

## **Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications**

**Fortieth Session  
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### **COMPILATION OF THE REPLIES TO QUESTIONNAIRE I ON THE NATIONAL AND REGIONAL SYSTEMS THAT CAN PROVIDE A CERTAIN PROTECTION TO GEOGRAPHICAL INDICATIONS**

*Document prepared by the Secretariat*

#### **INTRODUCTION**

1. At the thirty-ninth session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), held in Geneva from April 23 to 26, 2018, the SCT requested the Secretariat to issue to members and Intergovernmental Intellectual Property Organizations with observer status, a Questionnaire on the national and regional systems that can provide a certain protection to geographical indications, in the agreed format (document SCT/39/10, paragraph 21).

2. Accordingly, the Secretariat prepared and addressed to all members of the SCT and Intergovernmental Intellectual Property Organizations with observer status, under Circular letter C. 8771 of June 11, 2018, *Questionnaire I on the national and regional systems that can provide a certain protection to geographical indications* (hereinafter "Questionnaire I"). In addition, an online version of Questionnaire I was also made available, in English, Arabic, Chinese, French, Russian and Spanish at:  
<http://survey.mbeem.com/Geographical-Indication-surveys>.

3. At the closing date to return the completed questionnaire to WIPO (*i.e.*, on September 10, 2018), replies from the following SCT members had been received: Australia, Brazil, Chile, Colombia, Croatia, Cyprus, Czech Republic, Ecuador, Estonia, France, Georgia, Greece, Guatemala, Hungary, Iceland, Israel, Jamaica, Japan, Kazakhstan, Lithuania, Madagascar, Mexico, New Zealand, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Serbia, Singapore, Slovakia, South Africa, Switzerland, United Kingdom, United States of America, Uruguay, Viet Nam and the European Union (39).

4. The present document compiles the replies to Questionnaire I, as reproduced in the Annex to the present document. It reproduces the 82 questions contained in Questionnaire I, as well as all corresponding replies in tabulated form. When no reply to a particular question was given, the corresponding entry was left empty. Comments provided are reproduced as such and *in extenso* under or, whenever possible, in the table reporting the replies to the related question.

5. *The SCT is invited to consider the content of the present document.*

[Annex follows]

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**A. BASIS FOR PROTECTION (SIGN/INDICATION SUBJECT OF PROTECTION, GOODS/SERVICES COVERED, ETC.)**

*(i) Terminology*

**1. The following concepts are defined in your jurisdiction:**

<b>Responding Party</b>	<b>Appellation/ Designation of origin  Definition</b>	<b>Geographical indication  Definition</b>
Australia	No	Geographical indication defined in Section 6 of the Trade Marks Act as follows: geographical indication, in relation to goods, means a sign that identifies the goods as originating in a country, or in a region or locality in that country, where a given quality, reputation or other characteristic of the goods is essentially attributable to their geographical origin. Also defined in Section 4 of the Wine Australia Act as follows: geographical indication, in relation to wine goods, means an indication that identifies the goods as originating in a country, or in a region or locality in that country, where a given quality, reputation or other characteristic of the goods is essentially attributable to their geographical origin. The definition of a geographical indication under Australian law is modelled on the WTO TRIPS definition
Brazil	According to art. 178 of the IP Brazilian Law, "a designation of origin is the geographical name of a country, city, region or locality of its territory, designating a product or service whose qualities or characteristics are due exclusively or essentially to the geographical environment, including natural and human factors".	According to art. 176 of the IP Brazilian Law, "an indication of origin or a designation of origin is a geographical indication". In Brazil, GI is a broad term used to denote the record of Indications of Source and Denominations of Origin.
Chile	A designation identifying a product as originating from the country or a region or locality of that territory, where a given quality, reputation or other characteristic of that product is essentially attributable to its geographical origin, taking into consideration other natural or human factors that have an impact on the characteristics of the product, shall be considered an appellation of origin.	An indication identifying a product as originating from the country or a region or locality of the national territory, where a given quality, reputation or other characteristic of that product is essentially attributable to its geographical origin, shall be considered a geographical indication.
Colombia	An appellation of origin shall be understood to be a geographical indication consisting in the name of a particular country, region or place or a name which, without being that of a particular country, region or place, refers to a particular geographical area, and is used to designate a product originating	

Responding Party	Appellation/ Designation of origin  Definition	Geographical indication  Definition
	therein, the quality, reputation or other characteristics of which are exclusively or essentially due to the geographical environment in which it is produced, including both natural and human factors.	
Croatia <sup>1</sup>	Designation of origin is the name of a region, a specific place or, in exceptional cases, a country, used to indicate products or services originating in that region, the specific place or the country, and the quality or characteristics of which are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors, and the production, processing and preparation of which entirely take place in that specific geographical area.	Geographical indication is the name of a region, a specific place or, in exceptional cases, of a country, used to describe products or services originating in that region, place or country, and possessing a specific quality, reputation or other characteristic attributable to that geographical origin and the production and/or processing and/or preparation of which take place in the specific geographical area.
Cyprus Czech Republic <sup>2</sup>	The protected designation of origin (PDO) is a name which identifies a product (a) originating in a specific place, region or a country; (b) whose quality or characteristics are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors; and (c) the production steps of which all take place in the defined geographical area.	The protected geographical indication (PGI) is a name which identifies a product (a) originating in a specific place, region or country; (b) whose given quality, reputation or other characteristic is essentially attributable to its geographical origin; and (c) at least one of the production steps of which take place in the defined geographical area.
Ecuador	Article 428.- An appellation of origin shall be understood as the geographical indication constituted by the name of a country, region or specific place, or by a name that is not that of a country, region or specific place but refers to a specific geographical area that is used to designate a product originating therein when the product's given quality, reputation or other characteristic is attributable exclusively or essentially to the geographical environment in which it is produced, extracted or prepared, including natural and human factors. In the case of homonymous appellations of origin, protection shall be granted to each one. The regulations will establish the conditions for distinguishing between the homonymous indications or appellations in question, taking into account the need to treat the products concerned fairly and ensure that consumers are not misled.	No

<sup>1</sup> The replies by Croatia are based on *sui generis* national legislation for non-agricultural products and for services.

<sup>2</sup> The replies by the Czech Republic are based on the specific legislation for the protection of geographical indications covering non-agricultural products.

Responding Party	Appellation/ Designation of origin  Definition	Geographical indication  Definition
Estonia	The protected designation of origin is a name which identifies a product (a) originating in a specific place, region or, in exceptional cases, a country; (b) whose quality or characteristics are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors; and (c) the production steps of which all take place in the defined geographical area.	Geographical indication means: 1) the name of or a reference to a geographical area which indicates the specific geographical origin of a good or service if the given quality, reputation or other characteristic of the good or service so identified is essentially attributable to the geographical area where the good is produced, processed or prepared for sales or where the service is rendered; 2) another word, phrase or symbol that, resulting from long-term and consistent use, has become essentially attributable to the geographical area where the good is produced, processed or prepared for sales or where the service is rendered. For the purposes of the Estonian Geographical Indication Protection Act, a geographical area means the territory of a state, or a particular region or locality in that territory. A geographical area does not have to coincide with an administrative unit or settlement unit bearing the same name. The name of a geographical area serving as a geographical indication does not have to coincide with the current official name of that geographical area.
France		"Denomination of a geographical area or specific locality used to designate a product other than an agricultural, forestry, food or sea product as originating in the territory and which has a given quality, reputation or other characteristic that is essentially attributable to its geographical origin".
Georgia	Appellation of origin is a modern or historical name of a geographical place, region or, in exceptional cases, a name of a country (hereinafter "geographical area"), used to designate the goods: (a) originating within the given geographical area; (b) the specific quality and features of which are essentially or exclusively due to a particular geographical environment and human factors; (c) production, processing and preparation of which take place within the geographical area.	Geographical indication is the name or any other sign, which indicates a geographical area and is used to designate the goods: (a) originating in that geographical area; (b) specific quality, reputation, or other characteristics of which are attributable to that geographical area; (c) production or processing or preparation of which takes place in the geographical area.
Greece	"Designation of origin" is a name which identifies a product: (a) originating in a specific place, region or, in exceptional cases, a country; (b) whose quality or characteristics are essentially or exclusively due to a particular geographical environment with	"Geographical indication" is a name which identifies a product: (a) originating in a specific place, region or country; (b) whose given quality, reputation or other characteristic is essentially attributable to its geographical origin; and

Responding Party	Appellation/ Designation of origin  Definition	Geographical indication  Definition
	its inherent natural and human factors; and (c) the production steps of which all take place in the defined geographical area.	(c) at least one of the production steps of which take place in the defined geographical area.
Guatemala	Any name, expression, image or sign that designates or evokes a region, locality or specific place and identifies a product originating in that region, locality or specific place, when the product's quality or characteristics are due essentially or exclusively to the geographical environment, including natural and human factors, and its production, processing and preparation all take place within the defined geographical area.	Any name, expression, image or sign or combination thereof that identifies a product originating in a country or a region or locality of that country, when the product's given quality, reputation or other characteristic is essentially attributable to its geographical origin, and the product is linked to the defined area in at least one of the stages of its production, processing or preparation.
Hungary <sup>3</sup>	A designation of origin is the name of a region, specific place or, in exceptional cases, a country which is used for marking products which originate from such area - i. e. products which are produced, processed or prepared in the defined geographical area - and whose exceptional quality, reputation or other characteristic is exclusively or essentially the result of the particular geographical environment and the characteristic natural and human factors of this environment.	A geographical indication is the name of a region, specific place or, in exceptional cases, a country that is used for marking products that originate from such area - i.e., are produced, processed or prepared in the defined geographical area - and whose exceptional quality, reputation or other characteristic is essentially attributable to that geographical origin.
Iceland	The definition of designations of origin is in Art. 4 of Act 130/2014, namely, a product originating in a region, specific place or country and the specific qualities or characteristics of the product must essentially or exclusively be attributable to local conditions, including its inherent natural and human factors, and the production, processing and preparation of the product takes place in the defined geographical area.	The definition of geographical indications is in Art. 5 of Act 130/2014, namely, a product originating in a region, specific place or country and the product's specific qualities, reputation or other characteristics may to a considerable extent be attributed to that geographical origin and at least one of the stages of production takes place in the defined geographical area.
Israel	"Appellation of origin" means the geographical name of a country, region or locality contained in the name of a product and intended to convey that such product has its origin there and that its quality and properties are mainly due to that geographical area, including its nature and people.	An indication that identifies in Israel goods as originating in a given geographical area of a member state, or a region or part thereof, where a given quality, characteristic or reputation of the good is essentially attributable to its geographical origin.
Jamaica	No	An indication which identifies a good as originating in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.

<sup>3</sup> The replies by Hungary refer to *sui generis* national system for geographical indications and do not concern the EU System.

Responding Party	Appellation/ Designation of origin  Definition	Geographical indication  Definition
Japan		The term “Geographical Indication” means the indication of the names of wines and spirits, and Agricultural, Forestry and Fishery Products and Foodstuffs. They are products produced in a specific place, region or country; and whose quality, reputation or other established characteristic is essentially attributable to the place of production.
Kazakhstan	An indication representing or containing a name of a country, a region, a community, a location or other geographical designation, as well as any indication derived from such name that has become common through its use in connection with the goods whose particular features, quality, reputation or other characteristics are primarily attributable to their geographical origin, including the peculiar natural conditions and (or) human factors.	An indication identifying goods originating from a particular territory, region or location.
Lithuania	No	Definition of the geographical indication in the Law on Trade Marks of the Republic of Lithuania is defined as follows: “Geographical indication” means a place name or other word or sign which directly or indirectly identify a good as originating in a certain territory, region or locality, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin” (Art 2(4) The geographical indication in the Law on Competition of the Republic of Lithuania is defined as follows: “Geographical indication characterizes the goods as being produced in the territory of a certain state or a certain region or area of that territory which is associated with the quality, reputation or other properties of the goods.” (Art. 15(3)).
Madagascar	Appellations of origin are any region, place or, in exceptional cases, a country, used to designate a product: - from that region, place or country; - whose quality or characteristics are due essentially or exclusively to the geographical environment including natural factors and human factors; and - which is produced, processed and processed in a defined geographical area.	“Geographical Indication” means any indication used to identify a product as originating in the territory of a country, or a region or locality of that territory in cases where a certain quality, reputation or other characteristic of the product can be attributed primarily to this geographical origin. Also considered as geographical indications under this law are traditional names that refer to a specific geographical origin but do not consist of a specific geographical name.
Mexico	Pursuant to Article 156 of the Industrial Property Law (LPI): “An appellation of origin shall be understood to consist of or contain the name of a geographical area, or another	“A geographical indication shall be understood to consist of or contain the name of a geographical area, or another indication known as referring to such area, which identifies a good as originating in

Responding Party	Appellation/ Designation of origin  Definition	Geographical indication  Definition
	denomination known as referring to such area, which serves to designate a good as originating in that geographical area, where the quality or characteristics of the good are due exclusively or essentially to the geographical environment, including natural and human factors, and which has given the good its reputation.”	that geographical area, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin” (LPI, Article 157).
New Zealand	No	Section 6 of the Geographical Indications (Wine and Spirits) Registration Act defines a geographical indication as meaning an indication that identified a wine or spirit as originating in the territory of a country, or a region or locality in that territory, where a given quality, or reputation, or other characteristic, of the wine or spirit is essentially attributable to its geographical origin
Poland	“Designation of origin” is a name which identifies a product: (a) originating in a specific place, region or, in exceptional cases, a country; (b) whose quality or characteristics are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors; and (c) the production steps of which all take place in the defined geographical area*.	“Geographical indication” is a name which identifies a product: (a) originating in a specific place, region or country; (b) whose given quality, reputation or other characteristic is essentially attributable to its geographical origin; and (c) at least one of the production steps of which take place in the defined geographical area*.
Portugal	Denomination of origin is defined as the name of a region, of a specific place or, in exceptional cases, of a country, which serves to designate or identify a product: a) Originating from that region, specific place or country; b) Whose quality or characteristics are derived, essentially or exclusively, from the geographic environment, including the natural and human factors, and whose production, processing and development are carried out within the demarcated geographic area. Certain traditional appellations, be they geographic or not, which designate a product originating from a specific region or place and which satisfy the conditions provided for in (b) of the preceding paragraph are also considered appellations of origin.*	A geographic indication is understood to mean the name of a region, a specific place or, in exceptional cases, a country that serves to designate or identify a product: a) Originating from that region, specific place or country; b) Whose reputation, specific quality or another characteristic can be attributed to that geographic origin and whose production, processing or development are carried out within that demarcated geographic area.*
Republic of Korea		The term "geographical indication" means an indication used in respect of products produced, manufactured, or processed in a specific geographical place and qualities, reputation or other characteristic of the goods are essentially due to that place (Article 2(1).4

Responding Party	Appellation/ Designation of origin  Definition	Geographical indication  Definition
Republic of Moldova	<p>“Appellation of origin” means the geographical name of a region or locality, a specific place or, in exceptional cases, a country, used to designate a product originating in that region, locality, specific place or country, and the quality or characteristics of which are essentially or exclusively due to the particular geographical environment comprising inherent natural and human factors thereof, and the production stages of which are carried out all in the defined geographical area (Article 2, Law nr.66-XVI of 27.03.2008 on the protection of Geographical Indications, Appellations of Origin and Traditional Specialties Guaranteed).</p>	<p>“Geographical indication” means the name of a region or a locality, a specific place or, in exceptional cases, a country, used to describe a product originating in that region, locality, specific place or country, which possesses a specific quality, reputation or other characteristics attributable to that geographical origin, and at least one of the production stages of which is carried out in the defined geographical area (Article 2, Law nr.66/2008).</p>
Romania	No	<p>“Geographical indication” is the name used to identify a product originating in a country, region or locality of a State, in cases where a quality, reputation or other specified characteristics may be essentially attributable to that geographical origin.</p>
Russian Federation	<p>An appellation of origin of a product that is granted legal protection is a designation which is or contains the contemporary or historical, official or unofficial, full or abbreviated name of a country, urban or rural settlement, locality, or other geographical area, as well as a designation that is derived from such a name and has become known as a result of its use with respect to a product whose special qualities are attributable exclusively or essentially to natural conditions and/or human factors that are characteristic of the given geographical area.</p>	<p>Pursuant to Article 22 of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), geographical indications are designations which identify a product as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the product is essentially attributable to its geographical origin.</p>
Serbia	<p>Appellation of origin shall be geographical name of a region, locality, or country used to designate a product originating therein, the quality and specific characteristics of which are due exclusively or essentially to the geographical environment, including natural and human factors, and such product is produced, processed and prepared entirely within a specific geographical area.</p>	<p>Geographical indications shall be indications which identify particular goods as goods originating from the territory of specific country, region or locality within such territory, where a given quality, reputation or other characteristics of such goods can be essentially attributed to their geographical origin, and such goods are produced and/or processed and/or prepared within a definite geographical area.</p>
Singapore		<p>“Geographical indication” means any indication used in trade to identify goods as originating from a place, provided that — (a) the place is a qualifying country or a region or locality in the qualifying country; and (b) a given quality, reputation or other</p>

Responding Party	Appellation/ Designation of origin  Definition	Geographical indication  Definition
		characteristic of the goods is essentially attributable to that place.
Slovakia	The designation of origin for product shall mean name of a specific place, region or, in exceptional cases, country, used to sign a product originating from that place, region, or country, if a quality or characteristics of such product are exclusively or essentially given by a geographical environment with its characteristic natural and human factors, and production, processing and preparation of such product take place exclusively within defined place, region, or country.	The geographical indication for product shall mean name of a specific place, region or, in exceptional cases, country, used to sign a product originating from that place, region, or country, if such product is of a specific quality, reputation or characteristics which could be ascribed to such place, region or country.
South Africa		
Switzerland <sup>4</sup>	<p><u>R2.1</u> Name of a region, a place or, in exceptional cases, a country that is used to describe a product originating in that region, place or country, the quality or characteristics of which are essentially or exclusively due to a particular geographical environment, with its inherent natural and human factors, and which is produced, processed and prepared within a defined geographical area. Traditional names of products that meet these conditions may be registered as appellations of origin.</p> <p><u>R2.2</u> Name identifying a product as originating in a particular country, region or locality, as having a certain quality or characteristics that are essentially or exclusively due to a particular geographical environment, with its inherent natural and human factors, and as having been produced in its entirety within the defined geographical area.</p>	<p><u>R2.1</u> Name of a region, a place or, in exceptional cases, a country, that is used to describe a product originating in that region, place or country, which has a specific quality, reputation or other characteristic attributable to that geographical origin and is produced, processed or prepared within a defined geographical area. Traditional names of products that meet these conditions may be registered as geographical indications.</p> <p><u>R2.2</u> Name identifying a product as originating in a particular country, region or locality and having a given quality, reputation or other characteristic essentially attributable to that geographical origin.</p>

<sup>4</sup> The legal instruments identified below have been used in the responses.

(R1) Registration-free protection for all types of products: Article 47 *et seq.* of the Federal Act of August 28, 1992, on the Protection of Trademarks and Indications of Source (Trademark Protection Act (TmPA)).

(R2) Registration-based protection as protected designation of origin (PDO) or protected geographical indication (PGI) for all products (except wines):

R2.1. Article 16 of the Federal Act of April 29, 1998, on Agriculture (agricultural produce and processed agricultural products, except wines); Article 41(a) of the Federal Act of October 4, 1991, on Forests (forestry produce and processed forestry products);

R2.2. Article 50(a) of TmPA (other PDO) or local wine for Swiss wines,

(R3) Protection as a protected designation of origin (PDO) or local wine for Swiss wines, pursuant to federal and cantonal legislation under Article 63 of the Federal Act of April 29, 1998, on Agriculture.

(R4) Protection as an indication of source for a particular category of product, pursuant to a Federal Council ordinance under Article 50(2) of the TmPA.

(R5) Protects a geographical mark that has been registered in accordance with Article 27(a) *et seq.* of the TmPA. A response covers all five of the above-mentioned regimes if the regime(s) to which it refers is(are) not specified.

Responding Party	Appellation/ Designation of origin  Definition	Geographical indication  Definition
	<p><u>R3</u> Name of a canton or a geographical area of a canton. The cantons establish the requirements applicable to PDOs. These must provide for: the boundaries of the geographical area in which at least the grapes are produced; a list of authorized vine varieties; a list of authorized cultivation methods; the minimum natural sugar content for each authorized vine variety; the maximum yield per unit area for each authorized vine variety; a list of authorized vinification methods; a system for the analysis and organoleptic examination of wine that is ready for sale. The cantons verify that PDO wines meet the requirements that they have established.</p>	
United Kingdom	Identifies a good as originating in a territory, region or locality, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin	Identifies a good as originating in a territory, region or locality, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.
United States of America	No	No
Uruguay	Appellation of origin is the geographical name of a country, city or locality that designates a product or service, the quality or characteristics of which are due exclusively or essentially to the geographical environment, including natural or human factors.	Geographical indications are indications of source and appellations of origin.
Viet Nam		A geographical indication means a sign which identifies a product as originating from a specific region, locality, territory or country (Clause 22, Article 4 of Intellectual Property Law of Viet Nam (IP Law)).
European Union <sup>5</sup>	The protected designation of origin (PDO) is a name which identifies a product (a) originating in a specific place, region or, in exceptional cases, a country; (b) whose quality or characteristics are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors; and (c) the production steps of which all take place in the defined geographical area.	The protected geographical indication (PGI) is a name which identifies a product (a) originating in a specific place, region or country; (b) whose given quality, reputation or other characteristic is essentially attributable to its geographical origin; and (c) at least one of the production steps of which take place in the defined geographical area. The protected designation of origin (PDO) broadly corresponds to the definition of appellation of origin as set out by Article 2 of the Lisbon Agreement.

<sup>5</sup> The European Union's replies are based on the specific legislation for the protection of geographical indications (covering agricultural products and foodstuffs, wine, spirit drinks and aromatized wine products).

## COMMENTS:

### Australia

Appellation/designation of origin: these are not a defined or recognized concept in Australia.

### Brazil

The definition of IP, according to art. 177 of the IP Brazilian Law, is: "*geographical name of country, city, region or locality of its territory, which has become known as a center for the extraction, production or manufacture of a particular product or service.*"

### Chile

Article 92, Law No. 19.039 on Industrial Property.

### Cyprus

As far as agricultural products and foodstuffs are concerned, Cyprus implements Article 5 of the European Regulation (EU) 1151/2012 which includes the definition of "designation of origin" and "geographical indication". The definition of Appellation/Designation of origin and Geographical indication for Wines is that of article 93 (a) and (b) of Regulation (EU) 1308/2013. For Spirits, the definition of Geographical indication as per article 15 of Regulation (EC) 110/2008 is applied in Cyprus.

### Greece

According to Article 5 of Regulation 1151/2012.

### Hungary

Act XI of 1997 on the Protection of Trademarks and Geographical Indications (hereinafter 'Hungarian Trademark Act'), Article 103 (2)-(3).

### Iceland

Protection of a name of a product as traditional specialty is also defined in the Icelandic Act on the protection of product names as designation of origin, geographical indications or traditional specialty No. 130/2014.

### Israel

Israel recognizes foreign appellations of origin in the context of its membership in the Lisbon Agreement and rights will only inure upon registration. Israel does not maintain a registry for Geographical Indications, as that term is understood in the TRIPS Agreement, Article 22, which are protected on an unregistered basis.

### New Zealand

An explicit definition of a geographical indication is only given in the Geographical Indications (Wine and Spirits) Registration Act 2006. However, geographical indications for foodstuffs other than wine and spirits can be protected under the Trade Marks Act 2002, Fair Trading Act 1986 and the common law tort of passing off, as discussed below. Neither of these means explicitly define a geographical indication.

### Poland

PDO/PGI definitions according to the definitions in Article 5(1) and (2) of the Regulation (EU) No 1151/2012 of the European Parliament of 21 November 2012 on quality schemes for agricultural products and foodstuffs.

Portugal

\* Only non-agriculture products (for the others, EU competence).

Romania

The designation of origin is found in the Law of vineyard and wine, on wine varieties (D.O.C.).

South Africa

Neither are defined in the Trade Marks Act 194 of 1993.

United States of America

The United States protects geographical indications through the trademark system, including unfair competition. GIs may be protected as trademarks, certification marks, or collective marks. In addition, the Federal Alcohol Administration Act and its implementing regulations provide additional restrictions on the use of geographic terms in relation to wine and distilled spirits of both domestic and foreign origin.

*(ii) Means for Protection*

**2. Which means for the identification and protection of geographical indications are available in your jurisdiction?**

Responding Party	<i>Sui generis</i> system	Trademarks	Collective Marks	Certification Marks	Specific Laws	Other means restricting the use	Other
Australia	Yes	No	Yes	Yes			Yes
Brazil					Yes*		
Chile	Yes				Yes*		
Colombia	Yes				Yes*		Yes†
Croatia	Yes						
Cyprus		Yes	Yes	Yes	Yes		
Czech Republic	Yes						
Ecuador	Yes		Yes	Yes			
Estonia	Yes						
France	Yes				Yes*		
Georgia	Yes		Yes		Yes*		
Greece							
Guatemala					Yes*		
Hungary	Yes						
Iceland	Yes	Yes	Yes	Yes	Yes*		
Israel	Yes	Yes	Yes	Yes	Yes*	Yes	Yes†
Jamaica	Yes	No	No	Yes	No	No	No
Japan	Yes						
Kazakhstan							
Lithuania	No	Yes	Yes	No	No	No	Yes*
Madagascar					Yes*		
Mexico	Yes		Yes	Yes		Yes	
New Zealand	Yes	Yes	Yes	Yes		Yes	Yes*
Poland	Yes				Yes*		
Portugal	Yes	Yes	Yes	Yes	Yes*		
Republic of Korea			Yes	Yes			

Responding Party	Sui generis system	Trademarks	Collective Marks	Certification Marks	Specific Laws	Other means restricting the use	Other
Republic of Moldova	Yes						
Romania	Yes	Yes			Yes*		
Russian Federation	Yes	Yes	Yes				
Serbia	Yes				Yes*		
Singapore	Yes		Yes	Yes			
Slovakia	Yes						
South Africa			Yes*	Yes†			
Switzerland	Yes (R1 and R2)		Yes (R5)		Yes R3 and R4		Yes*
United Kingdom		Yes	Yes	Yes			
United States of America	No	Yes	Yes	Yes	No	Yes	Yes
Uruguay	Yes	No	No	No	No	No	No
Viet Nam	Yes		Yes	Yes			
European Union	Yes						

## COMMENTS:

### Australia

Certification trademarks can be used to protect GIs for all goods. Collective trademarks can sometimes be an appropriate form of protection for GIs in Australia (e.g. for GIs that include graphical elements) but have the same distinctiveness threshold as standard trademarks which could make obtaining registration for a plain word GI difficult. Sui generis system only applies to wine goods, which are defined in the Wine Australia Act as: Wines; or Grapes, or grape extract, used or intended to be used in manufacturing wine. Other laws complete a framework under which GIs can be protected, including the Australia New Zealand Food Standards Code and the Australian Consumer Law. GIs can also achieve protection through the common law tort of passing off in certain circumstances.

### Brazil

\* IP Brazilian Law.

Geographical Indication is considered an Industrial Property asset, regulated by LPI and registered with INPI.

### Chile

\* Chile has a tripartite system for the recognition and protection of GIs and AOs: a) Law No. 19.039; b) Law No. 18.455; and c) international treaties concluded by Chile. The protection system administered by the National Industrial Property Institute (INAPI) includes a procedure for obtaining registrations.

(a) Law No. 19.039 of 1991 on Industrial Property establishes a registration system, a regulated procedure and a series of requirements for the recognition, registration and protection of GIs and AOs, lays down the conditions for their use and provides that they shall be governed by the provisions of that Law and the Regulations of Use and Control approved for the product in question. Requests for the registration of a GI or AO must be submitted to INAPI, which is the body responsible for examining,

recognizing and registering such signs.

(b) International treaties adopted by Chile: GIs and AOs are recognized under a number of free trade and bilateral agreements signed by Chile. While products are recognized under this system, their protection depends on the domestic laws in force. Accordingly, foreign products that are not included in the INAPI register are protected by means of administrative actions, such as labelling inspections at the border by the Agriculture and Livestock Service. Recognition is automatic and the relevant treaty establishes the conditions for the use of the GIs and AOs in question.

(c) Law No. 18.455 lays down rules for the production, processing and marketing of ethyl alcohols, alcoholic beverages and vinegars. Article 35 (5) thereof provides that “the use on labels, containers and packaging of geographical indications, appellations of origin, traditional expressions and other quality claims or protected foreign denominations that have been recognized as such under international treaties ratified by Chile, which may only be used under the conditions established in said treaties, is prohibited”.

### Colombia

\* Certain specific rules for protection against unfair competition and consumer protection include provisions that can be applied to misuse of appellations of origin (e.g., Article 15 of Law No. 256 of 1996 and Article 5 of Law No. 1480 of 2011).

† Applications for the registration of a trademark consisting of a geographical term that incorporates the names of indigenous Afro-American or local communities, or the names, words, letters, characters or signs used to distinguish their goods or services or the manner of their processing, or which constitute an expression of their culture or practice, shall be refused pursuant to Article 136 (g) of Decision 486 of 2000. Such cases may represent an expression related to traditional knowledge or cultural expression which, while not eligible for registration (unregistered right), can be protected by indirect means.

In the event that a geographical term does not meet the specific requirements for appellations of origin, the term may be eligible for protection by means of collective or certification marks (e.g., Mochila Arhuaca).

### Cyprus

As far as agricultural products and foodstuffs are concerned Cyprus implements the European regulation (EU) 1151/2012 for the registration of a ‘designation of origin’ and a ‘geographical indication’, the protection and control of Protected designation of origin (PDO) and Protected geographical indication (PGI), through the national law 139(I)/2006. For the protection and identification of a geographical indication for wines and spirits Cyprus implements also the national law 61(I)/2004.

### France

\* There are specific laws for protection (Intellectual Property Code and Consumer Code) and offer identical protection to PDOs/GIs.

### Georgia

\* Law on Appellations of Origin and Geographical Indications of Goods.

### Greece

Regulation (EU) 1151/2012 on quality schemes for agricultural products and foodstuffs and the Joint Ministerial Decree No. 261611/07.03.2007 on complementary measures for the protection of GIs implementing the Regulation (EE) No. 510/20-03-2006, as amended by the Joint Ministerial Decree No. 290398/11.04.2008 and by JMD No. 318764/07-08-2008.

### Guatemala

\* The Industrial Property Law regulates a section on geographical indications and appellations of origin.

### Iceland

\* The Icelandic Act on the protection of product names as designation of origin, geographical indications or traditional specialty No. 130/2014.

### Israel

\* The Law for Protection of Appellations of Origin and Geographical Indications, 1965.

† Merchandise Marks Ordinance, 1929.

### Japan

In the case of GIs for liquor, the answer is “others”. The GIs for liquor are protected by the public notice. GIs are also protected in Japan under both the Unfair Competition Prevention Act and the Trademark Act, pursuant to Articles 22.2 and 22.3 of the TRIPS Agreement, respectively.

### Lithuania

\* The Law on Competition of the Republic of Lithuania us one of the unfair competition acts.

The Law on Trademarks of the Republic of Lithuania and the EU legal acts are applied.

### Madagascar

\* Law No. 043-2017 on the Protection of Industrial Property in Madagascar. This new law has been promulgated but has not yet been implemented, pending the adoption of the implementing decree.

Legislation currently in force provides for the protection of geographical indications by the system of collective marks.

### Mexico

The LPI protects geographical indications in the following ways:

(a) through the legal concepts of “geographical indications” and “appellations of origin” (Articles 156 to 178);

(b) through collective marks (Articles 96 to 97*bis* (1));

(c) through certification marks (Articles 98*bis* to 98*bis* (4));

(d) by preventing the registration of marks that can mislead the public as to the origin or provenance of the good or service and the registration of names of towns or places characterized by the manufacture of certain goods (Article 90 (XI) and (XII) of the reformed Law); and

(e) through protection against acts of unfair competition (Article 213 (IX)(d)).

### New Zealand

\* Common law tort of passing off (i.e. court decisions).

In New Zealand there are multiple means for protecting geographical indications.

### Poland

\* Regulation (EU) No 1151/2012 of the European Parliament of 21 November 2012 on quality schemes for agricultural products and foodstuffs

### Portugal

\* Bilateral agreements.

### Romania

\* Law no. 84 of 15 April 1998 on trade marks and geographical indications

### Russian Federation

An appellation of origin of a product is protected under a *sui generis* system (it is regulated by the Russian Federation Civil Code). A geographical indication is protected by virtue of the Russian Federation's international obligations arising from the provisions of TRIPS. Geographical indications are protected in accordance with the laws on the protection of consumers' rights and the laws on competition.

### Serbia

\* Law on Indications of Geographical Origin ("Official Gazette of the Republic of Serbia", No. 18/2010; 26/03/2010)

### Singapore

GIs are registrable as certification and collective marks under Trade Marks Act (Cap 332, 2005 Rev Ed). The current *sui generis* system is as provided under the Geographical Indications Act (Cap 117B, 1999 Rev Ed). Please note that the new Geographical Indications Act 2014 has been passed but is not yet in force. All responses in this questionnaire are based on the current Geographical Indications Act (Cap 117B), unless otherwise specified.

### Slovakia

Act no. 469/2003 Coll. on designations of origin for products and geographical indications for products and on amendment of some acts.

### South Africa

\* Section 43 of the Trade Marks Act 194 of 1993.

† Section 42 of the Trade Marks Act 194 of 1993.

### Switzerland

\* A geographical indication under R1 does not require registration in order to be protected. Where the use of an unregistered geographical indication is contested, it falls to a court to determine the boundaries of the region or geographical area concerned, taking into consideration additional requirements other than solely the geographical source, such as observance of customary or locally prescribed manufacturing or processing principles or quality requirements, and taking into account the understanding of the relevant public and, where appropriate, the influence that the additional requirements have on the reputation of the products.

R5. A geographical indication protected by a Swiss or foreign *sui generis* title may be registered as a geographical mark under Article 27(a) *et seq.* of the TmPA.

### United States of America

The U.S. common law trademark system provides protection against uses that are likely to cause confusion or to deceive through court decisions for unregistered geographic source identifiers. Additionally, restrictions on the use of geographic terms in relation to a particular good appear in U.S. alcohol labeling laws.

(iii) *Sign*

3. The following signs can be protected as geographical indications in your jurisdiction:

Responding Party	Geographic terms	Geographic terms, including a country name	Geographic terms, including an abbreviation of a geographical name	Non-geographic terms	Figurative elements	Other elements
Australia	Yes	Yes	Yes		Yes	
Brazil	Yes*				Yes**	
Chile	Yes	Yes	Yes	Yes	Yes	
Colombia	Yes	Yes		Yes		
Croatia	Yes	Yes		Yes	Yes	
Cyprus	Yes	Yes	Yes	Yes		
Czech Republic	Yes	Yes		Yes		
Ecuador	Yes	No				
Estonia	Yes	Yes		Yes		
France	Yes	Yes*				Yes
Georgia	Yes	Yes		Yes	Yes	
Greece	Yes	Yes*		Yes		
Guatemala	Yes	No	Yes	Yes	Yes	No
Hungary	Yes	Yes				
Iceland	Yes	No	Yes	Yes	No	No
Israel	Yes	Yes	Yes	Yes	Yes	No
Jamaica	Yes	Yes	Yes	Yes	No	No
Japan	Yes	Yes	Yes	Yes	Yes	
Kazakhstan	Yes	Yes				
Lithuania	Yes	Yes	Yes	Yes	Yes	
Madagascar	Yes	Yes	No	Yes	No	No
Mexico	Yes	Yes	Yes			
New Zealand	Yes	Yes	Yes	Yes	Yes	Yes
Poland	Yes	Yes				
Portugal	Yes	Yes	Yes	Yes		
Republic of Korea	Yes					
Republic of Moldova	Yes	Yes		Yes		
Romania	Yes	Yes	Yes	Yes		
Russian Federation <sup>6</sup>	Yes	Yes		Yes		
Serbia	Yes	Yes	Yes	Yes		
Singapore	Yes	Yes	Yes	Yes	Yes	
Slovakia	Yes	Yes		Yes		
South Africa	Yes	Yes	Yes			Yes
Switzerland*	Yes	Yes	Yes	Yes	Yes	
United Kingdom	Yes	Yes	Yes	Yes	Yes	Yes*

<sup>6</sup> The responses by the Russian Federation to Questions 3 to 10, 13 to 15, 18, 21, 31, 34, 43, 53, and 56 apply to an appellation of origin of a product (AOP) that is protected in the Russian Federation under a registration system. An AOP refers to a designation which is or contains the contemporary or historical, official or unofficial, full or abbreviated name of a country, urban or rural settlement, locality, or other geographical area, as well as a designation that is derived from such a name and has become known as a result of its use with respect to a product whose special qualities are attributable exclusively or essentially to natural conditions and/or human factors that are characteristic of the given geographical area.

Responding Party	Geographic terms	Geographic terms, including a country name	Geographic terms, including an abbreviation of a geographical name	Non-geographic terms	Figurative elements	Other elements
United States of America	Yes	Yes	Yes	Yes	Yes	Yes
Uruguay	Yes	Yes	Yes	Yes	No	No
Viet Nam	Yes	Yes	Yes	Yes	Yes	
European Union	Yes	Yes		Yes		

## COMMENTS:

### Australia

A certification trade mark (CTM) can include a geographic term and figurative element. Country names can also be protected as a GI, noting "Australia" is protected as a GI for wine goods on the Register of Protected GIs and other terms. Theoretically, if an abbreviation of a geographical name or other elements meets the requirements for protection, it is possible they could be protected as GIs in Australia; however, this has not yet been tested.

### Brazil

\* considering that they are "geographical names"

\*\* according to Article 179 of the IP Brazilian Law

Non-geographic names under the IP Brazilian Law are not eligible for protection. Regarding the abbreviations of geographical names, there is nothing in the Law or IN25 / 2013 that prohibits their registrations as GIs, but the subject should be better discussed by INPI.

### Chile

For wines and alcoholic beverages, only geographical terms can be protected as GIs.

### Colombia

Non-geographical expressions referring to a specific area (such as Wayuú) are also accepted as appellations of origin. Donyms are accepted as well.

### Croatia

In addition to the verbal form, a geographical indication may be in a figurative form (a cartographic representation or any other symbolic representation indicating that a product or a service originates in a specific geographical area).

### Cyprus

As far as agricultural products and foodstuffs are concerned Cyprus implements the European regulation (EU) 1151/2012 for the registration of a 'designation of origin' and a 'geographical indication' and protection of Protected designation of origin (PDO) and Protected geographical indication (PGI). Geographic and non-geographic terms can be protected as Geographical indications in Cyprus as far as wines and spirits are concerned.

### France

\* May be possible exceptionally in theory, subject to demonstration of the link between the product and the territory of France as a whole.

A possible translation into a regional language, provided it is somehow associated with the French language.

### Greece

\* On an exceptional basis.

### Iceland

An abbreviation of a country name is excluded, but other abbreviations of a geographical name can be protected.

### Japan

The public notice for liquor GIs provide for protection of geographic terms and non-geographic terms, but not figurative elements.

### Madagascar

Benefit from protection the signs that comply with the definitions provided by law.

### Mexico

Pursuant to Articles 157 and 158 of the LPI, an indication consisting of or containing the name of a geographical area, or another indication known as referring to such area, which identifies a good as originating in that geographical area, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin, may be protected as a geographical indication. A geographical area is understood to be the entire territory of a country or a region, locality or place therein.

### New Zealand

The Geographical Indications (Wine and Spirits) Registration Act 2006 does not define what is meant by an "indication", meaning that what signs may constitute an indication is not limited. The Trade Marks Act 2002 defines a sign as including a brand, colour, device, heading, label, letter, name, numeral, shape, signature, smell, sound, taste, ticket or word, and any combination of signs.

### Poland

According to the definitions in Article 5(1) and (2) of the Regulation (EU) No 1151/2012 of the European Parliament of 21 November 2012 on quality schemes for agricultural products and foodstuffs.

### Russian Federation

The requirements for a designation that may be registered as an AOP are contained in Article 1516 of the Russian Federation Civil Code. For foreign AOPs: an AOP must be protected as such in its country of origin.

### Switzerland

\* R1

R2, R3, R4 and R5: geographic terms, including a country name; non-geographic terms.

United Kingdom

\* Other elements that are protected include things such as holograms, 3D shapes etc.

United States of America

Anything that is capable of distinguishing the source of the goods/services, that is, the collective producers in a region, is eligible for protection under the common law, unfair competition, or through registration.

*(iv) Requirements for Protection*

**4. What are the required conditions to obtain protection of a geographical indication in your jurisdiction?**

Responding Party	Conditions to obtain protection of a geographical indication
Australia	For CTM: The application must meet the requirements of the Trade Marks Act and also Australian Competition and Consumer Commission (ACCC) requirements in relation to the public interest and competition principles The geographical indication must be capable of distinguishing the certified goods from goods not so certified. This can be established through use. Wine goods under sui generis system: GI must be approved by GI Committee, with approval contingent on it not being opposed and the required fee must also be paid. The application must meet the requirements of the Wine Australia Act and Regulations
Brazil	Pursuant to INPI's Normative Instruction No. 25/2013 in its art. 5º: " <i>Associations, institutes and legal entities representative of the collectivity legitimated to the exclusive use of the geographical name established in the respective territory</i> " may request registration of Geographical Indications, as procedural substitutes." In the case of IP, the condition for obtaining the registration is the proof that the place has become known as a center of extraction, production or manufacture of a particular product or of providing a certain service; in the case of DO, it must be demonstrated that the product or service possesses qualities or characteristics attributable exclusively or essentially to the geographical environment, including natural and human factors.
Chile	GIs and AOs recognized under Law No. 18.455 and international treaties ratified by Chile are fully protected as soon as they have been recognized under the law or treaty in question in accordance with the conditions set out therein. As such, GIs and AOs merely need to have been incorporated into the law or recognized as such in international treaties or bilateral agreements ratified by Chile. Under the registration system established by Law No. 19.039 on Industrial Property for the registration and protection of GIs and AOs, the following requirements must be met: - <u>Applicants</u> must represent a significant group of producers, manufacturers or artisans whose lands or extraction, production, processing or preparation facilities are within the delimited zone established by the GI or AO applied for. National, regional, provincial or local authorities may also request the recognition of GIs or AOs that are within the territories falling under their respective jurisdiction. - <u>Geographical areas</u> must indicate the geographical area of production, extraction, processing or preparation of the product to be distinguished by the requested indication or appellation, delimiting it to the geographical character and political-administrative division of the country. - <u>Product descriptions</u> must provide detailed descriptions of the products to be distinguished by the requested GI or AO as well as the essential characteristics or qualities of those products. - <u>Technical studies</u> must be prepared by a competent professional and provide evidence that the purported characteristics or qualities of the product are essentially or exclusively attributable to its geographical origin. - <u>Regulations of Use and Control</u> must be accompanied by a draft of the specific regulations governing the use and control of the requested GI or AO.

Responding Party	Conditions to obtain protection of a geographical indication
	- For Chilean GIs and AOs relating to forestry, agricultural and livestock and agro-industrial goods, a report from the Ministry of Agriculture is also required.
Colombia	<ol style="list-style-type: none"> <li>1. A specific country, region or place must be named, or failing those, a specific geographical area.</li> <li>2. The indication must designate one or more products originating in the area.</li> <li>3. The characteristics, qualities and reputation of such products must be exclusively or essentially attributable to the geographical environment in which they are produced, including natural and human factors.</li> <li>4. The appellation must comply with the negative conditions set out in Article 202 of Decision 486 of 2000, that is: (a) not conforming to the definition of appellation of origin; (b) being a common or generic term to distinguish the product concerned; (c) being contrary to good practice or public order; and (d) being liable to mislead the public as to the geographical area, nature, method of manufacture or quality, reputation or other characteristics of the products concerned.</li> <li>5. The appellation must not be of a nature to create confusion with a trademark previously applied for or registered in good faith, or with a well-known trademark (Decree 729 of 2012, Article 6 – Decision 689 of 2012, Article 1 (i)).</li> </ol>
Croatia	<p>Geographical indication is a name used to describe a product or service:</p> <ul style="list-style-type: none"> <li>- originating in a specific region, place or country</li> <li>- possessing a specific quality, reputation or other characteristic attributable to that geographical origin</li> <li>- the production and/or processing and/or preparation of which take place in the specific geographical area.</li> </ul> <p>Designation of origin is a name which is used to indicate a product or service:</p> <ul style="list-style-type: none"> <li>- originating in a specific region, place or country</li> <li>- the quality or characteristics of which are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors</li> <li>- the production, processing and preparation of which entirely take place in that specific geographical area.</li> </ul>
Cyprus	As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of the European regulation (EU) 1151/2012 for the registration and protection of the name of a product as a PDO, PGI. For wines and spirits as per provisions of Regulations (EU) 1308/2013, (EC) 607/2009 and 110/2008.
Czech Republic	<p>A “geographical indication” is a name which identifies a product:</p> <ul style="list-style-type: none"> <li>-originating in a specific place, region or country;</li> <li>-whose given quality, reputation or other characteristic is essentially attributable to its geographical origin; and</li> <li>-at least one of the production steps of which take place in the defined geographical area.</li> </ul> <p>A “designation of origin” is a name which identifies a product:</p> <ul style="list-style-type: none"> <li>- originating in a specific place, region or a country;</li> <li>- whose quality or characteristics are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors; and</li> <li>- the production steps of which all take place in the defined geographical area.</li> </ul>
Ecuador	Article 69.- Applications for the grant of protection of a geographical indication shall be filed with the National Directorate of Industrial Property on the form drawn up for that purpose by the National Directorate of Industrial Property and shall show: (a) the identification, address and nationality of the applicant(s); (b) identification of the representative or agent, as well as that person’s address and casilla judicial for the serving of all notices; (c) clear and complete identification of the geographical indication; (d) geographical area of production, extraction or preparation of the product(s) distinguished by the geographical indication; and, (e) the exact indication that determines the specific product’s unique quality, reputation or characteristic.
Estonia	(1) The right to apply for the registration of a geographical indication is vested in: <ol style="list-style-type: none"> <li>1) a person who acts as the producer, processor or preparer for sales of the good designated with the indication, or as the renderer of the service in the geographical area specified in the indication;</li> </ol>

Responding Party	Conditions to obtain protection of a geographical indication
	<p>2) an association of consumers or persons referred to in clause 1 of this subsection, regardless of its seat or legal form;</p> <p>3) a competent authority of the country of origin of the good or service.</p> <p>(2) The person referred to in subsection 1 of this section may only apply for the registration of an indication which meets the requirements prescribed for geographical indications and complies with the provisions of § 4 of the Estonian Geographical Indication Protection Act and which is not excluded from protection under § 8 of the Act.</p> <p>(3) The list of Estonian administrative agencies competent for applying for the registration of geographical indications shall be approved by the Government of the Republic.</p>
France	<p>- A product specification containing the name of the product, proof of a connection between the product/territory, manufacturing processes and control plan must be filed.</p> <p>- Completion of a public inquiry open to all, and a consultation with local INAO authorities, interested professional groups and accredited consumer associations.</p>
Georgia	<p>In order to obtain protection geographical indication must meet the requirements of Para 2 of Article 3 of the law (definition of GI) or in case of appellation of origin requirements of Para 2 of Article 3 (definition AO). Appellations of origin and geographical indications are protected by registration at Sakpatenti or on the basis of an international agreement.</p>
Greece	<p>Applicant groups submit their applications for registration to the Ministry of Rural Development and Food Directorate of Quality Systems, Organic Farming &amp; GI's, Department of PDO, PGI, TSG and other Quality Schemes. The scrutiny of each application is carried out in two stages, in national level in Greece and international level. It is long term procedures due to the different stages included. The applicant group shall submit the registration application to the Directorate of Organic Farming. The file shall include:</p> <p>a) the registration application according to the model of the Annex I of the Common Ministerial Decision (C.M.D) 261611/2007 as amended by the C.M.D 290398/2008.</p> <p>b) the single document according to the model of the Annex I of the Reg. (EC) 1898/2006</p> <p>c) the product's specifications</p> <p>d) a statement that the conditions of article 2 of the Regulation 1898/2007 are met in the case where the interested party is a natural or legal person. The file is assessed at first stage, for the completeness and quality of the submitted data by the Department of PDO-PGI-TSG of the Directorate of Organic Farming of the Ministry of Rural Development and Food. In case the application is justified and complies by the regulations, then the relevant request is widely published at national level and national objection procedure is initialized. Any natural or legal person having a legitimate interest and established or resident in Greece may lodge an objection to the application. After the examination of the objections, if any, the application is either accepted at national level or rejected. In any case, a relevant decision of the Minister of the Rural Development and Food is issued. Then, the file is communicated to the European Commission to be scrutinized at second stage. Where the Commission considers that the conditions are met, the single document is published in the Official Journal of the European Union. Any legal or natural person having legitimate interest at international level, may object to the proposed registration. Following the objections' examination, the designation is registered to the Community Register for the Protected Designations of Origin and the Protected Geographical Indications. In case the application is finally rejected by the Commission, the relevant Ministerial decision is recalled. The use of the indications POD PGI may start from the date of issue of the EU registration regulation.</p>
Guatemala	<p>It must be a name, expression, image or sign or combination thereof that identifies a product originating in a country or a region or locality of that country, when the product's given quality, reputation or other characteristic is essentially attributable to its geographical origin, and the product is linked to the defined area in at least one of the stages of its production, processing or preparation.</p>
Hungary	<p>A geographical indication is:</p> <ul style="list-style-type: none"> <li>- the name of a region, specific place or, in exceptional cases, a country that is</li> <li>- used for marking products that originate from such area - i.e., are produced, processed or prepared in the defined geographical area - and</li> </ul>

Responding Party	Conditions to obtain protection of a geographical indication
	<ul style="list-style-type: none"> <li>- whose exceptional quality, reputation or other characteristic is essentially attributable to that geographical origin.</li> </ul> <p>A designation of origin is:</p> <ul style="list-style-type: none"> <li>- the name of a region, specific place or, in exceptional cases, a country which is</li> <li>- used for marking products which originate from such area - i. e. products which are produced, processed or prepared in the defined geographical area - and</li> <li>- whose exceptional quality, reputation or other characteristic is exclusively or essentially the result of the particular geographical environment and the characteristic natural and human factors of this environment.</li> </ul>
Iceland	<p>Conditions are outlined in the definitions, see Q.1. The purpose of protection is to protect product names as designation of origin, geographical indications or traditional specialty with a view to promoting consumer protection, increasing product value and preventing unfair commercial practices. Further, protection is applicable to names of foodstuffs, wines and spirits and other products as provided by a ministerial regulation (Annex I to Regulation No 596/2016) referring to origin, geographical indication or traditional specialty.</p>
Israel	<p>Protection is granted if the GI or the AOI corresponds to the requirement according to law as mentioned above</p>
Jamaica	<p>The applicant is any producer or group of producers carrying on an activity in the geographical area specified in the application with respect to the goods so specified OR any competent authority. The geographical indication is not excluded from protection by virtue of section 6 (Protection of Geographical Indications Act). The application –</p> <ul style="list-style-type: none"> <li>(i) contains (a) the name, address and nationality of the applicant; (b) the capacity in which the applicant is applying for registration; (c) the geographical indication for which registration is sought; (d) the geographical area to which the geographical indication applies; (e) the good to which the geographical indication applies; (f) the quality, reputation or other characteristic of the good in relation to which the geographical indication is used; and</li> <li>(ii) complies with any regulation made in relation thereto under the Protection of Geographical Indication Regulations.</li> </ul>
Japan	<p>&lt; GIs for Specific Agricultural, Forestry and Fishery Products and Foodstuffs&gt; (Conduct of Registration) Article 12 When the Minister of Agriculture, Forestry and Fisheries has received an application for registration (excluding the cases set forth in Article 8, paragraph (1)) and finished the procedures under the provisions of said Article to the preceding Article, the Minister shall register the application, except when registration is refused pursuant to the provisions in paragraph (1) of the following Article. (2) abbr. . (Refusal of Registration) Article 13 The Minister of Agriculture, Forestry and Fisheries shall refuse registration in the following cases: (i) when the Group of Producers falls under any of the following: (a) the Group of Producers has had its registration cancelled pursuant to the provisions of Article 22, paragraph (1), and 2 years have not elapsed yet from the date of the cancellation; or (b) an officer of the group (including the representative or administrator of a group of producers without legal personality; The same applies to 2) falls under any of the following: 1 a person who was sentenced pursuant to any provisions of this Act, if a period of 2 years has not yet elapsed from the date on which the person served out the sentence or was exempted from the execution of the sentence; or 2 in the case of a Group of Producers whose registration was cancelled pursuant to the provisions of Article 22, paragraph (1), a person who was an officer of the Group of Producers within 30 days before the cancellation, without exceeding 2 years after the cancellation; (ii) when the Production Process Management falls under any of the following: (a) the information set forth in items (ii) to (viii) of said paragraph as provided in the Specification attached to the written application in paragraph (1) of said Article pursuant to the provisions of Article 7, paragraph (2) are different from the information specified in said written application; (b) the method of Production Process Management provided for by the Production Process Management Rules does not accord with the standards provided by Ordinance of the Ministry of Agriculture, Forestry and Fisheries as a way necessary to ensure that the Production conducted by a Producer as a Member of said Group of Producers accords with the Specification; (c) the Group of Producers do not have sufficient financial basis to</p>

Responding Party	Conditions to obtain protection of a geographical indication
	<p>conduct accurate and smooth Production Process Management; or (d) a system necessary to ensure fair conduct of Production Process Management is found not to be established; (iii) when the Agricultural, Forestry and Fishery Products and Foodstuffs pertaining to application for registration falls under any of the following: (a) the product is not Specific Agricultural, Forestry and Fishery Product and Foodstuff; or (b) all or a part of the product falls under Specific Agricultural, Forestry and Fishery Product and Foodstuff pertaining to registration; (iv) when the name of the Agricultural, Forestry and Fishery Products and Foodstuffs applied for registration falls under any of the following: (a) the name is a generic term or when the information set forth in the items of Article 2, paragraph (2) regarding said Agricultural, Forestry and Fishery Products and Foodstuffs applied for registration cannot be specified by the name; or (b) the name is identical with or similar to the following registered trademark: 1 a registered trademark pertaining to the Agricultural, Forestry and Fishery Products and Foodstuffs applied for registration or a product similar thereto; or 2 a registered trademark pertaining to a service related to the Agricultural, Forestry and Fishery Products and Foodstuffs applied for registration or a product similar thereto. (2) The provisions in the preceding paragraph (limited to the part pertaining to item (iv), (b)) do not apply if a Group of Producers falling under any of the following items files an application for registration regarding Agricultural, Forestry and Fishery Products and Foodstuffs whose names are provided in (b) of item (iv) of said paragraph: (i) a Group of Producers that is a holder of trademark pertaining to the registered trademark as prescribed in (b) of item (iv) of the preceding paragraph (when an exclusive right to use has been established for the trademark right pertaining to said registered trademark, this is limited to cases where approval of the exclusive licensee of said exclusive right to use has been obtained with regard to the registration of Agricultural, Forestry and Fishery Products and Foodstuffs whose names are provided in (b) of said item); (ii) a Group of Producers that is an exclusive licensee of an exclusive right to use established as an exclusive right to use for the trademark right pertaining to the registered trademark prescribed in (b) of item (iv) of the preceding paragraph (limited to cases where approval of the following persons has been obtained with regard to the registration of Agricultural, Forestry and Fishery Products and Foodstuffs whose names are provided in (b) of said item): (a) the holder of trademark pertaining to said registered trademark; and (b) exclusive licensee of said exclusive right to use other than said Group of Producers; (iii) a Group of Producers that has obtained approval of the holder of trademark pertaining to the registered trademark provided in (b) of said item with regard to registration of Agricultural, Forestry and Fishery Products and Foodstuffs whose names are provided in (b) of item (iv) of the preceding paragraph (if an exclusive right to use is established for the trademark right pertaining to said registered trademark, limited to cases where approval of the exclusive licensee of said exclusive right to use has been obtained with regard to the registration of said Agricultural, Forestry and Fishery Products and Foodstuffs). (3) When the Minister of Agriculture, Forestry and Fisheries has refused registration pursuant to the provisions of paragraph (1), the Minister shall give notice in writing of the effect and the reason to the Group of Producers that filed the application for registration. &lt; GIs for liquor&gt; (2) Designation of geographical indications The Commissioner of the National Tax Agency may designate the matters listed in the following items (hereinafter referred to as “product specifications”), name, geographical area of the production, and a liquor category as geographical indications listed in item (iii), (a) of the preceding paragraph, when it finds that the characteristic of liquor which is essentially attributable to its geographical origin is clear and when it finds that management to maintain the characteristic of liquor is carried out appropriately: (i) matters related to the characteristic of liquor which is essentially attributable to its geographical origin, (ii) matters related to the ingredients and manufacturing method of liquor, (iii) matters related to management to maintain the characteristics of liquor and (iv) matters related to liquor classes. (3) Notwithstanding the provisions of the preceding paragraph, the Commissioner of the National Tax Agency may not designate the indications of any of the following items as geographical indications: (i) indications which is the same as or similar to the registered trademark concerning liquor (refers to the registered trademark as provided in Article 2, paragraph (5) of the Trademark Act (Act No. 127 of 1959); the same applies hereinafter), and the</p>

Responding Party	Conditions to obtain protection of a geographical indication
	use of which as geographical indications has a risk of infringement on the trademark right for the said registered trademark; (ii) indications which is used in Japan as a generic term for liquor; (iii) indications which is not protected by a WTO member although the geographical area of the product is located on a state of the said member; and (iv) in addition to the preceding items, indications which is recognized as inappropriate for protection.
Kazakhstan	1. Registration as an appellation of origin of goods can cover contemporary and historical, official and unofficial, full and abbreviated name of the country, region, community, location or other geographical entity, as well as any indication derivative from such name, as well as their combinations with an indication of the type of goods. 2. Designations which, although they represent or contain a name of a geographical entity, but having become generic in the Republic of Kazakhstan as designations of goods of specific type unrelated to the location of their production, are not accepted as appellation of origin of the goods.
Lithuania	The Republic of Lithuania has no national <i>sui generis</i> system for the geographical indications. Nevertheless Lithuania is a Member State of the EU therefore the EU laws are in force
Madagascar	It is required that: - the indication meets the legal definitions; - the said indication relates to a natural, agricultural, artisanal or industrial product; - the application is made by a natural or legal person who, for the products indicated in the application, is carrying on a producer activity in the geographical area indicated in the application or a group of such person, a consumer group, or any authority competent; - the indication is not contrary to public policy or morality or which, in particular, could mislead the public as to the nature, provenance, method of manufacture, characteristic qualities or suitability use of the products concerned; - the indication is protected in its country of origin as a geographical indication and that the protection is still in force.
Mexico	The criteria for applying for a declaration of protection for an appellation of origin or geographical indication are listed under Article 165bis of the LPI. They include: "III. the name constituting the appellation of origin or geographical indication; IV. a detailed description of the finished product or products, including their characteristics, components, method of extraction, production or manufacturing processes and use in trade; V. the Mexican Official Standards to which the product, its method of extraction, its production or manufacturing processes and forms of packing or packaging are subject, where appropriate; VI. the standards laying down the characteristics and specifications that must be respected in the product's production, packing and marketing, in the case of geographical indications; VII. the place or places of extraction, production or manufacture of the product to be protected and boundaries of the territory or geographical area, due account being taken of geography and political divisions; VIII. a detailed mention of the links between the appellation, product, territory or geographical area and natural or human factors, when the application concerns an appellation of origin; and IX. a technical examination conducted by an authority or public or private institution that supports the information referred to in paragraphs IV, VII and VIII of the present Article; [...]"
New Zealand	Under the Geographical Indications (Wine and Spirits) Registration Act 2006 the indication must satisfy the definition of a geographical indication (as discussed above) and not be a common name for the good in question, a plant variety name nor the name of an animal breed. Under the Trade Marks Act 2002, the indication must satisfy the definition of a sign, be capable of distinguishing, and where applicable meet the definition of either a collective mark or certification mark. In other instances, such as under the common law tort of passing off and Fair Trading Act 1986, it must be established that consumers recognize the indication as having in relation to the good in question, as having a quality, reputation or other characteristic that is essentially attributable the geographical origin of the goods and unauthorized use of the indication is likely to mislead or deceive.

Responding Party	Conditions to obtain protection of a geographical indication
Poland	According to the Regulation (EU) No 1151/2012 of the European Parliament of 21 November 2012 on quality schemes for agricultural products and foodstuffs
Portugal	<p>Comply with the definitions; The application for registration of appellations of origin and geographic indications is made in a form, in Portuguese, indicating:</p> <ul style="list-style-type: none"> <li>a) The name of the natural or legal persons, public or private, with the capacity to acquire the registration, the respective tax number and email address, if any;</li> <li>b) The name of the product or products, including the appellation of origin or the geographic indication;</li> <li>c) The traditional or regulated conditions for the use of the appellation of origin, or the geographic indication, and the boundaries of the respective place, region or territory;</li> <li>e) The signature or electronic ID of the applicant or his representative.</li> </ul> <p>The conditions for national registration of a trademark apply to these registrations, with the necessary adjustments.</p>
Republic of Korea	<ul style="list-style-type: none"> <li>i) An application for the registration of "a collective mark with a geographical indication"</li> <li>ii) the articles of association stating qualification for and conditions of membership of members of an organization that uses a collective mark, and the withdrawal of members therefrom, conditions of the use of a collective mark, and punishment of persons who violate the conditions of use</li> <li>iii) The articles of association or documents stating particular quality, reputation, or other characteristics of goods, substantial correlations between the geographic environment and a particular quality, reputation, or other characteristics of goods, the area regarding which a geographical indication is used, Own standards for the management of and a plan to maintain and manage a particular quality, reputation or other characteristics of goods.</li> <li>iv) Documents to prove that the indication is protected as a geographical indication in the country of origin</li> </ul>
Republic of Moldova	<p>The required conditions to obtain protection of a geographical indication are the following:</p> <ul style="list-style-type: none"> <li>- Creation of the group (which will be entitled to file an application for registration of the geographical indication).</li> <li>- Elaboration (by the group), approval (by the competent authority) of the Product Specification.</li> <li>- Filing an application for registration of a geographical indication.</li> </ul> <p>(1) A geographical name of a region or locality, a specific place or, in exceptional cases, a country shall be entitled to the protection as an appellation of origin where it is used to designate a product: a) originating in that region, locality, specific place or country, and b) the quality or characteristics of which are essentially or exclusively due to a particular geographical area with its inherent natural and human factors, and c) the production stages of which are carried out in the defined geographical area (art.5(1), Law nr.66/2008).</p> <p>(2) A geographical name of a region or locality, a specific place or, in exceptional cases, a country shall be entitled to protection as a geographical indication where it is used to describe a product: a) originating in that region, locality, specific place or country; and b) which possesses a specific quality, reputation or other characteristics attributable to that geographical origin, and c) at least one of the production stages of which is carried out in the defined geographical area (art.5(2), Law nr.66/2008).</p>
Romania	<p>Geographical Indication serves to identify a product originating in a country, region or locality of a State, in cases where a quality, reputation or other specified characteristics can essentially be attributed to that geographical origin. Geographical indications can only be used by people who produce or market the products for which these indications have been recorded. Applicants may be Associations of Producers who carry out a production activity in the geographical area for the products indicated in the application. OSIM registers the geographical indication and grants the applicant the right to use after the Ministry of Agriculture and Food, or, as the case may be, the competent authority of the applicant's country of origin certifies:</p> <ul style="list-style-type: none"> <li>(1) the geographical indication of the products to be registered;</li> <li>(2) products which may be marketed under this indication;</li> </ul>

Responding Party	Conditions to obtain protection of a geographical indication
	(3) the geographical area of production; (4) the characteristics and conditions of obtaining that the products must meet in order to be marketed under that indication.
Russian Federation	For national AOPs, a necessary condition is a duly prepared application and a finding by an authorized body. For the registration of a foreign AOP in Russia, in addition to a duly prepared application, it is necessary to submit documented evidence that the foreign AOP is protected as such in its country of origin (Article 1522 of the Russian Federation Civil Code).
Serbia	<p>The procedure for registration of indication of geographical origin shall be initiated by application for recognition of indication of geographical origin submitted to the IPO; Some names can't be protected as GI (Art 8. Law on Indications of Geographical Origin):</p> <ol style="list-style-type: none"> <li>1) Names whose publication or use is contrary to public order or accepted moral principles;</li> <li>2) Names of protected plant varieties or animal species, if they may mislead consumers as to the true origin of product;</li> <li>3) Names whose appearance or content may mislead consumers as to the nature, origin, quality, manner of production or other characteristics of product;</li> <li>4) Names identical or essentially similar to previously registered trademarks, if, in view of the reputation, renown, and long-standing use of such trademarks, they may mislead consumers as to the origin of such product;</li> <li>5) Names that are exact names of the country, region or locality of origin of the products, which, however, cause false impression among consumers that product originates from another country, region or locality;</li> <li>6) Names that, due to long-standing use, have become generic names, i.e. usual names for designating specific products;</li> <li>7) Names that are not protected, or ceased to be protected in the country of origin, or ceased to be in use in that country.</li> </ol> <p>During the procedure of examination of registration requirements for appellation of origin or geographical indication, IPO shall obtain an opinion of the competent authority of the Republic of Serbia authorized for the field concerning the products or services protected by the appellation of origin or geographical indication with regard to the compliance with the registration requirements for appellation of origin or geographical indication (Art. 27. Law on Indications of Geographical Origin). If the competent authority has provided a positive opinion on fulfillment of registration requirements for appellation of origin or geographical indication, or if it has failed to provide an opinion within the time period referred to in Article 27, paragraph 3 of this Law, and if IPO finds that application for appellation of origin or geographical indication meets the registration requirements for appellation of origin or geographical indication prescribed by this Law, IPO will issue a decision on registration of appellation of origin or geographical indication, and such appellation of origin or geographical indication, along with the prescribed bibliographical data, shall be entered into the Register of Indications of Geographical Origin.</p>
Singapore	<p>In Singapore, there is no need to file for registration to obtain protection of geographical indications under the Geographical Indications Act (Cap. 117B). A producer, trader or association of such producers or traders of any geographical indication will enjoy automatic protection as long as:</p> <ul style="list-style-type: none"> <li>• The geographical indication is from country which is a member of the World Trade Organization, a party to the Paris Convention for the Protection of Industrial Property, or a country designated by the Singapore Government as a qualifying country from which geographical indications of that country can be protected;</li> <li>• The geographical indication must be protected in its country of origin; and</li> <li>• The geographical indication does not fall under any of these categories: <ul style="list-style-type: none"> <li>– It is immoral or against public order;</li> <li>– It is no longer in use or no longer protected in the country of origin;</li> <li>– It has become the common name in Singapore for the goods or services which it identifies;</li> </ul> </li> </ul>

Responding Party	Conditions to obtain protection of a geographical indication
	<ul style="list-style-type: none"> <li>– [for wines and spirits] it has been used continuously for at least 10 years preceding 15 April 1994 or in good faith preceding that date;</li> <li>– It is confusingly similar to a trade mark for which rights had been acquired before the geographical indication is protected in its country of origin; or</li> <li>– It is the name of a person or a predecessor in a particular business.</li> </ul>
Slovakia	<p>A designation of origin or a geographical indication shall contain the determination of a product:</p> <ul style="list-style-type: none"> <li>a) name of a product, including wording of designation of origin,</li> <li>b) geographical definition of territory where production, processing and preparation of a product is being realized,</li> <li>c) document confirming that a product originates from a defined territory,</li> <li>d) description of characteristics or qualitative signs of a product, which are given by a particular geographical environment ,</li> <li>e) description of a process of obtaining a product, eventually description of original and unchangeable local processes of its obtaining.</li> </ul>
South Africa	<p>An application for either a certification mark (Section 42 of Trade Marks Act 194 of 1993) or a collective mark (Section 43 of Trade Marks Act 194 of 1993) must be lodged in the prescribed manner.</p> <p>Section 43 – Collective Marks: A mark capable of distinguishing in the course of trade, goods or services of a person who are members of any association from goods or services of persons who are not members thereof. Collective marks must be accompanied by the rules governing the use of the mark, the rules must specify the (i) persons authorized to use the mark, (ii) conditions of membership of the association (iii) as well as sanctions against misuse.</p> <p>Section 42 – Certification Marks: Certification marks must be accompanied by an affidavit by the applicant (i) confirming that it does not trade in goods/services covered by the application as well as the (ii) rules governing the use of the certification mark. Rules must (i) specify the conditions for use of the mark, (ii) the circumstances in which the proprietor is permitted to certify goods or services and characteristics of the goods/services or (iii) other aspects for which the applicant may certify the goods/services.</p> <p>IMPORTANT NOTE: even if applied for as a collective or certification mark, all trademarks applied for must still meet the basic requirement of being capable of distinguishing and registrable, as per Sections 9 and 10 of the Trade Marks Act 194 of 1993</p>
Switzerland	<p><u>R1</u>: In accordance with Article 47(1) of the TmPA, any direct or indirect reference to the geographical source of products or services, including references to properties or quality in relation to the source, is protected as an indication of source without any need for registration. Article 48(5) of the TmPA provides that where a foreign indication of source meets the statutory requirements of the country concerned, it is considered to be correct. Any possible misleading of consumers in Switzerland remains reserved.</p> <p><u>R2</u></p> <ul style="list-style-type: none"> <li>• <u>R2.1</u>. The registration application must include, most notably, the name of the applicant group and evidence of its representativeness; the name to be registered; evidence that the name is not generic; evidence that the product comes from the geographical area concerned (historical records and traceability); evidence of the link to the geographical environment or geographical origin (evidence that the product is typical of the area concerned); a description of authentic and consistently applied local methods, if any; the product specification; proof that the registration application has been approved at a general meeting of the representatives of the group; and a summary of the above-mentioned information (Articles 6 and 7 of the Ordinance on PDOs and PGIs).</li> <li>• <u>R2.2</u>. The registration application must include, most notably, the name, address and composition of the applicant group; proof that the applicant group is representative; evidence of the essential or exclusive link between the quality, characteristics or reputation of the product and its geographical origin; and the product specification (Articles 5 and 6 of the Ordinance on Non-Agricultural PDOs and PGIs).</li> </ul>

Responding Party	Conditions to obtain protection of a geographical indication
	<p><u>R3</u> PDO. Name of a canton or a geographical area of a canton. The cantons establish the requirements applicable to PDOs. These must provide for: the delimitation of the geographical area in which at least the grapes are produced; a list of authorized vine varieties; a list of authorized cultivation methods; a minimum natural sugar content for each authorized vine variety; a maximum yield per unit area for each authorized vine variety; a list of authorized vinification methods; a system for the analysis and organoleptic examination of wine that is ready for sale. The cantons verify that PDO wines meet the requirements that they have established.</p> <p><u>R4</u>. An organization that is representative of the economic sector concerned must submit a request to the Federal Council together with a preliminary draft setting out the conditions under which a Swiss indication of source may be used for specific products and services.</p> <p><u>R5</u>. A geographical mark may be obtained for a PDO or PGI registered in Switzerland, for a Swiss wine appellation that is recognized by Swiss law or a foreign wine appellation that meets Swiss statutory requirements, and for an indication of source that is the subject of a Federal Council ordinance under Article 50(2) of the TmPA or of an equivalent foreign regulation.</p>
United Kingdom	<p>Protection is granted through the trade mark system as collective or certification marks. An applicant is required to make an application which is then examined by the UK Intellectual Property Office by criteria set out in legislation. The applicant may designate a geographical origin of a good or service. However, this does not entitle the holder to prohibit the use of the sign with honest practices in industrial or commercial matters (i.e. the person is entitled to use a geographical name). They must submit regulations governing the use of the certification or collective mark.</p>
United States of America	<p>For domestic applicants, applications for marks of regional origin must be used in U.S. Commerce; for foreign applicants, applications can also be based on the Madrid Protocol or Paris Convention. The reputation for the domestic product is essentially attributable to the named geographic region.</p>
Uruguay	<p>Identification of a product or service with a given geographical area, which determines the conditions of the quality of the product, and existence of a group of producers associated with that area and production.</p>
Viet Nam	<p>Article 79 of the IP Law provides that a geographical indication shall be protected when: (i) the product bearing the geographical indication originates from the area, locality, territory or country corresponding to such geographical indication; and (ii) the product bearing the geographical indication has a reputation, quality or characteristics mainly attributable to geographical conditions of the area, locality, territory or country corresponding to such geographical indication.</p> <p>Article 80 of the IP Law provides the subject matters not protected as geographical indications, including: (i) Names or indications which have become generic names of goods in Viet Nam; (ii) Geographical indications of foreign countries where they are not or no longer protected or no longer used; (iii) Geographical indications identical with or similar to a protected mark, where the use of such geographical indications is likely to cause a confusion as to the origin of products; and (iv) Geographical indications which mislead consumers as to the true geographical origin of products bearing such geographical indications.</p>
European Union	<p>A “geographical indication” is a name which identifies a product:  -originating in a specific place, region or country;  -whose given quality, reputation or other characteristic is essentially attributable to its geographical origin; and  -at least one of the production steps of which take place in the defined geographical area.</p> <p>A “designation of origin” is a name which identifies a product:  - originating in a specific place, region or, in exceptional cases, a country;  - whose quality or characteristics are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors; and  - the production steps of which all take place in the defined geographical area.</p>

(v) Link

5. Does the available protection mechanism require the causal link between a given quality, the reputation or other characteristics of the product on the one hand, and its geographical origin on the other, to be expressed and documented?

