COMPILATION OF A LIST OF QUESTIONS AS CONTAINED IN DOCUMENT SCT/39/6 REV. FOR THE PURPOSE OF A QUESTIONNAIRE ON GEOGRAPHICAL INDICATIONS

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I. THE NATIONAL AND REGIONAL SYSTEMS THAT CAN PROVIDE A CERTAIN PROTECTION TO GEOGRAPHICAL INDICATIONS

| A. Basis for protection (| sign/indication subjec | t of protection, goods | /services covered, etc.) |
|--|---|--|---|
| (i) Terminology | | | |
| 1. The following concepts a | are defined in your juri | sdiction: | |
| ☐ Appellation/Designation of | of origin Please inse | ert the definition: Clic | k here to enter text. |
| ☐ Geographical indication | Please inse | ert the definition: Clic | k here to enter text. |
| (2) Where the protection of geographical indications is ensured by the <i>sui generis</i> system, then: - the appellation of origin and the geographical indication are each defined individually - only the appellation of origin is defined - only the geographical indication is defined | (9) Does the available protection mechanism specifically identify geographical indications as distinct from other protected signs or designations protected under the same mechanism? If yes, please explain how. | (12) Which definition of geographical indications is used in your country, the or found in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) or ano definition? | ne if you indicated that your country has multiple protection systems, please identify to which one your |
| 2. Which means for the recyour jurisdiction? sui generis system trademarks collective marks | | | |
| ☐ certification marks | | | |
| ☐ specific laws, please spec | cify: Click here to ente | er text. | |
| ☐ others (for ex., court deci | | | please explain: Click |
| here to enter text. | | | ne series to resignate and |
| (1) The protection of geographical indications shall be ensured by the following: - sui generis system - collective trademarks - certification trademarks - specific laws - others | (10) Does the available mechanism recognize gindications as the object property right? If yes, is mechanism a sui gener of another intellectual p (i.e. trade mark law, etc.) | peographical intellect means indication in system or part roperty regime intellect means indication decision regulat mechal | addition to registration as an actual property right, are there other of protecting a geographical ion (such as food standards, court ins, sectoral legislation or ions)? Describe the various laws, nisms and/or systems for obtaining we use of a geographical ion. |
| (16) Protection Systems and Examination Authority - According to your legislation, are there any other means, other than a registry, for the recognition and protection of geographical indications? | (33) What systems, me laws enable the benefic geographical indication exclusive right of use or concerned? What proceare required by such sympostanisms and laws? | chanisms and (34) Aprintellect to obtain an other left the denomination edures and costs estems, (34) Aprintellect other left right to beneficiation indications. | part from registrations of an stual property right, are there any egal options that can restrict the use the geographical indication ciaries of the said geographical |
| (17) Protection Systems and Examination Authority - Can | wherever relevant, the | various systems, legislat | tion provides for two or more |

| | the following questions and, whenever possible, provide examples. | protection systems, can the different protection systems coexist? |
|--|---|--|
| (51) Examination Authority – Does your c | country recognize geographical indications as | an unregistered right? |
| (iii) C: | | |
| iii) Sign | S. Santarita da Santarita de Santario de Sa | |
| . The following signs can be | protected as assessed in the | |
| . The following signs can be | protected as geographical indica | tions in your jurisdiction: |
| geographic terms | | |
| ☐ including a country na | ame | |
| ☐ including an abbrevia | ation of a geographical name | |
| non-geographic terms | g - g - ap mour name | |
| figurative elements | | |
| other elements (for example, | aromas or textures) Click here | to enter text |
| | | to criter text. |
| (5) Registration as geographical indication requested: | | r the following question, if you indicated the |
| | your country has multiple protect | stion systems, please identify to which one oblies - Is a geographical indication |
| exclusively for geographic terms for non-geographic terms | composed of figurative elements | or the abbreviation of a geographical |
| for country name (on an exceptional basis | | |
| Can appellations of origin or geograph ndications be composed of figurative elem | | ments associated with a geographical or textures of the products? In other word |
| | would the protection of non-tradi | of textures of the products? In other word itional geographical indications be feasible |
| | as in the trademark system? | December 1 |
| 35) What are the required conditions to ob protection of a geographical indication? | | |
| | The second requirers | ry has a geographical indication registry, ents for the registration of a geographical |
| | indication and what are the as | ents for the registration of a geographical |
| Link | indication and what are the as | ents for the registration of a geographical |
|) Link | indication and what are the as | ents for the registration of a geographical |
| | Indication and what are the as | ents for the registration of a geographical sociated costs? |
| Does the available protection | n mechanism require the causal l | ents for the registration of a geographical sociated costs? |
| Does the available protection reputation or other characteri | n mechanism require the causal listics of the product on the one h | ents for the registration of a geographical sociated costs? |
| Does the available protection reputation or other charactering on the other, to be express | n mechanism require the causal listics of the product on the one hised and documented? | ents for the registration of a geographical sociated costs? ink between a given quality, and, and its geographical |
| Does the available protection reputation or other charactering on the other, to be express | n mechanism require the causal listics of the product on the one hised and documented? | ents for the registration of a geographical sociated costs? ink between a given quality, and, and its geographical |
| Does the available protection e reputation or other characterigin on the other, to be express Yes No If YES, who is obli | n mechanism require the causal listics of the product on the one hised and documented? | ents for the registration of a geographical sociated costs? ink between a given quality, and, and its geographical |
| Does the available protection e reputation or other characterigin on the other, to be express Yes No If YES, who is obli | n mechanism require the causal listics of the product on the one hised and documented? | ents for the registration of a geographical sociated costs? ink between a given quality, and, and its geographical |
| Does the available protection reputation or other characterisis on the other, to be expressive and the other, to be expressive and the other of the other other of the other | n mechanism require the causal listics of the product on the one hised and documented? iged to demonstrate such a link? as a geographical indication: | ents for the registration of a geographical sociated costs? ink between a given quality, and, and its geographical Click here to enter text. |
| Does the available protection e reputation or other characterigin on the other, to be express Yes No If YES, who is oblided in order to receive protection it is enough that a product owe | istics of the product on the one had and documented? iged to demonstrate such a link? as a geographical indication: | ents for the registration of a geographical sociated costs? ink between a given quality, and, and its geographical Click here to enter text. |
| Does the available protection e reputation or other characterigin on the other, to be expressive and the other, to be expressive and the other of the other other of the other of the other othe | in mechanism require the causal I istics of the product on the one had and documented? iged to demonstrate such a link? as a geographical indication: es its reputation to its geographicality | ink between a given quality, and, and its geographical Click here to enter text. |
| Does the available protection e reputation or other characterigin on the other, to be express Yes No If YES, who is oblided in order to receive protection it is enough that a product owe wing to possess a different qualit is enough that only one stage. | istics of the product on the one had and documented? iged to demonstrate such a link? as a geographical indication: es its reputation to its geographicality | ink between a given quality, and, and its geographical Click here to enter text. |
| Does the available protection is reputation or other characterisigin on the other, to be expressive. Yes No If YES, who is oblimated in order to receive protection it is enough that a product owe ving to possess a different qualit is enough that only one stage. | istics of the product on the one hased and documented? iged to demonstrate such a link? as a geographical indication: es its reputation to its geographicality | ink between a given quality, and, and its geographical Click here to enter text. |
| Does the available protection e reputation or other characterigin on the other, to be express Yes No If YES, who is oblided in order to receive protection it is enough that a product owe owing to possess a different qualit is enough that only one stage. | istics of the product on the one had and documented? iged to demonstrate such a link? as a geographical indication: es its reputation to its geographicality | ink between a given quality, and, and its geographical Click here to enter text. |
| Does the available protection be reputation or other characterizing on the other, to be express a light of the protection of the protection of the protection of the product owe aving to possess a different quarter of the protection of the product of the protection of the product of the prod | istics of the product on the one had and documented? iged to demonstrate such a link? as a geographical indication: es its reputation to its geographicality | ents for the registration of a geographical sociated costs? ink between a given quality, and, and its geographical Click here to enter text. |

