

Geographical indications and TRIPs: 10 Years Later...

A roadmap for EU GI holders to get protection in other WTO Members

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Introduction

This Guide “Geographical indications and TRIPs: 10 Years Later... A roadmap for EU GI holders to get protection in other WTO Members” is divided into two parts.

- A first part consisting of three major chapters, with the objective of providing general information on the protection of GIs internationally, as well as a summary of some of the problems faced in seeking this protection.
- A second part containing 160 country review-tables setting out the main requirements for getting protection in these countries.

The first section of Part I is an introduction to the protection of geographical indications in international law. This section explains the provisions of relevant international treaties and, in particular, the TRIPs Agreement. It also examines the role that EU bilateral agreements have for the protection of GIs.

The second section contains some examples of difficulties encountered by EU producers of products with Protected Designations of Origin and Protected Geographical Indications in protecting their names outside the EU.

The final section of the Guide provides recommendations and suggestions to all producers of products with PDO and PGI signs in obtaining protection of their names outside the EU.

Part II of the Guide contains specific information on the protection of geographical indications in almost 160 countries of the world and not only the WTO Members as indicated in the title of the Guide.

Part I

Protection of Geographical Indications in 160 countries around the world

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I. Protection of Geographical Indications in International Law

1. What are geographical indications?

Geographical indications (GIs) are signs (most usually proper names) which identify a good as originating in the territory of a particular country, or a region or locality in that country, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin. It is a separate type of intellectual property.

From this definition it can be deduced that GIs are, first of all, signs and indications, necessarily linked to a particular territory. These are mostly geographical names (such as Parma, Manchego, Roquefort, etc.). Traditional and historical non-geographical names can nevertheless be protected if they are linked to a particular place. The most famous example of such a GI is “Feta”, which is not a place in Greece but is so closely connected to Greece as to identify a typical Greek product.

There are three major conditions for the recognition of a sign as a geographical indication:

- it must relate to a good (although in some countries services are also included, for example in Azerbaijan, Bahrain, Croatia, Jamaica, Saint Lucia, Singapore and others);
- these goods must originate from a defined area;
- the goods must have qualities, reputations or other characteristics which are clearly linked to the geographical origin of goods.

Any sign, even geographical, may not be considered as a geographical indication if it does not fulfil these three conditions.

The main function of GIs is to identify the origin of goods. They point to a specific place or region of production that confers particular characteristics and qualities on the product. It is important to emphasize that the product derives its qualities and reputation from the place of origin. These signs can acquire a high reputation and commercial value and, for these reasons, may be exposed to misappropriation, misuse and counterfeiting. This is why it is generally recognised that these signs need to be protected.

GIs are given different names such as appellations of origin, designations of origin, origin signs, etc., in different national laws. In this Guide these names are as indicated in that national law (or official translation of the legal documents into English) without change.

2. The protection of geographical indications in international law

Originally, GIs were protected in accordance with national laws developed locally. As the law was national it was limited in effect to the state territory. It became quickly apparent, once commerce expanded in the 19th century, that national protection was not sufficient as products were often imitated outside of the country of origin. Therefore, international cooperation was required to ensure that GIs were also protected internationally and that there was mutual reciprocity in the level of protection between states.

2.1. International Treaties Relevant for Protection of Geographical Indications

The first efforts to adopt a common approach to intellectual property resulted in the Paris Convention on the Protection of Intellectual Property¹ which was adopted in 1883. The Convention concerned all aspects of intellectual property and not just geographical indications.

A) The 1883 Paris Convention on Intellectual Property

The Paris Convention was the first multilateral agreement, which included “indications of source or appellations of origin” as objects of protection. Article 1(2) of the Paris Convention states:

“The protection of industrial property has as its object patents, utility models, industrial designs, trademarks, service marks, trade names, indications of source or appellation of origin, and the repression of unfair competition”.

The Paris Convention identifies geographical indications as a separate intellectual property right, but does not clearly define this concept.

Article 10(1) of the Paris Convention provides for the certain remedies in respect unlawful use of indications of source on goods, meaning that no indication of source may be used if it refers to a geographical area from which the products in question do not originate.

¹ The Paris Convention for the protection of industrial property was agreed in 1883 and complemented by the Madrid Protocol of 1891. It was revised at Brussels (1900), Washington (1911), The Hague (1925), London (1934), Lisbon (1958), and Stockholm (1967), and amended in 1979. As of 1 October 2006 the Paris Convention had 169 signatory states. See on <http://www.wipo.org>, “Treaties”, “Intellectual Property Protection Treaties”, “Paris Convention”.

Article 10 of the Paris Convention does mention appellations of origin expressly. However, they are covered by the term “indications of source” as all appellations of origin are considered to be indications of the source of goods.

Article 11*bis* of the Convention gives the basis for protection against misleading indications of source, including appellations of origin. It obliges members to provide protection against unfair competition and contains a non-exhaustive list of acts, which are to be prohibited. The Paris Convention does not provide for any special remedies against infringement of this provision.

Paris Convention in Article 19 allows the parties *“to make ... between themselves special agreements for the protection of industrial property”*. Two such agreements of relevance to GIs were duly made. These are the 1891 Madrid Agreement² and the 1958 Lisbon Agreement.³

B) The 1891 Madrid Agreement on indications of source

The Madrid Agreement for the Repression of False or Deceptive Indications of Source of Goods is specific to indications of source.

Article 1(1) of the Madrid Agreement provides that:

“(A)ll goods bearing a false or deceptive indication by which one of the countries to which this Agreement applies, or a place situated therein, is directly or indirectly indicated as being the country or place of origin shall be seized on importation into any of the said countries.”

The Madrid Agreement was the first multilateral agreement to provide specific rules for the repression of false and deceptive indications of source.

The Madrid Agreement did not add much to the protection already given by the Paris Convention, but it extended protection to deceptive indications of source in

² The Madrid Agreement for the Repression of False or Deceptive Indications of Source of Goods was adopted in 1891 and revised at Washington (1911), The Hague (1925), London (1934), and Lisbon (1958). It was supplemented by the Additional Act of Stockholm (1967), and had a membership of 34 signatory states as of 1 September 2006. In the last 20 years (1982-2002) only five new states became party to the treaty: Czech Republic (1993), Republic of Moldova (2001), Slovakia (1993), Yugoslavia (2000) and Iran (2004). See on <http://www.wipo.org>, “Treaties”, “Intellectual Property Protection Treaties”, “Madrid Agreement”.

³ This Agreement for the Protection of Appellation of Origin and their International registration was concluded in Lisbon on 31 October 1958. It was revised in Stockholm in 1967 and amended in 1979. Any member of the Paris Convention may accede to the treaty. As of 1 September 2006, there were 25 states party to the Agreement. See on <http://www.wipo.org>, “Treaties”, “Intellectual Property Protection Treaties”, “Lisbon Agreement”.

addition to false indications. A deceptive indication of source can be the true name of the place where the good originates from, but nevertheless confusing the purchaser in respect to the true origin and quality of the good.

C) The 1958 Lisbon Agreement

The aim of the Lisbon Agreement for the Protection of Appellations of Origin was to provide for the protection of appellations of origin, that is,

*“The geographical name of a country, region, or locality, which serves to designate a product originating therein, the quality and characteristics of which are due exclusively or essentially to the geographic environment, including natural and human factors”.*⁴

The Lisbon Agreement provided a proper definition of appellation of origin and extended protection to:

*“any usurpation or imitation, even if the true origin of the product is indicated or if the appellation is used in translated form or accompanied by terms such as “kind”, “type”, “make”, “imitation” or the like”.*⁵

There are two basic requirements for an appellation of origin to be protected, in accordance with the terms of this Agreement:

- the appellation of origin should be protected in its country of origin, and
- the appellation of origin should be registered in the International Register of WIPO.⁶

According to the Agreement, countries are free to adopt their own system for designating appellations, either by judicial or administrative decision, or both. Once registered, a geographical indication is protected in other Member states.

Contracting Parties have to protect the appellation of origin to which international protection was requested, except if a Contracting Party declares, within a period of one year, that it cannot ensure the protection for a certain application. There are no specified grounds for refusal to names in the Agreement.

The duration of the protection given by international registration is coterminous with the protection as an appellation of origin in the country of origin. There is, therefore, no requirement for international renewal.

⁴ Article 2 of the Agreement.

⁵ Article 6 of the Agreement.

⁶ See on <http://www.wipo.org>, “International Register”.

There are at the moment 25 signatories of the Lisbon Agreement,⁷ with 6 EU Member States, namely France and Portugal (from 25 September 1966), Hungary (from 23 March 1967), Italy (from 29 December 1968), Slovakia and Czech Republic (from 1 January 1993).⁸ That means that appellations of origin from these EC countries registered in the International Register of WIPO are protected in all countries, parties to the Lisbon Agreement.

D) The 1891 Madrid Agreement Concerning the International Registration of Marks

In some countries geographical indications could be only protected as trademarks. Therefore, the Madrid system for the International Registration of Marks as collective marks, certification marks or guarantee marks is of relevance to the protection of GIs.⁹ This means that an international registration system for trademarks, established by the Madrid Agreement of 1891 and the Protocol relating to the Madrid Agreement Concerning the International Registration of Marks of 1989,¹⁰ can also serve as a means of protection of GIs internationally. However, this system can only be used by those countries that protect geographical indications via a certification trademark regime and do not have specific (*sui generis*) rules on the protection of geographical indications.

The Madrid system comprises two treaties: the Madrid Agreement Concerning the International Registration of Marks, which dates from 1891,¹¹ and the Protocol Relating to the Madrid Agreement of 1989.¹² The Madrid system of international registration of marks is applicable among the countries party to the Madrid Agreement or the Madrid Protocol.¹³ This system gives a trademark owner the possibility of having his mark protected in several countries by simply filing one application with a single Trademark Office, in one language, with one set of fees in one currency.

⁷ Algeria, Bulgaria, Burkina Faso, Congo, Costa Rica, Cuba, France, Gabon, Georgia, Haiti, Hungary, Iran, Israel, Italy, Mexico, Nicaragua, Peru, Portugal, Moldova, Serbia and Montenegro, Slovakia, Czech Republic, Togo, Democratic People's Republic of Korea (North), Tunisia. The list of the countries with intellectual property offices contacts is available on <http://www.wipo.int/lisbon/en/members/pdf/contacts.pdf>.

⁸ This information is provided in all fishes of the Part II of the Guide.

⁹ For this reason, a reference to the Madrid Agreement and Protocol is also provided in the fishes of the Part II of the Guide.

¹⁰ The Madrid Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks as signed at Madrid on June 28, 1989, see on <http://www.wipo.org/>, “Agreements”.

¹¹ The full name of the system of treaties is “Madrid Agreement Concerning the International Registration of Marks of April 14, 1891 (as revised at Brussels on December 14, 1900, at Washington on June 2, 1911, at The Hague on November 6, 1925, at London on June 2, 1934, at Nice on June 15, 1957, and at Stockholm on July 14, 1967)”. The Protocol entered into force on December 1, 1995 and became operative on April 1, 1996.

¹² The Protocol entered into force on 1 December 1995 and became operative on 1 April 1996.

¹³ As of 1 September 2006 there are 56 countries Parties to the Agreement and 68 to the Protocol.

According to the Protocol, an international registration produces the same effects as an application for registration of the mark made in each of the countries designated by the applicant. If protection is not refused by the Trademark Office of a designated country within a specified period (12 or 18 months), the protection of the mark is the same as if it had been registered by that Office. The Madrid system simplifies greatly the subsequent management of the mark, since it is possible to record subsequent changes (such as a change in ownership or a change in the name or address of the holder) or to renew the registration through a simple single procedural step with the International Bureau of WIPO.

E) The WTO Agreement on Trade-Related Aspects of Intellectual Property Rights

A specific Section of the World Trade Organisation Agreement on Trade-Related Aspects of Intellectual Property Rights is dedicated to geographical indications.¹⁴ It is the first multilateral treaty dealing with geographical indications as such.

Article 22 of the TRIPs Agreement provides a definition of geographical indications. They are:

“... indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin”.

This definition expands the concept of appellation of origin contained in Article 2 of the Lisbon Agreement to protect goods which merely derive a reputation from their place of origin without possessing a given quality or other characteristics which are due to that place.

To be protected a geographical indication needs to be “an indication”, but not necessarily the name of a geographical place.

The TRIPs Agreement contains three distinctions in the level of protection:

- 1) for geographical indications related to all products,
- 2) for wines and spirits, and
- 3) for wines only.

A minimum standard of protection for all geographical indications, whatever the nature of the good to which it is applied, is established by Article 22 of the TRIPs Agreement. The scope of protection is limited to the prohibition of the use of

¹⁴ For this reason, each fish of the Part II of the Guide indicates whether a country a WTO Member or not.

geographical indications by producers not located in the region designated by the particular geographical indication.

The additional protection for both wines and spirits includes three elements:

- the provision of the legal means for interested parties to prevent the use of a geographical indication identifying wines and spirits, not originating in the place indicated by the geographical indication;
- the possibility to refuse or invalidate the registration of a trademark for wines or spirits which contains or consists of a geographical indication identifying wines or spirits at the request of an interested party;
- the call for future negotiations aimed at increasing protection for individual geographical indications for wines and spirits.

An “extra-additional” protection by the TRIPs Agreement for wines only emphasizes the need to accord protection for each geographical indication for wines in the case of homonymous indications and the establishment of a multilateral system of notification and registration of geographical indications for wines eligible for protection in the jurisdictions of those WTO Members participating in the system.

2.2. Protection of geographical indications in Plurilateral and Regional Agreements

A) The African Intellectual Property Organisation (OAPI) Agreement

Some plurilateral or regional agreements are also relevant to the protection of GIs. The best example is the OAPI Agreement. The African Intellectual Property Organisation (OAPI) Agreement was signed in Bangui on 2 March 1977, replacing the first Agreement signed at Libreville on 13 September 1962, which established African Intellectual Property Organisation. The OAPI or Bangui Agreement, was revised in 1999 and entered into force in February 2002.¹⁵

Benin, Burkina Faso, Cameroon, the Central Africa, Chad, Congo, Côte d’Ivoire, Gabon, Guinea, Guinea Bissau, Equatorial Guinea, Mali, Mauritania, Niger, Senegal and Togo are Parties to the OAPI Agreement, which embodies the national laws of the Member States of the African Intellectual Property Organisation and, therefore, applies directly in each Member State. All the Member States of the OAPI are party to both the Paris Convention and TRIPs Agreement. Burkina Faso, Congo, Gabon and Togo are also Parties to the Lisbon Agreement.

¹⁵ See also information about African Intellectual Property Organisation on <http://www.oapi.wipo.net/>. The headquarter of the OAPI is in Yaounde, Cameroon.

In addition, it has become common to incorporate provisions for the protection of GIs in free trade agreements. Examples include the North America Free Trade Agreement between United States, Canada and Mexico (1992), the Free Trade Agreement between Mexico and Chile (1998), the Free Trade Agreement between the United States and Jordan (2001), between Bolivia and Mexico (1994), between Canada and Chile (1996), between the EU and Mexico (1995), between EU and South Africa, between Canada and Chile (2001) and between EU and Chile (2002). The EU bilateral agreements protecting GIs are examined in the next section.

B) The Banjul Protocol on Marks the African Regional Intellectual Property

The African Regional Intellectual Property Organization was established by the Lusaka Agreement, adopted in Lusaka, Zambia in December 1976.¹⁶ The purpose of ARIPO was to consolidate the resources of its member countries (English speaking African countries) in industrial property matters in order to avoid duplication of work.

The Banjul Protocol on Marks,¹⁷ which was adopted by the Administrative Council in 1993, establishes a trademark filing system. Under the Banjul Protocol an applicant may file a single application either at one of the contracting states or directly with the ARIPO Office and designate states where protection of the mark is sought.

The Protocol came into force on 6 March 1997 for Malawi, Swaziland and Zimbabwe. Lesotho and Tanzania joined the Protocol in 1999. It is expected that other ARIPO member states will ratify or accede to the Protocol in the near future.¹⁸ States currently party to the Banjul Protocol are: Botswana, Lesotho, Malawi, Namibia, Swaziland, Tanzania, Uganda and Zimbabwe (Total: 8 states).

Since 1997 the Protocol has been extensively revised in order to make it compatible with the TRIPS Agreement and the Trademark Law Treaty, as well as make it more user-friendly.

2.3. Bilateral agreements concluded by the EC for the protection of Geographical Indications

¹⁶ For more information on the ARIPO consult <http://www.aripo.org>.

¹⁷ The text of the Banjul Agreement can be down loaded from http://www.aripo.org/Documents/Protocols/banjul_protocol.pdf.

¹⁸ At present there are 16 ARIPO Member States: Botswana, Gambia, Ghana, Kenya, Lesotho, Malawi, Mozambique, Namibia, Sierra Leone, Somalia, Sudan, Swaziland, Tanzania, Uganda, Zambia and Zimbabwe.

2.3.1. EC – Australia Wine Agreement

The EC – Australia Agreement on Trade in Wine is one of the earliest examples of bilateral agreements concluded between the European Community and another country for the protection of geographical indications. The Agreement was signed in Brussels and Canberra on 25 and 31 January 1994 respectively.¹⁹

The EC – Australia Agreement provides a definition of geographical indications²⁰ and limits the scope of the protection to names specified in Annex II to the Agreement. An important condition for the protection under Agreement is the recognition of geographical indications under the laws of the contracting parties. In addition, the Agreement contains provisions relating to the mutual recognition of traditional expressions.²¹

2.3.2. EC – Canada Agreement

An Agreement between Canada and the European Community on trade in wines and spirit drinks was signed on 16 September 2003.²²

The structure of the EC – Canada Agreement is similar to the Agreement with Australia. It was agreed to end the “generic” classification in Canada of 21 European wine names in three phases: by 31 December 2013 for Chablis, Champagne, Port/Porto and Sherry; by 31 December 2008 for Bourgogne/Burgundy, Rhin/Rhine, Sauterne/Sauternes; and immediately on entry into force of the agreement for Bordeaux, Chianti, Claret, Madeira, Malaga, Marsala, Medoc/Médoc, and Mosel/Moselle. An end to the “generic” status of European spirits names Grappa, Ouzo, Jägertee/Jagertee/ Jagatee, Korn/Kornbrand and Pacharan is phased out within 2 years from the entry into force of the Agreement. In exchange, the EC will protect amongst other names “Canadian Rye Whisky” as a distinctive product of Canada.²³

¹⁹ Agreement between the European Communities and Australia on trade in wine, OJ L 86, 31 March 1994, Agreement between the European Communities and Austria on trade in wine, OJ L 208, August 1, 2001, p. 46. The EC negotiated several different wine agreements with Eastern European countries and South Africa, and the Australian one is being seen as a model for use in the other negotiations.