Responding Party	Requirement to demonstrate the causal link	Who is obliged to demonstrate such a link?
Australia	No	
Brazil	Yes	The applicant.
Chile	Yes	The applicant, i.e. the party applying for recognition and protection via registration of the GI or AO, such as a producer group.
Colombia	Yes	The applicant for the appellation of origin (AO) has that obligation, as in the case of other proceedings initiated at an individual party's request
Croatia	Yes	The applicant.
Cyprus	Yes	As far as agricultural products and foodstuffs are concerned Cyprus implements the European regulation (EU) 1151/2012 for the registration of the name of a product as PDO, PGI. According to Article 7 of Reg. (EU) 1151/2012 the product specifications that are submitted by the applicant shall include details establishing the link. For Wines, as per article 95 of Regulation (EU) 1308/2013. For Spirits, as per article 17 of Regulation (EC) 110/2008.
Czech Republic	Yes	The applicant.
Ecuador	Yes	An appellation of origin shall be granted protection <i>ex officio</i> or at the request of persons who can prove a legitimate interest, understood as being natural persons or legal entities directly engaged in extracting, producing or preparing the product or products to be designated by the appellation of origin, and also associations of such persons. Public authorities attached to the central or decentralized autonomous administration shall likewise be considered interested parties in respect of appellations of origin that refer to their own jurisdiction.
Estonia	Yes	The applicant.
France	Yes	The legal entity applying for a GI must establish the causal link between the reputation of the product and the defined territory.
Georgia	Yes	The application for registration of an appellation of origin or geographical indications shall include documents confirming, that specific quality or features of the goods are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors, or specific quality, reputation or characteristics of the goods are attributable to the geographical area. Thus the applicant is obliged to demonstrate the link.
Greece	Yes	The applicant group that files for a PGI or PDO registration. (See above on 4. the product specifications (c) when filing the application).
Guatemala	No	
Hungary	Yes	The applicant.
Iceland	Yes	The applicant.
Israel	Yes	The entity seeking protection.
Jamaica	Yes	The applicant.
Japan	Yes	A Group of Producers (Applicant) In the case of GIs for liquor, a group which is consisted of liquor manufacturers only or mostly

Responding Party	Requirement to demonstrate the causal link	Who is obliged to demonstrate such a link?
		liquor manufacturers who request the designation of GI. This group is an applicant.
Kazakhstan	Yes	The link is to be proven by the applicant submitting documents authorized by a specific competent body.
Lithuania		
Madagascar	Yes	The specifications relating to the geographical indication refers to the links between the geographical origin of the product and the quality, reputation or other characteristic of its own. This document is drawn up jointly by the producer (whose definition is specified by law), the public or ministerial department responsible for the production sector concerned and, where appropriate, the consumer group.
Mexico	Yes	The applicant.
New Zealand	Yes	The alleged owner of the geographical indication.
Poland	Yes	The applicant group.
Portugal	Yes	The applicant.
Republic of Korea	Yes	The applicant.
Republic of Moldova	Yes	The applicant.
Romania	Yes	The applicant.
Russian Federation	Yes	A description of the special qualities of a product contains, among other things, a description of the link between the special qualities of the product and its geographical origin, and it is a required element of an application for registration of an AOP. For Russian AOPs: the applicant is required to demonstrate the existence of a link between the special qualities of a product and its geographical origin at the time its files a request with the authorized body for a finding (Article 1522 of the Russian Federation Civil Code). For foreign AOPs: no proof of the existence of a link between the special qualities of a product and its geographical origin is required, however evidence must be provided that the foreign AOP is protected as such in its country of origin.
Serbia	Yes	The applicant.
Singapore	No	
Slovakia	Yes	The applicant.
South Africa	Yes	The trade mark applicant, as per the provisions of Section 42 and 43 of the Trade Marks Act 194 of 1993.
Switzerland	Yes*	The applicant group must demonstrate that link.
United Kingdom	Yes	The applicant.
United States of America	No	
Uruguay	Yes	The applicant.
Viet Nam	Yes	The applicant shall provide the information on relationship between the peculiar characteristics and quality, or reputation of the product and the geographical conditions in the Specification of the geographical indication (Point đ, Clause 2, Article 106 of the IP Law)
European Union	Yes	The applicant.

## COMMENTS:

### Chile

The link must be documented where protection is sought via registration in accordance with the provisions of the Law on Industrial Property. For wines and alcoholic beverages, no causal link need be expressed or documented.

### Colombia

No *ex officio* declarations have been made to date.

### Lithuania

See the reply from the European Union.

### Mexico

Article 157 of the LPI stipulates that in order for a geographical indication to be protected, there must be a link between the product's quality, reputation and characteristics, and its geographical origin.

"A geographical indication shall be understood to consist of or contain the name of a geographical area, or another indication known as referring to such area, which identifies a good as originating in that geographical area, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin."

In addition, Article 165*bis*(VIII) establishes that an application for a declaration for an appellation of origin or geographical indication must contain "a detailed mention of the links between the appellation, product, territory or geographical area and natural or human factors, when the application concerns an appellation of origin."

### New Zealand

The following questions have been answered in relation to protection under the Geographical Indications (Wine and Spirits) Registration Act 2006.

### Republic of Korea

A GI cannot be protected/ recognized just by the fact that the goods bearing the GI are produced/manufactured/processed in that area. The characteristics of the goods must have an essential link with the geographical environment including natural conditions of the area (i.e. climate, soil or terrain) or human conditions (i.e. unique technics). The essential link will be established only when it is determined that the goods will not have the quality/reputation without the geographical environment.

### Republic of Moldova

The Government designates, for different product categories, the competent authorities empowered with and responsibly for the approval of the specifications, completion of general principles, approval of control phases and procedures as to ensure compliance with specifications in accordance with the provisions of the law.

### Russian Federation

A list of authorized bodies that are competent to issue a finding attached to an application for state registration of a product's appellation of origin and for the exclusive right to such an appellation, stating that within the boundaries of a geographical area located within the territory of the Russian Federation the applicant produces a product whose special qualities are attributable to natural conditions and/or human factors that are characteristic of the given geographical area for which an appellation of origin is being sought, was approved by Russian Federation Government Resolution No. 481 of September 17, 2004. Namely: The Russian Ministry of Health (with regard to therapeutic mineral water for drinking, therapeutic table water, and natural mineral table water); The Russian Ministry of Industry and Trade (with regard to handicrafts and artisanal products); The Russian Ministry of Agriculture (with regard to agricultural

products, foodstuffs, nonalcoholic products, beekeeping products, and fish and seafood products); The Russian Federal Service for Regulation of the Alcohol Market (with regard to alcohol products and foods containing alcohol).

#### Singapore

Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.

#### Switzerland

\* R2

R1. A party may be required during legal proceedings to show that there is or that there is no such a link.

R4. The need for the applicant organization from the relevant economic sector to demonstrate such a link is tied to the nature of the requirements stipulated in the ordinance.

#### United States of America

A USPTO examining attorney or tribunal would evaluate the scope of protection to be provided to a prior registered or prior used geographic sign, based on the strength/distinctiveness of the sign at the time of the later application or alleged infringement.

### 6. In order to receive protection as a geographical indication:

Responding Party	it is enough that a product owes its reputation to its geographical origin, without necessarily having to possess a particular quality	it is enough that only one stage of the preparation, processing, or production of the product takes place in the defined region
Australia	Yes	Yes
Brazil	Yes	Yes
Chile	Yes	Yes
Colombia	No	No
Croatia	Yes	Yes
Cyprus	No	No
Czech Republic	Yes	Yes
Ecuador		Yes
Estonia	Yes	Yes
France	Yes	No
Georgia	Yes	Yes
Greece	Yes	Yes
Guatemala	No	Yes
Hungary	Yes	Yes
Iceland	No	Yes
Israel	Yes	Yes
Jamaica	Yes	Yes
Japan	Yes	Yes
Kazakhstan	No	No
Lithuania		
Madagascar	Yes	Yes
Mexico	No	No
New Zealand	Yes	Yes
Poland	Yes	Yes
Portugal	Yes	Yes
Republic of Korea	No	No
Republic of Moldova	Yes	Yes

Responding Party	it is enough that a product owes its reputation to its geographical origin, without necessarily having to possess a particular quality	it is enough that only one stage of the preparation, processing, or production of the product takes place in the defined region
Romania	Yes	Yes
Russian Federation	No	No
Serbia	Yes	Yes
Singapore	Yes	Yes
Slovakia	Yes	Yes
South Africa		
Switzerland*	Yes	Yes
United Kingdom	Yes	Yes
United States of America	Yes	Yes
Uruguay	Yes	No
Viet Nam	No	Yes
European Union	Yes	Yes

## COMMENTS:

### Australia

For a CTM the rules will outline the connection between the good and the geographic origin. This could be based on quality, reputation or another characteristic, or a combination of all of them. For a GI for wine goods that is registered under the sui generis Wine Australia Act, the wine goods must be made up of at least 85% of grapes from the geographic region protected by the GI, noting there is no other requirement.

### Brazil

For ISs, it is enough that the site is known for the production of a given product or service, without the need to link qualitative factors to the geographical environment.

Also in the case of ISs, it is possible that only the steps of extraction, production, or manufacture of the product are performed in the locality

### Chile

INAPI: Under the recognition system established by Law No. 19.039 on Industrial Property, reputation, quality and other special characteristics essentially attributable to geographical origin can be cited alternately, i.e. only one of those conditions need be recognized. For wines and alcoholic beverages, more than one stage in the preparation of the product must take place in the defined region.

### Colombia

Given that our legal framework provides for appellations of origin only, reputation can be regarded as one of the elements that could be linked to the geographical environment (the others being qualities and characteristics). The AO concept, however, requires that such elements be connected or causally linked to the environment as a result of natural and human factors. Hence, reputation could be a function of human factors, while natural factors generally affect a final product's special characteristics or qualities. The reputational element is therefore not sufficient for the protection to be granted.

A product's preparation, processing or production must take place exclusively or essentially in the geographical place claimed. According to Decision 57530 of 2012 (7.1.2.3), an exclusive link with the area is understood to exist when all processes for production, extraction and processing are located exclusively in the geographical place indicated. The link is understood to be essential when those processes are carried out principally or substantially in the area, and only other processes – that do not affect the characteristics by which the product is recognized – take place in other geographical areas, outside of the defined area.

### Cyprus

The answer to both concerns wines and spirits. As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of the European regulation (EU) 1151/2012. Article 5 of the above mentioned regulation includes the conditions under which the name of a product can be protected as a PDO, PGI.

### France

In the case of approved GIs, with the exception of the origin of the materials, all processing steps take place in the defined area (with the exception of an additional step in a product specification).

### Iceland

With regard to protection of designations of origin, the production, processing and preparation of the product takes place in the defined geographical area. On the other hand, with regard to protection of geographical indications, at least one of the stages of production takes place in the defined geographical area.

### Israel

For protection of GIs the above is true. For registration of AOs the requirements are stricter.

### Japan

In the case of GIs for liquor, it is necessary that every making process, storage and bottling are taken place in the defined region to receive protection as a liquor GIs.

### Lithuania

The EU laws apply.

### Mexico

Article 165bis Section VII provides the following requirement to protect a geographical indication: the indication of the place or places of extraction, production or manufacture of the product to be protected and boundaries of the territory or geographical area, due account being taken of geography and political divisions.

### New Zealand

In order to receive protection under the Geographical Indications (Wine and Spirits) Registration Act 2006, the applicant for registration must show that the indication identifies a wine or spirit as originating in a territory, region or locality where a given quality, reputation or other characteristic is essentially attributable to its geographical origin.

### Republic of Korea

It will be determined comprehensively considering elements of the GI since reputation of a product is intertwined with its quality and other characters.

### Russian Federation

In order to be registered as an AOP, a designation must meet the requirements of Article 1516(1) of the Russian Federation Civil Code: it must be or contain the name of a geographical area that has become known as a result of its use with respect to a product whose special qualities are attributable exclusively or essentially to natural conditions and/or human factors that are characteristic of the given geographical area.

South Africa

Refer to response under question 4.

Switzerland

\* R2

It is somewhat unlikely that reputation would be attributable to a geographical origin that is not based on a particular quality.

United States of America

If a geographic sign "identifies" a good, rather than simply a place to the local consumer, it would have reputation in the country where protection is being asserted. For purposes of trademark law, it does not matter how the consumer came to know the geographic sign and its connection to the goods and the place of origin. In other words, whether the preparation, processing or production of the product occurred in the place of origin would only matter to the extent the consumer was aware of that connection and it was material to their decision to purchase the goods.

**7. What evidence, if any, is required to establish a link between the product bearing the geographical indication and a given quality, reputation or other characteristic of the product that is essentially attributable to its geographic origin?**

Responding Party	For a given quality	For reputation	For other characteristic of the product
Australia			
Brazil			
Chile	Technical report (comparative study of similar products)	Technical report on the GI plus surveys and bibliography	Technical report
Colombia			
Croatia	Evidence of natural, human factors or other factors decisive for the specificity of the product.	Evidence of a strong presence in the market, in the media, that confirms claimed reputation.	Evidence depending on the characteristics claimed.
Cyprus	Analytical and organoleptic assessment (wines and spirits)	Historical evidence (wines and spirits)	As per the various specifications in the technical files (wines and spirits)
Czech Republic	Evidence of elements, factors and characteristics of the defined geographical area that have an impact on the specificity of the product. Ex: natural or human factors, special skills or production practices.	Reputation may refer to information and elements justifying this reputation, such as prizes, information in TV or press, higher prices, references in cooking books, press releases, publications, etc. pertaining to the specific product.	Evidence needed will depend on the "other characteristic" identified. Elements, factors and characteristics of the defined geographical area that have an impact on the specificity of the product. Ex: natural or human factors, special skills or production practices.
Ecuador	A feasibility study is conducted to ascertain the exact indication that determines the specific product's unique quality, reputation or characteristic.		
Estonia	Evidence of elements, factors and characteristics of the defined geographical area that have an impact on the specificity of the product.	Reputation may refer to information and elements justifying this reputation, such as prizes, information in TV or press, higher prices, references in	Evidence will depend on the "other characteristic" identified. Elements, factors and characteristics of the defined geographical area that

Responding Party	For a given quality	For reputation	For other characteristic of the product
	Ex: natural or human factors, special skills or production practices.	cooking books, press releases, publications, etc. pertaining to the specific product.	have an impact on the specificity of the product. Ex: natural or human factors, special skills or production practices.
France	Evidence of the product's specific qualities compared to other products from outside the area.	Proof in the product specification that this reputation is permanent at a national and/or international level.	
Georgia	Scientific analysis etc.	Historical data etc.	N/A
Greece	For PDOs applications, the applicant provides information about the quality or characteristics that are essentially or exclusively due to the defined geographical area of production including its inherent natural and human factors. Such evidence may be data with the characteristics and peculiarities of the area, physical and human factors (local production condition) with emphasis on these points which make the above elements unique compared with similar products of other areas.	For PGIs, application must clearly state whether the application for a geographic indication is based on a special quality, reputation or other characteristic which are essentially attributable to its geographical origin. For PGIs based on reputation this reputation can be proved with evidence such as bibliographic data, references at newspapers, books, internet, special publications, prizes etc.	For PDOs applications, the applicant provides information about the quality or characteristics that are essentially or exclusively due to the defined geographical area of production including its inherent natural and human factors. Such evidence may be data with the characteristics and peculiarities of the area, physical and human factors (local production condition) with emphasis on these points which make the above elements unique compared with similar products of other areas.
Guatemala	Applicants must submit specifications that: (a) contain documentation adequately describing the production, preparation or extraction process, indicating general and special factors and giving details on the elements that directly or indirectly influence the product's quality, reputation, attributes or characteristics, as the case may be;(b) indicate, in defining the geographical area and its features, relevant data such as altitudes, longitudes and latitudes, regions, localities or places, including soil characteristics, rainfall and climatic variations, and append maps and	(d) include a historical account of the geographical indication and of the extent to which it is known to the general public.	(b) indicate, in defining the geographical area and its features, relevant data such as altitudes, longitudes and latitudes, regions, localities or places, including soil characteristics, rainfall and climatic variations, and append maps and illustrative drawings as annexes; (c) describe the way in which the above influences the product's quality, reputation, attributes or characteristics, drawing on existing technical studies on the subject. Those technical studies must be appended as duly identified annexes.

Responding Party	For a given quality	For reputation	For other characteristic of the product
	illustrative drawings as annexes; (c) describe the way in which the above influences the product's quality, reputation, attributes or characteristics, drawing on existing technical studies on the subject. Those technical studies must be appended as duly identified annexes.		
Hungary	Evidence of elements, factors and characteristics of the defined geographical area that have an impact on the specificity of the product. E.g.: natural or human factors, special skills or production practices.	Evidence may refer to information and data justifying this reputation, such as prizes, information in TV or press, press releases, publications, etc. pertaining to the specific product.	The type of evidence will depend on the "other characteristic" identified, e.g. historical and ethnographic data.
Iceland	According to Art. 14.2 of Act No 130/2014, the product specification for the product name pursuant to Articles 4 and 5 of the Act shall include: d) details establishing the link between the quality or characteristics of the product and the geographical environment, where appropriate; or the link between a given quality, the reputation or other characteristics of the agricultural product or foodstuffs and the geographical environment. The evidence to establish the link is not specified in the Act, but a written statement in this regard is required at least. However, other evidence might be relevant when the procedure is challenged.		
Israel	Expert and/or other evidence sufficient to support the claim.	Submission of evidence of use which establishes a link between the goods and the source.	Expert and/or other evidence sufficient to support the claim.
Jamaica	Information		
Japan	Literature etc. (scientific data (color, shape, sugar content etc.))	Literature etc. (market survey, market price of the product etc.)	Literature etc. (meteorological data if natural condition is linked to the product characteristics etc.)
Kazakhstan	Statements of competent bodies to the effect that the applicant is located in the specific geographical entity and produces goods whose particular properties are due to the natural conditions and (or) human factors peculiar to such geographical entity.		The actual location of the producer and their production facilities in the particular geographical entity is confirmed by a statement of the competent body.
Lithuania			
Madagascar	Since the Office does not require any additional evidence, only the information contained in the specifications is examined in order to establish the link between	The same	The same

Responding Party	For a given quality	For reputation	For other characteristic of the product
	the product bearing the geographical indication and the quality, reputation or other characteristics which associate it with that place of origin.		
Mexico			
New Zealand	An explanation of the given quality and evidence demonstrating that quality exists.	An explanation of the given reputation and evidence demonstrating that reputation exists.	An explanation of the characteristic and evidence demonstrating the product has that characteristic
Poland	e.g. results of chemical tests	e.g. prizes, information in TV or press, higher prices	e.g. historical and ethnographic data
Portugal			
Republic of Korea	It will be determined comprehensively considering elements of the GI since reputation of a product is intertwined with its quality and other characters.	Not all of the stages such as production/manufacturing need to take place in the defined region for the protection/recognition of the GI. But if the quality or other characteristics of the goods are originated from all the stages of preparation, process or production, they should take place in the defined region. Historic evidence, award records, awareness and certifications of quality/standards obtained in the country of origin, etc.	Reputation is required to the extent that a GI is recognized as an indication of the source of a product. For the foreign GIs, that reputation must exist in the country of origin. Furthermore, when determining the reputation, quality and other characteristics of goods will be taken into consideration as they are intertwined with each other.
Republic of Moldova	The specific quality is a quality linked to the geographical origin, which differentiates and identifies the product with geographical indication. Information on natural factors in the defined geographical area may include: a) the characteristics of the environment influencing the production techniques and practices or giving the raw material particular characteristics; b) type of basement, type of soil; c) geography of the area (relief, inclination, altitude, etc.); d) climate, microclimate; e) vegetation, landscape; In the case of a product whose qualities are determined by soil and	If an application for registration of a geographical indication is based solely on the reputation of the product specification must include clear and detailed evidence on this reputation, including relevant literature or based on consumer surveys. Information on the reputation of the GI product must reflect its history, previous and current reputation locally, nationally and / or internationally.	Information on other characteristics of the product with geographical indication may refer to specific knowledge that is worthwhile by comparing it with the usual techniques: (a) methods of animal or plant breeding; b) cultivation techniques; c) manufacturing processes, etc.

Responding Party	For a given quality	For reputation	For other characteristic of the product
	<p>climate properties, the specification will also include a pedoclimatic map. For animal products the information may include: a) hygrometric features of the air, which allow the natural drying of the food; b) specific climate, which allows the production of typical floral honey and drying on the meadow; c) the growth cycle of herbs, which allows for the fattening of animals at certain times of the year, etc. For vegetal products information may include the climatic factors which will be highlighted to justify the proposed geographical area if the crop requires specific conditions of humidity, heat, etc. at certain stages of development.</p> <p>Information on human factors in the defined geographical area should include specific local product-related practices. They may contain information on: a) the choice of places to perform the activities, according to the environmental conditions (drying the hay at altitude, planting the crops in protected areas); b) adaptation of the landscape according to the requirements for the growth of crops or animals (terraces, accumulation basins, grazing rotation etc.); c) the need for specific constructions tailored to the product (dryers, mills, hay fields, etc.); d) development of specific knowledge (on processing and production techniques, on methods of animal breeding or cultivation of plants, on the adaptation of varieties or breeds to environmental conditions, etc.).</p>		

Responding Party	For a given quality	For reputation	For other characteristic of the product
Romania	The description should give technical and scientific data to describe a specific product.	Reputation may refer to historical reasons that associate the specific product with the geographical origin.	Evidence will depend on the "other characteristic" identified. It is not a closed list of such "other characteristics".
Russian Federation	A description of the special qualities of a product produced by the applicant: For Russian AOPs: this information must be confirmed by a finding by an authorized body in accordance with Article 1522(5) of the Russian Federation Civil Code. For foreign AOPs: documented evidence must be provided demonstrating that the foreign AOP is protected as such in its country of origin.	For Russian AOPs: the following documents may be presented to confirm awareness of a product: - references to the applied-for designation in various sources in the literature; - copies of certificates from national or international exhibitions or trade fairs at which the products were exhibited using the applied-for designation; - information about the use of the applied-for designation within the territory of the Russian Federation. The following may be indicated: the date on which the use of the applied-for designation began within the territory of the Russian Federation, a list of population centers in the Russian Federation where the product has been sold, the sales volume, the manner in which the designation is used, the average annual number of consumers of the product, the producer's position in the market in a certain sector of the economy, and so on; - information about advertising costs for the applied-for designation (such as annual financial statements); - information about the results of a survey of consumers of the product regarding awareness of the applied-for designation, conducted by an independent specialized firm; For foreign AOPs: documented evidence must be provided demonstrating that the foreign AOP is	For Russian AOPs: a finding by an authorized body* in accordance with Article 1522(5) of the Russian Federation Civil Code confirms that the applicant is producing the product within the boundaries of a geographical area, the name of which is being declared as an appellation of origin of a product, accompanied by an indication of these boundaries, as well as the dependence of the special qualities of the product produced by the applicant on natural conditions and/or human factors that are characteristic of the geographical area. For foreign AOPs: documented evidence must be provided demonstrating that the foreign AOP is protected as such in its country of origin.

Responding Party	For a given quality	For reputation	For other characteristic of the product
		protected as such in its country of origin.	
Serbia	Data on specific characteristics of the product shall be submitted in the form of a Study which also contains and data on causal relationship between the specific characteristics and qualities of the product and the described geographical area, as well as proof that the product originates from the described geographical area. Study shall be accompanied by Certificate confirming that control of the quality and specific characteristics of the product has been performed (Art. 22 Law on Indications of Geographical Origin).	Data on specific characteristics of the product shall be submitted in the form of a Study which also contains and precise designation of specific characteristics or qualities of the product, or data on reputation acquired.	Please refer to the previous answers.
Singapore			
Slovakia	Description of characteristics or qualitative signs of a product, which are given by a particular geographical environment. Ex: natural or human factors, special skills or production practices.	Reputation may refer to information and elements justifying this reputation, such as prizes, information in TV or press, higher prices, references in books, press releases, publications, etc. pertaining to the specific product.	Description of a process of obtaining a product, eventually description of original and unchangeable local processes of its obtaining. It will depend on the "other characteristic" identified. Elements, factors and characteristics of the defined geographical area that have an impact on the specificity of the product. Ex: natural or human factors, special skills or production practices.
South Africa			
Switzerland	R2 The nature of the evidence used to establish a link between the given quality, reputation or other characteristic of a GI-protected product and its geographical origin is left to the discretion of the applicant group, which is required to provide such evidence.		
United Kingdom	N/A	N/A	N/A
United States of America			
Uruguay	Expert reports that can be provided by the party.	Evidence may take the form of expert reports as documentary proof, surveys, etc.	Evidence may take the form of expert reports as documentary proof, surveys, etc.

Responding Party	For a given quality	For reputation	For other characteristic of the product
Viet Nam	Quality and characteristics of products bearing a geographical indication shall be defined by one or several qualitative, quantitative or physically, chemically, microbiologically perceptible criteria which can be tested by technical means or experts with appropriate testing methods. (Clause 2, Article 81 of the IP Law)	Reputation of products bearing a geographical indication shall be determined on the basis of consumers' trust in such products through the extent of their being widely known to and selected by consumers (Clause 1, Article 81 of the IP Law)	Please refer to Clause 2, Article 81 of the IP Law as stated above.
European Union	Evidence of elements, factors and characteristics of the defined geographical area that have an impact on the specificity of the product. Ex: natural or human factors, special skills or production practices.	Reputation may refer to information and elements justifying this reputation, such as prizes, information in TV or press, higher prices, references in cooking books, press releases, publications, etc. pertaining to the specific product.	Evidence needed will depend on the "other characteristic" identified. Elements, factors and characteristics of the defined geographical area that have an impact on the specificity of the product. Ex: natural or human factors, special skills or production practices.

#### COMMENTS:

##### Australia

For a CTM, examiner research, the rules, and/or if necessary evidence, must establish that consumer perception of the CTM is that the subject of the application is capable of distinguishing the certified goods from goods not so certified. For wine goods the goods must be made from at least 85% of grapes from the GI region.

##### Brazil

There is no list of prerrequired and accepted document types as sources of proof of quality / characteristics, reputation / fame of the place, or any other necessary features of the product or service. It is necessary that the documents presented be able to prove the normative requirements and the correspondence with the legal precepts. The evidence is attested from the analysis of the documentary set presented.

##### Chile

Other forms of evidence – such as surveys, demographic studies, market research and historical texts – are permitted. For wines and alcoholic beverages, datasheets are files which contain information on the GI of an alcoholic beverage and which justify, on the part of the country of origin, its GI status.

##### Colombia

The applicable provisions do not provide for a system of evidentiary weight or weighted evidence, so evidence can be used freely to demonstrate the link between reputation, quality or characteristic and the geographical environment.

### Cyprus

As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of the European regulation (EU) 1151/2012. According to the guide (with no legal effect) that European commission has prepared in order to assist applicants, the link of a product with an area can be proved through elements like awards, references in professional books or press, special mentions in cooking publications, press cuttings, historical evidence etc. For proof of the quality or special characteristics of a product chemical, organoleptic characteristics, etc. must be provided.

### Jamaica

An application shall contain the following information the quality, reputation or other characteristics of the goods in relation to which the geographical indication is used, including information in respect of the quality, reputation or other characteristics of the goods, which are attributable essentially to their geographical origin, including any inherent natural and human factors, as produced, processed or prepared in such territory, region or locality.

### Lithuania

The EU laws apply.

### Madagascar

Since the specifications are drawn up in collaboration with the public sector, in particular the Bureau of Standards, and the private sector, any link between the product and its place of origin is explicitly specified in this document.

### Mexico

Article 165*bis*. The application for a declaration of protection for an appellation of origin or geographical indication shall be submitted in writing to the Institute and contain the following information, and shall be accompanied by the necessary supporting documents:

IV. a detailed description of the finished product or products, including their characteristics, components, method of extraction, production or manufacturing processes and use in trade;

VI. the standards laying down the characteristics and specifications that must be respected in the product's production, packing and marketing, in the case of geographical indications;

VII. the place or places of extraction, production or manufacture of the product to be protected and boundaries of the territory or geographical area, due account being taken of geography and political divisions;

VIII. a detailed mention of the links between the appellation, product, territory or geographical area and natural or human factors, when the application concerns an appellation of origin;

IX. a technical examination conducted by an authority or public or private institution that supports the information referred to in paragraphs IV, VII and VIII of the present Article; [...] and

XI. any other information considered necessary or relevant by the applicant.

Article 165*bis* (7). All types of evidence shall be acceptable under this Chapter with the exception of personal statements and testimonials, unless the testimonial or personal statement is in documentary form, and evidence that is contrary to morality and the law.

The Institute may at any time prior to the declaration carry out such investigations as it considers appropriate and gather such elements as it considers necessary.

### New Zealand

It is possible for applicants to rely on geographical indication demonstrating a mixture of quality, reputation and other characteristics.

### Portugal

The law does not specify, case-by-case approach and a parallelism with the European rules.

Republic of Korea

The article of association or documents stating qualities, reputation, or other characteristics of goods, own standards for the management of and a plan to maintain and manage a particular quality, reputation or other characteristics of goods.

Singapore

Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.

South Africa

Refer to response under question 4.

United Kingdom

There is no requirement for evidence in the application but the Regulations would govern the use of the mark.

United States of America

The producer groups or certifying bodies have tested for a causal link. The USPTO does not require the applicant to set out those factors; although many times the standards required for a certification mark do include that information.

**8. Is reputation required to be demonstrated as a condition for obtaining protection:**

Responding Party	for domestic geographical indications?	for foreign geographical indications?	If Yes, where must that reputation exist for the foreign geographical indications:	
			in the country of origin	In the territory in which protection is sought
Australia	No	No		
Brazil				
Chile	No	No		
Colombia	Yes	Yes	Yes	No
Croatia	No	No		
Cyprus	Yes			
Czech Republic	No	No		
Ecuador	No	No		
Estonia	No	No		
France	No			
Georgia	No	No		
Greece	Yes*			
Guatemala	No	No		
Hungary	No	No		
Iceland	No	No		
Israel	Yes	Yes	Yes	Yes
Jamaica	No	No		
Japan	Yes	Yes	No	Yes
Kazakhstan	Yes	No		
Lithuania				
Madagascar	No	No		
Mexico	Yes	Yes	Yes	No
New Zealand	Yes	No		
Poland	No	No		

Responding Party	for domestic geographical indications?	for foreign geographical indications?	If Yes, where must that reputation exist for the foreign geographical indications:	
			in the country of origin	In the territory in which protection is sought
Portugal	No	No		
Republic of Korea	Yes			
Republic of Moldova	Yes	Yes	Yes	No
Romania	No	No		
Russian Federation	Yes	Yes	Yes	
Serbia	Yes	Yes	Yes	
Singapore	No	No		
Slovakia	No	No		
South Africa	No	No		
Switzerland*	No	No		
United Kingdom	No	No		
United States of America	No	No		
Uruguay	No	No		
Viet Nam	Yes	Yes	Yes	Yes
European Union	No	No		

#### COMMENTS:

##### Australia

Reputation is not always required to be demonstrated as a condition for obtaining protection but demonstration of reputation can assist in the GI gaining protection. Under the Wine Australia Act when considering whether a word or expression should be considered a GI, the Geographical Indications Committee consider whether the word or expression is known to others, its use and appropriateness.

##### Brazil

The national law does not specifically mention reputation as a registration requirement; however, if the reputation is understood as the fact that the place has become known for the production of a particular good or for the provision of a particular service, then it is necessary to demonstrate in the case of IPs, which does not occur with DOs. This is for both national and foreign GIs.

##### Chile

Reputation need not necessarily be proven, as recognition may be sought on the basis of quality or some other special characteristic of the product essentially attributable to its geographical origin.

##### Colombia

It is required in cases where the application for a foreign appellation of origin is subject to domestic procedures (national treatment principle). This occurs when the appellation of origin arises from a third country (non-member of the Andean Community) with which Colombia has not signed a reciprocal recognition agreement – or if while being a member of the Andean Community or having a reciprocal recognition agreement with the country of origin, the applicant decides to avail itself of the national procedure. The requirement is set out in 7.1.2.5 (e) of Decision No. 57530 of 2012, applicable to the recognition of foreign appellations of origin in accordance with 7.9.2 of the same Decision.

### Croatia

Reputation may be claimed, i.e. it is an optional factor.

### Cyprus

The reply concerns wines and spirits. As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of the European regulation (EU) 1151/2012. According to Article 5 of the above Regulation the registration of a PGI can among others be based on reputation linked to a specific area.

### Georgia

According to the Law on Appellation of Origin and Geographical Indication of Goods has to have a specific quality, reputation, or other characteristics of which are attributable to that geographical area.

### Greece

\* If the PGI application is based only upon reputation owed to its geographical origin.

### Hungary

A geographical indication can be protected without the proof of its reputation in accordance with the definition laid down in Act XI of 1997 – on the Protection of Trademarks and Geographical Indications.

### Japan

In the case of liquor GIs, reputation is not required to be demonstrated for the designation of domestic geographical indications. For The protection of GIs, which are protected in a member state of the WTO other than Japan, one of basis of the decision is to be protected in the member (reputation is not necessary to protect those GIs in Japan.)

### Lithuania

The EU laws apply.

### Madagascar

The link between the product bearing the geographical indication and its terroir is not necessarily the reputation but may be a specific characteristic of the product

### Mexico

Title 5, Chapter V, on the Recognition of Appellations of Origin and Geographical Indications Protected Abroad, provides that:

The Institute shall recognize foreign appellations of origin and geographical indications in accordance with international treaties and Title 5, Chapter V of the LPI.

To that end, the foreign owner shall ensure that his or her application includes the document granting protection to the appellation of origin or geographical indication pursuant to the applicable legislation of the country of origin or international treaties.

### New Zealand

We have answered yes for domestic geographical indications, but note that it is not essential for reputation to be demonstrated. An applicant may also demonstrate quality and/or other characteristic to be granted protection.

### Poland

Reputation can be demonstrated in case of PGI, but it is not voluntary.

Republic of Korea

Historic evidence, award records, awareness and certifications of quality/standards obtained in the country of origin, etc.

Republic of Moldova

If an application for registration of a geographical indication is based solely on the reputation of the product specification must include clear and detailed evidence on this reputation, including relevant literature or based on consumer surveys. Information on the reputation of the GI product must reflect its history, previous and current reputation locally, nationally and/or internationally.

South Africa

All trademarks applied for in South Africa are dealt with in terms of the provisions of the Trade Marks Act (including collective and certification marks) and no distinction is made between domestic applicants and international applicants.

Switzerland

\* R2

Since reputation is only one of the criteria stipulated in the definition of a PGI, it is not necessary to demonstrate reputation if fulfilment of another criterion has been demonstrated.

United States of America

Certification mark registration is available without establishing reputation. For registration of collective marks and trademarks, a showing of acquired distinctiveness or disclaimer of the geographic term is required. For unregistered GIs, there must be reputation established in the United States for the sign to be eligible for protection against unauthorized uses that are likely to cause confusion or to deceive the average US consumer of the goods/services. This is true for both domestic and foreign rights holders.

European Union

Reputation is an optional factor. In the case of foreign geographical indications, reputation must be proved in the country of origin.

**9. Production area boundaries:**

Responding Party	are set by the following criteria:	are subject to an examination or other review process	can be reduced or expanded at the request of a third party	can be subsequently expanded after having been established	If Yes, is there any criteria to be fulfilled as a condition to such expansion
Australia		Yes			
Brazil					
Chile	Under the system established by Law No. 19.039 on Industrial Property, boundaries are set according to the area where the GI- or AO-protected product is actually made. They are usually determined by applicants themselves, which must evidence the link between the product and the specified geographic area.	Yes		Yes	

Responding Party	are set by the following criteria:	are subject to an examination or other review process	can be reduced or expanded at the request of a third party	can be subsequently expanded after having been established	If Yes, is there any criteria to be fulfilled as a condition to such expansion
Colombia	<p>Precise and detailed indication of the place where the production, extraction, processing and/or transformation of the product occur, describing such human and natural factors as may characterize the defined geographical area, as elements confirming that the product originates from that area.</p> <p>To that end, the applicant shall indicate which of the processes for obtaining, producing, extracting, processing and/or transforming the product occur in the area, or in particular places, describing the natural, human and other factors that contribute to the identification of the product(s) with the appellation of origin. The "exclusive" and "essential" link criteria referred to in question 6 above also apply here. (Decision 57530 of 2012, point 7.1.2.3.).</p>	Yes		Yes	Yes*
Croatia	Link between the quality, reputation or other characteristics of a product or a service and its geographical origin.	Yes			
Cyprus	According to the established geographical areas as provided in the existing national legislation (wines and spirits)	Yes*	Yes*	Yes	Yes*
Czech Republic	The geographical area must be delimited with regard to the link between the quality or reputation or other characteristics of the product and its geographical origin.	Yes	Yes	Yes	Yes*
Ecuador	In the specific area in which the product(s) is (are) produced, extracted or prepared.	Yes			
Estonia	The geographical area must be delimited with regard to the link between the quality or reputation or other characteristics of the product and its geographical origin.	Yes	Yes	Yes	Yes*
France	Initial choice of the organization responsible for company protection and management, subject to justification.	Yes	Yes		
Georgia	<p>Production area boundaries, zones and micro-zones are set by the specification in accordance with the requirements of law. The goods must be originating within the given geographical area. Additionally, the application for registration must contain document issued by the local administrative body confirming that the goods originate from that geographical area;</p> <p>By way of derogation as an appellation of origin may be considered the name of a</p>				

Responding Party	are set by the following criteria:	are subject to an examination or other review process	can be reduced or expanded at the request of a third party	can be subsequently expanded after having been established	If Yes, is there any criteria to be fulfilled as a condition to such expansion
	geographical area where raw materials of the goods come from the area larger than or different from said geographical area, if: – the different boundaries of the geographical area and conditions for raw material production are determined; – there are inspection arrangements to ensure that those conditions are adhered to.				
Greece	- The link between the quality or characteristics of the product and the geographical environment for PDOs and - The link between a given quality, the reputation or other characteristic of the product and the geographical origin for PGIs. The production area must be clearly and precisely defined without any artificial exclusion of villages or provinces. Includes the real production zone and has to be relatively uniform as far as soil and climate conditions concern.	Yes	Yes	Yes	
Guatemala	Details must be given on altitudes, longitudes and latitudes, regions, localities or places, including soil characteristics, rainfall, climatic variations and natural and human factors that, as the case may be, influence the product's quality, reputation, attributes or characteristics; for that purpose, append maps and illustrative drawings.	Yes	No	Yes	Yes
Hungary	The geographical area must be delimited with regard to the link between the quality or reputation or characteristics of the product and its geographical origin.	Yes	Yes	Yes	Yes*
Iceland	According to Art. 4 of Act No. 130/2014, a product name may be protected as a designation of origin, by registration according to this Act, provided that all of the following conditions are fulfilled: c) the production, processing and preparation of the product takes place in the defined geographical area. Further, according to Art. 5 of the Act, a product name may be protected as a geographical indication, by registration according to this Act, provided that all of the following conditions are fulfilled: c) at least one of the stages of production takes place in the defined geographical area.	No	No	Yes	No

Responding Party	are set by the following criteria:	are subject to an examination or other review process	can be reduced or expanded at the request of a third party	can be subsequently expanded after having been established	If Yes, is there any criteria to be fulfilled as a condition to such expansion
Israel	The applicant must indicate the physical boundaries of the area.	Yes	Yes	No	
Jamaica	An application shall contain the following information the geographical area to which the geographical indication relates, including the map of the territory of the country, or the region or locality in that territory, in which the goods originate or are being manufactured.	No	Yes	No	
Japan		Yes			
Kazakhstan					
Lithuania					
Madagascar	The delimitation of the geographical area belongs to the entities that are responsible for drafting the specifications. Generally, this delimitation is defined taking into account the geographical area indicated by the GI.	No	Yes	Yes	Yes
Mexico	The area is defined by the same geographical conditions that determine the quality, reputation or characteristics of the product. The Mexican Institute of Industrial Property (IMPI) is the competent authority for defining the geographical indication's geographical area. This capacity is provided for in Article 165bis (10) of the LPI: "[...] The declaration shall determine finally the elements of the appellation of origin or geographical indication, detailing: [...] III. the boundaries of the protected territory or geographical area."	Yes		Yes	Yes*
New Zealand	Geographical co-ordinates, in a form that is approved by the Registrar, that define the boundaries of the territory, region or locality to which the geographical indication relates.	No	Yes	Yes	Yes
Poland	Production area should be homogeneous and related to the product.	Yes	Yes	Yes	No
Portugal	Link between the characteristics of the product and its geographical origin.	Yes	Yes	Yes	
Republic of Korea	Such link is verified through the document submitted by an applicant. If necessary, a local government's comments could be requested. For foreign GI applications, such verification will be also done by documents submitted by an applicant.	Yes			
Republic of Moldova	The geographical area comprises the territory in which the product is developed and is delineated according to the link between the quality or characteristics of the	Yes	Yes	Yes	

Responding Party	are set by the following criteria:	are subject to an examination or other review process	can be reduced or expanded at the request of a third party	can be subsequently expanded after having been established	If Yes, is there any criteria to be fulfilled as a condition to such expansion
	product and the geographical environment in the case of DO, or depending on the link between specific quality, reputation or other characteristics of the product and its geographical origin, in the case of IG. The geographical area must be defined in a precise, detailed and unambiguous manner. The geographical area can be defined by the list of territorial-administrative units or natural geographical boundaries. The boundaries of the geographical area may be designated through the boundaries of the administrative unit or topographically, indicating the mutual location of some localities, geographical objects such as mountains, rivers, constructions etc. For an adequate and complete presentation of the geographical area, the specification for a geographical indication or designation of origin must include one or more geographical maps illustrating the justification of that area.				
Romania		No	No	Yes	No
Russian Federation	The production area boundaries by the applicant of the product with respect to which an appellation of origin is being registered, which is confirmed by a finding by an authorized body (for Russian AOPs). For foreign AOPs: an application for registration of an AOP must specify the designation of origin (production) of the product, and documented evidence must be provided that the foreign AOP is protected as such in the country of origin.	Yes		Yes	Yes*
Serbia	Geographical area description shall comprise information on geographical area of origin of the product and shall include detailed definition of boundaries of such area, geographical map of such area, and information on geographical and human factors causing specific characteristics, qualities or reputation of the relevant product. Geographical area boundaries referred to in paragraph 1 of this Article shall be defined by precisely listing settlements and natural geographical objects (mountains, mountain ranges, rivers, plateaus, etc.) enabling delineation from other areas.(Art 21)	Yes	Yes	No	

Responding Party	are set by the following criteria:	are subject to an examination or other review process	can be reduced or expanded at the request of a third party	can be subsequently expanded after having been established	If Yes, is there any criteria to be fulfilled as a condition to such expansion
Singapore	N/A				
Slovakia	The geographical area must be delimited with regard to the production, processing and preparation of a product is being realized and the link between the quality or reputation or other characteristics of the product and its geographical origin.	Yes	Yes	Yes	Yes*
South Africa					
Switzerland	R2. The boundaries of the geographical area of an appellation of origin or a geographical indication depend on the essential or exclusive link between the quality, reputation or other characteristics of the product and its geographical origin.	Yes	Yes	Yes	Yes*
United Kingdom	The accompanying Regulations	Yes	Yes	Yes	No
United States of America	The owner of the mark sets the production boundaries as he/she/it are/is in the best position to decide what is valuable to consumers in coordination with the producers of the region.	Yes	Yes	Yes	Yes
Uruguay		Yes	Yes	No	
Viet Nam	A map of a geographical area subject to a geographical indication must be adequately informative, based on which the geographical area where exist all natural conditions liable to the particular nature/quality and reputation of the product can be accurately identified. The map may be submitted together with documents describing the geographical area subject to the geographical indication. (Point 43.5 of Circular No. 01/2007/TT-BKHCHN)	Yes	Yes	Yes	Yes*
European Union	The geographical area must be delimited with regard to the link between the quality or reputation or other characteristics of the product and its geographical origin.	Yes	Yes	Yes	Yes*

#### COMMENTS:

##### Australia

For a CTM, a production area boundary is initially considered as part of the trade mark examination and the assessment by the Australian Competition and Consumer Commission (ACCC). The registered owner of a CTM may apply to the ACCC to approve a variation of the rules governing the use of the CTM. The rules may not be varied without the approval of the ACCC which must be satisfied that the rules as varied are satisfactory and not to the detriment of the public. For wine goods, the production area boundary submitted by the applicant can be adjusted by Wine Australia.

### Brazil

There are no specific criteria for the delimitation of the production / service area. It is a requirement for the registration to be presented official document of delimitation of the required geographical area, preferably demarcated according to UTM Coordinates, issued by the competent organ of each State, being in Brazil, within the specific scope of its competencies, the Federal Union, represented by the Ministries related to the product or service distinguishing as a geographical name, and the States, represented by the Secretariats related to the product or service distinguished by the geographical name, in terms of art. 7 of INPI'S Normative Instruction 25/2013.

The legitimacy of the body issuing the document is analyzed. The geographical demarcation is also subject to an examination by the IBGE (Brazilian Institute of Geography and Statistics), under the terms of Technical Cooperation Agreement No. 6, dated May 14, 2014, between the Institute and INPI.

It may be contested or subsidized by legitimately interested third parties during the "third party" phase before the registration is granted.

After the deferral, there is no possibility of a modification of the registry.

### Chile

Under the system established by Law No. 19.039 on Industrial Property, GI and AO registrations are for an indefinite term and can be amended at any time if one of the circumstances taken into account for their recognition should change. Amendments are subject to the registration procedure as appropriate. For wines and alcoholic beverages, boundaries are determined based on the following criteria: edaphic-climatic characteristics that distinguish the place of origin of grapes and establish a compelling need for the existence of working vineyards declared to the Agriculture and Livestock Service.

### Colombia

\* The information may be presented by the initial applicant for an appellation of origin or by a person authorized by the initial applicant to use it. The application should be accompanied by documents permitting the applicant's legitimate interest to be accredited, or in the case of applications submitted by delegated entities, the minutes, adopted by the statutorily required majorities, recording the beneficiaries' decision to modify the protection. The applicant is also required to provide evidence supporting assumptions with respect to admissible modifications, including "expansion or reduction of the geographical area when justified by existing circumstances" and provided that "the essential conditions initially motivating the need for protection are not substantially altered".  
(Decision N° 57530 of 2012, numerals 7.4.1 and 7.4.2)

### Cyprus

\* For wines, as per provisions of Regulation (EU) 1308/2013 and (EC) 607/2009. For spirits, as per provisions of Regulation (EC) 110/2008 and (EU) 716/2013. As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of the European regulation (EU) 1151/2012 and of article 2 of subsidiary European Reg. (EU) 668/2014.

### Czech Republic

\* The expansions can only extend to the territory where the criteria for delimitation are extended.

### Estonia

\* The expansions can only extend to the territory where the criteria for delimitation are extended.

### Hungary

\* The extension can only affect the territory where the criteria for delimitation are met. Also, the reduction can only affect the territory where the criteria for delimitation are no longer met.

### Iceland

According to Article 19 of the Act, the original applicant or a group of producers satisfying the conditions of Article 11 and having a legitimate interest may apply for an amendment to a product specification registered, and on that ground expand the production area.

### Israel

As to the third question our response is uncertain.

### Jamaica

Section 10(1) ,10(4), 10(5)(c), 6(1) 12(1), 12(2)- POGA Act Regs 3(3)(b).

### Japan

Production site refers to a place, region or country where actions (production) to add to or retain the characteristics of agricultural, forestry and fishery products etc. are carried out. The scope of the production area can be determined not only by the administrative division at the time of application but also by the past administrative divisions. If the range of the production area is not sufficient for adding or retaining the characteristics of products, or if the area is excessive or too small, it cannot be accepted as a production area. In examining the coverage of the production area, the area of production site, the area that has natural conditions linked to the characteristics of the product, and the location of the producers group etc. are taken into consideration. It is necessary for a term of geographical indication for liquor to be basically a name of the place, where a good is produced. The name includes the term of administrative district (prefectures or cities), county, ward etc. and the well-known term generally as the term, which designated specific territory (ex a former geographic name). In addition, the term can be the term of GI when it is the term about liquor, which produced in specific area, territory or country at Japan, though it is not the name of the place, where a good is produced.

### Lithuania

The EU laws regulation.

### Madagascar

The modification of the geographical area, including its extension and restriction, must be requested from the competent jurisdiction.

### Mexico

\* Article 165*bis* (13). The terms of the declaration of protection for an appellation of origin or geographical indication may be amended at any time, be it *ex officio* or at the request of an interested party, according to the procedure laid out in this Chapter.

### New Zealand

The person applying to alter the boundary of the geographical indication must satisfy the Registrar that the alteration is: necessary, will not substantially alter the character of the geographical indication; and not likely mislead the public.

### Portugal

If the boundaries of a place, region or territory pertaining to a certain appellation or indication are not demarcated by law, said boundaries are defined by the officially recognized bodies that control, in the respective area, the corresponding production branch, which take into account the traditional and constant practices together with the higher interests of the national or regional economy.

Republic of Moldova

Examination of the geographical area, modification, including the extension of the geographical area is the responsibility of the competent authority approving the specification.

Russian Federation

\* For Russian AOPs: a change in the boundaries must be confirmed by a finding by an authorized body. For foreign AOPs: documented evidence of a change in the production area boundaries in the country of origin

Slovakia

\* The expansions can only extend to the territory where the criteria for delimitation are extended.

South Africa

Not dealt with in the Trade Marks Act, unless such is part of the rules accompanying the application for a certification or collective trade mark in terms of Sections 42 or 43 of the Trade Mark Act.

Switzerland

\* R2. To expand the geographical area covered by a PDO or PGI, an application to amend the product specification must be filed by the representative applicant group. That application is processed under the same procedure as that followed in filing the initial registration application.

United States of America

The USPTO will evaluate the certification standards, which will include the production area, to determine whether the use of the applied for geographic sign on goods/services from the area identified in the standards would be misleading or deceptive to the US consumer. Likewise, a third party can petition to cancel a registration on the grounds that the use of the sign on goods/services from the identified production area would be misleading.

Viet Nam

\* The expansion of the geographical area shall be re-examined with the same procedures applied to new applications. (Point a, Clause 1, Article 1 of Circular No. 16/2016/TT-BKHCN amending and supplementing a number of Articles of Circular No. 01/2007/TT-BKHCN).

European Union

\* The expansions can only extend to the territory where the criteria for delimitation are extended.

(vi) Goods/Services Covered

**10. If your jurisdiction protects geographical indications under a *sui generis* system, protection of geographical indications extends:**

Responding Party	to all types of goods	to services	agri-food products	wines and spirits	handicrafts/artisanal products	other
Australia	No	No				Yes*
Brazil	Yes	Yes				
Chile	Yes					
Colombia	Yes					
Croatia		Yes			Yes	Yes*
Cyprus						

Responding Party	to all types of goods	to services	agri-food products	wines and spirits	handicrafts/artisanal products	other
Czech Republic					Yes	Yes*
Ecuador	Yes	Yes				
Estonia	Yes	Yes				
France					Yes	
Georgia	Yes					
Greece			Yes			
Guatemala	Yes	No				
Hungary					Yes	
Iceland	No	No	Yes	Yes	Yes	
Israel	Yes	No				
Jamaica	No	No	Yes	Yes	Yes	Yes*
Japan	No	No	Yes	Yes		Yes*
Kazakhstan						
Lithuania						
Madagascar						
Mexico	Yes					
New Zealand	No	No	No	Yes	No	No
Poland	No	No	No	No	No	No
Portugal					Yes	
Republic of Korea	No	No				
Republic of Moldova	Yes					
Romania	No	No		No	Yes	
Russian Federation	Yes					
Serbia	No	Yes	Yes	No	Yes	Yes*
Singapore	No		Yes	Yes	Yes	
Slovakia	Yes					
South Africa	N/A	N/A	N/A	N/A	N/A	N/A
Switzerland*	Yes	Yes				
United Kingdom						
United States of America						
Uruguay	Yes	Yes				
Viet Nam	Yes					
European Union			Yes	Yes		

**COMMENTS:**

Australia

\* Only wine and grape products as defined in the Wine Australia Act 2013 and Wine Australia Regulations 2018.

Brazil

GIs, in Brazil, are protected under the industrial property system. Protection covers all types of products and services.

### Chile

For wines and alcoholic beverages, sui generis GIs are protected under bilateral or multilateral treaties or agreements.

### Colombia

The answer should be considered taking into account that the definition for appellation of origin (Article 201 of Decision 486 of 2000) does not provide for any restrictions in that regard

### Croatia

\* All products except agricultural products, foodstuffs, wines and spirits.

### Cyprus

Cyprus implements the provisions of the European regulation (EU) 1151/2012 which covers only agricultural products and foodstuffs. No national provision in the wine sector.

### Czech Republic

\* Minerals, mineral waters.

### France

Agri-food products, wines and spirits are protected in our territory under EU regulations.

### Hungary

Since Hungary is part of the EU, GIs for agri-food products and wines can be protected under a *sui generis* EU system. However, spirits can be protected under the *sui generis* EU system and the *sui generis* national system, as parallel forms of protection.

### Iceland

Annex I of Regulation 596/2016 defines all products falling under the scope of the Act on the protection of product names as designation of origin, geographical indications or traditional specialty No 130/2014.

### Jamaica

\* Products of industry.

Section 2(1) Protection of Geographical Indication Act.

### Japan

\* Forestry and fishery products, non-edible products of agricultural origin.

The scope of protection is liquors, agricultural, forestry and fishery products and foodstuffs specified in the Act Concerning Liquor Business Associations and Measures for securing Revenue from Liquor Tax (Act No. 7 of 1953) and the Notice on Establishing Indication Standards Concerning Geographical Indications for Liquor (National Tax Agency Notice No.19 of 2015) issued under the Act, and the Act on Protection of the Names of Specific Agricultural, Forestry and Fishery Products and Foodstuffs (Law No. 84 of 2014) (the GI Act).

### Lithuania

The EU laws apply.

### Madagascar

Geographical indications protection is provided by the Industrial Property Law and not under a *sui generis* system.

### Mexico

Mexico does not make a distinction with respect to protected products:

Furthermore, according to Article 90 of the LPI, the following constitute grounds on which the registration of marks referring to geographical indications shall be refused:

" XI. appellations of origin, geographical indications or names or signs of places known for the manufacture or production of certain products or provision of certain products, and those accompanied by expressions such as "kind," "type," "style," "imitation," "produced in" or "manufactured in," or other similar terms that create confusion in the mind of the consumer or imply unfair competition;

XII. the names of places in private ownership when they are special, not liable to be confused, and known for the production of certain products or provision of certain services, and when the consent of the owner has not been obtained."

The LPI also acknowledges that the Mexican State may recognize geographical indications granted under international treaties (Article 166). The level of protection shall be that which is provided for in the respective international treaty.

### Poland

In Poland exists system established under Regulation 1151/2012.

### Republic of Korea

Agro-fishery and livestock products and their processed products, manufactured products and handicrafts are protected under the Trademark Act while agro-fishery and livestock products and their processed products are protected under the Agricultural and Fishery Products Quality Control Act.

### Serbia

\* Also natural and industrial products.

### South Africa

South Africa does not have a *sui generis* system for the protection of geographical indications.

### Switzerland

\* R1, R4 and R5.

R2: to all types of goods (except wines)

R3: wines and spirits

### United Kingdom

N/A, refer to EU response.

### United States of America

Protection of GIs through a trademark system extends to all types of goods and services.

**11. In your jurisdiction, if the *sui generis* system does not protect geographical indications for all goods and/or services,**

<b>Responding Party</b>	<b>how are other goods and/or services protected?</b>
Australia	The CTM system provides for the registration of GIs for all goods and/or services.

Responding Party	how are other goods and/or services protected?
Brazil	GIs, in Brazil, are protected under the industrial property system. Protection covers all types of products and services.
Chile	For wines and alcoholic beverages, the current legal framework of Law No. 18.455 covers only alcoholic beverages.
Colombia	N/A Because our legal framework does not provide for geographical indications. Appellation of origin protection is provided for all types of products. Signs containing geographical expressions to identify services can be protected by means of other distinctive signs, such as product or service trademarks, collective marks, certification marks, commercial names or signs, etc.
Croatia	Non-agricultural products and services are protected via national <i>sui generis</i> system.
Cyprus	As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of the European regulation (EU) 1151/2012.
Czech Republic	Protection at national and EU level.
Ecuador	N/A
Estonia	Our national schemes protect non-agricultural products via domestic <i>sui generis</i> systems. At the EU level, other goods and services i.e. non-agricultural products are not protected via an EU unified law, though there is harmonized law on unfair commercial practices and consumer protection.
France	No particular protection for services, since the connection to the territory cannot be formalized.
Georgia	The protection of geographical indications/appellations of origin extends to all types of goods. Services, as well as all types of goods, are protected through collective marks.
Greece	
Guatemala	
Hungary	Agri-food products, wines and aromatized wine products are exclusively protected at EU level, under a <i>sui generis</i> EU system. Spirits can be protected under the <i>sui generis</i> EU system and the <i>sui generis</i> national system, as parallel forms of protection. In the Hungarian jurisdiction, services cannot be protected by geographical indications.
Iceland	Other goods and/or services can be protected as a trademark or collective mark.
Israel	Trademarks (including collective and certification marks).
Jamaica	Certification Marks.
Japan	Not protected as GIs.
Kazakhstan	
Lithuania	At EU level, other goods and services i.e. non-agricultural products are not protected via an EU unified law, though there is harmonized law on unfair commercial practices and consumer protection. In the 28 EU Member States, some national schemes protect nonagricultural products via domestic <i>sui generis</i> systems.
Madagascar	The new law on the protection of industrial property contains provisions on the protection of geographical indications. This law recognizes that all types of products may bear a geographical indication if they meet the established criteria.
Mexico	As mentioned previously, Mexico's system for protection of geographical indications does not make any distinction in terms of the type of protection granted to covered products. In addition, the said geographical indications system does not provide for the protection of services.
New Zealand	Under the Trade Marks Act 2002 as collective marks or certification marks, under the common law tort of passing off and under the Fair Trading Act 1986.
Poland	N/A
Portugal	EU law regarding agri-products, wines and spirits.
Republic of Korea	
Republic of Moldova	See the reply to Question 10.

Responding Party	how are other goods and/or services protected?
Romania	Verification of origin, quality of manufacture, verification of the composition of the product.
Russian Federation	An AOP is not registered for services in the Russian Federation. A trademark (service mark) may be registered for the individualization of services.
Serbia	By trademarks.
Singapore	A geographical indication may be registered as a certification or collective mark under the Trade Marks Act (Cap 332).
Slovakia	At national level services are not protected.
South Africa	N/A, refer to question 10 above.
Switzerland	Indications of source for services are protected under Article 49 of the TmPA, which does not require registration, and may be the subject of a Federal Council ordinance under Article 50 of the TmPA (R4).
United Kingdom	N/A, refer to EU response.
United States of America	
Uruguay	
Viet Nam	Viet Nam does not provide geographical indication protection for services. However, geographical-linked services may apply to be protected as certification mark or collective mark.
European Union	At EU level, other goods and services i.e. non-agricultural products are not protected via an EU unified law, though there is harmonized law on unfair commercial practices and consumer protection. In the 28 EU Member States, some national schemes protect nonagricultural products via domestic <i>sui generis</i> systems.

**12. Can the same geographical indication be recognized and protected for more than one [different] product, or service, where applicable?**

Responding Party	Protection for more than one [different] product, or service	COMMENTS
Australia	Yes	Research, the relevant CTM rules and/or evidence would need to support the GI being registered in respect of more than one product.
Brazil	No	A GI identifies a particular product or service. What can happen is that the same geographical name is registered as more than one GI for different products and services.
Chile	No	
Colombia	Yes	This possibility depends on compliance with all AO eligibility requirements for each and every product to be designated by the sign.
Croatia	Yes	If the same geographical indication is used to identify several different products or services, a specification shall be submitted for each product or service separately.
Cyprus	Yes (for wines and spirits)	As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of the European regulation (EU) 1151/2012.
Czech Republic	Yes	
Ecuador	No	
Estonia	No	However, the EU system allows for separately registered GIs that comprise the same word, for example a wine and an olive oil coming from the same region, that both qualify as GIs.
France	No	Only one GI per product in a territory.

Responding Party	Protection for more than one [different] product, or service	COMMENTS
Georgia	Yes	
Greece	No	
Guatemala	Yes	
Hungary	Yes	
Iceland	Yes	According to Art. 10 of the Act, a name proposed for registration that is wholly or partially homonymous with a name already entered in the register established under the Act may not be registered unless there is sufficient distinction in practice between the conditions of local and traditional usage, taking into account whether registration is likely to conflict with the already registered name.
Israel	Yes	
Jamaica	Yes	
Japan	Yes	In the case of liquor GIs, the GI which is already protected is not allowed to use the new one.
Kazakhstan	Yes	
Lithuania	No	However, the EU system allows for separately registered GIs that comprise the same word, for example a wine and an olive oil coming from the same region, that both qualify as GIs.
Madagascar	Yes	
Mexico	Yes	Pursuant to Article 163 of the LPI, a denomination may not be protected as an appellation of origin or geographical indication if it is "a name that is identical or confusingly similar to an appellation of origin or geographical indication that is already protected or for which an application for a declaration has been filed earlier and is being processed, unless the Institute issues a ruling permitting the coexistence of the said names."
New Zealand	Yes	Whether the same geographical indication can be recognized and protect for more than one (different) product, or service, would depend on what goods or services for example a collective mark or certification mark is registered for. To put in another way, it is possible for a geographical indication protected as a collective mark and certification mark to be registered for more than one product or service.
Poland	No	
Portugal	Yes	
Republic of Korea	Yes	
Republic of Moldova	Yes	The same geographical indication can be recognized and protected for different products only in the case in which the homonymous name registered subsequently is sufficiently distinct from the prior registered one, having regard to the need to treat the producers concerned in an equitable manner and not to mislead the consumer.
Romania	Yes	
Russian Federation	Yes	Vologda lace, Vologda butter.
Serbia	No	
Singapore	Yes	
Slovakia	No	
South Africa	Yes	Protection will be granted in classes as applied for subject to compliance with the provisions in Section 42 and 43 (as stated in no. 4 above).

Responding Party	Protection for more than one [different] product, or service	COMMENTS
Switzerland	Yes	The answer to this question depends on what is meant by “different” products. <i>Gruyère</i> and <i>Gruyère d’Alpage</i> could be regarded as two different products. Yet, they share the same tradition and their common characteristics are more significant than any differences between them, by comparison with other cheeses. An appellation of origin or a geographical indication concerns a specific product, but this does not rule out the existence of several versions of the same product (another example is <i>Saucisson vaudois</i> and <i>Saucisson vaudois sec</i> ). Moreover, the same geographical name can be protected for different products by means of distinct protection titles, such as <i>Appenzeller Pantli</i> , <i>Appenzeller Siedwurst</i> and <i>Appenzeller Mostbröckli</i> .
United Kingdom	Yes	
United States of America	Yes	
Uruguay	Yes	
Viet Nam	Yes	Different products bearing the same geographical indication shall be applied for protection in separate applications corresponding to each product. However, if said products are directly linked, they can be applied for protection in a single application.
European Union	No	However, the EU system allows for separately registered GIs that comprise the same word, for example a wine and an olive oil coming from the same region, that both qualify as GIs.

## B. APPLICATION AND REGISTRATION

### (i) Entitlement to file

#### 13. Who can apply for the protection of a geographical indication?

Responding Party	A legal person	A group	A public institution	A national, regional or provincial authority	Other
Australia	Yes	Yes	Yes	Yes	
Brazil					
Chile	Yes	Yes	Yes	Yes	
Colombia	Yes		Yes	Yes	Yes*
Croatia	Yes	Yes		Yes	Yes A natural person.
Cyprus	Yes	Yes		Yes	
Czech Republic	Yes	Yes			Yes A natural person.
Ecuador	Yes	Yes	Yes	Yes	
Estonia	Yes	Yes			Yes A natural person.
France	Yes				
Georgia	Yes	Yes	Yes	Yes	Yes A natural person.
Greece		Yes			
Guatemala	No	Yes	No	No	No

Responding Party	A legal person	A group	A public institution	A national, regional or provincial authority	Other
Hungary	Yes	Yes	Yes		Yes A natural person, unincorporated business association.
Iceland	Yes	Yes			
Israel	Yes	Yes	Yes	Yes	Yes
Jamaica	Yes	No	No	Yes	Yes Any producer or group of producers carrying out an activity in the geographical area specified in the application with respect to the goods so specified.
Japan	Yes	Yes			
Kazakhstan					Yes Exclusive right of use of an appellation of origin can be granted to one or several entrepreneurial entities producing goods, whose particular properties are solely or primarily due to the geographical environment, including natural conditions and (or) human factors, specific to the respective geographical entity.
Lithuania	Yes	Yes			Yes Natural person
Madagascar	Yes	Yes	Yes	Yes	Yes Applicants for the registration of a geographical indication may be natural or legal persons who, for the products indicated in the application, carry out a producer activity in the geographical area indicated in the application and the groups of such persons, consumer groups, and any competent authority.
Mexico	Yes	Yes	Yes	Yes	Yes
New Zealand	Yes	Yes	Yes	Yes	Yes Any interested person may apply to register a geographical indication under the Geographical Indications (Wine and Spirits) Registration Act 2006.
Poland		Yes			
Portugal	Yes	Yes	Yes	Yes	Yes A natural person; a private institution.
Republic of Korea	Yes				
Republic of Moldova	Yes	Yes		Yes	
Romania	No	Yes			
Russian Federation	Yes	Yes			Yes An individual entrepreneur. Furthermore, according to the Russian Federation Civil Code only

Responding Party	A legal person	A group	A public institution	A national, regional or provincial authority	Other
					the producer of a product may act as an applicant.
Serbia	Yes	Yes	Yes	Yes	
Singapore	N/A	N/A	N/A	N/A	N/A
Slovakia	Yes	Yes			Yes A natural person.
South Africa	Yes	Yes			
Switzerland*	Yes	Yes		Yes	
United Kingdom	Yes	Yes	Yes	Yes	
United States of America	Yes	Yes	Yes	Yes	
Uruguay	Yes	Yes	Yes	Yes	No
Viet Nam	Yes	Yes	Yes	Yes	
European Union	Yes	Yes		Yes	Yes A natural person.

#### COMMENTS:

##### Australia

GI CTMs can be applied for by an entity with legal personality. Section 40R of the Wine Australia Act defines who can apply for a GI on the Register of Protected GIs. They are: a declared winemakers association, a declared wine grape growers organization, an organization representing winemakers in a State or Territory, an organization representing growers of wine grapes in a State or Territory, or a wine maker or a grower of wine grapes.

##### Brazil

In accordance with art. 5 of INPI'S Normative Instruction 25/2013, "associations, institutes and legal entities representative of the collectivity legitimated to the exclusive use of the geographical name established in their territory may request registration of Geographical Indications, as procedural substitutes."

A single natural or legal person may also apply for registration if the sole producer or service provider is entitled to the exclusive use of the geographical name.

All such persons may be represented by a proxy, and a valid power of attorney must be presented.

In the case of a foreign applicant, the holder of the registration already recognized in the country of origin must apply for registration in Brazil. The foreign applicant must establish and maintain a suitably qualified attorney domiciled in Brazil, with powers to represent him administratively and judicially, including to receive quotations, pursuant to art. 20 of INPI's Normative Instruction 25/2013.

##### Chile

Under the system established by Law No. 19.039, administered by INAPI, any natural or legal person may request the registration of a GI or AO but must represent a significant group of producers, manufacturers or artisans, regardless of their legal form. For wines and alcoholic beverages, protection of foreign GIs is determined on the basis of those which are recognized as such within the meaning of international treaties ratified by Chile, via a national authority, and which may only be used under the conditions established in said treaties.

##### Colombia

\* A natural or legal person (other, in the latter case, than a producers' association, as addressed in 7.1.2.1.1) who seeks individually to demonstrate legitimate interest in filing for an appellation of origin.

The following requirements must be met: (i) in the case of a legal person, submission of the documents indicated in 7.1.2.1.1 (a); (ii) in the case of a natural person, confirmation that the applicant is the only person who, at the time of applying for protection, is engaged in the extraction, production or processing of a product or products in the geographical area to be protected with the appellation of origin.

It must also be confirmed that potential beneficiaries of the appellation of origin, who may in future engage in extraction, production or processing of the product(s) in the geographical area concerned, will have access to its use for commercial purposes.  
(Decision 57530 of 2012, point 7.1.2.1.3.)

#### Cyprus

The reply concerns wines and spirits.

As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of the European regulation (EU) 1151/2012, which gives the right only to groups who work with the product with the name to be registered to submit an application.

#### France

Professional union or association. Exceptionally, a single operator if s/he is alone, provided s/he is represented by a structure that can accommodate new operators.

#### Hungary

Protection of a geographical indication may be obtained by any natural or legal person, or an unincorporated business association which produces, processes or prepares such products in the geographical area indicated in the geographical indication and said products use the geographical indication.

#### Iceland

According to Article 11 of the Act, producer groups may lodge applications for the registration of a product name pursuant to Articles 4, 5 or 8 of the Act. Further, a natural or legal person may only apply for protection of product names if: a. the person is the only existing producer in the defined geographical area, b. there are established, long-standing local methods that are only used by the person in question, and c. the product originates in a defined area and has characteristics that are essentially different from those of surrounding areas or the characteristics of the product are different from similar products from surrounding areas. The applicant may only lodge applications for products which the applicant himself produces, processes or prepares.

#### Israel

The above answers relate only to registrations arising under the Lisbon Agreement. Israel does not maintain a register for Geographical Indications.

#### Japan

In the case of GIs for liquor, a group which is consisted of liquor manufacturers only or mostly liquor manufacturers who request the designation of GI. This group can be applicant.

#### Madagascar

The applicant must indicate in the application form the quality in which he files the application, namely as producer or group of producers, consumer group or as competent authority.

### Mexico

Article 165 of the LPI stipulates that the declaration of protection for an appellation of origin or geographical indication shall be made *ex officio* or at the request of:

- I. natural persons or legal entities directly involved in the extraction, production or manufacture of the product to be covered;
- II. chambers or associations of manufacturers or producers linked to the product to be covered;
- III. federal government agencies or entities; and
- IV. the government of the state of the Federation in the territory or geographical area of which the product is extracted, produced or manufactured.

### Poland

According to Article 49 of Reg. 1151/2012, a single natural or legal person may be treated as a group where it is shown that both of the following conditions are fulfilled: (a) the person concerned is the only producer willing to submit an application; (b) with regard to protected designations of origin and protected geographical indications, the defined geographical area possesses characteristics which differ appreciably from those of neighboring areas or the characteristics of the product are different from those produced in neighboring areas.

### Republic of Korea

As for a collective mark with a geographical indication, a legal person that is composed of those who produce/manufacture/process a product bearing a geographical indication can apply for GI protection. Thus, national or regional or provincial authorities may not be entitled to apply for GI protection. But, as for a certificate mark with a geographical indication, regional authorities are entitled to apply for protection of a GI.

### Republic of Moldova

Only a group shall be entitled to apply for registration of an appellation of origin or a geographical indication. A natural or legal person, or a competent authority designated in accordance with Article 34 paragraph (1) may be treated as a group submitting an application for registration of an appellation of origin, a geographical indication or a traditional specialty guaranteed under the conditions set out in the Regulation (art.9(2), Law nr.66/2008).

### Singapore

Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.

### Switzerland

\* R1, R2, R4 and R5

Only for R2.2: a national, regional or provincial authority.

R1. A court's recognition of the rights to an indication of source may result from an action brought by any person demonstrating a legal interest in establishing their right, by any person whose right to an indication of source has been or is likely to be infringed, by trade and business associations authorized by their statutes to protect the economic interests of their members, by organizations of national or regional importance with a statutory duty to protect consumers, by the Swiss Federal Institute of Intellectual Property against the unlawful use of indications such as "Switzerland", "Swiss" or any other symbol or indication referring to the geographical territory of the Swiss Confederation, or by the canton concerned against the unlawful use of its name or any other symbol or indication referring to its geographical territory (Articles 52, 55 and 56 of the TmPA).

R3. Organizations representing the wine sector are consulted by the cantons on cantonal legislation dealing with PDOs for wines.

United Kingdom

Only associations can apply for a collective mark.

**14. The applicant:**

<b>Responding Party</b>	<b>must have its head office in the defined geographical area</b>	<b>must provide evidence that it carries out its activities in the defined geographical area</b>	<b>does not have to meet any requirement concerning the legal address</b>	<b>must provide proof of association or other organization if organized as a group</b>	<b>is considered to be the title holder of the geographical indication</b>
Australia			Yes		Yes
Brazil					
Chile		Yes	Yes		Yes
Colombia			Yes	Yes	
Croatia		Yes	Yes	Yes	Yes
Cyprus		Yes			
Czech Republic			Yes	Yes	Yes
Ecuador	No	No	Yes	No	No
Estonia	No	Yes	Yes	Yes	Yes
France			Yes	Yes	Yes
Georgia			Yes		
Greece				Yes	
Guatemala	Yes	Yes	No	Yes	No
Hungary		Yes	Yes		
Iceland	No	No	Yes	Yes	Yes
Israel	No	No	Yes	Yes	Yes
Jamaica	No	No	Yes	Yes	Yes
Japan			Yes	Yes	
Kazakhstan		Yes		Yes	
Lithuania			Yes	Yes	Yes
Madagascar	No	No	Yes	No	No
Mexico		Yes			
New Zealand	No	No	No	No	No
Poland	No	No	No	No	No
Portugal			Yes		
Republic of Korea		Yes			
Republic of Moldova		Yes	Yes	Yes	Yes
Romania	No	Yes	Yes	Yes	
Russian Federation		Yes			
Serbia	Yes	Yes	No	Yes	No
Singapore	N/A	N/A	N/A	N/A	N/A
Slovakia	Yes	Yes		Yes	
South Africa		Yes		Yes	Yes
Switzerland*		Yes	Yes	Yes	
United Kingdom			Yes	Yes	Yes
United States of America	No	Yes	No	Yes	Yes
Uruguay	No	Yes	No	Yes	Yes
Viet Nam		Yes	Yes	Yes	
European Union			Yes	Yes	Yes

## COMMENTS:

### Australia

There is no legal requirement that the applicant be located in the geographical area. Evidence of ownership or entitlement to file can assist in granting protection for a GI but is not required to be provided for every application. In respect of CTM GIs, the registered owner has the exclusive right to use, and to allow other persons to use, the CTM in relation to the goods and/or services in respect of which the certification trade mark is registered. The registered owner may, however, use the certification trade mark only in accordance with the rules governing the use of the certification trade mark. In respect of GIs registered under the Wine Australia Act, there is no owner as such.

