



**MINISTRY OF DEVELOPMENT, INDUSTRY AND FOREIGN TRADE  
NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY  
PRESIDENCY**

Praça Mauá, 7 – 18º andar – 20.081-240 – Centro – Rio de Janeiro/RJ - Brasil  
Tel: + 55 21 2139-3380 Fax: + 55 21 2139-3032

Letter INPI/DART/COOPINT nº 001/2010

**International Appellations of Origin Registry**

World Intellectual Property Organization  
34, Chemin des Colombettes  
1211 Geneva - 20  
Switzerland

Rio de Janeiro, January 8<sup>th</sup>, 2010

I would like to make reference to the letter dated on December 16, concerning the survey on the Lisbon System for the Protection of Appellations of Origin and their International Registration (Note C. LIS 18, dated October 21, 2009).

In response to above-mentioned questionnaire, follows attached the respective answers, elaborated by the Directorate of Technology Contracts and Other Registrations of INPI.

Should you need any further information, do not hesitate to contact me.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Ademir Tardelli', written over a horizontal line.

**Ademir Tardelli**  
Vice President

## **Answers - Survey on the Lisbon System – C. LIS 22**

Question 01: Should the basis for protection in the country of origin in Article 1(2) of the Agreement and Rule 5(2) 9a) (vi) of the Regulations be revised, in view of the different means of protection existing around the world for geographical indications?

*Yes, but the type of protection must be specified in the forms. In Brazil geographical indications are protected by a federal law (Law 9.279/96), concerned to industrial property, determining two kinds of geographical indications: indication of provenience, linked to the reputation of the region, and denomination of origin, linked to the geographical environment, including natural and human factors.*

Question 02: Should the definition provisions of Article 2 of the Lisbon Agreement be amended?

*Yes, according to the answer of question 01, Brazil protects geographical indications on the basis of the definition provisions of Article 22.1 of the TRI Agreement.*

Question 03: The Lisbon Agreement does not define the terms “usurpation” and “imitation”, as.....

*Yes, and the proposal is replace the terms “usurpation” and “imitation” by the prohibition of using rectifying terms such as "type", "species", "kind", "system", "similar", "substitute", "identical", or the like, on a product, container, casing, belt, label, invoice, flyer, poster or any other means of disclosure or advertisement, without clearly stating the actual provenience of the product.*

Question 04: What the amendments would be necessary to.....

*According to the proposal of question 03 we believe no amendments would be necessary.*

Question 05: As regards point (a) above....

*We believe the elements that must be in the application in order to allow the others members countries proper examination should be, besides those established in Rule 5(2)(a): product specification and of the authorities or bodies verifying compliance with the provisions of the specification and their specific tasks;*

Question 06: As regard point (b) above.....

*Maybe a extension of the one-year time limit to take opposition, considering that many countries may have some difficulties in attending that period.*

Question 07: As regards point (c) above...

*The phrase “cannot, in that country, be deemed to have become generic” provide sufficient leeway.*

Question 8: Are there elements in the procedures of Rule 16....

*No comments.*

Question 09: Would there a need to amend Article 5(6)....

*There is a need of amendment to clarify that the appliance is only in the mentioned case.*

Question 10: What others issues concerning law or practice.....

*No comments.*