| What evidence, if any, is required geographical indication and: | red to establish a link between | the product bearing the |
|--|--|--|
| (1) a given quality;(2) reputation or(3) other characteristic of the prod that is essentially attributable to its | | xt. |
| 8. Is reputation required to be de | monstrated as a condition for | obtaining protection |
| - for domestic geographical | indications? □Yes □No | |
| o in the country of ori | eign geographical indications: | YES, where must that □Yes □No |
| 9. Production area boundaries: | | |
| □ are set by the following criteria: □ are subject to an examination of can be reduced or expanded at can be subsequently expanded there any criteria that must be fulfill | or other review process? t the request of a third party? I after having been established | |
| (11) 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 justified? | (25) Eligible Subject Matter - For the following question, if you indicated that your country has multiple protection systems, please identify to which one your answer to the following applies - Is there any limitation on the size of the production area to which a geographic designation can refer? | (30) What kind of specific characteristics of goods determines that they may be registered as a geographical indication? Following the registration of a geographical indication, do you provide any kind of measures to control/monitor whether those specific characteristics of the goods are maintained? |
| (31) For geographical indications for products, the link to the geographical area is decisive for quality and reputational purposes. Thus, with regard to a geographical indication for services, given | (37) How is the causal link between the quality, characteristics and reputation of the service and the defined geographical area determined? | (86) Application - Is documentation required to be submitted to establish a link between the good/service with the geographic origin? If so, what types of evidence would suffice? |
| that the characteristics could be replicated in another region owing to the nature of the figure, how are these characteristics determined? | (45) In the case of appellations of origin designating artisanal products, how stringent is the natural factor requirement? | (90) Application - What evidence is required to establish a link between the reputation and the geographic designation, if applicable? |
| (89) Application - Are domestic geographical indications required to demonstrate reputation as a condition for obtaining protection? Foreign geographical indications? Is reputation described in your relevant legislation as an element linked to the geographical origin of the good or service? If so, where must that reputation exist for the foreign geographical indications – in the country of origin or the | (96) Examination - What are the grounds for refusing protection/recognition of a geographical indication? - If a product owes its reputation to its geographical origin, is that enough for it to receive protection/recognition as a geographical indication, without necessarily having to possess a | (119) Is it necessary to demonstrate a link between the quality and reputation or another given characteristic of the product concerned and its geographical origin? If so, who is obliged to demonstrate such a link (e.g.: producer groups/beneficiaries of the geographical indication)? |

| 1122 | |
|---|---|
| - If an essential link between the quality, reputation, and/or other characteristic of the goods and geographical origin must be established in order for the geographical indication to be protected/recognized, what is the standard for recognizing/accepting said link? - If only one stage of its preparation, processing, or production takes places in the defined region, is that enough for the protection/recognition of the geographical indication? | (139) Eligible Subject Matter – Is there any limitation on the size of the production area to which a geographic designation can refer? By what criteria, i any, are production area boundaries set? Are such boundaries subject to an examination or other review process? Can a third party request the reduction of expansion of a production area? |
| (143) Application – Are domestic geographical indications required to demonstrate reputation as a geographical indication as a condition for obtaining protection? Foreign geographical indications? Is reputation described in your relevant legislation as an element linked to the geographical origin of the good or service? If so, where must that reputation exist for the foreign geographical indications? | is required to establish a link between the product bearing the geographical indication and a given quality or characteristic of such product that is essentially attributable to its geographic origin? |
| graphical indications under a s | sui generis system, protection |
| □ to serv | vices |
| | |
| ere to enter text. | |
| eneris system does not protect ner goods and/or services prote | geographical indications for all ected? |
| rtext. | |
| ndication be recognized and pre applicable? | rotected for more than one |
| | |
| | quality, reputation, and/or other characteristic of the goods and geographical origin must be established in order for the geographical indication to be protected/recognized, what is the standard for recognizing/accepting said link? If only one stage of its preparation, processing, or production takes places in the defined region, is that enough for the protection/recognition of the geographical indication? (143) Application – Are domestic geographical indications required to demonstrate reputation as a geographical indication? Foreign geographical indications? Is reputation described in your relevant legislation as an element linked to the geographical origin of the good or service? If so, where must that reputation exist for the foreign geographical indications? Graphical indications Graphical indications To service to enter text. |

| (4) The protection of geographical indications shall be ensured: - exclusively for agri-food products (agricultural products, wines,) - for any type of product - for services | (6) All countries are culturally diverse. Bearing in mind that Member States have countless handicraft products bearing the hallmarks of their culture, would you argue that it would be appropriate to include this type of protection under geographical indications at the international level? | (7) What would be the international standard for situations in which it is feasible to grant a geographical indication for several products? (13) What is the range of geographical indication protection in your country? What products are covered? | (24) Eligible Subject Matter - For the following question, if you indicated that your country has multiple protection systems, please identify to which one your answer to the following applies - If you have a sui generis regime for the protection of geographical indications and that regime does not protect geographical indications for all goods and/or services, which types or categories of goods and/or services are eligible for such geographical indication protection? Are goods other than agricultural products or wines/spirits protectable? How are other goods and/or services protected? |
|---|--|--|--|
| (29) What are the categories of goods that are protected by geographical indications? Are there different kinds of geographical indications for different categories | (36) Can geographical indications and appellations of origin be used to designate services? | (42) Is it possible for an appellation of origin or geographical indication to designate more than one product and/or service which are in different classes of the Nice Classification? | (46) What are artisanal products? |
| of goods (e.g. marble as a non-agricultural geographical indication)? If yes, please explain. | (39) What difficulties or benefits may arise if such a service appellation is accepted? | (43) Is it possible for the same geographical location to be part of different appellations of origin designating different products? | (49) Requirements for the Recognition and Protection of Geographical Indications According to Available Systems - What kind of products can be protected through geographical indications under your legislation? |
| | (40) Can an appellation of origin or geographical indication designate a living animal? | (44) Can geographical indications and appellations of origin be used to designate artisanal products? | |
| geographical indication [cc a common product name of such as "Camembert de N to a particular product cate there any prohibition on de subsequent geographical i with regard to a different p category (such as a differe | eveloping and protecting a ndication from that same area roduct within that same int type of cheese) or with act type (such as fruit)? If so, such a subsequent achieved without being | (54) What measures would allow the recognition of geographical indications at the international level related to non-agricultural products, such as products from nature, manufactured goods, handicrafts and services? | (146) What are the forecasts for the extension of the concept of geographical indications to the other economic sectors not restricted to agrifood products, wines and distilled beverages, such as handicrafts, manufactured products, minerals and miscellaneous services? |

| B. Application and registrati examination and opposition countries) | on (entitlement to file, on ownership/right of use | content of application, g e, requests for protectio | rounds for refusal, n from other |
|---|---|--|--|
| (i) Entitlement to File | | | |
| 13. Who can apply for the p | rotection of a geograph | nical indication? | |
| □ a legal person □ a group □ a public institution □ a national, regional or production □ others, please specify | ovincial authority | | |
| | | | |
| 14. The applicant: | | | |
| ☐ must have its head office ☐ must provide evidence th ☐ does not have to meet ar ☐ must provide proof of ass ☐ is considered to be the tit | at it carries out its activity requirement concerrisociation or other organ | vities in the defined geographing the legal address; nization if organized as a | |
| (55) The request for the registration of a geographical indication may be filed by: - a group - a legal entity - a natural person | (59) The applicant group/person: - must have its head office in the defined geographical area | (84) Application - Who is the appropriate legal person to apply for geographical indication protection? Are the national, regional or provincial authorities entitled | (118) Who can apply for the registration or protection of a geographical indication? |
| - a public institution (please specify if there are certain specific requirements) | - must provide confirmation of activating in the defined geographical area - there are no requirements concerning the legal address of the person requesting registration | to apply for geographical indication's located within their geographical jurisdictions? Is this "person" considered to be the title holder of the geographical indication? If not, what entity is for purposes of civil enforcement? | (128) Procedure for the Recognition and Protection of Geographical Indications — If producers are applying for a geographical indication, is proof of association required? |
| (ii) Competent Authoritie15. Which authority is co. | | | |
| text. | | a geographical indication | |
| to determine whether click here to enter tex | a domestic geographi | cal indication is a geogr | aphical indication? |
| | a foreign geographica | I indication is a geograp | phical indication? |
| | orcement? Click here | to enter text. | |

(22) Protection Systems and Examination Authority - What domestic agencies are responsible for determining whether a

 $({\bf 56})$ The request for the registration of geographical indications shall be filed with:

| (8) What type of protection and what procedures relate to | (33) What systems, relaws enable the bene | eficiaries of a | (47) Protection Systems – Identify the main features of | (127) Procedure for the Recognition and Protection |
|--|--|---|---|---|
| 7. What is the pro | cedure for the pr | otection of an | appellation of origin in y | our jurisdiction? |
| 6. What is the pro | ocedure for the pr | otection of a g | eographical indication in | your jurisdiction? |
| iii) Procedure | | | | |
| According to Available & According to Available & legislation, which is the for conducting examinal requirements to be met indication? | Systems – In your competent authority tions of the technical | who bears responsibility for preventing unauthorized use? - What are the contact details of the relevant competent authorities for administrative enforcement? - Are there any timeframes for action? - Are there any mechanisms for redress or appeal for either concerned party over an administrative enforcement action? | | |
| (130) Requirements for the Recognition and Protection of Geographical Indications | | (please specify the name of institution/institutions) (156) Enforcement - Once a geographical indication is protected in your country. | | |
| domestic geographic designation is a GI? A foreign origin GI? | | - the National Of - other institution | fice of industrial/intellectual prope (ministry,) | erty |

| protection and what procedures relate to appellations of origin, geographical indications and indications of source? | laws enable the beneficiaries of a geographical indication to obtain an exclusive right of use of the denomination concerned? What procedures and costs are required by such systems, mechanisms and laws? Please indicate, wherever relevant, the various systems, mechanisms and laws in your answers to the following questions and, whenever possible, provide examples. | Identify the main features of your GI recognition and protection system, including the duration of protection, requirements for maintaining protection and the factors that could lead to loss of protection | (127) Procedure for the Recognition and Protection of Geographical Indications — Briefly describe the stages of the application and registration procedure for a geographical indication |
|---|--|--|--|
|---|--|--|--|