### Brazil

The applicant, if he is the sole producer or service provider of the delimited region, must prove that he is established within the limits of the geographical area. If the applicant is an association that acts as a procedural substitute, he must prove that he is the legitimate representative of the producers and that these are located and carry out their activities within the defined geographical area. In other words, since the producers / service providers are the actual holders of the GI registry, there is a requirement for them to be located within the defined geographical region, and there is no such determination as to the location of the applicant, when the latter only acts as a procedural substitute. Notably, it is not the owner of the GI, when the latter acts as a procedural substitute, not being a producer or service provider to be protected.

### Chile

For wines and alcoholic beverages, applicants must prove that they operate in the defined geographic area and, in the case of collective applicants, that they are either an association or other organization.

### Colombia

The requirement of being located in the defined geographical area is imposed for the purposes of authorizing use in accordance with Article 207 (b) of Decision 486 of 2000.

### Cyprus

The reply concerns wines and spirits.  
As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of article 49 of the European regulation (EU) 1151/2012.

### France

In theory the GI manager could be located anywhere in France.  
In practice, the manager is always located in the geographical area of the GI.

### Hungary

Protection of a geographical indication may be obtained by any natural or legal person, or an unincorporated business association which produces, processes or prepares such products in the geographical area indicated in the geographical indication and said products use the geographical indication.

### Japan

In the case of GIs for liquor, a group which is consisted of liquor manufacturers only or mostly liquor manufacturers who request the designation of GI. This group can be applicant.

### Madagascar

It is not specifically required by the law that the applicant has his head office in the defined geographical area. The applicant is required to be a producer in the defined geographical area. For any registration application made by residents, a residence certificate or other document attesting to the applicant's residence must be attached to the application.

### Mexico

Eligible applicants include natural or legal entities falling within the scope of Article 165:

I. natural persons or legal entities directly involved in the extraction, production or manufacture of the product to be covered;

II. chambers or associations of manufacturers or producers linked to the product to be covered;

III. federal government agencies or entities; and

IV. the government of the state of the Federation in the territory or geographical area of which the product is extracted, produced or manufactured.

The application must also include the applicant's address.

### Republic of Moldova

A group requesting the registration of a geographical indication must operate on the basis of its Regulations and must represent different categories of operators involved in product development.

### Russian Federation

For Russian AOPs: a finding by an authorized body that the applicant is a producer is attached to an application for registration of an AOP (Article 1522 of the Russian Federation Civil Code). For foreign AOPs: documented evidence that the foreign AOP is protected as such in the country of origin is attached to an application.

### Singapore

Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.

### Switzerland

\* R2 and R4

### United States of America

The applicant must show that the product comes from the area named. The legal address must be of record.

### (ii) Competent Authority

#### 15. Which authority is competent:

Responding Party	to receive applications for the protection of a geographical indication?	to determine whether a domestic geographical indication is a geographical indication?	to determine whether a foreign geographical indication is a geographical indication?	for administrative enforcement?
Australia	For GIs for all goods including wines and spirits, the	For GIs for all goods including wines and spirits, the competent authority is IP Australia and Australian Competition and Consumer Commission		For CTM GIs, responsibility for enforcement generally lies with the owner. For

Responding Party	to receive applications for the protection of a geographical indication?	to determine whether a domestic geographical indication is a geographical indication?	to determine whether a foreign geographical indication is a geographical indication?	for administrative enforcement?
	competent authority is IP Australia. For GIs for wines and grape products, the competent authority is the Wine Australia GI Committee	For GIs for wines and grape products the competent authority is the Wine Australia GI Committee		wines and grape products registered under the Wine Australia Act, the Wine Australia GI committee.
Brazil	INPI			INPI is the organ responsible for carrying our registries, having no police power; it is not within its competence the supervision or administrative enforcement. The work of the INPI ceases to be granted or denied registration, except when there is appeal. In this case, INPI analyzes whether or not it is proven, maintaining or reforming its decision.
Chile	National Industrial Property Institute (INAPI) Ministry of Agriculture (for wines and alcoholic beverages) Directorate-General for International Economic Relations	INAPI (where Law No. 19.039 on Industrial Property is the basis for protection) Ministry of Agriculture (for wines and alcoholic beverages)		While the system established by Law No. 19.039 on Industrial Property, administered by INAPI, does not provide for a watchdog, the provisions of the respective Regulations of Use and Control apply. Ministry of Agriculture (for wines and alcoholic beverages)
Colombia	According to Decree 48886 of 2011 (Article 18), the Superintendency of Industry and Trade, Industrial Property Division, is the authority entrusted with administering the industrial property system, with responsibility for deciding on applications for the protection of appellations of origin in Colombia.			For civil action (e.g. for infringement of industrial property rights, unfair competition or consumer protection) the competent authorities are the Legal Affairs Division of the Superintendency of Industry and Trade and the civil courts, in

Responding Party	to receive applications for the protection of a geographical indication?	to determine whether a domestic geographical indication is a geographical indication?	to determine whether a foreign geographical indication is a geographical indication?	for administrative enforcement?
				accordance with the norms for the assignment of powers. For administrative matters the competent authorities are the Consumer Protection Division (administrative action to protect consumers) and the Council of State, for the purposes of applications for the reversal of decisions on applications for the protection of appellations of origin or on applications for trademark registration of expressions that may infringe geographical indications or appellations of origin.
Croatia	State Intellectual Property Office of the Republic of Croatia			Customs authorities and other competent inspection bodies
Cyprus	The Department of Agriculture (for wines and spirits)	The Department of Registrar of Companies and Official Receiver (DRCOR).		The Department of Agriculture (for wines and spirits)
Czech Republic	The Industrial Property Office of the Czech Republic (IPO CZ)			Competent authorities of the Czech Republic.
Ecuador	National Service of Intellectual Rights (SENADI)			National Service of Intellectual Rights (SENADI)
Estonia	<p>1. The Ministry of Rural Affairs shall perform the national operations provided in Council Regulation (EU) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (OJ L 208, 24.7.1992, pp. 1-8) and the operations prescribed with regard to the geographical indications and designations of origin of alcoholic beverages protected at Community level.</p> <p>2. The Estonian Patent Office processes applications for registration of a geographical indication (hereinafter registration application), and makes decisions and entries in the register.</p>			
France	GI for handcrafted product: INPI.			GI for handcrafted product: INPI and accredited control bodies.
Georgia	National Intellectual Property Center of	Ministry of Environment Protection and Agriculture of Georgia	National Intellectual Property Center of Georgia (Sakpatenti)	National Food Agency; Tax Monitoring Department, Ministry of Finance; Customs Department of Revenue

Responding Party	to receive applications for the protection of a geographical indication?	to determine whether a domestic geographical indication is a geographical indication?	to determine whether a foreign geographical indication is a geographical indication?	for administrative enforcement?
	Georgia (Sakpatenti)			Service, Ministry of Finance
Greece	The Directorate of Quality Systems, Organic Production and Geographical Indications (DQSOPGI) of the Ministry of Rural Development and Food (MRDF) for agricultural products and foodstuffs with PDO and PGI.		Controls on agricultural products and foodstuffs with GIs in Greece have been conferred by MRDF to ELGO-DEMETER (Hellenic Agricultural Organization) with the collaboration of the Directorates of Rural Economy and Veterinary Service of the Regional Unities(DREVs).	
Guatemala	Intellectual Property Registry	Documentation must be submitted attesting to the quality of the product as that of the geographical origin and to its link to the defined area of the country.	It must be proven that it is recognized and protected as such in the country of origin, by whatever ways or means; an abstract must be submitted outlining the claims in accordance with the domestic legislation of Guatemala.	The legislation of Guatemala.
Hungary	The Hungarian Intellectual Property Office	Foreign persons shall only be granted protection of the geographical indication on the basis of an international treaty or reciprocity. In issues of reciprocity, the opinion of the Hungarian Intellectual Property Office is authoritative.	The Hungarian Intellectual Property Office	
Iceland	The Icelandic Food and Veterinary Authority (MAST)			
Israel	The Israel Patent Office is the competent authority for securing registrations of Appellations of Origin arising	"Law Courts" The ILPO has no jurisdiction with GI protection unless that protection is secured through a trademark or AO registration.		In certain instances administrative enforcement may be available through the Customs Authorities.

Responding Party	to receive applications for the protection of a geographical indication?	to determine whether a domestic geographical indication is a geographical indication?	to determine whether a foreign geographical indication is a geographical indication?	for administrative enforcement?
	under the Lisbon Agreement and registered trademarks.			
Jamaica	Jamaica Intellectual Property Office		Police and Court	
Japan	Ministry of Agriculture, Forestry and Fisheries, National Tax Agency			
Kazakhstan				
Lithuania				
Madagascar	The Malagasy Office of Industrial Property (OMAPI) is the competent authority to receive applications for protection of a geographical indication, to determine whether a domestic geographical indication is a geographical indication, to determine whether a foreign geographical indication is a geographical indication. OMAPI is the public entity responsible for administering industrial property in Madagascar, including the protection of geographical indications.			
Mexico	Mexican Institute of Industrial Property (IMPI)		IMPI (in charge of the administrative enforcement of the LPI). Other authorities: - Federal Court of Administrative Justice (invalidation proceedings); - the Judiciary ( <i>amparo</i> proceedings and offences against geographical indication and appellation of origin rights); - Office of the General Prosecutor (offences against geographical indication and appellation of origin rights).	
New Zealand	The competent authority under both the Geographical Indications (Wine and Spirits) Registration Act 2006 and Trade Marks Act 2006 is the Intellectual Property Office of New Zealand.		No administrative enforcement is provided to enforce a geographical indication registered under either the Geographical Indications (Wine and Spirits) Registration Act 2006 or the Trade Marks Act 2002.	
Poland	Ministry of Agriculture and Rural Development	N/A		Agricultural and Food Quality Inspection Trade Inspection
Portugal	Portuguese Institute of Industrial Property (INPI PT)			
Republic of Korea	The Korean Intellectual Property Office and the Ministry of Agriculture, Food and Rural Affairs			

Responding Party	to receive applications for the protection of a geographical indication?	to determine whether a domestic geographical indication is a geographical indication?	to determine whether a foreign geographical indication is a geographical indication?	for administrative enforcement?
Republic of Moldova	The State Agency on Intellectual Property of the Republic of Moldova (AGEPI)	The State Agency on Intellectual Property of the Republic of Moldova taking into account the specifications approved by the competent authority.	The State Agency on Intellectual Property of the Republic of Moldova taking into account the registration of the geographical indication in the country of origin or on the basis of bilateral, international agreements.	I. Competent authorities to deal with contravention cases (Article 393 of the Contravention Code) (1) Are competent to deal with contravention: a) the court; b) the prosecutor; c) the finding agent - Contraventions regarding the illegal use of the designation of origin of the product and of the geographical indication are detected and examined by the Agency for Consumer Protection and Market Surveillance. II. Competent authorities responsible for official controls (art.33, Law nr.66/2008; Government Decision nr.644/2010).
Romania	Ministry of Agriculture		Ministry of Agriculture/State Office for Inventions and Trademarks	Ministry of Agriculture and the structures of the Ministry of Internal Affairs
Russian Federation	Federal Service for Intellectual Property (ROSPATENT)			Law enforcement authorities
Serbia	Intellectual Property Office of the Republic of Serbia			Other Governmental bodies
Singapore	N/A	N/A	N/A	N/A
Slovakia	Industrial Property Office of the Slovak Republic	Competent authorities (depending of the type of product) & Industrial Property Office of the Slovak Republic	Industrial Property Office of the Slovak Republic	
South Africa	Registrar of Trade Marks at the Companies and Intellectual Property Commission (CIPC), in terms of Section 42 and 43 of the Trade Marks Act 194 of 1993 (as per no: 4 above)			Enforcement of any IP right including Collective and Certification marks are the responsibility of the holder of rights.
Switzerland	R2.1: Federal Office for Agriculture (OFAG)	R1: courts R2: OFAG or IPI R3: canton R4: Federal Council	R1: courts R2: OFAG or IPI R5: IPI	Foodstuffs: cantonal consumer protection bodies (cantonal chemists)

Responding Party	to receive applications for the protection of a geographical indication?	to determine whether a domestic geographical indication is a geographical indication?	to determine whether a foreign geographical indication is a geographical indication?	for administrative enforcement?
	R2.2 and R5: Swiss Federal Institute of Intellectual Property (IPI)			
United Kingdom	UK Intellectual Property Office			The holder
United States of America	United States Patent and Trademark Office (USPTO)			
Uruguay	National Directorate of Industrial Property Ministry of Industry, Energy and Mining (MIEM-DNPI)			
Viet Nam	National Office of Intellectual Property of Viet Nam			Local administrative authorities where the geographical indication exists, IP right enforcement entities such as Market Surveillance Agency, Economic Police, Inspectorate for Science and Technology, etc.
European Union	Competent authorities of EU Member States and the EU Commission.	EU Commission	Competent authorities of EU Member States	

**COMMENTS:**

Cyprus

The Minister of Agriculture, Rural Development and Environment is the competent authority, in Cyprus, as far as geographical indications and designations of origin of agricultural products and foodstuffs are concerned.

Iceland

According to Article 13 of the Act, the Icelandic Food and Veterinary Authority shall review applications received pursuant to Article 12 and scrutinize whether necessary documents have been filed, whether the application is justified and if it complies with the provisions of the Act. The Icelandic Food and Veterinary Authority shall notify the Icelandic Patent Office and SA-Business Iceland of any applications for registration of product names and provide them with the opportunity to comment. The Icelandic Food and Veterinary Authority is also permitted to consult with other specialists regarding the product in question as applicable. Further provisions may be made by regulations with respect to the application process for the registration of product names, including guidelines for consultation on matters subject to review and time limits.

Lithuania

See the European Union comments.

Mexico

According to Article 6(III) of the LPI, the IMPI is the administrative authority for industrial property; it is empowered to process and, when applicable, issue declarations of protection for appellations of origin and geographical indications, and authorize the use thereof.

New Zealand

Any interested person may enforce a registered geographical indication. The trade mark owner is responsible for enforcement under the Trade Marks Act 2002.

Singapore

Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.

Switzerland

The decisions of the cantons, courts, OFAG and IPI are appealable before higher authorities (R2, R5: Federal Administrative Court and Federal Supreme Court).

European Union

Administrative enforcement can also be initiated by private bodies such as group of producers.

United States of America

The USPTO does evaluate the meaning of the applied-for mark to the US consumer in evaluating the distinctiveness and scope of protection to be given to the applied-for sign.

*(iii) Procedure*

**16. What is the procedure for the protection of a geographical indication in your jurisdiction?**

Responding Party	Procedure for the protection of a geographical indication
Australia	The procedure depends on the legislation used to register the GI. For CTM GIs for all goods, including wines and spirits, the procedure for protection is as follows: • A CTM application, and rules governing use of the CTM, is filed with IP Australia, • IP Australia examines the application to ensure that it meets the requirements of the Trade Marks Act, including whether: it is confusingly similar to an earlier filed trade mark application or registration, or an existing GI registered under the Wine Australia Act; and it is a term that is in common use to describe the relevant goods and therefore not capable of distinguishing. • If the application meets the requirements of the Trade Marks Act, the rules governing use of the CTM are then assessed by the Australian Competition and Consumer Commission (ACCC) to ensure they are not to the detriment of the public, or likely to raise any concerns relating to competition, unconscionable conduct, unfair practices, product safety and/or product information. • The CTM GI will be accepted once the ACCC approves the rules. Once the CTM GI is accepted, anyone can oppose the GI on a number of grounds. If there is no opposition, the GI will be registered and published on the trade marks register. • If the CTM is opposed it will go through the same opposition process as a standard trade mark. For GIs registered under the Wine Australia Act, the procedure for protection is as follows: • an application for registration is made to the Wine Australia GI Committee • Third parties have the opportunity to object to registration of a proposed GI on certain specific grounds including that the proposed GI is identical or

Responding Party	Procedure for the protection of a geographical indication
	likely to cause confusion with an earlier trade mark application or registration, or an earlier trade mark in which the owner has rights, and that the proposed GI is used in Australia as the common name of a type or style of wine; or as the name of a variety of grapes. • Objections are heard by the Registrar of Trade Marks • If there is no objection the GI Committee may make an interim declaration which is published in the Commonwealth Government Notices Gazette and the prospective region's local newspaper. • Any comments are considered by the GI Committee before making a final determination. • The final determination is subject to appeal but if there is no appeal the GI is entered into the Register of Protected Geographical Indications and Other Terms.
Brazil	The process for the protection of a GI, either IS or DO, is according the flow below: a) Applicant enters with an application for registration; (b) the request is reviewed for its formal requirement; c) If there are formal non-conformities, requirements are made to the applicant, so that he / she rectifies the application or presents new documents necessary for the beginning of the examination of merit. The formal requirement must be answered within 60 days; d) If there is a need after the response of the applicant, new requirements may be made, each of which will have a new reply period of 60 days; e) If the requirements are not met, the request is archived. If they are met, the formal examination ceases, and the application is published for the manifestation of third parties. The term for the manifestation of third parties is sixty days; f) If there is a third party's manifestation, a new period of sixty days is opened for the contestant's request for registration; g) After the above deadlines, the request is analyzed on its merits, so that the decision of deferment or rejection of the same is taken; h) Once the application is granted or rejected, a new period of 60 days is opened for appeal; i) If there is no appeal, the proceeding is terminated. If an appeal is filed, a new period of sixty days is opened to show the counter-arguments on the part of the interested parties; (j) Analysis of counter-arguments and appeal may give rise to new requirements. If there is a new requirement, a new period of 60 days is opened for compliance; and k) After the deadline, the appeal shall be decided, the decision on the application for registration being maintained or amended.
Chile	The procedure established for the registration of trademarks applies as appropriate. This involves the following steps: Formal examination Publication Potential opposition Substantive examination Final decision For wines and alcoholic beverages, GIs must be established within the legal framework of Law No. 18.455 or Decree No. 464 thereof establishing wine-growing zones.
Colombia	Colombia does not provide protection for geographical indications, only for appellations of origin.
Croatia	The State Intellectual Property Office carries out the administrative proceedings for the registration of a GI. The application must contain a request for the entry of a GI in the register, a specification, in case of a foreign person, the evidence of the protection of a GI in the country of origin. If the application meets all the requirements (formal and substantive examination) it is published in the official gazette of the Office. If no opposition is filed within three months from the date of the publication, the protected GI is entered in the register.
Cyprus	- The national law of Cyprus for the implementation of the European regulation (EU) 1151/2012 provides that an application for registration of a PDO, PGI (agricultural products and foodstuffs) is submitted to the competent authority. The Competent authority delegates the Consultative Committee to examine the application and prepare a report. The Competent authority decides whether to reject or to publish the application for oppositions. An opposition can be lodged by any person who has legitimate interest and is established or resident in Cyprus. After the examination of the oppositions the competent

Responding Party	Procedure for the protection of a geographical indication
	<p>authority may reject the application or reject the oppositions and submit the application for examination to the European Commission.</p> <ul style="list-style-type: none"> <li>- For Wines, as per provisions of Regulation (EU) 1308/2013 and (EC) 607/2009</li> <li>- For Spirits, as per provisions of Regulation (EC) 110/2008 and (EU) 716/2013</li> </ul>
Czech Republic	<p>Examination procedure: the CZ IPO checks the requirements for registration. If the national examination is completed, and the application meets the criteria the GI may be registered. If the GI does not meet the criteria it will be rejected. An appeal may be filed against a negative decision of the CZ IPO. The same procedures apply to foreign applications. The applicant must show proof of protection of the GI in the country of origin.</p>
Ecuador	<p>Applications for the grant of protection of a geographical indication shall be filed with the National Directorate of Industrial Property on the form drawn up for that purpose by the National Directorate of Industrial Property and shall show: (a) the identification, address and nationality of the applicant(s); (b) identification of the representative or agent, as well as that person's address and casilla judicial for the serving of all notices; (c) clear and complete identification of the geographical indication; (d) geographical area of production, extraction or preparation of the product(s) distinguished by the geographical indication; and, (e) the exact indication that determines the specific product's unique quality, reputation or characteristic.</p>
Estonia	<p>The filing date of a registration application shall be deemed the date of receipt of the registration application if the following documents are filed:</p> <ol style="list-style-type: none"> <li>1) a statement requesting the registration of a geographical indication;</li> <li>2) a representation of the geographical indication;</li> <li>3) a list of goods and services which are designated by the geographical indication;</li> <li>4) the identification of the geographical area;</li> <li>5) the name and address of the residence or seat of the applicant and other contact information.</li> </ol> <p>(2) A filed registration application shall be accepted for processing if the following have been filed: a document certifying payment of the state fee, an authorization document, if it is required, and original documents if the registration application is filed by facsimile.</p> <p>Examination of registration application:</p> <ol style="list-style-type: none"> <li>(1) During processing, the compliance of the geographical indication with the provisions of clauses 1 to 3 and 5 to 7 of § 8 of Geographical Indication Protection Act and the correctness of the facts presented in the registration application shall not be examined.</li> <li>(2) The applicant shall be notified in writing of formal or substantive deficiencies of the registration application or if any other circumstances are revealed which hinder the processing and a term of two months shall be set for elimination of the deficiencies or provision of relevant explanations.</li> <li>(3) On the basis of a request from the applicant, the term for elimination of deficiencies in a registration application or for provision of explanations shall be extended by up to six months from the beginning of the term specified in subsection 2 of this section. The request with a document certifying payment of the state fee shall be filed before the end of the term set in subsection 2 of this section.</li> </ol>
France	<ul style="list-style-type: none"> <li>- Administrative review.</li> <li>- Public inquiry open to all and public consultation of relevant bodies (INAO, authorities, professional unions, authorized consumer associations).</li> </ul>
Georgia	<p>The application for registration of a geographical indication shall be filed with Sakpatenti. Sakpatenti checks whether the application complies with the requirements of the law, examines whether the grounds for refusal exist. If the application complies with the requirements of the law and the grounds for refusal provided for in the law do not exist, Sakpatenti publishes the application materials in the Official Bulletin of the Industrial Property of Georgia.</p>
Greece	<p>The applicant group shall submit the registration application to the Directorate of Quality Systems, Organic Production and Geographical Indications (DQSOPGI). The folder is assessed in the first stage, for the completeness and quality of the submitted data by the Section of PDO-PGI-TSG of the DQSOPGI. Then, the folder is communicated to the European Commission to be scrutinized at second stage.</p>
Guatemala	<p>File a written application in accordance with article 81 and article 82 of the Industrial Property Law: (a) the application will be examined to determine whether the requirements</p>

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	<p>set in the Law and Regulations have been met; (b) if requirements have not been met or documents are missing, the Registry shall set two months (that may be extended only once for a further two months) for the applicant to address those shortcomings; (c) if the requirements are still not met, a reasoned objection rejecting the application will be issued; (d) if the requirements are met, a notice will be issued and published once in the Official Gazette; (e) a two-month deadline will be set so that any person affected may raise an opposition; (f) if no opposition is raised, the Registry will determine the merits of the application within a period of no more than three months following the expiry date of the opposition period, during which the Registry may request a technical report; (g) once that period has elapsed, a decision will be taken to grant or deny recognition and protection of a geographical indication, and will be published in the Official Gazette at the expense of the applicant; the notice of the decision in favor of registration and protection will take effect on the day following the day of publication; (h) on presentation of the publication, the geographical indication will be registered in a special ledger, it will remain in force indefinitely and will be determined by the subsistence of the conditions on which it was granted.</p>
Hungary	<p>For national geographical indications: The application has to be submitted to HIPO. If the application meets all the formal requirements set by the legislation, HIPO publishes it in its official journal. After the publication, the application is subject to an opposition period. If the application is found in compliance with the formal requirements, HIPO examines the merits of the application. If the application meets all the requirements to be examined, HIPO registers the geographical indication.</p> <p>For national geographical indications pertaining to spirit drinks: Where the application for the registration of a geographical indication pertains to spirit drinks, the provisions set out above (for national geographical indications) apply subject to the following exceptions: In addition, applications must have enclosed a product specification in accordance with specific other legislation. If the application satisfies the formal requirements, HIPO forwards copies of the documents of the case to the minister in charge of the agricultural sector. Relying on the findings of the proceedings conducted for the examination of the product specifications according to specific other legislation, the minister makes his opinion known within nine months following the time of receipt of the documents to HIPO regarding the registration of the geographical indication, in the light of the product specification. HIPO notifies the minister when the resolution for the registration of the geographical indication becomes operative, with a copy of the resolution attached. The applicant may submit a statement to HIPO before the resolution adopted for the registration enters into force to request EU protection for the geographical indication of the spirit drinks in question.</p>
Iceland	<p>According to Art. 13 of the Act, the Icelandic Food and Veterinary Authority shall review applications received pursuant to Art. 12 and scrutinize whether necessary documents have been filed, whether the application is justified and if it complies with the provisions of the Act. The Icelandic Food and Veterinary Authority shall notify the Icelandic Patent Office and SA-Business Iceland of any applications for registration of product names and provide them with the opportunity to comment. The Icelandic Food and Veterinary Authority is also permitted to consult with other specialists regarding the product in question as applicable. Further provisions may be made by regulations with respect to the application process for the registration of product names, including guidelines for consultation on matters subject to review and time limits.</p>
Israel	<p>GI rights arise on an unregistered basis. For enforcement civil action can be filed by the owner.</p>
Jamaica	<p>Application, examination, acceptance, publication, registration if no opposition.</p>
Japan	<p>First, a group of producers apply for registration. Application requires application form, specification, and the rules regarding the method of production process management. Once the Ministry receives the documents, the Ministry publishes summary of application for three months on its website. During the period, anyone can submit opinions concerning the application for GI in question. After the opposition period, a consultation with experts takes place. Received opinions may be presented to the experts. If necessary, a hearing to the applicant may be also conducted. If problems are not found, the name is registered as a GI and published on the Ministry's website. In the case of</p>

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	<p>liquor GIs, a product specification which is applied from “Group” is examined. After examination, the product specification is published on the National Tax Agency’s website and a public comment for the specification is taken place for not less than 30 days. During the period, anyone can submit opinions concerning the product specification in question. If necessary, the specification will be modified. The Commissioner of the National Tax Agency may designate the protection of the GI and the Commissioner shall notify the matter through official gazettes if there is not any problems in order to protect on the name in the application after confirmation of submitted opinions. “Group” in the paragraph above means a group which is consisted of liquor manufacturers only or mostly liquor manufacturers who request the designation of GI. This group can be applicant.</p>
Kazakhstan	
Lithuania	See the European Union reply.
Madagascar	<p>The procedure for the protection of geographical indications in Madagascar includes the filing of an application for registration with OMAPI. The application must be accompanied by the specifications of the geographical indication whose protection is requested.</p>
Mexico	<p>Title 5, Chapter II of the LPI sets out the procedure to obtain a declaration of protection for a geographical indication or appellation of origin, as follows:</p> <p>Filing of the application</p> <p>To obtain a declaration of protection for an appellation of origin or geographical indication, an application must be submitted in writing to the IMPI and contain the following information, and shall be accompanied by the necessary supporting documents:</p> <ol style="list-style-type: none"> <li>I. the name and address of the applicant;</li> <li>II. the applicant’s position, with a mention of legal status and proof of the activities in which the applicant is engaged, in conformity with the previous Article;</li> <li>III. the name constituting the appellation of origin or geographical indication;</li> <li>IV. a detailed description of the finished product or products, including their characteristics, components, method of extraction, production or manufacturing processes and use in trade;</li> <li>V. the Mexican Official Standards to which the product, its method of extraction, its production or manufacturing processes and forms of packing or packaging are subject, as appropriate;</li> <li>VI. the standards laying down the characteristics and specifications that must be respected in the product’s production, packing and marketing, in the case of geographical indications;</li> <li>VII. the place or places of extraction, production or manufacture of the product to be protected and boundaries of the territory or geographical area, due account being taken of geography and political divisions;</li> <li>VIII. a detailed mention of the links between the appellation, product, territory or geographical area and natural or human factors, when the application concerns an appellation of origin;</li> <li>IX. a technical examination conducted by an authority or public or private institution that supports the information referred to in paragraphs IV, VII and VIII;</li> <li>X. proof of payment of the relevant fee; and</li> <li>XI. any other information considered necessary or relevant by the applicant.</li> </ol> <p>Examination of the application</p> <p>Once the request has been received by the Institute, the information and documents submitted shall be examined. If the documents filed do not meet the legal requirements, or if they are insufficient for the understanding and analysis of any of the elements of the application, or if the proposed appellation of origin or geographical indication is impeded in any way pursuant to Article 163 of this Law, the applicant shall be required to make the necessary clarifications or additions, for which purpose he or she shall be allowed a period of two months.</p> <p>The applicant shall be allowed an additional period of two months to comply with the requirements referred to in the previous paragraph, without having to request it, subject to proof of payment of the appropriate fees within a month of compliance. The additional period shall run as from the day following that when the two-month period provided for in the previous Article expires. The application shall be considered abandoned if the</p>

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	<p>applicant fails to comply with his or her requirements within the initial period or the additional period, or if he or she fails to provide proof of payment of the appropriate fees. If considered appropriate, the Institute may continue to process the declaration ex officio as per the provisions of the Chapter referred to.</p> <p>Conversion of an application for an appellation of origin into an application for a geographical indication and vice versa</p> <p>The applicant may convert an application for an appellation of origin into an application for a geographical indication and vice versa, when it appears from the contents of the application that they are not consistent with the title of protection applied for. The applicant may convert the application within a non-extendable period of two months only following the date on which the application was filed or within a two-month period following the date on which the Institute requested the application's conversion. The latter being the case, the date of filing shall be considered to be the date on which the application's conversion was requested. If the applicant does not convert the application within the time frame allotted by the Institute, the application shall be considered abandoned.</p> <p>Publication in the Mexican Official Journal</p> <p>Should the documents submitted meet the legal requirements, the Institute shall publish the following in the Mexican Official Journal:</p> <ol style="list-style-type: none"> <li>I. the name of the applicant;</li> <li>II. the name constituting the appellation of origin or geographical indication;</li> <li>III. a description of the product or products to be covered;</li> <li>IV. the place or places of extraction, production or manufacture of the product to be protected; and</li> <li>V. the address where the application dossier may be openly accessed by the public and where relevant documents will be received.</li> </ol> <p>Oppositions, formulation of observations and objections</p> <p>The Institute shall allow a non-extendable period of two months from the date of publication in the Official Journal for any third party who justifies his or her interest to file an opposition to an application for a declaration of protection and to make observations or objections regarding compliance with Articles 163 and 165bis of this Law. The opposition must be submitted in writing and be accompanied by the corresponding evidence and proof of payment of the relevant fees.</p> <p>The Institute shall notify the applicant of any objections received and shall grant the applicant a non-extendable period of two months from the date on which the notification takes effect to present a written statement that best serves his or her interests in relation to the opposition, observations or objections brought forward and, if appropriate, provide evidence. Added Article.</p> <p>All types of evidence shall be acceptable under this Chapter with the exception of personal statements and testimonials, unless the testimonial or personal statement is in documentary form, and evidence that is contrary to morality and the law. The Institute may at any time prior to the declaration carry out such investigations as it considers appropriate and gather such elements as it considers necessary.</p> <p>Suspension of processing</p> <p>The processing of an application for a declaration of protection for an appellation of origin or geographical indication shall be suspended by the Institute in the following circumstances:</p> <ol style="list-style-type: none"> <li>I. when the application is impeded in any way according to Article 163(IV) and (V) and upon requests for administrative declarations of invalidity, lapse or cancellation of the registered mark or ceasing of effects of a published trade name. The suspension shall take place ex officio or at the request of any of the parties during the procedure for the administrative declaration and shall be lifted once the matter has been resolved by the Institute, and,</li> <li>II. by order of a judicial or administrative authority.</li> </ol> <p>Pleadings</p> <p>Once the period referred to in Article 165bis (6) has elapsed, precedents have been studied, examinations have been conducted and all of the evidence considered, and before a ruling is handed down, the applicant and persons having filed oppositions may</p>

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	<p>take legal steps in order to submit pleadings in writing within a time frame of ten days, if applicable. The pleadings shall be considered by the Institute.</p> <p>Rulings</p> <p>Once the said period has expired, a ruling shall be handed down and notified to the parties involved.</p> <ul style="list-style-type: none"> <li>- Publication of the declaration of protection in the Mexican Official Journal</li> </ul> <p>If the above-mentioned ruling grants protection to the requested appellation of origin or geographical indication, the Institute shall order the publication of the declaration of protection in the Official Journal. The declaration shall determine finally the elements of the protected appellation of origin or geographical indication, including:</p> <ol style="list-style-type: none"> <li>I. a description of the finished product or products, including their characteristics, components, method of extraction and production or manufacturing processes;</li> <li>II. the Mexican Official Standards or criteria to which the product, its method of extraction, its production or manufacturing processes and forms of packing or packaging are subject, as appropriate; and</li> <li>III. the boundaries of the protected territory or geographical area.</li> </ol> <ul style="list-style-type: none"> <li>- Refusal of protection</li> </ul> <p>Should the Institute deny protection of the requested appellation of origin or geographical indication, it shall communicate its decision in writing to the applicant and, if applicable, to the opposing parties, conveying the reasons and legal grounds for its ruling.</p>
New Zealand	<p>An interested person may make an application to register a geographical indication for a wine or spirit, or to register a trade mark to the Intellectual Property Office of New Zealand. Any application for protection of a geographical indication under the common law tort of passing off or the Fair Trading Act 2006 would need to apply to the High Court.</p>
Poland	<p>Reception, evaluation and transmission to European Commission applications for registration of geographical indications</p>
Portugal	<p>Application → Publication → Opposition Period (2 months) → Decision</p>
Republic of Korea	<p>Examination after application</p>
Republic of Moldova	<p>The procedure for the protection of a geographical indication: (1) Creation of the group; (2) Elaboration, approval by the competent authority of the Product Specification; (3) Filing an application for registration; (4) Examination for compliance with the filing requirements; (5) Publication of the application; (6) Objection period; (7) Substantive examination/Examination of objections, if any; (8) Registration of the geographical indication/Rejection of the application on registration, as the case may be; (9) Acquiring the right to use the geographical indication. Detailed information can be accessed at <a href="http://www.wipo.int/wipolex/en/text.jsp?file_id=427328">http://www.wipo.int/wipolex/en/text.jsp?file_id=427328</a></p>
Romania	<p>State Authority for Industrial Property checks for registration requirements. A national opposition procedure allows any person having a legitimate interest and established or resident in the Member State to file an opposition. If the examination is complete, the geographical indication certificate is granted and published in the Official Bulletin of Industrial Property. If the geographical indication does not meet the criteria, it will be rejected.</p>
Russian Federation	<p>A geographical indication may be registered as an AOP if the requirements provided for in the Russian Federation Civil Code are met.</p>
Serbia	<p>The procedure for registration of indication of geographical origin shall be initiated by application for recognition of indication of geographical origin, submitted to the IPO.</p>
Singapore	<p>N/A. Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.</p>
Slovakia	<p>The Office shall examine whether</p> <ol style="list-style-type: none"> <li>a) designation of origin stated in an application meets requirements for entry into the Register,</li> <li>b) an application contains formalities of the application and determination of a product,</li> <li>c) an applicant is represented by an authorized representative.</li> </ol> <p>The Office shall invite an applicant to correct irregularities ascertained within a specified time limit, which shall not be shorter than two months. If an applicant fails to correct</p>

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	<p>irregularities, the Office shall suspend proceeding on an application. An applicant shall be notified in an invitation of this consequence.</p> <p>The Office shall refuse an application if a designation is excluded from registration or it fails to meet conditions for entry into the Register. Before an application is refused, the Office shall enable an applicant to respond to ascertained reasons for refusal of an application.</p> <p>The Office shall be entitled to invite an applicant to submit a document of a relevant inspection authority that a product meets requirements. The Office shall determine adequate time limit for submitting such proof and an applicant shall be notified that the Office refuses an application if he shall not submit such document.</p> <p>The Office shall enter a designation of origin into the Register if an application meets conditions for entry into the Register and an application meets requirements. The Office shall issue a certificate on entry of a designation of origin into the Register to an owner and registration shall be published in the Official Journal of the Industrial Property Office of the Slovak Republic.</p>
South Africa	<p>An application for either a certification mark (Section 42 of Trade Marks Act 194 of 1993) or a collective mark (Section 43 of Trade Marks Act 194 of 1993) must be lodged in the prescribed manner. Collective marks must be accompanied by the rules governing the use of the mark, the rules must specify the persons authorized to use the mark, conditions of membership of the association as well as sanctions against misuse. Certification marks must be accompanied by an affidavit by the applicant confirming that it does not trade in goods/services covered by the application as well as the rules governing the use of the certification mark. Rules must specify the conditions for use of the mark, the circumstances in which the proprietor is permitted to certify goods or services and characteristics of the goods/services or other aspects for which the applicant may certify the goods/services.</p> <p>Refer to question 4 above.</p>
Switzerland	<p>R1. Institution of proceedings in a court or in one of the cantonal consumer protection bodies.</p> <p>R2. Submission of a registration application to OFAG or IPI.</p> <p>R4. Submission of an application to IPI by an organization representing the economic sector concerned.</p> <p>R5. Submission of a registration application for to IPI.</p>
United Kingdom	<p>An applicant applies for protection to the UKIPO via a certification or collective mark for a sign to distinguish goods or services. The examination of certification and collective marks consists of two distinct phases. Firstly, the initial examination of the application itself; this includes an assessment of the mark's inherent acceptability under both absolute (distinctiveness and deceptiveness) and relative (confusion with other marks/rights) grounds. Secondly comes an examination of the regulations (that are required not less than three months after the application date) that govern the use of the certification or collective mark.</p>
United States of America	<p>An application is filed with the USPTO with supporting documentation.</p>
Uruguay	<p>Administrative procedure for applications to MIEM-DNPI. Registration disputes are resolved by MIEM-DNPI in ordinary proceedings. Matters relating to market use are settled through court proceedings.</p>
Viet Nam	<p>All types of industrial property applications (including geographical indication applications) shall be processed by National Office of Intellectual Property of Viet Nam in the following order: receipt of applications; formal examination; publication of valid applications; substantive examination; grant or refusal to grant protection titles; registration and publication of decisions on granting protection titles.</p> <p>Amendments, terminations of validity, and invalidations of geographical indication protection titles are also processed by National Office of Intellectual Property of Viet Nam.</p>
European Union	<p>For EU applications: Two-stage examination procedure: the authorities of a Member State check the requirements for registration. A national opposition procedure allows any person having a legitimate interest and established or resident in the Member State to lodge an opposition. If the national examination is completed, the application is lodged with the European Commission that must review whether the application meets the</p>

Responding Party	Procedure for the protection of a geographical indication
	<p>criteria and provide for publication in the Official Journal of the EU of summary information for a further opposition period. After any opposition process, the GI may be registered. If the GI does not meet the criteria it will be rejected.</p> <p>For non-EU applications: The same procedures apply except that applications may be sent directly from the applicant to the European Commission. The applicant must show proof of protection of the GI in the country of origin.</p>

**17. What is the procedure for the protection of an appellation of origin in your jurisdiction?**

Responding Party	Procedure for the protection of an appellation of origin
Australia	Appellations of origin are not protected separately in Australia. They are considered a subset of GIs and procedures for obtaining protection of a GI apply.
Brazil	Same process as above B16. The processes are analogous, only the documents to be presented are modified.
Chile	<p>INAPI: The procedure established for the registration of trademarks applies as appropriate. This involves the following steps:</p> <p>Formal examination Publication Potential opposition Substantive examination Final decision</p> <p>For wines and alcoholic beverages, GIs must be established within the legal framework of Law No. 18.455 or Decree No. 464 thereof establishing wine-growing zones.</p>
Colombia	<p>Application submitted to the Directorate of Distinctive Signs, which is responsible for conducting the procedure for protection.</p> <ul style="list-style-type: none"> <li>- Formal examination: study of formal requirements (for 30 days after filing). Results of the examination: official verification or publication in the Industrial Property Gazette.</li> <li>- Opposition stage (for 30 days after publication). Opposition hearings: written submissions in opposition are transmitted to the applicant, who can then present arguments and evidence in response (term: 30 days).</li> <li>- Assignment of official controls and technical inspection visits to other agencies: The Directorate of Distinctive Signs can assign the performance of official controls and inspection visits to technical agencies to verify compliance with legal requirements.</li> </ul> <p>Detailed Opinion: The Directorate transmits a detailed opinion on the technical and legal aspects of the application, opposition expressed and the results of official verification and inspection visits.</p> <ul style="list-style-type: none"> <li>- Decision: taking the detailed opinion into account, the Industrial Property Division decides on the substance of the application, granting or refusing the protection sought.</li> <li>- Appeals: the decision is subject to an internal appeal process, or alternatively, appeal before the Superintendent of Industry and Trade.</li> </ul>
Croatia	Same response as to question 16.
Cyprus	For Wines, as per provisions of Regulation (EU) 1308/2013 and (EC) 607/2009.
Czech Republic	Same response as to question 16.
Ecuador	(a) identification, address and nationality of the applicant; (b) identification of the appellation of origin in question; (c) certification of the place in which the product is exploited, produced or prepared, which shall be attested to by a certificate drawn up following an inspection tour by the Directorate of Industrial Property or by a SENADI-authorized body; and, (d) certification of the characteristics of the product for which a geographical indication is sought, including its components, methods of extraction, production or preparation and factors linking it to the protected geographical area, which shall be attested to by a certificate drawn up following an inspection tour by the Directorate of Industrial Property or by a SENADI-authorized body.
Estonia	Same response as to question 16.
France	Same procedure.

Responding Party	Procedure for the protection of an appellation of origin
Georgia	See question 16.
Greece	Same as for Geographical Indications.
Guatemala	File a written request in accordance with article 81 and article 82 of the Industrial Property Law: (a) the application will be examined to determine whether the requirements set in the Law and Regulations have been met; (b) if requirements have not been met or documents are missing, the Registry set two months (that may be extended only once for a further two months) for the applicant to address those shortcomings; (c) if the requirements are still not met, a reasoned objection rejecting the application will be issued; (d) if the requirements are met, a notice will be issued and published once in the Official Gazette; (e) a two-month deadline will be set so that any person affected may raise an opposition; (f) if no opposition is raised, the Registry will determine the merits of the application within a period of no more than three months following the expiry date of the opposition period, during which the Registry may request a technical report; (g) once that period has elapsed, a decision will be taken to grant or deny recognition and protection of an appellation of origin and will be published in the Official Gazette at the expense of the applicant; the notice of the decision in favor of registration and protection will take effect on the day following the day of publication; (h) on presentation of the publication, the appellation of origin will be registered in a special ledger, it will remain in force indefinitely and will be determined by the subsistence of the conditions on which it was granted.
Hungary	The same procedure as to question 16.
Iceland	According to Art. 13 of the Act, the Icelandic Food and Veterinary Authority shall review applications received pursuant to Art. 12 and scrutinize whether necessary documents have been filed, whether the application is justified and if it complies with the provisions of the Act. The Icelandic Food and Veterinary Authority shall notify the Icelandic Patent Office and SA-Business Iceland of any applications for registration of product names and provide them with the opportunity to comment. The Icelandic Food and Veterinary Authority is also permitted to consult with other specialists regarding the product in question as applicable. Further provisions may be made by regulations with respect to the application process for the registration of product names, including guidelines for consultation on matters subject to review and time limits.
Israel	File an application for the registration and submit evidence to show the link between the product and the appellation of origin
Jamaica	N/A
Japan	N/A
Kazakhstan	1. Within thirty business days of the date of the application submission an expert organization is required to undertake an assessment to verify the application's compliance with Articles 26, 27 and 29 of this Law. 2. In the course of such assessment the expert organization is entitled to request additional materials that have to be provided within three months of the date of sending the relevant request to the applicant. Should the applicant fail to submit additional materials or application for an extension of the above period within the prescribed timeframe, the application processing is terminated and the application is deemed to have been withdrawn.
Lithuania	See the European Union reply.
Madagascar	The procedure for the protection of geographical indications in Madagascar includes the filing of an application for registration with OMAPI. The application must be accompanied by the specifications of the geographical indication whose protection is requested.
Mexico	The same procedure described in question 16 applies.
New Zealand	N/A
Poland	N/A
Portugal	Application → Publication → Opposition Period (2 months) → Decision
Republic of Korea	
Republic of Moldova	The procedure for the protection of an appellation of origin: (1) Creation of the group; (2) Elaboration, approval by the competent authority of the Product Specification; (3) Filing an application for registration; (4) Examination for compliance with the filing requirements; (5)

Responding Party	Procedure for the protection of an appellation of origin
	Publication of the application; (6) Objection period; (7) Substantive examination/Examination of objections, if any; (8) Registration of the appellation of origin /Rejection of the application on registration, as the case may be; (9) Acquiring the right to use the appellation of origin. Detailed information can be accessed at <a href="http://www.wipo.int/wipolex/en/text.jsp?file_id=427328">http://www.wipo.int/wipolex/en/text.jsp?file_id=427328</a>
Romania	
Russian Federation	An AOP is registered with the Russian Patent Office in accordance with the established procedure, which includes the filing of an application for an AOP and an examination of the applied-for designation, among other things.
Serbia	The procedure for registration of indication of geographical origin shall be initiated by application for recognition of indication of geographical origin, submitted to the IPO.
Singapore	N/A. Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.
Slovakia	Same response as to question 16.
South Africa	Not protected under the Trade Marks Act 194 of 1993.
Switzerland	R2. Submission of a registration application to OFAG or IPI. R3. Cantonal legislation on the protection of appellations of origin after consulting organizations representative of the wine sector.
United Kingdom	Same response as to question 16.
United States of America	Appellations of origin can also be protected through registration as a mark of regional origin in the USPTO.
Uruguay	Administrative procedure for applications to MIEM-DNPI. Registration disputes are resolved by MIEM-DNPI in ordinary proceedings. Matters relating to market use are settled through court proceedings.
Viet Nam	Viet Nam does not have specific provision for the protection of appellation of origin. The provisions on geographical indication protection also include the protection for appellation of origin.
European Union	Same response as to question 16.

*(iv) Formalities and Contents of the Application*

**18. The application for the protection of a geographical indication shall be accompanied by:**

Responding Party	the production standards	If Yes, in what form?	the status of the group	other documents
Australia	Yes			Yes
Brazil				
Chile	Yes	Technical report and Regulations of Use and Control	Yes	Yes*
Colombia	Yes		Yes	Yes*
Croatia	Yes	There is no standard format.	Yes	Yes If the applicant is a foreign person – the evidence of the protection of a geographical indication (or a designation of origin) in the country of origin.
Cyprus	Yes	Written form (wines and spirits)	Yes	Yes Historical evidence (labels, archives, etcetera) (wines and spirits)

Responding Party	the production standards	If Yes, in what form?	the status of the group	other documents
Czech Republic	Yes	Description of a product	Yes	Yes For foreign GI applications: the proof that the name in question is protected in the country of origin.
Ecuador	Yes	The application is filed electronically, and all of the set requirements must be met.	Yes	Yes Supporting documents that meet requirements must be filed electronically, together with the application. To be filed in hard copy, such documents must be taken in person to the dedicated customer desk in the SENADI office.
Estonia	Yes	The reference to the published product specification and a summary of the product specification	Yes	Yes*
France	Yes	Description of common production steps shared by companies.	Yes*	Yes
Georgia	Yes	The document describing goods and the raw material, with the indication of their chemical, physical, microbiological and/or organoleptic and other characteristics, location of the geographical area indicating its exact boundaries; production technology and conditions and methods of production specific for the relevant geographical area, in the case of their existence; documents confirming, that specific quality or features of the goods are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors, or specific quality, reputation or characteristics of the goods are attributable to the geographical area;	Yes	Yes*
Greece	Yes	By a Specifications Document (in accordance with Article 7 of Regulation (EU) 1151/2012) stating the following details: 1) Name of the agricultural product or foodstuff 2) Description of the agricultural product or foodstuff 3) Delimitation of the geographical area	Yes	Yes - the single document according to the Annex I of Regulation (EU) 668/2014 - the registration application according to the Annex I of the C.M.D 261611/2007 - a statement that the conditions of par. 1 of article 49 of the Regulation (EU)

Responding Party	the production standards	If Yes, in what form?	the status of the group	other documents
		<p>4) Evidence that the agricultural product or food originates from the demarcated geographical area</p> <p>5) Description of the method of manufacture of the agricultural product or food</p> <p>6) Evidence substantiating the link between quality or characteristics of the agricultural product or foodstuff and its geographic environment (Article 2 (1) (a))</p> <p>a) Detailed presentation of the geographical area, including natural and human factors, which are related to the link</p> <p>(b) details of the quality or characteristics of the agricultural product or foodstuff due, essentially or exclusively, to the geographic environment</p> <p>(c) a description of the causal interaction between them characteristics referred to in point (a) and those referred to in point (b) of this paragraph.</p> <p>7) Name and address of the authorities or bodies controlling the compliance with the provisions of the specifications, as well as specific tasks</p> <p>8) Specific labeling rules for the specific agricultural product or foodstuff</p> <p>9) Requirements provided for by Community or national provisions.</p>		<p>1151/2012 are met in the case where the interested party is a natural or legal person.</p>
Guatemala	Yes	<p>Product specifications adequately describing the production, preparation or extraction process, indicating general and special factors and giving details on the elements that directly or indirectly influence the product's quality, reputation, attributes or characteristics; the documents must be compiled separately.</p>	Yes	
Hungary	Yes	<p>Only in case of spirits, a product specification is required.</p>	Yes	<p>Yes List of products (Nice classification), specification of the geographical territory.</p>

Responding Party	the production standards	If Yes, in what form?	the status of the group	other documents
Iceland	Yes	In written form.	Yes	Yes A single document setting out the main aspects of the product specification.
Israel	Yes	e-filing/paper.	Yes	Yes E-filing/paper
Jamaica	Yes	The capacity in which the applicant is applying for registration. How the geographical indication is to be used and any conditions under which the indication may be used.	Yes	Yes Control manual and code of practice may also be submitted with application.
Japan	Yes	Applicant should refer to format in the ministerial guidelines.	Yes	Yes Rules regarding the method of production process management
Kazakhstan				
Lithuania				
Madagascar	Yes	While the paper version is the most commonly used, the new law provides that any transaction relating to an application for an industrial property right or a registration with the Office may be made in electronic form or by electronic means in accordance with the law. When the application is transmitted to the Office electronically, the date and time of filing shall be the date of receipt of the application by the Office	No	No
Mexico	Yes	Mexican Official Standards (NOM)		Yes*
New Zealand				Yes*
Poland	No		No	No
Portugal	Yes	Official form (on line/paper).	Yes	Yes The boundaries of the respective place, region or territory.
Republic of Korea	Yes			
Republic of Moldova	Yes	The product specification approved by the competent authority.	Yes	Yes*
Romania	Yes	The documentation shall be submitted in written form, certified by the applicant (association of producers).	Yes	No
Russian Federation	Yes	For Russian AOPs: a description of the special qualities of the product, confirmed by a finding by an authorized body: The Russian Ministry of Health (with	Yes	Yes*

Responding Party	the production standards	If Yes, in what form?	the status of the group	other documents
		regard to therapeutic mineral water for drinking, therapeutic table water, and natural mineral table water); The Russian Ministry of Industry and Trade (with regard to handicrafts and artisanal products); The Russian Ministry of Agriculture (with regard to agricultural products, foodstuffs, nonalcoholic products, beekeeping products, and fish and seafood products); The Russian Federal Service for Regulation of the Alcohol Market (with regard to alcohol products and foods containing alcohol). For foreign AOPs: a description of the special qualities of the product and documented evidence that the foreign AOP is protected as such in the country of origin.		
Serbia	Yes	As part of the application.	Yes	Yes*
Singapore	N/A		N/A	N/A
Slovakia	Yes	The product specification in a standard format is required.	Yes	Yes The proof of elements, factors and characteristics of the defined geographical area that have an impact on the specificity of the product and of reputation.
South Africa				Yes*
Switzerland	Yes*	See comments	Yes*	Yes**
United Kingdom	Yes	Regulations governing the use	Yes	Yes Regulations governing the use
United States of America	Yes	Electronic application for certification or collective mark of regional origin.	Yes	Yes*
Uruguay	Yes	They may be filed electronically. Certification by a notary is required in some cases. Documents in a foreign language must be translated by a Uruguayan sworn translator.	Yes	Yes
Viet Nam	Yes	Viet Nam does not provide for a specific form for product specifications. However, the specification shall provide sufficient information regarding description of the relevant product, including raw materials, and physical, chemical, microbiological and perceptible properties of the product; method	Yes	Yes*

Responding Party	the production standards	If Yes, in what form?	the status of the group	other documents
		of identification of the geographical area bearing the geographical indication; evidence proving that the product originates from such geographical area; description of local and stable methods of production and processing; information on relationship between the peculiar characteristics and quality, or reputation of the product and the geographical conditions; and information on the mechanism of self-control of the peculiar characteristics or quality of the product, as provided in Clause 2, Article 106 of IP Law.		
European Union	Yes	The reference to the published product specification and a summary of the product specification in a standard format are required.	Yes	Yes For non-EU GI applications: the proof that the name in question is protected in the country of origin.

#### COMMENTS:

##### Brazil

The documents to be submitted are:

I - application (model I), stating:

a) the geographical name;

b) the description of the product or service;

II - an instrument capable of proving the legitimacy of the applicant;

III - regulation of use of the geographical name.

IV - official instrument that delimits the geographical area;

V - labels, when it is a graphic or figurative representation of the Geographical Indication or representation of country, city, region or locality of the territory, as well as its version in electronic file of image;

VI - proxy, if there is a proxy;

VII - proof of payment of the corresponding remuneration.

In the case of a request for registration of an IS, the following must also be presented:

a) documents proving that the geographical name has become known as a center for the extraction, production or manufacture of the product or service rendering;

b) document proving the existence of a control structure over the producers or service providers that have the right to use the Indication of Source exclusively, as well as on the product or service rendered distinguished with the Indication of Source;

c) document proving that the producers or service providers are established in the geographical area demarcated and effectively performing the activities of production or service provision.

In the case of an application for registration of an DO, the following must be submitted:

a) elements that identify the influence of the geographical environment, the quality or characteristics of the product or service, that are due exclusively or essentially to the geographical environment, including natural and human factors.

- b) description of the process or method of obtaining the product or service, which must be local, fair and constant;
- c) document proving the existence of a control structure over producers or service providers who have the right to exclusive use of the designation of origin, as well as the product or service provision distinguished with the Denomination of Origin;
- d) document proving that the producers or service providers are established in the geographically defined area and effectively performing the production or service rendering activities.

### Chile

\* Power of attorney where appropriate. Map of the geographical area. Where the applicant is an authority, applications must be accompanied by documents evidencing the appointment of that authority. Proof of fee payment.

For wines and alcoholic beverages, applications must be accompanied by other documents. Datasheets are files which contain information on the GI of an alcoholic beverage and which justify, on the part of the country of origin, its GI status.

### Colombia

\* The documentation required from each type of applicant is as follows:

(a) Associations of product producers, processors or makers: constituent documents/bylaws, including amendments; information on the number of producers, processors, makers or extractors of the product applying for AO protection and the number of potential beneficiaries – including those not joining in the application – as well as the percentage of the product's producers to be protected; a formal description of how the purpose and objectives of the activity are linked to AO protection and the guarantees offered by the applicant to ensure objectivity and impartiality in authorizing use by all beneficiaries.

(b) Regional or municipal state agencies concerned with the products to be protected within their respective jurisdictions: official act designating and empowering the authority, dignitary, mayor or governor concerned; information on the producers that may be potential beneficiaries of the AO; information on product producer associations in the defined geographical area, for which purpose an application for delegation of power to authorize use must be presented, meeting the specific eligibility requirements for that process (point 7.1.2.1.1. of Decision 57530 of 2012); in the absence of such associations, information on the steps to be taken by the applying authority to foster their creation, including budget allocations and details about the product to be protected; confirmation that potential beneficiaries of the AO have the access needed to use it, for which purpose the authority must take one of two decisions – either to simultaneously apply for delegation of power to authorize use of the AO, or, in cases where the beneficiaries are represented by a producers' association, to simultaneously apply for delegation of such power to the association concerned; in cases where the beneficiaries are not represented by a producers' association, indication as to the term within which such an association must be established, pending which the Superintendency of Industry and Trade shall refrain from granting protection. If the application for delegation of authority is not filed within the prescribed time period, the application for protection shall be declared to have been abandoned.

The applicant shall provide the following additional information:

- Indication of the appellation of origin for which protection is being sought, in accordance with Article 204 of Decision 486 of 2000, and confirmation that it has the reputation, history or tradition needed for products to be identified with it in the market.
- Description and precise delineation of the product's geographical area of provenance, indicating in detail where the product is produced, extracted, made and/or processed, the human and natural factors present in the area and elements confirming that the product originates there. Each of the processes carried out in the area (acquisition, production, extraction, processing, etc.) and related natural and human factors should be clearly indicated.
- Specification of the products to be designated with the AO, identifying each by name, describing it precisely and in detail and confirming that its qualities, reputation or characteristics are attributable to the geographical environment and other factors.
- Information on the essential qualities, reputation or characteristics of the products to be protected, with descriptions of the qualities, reputation and characteristics and evidence of a causal nexus between them and the defined geographical area, including natural and human factors; and also documents

demonstrating that the products' reputation among relevant consumers or within the sector concerned result from their special qualities and characteristics.

- Information on the methods used to obtain, extract, produce, make and/or process the products, demonstrating that those activities take place within the defined geographical area and are performed in a precise, complete and systematic manner sustained over time, contributing thereby to lasting product quality.
- A duly notarized receipt of payment.

Since geographical indications are not protected in Colombia, the documents indicated are those required for appellations of origin.

### Cyprus

As far as agricultural products and foodstuffs are concerned Article 8 of European regulation (EU) 1151/2012 provides of what an application for registration of a geographical indication or designation of origin should include (product specifications, single document, applicant group data)..National law provides also for any supportive elements (historical data, press cuttings, chemical analysis etc.)

### Estonia

\* A registration application shall comprise the following documents:

- (1) a request for the registration of a geographical indication;
- (2) a description;
- (3) a certificate of the protection of the geographical indication in its country of origin, or a certificate issued by the competent agency of the country of origin certifying the link of the given quality, reputation or other characteristic of the good or service with the geographical origin of the good or service, and a certificate issued by the competent agency of the country of origin of the right of the applicant to apply for registration of a geographical indication pursuant to the provisions of subsection 9 (1) of Geographical Indication Protection Act;
- (4) a document certifying payment of the state fee;
- (5) an authorization document if the applicant has a representative.

\* Under the Geographical Indications (Wine and Spirits) Registration Act 2006 an application must contain the following information: the geographical indication the applicant is applying to register, the geographical co-ordinates that defines the boundary of the territory, region or locality to which the geographical indication relates, a statement as to whether the geographical indication relates to a wine or spirit and a description of any proposed conditions on the use of the geographical indication.

### France

\* Document establishing the representativeness of the product producer group (e.g., percentage of employees, product turnover and production).

### Japan

In the case of liquor GIs, the product specification, articles of the management institution, and so on are needed.

### Lithuania

See the European Union comments.

### Mexico

The application must contain the information and documents referred to in Article 165*bis* of the LPI:

- I. the name and address of the applicant;
- II. the applicant's position, with a mention of legal status and proof of the activities in which the applicant is engaged, in conformity with the previous Article;
- III. the name constituting the appellation of origin or geographical indication;

- IV. a detailed description of the finished product or products, including their characteristics, components, method of extraction, production or manufacturing processes and use in trade;
- V. the Mexican Official Standards to which the product, its method of extraction, its production or manufacturing processes and forms of packing or packaging are subject, as appropriate;
- VI. the standards laying down the characteristics and specifications that must be respected in the product's production, packing and marketing, in the case of geographical indications;
- VII. the place or places of extraction, production or manufacture of the product to be protected and boundaries of the territory or geographical area, due account being taken of geography and political divisions;
- VIII. a detailed mention of the links between the appellation, product, territory or geographical area and natural or human factors, when the application concerns an appellation of origin;
- IX. a technical examination conducted by an authority or public or private institution that supports the information referred to in paragraphs IV, VII and VIII of the present Article;
- X. proof of payment of the relevant fee; and
- XI. any other information considered necessary or relevant by the applicant.

#### New Zealand

Additional information that the applicant must supply before an application can be accepted for registration includes an explanation of the given quality, reputation or other characteristic of the wine or spirit that is essentially attributable to the area; and evidence regarding that quality, reputation or other characteristic of the geographical indication that is essentially attributable to the area.

#### Republic of Moldova

\* A single document setting out the following: - the main points of the specification: the name the registration of which is requested for, a description of the product, including, where appropriate, specific rules concerning packaging and labelling, and a concise definition of the geographical area; - a description of the link between the product and the geographical environment or geographical origin, as the case may be, including, where appropriate, the specific elements of the product description or production method justifying the link.

#### Russian Federation

\* For Russian AOPs: documents confirming awareness of the applied-for designation with respect to products for which an appellation of origin is being registered. For foreign AOPs: documented evidence that the foreign AOP is protected as such in the country of origin, as well as documented evidence of the applicant's right to this foreign AOP.

#### Serbia

\* The following elements shall be essential elements of application:  
(1) Request for registration of appellation of origin or geographical indication;  
(2) Geographical area description;  
(3) Data on specific characteristics of the product

#### Singapore

Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.

#### South Africa

\* An application for either a certification mark (Section 42 of Trade Marks Act 194 of 1993) or a collective mark (Section 43 of Trade Marks Act 194 of 1993) must be lodged in the prescribed manner. A separate and distinct application is required for each class of goods or services and for each separate mark. Collective marks must be accompanied by the rules governing the use of the mark, the rules must specify the persons authorized to use the mark, conditions of membership of the association as well as sanctions against misuse. Certification marks must be accompanied by an affidavit by the applicant confirming that it does not trade in goods/services covered by the application as well as the rules governing the use of

the certification mark. Rules must specify the conditions for use of the mark, the circumstances in which the proprietor is permitted to certify goods or services and characteristics of the goods/services or other aspects for which the applicant may certify the goods/services.

### Switzerland

\* R2 and R4

R2.1. The required and optional content of the specification is set out in Article 7 of the Ordinance on PDOs and PGIs.

The specification must include the following information:

- (a) the name of the product, including the appellation of origin or geographical indication;
- (b) the boundaries of the geographical area;
- (c) a description of the product including, in particular, its raw materials and principal physical, chemical, microbiological and organoleptic characteristics; for forestry produce and processed forestry products, a description of the tree species and physical or other intrinsic characteristics;
- (d) a description of the method of production;
- (e) the name of one or more certification bodies, and the minimum control requirements.

The specification may also include:

- (a) specific labeling details;
- (b) a description of the product's distinctive form, if applicable;
- (c) packaging information, if the applicant group can show that the product must be packaged in the given geographical area in order to safeguard product quality and ensure traceability or control.

R2.2. The required and optional content of the specification is set out in Article 6 of the Ordinance on Non-Agricultural PDOs and PGIs.

The specification must include the following information:

- (a) the name or names and the registration category (appellation of origin or geographical indication);
- (b) the boundaries of the product's geographical area;
- (c) specification of the stages of production, if the application is filed for an appellation of origin;
- (d) a description of the product including, where appropriate, the raw materials used and main sensorial, physical, chemical and microbiological characteristics;
- (e) a description of the method of production;
- (f) the name of one or more certification bodies or, for foreign names, the name of one or more authorities or private control bodies tasked with ensuring compliance with the specification.

The specification may also include:

- (a) quality evaluation criteria for the end product;
- (b) a description of the product's distinctive form;
- (c) specific labeling or packaging details;
- (d) packaging information, where the group can show that the product must be packaged in the given geographical area in order to safeguard product quality and ensure traceability or control.

R4. A preliminary draft setting out the conditions that must be met in order to use a Swiss indication of source for specific products and services.

\*\* R2.1, R2.2 and R5

#### R2.1

- the name of the applicant group and evidence of its representativeness;
- the appellation of origin or geographical indication to be registered;
- evidence that the name is not generic;
- evidence that the product originates in the geographical area concerned within the meaning of the definition of an appellation of origin or a geographical indication (historical records and traceability);
- evidence of the link to the geographical environment or geographical origin within the meaning of Article 2 or 3 (evidence that the product is typical of the area concerned);
- a description of authentic and consistently applied local methods, if any;
- a summary including:
  - the name, address and composition of the applicant group;
  - the name of the product;
  - the type of protection requested;
  - the type of product in question;
  - proof that the applicant group is representative;
  - evidence that the name is not generic;

- historical records;
- evidence that the product is typical of the area concerned;
- a description of authentic and consistently applied local methods;
- the main elements of the specification (geographical area, description of the product and its main characteristics, description of the method of obtaining the product, certification body, labeling and traceability);
- proof that the registration application was approved at a general meeting of the representatives of the group.

Furthermore, for foreign names, proof that the name in question is protected in the country of origin.

#### R2.2

- the name, address and composition of the applicant group;
- proof that the applicant group is representative;
- evidence of the essential or exclusive link between the quality, characteristics or reputation of the product and its geographical origin.

R5. When applying for the registration of a geographical mark, the applicant must file regulations on the use of the mark, which must be consistent with the product specification or with regulations applicable to an appellation of origin, a geographical indication or an indication of source.

#### United States of America

\* Other documents would include an indication of the certification program including how the applicant is exercising control over the use of the mark. Additional documentation may include specimens showing use of the mark in commerce, such as labels. For foreign applicants –, the foreign registration or reference to an underlying Madrid Protocol filing.

#### Viet Nam

General requirements on industrial property registration applications:

- A declaration for registration, made according to a set form;
- Documents, samples and information identifying the industrial property subject matter registered for protection as specified in Articles 102 thru 106 of this Law;
- Power of attorney, if the application is filed through a representative;
- Documents evidencing the registration right, if such right is acquired by the applicant from another person;
- Documents evidencing the priority right, if such right is claimed;
- Vouchers of payment of fees and charges.

Requirements on geographical indication registration applications:

- The name or sign being the geographical indication;
- The product bearing the geographical indication;
- The description of peculiar characteristics and quality, or reputation of the product bearing the geographical indication and particular elements of natural conditions decisive to the peculiar characteristics and quality, or reputation of the product;
- The map of the geographical area bearing the geographical indication;
- Documents evidencing that the geographical indication is under protection in the country of origin in case of a foreign geographical origin.

### **19. Does your legislation require a representative or agent to process a geographical indication application?**

Responding Party	Representative	COMMENTS
Australia	No	CTM GIs can be applied for by a person or persons having legal personality. The person or persons do not need to be represented, but may be. For wine goods GIs for these can be applied for by a declared winemakers association, a declared wine grape growers

Responding Party	Representative	COMMENTS
		organization, an organization representing winemakers in a State or Territory, an organization representing growers of wine grapes in State or Territory, a wine maker or a grower of wine grapes.
Brazil	No	The Act does not require the action of an agent, representative or attorney. It is possible that the request for registration is made by a person or entity legitimately interested, pursuant to §1 of art. 5 of INPI's Normative Instruction 25/2013.
Chile	No	
Colombia	No	For appellations of national origin applicants are required to file requests for empowerment to authorize their use, to facilitate the processes of administering and managing the AO.
Croatia	No	Foreign legal and natural persons not having a principal place of business, a domicile or a habitual residence on the territory of the Republic of Croatia, as well as the nationals of the Republic of Croatia not having a domicile or a habitual residence on the territory of the Republic of Croatia, may initiate actions before the office solely through authorized agents.
Cyprus	No	The reply concerns wines and spirits. The national law of Cyprus (Law 139(I)/2006) for the implementation of the European regulation (EU) 1151/2012 provides that an application for registration of a geographical indication or a designation of origin (agricultural products and foodstuffs) should be submitted by the representative of the applicants' group.
Czech Republic	No	
Ecuador	No	
Estonia	No	The procedures related to the registration of a geographical indication and to the continued validity of the registration shall be performed by an applicant or a patent attorney authorized by the applicant.
France	No	Simply an option.
Georgia	No	
Greece	No	
Guatemala	Yes	
Hungary	No	
Iceland	No	
Israel	No	AOs through the Lisbon agreement do not require a representative. In a case of refusal, the applicant must appoint a local representative to appeal.
Jamaica	No	
Japan	No	
Kazakhstan	Yes	
Lithuania		See the European Union reply.
Madagascar	Yes	A representative or agent approved by the OMAPI is required for non-resident applicants.
Mexico	No	Applications that are filed through an agent must adhere to Article 181 of the LPI and Article 5(VIII) of the Regulations of the Industrial Property Law. Article 181. When applications and submissions are filed through an agent, the agent shall prove his or her status: I. in a simple power of attorney signed before two witnesses if the principal is a natural person; II. in a simple power of attorney signed before two witnesses if, in the case of legal entities, the case involves applications for patents or registrations or the registration of licenses or transfers of licenses. In the latter case the power of attorney shall specify that

Responding Party	Representative	COMMENTS
		<p>the person granting it is invested with the power to do so, and shall quote the instrument by which that power is conferred;</p> <p>III. in cases not covered by the foregoing paragraph, in a public instrument or power of attorney with authentication of signatures before a notary or other law officer when a Mexican legal entity is involved, the legal existence of the latter and the powers of the grantor having also to be verified; and,</p> <p>IV. in cases not covered by paragraph II, in a power of attorney granted under the applicable legislation of the place in which it is granted, or in accordance with international treaties where the principal is a foreign legal entity. When in such a power of attorney proof is given of the legal existence of the legal entity in the name of which the power is granted, and of the grantor's right to confer said power, the validity of the power shall be presumed in the absence of proof to the contrary.</p> <p>In each file processed, evidence shall be given of the legal status of the applicant or party filing the submission, provided that it shall be sufficient to submit a simple copy of the record of registration if the power has been entered in the General Register of Powers kept by the Institute.</p> <p>In order for the agent to prove his or her status in applications for the registration of marks, collective marks and advertising slogans or the publication of trade names; their renewal; the registration of licenses for use or transfers; changes of the applicant's or owner's address or changes of the establishment's location, it shall be sufficient for the agent to include in the application a sworn written statement attesting to his or her powers to carry out the procedure at hand, provided that the same agent carries out the procedure from beginning to end.</p> <p>If a new agent becomes involved before the application is filed, the new agent must provide evidence of his or her legal status in conformity with the present Article.</p> <p>"Article 5.- Applications and submissions must comply with the following requirements, in addition to those set out in this Law and its Regulations:</p> <p>I. have all copies duly signed;</p> <p>II. use the official forms published in the Official Journal and Gazette, respecting the number of copies and annexes specified in the respective form, and be duly filled out. The submission of forms in electronic format shall be subject to an agreement issued by the Institute's Director-General. Should a procedure with the Institute not require a published official form as stipulated in the foregoing paragraph, the applications or submissions must be presented in writing and in duplicate, and must conform to Article 5ter of the Regulations, as applicable.</p> <p>III. contain the annexes required for each application or submission in accordance with the Law, the present Regulations and other applicable legal provisions, which must be legible and attached in any way, via a known or unknown medium that enables the perception or reproduction thereof. Annexes submitted electronically shall be subject to an agreement issued by the Institute's Director-General to that effect;</p> <p>IV. indicate an address for the service and receipt of notifications on the national territory;</p> <p>V. indicate the file number of the application, patent, registration, publication, declaration or corresponding authorization or, where applicable, reference number and date of reception, except in the case of initial applications;</p>

Responding Party	Representative	COMMENTS
		<p>VI. present proof of payment of the relevant fees;            VII. contain the translations of any documents written in a language other than Spanish;            VIII. contain documents attesting to the position of assignees and status of holders of power of attorney or legal representatives; and            IX. if applicable, documents originating in foreign countries must be authenticated or certified.</p> <p>The application or submission shall be rejected outright if it does not conform to paragraph 1 of the present Article.</p> <p>If the application or submission fails to conform to paragraph VI of the present Article, the Institute shall call upon the applicant once, and only once, to provide proof of payment of the relevant fees, in accordance with the respective agreement, and shall grant the applicant a time frame of five working days to do so, counted from the working day following that on which the omission was notified. If the requirement is not satisfied within the said time frame, the application or submission shall be rejected outright.</p> <p>If the application or submission fails to comply with any paragraph from paragraphs II to V and VII to IX of this Article, the Institute shall call upon the applicant to remedy the omission or to provide the appropriate clarifications within a time frame of two months from the working day following that of the notification. If the requirement is not satisfied within the said time frame, the application or submission shall be rejected outright.</p> <p>The provisions contained in Article 36 and the second and third paragraphs of Article 59ter of the Regulations are excluded from the foregoing paragraph.</p>
New Zealand	Yes	
Poland	No	
Portugal	No	
Republic of Korea	Yes	<p>A legal person who is not domiciled or does not have his/her place of business in Korea is required to file an application for a collective mark with a geographical indication through a representative just as other ordinary trademarks.</p>
Republic of Moldova	Yes	<p>(1) Natural and/or legal persons, which have residence, head office or a real and effective industrial or commercial establishment in the Republic of Moldova, may deal with AGEPI directly or via an agent/representative acting under a power of attorney.</p> <p>(2) Natural and/or legal persons, which have no residence, no head office or no real and effective industrial or commercial establishment in the Republic of Moldova, shall be represented in their dealings with AGEPI in respect of any procedure provided for in Law 66/2008 by a patent attorney acting under a power of attorney.</p> <p>(3) The patent attorney shall operate in conformity with the Regulation approved by the Government.</p>
Romania	Yes	<p>Because the application is filed by a producer association, there appears to be a need to appoint a representative/counselor in IP.</p>
Russian Federation	Yes	<p>Russian applicants may file applications independently, through a patent attorney, or through another representative. Pursuant to Article 1247(2) of the Russian Federation Civil Code, citizens who permanently reside outside of the Russian Federation and foreign legal entities conduct business with the federal executive government authority for intellectual property through patent attorneys who are registered with said federal authority, unless otherwise provided for by an international treaty of the Russian Federation.</p>

Responding Party	Representative	COMMENTS
Serbia	No	
Singapore	N/A	Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.
Slovakia	No	
South Africa	Yes	Where the applicant is not domiciled in South Africa a local address for service is required, which address must be that of a practicing attorney possessing a Fidelity Fund Certificate and registered with the Law Society of South Africa.
Switzerland	No	
United Kingdom	No	
United States of America	No	
Uruguay	No	
Viet Nam	Yes	Representatives are required for foreign geographical indication applications (as provided in Clause 2, Article 89 of IP Law), and optional for domestic geographical indication applications.
European Union	No	

(v) *Costs and Fees*

**20. What is the fee<sup>7</sup> to be paid for:**

Responding Party	a domestic application?	a foreign geographical indication application?	a foreign application filed via international agreements?	recording in a geographical indication registry, where available?
Australia	Yes CTM GIs - 250 AUD (≈180 USD) GIs applied for under Wine Australia Act - 27,500 AUD (≈19,853 USD)		No	
Brazil	BRL 590.00 (IS) (≈159 USD) and BRL 2135.00 (DO) (≈575 USD)		It depends on the terms of the agreement - subject matter does not fall within the technical examination area of INPI.	N/A
Chile	Yes 73 USD			Yes 147 USD
Colombia	Yes Without delegation of authority: 719,500 COP (≈241 USD) in person; 590,500 COP (≈198 USD) online. With delegation of authority: 1.079.000	Yes 719,500 COP (≈241 USD) in person; 590,500 COP (≈198 USD) online		

<sup>7</sup> For the convenience of readers, the amounts in national currencies are converted into US Dollars at the rate on October 02, 2018, as provided by [www.oanda.com](http://www.oanda.com), and given within parenthesis.