²⁰ Article 2 of the EC - Australia Agreement provides: “An indication as specified in Annex II, including an “Appellation of Origin”, which is recognized in the laws and regulation of a Contracting Party for the purpose of the description and presentation of a wine originating in the territory of a Contracting Party, or in a region or locality in that territory, where a given quality, reputation or other characteristic of the wine is essentially attributable to its geographical origin”

²¹ “Traditional expressions” are terms used traditionally to designate quality wines and refer to a production or ageing method, a colour, or a quality etc.

²² Agreement between the European Community and Canada on trade in wines and spirit drinks, OJ L 35, 2004.

²³ According to Article 41, the Agreement will enter into force on the first day of the second month following the date on which the Contracting Parties have exchanged diplomatic notes confirming

2.3.3. EC – Mexico Agreement

In 1997, Mexico and the EU signed an Agreement on Designations for Spirit Drinks under which both parties agreed to grant protection to the denominations of origin of certain spirits such as Tequila and Mezcal, Whisky, Grappa and Cognac. The protected names are specified in the two Annexes to the Agreement.²⁴

2.3.4. EC – Chile Agreements

Section 6 of the 2002 Agreement Establishing an Association between the EC and Chile refers to Annexes V and VI attached to the Agreement. These annexes are the Agreement on Trade in Wine and the Agreement on Trade in Spirit Drinks and Aromatised Drinks. Both of these Agreements contain provisions in relation to geographical indications and specify the names for the protection in the Appendixes.

2.3.5. EC – South Africa Agreements

In 1999, the EC and South Africa signed an Agreement on Trade, Development and Cooperation.²⁵ In the Attachment to the Annex X of the Agreement on Trade, Development and Cooperation the Republic of South Africa reconfirmed that the names “port” and “sherry” will not be used for its exports to the European Community. It agreed to phase out the use of the “port” and “sherry” names on all export markets within 5 years, except in the case on non-SACU SADC countries,²⁶ where an 8-year phase-out period would apply. For the domestic market, South Africa may use names “port” and “sherry” during a 12-year transitional period.

the completion of their respective procedures for the entry into force of this Agreement. As of May 2004 no exchange of the diplomatic notes has taken place.

²⁴ Agreement between the European Community and the United Mexican States on the mutual recognition and protection of designations for spirit drinks, OJ L 152, 11/06/1997 pp. 16-26.

²⁵ Agreement on Trade, Development and Cooperation between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part; Council Decision of 29 July 1999 concerning the provisional application of the Agreement on Trade, Development and Cooperation between the European Community and its Member States, of the one part, and the Republic of South Africa, of the other part, OJ L 311, 4 December 1999, p. 1.

²⁶ For the purpose of the Wines and Spirits Agreement, the South African domestic market is defined to cover SACU (South African Customs Union, which includes Botswana, Lesotho, Namibia, South Africa and Swaziland).

Later in 2002, the EC and South Africa signed two specific agreements for the protection of geographical indications for wines and spirits.²⁷

Under the Agreement for wines, geographical indications, including appellations of origin, are granted better protection, for the EC, than at multilateral level under the TRIPs agreement. The Parties agreed to mutually recognize oenological practices on the basis of strict requirements such as health, consumer protection and the preservation of good wine making practices.

The Agreement between the EC and South Africa on Trade in Spirits is very similar to the Agreement on Trade in Wines. It contains a full list of geographical indications for spirits that are protected in under the terms of the Agreement.

2.3.6. EC – US Wine Agreement

On 10 March 2006, the Agreement between the United States and the European Community on Trade in Wine was signed. Since 1983, the EU has been renewing short-term derogations allowing imports of US wines made using practices not approved by the EU. The temporary nature of these derogations created continuous uncertainty for US wine exporters.

The agreement provides for:

- recognition of each other’s existing current winemaking practices;
- a consultative process for accepting new winemaking practices;
- the United States limiting the use of certain semi-generic names in the US market;
- the EU allowing under specified conditions for the use of certain regulated terms on US wine exported to the EU;
- recognizing certain names of origin in each other’s market;
- simplifying certification requirements for US wine exported to the EU.

The Agreement provides that the US will seek legislative changes to limit the use of 16 semi-generic names (Annex II to the Agreement: Burgundy, Chablis, Champagne, Chianti, Claret, Haut Sauterne, Hock, Madeira, Malaga, Marsala, Moselle, Port, Retsina, Rhine, Sauterne, Sherry and Tokay). The changes will grandfather existing uses of these semi-generic names on non-European wine

²⁷ Agreement between the European Community and the Republic of South Africa on Trade in Wine, signed on 28 January 2002 (provisionally in force), Council Decision of 21 January 2002 on the conclusion of an Agreement between the European Community and the Republic of South Africa on Trade in Wine, OJ L 28, 30 January 2002, p. 3 and Agreement between the European Community and the Republic of South Africa on Trade in Spirits, Council Decision of 21 January 2002 on the conclusion of an Agreement between the European Community and the Republic of South Africa on Trade in Spirits, 2002/51/EC, OJ L 28, 30/01/2002, p. 112.

but prohibit new brands from using these names on non-EU wine. The US will notify the EC of the date when the change in legal status would come into effect.

The Agreement contains lists of names of quality wines produced in specified regions from the EC and the US (Annex IV and V), which may be used as names of origin for wine only to designate wine of the origin indicated by such a name (Article 7 of the Agreement).

II. Difficulties for European producers in protecting GIs outside the European Union

The purpose of this Section is not to provide readers with an exhaustive list of difficulties that EU GI producers might encounter in protecting their GIs in third countries. Rather, it seeks to highlight some of the principal problems that EU GI producers have met over recent years.

European GI producers have been pushing for better protection of GIs at the international level due to the increasing number of misappropriations they face throughout the world. The abuse of EU GIs has a strong adverse economic impact. The abuses limit access to certain markets and undermine consumer loyalty. Moreover, the fight against these abuses is extremely costly. It is interesting to note that, in practice, there is a clear link between the reputation of the GI product and the number of abuses: the more famous the GI product is, the more misappropriations it faces, the more important the need for GI protection is, the more costly it becomes.

Most countries have a legal framework for the protection of GIs. However, the legal instruments and the level of protection available vary considerably from one country to another (see detailed reviews provided in Part II of this Guide).

The first difficulty for EU producers is to understand what legal framework is available in the country where protection is sought as well as the level of protection that they will enjoy. This is an important first step as the level and modalities of protection differ widely if the producers have to rely on unfair competition and consumer protection acts, passing off actions, trademark laws or a *sui generis* protection of GIs with or without registration.

Many EU GI producers have secured the protection of their name outside the EU. Wine and sprits producers have done so mainly thanks to bilateral agreements concluded between the EU and some countries²⁸. These agreements have brought positive results for EU producers, although some problems remain for famous EU GI wines which continue to face abuses in some of these countries. These GIs still struggle to secure protection in many

²⁸ See examples provided in Section 2.3 of this Part.

countries, as they are considered generic or semi-generic names, hence not entitled to protection. The other EU GIs have not been protected via bilateral agreement signed by the EU. As a result, the protection of these names outside the EU has been left entirely in the hands of producers themselves.

1. Countries with *sui generis* system of protection of GIs

In countries where there is a *sui generis* system which provides for the registration of GIs, EU producers do not encounter major difficulties. They normally need to submit all required documents translated in the local language if necessary. Often, producers must use a local agent to facilitate the registration. The key issue for EU producers relates to the scope of protection offered. They need to understand whether the protection covers names used in translation and/or names used with expressions such as “like”, “style”, etc. They also need to know if an *ex officio* procedure (a procedure by which governments take responsibility on the enforcement of the GI law) is available. If not, EU producers will have to monitor the foreign market to detect possible abuses by operators and take all necessary legal actions to assert their rights.

The difficulties arise when EU GI producers have to rely on unfair competition and consumer protection acts, passing off actions or when they seek protection via the registration of a trademark, collective mark or certification mark.

When protection is available via unfair competition and consumer protection acts, the experience shows that European producers have had to spend a considerable amount of money trying to fend off abuses on foreign markets. They had to launch costly legal actions to seek protection of their GI. In such a case, producers are often required to prove that their GI is not a generic name and that it has acquired distinctiveness. This can be done via consumer surveys which are expensive and not always conclusive. It has also been very costly for EU GI producers to seek protection via passing-off actions. Experience shows that securing protection in that context is a difficult, expensive and a largely uncertain process.

2. Countries with trademark protection of GIs

The use of a trademark²⁹ regime has also proved very complicated, costly and not always effective. Looking at the experience of EU GI producers, the following main difficulties can be highlighted.

²⁹ Please note that in this section the term “trademark” covers also collective and certification marks, except when one of these terms is specifically used.

2.1. Prior only trademark registrations

In some countries, European GI producers are confronted with registered trademarks which contain their GI names. Many EU producers of famous GI wines, spirits, cheeses, hams, etc have been confronted with such a situation. According to the principle of “first in time, first in right” applicable to trademarks, it is therefore not possible for EU producers to seek trademark registration of their name as it is already legally owned by another private party.

In such a case, European producers have only two options. They can launch proceedings to obtain the cancellation of the registered trademark. They can enter into negotiation with the owner of the trademark in order to buy it. In both cases, actions launched by EU GI producers have proved very costly and not always 100% successful!

2.2. The use of the trademark

In most countries, trademarks are protected if they are registered. However, for the protection to be effective, the trademark must be used on the market.

EU registered GIs are agricultural and food products. As a result, several EU producers have not been able to export their products to third countries as the markets are closed to imports of these products for sanitary or phytosanitary reasons. These barriers to trade pose an important problem to producers when it comes to securing protection of their GI name. Indeed, even if they register their GIs as trademarks as a preventive measure, if they do not use the name on the market, they face the prospect of a cancellation of the trademark for non-use.

2.3. The ability to register a geographical name

Most trademark laws, in general, prohibit the registration of a name with a geographical meaning. Therefore, GI names are often protected via a collective or a certification mark when such legal concepts exist. When they are not available, EU GI producers have often been forced to seek a limited protection - for their logo only - via a figurative trademark registration.

In addition, experience shows that intellectual property offices outside of the EU regularly reject registration requests from EU producers on the grounds that GI names are:

- 1) a simple indication of the place of origin of the goods (i.e., an indication of source),
- 2) a description of the product, and/or
- 3) a generic name.

Therefore, the use of the name is considered not protectable and allows false use in relation to goods not coming from the place of origin.

The difficulty for GI producers in dealing with these problems lies with the fact that the interpretation and analysis regarding the generic or descriptive character of a name varies extensively from one country to another. Moreover, in many cases, it is up to EU GI producers to prove that their name has not become generic in the market concerned. This is an expensive challenge.

One element that needs to be underlined is the fact that, if abuses of the name already exist in the country concerned, it is often more difficult to get registration.

2.4. The registration of composed GI names

Some EU GI names contain more than one term, such as Ossau-Iraty, Parmigiano-Reggiano, Jijona y Turrón de Alicante, Brunello di Montalcino, etc.

Producers of such composed names have been exposed to a specific problem when seeking protection of their name in countries outside the EU. Some intellectual property offices accepted to register a certification mark covering the composed GI name. However, the registration did not always cover the protection of the two individual terms. Consequently, the registration only helps producers to stop abuse of the composed name but does not protect against the abuse of one of the two names used on its own. This greatly limits the scope of the protection granted to the GI name.

2.5. The authorised use of a registered certification mark

A certification mark certifies the origin, quality, mode of manufacture or other elements of a good. As a result, some countries have made it clear that the use of a certification mark on product other than the GI product itself is prohibited. More importantly, such use – on promotional materials, for instance, such as pens, hats, etc. - can lead to the invalidation of the registration.

2.6. The scope of the protection given by a trademark registration

The use of a trademark regime to protect a GI name does not provide for a protection as comprehensive as the one offered by the EU GI system.

EU GI producers must pay attention to the scope of the protection given. In general, trademark registration does not cover translation, nor does it prevent the

use of the name with “de-localisers” (i.e. “Californian Champagne”) or expressions such as “like”, “style”, etc.

2.7. The costs associated to the registration of a trademark

The experience of EU GI producers shows that it is, in general, more costly to obtain legal protection of GIs via trademark systems than via a *sui generis* regime. In addition, legal costs increase significantly due to problems met with local patent and trademark offices. As stated above, it is very expensive for GI producers to demonstrate that a name is neither generic nor descriptive.

2.8. Effective protection under a trademark regime

Although a trademark registration provides for an exclusive right on the registered name, EU producers sometime forget that, in most countries, they must continue to assert their rights. They need to carry out a regular monitoring of the markets where the trademark is protected. They need to be ready to launch all necessary legal actions (opposition to trademark registration for instance) to protect their intellectual property right. Failure to do so would significantly undermine the right.

3. Conclusion

The experience of many EU GI producers shows that it is extremely difficult and often very costly for GI producers to protect their GIs via trademark systems, passing off actions or on the basis of unfair competition and consumer protection acts.

It is important to note that in the past years more and more countries around the world have established *sui generis* protection systems for GIs. This process is ongoing and will certainly facilitate the protection of EU GIs outside the EU.

III. Recommendations and suggestions to all producers of products with PDO and PGI signs

This Section is not intended as a comprehensive answer to the problems faced by the EU GI producers on the registration of their names in the countries examined in Part II. Each producer will have different requirements and problems to be resolved. Each country is different. However, there are some basic steps that an EU GI producer can take to limit the practical difficulties that they may face in protecting their GIs in third countries.

- Get good advice from experts in GI and TM law and practice. Experience shows that it is often easier to identify and work with a law firm from your country that will manage all the necessary contacts and take the required steps on your behalf. This is an option that can be cost-efficient and can simplify the work of the GI holder (dealing with a number of different third country systems).
- Consider a double registration: both as a GI and as a trademark. You should try to register the basic geographical name as a GI and logos, combinations of colours, figures, etc. as trademarks.
- Remember that registration of GIs as certification trademarks may prevent you using the registered names on promotional materials. Therefore, for the use of the names on promotional materials also advisable to register a figurative trademark containing the geographical indication.
- Conduct a preliminary trademark search if registration as a trademark is sought.
- Producers of composed GI names (for example, Parmigiano Reggiano, Ossau-Iraty, Jijona y Turrón de Alicante, Brunello di Montalcino, Imokilly Regato, etc.) need to be aware of the specific problems in seeking trademark protection, as it does not always cover individual terms of the composed name.
- When the language of origin of the GI is different from the official language of the place of registration, translation is needed. In most of the countries with a *sui generis* system of protection, the required documents for the application are similar to those used for the registration in the European Union. Therefore, these documents could form the basis of a new application to the extent that the requirements are similar.
- Do not hesitate to contact Intellectual Property Offices for further information in the countries where the protection is sought. Often the standard application forms are available on line or upon the request. Most administrators are helpful and welcome practical enquiries.
- Consider the timeframe of registration and protection granted, you might have to renew your registration at least a few months before the expiry date, as protection may only be provided for a limited number of years.
- In those countries where no *ex officio* protection is provided, institute a regular monitoring of the markets and the registers where your name is protected.

*Part I of the Guide “Geographical indications and TRIPs: 10 Years Later...
A roadmap for EU GI holders to get protection in other WTO Members”*

- Be prepared to launch all necessary legal actions (opposition to trademark registration for instance) to protect your intellectual property right.
- Search existing registered GIs in the country where protection is sought.

Part II

Protection of Geographical Indications in 160 countries around the world

Explanatory Note

Part II of the Guide “Geographical indications and TRIPs: 10 Years Later... A roadmap for EU GI holders to get protection in other WTO Members” contains specific information on the protection of geographical indications in almost all countries of the world.

This Part is divided into four sections covering:

- Section I “Eurasia” with 60 countries;
- Section II “Africa” with 51 countries;
- Section III “Australia and Oceania” with 14 countries;
- Section IV “North and South America” with 36 countries.

Each of the Sections of the Guide contains a list of the countries in alphabetical order. The numbering of the countries on the lists continues from one Section to another. The reviews of the laws relevant for the registration and protection of geographical indications, presented in tables, are placed in the same order as indicated in the list of the countries.

Each review¹ starts with the name of the country and general information on participation of that country in the international treaties and bilateral agreements specific to GIs. These are the instruments of the World Intellectual Property Organisation and the World Trade Organisation, in particular:

- The 1883 Paris Convention on the Protection of Industrial Property;
- The 1981 Madrid Agreement for the Repression of False or Deceptive Indications of Source;
- The 1891 Madrid Agreement and the Protocol on the International Registration of Trademarks;
- The Lisbon Agreement for Protection of Appellations of Origin and their International Registration of 1958,² and
- The WTO Agreement on Trade-Related Aspects of Intellectual Property Rights.³

Some countries are signatories of the regional Agreements relevant to the protection of intellectual property rights, among them are:

¹ The sample of a review presented as a table with the information on each section can be found below this Explanatory Note.

² The information on the membership of the Lisbon Agreement among the EC Member States is provided in the Part I of this Guide.

³ All countries WTO Members are signatories of the TRIPs Agreements. Information on the membership of the WTO is provided in the reviews of the legal framework of the countries.

- The African Intellectual Property Organisation (OAPI) Agreement of 1977;
- The Banjul Protocol on Marks of 1993 of the African Regional Intellectual Property (ARIPO).⁴

The summary of the laws of each country includes information on the type of protection that is provided for GIs. The protection of geographical indications can be provided by a specific law that recognises geographical indications as a separate intellectual property right, i.e. provides a definition of geographical indications, specific conditions of protection and use. This type of protection is called *sui generis*. However, the Guide also refers to trademark protection in those countries where national legal framework does not recognise geographical indications as a separate intellectual property type and where GIs can be registered only as trademarks.

Each review also indicates how the protection provided in the country in question can become effective. In other words, the review sets out who initiates the procedure and is responsible for stopping the illegal use of registered geographical indications: interested parties who applied for the registration (as it is done for the protection of trademarks, *ex parte* protection or any other public or state authority that would be also responsible for the protection of registered names, *ex officio* protection).⁵

The overview of the national legal framework provides the laws and implementing regulations relevant to the protection of geographical indications, publication and availability of the law in electronic format, as well as the scope of protection. This information indicates whether the legal system is similar to the EC system for registration and whether geographical indications in exceptional cases can be protected as such without registration (see examples of the United States and India). The purpose of each overview is to provide the necessary information for the EC producers wishing to protect their name in third countries, so only issues related to the registration of foreign GIs are covered.

Certain countries have developed standard application forms for the registration of geographical indications. Therefore, information where these forms can be found in electronic format is mentioned in the review. If there are any requirements under the law for relevant supporting documents or the language of the applications, this is clearly mentioned in the respective sections of the tables.

The updated information on the authorities responsible for the registration and protection of geographical indications is also included in the evaluation of each country. The costs involved in registration and protection, including governmental

⁴ More information on international protection of geographical indications can be found in the Part I of the Guide, Section 2.1. “International Treaties Relevant for Protection of Geographical Indications”.

