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LISBON AGREEMENT FOR THE PROTECTION OF APPELLATIONS OF ORIGIN AND THEIR INTERNATIONAL REGISTRATION

Application of the Lisbon Agreement in Serbia and in Montenegro

1. On September 19, 2006, the Government of Serbia deposited with the Director General of the World Intellectual Property Organization (WIPO) a declaration according to which Serbia is the continuation of the state and legal identity of the union of Serbia and Montenegro, and that it continues to exercise its rights and to honor all its undertakings under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration. The continuation by Serbia of the exercise of the above-mentioned rights and undertakings came into application on June 3, 2006, the date on which the union of Serbia and Montenegro ceased to exist. As a consequence, any mention in the International Register of Serbia and Montenegro as a Contracting Party having submitted a declaration of refusal has been replaced by a mention of Serbia.
2. On December 4, 2006, the Government of Montenegro deposited a declaration with the Director General of the World Intellectual Property Organization (WIPO), the effect of which is that the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration continues to be applicable in Montenegro as of June 3, 2006, the date on which the union of Serbia and Montenegro ceased to exist. As a result, the number of States party to the Lisbon Agreement has increased to 26. For the complete list of Contracting Parties, reference is made to WIPO's website, at the following address: www.wipo.int. As a follow-up to this declaration, the International Bureau received from Montenegro, in a notification dated March 21, 2007, the name and address of its authority competent to submit and receive notifications under the procedures of the Lisbon Agreement and its Regulations (pursuant to Rule 4 of the Lisbon Regulations).
3. As regards the two international registrations effected under the procedures of the Lisbon Agreement by the former union of Serbia and Montenegro, i.e. No. 846 and No. 847, which both concern products originating in the territory of Montenegro, the foregoing means, as confirmed by both Montenegro and Serbia, in communications dated March 8, 2007, and March 28, 2007, respectively, that, as of June 3, 2006, Montenegro has become the new country of origin of the appellations of origin in question.

4. Similarly, the continued application by Montenegro of the Lisbon Agreement entails that, as from June 3, 2006, Montenegro continues to protect on its territory the appellations of origin of other Contracting Parties, which were, until that date, protected in the former union of Serbia and Montenegro on the basis of a recording in the International Register that remained in force as of that date. In this regard, the following should be noted:

(i) The former union of Serbia and Montenegro had issued six declarations of refusal under Article 5(3) of the Lisbon Agreement and Rule 9 of its Regulations in respect of such appellations of origin. As from June 3, 2006, these declarations have also remained effective in the territory of Montenegro in respect of the appellations of origin in question and will remain effective as long as they are not withdrawn by Montenegro under Rule 11 of the Regulations.

(ii) In respect of three appellations of origin recorded in the International Register and notified to the former union of Serbia and Montenegro, the period within which a declaration as meant under (i), above had to be submitted pursuant to Article 5(3) of the Agreement had not yet expired on June 3, 2006, when the union of Serbia and Montenegro ceased to exist, but continued to apply for Montenegro as from that date. In these three cases, neither Serbia nor Montenegro submitted such a declaration and the applicable periods to do so have now all expired.

5. After June 3, 2006, but prior to receipt by the International Bureau of the notification from Montenegro concerning the name and address of its authority competent to submit and receive notifications under the procedures of the Lisbon Agreement and its Regulations (see paragraph 2, above), 13 appellations of origin as recorded in the International Register had been notified to Contracting Parties pursuant to Article 5(2) of the Lisbon Agreement. The International Bureau notified Montenegro of these new international registrations by means of a single communication, together with other modifications in the International Register that had taken place in the same period of which Contracting Parties have to be notified under the procedures of the Lisbon Agreement and its Regulations. By a communication, dated August 1, 2007, Montenegro informed the International Bureau that the notification in question had been received on July 10, 2007. Consequently, the deadline for the submission by Montenegro of any declaration of refusal concerning any of the 13 newly registered appellations of origin in question is July 10, 2008.

August 30, 2007