Responding Party	a domestic application?	a foreign geographical indication application?	a foreign application filed via international agreements?	recording in a geographical indication registry, where available?
	COP (≈362 USD) in person; 886.000 COP (≈297 USD) online			
Croatia	Yes 75 Euro (≈87 USD)			Yes 135 Euro (≈156 USD)
Cyprus				
Czech Republic	Yes 4000 CZK (≈180 USD)		No	No
Ecuador	No	No	No	No
Estonia	Yes State fees are charged for the performance of transactions provided for in this Act pursuant to the rates provided for in the State Fees Act.	Yes	Yes	Yes
France	Yes 350 Euro (≈406 USD)			
Georgia	60 USD	N/A	No	No
Greece	No			No
Guatemala	Yes 3000 GTQ (≈388 USD)			
Hungary	Yes 107000 HUF (≈383 USD)	No	No	No
Iceland	Yes ISK 75 000 (≈672 USD)		No	No
Israel	No	No	No	No
Jamaica	Yes 30,000 JMD (≈222 USD)			
Japan	Yes 90000 JPY (≈790 USD)		No	No
Kazakhstan	Yes 17400.32 KZT (≈48 USD)			Yes 24000.48 KZT (≈66 USD)
Lithuania				
Madagascar	Yes The draft implementing decree provides for a filing fee for a domestic application for the registration of a geographical indication amounting to 1000000 MGA. (≈289 USD)	Yes The draft implementing decree provides for a filing fee for an application for the registration of a geographical indication amounting to 1 250 000 MGA (≈361 USD) for the full rate, meaning all applications from developed		Yes

Responding Party	a domestic application?	a foreign geographical indication application?	a foreign application filed via international agreements?	recording in a geographical indication registry, where available?
		countries and 1000000 MGA (≈289 USD) for the reduced rate, meaning all applications from low-income countries.		
Mexico	Yes For processing an application for a general declaration of protection for an appellation of origin or geographical indication, or an application to modify a general declaration in force: 1,547.78 pesos (≈83 USD), plus value-added tax of 16 per cent (Article 15(a) of the fees for services provided by the IMPI).	No fee		Yes For registering the recognition of an appellation of origin or geographical indication protected abroad: 331.70 pesos (≈18 USD), plus value-added tax of 16 per cent (Article 15(e) of the fees for services provided by the IMPI).
New Zealand	Yes 5,000 NZD (≈3305 USD)		No	No
Poland	No	No	No	No
Portugal	Yes 101.40 Euro (≈117 USD)			
Republic of Korea	Yes Application fee: 62,000 KRW (≈56 USD) for electronic application [72,000 KRW (≈65 USD) for paper application] per class Registration fee: 211,000 KRW (≈190 USD) per class.			
Republic of Moldova	Yes 120 Euro (≈139 USD)		No	Yes 100 Euro (≈116 USD)
Romania	Yes		Yes	Yes
Russian Federation	Yes 31500 RUB (≈481 USD)			
Serbia	Yes around 60 Euro (7.700,00 dinars) (≈70 USD)		No	No
Singapore			N/A	
Slovakia	Yes		No	No

Responding Party	a domestic application?	a foreign geographical indication application?	a foreign application filed via international agreements?	recording in a geographical indication registry, where available?
	50 Euro (≈58 USD)			
South Africa	Yes 590 ZAR (≈42 USD)+ 310.00 ZAR (≈22 USD) per class (either for a certification or collective mark)	N/A	N/A	N/A
Switzerland	No R2.1 and R4	N/A R5	N/A R5	No R2.1 and R4
	Yes 4,000 CHF (≈4069 USD) R2.2			
	Yes 550 CHF (≈559 USD) R5			
United Kingdom	Yes 170 GBP (online) (≈222 USD)/200 GBP (≈261 USD) and 200 GBP (≈261 USD) to submit the Regulations	Yes 227 CHF (≈231 USD) plus WIPO fee and 200 GBP (≈261 USD) to submit the Regulations.		
United States of America	Yes An electronically-filed application costs as low as 225 USD.	Yes The base fee of 225 USD plus any WIPO-generated fees.		No
Uruguay	Yes 2690,4854 UYU (≈326 USD)	No		No
Viet Nam	Yes 1,650,000 VND (≈70 USD)	No		Yes 360,000 VND (≈15 USD)
European Union	No fee			

**COMMENTS:**

Australia

Trade mark fees are per class, further information found on the IP Australia website:  
<https://www.ipaustralia.gov.au/trade-marks/understanding-trade-marks/trade-mark-costs>

Brazil

After the registration is granted, there is no possibility of adding information or completing the registration.

### Chile

GIs recognized under international treaties signed by Chile and to be included in the national GI and AO registry are subject to the same procedure and incur the same fees as GI or AO applications submitted directly to the registry office. Wines and alcoholic beverages do not incur a fee.

### Colombia

The fees indicated above apply to the protection of appellations of origin, since the applicable legislation does not provide for geographical indication.

### Cyprus

The national law of Cyprus for the implementation of the European regulation (EU) 1151/2012 provides that for submitting an application for registration of a geographical indication or a designation of origin (agricultural products and foodstuffs) the applicants should pay a fee of 85 euros. For a domestic application as far as wines and spirits are concerned the applicant should pay the amount of 850 euros.

### Ecuador

No fee is charged for applications filed, but the sum of \$40 is payable when the certificate of recognition of a foreign geographical indication is issued or when use is authorized.

### Estonia

A state fee of 105 euros shall be paid upon the submission of an application for registration of a geographical indication. A state fee of 32 euros shall be paid for the extension of the term for elimination of deficiencies in an application for registration of a geographical indication, or for the provision of explanations. A state fee of 32 euros shall be paid for the submission of an application for an entry to amend the registration data of a geographical indication.

### Hungary

Foreign persons shall only be granted protection of the geographical indication on the basis of an international treaty or reciprocity.

### Iceland

According to Article 2 of the Act, the provisions of the Act also apply to product names of foreign origin granted protection under this Act or on the basis of international agreements.

### Japan

There is no fee on designations of liquor GIs.

### Lithuania

See the European Union comments.

### Madagascar

The registration fees for any subsequent changes to the special register for geographical indications are Ar 37 500 for the full tariff and Ar 30 000 for the reduced tariff.

### Republic of Moldova

National procedure: Filing of the application – 20 euros; Substantive examination – 100 euros; Registration – 100 euros. According to the Association Agreement between the Republic of Moldova and EU, geographical indications are protected without fees.

Singapore

Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.

European Union

Reply refers to fees applied by European Commission.

(vi) Examination and Register**21. Does your legislation establish a registry for:**

Responding Party	geographical indications?	appellations of origin?	COMMENTS
Australia	Yes	No	CTM GIs are included on the trademarks register and identified as CTMs but not specifically as GIs. The Wine Australia Act sets up a Register of Protected GIs and Other Terms for wine goods. As discussed above appellations of origins are considered a subset of geographical indications.
Brazil	Yes	Yes	In Brazil, the GIs are recorded as IP and DO, as described in answer A1.
Chile	Yes	Yes	
Colombia	No	Yes	Administrative acts granting or recognizing protection for an appellation of origin are entered into the Industrial Property Register.
Croatia	Yes	Yes	
Cyprus	Yes	Yes	The reply concerns wines and spirits. The national law of Cyprus (Law 139(I)/2006) for the implementation of the European regulation (EU) 1151/2012 provides the establishment of a registry in the case that a geographical indication or a designation of origin (agricultural products and foodstuffs) is under transitional national protection according to article 9 of Reg. (EU) 1151/2012. In addition the national Law provides the establishment of a registry of registered users of names of Cypriot products that have been registered as PDO, PGI according to Reg (EU) 1151/2012.
Czech Republic	Yes	Yes	
Ecuador	Yes	Yes	Geographical indications fall under the legislation and proceedings relating to indication of source.
Estonia	Yes	Yes	
France	Yes		
Georgia	Yes	Yes	There is a Unified State Register of the Applications of Origin of Goods and Geographical Indications.
Greece	Yes	yes	
Guatemala	Yes	Yes	
Hungary	Yes	Yes	
Iceland	No	No	
Israel	No	Yes	The registry for "appellations of origin" refers only to "appellations of origin" that arise under the Lisbon Agreement.
Jamaica	Yes	No	

Responding Party	geographical indications?	appellations of origin?	COMMENTS
Japan	Yes	No	GI for liquor is not to be registered, but to be designated or confirmed by the Commissioner of the National Tax Agency.
Kazakhstan	No	Yes	
Lithuania			See the European Union reply.
Madagascar	Yes	Yes	
Mexico	Yes	Yes	Registration must be carried out in compliance with the procedure set out in Title 5, Chapter II of the LPI, which, under Article 161 <i>bis</i> (1), states that once the application has been received, the Institute shall examine the information and documents submitted. The examination shall consist of a verification of the application's conformity with the Law and a substantive examination to determine that the appellation of origin or geographical indication is eligible for registration under the Law and does not fall within any circumstances warranting refusal of protection.
New Zealand	Yes	No	
Poland	No	No	
Portugal	Yes	Yes	
Republic of Korea	Yes		
Republic of Moldova	Yes	Yes	Geographical Indications Database is available at <a href="http://www.db.agepi.md/GeogrIndications/SearchGI.aspx">http://www.db.agepi.md/GeogrIndications/SearchGI.aspx</a> The database/registry is public, free of charge. The database includes the specification, the single document, the list of persons who have the right to use PGI/PDO.
Romania	Yes		The geographical indication is published in the Official Bulletin of Industrial Property.
Russian Federation	No	Yes	A geographical indication may be registered as an AOP provided that the requirements of the Russian Federation Civil Code are met.
Serbia	Yes	Yes	
Singapore	N/A	N/A	Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.
Slovakia	Yes	Yes	
South Africa	No	No	Collective and certification marks are recorded in the Trade Marks Register in the same manner as any other trademarks.
Switzerland	Yes*	Yes*	* R2
United Kingdom	Yes	Yes	
United States of America	No	No	
Uruguay	Yes	Yes	
Viet Nam	Yes	No	
European Union	Yes	Yes	

22. Registration is:

Responding Party	contingent upon compliance with a domestic examination for formal and substantive eligibility	made pursuant to a classification system	If Yes, please specify the classification system	is made further to taking into account competition principles
Australia	Yes	Yes	CTM GI registration is made pursuant to the Nice Classification system.	Yes
Brazil	Yes	No		No
Chile	Yes			
Colombia	Yes			
Croatia	Yes			
Cyprus	Yes	Yes		Yes
Czech Republic	Yes			
Ecuador	Yes			
Estonia	Yes	Yes	Please see the comment.	
France	Yes			Yes
Georgia	Yes	Yes	Nice Classification.	
Greece	Yes			
Guatemala	No	No		No
Hungary	Yes	Yes	Nice Classification.	
Iceland	Yes	No		No
Israel	Yes	No		No
Jamaica	Yes	No		No
Japan				
Kazakhstan	Yes			
Lithuania				
Madagascar	Yes	No		Yes
Mexico	Yes			
New Zealand	Yes	Yes	Geographical indications under the Geographical Indications (Wine and Spirits) Registration 2006, the geographical indication must be for either wine or spirits. If, for example, an application is made under the Trade Marks Act, then the applicant must specify the goods or services in accordance with classes of goods and services as provided for under the Nice Classification system.	No
Poland	Yes	No		No
Portugal	Yes			
Republic of Korea	Yes			
Republic of Moldova	Yes	Yes	According to the Nice Classification of goods and services applied for the registration of marks.	
Romania	Yes	No		Yes

Responding Party	contingent upon compliance with a domestic examination for formal and substantive eligibility	made pursuant to a classification system	If Yes, please specify the classification system	is made further to taking into account competition principles
Russian Federation	Yes			
Serbia	Yes			
Singapore	N/A	N/A		N/A
Slovakia	Yes			
South Africa	Yes	Yes	Nice Classification and Vienna Classification	
Switzerland	Yes (R2)			
United Kingdom	Yes	Yes	Nice Classification	
United States of America	Yes	Yes	Nice Classification.	Yes
Uruguay	Yes	Yes	Nice classification.	No
Viet Nam	Yes			
European Union	Yes	Yes	Specific GI classification systems are used.	

#### COMMENTS:

##### Chile

For wines and alcoholic beverages, this entails an analysis of the edaphic-climatic characteristics that distinguish the place of origin of grapes and establish a compelling need for the existence of working vineyards declared to the Agriculture and Livestock Service.

##### Cyprus

The reply concerns wines and spirits. As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of the European regulation (EU) 1151/2012.

##### Estonia

Registration data are:

- (1) the registration number;
- (2) the date of making the entry of registration data;
- (3) the representation of the geographical indication;
- (4) the list of goods and services designated with the geographical indication;
- (5) the identification of the geographical area;
- (6) the description showing the link of a given quality, reputation or other characteristic of a good or service with the geographical origin of the good or service and identifying the geographical area (hereinafter description);
- (7) the short summary of the description;
- (8) the data of the protection of the geographical indication in its country of origin or the data of the competent agency of the country of origin that has certified the link of a given quality, reputation or other characteristic of a good or service with the geographical origin of the good or service, and the data of the competent agency of the country of origin that has certified the right of the applicant for registration of a geographical indication (hereinafter applicant) to apply for registration of the geographical indication pursuant to the provisions of subsection 9 (1) of the Geographical Indication Protection Act;
- (9) the name and address of residence or seat of the applicant;
- (10) the name of the representative of the applicant, if the applicant has a representative;

- (11) the registration application number;
- (12) the filing date of the registration application.

#### France

It is essential that the applicant be representative in order to avoid unfair competition and the granting of an undue monopoly.

#### Georgia

Nice classification is used only for internal purposes and has no formal power.

#### Lithuania

See the European Union reply.

#### Madagascar

The new law does not provide for any classification system.

#### Mexico

Registration must be carried out in compliance with the procedure set out in Title 5, Chapter II of the LPI, which, under Article 161*bis* (1), states that once the application has been received, the Institute shall examine the information and documents submitted.

The examination shall consist of a verification of the application's conformity with the Law and a substantive examination to determine that the appellation of origin or geographical indication is eligible for registration under the Law and does not fall within any circumstances warranting refusal of protection.

#### Poland

Registration is made by the European Commission.

#### Singapore

Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.

#### Uruguay

Abuse of a dominant position, for example, is not taken into account, but good faith and unfair competition are.

#### Viet Nam

Viet Nam does not provide for a classification system of geographical indication. However, in the examination process, examiners shall examine the geographical indication against trademark identical or similar to the geographical indication based on the Nice Classification.

*(vii) Grounds for Refusal*

**23. The grounds for refusing protection/recognition of a geographical indication in your jurisdiction are:**

Responding Party	a determination that the proposed term is generic for the goods/services in your country	prior trademark rights for a later applied for or requested geographical indication	other
Australia	Yes	Yes	Yes
Brazil			
Chile	Yes	Yes	Yes*
Colombia	Yes	Yes	Yes*
Croatia	Yes	Yes - based on an opposition – for a trademark having acquired special reputation and well known through prior continuous use, if the protection of a geographical indication or a designation of origin, may mislead the consumer as to the true origin of the product.	Yes - a name creates confusion in the public as to the geographical origin of products or services; - it suggests that the relevant product or service originates in a geographical area other than the true place of origin in a manner misleading the public as to the geographical origin thereof; - an indication may, by its appearance or contents create confusion in trade in respect of the kind, origin, quality, manner of production or other characteristics of the products or services; - it is identical with the name of a plant variety or an animal breed, where it would mislead the public as to the geographical origin of a product or a service; - it is contrary to public order and morality; - it has not been protected or is no longer protected, or has fallen into disuse in the country of origin.
Cyprus	Yes Wines and spirits	Yes Wines and spirits	Yes Not enough supporting evidence (for wines and spirits)
Czech Republic	Yes	Yes	Yes The product doesn't fulfil the requirements that are established in the definitions for the name to be protected as a GI
Ecuador	No	Yes	
Estonia	Yes	Yes	Yes A decision shall be made to refuse to accept a registration application for processing and the state fee shall be refunded if: 1) the document certifying payment of the state fee is not filed within one month after the date of receipt of the registration application; 2) an authorization document is required and it is not filed within two months after the date of receipt of the registration application; 3) a registration application has been sent by facsimile and the original documents are not filed within one month after the date of receipt of the facsimile.

Responding Party	a determination that the proposed term is generic for the goods/services in your country	prior trademark rights for a later applied for or requested geographical indication	other
France			<p>Yes</p> <ul style="list-style-type: none"> <li>- Depositor is not representative.</li> <li>- Actual production in the region is insufficient</li> <li>- No correlation between the name being claimed and the defined territory.</li> </ul>
Georgia	Yes	Yes	<p>Yes</p> <ul style="list-style-type: none"> <li>- does not comply with the requirements of the definition of the geographical indication</li> <li>- is likely to mislead the public as to the true origin of the goods;</li> <li>- is contrary to the national dignity, religion, traditions and morality;</li> <li>- is identical to the name of a plant variety or an animal breed, that is likely to mislead the public as to the true origin of the goods.</li> </ul>
Greece	Yes	Yes	<p>Yes</p> <p>Conflicts with a name of a plant variety or an animal breed and is likely to mislead the consumer as to the true origin of the product.</p>
Guatemala	Yes	Yes	
Hungary	Yes	<p>Yes</p> <p>If, in the light of a prior trade mark's reputation and renown and the length of time it has been used, registration of the name would be liable to mislead consumers as to the true identity of the product.</p>	<p>Yes</p> <ul style="list-style-type: none"> <li>- The product doesn't fulfil the requirements that are established in the definitions for the name to be protected as a GI.</li> <li>- A name that conflicts with a name of a plant variety or an animal breed and is likely to mislead the consumer as to the true origin of the product.</li> <li>- A name proposed for registration is wholly or partially homonymous with a geographical indication or appellation of origin already entered in the register, unless there is sufficient distinction in practice between them.</li> </ul>
Iceland	Yes	Yes	<p>Yes</p> <p>According to Art. 7 of the Act, a product name is not eligible for registration under Article 4 and 5 where: b) it conflicts with the name of a plant variety or an animal breed and as a result is likely to mislead the public.</p>
Israel	Yes	Yes	<p>Yes</p> <p>Entitlement for application</p>
Jamaica	Yes	No	<p>Yes</p> <p>Indications which do not fall within the definition of "geographical indication" in section 2 of the Protection of Geographical Indication Act; or (ii) are contrary to public order or public morality. The Registrar shall refuse to register a Geographical indication refuse to register the geographical indication if he is not so satisfied that all the conditions for registration have been met (s. 10(8)(b)), section 10(2)- Protection of GI Act.</p>

Responding Party	a determination that the proposed term is generic for the goods/services in your country	prior trademark rights for a later applied for or requested geographical indication	other
Japan	Yes	Yes	Yes*
Kazakhstan			<p>Yes</p> <p>Designations:</p> <p>1) constituting names of geographical entities that can be misleading as to the place of production of the goods;</p> <p>2) formally indicating the actual place of production of the goods but giving a false impression that the goods have their origin in some other territory;</p> <p>3) containing names of geographical entities unrelated to the place of production of the goods, may not be registered as appellations of origin.</p>
Lithuania			
Madagascar	Yes	Yes	Yes
Mexico	Yes	Yes	Yes
New Zealand	Yes	Yes	<p>Yes</p> <p>Under the Geographical Indications (Wine and Spirits) Registration Act 2006, The geographical indication is identical to the customary name for a grape variety. Under the Trade Marks Act 2006 the geographical indication meets any of the grounds for refusing registration as a trade mark.</p>
Poland			
Portugal	Yes	Yes	
Republic of Korea		Yes	
Republic of Moldova	Yes	Yes	<p>Yes</p> <p>Not eligible for the registration shall be: – the names contrary to the public order or morality.</p> <p>- A name may not be registered as an appellation of origin or a geographical indication where:</p> <p>a) it is identical with or similar to a prior trademark registered in respect of products identical or similar to those for which the registration of an appellation of origin or a geographical indication is requested where, in the light of a trademark's reputation and fame and its term of use, the registration is liable to mislead the consumer as to the true identity of the product;</p> <p>b) it conflicts with the wholly homonymous name of a plant variety or an animal breed for comparable products if it is shown before the expiry of the opposition procedure referred to in art. 22, that the variety or breed is in such commercial production outside the defined area prior to the date of application for appellation of origin or geographical indication that consumers</p>

Responding Party	a determination that the proposed term is generic for the goods/services in your country	prior trademark rights for a later applied for or requested geographical indication	other
			would be liable to confuse the products bearing the registered name and the variety or the breed (art.7, Law nr.66/2008).
Romania	Yes	Yes	No
Russian Federation	Yes		
Serbia	Yes	No	
Singapore	N/A	N/A	N/A
Slovakia	Yes	Yes	<p>Yes</p> <p>Following shall not be registered as a designation of origin or geographical indication in the Register</p> <ul style="list-style-type: none"> <li>- indication though exact wording of which truly indicates name of place, region or country (hereinafter referred to as "territory") from which the product originates, despite it indication is capable to evoke a misconception about real origin of a product for public,</li> <li>- indication identical with a plant variety or animal breed which could in consequence of registration evoke a misconception about real origin of a product for public,</li> <li>- indication which registration could cause confusion with already registered designation of origin, geographical indication, trademark, or well-known trademark.</li> </ul>
South Africa	Yes	Yes	
Switzerland	Yes (R2)	Yes (R2)	<p>Yes (R2)</p> <ul style="list-style-type: none"> <li>- The name does not comply with the definition of an appellation of origin or a geographical indication.</li> <li>- The applicant group is not representative.</li> <li>- The proposed registration as an appellation of origin or geographical indication would jeopardize an entirely or partly homonymous mark or name used for a similar product, in view of the prior duration of use and the reputation and fame of that mark or name.</li> </ul>
United Kingdom	Yes	Yes	<p>Yes</p> <p>The Regulations are not in order</p>
United States of America	Yes	Yes	<p>Yes</p> <p>Any refusal that is available under a trademark system.</p>
Uruguay	Yes	Yes	<p>Yes</p> <p>Absolute and relative nullity according to the law, unfair competition, misleading appellation, etc.</p>
Viet Nam	Yes	Yes	<p>Yes</p> <ul style="list-style-type: none"> <li>- Geographical indications identical with or similar to a protected mark, where the use of such geographical indications is likely to</li> </ul>

Responding Party	a determination that the proposed term is generic for the goods/services in your country	prior trademark rights for a later applied for or requested geographical indication	other
			cause a confusion as to the origin of products; – Geographical indications which mislead consumers as to the true geographical origin of products bearing such geographical indications. (Article 80 of IP Law)
European Union	Yes	Yes if, in the light of a prior trade mark's reputation and renown and the length of time it has been used, registration of the name would be liable to mislead consumers as to the true identity of the product.	Yes - the product doesn't fulfil the requirements that are established in the definitions for the name to be protected as a GI - a name that conflicts with a name of a plant variety or an animal breed and is likely to mislead the consumer as to the true origin of the product - a name proposed for registration is wholly or partially homonymous with a GI already entered in the register, unless there is sufficient distinction in practice between them.

**COMMENTS:**

Australia

The grounds for refusing protection/recognition of a geographical indication in Australia under both the Wine Australia Act and the Trade Marks Act include that the proposed GI is either in use as the common name of a type or style of wine or as a grape variety or, for CTM GIs, for similar reasons is not capable of distinguishing the certified goods from goods not so certified. Both the Wine Australia Act and the Trade Marks Act also provide a ground for refusing registration of a later sought GI on the basis of a prior trade mark application or registration, or rights acquired in a trade mark through use.

Brazil

Applications for registration that do not comply with the requirements established by the Brazilian IP law and with INPI's Normative Instruction 25/2013 are refused/ rejected. Among the conditions for registration are: the GI must be constituted by geographical name and the name may not have become common in Brazil. The earlier trade mark registration does not prevent the registration of GIs.

Chile

\* In accordance with the provisions of the Law on Industrial Property, signs cannot be recognized as GIs or AOs where they: fail to meet the requirements for conceptual consideration as GIs or AOs; are contrary to morality or public order; may mislead or confuse consumers as to the origin of the GI or AO or the attributes of the products in question; are common or generic terms that distinguish the product concerned, unless they have been recognized as GIs or AOs under international treaties signed by Chile.

For wines and alcoholic beverages, protection/recognition is refused where the analysis performed by the competent authority fails to determine either the existence of edaphic-climatic characteristics that distinguish the place of origin of grapes or a lack of working vineyards or vineyards not declared to the Agriculture and Livestock Service.

### Colombia

A determination that:

- The expression does not conform with the definition in Article 201: (i) a geographical indication consisting in the name of a particular country, region or place or a name which, without being that of a particular country, region or place, refers to a particular geographical area; (ii) used to designate a product originating therein; (iii) the quality, reputation or other characteristics of which are exclusively or essentially due to the geographical environment in which it is produced, including both natural and human factors.
- The expression is contrary to good practice or public order.
- The expression is liable to mislead the public as to the geographical area, nature, method of manufacture or quality, reputation or other characteristics of the products concerned (Decision 486 of 2000)

### Croatia

For names that are identical or almost identical in writing (homonyms) – if it does not meet the conditions for registration (sufficient information regarding the true origin of the product to differentiate one homonym from another and not to mislead the public).

### Cyprus

As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of article 6 of the European regulation (EU) 1151/2012.

### Estonia

If a registration application does not comply with at least one of the requirements provided for in §§ 4 (a geographical indication may be in word form or in figurative form) , 24 (a registration application shall comprise listed documents), 25 (a request for the registration of a geographical indication shall contain necessary data) and subsections 26 (1) and (4) (concrete description) of the Geographical Indication Protection Act or is contrary to public order or accepted principles of morality, a decision shall be made without delay to refuse registration of the geographical indication.

### Iceland

According to Art. 7 of the Act, a product name is not eligible for registration under Article 4 and 5 where:  
c) registration is liable to mislead the consumer as to the true origin of the product because of a pre-existing well-known mark at the time when an application for a protection of the product name is filed. When determining whether an older mark is considered well-known, the reputation and renown of the mark; and, the length of time it has been used, shall be taken into consideration.

### Japan

\* (Refusal of Registration) Article 13 The Minister of Agriculture, Forestry and Fisheries shall refuse registration in the following cases: (i) when the Group of Producers falls under any of the following: (a) the Group of Producers has had its registration cancelled pursuant to the provisions of Article 22, paragraph (1), and 2 years have not elapsed yet from the date of the cancellation; or (b) an officer of the group (including the representative or administrator of a group of producers without legal personality; The same applies to 2) falls under any of the following: 1 a person who was sentenced pursuant to any provisions of this Act, if a period of 2 years has not yet elapsed from the date on which the person served out the sentence or was exempted from the execution of the sentence; or 2 in the case of a Group of Producers whose registration was cancelled pursuant to the provisions of Article 22, paragraph (1), a person who was an officer of the Group of Producers within 30 days before the cancellation, without exceeding 2 years after the cancellation; (ii) when the Production Process Management falls under any of the following: (a) the information set forth in items (ii) to (viii) of said paragraph as provided in the Specification attached to the written application in paragraph (1) of said Article pursuant to the provisions of Article 7, paragraph (2) are different from the information specified in said written application; (b) the method of Production Process Management provided for by the Production Process Management Rules

does not accord with the standards provided by Ordinance of the Ministry of Agriculture, Forestry and Fisheries as a way necessary to ensure that the Production conducted by a Producer as a Member of said Group of Producers accords with the Specification; (c) the Group of Producers do not have sufficient financial basis to conduct accurate and smooth Production Process Management; or (d) a system necessary to ensure fair conduct of Production Process Management is found not to be established; (iii) when the Agricultural, Forestry and Fishery Products and Foodstuffs pertaining to application for registration falls under any of the following: (a) the product is not Specific Agricultural, Forestry and Fishery Product and Foodstuff; or (b) all or a part of the product falls under Specific Agricultural, Forestry and Fishery Product and Foodstuff pertaining to registration; (iv) when the name of the Agricultural, Forestry and Fishery Products and Foodstuffs applied for registration falls under any of the following: (a) the name is a generic term or when the information set forth in the items of Article 2, paragraph (2) regarding said Agricultural, Forestry and Fishery Products and Foodstuffs applied for registration cannot be specified by the name; or (b) the name is identical with or similar to the following registered trademark: 1 a registered trademark pertaining to the Agricultural, Forestry and Fishery Products and Foodstuffs applied for registration or a product similar thereto; or 2 a registered trademark pertaining to a service related to the Agricultural, Forestry and Fishery Products and Foodstuffs applied for registration or a product similar thereto. (2) The provisions in the preceding paragraph (limited to the part pertaining to item (iv), (b)) do not apply if a Group of Producers falling under any of the following items files an application for registration regarding Agricultural, Forestry and Fishery Products and Foodstuffs whose names are provided in (b) of item (iv) of said paragraph: (i) a Group of Producers that is a holder of trademark pertaining to the registered trademark as prescribed in (b) of item (iv) of the preceding paragraph (when an exclusive right to use has been established for the trademark right pertaining to said registered trademark, this is limited to cases where approval of the exclusive licensee of said exclusive right to use has been obtained with regard to the registration of Agricultural, Forestry and Fishery Products and Foodstuffs whose names are provided in (b) of said item); (ii) a Group of Producers that is an exclusive licensee of an exclusive right to use established as an exclusive right to use for the trademark right pertaining to the registered trademark prescribed in (b) of item (iv) of the preceding paragraph (limited to cases where approval of the following persons has been obtained with regard to the registration of Agricultural, Forestry and Fishery Products and Foodstuffs whose names are provided in (b) of said item): (a) the holder of trademark pertaining to said registered trademark; and (b) exclusive licensee of said exclusive right to use other than said Group of Producers; (iii) a Group of Producers that has obtained approval of the holder of trademark pertaining to the registered trademark provided in (b) of said item with regard to registration of Agricultural, Forestry and Fishery Products and Foodstuffs whose names are provided in (b) of item (iv) of the preceding paragraph (if an exclusive right to use is established for the trademark right pertaining to said registered trademark, limited to cases where approval of the exclusive licensee of said exclusive right to use has been obtained with regard to the registration of said Agricultural, Forestry and Fishery Products and Foodstuffs). (3) When the Minister of Agriculture, Forestry and Fisheries has refused registration pursuant to the provisions of paragraph (1), the Minister shall give notice in writing of the effect and the reason to the Group of Producers that filed the application for registration.

The Commissioner of the National Tax Agency may not designate the indications of any of the following items as geographical indications: (i) indications which is the same as or similar to the registered trademark concerning liquor (refers to the registered trademark as provided in Article 2, paragraph (5) of the Trademark Act (Act No. 127 of 1959); the same applies hereinafter), and the use of which as geographical indications has a risk of infringement on the trademark right for the said registered trademark; (ii) indications which is used in Japan as a generic term for liquor; (iii) indications which is not protected by a WTO member although the geographical area of the product is located on a state of the said member; and in addition to the preceding items, indications which is recognized as inappropriate for protection.

#### Lithuania

See the European Union reply.

#### Madagascar

Registration is also refused for geographical indications that are not protected as such in their country of origin, appellations that do not comply with the definition provided for by law and appellations that do not

conform to public order or morality or which could mislead the public as to the nature, provenance, method of manufacture, characteristics or fitness for purpose of the products concerned.

#### Mexico

Article 163 of the LPI stipulates that the following may not be protected as an appellation of origin or geographical indication:

I. a name that is identical or confusingly similar to an appellation of origin or geographical indication that is already protected or for which an application for a declaration has been filed earlier and is being processed, that is applied to the same or similar products, unless the Institute issues a ruling permitting the coexistence of the said names;

II. the technical, generic or commonly used name of the product for which protection is sought, and also those designations that everyday language or business practice has turned into usual or generic elements to name the said products;

III. a name which, when its characteristics are considered as a whole, is descriptive of the product for which protection is sought. The name shall include descriptive or indicative words which, in trade, serve to identify the kind, quality, quantity, composition, purpose or value;

IV. a name that is identical or confusingly similar to a mark or advertising slogan in respect of which an application has been filed earlier and is being processed, or to a mark or advertising slogan that is already registered and in force, that is applied to the same or similar products or services;

V. a name that is identical or confusingly similar to a trade name in respect of which an application for publication has been filed earlier and is being processed, or to one that is already published and in force, that is applied in the same or similar area of business;

VI. the translation or transliteration of an appellation of origin or geographical indication that is not eligible for protection; and

VII. a denomination consisting of or containing the name of a protected plant variety or that of an animal breed.

#### Poland

Refusing protection of a geographical indication is in European Commission jurisdiction.

#### Portugal

If the trademark has reputation and there is the possibility of the consumer being misled.

#### Russian Federation

The existence of a prior trademark is ground for contesting [AOP protection/recognition]: if the use of an appellation of origin of a product could lead to confusion on the part of a consumer with regard to the product or its producer in connection with the existence of a trademark with earlier priority, the granting of legal protection to said appellation may be contested and invalidated within five years of the date of publication of information about the state registration of the product's appellation of origin in an official bulletin (Article 1535 of the Russian Federation Civil Code).

#### Singapore

Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.

**24. If a prior trademark contains a generic element that conflicts with an applied for geographical indication, the geographical indication is refused based on:**

Responding Party	genericness	the prior trademark right	both genericness and the prior trademark right
Australia	Yes		
Brazil			

Responding Party	genericness	the prior trademark right	both genericness and the prior trademark right
Chile	Yes		
Colombia			Yes
Croatia			
Cyprus			yes
Czech Republic			
Ecuador		Yes	
Estonia			
France			
Georgia	Yes		
Greece			
Guatemala	No	No	Yes
Hungary	Yes		
Iceland	Yes	Yes	No
Israel	Yes	Yes	Yes
Jamaica	N/A	N/A	N/A
Japan		Yes	
Kazakhstan			
Lithuania			
Madagascar	No	No	No
Mexico	Yes		
New Zealand	No	No	No
Poland		Yes	
Portugal			
Republic of Korea			Yes
Republic of Moldova			Yes
Romania	No	No	No
Russian Federation	Yes		
Serbia	No	No	No
Singapore	N/A	N/A	N/A
Slovakia			
South Africa	Yes*	Yes†	Yes
Switzerland			
United Kingdom			
United States of America	Yes	Yes	Yes
Uruguay			Yes
Viet Nam		Yes	
European Union			

#### COMMENTS:

##### Australia

Any refusal would depend on the circumstances of the case. If the later sought GI consisted entirely of the generic element of the earlier trade mark, it could be refused on the basis it is not capable of distinguishing, but might not be refused depending on the circumstances. If the later sought GI merely contains a generic or descriptive element in combination with other material, it might not be refused

##### Brazil

In Brazil, a GI registration application is not refused / rejected based on a previously registered trademark. The analysis of the genericity of the term does not occur exclusively on the basis of the previous trademark.

### Colombia

The grounds for refusal will depend on the scope of the prior trademark. A prior trademark containing such a generic element could be a mixed trademark granted in conjunction with the exclusion of rights to terms considered in isolation. In that case, it is possible that an application for appellation of origin protection could successfully demonstrate that the terms considered in isolation have gained a reputation associated with the geographical provenance or a specific quality of the product in question.

### Croatia

A GI is refused if it does not meet the conditions for registration, see reply to question 23 (a prior trademark right can be basis for an opposition).

### Cyprus

The reply concerns wines and spirits.

As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of article 6 paragraphs 1 and 4 of the European regulation (EU) 1151/2012.

### Czech Republic

A GI will be refused if it does not meet the conditions for registration, as set out in reply to Question 23.

### Estonia

A GI will be refused if it does not meet the conditions for registration, as set out in reply to Question 23.

### France

No refusal of the GI because this collective right is greater than a brand.  
Coexistence is planned.

### Hungary

Pursuant to Article 105 (1) of Hungarian Trademark Act a geographical indication may not be granted protection if in the course of trade it has become the common name of a product irrespective of whether the product originates in the place specified by the geographical indication.

### Iceland

Only refused on the basis of the prior trademark right if registration is liable to mislead the consumer as to the true origin of the product because of a pre-existing well-known mark at the time when an application for a protection of the product name is filed. When determining whether an older mark is considered well-known, the reputation and renown of the mark; and, the length of time it has been used, shall be taken into consideration, cf. Art. 7.1.c) of the Act.

### Lithuania

See the European Union comments.

### Mexico

Article 162 of the LPI provides that “the commonly used or generic name of a product may be included as an element of the appellation of origin or geographical indication. However, the commonly used or generic name shall in all cases be considered as subject to free use.”

### New Zealand

Whether a geographical indication is refused because of a prior existing trade mark will depend on whether the geographical indication is identical or similar to prior existing the trade mark. Where the geographical

indication that is similar to the trade mark will depend on whether consumers are likely to be deceived or confused by the use of the geographical indication. Nevertheless, despite the existence of a prior existing trade mark, the Registrar may register the geographical indication where the trade mark owner consents to the registration of the geographical indication or the Registrar considers that the geographical indication may co-exist with the trade mark.

#### Portugal

See the answer to question 23.

#### Russian Federation

If the use of an appellation of origin of a product could lead to confusion on the part of a consumer with regard to the product or its producer in connection with the existence of a trademark with earlier priority, the granting of legal protection to said appellation may be contested and invalidated within five years of the date of publication of information about the state registration of the product's appellation of origin in an official bulletin (Article 1535 of the Russian Federation Civil Code).

#### Singapore

Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.

#### Slovakia

A GI will be refused if it does not meet the conditions for registration, as set out in reply to Question 23.

#### South Africa

\* Inherent registrability in terms of Section 9 of the Trade Marks Act 194 of 19943

† In terms of Sections 10(14) and 10(15) of the Trade Marks Act 194 of 1993

Substantive Grounds for Refusal in terms of Section 10 of the Trade Marks Act 194 of 1993)

Registrable trade marks

9.(1) In order to be registrable, a trade mark shall be capable of distinguishing the goods or services of a person in respect of which it is registered or proposed to be registered from the goods or services of another person either generally or, where the trade mark is registered or proposed to be registered subject to limitations, in relation to use within those limitations.

(2) A mark shall be considered to be capable of distinguishing within the meaning of subsection (1) if, at the date of application for registration, it is inherently capable of so distinguishing or it is capable of distinguishing by reason of prior use thereof.

10. Unregistrable trade marks

The following marks shall not be registered as trademarks or, if registered, shall, subject to the provisions of sections 3 and 70, be liable to be removed from the register:

(1) A mark which does not constitute a trade mark;

(2) a mark which –(a) is not capable of distinguishing within the meaning of section 9; or (b) consists exclusively of a sign or an indication which may serve, in trade, to designate the kind, quality, quantity, intended purpose, value, geographical origin or other characteristics of the goods or services, or the mode or time of production of the goods or of rendering of the services; or (c) consists exclusively of a sign or an indication which has become customary in the current language or in the bona fide and established practices of the trade;

(3) a mark in relation to which the applicant for registration has no bona fide claim to proprietorship;

(4) a mark in relation to which the applicant for registration has no bona fide intention of using it as a trade mark, either himself or through any person permitted or to be permitted by him to use the mark as contemplated by section 38;

(5) a mark which consists exclusively of the shape, configuration or color of goods where such shape, configuration or color is necessary to obtain a specific technical result, or results from the nature of the goods themselves;

- (6) subject to the provisions of section 36(2), a mark which, on the date of application for registration thereof, or, where appropriate, of the priority claimed in respect of the application for registration thereof, constitutes, or the essential part of which constitutes, a reproduction, imitation or translation of a trade mark which is entitled to protection under the Paris Convention as a well-known trade mark within the meaning of section 35(1) of this Act and which is used for goods or services identical or similar to the goods or services in question;
- (7) a mark the application for registration of which was made mala fide;
- (8) a mark which contains the coat of arms, seal or national flag of the Republic or, save with the authorization of the competent authority of the convention country concerned, of any convention country;
- (9) a mark which contains any word, letter or device indicating State patronage;
- (10) a mark which contains any mark specified in the regulations as being for the purposes of this section a prohibited mark;
- (11) a mark which consists of a container for goods or the shape, configuration, color or pattern of goods, where the registration of such mark is or has become likely to limit the development of any art or industry;
- (12) a mark which is inherently deceptive or the use of which would be likely to deceive or cause confusion, be contrary to law, be *contra bonos mores*, or be likely to give offence to any class of persons;
- (13) a mark which, as a result of the manner in which it has been used, would be likely to cause deception or confusion;
- (14) subject to the provisions of section 14, a mark which is identical to a registered trade mark belonging to a different proprietor or so similar thereto that the use thereof in relation to goods or services in respect of which it is sought to be registered and which are the same as or similar to the goods or services in respect of which such trade mark is registered, would be likely to deceive or cause confusion, unless the proprietor of such trade mark consents to the registration of such mark;
- (15) subject to the provisions of section 14 and paragraph (16), a mark which is identical to a mark which is the subject of an earlier application by a different person, or so similar thereto that the use thereof in relation to goods or services in respect of which it is sought to be registered and which are the same as or similar to the goods or services in respect of which the mark in respect of which the earlier application is made, would be likely to deceive or cause confusion, unless the person making the earlier application consents to the registration of such mark;
- (16) a mark which is the subject of an earlier application as contemplated in paragraph (15), if the registration of that mark is contrary to existing rights of the person making the later application of registration as contemplated in that paragraph;
- (17) a mark which is identical or similar to a trade mark which is already registered and which is well known in the Republic, if the use of the mark sought to be registered would be likely to take unfair advantage of, or be detrimental to, the distinctive character or the repute of the registered trade mark, notwithstanding the absence of deception or confusion:

Provided that a mark shall not be refused registration by virtue of the provisions of paragraph (2) or, if registered, shall not be liable to be removed from the register by virtue of the said provisions if at the date of the application for registration or at the date of an application for removal from the register, as the case may be, it has in fact become capable of distinguishing within the meaning of section 9 as a result of use made of the mark.

#### Switzerland

R2. A prior trademark containing a generic element does not confer any right to that element, in the same way that a PDO or PGI containing a generic element does not confer any right to that element. For example, the PGI *Saucisse d'Ajoie* does not confer any right to the generic term "sausage" and therefore does not conflict with prior trademarks containing the term "sausage".

#### United Kingdom

If the only conflicting issue is a generic element, then there would no reason to refuse an application.

#### European Union

A GI will be refused if it does not meet the conditions for registration, as set out in reply to Question 23.

*(viii) Genericness*

25. (I) The criteria for determining if a proposed term is considered to be generic are:

<b>Responding Party</b>	<b>the relevant examination authority considers sources such as whether the proposed term is found in dictionaries, relevant websites, databases, or in international standards</b>	<b>the relevant examination authority gives consideration as to whether the product that is identified by the proposed term is already produced and sold in your country by different producers</b>	<b>the relevant examination authority gives consideration as to whether the product that is identified by the proposed term is imported into your country from outside the proposed protected region or manufactured and traded outside the protected region</b>
Australia	Yes	Yes	Yes
Brazil			
Chile	Yes	Yes	Yes
Colombia			
Croatia	Yes	Yes	
Cyprus	Yes (wines and spirits)	Yes (wines and spirits)	Yes (wines and spirits)
Czech Republic			
Ecuador	Yes		
Estonia			Yes
France	Yes		Yes
Georgia	Yes	Yes	
Greece	Yes		Yes
Guatemala	Yes	Yes	No
Hungary	Yes	Yes	
Iceland	Yes	Yes	Yes
Israel	Yes	Yes	Yes
Jamaica	No	Yes	Yes
Japan	Yes		
Kazakhstan			
Lithuania			
Madagascar	Yes	Yes	No
Mexico			
New Zealand	Yes	Yes	Yes
Poland			
Portugal	Yes		
Republic of Korea	Yes		
Republic of Moldova	Yes	Yes	
Romania	Yes		
Russian Federation	Yes	Yes	Yes
Serbia	No	No	No
Singapore	N/A	N/A	N/A
Slovakia			
South Africa	Yes		
Switzerland	Yes (R2)	Yes (R2)	Yes (R2)
United Kingdom	Yes		
United States of America	Yes	Yes	Yes
Uruguay	Yes	Yes	Yes
Viet Nam	Yes	Yes	Yes
European Union			

25. (II) The criteria for determining if a proposed term is considered to be generic are:

<b>Responding Party</b>	<b>the relevant examination authority gives consideration to the consumer perception in your country</b>	<b>If Yes, who is the audience for evaluating whether a term is thought to be a generic or common term that describes a category of goods or services that can come from anywhere?</b>	<b>If Yes, how is the consumer's perception solicited (e.g., survey, national newspapers, etc.)?</b>
Australia	Yes	The audience includes the average consumer of the goods and can include specialized users or consumers.	Consumer perception is ordinarily assessed through examination research using any of the sources previously outlined, and can in some cases include surveys and/or third party observations.
Brazil			
Chile	Yes	INAPI	Request for information from other public authorities associated with the product purportedly identified by the GI or AO, surveys, etc.
Colombia	Yes	That audience is the authority examining the application, which is the Industrial Property Division of the Superintendency of Industry and Trade, based on relevant public information and the documents submitted by intervening parties.	As indicated earlier, evidence and examples can be used freely to demonstrate consumer perceptions.
Croatia	Yes	The consumers of relevant goods or services.	As indicated, e.g. by survey or national newspapers, or any other appropriate evidence.
Cyprus			
Czech Republic			
Ecuador	Yes	The trademark examiner.	It is determined under criteria applied by the examiner and in the light of the product's reputation.
Estonia			
France			
Georgia	Yes	General public	Case by case approach
Greece			
Guatemala	No		
Hungary	Yes		
Iceland			
Israel	Yes	The examination authority (ILPO) will determine based on the perception of the Israeli consumers.	The applicant should supply the evidence supporting the application.
Jamaica	Yes	Average consumer perception.	As determined by the examiner.
Japan	Yes	Domestic consumers	Survey, national newspaper, relevant websites etc.
Kazakhstan			
Lithuania			
Madagascar	Yes	The Malagasy Office for Industrial Property (OMAPI)	None

Responding Party	the relevant examination authority gives consideration to the consumer perception in your country	If Yes, who is the audience for evaluating whether a term is thought to be a generic or common term that describes a category of goods or services that can come from anywhere?	If Yes, how is the consumer's perception solicited (e.g., survey, national newspapers, etc.)?
Mexico			
New Zealand	Yes	New Zealand consumers who purchase the product	By competent authority taking into account whether the term is used to refer to the type of product in question as indicated by competent sources such as dictionaries, newspapers, and relevant websites and how the product is referenced when marketed and used in trade within New Zealand. It is possible that appropriate and reasonable survey evidence from traders and consumers may also be considered by the competent authority.
Poland			
Republic of Korea	Yes	Examiners consider the ordinary course of business when determining whether the proposed term is a common name of the good or customarily used for the good.	
Portugal	Yes	General public	Market survey
Republic of Moldova			
Romania			
Russian Federation	Yes	Consumers of the specific product	Social survey
Serbia	No		
Singapore	N/A		
Slovakia			
South Africa			
Switzerland	Yes R2	The relevant authority or a court, whose decision can be challenged by appeal to a higher authority.	All forms of evidence are admissible, including consumer surveys.
United Kingdom			
United States of America	Yes	The consumer who buys the type of product indicated by the GI.	Consumer perception is not solicited during examination.
Uruguay	Yes	The registration authority.	A broad range of evidence is admissible.
Viet Nam	Yes	Opinion of general consumers shall be collected to determine whether a term is thought to be a generic or common term.	Through various means such as surveys, newspaper, etc.
European Union			

25. (III) The criteria for determining if a proposed term is considered to be generic are:

Responding Party	limited to the factual circumstances in the particular territory (following the so-called "territoriality principle").	other
Australia	Yes	
Brazil		
Chile		
Colombia	Yes	
Croatia		
Cyprus		
Czech Republic	Yes	
Ecuador	Yes	
Estonia	Yes	
France		
Georgia	Yes	
Greece	Yes	
Guatemala	Yes	
Hungary	Yes	Yes The relevant examination authority considers any evidence provided by the person filing an observation.
Iceland		
Israel	No	
Jamaica	No	No
Japan	Yes	
Kazakhstan		
Lithuania		
Madagascar	Yes	Yes In case of dispute, the court will decide.
Mexico		Yes*
New Zealand	Yes	
Poland		
Republic of Korea		
Portugal	Yes	
Republic of Moldova	Yes	
Romania		No
Russian Federation		
Serbia	No	Yes*
Singapore	N/A	N/A
Slovakia		Yes Court decisions.
South Africa		Yes
Switzerland	Yes R2	
United Kingdom		
United States of America	Yes	
Uruguay		
Viet Nam		
European Union	Yes	

## COMMENTS:

### Australia

Consumer perception is considered holistically and can include certain types of use not limited to use in Australia, so long as consumers would be aware of such use.

### Brazil

According to INPI's Technical Note (INPI/CPAPD) n° 06/2017 in force, "it is understood 'of common use' (...) the name that came to be used to denominate the own product or service, its kind or gender, irrespective of geographical origin ". In order to determine whether a name has in fact become common use, various sources are used, preferably information from public and / or official bodies. In other words, any information that proves that the term has become common use is relevant to the finding of the irregularity of the same as GI

### Chile

In accordance with the provisions of Law No. 19.039 on Industrial Property, GIs are considered common or generic in distinguishing a product where they are deemed as such by experts in the matter or by the general public, unless they have been recognized as GIs or AOs under international treaties ratified by Chile.

### Cyprus

As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of article 41 of the European regulation (EU) 1151/2012.

### France

EU observations taken into account since GI projects are subject to a notification pursuant to Directive 2015/1535 (imposed by Council of State decree establishing the procedure).

### Hungary

Pursuant to Article 113 (4) of Hungarian Trademark Act after the communication of data in the procedure for the registration of a geographical indication any person may file an observation with the Hungarian Intellectual Property Office to the effect that the indication or the application does not comply with a requirement of registrability laid down by this Act.

### Iceland

Due to lack of practice in this field in Iceland, the criteria for determining if a proposed term is considered to be generic has not yet been established.

### Japan

The determination concerning if a proposed term is considered to be generic or not is taken place through comprehensive consideration about information from newspapers, books or websites etc. and/or the producing/trading situation in Japan using the term in question.

### Lithuania

See the European Union reply.

### Mexico

\* Although it does not define genericness, Article 163(II) states that the following constitutes an impediment to protection: "[...] The technical, generic or commonly used name of the product for which

protection is sought, and also those designations that everyday language or business practice has turned into usual or generic elements to name the said products;”

#### Poland

The criteria for determining if a proposed term is considered to be generic are defined in Article 41 of Reg. 1151/2012.

#### Republic of Moldova

For the purposes of the Law 66/2008, a generic name is the name of a product which, although it contains an indication of the place or region where the product was originally manufactured or marketed or is a derivative of such an indication, has lost its primary meaning and has become in the Republic of Moldova the common name of a product or it indicates the species, quality, category or any other property or characteristic thereof. (art.7(6), Law nr.66/2008). To establish, whether or not a name has become generic, account shall be taken of all factors, in particular: a) the existing situation in the area from which the name originates and in areas of consumption; b) provisions of the relevant national legislation or, if applicable, the legislation of the country of origin of the name in question. (art.7(7), Law nr.66/2008).

#### Serbia

\* Terms that, due to long-standing use, have become generic names, i.e. usual names for designating specific products; Terms of protected plant varieties or animal species, if they may mislead consumers as to the true origin of product.

#### Singapore

Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.

#### South Africa

State of the Register regarding prior identical or similar trade marks (Sections 10(14) and 10(15) of the Trade Marks Act as per above).

#### United Kingdom

Some of the other options come into play but on a case by case basis.

### **26. Regarding proposed compound terms consisting of multiple components, will an individual term that is perceived to be generic in your country remain available for public use?**

<b>Responding Party</b>	<b>Generic term remains available for public use</b>	<b>If Yes, how is the public notified of such decision?</b>
Australia	Yes	
Brazil	Yes	The object of the record is the geographical name, and it should not have become common use. According to Technical Note INPI / CPAPD n° 04/2017, it is allowed the registration of geographical names accompanied by names of products or services, or of terms that have become common use. In this case, the protection falls on the geographical name, and the term of common use does not become the exclusive use of the applicant.
Chile	Yes	

Responding Party	Generic term remains available for public use	If Yes, how is the public notified of such decision?
Colombia	Yes	The administrative acts performed in such cases do not specifically address this point but grant protection for indications that corresponds to appellations of origin. Acts granting or recognizing appellations of origin imply that constituent terms may not be used by unauthorized persons and that the appellation designates a product whose qualities, characteristics and reputation are attributable to the geographical environment. The public is notified of such acts by means of an e-mail addressed to the applicant, which is then accessible to the public through the agency's website (Virtual Industrial Property Office).
Croatia	Yes	There is no formal notification.
Cyprus	No	
Czech Republic	Yes	If generic status of a term is in doubt, it may be determined by competent courts.
Ecuador		
Estonia	Yes	If generic status of a term is in doubt, it may be determined by competent courts.
France	Yes	
Georgia	Yes	The use of generic term is regulated according to the law. The use of the generic name shall not fall within the scope of Article 11. (Please see Article 11 of the Law on Appellations of Origin of the Goods and the Geographical Indications). It will remain available for public use. There is no need for any specific notification.
Greece	Yes	The product specifications are published for two months and all the involved producer groups are informed by the competent authority.
Guatemala	No	
Hungary		
Iceland	Yes	The public is not notified, but in accordance with honest business practices, an individual term that is perceived to be generic in Iceland will remain available for public use.
Israel	Yes	The law provides for disclaimer of generic elements of a trademark and where such disclaimer is noted in the trademark registration it will appear in the published registration. However, even where an element is not specifically disclaimed it may still be treated as generic by the courts. Registered appellations of origin via the Lisbon Agreement do not specify whether elements of the appellation are generic or not.
Jamaica	Yes	Intellectual Property Journal
Japan	Yes	
Kazakhstan		
Lithuania		
Madagascar	Yes	Anyone interested could request a prior art search to find out if no prior right could interfere with the registration of a sign (trademark or geographical indication). At the same time, the Office may notify, where appropriate, that the sign is a generic term.
Mexico	Yes	
New Zealand	Yes	Unless the individual term is itself protected as a geographical indication.
Poland	Yes	The public is not notified, because this is obvious (Reg. 1151/2012)
Portugal	Yes	
Republic of Korea	Yes	
Republic of Moldova	Yes	Information about generic term is published in the Official Bulletin of Intellectual Property (INID code (526) Disclaimer), in the Database

Responding Party	Generic term remains available for public use	If Yes, how is the public notified of such decision?
		Geographical Indications <a href="http://www.db.agepi.md/GeogrIndications/SearchGI.aspx">http://www.db.agepi.md/GeogrIndications/SearchGI.aspx</a>
Romania	No	
Russian Federation	Yes	
Serbia	Yes	There is no such decision, but that terms can be registered as part of the trademarks with multiple components.
Singapore	N/A	
Slovakia	Yes	If generic term of multiple components is in doubt, it may be determined by competent authorities.
South Africa	Yes	The trade mark will be registered subject to a disclaimer of the generic term as being a word reasonably required for use in the trade, and being a term considered common in the class as applied for, based on the state of the Trade Marks Register.
Switzerland	Yes	R2. As with trademarks, no decision is made on the generic nature of one of the terms of a registered PDO or PGI during the registration procedure. In case of a dispute, this is a matter for the courts.
United Kingdom	Yes	
United States of America	Yes	A disclaimer of the generic term is included on the registration certificate.
Uruguay	Yes	This is recorded in the grant decision, which is published in the Official Gazette and in registration data that are available online.
Viet Nam	Yes	Disclaimer for such generic term in a compound term shall be stated in the protection title.
European Union	Yes	If generic use of any term is in doubt, it may be determined by competent courts.

#### COMMENTS:

##### Australia

For compound terms protection is for the term as a whole rather than the individual components. Therefore, any component that was perceived to be generic would be still available for public use. Disclaimers in respect of descriptive material contained in trademarks are no longer routinely used in Australia. There does not appear to have been any confusion about descriptive terms remaining available for use.

##### Chile

While components that are considered generic in the recognition of a GI or AO are not publicly announced, it is understood that nobody can claim exclusive usage rights over a generic term included in a GI or AO.

##### Cyprus

As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of article 13 paragraph 1 subparagraph 2 of the European regulation (EU) 1151/2012.

France

No particular information procedure.

Japan

For domestic consumers, it should be self-evident that a part of the compound term is generic. But the Ministries explain in their websites so as to prevent the misunderstanding.

Lithuania

See the European Union comments.

Mexico

According to Article 162 of the LPI, “the commonly used or generic name of a product may be included as an element of the appellation of origin or geographical indication. However, the commonly used or generic name shall in all cases be considered as subject to free use.”

Furthermore, Article 163(II) stipulates that the following may not be protected as appellations of origin or geographical indications:

The technical, generic or commonly used name of the product for which protection is sought, and also those designations that everyday language or business practice has turned into usual or generic elements to name the said products;

If the appellation of origin or geographical indication is refused on such grounds, the IMPI shall make its decision known to the applicant through a duly founded and justified ruling.

Republic of Korea

The term perceived to be generic remains available for public use. The court will determine whether or not the use is legitimate if a petition is filed against trademark infringement.

Singapore

Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.

*(ix) Third Parties Observations/Oppositions*

**27. (i) Are applications for the protection of a geographical indication published for opposition or public notice/observations?**

Responding Party	Publication of application	If Yes, the publication applies to:		
		domestic applications	foreign geographical indication applications	foreign applications filed via international agreements
Australia	Yes	Yes	Yes	Yes
Brazil	Yes	Yes	Yes	Yes*
Chile	Yes	Yes	Yes	
Colombia	Yes	Yes	Yes	Yes
Croatia	Yes	Yes	Yes	Yes
Cyprus	Yes			
Czech Republic	No			
Ecuador	Yes	Yes	Yes	Yes
Estonia	Yes	Yes	Yes	Yes
France	Yes	Yes	Yes	
Georgia	Yes	Yes		Yes

Responding Party	Publication of application	If Yes, the publication applies to:		
		domestic applications	foreign geographical indication applications	foreign applications filed via international agreements
Greece	Yes	Yes		
Guatemala	Yes	Yes	Yes	Yes
Hungary	Yes	Yes	Yes	Yes
Iceland	Yes	Yes	Yes	No
Israel	Yes	Yes	Yes	Yes
Jamaica	Yes	Yes	Yes	Yes
Japan	Yes	Yes	Yes	Yes
Kazakhstan	No			
Lithuania				
Madagascar	No			
Mexico	Yes	Yes		Yes
New Zealand	Yes	Yes	Yes	Yes
Poland	Yes	Yes		
Portugal	Yes	Yes	Yes	Yes
Republic of Korea	No			
Republic of Moldova	Yes	Yes	Yes	Yes
Romania	Yes	Yes		Yes
Russian Federation	Yes	Yes	Yes	
Serbia	No			
Singapore	N/A	N/A	N/A	N/A
Slovakia	No			
South Africa	Yes	Yes		
Switzerland	Yes R2 and R4	Yes	Yes	Yes
United Kingdom	Yes	Yes	Yes	Yes
United States of America	Yes	Yes	Yes	Yes
Uruguay	Yes	Yes	Yes	Yes
Viet Nam	Yes	Yes	Yes	Yes
European Union	Yes	Yes	Yes	Yes

**27. (ii) Are applications for the protection of a geographical indication published for opposition or public notice/observations?**

Responding Party	If Yes, who can lodge an opposition?	If Yes, what are the grounds for opposition?
Australia	Any interested party including trade mark owners and trade mark applicants. Standing is not required.	– Grounds for objection under both the Wine Australia Act and the Trade Marks Act include that there are prior trade mark rights including earlier trade mark applications and registrations and trade marks the rights for which have been acquired through use; the term for which protection is sought is in common use to

Responding Party	If Yes, who can lodge an opposition?	If Yes, what are the grounds for opposition?
		describe a type or style of wine or a grape variety, or is not capable of distinguishing the goods and services. – Further grounds for opposition under the Trade Marks Act include that the application has been filed in bad faith, that use of the term is likely to be misleading or deceptive, and that use of the term is contrary to law
Brazil	Any person legitimately interested.	After the formal examination is concluded, the application for registration is published in RPI (Industrial Property Gazette, official publication of INPI). Since the publication, a period of sixty days is opened for legitimate third parties to express their views on the case. There are no restrictions on the content or content of third-party statements.
Chile	Any natural or legal person	Opposing parties must demonstrate their interest and base their opposition on one of the registration prohibitions laid down in article 95 of Law No. 19.039 on Industrial Property, i.e. where signs: a) do not conform to the legal definition of a GI or AO; b) are contrary to morality or public order; c) may mislead or confuse consumers as to the origin of the GI or AO or the attributes of the products in question; or d) are common or generic GIs or AOs, unless they have been recognized as GIs or AOs under international treaties signed by Chile.
Colombia	An opposition can be lodged by anyone demonstrating a legitimate interest in the proceedings (Decision No. 57530 of 2012, point 7.3.2).	Oppositions can be filed on the grounds set out in Article 202 of Decision 486 of 2000, as amended by Decision 689 of 2008, regulated internally by means of Decree 729 of 2012 (prior trademarks).
Croatia	<ul style="list-style-type: none"> <li>- Any interested person having its principle place of business or domicile in the territory of the Republic of Croatia;</li> <li>- The owner of a trade name or a registered trademark.</li> </ul>	<ul style="list-style-type: none"> <li>- Non-compliance with the requirements for the protection provided by the law;</li> <li>- GI is in its entirety or in part identical with a trade name registered in good faith and its protection would jeopardize the right of the trade name or an earlier trade mark, having regard to the actual likelihood of confusion.</li> </ul>
Cyprus		
Czech Republic		
Ecuador	All persons who consider that their intellectual property rights have been infringed.	1. The mark has been registered or requested previously. 2. There is some ground for absolute prohibition. 3. A famous, but unregistered, mark is infringed. 4. A prior right exists, unknown to the applicant.

Responding Party	If Yes, who can lodge an opposition?	If Yes, what are the grounds for opposition?
Estonia	Any interested person or supervisory agency.	Any interested person who considers that a registration is contrary to the requirements of §§ 4, 24, 25 or subsections 26 (1) or (4) of Geographical Indication Protection Act, or to public order or accepted principles of morality, may file an appeal with a county court as proceedings on petition to declare the registration unlawful and require that the Patent Office restore the processing and make a new decision. Any interested person or supervisory agency who considers that the applicant, pursuant to subsection 9 (1) of the Act, had no right to file a registration application, may submit a petition in court against the applicant, his successor or legal successor to declare the registration unlawful. The court shall hear the declaration of the registration unlawful as proceedings on petition pursuant to the Code of Civil Procedure. Different time frames.
France	There is no formal opposition procedure. Anyone can submit observations.	
Georgia	Any interested person.	Statements of opposition shall be examined only if they show that the protection of the name proposed would: (a) conflict with the name of a plant variety or an animal breed and as a result is likely to mislead the consumer as to the true origin of the product; (b) be wholly or partially homonymous with that of a name already protected in Georgia; (c) in the light of a trade mark's reputation and renown and the length of time it has been used, be liable to mislead the consumer as to the true identity of the product; (d) jeopardize the existence of an entirely or partly identical name or of a trade mark or the existence of products which have been legally on the market for at least five years preceding the date of the publication of this notice; (e) or if they can give details from which it can be concluded that the name for which protection is considered is generic.
Greece	In the case of registration applications or applications for amendment of specifications, any Member State or Third Country may lodge an opposition statement, within three months from the date of publication, in the Official Journal	- The conditions referred to in Article 5 and Article 7(1) of Regulation 1151/2012 are not complied with; - The registration of the name proposed would be contrary to Article 6(2), (3) or (4) of Regulation 1151/2012; - The registration of the name proposed would jeopardize the existence

Responding Party	If Yes, who can lodge an opposition?	If Yes, what are the grounds for opposition?
	<p>of the European Union, according to the Annex III of the Reg. (EC) 668/2014. A natural or legal person, having a legitimate interest established or resident in a Member state other (other than the one applied for the registration) may also object to the proposed registration by lodging a duly substantiated statement according to the Annex III of the Reg. (EC) 668/2014. In the case of a natural or legal person established or resident in Member state, such statement shall be lodged through the Member state within a time-limit permitting an objection in the Commission of the E.U. Oppositions of natural or legal persons established in Greece are submitted to the following Hellenic Authority: Ministry of Rural Development and Food Directorate of Quality Systems, Organic Farming &amp; GI's, Unit of PDO, PGI, TSG and other quality schemes.</p>	<p>of an entirely or partly identical name or of a trade mark or the existence of products which have been legally on the market for at least five years preceding the date of the publication provided for in point (a) of Article 50(2) of Regulation 1151/2012; or -The name for which registration is requested is a generic term.</p>
Guatemala	<p>Anyone who has a legitimate interest, including other States or countries; an interest is legitimate when an opposition is well founded.</p>	<p>i. the abstract does not contain a description of one or more of the necessary conditions for the geographical indication or appellation of origin to be so considered; ii. the likelihood or risk of misleading the consumer: the sign filed in the application may affect an already registered, totally or partly homonymous indication or appellation, or it may be inadmissible under article 80 of the Industrial Property Law covered by Decree 57-2000 of the Congress of the Republic of Guatemala.</p>
Hungary	<p>It is not possible to file an opposition against GI applications. After the communication of data in the procedure for the registration of a geographical indication any person may file an observation with the Hungarian Intellectual Property Office to the effect that the indication or the application does not comply with a requirement of registrability laid down by the Act.</p>	<p>The observation must be based on reasoned grounds assessed in relation to the territory of Hungary, such as: - the conditions referred to in the definition of the geographical indication; - the registration of the name proposed would be contrary to the rules of the Trademark Act, as it conflicts with names of plant varieties and animal breeds, with homonyms or with prior trademarks; - the name for which registration is requested is a generic name.</p>
Iceland	<p>Everybody that has legal interests at stake.</p>	<p>Statements of objection shall be upheld and the application refused if they show that: a. the conditions laid down in Act No. 130/2014 are not fulfilled, b. the proposed registration will wholly or partly impinge upon intellectual property rights</p>

Responding Party	If Yes, who can lodge an opposition?	If Yes, what are the grounds for opposition?
		granted by law, or c. the product name is a generic name.
Israel	Any person	The designation whose registration is applied for is not an appellation of origin, but merely an indication of provenance or type; the person who claims to be the person entitled to the appellation is not entitled to use it.
Jamaica	A person having interest in the geographical indication.	(a) The geographical indication is excluded from protection by virtue of the provisions of section 6 of the Protection of GI Act; (b) The applicant is not entitled to apply for registration of the geographical indication; or (c) The information required under section 9(3) has not been furnished or is incorrect.
Japan	Anyone	Only opposition that satisfies the requirement of refusal will be taken into account.
Kazakhstan		
Lithuania		
Madagascar		
Mexico	Any third party who justifies his or her interest with respect to an application for a declaration of protection of domestic appellations of origin or geographical indications (Article 165bis (5)) Any third party who justifies his or her interest with respect to an application for the registration of appellations of origin or geographical indications protected abroad (Article 170).	With respect to declarations of protection for domestic appellations of origin or geographical indications, the third party may lodge an opposition to the application for a declaration of protection and make observations or objections regarding compliance with Articles 163 and 165bis of the LPI. With respect to applications for the registration of appellations of origin or geographical indications protected abroad, the third party may lodge an opposition to the application for registration and make observations or objections regarding compliance with Articles 163 and 167 of the LPI.
New Zealand	Only interested person can oppose the registration of a geographical indication under the Geographical Indications (Wine and Spirits) Registration Act 2006. Where application for registration is made under the Trade Marks Act 2002, any person can oppose the registration.	the applicable grounds for opposing the registration under the Geographical Indications (Wine and Spirits) Registration are any of the specified grounds that the Registrar may refuse registration and include failing to meet the definition of a geographical indication, it is identical or confusingly similar to a prior existing geographical indications or trade mark, its use or registration is likely to be offensive, it is identical to the customary name for the product, or is the common name for a plant variety.
Poland	Natural or legal person or group which has a legitimate interest.	any legitimate interest

Responding Party	If Yes, who can lodge an opposition?	If Yes, what are the grounds for opposition?
Portugal	Any interested party.	Genericness; prior rights; non-compliance with the definitions; deceptiveness; offensive; against public order; unfair competition.
Republic of Korea		
Republic of Moldova	Within a three-month period from the date of publication of the application, any person having a legitimate interest is entitled to file an objection against the registration.	Objection against the registration of a geographical indication shall be admissible only if it: a) demonstrates that the conditions mentioned in the definition of the geographical indication are not met; or b) demonstrates that the name requested for registration: is identical with or similar to a previously registered trademark for products identical or similar to those for which registration of the geographical indication is requested; is in conflict with the totally homonymous name of a plant variety or a breed of animal for comparable products. c) demonstrates that the registration of the name proposed would damage an already protected and entirely or partly homonymous geographical indication or the products which have been legally on the market for at least 5 years preceding the date of publication; or d) presents evidence from which it can be concluded that the name for which registration is requested is generic.
Romania	The holder of an earlier right / person having a legitimate interest.	The opposition must be based on justified justifications in relation to on national territory, such as: - the conditions mentioned in the definition of the geographical indication, - the registration of the proposed name would be contrary to national rules; - The name for which registration is requested is a generic name
Russian Federation	Anyone	Following the publication of information about an application and before a decision is made regarding state registration of an appellation of origin of a product and the granting of an exclusive right to an appellation, or denial of state registration of an appellation of origin of a product and/or denial of an exclusive right to an appellation, any person has the right to file a written statement with the federal executive government authority for intellectual property containing arguments against the granting of legal protection for an appellation of origin of a product or against the granting of an exclusive right to use an appellation of

Responding Party	If Yes, who can lodge an opposition?	If Yes, what are the grounds for opposition?
		origin of a product (Article 1522(9) of the Russian Federation Civil Code).
Serbia		
Singapore	N/A	N/A
Slovakia		
South Africa	Opposition is made in terms of Section 21, read with Regulation 19 of the Trade Marks Act 194 of 1993, Section 21: Any interested person may oppose the application within three months from the date of the advertisement of an application in terms of section 17 or within such further time as the registrar may allow, oppose the application in the manner prescribed.	Any of the provisions detailed in Section 10 (as set out above).
Switzerland	R2.1. The registration of a PDO or PGI may be opposed by anyone who has a legitimate interest, and by the cantons in the case of a Swiss name, trans-border name or foreign name that is entirely or partly homonymous with a cantonal geographical entity. R2.2. The registration of a PDO or PGI may be opposed by anyone who has a legitimate interest, and by the cantons in the case of a Swiss name, trans-border name or foreign name that is entirely or partly homonymous with a cantonal geographical entity or a traditional name used in Switzerland. R4. Anyone. R5. An opposition may not be filed against the registration of a geographical mark (Article 31(1)bis of the TmPA).	R2. The name does not comply with the definition of an appellation of origin or a geographical indication. The applicant group is not representative. The proposed registration as an appellation of origin or geographical indication would jeopardize a prior trademark or prior use of the name. (this list is not exhaustive)  R4. No limit has been placed on the grounds.
United Kingdom	Persons having a legitimate interest.	Opposition must be based on reasoned grounds assessed in relation to the territory of the UK such as: - The conditions referred to in the definitions of the geographical indication - The registration of the name proposed would be contrary to UK law.
United States of America	Any interested party who believes it will be harmed by registration.	Prior rights, genericness and any other refusal currently available under the trademark system.
Uruguay	Interested third parties.	Infringement of the law, breach of acquired rights, misleading indication, grounds for nullity, bad faith and unfair competition.
Viet Nam	As from the date an industrial property registration application is published in the Official Gazette of Industrial Property till prior to the date of issuance of a decision on grant of a protection title, any third party shall have the right to express opinions to the concerned state	Opinions must be made in writing and be accompanied by documents or must quote the source of information. (Article 112 of IP Law).

Responding Party	If Yes, who can lodge an opposition?	If Yes, what are the grounds for opposition?
	management agency in charge of industrial property rights on the grant or refusal to grant a protection title in respect of such application. (Article 112 of IP Law)	
European Union	Persons having a legitimate interest.	Opposition must be based on reasoned grounds assessed in relation to the territory of the EU, such as: - the conditions referred to in the definition of the geographical indication - the registration of the name proposed would be contrary to the EU rules as it conflicts with names of plant varieties and animal breeds, with homonyms or with prior trademarks - the name for which registration is requested is a generic name.