(iv) Formalities and Contents of the Application

| 18. The application for | the protection of a geograph | nical indication shall be | e accompanied by: |
|---|---|--|--|
| ☐ the production stand If so, in what fo ☐ the status of the gro ☐ other documents (p | pup | ifications) | |
| 19. Does your legislation application? ☐Yes ☐No | on require a representative o | r agent to process a g | eographical indication |
| (57) The request for the registration of a geographical indication shall be filed: - on a standard form | (58) The request/application for the registration of a geographical indication shall be accompanied by: - the product specification (approved by an authorized | (60) The request for the registration of a geographical indication shall be filed: - on paper carrier | (85) Application - Does your legislation require a representative or agent to process a geographical indication application? |
| - in free form | institution) - the single document (document setting out the main points of the specification) - the status of the group - other documents (to be specified) | - by e-mail, fax - in electronic format (on- line) | (88) Application - Are production standards, beyond geographic origin, required to be submitted? If so, in what form? |

| (v) Costs and Fees | | | |
|--|--|--|--|
| 20. What is the fee to be pa | aid for: | | |
| a domestic application?a foreign geographical ia foreign application file | | | Amount |
| - recording in a geograph | ical indication registry, where | e available □No fee OR | |
| (33) What systems, mechanisms and laws enable the beneficiaries of a geographical indication to obtain an exclusive right of use of the denomination concerned? What procedures and costs are required by such systems, mechanisms and laws? Please indicate, wherever relevant, the various systems, mechanisms and laws in your answers to the following questions and, whenever possible, provide examples. | (61) Registration of geographical indications is subject to payment of a fee: - yes - no (62) Registration of geographical indications shall imply the following fees: - a single fee - for filing an application - for publication - for registration - for granting the right to use - for filing an opposition/appeal - other fees (to be specified) | (83) Application - If your country has a geographical indication registry, what are the specific requirements for the registration of a geographical indication and what are the associated costs? | (91) Application - Is there any administrative fee to apply for geographical indication protection? If there is a fee, what is the fee for domestic applications? For foreign geographical indication applications? For foreign applications filed via international agreements? |
| 21. Does your legislation es geographical indication □Yes □No | | tions of origin | |
| 22. Registration is: | | | |
| eligibility; ☐ is made pursuant to a cla system. Click here to enter | ssification system; If YES, p text. nto account competition prin | lease specify which | |
| (15) Protection Systems and Examination Authority – Does your legislation establish a geographical indication registry? | (137) Examination Authority – Does y country maintain a register for geographical indications (as that term understood under the TRIPS Agreem If so, is registration contingent upon compliance with a domestic examinat | country maintain of origin (as that the Lisbon Agree registration conti | ngent upon compliance |
| (102) Examination - Are competition principles considered as part of the examination process? | on for formal and substantive eligibility? Is and substantive eligibility? Is regist | | eligibility? Is registration a classification system |

| (vii) Grounds for | Refusal | |
|--|--|---|
| 23. The grounds for jurisdiction are: | refusing protection/recognition of a geogr | aphical indication in your |
| □ a determination the□ prior trademark ri□ others, Click here | nat the proposed term is generic for the go ghts for a later applied for or requested go to enter text. | pods/services in your country; eographical indication; |
| 24. If a prior trademageographical indicat | ark contains a generic element that confliction, the geographical indication is refused | ts with an applied for based on: |
| ☐ genericness | | |
| ☐ the prior tradema | rk right | |
| | and the prior trademark right | |
| (63) The grounds for refusal to register a geographical indication may be: - absolute (misleading, contrary to the public order or morality etc.) | (96) Examination - What are the grounds for refusing protection/recognition of a geographical indication? - If a product owes its reputation to its geographical origin, is that enough for it to receive protection/recognition as a geographical indication, without necessarily having to possess a different quality? | (97) Examination - Is a determination that the proposed term is generic for the goods/services in your country a ground for refusing protection or recognition of the term as a geographical indication? |
| - relative (conflict with earlier rights – trademark right, the right to a name, etc.) | If an essential link between the quality, reputation, and/or other characteristic of the goods and geographical origin must be established in order for the geographical indication to be protected/recognized, what is the standard for recognizing/accepting said link? If only one stage of its preparation, processing, or production takes places in the defined region, is that enough for the protection/recognition of the geographical indication? | (101) Examination - Are prior trademark rights a ground of refusal for a later applied for or requested geographical indication? What if a prior trademark contains a generic element that conflicts with an applied for geographical indication? Is the geographical indication refused based on genericness or based on the prior trademark right, or both? |
| | etermining if a proposed term is considered | |
| the relevant exam | nination authority considers sources such ies, relevant websites, databases, or in into nination authority gives consideration as to proposed term is already produced and so | ernational standards; whether the product that is |
| ☐ the relevant examidentified by the p | ination authority gives consideration as to roposed term is imported into your country or manufactured and traded outside the pr | v from outside the proposed |
| the relevant exam country; if YES, | ination authority gives consideration to the | e consumer perception in your |
| - who is the aud | lience for evaluating whether a term is tho s a category of goods or services that car | ought to be a generic or common come from anywhere? Click |

here to enter text.

| Click here to ent ☐ limited to the fac | te <i>r text.</i> ctual circu | s perception solicited (e. | | | |
|---|--|---|---|---|---|
| "territoriality prin ☐ other Click here | | text. | | | |
| term that is perceive | ed to be g | npound terms consisting of generic in your country re the public notified of suc | main available for pu | nts, wil ublic us | l an individual se? |
| determining whether a term has become generic, limited to the factual circumstances in the particular territory (following the so-called "territoriality principle")? | determining considerer - Does the consider sproposed relevant winternation - Does the give consiproduct the | nination - What are the criteria for any if a proposed term is do to be generic? The relevant examination authority sources such as whether the term is found in dictionaries, websites, databases, or in an al standards? The relevant examination authority deration as to whether the at is identified by the proposed | (99) Examination - What role does consumer perception in your country have with determining whether a term is considered generic? In other words, 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 | Regard compo of mult an indi perceiv your co availab yes, ho | Examination - ding proposed bund terms consisting tiple components, will vidual term that is ved to be generic in buntry remain ble for public use? If bw is the public d of such decision? |
| | term is already produced and sold in y country by different producers; imported into your country from outside the proposed protected region or manufactured and traded outside the protected region? That is, is the examination authority required to consume whether the term is common in trade? | different producers; imported country from outside the protected region or ured and traded outside the region? That is, is the on authority required to consider | can come from anywhere and how is the consumer's perception solicited, e.g., survey, national newspapers, etc.? | considerefusin indicati guidelii | Where genericity is ered as a ground for g a geographical ion, are there specific nes for determining aracteristic? |
| to have better true well an explore | | | | questio | s the previous oning applicable to ening genericity? |
| | for the p | ntions/Oppositions rotection of a geographic | al indication publishe | ed for c | opposition or |
| □Yes □No If YES | ☐ dom | olication applies to: nestic applications ign geographical indicatio ign applications filed via i | | ents | |
| If YES | S, | | | | |
| | • Who | can lodge an opposition | | | enter text. |
| beganning ASC | | at are the grounds for opp | | | enter text. |
| 28. How is the public | notified | of a decision on such an | opposition? Click he | ere to e | enter text. |
| (70) Third parties may sub- observations (following pure of the application that has undergone substantive examples of the substantive example | ublication not | (105) Opposition - Are applications for geographical indication protection published for opposition or public notice? Does this apply to both | (106) Opposition - Can a request for geographical indication protection be opposed by a third party What are the grounds for | ? | (132) Refusal of Registration – Are there procedures for opposition by third parties? Who has |

opposition? If a request for - oppositions (following publication of the right to lodge an domestic and foreign the application that has not geographical indications as well geographical indication opposition? undergone substantive examination) as foreign geographical protection can be opposed by - appeals (following publication of the indication protected via a third party, how is the public application that has undergone notified of a decision on such international agreements? substantive examination) an opposition? (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? Yes No If YES, can such use be restricted to the beneficiaries thereof without formally identifying a holder of the geographical indication? \(\subseteq Yes \) \(\subseteq No. \) 30. The right to use: shall be obtained without additional procedure following registration of the geographical ☐ shall be granted through a separate authorization procedure under the following conditions and costs: Click here to enter text: ☐ shall be periodically renewed for an authorized use to continue. 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? ☐Yes ☐No 32. Does your country have a register for authorized users? □Yes □No If YES, who keeps the register? Click here to enter text. Is the register public? ☐Yes ☐No 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? ☐Yes ☐No (38) In this case [GIs for (66) The right to use a protected (67) In order to obtain the (68) The list of persons services], what are the geographical indication: right to use, the person holding the right to use: requirements for authorizations must join the group that to use the geographical - shall be obtained without requested registration of - shall be kept by the indication or appellation of origin additional procedures following the geographical authority registering the and how are recognition or registration of the geographical indication: geographical indications protection procedures carried indication (by the group/person - shall be kept by other out in third countries? that filed the application for - yes institutions (please, specify registration) - no the names) - shall be granted through a - shall be kept by the group