⁵ For these purposes legal terms “*ex officio*” and “*ex parte*” protection are used, their explanation can be found in the Sample table below.

fees, provided in national currencies (converted into €) are indicated according to information available at the time of elaboration of the study. The approximate costs of limited appeals in relation to registration as well as the protection of names that are considered generic and translation are also mentioned.

The legislation on GIs (or trademarks) often does not address the issue of timing required for registration and does not set the time limits for examination of applications. Therefore, the timing is indicated on the basis of the practical experience obtained during our research.

The final section provides other relevant information for the European producers of products with GIs, not mentioned in any of the above sections. In particular, this includes whether there have already been attempts to obtain protection and examples of registered geographical indications.

The Guide does not provide information on compatibility of the laws overviewed with the TRIPs Agreement or an assessment of the laws for the protection of geographical indications. It also does not cover issues of implementation of the laws and actual situation with enforcement of intellectual property rights in the countries examined.

Country: name of the country

International Legal Framework

Party to which international treaties and from which date.⁶
Indicate whether there is a bilateral treaty with the EC concerning the protection of GIs.

National Legal Framework

Type of Protection

The protection can be obtained:

- **via a Sui generis⁷ system** i.e. a specific law that considers geographical indications as a specific, separate intellectual property right **and / or**
- **via Trademark regimes** i.e., where geographical indications are not considered as a separate, independent intellectual property right.

In the European Union, names and signs (e.g., Bordeaux, Jijona, Parma) that are protected as GIs, can also be registered as trademarks (individual, collective, or certification, where available).

Beyond the issue of via which type of system the protection is granted, there is a question of how to make the legal protection effective in practice.

Generally speaking, there are two main approaches: *ex officio* and *ex parte* systems:

- **Ex officio⁸ protection** refers to the kind of protection available in the EU, where the state or public authorities are responsible for policing and ensuring GI protection.
- **Ex parte⁹ protection** is the kind of protection given at the request of an interested party (that is, the producers themselves). In *ex parte* protection systems (the majority outside the EU) the burden of protection is shouldered entirely by the producers or right-holders (consorzio, consejo regulador, interprofession, association of producers, etc.) who have to go to courts, tribunals or other administrative venues to claim protection for their geographical indications.

Relevant Regulatory Framework

Law or regulation under which geographical indications can be protected.

Scope of protection

Applicability to goods (agricultural and/or industrial) and/or services.

Source

Indication of where the Law has been published and whether it is available in the electronic format.

⁶ List of the relevant international instruments is provided in the Explanatory Note above and Part I of the Guide.

⁷ *Sui generis* is a Latin expression, literally meaning *of its own kind/genus* or unique in its characteristics. The expression was effectively created by scholastic philosophy to indicate an idea, an entity or a reality that could not be included in a wider concept, and in the structure *genus > species*, a species that heads its own genus. In law, particularly with respect to intellectual property rights, it is a term used to identify a legal classification that exists independently of other categorizations because of its uniqueness or because of the specific creation of an entitlement or obligation.

⁸ *Ex officio* is a Latin expression, literally meaning “from the office”, by virtue of office or position; “by right of office”.

⁹ *Ex parte* is a Latin legal term meaning “from (by or for) one party”.

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<p>Summary of the Operational Provisions</p>	<p><i>The summary must include information about the date of adoption of the law, entry into force, the nature of the legislative act, type of protection offered (sui generis or trademark).</i></p> <p><i>A brief summary of the operational legal provisions, which includes answers to the following questions</i></p> <ul style="list-style-type: none"> ➤ Can European geographical Indications be registered in the country under examination? ➤ If yes, what is the registration procedure, whether the opposition procedure is available? ➤ What is the timeframe for the opposition? ➤ Can a negative decision of the registration office be appealed and where? ➤ What is the level of protection provided and whether it is similar to the EC level of protection?
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p><i>Certain provisions which would be of crucial importance for European producers of products with geographical indications, in particular include:</i></p> <ul style="list-style-type: none"> • <i>The issue of reciprocity and conditions for reciprocal treatment;</i> • <i>Definition of generic geographical names and criteria for establishing a generic character of a geographical name for certain type of products;</i> • <i>Whether the protection granted after the registration covers the translation of a registered geographical indication.</i>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p><i>Application forms, if available (where available the reference to the Annex would be made and a sample of the forms would be provided).</i> <i>Indication whether the EC specification can be used for the application in that country.</i> <i>Language of the application.</i></p>
<p>Relevant Supporting Documents</p>	<p><i>Relevant supporting documents, if available (where available and reference to the Annex).</i></p>
<p>Administration Responsible for Registration</p>	<p><i>Local point or administration responsible for registration (if any), including contact details of such authority and any other institution relevant for the protection of GIs.</i></p>
<p>Costs</p>	
<p>Costs of registration</p>	<p><i>Potential costs associated with registration. This information is presented in local currency and in €.</i></p>
<p>Costs of litigation</p>	<p><i>Estimated costs associated with litigation. This information is presented in local currency and in €.</i></p>
<p>Timeframe</p>	
<p>Registration</p>	<p><i>Approximately or by Law.</i></p>
<p>Protection</p>	<p><i>Approximately.</i></p>
<p>Additional information</p>	
<p><i>Other comments or relevant information with respect to protection in a country in question (for example, whether there have already been attempts by the European producers to obtain protection of their geographical indications or names that has been registered as geographical indications already).</i></p>	

Section I

Eurasia

1. Afghanistan
2. Albania
3. Armenia
4. Azerbaijan
5. Bahrain
6. Bangladesh
7. Belarus
8. Bhutan
9. Bosnia and Herzegovina
10. Brunei Darussalam
11. Cambodia
12. China
13. Croatia
14. East Timor
15. Georgia
16. Iceland
17. India
18. Indonesia
19. Iran
20. Iraq
21. Israel
22. Japan
23. Jordan
24. Kazakhstan
25. Korea, North
26. Korea, South

27. Kuwait
28. Kyrgyzstan
29. Laos
30. Lebanon
31. Former Yugoslav Republic of Macedonia
32. Malaysia
33. Maldives
34. Moldova
35. Mongolia
36. Myanmar (Burma)
37. Nepal
38. Norway
39. Oman
40. Pakistan
41. Philippines
42. Qatar
42. Russia
44. San Marino
45. Saudi Arabia
46. Serbia and Montenegro
47. Singapore
48. Sri Lanka
49. Switzerland
50. Syria
51. Taiwan
52. Tajikistan
53. Thailand
54. Turkey
55. Turkmenistan
56. Ukraine
57. United Arab Emirates
58. Uzbekistan
59. Vietnam
60. Yemen

Country: Afghanistan

International Legal Framework

Afghanistan has signed the World Intellectual Property Organization Convention on 13 September 2005. The Treaty of accession entered into force on 13 December 2005.
Afghanistan is not a signatory of any of the treaties with respect to trademarks or geographical indications.
Afghanistan is not a member of the World Trade Organization. It has a status of observer as from December 2004.
There are no bilateral agreements between the EC and Afghanistan specific to GIs.¹⁰

National Legal Framework

Type of Protection	None.
Relevant Regulatory Framework	The Government of Afghanistan is still in the process of promoting the establishment and implementation of a legal and regulatory framework. Currently, there is no legislation in force concerning trade marks or GIs. However, two legislative drafts may contain in the future provisions on GIs. These future laws are: 1) Law on the registration of foreign patents; 2) Law on trademarks. ¹¹
Scope of protection	See above.
Source	None.
Summary of the Operational Provisions	See above.
Specific Provisions (issue of Generics, Reciprocity)	See above.
Formal Requirements for an Application	
Application Forms	See above.
Relevant Supporting Documents	See above.

¹⁰ Source of information: <http://www.wipo.int> and http://ec.europa.eu/comm/external_relations/afghanistan/intro/index.htm.

Despite the partnership established by the EU and Afghanistan in their Joint Declaration of 16 November 2005, no bilateral trade agreement has been signed by the parties.

¹¹ Source of information: <http://www.commerce.gov.af/l-&-r-reform.asp>.

Continent: Eurasia
Country: Afghanistan

Administration Responsible for Registration	Administration responsible for the drafting of the provisions on IPRs Ministry of Commerce Darluman Road Kabul, Afghanistan Website: http://www.commerce.gov.af Contact: Tel:+93(0)20-2500335 Fax:+93(0)20-2500356
Costs	
Costs of registration	See above.
Costs of litigation	See above.
Timeframe	
Registration	See above.
Protection	See above.
Additional information	
None.	

Country: Albania

International Legal Framework

Albania is a member of the World Intellectual Property Organisation from 30 June 1992 and a signatory to the Paris Convention for the Protection of Industrial Property and to the Madrid Agreement concerning the International Registration of Marks from 4 October 1995 and the Madrid Protocol since 30 July 2003.¹²
Albania is a WTO Member since 8 September 2000.¹³
There are no bilateral agreements between the EC and Albania specific to GIs.

National Legal Framework

Type of Protection	Sui generis protection. No <i>ex officio</i> protection is granted under the <i>sui generis</i> regime, and protection is provided only at the request of an interested party (e.g., producers).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Law on Industrial Property No. 7819 of 27 April 1994 (hereinafter, referred to as “the Law”); • Order No. 5, dated 5 December 1994, “Regulations for Appellation of Origin”; • Law No. 8477 April 22, 1999, “Amendments of the Law No. 7819”.¹⁴ <p>A legislative draft containing new provisions on Appellations of Origins (AOs) has been proposed but, for the time being, no information is available as to the timeframe for the adoption of the new law by the Albanian Parliament.</p>
Scope of protection	<u>The scope of application of the Law is more extensive than the scope of the EC system</u> (concerns goods: agricultural and handicraft, but not services).
Source	The English version of the Law No. 7819/1994 is available on http://www.alpto.gov.al/rubrika .
Summary of the Operational Provisions	<p>Definition of appellation of origin (AOs) is similar to the one provided by the EC Regulation and the TRIPs Agreement (Chapter XXVI Article 93(2) of the Law). Names and signs that meet such definition may be registered.</p> <p>The Albanian Patent Office (the authority responsible for the registration of GIs) examines the application first formally, and then substantially. After examination, the Patent Office grants authorizations for the use of AOs (Article 93 of the Law).</p> <p>Level of protection is similar to that provided in the EC: Article 13 of the Law No. 8477/1999, which amends Article 93 of the Law prohibits any use of such appellation in combination with expressions such as “sort of”, “kind of”, “imitation” and “produced in the same manner as” or with similar expressions. <u>The protection of names in translation is not mentioned in Article 93.</u></p> <p>Article 14 of the Law No. 8477/1999 bans any use of an appellation of origin which might confuse the consumers in respect of the origin of goods.</p>

¹² Source of information: <http://www.wipo.int>.

¹³ Source of information: <http://www.wto.org>.

¹⁴ Source of information: <http://www.alpto.gov.al/rubrika.asp?id=7>.

Specific Provisions (issue of Generics, Reciprocity)	<p>As in the EC, generic names are not protected (definition of generic names is provided in Article 93(3) of the Law, but, unlike in the EU, no criteria exist on how to establish a generic nature of a name).</p> <p>The Law provides that foreign appellations of origin can be protected in Albania on the basis of an international agreement on appellations of origin to which the Republic of Albania is a party (Chapter XXVI, Article 93(6) of the Law).</p> <p>The existence of reciprocity shall be proved by the party invoking reciprocity. (General Provisions, Article 2). Therefore, it appears that the EC geographical indications can be protected in Albania as appellations of origin on the basis of an international agreement.</p>
Formal Requirements for an Application	
Application Forms	<p>Unlike the EU, there is no standard application form.</p> <p>Article 93(4) of the Law and Order N 5 (available in Albanian) provides the list of the required documents which have to be submitted:</p> <ul style="list-style-type: none"> • the name requested; • the kind of goods for which the registration is thought; • indication of the place where such goods are manufactured (borders of the geographic place); • a description of specific properties of the goods and their connection to the geographical place. <p>The EC specifications can be potentially re-used for these purposes.</p> <p>All documents must be submitted in Albanian.</p>
Relevant Supporting Documents	<p>As in the EC, the additional material may be requested by the Patent Office from the applicant (mainly documentation relating to the link between the product and a certain geographical area).</p>
Administration Responsible for Registration	<p>Albanian Patent & Trademark Office - Albanian Directorate of Patents and Marks (ALPTO) Address: Bul. "Zhan D' Ark No. 3, Ministry of Economy Building, Hyrja I, Tirana Albania Direct tell: +355 68 20 45 237 Tel: +355 4 36 36 81 Fax: +355 4 23 44 12 Website: http://www.alpto.gov.al</p>
Costs	
Costs of registration	<p>7000 lek (about € 58) for the filing of one application and 6000 lek (about € 50) for the registration fee. All documents must be submitted in Albanian, therefore, the costs of translation need to be taken into account.</p>
Costs of litigation	<p>Not clear, but definitely not less than € 1000.</p>
Timeframe	
Registration	<p>At least 5 months (approximately, not indicated in the Law). The Law indicates (Article 82) that within a period of 5 months from the filing date, the Patent Office, in accordance with the results of the examination, shall adopt the decision to register the trademark or to reject the registration thereof and shall publish the trademark. The Law does not explain the registration procedure for AOs, which is similar to registration of</p>

Continent: Eurasia
Country: Albania

	trademarks, therefore the registration of AOs would be at least 5 months as indicated for trademarks. The only difference for the registration of AOs is the fact that the Patent Office grants the right to use the appellation of origin after obtaining of the expert opinion of the competent authorities (Article 93 of the Law).
Protection	10 years, with a possibility of renewal conditional on the payment of a fixed fee. The registration will lose its validity once the Office declares that there is no more relation between the product and the geographical area.
Additional information	
None.	

Country: Armenia

International Legal Framework

Armenia is a member of the World Intellectual Property Organization from 22 April 1993 and a signatory to the Paris Convention for the Protection of Industrial Property and to the Madrid Agreement on the International Registration of Marks since 25 December 1991.¹⁵

Armenia is a WTO Member since 5 February 2003.¹⁶

There are no bilateral agreements between Armenia and the EC specific to GIs.

National Legal Framework

Type of Protection	<i>Sui generis</i> protection of Appellations of Origin (no <i>ex officio</i> protection is available, protection is provided only at the request of an interested party).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Law on Trade Marks, Service Marks and Appellations of Origin, July 1997, as last amended on 20 March 2000 (hereinafter referred as "the Law").
Scope of protection	<u>The scope of application of the Law is more extensive than the scope of the EC system</u> (concerns goods: natural, agricultural, mining and industrial products and handicrafts, but not services).
Source	The English version of the law is available on: http://www.armpatent.org/english/database/trademarks.html .
Summary of the Operational Provisions	<p>Definition of appellations of origin (AOs) is similar to one provided by the EC Regulation and the TRIPs Agreement (Article 30 of the Law). Names and signs that meet such definition may be registered. Legal protection for AOs in Armenia is granted on the basis of the registration in accordance with the procedure established by the Law, or in accordance with the international agreements to which the Republic of Armenia is a party (Article 31 of the Law).</p> <p>The preliminary examination, concerning formal requirements, of the application is conducted by the Intellectual Property Agency of the Republic of Armenia (IPA – the authority responsible for the registration of the appellations of origin) within one month from the day on which the application is filed. Subsequently, the IPA may carry out a substantial examination of the requirements set by Article 30 of the Law. Following this examination, the decision on registration is taken by the IPA. There is no opposition procedure provided by the Law (Article 33 of the Law).</p> <p>Within 2 months from the date of receipt of a decision to grant or refuse the registration of the AO, applicants may request a re-examination of the application and ask for a 6 months extension of the procedure.</p> <p>Within 3 months from the date of receipt of the same decision or of the final decision following the requested re-examination, applicants may also submit an appeal to the Board of Appeals.</p> <p>Within 6 months from the date of receipt of the decision to grant or refuse the registration of the AO or of the decision taken by the Board of Appeals, applicants may submit a claim to the court.</p>

¹⁵ Source of information: <http://www.wipo.int>.

¹⁶ Source of information: <http://www.wto.org>.

Continent: Eurasia
Country: Armenia

	<p>The IPA, on the basis of a decision to register an appellation and within one month of receiving a receipt for payment of the prescribed fee, enters the appellation into the State Register of AOs.</p> <p>It would appear that, under the Law, the level of protection is similar to that provided in the EC: <u>No registered designations of origin or geographical indications may be used in translation or in combination with the expressions such as "sort of", "kind of", "imitation" and "the like even if the true origin is indicated Article 41 of the Law).</u></p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>As in the EC, generic names may not be protected (definition of generic names is provided in Article 30 of the Law, but, <u>unlike in the EU, no criteria exist on how to establish a generic nature of a name).</u></p> <p>The Law allows foreign geographical indications to be registered in Armenia on the basis of participation in international agreements. Therefore, it appears that the EC GIs can be registered in Armenia.</p> <p><u>The protection is granted to appellations of origin used in translation (Article 41 of the Law).</u></p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Unlike in the EU, there is no standard application form.</p> <p>However, the Law indicates that an application must contain (Article 32 of the Law):</p> <ul style="list-style-type: none"> • a request for registration and/or provision of the right to use the appellation, containing details of the applicant and his place of business or residence; • the claimed appellation; • an indication of the good for which registration and/or provision of the right to use the appellation are requested, with an indication of the geographical location in which the good is produced; • a description of the particular features (basic physical, chemical, microbiological and/or organoleptic characteristics) of the good (where necessary, also of the raw material); • where necessary, a description of the local original method by which the good is produced; • details of special labelling connected with the appellation. <p>The EC specification can be potentially re-used for the registration.</p> <p>The application has to be filed in Armenian.</p>
<p>Relevant Supporting Documents</p>	<ul style="list-style-type: none"> • Documents clearly identifying the borders of the geographical location, in relation to which the appellation is applied; • For foreign applicants a document attesting their right to use an appellation in the country in which the good originates (for this purpose, the EC Certificate of Protection can be used); • A receipt for payment of the prescribed fee for filing an application; • A document confirming the power of attorney if the application is filed through such an attorney. <p>The documents attached to the application may be first filed in a language other than Armenian. In this case, foreign applicants are obliged to submit a translation into Armenian within two months as from the date of the first filing.</p>
<p>Administration Responsible for Registration</p>	<p>Intellectual Property Agency of the Republic of Armenia (Ministry of Trade and Industry) Government House 3 Central Avenue Yerevan 375010 Tel.: +374.1 58.06.31 Fax: +374.1 54.34.67</p>

Continent: Eurasia
Country: Armenia

	E-mail: armpat@cornet.am Website: http://www.armpatent.org/english/index.html
Costs	
Costs of registration	<ul style="list-style-type: none"> • Application fee: \$ 55 (€ 43); • Expertise of examination: \$ 70 (€ 55); • Certificate for the Right to use an Appellation: \$ 92 (€ 72). <p>All documents must be submitted in Armenian, therefore the costs of translation need to be taken into account.</p>
Costs of litigation	From € 500 to € 2500 (depending on the complexity of the case).
Timeframe	
Registration	From 12 to 18 months (approximately, but no timeframe is indicated in the Law).
Protection	A Certificate for the Right to use an Appellation is valid for 10 years with a possibility to renew the right to use after the payment of a prescribed fee (on the basis of the Law on State Registration of Rights to the Property).
Additional information	
None.	