#### COMMENTS:

##### Brazil

\* For GIs dealt with under international agreements, it is up to the technical examination area to define the terms of these registries.

In Brazil, the terminology "third-party manifestation" is used for the possibility of interference by third parties interested in the process. Not necessarily oppositions are made, and only information that supports the process of analyzing the registration application may be added.

##### Chile

Currently, foreign GIs and AOs for which protection is sought under international agreements are subject to public consultation to ascertain any third-party objections to them. For wines and alcoholic beverages, the publication of applications also includes foreign applications submitted under international treaties.

##### Cyprus

For Wines, as per provisions of Regulation (EU) 1308/2013 and (EC) 607/2009

For Spirits, as per provisions of Regulation (EC) 110/2008 and (EU) 716/2013

As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of article 49 of the European regulation (EU) 1151/2012.

##### Estonia

Notices of entries of registration data, entries to amend a registration data entry and deletions of a registration entry shall be published in the official gazette of the Patent Office.

##### Iceland

Statements of objection to product names and product specifications published according to paragraph 1 can be made within a period of two months from the publication date. Statements of objections shall be filed in writing to the Icelandic Food and Veterinary Authority.

Lithuania

See the European Union reply.

Republic of Moldova

Within a two-month period from the date of publication of the list of geographical indications received according the Association Agreement between the Republic of Moldova and EU, any person having a legitimate interest is entitled to file an objection against the registration.

Russian Federation

The federal executive government authority for intellectual property publishes in official bulletin information about applications that have been filed for an appellation of origin of a product, with the exception of information containing a description of the special qualities of the product (Article 1522(9) of the Russian Federation Civil Code).

Singapore

Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.

Slovakia

At national level GI of non-agricultural products are not published for opposition.

South Africa

Publication applies to all applications lodged in terms of the Trade Marks Act 194 of 1993.

**28. How is the public notified of a decision on such an opposition?**

Responding Party	Notification of public about a decision on opposition
Australia	Trade mark opposition decisions are published on the IP Australia website, and also available on the Australasian Legal Information Institute (Austlii) online database. Objections made under the Wine Australia Act and heard by the Registrar of Trade Marks are published on the Australasian Legal Information Institute (Austlii) online database.
Brazil	The public is notified of all formalities concerning an application for registration of GI through the Industrial Property Gazette (RPI), the official publication of the INPI.
Chile	Under the recognition system established by Law No. 19.039 on Industrial Property and administered by INAPI, all decisions issued in registration proceedings are notified by means of an e-bulletin prepared and published daily on the INAPI website, which can be accessed remotely and free of charge. For decisions referring to oppositions, applicants are notified by means of a registered letter to their home address.
Colombia	The public is notified by means of the writ of opposition, which can be transmitted upon request to an electronic address and is referred for follow-up and a decision. Such oppositions are settled definitively by the administrative act issued to decide on them, which is transmitted to the parties through the Industrial Property System (SIPI) and by e-mail. The decision can be consulted at any time by any interested party through the agency's webpage
Croatia	Information on an opposition and, if the opposition is upheld, information on termination of the protection and the legal basis thereof will be entered in the register, which is public.
Cyprus	As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of article 49 of the European regulation (EU) 1151/2012. Hence, the Competent authority publishes the decision concerning an opposition in Cyprus

	Gazette in order to give the opportunity to any person having legitimate interest to appeal. For Wines, as per provisions of Regulation (EU) 1308/2013 and (EC) 607/2009. For Spirits, as per provisions of Regulation (EC) 110/2008 and (EU) 716/2013.
Czech Republic	N/A
Ecuador	By order, the public is notified in print or electronically by e-mail.
Estonia	Court information system.
France	Publication of the summary of observations received.
Georgia	In case the decision is changed, the public will be informed through the same means.
Greece	Either the objection is accepted or rejected; a ministerial decision is issued accepting or rejecting the application of registration. The ministerial decision is sent by the competent authority to the applicant group, published at the web site of the ministry and sent to all those parties that are involved with the product.
Guatemala	On the premises of the Registry.
Hungary	It is not possible to file an opposition against GI applications. The decision on an observation will be published in the Official Journal of the Hungarian Intellectual Property Office.
Iceland	The Icelandic Food and Veterinary Authority shall publish its decision on the registration of a product name and a product specification by way of a public notice in Section B of the Government Gazette of Iceland. A decision on the registration of a product name shall otherwise be made in accordance with the provisions of the Administrative Procedures Act No. 37/1993.
Israel	Published in the official website.
Jamaica	No obligation to notify the public.
Japan	Publication on Ministry' websites. The public notice with regard to liquor GIs through official gazettes.
Kazakhstan	
Lithuania	See the European Union reply.
Madagascar	
Mexico	According to Articles 165bis (6) and 172 of the LPI, the Institute shall notify the applicant of any oppositions received during the procedures for declarations for domestic appellations of origin and geographical indications, and for the recognition of appellations of origin and geographical indications. The current legislation does not stipulate that oppositions or rulings thereon must be notified to the public.
New Zealand	Opposition decisions are given to the applicant for registration and the opponent. Decisions are published on the register of geographical indications. Copies of the decision are published on NZLII website.
Poland	The public is not notified of a decision on such an opposition.
Portugal	By the Official Bulletin (published online).
Republic of Korea	Anyone can file an opposition in accordance with Article 60 (1), the result will be notified to the parties involved and the public can access the result through search engines.
Republic of Moldova	For applications submitted through the national procedure, decisions are published in the Official Bulletin and in the database <a href="http://www.db.agepi.md/GeogrIndications/DeciziiEmise.aspx">http://www.db.agepi.md/GeogrIndications/DeciziiEmise.aspx</a> For applications submitted under the Lisbon Agreement, decisions are published in the Official Bulletin of Intellectual Property.
Romania	Opposition is not published; the opposition of the application for geographical indication is announced
Russian Federation	N/A
Serbia	
Singapore	N/A. Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.
Slovakia	Publication in the Official Journal of the Industrial Property Office of the Slovak Republic (only for agricultural products).

South Africa	The status of the trade mark application being opposed is updated to reflect "Oppositions lodged" on the Trade Marks Register. Once the opposition is resolved the status will be updated to either "Registered" (if opposition was unsuccessful) or "Refused" (if opposition was successful).
Switzerland	R2. Decisions on oppositions are notified through a press release. If the opposition is rejected, the objector may appeal and the decision on the appeal is published. R4. A report on the results of the public consultation is published.
United Kingdom	Publication in the Official Journal of the UK.
United States of America	All documents related to the application and the opposition are available online.
Uruguay	The final decision is published in the Industrial Property Gazette.
Viet Nam	Written opinions of the third party are only notified to the applicant for feedback. After receiving the applicant's feedback, when necessary, the NOIP shall notify the feedback to the third party to respond in writing to that feedback. When necessary and upon the request of both parties, the NOIP shall organize face-to-face meetings between the third party and the applicant to further clarify the matter challenged by an opposition.
European Union	Publication in the Official Journal of the EU.

*(x) Ownership/Right of Use*

**29. Do the laws or standards applied to products designated by a geographical name ensure that the use of such geographical names is restricted to the corresponding beneficiaries of the geographical indication?**

Responding Party	Use restricted to the beneficiaries	If Yes, can such use be restricted to the beneficiaries thereof without formally identifying a holder of the geographical indication?
Australia	No	
Brazil	Yes	Yes
Chile	Yes	Yes
Colombia	Yes	No
Croatia	Yes	No
Cyprus	Yes	No
Czech Republic	No	
Ecuador	Yes	No
Estonia	No	
France	No	
Georgia	Yes	Yes
Greece	No	
Guatemala	No	
Hungary	No	
Iceland	Yes	Yes
Israel	Yes	No
Jamaica	Yes	No
Japan		
Kazakhstan	No	
Lithuania		
Madagascar	Yes	Yes
Mexico	Yes	No
New Zealand	Yes	Yes
Poland	Yes	Yes
Portugal	No	
Republic of Korea	No	

Responding Party	Use restricted to the beneficiaries	If Yes, can such use be restricted to the beneficiaries thereof without formally identifying a holder of the geographical indication?
Republic of Moldova	Yes	No
Romania	No	
Russian Federation	Yes	No
Serbia	Yes	Yes
Singapore	N/A	
Slovakia	No	
South Africa	Yes	
Switzerland	Yes (R3)	Yes
United Kingdom	No	
United States of America	No	
Uruguay	Yes	No
Viet Nam	Yes	No
European Union	No	

#### COMMENTS:

##### Australia

The owner of a CTM has the right to authorize or not authorize use of the CTM, so they can authorize any party that meets the requirements of the rules. GIs for wine registered under the Wine Australia Act can be used by anyone meeting the requirements of that Act.

##### Brazil

The Brazilian IP Law establishes that:

Art. 182. The use of the geographical indication is restricted to the producers and service providers established in the locality, being also required, in relation to the denominations of origin, the fulfillment of quality requirements.

##### Chile

Under the system established by Law No. 19.039 on Industrial Property and administered by INAPI, GIs and AOs are collective, such that any producers, manufacturers or artisans that carry out their activities within the specified geographical area, including those not among the original applicants for recognition, may use the GI or AO so long as the product matches both the description provided in the recognition decision and the method of production, extraction or processing of the product covered by the regulation of use and control. The same applies under the recognition system established by Law No. 18.455 on wines and alcoholic beverages.

##### Colombia

Appellations of origin are understood as collective rights, such that their holder is the Colombian State (which delegates management to a third party). Their use is restricted to authorized persons, as indicated in Articles 207 and 208 of Decision 486 of 2000.

##### Cyprus

As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of article 46 of the European regulation (EU) 1151/2012.

#### Czech Republic

Use is permitted to any operator marketing a product corresponding to the specification.

#### Greece

Once a PGI or a PDO is registered in the Community Register for PGIs or PDOs anyone can use the above nominations if he meets the product specifications.

#### Hungary

Use is permitted to any operator marketing a product corresponding to the specification.

#### Israel

In AOs and TMs a holder must be identified.

#### Japan

Any person may use any GI protected under the GI Act provided that such use is related to the goods as identified by that GI and in compliance with the GI Act.

#### Madagascar

No certificate of registration being issued, national legislation does not recognize any "holder" of a geographical indication

#### Mexico

According to Articles 160 and 165*bis* (14) of the LPI, appellations of origin and geographical indications are under the ownership of the authorities of the Federation and may be used only when authorized by the Institute.

Article 176 states that "the holder of a registered and recognized foreign appellation of origin or geographical indication is entitled to take legal actions to protect the rights thereof".

In addition, Article 177 indicates that "the recognition of an appellation of origin or geographical indication protected abroad shall not have any effect against any person who markets, distributes, acquires or uses the product to which the appellation or indication applies after the said product has been placed lawfully on the market by its owner or a licensee.

This case shall include the importation by any person of lawful products to which the foreign appellations of origin or geographical indications apply, for use, distribution or marketing in Mexico.

The conduct of any activity provided for in this Article shall not constitute either an administrative infringement or an offence within the meaning of this Law.

#### Portugal

The GI/AO may be used by any person complying with the specified production rules.

#### Russian Federation

Pursuant to Article 1518(2) of the Russian Federation Civil Code, persons who have registered an appellation of origin of a product are granted the exclusive right to use this appellation, which is confirmed by a certificate or certificates, provided that the product produced by each such person meets the requirements of Article 1516(1) of the Russian Federation Civil Code.

#### Singapore

Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.

Slovakia

Use is permitted to any operator marketing a product corresponding to the specification.

South Africa

Refer to response to question 4.

United Kingdom

Use is permitted to any operator marketing a product corresponding to the Regulations of use.

United States of America

Those entitled to use the GI on their products do so as authorized users determined by the owner of the GI.

European Union

Use is permitted to any operator marketing a product corresponding to the specification.

**30. The right to use:**

<b>Responding Party</b>	<b>shall be obtained without additional procedure following registration of the geographical indication</b>	<b>shall be granted through a separate authorization procedure under the following conditions and costs</b>	<b>shall be periodically renewed for an authorized use to continue</b>
Australia	Yes	Yes	
Brazil	Yes	No	No
Chile	Yes		
Colombia		Yes The right to use may be requested by (i) applicant beneficiaries with a legitimate interest; (ii) beneficiaries who are not applicants but who meet the conditions set out in Article 207 of Decision 486 of 2000 (extractors, producers or processors operating in the geographical area and complying with requirements imposed by competent national offices); and (iii) persons marketing the protected products and requesting authorization to use. Requests should be accompanied by: - A statement of interest in using the AO, affirming knowledge of the rules and obligations and agreeing to abide by them. - A certificate of conformity with product qualities and characteristics in accordance with the certification system in place. This procedure is regulated by point 7.6 of Decision No. 57530.	Yes

Responding Party	shall be obtained without additional procedure following registration of the geographical indication	shall be granted through a separate authorization procedure under the following conditions and costs	shall be periodically renewed for an authorized use to continue
		The administrative fee for requesting authorization in 2018 is \$174,500 (in person) - \$143,000 (online).	
Croatia		<p style="text-align: center;">Yes</p> <p>The procedure is initiated by an application which contains a request for the entry of the right of use, evidence of performing a specific activity, evidence of the entrusted competent inspection authority with regular control of compliance with the requirements of the right of use provided by the applicant, the evidence regarding the control of products or services provided by the competent inspection authority. The total amount of registration costs (including examination and maintenance) for domestic indications is EUR 210 and for foreign indications is EUR 615.</p>	Yes
Cyprus		Yes	Yes
Czech Republic	Yes		
Ecuador	No	<p style="text-align: center;">Yes</p> <p>Persons directly engaged in extracting, producing or preparing products designated by a protected appellation of origin who carry out said activity within the geographical area defined in the respective notice of grant of protection may apply to the competent national intellectual rights authority for authorization to use the appellation of origin. Authorization to use it may also be granted by public or private entities that represent the beneficiaries of the appellations of origin, in accordance with the provisions of the relevant regulations. When the competent national intellectual rights authority considers that examination of the application so requires, it may request information or documents from persons, associations or authorities, as the case may be.</p>	Yes
Estonia	Yes		
France		<p style="text-align: center;">Yes</p> <p>Certification of a GI company by an accredited control body.</p>	
Georgia	Yes		
Greece		<p style="text-align: center;">Yes</p> <p>The producer is obliged to submit an application to ELGO-DEMETER who is an organization authorized to grant certification to enterprises, to carry out controls in cooperation with the Directorates of the Rural Development of the Prefectures, to ensure compliance with the specifications, to certify the products in question as well as to keep a register of the enterprises</p>	Yes

Responding Party	shall be obtained without additional procedure following registration of the geographical indication	shall be granted through a separate authorization procedure under the following conditions and costs	shall be periodically renewed for an authorized use to continue
		approved for the usage of PDO and PGI indications; there is no cost for the certification.	
Guatemala	No	No	No
Hungary	Yes		
Iceland	Yes	No	No
Israel	Yes	No	Yes
Jamaica	Yes	No	No
Japan	Yes		
Kazakhstan	Yes		
Lithuania			
Madagascar	Yes	No	No
Mexico		Yes	Yes
New Zealand	Yes	<p>Yes</p> <p>Where a geographical indication is protected under the Geographical Indications (Wine and Spirits) Registration Act 2002 the right to use the registered geographical indication can be obtained without additional procedures following registration. Where a geographical indication is protected as a collective mark or certification mark under the Trade Marks Act 2002, the collective organization or certifying body can require use be subject to authorization (licensing) provisions specifying conditions and costs, and require authorization to be periodically renewed for continued use.</p>	Yes
Poland	No	<p>Yes</p> <p>Verification of a product's conformity with the corresponding product specification is carried out by the regional AFQIs or by private control bodies (CBs) accredited and authorized by the Ministry of Agriculture and Rural Development.</p>	Yes
Portugal	Yes		
Republic of Korea	Yes	No	No
Republic of Moldova		<p>Yes</p> <p>In order to obtain the right to use of a protected designation of origin or geographical indication the natural or legal person from the relevant geographical area producing products in accordance with the provisions of the product specification of protected designation of origin or geographical indication must fulfill the following conditions: 1) be a member of the group in the defined geographical area, which applied for the registration of the designation of origin or the geographical indication; (2) be attested by the group to which it belongs concerning its compliance with the requirements of the</p>	

Responding Party	shall be obtained without additional procedure following registration of the geographical indication	shall be granted through a separate authorization procedure under the following conditions and costs	shall be periodically renewed for an authorized use to continue
		specification corresponding to the protected geographical indication or protected designation of origin for which it wishes to acquire the right of use. The application for granting the right to use the protected designation of origin or protected geographical indication and recording as the producer of the corresponding product and / or raw material for its production, as appropriate, shall be addressed to the competent authority designated in accordance with the Law 66/2008 and is submitted to the group in the defined geographical area.	
Romania	Yes		Yes
Russian Federation		31500 RUB	Yes
Serbia	No	Yes Status of the authorized user of the indication of geographical origin can be granted to any natural or legal person as well as associations of those natural and legal persons, if, on the specific geographical area, they produce products named after that geographical area which possess the quality, specific characteristics or reputation in compliance with the data on specific characteristics of products from article 22 or article 23 of the Law.	Yes
Singapore	N/A	N/A	N/A
Slovakia	Yes		
South Africa			Yes
Switzerland	Yes (R1, R4 and R5)	Yes (R2 and R3)	Yes The beneficiaries must be certified, at their own expense, by a certification body (R2) or monitored regularly by the cantonal and federal authorities (R3).
United Kingdom	Yes		
United States of America	Yes	No	No
Uruguay	Yes	No	No

Responding Party	shall be obtained without additional procedure following registration of the geographical indication	shall be granted through a separate authorization procedure under the following conditions and costs	shall be periodically renewed for an authorized use to continue
Viet Nam		Yes The granting of right to use a geographical indication shall be conducted by the management body of such geographical indication, in accordance with the regulation and fees stipulated by the management body.	Yes
European Union	Yes		

#### COMMENTS:

##### Australia

Once a CTM GI is registered, the right to use the GI must be authorized by the owner of the CTM and be in accordance with the rules. The rules governing the CTM will set out the conditions for use to be authorized. This may involve a fee, depending on the conditions set by the owner of the CTM. For GIs for wine goods once the GI is registered there is no additional procedure for the right to use, however, the use must meet the requirements of the Wine Australia Act.

##### Brazil

In fact, the GI registry in Brazil does not constitute a right, and is a declaratory mechanism of a pre-existing situation. Therefore, no further processing is necessary after registration so that the right of use by the producers or service providers of the place is constituted.

##### Colombia

The authorization to use has a term of 10 years that may be renewed indefinitely (Decision 486 of 2000, Article 210).

##### Cyprus

As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of articles 36-40 of the European regulation (EU) 1151/2012. Hence, any operator who is intended to use a geographical indication that has been registered in the European Register for a Cypriot product should be authorized by the national competent authority.

##### Georgia

Entry in a right users register is optional.

##### Iceland

According to Art. 20 of the Act, any producer who produces a product in conformity with the product specification and the meets the conditions laid down in the Act shall be authorized to use the corresponding registered product name. The Icelandic Food and Veterinary Authority should be informed by a written notice that the use of a registered product name has begun.

### Israel

Domestic AOs must be renewed. TMs must also be renewed. Foreign AOs are in force as long as the AO is protected in the country of origin.

### Mexico

Authorization to use an appellation of origin or geographical indication must be requested from the Institute. Authorization shall be granted to any natural or legal entity meeting the following requirements:

- I. being directly engaged in the extraction, production or manufacture of the products protected by the appellation of origin or geographical indication;
- II. engaging in such activity within the territory or geographical area specified in the declaration;
- III. where applicable, complying with the Mexican Official Standards set out according to the relevant laws as applied to the products involved; and,
- IV. any other person or entity specified in the declaration.

The application for authorization to use an appellation of origin or geographical indication shall contain the particulars and be accompanied by the documents specified in the regulations under this Law.

Once the application has been received by the Institute and payment of the corresponding fees has been made, the information and documents submitted shall be examined. If the legal requirements are met, the Institute shall proceed to grant the authorization.

If the documents submitted do not meet the requirements or are insufficient, the applicant shall be called upon to provide the appropriate clarifications or additions within a non-extendable time frame of two months. If the applicant fails to meet the requirement within the time frame provided, the application shall be considered as abandoned.

Fee. Pursuant to the fees for services provided by the IMPI, the fee for the authorization to use an appellation of origin or geographical indication and for their renewal is 818.08 pesos (eight hundred and eighteen Mexican pesos 08/100), plus value-added tax of 16 per cent, per act.

Duration and renewal. The effects of the authorization to use an appellation of origin or geographical indication shall have a duration of ten years from the date on which the application is filed with the Institute, and may be renewed for periods of the same duration.

### Republic of Moldova

The competent authorities shall, within 5 working days, communicate to the AGEPI the data on the natural or legal persons having acquired the right to use a protected appellation of origin or a protected geographical indication, and on any amendment to that right for entry of these data in the National Register of protected appellations of origin or in the National Register of protected geographical indications, as appropriate, and for publication thereof in Official Bulletin of Intellectual Property.

### Russian Federation

Pursuant to Article 1531(1) and (2) of the Russian Federation Civil Code: A certificate confirming the exclusive right to an appellation of origin of a product is valid for ten years from the date an application for an appellation of origin is filed with the Russian Patent Office. The validity of a certificate confirming the exclusive right to an appellation of origin of a product may be renewed at the request of the holder of the certificate. The validity of a certificate is renewed for ten years at a time.

### Singapore

Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.

### South Africa

Renewal to be applied for in the prescribed manner and at payment of the prescribed fee as outlined in the Trade Marks Act (refer point no. 41 below).

United Kingdom

No further procedures required by the UKIPO. The Regulations may require further authorization.

United States of America

The rights holder determines who is authorized to use.

**31. Once a geographical indication has been established, is that geographical indication open to all producers of the registered product from that same region regardless of whether those producers began production subsequent to the creation of the geographical indication?**

Responding Party	Once established, a geographical indication is open to all producers	COMMENTS
Australia		The answer to this question is not explicitly legislated in respect of CTM GIs, but the likely answer is yes given competition principles. Rules of use for CTM will determine if a producer can use the GI subsequent to its registration.
Brazil	Yes	There are no restrictions as to when the producer established in a protected area with GI began his productive activity. The only condition for the use of the GI is that established by art. 182 from the Brazilian IP Law: Art. 182. The use of the geographical indication is restricted to the producers and service providers established in the locality, being also required, in relation to the denominations of origin, the fulfillment of quality requirements. Notably, the use must be restricted to producers / service providers who comply with the Regulation of Use on the basis of which the GI registration was granted.
Chile	Yes	GI and AO holders must always represent or consist of a significant number producers or artisans, regardless of their legal form. However, all producers, manufacturers and artisans that carry out their activity within the specified geographical area, including those that were not among the original applicants for recognition, will be entitled to use the GI or AO relating to the products indicated in the registration, provided they comply with the provisions governing the use of those products.
Colombia	Yes	
Croatia	Yes	
Cyprus	Yes	As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of article 46 of the European regulation (EU) 1151/2012.
Czech Republic	Yes	
Ecuador	Yes	
Estonia	Yes	
France	Yes	Provided that: - they are established in the region; - they respect the product specification (checked by an accredited body); and - they are members of the GI protection and management body (ex officio if conditions 1 and 2 are satisfied).
Georgia	Yes	
Greece	Yes	
Guatemala	No	

Responding Party	Once established, a geographical indication is open to all producers	COMMENTS
Hungary	Yes	
Iceland	Yes	
Israel	Yes	There is no specific provision regarding that question.
Jamaica	Yes	
Japan	Yes	
Kazakhstan	Yes	Details concerning the registration of appellations of origin entered into the State Register of Appellations of Origin are published by the expert organization within two months in its bulletin and posted on its Internet website immediately after their entry in the State Register of Appellations of Origin.
Lithuania		
Madagascar	Yes	If the products resulting therefrom meet the specific characteristics or reputations set out in the specifications.
Mexico	Yes	Authorization to use an appellation of origin or geographical indication shall be granted to any natural or legal entity meeting the requirements under Article 165bis (14) of the LPI: I. being directly engaged in the extraction, production or manufacture of the products protected by the appellation of origin or geographical indication; II. engaging in such activity within the territory or geographical area specified in the declaration; III. where applicable, complying with the Mexican Official Standards set out according to the relevant laws as applied to the products involved; and, IV. any other person or entity specified in the declaration.
New Zealand	Yes	Yes, in respect to protection granted under the Geographical Indications (Wine and Spirits) Registration Act 2006.
Poland	Yes	
Portugal	Yes	
Republic of Korea		The certification trademark holder cannot use the certification mark since the holder is the person who commercially certifies and manages the quality, place of origin, methods of production, or other characteristics of goods owned by another person. The mark used by members of an association will be "a collective mark". If a member of an association uses a certification mark, it will be considered to be used by a natural person, not by the right holder.
Republic of Moldova	Yes	For all producers who get the right to use.
Romania	Yes	Yes, with the indication that that producer subsequently applies to the association of producers who is the holder of the geographical indication.
Russian Federation	Yes	The exclusive right to use an AOP with respect to the same appellation may be granted to any person who produces a product with the same special qualities within the boundaries of the same geographical area (Article 1518(2) of the Russian Federation Civil Code), provided that an application is filed with the Russian Patent Office in accordance with the requirements established under Article 1522 of the Russian Federation Civil Code.
Serbia	Yes	
Singapore	N/A	Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.
Slovakia	Yes	

Responding Party	Once established, a geographical indication is open to all producers	COMMENTS
South Africa		Use of GI protected as a collective or certification mark is to be made by registered proprietor and or licensed user (if applicable). The product specifications/rules must also be complied with.
Switzerland	Yes	
United Kingdom	Yes	
United States of America	Yes	Yes, for certification marks if they meet the standards of production. But, for collective marks, the owner can refuse to allow use of the GI.
Uruguay	Yes	In principle yes, but this depends on the provisions of the regulations on use of the geographical indication.
Viet Nam	Yes	
European Union	Yes	

**32. Does your country have a register for authorized users?**

Responding Party	Register for authorized users	If Yes, who keeps the register?	If Yes, is the register public?
Australia	No		
Brazil	No		
Chile	No		
Colombia	Yes	The Register of Beneficiaries and Authorized Users is maintained by the agencies that have been empowered to authorize use in accordance with Decision No. 57530 of 2012. In the absence of such an agency, the register is maintained by the Superintendency of Industry and Trade.	Yes
Croatia	Yes	The State Intellectual Property Office	Yes
Cyprus	Yes	The Department of Agriculture	No
Czech Republic	No		
Ecuador	Yes	National Service of Intellectual Rights (SENADI)	Yes
Estonia	Yes	The Estonian Patent Office	Yes
France	Yes	INPI	Yes
Georgia	Yes	National Intellectual Property Center of Georgia Sakpatenti	No
Greece	Yes	EL.G.O. DEMETER has been authorized to keep a register of the enterprises approved for the usage of PDO and PGI indications. <a href="http://www.minagric.gr/index.php/en/farmer-menu-2/pdo-pgi-tsgproducts-menu">http://www.minagric.gr/index.php/en/farmer-menu-2/pdo-pgi-tsgproducts-menu</a>	Yes
Guatemala	No		
Hungary	No		
Iceland	No		
Israel	No		
Jamaica	No		
Japan	No		
Kazakhstan	No		
Lithuania			
Madagascar	No		

Responding Party	Register for authorized users	If Yes, who keeps the register?	If Yes, is the register public?
Mexico	Yes	Instituto Mexicano de la Propiedad Industrial	Yes
New Zealand	No		
Poland	Yes	Agricultural and Food Quality Inspection (central)	Yes
Portugal	No		
Republic of Korea	No		
Republic of Moldova	Yes	The State Agency on Intellectual Property of the Republic of Moldova (AGEPI).	Yes
Romania	No		
Russian Federation	Yes	ROSPATENT	Yes
Serbia	Yes	IPO	Yes
Singapore	N/A	N/A	N/A
Slovakia	No		
South Africa	No		
Switzerland	Yes	R2: certification bodies R3: cantonal authorities	Yes / No*
United Kingdom	No		
United States of America	No		
Uruguay	No		
Viet Nam	Yes	Management body of a geographical indication shall keep the register of authorized users of such geographical indication.	Yes
European Union	No		

#### COMMENTS:

##### Chile

The recognition system established by Law No. 19.039 on Industrial Property and administered by INAPI does not provide for a register of users per se. It is the responsibility of the IG and/or AO holder, through the relevant administrative body, to keep a record of authorized users of the GI and/or AO. A register is provided under the recognition system established by Law No. 18.455 on wines and alcoholic beverages but is not publicly accessible.

##### Colombia

Prior to Decision No. 57530 of 2012 it was not obligatory to apply for delegation of power to authorize use of the AO, so that several appellations of origin were granted without there being a delegated entity to administer and maintain the distinctive sign. In cases where the power has been delegated to an administering entity, that entity confirms (in advance) that means are available for informing the public (webpages, headquarters, etc.) and is obliged to present an annual detailed report on the authorizations of use granted during the year.

##### Cyprus

The replies concern wines and spirits.

As far as agricultural products and foodstuffs are concerned the Competent authority of Cyprus (Minister of Agriculture, Rural development and environment) keeps a register of authorized users of names of Cypriot products that have been registered as PDO, PGI according to Reg. (EU) 1151/2012. The register is public.

### France

Updated in real time upon receipt of the certification report.

### Georgia

Entry in a right users register is optional.

### Japan

A GI for liquor can be indicated, when the institution for management confirms and determine that there is no trouble about quality and so on of liquors in question.

### Mexico

The IMPI is the administrative authority in charge of authorizing the use of an appellation of origin or geographical indication according to Title 5, Chapter III of the LPI. Article 185 of the LPI states that "the files of patents and registrations in force, and also those relating to published trade names and appellations of origin, shall always be available for all types of consultation and for use in filing submissions."

### New Zealand

No, in respect to protection granted under the Geographical Indications (Wine and Spirits) Registration Act 2006.

### Republic of Moldova

Information about authorized users is included in the Database Geographical Indications <http://www.db.agepi.md/GeogrIndications/SearchGI.aspx> (For example - <http://www.db.agepi.md/GeogrIndications/Details.aspx?id=3212>)

### Singapore

Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.

### Slovakia

Details of authorized producers are kept by the association of producers or processors.

### South Africa

Recordal of authorized (registered) users are not mandatory in South Africa, but recordal is required if the applicant/proprietor want the use accrued by the registered user to be enforceable against third parties.

Permitted use and registered users

- 38.(1) Where a registered trade mark is used by a person other than the proprietor thereof with the licence of the proprietor, such use shall be deemed to be permitted use for the purposes of subsection (2).
- (2) The permitted use of a trade mark referred to in subsection (1) shall be deemed to be use by the proprietor and shall not be deemed to be use by a person other than the proprietor for the purposes of section 27 or for any other purpose for which such use is material under this Act or at common law.
- (3) Subject to the provisions of this section, a person, other than the proprietor of a registered trade mark, who uses such trade mark with the licence of the proprietor, may be registered as a registered user thereof in respect of all or any of the goods or services in respect of which the trade mark is registered.
- (4) Subject to any agreement subsisting between the parties, a registered user of a registered trade mark shall be entitled to call upon the proprietor thereof to institute infringement proceedings, and, if the

proprietor refuses or neglects to do so within two months after being so called upon, the registered user may institute proceedings, as contemplated in section 34, in his own name as if he were the proprietor, citing the proprietor as a co-defendant, but a proprietor so cited shall not be liable for any costs unless he enters an appearance and takes part in the proceedings.

- (5) In all proceedings relating to a registered trade mark, the registration of a person as a registered user shall be prima facie evidence that the use of the registered trade mark by him is permitted use as contemplated by subsection (1).
- (6) Where it is proposed that a person shall be registered as a registered user of a trade mark, the proprietor shall apply in writing to the registrar in the prescribed manner giving particulars of-
  - (a) the name and address of the proposed registered user;
  - (b) the relationship, existing or proposed, between the proprietor and the proposed registered user; and
  - (c) the goods or services in respect of which the person is to be registered as a registered user of the trade mark.
- (7) When the requirements of subsection (6) have been complied with, the registrar shall register the proposed registered user as a registered user in respect of the relevant goods or services.
- (8) Without derogating from the provisions of section 24, the registration of a person as a registered user-
  - (a) may be cancelled or varied by the registrar on application in writing in the prescribed manner by the registered proprietor or by such registered user or by any other registered user of the trade mark;
  - (b) shall be cancelled by the registrar where the trade mark in respect of which such person has been registered has been assigned and application has in terms of section 40 been made for registration of the assignment, unless the subsequent proprietor registered in terms of the said section requests the registrar in the prescribed manner not to cancel any such registration and furnishes the registrar with the particulars referred to in paragraph (b) of subsection (6).
- (9) The registrar may at any time cancel the registration of a person as a registered user of a trade mark, in respect of any goods or services in respect of which the trade mark is no longer registered.
- (10) The provisions of this section shall also apply to all trademarks registered under the repealed Act.

#### Switzerland

R2. The list of authorized users is publicly available on the websites of some certification bodies.

R3. The public generally does not have access to the list of authorized users.

#### United Kingdom

The Regulations may list the authorized users.

#### European Union

Details of authorized producers are kept by the competent authorities.

**33. If there is a prohibition on use of a certification mark by its owner for the certified goods, does this prohibition preclude use of the certification marks to protect geographical indications “owned” by their beneficiaries. In other words, can a certification mark owned by an association with legal personality be used by members of that association?**

Responding Party	Can a certification mark owned by an association with legal personality be used by members of that association?	COMMENTS
Australia	Yes	The owner of the CTM in Australia may use the CTM so long as that use is in accordance with the rules governing use of the CTM. A prohibition on use by the owner was repealed in the Trade Marks Act 1995 to ensure that associations with legal personality could register their GIs and appellations of origin as

Responding Party	Can a certification mark owned by an association with legal personality be used by members of that association?	COMMENTS
		CTMs in Australia, and that their members could use the CTM in Australia.
Brazil	No	In Brazil, GIs and Certification Marks are separate registrations. You cannot register as a Mark of Certification a sign that reproduces a protected geographical name as a GI. Furthermore, the rights conferred by the GI registration are securitized by the producers / service providers located within the geographical area delimited in the process, the plaintiff being a procedural substitute; already in the Certification Mark, the ownership of the registration falls on the applicant himself. It should also be mentioned that art. 128 §3 of the LPI establishes that "the registration of the certification mark may only be requested by a person with no direct commercial or industrial interest in the product or service attested". Thus, even if it is securitized by an association, the Certification Mark can not be used to certify the members of the same association, since it would configure direct commercial interest in the product / service attested.
Chile	Yes	
Colombia	No	Under Article 188 of Decision 486 of 2000, a certification mark cannot be used in relation to products or services produced, rendered or marketed by the mark's owner. Since no exceptions are indicated, it would not be appropriate for the same owner to use the certification mark, even if the legal person is considered a legal subject distinct from its individual members.
Croatia	N/A	
Cyprus	No	The reply concerns wines and spirits. As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of articles 6, 13 and 14 of the European regulation (EU) 1151/2012. As far as the Section of Intellectual Property of the DRCOR it depends on the terms of use of that certification mark, which must always accompany the application for registration.
Czech Republic	N/A	
Ecuador	Yes	Without prejudice to community or national provisions on trade practices that restrict free competition, the owner of a certification mark may authorize its use by any person whose product or service meets the conditions established in the rules for use of the mark. The certification mark may not be used for products or services produced, provided or marketed by the actual owner of the brand.
Estonia	Yes	Not applicable yet.
France	No	Certification marks are only issued to certifying bodies, not to management and protection bodies.
Georgia	N/A	
Greece	N/A	There is no provision on certification marks in the Greek TMs Law.
Guatemala	No	
Hungary	No	
Iceland	Yes	

Responding Party	Can a certification mark owned by an association with legal personality be used by members of that association?	COMMENTS
Israel	Yes	The owner of a certification mark cannot use the mark itself, rather only oversee its use by other entities.
Jamaica	Yes	
Japan		Japan does not have a certification mark system.
Kazakhstan	Yes	
Lithuania		
Madagascar	Yes	
Mexico	No	<p>Concerning such question, the LPI stipulates the following:</p> <p>Certification marks</p> <ul style="list-style-type: none"> <li>- Any legal entity may apply for the registration of a certification mark provided that the entity does not conduct a business activity involving the supply of products or provision of services of the same nature or type as those products or services being certified (Article 98bis (1)).</li> <li>- The certification mark shall not be subject to a license and its use shall be reserved for persons meeting the conditions specified in the rules for its use (Article 98bis (3)).</li> <li>- The owner of a certification mark shall authorize its use to any person whose product complies with the conditions specified in the rules for its use (Article 98bis (4)).</li> </ul> <p>Certification marks that protect geographical indications</p> <ul style="list-style-type: none"> <li>- The certification mark may consist of or contain the name of a geographical area, or another indication known as referring to such area, which identifies a good as originating in that geographical area, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin (Article 98bis).</li> <li>- Domestic geographical indications that are protected as certification marks are understood to be under the ownership of the authorities of the Federation ((Article 98bis).</li> <li>-If the certification mark consists of a domestic geographical indication, only the following may apply for registration: <ul style="list-style-type: none"> <li>I. legal entities directly involved in the extraction, production or manufacture of the product to be covered;</li> <li>II. chambers or associations of manufacturers or producers linked to the product to be covered;</li> <li>III. federal government agencies or entities; and,</li> <li>IV. the government of the state of the Federation in the territory or geographical area of which the product is extracted, produced or manufactured (Article 98bis (1)).</li> </ul> </li> <li>- Certification marks that protect domestic geographical indications are subject to the provisions in Title 5, Chapter III of the LPI, on the Authorization of Use (Article 98bis (4)).</li> </ul>
New Zealand	Yes	Provided the members of the authorizing body are themselves authorized to use the certification mark. The authorizing body itself cannot trade in the products or service it so certifies.
Poland	Yes	
Portugal	No	
Republic of Korea		The certification trademark holder cannot use the certification mark since the holder is the person who commercially certifies and manages the quality, place of origin, methods of production, or other characteristics of goods owned by another person. The

Responding Party	Can a certification mark owned by an association with legal personality be used by members of that association?	COMMENTS
		mark used by members of an association will be “a collective mark”. If a member of an association uses a certification mark, it will be considered to be used by a natural person, not by the right holder.
Republic of Moldova	No	Certification trademarks may be registered by the certification authorities authorized to certify the compliance of goods or services in accordance with Law No. 186-XV on the Evaluation of Compliance of Goods of April 24, 2003. Legal entities in addition to those indicated which produce, import or sell goods or provide services shall not be entitled to register certification trademarks. The certification mark is used to certify certain features of a third-party product and/or service.
Romania	Yes	
Russian Federation	N/A	The protection of certification marks is not provided for in the Russian Federation.
Serbia	N/A	
Singapore	Yes	According to the Trade Marks Act (Cap 332), the proprietor of a certification mark is not entitled to prohibit the use of the signs or indications in accordance with honest practices in industrial or commercial matters (in particular, by a person who is entitled to use a geographical name).
Slovakia	N/A	
South Africa		A certification mark is applied for in the name of an applicant who is NOT allowed to trade in the goods/services in respect of which registration is sought. Refer point no. 4 above.
Switzerland	No	Article 21(2) of the TmPA provides that a guarantee mark may not be used for products or services of the proprietor of the mark or of an undertaking with which the proprietor has close economic ties.
United Kingdom	Yes	You are unable to use it in the name of the organization.
United States of America	Yes	A certification mark owner - the certifier - cannot certify its own goods as a GI.
Uruguay	Yes	If need be, they may do so in an individual capacity but not as members of the association.
Viet Nam	No	Only members that fully satisfy the requirements of certification criteria as stipulated in the Regulation of the certification mark may be granted the right to use such certification mark.
European Union	N/A	

*(xi) Maintenance and Obligation to Use*

34. (I) What are the requirements for maintaining protection in your jurisdiction and, where applicable, for avoiding a claim of abandonment or acquiescence?

Responding Party	Use on the market of a registered (or unregistered) geographical indication	If Yes, what frequency of use is required?	Enforcement of a registered (or unregistered) geographical indication
Australia			
Brazil			
Chile			
Colombia			
Croatia			
Cyprus			
Czech Republic			
Ecuador	No		Yes
Estonia			
France	Yes	No defined frequency, the GI continues to exist as long as there is a management and protection body.	
Georgia			
Greece			
Guatemala	No		No
Hungary			
Iceland	Yes	According to Art. 22.2 of the Act, a registration of a product name may be cancelled by a decision by the Icelandic Food and Veterinary Authority if: b) the product has not been marketed under a registered name for seven years.	Yes
Israel	No		No
Jamaica	Yes	No frequency of use is required.	No
Japan			
Kazakhstan			
Lithuania			
Madagascar			
Mexico			
New Zealand	Yes	Under the Geographical Indications (Wine and Spirits) Registration Act a registration must be renewed periodically by paying the prescribed registration renewal fee. Although a registration can be cancelled for non-use, there is no requirement to prove use to renew a registration.	No
Poland	Yes	The system of official controls covers: - Verification of a product's conformity with the specification prior to placing a product on the market (Agricultural and Food Quality Inspection), - Monitoring of the use of registered names for products placed on the market (Trade Inspection, AFQI).	Yes
Portugal			
Republic of Korea	Yes	If a collective mark with a geographical indication has not been used for three years	

Responding Party	Use on the market of a registered (or unregistered) geographical indication	If Yes, what frequency of use is required?	Enforcement of a registered (or unregistered) geographical indication
		prior to the date of a trial request, the registration of the mark can be canceled.	
Republic of Moldova			
Romania			
Russian Federation			Yes
Serbia	No		No
Singapore	N/A		N/A
Slovakia			
South Africa	Yes	See question 35.	
Switzerland			
United Kingdom	Yes	After 5 years of non-use on the market under the protected name a registration may be cancelled.	
United States of America	Yes	Continued use is required between the fifth and sixth year of registration; and at every tenth anniversary.	Yes
Uruguay	No		No
Viet Nam			
European Union	Yes	After 7 years of non-use on the market under the protected name a registration may be cancelled.	

**34. (II) What are the requirements for maintaining protection in your jurisdiction and, where applicable, for avoiding a claim of abandonment or acquiescence?**

Responding Party	Other	No requirement
Australia		Yes
Brazil		Yes
Chile		Yes
Colombia	Yes The validity of the declaration of protection of an appellation of origin is subject to the continuing existence of the conditions on which it is based. Protection can therefore end when those conditions disappear (Decision 486 of 2000, Art. 206).	
Croatia		Yes
Cyprus		
Czech Republic		Yes
Ecuador	No	Yes
Estonia		
France		
Georgia		
Greece		No
Guatemala	No	No
Hungary		Yes
Iceland	Yes According to Art. 22 of the Act, if a product name has been registered in contravention of the provisions of the Act, the Icelandic Food and Veterinary Authority may take a decision to cancel a registration.	No

Responding Party	Other	No requirement
	Further, a registration of a product name may also be cancelled by a decision by the Icelandic Food and Veterinary Authority if: a) the product does not conform to the product specification pursuant to Art. 14 of the Act and b) the product has not been marketed under a registered name for seven years.	
Israel		Yes
Jamaica	No	No
Japan		Yes
Kazakhstan		
Lithuania		
Madagascar		Yes
Mexico	Yes Article 161 of the LPI provides that “the duration of the declaration of protection for an appellation of origin or geographical indication shall be determined by the subsistence of the grounds on which it was made.”	Yes
New Zealand	Yes Geographical indications protected under the Trade Marks Act 2002 must be renewed every ten year by payment of the prescribed registration renewal fee. Although a registration can be cancelled for non-use, there is no requirement to prove use to renew a registration.	
Poland	No	No
Portugal		Yes
Republic of Korea		
Republic of Moldova		Yes
Romania	Yes	
Russian Federation	Yes Renewal of a certificate’s validity (Article 1531 of the Russian Federation Civil Code).	
Serbia	No	No
Singapore	N/A	N/A
Slovakia		Yes
South Africa	Yes Renewal every 10 years; see question 30.	
Switzerland		Yes
United Kingdom		
United States of America	Yes Documentation of use is required during those intervals set out above.	
Uruguay		Yes
Viet Nam	Yes Geographical indications in Vietnam are protected indefinitely, unless the geographical conditions decisive to reputation, quality or special characteristics of products bearing a geographical indication have changed resulting in the loss of such reputation, quality or characteristics of products.	
European Union		

## **COMMENTS:**

### Australia

Generally, the only requirement for maintaining protection for a GI protected as a CTM is the payment of a renewal fee every 10 years (the standard period of renewal for trade mark protection).

### Brazil

In Brazil, once the registration of GI is granted, there is no mechanism that extinguishes, suspends, cancels or any other that limits its effects.

### Chile

Under the system established by Law No. 19.039 on Industrial Property, protection of registered GIs or AOs is provided indefinitely and is maintained for as long as the conditions that gave rise to the recognition of the respective GI or AO continue to be met. Any interested party may request the invalidation of a GI or AO registration upon infringement of any of the prohibitions set out in Law No. 19.039. Foreign GIs or AOs cannot be protected, or will lose any protection that they had, where they are no longer protected or have fallen into disuse in their country of origin. For wines and alcoholic beverages (Law No. 18.455), AOs for wines and distillates established by the President of the Republic may not be altered, amended or abolished: they may only be revoked by the National Congress.

### Croatia

If compliance with the conditions set out in the specification is no longer ensured, a registered geographical indication shall be cancelled.

### Cyprus

As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of article 54 of the European regulation (EU) 1151/2012.

For wines and spirits the provisions of Regulations (EU) 1308/2013 and (EC) 607/2009 are implemented.

### Estonia

Legal protection of geographical indications does not have a term.

### Georgia

A claim for abandonment or acquiescence is not applicable in Georgia.

### Greece

Any natural or legal person, having legitimate interest, resident in the Greek territory, have the right to apply for the cancellation of a protected designation of origin or of a protected geographical indication in the following cases:

- (a) where compliance with the conditions of the specification is not ensured;
- (b) where no product is placed on the market under the protected designation of origin or the protected geographical indication for at least seven years.

### France

An approved GI cannot become generic.

Israel

With regard to a registered appellation of origin there is no use requirement. With regards to question 1 and 2 - An unregistered GI will be enforceable in Israel for as long as it is known as such in Israel. There is no register in Israel for Geographical Indications.

Jamaica

No protection is available in respect of geographical indications which, in their country of origin, are not or have ceased to be protected or have fallen into disuse.

Lithuania

See the European Union reply.

Republic of Korea

If a collective mark with a geographical indication has not been used for three years prior to the date of a trial request, the registration of the mark can be canceled.

Republic of Moldova

The protection is unlimited in time, provided that the natural and/or human factors specific to the defined geographical area, necessary to obtain the products corresponding to the appropriate specification, are preserved.

Singapore

Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.

**35. Is there a mechanism for third parties to seek cancellation of protection on the basis that the geographical indication is not in use in the territory concerned?**

Responding Party	Cancellation of protection because of non-use	COMMENTS
Australia	Yes	A GI protected as a CTM can be rectified by judicial decision on any of the grounds of opposition, which include that the owner has no intention of using the trade mark as well as on the basis that the registered owner or approved certifier is no longer competent to certify any of the goods and/or services of which the CTM is registered. A GI registered under the Wine Australia Act can be omitted from the Register of Protected GI's on the basis the GI is not in use.
Brazil	No	
Chile	No	The system established by Law No. 19.039 on Industrial Property and administered by INAPI provides that an IG or AO need not necessarily be used in order to be maintained. In derogation from, but without prejudice to, this rule, foreign GIs or AOs cannot be protected, or will lose any protection that they had, where they are no longer protected or have fallen into disuse in their country of origin.
Colombia	No	
Croatia	No	The use is only assessed in separate proceedings concerning the entry of the right of use in the register, which may be subject to revocation.

Responding Party	Cancellation of protection because of non-use	COMMENTS
Cyprus	No (wines and spirits)	As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of article 54 of the European regulation (EU) 1151/2012.
Czech Republic	No	
Ecuador	No	
Estonia	Yes	
France	No	
Georgia	No	
Greece	Yes	
Guatemala	No	
Hungary	No	
Iceland	Yes	According to Article 22.3 of the Act, anyone having a legitimate interest may request that the Icelandic Food and Veterinary Authority cancel a registration of a product name in case of non-compliance with the provisions of this Act. Such request shall be filed in writing accompanied by a justification.
Israel	N/A	Israel does not maintain a GI registry, therefore the question is not applicable. The validity of unregistered GI rights can be challenged in the law courts either by way of a declaratory judgment action or by way of an affirmative defense.
Jamaica	Yes	
Japan	No	In the case of GIs for liquor, the third party can apply cancellation of protection if there is probable cause.
Kazakhstan	Yes	
Lithuania		
Madagascar	No	
Mexico	No	
New Zealand	Yes	
Poland	Yes	Article 54 of Reg. 1151/2012.
Portugal	No	
Republic of Korea	Yes	After a collective mark with a geographical indication is registered, if the GI contained in the collective mark is not protected or in use in the country of origin, an interested person can request a trial for invalidation of the registration of the collective mark. (Article 117(1).7).
Republic of Moldova	Yes	The term of protection granted to an appellation of origin or a geographical indication shall be unlimited in time.
Romania	Yes	
Russian Federation	No	
Serbia	No	
Singapore	N/A	Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.
Slovakia	Yes	
South Africa	Yes	Section 27 provides for 2 sets of circumstances in which failure to use a trade mark will provide a ground for removal. 1. No bona fide intention to use SEC 27(1) (a): any interested person may apply for removal of a trade mark if it can be shown that the trade mark was registered without any bona fide intention on the part of the trade mark applicant that the mark should be used by him/permitted user and that there has been no bona fide use of the trade mark for

Responding Party	Cancellation of protection because of non-use	COMMENTS
		<p>the time being up to date 3 months prior to the date of application for removal.</p> <p>2. No bona fide actual use SEC 27(1)(b): any interested person may apply for the removal of a trade mark if can be shown that up to date 3 months before the date of application a continuous period of 5 years or longer has elapsed from date of issue of the Registration Certificate during which there was no bona fide use of the trade mark by the proprietor/permitted user.</p>
Switzerland	Yes* No**	<p>* R2</p> <p>Pursuant to Article 15 of the Ordinance on PDOs and PGIs and Article 13 of the Ordinance on Non-Agricultural PDOs and PGIs, the authority in charge of the register concerned may cancel the registration of a protected name after consulting the federal and cantonal authorities and the parties:</p> <ul style="list-style-type: none"> <li>(a) on request, if the protected name is no longer used or if all users and the relevant cantons are no longer interested in maintaining the registration of the protected name;</li> <li>(b) <i>ex officio</i>, if it is established that compliance with the specification for the protected name has lapsed for good reason;</li> <li>(c) <i>ex officio</i>, for a foreign name, if it is no longer protected in the country of origin.</li> </ul> <p>** R3, R4 and R5</p> <p><u>R3</u>. Federal and cantonal legislation do not provide for any cancellation, although changes in legislation may lead to the modification of the list of recognized geographical indications.</p> <p><u>R5</u>. The provisions on the use of a trademark and consequences of non-use do not apply to geographical marks (Article 27(e)(3) of the TmPA).</p>
United Kingdom	Yes	
United States of America	Yes	
Uruguay	No	
Viet Nam	Yes	
European Union	Yes	

*(xii) Control/Monitoring*

**36. Is the use of a geographical indication by the beneficiaries subject to regular, independent monitoring?**

Responding Party	Regular, independent monitoring	COMMENTS
Australia	No	It is up to the owner of the CTM to control the use of the CTM, including monitoring or arranging for the monitoring of the CTM.
Brazil	No	It is not a condition for registration that there is a third party control. In Brazil, both for IS as for DO, it is required that there be

Responding Party	Regular, independent monitoring	COMMENTS
		<p>a structure of control over the producers or service providers with the right to use the GI; but nothing determines that this structure is independent, nor does it establish the periodicity of the controls to be performed.</p> <p>Regarding the control carried out by other public agencies (such as ANVISA, for example), it is not the responsibility of INPI.</p>
Chile	No	<p>While the system established by Law No. 19.039 (register) does not provide for such monitoring, the provisions of the Use and Control Regulations for the GI or AO apply. The system established by Law No. 18.455 on wines and alcoholic beverages does provide for monitoring based on the certification of GIs for the grapes and wines of each harvest for the purpose of wine production.</p>
Colombia	Yes	<p>The procedure for authorizing use, as mentioned earlier, requires presentation of the “certificate of conformity with product qualities and characteristics”, which is issued in accordance with the regulations for use and can thus be a recurring and separate process. This is particularly so considering that the authorization to use can be cancelled ex officio or at a party’s request by the Superintendency of Industry and Trade when it is demonstrated that it is being used in a manner contrary to the conditions for granting the protection (Decision 486 of 2000, Article 170).</p>
Croatia	Yes	
Cyprus	Yes	
Czech Republic	No	
Ecuador	Yes	
Estonia	Yes	
France	Yes	<p>Monitoring by independent third parties approved by the official accreditation body in light of their qualifications and impartiality. Frequency and check points provided in the product specification.</p>
Georgia	Yes	
Greece	Yes	
Guatemala	Yes	
Hungary	Yes	<p>Pursuant to Article 111 (3) of Hungarian Trademark Act the protection of a geographical indication of spirit drinks shall be revoked if the designated inspection authority establishes serious defects, in relation to the product specification, in the use of the geographical indication, which cannot be remedied in any other way.</p>
Iceland	Yes	<p>According to Art. 29 of the Act, the Icelandic Food and Veterinary Authority and the municipal health inspectorates are responsible for controls of the use of registered product names for foodstuffs in accordance with Art. 6 and 22(8) of Act No. 93/1995 on Foodstuffs. The municipal health inspectorates shall also control the use of registered product names for other products falling under the scope of the Act.</p>
Israel	No	
Jamaica	Yes	
Japan	No	
Kazakhstan	No	
Lithuania		
Madagascar	No	

Responding Party	Regular, independent monitoring	COMMENTS
Mexico	Yes	Geographical indications and appellations of origin are produced in compliance with respective Mexican Official Standards. In principle, for every protected geographical indication or appellation of origin, there must be a Mexican Official Standard on the conditions governing its production.
New Zealand	No	No, in respect of registrations under the Geographical Indications (Wine and Spirits) Registration Act. Use of geographical indication protected as a collective mark or certification mark may be subject to regular and independent monitoring.
Poland	Yes	
Portugal	Yes	By the official recognized bodies.
Republic of Korea	Yes	
Republic of Moldova	Yes	
Romania	No	
Russian Federation	Yes	When the validity of a certificate for a product's appellation of origin is renewed, a finding by an authorized body that the applicant is producing a product with special qualities as indicated in the state register is presented. With regard to an appellation that is the name of a geographical area located outside of the Russian Federation, the holder of the certificate presents a document confirming the right to an appellation of origin of a product in the product's country of origin as of the date the application to renew the certificate's validity is filed.
Serbia	Yes	
Singapore	N/A	Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.
Slovakia	Yes	
South Africa		Responsibility of the Rights Holder.
Switzerland	Yes (R2 and R3)	<p><u>R2.1.</u> The use of PDOs and PGIs is monitored by an accredited certification body that meets the requirements under Articles 18 to 20 of the Ordinance on PDOs and PGIs, under the supervision of OFAG. The duties of the certification bodies are listed in the Ordinance of the Federal Department of Economic Affairs, Education and Research (DEFR) on the Minimum Control Requirements for Protected Appellations of Origin and Geographical Indications. In the case of food products, cantonal consumer protection bodies, too, may take administrative measures where the use of PDOs or PGIs is infringed on the market. OFAG is the competent authority for other products.</p> <p><u>R2.2.</u> The use of Swiss PDOs and PGIs is monitored by an accredited certification body that meets the requirements set forth under Article 15 of the Ordinance on Non-Agricultural PDOs and PGIs, under the supervision of IPI. The duties of certification bodies are set out in Article 16 of that ordinance. Compliance with the specification of a foreign PDO or PGI must be verified before products are placed on the market, in accordance with the regulations of the country concerned, by one or more private control bodies or by one or more authorities designated by the country of origin (Article 18 of the Ordinance on Non-Agricultural PDOs and PGIs).</p> <p><u>R3.</u> The cantons are responsible for monitoring the production requirements and the amount of grapes produced for use in wine</p>

Responding Party	Regular, independent monitoring	COMMENTS
		production, in accordance with Articles 28 to 31 of the Ordinance on Wine. Trade in wine is monitored by a control body designated by the Confederation.
United Kingdom	No	It is up to a third party to bring it to our attention.
United States of America	Yes	The monitoring is done by the owner of the GI, not the U.S. Government.
Uruguay	No	
Viet Nam	Yes	
European Union	Yes	

**37. What does the control/monitoring cover?**

Responding Party	Verification of a product's conformity with the hygiene and health standards	Verification of a product's conformity with the corresponding product specification	Verification of traceability	Other
Australia				Yes The registered owner of a CTM could control/monitor any or all of the above depending on the rules.
Brazil				Yes*
Chile			Yes	
Colombia	Yes	Yes	Yes	Yes Verification as indicated in the regulations governing use of the appellation of origin.
Croatia		Yes		
Cyprus				
Czech Republic	N/A	N/A	N/A	N/A
Ecuador		Yes		
Estonia		Yes		
France		Yes		Yes Verification that a product is manufactured within the geographical area.
Georgia		Yes	Yes	
Greece		Yes	Yes	
Guatemala	Yes	Yes	No	No
Hungary		Yes		
Iceland	Yes	Yes	No	
Israel	No	No	No	No
Jamaica	Yes	Yes	No	No
Japan		Yes		
Kazakhstan				
Lithuania				
Madagascar				
Mexico	Yes	Yes	Yes	

Responding Party	Verification of a product's conformity with the hygiene and health standards	Verification of a product's conformity with the corresponding product specification	Verification of traceability	Other
New Zealand	No	No		
Poland	Yes	Yes	Yes	No
Portugal	Yes	Yes	Yes	
Republic of Korea				No
Republic of Moldova		Yes	Yes	Yes Use of geographical indications on the market is carried out by the Agency for Consumer Protection and Market Surveillance.
Romania	No	No	No	No
Russian Federation		Yes		
Serbia	Yes	Yes	Yes	
Singapore	N/A	N/A	N/A	N/A
Slovakia		Yes		
South Africa				
Switzerland		Yes (R2 and R3)	Yes (R2 and R3)	
United Kingdom	N/A	N/A	N/A	N/A
United States of America				
Uruguay				
Viet Nam		Yes	Yes	
European Union		Yes		

#### COMMENTS:

##### Brazil

\* The control mechanism may cover the monitoring of producers and service providers, as well as the products and services provided, in accordance with the requirements established in the GI Use Regulation. There are, however, no minimum control requirements determined by law or normative instrument. Regarding the control carried out by other public agencies (such as ANVISA, for example), it is not the responsibility of INPI.

##### Chile

For indications registered with INAPI, the actual holder and users are responsible for overseeing the correct use of the GI/AO.

##### Colombia

Verification of compliance with hygiene and health standards can be established as a subject for control/monitoring in the regulations governing use.

### Cyprus

For agricultural products, foodstuffs, wines and spirits, the verification of a product's conformity with the corresponding product specifications for a PDO or a PGI is applied without prejudice to other specific Union or national provisions relating to the placing of products in the market.

### Georgia

Verification of a product's conformity with the hygiene and health standards is carried out by the separate procedure.

### Iceland

According to Art. 29 of the Act, the controls entail examination as to whether the producer of a product using a registered product name meets the requirements of the Act and as to the product being produced or obtained in accordance with the product specification. The Icelandic Food and Veterinary Authority shall harmonize controls in respect of registered product names in order to ensure that they are carried out uniformly in the country. Should both the Icelandic Food and Veterinary Authority and municipal health inspectorates have control obligations with respect to the same producer of a product, the Minister shall decide which authority is responsible for the control. The Icelandic Food and Veterinary Authority sets out the working relationship between the parties involved and shall in such instances focus in particular on efficient control and avoiding duplication and overlap to the extent possible. The Authority shall also closely cooperate with health inspectorates and health representatives and provide expertise and services as regards control in respect of registered product names to the extent possible and as needed. Furthermore, the Authority shall aim at harmonizing the requirements for control-related activities and ensure that such requirements are applied. In order to promote the achievement of this objective the Authority publishes instructions and implementation guidelines with which municipal health inspectorates shall comply.

### Israel

No monitoring by IP authorities. Might be subject to consumer protection laws.

### Lithuania

See the European Union reply.

### Mexico

Despite their status as protected goods, geographical indications must comply with the Mexican Official Standards that are applicable based on their nature. The specific Mexican Official Standards for each geographical indication also set out the particular conditions that must be fulfilled in order for the geographical indication to be considered as such.

### New Zealand

Not applicable for the Geographical Indications (Wine and Spirits) Registration Act 2006.

### Republic of Korea

After a collective mark with a geographical indication is registered, if the GI contained in the collective mark is not protected or in use in the country of origin, an interested person can request a trial for invalidation of the registration of the collective mark. (Article 117(1).7)

### Singapore

Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.

South Africa

Responsibility of the Rights Holder.

Uruguay

The regulations on use of the indication may provide for independent monitoring, and there are entities that monitor hygiene and health standards.

**38. Verification of a product's conformity with the corresponding product specification shall be carried out by:**

Responding Party	public authority/state institution accredited by the certification body	public authority/state institution not accredited by the certification body	private institutions
Australia	Yes		Yes
Brazil			
Chile			Yes
Colombia	Yes	Yes	Yes
Croatia		Yes	Yes
Cyprus			
Czech Republic		Yes	Yes Accredited by the accreditation body
Ecuador	Yes		
Estonia		Yes	Yes
France			Yes Accredited by either a French or a European Community formal accreditation body.
Georgia		Yes	
Greece		Yes	
Guatemala			Yes
Hungary		Yes	
Iceland	Yes	No	No
Israel	No	No	No
Jamaica	Yes	No	No
Japan	Yes		
Kazakhstan			
Lithuania			
Madagascar	Yes		
Mexico	Yes	Yes	Yes
New Zealand	No	No	No
Poland	No	Yes	Yes
Portugal	Yes	Yes	Yes
Republic of Korea			
Republic of Moldova		Yes	Yes
Romania	No	No	Yes
Russian Federation		Yes	
Serbia	Yes		Yes
Singapore	N/A	N/A	N/A
Slovakia			Yes Accredited by the accreditation body
South Africa			

Responding Party	public authority/state institution accredited by the certification body	public authority/state institution not accredited by the certification body	private institutions
Switzerland	Yes		Yes
United Kingdom	N/A	N/A	N/A
United States of America	No	No	No
Uruguay	Yes	Yes	Yes
Viet Nam	Yes		Yes
European Union		Yes	Yes Accredited by the accreditation body

## COMMENTS:

### Australia

Verification of conformity with the CTM rules is undertaken by the owner or approved certifier, which could be a public authority or state institution or even a private institution.

### Brazil

Regarding INPI, the control mechanism established as an application in the formal requirement process for the registration of geographical indications must be declared by the applicant in the case file, and there are no restrictions or specific determinations as to their nature to the person responsible for such control. Regarding the control carried out by other public agencies (such as ANVISA, for example), it is not the responsibility of INPI.

### Chile

Under the recognition system established by Law No. 19.039 on Industrial Property, public bodies are not responsible for verification. Such matters are governed by the respective use and control regulation, so products may be verified by private institutions.

### Colombia

Competence for verification of the product's conformity is established in the regulations governing use and is therefore discretionary. There is no provision regarding the nature of the entity, so it need only be a legally established legal person with technical, administrative and financial capacity; a product certification mechanism must also have been established.

### Cyprus

For agricultural products, foodstuffs, wines and spirits the verification of a product's conformity with the corresponding product specification is carried out by a public authority.

### Hungary

The control/ monitoring authority is individually indicated in the product specification.

### Iceland

According to Article 29 of the Act, the Icelandic Food and Veterinary Authority and the municipal health inspectorates are responsible for controls of the use of registered product names for foodstuffs in accordance with Articles 6 and 22 of Act No. 93/1995 on Foodstuffs. The municipal health inspectorates shall also control the use of registered product names for other products falling under the scope of the Act. The controls entail examination as to whether the producer of a product using a registered product

name meets the requirements of the Act and as to the product being produced or obtained in accordance with the product specification.

Israel

No monitoring by IP authorities. Might be subject to consumer protection laws.

Japan

Public authority itself. (Same as question 15). In case of GIs for liquor, the institution for management takes place the verification. This institution is not public authority/state one.

Mexico

Conformity with Mexican Official Standards shall be assessed by competent agencies, certification entities, testing or calibration laboratories or verification bodies that are authorized and, where applicable, approved under the Federal Law on Metrology and Standardization.

Lithuania

See the European Union reply.

New Zealand

Not applicable for the Geographical Indications (Wine and Spirits) Registration Act 2006.

Republic of Moldova

Public authority / state institution may be accredited by the certification body.

Russian Federation

Verification is carried out by authorized bodies (the Russian Ministry of Health, the Russian Ministry of Industry and Trade, the Russian Ministry of Agriculture, and the Russian Federal Service for Regulation of the Alcohol Market), with the participation of institutions operating under them.

Singapore

Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.

Slovakia

N/A for non-agricultural products.

South Africa

Responsibility of the Rights Holder.

Switzerland

The certification and inspection bodies are private institutions.

United States of America

The GI owner has mechanisms for verifying conformity with product specifications.

Uruguay

This is done in accordance with the regulations on certification marks.

Viet Nam

Only private institutions that are capable of verifying product's quality shall carry out the verification of a product's conformity with the corresponding product specification.

*(xiii) Labelling*

**39. The products marketed under a protected geographical indication:**

<b>Responding Party</b>	<b>shall be marked with certain inscriptions</b>	<b>shall be marked with certain symbols</b>
Australia		
Brazil	No	No
Chile	Yes "Indicación Geográfica" or "Denominación de Origen" or the initials "I.G." or "D.O."	
Colombia		Yes The official seal for appellation of origin adopted by Decision No. 36074 of 2013.
Croatia		Yes A user is entitled to add an established symbol indicating PGI or PDO.
Cyprus	Yes	
Czech Republic		Yes
Ecuador	No	Yes They shall be marked with the stamp authorized for use of a protected geographical indication.
Estonia	Yes Goods and services of natural, agricultural, handicraft or industrial origin, except the geographical indications and designations of origin for agricultural products, foodstuffs and alcoholic beverages protected at Community level.	
France	Yes Name of the GI, registration number and optional mention of the management and protection bodies. Official logo, optional.	
Georgia	Yes	
Greece	Yes The protected geographical indication in Greek, name and address of the producer or the packing operation.	Yes European Union symbols, symbol of control body.
Guatemala	No	No
Hungary		
Iceland	No	Yes Symbols to be found in Annex II to Regulation No. 593/2016.
Israel	No	No

Responding Party	shall be marked with certain inscriptions	shall be marked with certain symbols
Jamaica	No	Yes Protected Geographical Indication.
Japan		Yes The national GI emblem
Kazakhstan		
Lithuania		
Madagascar	No	No
Mexico	Yes "Protected Appellation of Origin" or "Protected Geographical Indication", as applicable.	Yes "P.A.O." or "P.G.I.", as applicable.
New Zealand	No	No
Poland	No	Yes Union symbols of PDO/PGI - Article 12(2) of Reg. 1151/2012
Portugal		
Republic of Korea		
Republic of Moldova	Yes The products marketed under a protected geographical indication shall be marked with following inscriptions: Protected Geographical Indication, Protected Denomination of Origin.	Yes The products marketed under a protected geographical indication shall be marked with special symbols. The symbols, as well as the Regulations for their use, were approved by Law no. 101 of 12.06.2014.
Romania	Yes Shall be marked on the product label "Geographical indication".	
Russian Federation	Yes "Registered Appellation of Origin of a Product" or "registered AOP" (Article 1520 of the Russian Federation Civil Code)	
Serbia	Yes Labels with inscription: Geographical Indication or Appellation of Origin	
Singapore	N/A	N/A
Slovakia	N/A	N/A
South Africa	N/A	N/A
Switzerland	Yes (R2 and R3) R2. For Swiss PDOs and PGIs, "PDO" or "PGI", or "controlled appellation of origin"/"protected appellation of origin" or "protected geographical indication" will be marked in one of the official languages of Switzerland. For foreign PDOs and PGIs, such inscriptions are optional. R3. "PDO" or "controlled appellation of origin" will be marked.	
United Kingdom	N/A	N/A
United States of America	No	No
Uruguay	No	No
Viet Nam	Yes The inscription(s) shall be provided in the regulation of each geographical indication.	Yes

Responding Party	shall be marked with certain inscriptions	shall be marked with certain symbols
		The symbol(s) shall be provided in the regulation of each geographical indication.
European Union		Yes The EU has established symbols for GIs for agricultural products and foodstuffs, wines and spirit drinks.

## COMMENTS:

### Australia

Any requirement for products marketed under a registered CTM GI will depend on the rules governing use of the CTM GI. Under the Wine Australia regulations it is optional to include a GI on the label of wine goods. But if a GI is included 85% of grapes of the wine goods must be from the GI or if multiple GIs are included 95% of the grapes of the wine goods must be from the GIs.

### Brazil

The IG protects the geographical name and its protection extends to its figurative and graphic representation. In this way, the product must be indicated with the representation of the GI required in the records of the registration process, which does not prejudice the possibility of the registered use of the registered geographical name. There is, however, no term or sign of compulsory use by GI holders other than those registered with the INPI

### Cyprus

As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of article 12 of the European regulation (EU) 1151/2012. For wines and spirits as per provisions of Regulations (EU) 1308/2013 and (EC) 607/2009

### Estonia

The use of symbols is obligatory for GIs only of EU-originating product and only in some sectors.

### Hungary

The product specification may prescribe the use of certain inscriptions or symbols, but there is no unified provision concerning labeling.

### Israel

No monitoring by IP authorities. Might be subject to consumer protection laws.

### Japan

In case of GIs for liquor, it is necessary to display some phrases etc. on products. Those phrases must include that those products in question are allowed to sell as GI for liquor.

### Lithuania

See the European Union comments.

Madagascar

The law contains no provision relating thereto but mention may be made on the product that it bears a protected geographical indication

Mexico

Article 165*bis* (18) establishes that “the authorized user shall be bound to use the protected appellation of origin or geographical indication in the form in which it appears in the corresponding declaration, and to use the caption “Protected Appellation of Origin” or “Protected Geographical Indication” or abbreviation “P.A.O.” or “P.G.I”, as appropriate, on the products that they cover.”

Portugal

There are no official symbols at the national level.

Viet Nam

Viet Nam is currently in the process of creating a uniformed logo for protected geographical indications.

European Union

The use of symbols is obligatory for GIs only of EU-originating product and only in some sectors.

(xiv) Term of Protection/Renewal

**40. The protection of a geographical indication is granted for:**

Responding Party	an unlimited period	a renewable limited period of [...] years	a non-renewable limited period of [...] years
Australia			
Brazil	Yes		
Chile	Yes		
Colombia	yes		
Croatia	Yes		
Cyprus	Yes (wines and spirits)		
Czech Republic	Yes		
Ecuador	Yes	Yes The term of protection shall be unlimited, but authorization to use the related geographical indication shall be limited to a renewable term of 10 years.	No
Estonia	Yes		
France	Yes		
Georgia	Yes		
Greece	Yes		
Guatemala	No	No	No
Hungary	Yes		
Iceland	Yes	No	No
Israel	Yes	Yes An unregistered geographical indication will be protected for as long as it is known as such in Israel. A geographical indication incorporated in a	No

Responding Party	an unlimited period	a renewable limited period of [...] years	a non-renewable limited period of [...] years
		certification or collective trademark will be renewable on a 10-year basis. Domestic appellations of origin registration are renewable on a 10-year basis.	
Jamaica	Yes	No	No
Japan	Yes		
Kazakhstan		Yes 10 years.	
Lithuania			
Madagascar	Yes	No	No
Mexico			
New Zealand		Yes Under the Geographical Indications (Wine and Spirits) Registration Act 2006, the initial period of registration is five years from the date of application. A registration can be renewed thereafter for further periods of 10 years.	
Poland	Yes	No	No
Portugal	Yes		
Republic of Korea		Yes There is no other requirement than paying a renewal fee.	
Republic of Moldova	Yes		
Romania	No	Yes 10 years	No
Russian Federation	Yes		
Serbia	Yes		
Singapore	N/A	N/A	N/A
Slovakia	Yes		
South Africa		Yes 10 years, as per any other trademark.	
Switzerland	Yes R2, R3 and R4	Yes R5 10 years	
United Kingdom	Yes	10 years Yes	
United States of America	No	Yes 10 years	No
Uruguay	Yes		
Viet Nam	Yes		
European Union	Yes		

**COMMENTS:**Australia

CTM GIs are registered for a period of 10 years, and can be renewed on the payment of a fee. Wine GIs registered under the Wine Australia Act can be protected indefinitely unless the registration is omitted (cancelled).

### Brazil

There is no term established by the Brazilian IP Law, nor is there any provision for renewal of registration. Once granted registration, its validity is temporarily unlimited.

### Cyprus

As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of the European regulation (EU) 1151/2012, which does not include time limits for the registration of a PDO, PGI. There is only the case of cancellation of a registered name if the reasons mentioned in article 54 are met.

### Mexico

Although the duration of the declaration of protection of an appellation of origin or geographical indication shall be determined by the subsistence of the grounds on which it was made, the authorization to use an appellation of origin or geographical indication shall be effective for a duration of ten years from the date on which the application is filed with the Institute, and may be renewed for periods of the same duration.

### Russian Federation

An AOP is registered for an unlimited period. The right to use an AOP, however, is granted for ten years with the possibility of renewal.

### Singapore

Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.

### Switzerland

R1. A geographical indication is protected, as an indication of source, against all misuse, for as long as the relevant public considers it to be a reference to the source of the products or services (Article 47(2) of the TmPA).

### Viet Nam

Geographical indications in Viet Nam are protected indefinitely, unless the geographical conditions decisive to reputation, quality or special characteristics of products bearing a geographical indication have changed resulting in the loss of such reputation, quality or characteristics of products.