that requested registration of

the geographical indication

separate procedure (to be

specified)

| ACADAMA MATANAMA MATANAMA Programma | - shall be granted for a limited time | AND THE PROPERTY OF THE PARTY O | The House of the State of the S |
|---|---|--|--|
| (69) The list of persons holding the right to use: - shall be public (regularly updated lists, databases,) - shall not be public | (109) Maintenance and Authorization for Use - In most countries, 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? For example, can a certification mark owned by an association with legal personality be used by members of that association? | (113) Maintenance and Authorization for Use - Is there a procedure to become an authorized user, and is periodic renewal required for an authorized use to continue? | (121) 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? |
| (124) Can the use of a geographical indication be restricted to the beneficiaries thereof without formally identifying a holder of the geographical indication? | (125) Does the use of a geographical indication require authorization? If so, what are the conditions and possible costs of this authorization for the beneficiaries? | (142) Application – 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? | (160) Enforcement - Does your country have a register for authorized users? |

(xi) Maintenance and Obligation to Use

| 34. What are the requiren applicable, for avoiding a | nents for maintaining pro- claim of abandonment of | tection in your jurisdiction racquiescence? | on and, where |
|---|---|---|---|
| ☐ use on the market of a frequency of use is requir | registered (or unregister ed? Click here to enter t | red) geographical indica ext. | tion; If YES, what |
| □ enforcement of a regis□ other Click here to ente□ no requirement. | | eographical indication; | |
| 35. Is there a mechanism geographical indication is □Yes □No | for third parties to seek of not in use in the territory | cancellation of protection concerned? | n on the basis that the |
| (47) Protection Systems - Identify the main features of your geographical indication recognition and protection system, including the duration of protection, requirements for maintaining protection and the factors that could lead to loss of protection | (81) Does the available protection mechanism require that in order to maintain protection for a registered geographical indication, the denomination must be used on the market? If yes, what frequency of use is required? | (110) Maintenance and Authorization for Use - Is there a requirement to use or enforce the registered (or unregistered) geographical indication to maintain rights in the geographical indication and avoid a claim of abandonment or acquiescence? | (111) Maintenance and Authorization for Use - 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? |
| (170) Does the protection of a geo | graphical indication require its effe | ective use in the market of the ter | ritory concerned? |

(xii) Control/Monitoring

| 36. Is the use of a geogramonitoring? | aphical indication | by the ber | neficiaries subject to | regular, independent |
|---|--|----------------|--|---|
| □Yes □No | | | | |
| 37. What does the control | /monitoring cover | ? | | |
| □ verification of a product's □ verification of a product's □ verification of traceability □ other <i>Click here to enter</i> 38. Verification of a product of a product of the product of th | s conformity with t | he corres | ponding product spec | cification |
| □ public authority/state inst □ public authority/state inst □ private institutions | itution accredited | by the ce | rtification body | promodular briain be |
| (30) What kind of specific characteristics of goods determines that they may be registered as a geographical indication? Following the registration of a geographical indication, do you provide any kind of measures to control/monitor whether those specific characteristics of the goods are maintained? | (71) Official control shall cover: - 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 actions (to be specified) | | (72) Verification of a product's conformity with the corresponding product specification shall be carried out by: - state institutions - private institutions - state or private institutions | (73) If the official control is carried out by a public authority/state institution, the latter: - shall be accredited by the certification body - shall not be accredited by the certification body |
| (126) Is the use of a geographical ind | lication by the beneficiar | ies subject to | regular, independent monito | ring? |
| (xiii) Labelling 39. The products marketed □ shall be marked with certa □ shall be marked with certa | ain inscriptions Cl | ick here to | o enter text. | |
| (74) The products marketed under a p indication:- shall be marked with certain inscriptions and the shall be marked with certain symbols. | ons (please specify) | rules on pro | re already an agenda for the oduct labelling in order to info fair competition and consum | rm their real origin |
| (xiv) Term of Protection/Re | enewal | | | |
| 40. The protection of a geo | graphical indication | on is grant | ted for | |
| □ an unlimited period□ a renewable limited period□ a non-renewable limited period | l of years (plea eriod of years (| se specify | y) pecify) | |

| | | the protection? |
|---|---|--|
| the product concerned and its g | ween the quality and representation | utation or another given characteristic of |
| ☐ supporting documents should | be presented | ect to a new examination |
| ☐ other conditions (please spec | cify) | |
| ☐ no condition | 77 | |
| T. Bergen | | |
| (47) Protection Systems - Identify the main features of your geographical indication recognition and protection system, including the duration of protection, requirements for maintaining protection and the factors that could lead | (76) The term of protection granted to a geographical indication shall be: - limited - unlimited | (77) If the term of protection granted to a geographical indication is limited, then the period shall be: 10 years with the possibility of renewal five years with the possibility of renewal |
| to loss of protection | | - other provisions |
| (78) If the term of protection granted to a geographical indication is limited, then renewal shall be possible: - subject to the presentation of supporting documents - without any conditions, upon simple request | (112) Maintenance and Authorization for Use - Are there requirements to renew a geographical indication registration for the geographical indication protection to remain in force? | (122) Is protection of a geographical indication granted for an unlimited period? If protection is granted for a limited period, what are the conditions required for the renewal of said protection? Is demonstration of the link mentioned in question 100 subject to a new examination? |
| Yes No If YES what is the | process? | |
| ☐ Yes ☐ No If YES, what is the (114) Maintenance and Authorization for Us | | eographical indication once it is protected? If so, |
| | | eographical indication once it is protected? If so, |
| (114) Maintenance and Authorization for Us | e - Is there capacity to amend a g | eographical indication once it is protected? If so, |
| (114) Maintenance and Authorization for Us what is the process? | ce - Is there capacity to amend a g | eographical indication once it is protected? If so, |
| (114) Maintenance and Authorization for Us what is the process? (xvi) Invalidation/Loss of Prote 43. The following can be invalidation | ction ted in your jurisdiction: | |
| (114) Maintenance and Authorization for Us what is the process? (xvi) Invalidation/Loss of Prote 43. The following can be invalida □ a domestic geographical indication | ction ted in your jurisdiction: ation If YES, on w | what grounds? Click here to enter text. |
| (114) Maintenance and Authorization for Uswhat is the process? (xvi) Invalidation/Loss of Prote 43. The following can be invalidadadadadadadadadadadadadadadadadadad | ction ted in your jurisdiction: ation If YES, on woon If YES, on woon | what grounds? Click here to enter text. |
| (114) Maintenance and Authorization for Us what is the process? (xvi) Invalidation/Loss of Prote 43. The following can be invalida □ a domestic geographical indication | ction ted in your jurisdiction: ation If YES, on word on recognized via an interest of the second | what grounds? Click here to enter text. what grounds? Click here to enter text. ernational agreement? |
| (114) Maintenance and Authorization for Uswhat is the process? (xvi) Invalidation/Loss of Prote 43. The following can be invalidadadadadadadadadadadadadadadadadadad | ction ted in your jurisdiction: ation If YES, on woon recognized via an inte | what grounds? Click here to enter text. what grounds? Click here to enter text. ernational agreement? what grounds? Click here to enter text |

