



ΕΛΛΗΝΙΚΗ ΔΗΜΟΚΡΑΤΙΑ
ΥΠΟΥΡΓΕΙΟ ΑΓΡΟΤΙΚΗΣ ΑΝΑΠΤΥΞΗΣ & ΤΡΟΦΙΜΩΝ

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ΤΜΗΜΑ ΠΟΠ-ΠΓΕ-ΙΠΠ

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**ΘΕΜΑ: «Survey on the Lisbon System - Έρευνα του παγκόσμιου οργανισμού
διανοητικής ιδιοκτησίας (WIPO) για τη διεθνή προστασία των γεωγραφικών ενδείξεων»**

Αναφορικά με την έρευνα που διεξάγετε, με στόχο τη βελτίωση του συστήματος της
Λισαβόνας για την προστασία των γεωγραφικών ενδείξεων, σας διαβιβάζουμε στο
επισυναπτόμενο έγγραφο τις απαντήσεις της χώρας μας.

Είμαστε στη διάθεσή σας για οποιαδήποτε διευκρίνιση ή πληροφορία.

Η ΠΡΟΪΣΤΑΜΕΝΗ ΔΙΕΥΘΥΝΣΗΣ

Γ. ΒΡΑΝΑΚΗ



Question 1

We believe Article 1 (2) and Rule 5(2)(a)(vi) should not be revised. The protection of a geographical indication in the country of origin should be prerequisite for the protection of this indication in the territory of another country. In our opinion the reservation of a term for the producers of a certain geographical area can only derive from concrete legislative provisions in the country of origin.

Question 2

The definition of article 2 of Lisbon Agreement could be improved, by the inclusion of the possibility of registering a geographical indication, when it serves to designate a product, the reputation of which is due to the geographical environment. Moreover we propose that traditional non-geographical names designating an agricultural product or a foodstuff, which fulfill the definition of article 2 of the Agreement, should also be considered as appellations of origin. We believe the above mentioned amendments would align the definitions of Lisbon agreement TRIPS and European Union regime and would result in wider approving and implementation of the Agreement by more countries.

Question 3

Article 3 of the Agreement makes a concise reference of the protection granted. In case a more detailed provision is required, European Community legislation offers a very useful and explicit description of the protection:

“Registered names shall be protected against:

(a) any direct or indirect commercial use of a registered name in respect of products not covered by the registration in so far as those products are comparable to the products registered under that name or in so far as using the name exploits the reputation of the protected name;

(b) any misuse, imitation or evocation, even if the true origin of the product is indicated or if the protected name is translated or accompanied by an expression such as ‘style’, ‘type’, ‘method’, ‘as produced in’, ‘imitation’ or similar;

(c) any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product, on the inner or outer packaging, advertising material or documents relating to the product concerned, and the packing of the product in a container liable to convey a false impression as to its origin;

(d) any other practice liable to mislead the consumer as to the true origin of the product.”

Moreover the European Court of Justice has interpreted 'Evocation' as “a situation where the term used to designate a product incorporates part of a protected designation, so that when the consumer is confronted with the name of the product, the image triggered in his mind is that of the product whose designation is protected”.

Question 4

Apart from the abovementioned changes, no more amendments are necessary in our opinion.

Question 5

Concerning the application procedures, we consider that the application for registration should include adequate proof that article 2 of the agreement is fulfilled for the appellation seeking registration.

Question 6

We would appreciate a more comprehensive description of the admissible reasons, on which refusal of protection may be based. We also believe that the relations between geographical indications and prior rights should be defined in more detail (e.g. date of priority for each right, order of precedence of different rights, validity of rights, evaluation of the good faith of a registration etc). Finally in cases of refusal of protection we propose the adoption of negotiation procedures between the two parts, to seek mutual agreement.

Question 7

We consider article 6 satisfactory.

Questions 8, 9, 10

No comment