#### **41. What are the conditions required for the renewal of the protection?**

<b>Responding Party</b>	<b>Demonstration of the link between the quality and reputation or another given characteristic of the product concerned and its geographical origin is subject to a new examination</b>	<b>Supporting documents should be presented</b>	<b>Other conditions</b>	<b>No condition</b>
Australia			Yes The only condition for renewal of a CTM is the payment of the renewal fee.	
Brazil				
Chile	N/A	N/A	N/A	N/A
Colombia				

Responding Party	Demonstration of the link between the quality and reputation or another given characteristic of the product concerned and its geographical origin is subject to a new examination	Supporting documents should be presented	Other conditions	No condition
Croatia				Yes
Cyprus				Yes
Czech Republic				
Ecuador	Yes	Yes	No	No
Estonia				
France				
Georgia	N/A	N/A	N/A	N/A
Greece				
Guatemala	No	No	No	No
Hungary	N/A	N/A	N/A	N/A
Iceland	N/A	N/A	N/A	N/A
Israel	Yes	Yes	No	No
Jamaica	No	No	No	Yes
Japan				Yes
Kazakhstan	Yes	Yes		
Lithuania				
Madagascar				Yes
Mexico				
New Zealand	No	No	Yes Payment of a registration renewal fee	No
Poland	N/A	N/A	N/A	N/A
Portugal				
Republic of Korea				Yes
Republic of Moldova	N/A	N/A	N/A	N/A
Romania		Yes		
Russian Federation		Yes		
Serbia				
Singapore	N/A	N/A	N/A	N/A
Slovakia				
South Africa				Yes
Switzerland				Yes (R5)
United Kingdom				Yes
United States of America	No	Yes	Yes fee for renewal	
Uruguay				No
Viet Nam				Yes
European Union				

**COMMENTS:**

Brazil

In Brazil, there is no provision for renewal of registration.

Colombia

N/A, since the protection is not subject to regular renewal procedures.

Croatia

GI protection is not limited in time.

Cyprus

As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of the European regulation (EU) 1151/2012, which does not include time limits for the registration of a PDO, PGI.

Czech Republic

GI protection is not limited in time.

Estonia

GI protection is not limited in time.

Hungary

Geographical indication protection is not limited in time.

Israel

These responses apply only with respect to registered appellations of origin and certification/collective marks.

Japan

See the answer for question 40.

Portugal

Unlimited duration, no maintenance required.

Republic of Korea

There is no other requirement than paying a renewal fee.

Republic of Moldova

See the answer for question 40.

Russian Federation

Pursuant to Article 1531(2), the validity of a certificate of an exclusive right to an appellation of origin may be renewed at the request of the holder of the certificate. A finding by an authorized body that the holder of the certificate is producing a product with special qualities as indicated in the state register within the boundaries of the relevant geographical area is attached to an application. With regard to an appellation that is the name of a geographical area located outside of the Russian Federation, the holder of the

certificate presents a document confirming the right to the appellation of origin in the product's country of origin as of the date the application to renew the certificate is filed.

#### Singapore

Under the current Geographical Indications Act (Cap 117B), there is no registration process. As protection of a geographical indication is automatic, there is no need for renewal.

#### Slovakia

GI protection is not limited in time.

#### South Africa

Section 37 read with Regulations 24 - 30 of the Trade Marks Act.

Application for renewal in the prescribed manner and on payment of the prescribed renewal fees. It can be renewed from a period of 6 months before the expiry of the last registration and up to 6 months after such expiry.

##### Duration and renewal of registration

37.(1) The registration of a trade mark shall be for a period of 10 years, but may be renewed from time to time in accordance with the provisions of this section.

(2) The registrar shall, on application made by the registered proprietor of a registered trade mark in the prescribed manner and within the prescribed period, renew the registration of the trade mark for a period of 10 years from the date of expiration of the original registration or of the last renewal of registration, as the case may be, which date is in this section referred to as 'the expiration of the last registration': Provided that, in the case of an application made in terms of section 63, the date of the original registration shall, for the purposes of this subsection, be deemed to be the date of lodgment of the application at the trademarks office.

(3) At the prescribed time before the expiration of the last registration of a trade mark, the registrar shall send notice in the prescribed manner to the registered proprietor at his address for service of the date of expiration and the conditions as to payment of fees and otherwise upon which a renewal of registration may be obtained, and, if at the expiration of the time prescribed those conditions have not been duly complied with, the registrar may remove the trade mark from the register subject to such conditions, if any, as to its restoration to the register as may be prescribed.

(4) Where a trade mark has been removed from the register for non-payment of the fee for renewal, it shall, nevertheless, for the purpose of any application for the registration of a trade mark during one year next following the date of the expiration of the last registration, be deemed to be a trade mark that is already on the register: Provided that the foregoing provisions of this subsection shall not have effect where the registrar is satisfied that there has been no bona fide use of the trade mark that has been removed during the two years immediately preceding the date of the expiration of the last registration.

##### Renewal

[Sections 11 and 37]

24.(1) The notice under section 37(3) of the Act shall be sent by the Registrar not less than six months prior to the expiration of the last registration. The notice shall be on Form 0.3.

(2) If trademarks having the same date of registration and owned by the same proprietor and which were previously registered in different classes fall, for whatever reason, in the same class, such marks shall on renewal be consolidated into one registration having one distinguishing number and shall, for the purposes of these regulations, be deemed to be a single trade mark.

(3) On renewal, the Registrar shall be required to make any entries or amendments in the register in order to record changes resulting from a revised or replaced classification resulting from whatever reason.

##### Application for renewal by proprietor

[Sections 11 and 37]

25.(1) An application to the Registrar for the renewal of the registration of a trade mark, including a variation of the class, in terms of section 11 of the Act, shall be made on Form TM5 within the period commencing six months prior to the expiration of the last registration and ending six months after the said expiration.

(2) Failure to pay the renewal fee before the expiration of the last registration shall attract an additional fee; and failure to pay within the time limit of regulation 25(1) shall attract a further additional fee.

26. If the renewal fee has not been paid before the expiry of the period referred to in regulation 25(1) the Registrar shall advertise the fact forthwith in the Patent Journal. If within one month of such expiration the renewal fee upon Form TM5, together with the additional fees, is received, he may renew the registration without removing the mark from the register.

27. Whenever after the expiry of the said period of one month such fees have not been paid, the Registrar may remove the mark from the register as of the date of the expiration of the last registration, but may upon payment of the renewal fee upon Form TM5, together with the additional fee, restore the mark to the register if satisfied that it is just so to do and upon such conditions as he may think fit to impose.

28. Where the application for the renewal of the trade mark is not made by the registered proprietor, the Registrar, before taking any further steps, may require the applicant to furnish within two months evidence at his authority to make such application and in the absence of such evidence may return the application and treat it as not having been received.

29. Where a trade mark has been removed from the register, the Registrar shall cause to be entered in the register a record of such removal and its cause and shall advertise the fact in the Patent Journal.

30.(1) Upon the renewal of the registration, notice on Form TM5 to that effect shall be sent to the registered proprietor at his registered address or at the address given on Form TM5, as the case may be.  
(2) Thereafter, the renewal shall be advertised forthwith by the Registrar in the Patent Journal.

#### Switzerland

Only two conditions, namely continuation of the pre-existing protection of the mark (requirement under Article 27(a) of the TmPA) and payment of the fee, must be met in order to renew a geographical mark.

#### European Union

GI protection is not limited in time.

#### (xv) Amendments

#### **42. Is there capacity to amend a geographical indication once it is protected?**

<b>Responding Party</b>	<b>Capacity to amend a geographical indication once it is protected</b>	<b>If Yes, what is the process?</b>
Australia	Yes	
Brazil	No	
Chile	Yes	
Colombia	Yes	*
Croatia	No	
Cyprus	Yes	The procedure corresponds to the application procedure.
Czech Republic	Yes	
Ecuador	Yes	The modification will be subject to the procedure for the declaration of protection, as appropriate.
Estonia	Yes	The procedure corresponds to the application procedure.
France	Yes	Amendment procedure, identical to the application procedure
Georgia	Yes	The applicant may file the application to the relevant governmental institution and request the amendment to the specification. The applicant has to justify the changes. The amendments are published for opposition.
Greece	Yes	Same as the process of recognition of a GI.
Guatemala	Yes	It may be amended at any time, if the information in the approved specifications has changed. Amendment is liable to payment of the prescribed fee and shall be subject to the trademark provisions of the relevant section of the Law.

Responding Party	Capacity to amend a geographical indication once it is protected	If Yes, what is the process?
Hungary	Yes	The procedure corresponds to the application procedure.
Iceland	Yes	According to Art. 19 of the Act, the original applicant or a group of producers satisfying the conditions of Art. 11 and having a legitimate interest may apply for an amendment to a product specification registered according to Chapter. 6 Applications for approval of an amendment to a product specification are subject to the provisions of the Chapter, as applicable. If a legal or natural person having legitimate interest and who is a producer or processor of the product in question, objects to the amendment, the Icelandic Food and Veterinary Authority shall only acknowledge amendment to a product specification if an agreement has been reached with the party lodging an objection or if the Food and Veterinary Authority considers that the objection hinders natural development of a product and taking into account Art. 15. Amendment to a product specification shall be published by way of a public notice in Section B of the Government Gazette of Iceland.
Israel	No	
Jamaica	Yes	Rectification.
Japan	Yes	A group of producers needs to submit an application form for the amendment with amended specification. The amendment is then published for three months and after the publication, the experts meeting is carried out. If problems are not found, the amendment will be registered. In the case of liquor GIs, a product specification which is applied from "Group" is examined. After examination, the product specification is published on the National Tax Agency's website and a public comment for the specification is taken place for not less than 30 days. During the period, anyone can submit opinions concerning the product specification in question. If necessary, the specification will be modified. The Commissioner of the National Tax Agency may designate the protection of the GI and the Commissioner shall notify the matter through official gazettes if there is not any problems in order to protect on the name in the application after confirmation of submitted opinions. "Group" in the paragraph above means a group which is consisted of liquor manufacturers only or mostly liquor manufacturers who request the designation of GI. This group can be applicant. (Same as question 16).
Kazakhstan	Yes	A holder of the appellation of origin is required to notify the expert organization of any changes in the registration details. The expert organization makes an entry with the indication of such amendments in the State Register of Appellations of Origin and in the certificate.
Lithuania		
Madagascar	Yes	The court may be required to order the modification of the registration of a geographical indication on the ground that the geographical area mentioned in the registration does not correspond to the geographical indication, or that the mention of the products for which geographical indication is used or the mention of the quality, reputation or other characteristic of these products is missing or not justified.
Mexico	Yes	The terms of the declaration of protection for an appellation of origin or geographical indication may be amended at any time, either <i>ex officio</i> or at the request of an interested party, in

Responding Party	Capacity to amend a geographical indication once it is protected	If Yes, what is the process?
		accordance with the procedure laid down in Articles 165 to 165bis (13) of the LPI.
New Zealand	Yes	Under the Geographical Indications (Wine and Spirits) Registration Act 2006 the Registrar may, on his or her own initiative, or on application of an interested person, alter the registration, or the conditions, or boundaries relating the registration, if the Registrar is satisfied that the alternation: is necessary; will not substantially alter the character of the geographical indications; and is not likely to mislead the public
Poland	Yes	According to Article 53 of Reg. 1151/2012
Portugal	Yes	The same requirements applied to the application procedure.
Republic of Korea	No	
Republic of Moldova	Yes	A group satisfying the conditions of Article 9 paragraph (2) Law 66/2008 and having a legitimate interest may request entry of amendments in the product specification and, where appropriate, in the single document, in respect of an appellation of origin and a geographical indication, as appropriate. The request shall include a description of the requested amendments and a justification thereof. The amendment application shall be accompanied by: a) the decision of the competent authority on approval of amendments where the defined geographical area is in the territory of the Republic of Moldova; b) the proof of making the amendments concerned in the country of origin, where the defined geographical area is outside the territory of the Republic of Moldova. Where the amendment to the product specification involves one or more amendments that are not minor, the amendment application shall be subject to examination and publication and shall be open to opposition procedures.
Romania	No	
Russian Federation	Yes	Pursuant to Article 1532 of the Russian Federation Civil Code, at the request of a right holder, the Russian Patent Office make changes to the State Register and to a certificate of an exclusive right to an appellation of origin concerning the state registration of the appellation of origin and the granting of an exclusive right to this appellation (Article 1529(2)), including changes related to the name of the right holder, its/his location or place of residence, address for correspondence, as well as changes to correct obvious and typographical errors. A finding by an authorized body that the given changes do not have a material impact on the special qualities of the product is attached to a request for changes to a description of the special qualities of a product for which an appellation of origin has been registered.
Serbia	No	
Singapore	N/A	
Slovakia	Yes	The procedure corresponds to the application procedure.
South Africa	Yes	Section 25 sets out the provisions for amendment of the registration of any registered trade mark, provided the amendment does not substantially affect the identity of the trade mark as originally lodged. Application is to be made in the prescribed form as set out in terms of Regulation 45 and 46 together with the payment of the prescribed fees. This amendment will be published in the Patent Journal and 3rd parties wish to oppose the proposed

Responding Party	Capacity to amend a geographical indication once it is protected	If Yes, what is the process?
		amendment of the mark may do so as per the provisions of Section 21 and Regulation 19 (above).
Switzerland	Yes	R2 and R4. The same procedure is followed in applying for an amendment as in filing the initial application for PDO or PGI registration or when filing an application to the Federal Council under Article 50(2) of the TmPA.
United Kingdom	Yes	The Regulations can be amended
United States of America	Yes	The amendment is approved by the producers and submitted to the USPTO for entry in the registration file.
Uruguay	No	
Viet Nam	Yes	Detailed process of amending a geographical indication protection title is provided in Point a, Clause 19, Article 1 of Circular No. 16/2016/TT-BKHCHN amending and supplementing a number of Articles of Circular No. 01/2007/TT-BKHCHN.
European Union	Yes	The procedure corresponds to the application procedure.

#### COMMENTS:

##### Australia

In theory a GI protected as a CTM could be amended under the Trade Marks Act, but any amendment to the word/s of the GI can only be minor, such as correcting a spelling mistake. Amending the GI, such as changing the name of the GI is unlikely to be an allowable amendment. A restriction to the goods and/or services covered, on the other hand, may be allowable. An amendment to the rules governing use of the CTM is possible but must be approved by the ACCC.

##### Brazil

Once the registration is granted, there are no mechanisms for it to be updated, modified or amended.

##### Chile

Under the recognition system established by Law No. 19.039 on Industrial Property (register), registrations may be amended at any time if one of the circumstances taken into account for the recognition of a GI or AO should change. GIs for wines and alcoholic beverages may not be amended once protected.

##### Colombia

\* Once protection has been granted for an appellation of origin, the Superintendency of Industry and Trade may order, ex officio or at the request of a legitimate party, as the case may be, modifications to the grounds when changes have arisen in one or more of the elements referred to in Article 204 of Decision 486 of 2000. In addition, the protection may be invalidated when the conditions giving rise to recognition of the appellation of origin no longer obtain, in accordance with Article 206 of Decision 486. When such conditions no longer obtain in respect of one or more products protected by the appellation of origin, the invalidation applies only to the products affected by that situation.

##### Conditions and requirements:

- (a) Modifications to the protection can legitimately be requested by the initial applicant or by a person empowered by the applicant to authorize use. An applicant who requests invalidation of the appellation of origin must demonstrate a legitimate interest.

- (b) The request for modification must be accompanied by the minutes (adopted by statutorily established majorities) recording the beneficiaries' decision to modify the declaration of protection.
- (c) Requests for modification or invalidation must be grounded and supported by evidence.

Admissible modifications:

- (a) Expansion or reduction of the defined geographical area when justified by existing circumstances.
- (b) Partial modifications in the production, acquisition or extraction processes originally described.
- (c) Changes in natural or human factors that affect the quality or other characteristics of the product.

Modifications shall not be admissible if they substantially alter the essential conditions that initially motivated the protection, including the essential qualities of the product, the link with its place of origin, the name of the product or of the geographical area, or the name that constitutes the appellation of origin.

Procedure:

- (a) Upon receipt of a request for the modification or invalidation of appellation of origin protection, the Directorate of Distinctive Signs shall notify the entity empowered to authorize use of the appellation of origin, if there is such an entity, allowing 60 working days from the date of notification for it to present the arguments and evidence it considers appropriate.
- (b) Where the power to authorize use has not been delegated, the Superintendency of Industry and Trade shall publish the request for modification or invalidation in the Industrial Property Gazette for the same period, so that interested third parties can oppose invalidation, presenting arguments and evidence to that effect.
- (c) Upon expiration of the terms indicated above, the Directorate of Distinctive Signs shall present to the Deputy Superintendent for Industrial Property a report on the technical and legal aspects of non-compliance with the requirements and conditions legally established to maintain the protection, together with a summary of arguments set out in the oppositions, if any, and information on all other questions raised in the file.
- (d) The Deputy Superintendent for Industrial Property shall decide on modifications to or invalidation of the protection by means of a reasoned Decision. Invalidation of the protection also invalidates empowerment to authorize the use of an appellation of origin.

Upon invalidation of the protection, the interested parties can request that it be restored, complying with the applicable requirements and exhausting the available procedures.

Cyprus

As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of article 53 of the European regulation (EU) 1151/2012; for wines, as per provisions of Regulation (EU) 1308/2013 and (EC) 607/2009; for spirits, as per provisions of Regulation (EC) 110/2008 and (EU) 716/2013.

Israel

To the extent permitted under the Lisbon Agreement.

Singapore

Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.

(xvi) Invalidation/Loss of Protection

**43. (I) The following can be invalidated in your jurisdiction:**

<b>Responding party</b>	<b>a domestic geographical indication</b> <b>If Yes, on what grounds?</b>	<b>a foreign geographical indication</b> <b>If Yes, on what grounds?</b>
Australia	Yes	Yes
Brazil		
Chile	Yes Any interested party may request the invalidation of a GI or AO registration upon	Yes Under the recognition system established by Law No. 19.039 on

Responding party	a domestic geographical indication  If Yes, on what grounds?	a foreign geographical indication  If Yes, on what grounds?
	infringement of any of the prohibitions provided for in article 95 of Law No. 19.039 on Industrial Property.	Industrial Property, invalidation of a foreign GI or AO may be requested in the same way as for a domestic GI or AO upon infringement of any of the prohibitions provided for in article 95 of the above Law. Law No. 19.039 also provides that GIs and AOs of foreign origin <u>cannot be protected, or will lose any protection that they had, where they are no longer protected or have fallen into disuse in their country of origin.</u>
Colombia	Yes The protection can be invalidated when, in the opinion of the competent national office, the motivating conditions no longer obtain. In addition, the decision to grant protection could be reversed by the Council of State in the event of a invalidation-and-restoration-of-rights action.	Yes When protection ceases in the country of origin.
Croatia	Yes - the conditions for the protection of a geographical indication (designation of origin) provided by national legislation were not met; - grounds for refusal (as in answer to question 23) existed; - an unauthorized person filed the application for the entry into register; - compliance with the conditions set out in the specification is no longer ensured.	Yes Same as for domestic GI.
Cyprus		
Czech Republic	Yes	Yes
Ecuador	Yes 1. They are contrary to the law, morality, public order or good customs. 2. They may mislead the public about the geographical origin, nature, manner of manufacture, or the quality, reputation or other characteristics of the respective products. 3. They are common or generic indications to distinguish the product in question, when they are considered as such by connoisseurs or by the general public within the territory of Ecuador. 4. They were requested or registered in good faith as trademarks before the appellation of origin was protected in the country of origin; and, 5. In relation to viticultural products, they would have been the usual appellation of an existing grape variety in the territory of Ecuador as at January 1, 1995.	Yes They were requested or registered in good faith as trademarks before the appellation of origin was protected in the country of origin.
Estonia		
France		

<b>Responding party</b>	<b>a domestic geographical indication</b> <b>If Yes, on what grounds?</b>	<b>a foreign geographical indication</b> <b>If Yes, on what grounds?</b>
Georgia	<p style="text-align: center;">Yes</p> <p>Registration of an appellation of origin or geographical indication may be cancelled if: (a) it has been registered in violation of the Law; (b) due to changing or disappearing of natural or human factors, specific for the given geographical area, becomes impossible to produce such goods which would have the quality and features indicated in the Register.</p>	
Greece	<p style="text-align: center;">Yes</p> <p>Any natural or legal person, having legitimate interest, resident in the Greek territory, have the right to apply for the cancellation of a protected designation of origin or of a protected geographical indication in the following cases: (a) where compliance with the conditions of the specification is not ensured; (b) where no product is placed on the market under the protected designation of origin or the protected geographical indication for at least seven years.</p>	
Guatemala	No	No
Hungary	<p style="text-align: center;">Yes</p> <p>Protection of a geographical indication shall lapse: (a) if the protection is cancelled, with retroactive effect to the date of filing of the application; (b) if the holders have violated the requirements laid down in the product specification, with retroactive effect to the starting date of the procedure for revocation. (2) The protection shall be cancelled if the geographical indication does not satisfy the requirements laid down in Article 107(1)(a). (3) The protection of a geographical indication of spirit drinks shall be revoked if the designated inspection authority establishes serious defects, in relation to the product specification, in the use of the geographical indication, which cannot be remedied in any other way.</p>	<p style="text-align: center;">Yes</p> <p>Protection of a geographical indication shall lapse: (a) if the protection is cancelled, with retroactive effect to the date of filing of the application; (b) if the holders have violated the requirements laid down in the product specification, with retroactive effect to the starting date of the procedure for revocation. (2) The protection shall be cancelled if the geographical indication does not satisfy the requirements laid down in Article 107(1)(a). (3) The protection of a geographical indication of spirit drinks shall be revoked if the designated inspection authority establishes serious defects, in relation to the product specification, in the use of the geographical indication, which cannot be remedied in any other way.</p>
Iceland	<p style="text-align: center;">Yes</p> <p>According to Art. 22 of the Act, if a product name has been registered in contravention of the provisions of this Act, the Icelandic Food and Veterinary Authority may take a decision to cancel a registration. A registration of a product name may also be cancelled by a decision by the Icelandic Food and Veterinary</p>	<p style="text-align: center;">Yes</p> <p>According to Art. 22 of the Act, if a product name has been registered in contravention of the provisions of this Act, the Icelandic Food and Veterinary Authority may take a decision to cancel a registration. A registration of a product name may also be cancelled</p>

Responding party	a domestic geographical indication  If Yes, on what grounds?	a foreign geographical indication  If Yes, on what grounds?
	Authority if: a. the product does not conform to the product specification pursuant to Article 14; b. the product has not been marketed under a registered name for seven years.	by a decision by the Icelandic Food and Veterinary Authority if: a. the product does not conform to the product specification pursuant to Article 14; b. the product has not been marketed under a registered name for seven years.
Israel	Yes The appellation has become a mere indication of type or provenance or if the conditions which served as basis for the registration have ceased to exist.	Yes The appellation has ceased to be protected in the country of origin
Jamaica	N/A	N/A
Japan	Yes Dissolution and liquidation of the group of producers. Abandonment of rules regarding the method of production process management by the group of producers.	Yes Dissolution and liquidation of the group of producers. Abandonment of rules regarding the method of production process management by the group of producers.
Kazakhstan	Yes Designations: 1) constituting names of geographical entities that can be misleading as to the place of production of the goods; 2) formally indicating the actual place of production of the goods but giving a false impression that the goods have their origin in some other territory; 3) containing names of geographical entities unrelated to the place of production of the goods, may not be registered as appellations of origin.	Yes Designations: 1) constituting names of geographical entities that can be misleading as to the place of production of the goods; 2) formally indicating the actual place of production of the goods but giving a false impression that the goods have their origin in some other territory; 3) containing names of geographical entities unrelated to the place of production of the goods, may not be registered as appellations of origin.
Lithuania		
Madagascar	Yes Registration may be canceled if the indication does not comply with the legal definition, is contrary to public order or morality, may mislead the public as to the nature, provenance, method of manufacture, the characteristic qualities or suitability for use of the products in question.	Yes Registration may be canceled if the indication does not comply with the legal definition, is contrary to public order or morality, may mislead the public as to the nature, provenance, method of manufacture, the characteristic qualities or suitability for use of the products in question or if the indication is not protected in its country of origin
Mexico	Yes Declarations of protection for a geographical indication or appellation of origin may be invalidated if they have been granted in violation of the Federal Administrative Procedures Act and/or LPI. Declarations of protection establish that products are protected under appellations of origin or geographical indications; however, ownership of appellations of origin and geographical indications is granted only to	Yes Article 178 provides that the registration of the recognition of a foreign appellation of origin or geographical indication shall cease to be effective under the following circumstances: I. invalidity, in any of the following cases: a) when it has been granted in violation of the provisions of this Law;

Responding party	a domestic geographical indication If Yes, on what grounds?	a foreign geographical indication If Yes, on what grounds?
	<p>the State (except in the case of foreign products). Authorizations for the use of geographical indications or appellations of origin may also be invalidated through a specific procedure set out in the LPI. Through an authorization, the State confers the right to produce and market the protected good to an individual.</p>	<p>b) when it has been granted on the basis of false information and documents; II. cancellation, when the document referred to in Article 167(II) ceases to be effective in the country of origin. The declaration of invalidity or cancellation of the registration shall be made for administrative purposes by the Institute, acting <i>ex officio</i> or at the request of a party or the Federal Public Prosecutor, when there is any interest on the part of the Federal Government.</p>
New Zealand	<p style="text-align: center;">Yes</p> <p>Under the Geographical Indications (Wine and Spirits) Registration Act a domestic geographical indications may be removed from the register where it: should not have been registered because it fell under one or more of the grounds for refusing registration; has become a term customary in common language for a wine or spirit in New Zealand; fallen into disuse.</p>	<p style="text-align: center;">Yes</p> <p>It is not, or has ceased to be protected in its country of origin; it has fallen into disuse in its country of origin, it should not of been registered because it fell under one or more of the grounds for refusing registration; or it has become a term customary in common language as the common name for a wine or spirit in New Zealand.</p>
Poland	<p style="text-align: center;">No</p>	<p style="text-align: center;">No</p>
Portugal	<p style="text-align: center;">Yes</p>	<p style="text-align: center;">Yes</p>
Republic of Korea	<p style="text-align: center;">Yes</p> <p>In accordance with Article 117 of the Trademark, any interested party can request a trial to invalidate the registration of a collective mark with a geographical indication or a certification mark with geographical indication if there is any ground for invalidation.</p>	<p style="text-align: center;">Yes</p> <p>In accordance with Article 117 of the Trademark, any interested party can request a trial to invalidate the registration of a collective mark with a geographical indication or a certification mark with geographical indication if there is any ground for invalidation.</p>
Republic of Moldova	<p style="text-align: center;">Yes</p> <p>See comments.</p>	<p style="text-align: center;">Yes</p> <p>See comments.</p>
Romania	<p style="text-align: center;">Yes</p> <p>The court may request the cancellation for bad faith registration.</p>	
Russian Federation	<p style="text-align: center;">Yes</p> <p>Pursuant to Article 1535(2) of the Russian Federation Civil Code, the granting of legal protection to an appellation of origin of a product may be contested and invalidated throughout the entire period of protection if the legal protection was granted in violation of the requirements of the Russian Federation Civil Code. The granting of an exclusive right to a previously registered appellation of origin of a product may be contested and invalidated throughout the entire period of validity of a certificate of an exclusive right to an appellation of origin (Article 1531) if the exclusive right was granted in violation of the requirements of the Russian Federation Civil Code. If the use of</p>	<p style="text-align: center;">Yes</p> <p>On the same grounds as those provided for the invalidation of legal protection granted to Russian AOPs.</p>

Responding party	a domestic geographical indication  If Yes, on what grounds?	a foreign geographical indication  If Yes, on what grounds?
	an appellation of origin of a product could lead to confusion on the part of a consumer with regard to the product or its producer in connection with the existence of a trademark with earlier priority, the granting of legal protection to said appellation may be contested and invalidated within five years of the date of publication of information about the state registration of the appellation of origin in an official bulletin.	
Serbia	Yes Upon a written claim of an interested person, the authority competent for intellectual property activities may cancel the decision to register indication of geographical origin or decision to recognize authorized user status if it determines that registration requirements for indication of geographical origin or for recognition of authorized user status were not met at the time such decision was issued.	Yes Upon a written claim of an interested person, the authority competent for intellectual property activities may cancel the decision to register indication of geographical origin or decision to recognize authorized user status if it determines that registration requirements for indication of geographical origin or for recognition of authorized user status were not met at the time such decision was issued.
Singapore	N/A	N/A
Slovakia	Yes	Yes
South Africa	Yes	N/A
Switzerland	Yes (R2, R4 and R5) Registration or adoption of an ordinance in violation of the relevant standards.	Yes (R2, R4 and R5) Registration or adoption of an ordinance in violation of the relevant standards.
United Kingdom	Yes Not complying with the regulations of use	Yes Not complying with the regulations of use
United States of America	Yes All ground available for cancellation of a trademark registration, including that the term is generic. Prior rights cancellation must be initiated before the 5th anniversary of the GI registration.	Yes Same as for domestic
Uruguay	Yes On the grounds for denial of registration.	Yes On the grounds for denial of registration.
Viet Nam	Yes The validity of a geographical indication protection title shall be terminated when the geographical conditions decisive to reputation, quality or special characteristics of products bearing a geographical indication have changed resulting in the loss of such reputation, quality or characteristics of products (Point g, Clause 1, Article 95 of IP Law).	Yes The condition provided in Point g, Clause 1, Article 95 of IP Law above, and on the ground that the geographical indications of foreign countries are not or no longer protected or no longer used in the country of origin (Clause 2, Article 80 of IP Law).
European Union		

## 43. (II) The following can be invalidated in your jurisdiction:

Responding party	a foreign geographical indication recognized via an international agreement  If Yes, on what grounds?	No registered geographical indication can be invalidated
Australia	Yes	
Brazil		Yes
Chile	Yes By subsequent agreement between the same parties.	
Colombia	Yes When protection ceases in the country of origin.	
Croatia	Yes Same as for domestic GI.	
Cyprus		
Czech Republic	Yes According to the Art. 11 of the Act on the protection of designations of origin and geographical indications and on the amendment of the Consumer Protection Act, the Office shall cancel the registration of designation of origin if it finds, on the basis of a proposal of the person or competent control body concerned or on his own initiative, that (a) the designation of origin has been registered without complying with the conditions laid down by this Act; in this case, the designation of origin is regarded as if it was not registered, (b) the conditions laid down for the registration of the designation of origin have ceased; no registered geographical indication can be invalidated.	
Ecuador	Yes They were requested or registered in good faith as trademarks before the appellation of origin was protected in the country of origin.	
Estonia		
France		Yes Unless cancelled by the judge (court of appeal) within the time limit for the appeal.
Georgia	Yes Registration may be cancelled if it has been registered in violation of the Law and any conditions laid down in the bilateral or multilateral agreement.	
Greece		
Guatemala		Yes
Hungary		
Iceland	No	
Israel	Yes The appellation has become a mere indication of type or provenance or if the conditions which served as basis for the registration have ceased to exist.	No
Jamaica	N/A	N/A
Japan	Yes When the GI is no longer protected in the country of origin.	
Kazakhstan		
Lithuania		

Responding party	a foreign geographical indication recognized via an international agreement  If Yes, on what grounds?	No registered geographical indication can be invalidated
Madagascar	Yes Registration may be canceled if the indication does not comply with the legal definition, is contrary to public order or morality, may mislead the public as to the nature, provenance, method of manufacture, the characteristic qualities or suitability for use of the products in question.	
Mexico	Yes The cessation of protection of a geographical indication that is recognized directly via an international treaty shall be implemented in line with provisions of the treaty.	
New Zealand	No	No
Poland	No	Yes
Portugal		
Republic of Korea		
Republic of Moldova	See comments	
Romania		
Russian Federation		
Serbia		
Singapore	N/A	N/A
Slovakia	Yes	
South Africa	N/A	
Switzerland	Yes (R2, R4 and R5) By denouncing the agreement.	
United Kingdom	Yes Applications via Madrid - Not complying with the regulations of use	
United States of America	Yes If this means Madrid or Paris - the same as above. If this means bilateral or plurilateral agreement, an application for protection must be filed with the USPTO.	No
Uruguay	No	
Viet Nam	Yes The conditions provided in Point g, Clause 1, Article 95 and Clause 2, Article 80 of IP Law.	
European Union		

**COMMENTS:**

Australia

GIs protected as a CTM can be invalidated on any ground the CTM could have been opposed on. Wine GIs registered under the Wine Australia Act can be omitted from the Register of Protected GIs on the grounds they are not in use and in the case of Australian GIs that they are no longer needed.

Brazil

There is no provision in the Brazilian IP Law nor in the INPI's Normative Instruction 25/2013 for invalidation, cancellation, suspension or extinction of GI registration already in force. The only possibility

that can be glimpsed is the disappearance of the conditions that led to the registration; however, in practice, there are no legal mechanisms that provide for these procedures.

#### Colombia

The administrative acts granting or recognizing appellations of origin may be subject to annulment in the event of an invalidation-and-restoration-of-rights action.

#### Cyprus

As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of article 54 of European regulation (EU) 1151/2012. A domestic geographical indication can be invalidated as per provisions of Regulation (EU) 1308/2013 and (EC) 607/2009 for wines and provisions of Regulation (EC) 110/2008 for spirits.

#### Estonia

A trade mark which has been filed for registration or registered in good faith before the date of entry into force of the Geographical Indication Protection Act or before the geographical indication becomes subject to legal protection in its country of origin shall not be declared invalid, shall not be refused registration or its use shall not be prohibited for the reason that the trade mark contains a registered geographical indication or is misleadingly similar to it, unless otherwise provided in Geographical Indication Protection Act. Any interested person may request that a trade mark registered for designating an alcoholic beverage be declared invalid before the date of entry into force of Geographical Indication Protection Act if the trade mark contains a registered geographical indication or is misleadingly similar to it and the alcoholic beverage designated by the trade mark in question does not originate in the geographical area indicated by the geographical indication. EU: Under the EU rules on GIs, no formal invalidation procedure exists. GIs may be cancelled using the same procedure used for registration, or if compliance with the corresponding product specification is no longer ensured, or where no product is placed on the market under the GI for at least 7 years. For GIs originating in non-EU countries, a GI may be cancelled if it is no longer protected in its country of origin.

#### Lithuania

See the European Union comments.

#### Madagascar

Madagascar's accession to the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration is under way.

#### New Zealand

New Zealand has not entered into any international agreements for recognising the protection of foreign geographical indications in New Zealand.

#### Republic of Korea

If a collective mark with a geographical indication has not been used for three years prior to the date of a trial request, the registration of the mark can be canceled.

#### Republic of Moldova

1. The rights acquired under the registration shall cease: a) with retroactive effect from the filing date of the application, if the registration is canceled; b) with retroactive effect, from the commencement of the revocation procedure, if the protection is revoked.
2. If it has been done contrary to the provisions of the Law 66/2008, the registration of the designation of origin, geographical indication shall be canceled.
3. Protection granted to an appellation of origin or a geographical indication shall be revoked if: a) it becomes impossible to ensure compliance with the conditions of the specification for the product due to

changes or disappearance of its inherent natural and/or human factors specific for the defined geographical area; b) it is no longer protected in its country of origin - in case it is located geographically in a third country; c) it is no longer protected under the international treaties to which the Republic of Moldova is a part.

4. Protection of the designation of origin, geographical indication will be revoked if the competent authority will find inconsistencies between the actual characteristics of the product and those provisions of the product specification, if they can't be remedied in any way.

#### Singapore

Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.

#### Slovakia

Under the national law, may be cancelled a domestic geographical indication, a foreign geographical indication, a foreign geographical indication recognized via an international agreement. The Office shall cancel registration of designation of origin if it ascertains, in the proceedings started on request of a third party (hereinafter referred to as "plaintiff"), inspection authority or ex-officio, that

- a) designation of origin has been registered contrary to conditions for registration,
- b) conditions given by particular geographical environment set for registration of designation of origin have ceased to exist;
- c) product for which a designation of origin has been registered, does not meet the requirements of determination or specification and these requirements were not met even within additional time limit specified by the Office.

Registration of designation of origin shall not be cancelled, if a product, which meets the requirements of determination or specification is placed on a market or if such product is not placed on a market but natural conditions have not ceased.

#### South Africa

Section 24. General power to rectify entries in register

(1) In the event of non-insertion in or omission from the register of any entry, or of an entry wrongly made in or wrongly remaining on the register, or of any error or defect in any entry in the register, any interested person may apply to the court or, at the option of the applicant and subject to the provisions of section 59, in the prescribed manner, to the registrar, for the desired relief, and thereupon the court or the registrar, as the case may be, may make such order for making, removing or varying the entry as it or he may deem fit.

(2) The court or the registrar, as the case may be, may in any proceedings under this section decide any question that may be necessary or expedient to decide in connection with the rectification of the register.

(3) In the event of the registrar being satisfied that any entry relating to the registration, assignment or transmission of a trade mark has been secured mala fide or by misrepresentation or that any such entry was wrongly made or wrongly remains on the register, he shall also have locus standi to apply to the court under the provisions of this section.

Section 26. Power to remove or vary registration for breach of condition

(1) Any interested person may apply for the removal from the register, or a variation, of a registered trade mark if its proprietor or any person permitted to use it in terms of section 38 fails to comply with any condition entered in the register in relation to its registration.

(2) Such application may be made to the court or to the registrar.

(3) The registrar has locus standi to make such application to the court.

#### European Union

Under the EU rules on GIs, no formal invalidation procedure exists. GIs may be cancelled using the same procedure used for registration, or if compliance with the corresponding product specification is no longer ensured, or where no product is placed on the market under the GI for at least 7 years. For GIs originating in non-EU countries, a GI may be cancelled if it is no longer protected in its country of origin.

*(xvii) Homonymous Geographical Indications***44. Are homonymous geographical indications recognized in your jurisdiction?**

<b>Responding Party</b>	<b>Homonymous geographical indications are recognized</b>	<b>If Yes, for which types of goods or services?</b>	<b>If No, is there in practice another mechanism for achieving coexistence?</b>
Australia	Yes		
Brazil	Yes		
Chile	Yes	By virtue of article 46bis A of Law No. 19.039	
Colombia	No		No
Croatia	Yes	All products and services except agricultural product and foodstuffs, wines, spirit drinks and aromatized wines.	
Cyprus	Yes	For wines according to article 100 of Regulation (EU) 1308/2013. For agricultural products and foodstuffs according to the provisions of article 6 of European regulation (EU) 1151/2012.	
Czech Republic	No		
Ecuador	Yes	In the case of homonymous appellations of origin, protection shall be granted to each one. The regulations will establish the conditions for distinguishing between the homonymous indications or appellations in question, taking into account the need to treat the products concerned fairly and ensure that consumers are not misled.	
Estonia	Yes	Agricultural product and foodstuffs and wines, spirit drinks and aromatized wines.	
France	No		
Georgia	Yes	For all types of goods.	
Greece	No		
Guatemala	Yes	The types of goods are not specified in the Law.	
Hungary	Yes	Spirit drinks and non-agricultural products.	
Iceland	Yes	Same as other GIs, i.e. names of foodstuffs, wines and spirits and other agricultural names as outlined in Regulation No. 596/2016.	
Israel	Yes	The statute specifies wines only.	
Jamaica	Yes	All goods.	
Japan	Yes	See the answer for question 10.	
Kazakhstan			
Lithuania			
Madagascar	Yes	The homonymous geographical indication is recognized for wines	
Mexico	Yes		
New Zealand	Yes	Under the Geographical Indications (Wine and Spirits) Registration Act 2006, which only protects geographical indications for wine and spirits.	

Responding Party	Homonymous geographical indications are recognized	If Yes, for which types of goods or services?	If No, is there in practice another mechanism for achieving coexistence?
Poland	Yes	Article 6 of Reg. 1151/2012: 3. A name proposed for registration that is wholly or partially homonymous with a name already entered in the register established under Article 11 may not be registered unless there is sufficient distinction in practice between the conditions of local and traditional usage and presentation of the homonym registered subsequently and the name already entered in the register, taking into account the need to ensure equitable treatment of the producers concerned and that consumers are not misled. A homonymous name which misleads the consumer into believing that products come from another territory shall not be registered even if the name is accurate as far as the actual territory, region or place of origin of the products in question is concerned.	
Portugal	Yes		
Republic of Korea	Yes	If two or more collective marks contain a homonymous geographical indication, the right holders (an association) and members of the associations are required to use the geographical indication along with the trademarks of the associations to avoid confusion. If there is a likelihood of confusion as to quality or geographical origin by using homonymous GIs, their registration can be canceled.	
Republic of Moldova	Yes	The use of homonymous registered geographical indications or appellations of origin shall be authorized only if the homonymous name registered subsequently is sufficiently distinct from the prior registered one, having regard to the need to treat the producers concerned in an equitable manner and not to mislead the consumer (art.31, Law nr.66/2008).	
Romania	Yes	Agricultural product and foodstuffs and beverages.	
Russian Federation			
Serbia	No		No
Singapore	Yes	Wines	
Slovakia	Yes	For all types of goods.	
South Africa			
Switzerland	Yes (R2, R3, R4 and R5)	For all types of goods and services.	
United Kingdom	Yes	All.	
United States of America	Yes	For any goods or services where consumers will not be misled.	

Responding Party	Homonymous geographical indications are recognized	If Yes, for which types of goods or services?	If No, is there in practice another mechanism for achieving coexistence?
Uruguay	Yes	There is no limitation, but there must be some differentiating factor and the consumer must not be misled. Furthermore, homonymy must be in good faith.	
Viet Nam	No		No
European Union	Yes	Agricultural product and foodstuffs and wines, spirit drinks and aromatized wines.	

#### COMMENTS:

##### Australia

There are no specific provisions for homonymous GIs, however section 44 of the Trade Marks Act provides provisions for coexistence of trade marks that are considered to be similar, including homonyms (where the section of the Act refers to deceptively similar or substantially identical trade marks on the same or similar goods and services). For GIs under the Wine Act section 40DA(1) and 40FA(1) provide for homonymous GIs without using the term.

##### Brazil

It is understood that it is not possible to register a homonym GI with the same name in order to identify identical products or services, with GIs of the same type (IS or DO); but the possibility of registering a GI with the same geographical name already recognized by another registry is not ruled out, provided that it is intended to indicate different products or services.

It is also understood to be possible the registration of homonymous GIs, but of different species: there are records in force of IS and DO for "Vale dos Vinhedos" and for "Cerrado Mineiro" Region.

##### Estonia

Upon contestation, the following shall be taken into account in differentiating homonymous indications from each other:

- 1) the existence of differentiating information and its adequacy on the wine label with a homonymous indication;
- 2) the official recognition of the homonymous indication in its country of origin;
- 3) the duration of use of the homonymous indication;
- 4) the good faith of the use of the homonymous indication.

##### Japan

Same as question 12.

##### Lithuania

See the European Union reply.

##### Mexico

Homonymous geographical indications may be protected (regardless of the product) provided that the IMPI issues a ruling permitting the coexistence of the names:

"Article 163: The following may not be protected as an appellation of origin or geographical indication:

- I. a name that is identical or confusingly similar to an appellation of origin or geographical indication that is already protected or for which an application for a declaration has been filed earlier and is being

processed, that is applied to the same or similar products, unless the Institute issues a ruling permitting the coexistence of the said names; [...]"

#### Republic of Korea

If two or more collective marks contain a homonymous geographical indication, the right holders (an association) and members of the associations are required to use the geographical indication along with the trademarks of the associations to avoid confusion. If there is a likelihood of confusion as to quality or geographical origin by using homonymous GIs, their registration can be canceled.

#### Republic of Moldova

The registration of a name wholly or partially homonymous with that of a name already protected under Law 66/2008 may be rejected where, with due regard for local and traditional usage and the actual risk of confusion, it might mislead the consumer into believing that products come from another territory, even if the name is accurate as far as the actual territory, region or place of origin of the agricultural products or foodstuffs in question is concerned (art.7(3), Law nr.66/2008).

#### Russian Federation

There is no special regulation in the Russian Federation concerning the possibility of registering homonymous geographical indications.

#### South Africa

Test for registrability is the same as any other trade mark as stated in Section 10 of the Trade Marks Act.

#### Viet Nam

Viet Nam does not provide for homonymous geographical indications specifically.

### **45. What are the means that your legislation provides/foresees to avoid confusion in the case of homonymous geographical indications?**

<b>Responding party</b>	<b>Means to avoid confusion</b>
Australia	When determining whether homonymous terms can co-exist, the likelihood of confusion, or any instances of actual confusion are taken into account, as is consent between owners.
Brazil	There is no legal provision for specific mechanisms to avoid confusion in the case of homonymous GIs
Chile	The conditions of use set out in INAPI's decision which recognize the potential coexistence of GIs and AOs in respect of a mark.
Colombia	We do not at present have provisions of this kind in Colombia.
Croatia	Where the names of two or more places of origin of products or services are identical or almost identical in writing (homonyms), the protection of such names shall be granted to all the interested parties complying with the requirements provided for by national legislation, in accordance with the principles of equitable treatment of producers on the market, truthful informing of consumers, and doing business in good faith. The user of a homonym shall provide sufficient information on the label or packaging material regarding the true origin of the product, so as to differentiate one homonym from another, and not to mislead the public.
Cyprus	For wines according to article 100 of Regulation (EU) 1308/2013. As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of article 6 of the European regulation (EU) 1151/2012.
Czech Republic	N/A
Ecuador	It is acknowledged in the TRIPS Agreement that homonymous geographical indications for wines must be protected, thus protecting their existence that

Responding party	Means to avoid confusion
	nonetheless remains subject to consumer protection against the use of misleading geographical indications that are, in effect, literally true, but potentially misleading as to the true origin of the goods for which they are used. Consideration may therefore be given to extending the principle to all geographical indications, regardless of the type of product for which they are used.
Estonia	Legal protection shall be accorded to each homonymous indication independently. A name proposed for registration that is wholly or partially homonymous with a GI already entered in the register may not be registered, unless there is sufficient distinction in practice between the conditions of local and traditional usage and presentation of the homonym registered subsequently and the name already entered in the register, taking into account the need to ensure the equitable treatment of the concerned producers and that consumers are not misled.
France	
Georgia	If an appellation of origin or geographical indication registered in Georgia, or any name of the geographical area of Georgia is identical to an appellation of origin and geographical indication protected in another country, conditions of protection and use of said indication in Georgia shall be determined by the respective international agreement.
Greece	
Guatemala	For registration purposes, the Registry requires, or will demand an amendment to the registration, that labeling and get-up permit clear product differentiation, bearing in mind local and traditional uses and ensuring that producers are treated fairly and that the public is not misled as to the true origin of the product.
Hungary	A geographical indication shall be excluded from protection: (a) with respect to identical products, if it is identical with an earlier geographical indication; (b) with respect to identical or similar products, if it is identical with or similar to an earlier geographical indication. Homonymous GIs could be protected with respect of different products.
Iceland	According to Art. 10 of the Act, a name proposed for registration that is wholly or partially homonymous with a name already entered in the register established under the Act may not be registered unless there is sufficient distinction in practice between the conditions of local and traditional usage, taking into account whether registration is likely to conflict with the already registered name.
Israel	With regard to unregistered homonymous geographical indications must be presented in a manner that limits confusion between them. With regard to certification marks (and likely also Lisbon appellation of origin registrations) for homonymous geographical indications registration will be subject to means for limiting confusion. With regard to appellations of origin, Israeli law is not specific on this issue.
Jamaica	Where concurrent use of homonymous geographical indications is permitted, the Registrar shall determine the practical conditions under which those geographical indications shall be differentiated from each other, taking into account the need to ensure equitable treatment of the producers concerned and that consumers are not misled.
Japan	No particular provisions. Homonymous geographical indications are not designated on the case of GIs for liquor.
Kazakhstan	
Lithuania	See the European Union reply.
Madagascar	The law provides that where the concurrent use of geographical indications is permitted, the Office shall lay down the practical arrangements according to which the homonymous indications in question are differentiated from each other, taking into account the need to ensure fair treatment of producers and to ensure that consumers are not misled
Mexico	
New Zealand	Under the Geographical Indications (Wine and Spirits) Registration Act 2006 the Registrar may impose conditions of use of homonymous geographical indications. When imposing conditions of use the Registrar must take into account the need for

Responding party	Means to avoid confusion
	equitable treatment of the producers of wines and spirits to which the geographical indications related and the need to ensure consumers are not misled.
Poland	Article 6 of Reg. 1151/2012: 3. A name proposed for registration that is wholly or partially homonymous with a name already entered in the register established under Article 11 may not be registered unless there is sufficient distinction in practice between the conditions of local and traditional usage and presentation of the homonym registered subsequently and the name already entered in the register, taking into account the need to ensure equitable treatment of the producers concerned and that consumers are not misled. A homonymous name which misleads the consumer into believing that products come from another territory shall not be registered even if the name is accurate as far as the actual territory, region or place of origin of the products in question is concerned.
Portugal	They must have distinctive elements in order to avoid misleading.
Republic of Korea	If two or more collective marks contain a homonymous geographical indication, the right holders (an association) and members of the associations are required to use the geographical indication along with the trademarks of the associations to avoid confusion. If there is a likelihood of confusion as to quality or geographical origin by using homonymous GIs, their registration can be canceled.
Republic of Moldova	The use of homonymous registered geographical indications or appellations of origin shall be authorized only if the homonymous name registered subsequently is sufficiently distinct from the prior registered one, having regard to the need to treat the producers concerned in an equitable manner and not to mislead the consumer (art.31, Law nr.66/2008).
Romania	A name proposed for registration that is wholly or partially homonymous with a PDO or PGI already entered in the register may not be registered, unless there is sufficient distinction in practice between the conditions of local and traditional usage and presentation of the homonym registered subsequently and the name already entered in the register, taking into account the need to ensure the equitable treatment of the concerned producers and that consumers are not misled.
Russian Federation	There is no special regulation in the Russian Federation concerning the possibility of registering homonymous geographical indications.
Serbia	N/A
Singapore	Any interested party of wines identified by homonymous geographical indications may apply to the Court for a declaration of the practical conditions under which the geographical indications are to be differentiated from one another. The Court shall take into account the need to ensure equitable treatment of all the interested parties concerned; and the need to ensure that consumers are not misled.
Slovakia	Following shall not be registered as a designation of origin or geographical indication in the Register indication though exact wording of which truly indicates name of place, region or country (hereinafter referred to as "territory") from which the product originates, despite it indication is capable to evoke a misconception about real origin of a product for public.
South Africa	Test for registrability is the same as any other trade mark as stated in Section 10 of the Trade Marks Act.
Switzerland	<p><u>R2.1</u> When an application is filed for registration of a name homonymous with a name that has already been registered and the homonymous name to be registered could lead the public to believe that the products originate in a different region or a different place, that name may not be registered even if it is the correct name of the region or place in which the products originate. Use of any subsequently registered homonymous indication must be clearly differentiated from use of the already registered name, thus ensuring that the producers concerned are treated fairly and that consumers are not misled.</p> <p><u>R2.2</u> Homonymous or partly homonymous names may be registered. It must be possible in practice to distinguish such wholly or partly homonymous names, so as to ensure that producers are treated fairly and that the public is not misled.</p>

Responding party	Means to avoid confusion
United Kingdom	As part of the examination process the Registry conducts a search for prior rights. Earlier marks which are considered similar or identical and cover similar or identical goods and services are drawn to the attention of the applicant. The Registry will notify the owner of the earlier mark that a later application is proceeding to advertisement. It is reliant on the owner of the prior mark to raise an opposition.
United States of America	The likelihood of confusion provisions both administratively and in judicial proceedings.
Uruguay	Opposition procedures, registration cancellations and court proceedings.
Viet Nam	Viet Nam does not provide for homonymous geographical indications specifically.
European Union	A name proposed for registration that is wholly or partially homonymous with a GI already entered in the register may not be registered, unless there is sufficient distinction in practice between the conditions of local and traditional usage and presentation of the homonym registered subsequently and the name already entered in the register, taking into account the need to ensure the equitable treatment of the concerned producers and that consumers are not misled.

*(xviii) Geographical Indications and Trademarks*

**46. If recognition of a geographical indication is sought and there is already a registered trademark with that designation:**

Responding party	the protection of the geographical indication is refused	an order is made to cancel the prior registration of the trademark	the geographical indication and the prior trademark coexist  If Yes, under what conditions?
Australia	Yes		
Brazil			Yes
Chile	Yes		Yes
Colombia	Yes	Yes	Yes
Croatia	Yes		Yes If a trademark for which an application has been filed or it has been registered or used in good faith before the filing of a request for the entry of a geographical indication, and which is used to identify products and services identical with or of the same kind as a protected geographical indication may continue its use, and shall not be invalidated for containing a geographical indication in its name.
Cyprus	Yes		Yes As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of articles 6 and 14 of European regulation (EU) 1151/2012. As far as wines are concerned according to article 101(2) and article 102 of Regulation (EU) 1308/2013.
Czech Republic	Yes		
Ecuador	Yes	No	
Estonia	Yes		Yes In case where prior trade mark has been applied for, registered or established by use, in good faith within the territory of EU, before either the date of protection in the country of origin or the date of submission to the

Responding party	the protection of the geographical indication is refused	an order is made to cancel the prior registration of the trademark	the geographical indication and the prior trademark coexist  If Yes, under what conditions?
			Commission of the application for registration of a GI, the EU law provides for coexistence between the two rights, provided that no grounds for invalidity or revocation of this trade mark exist. Coexistence is not applied if, in the light of a trade mark's reputation and renown and the length of time it has been used, registration of a subsequent GI is liable to mislead the consumer as to the true identity of the product.
France			Yes No particular conditions.
Georgia	Yes	Yes	Yes The registration of the trademark and its fair use shall not be terminated, if the registration took place before protection has been granted to the appellation of origin or geographical indication in the country of origin or before enactment of the Law, provided that coexistence of the trademark and appellation of origin or geographical indication does not lead the public into confusion as to the origin of the goods.
Greece			Yes Provided that no grounds for trademark's invalidity or revocation exist under Regulation No (EU) 2017/1001 and L.4072/2012.
Guatemala	Yes	No	No
Hungary	Yes		Yes
Iceland	No	No	Yes According to Art. 24 of the Act, if a mark has been registered or the right to a mark has been established by use before the date on which an application for the registration of a product name in this country was submitted, and it is likely that the co-existence of a mark and product name will lead to confusion, the mark may only continue to be used and renewed if the right to the mark was established in good faith and there are no grounds for the cancellation or a revocation of that right.
Israel	No (Possibly, depending on circumstances)	No	Yes (1) the registration of the trademark was prior to 1 January 2000, or prior to the date on which the geographical indication or appellation of origin was awarded protection in the member state in which the geographical region indicated in the geographical indication is situated or (2) same owner
Jamaica	No	No	Yes See section 19 Protection of GI Act Application has been made for registration of a trademark or a trademark has been registered in good faith or rights to a trademark have been acquired through use in good faith before the coming into operation of the Protection of GI Act; or before the geographical indication in

Responding party	the protection of the geographical indication is refused	an order is made to cancel the prior registration of the trademark	the geographical indication and the prior trademark coexist  If Yes, under what conditions?
			respect to the trademark is protected in its country of origin.
Japan	Yes		Yes The GI and the prior trademark coexist under the conditions stipulated in Art.13(2) of the GI Act. For example, they coexist if a right holder of the prior trademark approves the registration of GI or if the applicant of the GI is the same as the right holder of the registered trademark.
Kazakhstan			
Lithuania			
Madagascar	Yes	No	No
Mexico	Yes		
New Zealand	Yes	No	Yes A geographical indication and a prior existing trade mark registration may coexist if the trade mark owner consents or the Registrar of Geographical Indications consider it reasonable for the geographical indication to coexist. In Registration when considering whether it is reasonable to allow for coexistence, he or she must have regards to the following factors: the history of use in good faith in New Zealand; its recognition as a geographical indication in New Zealand, the legitimate interests of the trade mark owner and of third parties; and any other relevant factors.
Poland	Yes		
Portugal			Yes The same approach as in the EU law.
Republic of Korea			Yes In case a trademark containing a geographical indication has been previously registered, a collective mark with that geographical indication later applied can be registered as well. Thus two trademarks can coexist.
Republic of Moldova	Yes		Yes A trademark which has been applied for or registered in good faith before the date of beginning the protection of an appellation of origin or a geographical indication, as the case may be, may continue to be used notwithstanding the registration of an appellation of origin or geographical indication, provided that no grounds for its cancellation or revocation of the applicant's rights exist, in conformity with the applicable trademark Law. In such a case the appellation of origin or the geographical indication may be used concomitantly with the respective trademark (art.32(3), Law nr.66/2008).
Romania			Yes If the holder of an earlier right does not oppose the registration of the geographical indication.
Russian Federation			Yes

Responding party	the protection of the geographical indication is refused	an order is made to cancel the prior registration of the trademark	the geographical indication and the prior trademark coexist  If Yes, under what conditions?
			Pursuant to Article 1535 of the Russian Federation Civil Code, if the use of an appellation of origin of a product could lead to confusion on the part of a consumer with regard to the product or its producer in connection with the existence of a trademark with earlier priority, the granting of legal protection to said appellation may be contested and invalidated within five years of the date of publication of information about the state registration of the appellation of origin in an official bulletin.
Serbia			Yes Names identical or essentially similar to previously registered trademarks, may not be protected by indication of geographical origin, if, in view of the reputation, renown, and long-standing use of such trademarks, they may mislead consumers as to the origin of such product.
Singapore	N/A	N/A	N/A
Slovakia			Yes
South Africa			
Switzerland	Yes*		Yes*  * R2 The owner of a prior mark may object to the proposed registration of a PDO or PGI that would jeopardize his or her entirely or partly homonymous mark (Article 10(3)(d) of the Ordinance on PDOs and PGIs, and Article 9(3)(c) of the Ordinance on Non-Agricultural PDOs and PGIs). If the owner's objection is accepted, the appellation of origin or geographical indication will not be registered. If the objection is rejected, the PDO or PGI will be registered and the holder of the mark may continue to use it (simultaneously with the appellation of origin or geographical indication) provided, however, that he or she meets the established criteria for using the appellation of origin or geographical indication. This obligation does not apply to the use of marks which are identical or similar to a registered appellation of origin or geographical indication and which have been filed or registered in good faith or acquired through use in good faith before January 1, 1996, or before the name of the registered geographical indication was protected in the country of origin, where there are no legal grounds for invalidity or revocation of the mark (Article 16(6) of the Federal Act on Agriculture and Article 50(a)(5) of the TmPA).
United Kingdom			Yes See answer 45
United States of America	Yes	No	No
Uruguay	Yes	Yes	Yes The settlement of the case depends on a series of specific factors, such as good faith and acquired rights.

Responding party	the protection of the geographical indication is refused	an order is made to cancel the prior registration of the trademark	the geographical indication and the prior trademark coexist  If Yes, under what conditions?
Viet Nam	Yes*		Yes Point g, Clause 2, Article 125 of IP Law provides that owners of industrial property objects as well as organizations and individuals granted the right to use or the right to manage geographical indications shall not have the right to prevent others from using marks identical with or similar to protected geographical indications where such marks have acquired the protection in an honest manner before the date of filing applications for registration of such geographical indications
European Union	Yes		Yes In case where prior trade mark has been applied for, registered or established by use, in good faith within the territory of EU, before either the date of protection in the country of origin or the date of submission to the Commission of the application for registration of a GI, the EU law provides for coexistence between the two rights, provided that no grounds for invalidity or revocation of this trade mark exist. Coexistence is not applied if, in the light of a trade mark's reputation and renown and the length of time it has been used, registration of a subsequent GI is liable to mislead the consumer as to the true identity of the product.

**COMMENTS:**

Australia

Protection for GIs in Australia is granted in respect of the first in time, first in right principles. That is, in the first instance where there is a registered trade mark with a GI designation, the later filed GI would initially be refused. It is possible however that a negotiated outcome between the trade mark owner and the GI holder could be reached, which could result in TM and the GI co-existing.

Brazil

In Brazil, the existence of a trademark registration prior to the application for registration of GI is not sufficient for the rejection of the latter. They are different signs of nature. Since the GI record is declaratory, it is not necessary to speak of rejection, that is, in not recognizing a situation due to the mere existence of a trademark.

Chile

If, in applying the rules provided for in either Law No. 19.039 on Industrial Property or international treaties ratified by Chile, INAPI has reason to suspect the coexistence of marks and GIs or AOs, or of GIs and AOs, its final decision must lay down the conditions for the use of the GIs, AOs or marks to avoid misleading or confusing consumers. Where one or more of the products in question is related to forestry, agriculture and livestock or agro-industry, INAPI, to ascertain any possible coexistence, must request a report from the Ministry of Agriculture. The conditions of use will form part of the respective registration and failure to meet them will deprive the holder of the right to bring actions under Law No. 19.039. For wines and alcoholic beverages, to avoid any misunderstanding or confusion between a trademark and the AO established under the relevant Decree, the registered trademark must be identified by

imprinting the labels with the words “Marca Registrada” (“Registered Mark”) or the initials “M.R.” or the letter “R” in a circle, as provided for in the Law on Industrial Property, ensuring that the words, initials or letter are adjacent to the respective mark. The font of the AO reference must not be larger than that of the registered trademark, which can be located anywhere on the label.

#### Croatia

The protection of geographical indication may be refused based on an opposition filed by the owner of a registered trademark having acquired special reputation and well known through prior continuous use, if its protection is liable to mislead the consumer as to the true origin of the product.

#### Ecuador

As long as they have been requested or registered in good faith as trademarks before the appellation of origin was protected in the country of origin

#### Estonia

A trade mark which has been filed for registration or registered in good faith before the date of entry into force of this Act or before the geographical indication becomes subject to legal protection in its country of origin shall not be declared invalid, shall not be refused registration or its use shall not be prohibited for the reason that the trade mark contains a registered geographical indication or is misleadingly similar to it.

#### Georgia

For further details, see Art 14 of the law on Appellations of Origin of the Goods and the Geographical Indications.

#### Hungary

Pursuant to Article 106 (1) c) of the Hungarian Trademark Act a geographical indication shall be excluded from protection if it is identical with or similar to an earlier trade mark and its use – due to the reputation, renown or lasting presence on the market of the trade mark – would result in a likelihood of confusion on the part of public.

#### Iceland

According to Article 7 of the Act, a product name is not eligible for registration under Article 4 and 5 where: c) registration is liable to mislead the consumer as to the true origin of the product because of a pre-existing well-known mark at the time when an application for a protection of the product name is filed. When determining whether an older mark is considered well-known, the reputation and renown of the mark; and, the length of time it has been used, shall be taken into consideration.

#### Jamaica

The provisions of this Act shall not prejudice the registrability of or the validity of the registration of the trademark, or the right to use a trademark on the basis that it is identical with or similar to a geographical indication.

#### Japan

Refer to the answer for question 23.

#### Lithuania

See the European Union comments.

### Mexico

According to Article 163(IV), "a name that is identical or confusingly similar to a mark or advertising slogan in respect of which an application has been filed earlier and is being processed, or to a mark or advertising slogan that is already registered and in force, that is applied to the same or similar products or services" may not be protected as an appellation of origin or geographical indication.

This is one of the grounds on which a third party may justify his or her interest to file an opposition to the protection of a geographical indication (Article 165*bis* (5)).

Both boxes were ticked since either option may apply, depending on the procedure.

Article 165*bis* (8): The processing of an application for a declaration of protection for an appellation of origin or geographical indication shall be suspended by the Institute in the following circumstances:

I. when the application is impeded in any way according to Article 163(IV) and (V) and upon requests for administrative declarations of invalidity, lapse or cancellation of the registered mark or ceasing of effects of a published trade name. The suspension shall take place *ex officio* or at the request of any of the parties during the procedure for the administrative declaration and shall be lifted once the matter has been resolved by the Institute, and,

II. by order of a judicial or administrative authority.

### Poland

Articles 6(4) and 14 of Reg. 1151/2012.

### Republic of Moldova

A name may not be registered as an appellation of origin or a geographical indication where it is identical with or similar to a prior trademark registered in respect of products identical or similar to those for which the registration of an appellation of origin or a geographical indication is requested where, in the light of a trademark's reputation and fame and its term of use, the registration is liable to mislead the consumer as to the true identity of the product (art.7(2)a, Law nr.66/2008).

### Singapore

Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.

### Slovakia

No grounds for invalidity or revocation of the prior trademark exist.

### South Africa

GIs are protected as collective or certification marks. The provisions of Section 10 of the Trade Marks Act (above) apply equally to both.

### United States of America

The GI and TM can co-exist only with the consent of the TM owner and a plan for avoidance of likelihood of confusion.

### Viet Nam

\* Clause 3, Article 80 of IP Law provides that geographical indications identical with or similar to a protected mark, where the use of such geographical indications is likely to cause a confusion as to the origin of products shall not be protected as geographical indications.

47. If protection of a trademark is sought and there is already a protected geographical indication with that designation:

Responding party	the trademark is refused for goods or services identical or similar to those to which the geographical indication applies	the trademark is refused for goods or services different from those to which the geographical indication applies	the trademark and the geographical indication coexist  If Yes, under what conditions?
Australia	Yes		
Brazil	Yes		
Chile	Yes		
Colombia	Yes	Yes	
Croatia	Yes		Yes Coexistence possible in case the trademark sought limits the goods/services to those encompassed by the geographical indication.
Cyprus	Yes		
Czech Republic	Yes	Yes	Yes The trademark will be refused for comparable products but will be accepted if the trademark it is limited to the products benefiting from the GI.
Ecuador	Yes	Yes	No
Estonia	Yes	Yes	
France	Yes		
Georgia	Yes	Yes	
Greece	Yes		
Guatemala	Yes	Yes	No
Hungary	Yes	Yes	Yes
Iceland	Yes	No	No
Israel	Yes	No	No
Jamaica	Yes	Yes	No
Japan			Yes If the trademark is distinctive, and does not fall under the following provisions of Trademark Act, the trademark can be registered or protected, even if there is already a protected GI. Trademark Act Article4 (1)(xvi) (Misleading as to the quality of the goods or services) (xvi) A trademark being likely to mislead as to the quality of the goods or services; Article 4(1)(xvii) (Indication of origin of wines or spirits) (xvii) A trademark comprised of a mark indicating a place of origin of wines or spirits of Japan which has been designated by the Commissioner of the Patent Office, or a mark indicating a place of origin of wines or spirits of a member of the World Trade Organization which is prohibited by the said member from being used on wines or spirits not originating from the region of the said member, if such a trademark is used in connection with wines or spirits not originating from the region in Japan or of the said member.
Kazakhstan	Yes	Yes	

Responding party	the trademark is refused for goods or services identical or similar to those to which the geographical indication applies	the trademark is refused for goods or services different from those to which the geographical indication applies	the trademark and the geographical indication coexist  If Yes, under what conditions?
Lithuania	Yes	Yes	<p>No</p> <p>A sign shall not be recognized as a mark and shall be refused registration or the registration of a registered mark shall be declared invalid if: • it contains or consists of a geographical indication with respect to goods not originating in the territory indicated, if use of the indication in the mark for such goods in the Republic of Lithuania is of such a nature as to mislead the public as to the true place of origin of the goods. The above provision shall also be applicable against a geographical indication which, although literally true as to the place of origin of the goods, falsely represent to the public that the goods originate in another territory; • it contains or consists of a geographical indication identifying wines for wines or spirits for spirits not originating in the place indicated by the geographical indication in question, even where the true origin of the goods is indicated or the geographical indication is used in translation or accompanied by expressions such as "kind", "type", "style", "imitation" or the like. (Trademark Law of the Republic of Lithuania, Art. 6 (11) and (12) Registration of a mark shall be declared invalid if the mark is identical with the geographical indication protected in the Republic of Lithuania or possessing a misleading likelihood thereto, except for the indication incorporated in the mark as the disclaimer, for which registration is applied for by a person entitled to use the geographical indication (Trademark Law of the Republic of Lithuania, Art. 7(1)(5))</p>
Madagascar	Yes	No	No
Mexico	Yes	Yes	
New Zealand	Yes	No	<p>Yes</p> <p>The Commissioner of Trade Marks may permit a trade mark and prior existing registered geographical indication to coexist in the case of honest concurrent use that, in the opinion of the Commissioner, makes it proper for the trade mark to be registered, subject to any conditions that the Commissioner may imposed on the use of the trade mark.</p>
Poland	Yes	No	No
Portugal	Yes	Yes	
Republic of Korea			

Responding party	the trademark is refused for goods or services identical or similar to those to which the geographical indication applies	the trademark is refused for goods or services different from those to which the geographical indication applies	the trademark and the geographical indication coexist  If Yes, under what conditions?
Republic of Moldova	Yes	Yes	Yes Geographical indications protected on the territory of the Republic of Moldova may be included in the trademark only if the applicant has the right to use the protected geographical indication. The geographic indications of other states will be permitted for use in the trademark if this use is not contrary to the provisions of the Law 66/2008 and there is registration in the country of origin. The protected geographical indications included in the trademark will constitute the unprotected elements of the trademark.
Romania			Yes Yes, if the holder of a prior right resulting from a geographical indication does not oppose the registration of a trademark.
Russian Federation	Yes	Yes	
Serbia	Yes		
Singapore	N/A	N/A	N/A
Slovakia	Yes		
South Africa			
Switzerland	Yes		
United Kingdom	Yes		Yes If there is no similarity between the goods and services
United States of America	Yes	No	No
Uruguay	Yes	Yes	
Viet Nam	Yes*		Yes Point g, Clause 2, Article 125 of IP Law provides that owners of industrial property objects as well as organizations and individuals granted the right to use or the right to manage geographical indications shall not have the right to prevent others from using marks identical with or similar to protected geographical indications where such marks have acquired the protection in an honest manner before the date of filing applications for registration of such geographical indications.
European Union	Yes	Yes	

## **COMMENTS:**

### Australia

If a GI is registered as a CTM and a later trade mark application is filed, it is likely the later TM application will be refused on the basis of the earlier CTM. As for question 46, it is possible for the trade marks to coexist if the provisions of the Act are satisfied (Section 44), which could include negotiation between the owners of the CTM and the later filed trade mark application. For wine GIs registered under the Wine Australia Act, the later trade mark could also be refused on the basis that its use is contrary to law and/or that its use would be misleading and deceptive.

### Brazil

According to art. 124, item IX of the LPI, "geographical indication, its imitation that is likely to cause confusion or signal that may falsely induce a geographical indication" is not registrable. That subparagraph shall apply if the goods or services indicated by the mark under examination are identical or similar to those distinguished by the GI already recognized.

### Chile

In accordance with Law No. 19.039 on Industrial Property, under the recognition and registration system, a mark will be refused where it pertains to products identical or similar to those to which a GI already applies since it could cause misunderstanding or confusion with respect to the origin or attributes of the product that the GI or AO in Chile seeks to distinguish.

### Croatia

The trademark containing or consisting of geographical indications in effect in the territory of the Republic of Croatia, will be refused for the same type of products or services, except in cases of limitations to the products in compliance with the GI specification.

### Cyprus

As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of article 14 of the European regulation (EU) 1151/2012.

### Estonia

A trademark in conflict with a GI will be refused for comparable products. For other products it will be refused if the use exploits the reputation of the protected GI. A trademark incorporating a GI may be accepted if it is limited to the products benefiting from the GI.

### Georgia

For further details, see Art 11 Para 1 (a) of the law on Appellations of Origin of the Goods and the Geographical Indications.

### Hungary

The trademark will be refused for comparable products but will be accepted if the trademark is distinctive and limited to the products benefiting from the GI. Priority is established based on the legal instruments applicable.

### Iceland

According to Art. 23 of the Act, where a registered product name already exists, the registration of a trade mark or a collective mark, for a product of the same or similar type, shall be refused if the use of such a mark would contravene Art. 6 and the application for registration of the mark is submitted after the date of submission of the registration application for a product name.

### Israel

The trademark and an AO will coexist only if the trademark applicant has the right to use the AO. If goods or services different from those to which the geographical indication applies, refusal only if there might be customer confusion.

### Mexico

The LPI protects any product or service against the registration of a trademark that refers to a geographical indication. According to Article 90, the following may not be registered as marks:  
"X. proper or common geographical names and maps, and also gentilic nouns and adjectives where they indicate the origin of the products or services and can cause confusion or error regarding such origin;  
XI. the names of towns or places known for the manufacture of certain products, to protect those products, except the names of places in private ownership when they are special and not liable to be confused, and when the consent of the owner has been obtained."

### Poland

Articles 6(4) and 14 of Reg. 1151/2012.

### Portugal

National law provides for the protection of well-known AO.

### Russian Federation

Pursuant to Article 1483(7) of the Russian Federation Civil Code, designations that are identical or similar to an appellation of origin of products that is protected in accordance with the Russian Federation Civil Code, to an extent that would result in confusion, and also those that are identical or similar to a designation for which registration as such was sought before the priority date for a trademark, may not be registered as trademarks with respect to any products, unless such appellation or a designation similar to it to an extent that would result in confusion is included as an unprotected element in a trademark registered in the name of a person who has an exclusive right to such an appellation, on the condition that the registration of the trademark is performed with respect to the same products for the individualization of which the appellation of origin was registered.

### Singapore

Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.

### Slovakia

A trademark incorporating a GI may be accepted if it is limited to the products benefiting from the GI.

### South Africa

GIs are protected as collective or certification marks. The provisions of Section 10 of the Trade Marks Act (above) apply equally to both.

### Switzerland

R1, R2, R3 and R4

A trademark that combines the protected designation with other figurative or word elements is accepted for registration if the identical or similar goods are only PDO or PGI goods or goods bearing a valid geographical indication of source.

Viet Nam

Points l and m, Clause 2, Article 74 of IP Law provide that signs identical with or similar to a geographical indication being protected if the use of such signs may mislead consumers as to the geographical origin of goods; and signs identical with, containing or being translated or transcribed from geographical indications being protected for wines or spirits if such signs have been registered for use with respect to wines and spirits not originating from the geographical areas bearing such geographical indications are considered indistinctive and therefore not eligible for protection as trademarks.