(xvii) Homonymous Geographical Indications

44. Are homonymous geographical indications recognized in your jurisdiction?

| ☐Yes If YES, for which typ | pes of goods or service | s? | |
|--|---|---|---|
| □No If NO, is there in pra | actice another mechani | sm for achieving coexist | tence? □Yes □No |
| 45. What are the means the homonymous geographical | at your legislation provi | des/foresees to avoid co | onfusion in the case o |
| (64) Geographical indications may coexist with other prior intellectual property objects (and under what conditions): - with homonymous geographical indications - with registered trademarks - names of plant varieties, animal breeds | (104) Examination - Regarding homonymous geographical indications, does your legislation recognize homonymous geographical indications? If yes, for which types of goods or services? | (115) Maintenance and Authorization for Use - If your legislation protects homonymous geographical indications, what are the means that your legislation provides/foresees to avoid confusion in the case of homonymous geographical indications? | (131) Possibility of Homonymity for Geographical Indications — If your legislation does not provide express protection for homonymous geographical indications, is there in practice another mechanism for achieving coexistence? |
| (xviii) Geographical Indica | tions and Trademarks | | |
| 46. If recognition of a geo trademark with that designate | graphical indication is s | sought and there is alrea | dy a registered |
| ☐ the protection of the geo | | afuand | |
| ☐ an order is made to cand | el the prior registration | of the owner of the trade | emark |
| ☐ the geographical indication of the geographical indication | on and the prior tradem | nark coexist | |
| | | | |
| indication with that designat | ion: | re is already a protected | geographical |
| ☐ the trademark is refused | for goods or services in | dentical or similar to thos | se to which the |
| geographical indication appl ☐ the trademark is refused | lies | | |
| indication applies | | | iich the geographical |
| If so, under what cor | | oexist | |
| 48. Conversely, if geograp priority of right determined a | hical indications and tra s between them? | ademarks are mutually e | exclusive, how is |
| 49. Can a geographical inc | dication be used as a tr | ademark? | |
| ☐Yes ☐No If YES, how congeographical indications? | an these marks be dist | inguished from other ma | rks that are not |
| 50. Is there a list of geogra | phical indications that | are protected as marks? | |
| 51. A denomination that co | onstitutes a geographic | al indication | |
| ☐ can be registered as a wo | ord mark | | |
| ☐ can be registered as a ma figurative elements | | h several other word ele | ments and/or |

| (64) Geographical indications may coexist with other prior intellectual property objects (and under what conditions): -with homonymous geographical indications - with registered trademarks -names of plant varieties, animal | (65) When applying for registration of a trademark which contains a protected geographical indication and which would conflict with the rights conferred by the registration of that geographical indication: | (103) Examination - Does your legislation allow for the coexistence between trademarks and geographical indications? | (133) Refusal of Registration — If recognition of a geographical indication is sought and there is already a registered trademark with that designation, could the geographical indication applied for be refused registration? Could an order | | |
|---|---|--|---|--|--|
| breeds | - the trademark shall be refused only in relation to the goods identical/similar to the goods that correspond to the protected geographical indication - the trademark shall be refused for goods different from the goods that correspond to a protected | (123) Can a geographical indication be protected and coexist with earlier marks that are totally or partially homonymous? If so, what are the conditions for such coexistence? | instead be made to cancel the prior registration of the owner of the trademark? Finally, is the co-existence of both rights established? | | |
| Print Hall Selection of Control | geographical indication, including for services - the trademark shall not be refused | noset managetes | Francisco (C. 1988) | | |
| (134) Refusal of Registration – Is co-existence between trademarks and geographical indications allowed in your legislation? If so, does one system prevail over the other? | (141) Eligible Subject Matter — In your country are there circumstances under which similar trademarks and geographical indications can co-exist? Or are they mutually exclusive rights? If they are mutually exclusive how is priority of right determined as between them? | (168) Can a geographical indication be used as a trademark? If so, how can these marks be distinguished from other marks that are not geographical indications? Is there a list of geographical indications that are protected as marks? | (169) Can a denomination that constitutes a geographical indication be registered as a word mark? Or can it only be registered if combined with several other word elements and/or figurative elements? | | |
| net destroy of contract | | | der what conditions? | | |
| (64) Geographical indications may c | oexist with other prior intellectual | property objects (and under wh | at conditions): | | |
| with homonymous geographical inc with registered trademarks names of plant varieties, animal bro | | -unit mandra sa pro- | - est to the property | | |
| (xx) Foreign Geographic | al Indications | | | | |
| (XX) Toreign Geographic | ai maicadons | | | | |
| 53. Are foreign geographi | cal indications protectal | ole in your jurisdiction? | | | |
| □Yes □No If YES, is the required? □Y | | phical indication in the | country of origin | | |
| 54. If a geographical indicat can that geographical indicasystem? | | | | | |

| t is the rationale for notes that the state of the state | naking it a prerequisite the than just substantially e | nat the instrument of quivalent? Click here to |
|---|--|---|
| cation is protected as cation be accepted for | a certification trademark or registration in your <i>sui</i> | in the country of origin, generis regime? |
| t is the rationale for m | naking it a prerequisite th | at the instrument of |
| ts in the country of or hical indication confe | rigin for a geographical ir erred under your law | ndication, is the |
| lure as applies to dor edure? | mestic geographical indic | cations? |
| te <i>sui generis</i> system | for domestic and foreig | n geographical |
| | | |
| cations be recognized | d and protected by mean | s of bilateral treaties? |
| | | |
| n is made to protect t | them? | |
| s this assessment ali ⊒Yes ⊟No | gn with domestic process | ses for geographical |
| iomestic process for | international agreements geographical indication e | are not assessed under examination, does the |
| | | |
| (18) Protection Systems and Examination Authority - Are foreign geographical indications protectable in your country? (19) Protection Systems and Examination Authority - Do you have a separate sui generis | (20) Protection Systems and Examination Authority - Are geographical indications for which protection is sought via international agreements assessed before a decision is made to protect them? Does this assessment align with domestic processes for geographical indication examination? | (21) Protection Systems and Examination Authority - 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 |
| | cation is protected as cation be accepted for the countries, rather both countries, rather both countries, rather to the country of or countries in the country of or chical indication conference as applies to dore edure? It is the rationale for month countries, rather the country of or chical indication conference as applies to dore edure? It is the country of or chical indication systems and the countries of the countries of the country of the count | cations be recognized and protected by mean ations for which protection is sought via interm is made to protect them? It is assessment align with domestic process which protected under international agreements domestic process for geographical indication entirementation and Examination Authority - Are foreign geographical indications protectable in your country? (19) Protection Systems and Examination Authority - Do you have with a session is made to protect them? Does this assessment align with domestic processes for |

| to from the service of the country | or 2) foreign geographical indications? | | |
|---|--|--|--|
| (27) Eligible Subject Matter - 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 mark system? Please also answer if the reverse is true for your country, that is, if the 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? | (28) Eligible Subject Matter - If not, what is the rationale for making it a prerequisite that the instrument of protection be identical in both countries, rather than just substantially equivalent? | (32) In different national systems, in the absence of bilateral, regional or multilateral agreements, how are rules for the recognition and protection of geographical indications outside the national territory determined | (38) In this case [geographical indications for services], what are the requirements for authorizations to use the geographical indication or appellation of origin and how are recognition or protection procedures carried out in third countries? |
| (50) Protection of Foreign geographical indications — Can geographical indications be recognized by means of bilateral international treaties? What is the value and level of protection of these geographical indications under your national legislation? Are they treated differently from geographical indications applied for according to your domestic procedure? | (75) In order to request protection in other countries: - national registration shall be required - national registration shall not be required | (79) Protection of geographical indications from other countries may be obtained: - on the same conditions as apply to the national geographical indications - under simplified conditions, providing the geographical indications are protected in their country of origin | (82) Does your legislation recognize the possibility for registration/protection of geographical indications from outside your home territory? If yes, please describe available protection mechanism(s). |
| (94) Examination - Is geographical indication protection automatically conferred under your law when protection exists in the country of origin for a foreign geographical indication? | (95) Examination - Can a geographical indication be protected under your law even if the term is not protected as a geographical indication in the country of origin? | dien country of origin | |

of information on geographical indications that are protected either nationally or regionally?

| □Yes | □No | It Y | ES, | are | these | databases | freely | accessible | to the | public? | □Yes | □No | |
|------|-----|------|-----|-----|-------|-----------|--------|------------|--------|---------|------|-----|--|
| | | | | | | | | | | | | | |

(120) Are there any databases making an inventory of information on geographical indications that are protected either nationally or regionally? Are these databases freely accessible to the public?

(xxii) Support Programs/Financing

Does your jurisdiction have support programs for producers of goods recognized or protected by geographical indications?

□Yes □No If YES, how are they financed, and how are the results of such programs measured?

(135) Existence of National Programs to Support Products of Recognized Origin Through Geographical Indications - Does your country have support programs for producers of goods

(136) Existence of National Programs to Support Products of Recognized Origin Through Geographical Indications - If so, how are they financed, and how are the results of such programs

| recognized | or protected | by | geographical | indications? |
|------------|--------------|----|--------------|--------------|

measured?

(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?