Country: Azerbaijan

International Legal Framework

Azerbaijan is a member of the World Intellectual Property Organization (WIPO) since 25 December 1995, a member of the Paris Convention and a signatory to the Madrid Agreement since the same date.¹⁷
Azerbaijan is an observer to the WTO since July 1997.¹⁸
There are no bilateral agreements between the EC and Azerbaijan specific to GIs.

National Legal Framework

Type of Protection	Sui generis protection of geographical indications (no ex officio protection is available, protection is provided only at the request of an interested party).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Law No. 504-IQ “On Trade Marks and Geographical Indications”, June 1998 (hereinafter referred as “the Law”).
Scope of protection	<u>The scope of application of the Law is more extensive than the scope of the EC system</u> (concerns all goods and services).
Source	The text of the Law in Russian is available at http://www.vescc.com/en/view.php?id=1885&lang=ru , the English version is not available electronically.
Summary of the Operational Provisions	<p>Definition of geographical indications is similar to one provided by the EC Regulation (Article 1 of the Law). Names and signs that meet such definition may be registered.</p> <p>Legal protection for GIs in Azerbaijan is granted on the basis of the registration in accordance with the procedure established by the Law, or in accordance with the international agreements to which the Republic of Azerbaijan is party (Article 3 of the Law).</p> <p>The preliminary examination, concerning formal requirements, of the application is conducted by the Azerbaijan Patent Office (APO) (the authority responsible for the registration of the geographical indications) within one month from the day on which the application is filed (Article 13 of the Law). Subsequently, the APO may carry out a substantial examination of the requirements set by Article 9 of the Law within 6 months (Article 14 of the Law). Following this examination, the decision on registration is taken by the APO which can be appealed to the Expert Commission of the APO within 3 months after a decision is taken (Article 15 of the Law). Within 3 months from the date of receipt of the decision to grant or refuse the registration of the Expert Commission of the APO, applicants may submit a claim to the court (Article 15 of the Law).</p> <p>Unlike in the EC, there is no opposition procedure provided by the Law.</p> <p>The APO enters registered GIs to the State Register of GIs, on the basis of a decision to register a GI and within one month of receiving a receipt for payment of the prescribed fee (Article 17 of the Law) and publishes this information in the official IP Journal (Article 18 of the Law).</p>

¹⁷ Source of information: <http://www.wipo.int>.

¹⁸ Source of information: <http://www.wto.org>.

Continent: Eurasia
Country: Azerbaijan

	<p>It seems that, under the Law, the level of protection is similar to that provided in the EC: <u>No registered designations of origin or geographical indications may be used in the cases when the true origin is indicated or is used in translation or in combination with expressions such as “sort of”, “kind of”, “imitation” and “the like” (Article 26 of the Law).</u></p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>As in the EC, generic names may not be protected (definition of generic names is provided in Article 30 of the Law, but, unlike in the EC, no criteria exists on how to establish a generic nature of the name).</p> <p>The Law allows foreign geographical indications to be registered in Azerbaijan (Article 36 of the Law grants the same rights to foreign legal establishments and persons). Therefore, EC GIs may be registered in Azerbaijan.</p> <p><u>The translations of Appellations of origin are protected (Article 26 of the Law).</u></p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Unlike in the EC, there is no standard application form in Azerbaijan provided by the Law.</p> <p>However, the Law indicates that an application must contain (Article 9 of the Law):</p> <ul style="list-style-type: none"> • name, seat or domicile, signature of the applicant (in the case of application to be filed by the patent attorney, surname, name, address and signature of that patent attorney); • picture of the claimed geographic indication; • name of goods and services to which geographic indication relates; • borders of the geographic object where the goods are made or services are provided description of the goods peculiarities.
<p>Relevant Supporting Documents</p>	<ul style="list-style-type: none"> • Document proving the payment of the State fee; • Document confirming the power-of-attorney whenever the application is filed by the patent attorney; • Whenever necessary, the document supporting the priority of the trademark, in accordance with the Article 10 of the Law "Concerning the Trademarks and Geographic Indications"; • A document or a decision issued by the appropriate executing body stating that the applicant is located in the referred geographic area, producing the good or provides the services which corresponds to the geographic origin; • A document proving the concession of the right of the applicant about the claimed geographic indication in the country of origin of the goods.
<p>Administration Responsible for Registration</p>	<p>Industrial Property Office State Agency on Standardisation, Metrology and Patents Patent Office Mardanov Brothers Street 124 Baku AZ1147 Telefax: (+99.412) 440.52.24 Website: www.azpat.org</p>
<p>Costs</p>	
<p>Costs of registration</p>	<ul style="list-style-type: none"> • Application fee: \$ 55 (€ 43); • Expertise of examination: \$ 70 (€ 55); • Certificate for the Right to use an Appellation: \$ 100 (€ 81). <p>All documents must be submitted in Russian or Azeri languages, therefore the costs of translation need</p>

Continent: Eurasia
Country: Azerbaijan

	to be taken into account.
Costs of litigation	From € 500 to € 2500 (depending on the complexity of the case).
Timeframe	
Registration	From 10 to 16 months (approximately, but no timeframe is indicated in the Law).
Protection	Registration is for an indefinite period of time. A Certificate for the Right to use a GI is valid for 10 years with a possibility of renewing the right to use after the payment of a prescribed fee (Article 21 of the Law).
Additional information	
None.	

Country: Bahrain

International Legal Framework

Bahrain is a member of the World Intellectual Property Organisation from 22 June 1995, a signatory of the Paris Convention from 29 October 1997 and also a signatory to the Madrid Protocol from 15 December 2005.¹⁹
Bahrain is a WTO Member from 1 January 1995.²⁰
There are no bilateral agreements between the EC and Bahrain specific to GIs.

National Legal Framework

<p>Type of Protection</p>	<p>Sui generis protection is established by the Law of 2004 on Geographical Indications (no <i>ex officio</i> protection is available, protection only <i>ex parte</i>). However, the Implementing Regulations have not been issued yet. Therefore, it is not possible to start implementing a registration system yet.</p> <p>Trademark regime: (no <i>ex officio</i> protection is available, protection is provided only at the request of an interested party).</p>
<p>Relevant Regulatory Framework</p>	<p>Sui generis protection:</p> <ul style="list-style-type: none"> • Law No. 7 of 2004 on Geographical Indications (hereinafter referred as “the GIs Law”). <p>Trademark regime:</p> <ul style="list-style-type: none"> • Legislative Decree No.10 for the year 1991 with Respect to Trademarks (hereinafter referred as “the TMs Law”).
<p>Scope of protection</p>	<p>Sui generis protection: Applicable to goods only (agricultural and/or industrial with exclusion of alcoholic beverages).</p> <p>Trademark regime: Applicable to goods (agricultural and/or industrial) and/or services. Trademarks for alcoholic beverages are excluded.</p>
<p>Source</p>	<p>Sui generis protection: Official Gazette No. 2648 dated August 18, 2004. The electronic version of the Law is not available.</p> <p>Trademark regime: Official Gazette of Bahrain No. 1961, dated 26 June 1991, as well as on the official web site of the Arab Society for Intellectual Property http://www.aspip.org.</p>

¹⁹ Source of information: <http://www.wipo.int>.

²⁰ Source of information: <http://www.wto.org>.

Summary of the Operational Provisions	<p><u>Sui generis protection:</u></p> <p>Definition of geographical indications provided by the GIs Law is similar to one provided by the EC Regulation (Article 3 of the Law). Names and signs that meet such definition may be registered.</p> <p>In order to be protected, a geographical indication must be registered. Foreign GIs must be protected in their country of origin. Therefore, the EC GIs can be registered in Bahrain once a special Register of Geographical Indications will be established by the Ministry of Commerce (the authority responsible for the registration of GIs in Bahrain).</p> <p>Level of protection of GIs appears to be different from the level in the EC. Only the misleading use of registered designations or presentation of a product that indicates or suggests that the product in question originates in a geographical area other than the true place of origin in a manner or in a manner that causes unfair competition and contradicts with honest practices, is considered to be illegal.</p> <p><u>Trademark regime:</u></p> <p>It appears that at the present moment due to the absence of the Register of Geographical Indications the EC geographical indications (GIs) may be registered as trademarks in Bahrain provided that they meet definitions established by the Law.</p> <p>The Law provides <u>that geographical names may not be registered in Bahrain if their use is likely to cause confusion regarding the source or origin of the goods, products or services,</u> (Article 5.6 of the Law).</p> <p>Once a trade mark application is filed, the trademark is examined as to its registrability (Article 2 of the TM Law). Trademark applications accepted by the Registrar (the Commercial Registry at the Directorate of Commerce and Companies' Affairs to be called "Trade Marks Register", the authority responsible for the registration) are published in the Official Gazette.</p> <p>As in the EC, there is a possibility to oppose a registration. <u>There is a 60-day period open for filing an opposition by any interested party</u> (Article 14.2 of the TM Law). An opposition to the registration of a trademark should be prosecuted before the Registrar by an authorized agent or the proprietors themselves within the prescribed period as from the date of publication. Such an opposition case should be settled by the Registrar. In the absence of an opposition, a published trademark is registered, and the certificate of registration is issued.</p> <p>The assignment and the authorized user of a trademark can be recorded once the trademark is registered, but an authorized user can be recorded along with the application for registration at once. Such a record is published in the Official Gazette.</p> <p>Level of protection: It is considered to be an offence if registered trademarks are forged or imitated in any way that misleads the public, or if a trademark owned by someone else is used on products or services or offers or presented for sale or sold (Article 31 of the Law).</p>
Specific Provisions (issue of Generics, Reciprocity)	None.
Formal Requirements for an Application	
Application Forms	<p><u>Trademark regime:</u></p> <ul style="list-style-type: none"> • Full name, address, nationality and profession of the applicant; • A certified copy of the home registration or any foreign registration of the trademark (except from boycotted countries). If the registration certificate is not available, one of the following documents can be used, provided that the specifications of goods or the line of activity of the applicant is

Continent: Eurasia
Country: Bahrain

	<p>stated thereon and that these are legalized up to the Consulate of Bahrain or any other Arab consulate in the country of the applicant:</p> <ol style="list-style-type: none"> a) A certificate of incorporation of the applicant company; b) A certificate issued by the Registrar of Companies; c) An extract of the entry of the applicant company in the Commercial Register; d) A certificate issued by the Chamber of Commerce. <ul style="list-style-type: none"> • The list of the goods to be covered by the application, in no more than 6 lines.
Relevant Supporting Documents	<p>Trademark regime:</p> <ul style="list-style-type: none"> • A simply signed power of attorney, stamped with the company's seal; • Eight prints of the mark, if it is a device mark.
Administration Responsible for Registration	<p>Industrial Property Office. P.O. Box 5479 Manama Tel: (+973) 17.530.335 Fax: (+973) 17.536.497 E-mail: ipd@commerce.gov.bh Website: www.commerce.gov.bh</p>
Costs	
Costs of registration	<p>Trademark regime:</p> <ul style="list-style-type: none"> • Filing a mark application in one class up to Registration \$ 615 (€ 492); • Filing a simultaneous mark application in one class up to Registration \$ 555 (€ 444); • Filing a certification mark application in one class up to Registration \$ 640 (€ 512); • Filing a collective mark application in one class up to Registration \$ 640 (€ 512); • Opposition Action before the registrar \$ 550 (€ 440); • Counter-opposition action before the registrar \$ 550 (€ 440); • Renewal of a mark registration within the validity date \$ 235 (€ 188); • Renewal of a mark registration within 3 months after the validity date \$ 290 (€ 232).
Costs of litigation	<p>Trademark regime: Starting from € 600.</p>
Timeframe	
Registration	<p>Trademark regime: From 6 to 12 months.</p>
Protection	<p>Trademark regime: 10 years renewable for periods of 10 years. The Trademark Law provides for a three-month grace period for late renewal of a trademark. If a trademark is not renewed, the law does not allow third parties to register the trademark unless after the lapse of three years from the date of cancellation.</p>
Additional information	
None.	

Country: Bangladesh

International Legal Framework

Bangladesh is a member of the World Intellectual Property Organization since 11 May 1985 and a signatory of the Paris Convention on Industrial Property since 3 March 1991.²¹
Bangladesh is a WTO Member from 1 January 1995.²²
There are no bilateral agreements between the EC and specific to GIs.

National Legal Framework

Type of Protection	Trademark regime. No <i>ex officio</i> procedure is available. Protection is provided only at the request of the trademark holder.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • The Trade Marks Act No. 5, March 1940 (hereinafter referred as “the Law”). <p><u>A revision procedure of the TM Law has been initiated in October 1999.</u></p>
Scope of protection	<p>The scope of protection concerns all goods, but not services.</p> <p><u>The draft trademark legislation proposes to include provisions for the registration of service marks as well as collective marks.</u></p>
Source	Draft legislation is available at http://www.commonlii.org/bd/other/BDLC/report/R27/27.pdf .
Summary of the Operational Provisions	<p>Applications for the registration must be filed with the Trade Mark Registry, under the Ministry of Industries. After examination, applications are advertised in the Trade Marks Journal. Like in the EC, an opposition procedure is available within 120 days from the date of publication.</p> <p>Decisions of the Registrar as to rejection of the mark and oppositions may be appealed to the High Court within three months of the date when the decision has been taken.</p> <p>The Trade Marks Act of 1940, provides penalties for infringement of trade marks of up to six-months imprisonment or a maximum fine of BDT 500 (Taka), or both.</p> <p>The draft new Trade Mark Act includes provisions for the protection of geographical indication, which is not provided for under the 1940 Act. The draft Trade Marks Act proposes an increase of penalties to a maximum of a two-year imprisonment and/or a fine. For a second conviction of infringement, imprisonment could extend to three years, with or without a fine.</p>
Specific Provisions (issue of Generics, Reciprocity)	None.

²¹ Source of information: <http://www.wipo.int>

²² Source of information: <http://www.wto.org>

Formal Requirements for an Application	
Application Forms	<p>Unlike in the EC, there is no standard application form.</p> <p>However, the following information is requested:</p> <ul style="list-style-type: none"> • Full name, street address and nationality of applicants. • Whether applicants are manufacturers/merchants/provider of services. • Goods or Services for which the mark is to be registered.
Relevant Supporting Documents	<ul style="list-style-type: none"> • Fifteen prints of the mark: black and white bromide prints (on photographic quality paper) for a label or design • An authorization signed by applicant or by an officer of the applicant company, whose position in the company should be stated including the corporate seal. It is not necessary to notarize or legalize the authorization. The authorization form is available at: www.biplobd.com/tm_48.html.
Administration Responsible for Registration	<p>Industrial Property Office - Department of Patents, Designs and Trade Marks Shilpa Bhaban Annex Building 91, Motijheel C/A Dhaka 1000 Tel.: (880.2) 955.67.03 / 955.07.98 Fax: (880.2) 956.35.53 E-mail: patent@citechco.net Website: http://www.biplobd.com/treadmarks.html</p>
Costs	
Costs of registration	Registration fee is €275.
Costs of litigation	The costs of litigation vary according to the facts and circumstances, as well as the complexity of each action.
Timeframe	
Registration	Applications are required to be completed within 12 months.
Protection	Trademarks are registered for a term of 7 years from the date of application and may be renewed for 15-year periods thereafter. Renewal fees must be paid before the expiry date but not more than six months prior thereto.
Additional information	
None.	

Country: Belarus

International Legal Framework

The Republic of Belarus is a member of the World Intellectual Property Organization (WIPO) from 26 April 1970 and of the Paris Convention for the Protection of Industrial Property since 25 December 1991.²³ Belarus has also signed the Madrid Agreement Concerning the International Registration of Marks which entered into force on 25 December 1991 and the Madrid Protocol on the International Registration of Trademarks on January 2002.²⁴ Belarus has a status of observer in the WTO.²⁵ There are no bilateral agreements between Belarus and the EC specific to GIs.

