

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. 4 (May 13, 2015)

Article 12

Protection Against Becoming Generic

Subject to the provisions of this Act, registered appellations of origin and registered geographical indications cannot be considered to have become generic³ in a Contracting Party as long as the requirements under its law regarding maintenance of protection are met.

[End of President Non-Paper No. 4]

³ Article 12 is without prejudice to the application of the provisions of this Act concerning prior use, as, prior to international registration, the denomination or indication constituting the appellation of origin or geographical indication may already, in whole or in part, be generic in a Contracting Party other than the Contracting Party of Origin, for example, because the denomination or indication, or part of it, is identical with a term customary in common language as the common name of a good or service in such Contracting Party, or is identical with the customary name of a grape variety in such Contracting Party.