(145) 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?

| (i) Scope of Protection | |
|--|---|
| | |
| 64. Are geographical indications protected against: | Are appellations of origin protected against: |
| □ 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 | □ 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 |
| 65. If a geographical indication is protected aga | inst evocation, |
| what kind of products does □ products of the s □ products of a diff what kind of connection do □ graphic □ phonetic □ other (please specific) | eame kind ferent kind es evocation cover? |
| 66. If a geographical indication is protected aga | ainst translations or transliterations, |
| the protection is automatic; there is a requirement for identifying the specific protection is sought, please indicate who determ of a geographical indication; the translations or transliterations for which probenefit of the public and third parties, | rmines what is a translation or a transliteration |
| 67. The scope of protection takes into account: | |
| the specifications or regulations of use the characteristic form of the good, if there | □Yes □No is one □Yes □No |

C. Scope of protection, right to take action and enforcement

| 68. Is the scope of prof | ection different depending | g on: | |
|--|---|--|--|
| - the product conce - the systems, med | erned? chanisms and laws consid | □Yes □No lered? □Yes □No | |
| 69. If the protection of the protection of a geographic state of the protection of a geographic state of the protection of the protection of a geographic state of the protection of the protect | f a geographical indicatio graphical indication retroa | n is declarative and pre-eactive? | exists its registration, is |
| □Yes □No | | | |
| 70. Regarding the co action against a third p | mpound terms consisting arty's unauthorized use o | of multiple components, fonly one component? | can you bring an |
| □Yes □No | | | |
| 72. Is protection for s | cope of the protection del | and a common product na riving from the composite sclaimed? tand the scope of the prot | GI? |
| (8) What type of protection and what procedures relate to appellations of origin, geographical indications and indications of source? | (52) Eligible Subject Matter – Where a GI is composite of a place name and a common product name or other common elements, such as "Camembert de Normandie" what is the scope of the protection deriving from the composite GI? Is protection for such common elements disclaimed? How may the public understand the scope of the protection? | (92) Application - Does your geographical indication system provide for the protections of translations or transliterations? Is this protection automatic, or is there a requirement for identifying the specific translations or transliterations for which protection is sought? Who determines what is a translation or a transliteration of a geographical indication? | (93) Application - Are the translations or transliterations for which protection is sought published as such for the benefit of the public and third parties? |
| (151) Does the available protection mechanism provide for protection of geographical indications against unauthorized use/against use taking unfair advantage of, or detrimental to, the repute of the denomination? | (155) Does the protection mechanism in your country protect against usurpation (identical or similar products) but also against misappropriation of notoriety (other products)? | (164) Enforcement - Regarding the compound terms consisting of multiple components (for example, "Parmigiano reggiano"), can you bring an action against a third party's unauthorized use of only one component (such as "Parmigiano")? | (165) Does any member state regulate unfair competition arising from the evocation of a geographical indication? In that case, does this cover only products of the same species or of a different nature? Does this evocation have to be graphic or is there allowance for some other kind of connection (phonetic, for example)? |
| (167) What is the scope of protection of geographical indications? Are there any differences according to the products concerned or the systems, mechanisms and laws considered? | (171) Does the protection of geographical indications take into account translations, modified forms and imitations? | (172) Does the protection of geographical indications take into account the characteristic form of the product, when there is one? | (174) Rights and Enforcement of Geographical Indications – What rights are granted to geographical indication holders? |
| (180) In the case of protection of geographical indications of products and | (181) In many countries the geographical indication is taken as a declarative and | | Control of the second |

| services, the limits of protection remain. Is protection limited only to the distinctive sign or to related goods and services? For example, regarding a product that holds specific forms of preparation involving traditional knowledge, would it be in some way protected by geographical indications? Are the specifications or use regulations also part of the scope of protection? | therefore pre-existing register. In this case, it remains to know if the right is retroactive to registration and how much retroactive is the right? | | |
|---|--|--|--|
| (ii) Right to Take Act | ion and Enforcement | | |
| 73. Who has legal stan | ding to bring enforcemer | nt action on the regist | ration? |
| 74. Once a geographic for preventing unauthoriz | al indication is protected ed use? | in your jurisdiction, w | ho bears responsibility |
| 75. What responsibilitie is not infringed or used w | 생기가 그렇게 하면 이 등 이 사람들이 되었다면 하면 바쁜 이렇게 되었다면 하다 하지 않아서 없었다. | have to ensure that the | ne geographical indication |
| 76. What procedures a indication? | re available in case of inf | fringement of rights re | elating to a geographical |
| ☐ Civil enforcement☐ Administrative enforce☐ Other (please specify) | | | |
| 77. Is the protection me | echanism ex officio or ex | parte? | |
| 78. Are there any timefor | rames for action in your j | urisdiction? | |
| □Yes □No | | | |
| 79. Does your law recoprolonged period of non entrance has de facto become cus | | ohical indication or on | the basis that the term |
| □Yes □No If YES, und | der what conditions? | | |
| 80. Are there any mech administrative enforceme | | peal for either concer | ned party over an |
| □Yes □No | | | |
| (84) Application - Who is the appropriate legal person to apply for geographical indication protection? Are the national, regional or provincial authorities entitled to apply for geographical | (147) Surveillance of the use of protected geographical indications on the market: - shall be carried out by the | (148) Surveillance of the use of protected geographical indications on the market aims to: | (150) Any action concerning infringement of rights in relation to a geographical indication may be initiated by: - the holder of the right to use a |

| indication's located within their geographical jurisdictions? Is this "person" considered to be the title holder of the geographical indication? If not, what entity is for purposes of civil enforcement? | following institutions (to be specified) - shall not be carried out | geographical indications - protect the consumer - both | protected geographical indication - a person entitled to represent the holder of the right to use - other institutions/organizations (to be specified) |
|--|---|--|---|
| (152) Please describe all enforcement measures available for geographical indications in your legislation, including administrative controls, judicial remedies and targeted anti-counterfeiting measures (Omit internet-based measures covered in Questionnaire II) | (156) Enforcement - Once a geographical indication is protected in your country, who bears responsibility for preventing unauthorized use? -What are the contact details of the relevant competent authorities for | (157) Enforcement - Do you offer administrative enforcement by way of an administrative standard of identity labeling system? For example, do your food regulatory agencies issue administrative standards for labeling food products bearing a particular GI? | (159) Enforcement - What responsibilities does the rights holder have to ensure that the geographical indication is not infringed or used without authorization? |
| (153) In your country, is the protection mechanism ex officio or ex parte? | administrative enforcement? - Are there any timeframes for action? - Are there any mechanisms for redress or appeal for either concerned party over an administrative enforcement action? | (158) Enforcement - Is a civil infringement action available to right holders or authorized users to address geographical indication infringement? | (161) Enforcement - Who has legal standing to bring enforcement action on the registration? |
| (173) What procedures are available in the case of an infringement of rights relating to a geographical indication? Do you have any information on costs? | (178) Enforcement – 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? If so, under what conditions? | (179) Enforcement – Is a civil infringement action available to right holders or authorized users to address geographical indication infringement? If so, what remedies are available in such action? | (182) In the case of ownership of geographical indications, is the right to exclude third parties restricted only to the small group of organized producers or to all those established in the region? What role would the State play in enforcing this right, especially when products circulate in international trade? |

(iii) Customs/Border Controls

| 81. Does your legislat | ion provide for border m | easures for geographic | al indications? |
|--|--|--|--|
| □Yes □No If YES, th | nose measures can be: | □ border control□ customs seizure□ other (please sp | |
| If YES, th | nose measures shall be | □ ex officio | plication for intervention |
| (149) Protection of the geographical indications at the customs border shall be ensured: - ex officio - based on the application for intervention | (154) Are any anti-counterfeiting measures enforced in relation to geographical indications in your country, particularly through border controls and customs seizure of counterfeit products? | (162) Enforcement - Can the geographical indication registration be recorded or otherwise notified at the border to prevent entry of unauthorized goods? | (176) Rights and Enforcement of Geographical Indications – Does your legislation establish border enforcement mechanisms for geographical indications? If so, are there ex officio mechanisms, or only at the request of interested parties? |

| 1 | (iv |) Sanctions |
|---|-----|---------------|
| ١ | | Odificultions |

82. What sanctions are available for the use of a protected geographical indication without the authorization of the owner/any registered user

☐ for the same type of good or service?☐ for a different type of good or service?

(163) Enforcement - What sanctions are available for the use of a protected geographical indication without the authorization of the owner/any registered user for the same type of good or service, and for a different type of good or service?

(175) Rights and Enforcement of Geographical Indications -What are the measures under your legislation to deal with infringers of the rights conferred by geographical indications?