National Legal Framework

Type of Protection	Sui generis protection but ex parte. No <i>ex officio</i> protection is available, protection is provided only at the request of an interested party (e.g., producers).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Law on geographical indications No. 127-3 of 17 July 2002 entered into force on 30 January 2003, as amended by Law No 319 of 29 October 2004, entered into force on 10 November 2004 (hereinafter referred as “the Law”); • The Rules for Compiling and Filing Applications for Registration and Grant of the Right to Use an Appellation of Origin and Applications for Grant of the Right to Use an Appellation of Origin Already Registered of 21 March 2003; • Rules for proceedings with respect to an application for registration and grant of the right to use an Appellation of Origin and an application for grant of the right to use an Appellation of Origin already registered; • Rules for examining an application for registration and grant of the right to use an appellation of origin and an application for grant of the right to use an Appellation of Origin already registered; approved by the resolution No. 6 of the Committee on Science and Technologies under the Council of Ministers of the Republic of Belarus on 21 March 2003; • Regulations on lodging of complaints, oppositions and applications and their consideration by the Board of Appeals to the Patent Office adopted by the resolution No.1 of the State Patent Committee of 17 May 2001; • The Temporary Statute of Duties for Registration of an Appellation of Origin and Grant of the Right to Use an Appellation of Origin; • Statute of Patent Fees and Dues confirmed by the resolution of the Council of Ministers of the Republic of Belarus, No. 445, of 23 March 1998.
Scope of protection	The scope of application of the Law is more extensive than the scope of the EC system (concerns goods: agricultural and handicraft, but not services).
Source	The English version of the Law is available on: http://www.belgopatent.org/english/property/base/low.html .
Summary of the Operational	Definitions of appellations of origin (AOs) and geographical indications (GIs) are similar to those provided by the EC Regulation (Article 1 of the Law). Names and signs that meet such definition may be

²³ Source of information: <http://www.wipo.int>

²⁴ Source of information: <http://www.belgopatent.org/english/property/base/contracts.html>
<http://www.wipo.int>

²⁵ Source of information: <http://www.wto.org>

Continent: Eurasia
Country: Belarus

Provisions	<p>registered.</p> <p>Legal protection of AOs in Belarus is granted on the grounds of their registration in the National Center of Intellectual Property (NCIP, the authority responsible for the registration of geographical indications in Belarus), which carries out a formal and substantial examination of the application of the AOs. If all the requirements are met, the AO is registered. After registration, the NCIP might still consider whether to issue or not the certificate granting the exclusive right of the applicant to use the AO.</p> <p>If the applicant does not agree with the decision of the preliminary expertise or expertise of the claimed AO or with the decision not to grant the right to use of a registered AO, he has the right to submit an appeal to the Board of Appeals at the patent body <u>within 3 months from the date of reception of the decision</u>.</p> <p>The appeal shall be considered <u>within 4 months from the date of its reception by the Board of Appeals</u>. The decision of the Board of Appeals can be appealed by the applicant to the High Court of the Republic of Belarus <u>within 6 months from the date of reception of the decision</u>.</p> <p><u>Unlike in the EU, there is no opposition procedure foreseen.</u></p> <p><u>Any other interested party may file an appeal against the decision on application of the Patent Body to the Appeal Council (Article 6 of the Law).</u></p> <p>It would appear that, under the Law, the level of protection is similar to that provided in the EC (Article 13(2) of the Law): No registered appellation of origin may be used by persons who do not have an appropriate certificate. <u>This also concerns the cases when the true origin is indicated or an appellation of origin is used in translation or in combination with expressions such as “sort of”, “kind of”, “imitation” and “the like”.</u> Article 18 of the Law considers a range of cases where the use of an AO is unlawful and grants the persons who have been damaged by infringements of the legislation on AOs the right to claim damages.</p> <p>The owner of a certificate to use an AO may use on the packaging of the goods to which the GI refers, together with the GI also a warning mark consisting of a Latin letter R in a circle.</p>
Specific Provisions (issue of Generics, Reciprocity)	<p>Generic names may not be protected (definition of generic names is provided in Article 5(7) of the Law, but, <u>unlike in the EU, there is no criteria on how to establish a generic nature of the name; no detailed explanation of the meaning of generic use is provided in the Law</u>).</p> <p><u>The protection in translation is covered by the Law (Article 13(2) of the Law).</u></p> <p>The Law allows foreign GIs to be registered in the Republic of Belarus (Article 3 of the Law). Therefore, the EC GIs can be registered in the Republic of Belarus.</p> <p>Article 21 of the Law states that foreign citizens and legal persons bear the same rights and obligations provided for in the Law on GIs to nationals of Belarus unless other laws of the Republic of Belarus or international treaties to which the Republic is a party, provide for a different treatment.</p>
Formal Requirements for an Application	
Application Forms	<p>Unlike in the EU, there is no standard application form.</p> <p>However, the Law indicates that an application must contain (Article 4(4) of the Law):</p> <ul style="list-style-type: none"> • a request for registration in which an applicant (applicants) shall be named as well as his (their) headquarters or residence specified; • the designation with respect to which the application is filed; • the type of product for designation of which legal protection is sought; • mention of the place of manufacture of the product (limits of the geographical area); • description of the particular properties of the product.

Continent: Eurasia
Country: Belarus

	<p>The EC specification could potentially be re-used for these purposes.</p> <p>The application must be submitted in Russian or Belorussian.</p>
Relevant Supporting Documents	<p>In the case of a foreign applicant:</p> <ul style="list-style-type: none"> • a document confirming his right to use the appellation of origin with respect to which the application is filed in the country of origin of the product; • a document proving payment of the prescribed fee; • for an application filed through a patent attorney - a document attesting the power of a patent attorney registered in Belarus.
Administration Responsible for Registration	<p>The National Center of Intellectual Property (NCIP) of the State Committee on Science and Technologies of the Republic of Belarus 20, Kozlova Str., Minsk, 220034, Republic of Belarus Tel. (375 17) 236 36 56 Fax (375 172) 85 26 05 E-mail: ncip@belpatent.gin.by Website: http://www.belgopatent.org</p>
Costs	
Costs of registration	<p>About \$ 730. Foreign producers must pay the fee in USD or in Euro (~ € 565). The translation costs usually amount to 15 USD (€ 12) for 100 words.</p>
Costs of litigation	<p>From \$ 750 (€ 580) up to \$ 1500 (€ 1160) (depending on the complexity of the case).</p>
Timeframe	
Registration	<p>Two months for the preliminary examination and four months for substantial examination, so in total six months (by the Law).</p>
Protection	<p>A certificate is valid only for 10 years starting from the date of filing an application with the Patent Office. The term of the certificate can be extended at the request of its holder for another ten years (filed within 1 year from the termination of the validity of registration).</p>
Additional information	
<p>Not a single application for registration of an AO has been filed by European producers in Belarus. Until May 2006, there have been only three cases of AOs applied in the national Patent Office of Belarus.</p>	

Country: Bhutan

International Legal Framework

Bhutan a member of the World Intellectual Property Organization Convention since 16 March 1994 and a signatory of the Paris Convention for the Protection of Industrial Property from 4 August 2000. Bhutan is also a party to the Madrid Agreement on International Registration of Marks and the Madrid Protocol since 4 August 2000.²⁶
Bhutan is not a WTO Member.
There are no bilateral agreements between the EC and Bhutan specific to GIs.

National Legal Framework

Type of Protection	Trade Mark Regime. No <i>ex officio</i> protection is available. Protection is provided only at the request of an applicant.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • The Industrial Property Act of the Kingdom of Bhutan of 1997 last amended in 2001 (hereafter referred as “the Law”).
Scope of protection	Applicable to all goods and services.
Source	The Industrial Property Act is available at: http://www.indiaip.com/bhutan/trademarks/acts/ip1997/trademark1997.htm .
Summary of the Operational Provisions	<p>It appears that the EC geographical indications can be protected through the Industrial Property Act as collective trademarks. The Industrial Property Act requires that trademarks, including collective marks can be registered.</p> <p>Registration requests must be sent to the Registrar, who would examine whether the application complies with the requirements of Section 26(1) of the Law. If the conditions are met, he publishes his decision.</p> <p>Like in the EC, there is an opposition procedure available (no timeframe provided). If the registration of the mark has been opposed and the opposition has been decided in the applicant’s favour, the Registrar registers the mark, publishes a reference of the registration and issues to the applicant a Certificate of Registration. Otherwise, he refuses the application.</p>
Specific Provisions (issue of Generics, Reciprocity)	None.

Formal Requirements for an Application

Application Forms	<p>Unlike in the EC, there is no standard application form. However, the Act provides that the application for the registration of a collective mark must contain the following elements:</p> <ul style="list-style-type: none"> • a reproduction of the mark; • a list of the goods or services for which registration of the mark is requested, listed under the applicable class or classes of the International Classification; • a copy of the Rules governing the use of the collective mark.
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²⁶ Source of information: www.wipo.int/treaties.

Continent: Eurasia
Country: Bhutan

	<p>The EC specification can be potentially used for the registration.</p> <p>Registration is subject to the payment of the prescribed application fee.</p>
Relevant Supporting Documents	None.
Administration Responsible for Registration	<p>Registry of Industrial Property Ministry of Trade and Industry - Royal Government of Bhutan Thimphu Tel.: (975.2) 32.56.09 Fax: (975.2) 32.11.45 E-mail: subarna@druknet.net.bt</p>
Costs	
Costs of registration	Information is not available.
Costs of litigation	The costs of litigation vary according to the facts and circumstances, as well as the complexity of each action.
Timeframe	
Registration	There is no timeframe indicated in the Law.
Protection	The duration of protection is 10 years from the date of the filing of application and can be renewed indefinitely.
Additional information	
None.	

Country: Bosnia & Herzegovina

International Legal Framework

Bosnia & Herzegovina is a member of the World Intellectual Property Organization (WIPO) and a signatory to the Paris Convention on the Protection of Industrial Property and to the Madrid Agreement on the International Registration of Trademarks from 1 March 1992.²⁷

Bosnia & Herzegovina is not a WTO Member. It has an observer status from July 1999.²⁸

There are no bilateral agreements between the EC and Bosnia & Herzegovina specific to GIs.

National Legal Framework

Type of Protection	<i>Sui generis</i> protection. It appears that <i>ex officio</i> protection is available, since chambers of commerce, municipalities and Governmental bodies may initiate the proceedings and control the use of GIs.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Industrial Property Law of Bosnia and Herzegovina, which was adopted on 27 February 2002 and entered into force on 27 August 2002 (hereinafter, referred to as “the Law”); Section IV is devoted to the protection of Marks of Origin; • Law on the Amendment of the Industrial Property Law of Bosnia and Herzegovina (“Official Gazette BiH, No. 29/02); • Regulation on Geographical Indications (“Official Gazette BiH, No. 22/02); • Law on administrative fees (“Official Gazette BiH, No. 5/95).
Scope of protection	The scope of application of the Law is more extensive than the scope of the EC system (concerns goods: natural, agricultural, mining and industrial products and handicrafts, but not services).
Source	The Law is only available in Bosnian on: http://www.basmp.gov.ba/iv/zakoniv.htm . The electronic version of the Law in English is not available. Official Publication of the Law is in Official Gazette BiH No. 3/02.
Summary of the Operational Provisions	<p>Definition of Marks of Origin (MO) is similar to one provided by the EC Regulation for geographical indications (Article 116 of the Law). Names and signs that meet such definition may be registered.</p> <p>Applications for registration of an MO must be filed to the Institute for Intellectual Property of Bosnia and Herzegovina (hereinafter, referred to as the Institute), the authority for the registration of Marks of Origin.</p> <p>Foreign applicants can only apply for the registration of a Mark of Origin through an authorised agent (Article 116 of the Law).</p> <p><u>Unlike in the EC law, there is no opposition procedure available under the Law.</u></p> <p>It appears that, under the Law, the level of protection is similar to that provided in the EC: No registered Marks of Origin may be used in cases where the goods do not come from the indicated geographical area or when the MO is used in translation or in combination with expressions such as “sort</p>

²⁷ Source of information: <http://www.wipo.int>

²⁸ Source of information: <http://www.wto.org>.

Continent: Eurasia
Country: Bosnia and Herzegovina

	<p><u>of”, “kind of”, “imitation” and “the like”</u>. The use of false or misleading information as to the origin, nature or essential qualities of the product on its packaging, or in advertising material or documents relating to the product is also prohibited (Article 125 of the Law).</p> <p>Decisions refusing to grant protection by the Institute can be appealed in the court.</p>
Specific Provisions (issue of Generics, Reciprocity)	<p><u>The Law does not apply to generic names commonly used for a long time to identify certain goods in Bosnia & Herzegovina</u> (Article 117 of the Law). Unlike in the EC Law, there are no provisions in the Law on how to determine a generic nature of a geographical name.</p> <p><u>Registered Marks of Origin are protected in translation</u> (Article 125 of the Law).</p> <p>Foreign physical and legal persons may register their AOs in Bosnia & Herzegovina in accordance with the principle of reciprocity or with International treaties to which Bosnia & Herzegovina is a signatory (Article 4 of the Law). Therefore, EC GIs may be registered in Bosnia & Herzegovina.</p>
Formal Requirements for an Application	
Application Forms	<p>Unlike in the EU, there is no standard application form.</p> <p>However, pursuant to Articles 119 and 120 of the Law, an application must contain:</p> <ul style="list-style-type: none"> • a request for registration of the MO; • indication of the name and address of the applicant; • a description of the MO applied for registration and its reproduction; • list of goods to which the MO applies; • indication of the territory, country, region and location of origin of the goods; • rules on the use of the MO and other conditions to be met by other users of the same MO; • other information in accordance with the implementing regulations. <p>The EC specification can potentially be re-used for these purposes.</p>
Relevant Supporting Documents	<p>In addition to the aforementioned requirements, an application must be accompanied by a document certifying payment of the application fee in order to be considered valid.</p> <p>For foreign applicants: a signed power of attorney referring to an authorised agent in Bosnia.</p>
Administration Responsible for Registration	<p>Institute for Intellectual Property of Bosnia and Herzegovina Hamdije Cemerlica 2/7 (Energoinvest Building) 71000 Sarajevo Tel. (387 33) 521 848 Fax (387 33) 652 757 E-mail: info@basmp.gov.ba Website: http://www.basmp.gov.ba</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • For requests, pleas, propositions, applications and other submissions, unless otherwise prescribed by this Tariff 5 KM (in accordance with the Law on Administrative Fees, it is approximately € 48); • For appeal against the decision 10 KM (€ 96); • For certificates, unless otherwise prescribed 15 KM (€ 144).

Continent: Eurasia
Country: Bosnia and Herzegovina

Costs of litigation	Costs for legal assistance on the case are between € 500 and € 1500 (depending on the complexity of the case).
Timeframe	
Registration	Approximately 5 – 8 months.
Protection	<u>As in the EU, protection of geographical signs is of an unlimited duration and there is no need to renew the registration. Maintenance of a Mark of Origin does not require payment of any fees (Article 123 of the Law).</u>
Additional information	
None.	

Country: Brunei Darussalam

International Legal Framework

Brunei Darussalam is a member of the World Intellectual Property Organization (WIPO) from January 1994.²⁹ It is not a signatory of any of the international agreements on trademarks or GIs.
Brunei Darussalam is a WTO Member since 1 January 2005.³⁰
Brunei Darussalam is a member of ASEAN since 8 January 1984.
There are no bilateral agreements between Brunei Darussalam and the EC specific to GIs.

National Legal Framework

Type of Protection	Trademark regime (no <i>ex officio</i> protection is available, protection is provided only at the request of an interested party).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • The Trade Marks Act (Cap 98) and the Trade Mark Rules, 2000 effective as of 1 June 2000 (hereinafter referred as "the Law").
Scope of protection	Applicable to all good and services.
Source	A hard copy of the Law can be obtained from the Printing Department of the Prime Minister's Office, Brunei Darussalam. E-Mail: PRO@jpm.gov.bn Telephone: 673 – 2229988 - Fax: 673 - 2241717 Address: Prime Minister's Office - Istana Nurul Iman - Bandar Seri Begawan BA1000
Summary of the Operational Provisions	<p>The EC GIs can be protected in Brunei Darussalam as collective or certification marks.</p> <p>An application for the registration of a collective or certification mark must be filed on Form TM 32 together with the prescribed fee (B\$ 150.00 per class ~75€). Within 9 months of the date of application, the applicant must file Form 23 accompanied by a copy of the regulations governing the use of the mark.</p> <p>In order to register a trademark, substantive and formal examinations of the application will be required.</p> <p>International priority is available under the Paris Convention. A trade mark owner who has filed an application for protection of a trade mark in a member state of the Paris Convention, or the World Trade Organisation, has a right of priority of six months from the date of filing the first application for the purpose of registering the same trade mark in Brunei in respect of any or all of the same goods and services. A certified copy of the Convention application must be filed together with the Brunei application for registration or within three (3) months of the filing date of the Brunei application.</p> <p>The protection afforded by a registration covers the use of an identical or confusingly similar mark, not only in relation to goods or services specifically covered in the registration, but also in relation to similar goods or services.</p>

²⁹ Source of information: <http://www.wipo.int>.

³⁰ Source of information: <http://www.wto.org>.

Continent: Eurasia
Country: Brunei Darussalam

Specific Provisions (issue of Generics, Reciprocity)	None.
Formal Requirements for an Application	
Application Forms	Like in the EC, there is a standard application form. Application for the registration of a trade mark is made by filing a request to the Registrar on Form TM 1 which can be obtained from the Office of the Registrar of Trade Marks (see below).
Relevant Supporting Documents	The application form (Form TM1) must be accompanied by the prescribed fee and a representation of the mark. A foreign applicant must provide a local address for service by filing Form TM22 together with the prescribed fee.
Administration Responsible for Registration	Office of the Registrar of Trade Marks, First Floor, The Law and Courts Building, KM 1 Jalan Tutong, Bandar Seri Begawan BA1910 Brunei Darussalam Tel: +673 - 2231200/2220382/2231193/2231194/2231196 Fax: +673 - 2231230 E-mail : info@agc.gov.bn
Costs	
Costs of registration	B\$ 150.00 per class (~ € 75).
Costs of litigation	Depends on complexity of the Law, starts from (B\$ 1.500 or € 750).
Timeframe	
Registration	A straightforward application can be registered within 6 months from the date of filing. More complex applications may take up from 10 to 12 months.
Protection	10 years, renewable for further periods of 10 years on payment of the prescribed fee.
Additional information	
The Trade Marks Rules of 2000 are currently being amended. The Office of the Registrar of Trademarks will be implementing an e-Filing system for trademarks by the end of 2006.	

Country: Cambodia

International Legal Framework

Cambodia is a member of the World Intellectual Property Organization from 25 July 1995 and a signatory to the Paris Convention for the Protection of Industrial Property from 22 September 1998.³¹
Cambodia is a WTO Member from 13 October 2004.³²
There are no bilateral agreements between the EC and Cambodia specific to GIs.

National Legal Framework

<p>Type of Protection</p>	<p>Trademark regime. No ex officio protection is available, protection is only granted at the request of an interested party.</p> <p>Cambodia is in the process of establishing a legal framework for the protection of GIs. It will provide for a <i>sui generis</i> protection. It seems that no ex officio procedure will be available, protection will be granted at the request of an interested party.</p>
<p>Relevant Regulatory Framework</p>	<ul style="list-style-type: none"> • The Law concerning Marks, Trade Names and Acts of Unfair Competition entered into force on 8 January 2002 (hereinafter referred as the “Law”). • The Sub-Decree No 46 on the Implementation of the Law concerning Marks, Trade Names and Acts of Unfair Competition which was enacted on 12 July 2006 (hereinafter referred as the “sub-Decree”).
<p>Scope of protection</p>	<p>All goods and services.</p>
<p>Source</p>	<p>The Law concerning Marks, Trade Names and Acts of Unfair Competition is available at: http://www.ecaproject.org/fileadmin/ecapll/pdf/en/information/cambodia/tm_law_english_promulgated_by_king_070202.pdf.</p> <p>An unofficial translation of the sub-Decree n°46 is available at: http://www.ecap-project.org/fileadmin/ecapll/pdf/en/information/cambodia/cambodia_trademark_sub_decree_46.pdf.</p>
<p>Summary of the Operational Provisions</p>	<p>Registration of trademarks: Applications for registration of a mark must be filed with the Ministry of Commerce on the Form prescribed. The Law covers collective marks which are covered by the same provisions as marks (Section 2 of the Sub-Decree 46).</p> <p>The Law states that right of priority in the mark registration can be granted based on the conditions that the applicant attaches a declaration claiming the priority of an earlier national or regional application filed by the applicant or his predecessor in title in any country member of the Paris Convention or the World Trade Organization. In this case, the Registrar may require the applicant to furnish, a copy of the earlier application, certified as correct by the Office of which this application was filed.</p>

³¹ Source of information: www.wipo.int.

³² Source of information: <http://www.wto.org>.