European Union

A trademark in conflict with a GI will be refused for comparable products. For other products it will be refused if the use exploits the reputation of the protected GI. A trademark incorporating a GI may be accepted if it is limited to the products benefiting from the GI.

**48. Conversely, if geographical indications and trademarks are mutually exclusive, how is priority of right determined as between them?**

Responding party	Determination of priority of right
Australia	N/A
Brazil	GIs and Trademarks are not mutually excluding in Brazil. Only the GI registration can prevent a subsequent trademark registration; however a trademark registration does not prevent the subsequent registration of a GI.
Chile	
Colombia	Priority is given according to the order of registration, without prejudice to considerations that may arise in cases of compound trademarks, composed of names that are descriptive of the origin or generic in respect of the product.
Croatia	In cases priority needs to be established, it is established based on dates of filing.
Cyprus	No national provision in the wine sector. As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of articles 6 and 14 of the European regulation (EU) 1151/2012
Czech Republic	Date of filing.
Ecuador	Priority shall vest in a geographical indication that has been so recognized in the country of origin. Furthermore, no trademark shall be granted that reproduces, imitates or contains a protected appellation of origin for the same products or for different products when use could cause a risk of confusion or association with the appellation or imply unfair exploitation of its fame.
Estonia	The principle of coexistence between GIs and trademarks – two different intellectual property rights – is favored at the EU level. But if priority should be established either for a GI or for a trademark, then priority is established in line with IP practice based on dates of filing and registration, and in line with principles explained under questions 46 and 47.
France	- Coexistence only with trademarks that existed prior to the GI. - Subsequent trademarks limited to products that benefitting from the GI if identical or similar.
Georgia	N/A
Greece	
Guatemala	Through recognition of the characteristics and attributes of the geographical indication.
Hungary	According to the principle of coexistence between GIs and trademarks they are not mutually exclusive. But if priority should be established either for a GI or for a trademark, then priority is established in line with IP practice based on dates of filing and registration, and in line with principles explained under questions 46 and 47.
Iceland	
Israel	As a general rule, priority will inure on a first in time first in right basis.
Jamaica	If GI not misleading, not use fairly, not untrue as to origin that right of priority is determined by the right that is first in time.

Responding party	Determination of priority of right
Japan	Under the situation mentioned in questions 46 and 47, GIs and trademarks coexist. If applied GI is identical or similar to a registered trademark, it shall be refused as stipulated in the Art.13(1)(iv)(b) of the GI Act.
Kazakhstan	
Lithuania	See the European Union reply.
Madagascar	The first-to-file principle is the rule
Mexico	It is necessary to determine which one has the stronger right during the procedures set out in the LPI and in consideration of the evidence brought forward.
New Zealand	By which as the earliest deemed registration date and for non-registered trademarks and geographical indications evidence of which was first used in good faith (such use may be continue use by the same person or predecessor in title)
Poland	The trademark is more important in the light of the law.
Portugal	Based on the date of filing and registration.
Republic of Korea	
Republic of Moldova	As a general rule the priority of right will be determined according to the rule “first-in-time, first-in-right”.
Romania	It’s not necessary.
Russian Federation	A trademark and an appellation of origin may coexist. If, however, the use of an appellation of origin of a product could lead to confusion on the part of a consumer with regard to the product or its producer in connection with the existence of a trademark with earlier priority, the granting of legal protection to said appellation may be contested and invalidated within five years of the date of publication of information about the state registration of the appellation of origin in an official bulletin.
Serbia	N/A
Singapore	N/A. Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.
Slovakia	The principle of coexistence between GIs and trademarks – two different intellectual property rights – is favored at the EU level. But if priority should be established either for a GI or for a trademark, then priority is established in line with IP practice based on dates of filing and registration, and in line with principles explained under questions 46 and 47.
South Africa	Not mutually exclusive; same provisions for registrability applies to collective/certification marks as to ordinary trademarks.
Switzerland	
United Kingdom	Priority is established in line with IP practice based on dates of filing and registration, and in line with principles explained under questions 46 and 47.
United States of America	
Uruguay	
Viet Nam	The priority of right between geographical indications and trademarks is determined based on the first-to-file principle (Article 90 of IP Law) and principle of priority (Article 91 of IP Law). Geographical indications and trademarks may co-exist if they do not cause confusion as to the origin of products and do not mislead the consumers as to the geographical origin of goods.
European Union	The principle of coexistence between GIs and trademarks – two different intellectual property rights – is favored at the EU level. But if priority should be established either for a GI or for a trademark, then priority is established in line with IP practice based on dates of filing and registration, and in line with principles explained under questions 46 and 47.

49. Can a geographical indication be used as a trademark?

Responding party	Geographical indication can be used as a trademark	If Yes, how can these marks be distinguished from other marks that are not geographical indications?
Australia	Yes	
Brazil	No	
Chile	No	
Colombia	No	
Croatia	Yes	The registered GIs are listed in the register.
Cyprus	Yes	
Czech Republic	Yes	
Ecuador	No	
Estonia	Yes	The GIs are distinguished as they are listed in the register of GIs.
France	No	
Georgia	No	
Greece	No	
Guatemala	No	
Hungary	Yes	
Iceland	Yes	
Israel	Yes	There is no such distinction.
Jamaica	No	
Japan	No	
Kazakhstan	Yes	
Lithuania	Yes	
Madagascar	Yes	Legislation currently in force provides for the protection of geographical indications through the Collective Marks system.
Mexico	No	
New Zealand	Yes	
Poland	No	
Portugal	No	
Republic of Korea		
Republic of Moldova	Yes	The use must be accompanied by the following inscriptions protected geographical indication, protected denomination of origin, or special signs, approved for geographical indications/denomination of origin:
Romania	Yes	The GIs are distinguished as they are listed in the register of GIs.
Russian Federation	Yes	
Serbia	No	
Singapore		
Slovakia	No	
South Africa	Yes	Based on application in the prescribed manner for collective or certification trade mark (above).
Switzerland	Yes (R5)	Words attesting to registration as a geographical mark in accordance with Article 27(a) <i>et seq.</i> of the TmPA.
United Kingdom	Yes	A certification mark shall not be registered if the proprietor carries on a business involving the supply of goods of the kind certified.
United States of America	Yes	
Uruguay	No	
Viet Nam	No	

Responding party	Geographical indication can be used as a trademark	If Yes, how can these marks be distinguished from other marks that are not geographical indications?
European Union	Yes	The GIs are distinguished as they are listed in the register of GIs.

#### COMMENTS:

##### Australia

At present there is no differentiation on the Trade Mark Register between trademarks and GIs. There is a mechanism to search specifically for CTMs, but not for GIs protected as CTMs.

##### Brazil

GIs and Brands are different industrial property rights assets. In Brazil, a mark that reproduces or imitates a previously registered GI cannot be registered if the goods or services indicated are identical or similar.

##### Cyprus

As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of article 14 of the European regulation (EU) 1151/2012.

##### Czech Republic

On condition that a GI is registered as a figurative trade mark.

##### Hungary

It can be used as an element of a trademark and the list of goods must be limited (in accordance with the product specification of the GI).

##### Kazakhstan

A geographical indication can be used as a trademark as a non-protected element of a trademark, provided it doesn't occupy a dominant position in it.

##### New Zealand

In New Zealand geographical indications can be protected as trademarks, e.g. registered as collect marks or certification marks. There are no particular legal requirements for anyone using a geographical indication as a trade mark to distinguish their trade mark as a geographical indication.

##### Russian Federation

Pursuant to Article 1483(7) of the Russian Federation Civil Code, designations that are identical or similar to an appellation of origin of products that is protected in accordance with the Russian Federation Civil Code, to an extent that would result in confusion, and also those that are identical or similar to a designation for which registration as such was sought before the priority date for a trademark, may not be registered as trademarks with respect to any products, unless such appellation or a designation similar to it to an extent that would result in confusion is included as an unprotected element in a trademark registered in the name of a person who has an exclusive right to such an appellation, on the condition that the registration of the trademark is performed with respect to the same products for the individualization of which the appellation of origin was registered.

United States of America

GIs indicate regional source - not the source of a company. The GI will appear in addition to the company's trademark on the packaging.

Viet Nam

Geographical signs are eligible for registration as certification marks and collective marks, as provided in Point d, Clause 2, Article 74, Clause 3 and 4, Article 87, and Clause 4 and 5, Article 105 of IP Law.

**50. Is there a list of geographical indications that are protected as marks?**

<b>Responding party</b>	<b>List of geographical indications protected as marks</b>	<b>COMMENTS</b>
Australia	No	GIs protected as CTMs are available in the trade mark database but they are not differentiated from other trademarks.
Brazil	No	
Chile	No	
Colombia	No	
Croatia	No	
Cyprus	Yes	
Czech Republic	No	
Ecuador	No	
Estonia	No	
France	No	
Georgia	No	
Greece	No	
Guatemala	No	
Hungary	No	
Iceland	No	Most marks consisting of Geographical Indications were registered as Collective Marks prior to the enactment of Act No. 130/2014.
Israel	No	
Jamaica	No	
Japan	No	
Kazakhstan	No	
Lithuania	No	
Madagascar	No	Geographical indications are protected as collective marks in Madagascar but no related list has been established.
Mexico		
New Zealand	No	
Poland	No	
Portugal	No	
Republic of Korea		
Republic of Moldova	No	
Romania	No	
Russian Federation	No	
Serbia	No	
Singapore		
Slovakia	No	
South Africa		A trade mark is reflected on the Trade Marks Register as "Ordinary" or "Certification" or "Collective".

Responding party	List of geographical indications protected as marks	COMMENTS
Switzerland	Yes (R5)	
United Kingdom	Yes	TM Register.
United States of America	No	
Uruguay	No	
Viet Nam	No	
European Union	No	

**51. A denomination that constitutes a geographical indication:**

Responding party	can be registered as a word mark	can be registered as a mark only if combined with several other word elements and/or figurative elements
Australia	Yes	
Brazil		
Chile		Yes
Colombia		
Croatia	Yes	Yes
Cyprus	Yes (wines and spirits)	
Czech Republic		Yes
Ecuador	No	No
Estonia	Yes	Yes
France		Yes
Georgia		Yes
Greece		Yes
Guatemala	No	No
Hungary		Yes
Iceland	Yes	No
Israel	Yes	No
Jamaica	No	Yes
Japan	Yes	
Kazakhstan	No	
Lithuania	Yes	Yes
Madagascar	Yes	No
Mexico		
New Zealand	Yes	No
Poland	No	Yes
Portugal		Yes
Republic of Korea		
Republic of Moldova	Yes	Yes
Romania	No	Yes
Russian Federation		Yes
Serbia	No	No
Singapore	N/A	N/A
Slovakia		Yes
South Africa		
Switzerland	Yes (R5)	Yes (R1, R2, R3 and R4)
United Kingdom	Yes	Yes
United States of America	Yes	No
Uruguay	No	No

Responding party	can be registered as a word mark	can be registered as a mark only if combined with several other word elements and/or figurative elements
Viet Nam	Yes	
European Union	Yes	Yes

## COMMENTS:

### Australia

A plain word can be registered as a CTM, which has a different test for determining whether the mark is capable of distinguishing. The rules also help delineate the scope of the rights of the mark. Obtaining registration of a plain word denomination as a CTM can also be difficult.

### Brazil

According to art. 124, item IX of the Brazilian IP Law, a "geographical indication, is an imitation that is likely to cause confusion or signal that may falsely induce a geographical indication" is not registrable. Therefore, any denomination constituting a GI cannot be registered as a trade mark if it is liable to cause confusion with this GI, even though it may preserve some differences.

### Chile

A denomination may only be registered as a mark if it is combined with other word and/or figurative elements that give it the distinctiveness required to constitute a trademark. Registration will be granted without protection of the descriptive elements – in this case the origin – considered in isolation.

### Croatia

A denomination can be registered as a word mark only if applied for a collective mark.

### Cyprus

As far as agricultural products and foodstuffs are concerned if the geographical indication is protected according to Reg. (EU) 1151/2012 then the provisions of article 14 shall apply.

### Estonia

In both cases (GI registered as word mark or combined mark) the trademark should be limited only to products covered by the GI.

### France

The protection and management body may file a logotype with the name of the GI.

### Georgia

A denomination that constitutes a geographical indication can be included in the mark only as an unprotected part. However, it can be registered as a collective word mark.

### Japan

If the trademark is distinctive, it can be registered.

### Lithuania

In both cases (geographical indication registered as word mark or combined mark) the trademark should be limited only to products covered by the geographical indication.

### Madagascar

The word mark may be combined with other words and/or figurative elements

### New Zealand

A trademark that consists only of signs or indications that may serve in trade to designate the geographical origin of a product or service may not be registered as a trade mark unless as a result of either use made of it or of any other circumstances, the trade mark has acquired a distinctive character.

### Republic of Moldova

By way of derogation, signs or indications which may be used in trade to designate the geographical origin of products and / or services may constitute collective marks. A collective mark does not entitle the proprietor to prohibit a third person from the commercial use of such signs or indications, provided that he uses them in industrial or commercial activity in accordance with his loyal customs. In particular, such a trademark may not be opposed to a third party authorized to use a geographical name (art.51(2), Law nr.38/2008). Geographical indications and designations of origin protected on the territory of the Republic of Moldova may be included in the trade mark only if the applicant has the right to use the protected geographical indication or protected designation of origin. The geographic indications of other states will be permitted for use in the trademark if this use is not contrary to the provisions of the Law 66/2008 and there is registration in the country of origin. Protected geographical indications and protected designations of origin included in the trade mark will constitute the unprotected elements of the mark (art.7(4), Law nr.66/2008).

### Russian Federation

Pursuant to Article 1483(7) of the Russian Federation Civil Code, designations that are identical or similar to an appellation of origin of products that is protected in accordance with the Russian Federation Civil Code, to an extent that would result in confusion, and also those that are identical or similar to a designation for which registration as such was sought before the priority date for a trademark, may not be registered as trademarks with respect to any products, unless such appellation or a designation similar to it to an extent that would result in confusion is included as an unprotected element in a trademark registered in the name of a person who has an exclusive right to such an appellation, on the condition that the registration of the trademark is performed with respect to the same products for the individualization of which the appellation of origin was registered.

### Singapore

Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.

### Slovakia

GI registered as combined trademark should be limited only to products covered by the GI.

### South Africa

Application for collective/certification mark must still pass the same threshold of registrability as an ordinary trade mark application.

European Union

In both cases (GI registered as word mark or combined mark) the trademark should be limited only to products covered by the GI.

(xix) Relationship with Plant Varieties and Animal Breeds

**52. Can geographical indications coexist with names of:**

Responding party	Plant varieties	If Yes, under what conditions?	Animal breeds	If Yes, under what conditions?
Australia				
Brazil				
Chile	No		No	
Colombia	No		Yes	Such coexistence can arise if the applicant is able to demonstrate that an initially generic expression has developed a reputation owing to qualities and characteristics attributable to a specific area, in accordance with the requirements indicated in Articles 201 and 202 of Decision 486 of 2000.
Croatia	Yes	A protection shall not be granted if a name is identical with the name of a plant variety, where it would mislead the public as to the geographical origin of a product or service. In other cases the name can be registered as a GI and coexist.	Yes	A protection shall not be granted if a name is identical with the name of an animal breed, where it would mislead the public as to the geographical origin of a product or service. In other cases the name can be registered as a GI and coexist.
Cyprus	No (wines and spirits)		No (wines and spirits)	
Czech Republic	N/A		N/A	
Ecuador	No		No	
Estonia	Yes	A name is disqualified from registration as a GI if it conflicts with a name of a plant variety or an animal breed and is likely to mislead the consumer as to the true origin of the product. In other cases, it can be registered and coexist.	Yes	A name is disqualified from registration as a GI if it conflicts with a name of a plant variety or an animal breed and is likely to mislead the consumer as to the true origin of the product. In other cases, it can be registered and coexist.
France	No		No	
Georgia	Yes	If it does not misleads the public as to the true origin of the goods.	Yes	If it does not misleads the public as to the true origin of the goods.
Greece	No		No	
Guatemala	No		No	

Responding party	Plant varieties	If Yes, under what conditions?	Animal breeds	If Yes, under what conditions?
Hungary	Yes	Pursuant to Article 106 (2) of the Hungarian Trademark Act a geographical indication may not be granted protection if it conflicts with the name of an earlier – protected or other – plant variety or animal breed and as a result is likely to mislead the public as to the origin of the product.	Yes	Pursuant to Article 106 (2) of the Hungarian Trademark Act a geographical indication may not be granted protection if it conflicts with the name of an earlier – protected or other – plant variety or animal breed and as a result is likely to mislead the public as to the origin of the product.
Iceland	Yes	According to Art. 7 of the Act, a product name is not eligible for registration under Article 4 and 5 where: b) it conflicts with the name of a plant variety or an animal breed and as a result is likely to mislead the public.	Yes	According to Art. 7 of the Act, a product name is not eligible for registration under Article 4 and 5 where: b) it conflicts with the name of a plant variety or an animal breed and as a result is likely to mislead the public.
Israel	Yes	No consumer confusion	Yes	No consumer confusion
Jamaica	No		No	
Japan	Yes	They do not cause confusion of production place among consumers.	Yes	They do not cause confusion of production place among consumers.
Kazakhstan	No		No	
Lithuania				
Madagascar	No		No	
Mexico	No		No	
New Zealand	No		No	
Poland	No		No	
Portugal	Yes		Yes	
Republic of Korea				
Republic of Moldova	Yes	Names partially homonymous with names of plant variety may be registered even if the variety has been subject to significant commercial production outside the delimited area provided that there is no risk for the consumer to confuse the products bearing a registered name and the variety.	Yes	Names partially homonymous with names of animal breed may be registered even if the breed has been subject to significant commercial production outside the delimited area provided that there is no risk for the consumer to confuse the products bearing a registered name and the breed.
Romania	Yes	A name is disqualified from registration as a PDO or PGI if it conflicts with a name of a plant variety or an animal breed and is likely to mislead the consumer as to the true origin of the product. In other cases, it can be registered and coexist.	Yes	A name is disqualified from registration as a PDO or PGI if it conflicts with a name of a plant variety or an animal breed and is likely to mislead the consumer as to the true origin of the product. In other cases, it can be registered and coexist.
Russian Federation	Yes	An AOP may be registered provided that the requirements established by the Russian Federation Civil Code are met. There is no	Yes	An AOP may be registered provided that the requirements established by the Russian Federation Civil Code are met. There is no special prohibition

Responding party	Plant varieties	If Yes, under what conditions?	Animal breeds	If Yes, under what conditions?
		special prohibition on the registration of names of plant varieties as appellations of origin.		on the registration of names of animal breeds as appellations of origin.
Serbia	Yes	Names of protected plant varieties or animal species may not be protected by indication of geographical origin, if they may mislead consumers as to the true origin of product.	Yes	Names of protected plant varieties or animal species may not be protected by indication of geographical origin, if they may mislead consumers as to the true origin of product.
Singapore				
Slovakia	No		No	
South Africa	N/A		N/A	
Switzerland	No		No	
United Kingdom	Yes	Not for similar goods or services	Yes	Not for similar goods or services
United States of America	No		No	
Uruguay	No		No	
Viet Nam	No		No	
European Union	Yes	A name is disqualified from registration as a GI if it conflicts with a name of a plant variety or an animal breed and is likely to mislead the consumer as to the true origin of the product. In other cases, it can be registered and coexist.	Yes	A name is disqualified from registration as a GI if it conflicts with a name of a plant variety or an animal breed and is likely to mislead the consumer as to the true origin of the product. In other cases, it can be registered and coexist.

#### COMMENTS:

##### Australia

Coexistence is possible in accordance with standard TM practice. A proposed GI term that consists of a plant variety name or an animal breed name is not generally likely to achieve registration. Should a GI that contains a plant variety name or an animal breed name achieve registration as a CTM GI, it should not prevent descriptive use of the plant variety name or animal breed name (Section 122).

##### Brazil

Plant variety and breed of animal shall be considered as common use if used to describe the product or service itself, its species or gender.

##### Cyprus

As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of article 6 and 42 of the European regulation (EU) 1151/2012.

##### Japan

Basically, the GI for liquor must be the term which indicate a place's name or liquor.

Mexico

Pursuant to Article 163(VII), a name consisting of or containing that of a protected plant variety or of an animal breed shall impede protection.

Poland

Article 42 of Reg. 1151/2012.

Switzerland

**R2.1** A name may not be registered as an appellation of origin or a geographical indication if it is the name of a plant variety or an animal breed and is likely to mislead consumers as to the true origin of the product. Any likelihood of misleading consumers must in particular be avoided if the name is homonymous with a local plant variety or animal breed that has not left its territory of origin or if the name of the plant variety or animal breed can be changed.

Viet Nam

Clause 1, Article 80 of IP Law provides that names or indications which have become generic names of goods in Viet Nam shall not be protected as geographical indications.  
Point đ, Clause 3, Article 163 of IP Law provides that denominations of plant varieties shall be deemed improper if they are identical or confusingly similar to marks, trade names or geographical indications protected before the date of publication of protection registration applications of such plant varieties.

(xx) Foreign Geographical Indications

**53. Are foreign geographical indications protectable in your jurisdiction?**

<b>Responding party</b>	<b>Foreign geographical indications are protectable</b>	<b>If Yes, is the protection of the geographical indication in the country of origin required?</b>	<b>COMMENTS</b>
Australia	Yes		Yes, foreign GIs can be protected in Australia under either the Trade Marks Act or the Wine Australia Act. Protection in the country of origin is not explicitly required but is generally necessary in practice.
Brazil	Yes	No	According to IN 25/2013, the GI must be recognized in the country of origin or by competent international entities or bodies.
Chile	Yes		To be registered in Chile, under the system established by Law No. 19.039 on Industrial Property, foreign GIs must be protected in the country of origin, such that they cannot be protected, or will lose any protection they had, where they are no longer protected or have fallen into disuse in their country of origin.
Colombia	Yes	Yes	
Croatia	Yes	Yes	
Cyprus	Yes	Yes	As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of article 13 paragraph 3 of European regulation (EU) 1151/2012.

Responding party	Foreign geographical indications are protectable	If Yes, is the protection of the geographical indication in the country of origin required?	COMMENTS
Czech Republic	Yes	Yes	
Ecuador	Yes	Yes	
Estonia	Yes	Yes	Legal protection is not granted to an indication that has not been granted legal protection in the country of origin or the legal protection of which has been terminated in the country of origin, or which has fallen into disuse in that country.
France	Yes	Yes	
Georgia	Yes	Yes	
Greece	Yes	Yes	EU GIs are protected according to Regulation 1151/2012.
Guatemala	Yes	Yes	
Hungary	Yes	Yes	
Iceland	Yes	Yes	According to Article 2 of the Act, the provisions of this Act also apply to product names of foreign origin granted protection under the Act or on the basis of international agreements. The conditions are further outlined in Articles 25 and 26 of the Act.
Israel	Yes	Yes	Foreign AOs will be protected only under the Lisbon treaty or other bilateral agreements.
Jamaica	Yes	Yes	
Japan	Yes	No	
Kazakhstan	Yes	Yes	
Lithuania	Yes	Yes	If GI is registered as a trademarks protection is granted only under the Trade Marks Law of the Republic of Lithuania. Also see the EU comments.
Madagascar	Yes	Yes	
Mexico	Yes	Yes	
New Zealand	Yes	Yes	Where the foreign geographical indication is registered under the Geographical Indications (Wine and Spirits) Registration Act. Foreign geographical indications protected through registration under the Trade Marks Act 2002, however, do not need to be protected in the country of origin as a geographical indication. For example, in New Zealand a number of foreign geographical indications protected under a sui generis regime, have been protected in New Zealand by registering them as either collective marks or certification mark.
Poland	No		
Portugal	Yes	Yes	
Republic of Korea	Yes	Yes	Geographical indications for wine/spirits of WIPO members cannot be registered under the Trademark Act (Article 34(1).16). Furthermore, such GIs can be protected under the Agricultural and Fishery Products Quality Control Act.
Republic of Moldova	Yes	Yes	
Romania	Yes	Yes	

Responding party	Foreign geographical indications are protectable	If Yes, is the protection of the geographical indication in the country of origin required?	COMMENTS
Russian Federation	Yes	Yes	Pursuant to Article 1517(2), state registration of the name of a geographical area that is located in a foreign state as an appellation of origin of a product is allowed if the name of the area is protected as such an appellation in the product's country of origin. The holder of an exclusive right to use such an appellation of origin may only be a person whose right to use the appellation is protected in the product's country of origin. Furthermore, pursuant to Article 1522(5) of the Russian Federation Civil Code, if a geographical area whose name is being applied for as an appellation of origin is located outside of the Russian Federation, a document confirming the applicant's right to the applied-for appellation of origin in the product's country of origin is attached to an application.
Serbia	Yes	Yes	
Singapore	Yes	Yes	
Slovakia	Yes	Yes	
South Africa	Yes	N/A	If applied for in the prescribed manner and compliant with provisions of Section 42 and 43 of the Trade Marks Act 194 of 1993 (also refer point no. 8 above).
Switzerland	Yes (R1, R2 and R5)	No (R1) Yes (R2 and R5)	
United Kingdom	Yes	No	
United States of America	Yes	No	Although not technically required, the application must include production standards or reliance on Paris Convention or Madrid Protocol filings or GI registrations. Probably all are protected in the country of origin.
Uruguay	Yes	Yes	
Viet Nam	Yes	Yes	
European Union	Yes	Yes	

54. If a geographical indication is protected in the country of origin under a *sui generis* regime, can that geographical indication be accepted for registration in your certification/collective mark system?

Responding party	Foreign <i>sui generis</i> geographical indication can be accepted in certification/collective mark system	If No, what is the rationale for making it a prerequisite that the instrument of protection be identical in both countries, rather than just substantially equivalent?
Australia	Yes	

Responding party	Foreign <i>sui generis</i> geographical indication can be accepted in certification/collective mark system	If No, what is the rationale for making it a prerequisite that the instrument of protection be identical in both countries, rather than just substantially equivalent?
Brazil	Yes	
Chile	Yes	
Colombia	Yes	
Croatia	Yes	
Cyprus		
Czech Republic	Yes	
Ecuador	Yes	
Estonia		
France	Yes	
Georgia	Yes	
Greece		
Guatemala		
Hungary	No	It can be registered as an element of a certification mark.
Iceland	Yes	
Israel	Yes	
Jamaica	Yes	
Japan	Yes	
Kazakhstan		
Lithuania	Yes	
Madagascar	Yes	
Mexico	No	
New Zealand	Yes	
Poland	N/A	
Portugal	Yes	
Republic of Korea		
Republic of Moldova	Yes	
Romania	Yes	
Russian Federation	Yes	
Serbia	Yes	
Singapore	Yes	
Slovakia	No	
South Africa	Yes	
Switzerland	Yes	
United Kingdom	Yes	
United States of America	Yes	
Uruguay	No	There is a specific legal provision and a <i>sui generis</i> protection system.
Viet Nam	Yes	
European Union	Yes	

**COMMENTS:**

Australia

GIs for all goods including wine can be registered in Australia as a CTM even if the GI is protected under a *sui generis* regime in its country of origin, or is an appellation of origin. Only GIs for wine goods can be protected under the *sui generis* system provided by the Wine Australia Act.

### Brazil

As item IX of art. 124 of the LPI is applied only to GIs already registered in Brazil, there is no impediment to the registration of foreign GI as a trademark (whether collective, certification or product or service), since it has not yet registered in Brazil as a GI. It is important to note that the respective trademark cannot induce false origin of the products or services registered or certified

### Cyprus

There is no such provision in the national law of Cyprus as far as agricultural products, foodstuffs and wines are concerned.

### Czech Republic

Application has to meet requirements for the collective mark.

### Iceland

If it meets the requirements of the Icelandic Collective Marks Act No. 155/2002. According to Art. 3 of the Collective Marks Act, marks or information which do in business indicate the geographical origin of goods or services may be considered to constitute Collective Marks, the provisions of para. 1, Art. 13 of the Trade Marks Act No. 45/1997 notwithstanding. Such a mark does not grant its owner the right to forbid a third party the use of the mark or the information for professional purposes, provided the use be in conformity with good business practices.

### Japan

As long as the GI meets the requirements for trademark registration like these mentioned in Questions 47 and 51, it can be accepted for registration under the Japanese trademark system including collective mark system. Japan does not have certification mark system as sui generis system.

### Lithuania

The Republic of Lithuania does not have its national registration system of the GI, but the GI can be accepted for the registration in collective mark system if an application meets requirements for the collective marks.

### Mexico

A certification mark may consist of or contain the name of a geographical area, or another indication known as referring to such area, which identifies a good as originating in that geographical area, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.

### New Zealand

See comment to question 53.

### Republic of Moldova

By way of derogation, signs or indications which may be used in trade to designate the geographical origin of products and/or services may constitute collective marks. A collective mark does not entitle the proprietor to prohibit a third person from the commercial use of such signs or indications, provided that he uses them in industrial or commercial activity in accordance with his loyal customs. In particular, such a trademark may not be opposed to a third party authorized to use a geographical name (art.51(2), Law nr.38/2008).

Russian Federation

A collective trademark of this kind can be registered only if the requirements of the Russian Federation Civil Code are met.

South Africa

Must comply with registrability requirements as contained in the Trade Marks Act 194 of 1993.

United States of America

Applicant must submit an application through our trademark registration system; there is no automatic registration for a GI protected in the country of origin.

European Union

Application has to meet requirements for the certification/collective mark.

**55. If a geographical indication is protected as a certification trademark in the country of origin, can the geographical indication be accepted for registration in your *sui generis* regime?**

Responding party	Foreign certification trademark can be accepted in <i>sui generis</i> system	If No, What is the rationale for making it a prerequisite that the instrument of protection be identical in both countries, rather than just substantially equivalent?
Australia	Yes	
Brazil	No	In Brazil, it is necessary that the registration of a foreign GI is already recognized with a GI in the country of origin, or by competent international entities or bodies. In addition, the GI registration system in Brazil is not considered a <i>sui generis</i> regime.
Chile	Yes	
Colombia	No	In all cases, Articles 218 and 219 of Decision 486 of 2000, with respect to recognition of protection for foreign appellations of origin, require them to have been previously granted corresponding protection in their countries of origin.
Croatia	Yes	
Cyprus		
Czech Republic	Yes	
Ecuador	Yes	
Estonia	Yes	
France		
Georgia	Yes	
Greece		
Guatemala	Yes	
Hungary	No	
Iceland	Yes	
Israel	No	Israel does not maintain a register for geographical indications. Israel maintains a register for appellations of origin through the Lisbon Agreement. To the extent that the foreign certification mark is also a Lisbon appellation of origin, then it would be eligible for protection in Israel as a Lisbon appellation of origin.
Jamaica	Yes	
Japan	Yes	
Kazakhstan		
Lithuania		

Responding party	Foreign certification trademark can be accepted in <i>sui generis</i> system	If No, What is the rationale for making it a prerequisite that the instrument of protection be identical in both countries, rather than just substantially equivalent?
Madagascar	No	Only geographical indications which are recognized as such can be registered as such in Madagascar.
Mexico	No	
New Zealand	Yes	
Poland	N/A	
Portugal	Yes	
Republic of Korea		
Republic of Moldova	Yes	
Romania	Yes	
Russian Federation	No	A specific requirement of the Russian Federation legislation (Article 1517(2) of the Russian Federation Civil Code).
Serbia	Yes	
Singapore	N/A	
Slovakia	Yes	
South Africa		
Switzerland	Yes	
United Kingdom	Yes	
United States of America	No	There is no <i>sui generis</i> system in US
Uruguay	No	There is a specific legal provision on the subject.
Viet Nam	No	Clause 2, Article 80 of IP Law provides that geographical indications of foreign countries where they are not or no longer protected or no longer used are not protected as geographical indications.
European Union	Yes	Application has to meet requirements for the GI.

#### COMMENTS:

##### Australia

Only GIs for wine goods can be protected under the Wine Australia Act *sui generis* regime in Australia. If the GI for wine goods meets the foreign GI determination process under the Wine Australia Act and is not opposed, then it can be protected under the *sui generis* regime even it is protected as certification trade mark in the country of origin.

##### Croatia

Application has to meet requirements for the GI protection.

##### Cyprus

There is no such provision in the national law of Cyprus as far as agricultural products, foodstuffs and wines are concerned.

##### Estonia

Application has to meet requirements for the GI.

Lithuania

See the European Union comments.

Republic of Moldova

A geographical indication protected as a certification trademark in the country of origin, can be accepted for registration in our sui generis regime only in the case in which all legal requirements for the GI recognition provided by Law 66/2008 are respected (e.g. compliance with definitions, requirements regarding to the applicant, proof of registration in the country or origin, etc.).

Singapore

Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.

Slovakia

Application has to meet requirements for the GI protection.

South Africa

Must comply with registrability requirements as contained in the Trade Marks Act 194 of 1993

**56. Where protection exists in the country of origin for a geographical indication, is the protection to that geographical indication conferred under your law:**

Responding party	automatically	under the same procedure as applies to domestic geographical indications	under a simplified procedure
Australia		Yes	
Brazil		Yes	
Chile		Yes	
Colombia		Yes	Yes
Croatia		Yes	
Cyprus			
Czech Republic		Yes	
Ecuador		Yes	
Estonia		Yes	
France			Yes
Georgia			Yes
Greece		Yes	
Guatemala	No	Yes	No
Hungary		Yes	
Iceland	No	Yes	No
Israel	No	Yes	No
Jamaica	No	Yes	No
Japan		Yes	
Kazakhstan		Yes	
Lithuania			
Madagascar	No	Yes	No
Mexico			
New Zealand	No	Yes	Yes
Poland	N/A	N/A	N/A
Portugal		Yes	
Republic of Korea			

Responding party	automatically	under the same procedure as applies to domestic geographical indications	under a simplified procedure
Republic of Moldova		Yes	
Romania	No	Yes	No
Russian Federation		Yes	
Serbia		Yes	
Singapore	Yes		
Slovakia		Yes	
South Africa			
Switzerland	Yes (R1)	Yes (R1, R2 and R5)	
United Kingdom		Yes	
United States of America	No	Yes	No
Uruguay		Yes	
Viet Nam		Yes	
European Union		Yes	

## COMMENTS:

### Australia

All GIs (domestic and foreign) are protected the same way. GIs protected as CTMs must meet the requirements of the Trade Marks Act. GIs for which protection is sought under the Wine Australia Act must meet the requirements of that Act.

### Brazil

IN 25/2013 states only that: "In the case of a foreign geographical name already recognized as a Geographical Indication in its country of origin or recognized by competent international entity or bodies, the presentation of the information referred to in articles 6 to 9 is not required. which are duly described in the official document that recognized the Geographical Indication, which must be presented in an official copy accompanied by a translation.

This means that documents submitted for similar proofs in the country of origin need not be re-presented and should only be described in the official GI recognition document.

### Cyprus

As far as agricultural products and foodstuffs, wines and spirits are concerned Cyprus confers protection to designations of origin and geographical indications that have been registered according to the procedure laid down in European regulations (EU) 1151/2012, 1308/2013, 607/2009 and 110/2008. Also, to geographical indications that have been mutually recognized through bilateral commercial agreements of EU with non-EU countries.

### Mexico

A specific procedure exists for foreign geographical indications since they are already protected outside of the national territory and since the Mexican State cannot, therefore, be the holder of such rights, unlike in the case of domestic geographical indications.

### New Zealand

Where protection exists in the country of origin, the applicant for registration does not need to provide an explanation of the given quality, reputation or other characteristic of the product that is essentially attributable to its geographical origin and provide evidence in support of such an explanation. Rather the foreign applicant for the geographical indication is required to provide the name of the country of origin

that the geographical indication is protected, a statement that the geographical indication has not fallen into disuse in that country, a description of any proposed conditions on the use of the geographical indication in New Zealand and copy of the regulations, rules or other documents that specify the protection given to the geographical indication in its country of origin (including any conditions on the use of the geographical indication in the country of origin).

Republic of Moldova

In such cases, it is not necessary to submit the specifications approved by the competent authority.

South Africa

Refer to questions 53 - 55 (above)

**57. Do you have a separate *sui generis* system for domestic and foreign geographical indications?**

Responding party	Separate <i>sui generis</i> system for domestic and foreign geographical indications	COMMENTS
Australia		Australia has a separate <i>sui generis</i> system for wine GIs, that protects both domestic and foreign GIs.
Brazil	No	
Chile	No	The above is without prejudice to the GIs recognized and protected under international treaties signed by Chile.
Colombia	No	
Croatia	No	
Cyprus	No	
Czech Republic	No	
Ecuador	No	
Estonia	No	
France	No	
Georgia	No	
Greece	No	
Guatemala	No	
Hungary	No	
Iceland	No	According to Article 2 of the Act, the Act is applicable to names of foodstuffs, wines and spirits and other products, as provided by a ministerial regulation, referring to origin, geographical indication or traditional specialty. The provisions of the Act also apply to product names of foreign origin granted protection under the Act or on the basis of international agreements.
Israel	No	
Jamaica	No	
Japan	No	
Kazakhstan		
Lithuania		
Madagascar	No	
Mexico	No	While the procedure to grant protection to foreign geographical indications differs from the procedure for national geographical indications, the substantive contents of the protection is not different.
New Zealand	No	
Poland	No	

Portugal	No	
Republic of Korea		
Republic of Moldova	No	
Romania	Yes	
Russian Federation	No	
Serbia	No	
Singapore	No	
Slovakia	No	
South Africa	No	Refer to question 8.
Switzerland	No	R1, R2 and R5
United Kingdom	No	
United States of America	No	
Uruguay	No	
Viet Nam	No	Foreign geographical indications are required to be protected in their countries of origin to be eligible for geographical indications protection in Viet Nam (Clause 2, Article 80 and Point đ, Clause 1, Article 106 of IP Law).
European Union	No	

**58. Can geographical indications be recognized and protected by means of bilateral treaties?**

<b>Responding party</b>	<b>Geographical indications can be recognized and protected by means of bilateral treaties</b>	<b>COMMENTS</b>
Australia	No	International treaties are not self-executing in Australia, meaning any GIs included in a bilateral treaty would need to be incorporated by legislation into domestic law. For example, GIs included in the Australia – European Community Agreement on Trade in Wine which was originally signed in 1994 and updated in 2010 are protected through the Wine Australia Act 2013 and are subject to opposition by third parties before being protected.
Brazil	Yes	Legally, there are no impediments for the recognition of foreign GIs through international agreements. However, the technical area of examination is not competent to answer possible political and diplomatic questions.
Chile	Yes	
Colombia	Yes	
Croatia	Yes	
Cyprus	Yes	By the bilateral agreements of the European Union with third countries.
Czech Republic	Yes	
Ecuador	Yes	
Estonia	Yes	
France	Yes	
Georgia	Yes	
Greece	Yes	
Guatemala	Yes	
Hungary	Yes	

Responding party	Geographical indications can be recognized and protected by means of bilateral treaties	COMMENTS
Iceland	Yes	FTAs, both national and under the EFTA regime.
Israel	Yes	
Jamaica	Yes	
Japan	Yes	
Kazakhstan		
Lithuania		
Madagascar	Yes	
Mexico	Yes	
New Zealand	No	New Zealand has not entered into any bilateral treaties that require any foreign protect geographical indications to be given protection in New Zealand.
Poland	Yes	Reg. 1151/2012
Portugal	Yes	
Republic of Korea		
Republic of Moldova	Yes	According to the Association Agreement between the Republic of Moldova and EU: 3,739 GIs from EU are protected on the territory of the Republic of Moldova ( <a href="http://www.db.agepi.md/GeogrIndications/SearchGI.aspx">http://www.db.agepi.md/GeogrIndications/SearchGI.aspx</a> ) 8 GIs from the Republic of Moldova are protected on the territory of the European Union.
Romania	Yes	
Russian Federation	Yes	Examples of bilateral treaties of the Russian Federation: - Agreement between the Government of the Russian Federation and the Federal Council of the Swiss Confederation concerning the Protection of Geographical Indications and Appellations of Origin; - Agreement between the Government of the Russian Federation and the Government of the Republic of India concerning the Protection of Certain Appellations of Tea, Rice, and Mangoes Used within the Russian Federation
Serbia	Yes	
Singapore	No	
Slovakia	Yes	For non-agricultural products.
South Africa	Yes	1929 - South Africa and France signed an agreement ("Crayfish Agreement) to protect list of French GI in exchange for the sale of crayfish to France (Crayfish agreement) also brought into effect that SA could no longer use CHAMPAGNE for sparkling wine or refer to red wine as BURGANDIES 2002 - Wine agreement signed between SA and EU to promote trade in wine produced in SA agreement also brought into effect of prohibition on the use of the name "PORT" and "SHERRY" by SA wine producers. 2014 - EPA Agreement with European Union in relation to Wines, Spirits and Agricultural Products.
Switzerland	Yes	
United Kingdom	No	Refer to EU response as the EU Commission negotiate international agreements on behalf of EU member states.
United States of America	No	
Uruguay	Yes	
Viet Nam	Yes	

Responding party	Geographical indications can be recognized and protected by means of bilateral treaties	COMMENTS
European Union	Yes	

**59. Are geographical indications for which protection is sought via international agreements assessed before a decision is made to protect them?**

Responding party	Geographical indications for which protection is sought via international agreements are assessed before a decision is made to protect them	If Yes, does this assessment align with domestic processes for geographical indication examination?
Australia	Yes	
Brazil		
Chile	Yes	No
Colombia	Yes	No
Croatia	Yes	Yes
Cyprus	Yes	
Czech Republic	Yes	Yes
Ecuador	Yes	Yes
Estonia	Yes	Yes
France	No	
Georgia	Yes	No
Greece	Yes*	Yes
Guatemala	Yes	Yes
Hungary	Yes	Yes
Iceland	No	
Israel	Yes	Yes
Jamaica	Yes	Yes
Japan	Yes	
Kazakhstan	No	
Lithuania		
Madagascar	Yes	Yes
Mexico	Yes	Yes
New Zealand	Yes	Yes
Poland	N/A	
Portugal	Yes	Yes
Republic of Korea	Yes	Yes
Republic of Moldova	Yes	Yes
Romania	No	
Russian Federation	N/A	
Serbia	No	
Singapore	N/A	
Slovakia	Yes	Yes
South Africa	Yes	Yes
Switzerland	Yes	No
United Kingdom	No	
United States of America	Yes	Yes
Uruguay	Yes	Yes
Viet Nam	Yes	Yes
European Union	Yes	Yes

**COMMENTS:**

Australia

GIs seeking protection via an international agreement are published for opposition and then are determined by the Geographical Indications Committee.

Brazil

The technical examination area is not competent to answer possible political and diplomatic questions.

Cyprus

During the debates of the bilateral agreements all EU Member States can express their opinion.

Greece

\* Only by bilateral treaties of EU with third countries.

Japan

Terms of GI which is required to be protected via international negotiation, are confirmed that they are not generic terms. Additionally, this confirmation is not taken place for domestic GI for liquor (domestic GI has other methods of examination.)

New Zealand

We have provided a theoretical response to this question. If New Zealand were to be asked to protect one or more foreign geographical indications in New Zealand via an international agreement, it appear likely that such specified foreign geographical indications would need to be assessed before any decision was taken in relation to giving them protection in New Zealand. Any such assessment would likely be aligned with the domestic grounds and procedures for examining whether to grant protection to a geographical indication.

Republic of Korea

If GIs protected under international agreements wish to have full protection under the Korean Trademark Act, they are required to be registered as "a collective mark with a GI".

Russian Federation

The Russian Federation is not a party to international agreements that provide protection for AOPs.

South Africa

Assessment aligns with domestic processes for trade mark examination.

United Kingdom

Refer to EU response as the EU Commission negotiate international agreements on behalf of EU member states.

United States of America

GIs must be submitted for examination and publication for opposition through the trademark system.

Uruguay

They are assessed during negotiations to find agreement.

60. If geographical indications protected under international agreements are not assessed under a process equivalent to a domestic process for geographical indication examination, does the protection offered differ between the two?

Responding party	The protection offered differ between the two	COMMENTS
Australia	No	
Brazil		The technical examination area is not competent to answer possible political and diplomatic questions.
Chile	Yes	For registered GIs or AOs, special actions (civil or criminal) can be brought under Law No. 19.039 on Industrial Property. Greater protection is afforded to GIs and AOs that identify wines and spirits, for which civil actions may be brought where GIs or AOs are used without usage rights, or translated, or accompanied by terms such as "class", "type", "style", "imitation" or similar, including where the true origin of the product is indicated. The various penalties associated with criminal actions include fines, confiscation of products and destruction of goods with falsified GIs or AOs.
Colombia	No	
Croatia	N/A	
Cyprus	N/A	
Czech Republic	N/A	
Ecuador	No	
Estonia	No	
France	No	
Georgia	No	
Greece	No	
Guatemala	No	
Hungary	No	
Iceland	No	
Israel	N/A	
Jamaica	N/A	
Japan	No	
Kazakhstan		
Lithuania		
Madagascar		
Mexico	No	
New Zealand	No	Since New Zealand has not agreed to protect foreign geographical indications under any international agreements, it is unclear whether any protection given to foreign geographical indications would differ to the protection granted to domestic geographical indications. Granting different levels of protection between foreign and domestic geographical indications may contravene New Zealand's international obligations related to national treatment and most favored nation treatment.
Poland	N/A	
Portugal		
Republic of Korea	No	If GIs protected under international agreements wish to have full protection under the Korean Trademark Act, they are required to be registered as "a collective mark with a GI".
Republic of Moldova	No	
Romania	No	

Responding party	The protection offered differ between the two	COMMENTS
Russian Federation	N/A	The Russian Federation is not a party to international agreements that provide protection for AOPs.
Serbia	No	
Singapore	N/A	
Slovakia	N/A	
South Africa	N/A	
Switzerland		The R1 protection standard applies to all geographical indications. A complementary protection standard is inherent in registration as a PDO or PGI, and in each international agreement.
United Kingdom		Refer to EU response as the EU Commission negotiate international agreements on behalf of EU member states.
United States of America	No	Not applicable. GIs must go through the trademark system process.
Uruguay	No	
Viet Nam	No	
European Union	N/A	

*(xxi) Database*

**61. Are there any databases making an inventory of information on geographical indications that are protected either nationally or regionally?**

Responding party	Databases exist	If Yes, are these databases freely accessible to the public?	COMMENTS
Australia	No		There is no database but the rules for GI's protected as CTMs can be accessed through the Australian Trade Mark Search and website. Information about GIs for wine goods is available on the Wine Australia website.
Brazil	No		As far as the INPI technical examination area is concerned, there is nothing in this sense so far.
Chile	Yes	Yes	Under the recognition system established under Law No. 19.039 on Industrial Property (via registration) and administered by INAPI, the database is publicly accessible. For wines and alcoholic beverages, databases are not publicly accessible.
Colombia	Yes	Yes	See <a href="http://prosur.org/mapa-de-indicaciones-geograficas">http://prosur.org/mapa-de-indicaciones-geograficas</a>
Croatia	Yes	Yes	
Cyprus	Yes	Yes	As far as agricultural products and foodstuffs are concerned information of Cyprus GI's can be found in DOOR database of all EU GI's and also in the site of Department of Agriculture of Cyprus. Both are accessible to public.
Czech Republic	Yes	Yes	
Ecuador	Yes	Yes	
Estonia	Yes	Yes	
France	Yes	Yes	
Georgia	Yes	Yes	

Responding party	Databases exist	If Yes, are these databases freely accessible to the public?	COMMENTS
Greece	Yes	Yes	
Guatemala	Yes	Yes	
Hungary	Yes	Yes	
Iceland	No		
Israel	Yes	Yes	Only with respect to appellations of origin arising under the Lisbon Agreement.
Jamaica	No		
Japan	Yes	Yes	
Kazakhstan	Yes	Yes	
Lithuania			
Madagascar	No		Not yet, until the coming into force of the new Industrial Property Law which contains provisions for the protection of geographical indications.
Mexico	Yes	Yes	
New Zealand	Yes	Yes	Under the Geographical Indications (Wine and Spirits) Registration Act 2006 the Registrar of Geographical Indications must maintain and make publically available the register of geographical indications providing certain minimum information to the public about applications and registrations under the Act.
Poland	Yes	Yes	DOOR database carried by European Commission.
Portugal	Yes	Yes	
Republic of Korea	Yes	Yes	
Republic of Moldova	Yes	Yes	Geographical Indications Database is available at <a href="http://www.db.agepi.md/GeogrIndications/SearchGI.aspx">http://www.db.agepi.md/GeogrIndications/SearchGI.aspx</a>
Romania	Yes	Yes	
Russian Federation	Yes		Open registers: <a href="http://www1.fips.ru/wps/portal/Registers/">http://www1.fips.ru/wps/portal/Registers/</a>
Serbia	Yes	Yes	
Singapore	No		
Slovakia	Yes	Yes	
South Africa	N/A	N/A	
Switzerland	Yes	Yes	
United Kingdom	Yes	Yes	
United States of America	No		However, using certain key words, GIs can be found in the TM register.
Uruguay	Yes	Yes	
Viet Nam	Yes	Yes	
European Union	Yes	Yes	

*(xxii) Support Programs/Financing***62. Does your jurisdiction have support programs for producers of goods recognized or protected by geographical indications?**

Responding party	Support programs available	If Yes, how are they financed, and how are the results of such programs measured?
Australia	No	
Brazil		
Chile	Yes	The Seal of Origin (" <i>Sello de Origen</i> ") program is a non-financial instrument that supports producers of goods recognized by means of GIs or AOs. It was established in 2011 as a joint initiative of the Ministry of Economy, Development and Tourism and INAPI and is administered by INAPI and funded via the Ministry's budget. Producers can seek financial support from other State agencies (Production Development Corporation (CORFO), Technical Cooperation Service (SERCOTEC), Institute of Agricultural Research (INIA)) following the award of the Seal of Origin (GI, AO, certification marks, collective marks).
Colombia	Yes	Various national agencies have the function of supporting goods produced and services rendered in our country (Handicrafts of Colombia, Solidarity Organizations, Fontur, ProColombia, etc.). Through various activities those agencies can develop and finance programs to support producers of goods protected by appellations of origin. In addition, the Colombian-Swiss Intellectual Property Project (COLIPRI) has conducted this type of activity with financing provided through international cooperation. The evaluation of results is a responsibility borne by every organization.
Croatia	No	
Cyprus	Yes	
Czech Republic	No	
Ecuador	No	
Estonia	No	
France	No	
Georgia	No	
Greece	No	
Guatemala	No	
Hungary	N/A	
Iceland	No	
Israel	No	
Jamaica	Yes	Financed by the Jamaica Intellectual Property Office. Results measured by the number of persons trained or receiving information related to GIs and the number of GI registrations.
Japan	No	
Kazakhstan	No	
Lithuania		
Madagascar	No	
Mexico		
New Zealand	No	
Poland	Yes	Rural Development Program carried by European Commission (DG AGRI)
Portugal	No	
Republic of Korea	No	

Responding party	Support programs available	If Yes, how are they financed, and how are the results of such programs measured?
Republic of Moldova	Yes	The amount of the support is 50% of the cost of the expenses, but no more than 1500 euro for a protected geographical indication or a protected designation of origin. (Government Decision nr.455/2017).
Romania	Yes	Optional programs for rural development support are available to encourage participations in PDO and PGI schemes.
Russian Federation	Yes	
Serbia	No	
Singapore	N/A	
Slovakia	Yes	Optional programs to support the development to small and medium-sized enterprises as a part of the IP pre-diagnostic.
South Africa	N/A	This does not fall under the mandate of the Trade Marks Act 194 of 1993.
Switzerland	Yes (R2.1)	<p>In accordance with Article 16(b) of the Federal Act on Agriculture, producers' and processors' organizations receive some financial and organizational support for the protection of their appellations outside Switzerland. Accordingly, the State (the Swiss Confederation) may, on request and on a case-by-case basis, bear part of the legal and related costs of proceedings initiated by Swiss missions abroad. Such support is intended specifically to combat the usurpation of protected appellations and oppositions to, and legal proceedings on, registration applications for Swiss agricultural PDOs and PGIs abroad.</p> <p>Under Article 12 of the Federal Act on Agriculture, sales promotion is intended to provide subsidiary support for collective marketing initiatives taken to further the sale of Swiss agricultural products. The Confederation thus supports subsidiarily the marketing initiatives of the Swiss PDO–PGI Association. Moreover, pursuant to the Ordinance on the Promotion of Quality and Sustainability in the Agro-Food Sector (OQuaDu), the Swiss Confederation provides financial support (up to 50 per cent of defrayable costs) for innovative projects that have a positive impact on the sustainability or quality of agricultural products and generate agricultural added value. Support can thus be provided for, among other things, the producers' certification costs for PDO and PGI products during the initial phase and for a period of four years.</p>
United Kingdom	Yes	
United States of America	Yes	The support groups are established by state governments where the product comes from. The owner of the GI - usually a government/state agency provides outreach and promotion for the products.
Uruguay	No	
Viet Nam	Yes	<p>On central government level, the Program for Supporting the development of Intellectual Properties supports the registration of geographical indications (and other IP rights) in all provinces. On local levels, the registration of geographical indication is supported by local government budget based on the policy of each locality.</p> <p>The results of support programs are measured by the number of granted protection titles.</p>
European Union	Yes	Optional programs for rural development support are available to encourage participations in GI schemes. Such measures are non-production distorting and notified to WTO in the Green Box.

**COMMENTS:**Brazil

As far as the INPI technical examination area is concerned, there is nothing to that effect.

Cyprus

The producers of Cyprus as far as agricultural products and foodstuffs are concerned can use the national Rural Development Program for support: the certification costs (only for agricultural products) and the promotion of the protected PDOs, PGIs (for agricultural products and foodstuffs). For wines and spirits, according to the provision of the National Support Programme 2014-2018 and 2019-2023, in alignment with Commission Delegated Regulation (EU) 2016/1149 and Implementing Regulation 2016/1150.

(xxiii) Approximation of Laws**63. What would be the efforts to approximate national legislation in order to make it easier to protect this intellectual property asset at the international level?**

Responding party	Efforts to approximate national legislation
Australia	Noting that GIs are territorial, if an indication is protected or registered as a GI in the country of origin it should be prima facie capable of protection in other countries unless there are circumstances in the other countries that prevent registration, such as prior trade mark rights or that the indication is commonly used as the common name of the relevant goods.
Brazil	It is not the competence of the INPI technical area.
Chile	
Colombia	<ul style="list-style-type: none"> <li>- Promote associative activity.</li> <li>- Involve all State agencies as necessary according to the products to be protected.</li> <li>- Expand the protection in different countries to artisanal products.</li> <li>- Expressly include and regulate the concept of geographical indications in the Andean Decision.</li> <li>- Adopt sui-generis protection regimes in countries where the concept as such does not exist.</li> </ul>
Croatia	The consolidation of the international standards of protection with respect to the scope of non-agricultural goods and services that can be protected, the types of denominations that can be used (verbal, figurative, ornamental), formalities, the type of evidence to be used, the control of use.
Cyprus	The current Intellectual Property Legislation (Trade Mark Law CAP:268) protects this intellectual property asset at the international level.
Czech Republic	Czech national system of protection corresponds with the international standards laid down in the Lisbon Agreement.
Ecuador	Protect and defend intellectual property rights enshrined in the Organic Code (COECS) and in binding international instruments.
Estonia	Specific EU GI schemes already exist for agricultural and fisheries products and foodstuffs, wines, spirit drinks and aromatized wines.
France	
Georgia	For the purpose of further improvement and harmonization of the legislation with international standards, Sakpatenti drafted amendments to the "Law of Georgia on Appellations of Origin of Goods and Geographical Indications", which encompass European Union countries approaches, with regard to Geographical Indications, which will play its role in further harmonization of WIPO members legislation, that itself will simplify the process of protection of GIs at the international level.
Greece	Cooperation between authorities of a Member state and these of European Union and other international trade organizations.

Responding party	Efforts to approximate national legislation
Guatemala	Provision of financial resources and raising awareness of the advantages of registration.
Hungary	
Iceland	International agreement or other international instrument.
Israel	It is already possible to protect this intellectual property asset at the international level through Lisbon Agreement.
Jamaica	
Japan	In order to realize protection of foreign GIs through international agreements, the government has amended the GI Act on 2016 (became effective in December 2016). The amended Act enables to mutually protect GIs with foreign states which have equivalent GI protection system. The Act also defines to prohibit importers from transferring imported infringing products. In the case of GIs for liquor, the notice on Establishing Indicating Standards Concerning Geographical Indications for Liquor (National Tax Agency No.19) is revised on Oct., 2015. A system that GIs of Japan and GIs for member states of the WTO other than Japan are protected each other.
Kazakhstan	
Lithuania	
Madagascar	Madagascar's accession to the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration is under way for this purpose.
Mexico	In Mexico, a reform of the LPI with respect to appellations of origin and geographical indications was implemented and published in the Mexican Official Journal on 13 March 2018. The reform reflects Mexico's commitment to possess legal instruments equivalent to those of our trade partners, that are compatible with the TRIPS Agreement and that aim to include schemes that enhance the protection of this type of industrial property, in order to contribute to economic growth and achieve greater certainty in international trade.
New Zealand	
Poland	N/A - scheme is based on EU law - Reg. 1151/2012.
Portugal	Efforts already made at the EU level.
Republic of Korea	
Republic of Moldova	With reference to the national legislation of the Republic of Moldova, it is important to specify that the legal framework concerning the registration, legal protection and use of geographical indications is harmonized with the provisions of the European Union legislation and of the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration. Accordingly, at this time, the national regulatory framework provides to both geographical indications rights holders and potential beneficiaries an accessible system of protection of geographical indications.
Romania	Specific EU GI schemes already exist for agricultural and fisheries products and foodstuffs and beverages.
Russian Federation	Work is being done in the Russian Federation to make amendments to the Russian Federation Civil Code with regard to improving the provisions on AOPs and the inclusion of geographical indications as an independent object of intellectual property.
Serbia	IPO makes efforts to approximate national legislation to EU legislation.
Singapore	NIL
Slovakia	Organization of meetings at expert level.
South Africa	Protection offered under the national trade mark legislation is adequate, sound, well tested and embedded in the national legal IP framework.
Switzerland	PDO or PGI registration of all products.
United Kingdom	Protection for certification and collective marks are already available at an international level.
United States of America	Recognition of a trademark system of protection as equivalent to a <i>sui generis</i> system so that TM owners can get protection in <i>sui generis</i> regimes.
Uruguay	
Viet Nam	Viet Nam aims to harmonize national law with international treaties to which Viet Nam is a contracting party. However, where a treaty to which Viet Nam is a contracting





Responding party	unauthorized use	use taking unfair advantage of, or detrimental to, the repute of the denomination	usurpation (identical or similar products)	misappropriation of notoriety (other products)	imitation	modified forms	evocation	translations	transliterations	other
Republic of Moldova	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes*
Romania	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Russian Federation	Yes	Yes	Yes	Yes	Yes		Yes	Yes	Yes	
Serbia	Yes	Yes	Yes		Yes	Yes	Yes			
Singapore										
Slovakia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
South Africa	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Switzerland*	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
United Kingdom	Yes	Yes	Yes	Yes	Yes	Yes		Yes	Yes	No
United States of America	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	No
Uruguay	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes†
Viet Nam										
European Union	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

**COMMENTS:**Australia

A GI protected as a CTM entitles the owner and authorized persons/parties to the exclusive use of the CTM. GIs protected under the Wine Australia Act must meet the provisions of use relating to the sale, export or import of wine set out in Division 2 of Part VIB of the Wine Australia Act. Appellations of origin are assessed in the same way as GIs. CTM GIs are protected against unauthorized use, in the course of trade, of a substantially identical or deceptively similar indication on the same or similar goods. Enforcement is the responsibility of the owner.

Brazil

Based on art. 124, IX of the Brazilian IP Law, any trademark application that imitates a GI and that may cause confusion with it is unpatentable. In other words, the GI has protection against the registration of any signal that may cause consumer confusion as to the origin of the product.

Colombia

Given that domestic provisions do not expressly regulate geographical indications as such, these are protected only against improper trademark registration, in accordance with Article 135 (l) of Decision 486 of 2000, which provides that signs consisting of a national or foreign geographical indication liable to cause confusion with regard to the products or services to which it applies may not be registered as marks. In the case of appellations of origin, the grounds for refusing registration indicated in Article 135 (j) and (k) of the Decision prohibit the registration of signs that "contain a protected appellation of origin for wines and spirits" or "reproduce, imitate or contain a protected appellation of origin for the same or different goods where their use could cause a risk of confusion or association with the appellation, or might constitute misappropriation of its notoriety". According to Law No. 256 of 1996 "unauthorized use of signs owned by others or of false or deceitful appellations of origin, is considered unfair, even if accompanied by an indication of its true provenance".

### Croatia

Any use to identify products or services the quality, reputation or other characteristics of which are of a lower quality than the one of the protected GI; any other practice liable to mislead the public as to the geographical origin of a product or a service.

### Cyprus

As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of Article 13 of the European Regulation (EU) 1151/2012.

### Ecuador

\* The protection of appellations of origin shall be initiated by the notice that the competent national office issues to that end. Any use of appellations of origin by an unauthorized person that creates confusion shall be considered a punishable infringement of industrial property rights, even when the appellations are used in conjunction with terms such as "variety", "type", "imitation" or similar terms that mislead the consumer.

### Estonia

\* Any direct or indirect commercial use; any misleading indication on the inner or outer packaging, advertising material or documents relating to the product, and the packing of the product in a container liable to convey a false impression as to its origin; including when those products are used as an ingredient.

### Greece

\* Any direct or indirect commercial use; Any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product.

### Israel

\* With regards to: misappropriation of notoriety (other products); evocation; translations our answer will be: not specified in statute.

† If misleading.

### Jamaica

\* Misleading use, use untrue as to origin.

### Japan

As for items of Appellations of origin, they are protected under the Unfair Competition Prevention Act in the case where the unfair act on appellations of origin falls under article 2(1)(xiv). Article 2(1)(xiv) the act of using an indication on goods or services, in an advertisement thereof, or in trade documents or electronic correspondence thereof, in a way that is likely to mislead as to the place of origin, quality, content, manufacturing process, purpose, or quantity of the goods, or the quality, content, purpose, or quantity of the services, or the act of transferring, delivering, displaying for the purpose of transfer or delivery, exporting, importing, or providing through a telecommunications line goods so indicated, or the act of providing services so indicated.

### Lithuania

See the European Union comments.

### Mexico

According to the LPI, it is an infringement to use a name or indication that is identical or confusingly similar to a domestic or foreign appellation of origin or geographical indication that is protected or

recognized by the IMPI, to protect the same or similar products. This shall include the use of the name or indication in services.

#### New Zealand

New Zealand does not have a regime for protecting appellations of origin.

#### Poland

Article 13 of Reg. 1151/2012.

#### Republic of Moldova

\* Protected names may not become generic. Registered appellations of origin and geographical indications shall be protected against: - any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product, being on the product or on the packing thereof, advertising material or documents relating to the product concerned, as well as against utilization as a packaging a container liable to convey a false impression n as to its origin; - any other practice liable to mislead the consumer as to the true origin of the product.

#### Russian Federation

Pursuant to Article 1519(3) of the Russian Federation Civil Code.

#### Singapore

Court action can be brought under the current Geographical Indications Act (Cap 117B). The basis of which includes - - use which misleads the public as to the geographic origin of the goods, - any use of a geographical indication which constitutes an act of unfair competition, and - where the GI identifies a wine or spirit, use on wines or spirits which do not originate from the place indicated by the GI.

#### Slovakia

Any direct or indirect commercial use on products to which such sign is not related, if such products are identical or similar with a product which is registered under such designation of origin, or such using takes an advantage of good reputation of registered designation of origin, any misuse, imitation or evocation of misconception about a product origin, even if true origin of a product is indicated or even if registered designation of origin is indicated in translation or is accompanied by an expression such as "kind", "type", "style", "method", "as produced in", "imitation", "similar"; or with other similar expression, any other false or misleading indication as to the origin, nature or essential qualities of the product, on the inner or outer packaging, advertising materials or documents relating to product concerned, and the packing of the product in a container liable to convey a false impression as to its origin, any other practice liable to mislead the consumer as to the true origin of the product.

#### South Africa

As per provisions in the Trade Marks Act 194 of 1993 (Section 10 referred to above)

#### Switzerland

\* R2

PDO and PGIs are protected against becoming generic.

PDO and PGI protection is also afforded when the product concerned is used as an ingredient or component.

The product's distinctive form, if applicable, is also protected.

Moreover, the following are prohibited:

- any false or misleading indication of the true origin, source, production method, nature or essential qualities featuring in the packaging, wrapping, advertising or documents relating to the product;
- use of any container or packaging that is likely to mislead others as to the origin of the product.

United States of America

The owner of the GI can seek relief for the above claims by filing suit in court. A claim of evocation is not available as it extends the protection of GIs beyond that which is available for TMs. Appellations of origin are treated the same as GIs and TMs.

Uruguay

\* Under the law on unfair competition.

† Conceptual or ideological.

Viet Nam

The protection against translations and transliterations is applied for geographical indications of wines and spirits (Point m, Clause 2, Article 74 of IP Law).

European Union

Any direct or indirect commercial use; any misleading indication on the inner or outer packaging, advertising material or documents relating to the product, and the packing of the product in a container liable to convey a false impression as to its origin; including when those products are used as an ingredient.

**65. If a geographical indication is protected against evocation,**

Responding party	what kind of products does this cover?		what kind of connection does evocation cover?		
	Products of the same kind	Products of a different kind	Graphic	Phonetic	Other
Australia					
Brazil	Yes		Yes	Yes	Yes protection against any use that could create consumer confusion.
Chile	N/A	N/A	N/A	N/A	N/A
Colombia	N/A	N/A	N/A	N/A	N/A
Croatia	Yes		Yes	Yes	
Cyprus	Yes	Yes	Yes	Yes	
Czech Republic	Yes	Yes	Yes	Yes	
Ecuador	Yes			Yes	
Estonia	Yes	Yes	Yes	Yes	Yes According to the European Court of Justice evocation is not limited to graphic or phonetic means.
France					
Georgia	Yes	Yes	Yes	Yes	
Greece	Yes		Yes	Yes	
Guatemala	Yes	Yes	Yes	Yes	No
Hungary	Yes		Yes	Yes	
Iceland	Yes	No	No	Yes	
Israel	Yes	Yes	Yes	Yes	
Jamaica	Yes	Yes	Yes	Yes	No
Japan					
Kazakhstan					
Lithuania					

Responding party	what kind of products does this cover?		what kind of connection does evocation cover?		
	Products of the same kind	Products of a different kind	Graphic	Phonetic	Other
Madagascar	Yes	No	Yes	Yes	
Mexico					
New Zealand	No	No	No	No	No
Poland	Yes	Yes	Yes	Yes	
Portugal	Yes		Yes	Yes	
Republic of Korea	Yes		Yes	Yes	
Republic of Moldova	Yes	Yes	Yes	Yes	Yes Translations.
Romania	Yes		Yes	Yes	
Russian Federation	Yes		Yes	Yes	
Serbia					
Singapore	N/A	N/A	N/A	N/A	N/A
Slovakia	Yes		Yes	Yes	
South Africa	N/A	N/A	N/A	N/A	N/A
Switzerland	Yes	Yes	Yes	Yes	Yes*
United Kingdom	Yes		Yes	Yes	Yes
United States of America	N/A	N/A	N/A	N/A	N/A
Uruguay	Yes	No	Yes	Yes	Yes Conceptual or ideological.
Viet Nam	Yes		Yes	Yes	
European Union	Yes	Yes	Yes	Yes	Yes

#### COMMENTS:

##### Australia

Evocation is not a recognized concept in Australia. CTM GIs are protected against unauthorized use, in the course of trade, of substantially identical or deceptively similar indications on the same or similar goods.

##### Brazil

According to art. 179 of the Brazilian IP Law: "Protection shall extend to the graphic or figurative representation of the geographical indication (...)".

##### Colombia

Our regime does not provide for evocation but rather for imitation, reproduction and unauthorized use.

##### Cyprus

As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of article 13 of the European Regulation (EU) 1151/2012.

##### New Zealand

New Zealand does not protect geographical indications against evocation.

Russian Federation

Pursuant to Article 1519(3) of the Russian Federation Civil Code.

Switzerland

\* R2. See the response to question 64

United Kingdom

According to case law similarity is not limited to graphic or phonetic mean.

European Union

According to the European Court of Justice evocation is not limited to graphic or phonetic means.

**66. If a geographical indication is protected against translations or transliterations:**

<b>Responding party</b>	<b>the protection is automatic</b>	<b>there is a requirement for identifying the specific translations or transliterations for which protection is sought</b>	<b>Please indicate who determines what is a translation or a transliteration of a geographical indication?</b>	<b>the translations or transliterations for which protection is sought are published as such for the benefit of the public and third parties</b>
Australia				Yes
Brazil	Yes	No		No
Chile	Yes			
Colombia				
Croatia	Yes			
Cyprus	Yes			
Czech Republic	Yes			
Ecuador	No	Yes	The examiner who conducts the substantive examination.	No
Estonia	Yes			
France				
Georgia	Yes			Yes
Greece	Yes			
Guatemala	No	Yes	The Registry enquires into its registration in another language; this shows whether it has merely been translated into Spanish.	Yes
Hungary	Yes			
Iceland	Yes	No		No
Israel	Yes*	No		No
Jamaica	Yes	No		No
Japan				
Kazakhstan				
Lithuania				
Madagascar	Yes	No		No
Mexico		Yes		Yes
New Zealand	Yes	Yes	Protection for translations and transliterations are automatic	

Responding party	the protection is automatic	there is a requirement for identifying the specific translations or transliterations for which protection is sought	Please indicate who determines what is a translation or a transliteration of a geographical indication?	the translations or transliterations for which protection is sought are published as such for the benefit of the public and third parties
			under the Geographical Indications (Wine and Spirits) Registration Act. However, applicants for registration of foreign geographical indications must specify any relevant translations or transliterations of the geographical indication in their application for registration. The courts would determine whether a person has breached the restrictions on using a registered foreign geographical indication in translation or transliteration.	
Poland	Yes	No		Yes
Portugal	Yes			
Republic of Korea	No	Yes		
Republic of Moldova	Yes			
Romania	Yes	No		No
Russian Federation	Yes			
Serbia				
Singapore	Yes			
Slovakia	Yes			
South Africa	N/A	N/A	N/A	N/A
Switzerland	Yes (R2)			
United Kingdom	Yes			
United States of America	No	No		No
Uruguay	Yes	No		No
Viet Nam	Yes			
European Union	Yes			

**COMMENTS:**

Australia

The translation or transliteration for which protection is sought would need to be applied for separately.

Brazil

Based on art. 124, IX of the Brazilian IP Law, any trademark application that imitates a GI and that may cause confusion with it is unpatentable. In other words, the GI has protection against the registration of any signal that may cause consumer confusion as to the origin of the product.

Cyprus

As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of article 13 of the European Regulation (EU) 1151/2012.

Israel

\* Only with respect to geographical indications for wines and spirits.

Japan

It depends on the case.

Lithuania

See the European Union reply.

Mexico

According to Article 167(IV) of the LPI, the above is a requirement that must be met by the applicant upon filing the application.

“Article 167. The Institute shall register foreign appellations of origin or geographical indications in the registry created for that purpose. The application for registration must be filed by the holder of the appellation of origin or geographical indication and must satisfy the following requirements:

.....

IV. indicate the Spanish translation or transliteration into modern international Latin script of the protected appellation of origin or geographical indication, as applicable;

.....”

Republic of Moldova

Law 66/2008 provides for the protection against the use of GI in translation/transliteration. At the same time, variants in different languages and transliteration in Latin characters can be specified in the application for registration. This information is published in the Official Bulletin of Intellectual Property and in the Geographical Indications Database <http://www.db.agepi.md/GeogrIndications/SearchGI.aspx>

United States of America

There are situations where a GI in translation may be generic in the U.S. GI applicants should file a separate application for the translation.

**67. The scope of protection takes into account:**

Responding party	the specifications or regulations of use	the characteristic form of the good, if there is one	COMMENTS
Australia			
Brazil	Yes	Yes	Yes, if it is an essential characteristic of the product and is established in the Regulation of Use as a condition for the use of the GI.
Chile	Yes	No	
Colombia	Yes		

Responding party	the specifications or regulations of use	the characteristic form of the good, if there is one	COMMENTS
Croatia	Yes	Yes	
Cyprus	Yes	Yes	As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of article 13 of the European Regulation (EU) 1151/2012.
Czech Republic	Yes	Yes	
Ecuador	Yes		
Estonia	Yes	Yes	
France			
Georgia	Yes	Yes	
Greece	Yes	Yes	
Guatemala	No	Yes	
Hungary			
Iceland	Yes	Yes	
Israel	Yes	Yes	With regard to trademark infringement, the scope of the protection is limited to the specified goods and goods of the same trade description as per the definition of infringement. With regard to GIs and AOs there outcome would probably be similar, but the GI/AO law does not specifically relate to this issue.
Jamaica	Yes	No	
Japan	Yes	No	If the characteristic form of the good is deemed important, it is likely to be specified in the specification.
Kazakhstan	Yes		
Lithuania			
Madagascar	Yes	Yes	
Mexico			
New Zealand	Yes	Yes	
Poland	Yes	Yes	
Portugal	Yes	Yes	
Republic of Korea	Yes		
Republic of Moldova	Yes	Yes	The use of protected geographical indications on products that do not comply with the product specification is not allowed and the way of packaging could be described in the specifications.
Romania	Yes	Yes	
Russian Federation	No	No	
Serbia	Yes	Yes	
Singapore	No	Yes	
Slovakia	Yes	Yes	
South Africa	N/A	N/A	
Switzerland	Yes	Yes	
United Kingdom	Yes	Yes	
United States of America	Yes	Yes	But in no circumstances would the U.S. take into account an evocation standard.