(177) Rights and Enforcement of Geographical Indications — Is there provision for measures for the destruction of allegedly infringing property? If so, is a prior court order necessary for destruction? (179) Enforcement – Is-a civil infringement action available to right holders or authorized users to address geographical indication infringement?—If so, what remedies are available in such action?

| indication's located within their geographical jurisdictions? Is this "person" considered to be the title holder of the geographical indication? If not, what entity is for purposes of civil enforcement? | following institutions (to be specified) - shall not be carried out | geographical indications - protect the consumer - both | protected geographical indication - a person entitled to represent the holder of the right to use - other institutions/organizations (to be specified) |
|--|---|--|---|
| (152) Please describe all enforcement measures available for geographical indications in your legislation, including administrative controls, judicial remedies and targeted anti-counterfeiting measures (Omit internet-based measures covered in Questionnaire II) | (156) Enforcement - Once a geographical indication is protected in your country, who bears responsibility for preventing unauthorized use? What are the contact details of the relevant competent authorities for | (157) Enforcement - Do you offer administrative enforcement by way of an administrative standard of identity labeling system? For example, do your food regulatory agencies issue administrative standards for labeling food products bearing a particular GI? | (159) Enforcement - What responsibilities does the rights holder have to ensure that the geographical indication is not infringed or used without authorization? |
| (153) In your country, is the protection mechanism ex officio or ex parte? | administrative enforcement? - Are there any timeframes for action? - Are there any mechanisms for redress or appeal for either concerned party over an administrative enforcement action? | (158) Enforcement - Is a civil infringement action available to right holders or authorized users to address geographical indication infringement? | (161) Enforcement - Who has legal standing to bring enforcement action on the registration? |
| (173) What procedures are available in the case of an infringement of rights relating to a geographical indication? Do you have any information on costs? | (178) Enforcement – 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? If so, under what conditions? | (179) Enforcement – Is a civil infringement action available to right holders or authorized users to address geographical indication infringement? If so, what remedies are available in such action? | (182) In the case of ownership of geographical indications, is the right to exclude third parties restricted only to the small group of organized producers or to all those established in the region? What role would the State play in enforcing this right, especially when products circulate in international trade? |

(iii) Customs/Border Controls

| Does your legislati | on provide for border m | easures for geographica | al indications? |
|--|--|--|---|
| □Yes □No If YES, th | ose measures can be: | □ border control□ customs seizure□ other (please speed) | |
| If YES, th | nose measures shall be | □ ex officio | plication for intervention |
| (149) Protection of the geographical indications at the customs border shall be ensured: - ex officio - based on the application for intervention | (154) Are any anti-counterfeiting measures enforced in relation to geographical indications in your country, particularly through border controls and customs seizure of counterfeit products? | (162) Enforcement - Can the geographical indication registration be recorded or otherwise notified at the border to prevent entry of unauthorized goods? | (176) Rights and Enforcement of Geographical Indications – Does your legislation establish border enforcement mechanisms for geographical indications? If so, are there ex officio mechanisms, or only at the request of interested parties? |

| GEOGRAPHICAL TERMS ON | THE INTERNET AND IN T SES. MECHANISMS TO A | TIONS, COUNTRY NAMES AND THE DNS, INCLUDING TLDs, gTLDS ADDRESS MISUSE, BASIS FOR |
|---|---|---|
| A. The use/misuse of geographi Internet | ical indications, country na | mes and geographical terms on the |
| 83. Is the notion of "geographi | cal term" defined in nation | al or regional law? |
| □Yes □No | | |
| geographical terms that are prot | ected nationally or regiona | |
| ☐ Yes ☐ No If YES, are these (199) Is the notion of "geographical term" of information on country names and/or geograccessible to the public? | lefined in national or regional law? | Are there any databases making an inventory of tionally or regionally? Are these databases freely |
| 85. If your national legislation pames and geographical terms are punishable? | provide for the protection of against infringements on in | of geographical indications, country sternet, what types of infringements |
| For geographical indications: | For country names: | For other geographical terms: |
| □ Counterfeiting □ Misleading, misuse and/or unfair use on internet □ Cybersquatting □ Typosquatting □ Misappropriation of notoriety □ Dilution □ Denigration □ Metatags, keywords and other methods allowing referencing □ Other, please explain Click here to enter text. | ☐ Misleading, misuse and/or unfair use on inte ☐ Cybersquatting ☐ Typosquatting ☐ Misappropriation of notoriety ☐ Dilution ☐ Denigration ☐ Metatags, keywords ar other methods allowing referencing ☐ Other, please explain Click here to enter text. | ☐ Typosquatting ☐ Misappropriation of notoriety ☐ Dilution ☐ Denigration ☐ Metatags, keywords and other methods allowing |
| (184) Use/misuse on the Internet - Does you geographical indication protection against cointernet? Does it provide for the protection of geographical significance, including against the internet? Which instruments does your of geographical indication counterfeiting that or jurisdiction on the use of any denomination of jeopardize country names and names of geographical indication on the use of any denomination of jeopardize country names and names of geographical indication on the use of any denomination of jeopardize country names and names of geographical indication on the use of any denomination of jeopardize country names and names of geographical indication protection against continuous protection against | ounterfeiting that occur on the of country names and names of misleading and/or unfair use on country have in cases of cour on the internet? Does it have or trade description that may | (197) In your country, what types of infringements of the geographical indication are punishable (such as cybersquatting, typosquatting, misappropriation of notoriety, dilution, denigration, other services, infringements on the domain name itself, metatags, keywords and other methods allowing referencing)? |

| 86. What type of instrument jurisdiction to prevent/comba geographical indications, cou | nt counterfeiting, illegal use o | nanisms are available in your r any misuse covering also raphical terms on internet? |
|---|---|---|
| agreements etc. on the initia | struments (for ex., memoran ative of private parties, platfo t illegal use of names on web | dum of understanding, cooperation rms or networks themselves) osites (for ex., upstream blocking) |
| - the us | ed forms of geographical ter se of any denomination or tra ry names and names of geog | de description that may jeopardize graphical significance □Yes □No |
| names on websites, which n instruments? | aw instruments available or t najor internet platforms have pply to domain name hosts? | |
| (184) Use/misuse on the Internet—Does your national legislation provide for geographical indication protection against counterfeiting that occur on the internet? Does it provide for the protection of country names and names of geographical significance, including against misleading and/or unfair use on the internet? Which instruments does your country have in cases of geographical indication counterfeiting that occur on the internet? Does it have jurisdiction on the use of any denomination or trade description that may jeopardize country names and names of geographical significance? | (185) Use/misuse on the Internet - What type of legal and technical instruments (binding or soft law) or dispute resolution mechanisms are available in your jurisdiction on the sale of counterfeit goods, or other forms of infringement, via the internet covering also geographical indications? In case there are soft law instruments available, e.g. memorandum of understanding, which major internet platforms have acceded to such a type of agreements? Please, distinguish between State measures (whether binding or not) and those taken on the initiative of private parties (either platforms or networks themselves or by agreement with third parties). | (194) Do you have any legal (binding or otherwise) or technical tools to prevent illegal uses of geographical indications on websites (including social networks, non-commercial platforms) in your country? If there are legal tools of a non-binding nature (such as cooperation agreements) or technical measures (such as upstream blocking), which websites have adopted them? (200) What systems, mechanisms and laws ensure legal protection of country names and geographical terms and respectively combat the misuse thereof? Does this protection encompass modified forms of the geographical term? What rights are granted by these systems, mechanisms and laws? What are the procedures and costs required by such systems, mechanisms and laws? Please specify, wherever relevant, the various systems, mechanisms and laws in your reply to the following questions, and if possible, provide examples. |
| significance? (211) What types of instruments or legal means are available for the beneficiaries of a geographical term (country name, indication of source, geographical indication) or of any other claim against misuse to prohibit or stop the sale of counterfeit products on the Internet (i.e. products displaying a false or incorrect indication of source)? | (212) Are there any non-binding instruments of soft law (e.g. Memoranda of Understanding) to address Internet sales of goods that display a false or incorrect indication of source? | (213) Do such instruments apply to domain name hosts? (214) What Internet platforms have committed to abide by such instruments? |

B. The use/misuse of geographical indications, country names and geographical terms in the DNS

- 90. What is/would be the most appropriate manner in which to protect geographical terms from being improperly registered in the DNS?
- 91. What legal and/or technical means are available in your jurisdiction to identify an owner of a domain name?

(210) What is/would be the most appropriate manner in which to (195) What legal and/or technical means are available to protect geographical terms from being improperly registered in the identify the holder of a domain name in your country? (i) **qTLDs** 92. Would you support the use of a mechanism similar to "Trademark Clearinghouse" (TMCH)¹ to prevent unauthorized delegation as gTLD of geographical indications, country names and names of geographical significance? ☐Yes ☐No If NO, please explain: Click here to enter text. Does the current legal and institutional framework for the delegation of "generic terms" as Top-level domains provide for sufficient international legal instruments to prevent the "ex ante" delegation of geographical indications, country names and names of geographical significance? □Yes □No Comments: Click here to enter text. Under which conditions should the gTLDs process provide for the delegation of a geographical name, coinciding or not with a geographical indication, a country name or a name of geographical significance, as a Top-level domain? Is there any rule, legal measure, remedy or legal basis in your jurisdiction suitable to prevent the delegation as Top-level domains of geographical indications, country names and names of geographical significance? Has your Government (through one of its bodies or other regional or local administrative units) acquired one (or several) gTLDs that contain a geographical term referring to a country or a place inside the territory of the country (for example, "swiss" was acquired by the Swiss Confederation)? ☐Yes ☐No Comments: Click here to enter text. (191) Use/misuse in the DNS - gTLD delegations - Does (192) Use/misuse in the DNS - gTLD delegations - Under which the current legal and institutional framework for the conditions should the gTLDs process provide for the delegation of a delegation of "generic terms" as Top-level domains provide geographical name, coinciding or not with a geographical for sufficient international legal instruments to prevent the indication, a country name or a name of geographical significance, "ex ante" delegation of geographical indications, country as a Top-level domain? Is there any rule, legal measure, remedy or names and names of geographical significance? legal basis in your country suitable to prevent the delegation as Top-level domains of geographical indications, country names and names of geographical significance?