Continent: Eurasia
Country: Cambodia

	<p>If the registrar formulates objections a written procedure is available during 45 days to amend the application. A hearing can also be organized at the request of the applicant.</p> <p>If the registrar finds that all the conditions are fulfilled, he registers the mark, issues to the applicant a certificate of registration and publishes a reference to the registration in the Official Gazette of the Ministry of Commerce.</p> <p>Like in the EC, an opposition procedure is available within 90 days after the publication of the registration (Article 10 of the Law).</p> <p>Level of protection: Article 3 of the Law provides for an exclusive right to a registered mark. Trademark owners can also institute court proceedings against any person who infringes the mark (Article 11) and make application to the customs or the competent authorities or court to suspend clearance of goods suspected of being counterfeit (Article 35). Counterfeiters are liable to a fine of from 1 to 20,000,000 Riels (~ 200 to 4,000 €), or to imprisonment from one to five years, or both (Article 64). Imitators are liable to a fine of from five to ten million Riels (~ 1,000 to 2,000 €), or to imprisonment from one month to one year, or both (Article 65).</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>None.</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Like in the EC, there are standard application forms that are available free or charges by the Registrar.</p> <p>The application for a collective mark must contain:</p> <ul style="list-style-type: none"> • Name of the applicant; • Address for communication in Cambodia; • Reproduction of the mark; • Specification of goods or services in each class; • Required filing fee for each class of goods or services; • A copy of the regulation governing the use of the mark, duly certified by the applicant (no legalization required). <p>Publication of the registration of a collective mark, in accordance with Article 19 (1) of this Sub-Decree, shall include a summary of the regulation appended to the registration.</p> <p>Applications must be filed in Khmer or English.</p>
<p>Relevant Supporting Documents</p>	<p>A Power of Attorney appointing an agent to file the application may be attached together with the application or submitted to the Registrar within two months from its filing date.</p>
<p>Administration Responsible for Registration</p>	<p>Industrial Property Office Ministry of Commerce Intellectual Property Division 20 A-B Norodom Blvd. Phnom Penh Tel.: + 855 23.36.68.75/ 16.87.08.09 Fax: + 855 23.42.63.96/ 23.36.31.40 E-mail: ipd@moc.gov.kh</p>

	www.moc.gov.kh
Costs	
Costs of registration	Registration fees: +/- 240 €
Costs of litigation	Would depend on the complexity of the case.
Timeframe	
Registration	Not available.
Protection	10 years; renewable. In order to maintain or renew a registration, the registered owner of a mark is required to file Affidavit of Use or Non-Use of mark within one year following the fifth anniversary of the date of registration of the mark. Affidavits shall be made before a Consul or Notary Public or certified legal practitioner.
Additional information	
None.	

Country: China

International Legal Framework

China is a member of the World Intellectual Property Organization from 3 June 1980 and a signatory to the Paris Convention for the Protection of Industrial Property from 19 March 1985 and the Madrid Agreement concerning the International Registration of Marks from 4 October 1989.³³
China is a WTO Member since 11 December 2001.³⁴
There are no bilateral agreements between the EC and China specific to GIs.

National Legal Framework

<p>Type of Protection</p>	<p>Dualism: Trademark regime which covers trademarks with geographical names and <i>sui generis</i> protection of geographical indications.</p> <p><u>Sui generis protection of GIs:</u> it would appear that <i>ex officio</i> protection is available, where the state or public authorities are responsible for the policing and ensuring GI protection.</p> <p><u>Trademark regime:</u> No <i>ex officio</i> protection is available under the trademark regime, protection is provided only at the request of an interested party (e.g., producers).</p>
<p>Relevant Regulatory Framework</p>	<p><u>Sui generis protection of GIs:</u></p> <ul style="list-style-type: none"> The State General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) issued on 7 June 2005 the Regulation on Protection of Products of Geographical Indications, which came into force on 15 July 2005 (hereinafter, referred as “the GI law”). <p><u>Trademark regime:</u></p> <ul style="list-style-type: none"> The Chinese Trademark Law of 23 August 1982 amended on 22 February 1993 and on 27 October 2001 (hereinafter, referred as “the TM Law”); Regulation for the Implementation of the Trademark Law of the People’s Republic of China, promulgated by Decree N° 358 of the State Council of the People’s Republic of China on 3 August 2002, and effective as of 15 September 2002; Measures for the Registration and Administration of Collective Marks and Certification Marks, issued by the State Administration for Industry and Commerce issued on 17 April 2003. These will be collectively referred hereinafter as the “Trademark Law”.
<p>Scope of protection</p>	<p><u>Sui generis protection of GIs:</u> the scope of application of the Law is more extensive than the scope of the EC system (concerns goods: agricultural and handicraft, but not services).</p> <p><u>Trademark regime:</u> all goods and services.</p>
<p>Source</p>	<p><u>Sui generis protection of GIs:</u> The text of the Regulation on Protection of Products of Geographical Indications is available on http://www.npgi.com.cn/documents/200603/141.shtml?id=141&table=law Official website: http://www.aqsiq.gov.cn.</p>

³³ Source of information: <http://www.wipo.int>.

³⁴ Source of information: <http://www.wto.org>.

	<p>Trademark regime: The text of the Trademark Law is available on http://www.chinaiprlaw.com/english/laws/laws11.htm.</p> <p>The text of the Measures for the Registration and Administration of Collective Marks and Certification Marks is available on the official web site of the Chinese Trademark Office http://sbj.saic.gov.cn/english.</p> <p>The text of the Regulation for the Implementation of the Trademark Law of the People's Republic of China, is available on the official web site of the Chinese Trademark Office http://sbj.saic.gov.cn/english/show.asp?id=53&bm=ffg.</p>
<p>Summary of the Operational Provisions</p>	<p>Sui generis protection of GIs:</p> <p>The Regulation on Protection of Products of Geographical Indications defines geographical indication in a way similar to the EU legislation (Article 2 of the GI Law). If a product with geographical indication needs to be protected, an application must be filed with the relevant government office and the approval or the registration for protection must be obtained.</p> <p>The application must be accompanied by the specification with standards of production and management norms (the EC specification can potentially be re-used for these purposes). The General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) (the authority responsible for registration of GIs) examines the application first formally, and then substantially.</p> <p>The registration procedure is divided into three phases:</p> <ul style="list-style-type: none"> • Application for registration; • Formal and substantial examination of the application; • Publication of the decision to grant a Protection Title to a GI or refusal of application. <p>It is possible to oppose registration to the AQSIQ within two months after the publication of acceptance by the AQSIQ. In the case of opposition, the AQSIQ has to organise an expert committee to conduct technical examinations over the applications.</p> <p>If the geographical indication is not used within two years after its registration, the AQSIQ can cancel the registration.</p> <p>It would appear, under the Law, that the level of protection is similar to that provided in the EC: Unauthorised use of registered geographical indications is prohibited. This also concerns the cases when the true origin is indicated <u>or a geographical indication is used in translation</u> or in combination with expressions such as “sort of”, “kind of”, “imitation” and “the like”.</p> <p><u>EC geographical indications, protected under EC legislation, may potentially be registered in China as certification and/or collective trademarks or as products of geographical indications under the AQSIQ Regulation on Protection of Products of Geographical Indications.</u></p> <p>Trademark regime:</p> <p>Definition of geographical indications is similar to the one provided by the EC Regulation (Article 16.2 of the Trademark Law). Names and signs that meet such definition may be registered as collective or certification marks (Article 3 of the Trademark Law) but they also need to meet the specific requirements of those categories.</p> <p>A collective mark may be used by any natural or legal person or other organization whose goods satisfy the conditions set out in the registration. However the organisation in control of these registered marks (in practice, it would be the consorzio, consejo regulador, interprofession or others) are entitled to examine whether the requirements for use are respected.</p>
<p>Specific Provisions (issue of Generics,</p>	<p>Sui generis protection of GIs: <u>Geographical indications for all goods are protected in translation.</u></p>

Reciprocity)

Formal Requirements for an Application

<p>Application Forms</p>	<p>Sui Generis Protection for GIs:</p> <p>Unlike in the EU, no standard application form exists.</p> <p>Under the GI Law (Article 10) , an application must contain:</p> <ul style="list-style-type: none"> • The name and address of an applicant; • The certifying materials of GI products, in particular: <ol style="list-style-type: none"> a) The application for protection of GI products; b) The name and classification of products, the boundary of geographical origin and geographical features; c) The quality elements of the product, including physical, chemical, microbiological and organoleptic characteristics, and their correlations with the natural and human factors of the region as specified by the geographical indication; d) The specification of production techniques (including processing techniques, food safety and hygienic requirements, technical requirements on processing equipment, etc); e) The popularity of products, production, sales and historical facts of the product in question. • Technical standards of the GI products under application. <p>Since the EC specification has a similar list of necessary documents, it can potentially be re-used for these purposes.</p> <p>Trademark regime:</p> <p>An application, under the Trademark Law (Article 7), must be accompanied by documents showing the following:</p> <ul style="list-style-type: none"> • the given quality, reputation or any other characteristic of the goods indicated by the geographic indication; • the correlation between the given quality, reputation or any other characteristic of the goods, and the natural and human factors of the region indicated by the geographic indication; • the boundary of the region indicated by the geographic indication (therefore, the EC specification can be potentially re-used for these purposes). <p><u>All documents must be submitted in Chinese.</u></p>
<p>Relevant Supporting Documents</p>	<p>Proof of the fee paid (in both cases: for the registration as a certification or collective trademark or as a product of geographical origin).</p>
<p>Administration Responsible for Registration</p>	<p>Trademark Office under the State Administration for Industry and Commerce No.8 Sanlihedonglu, Xicheng District, Beijing Post code: 100820 Telephone: 86-10-68027820, 86-10-68052266 (voice reference) Fax: 86-10-68013623 Website: www.ctmo.gov.cn or www.saic.gov.cn</p> <p>General Administration of Quality Supervision, Inspection and Quarantine No.9, Madian East Road, Haidian District, Beijing Zip code: 100088 Tel: 0086-10-82260092, 82261946 Website: http://www.ccc-us.com/aqsiq.htm</p>

Costs	
Costs of registration	<p>GI Product registration: No specific amounts are fixed in the Law. All documents must be submitted in Chinese, therefore costs of translation need to be taken into account.</p> <p>Trademark registration: € 100 Search (word mark); € 450 Registration (including official filing fee but limited to 10 items only); € 80 Obtaining Certificate of Registration. All documents must be submitted in Chinese, therefore costs of translation need to be taken into account.</p>
Costs of litigation	<p>Trademark regime or GI products: From €500 to €2500 (depending on the complexity of the case).</p>
Timeframe	
Registration	<p>Sui Generis Protection for GIs: 12-15 months (approximately, no timeframe is indicated in the GIs Law).</p> <p>Trademark regime: 10 months (approximately, no timeframe is indicated in the Trademark Law).</p>
Protection	<p>Sui Generis Protection for GIs: Protection is unlimited in time as long as the conditions of use of registered GIs are respected.</p> <p>Trademark regime: Registered trademarks are granted for 10 years (with a possibility to renew for another 10 years).</p>
Additional information	
<p>At the moment both systems of protection of geographical indications co-exist and some efforts are required to harmonize the relationship between two governmental bodies: the Department of Quality Supervision, Inspection and Quarantine and the Administration of Industry and Commerce in order to avoid any inconsistencies that might exist in the application of the Chinese Trademark Law provisions and the new GI law.</p>	

Country: Croatia

International Legal Framework

Croatia is a member of the World Intellectual Property Organization from 12 May 1976, a signatory to the Paris Convention for the Protection of Industrial Property from 10 October 1925 and the Madrid Protocol Concerning the International Registration of Marks from 1 January 1999. Croatia has signed the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods on 21 August 1930.³⁵
Croatia is a WTO Member from 26 March 1995.³⁶
There are no bilateral agreements between the EC and Croatia specific to GIs.

National Legal Framework

Type of Protection	Sui generis protection. It appears that an <i>ex officio</i> protection is available; protection is provided at the request of any association in the field of trade and by the State Attorney (Article 48 of the Law).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Act on GIs and Designations of Origin of Products and Services OG No. 173/2003 of 31 October 2003, in force from 1 January 2004 (hereinafter, referred as “the Law”); • Regulations on GIs of Products and Services, No. 72/2004 in force from 1 June 2004.
Scope of protection	The scope of application of the Law is more extensive than the scope of the EC system (concerns the protection of GIs and designations of origin for agricultural products and foodstuffs, and services).
Source	Official Publication of the Law: Zagreb, 1 September 2005. Texts are available at: http://www.dziv.hr/dziv-new/en/default.aspx?pArtID=58&selection=4 .
Summary of the Operational Provisions	<p>Definitions of designations of origin and geographical indications are similar to those provided by the EC Regulation (Articles 2 and 3 of the Law). Traditional geographical and non-geographical names that meet such definitions for goods and services may be registered (Article 4 of the Law).</p> <p>The State Intellectual Property Office of Croatia (the authority responsible for registration of GIs) examines the application first formally and then substantially (Article 11 of the Law). No appeal shall be allowed against the administrative decision ruled by the Office, nevertheless an administrative litigation proceeding may be directly initiated (Article 11.2 of the Law).</p> <p>As in the EU, there is an opposition procedure available within three months from the date of publication in the Official Gazette (Article 30 of the Law).</p> <p>It would appear that, under the Law, the level of protection is similar to that provided in the EC: <u>No registered designations of origin or geographical indications may be used in the cases when the genuine origin is indicated or when used in translation or in combination with expressions such as “sort of”, “kind of”, “imitation”, “according to process” and “the like”</u> (Article 16 of the Law). The use of misleading information</p>

³⁵ Source of information: <http://www.wipo.int>.

³⁶ Source of information: <http://www.wto.org>.

Continent: Eurasia
Country: Croatia

	<p>as to the true origin, nature and quality of a product on the packaging, advertising materials or other documents is also prohibited.</p> <p>Any interested person may appeal for the protection of rights before a competent Commercial Court on the territory of which the authorised users of such a GI or DO have a domicile or an establishment in Croatia against the person infringing any of the rights referred to in the Law (Article 50 of the Law).</p> <p>A legal action may be instituted within three years from the date of the infringement and the perpetrators discovered, and no later than within five years from the date on which particular infringement occurred (Article 51 of the Law).</p>
<p style="text-align: center;">Specific Provisions (issue of Generics, Reciprocity)</p>	<p>As in the EC, generic names may not be protected (definition of generic names and certain criteria on how to establish a generic nature of the name are provided in Article 8 of the Law and are similar to the EC definition and criteria provided in Article 3 of EC Regulation 510/2006).</p> <p><u>Geographical indications and designations of origin, used in translation, are protected (Article 16.6 of the Law).</u></p> <p>EC GIs may be registered in Croatia. The Law allows foreign geographical indications to be registered in Croatia if they have been granted such rights in the country of origin and if they comply with the requirements defined by the Law (Articles 10.2 of the Law).</p> <p>EC producers not having a principal place of business, a domicile or a habitual residence in Croatia may initiate actions before the Office solely through authorised agents entered in the specific register with the Office (Article 14.1 of the Law).</p>
<p>Formal Requirements for an Application</p>	
<p style="text-align: center;">Application Forms</p>	<p>Like in the EU, there is a standard application form provided by the Law.</p> <p>The Law indicates that an application must contain (Article 21 of the Law):</p> <ul style="list-style-type: none"> • A request for the entry of a geographical indication or a designation of origin in the register; • A specification (description); • The evidence on the protection of a geographical indication or a designation of origin in the form of a true copy of a public document or other legal document in the official language of the country of origin or a certified translation into the Croatian language, if the applicant is a foreign person; • The evidence of the effected payment of the administrative fee and procedural charges; • A power of attorney, if the applicant is represented by an authorised representative or an authorised person; • A signature of the applicant, or his representative, or the authorised person. <p>The EC specifications can be potentially re-used for these purposes.</p> <p><u>The application shall be written in Croatian language and foreign applications for registration must have a certified translation in the Croatian language and a public document of protection in the official language of the country of origin.</u></p>
<p style="text-align: center;">Relevant Supporting Documents</p>	<p>Together with the application for the registration, EC GIs shall also supply a certified copy of an official document, or other legal document, written in the official language of the country of origin, providing evidence that the GI is protected in that country, as well as a certified translation of the same document in the Croatian language. The EC Certificate of Protection of PGIs and PDOs can be used.</p>

Continent: Eurasia
Country: Croatia

Administration Responsible for Registration	<p>State Intellectual Property Office Ulica grada Vukovara 78 10000 Zagreb Tel.: + 385.1 610.61.00 Fax: + 385.1 611.20.17 E-mail: ipo.croatia@patent.htnet.hr Website: http://www.dziv.hr</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • A request for the entry of a geographical indication or a designation of origin into the register is HRK 150,00 (€20); • An opposition to a published application is HRK 200,00 (€27); • A request for the entry of the user of a geographical indication into the register is HRK 75,00 (€10); • A request for the acquisition of a right of use of a designation of origin and the entry into the register of users is HRK 100,00 (€13); • A request for the extension of effects of the right of use of a designation of origin for a ten-year period, and the publication of the entry into the register, per user is HRK 100,00 (€13); • A request for the extension of effects of a right of use of a foreign designation of origin for a ten-year period, and the publication of its entry into the register, a unique fee for all the users is HRK 250,00 (€35). <p>These administrative fees are fixed by the Law of Croatia on Administrative Fees in the Field of Intellectual Property Rights, the text of the law is available at http://www.lexadin.nl/wlg/legis/nofr/eur/lxwecro.htm.</p>
Costs of litigation	Approximately Croatian Kuna (HRK) 7.250 (~€1000).
Timeframe	
Registration	Not available in the Law.
Protection	As in the EU, protection of GIs is of an unlimited duration (Article 41 of the Law). However, the right of use of a geographical indication lasts for ten years. This right may be renewed for an unlimited number of times (Article 42 of the Law).
Additional information	
None.	

Country: East Timor

International Legal Framework

East Timor is not a WIPO member.³⁷
East Timor is not a WTO Member.³⁸
There are no bilateral agreements between the EC and East Timor specific to GIs.

National Legal Framework

Type of Protection	<p>There is currently no intellectual property framework in East Timor.</p> <p>According to the information of WIPO, the laws of Indonesia in force as of 25 October 1999 are applicable in East Timor unless they have been specifically revoked and replaced by Timorese law.</p> <p>The Ministry of Justice of East Timor accepted the “re-registration” of Indonesian trademarks. However, it is not clear that Indonesian trademark registrations will be automatically recognized. Therefore, in order to find out how to register trademarks in East Timor, consider the file “Indonesia”.</p>
Relevant Regulatory Framework	See above.
Scope of protection	See above.
Source	See above.
Summary of the Operational Provisions	See above.
Specific Provisions (issue of Generics, Reciprocity)	See above.
Formal Requirements for an Application	
Application Forms	See above.
Relevant Supporting Documents	See above.
Administration Responsible for Registration	The Ministry of Justice of East Timor

³⁷ Source of information: <http://www.wipo.int/treaties>.

