, of Qualified Law n. 186/2005;
Having regard to the decision of the Great and General Council n.13 of 22 December 2014;
Availing ourselves of our faculties;
Promulgate and order the publication of the following:

**RATIFICATION OF THE AGREEMENT BETWEEN
THE REPUBLIC OF SAN MARINO AND THE ITALIAN REPUBLIC
ABOUT THE CORRECT INTERPRETATION OF ARTICLE 43
OF THE CONVENTION ON FRIENDSHIP AND GOOD NEIGHBOURHOOD
OF 1939 RELATING TO TRADE MARKS AND PATENTS**

Art.1

Full implementation is given to the Agreement between the Republic of San Marino and the Italian Republic about the correct interpretation of Article 43 of the Convention on Friendship and Good Neighbourhood of 1939 relating to trade marks and patents concluded by Exchange of Notes on July 8, 2014 and November 21, 2014 (Annex A).

Done at Our Residence, on 23 December 2014/1714 since the Foundation of the Republic

THE CAPTAINS REGENT
Gian Franco Terenzi-Guerrino Zanotti

**THE SEGRETERY OF STATE
FOR THE INTERNAL AFFAIRS**
Gian Carlo Venturini

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Ref. 2014

ITALIAN EMBASSY

VERBAL NOTE

The Italian Embassy to the Republic of San Marino has the honour to present its compliments to the Ministry of Foreign Affairs of the Republic of San Marino.

The Italian Embassy to the Republic of San Marino has the honour to refer to the Convention on Friendship and Good Neighbourhood of 31 March 1939, stipulated between the Republic of San Marino and the Kingdom of Italy and, in particular, to Article 43 therein, included in Chapter V “Copyright and Patents”.

As a result of the consultations, the Italian Republic and the Republic of San Marino intend to clarify that Article 43 of the Convention on Friendship and Good Neighbourhood of 31 March 1939 applies exclusively to usurpation and counterfeits of property rights relating to industrial inventions, trademarks, designs and industrial models that are subject to patents or registration in one of the two States according to national procedures in force and precisely to rights obtained after national applications respectively for patent, trademark, design and model submitted to Patents and Trademarks Office in one of the two States.

Therefore, the rights obtained in each of the two States through procedures envisaged in international agreements or conventions are for excluded from the recognition referred to in aforementioned Article 43 .

This interpretation shall be deemed agreed upon receipt of a formal communication from the Ministry of Foreign Affairs of the Republic of San Marino.

The Italian Embassy to the Republic of San Marino avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of San Marino the assurances of its highest consideration.

San Marino, July 8 2014

Honourable
Ministry of Foreign Affairs
of the Republic of
San Marino

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MINISTRY OF FOREIGN AFFAIRS

Ref. 130003/2014

The Ministry of Foreign Affairs of the Republic of San Marino presents its compliments to the Italian Embassy in San Marino and has the honour to acknowledge receipt of Verbal Note of July 8, 2014. Ref. 2014, reading as follows:

“The Italian Embassy to the Republic of San Marino has the honour to present its compliments to the Ministry of Foreign Affairs of the Republic of San Marino.

The Italian Embassy to the Republic of San Marino has the honour to refer to the Convention on Friendship and Good Neighbourhood of 31 March 1939, stipulated between the Republic of San Marino and the Kingdom of Italy and, in particular, to Article 43 therein, included in Chapter V “Copyright and Patents”.

As a result of the consultations, the Italian Republic and the Republic of San Marino intend to clarify that Article 43 of the Convention on Friendship and Good Neighbourhood of 31 March 1939 applies exclusively to usurpation and counterfeits of property rights relating to industrial inventions, trademarks, designs and industrial models that are subject to patents or registration in one of the two States according to national procedures in force and precisely to rights obtained after national applications respectively for patent, trademark, design and model submitted to Patents and Trademarks Office in one of the two States.

Therefore, the rights obtained in each of the two States through procedures envisaged in international agreements or conventions are for excluded from the recognition referred to in aforementioned Article 43 .

This interpretation shall be deemed agreed upon receipt of a formal communication from the Ministry of Foreign Affairs of the Republic of San Marino.

The Italian Embassy to the Republic of San Marino avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of San Marino the assurances of its highest consideration”.

HONOURABLE
Italian Embassy
SAN MARINO
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MINISTRY OF FOREIGN AFFAIRS

This Ministry has the honour to inform that the Government of the Republic of San Marino approves the interpretation of Art. 43 of the Convention on Friendship and Good Neighbourhood between the two countries, as proposed by the Italian side.

The Verbal Note of July 8, 2014, Ref. 2014, and this Note constitute an agreement in this sense, which, on the San Marino side, will enter into force after ratification by the San Marino Parliament. The interpretation of Art. 43 will, therefore, be agreed upon receipt of a note from this Ministry notifying of the completion of the ratification procedure by the San Marino Parliament.

The Ministry of Foreign Affairs of the Republic of San Marino avails itself of this opportunity to renew to the Honourable Italian Embassy to San Marino the assurances of its highest consideration.

San Marino, November 21 2014/1714 since the Foundation of the Republic.