Responding party	the specifications or regulations of use	the characteristic form of the good, if there is one	COMMENTS
Uruguay	Yes		
Viet Nam	Yes	Yes	
European Union	Yes	Yes	

68. Is the scope of protection different depending on:

Responding party	the product concerned?	the systems, mechanisms and laws considered?
Australia		Yes
Brazil	No	No
Chile	No	Yes
Colombia	No	Yes
Croatia	No	No
Cyprus	Yes	Yes
Czech Republic	No	No
Ecuador	Yes	Yes
Estonia	No	No
France		
Georgia	No	No
Greece	No	No
Guatemala	No	No
Hungary		
Iceland	No	No
Israel	No	No
Jamaica	No	No
Japan	No	No
Kazakhstan		
Lithuania		
Madagascar	Yes	No
Mexico	No	No
New Zealand	Yes	Yes
Poland	No	No
Portugal	Yes	Yes
Republic of Korea	Yes	
Republic of Moldova	No	No
Romania	Yes	Yes
Russian Federation	No	No
Serbia	No	No
Singapore		
Slovakia	Yes	Yes
South Africa	N/A	N/A
Switzerland	No	Yes
United Kingdom	No	No
United States of America	Yes	Yes
Uruguay		Yes
Viet Nam	No	No
European Union	No	No

**COMMENTS:**

Australia

The scope of protection was initially different between the Trade Marks Act and the Wine Australia Act but over the years, with a number of amendments to the Wine Australia Act, it has become more similar. For example, the Wine Australia Act now provides for a more contextual consideration of the similarity of two indications.

Cyprus

As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of article 13 of the European Regulation (EU) 1151/2012 which provides fixed protection for any case.

Estonia

Under the EU *sui generis* systems the level of protection is the same.

Israel

Scope of protection for geographical indications will vary depending on whether the product is a wine/spirit or other product and whether the GI is being protected under the Lisbon system, as a *sui generis* unregistered GI or as a certification mark.

New Zealand

Only geographical indications for wines and spirits can be protected under the Geographical Indications (Wine and Spirits) Registration Act 2006. Geographical indications for other products (and services) can be protected under other mechanisms such as the Trade Marks Act 2002, the Fair Trading Act 1986 and the common law tort of passing off. Each mechanism has its own systems and procedures and laws for protection.

United States of America

The Federal Alcohol Administration Act and its implementing regulations provide additional restrictions on the use of geographic terms in relation to wine and distilled spirits of both domestic and foreign origin.

European Union

Under the EU *sui generis* systems the level of protection is the same

**69. If the protection of a geographical indication is declarative and pre-exists its registration, is the protection of a geographical indication retroactive?**

Responding party	The declarative protection is retroactive	COMMENTS
Australia		Australia adopts the first in time, first in right principle and respects prior use. It is possible for a GI that is found to be a common law right to have the rights recognized from the date of first use.
Brazil	Yes	Retroactivity does not affect trademark registrations in force, but precludes the granting of registrations yet to be granted, even if the date of the application is prior to the date of the application for registration of the GI.
Chile	No	
Colombia	No	
Croatia		Protection is constitutive.
Cyprus		There is no such provision in the European Regulations (EU) 1151/2012, 1308/2013, 110/2008 and 607/2009 as far as

Responding party	The declarative protection is retroactive	COMMENTS
		agricultural products and foodstuffs, wines and spirits are concerned.
Czech Republic		Protection is not declarative.
Ecuador	No	
Estonia		Protection is not declarative.
France		
Georgia	No	The answer to this question is no, however we have to emphasize that the Law of Georgia on Appellations of Origin of and Geographical Indications of Goods was adopted on 1999. On the basis of the law, in 2002 presidential decree was issued - "Regarding Measures Related to the Entry into Force of the Law of Georgia on Appellations of Origin of Goods and Geographical Indications", which formally declared protection of Georgian Appellations of Origin. However, the registration process of these objects began in 2005.
Greece		
Guatemala	Yes	
Hungary	No	The registration is constitutive (not declarative).
Iceland	No	Protection under Act 130/2014 requires registration. Foreign GIs, enjoying protection e.g. in accordance with FTAs enjoy protection from the date of entering into force of the FTA agreement.
Israel	Yes	In Israel there is no register for GIs, only for Lisbon appellations of origin. A foreign registration made under Lisbon will have retroactive effect at least to the date of its international registration.
Jamaica	Yes	
Japan	No	
Kazakhstan		
Lithuania		See the European Union comments.
Madagascar	No	
Mexico	No	
New Zealand	No	The date of protection for geographical indications registered under the Geographical Indications (Wine and Spirits) Registration Act 2006 is the date of application for registration. Note, however, that geographical indications are not required to be registered under the Geographical Indications (Wine and Spirits) Registration Act for them to be used or given protection. Protection for a geographical indication registered under the Act may precede registration, but such protection would be under another mechanism such as the common law tort of passing off and/or the Fair Trading Act 1986.
Poland	No	
Portugal	No	
Republic of Korea		
Republic of Moldova	No	
Romania	No	
Russian Federation		Registered appellations of origin are protected in the Russian Federation.
Serbia	No	
Singapore	N/A	Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.
Slovakia	No	Protection is not declarative.

Responding party	The declarative protection is retroactive	COMMENTS
South Africa	No	
Switzerland		This question is not applicable to Switzerland which has a <i>sui generis</i> system that protects indications of source without requiring registration (R1).
United Kingdom	No	
United States of America	No	A GI in the U.S. can claim prior use in commerce dates on its application. For foreign GI applicants, unless there is prior use in the U.S., the filing of the application is the priority date once the registration issues.
Uruguay	No	
Viet Nam	No	Certificates of registered geographical indications shall have an indefinite validity starting from the grant date (Clause 7, Article 93 of IP Law).
European Union		Protection is not declarative.

**70. Regarding the compound terms consisting of multiple components, can you bring an action against a third party's unauthorized use of only one component?**

Responding party	Action against a third party's unauthorized use of only one component may be brought	COMMENTS
Australia	Yes	In the case of a GI protected as a CTM it will depend on the component in question and the goods, in some cases use of only one component could be considered too close to the GI. In other cases when considering the goods and the marks as a whole, the component would not be considered too close, or merely descriptive or generic for the goods in question.
Brazil	No	In the scope of the INPI, no. Maybe it's the jurisdiction of the Judiciary. The GI record protects the geographical name as a whole. If the term improperly used is exactly the protected geographical name, then the use may be considered undue. Otherwise, the possibility of causing confusion or falsely inducing GI should be assessed
Chile	No	
Colombia	No	
Croatia	Yes	
Cyprus	Yes	As far as agricultural products and foodstuffs are concerned Cyprus implements the provisions of article 13 of the European Regulation (EU) 1151/2012.
Czech Republic	Yes	
Ecuador	Yes	
Estonia	Yes	Protection applies to the name as registered, which may extend to components depending on the circumstances of the use.
France		
Georgia	No	
Greece	Yes	
Guatemala	Yes	

Responding party	Action against a third party's unauthorized use of only one component may be brought	COMMENTS
Hungary	Yes	Case C-87/97. Cambozola (paragraph 25).
Iceland	No	
Israel	No	There is no specific provision in the law. We are not aware of any case law on that matter.
Jamaica	Yes	
Japan	Yes	Some cases may not apply (the use of a part of multiple component term may be allowed for some GIs.)
Kazakhstan	Yes	
Lithuania		
Madagascar	Yes	
Mexico		It depends on the term being employed by the third party. According to Article 162 of the LPI, commonly used or generic names are considered as subject to free use. "Article 162. The commonly used or generic name of a product may be included as an element of the appellation of origin or geographical indication. However, the commonly used or generic name shall in all cases be considered as subject to free use." Therefore, the use of the term may constitute an infringement if the term is the geographical indication itself, but not if it is the generic term.
New Zealand	No	The individual components themselves would need to be registered in order to taken enforcement action, unless it could be argued that use of a component was confusingly similar to use of the protected compound term.
Poland	No	
Portugal	Yes	
Republic of Korea	Yes	
Republic of Moldova	Yes	An action against unauthorized use by a third party of one component of a geographical indication may be initiated if the given component is not generic. Where a registered GI contains the generic name of a product, the use of that generic name on the appropriate product shall not be considered an infringement.
Romania	Yes	
Russian Federation	No	
Serbia	No	
Singapore	Yes	
Slovakia	No	
South Africa	No	Protection is in relation to the mark as registered against identical/similar marks.
Switzerland	Yes	
United Kingdom	Yes	
United States of America	Yes	If the component is a GI, then you can bring an action against the unauthorized use of that component.
Uruguay	Yes	Yes, provided that the compound is not generic or descriptive or capable of being held under exclusive rights.
Viet Nam	Yes	

Responding party	Action against a third party's unauthorized use of only one component may be brought	COMMENTS
European Union	Yes	Protection applies to the name as registered, which may extend to components depending on the circumstances of the use.

**71. Where a GI is composite of a place name and a common product name or other common elements, what is the scope of the protection deriving from the composite geographical indication?**

Responding party	Scope of the protection deriving from the composite geographical indication
Australia	The protection would be for the composite GI as a whole not the individual components, and would not prevent use of a generic component.
Brazil	The protection falls only on the geographical name; in other words, the holder has only the right to use the protected geographical name.
Chile	Protection is provided to group of elements constituted by the GI or AO.
Colombia	'Composite denominations', in which a geographical name is used to designate a product, are protected. A product's generic name (e.g., cheese, sandwich, coffee) must always be available for use in the market.
Croatia	The scope of protection is for the full name but even if a common product name or other common element is not present in use, it might lead to misuse, imitation or evocation of the composite registered name.
Cyprus	Not applied in the wine sector. In all the cases as far as agricultural products and foodstuffs are concerned the scope of protection is that described in article 4 of the European Regulation (EU) 1151/2012 unless the name falls under the provisions of article 6.
Czech Republic	Protection applies to the full name as entered in the register.
Ecuador	It is protected in the same way as a non-composite name. The protection of appellations of origin begins when the competent national office gives notice to that effect.
Estonia	In the case of a composite name, the protection applies to that full name as entered in the register. If only part of the name is used in commerce on a non-compliant product, the protection will apply to the extent laid down in law. Thus, presentations amounting to a misuse, imitation or evocation of the registered name will be prevented.
France	
Georgia	As a general rule, composite GI's are protected as a whole. According to the Art. 11(2) - Where an appellation of origin or geographical indication contains the generic name of goods, use of that generic name shall not fall within the scope of protection AO/GI's.
Greece	The whole name is protected for goods that come from the geographical area.
Guatemala	Generic or ordinary product components will not be protected.
Hungary	In the case of a composite name, the protection applies to that full name as entered in the register. If only part of the name is used in commerce on a non-compliant product, the protection will apply to the extent laid down in law.
Iceland	The scope of protection is to the composition as a whole.
Israel	The scope of protection will be based on the Geographical Indication or Appellation of Origin as a whole, however that extent of said scope may be affected by the inclusion of common elements.
Jamaica	If the GI is suitable for registration under the Protection of GI Act, the scope of protection for the composite GI would be the same as all other GIs under the Act.
Japan	Generally the entire term but it depends on the case.

<b>Responding party</b>	<b>Scope of the protection deriving from the composite geographical indication</b>
Kazakhstan	A geographical indication consisting of the name of the location and the generally accepted name of the product or other generally accepted elements would enjoy full scope of protection.
Lithuania	See the European Union reply.
Madagascar	The protection granted will relate to the place name associated with the common product name or other common elements
Mexico	Please see answer to question 70.
New Zealand	The scope of protection would depend on whether the composite itself was registered as a GI or a trade mark.
Poland	The name as a whole is protected.
Portugal	The protection is given by the name as entered in the register.
Republic of Korea	
Republic of Moldova	The geographical indication is protected in the form as it was registered/entered in the Register. Where a registered GI contains the generic name of a product, the use of that generic name on the appropriate product shall not be considered an infringement.
Romania	In the case of a composite name, the protection applies to that full name as entered in the register.
Russian Federation	Legal protection is provided to "composite" designations as a whole.
Serbia	N/A
Singapore	The scope of protection is dependent on the outcome of a court action.
Slovakia	In the case of a composite name, the protection applies to that full name as entered in the register.
South Africa	Common and generic elements will be disclaimed and protection will be for the composite trade mark as a whole.
Switzerland	R2 and R5. Protection is afforded not only for the composite of the place name and the common product name, but also for the place name used alone for a product identical or similar to the PDO- or PGI-registered product. Conversely, the common product name on its own is not protected.
United Kingdom	In the case of a composite name, the protection applies to that full name as entered in the register. If only part of the name is used in commerce on a non-compliant product, the protection will apply to the extent laid down in law. Thus, presentations amounting to a misuse, imitation or similarity of the registered name will be prevented.
United States of America	The GI is protected but the common product name is in the public domain for all to use.
Uruguay	It applies to the composite and the place name, but not to common elements.
Viet Nam	The geographical indication shall be protected as a whole.
European Union	In the case of a composite name, the protection applies to that full name as entered in the register. If only part of the name is used in commerce on a non-compliant product, the protection will apply to the extent laid down in law. Thus, presentations amounting to a misuse, imitation or evocation of the registered name will be prevented.

**72. Is protection for such common elements disclaimed?**

<b>Responding party</b>	<b>Protection for common elements is disclaimed</b>	<b>If No, how may the public understand the scope of the protection?</b>
Australia	No	
Brazil	Yes	
Chile	Yes	

Responding party	Protection for common elements is disclaimed	If No, how may the public understand the scope of the protection?
Colombia	No	Administrative acts granting protection are intended to protect naming expressions that designate a particular product whose characteristics and qualities are also described. The scope of protection is determined by the very nature of the concept, since these expressions generally describe the origin and the product, but the effect of time and the conjunction of determined factors have made it possible to designate a unique product owing to its place of origin.
Croatia	No	
Cyprus	Yes	
Czech Republic	Yes	
Ecuador	Yes	
Estonia	No	The registered name is published and the scope of protection is laid down in legislation.
France		
Georgia	No	
Greece	No	
Guatemala	Yes	
Hungary	No	
Iceland	No	
Israel	No	The scope of protection will be based on the Geographical Indication or Appellation of Origin as a whole, however that extent of said scope may be affected by the inclusion of common elements.
Jamaica	Yes	
Japan	Yes	
Kazakhstan	No	
Lithuania		
Madagascar	Yes	
Mexico	No	
New Zealand	No	Protection would normally only apply to the composite as a whole and not to any individual component unless the components themselves were also registered.
Poland	Yes	
Portugal	No	
Republic of Korea	No	
Republic of Moldova	Yes	
Romania	No	The scope of protection (full name) is clearly specified in the register.
Russian Federation	Yes	
Serbia	No	N/A
Singapore	N/A	
Slovakia	No	The registered name with product specification is published.
South Africa	Yes	
Switzerland	No	
United Kingdom	No	
United States of America	Yes	
Uruguay	Yes	

Responding party	Protection for common elements is disclaimed	If No, how may the public understand the scope of the protection?
Viet Nam	Yes	
European Union	No	The registered name is published and the scope of protection is laid down in legislation.

#### COMMENTS:

##### Australia

There is not generally any obligation to disclaim a component in a trade mark in Australia, even if that element is descriptive. Trade marks rights (including certification trade marks) rights are in the trade mark as a whole.

##### Cyprus

As far as agricultural products and foodstuffs are concerned article 6 of the European Regulation (EU) 1151/2012 specifies the cases that a name shall not be registered.

##### Georgia

See question 71. Professionals in the field and the public at large are given information at the request; also Sakpatenti and other relevant stakeholders provide public awareness raising programs etc.

##### Mexico

Protection is not disclaimed since such elements may be included in the appellation of origin or geographical indication. However, according to the Article 162, commonly used or generic names are considered to be subject to free use. The scope of protection must therefore be assessed on a case-by-case basis.

##### Russian Federation

Common elements are automatically disclaimed.

##### Switzerland

R2. As with trademarks, no decision is made on the generic nature of one of the terms of a registered PDO or PGI during the registration procedure. In case of a dispute, this is a matter for the courts.

#### (ii) Right to Take Action and Enforcement

#### **73. Who has legal standing to bring enforcement action on the registration?**

Responding party	Who has legal standing to bring enforcement action on registration?
Australia	In relation to a GI protected as a CTM the owner of the GI has legal standing to bring enforcement action.
Brazil	The holders of the right of use and the registrant, when this is an acting entity as a procedural substitute, through its Regulating Board.
Chile	Any interested party may bring criminal actions under Law No. 19.039 on Industrial Property. The recognition system administered by INAPI provides for public actions following the intervention of an individual (" <i>acción pública previa instancia particular</i> "). In civil matters, the law provides that actions may be brought by injured rights holders (art. 106).

Responding party	Who has legal standing to bring enforcement action on registration?
Colombia	The entity that has been empowered to authorize use of the appellation of origin, as well as the holder of rights to the sign (the State).
Croatia	Right holders, authorized users, associations in the field of industry and trade and the State Attorney.
Cyprus	As far as agricultural products and foodstuffs are concerned the competent authority of Cyprus for the implementation of the provisions of European Regulation (EU) 1151/2012 is the Minister of Agriculture, Rural Development and Environment. For wines and spirits the Department of Agriculture.
Czech Republic	Public authorities, right holders and users (notably producers and owners of product bearing a GI) and the professional associations.
Ecuador	All persons who consider that their intellectual property rights have been infringed.
Estonia	Public authorities, right holders and users (notably producers and owners of product bearing a GI).
France	
Georgia	A natural or legal entity entitled to use an appellation of origin of goods or geographical indication, as well as the applicant of the geographical indication/appellation of origin or the relevant institution.
Greece	Any natural or legal person, having legitimate interest, resident in the Greek territory, has the right to oppose to the registration applications or amendments of specifications. In the case of registration applications or applications for amendment of specifications, any Member State or Third Country may lodge an opposition statement, within three months from the date of publication, in the Official Journal of the European Union, according to the Annex III of the Reg. (EC) 668/2014. A natural or legal person, having a legitimate interest established or resident in a Member state other (other than the one applied for the registration) may also object to the proposed registration by lodging a duly substantiated statement according to the Annex III of the Reg. (EC) 668/2014. In the case of a natural or legal person established or resident in Member state, such statement shall be lodged through the Member state within a time-limit permitting an objection in the Commission of the E.U.
Guatemala	The grantee or anyone who can provide written proof of infringement of article 80 of the Industrial Property Law.
Hungary	Pursuant to Article 110 (2) of Hungarian Trademark Act any one of the holders may also institute proceedings for infringement individually. Proceedings for infringement may also be instituted by interest groups of the holders and by organizations for the protection of consumers.
Iceland	According to Art. 22.3 of the Act, anyone having a legitimate interest may request that the Icelandic Food and Veterinary Authority cancel a registration of a product name in case of non-compliance with the provisions of the Act. Such request shall be filed in writing accompanied by a justification.
Israel	The proprietor
Jamaica	Any interested party and the police.
Japan	Competent authorities (Ministry of Agriculture, Forestry and Fisheries and National Tax Agency) Same question as question 15.
Kazakhstan	Third parties.
Lithuania	See the European Union reply.
Madagascar	Only the competent court is empowered to pronounce any measures or sanctions in the context of the enforcement of rights
Mexico	The IMPI may initiate the procedure ex officio or at the request of any person who has a legal interest therein and provides grounds for his or her claim.
New Zealand	Under the Geographical Indications (Wine and Spirits) Registration Act 2006 any interested person may enforce the restrictions on use of a registered geographical indication. Under the Trade Marks Act 2002, the owner of the registered trade mark, and in certain cases licensees, may take enforcement action.
Poland	Producer group.
Portugal	Legitimate producers; right holders; public authorities.

Responding party	Who has legal standing to bring enforcement action on registration?
Republic of Korea	The right holder of the collective mark with a geographical indication can bring an action against trademark infringement before the court, and file a complaint with the prosecutor's office or the police office.
Republic of Moldova	Any natural or legal person or any other interested bodies whose rights are infringed by the illegal use of a protected geographical indication or a protected designation of origin, causing direct or indirect damage, shall be entitled to initiate a court action following the procedures provided for by the Law 66/2008, in order to protect its legitimate rights and interests. The following persons shall be entitled to bring an action regarding the infringement of the rights: a) the holder of the right to use a protected geographical indication, or a protected designation of origin, b) other persons or entities entitled to represent the holder of the rights to use or organizations established specially for that purpose, provided that the latter have been in function for at least 6 months. (art.47, Law nr.66/2008)
Romania	Public authorities, right holders and users (notably producers and owners of product bearing a GI).
Russian Federation	The holder of the exclusive right to use an appellation of origin.
Serbia	Courts
Singapore	N/A. Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic. However, a producer of the goods, a trader of the goods, or an association of such producers or traders or of such producers and traders may bring action on certain wrongful uses (as defined in the current Geographical Indications Act (Cap 117B)) of geographical indication.
Slovakia	Public authorities, right holders and users (notably producers and owners of product bearing a GI).
South Africa	The proprietor or the registered/authorized user.
Switzerland	Civil prosecution falls primarily within the remit of the judicial bodies (courts). Criminal prosecution falls to the cantons alone. In all cases, a final cantonal decision is appealable before to the Federal Supreme Court. Cantonal consumer protection bodies may take administrative action on infringements of the law of geographical indication in respect of food products.
United Kingdom	Right holders and users
United States of America	Registrations holders and, in some cases, exclusive licensees.
Uruguay	Interested third parties.
Viet Nam	Owner of the protection title and the management body of the geographical indication have the legal standing to bring enforcement action on the registration.
European Union	Public authorities, right holders and users (notably producers and owners of product bearing a GI).

**74. Once a geographical indication is protected in your jurisdiction, who bears responsibility for preventing unauthorized use?**

Responding party	Who bears responsibility for preventing unauthorized use?
Australia	The responsibility to prevent unauthorized use of the GI lies with the owner of the GI.
Brazil	The holders of the right of use and the registrant, when this is an acting entity as a procedural substitute, through its Regulating Board.
Chile	While the system established by Law No. 19.039 on Industrial Property and administered by INAPI does not provide for a watchdog, the provisions of the respective Regulations of Use and Control apply. Under the system established by Law No. 18.455 on wines and alcoholic beverages, the watchdog is the Agriculture and Livestock Service.
Colombia	The entity that has been empowered to authorize use of the appellation of origin.

Responding party	Who bears responsibility for preventing unauthorized use?
Croatia	Right holders and authorized producers and competent administrative and judicial authorities.
Cyprus	The Department of Agriculture.
Czech Republic	Competent authorities (administrative and judicial) and producer groups.
Ecuador	National Service of Intellectual Rights (SENADI) or the Regulatory Board established to consider the geographical indication in question.
Estonia	Competent authorities (administrative and judicial) and producer groups.
France	
Georgia	Georgian National Food agency, Tax Monitoring Department and Investigation Service of the Ministry of Finance, Customs Department of Revenue Service and the Prosecutors Office are responsible for preventing unauthorized use of protected AO/GI's.
Greece	ELGO DEMETER a public organization who is responsible to carry out official controls and grants certification.
Guatemala	The administrative body.
Hungary	Competent authorities (administrative and judicial) and producer groups. The right holders are entitled to bring action in court in order to prevent unauthorized use of a protected geographical indication. Designated control bodies may take action ex officio if they detect non-compliance with the product specification.
Iceland	The rights holder himself/group of producers.
Israel	The proprietor.
Jamaica	Owner of the Geographical Indication.
Japan	Competent authorities (Ministry of Agriculture, Forestry and Fisheries and National Tax Agency) Same question as question 15.
Kazakhstan	Due to the lack of relevant authority in our jurisdiction, the rights holder is responsible for preventing infringement of the geographical indication himself or herself. Therefore in case where any illegal use of the geographical indication is identified by the rights holder, he or she can seek remedy in court.
Lithuania	See the European Union reply.
Madagascar	Anyone can intervene with the competent jurisdiction to prevent against unauthorized use.
Mexico	The IMPI, acting ex officio or at the request of a party or the Federal Public Prosecutor.
New Zealand	See the previous answer.
Poland	Agricultural and Food Quality Inspection Trade Inspection
Portugal	Courts.
Republic of Korea	In case an exclusive license of a collective mark with a geographical indication is infringed, KIPO's Special Investigation Police for Trademark can crack down on it. Filing a complaint: the Supreme Prosecutor's Office/National Police Agency/ KIPO's Industrial Property Investigation Division.
Republic of Moldova	Taking into account the private character of intellectual property rights (IPR) (TRIPs Agreement), the active role in ensuring compliance with PGI/ PDO of any unauthorized use lies with the holder of the GI / DO registration through the means described in Q75. The authorities responsible for enforcement of IPR in the Republic of Moldova, in particular by preventing and combating the illegal activities of IPP including the protected geographical indications are: - Customs Service of the Republic of Moldova - authority responsible for enforcement of IPR at the border; - Ministry of Internal Affairs (MIA) of the Republic of Moldova - competent authority with competences in the field of preventing and combating IP fraud in the internal market. Accordingly, a special subdivision was established within the MIA - the Section for Fighting the Crime in the Field of Intellectual Property. This specialized section is involved in organizing and conducting actions to prevent, detect and document offenses related to IPR violations. According to the legal provisions, the prosecution procedure for violation of a right of IP on the domestic market can be initiated both by the right holder, by filing a complaint and ex-officio (the criminal investigation bodies within the MIA), with Subsequent submission of the notification. At the same time, according to the

Responding party	Who bears responsibility for preventing unauthorized use?
	provisions of the Contravention Code of the Republic of Moldova, the contraventions related to the illegal use of protected designations of origin and protected geographical indications are detected and examined by the Agency for Consumer Protection and Market Surveillance.
Romania	Competent authorities (administrative and judicial).
Russian Federation	The holder of the exclusive right to use an appellation of origin.
Serbia	N/A
Singapore	N/A. Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic. However, a producer of the goods, a trader of the goods, or an association of such producers or traders or of such producers and traders may bring action on certain wrongful uses (as defined in the current Geographical Indications Act (Cap 117B)) of geographical indication.
Slovakia	Competent authorities (administrative and judicial) and producer groups.
South Africa	The proprietor or the registered/authorized user.
Switzerland	Pursuant to Article 52 of the TmPA, any person who can demonstrate a legal interest may take legal action for a declaratory judgment establishing a right or a legal relationship in respect of an indication of source. Under Article 55 of the TmPA, any person whose right to an indication of source has been or is likely to be infringed may take legal action to secure specific performance (termination or prohibition of an act, etc.). The following bodies are entitled, pursuant to Article 56 of the TmPA, to seek a declaratory injunction or specific performance in relation to indications of source: <ul style="list-style-type: none"> <li>- trade and business associations authorized by their statutes to protect the economic interests of their members;</li> <li>- organizations of national or regional importance with a statutory duty to protect consumers;</li> <li>- the Swiss Federal Institute of Intellectual Property, to combat the use of indications such as "Switzerland", "Swiss" or any other symbol or indication referring to the geographical territory of the Swiss Confederation;</li> <li>- the canton concerned, to combat the use of its name or of any other symbol or indication referring to its geographical territory.</li> </ul>
United Kingdom	The owner
United States of America	Registrations holders and, in some cases, exclusive licensees.
Uruguay	The holder.
Viet Nam	The management body of the geographical indication, Market Surveillance Agency, Viet Nam Custom (for export and import goods) Economic Police, Inspectorate for Science and Technology shall be responsible for preventing unauthorized uses.
European Union	Competent authorities (administrative and judicial) and producer groups.

**75. What responsibilities does the rights holder have to ensure that the geographical indication is not infringed or used without authorization?**

Responding party	Responsibilities of the rights holder
Australia	The CTM GI right holder is responsible for ensuring the GI is not infringed or used without authorization. The responsibilities include approving authorized use, and ensuring use is in accordance with the rules governing use.
Brazil	It is for the IG's Regulatory Board to certify that it is used by those who are entitled by law and in accordance with the terms established in the Regulation of Use.
Chile	Only rights holders may initiate proceedings to assert their rights: no public actions may be brought.

Responding party	Responsibilities of the rights holder
Colombia	The right holder is responsible for taking action to that effect. In cases where this responsibility has been delegated to entities administering use of an appellation of origin, those entities undertake to report annually on their administration of that use, which must contain information on legal action taken, protection in other countries, promotional activities and other relevant matters. Entities failing to submit such reports can be ordered to do so, and failure to comply can be grounds for revocation of the authority delegated. One of the grounds for revocation refers explicitly to the absence of control mechanisms to ensure the permanence of product qualities (Decision No. 57530 of 2012, point 7.5.1).
Croatia	The rights holder is entitled to take action in case of infringement.
Cyprus	As far as agricultural products and foodstuffs, wines and spirits are concerned after the registration of a name as PDO, PGI in the European Registry the competent authority and the control authority of Cyprus are responsible for the protection of any infringement or unauthorized use according to the provisions of the national law and European regulation.
Czech Republic	The rights holder may monitor the market, trade and trade mark applications, and is entitled to take action in case of infringement.
Ecuador	Guide, monitor and control the production and preparation of products protected by the appellation of origin by ensuring compliance with the specifications or the regulations, as the case may be, in order to guarantee their origin or quality for marketing nationally or internationally.
Estonia	The rights holder may monitor the market, trade and trade mark applications, and is entitled to take action in case of infringement.
France	
Georgia	A natural person or legal entity as well as the applicant/holder of GI/AO is entitled to use an appellation of origin or geographical indication, is authorized to bring an action against infringing party and require: (a) to stop an infringement; (b) compensation of damages; (c) seizure and destruction of illegally produced goods and equipment used directly for production of said goods; (d) destruction of all those labels, drawings, imprints, packaging materials and advertisements bearing the appellation of origin or geographical indication.
Greece	They can submit a complaint to ELGO DEMETER for any misuse of the protected geographical indication.
Guatemala	The interested party may take action before the competent authority and be granted measures stipulated in the Law that are necessary to prevent or halt any of the following acts: (a) registration of a trademark that is identical or similar to or a translation of a protected geographical indication or appellation of origin; (b) use of any means that, in the product designation or get-up, indicates or suggests that it comes from a geographical area other than the true place of origin, if the public is thus misled as to the true geographical origin of the product; (c) use of a protected geographical indication or appellation of origin for a product that does not originate in the place that it designates, even if the true origin of the product is shown or if the geographical indication is translated or accompanied by "style", "type", "class", "method", "imitation" or similar words; (d) any other practice that misleads the public as to the true origin of the good or any other act of unfair competition under the provisions of the Law.
Hungary	The rights holder may monitor the market, trade and trade mark applications, and is entitled to take action in case of infringement. The right holder is merely entitled to sue the infringer. Designated control bodies may take action ex officio if they detect non-compliance with the product specification.
Iceland	The rights holder himself/group of producers.
Israel	Failure to enforce rights may result in claims for, or defenses based on, acquiescence or genericness, particularly with respect to unregistered sui generis geographical indications and certification marks.
Jamaica	Owner has primary responsibility for monitoring GI.

Responding party	Responsibilities of the rights holder
Japan	A group of producers must submit its activities (whether the production is complied with its specification, and the GI and the GI emblem is correctly used etc.) at least once a year to the Ministry of Agriculture, Forestry and Fisheries. Producers themselves must also comply with the specification. Especially, they need to be aware that the GI and the GI emblem should be only used for products that went through the production process management. In the case of GIs for liquor, the institution for management get information and/or control about the usage of their GI. It also confirms that liquor indicating their GI is compatible with the matter concerning the material, producing methods, and the characteristic of liquors under the production standards.
Kazakhstan	
Lithuania	See the European Union reply.
Madagascar	No provision for this is provided for by the new law. This responsibility could be to monitor competition in the market and to ensure that the conditions set out in the specifications are met by all producers using the protected geographical indication.
Mexico	The rights holder must make use of the legal provisions that are in his or her best interest.
New Zealand	Responsibility lies with the rights holder, including any industry body that registered the geographical indication.
Poland	
Portugal	
Republic of Korea	
Republic of Moldova	Enforce the rights to a geographical indication or designation of origin in Republic of Moldova can be achieved by the holder of the PGI / PDO registration through: a) civil remedies (infringement action, action to prohibit the use of a protected designation of origin or geographical indication, etc.) b) the means of criminal law, c) the means of administrative law; d) as well as measures to ensure intellectual property rights at the border by submitting an application for intervention.
Romania	The right holder must adhere to legal requirements.
Russian Federation	The right holder must take measures to protect his rights, including suppression of the unlawful use of an AOP. The unlawful use of a registered appellation of origin results in civil, administrative, or criminal liability. The right holder also has the right to demand the removal from circulation and destruction at the violator's expense of counterfeit goods, labels, and packaging on which an appellation of origin or designation that is similar to the point of confusion is unlawfully applied.
Serbia	N/A
Singapore	Under the current Geographical Indications Act (Cap 117B), a producer of the goods, a trader of the goods, or an association of such producers or traders or of such producers and traders must take action against a person for the use of a trade mark which contains or consists of a geographical indication within 5 years.
Slovakia	The rights holder may monitor the market, trade and trade mark applications, and is entitled to take action in case of infringement.
South Africa	All responsibility rests with the right holder.
Switzerland	R1, R2, R3 and R4. Under Swiss law, no person owns the rights inherent in geographical indications, therefore there is no rights holder with associated responsibilities.
United Kingdom	The right holder may monitor the market, trade and trade mark applications and is entitled to take action in case of infringement
United States of America	They must control use by authorized users and ensure that the standards are maintained.
Uruguay	The holder has the right of initiative, monitoring , etc.
Viet Nam	Internal and external control bodies of the geographical indication control the use of the geographical indication, and cooperate with relevant authorities in dealing with unauthorized uses, and promote the knowledge on geographical indication to the public.

Responding party	Responsibilities of the rights holder
European Union	The rights holder may monitor the market, trade and trade mark applications, and is entitled to take action in case of infringement.

**76. What procedures are available in case of infringement of rights relating to a geographical indication?**

Responding party	Civil enforcement	Administrative enforcement	Other
Australia	Yes		
Brazil			
Chile	Yes		Yes
Colombia	Yes	Yes	
Croatia	Yes	Yes	Yes Criminal enforcement.
Cyprus		Yes	
Czech Republic	Yes	Yes	Yes Criminal enforcement.
Ecuador		Yes	
Estonia	Yes	Yes	Yes Criminal enforcement.
France			
Georgia	Yes	Yes	Yes Criminal enforcement.
Greece		Yes	
Guatemala	Yes	No	No
Hungary	Yes	Yes	Yes Criminal enforcement.
Iceland	Yes	Yes	
Israel	Yes	Yes	Yes In certain circumstances administrative enforcement procedures may be available through the Customs Authorities. Criminal procedure (in some cases) is also available.
Jamaica	Yes	Yes	Yes Criminal enforcement.
Japan		Yes	
Kazakhstan	Yes	Yes	
Lithuania	Yes		
Madagascar	Yes		
Mexico		Yes	
New Zealand	Yes	No	Yes Criminal offences apply to the counterfeiting of registered trademarks in the course of trade.
Poland	No	Yes	
Portugal	Yes	Yes	Yes
Republic of Korea	Yes	Yes	
Republic of Moldova	Yes	Yes	Yes Criminal liability according to article "Violation of the right to industrial property objects" (ar.185 (2), par. 21 and par. 23, Penal Code).
Romania	Yes	Yes	Yes Counterfeiting action.
Russian Federation	Yes	Yes	Yes Criminal enforcement.

Responding party	Civil enforcement	Administrative enforcement	Other
Serbia	Yes		
Singapore	Yes		
Slovakia	Yes	Yes	Yes Criminal enforcement.
South Africa	Yes		
Switzerland	Yes	Yes	
United Kingdom	Yes	Yes	Yes Criminal
United States of America	Yes	Yes	
Uruguay	Yes	Yes	
Viet Nam	Yes	Yes	Yes Criminal prosecution
European Union	Yes	Yes	Yes Criminal enforcement.

## COMMENTS:

### Australia

Owner can institute civil infringement action under the Trade Marks Act for CTM GIs.

### Brazil

Legal proceedings. There are possibilities of administrative actions against registered trademarks and used in disrespect to GIs.

### Chile

The system established by Law No. 19.039 on Industrial Property and administered by INAPI provides for civil actions (art. 106) and criminal actions (art. 105, equivalent to fines) in the event of infringement.

### Estonia

State supervision over fulfillment of the requirements provided for in the Estonian Geographical Indication Protection Act is exercised by:

- 1) the Consumer Protection Board;
- 2) the Veterinary and Food Board over proper use of the names of registered geographical indications, and conformity with the requirements provided for in the descriptions of registered geographical indications.

### Iceland

See chapter VIII of the Act with regard to sanctions, penalties etc.

### Japan

In the case of GIs for liquor, those who can be infringed or already have been infringed of rights relating to a GI can apply for the request of the correction to the National Tax Office.

### Lithuania

The Law on Trademarks of the Republic of Lithuania, the Civil Code of the Republic of Lithuania and the EU laws.

### Mexico

The LPI lays down the grounds for administrative infringements and offences concerning appellation of origin or geographical indication rights. The proceedings for administrative infringements shall be taken up by the IMPI, while those for offences shall be heard and ruled on by the judicial authorities.

### Portugal

Infringement of a GI or an AO constitutes a criminal offence.

### Republic of Korea

The right holder of the collective mark with a geographical indication can bring an action against trademark infringement before the court, and file a complaint with the prosecutor's office or the police office.

### Republic of Moldova

Civil disputes are settled by the court in whose jurisdiction the AGEPI headquarters is located or by the specialized arbitration (art.60 Law no.66 / 2008). Contravention liability is provided in the article "Unlawful use of the designation of origin of the product and of the geographical indication" (art.97(1), Contravention Code).

### South Africa

Section 34. Infringement of registered trade mark

(1) The rights acquired by registration of a trade mark shall be infringed by –

(a) the unauthorized use in the course of trade in relation to goods or services in respect of which the trade mark is registered, of an identical mark or of a mark so nearly resembling it as to be likely to deceive or cause confusion;

(b) the unauthorized use of a mark which is identical or similar to the trade mark registered, in the course of trade in relation to goods or services which are so similar to the goods or services in respect of which the trade mark is registered, that in such use there exists the likelihood of deception or confusion;

(c) the unauthorized use in the course of trade in relation to any goods or services of a mark which is identical or similar to a trade mark registered, if such trade mark is well known in the Republic and the use of the said mark would be likely to take unfair advantage of, or be detrimental to, the distinctive character or the repute of the registered trade mark, notwithstanding the absence of confusion or deception: Provided that the provisions of this paragraph shall not apply to a trade mark referred to in section 70(2).

(2) A registered trade mark is not infringed by –

(a) any bona fide use by a person of his own name, the name of his place of business, the name of any of his predecessors in business, or the name of any such predecessor's place of business;

(b) the use by any person of any bona fide description or indication of the kind, quality, quantity, intended purpose, value, geographical origin or other characteristics of his goods or services, or the mode or time of production of the goods or the rendering of the services;

(c) the bona fide use of the trade mark in relation to goods or services where it is reasonable to indicate the intended purpose of such goods, including spare parts and accessories, and such services;

(d) the importation into or the distribution, sale or offering for sale in the Republic of goods to which the trade mark has been applied by or with the consent of the proprietor thereof;

(e) the bona fide use by any person of any utilitarian features embodied in a container, shape, configuration, color or pattern which is registered as a trade mark;

(f) the use of a trade mark in any manner in respect of or in relation to goods to be sold or otherwise traded in, or services to be performed, in any place, or in relation to goods to be exported to any market, or in any other manner in relation to which, having regard to any conditions or limitations entered in the register, the registration does not extend;

(g) the use of any identical or confusingly or deceptively similar trade mark which is registered:

Provided that paragraph (a) shall not apply to the name of any juristic person whose name was registered after the date of registration of the trade mark: Provided further that the use contemplated in paragraph (a), (b) or (c)

is consistent with fair practice.

(3) Where a trade mark registered in terms of this Act has been infringed, the court may grant the proprietor the following relief, namely –

(a) an interdict;

(b) an order for removal of the infringing mark from all material and, where the infringing mark is inseparable or incapable of being removed from the material, an order that all such material be delivered up to the proprietor;

(c) damages, including those arising from acts performed after advertisement of the acceptance of an application for registration which, if performed after registration, would amount to infringement of the rights acquired by registration;

(d) in lieu of damages, a reasonable royalty which would have been payable by a licensee for the use of the trade mark concerned, including any use which took place after advertisement of the acceptance of an application for registration and which, if taking place after registration, would amount to infringement of the rights acquired by registration.

(4) For the purposes of determining the amount of any damages or reasonable royalty to be awarded under this section, the court may direct an enquiry to be held and may prescribe such procedures for conducting such enquiry as it may deem fit.

(5) Before a person institutes proceedings in terms of this section he shall give notice in writing of his intention to do so to every user concerned whose name is recorded in the register, and any such registered user shall be entitled to intervene in such proceedings and to recover any damages he may have suffered as a result of the infringement.

#### Switzerland

R1, R2, R3 and R4.

Available civil law proceedings are as follows:

- declaratory action to establish a right or legal relationship (Article 52 of the TmPA);
- action for specific performance (i.e., prohibition of an existing or impending infringement of a geographical indication, order to desist, order to reveal the source of items unlawfully bearing an indication of source (Article 55 of the TmPA));
- action for damages, etc. (Article 55 of the TmPA);
- confiscation, destruction, etc. (Article 57 of the TmPA);
- preliminary precautionary measures (Article 59 of the TmPA);
- publication of judgment (Article 60 of the TmPA).

Furthermore, under Article 51(a) of the TmPA the burden of proof lies with the user of an indication of source.

The criminal law penalties (Article 64 of the TmPA) are a custodial sentence not exceeding one year or a monetary penalty for any person who intentionally uses an incorrect indication of source or a designation likely to be confused with an incorrect designation, or creates a risk of deception by using a name, address or trademark associated with products or services from another source. The penalty for an offender who has acted for commercial gain is a custodial sentence not exceeding five years or a monetary penalty. The custodial sentence is combined with a monetary penalty.

Provision is made, moreover, for border measures.

- The Federal Customs Administration may notify the person entitled to use an indication of source or a trade or business association that has standing to institute legal proceedings when there is reason to suspect that products unlawfully bearing the indication of source will be imminently imported or exported (Article 70 of the TmPA). The person entitled to use the indication of source or the trade or business association (hereinafter, the claimant) may request that the goods be held.
- The goods may be held for a maximum of ten working days. In exceptional circumstances, the holding period may be extended by a maximum of ten working days. Any person who unduly requests the holding of goods must make good the injury caused should the precautionary measures prove unfounded or should they not have been ordered (Articles 70 to 72(b) of the

TmPA and Articles 54 to 57 of the Ordinance on the Protection of Marks and Indications of Source).

- The claimant may request the destruction of the goods, to be effected at the claimant's expense, provided that the declarant, holder or owner of the goods do not raise any opposition thereto (Article 72(c) to 72(g) of the TmPA).

Under civil provisions (Federal Act on Unfair Competition (UCA)), any person whose goodwill, credit or professional reputation, or business or economic interests in general have been or are likely to be harmed by an act of unfair competition may request the court to prohibit such act if imminent or to terminate it if ongoing, or to declare it illegal if the harm that it has caused subsists. That person may, in particular, request a rectification or publication of the judgment or its communication to third parties and may moreover, claim damages (Article 9 of the UCA). Proceedings may also be instituted by customers whose economic interests are threatened or injured by an act of unfair competition. Proceedings may, moreover, be instituted by trade and business associations authorized under their statutes to protect the economic interests of their members, by organizations of national or regional importance with a statutory duty to protect consumers, and by the Confederation when it considers such action necessary to protect the public interest (Article 10 of the UCA).

#### United States of America

U.S. Customs and Border Protection conducts border enforcement. Administrative enforcement is limited to Border enforcement.

#### **77. The protection mechanism is:**

<b>Responding party</b>	<b>ex officio</b>	<b>ex parte</b>	<b>COMMENTS</b>
Australia			Infringement actions are usually intra-party and heard before a court.
Brazil		Yes	The INPI does not grant registration ex officio and, therefore, does not protect GI ex officio.
Chile	Yes		Under the system established by Law No. 19.039 on Industrial Property, the protection mechanism is triggered at the request of the party.
Colombia	Yes	Yes	<i>Ex officio</i> protection is exceptional.
Croatia	Yes	Yes	
Cyprus	Yes		
Czech Republic	Yes	Yes	<i>Ex officio</i> and/or <i>ex parte</i> , depending on the type of enforcement (administrative or judicial).
Ecuador	Yes	No	
Estonia	Yes	Yes	<i>Ex officio</i> and/or <i>ex parte</i> , depending on the type of enforcement (administrative or judicial).
France			
Georgia	Yes	Yes	
Greece	Yes	Yes	<i>Ex officio</i> , according to administrative controls and <i>ex parte</i> , following substantiated complaints.
Guatemala	No	Yes	
Hungary	Yes	Yes	<i>Ex officio</i> and/or <i>ex parte</i> , depending on the type of enforcement (administrative or judicial).
Iceland	No	Yes	
Israel	No	Yes	Certain <i>ex parte</i> injunctive remedies may be available depending on the circumstances.
Jamaica	N/A	N/A	
Japan	Yes		
Kazakhstan			
Lithuania	Yes	Yes	Judicial.
Madagascar	Yes	No	
Mexico	Yes	Yes	

Responding party	<i>ex officio</i>	<i>ex parte</i>	COMMENTS
New Zealand	No	Yes	
Poland	Yes	No	
Portugal	Yes	Yes	
Republic of Korea	Yes		In case an exclusive license of a collective mark with a geographical indication is infringed, KIPO's Special Investigation Police for Trademark can crack down on it.
Republic of Moldova	Yes	Yes	The <i>ex officio</i> procedure is carried out: 1. According the Association Agreement between the Republic of Moldova and EU; 2.1 By Customs Bureau at the border. If the request for action is not filed, the customs authority is obliged to suspend the customs clearance procedure and/or to withhold the goods liable to infringe an IPR if it has sufficient grounds to consider that the goods are affected by an IPR. The customs authority shall notify the right holder and the declarant/consignee/owner of the goods of the applicable measure to be lodged within 4 working days of receipt of the request for intervention, otherwise the customs authority shall take the measure to withhold the goods (Art.302 Customs Code); 2.2 By the investigating agent (Consumer Protection Agency and Market Surveillance Agency) and the Criminal Investigation Bodies (Ministry of Internal Affairs, Prosecutor's Office) in the domestic market. If they directly detect, or are notified of, the commission or preparation for committing the violation of the designation of origin/geographical indication, they shall notify the right holder or the authority empowered by law to do so. If the right holder or the authorized authority fails to submit the preliminary complaint within 15 working days from the date of receipt of the notification, the investigating agent/criminal investigating authority shall not commence the criminal proceedings/prosecution.
Romania			<i>Ex officio</i> and/or <i>ex parte</i> , depending on the type of infringement potentially present.
Russian Federation	Yes		
Serbia		Yes	
Singapore	N/A	N/A	Under the current Geographical Indications Act (Cap 117B), there is no registration process and protection of a geographical indication is automatic.
Slovakia	Yes	Yes	<i>Ex officio</i> and/or <i>ex parte</i> , depending on the type of enforcement (administrative or judicial).
South Africa	Yes		
Switzerland	Yes	Yes	
United Kingdom	Yes	Yes	
United States of America	Yes	Yes	
Uruguay	No	Yes	
Viet Nam		Yes	
European Union	Yes	Yes	<i>Ex officio</i> and/or <i>ex parte</i> , depending on the type of enforcement (administrative or judicial).

78. Are there any timeframes for action in your jurisdiction?

Responding party	Are there any timeframes for action?	COMMENTS
Australia	No	Under the Trade Marks Act an infringement action can be instituted at any time.
Brazil		There is nothing regulated within the Brazilian IP Law or in INPI's IN 25/2013, and these actions are not INPI's competence. Pursuant to Article 225 of the Brazilian IP Law, it prescribes in 5 (five) years the action to repair damages caused to the right of industrial property.
Chile	No	
Colombia	Yes	Action against infringement of rights – Decision 486 of 2000, Article 244: "Infringement actions shall be barred after two years following the date on which the owner had knowledge of the infringement, or in any event after five years following the time at which the infringement was last committed". Actions pertaining to unfair competition: Law No. 256 of 1996. Actions against unfair competition are barred after two (2) years following the date on which the owner had knowledge of the unfair competition and in any case after three (3) years following the time at which the unfair competition took place.
Croatia	Yes	
Cyprus	No	
Czech Republic	Yes	Depending on the type of procedure (e.g. customs, civil, criminal, etc.), legal deadlines will determine the timeframe of action.
Ecuador	Yes	
Estonia	Yes	Depending on the type of procedure (e.g. customs, civil, criminal, etc.), legal deadlines will determine the timeframe of action.
France		
Georgia	Yes	
Greece	No	
Guatemala	No	
Hungary	Yes	Depending on the type of procedure, there could be some legal deadlines determining the timeframe of action.
Iceland	No	
Israel	Yes	Statute of limitation.
Jamaica	Yes	Proceedings under section 3 with respect to the use or registration of a trademark containing or consisting of a geographical indication shall, if the conditions specified in subsection (6) are satisfied, be instituted within five years after the adverse use of the protected geographical indication has become generally known in Jamaica or after the date of registration of the trademark in Jamaica. See s. 19(5) Protection of GI Act.
Japan	No	
Kazakhstan	Yes	
Lithuania	Yes	Depending on the type of procedure (e.g. customs, civil, etc.), legal deadlines will determine the timeframe of action.
Madagascar	No	
Mexico	Yes	There is no time frame for the adoption of interim or preventative measures. However, the person requesting interim measures (such as the confiscation of goods) is required to submit a request or application for an administrative declaration of infringement to the competent authority or the IMPI within a time frame of twenty days counted from date on which the measure is implemented.

Responding party	Are there any timeframes for action?	COMMENTS
New Zealand	Yes	An action against infringement must commence within 6 years the rights holder becoming aware of the infringement.
Poland	No	
Portugal	Yes	
Republic of Korea	Yes	In principle, a complaint filed with KIPO shall be completed within 2 months.
Republic of Moldova	Yes	Any natural or legal person, other interested entities whose rights have been harmed by the illegal use of a protected geographical indication or protected designation of origin and causing direct or indirect damage are entitled to bring an action before a court of law, in the manner established by law, in order to defend its legitimate rights and interests within the 3-year general expiry term (art. 267, Civil Code of the Republic of Moldova).
Romania	Yes	Depending on the type of procedure (e.g. customs, civil, criminal, etc.), there could be some legal deadlines determining the timeframe of action.
Russian Federation	Yes	
Serbia	Yes	
Singapore	Yes	
Slovakia	No	Depending on the type of procedure (e.g. customs, civil, criminal, etc.), legal deadlines will determine the timeframe of action.
South Africa	Yes*	* In relation to oppositions in terms of Section 21 of the Trade Marks Act.
Switzerland	Yes	
United Kingdom	No	
United States of America	Yes	
Uruguay	No	
Viet Nam	Yes	
European Union	Yes	Depending on the type of procedure (e.g. customs, civil, criminal, etc.), legal deadlines will determine the timeframe of action.

**79. Does your law recognize a defense to infringement based on acquiescence following a prolonged period of non-enforcement of a geographical indication or on the basis that the term has de facto become customary in the common language of the territory?**

Responding party	The law recognizes a defense to infringement based on acquiescence	If Yes, under what conditions?
Australia		
Brazil	No	
Chile	No	
Colombia	No	
Croatia		No
Cyprus	No	
Czech Republic	No	
Ecuador	No	
Estonia	No	
France		

Responding party	The law recognizes a defense to infringement based on acquiescence	If Yes, under what conditions?
Georgia	No	
Greece		
Guatemala	No	
Hungary	No	
Iceland	No	
Israel	Yes	Failure to enforce rights may result in claims for, or defenses based on, acquiescence or genericness, particularly with respect to unregistered sui generis geographical indications and certification marks.
Jamaica	Yes	The provisions of this Act shall not apply in respect of a geographical indication of a World Trade Organization Member other than Jamaica, as respects goods or services for which the relevant indication is identical with the term customarily used as the common name for such goods and services in Jamaica; or goods of the vine for which the relevant indication is identical with the customary name of a grape variety existing in Jamaica as of January 1, 1995. S. 19(4) Protection of GI Act.
Japan	Yes	A person who is dissatisfied the disposition (infringement) requesting an administrative review based on the Administrative Complaint Review Act. The review is requested directly to the administrative body whose act is being appealed. The other measure is to resort a judicial action based on the Administrative Case Litigation Act.
Kazakhstan	No	
Lithuania		
Madagascar	No	
Mexico	No	
New Zealand	No	
Poland	No	
Portugal	No	
Republic of Korea		
Republic of Moldova	No	
Romania	No	
Russian Federation	No	
Serbia	No	
Singapore	Yes	A producer of the goods, a trader of the goods, or an association of such producers or traders or of such producers and traders identified by a GI must bring an action against a person for certain wrongful uses of a GI within 5 years (a) from the date such use by that person or his predecessor in title has become generally known in Singapore; or (b) from the date of registration of that trade mark by that person under the Trade Marks Act or any previous law relating to trade marks, if the trade mar has been published by that date, whichever is earlier. However, no action can be taken if (a) the use of a geographical indication, being a geographical indication which is contrary to public policy or morality; (b) the use of a geographical indication, being a geographical indication which is not or has ceased to be protected in its country or territory of origin, or which has fallen into disuse in that country or territory; or (c) the use of a geographical indication in relation to any goods or services

Responding party	The law recognizes a defense to infringement based on acquiescence	If Yes, under what conditions?
		which has become the common name of the goods or services in Singapore.
Slovakia	No	
South Africa	Yes	Based on Section 24 of the Trade Marks Act 1934 of 1993.
Switzerland	Yes	
United Kingdom	Yes	
United States of America	Yes	
Uruguay	No	
Viet Nam	No	
European Union	No	

#### COMMENTS:

##### Australia

There is no explicit defense to infringement on the basis of either a prolonged period of non-enforcement or that the term has de facto become customary in the common language of the territory. However, this does not dictate the outcome of an infringement case. For example, it is common for a respondent in an infringement case to cross-claim on validity, and the outcome could be the same as if there were a defense that the term had become customary in the common language of the territory.

##### Brazil

Once granted, the GI has no expiration date, nor can the geographical name be considered as common use for the purpose of termination of registration. In other words, in Brazil, once registered, the geographical name is protected indefinitely without the possibility of any action that extinguishes, suspends or cancels the registration.

##### Colombia

Disappearance of the conditions giving rise to the protection can result in its invalidation.

##### Georgia

According to the Article 11 (3) of Law of Georgia on Appellation of Origin and Geographical Indications of Goods – “The protected appellation of origin of geographical indication may not become generic”.

##### Hungary

Pursuant to Article 105 (2) of Hungarian Trademark Act after its registration, a geographical indication may not become the common name of a product in the course of trade.

##### Lithuania

See the European Union reply.

New Zealand

However, the defendant in an infringement proceeding may apply for the registration of the geographical indication to be cancelled/revoked on the ground that it has become common name for the product concerned.

Uruguay

It is not provided for specifically, but a judge may take it into account.

**80. Are there any mechanisms for redress or appeal for either concerned party over an administrative enforcement action?**

Responding party	There are mechanisms for redress or appeal	COMMENTS
Australia		Administrative enforcement under the Wine Australia Act results in a criminal conviction, so the only avenues of appeal would be under the criminal system.
Brazil	Yes	Any administrative acts of the INPI allow the filing of an administrative appeal within the period of 60 days from the date on which the act was practiced
Chile	Yes	
Colombia	No	
Croatia	Yes	
Cyprus	Yes	According to relevant provisions in the national legislation.
Czech Republic	Yes	
Ecuador	Yes	
Estonia	Yes	
France		
Georgia	Yes	
Greece	Yes	L. 4155/2013 Regulations against Illicit Trade, Article 39, Counterfeit products.
Guatemala	No	
Hungary	Yes Only in case of spirit drinks	
Iceland	Yes	Administrative enforcement actions can be appealed to the Ministry of Industries and Innovation.
Israel	Yes	Through appeals to the courts.
Jamaica	Yes	Appeal to a Judge in Chambers within 2 months of the decision of the Registrar. Section 15(1) Protection of GI Act.
Japan	Yes	
Kazakhstan	Yes	
Lithuania	Yes	
Madagascar	Yes	
Mexico	Yes	
New Zealand	No	There is no administrative enforcement of geographical indications.
Poland	Yes	
Portugal	Yes	
Republic of Korea		
Republic of Moldova	Yes	Within 10 working days, the declarant/consignee/holder of the goods may contest the measures to withhold the goods and/or suspend the customs clearance operation or oppose the

Responding party	There are mechanisms for redress or appeal	COMMENTS
		destruction of the goods. The customs authority shall inform the right holder (point 38 of Government Decision No. 915 of 26.07.2016 on the approval of the Regulation on Enforcement of Intellectual Property Rights by Customs Authorities).
Romania	Yes	
Russian Federation	Yes	
Serbia		
Singapore	N/A	There is no administrative enforcement action under the current Geographical Indications Act (Cap 117B).
Slovakia	Yes	
South Africa	Yes	Section 53. Recourse to court, and appeals Any person aggrieved by any decision or order of the registrar may, within a period of three months after the date of any such decision or order, apply to the High Court of South Africa for relief.
Switzerland	Yes	
United Kingdom	Yes	
United States of America	Yes	
Uruguay	Yes	
Viet Nam	Yes	
European Union	Yes	

*(iii) Customs/Border Controls*

**81. Does your legislation provide for border measures for geographical indications?**

Responding party	Border measures are provided	If Yes, those measures can be:			If Yes, those measures shall be ensured:	
		border control	customs seizure	other	<i>ex officio</i>	based on the application for intervention
Australia	Yes		Yes			Yes
Brazil						
Chile	Yes	Yes		Yes*	Yes	Yes
Colombia	No					
Croatia	Yes	Yes	Yes	Yes*	Yes	Yes
Cyprus						
Czech Republic	Yes	Yes	Yes	Yes	Yes	Yes
Ecuador	No					
Estonia	Yes	Yes	Yes	Yes*	Yes	Yes
France						
Georgia	Yes	Yes	Yes	Yes	Yes	Yes
Greece	Yes	Yes	Yes	Yes	Yes	Yes
Guatemala	Yes	Yes	Yes	Yes*	No	Yes
Hungary	Yes	Yes	Yes	Yes	Yes	Yes
Iceland	No					
Israel	Yes	Yes	Yes			

Responding party	Border measures are provided	If Yes, those measures can be:			If Yes, those measures shall be ensured:	
		border control	customs seizure	other	<i>ex officio</i>	based on the application for intervention
Jamaica	No					
Japan	No					
Kazakhstan	No					
Lithuania	Yes	Yes	Yes			
Madagascar	Yes	Yes	Yes	No	Yes	Yes
Mexico	Yes		Yes			Yes
New Zealand	Yes	Yes	No	No	No	Yes
Poland	No					
Portugal	Yes	Yes	Yes		Yes	Yes
Republic of Korea	Yes		Yes			
Republic of Moldova	Yes	Yes	Yes		Yes	Yes
Romania	Yes	Yes	Yes		Yes	Yes
Russian Federation	Yes	Yes			Yes	Yes
Serbia	Yes	Yes	Yes			Yes
Singapore	No					
Slovakia	Yes	Yes	Yes	Yes*	Yes	Yes
South Africa	Yes		Yes			
Switzerland	Yes	Yes	Yes			Yes
United Kingdom	Yes	Yes	Yes	No	Yes	Yes
United States of America	Yes	Yes	Yes		Yes	Yes
Uruguay	No					
Viet Nam	Yes	Yes	Yes		Yes	Yes
European Union	Yes	Yes	Yes	Yes*	Yes	Yes

**COMMENTS:**

Australia

Border protection measures are available for CTM GIs upon application by the right holder. Infringement must be determined by the court. Border protection measures are not available for wine GIs registered under the Wine Australia Act.

Brazil

There is no specific measure for GIs.

Chile

\* Temporary suspension of clearance / retention of goods.

Colombia

The border measures included in Chapter III of Title XV refer to trademarks.

Croatia

\* Destruction of goods.

Cyprus

According to article 13 of Reg (EU) 1151/2012 a Member State shall take appropriate measures (ex officio) to protect PDOs, PGIsthat are produced or marketed in that Member State.

Estonia

\* Destruction of goods.

Guatemala

\* (a) seek compensation for the damage and harm caused by the undue employment, use, application, collocation, import or revenue; (b) report the offences committed in infringing the owner's rights and initiate legal proceedings against the perpetrators; (c) seek and be granted the precautionary measures stipulated in the Law.

Japan

See question 63.

Lithuania

See the European Union reply.

New Zealand

Border controls are only applicable to geographical indications that are registered as trademarks under the Trade Marks Act 2002.

Republic of Korea

The GI registration is not notified at the border (Korean Customs Service). Any actions to prevent entry of unauthorized goods are taken by the Korean Customs Service.

Slovakia

\* Destruction of goods.

South Africa

Counterfeit Good Act with regard to registered trademarks.

Switzerland

See the response to question 76.

European Union

\* Destruction of goods.

**82. What sanctions are available for the use of a protected geographical indication without the authorization of the owner/any registered user:**

Responding party	for the same type of good or service?	for a different type of good or service?
Australia	For a CTM GIs the civil remedies are injunctions, damages or an account of profits. Under the Wine Australia Act false, misleading or deceptive use of a GI can lead to a fine or in some cases imprisonment.	As above for CTM GIs.
Brazil		
Chile	The system established by Law No. 19.039 on Industrial Property and administered by INAPI provides for criminal sanctions equivalent to fines by virtue of article 105. Civil actions seek to obtain compensation for damages caused by the unauthorized use of GIs, cessation of the acts constituting the infringement and the adoption of measures to prevent the continuation of the offense.	
Colombia	The sanctions depend on the action taken or initiated. In civil law, action against the infringement of rights and in respect of competition includes indemnification. In administrative law (e.g., on consumer protection) sanctions may take the form of fines.	
Croatia	Sanctions can have administrative or criminal character.	
Cyprus	As far as agricultural products and foodstuffs, wine and spirits are concerned the sanctions-measures that national law provides are retentions, seizures of goods and prosecution to the court of justice of the infringer.	
Czech Republic	Depending on the type of infringement, the sanctions could have administrative or criminal character.	
Ecuador	They are not covered by the legislation.	If it is determined that intellectual property rights have been infringed, the infringer will be punished by closure of the establishment for three to seven days or by a fine ranging from one point five unified basic salaries to one hundred and forty-two unified basic salaries, depending on the nature of the infringement and the criteria established for that purpose in the relevant regulation. The decision on the subject may provide for the adoption of any of the measures envisaged in this Section or may confirm those which have been ordered provisionally. That decision may also determine the final disposal of goods that have removed from trade channels in accordance with the relevant regulation. The competent national intellectual rights authority shall impose the penalties stipulated in this Title when it considers and settles unfair competition cases.
Estonia	Depending on the type of infringement, the sanctions could have administrative or criminal character. Penalties for infringements shall be effective, proportionate and dissuasive.	
France		
Georgia	Georgian legislation provides for civil, administrative and criminal liability for infringement of rights on appellations of origin and geographical indications. Georgian	

Responding party	for the same type of good or service?	for a different type of good or service?
	<p>Administrative Offences Code Art. 158 provides for responsibility for illegally using appellation of origin or geographical indication, also manufacturing or introducing goods into civil turnover under appellation of origin or geographical indication or manufacturing or introducing into civil turnover illegally labelled (marked) goods with a registered company name – shall carry a fine from GEL 500 to 1 000, with confiscation of the goods and of the material and equipment required for their manufacturing. The law considers heavier responsibility for repeated actions, provided by group of people etc. Georgian Criminal Code Art 196. provides for responsibility for illegal use of appellations of origin and geographical indications namely - Illegal use of designations of origin or geographical indications in large quantities, as well as production or introduction into civil circulation of goods illegally marked with designation of origin or geographical indications, which has resulted in considerable damage, - shall be punished by a fine, or corrective labor for up to two years or with imprisonment for the same term. The law considers heavier penalty for repeated actions, provided by group of people etc. According to the Article 11 of the law of Georgia on Appellations of Origin and Geographical Indications of Goods Registered appellations of origin and geographical indications shall be protected against any direct or indirect commercial use of an appellation of origin or geographical indication in respect to the goods not covered by the registration, insofar as those goods are similar to the goods registered under the appellation of origin or geographical indication or insofar as using the appellation of origin or geographical indication exploits its reputation. According to Article 16 of the law of Georgia on Appellations of Origin and Geographical Indications of Goods, a natural person or legal entity entitled to use an appellation of origin or geographical indication, shall be authorized to bring an action against infringing party and require:</p> <p>(a) to stop an infringement;            (b) compensation of damages;            (c) seizure and destruction of illegally produced goods and the equipment used directly for production of said goods;            (d) destruction of all those labels, drawings, imprints, packaging, packaging materials and advertisements bearing the appellation of origin or geographical indication.</p>	
Greece	<p>Enforcement measures implemented under the JMD 261611/2007 are:</p> <ul style="list-style-type: none"> <li>- Withdrawal of Certification (Permanent or Temporary)</li> <li>- Refusal to grant certification</li> <li>- Withdrawal from the market, in cooperation with other Authorities</li> </ul> <p>Fines imposed by the Committee for the Examination of infringements of MRDF.</p>	
Guatemala	<p>Take legal action, as appropriate, and request and be granted the precautionary measures stipulated in the Law for the cases listed in article 35 (c) and (d); request action by the competent authorities to protect and enforce the geographical indication owner's rights and to prevent any possible infringement and financial or commercial damage arising from infringement or weakening of the distinctiveness of the indication or unfair exploitation of its prestige.</p>	<p>Use or utilization of a protected geographical indication for other products can confuse or mislead the consumer and are punishable by the same means: take legal action, as appropriate, and request and be granted the precautionary measures stipulated in the Law for the cases listed in article 35 (c) and (d); request action by the competent authorities to protect and enforce the geographical indication owner's rights and to prevent any possible infringement and financial or commercial damage arising from infringement or weakening of the distinctiveness of the indication or unfair exploitation of its prestige.</p>
Hungary	<p>Depending on the type of infringement, the sanctions could have administrative or criminal character. Penalties for infringements shall be effective, proportionate and dissuasive.</p>	
Iceland	<p>Administrative sanctions: According to Art. 33 of the Act, the Food and Veterinary Authority and municipal health inspectorates are authorized to</p>	<p>See Q.82. Same applies to same and/or similar goods. If different the extent thereof has to be evaluated, taking into</p>

Responding party	for the same type of good or service?	for a different type of good or service?
	<p>issue orders to stop or limit production and marketing of products where there are serious grounds to believe that a product is not being produced in accordance with the provisions of the Act or regulations enacted by virtue of the Act. In addition, in order to ensure compliance with the Act, regulations or their own orders, the Food and Veterinary Authority and the municipal health inspectorates may also take the following measures: a. issue a warning, b. issue a warning with appropriate time to take corrective measures.</p> <p>Suspension of production shall only be applied in serious instances or in cases of consistent violations or if the producer does not take corrective measures within the given time limit, and may be carried out with the assistance of the police if needed. Non-criminal fines: According to Art. 34 of the Act, the Food and Veterinary Authority and the municipal health inspectorates can issue non-criminal fines addressed to producers that violate provisions regarding: a. authorization to use a registered product name or symbol pursuant to Art. 17, without complying with the product specification pursuant to Art. 14; b. authorization to use a registered product name or symbol pursuant to Art. 17 without prior notification to the Icelandic Food and Veterinary Authority, pursuant to Art. 20. Fines imposed on natural persons may range in amount from ISK 10 000 to ISK 1 000 000 and fines imposed on legal persons may range in amount from ISK 20 000 to ISK 2 000 000. The Minister may, by way of regulation, set the amounts for non-criminal fines for violations of individual provisions of this Act, within the limits of paragraph 2. Non-criminal fines shall be imposed irrespective of whether the infringement was committed with intent or through negligence. Criminal sanctions: According to Art. 35 of the Act, anyone who has violated the following provisions shall be subject to punishment by a fine or imprisonment for of up to six months, unless a more severe punishment is prescribed elsewhere in legislation: a. provisions regarding authorization to use a registered product name or symbol pursuant to Art. 17, without complying</p>	<p>consideration the risk of the public being misled/confused.</p>

Responding party	for the same type of good or service?	for a different type of good or service?
	with the product specification pursuant to Art. 14; b. provisions regarding authorization to use a registered product name or symbol pursuant to Art. 17, without prior notification to the Icelandic Food and Veterinary Authority, pursuant to Art. 20. Infringements of paragraph 1 are punishable by fines or imprisonment if committed intentionally or through negligence. A legal person may be fined according to Chapter II A of the General Penal Code for infringement specified in paragraph 1 of this Article. Attempted infringement or complicity in infringement pursuant to the Act is punishable as provided for in the General Penal Code.	
Israel	Civil remedies and criminal law (in some cases).	
Jamaica	On summary conviction in a Resident Magistrate's Court to a fine not exceeding one million dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment On conviction before a Circuit Court to a fine or to imprisonment for a term not exceeding five years or to both such fine and imprisonment Where the Court is satisfied that any benefits were derived by or accruing to the person convicted from the commission of the offence, the Court may order the person if convicted to pay to the Crown such pecuniary penalty as the Court determines to be equivalent to the total value of such benefits. (Section 7 Protection of GI Act).	
Japan	The Minister orders the users the correction or removal of the misuse. In case of no observance to the orders, the penalties will be imposed (for individual, a fine of maximum 5 million yen and/or the maximum 5 years of imprisonment. For corporation, a fine of maximum 3 hundred million yen).	The second question appears to be based on trademark system and thus considers not particularly apply to the case. In case of GIs for liquor, the National Tax Agency (NTA) finds an undue use of liquor GIs, it directs correction to the liquor producer or distributor. In case of no observance to the direction, the NTA may notify it to the public and/or order correction to the liquor producer or distributor. In case the liquor producer or distributor still does not follow the order, a penalty (a fine of maximum 500 thousand yen) is imposed. In addition, the NTA may revoke the liquor license of those who have been imposed of penalty.
Kazakhstan	Sanctions available.	
Lithuania	See the European Union reply.	
Madagascar	Unauthorized use is described as an offense punishable by a fine of 160,000 Ariary to 6,000,000 Ariary. In case of recidivism, the penalty will be doubled. Emergency measures (conservatory measures) may be pronounced by the court may, by order, take precautionary measures. In case of seizure, the deposit of a deposit is required of the applicant. The confiscation of counterfeit items and, if applicable, the means used to manufacture them, may be pronounced.	
Mexico	Yes Available sanctions include: i) those of an administrative nature, such as fines, closures and administrative detention for up to 36 hours; and ii) those of a criminal nature, including three to ten years of imprisonment and fines.	

Responding party	for the same type of good or service?	for a different type of good or service?
New Zealand	Injunctions on any terms the court thinks fit, and damages or account of profits	There is no infringement of a registered geographical indication or trademarks in relation to goods or services for which the indication is registered, unless it can be established that the geographical indication is a well-known trade mark. In which case action against infringement the well-known trade mark in relation to goods or services for which it is not registered possible.
Poland	Financial penalties.	
Portugal	Yes	Yes
Republic of Korea	If a protected geographical indication is used without the authorization of the owner/any registered user for the same type of good or service, that will constitute infringement. Thus, the holder can bring a civil action against infringement such as injunctive relief for infringement, claim for infringement, or file a complaint for infringement in the prosecutor's office or the police office.	
Republic of Moldova	<p>1. Civil sanctions - In a civil proceeding, at the request of the injured party, the infringer of GI rights will pay to the right holder the damages actually suffered and a compensation for the lost benefits.</p> <p>2. Contravention sanctions - a fine of 150 euros to 450 euros, or community service from 40 to 60 hours.</p> <p>3. Penal sanctions - (large damages) shall be sanctioned with: - a fine of € 2900 to € 27500; - unpaid community service from 180 to 240 hours; - the deprivation of the right to exercise a certain activity for a period of 1 to 5 years; - the liquidation of the legal entity; - prison from 3 to 5 years.</p>	
Romania		Depending on the type of infringement, the sanctions could have administrative or criminal character. Penalties for infringements shall be effective, proportionate and dissuasive.
Russian Federation	Criminal, administrative, and civil liability.	
Serbia	Court action	
Singapore	In relation to wines and spirits which do not originate from the place indicated by the geographical indication.	Where the use is misleading.
Slovakia	Depending on the type of infringement, the sanctions could have administrative or criminal character. Penalties for infringements shall be effective, proportionate and dissuasive.	
South Africa	Interdict, Delivery up, Damages, Reasonable Royalty	
Switzerland	Yes (R2 and R3)	Yes
United Kingdom	Depending on type of infringement, the sanctions could have administrative or criminal character.	
United States of America	Civil monetary and punitive damages as well as injunctive relief are available for infringement of the GI.	Yes, but only if infringement is found based on likelihood of confusion as to the different types of goods.
Uruguay	General law on civil liability.	
Viet Nam	Yes	

Responding party	for the same type of good or service?	for a different type of good or service?
European Union	Depending on type of infringement, the sanctions could have administrative or criminal character.	

## COMMENTS

### Brazil

As the control and inspection are not of INPI's competence, it is up to INPI to impose any sanctions in case of unauthorized use of the GI.

The Brazilian IP Law, on the other hand, provides in articles 192, 193 and 194, penalties of detention of one to three months, or fine, in the cases of:

- manufacture, import, export, sale, display or offer for sale, or, in addition, stock maintenance of product presenting false geographical indication.
- use in product, container, wrapper, tape, label, invoice, circular, poster or other means of publicity or propaganda, such terms as "type", "species", "gender", "system", "similar", "substitute", "identical", or equivalent, not excepting the true origin of the product.
- use a trademark, trade name, title of establishment, insignia, expression or sign of propaganda or any other form that indicates origin other than the true, or sell or expose to sale product with such signs.

### Switzerland

See the response to question 76.

R2.1.

Under criminal law, any person who intentionally makes unlawful use of a PDO or PGI (agricultural produce, processed agricultural products, forestry produce and processed forestry products) or of a PDO for wines will, upon complaint, be punishable by a custodial sentence not exceeding one year or a monetary penalty. An offender who acts for commercial gain will be prosecuted *ex officio* and shall be punishable by a custodial sentence not exceeding five years or a monetary penalty.

[End of Annex and of document]