³⁸ Source of information: <http://www.wto.org>.

Continent: Eurasia
Country: East Timor

Costs	
Costs of registration	See above.
Costs of litigation	See above.
Timeframe	
Registration	See above.
Protection	See above.
Additional information	
None.	

Country: Georgia

International Legal Framework

Georgia is a member of the World Intellectual Property Organization from 25 December 1991 and a signatory to the Paris Convention for the Protection of Industrial Property from the same date. Georgia is a member of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks from 20 August 1998.

Georgia is a party to the Lisbon Agreement on Appellations of Origin from 23 September 2003. According to that Agreement appellations of origin registered in the International Register established by the Agreement are protected in all countries that are parties to that Agreement (among them France with 564 registrations and Italy with 26 registrations).³⁹

Georgia is a WTO Member from 14 June 2000.⁴⁰

There are no bilateral agreements between the EC and Georgia specific to GIs.

National Legal Framework

Type of Protection	Sui generis protection (no <i>ex officio</i> protection is available; protection is only provided at the request of any interested party (natural persons or legal entities)).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Law on Appellations of Origin and Geographical Indications of Goods November 1999 (hereafter, referred as “the Law”); • Presidential Decree of 2002 on the registration of GIs. <p>An international registration of European GIs through the Lisbon Agreement is possible under the following conditions:</p> <ol style="list-style-type: none"> 1. The GI must come from an EU Member State signatory to the Lisbon Agreement; 2. The International registration will only have effect in the countries signatories to the Lisbon Agreement.
Scope of protection	The scope of application of the Law is more extensive than the scope of the EC system (concerns goods: agricultural and handicraft, but not services (Article 3 of the Law)).
Source	English version of the Law is available at: http://www.sakpatenti.org.ge/eng/e-index.html .
Summary of the Operational Provisions	<p>Definitions of appellations of origin (AOs) and geographical indications (GIs) are similar to those provided by the EC Regulation (Article 3 of the Law). Names and signs that meet such definition may be registered.</p> <p>It appears that the EC GIs producers can obtain protection on the basis of the international agreement (Article 7 of the Law).</p> <p><u>Registration procedure:</u> Sakpatenti (the National Intellectual Property Center – office responsible for registration of GIs and AOs in Georgia) examines the applications first formally, and then substantially. If</p>

³⁹ Source of information: <http://www.wipo.int>.

⁴⁰ Source of information: <http://www.wto.org>.

Continent: Eurasia
Country: Georgia

	<p>the conditions for protection are satisfactory, the application documents will be published in the Official Bulletin of the Industrial Property of Georgia, in one central and in one local newspaper.</p> <p><u>Unlike in the EU, there is no opposition procedure available.</u> Additional materials or information may be submitted to the Ministry of relevant field if further investigation is required.</p> <p><u>It would appear that, under the Law, the level of protection is similar to that provided in the EC: once registered, GIs and AOs may not be used by others, neither in its original language accompanied with such words as “type”, “style”, “similar”, “as produced in”, etc. nor in a translated version (Article 11 of the Law).</u></p> <p><u>However, protection of the appellation of origin or geographical indication of a foreign country (EC GIs in this case) may be cancelled under the conditions of the inter-state agreement⁴¹ (Article 13(2) of the Law).</u></p>
<p style="text-align: center;">Specific Provisions (issue of Generics, Reciprocity)</p>	<p><u>Generic names will not be registered (Article 5 of the Law, but, unlike in the EU, no definition or criteria of how to establish a generic nature of a geographical name).</u></p> <p><u>As in the EU, after registration, the protected AO or GI may not become generic (Article 11(3) of the Law).</u></p> <p><u>It appears that the EC GIs can obtain protection in Georgia as appellations of origin or geographical indications on the basis of an international agreement. The appellation of origin and geographical indication protected under the international agreement shall be registered at Sakpatenti (Articles 4.2 of the Law).</u></p>
<p>Formal Requirements for an Application</p>	
<p style="text-align: center;">Application Forms</p>	<p>Applications must be submitted in Georgian language (Article 7(3) of the Law).</p> <p>Unlike in the EU, there is no standard application form.</p> <p>However, the Law indicates that an application must contain (Article 7(4)):</p> <ul style="list-style-type: none"> • a request for registration of an appellation of origin or geographical indication; • full name and legal address of the applicant; • appellation of origin or geographical indication; • name of the goods for which the registration of the appellation of origin or geographical indication is requested; • description of the goods and the raw material, with the indication of their chemical, physical, microbiological and/or organoleptic and other characteristics; • description of location of the geographical area indicating its exact boundaries; • document issued by the local administrative body confirming that the goods originate from that geographical area; • the description of production technology and conditions and methods of production specific for the relevant geographical area, in the case of their existence; • documents confirming, that specific quality or features of the goods are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors, or specific quality, reputation or characteristics of the goods are attributable to the geographical area; • document confirming payment of the examination fee; • power of attorney issued by an applicant in the name of his representative, if the application is filed by the representative; • signature of the applicant or his representative.

⁴¹ Inter-state agreements are agreements between governments of two or more states.

Continent: Eurasia
Country: Georgia

Relevant Supporting Documents	None.
Administration Responsible for Registration	<p>Industrial Property Office National Intellectual Property Center (Sakpatenti) 6, I. Chavchavadze I Lane 0179 Tbilisi Tel.: + 995.32 25.17.61 / 25.17.60 Fax: + 995.32 98.84.19 / 98.84.26 E-mail: sakpatenti@wancx.net Website: www.sakpatenti.org.ge</p>
Costs	
Costs of registration	No indication in the Law. It can be determined by the bilateral agreement concluded by Georgia and foreign country.
Costs of litigation	Approximately \$ 800 (€622).
Timeframe	
Registration	Three months (Article 8.6 of the Law).
Protection	No indication in the Law, can be determined by the bilateral agreement concluded by Georgia and foreign country.
Additional information	
According to the official web site of the Industrial Property Office 10 designations of origin have been registered so far.	

Country: Iceland

International Legal Framework

Iceland is a member of the World Intellectual Property Organization from 13 September 1986, a signatory to the Paris Convention for the Protection of Industrial Property from 5 May 1962 and the Madrid Protocol Concerning the International Registration of Marks from 15 April 1997.⁴²
Iceland is a WTO Member from 1 January 1995.⁴³
There are no bilateral agreements between the EC and Iceland specific to GIs.

National Legal Framework

<p>Type of Protection</p>	<p>Trademark protection. No <i>ex officio</i> protection is available; protection is provided only at the request of a third party.</p>
<p>Relevant Regulatory Framework</p>	<ul style="list-style-type: none"> • The Trade Marks Act No. 45 of 22 May 1997 (hereinafter, referred as “the Law”); • Collective Marks Act No 155/2002; • Regulation on the registration of trade marks No 310/1997.
<p>Scope of protection</p>	<p>The scope of Trademark protection concerns all goods and services.</p>
<p>Source</p>	<p>Texts are available at: http://www.patent.is/focal/webguard.nsf/key2/actandregulations.html</p>
<p>Summary of the Operational Provisions</p>	<p>It appears that EC GIs may be protected in Iceland under the TM Law. There is no definition of GIs in the Law.</p> <p><u>Wines and spirits are explicitly protected</u> (Article 14 of the Law).</p> <p>Marks indicating exclusively, or with only minor alterations or additions, the type of product, condition, quantity, use, price, <u>origin</u> or when it was produced, shall not be deemed to possess sufficiently distinctive characteristics and therefore can not be registered (Article 13 of the Law).</p> <p>However, notwithstanding the provisions of Article 13 of the Law, and in accordance with Article 3 of the Collective Trademarks Act, marks or information which indicate the geographical origin of goods or services may be considered to constitute Collective Marks. Such a mark does not grant its owner the right to forbid a third party the use of the mark or the information for professional purposes, provided the use be in conformity with good business practises.</p> <p>Therefore, the EC GIs could be protected as collective trademarks (Article 3 of the Law). The Icelandic Patent Office (the authority responsible for registration of GIs) examines the application first formally, and then substantially (Article 12 of the Law).</p>

⁴² Source of information: <http://www.wipo.int>.

⁴³ Source of information: <http://www.wto.org>

Continent: Eurasia
Country: Iceland

	<p><u>As in the EU, there is an opposition procedure available within two months</u> from the date of publication in the Patent Gazette. The holder of the rights whose rights have been infringed may apply to the Court (Article 41 of the Law).</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>The Law allows foreign geographical indications from the countries parties to the Paris Convention and WTO to be registered in Iceland. For those who has neither activities in this country nor is a resident of a state which is a party to the Paris Convention for the Protection of Industrial Property or the agreement on the establishment of the World Trade Organisation (WTO) must prove that <u>he has obtained registration for a corresponding mark in his home country for the goods or services covered in his application</u> (Article 33 of the Law).</p> <p>It is possible to apply for an international registration based on an Icelandic application or registration, through the Madrid registration system. Chapter VIII of the Law is dedicated to the International Registration.</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Unlike in the EC, it appears that there is no standard application form.</p> <p>However, the Law indicates that an application shall be signed by the applicant or his agent and shall specify:</p> <ul style="list-style-type: none"> • the trade mark; if the mark is not only a word mark written in normal letters an illustration of it shall be supplied on the form; this illustration must be clear and not larger than 8 x 8 cm; two additional copies of the illustration shall accompany the application; • the name, address and identification number of the applicant; • the name, address and identification number of the agent; • in the case of an applicant who is not domiciled in Iceland, the goods or services for which registration is requested, together with the class of goods or services in accordance with the provisions of the Nice Agreement of 1957 on International Classification for the purpose of the Registration of Trade Marks, as subsequently amended and advertisements thereof; • the registration number in the home country, if registration in Iceland is dependent upon this registration.
<p>Relevant Supporting Documents</p>	<p>Registration should be accompanied by the prescribed fee.</p>
<p>Administration Responsible for Registration</p>	<p>Icelandic Patent Office Skulagata 63 IS-150 Reykjavik Tel.: + 354 580.94.00 Fax: + 354 580.94.01 E-mail: postur@cls.stjr.is Website: http://www.patent.is</p>
<p>Costs</p>	
<p>Costs of registration</p>	<p>Filing and registration: Crowns 15.000 (~€ 156). Renewal: Crowns 15.000 (~€ 156).</p>

Continent: Eurasia
Country: Iceland

Costs of litigation	Approximately Crowns 88.500 (~€ 923).
Timeframe	
Registration	Between 6 – 9 months.
Protection	The protection shall apply for ten years from the date of registration, and shall be renewed for successive periods of ten years.
Additional information	
None.	

Country: India

International Legal Framework

India is a member of the World Intellectual Property Organization from 1 May 1975 and a signatory of the Paris Convention for the Protection of Industrial Property from 7 December 1998.⁴⁴
India is a WTO Member from 1 January 1995.⁴⁵
There are no bilateral agreements between the EC and India specific to GIs.

National Legal Framework

<p>Type of Protection</p>	<p>Sui generis protection (it would appear that <i>ex officio</i> protection is available, where the state and public authorities are responsible for the policing and ensuring GI protection (Articles 50 and 51 of the Law)).</p>
<p>Relevant Regulatory Framework</p>	<ul style="list-style-type: none"> • The Geographical Indications of Goods (Registration and Protection) Act, 1999 (No. 48 of 1999), entered into force on 15 September 2003 (hereafter, referred as "the Law"); • The Geographical Indications of Goods (Registration and Protection) Rules of 2002 (hereafter referred as "the Rules 2002").
<p>Scope of protection</p>	<p><u>The scope of application of the Law is more extensive than the scope of the EC system</u> (concerns goods: agricultural, industrial and handicraft (Article 1(3)(f)) and the 4th Schedule of the Rules 2002 (which provides the classification of goods), but not services). The 4th Schedule of the Rules also includes alcoholic beverages but, <u>unlike in the EC, excludes beers.</u></p>
<p>Source</p>	<p>Official publication of the Law: "The Gazette of India", No. 61, 30 December 1999. Official publication of the Rules: "The Gazette of India", Extraordinary, 8 March 2002. English versions of the Act and Rules are available at http://www.patentoffice.nic.in/ipr/gi/geo_ind.htm</p>
<p>Summary of the Operational Provisions</p>	<p>Definition of geographical indications is similar to one provided by the EC Regulation, but includes manufactured goods (Article 1(3)(e) of the Law). Names and signs that meet such definition may be registered.</p> <p>The Registrar of Geographical Indication (the authority responsible for registration of GIs) examines the application first formally, and then substantially.</p> <p>Registration is not compulsory to afford protection. However, registration provides better protection, facilitates an action for infringement and gives the authorized user the exclusive rights to the use (Article 20 of the Law). The Registrar of Geographical Indications is responsible for the registration of geographical indications.</p> <p>Any association of persons or producers or any organisation or authority established can apply for a registration (Article 11 of the Act).</p>

⁴⁴ Source of information: <http://www.wipo.int>.

⁴⁵ Source of information: <http://www.wto.org>.

Continent: Eurasia
Country: India

	<p>There is also an <u>opposition procedure</u> available within three months from the date of advertisement of an application for registration (Article 14 of the Act).</p> <p><u>The decision of the Registrar may be appealed to the Appellate Board within three months from the date on which it has been communicated to the appellant (Article 31 of the Law).</u></p> <p>It would appear, under the Law, that the level of protection is similar to that provided in the EC: Unauthorised use of registered geographical indications is prohibited. This also concerns cases where the true origin is indicated <u>or the geographical indication is used in translation</u> or in combination with expressions such as “sort of”, “kind of”, “imitation” and “the like”. The use of similar appellation of origin on any goods which may confuse consumers with respect to origin and specific properties of goods is also prohibited.</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>Generic names will not be registered (Article 9 of the Law). Definition of generic names is provided in Article 9 of the Law, and certain criteria on how to establish the generic nature of the name are indicated.</p> <p>The possibility of registering is subject to the reciprocity (Article 85 of the Act). However, the EC GIs can be registered in India, as the EC complies with the requirements stated in the Law (the same IP rights with respect to the registration and protection of geographical indications as accorded to the own nationals of the country in question).</p> <p><u>Geographical indications for all goods are protected in translation (Article 22.3 of the Law).</u></p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Like in the EU, there is a standard application form.</p> <p>The Rules 2002 contain several standard application forms, which must be used for the application (these documents can be downloaded from http://www.patentoffice.nic.in/ipr).</p> <p>The application must contain:</p> <ul style="list-style-type: none"> • a statement as to how the GI serves to designate the goods as originating from the concerned geographical area, as the case may be, in respect of specific quality, reputation or other characteristics of which are due exclusively or essentially to the geographical environment and the production or processing of which takes place in such geographical area; • the geographical map of the territory in which the goods originate or are being manufactured; • the class of goods to which the geographical indication shall apply; • the particulars regarding the appearance of the geographical indication as to whether it is comprised of the words or figurative elements or both; • a statement containing such particulars of the producers of the concerned goods, if any, proposed to be initially registered with the registration of the geographical indication as may be prescribed. <p>The EC specification can potentially be re-used for these purposes.</p>
<p>Relevant Supporting Documents</p>	<p>The guidelines for applicants are provided by the Indian Patent Office. The document is available on the following link: http://www.patentoffice.nic.in/ipr/gi/gi_guidelines.htm.</p>
<p>Administration Responsible</p>	<p>The Registrar of Geographical Indication Guna complex, No.443/304 Anna Salai,</p>

Continent: Eurasia
Country: India

for Registration	Teynampet, Chennai - 6000 018 India Tel: 044-4314293/94/95/96/97/98 Website: http://www.patentoffice.nic.in/jpr/gi/gi_guidelines.htm
Costs	
Costs of registration	<ul style="list-style-type: none"> • Application for the registration for goods included in one class: RUP 5.000 (€ 84); • Notice of opposition to the registration: RUP 1.000 (€ 17); • Application for extension of time for filing notice of opposition: RUP 300 (€ 5); • Application for the registration of an authorized user of a registered GI: RUP 500 (€ 9); • Request for issuance of a registration certificate as an authorized user: RUP 100 (€ 1); • Renewal of the registration of a GI at the expiration of the last registration: RUP 3.000 (€ 53).
Costs of litigation	Approximately RUP 20374 (€ 360).
Timeframe	
Registration	There is a period of 3 months to submit an opposition to registration and 2 more months for the applicant to reply (Article 14 of the Law). There is a maximum period of 12 months to complete the registration (Article 15.3 of the Law).
Protection	The registration of a GI is valid for a period of 10 years, renewable for further periods of 10 years (Article 18.1 of the Law).
Additional information	
The Registrar of Geographical Indications in India has granted GI certificates to Bidri ware from Bidar, Channapatna toys and dolls, Nanjangud banana, Coorg orange, Mysore betel leaf, Mysore rosewood inlay, Mysore Silk, Mysore traditional paintings, Mysore agarbathi, Basmati rice, Darjeeling tea, Nagpur orange and Kolhapuri Chappal. The first traditional Indian craft to receive GI Certificate under the Geographical Indications of Goods (Registration and Protection) Act 1999 was Pochampally Ikat tie-and-dye sari.	

Country: Indonesia

International Legal Framework

Indonesia is a member of the World Intellectual Property Organization from 18 December 1979 and a signatory of the Paris Convention for the Protection of Industrial property from 24 December 1950⁴⁶
Indonesia is a member of the WTO since 1 January 1995.⁴⁷
There are no bilateral agreements between the EC and Indonesia specific to GIs.

National Legal Framework

Type of Protection	Sui generis protection. No <i>ex officio</i> protection is available; protection is only provided at the request of any interested party.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Law No. 15 of 2001 on Marks (State Gazette of RI of 2001 No. 110) of 1 August 2001. • A draft Decree on the protection of GIs is in a process of being adopted (hereinafter referred as "the draft Decree").
Scope of protection	Applicable to all goods (agricultural, industrial and handicraft) but not to services.
Source	The legal texts are available at http://www.ecap-project.org/fileadmin/ecapll/pdf/en/information/indonesia/law_15_2001.pdf .
Summary of the Operational Provisions	<p>Geographical indications are defined in a manner similar to EU law.</p> <p>It appears that EU GIs could be eligible for registration in Indonesia.</p> <p>The application has to be submitted to the Directorate General of Intellectual Property Rights (the authority responsible for the registration of GIs).</p> <p>This can be done by many stakeholders, such as an institution that represents the company in the area which produces the goods concerned, which consists of:</p> <ul style="list-style-type: none"> • Parties who undertake business on goods of natural products or natural resources; • Producers of agricultural products; • People who make handicraft or industrial products; or • Merchants who sell the goods concerned; • An institution that is given the authority to do so; and • A group of consumers can also apply for GI protection. <p>According to the draft Decree, the registration procedure would be as follows:</p> <ul style="list-style-type: none"> • Formal examination of the application by the Directorate General within 3 months from the filing date (additional information can be requested and has to be provided within 3 months). If information is not satisfactory or additional information is not provided, the application is deemed to be withdrawn. Fees will not be reimbursed in that case. • Substantive examination by the Geographical Indication Commission within a period of maximum of 1 year subject to the payment of the prescribed fees. • In case of negative decision of the GI Commission, refusal. The refusal is notified through the

⁴⁶ Source of information: <http://www.wipo.int/treaties>.

