

Diplomatic Conference for the Adoption of a New Act of the Lisbon Agreement for the Protection of Appellations of Origin and Their International Registration

Main Committee I

President Non-Paper No. 3 (May 12, 2015)

Article 5
Application

[...]

(2) *[Application Filed by Competent Authority]* Subject to paragraph (3), the application for the international registration of an appellation of origin or a geographical indication shall be filed by the Competent Authority in the name of:

(i) the beneficiaries; or

(ii) a natural or legal person having legal standing under the law of the Contracting Party of Origin to assert the rights of the beneficiaries or other rights in the appellation of origin or the geographical indication.

Rule 5

Requirements Concerning the Application

[...]

(2) *[Application – Mandatory Contents]* (a) The application shall indicate:

[...]

(iii) the beneficiaries, designated collectively or, where collective designation is not possible, by name, or the natural or legal person having legal standing under the law of the Contracting Party of Origin to assert the rights of the beneficiaries or other rights in the appellation of origin or the geographical indication.

[...]

[(4) *[Application – Signature]* (a) To the extent that a Contracting Party requires that for protection of a registered appellation of origin or geographical indication under its trademark law, the application be signed by the natural or legal person in whose name the application is filed under Article 5(2)(ii), it shall notify that requirement to the Director General.

(b) An application that is not signed by the natural or legal person in whose name the application is filed under Article 5(2)(ii) shall, subject to Rule 6¹, have the effect that protection is renounced in respect of the Contracting Party requiring such signature, as notified under subparagraph (a)².]

[...]

[End of President Non-Paper No. 3]

¹ Rule 6 dealing with irregularities would have to be amended to lay down specific provisions for the correction of irregularities concerning special requirements based on declarations by Contracting Parties, so that applications could be corrected before protection is deemed renounced in respect of the Contracting Party having made such declaration.

² This element of the non-paper is without prejudice to the outcome of discussions on the possibility to require a declaration of intention to use as originally contained in Rule 5(4) of document LI/DC/4.