(209) Has your Government (through one of its bodies or other

regional or local administrative units) acquired one (or several)

(193) Use/misuse in the DNS - gTLD delegations -

Trademark Clearinghouse" (TMCH) is a "rights protection

TMCH is a centralized database of verified trademarks that is connected to each and every new Top Level Domain (TLD) that is delegated. The insertion and verification of trademarks within the database of TMCH is made on a voluntary basis upon payment of a fee by the trademark holders, subject to the renewal.

| mechanism" based on a database of sign gTLD program. The database is current trademarks. Would you support the use to prevent unauthorized delegation as gT geographical indications, country names geographical significance? If not, why not | ly dedicated to of this mechanism LD of and names of | gTLDs that contain a geographical term referring to a country or a place inside the territory of the country (for example, ".swiss" was acquired by the Swiss Confederation)? |
|--|--|---|
| 07 Doos your national legisla | ation provide for invalidate the | or measures, procedures and remedies for registration of geographical indications, country |
| as generic TLD? □Yes □No | as second-level domains in gTLD? □Yes □No | |
| 98. Have the judicial authoriti ruled on a dispute involving a geographical term) and a domain a | geographical te | nal or administrative) of your jurisdiction already erm (country name, indication of source, or other |
| ☐Yes ☐No If YES, what wa to this matter? | s the final dec | ision and what were the key considerations relating |
| (187) Use/misuse in the DNS - Basis for protection - On the basis of the national rules, can the beneficiaries of a geographical indication challenge the registration by judicial means or oppose an ongoing registration of a second-level of domain name linked to: - domain name of first generic level (gSLD) (for example: X.vin OR X.wine), or - domain name of first national level (ccTLD) (for example: X.fr). If so, please explain the procedure made available. | (206) Can the beneficiaries of a right relating to a geographical term (country name, indication of source, geographic indication or other geographic term) or the beneficiarie of any other claim against misuse legally contest the registration of a domain name, based on internal law: - as a generic top level domain (gTLD)? - as a generic second level domain (gSLD)? - as a country code second level domain (cesslop)? (207) If so, have the judicial authorities (civil, criminal or administrative) of your country already ruled on a dispute involving a geographical term (country name, indication of source, or other geographical term) and a domain name? (208) If so, what was the final decision and what were the key considerations relating this matter? | |
| a geographical indication a country name? a geographical term? 100. The following requires do the registration of a dom | n? □Yes □Ne □Yes □Ne □Yes □Ne omiciliation in year name in year require demonstration. | o o your jurisdiction: |
| A second-level domain name | ne (SLD) is a dom e, in geneva.ch , g | nain that is directly below a top-level domain (generic (gTLD) or geneva is the second-level domain of the ccTLD .ch. |

| the renewal of a domain name in your ccTLI the use of a domain name in your ccTLD | O □Yes □No □Yes □No |
|---|--|
| 101. Does your country maintain a repository of p | |
| □Yes □No If YES, under what legal basis? | 323-4 73 74 - 74 7 |
| - 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. | |
| of geographic, country names and indicators in the DNS can occur as second level domain name (SLD) or as a top level domain name (TLD), which in turn can be as a generic TLD (gTLD) or a country-code TLD (ccTLD). The current rules for such usages differ for the type of domain name. Are the | 201) Are there any conditions for registering a second-level domain name, consisting of a geographical indication, a country name or a geographical name or containing one such denomination or having similarities with one such denomination in the ccTLD? 202) Is the registration, renewal and use of a domain name in the ccTLD subject to domiciliation in the country of the country |
| against possible abuse, working properly? Have any gaps been identified in terms of legal basis for the protection of geo- | code in question? Does the procedure for registration under a ccTLD require demonstration of a link between the country and the applicant /holder of the country domain name? |
| 102. Does your national legislation provide for me interested parties to prevent or invalidate the regis names and geographical terms as second-level de- | stration of geographical indications, country |
| □Yes □No | |
| 103. Have the judicial authorities (civil, criminal or ruled on a dispute involving a geographical term (or geographical term) and a domain name? □Yes □No If YES, what was the final decision to this matter? Click here to enter text. | country name, indication of source, or other |
| (187) Use/misuse in the DNS - Basis for protection - On the basis of the national rules, can the beneficiaries of a geographical indication challenge the registration by judicial means or oppose an ongoing | |
| registration of a second-level of domain name linked to: | parties to prevent or invalidate the registration of geographical indications, country names and names of |
| domain name of first generic level (gSLD) (for example: X.vin C X.wine), or domain name of first national level (ccTLD) (for example: X.fr). | before an administrative or judicial authority? If yes, does your legislation allow to make an injunction to order |
| If so, please explain the procedure made available. | the national registrar to prevent or invalidate registration? |
| (206) Can the beneficiaries of a right relating to a geographical term (country name, indication of source, geographic indication or other geographic term) or the beneficiaries of any other claim against | (207) If so, have the judicial authorities (civil, criminal or administrative) of your country already ruled on a dispute |
| misuse legally contest the registration of a domain name, based on | involving a geographical term (country name, indication of source, or other geographical term) and a domain name? |
| internal law: -as a generic top level domain (gTLD)? | source, or other geographical term) and a domain name? (208) If so, what was the final decision and what were the |
| internal law: | source, or other geographical term) and a domain name? |
| internal law: -as a generic top level domain (gTLD)? -as a generic second level domain (gSLD)? -as a country code second-level domain (ccSLD)? 104. Is there a procedure, in the ccTLD of your co | source, or other geographical term) and a domain name? (208) If so, what was the final decision and what were the key considerations relating to this matter? ountry, for the settlement of disputes between |
| internal law: - as a generic top-level domain (gTLD)? - as a generic second level domain (gSLD)? - as a country code second-level domain (ccSLD)? | source, or other geographical term) and a domain name? (208) If so, what was the final decision and what were the key considerations relating to this matter? ountry, for the settlement of disputes between omain name (UDRP or UDRP variant) that |

| ☐ intellectual property right☐ geographical indication | | |
|--|---|---|
| □ appellations of origin | | |
| ☐ indication of source | | |
| □ country name | | |
| ☐ other geographical name | | |
| (188) Use/misuse in the DNS - ccTLDs - Does the ccTLDs regulatory framework of your country mention geographical indications, country names and names of geographical significance (or IPRs in general) as valid titles to activate dispute resolution and curative mechanisms in case of cybersquatting? If yes, please provide examples of cases where the claim was based on a geographical indications or on any other IPRs title other than trademarks. | between a complainant and variant) that must be include | the ccTLD of your country, for the settlement of disputes an adverse party relating to a domain name (UDRP or UDRP d in all contracts for the registration of a domain name? The recognize a right or claim against misuse that can be distration of a domain name containing the following titles or |
| 105. Is there any state super - for ccTLD? ☐ Yes - for gTLD? ☐ Yes ☐ | □No | amework to which registrars must abide: |
| (205) Are there any frameworks, in yo registrars (ccTLDs and/or gTLDs) con supervision or direct control by the Staspecific obligations imposed by the Staspecific obligations in the Staspecific obligation obligations in the Staspecific oblig | sisting of, for example, ate, specific regulations or | (198) Are there any systems in place to supervise registrars through, for example, state supervision or controls, or have they themselves made commitments in respect of protection? |
| 106. Are the current mechan abuse, working properly? | nisms in place, includir | ng eventual safeguards against possible |
| □Yes □No | | |
| 107. Have any gaps been id names? | lentified in terms of leg | al basis for the protection of geo-domain |
| □Yes □No | | |
| as second-level domain name (SLD) country-code TLD (ccTLD). The curre | or as a top-level domain name ent rules for such usages differ against possible abuse, workin | graphic, country names and indicators in the DNS can occur (TLD), which in turn can be as a generic TLD (gTLD) or a for the type of domain name. Are the current mechanisms in g properly? Have any gaps been identified in terms of legal naintain a repository of protected/reserved names? Under |
| disputes concerning delegat | ion as gTLDs of geogr | nd Mediation Centre" might play to settle raphical names coinciding with geographical hical significance, as in the field of |
| □Yes □No | | |

(190) Use/misuse in the DNS - gTLDS - Is there any role that the "WIPO Arbitration and Mediation Centre" might play to settle disputes concerning delegation as gTLDs of geographical names coinciding with geographical indications, country names and names of geographical significance, as in the field of trademarks?

109. What are the timeframes and costs of proceedings against a domain name holder in your jurisdiction in case of abusive registration?

(196) What are the timeframes and costs of proceedings against a domain name holder in your country in case of abusive registration?

(200) What systems, mechanisms and laws ensure legal protection of country names and geographical terms and respectively combat the misuse thereof? Does this protection encompass medified forms of the geographical term? What rights are granted by these systems, mechanisms and laws? What are the procedures and costs required by such systems, mechanisms and laws? Please specify, wherever relevant, the various systems, mechanisms and laws in your reply to the following questions, and if possible, provide examples.