⁴⁷ Source of information: <http://www.wto.org>.

Continent: Eurasia
Country: Indonesia

	<p>applicant's agency or diplomatic representation in Indonesia. Within 2 months, the applicant or his agent may submit an objection to the GI Commission. In the absence of objection, the decision to refuse registration is final.</p> <ul style="list-style-type: none"> • Publication in the Official Gazette of Geographical Indications of the sign protected as a Geographical Indication. <p>Like in the EC, the draft Decree provides for an opposition procedure. However, the decisions of Directorate General of Intellectual Property Rights can be appealed within a period of 3 months.</p> <p>Level of protection:</p> <p>Article 23 of the draft Decree provides the same level of GI protection as in the EC, including the protection against the use of a GI with expressions such as “style”, “type”, “method”, “manner”, “imitation”, or translations of these expressions.</p> <p>The right holder of a GI may file a lawsuit against an unlawful user of the Geographical Indication, in the form of claim for damages and an order for stopping the usage as well as disposal of labels of the GI concerned. To prevent any further loss of the party whose right has been infringed, a judge may order the infringer to cease any activities of producing, and may order to destroy labels of the GI which have been unlawfully used (Article 57 of the Law on marks).</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>Prior use for a GI sign, which has been used prior to the date of Application for registration of a GI in good faith by another party who has no right to register, that party may continue to use the sign concerned for a period of 2 years as from the date of its registration.</p> <p>It would appear that there is no provision on genericity.</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Unlike in the EC, there is no standard application form available.</p> <p>According to the draft Decree on the protection of GIs, the application of a foreign GI must contain:</p> <ul style="list-style-type: none"> • The name of the responsible authority in relation to the good covered by the GI and the address of the responsible authority's principal office or place of business or representation in the Republic of Indonesia. • The proof of the existence of a system of control, protection and eventually of objection, in the country of origin. • A book or requirement which is very similar to the EC specification. The EC specification could be potentially used for the application. This book must include: <ul style="list-style-type: none"> a) Name of GI Product; b) The description of the specific characteristic, reputation and quality; c) The description of the geographical environment and the inherent d) Natural and human factor which have an effect to product; e) The description of the boundaries and/or map; f) The description of history and tradition in relation to the using GI including the recognition of GI; g) The description of the method used to process the goods; h) The description to ensure the traceability of a goods; i) The specific labelling details to be used relating to the GI. <p>It would appear that the application can be filed through the diplomatic representation of the foreign Geographical Indication country in Indonesia.</p> <p>The application must be made in the Indonesian language.</p>

Continent: Eurasia
Country: Indonesia

Relevant Supporting Documents	A power of attorney and a letter of recommendation of the local government.
Administration Responsible for Registration	Director General of the Directorate General of Intellectual Property Jalan Daan Mogot KM 24 Tangerang 15119 Banten Indonesia Tel: (021) 5524992 Fax: (021) 5525366 E-mail: dirgen@dgip.go.id Website: www.dgip.go.id/home.en
Costs	
Costs of registration	Yet to be established. Application must be made in the Indonesian language, so costs of translation must be added.
Costs of litigation	Would depend on the complexity of the case, however, now there is little information on IP litigation in Indonesia.
Timeframe	
Registration	As indicated in the draft Degree, approximately 18 months.
Protection	Protection is provided as long as the conditions for such protection exist.
Additional information	
There are a number of potential GIs in Indonesia, among them Muntok peper, Lampung peper, Sumatra Mandheling, Toraja Kalossi, Mocha Java, sweet potato from Cilembu, batik from Jawa, clay handicrafts from Kasongan, salak fruit from Yogya, Bali and Padang Sidempuan Sumatra, fragrance rice: Menthik wangi, Cianjur, Rajalele, Bareh Solok, Siam Unus from Kalimantan which each having distinctive characteristics due to its origin.	

Country: Iran (Islamic Republic of)

International Legal Framework

Iran is a member of the World Intellectual Property Organization from 14 March 2002, a signatory to the Paris Convention for the Protection of Industrial Property from 25 December 2003, the Madrid Agreement on Indications of Source from 18 June 2004 and the Madrid Agreement concerning the International Registration of Marks from 25 December 2003.⁴⁸ Iran is a party to the Lisbon Agreement on Appellations of Origin from 9 March 2006. According to that Agreement appellations of origin registered in the International Register established by the Agreement are protected in all countries parties to that Agreement (among them France with 564 registrations and Italy with 26 registrations). Iran is not a WTO Member.⁴⁹ There are no bilateral agreements between the EC and Iran specific to GIs.

National Legal Framework

Type of Protection	At the present moment only Trademark regime . It appears that no <i>ex officio</i> protection is available under the trademark regime, protection is provided only at the request of an interested party.
Relevant Regulatory Framework	<p>Patent and Trademark Registration Law, July 1931 (hereinafter referred as “the Trademark Law”).</p> <p><u>A legal committee has been established to revise and adopt new laws and regulations for Trademarks and Geographical Indications in order to establish a system of protection and registration of appellations of origin (as in order to be protected under the Lisbon Agreement an appellation of origin must be protected in its country of origin (Article 3 of the Lisbon Agreement).</u></p> <p>An International registration of European GIs through the Lisbon Agreement is possible under the following conditions:</p> <ol style="list-style-type: none"> 1. The GI must come from an EU Member State signatory of the Lisbon Agreement; 2. This International registration will only have effect in the countries signatories of the Lisbon Agreement.
Scope of protection	<u>Presently, the scope of protection under the Trademark Law concerns all goods and services.</u>
Source	The text of the national law on trademarks is not available electronically, information from the official WIPO web site.
Summary of the Operational Provisions	Protection for trademarks and trade names. In order to register a trademark, substantive and formal examinations of the application will be required. Registration of a mark will confer on the owner the exclusive right of use a trademark for a period of 10 years, renewal is possible.
Specific Provisions (issue of Generics, Reciprocity)	None.

⁴⁸ Source of information: <http://www.wipo.int> .

⁴⁹ Source of information: <http://www.wto.org>.

Continent: Eurasia
Country: Iran

Formal Requirements for an Application	
Application Forms	<p>In order to file a trademark application in Iran, the required documents are:</p> <ul style="list-style-type: none"> • Certified and legalized (by the Iranian consulate) power of attorney; • Name & Address of the applicant; • Description of goods and related classes; • Certified copy of priority document (If to be claimed in Iran); • Certified copy of certificate of trademark registration from abroad (if to be claimed in Iran); • Description of colors (if color trademark is to be filed in Iran); • Front, top and side picture of a 3D mark with label (if 3D trademark is to be filed in Iran).
Relevant Supporting Documents	Proof of the payment of a fee for registration.
Administration Responsible for Registration	<p>Industrial Property Office of Registration Organization of Deeds and Properties 37 Shariati Street, Shargh-i-Bagh-i Rousiyeh Elahi Avenue Tehran 19148 Tel. (9821) 200 14 90 91 26 58 37 Telefax (9821) 26 35 31</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • Comprehensive study for first trade mark/class is 557,568 Iran Reals (\$ 64, or € 50), for any additional class is 557,568 Iran Reals (\$ 64, or € 50); • Registration of the first trade mark/class is 5633,760 Iran Reals (\$ 679, or € 537), for any additional class is 406,560 Iran Reals (\$ 47, or € 37); • Certificate of Registration for the first trade mark/class is 871,200 Iran Reals (\$ 100, or € 79), for any additional class is 871,200 Iran Reals (\$ 100, or € 79).
Costs of litigation	Depends on the complexity of the case. It can be litigated by a firm of industrial property agents authorized to practice in Iran (between € 900 – 1500).
Timeframe	
Registration	5 months (approximately, no indication in the Law).
Protection	10 years from date of application and renewable for further periods of 10 years (Article 14 of the Trademark Law).
Additional information	
None.	

Country: Iraq

International Legal Framework

Iraq is a member of the World Intellectual Property Organization from 21 January 1976, a signatory to the Paris Convention for the Protection of Industrial Property from 24 January 1976.⁵⁰
Iraq is not a WTO Member.⁵¹
There are no bilateral agreements between the EC and Iraq specific to GIs.

National Legal Framework

Type of Protection	<p>Trademark regime: no <i>ex officio</i> protection is available under the trademark regime, protection is provided only at the request of an interested party.</p> <p><u>Although the Trademark and Geographical Indications Law provides a definition of geographical indications, they are protected as certification or collective trademarks.</u></p>
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Trademark and Geographical Indications Law No. 21 of 1957, as amended by Laws No. 7 of 1962 and No. 214 of 1968 and 26 April 2004.
Scope of protection	<p>The scope of application of the Law is more extensive than the scope of the EC system (concerns goods: agricultural and handicraft, but not services).</p>
Source	<p>The text is provided by Abu-Ghazaleh Intellectual Property at http://www.agip.com.</p>
Summary of the Operational Provisions	<p>Definition of geographical indications is similar to the one provided by the EC Regulation (Article 1 of the Law). Names and signs that meet such definition may be registered as collective or certification trademarks. In order to register a certification or a collective trademark, substantive and formal examinations of the application will be required. The Trademark Office (the authority responsible for the registration of trademarks) examines the application first formally, and then substantially.</p> <p>In order to be enforceable against third parties, the trademark must be published in the Official Gazette. As in the EU, there is an opposition procedure within 90 days from the date of the publication. If there is no opposition or opposition is not acceptable, the name enters into the records of the Trademark Office. A trademark becomes the transferable property of the person who registered it, whose proprietorship may not be challenged after five consecutive years of use (Article 3 of the Law).</p> <p>A trademark entered unlawfully or in bad faith may also be subject to court cancellation. Infringement or unauthorized use of a registered trademark is punishable by law.</p>
Specific Provisions (issue of Generics, Reciprocity)	<p>None.</p>

Formal Requirements for an Application

⁵⁰ Source of information: <http://www.wipo.int>.

⁵¹ Source of information: <http://www.wto.org>.

Continent: Eurasia
Country: Iraq

Application Forms	<p>At least:</p> <ul style="list-style-type: none"> • Full name, street address and description of the applicant (including trading style, if any, and state/country of incorporation, if incorporated); • List of goods and/or services; • If priority is claimed: a certified copy of home application/registration together with legalised translation thereof. <p><u>The specific requirements for the registration of certification trademarks that certify a geographic origin or a product still needs to be prescribed in regulation made under the Law.</u></p>
Relevant Supporting Documents	Proof of the payment of a fee for registration (the payment need to be done to the Ministry of Industry and Minerals).
Administration Responsible for Registration	<p>According to the Council of Ministers, a decision was issued as of 30 May 2005, in which the TMO came under the custody of the Ministry of Industries, while earlier it was a separate organization (Information obtained at http://www.iraqiindustry.com/contactus.aspx).</p> <p>Ministry of Industry and Minerals Planning Department Trademark Office P.O. Box 13032 Al Jadria Baghdad Tel. (964 1) 776 5180 E-mail: plan@iraqiindustry.com</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • Filing a trademark application in one subclass up to Registration is \$ 450 (€ 375); • Filing a trademark application in each additional subclass up to 3 subclasses after the first up to Registration is \$ 45 (€ 37); • Issuing a Certificate of registration Per TM in one subclass is \$ 225 (€ 178); • Issuance of the registration Certificate for each additional subclass up to 3 subclasses after the 1st is \$ 45 (€ 37); • Opposition action before the Registrar is \$ 250 (€ 198); • Local legalization of the power of attorney is \$ 120 (€ 95); <p>Translation of the list of goods from English to Arabic (over the first 100 words) per page is \$ 20 (€ 16).</p>
Costs of litigation	Between € 750 – 1200 (depending on the complexity of the case).
Timeframe	
Registration	7 months (approximately, not by Law).
Protection	15 years beginning on the date of application, with the option of renewal.
Additional information	
None.	

Country: Israel

International Legal Framework

Israel is a member of the World Intellectual Property Organization from 26 April 1970, a signatory to the Paris Convention for the Protection of Industrial Property from 24 March 1950 and signatory of the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration from 25 September 1966. According to that Agreement appellations of origin registered in the International Register established by the Agreement are protected in all countries parties to that Agreement (among them France with 564 registrations and Italy with 26 registrations).

Israel has also signed the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods on 24 March 1950.⁵²

Israel is a WTO Member from 21 April 1995.⁵³

There are no bilateral agreements between the EC and Israel specific to GIs.

National Legal Framework

<p>Type of Protection</p>	<p>Sui generis protection. It appears that no <i>ex officio</i> protection is available; protection is provided only at the request of a third party.</p> <p>An International registration of European GIs through the Lisbon Agreement is possible under the following conditions:</p> <ol style="list-style-type: none"> 1. The GI must come from an EU Member State signatory of the Lisbon Agreement; 2. This International registration will only have effect in the countries signatories of the Lisbon Agreement.
<p>Relevant Regulatory Framework</p>	<ul style="list-style-type: none"> • Appellations of Origin (Protection) Law, No. 5725, of 7 July 1965, as last amended in January 2000 (hereinafter referred as "the Law"); • Appellations of Origin (Procedure of Registration of Appellations of Origin Originating in a Foreign Country) Regulations, No. 5727, of 6 February 1967.
<p>Scope of protection</p>	<p><u>The scope of application of the Law is more extensive than the scope of the EC system</u> (concerns goods: agricultural, industrial or handicraft product, but not services).</p>
<p>Source</p>	<p>Official Publication of the Law: "Sefer Ha-Chukkim", 16 July 1965 - 5725, No. 459, p. 186 Texts are available at: http://www.wipo.int.</p>
<p>Summary of the Operational Provisions</p>	<p>Definitions of appellations of origin (AOs) and geographical indications (GIs) are similar to those provided by the EC Regulation (Article 1 of the Law).</p> <p>In order to be protected appellations of origin have to be registered (Article 3 of the Law). The Patent Office at the Ministry of Justice (the authority responsible for the registration) keeps a Register of Appellations of Origin (Article 2 of the Law). The Register shall be established and kept under the supervision of the Registrar who is responsible for the registration of GIs, and examines the application first formally, and then substantially (Article 5 of the Law).</p>

⁵² Source of information: <http://www.wipo.int>.

⁵³ Source of information: <http://www.wto.org>.

*Continent: Eurasia
Country: Israel*

	<p><u>As in the EU, there is an opposition procedure available within three months</u> from the date of advertisement of the acceptance of the application (Article 9 of the Law). <u>There is a cancellation (or “Striking-Out”, as indicated in the Law) procedure available</u> for any interested person or on the initiative of the Registrar when the appellation has become a mere indication of type or provenance or if the conditions which served for the registration have ceased to exist (Article 14 of the Law). Further objections against the decisions of the Registrar may be submitted to an objection committee of three members appointed by the Minister of Justice.</p> <p>The level of protection is similar to that provided in the EC: <u>No registered designations of origin or geographical indications may be used in the cases when the genuine origin is indicated or used in translation or in combination with expressions such as “sort of”, “kind of”, “imitation” and “the like”.</u> The use of false or misleading information as to the origin, nature or essential qualities of the product is also prohibited (Article 21A of the Law). Special protection is provided for wines and spirits in Articles 21B and 21C of the Law.</p> <p>The holder of the rights in a geographical sign whose rights have been infringed may apply to the Court.</p> <p>The applications can be in two languages: Hebrew and English.</p>
<p style="text-align: center;">Specific Provisions (issue of Generics, Reciprocity)</p>	<p>Unlike in the EC, there is no provision regarding generic names. A cancellation procedure against appellations which has become mere indications of type or provenance is established under Article 14 of the Law.</p> <p><u>Geographical indications and designations of origin, used in translation, are protected (Article 22 of the Law).</u></p> <p>The Law allows EC GIs to be registered in Israel subject to reciprocity provisions (Article 17 of the Law requires notification by the International Bureau that the foreign appellation has been registered in the International Register). Should it be the case, provisions of the Law apply <i>mutatis mutandi</i> to foreign appellations. The registration of foreign appellations of origin is also possible after the announcement of the Minister of Justice, by notice in <i>Reshumot</i>, the existence of an agreement between Israel and a particular state concerning the protection of appellations of origin (Article 33 of the Law).</p>
<p>Formal Requirements for an Application</p>	
<p style="text-align: center;">Application Forms</p>	<p>Unlike in the EU, there is no standard application form.</p> <p>However, the Law indicates that an application must contain (Article 4 of the Law):</p> <ul style="list-style-type: none"> • the product; • the special particulars showing that the designation of the product is an appellation of origin and not merely an indication of provenance or type; • the person entitled in respect of the appellation. <p>The EC specification can potentially be re-used for these purposes.</p>
<p style="text-align: center;">Relevant Supporting Documents</p>	<p>During the examination process, the Registrar may demand any material or information relevant to the examination and deemed by him to be necessary for it (Article 6 of the Law).</p>
<p style="text-align: center;">Administration Responsible for Registration</p>	<p>Patents, Designs and Trademarks Office 4, Hasadna Street Talpiot Jerusalem 93420 Tel.: (972.2) 565.16. 43/44 Fax: (972.2) 565.17.00</p>

Continent: Eurasia
Country: Israel

	(Trademarks Department) Tel.: (972.2) 565.17.07 Fax: (972.2) 565.16.16 (PCT Department) E-mail: akselard@justice.gov.il E-mail: meirno@justice.gov.il Website: www.justice.gov.il
Costs	
Costs of registration	<ul style="list-style-type: none"> • Filing fee for an application is ILS 921 (€ 163); • Publication fee (due at the time of filing the application) is ILS 160 (€ 28); • Filing a request for urgent examination is ILS 617 (€ 110); • Filing a request for an extension of time, for each month of extension or part thereof is ILS 55 (€ 10); • Filing a request to amend a specification is ILS 617 (€ 110); • Publication of acceptance is ILS 480 (€ 85). <p><u>These fees do not apply for the registration of foreign appellations of origin under the Lisbon Agreement.</u></p>
Costs of litigation	Approximately ILS 5.650 (~€ 1000).
Timeframe	
Registration	From 10 to 18 months (approximately, no information in the law).
Protection	<p>Unlike in the EU, protection of geographical signs is valid for 10 years from the filing of the application. However, its validity may be extended for additional periods of ten years (Article 13 of the Law).</p> <p>For foreign appellations, the protection shall be the same of its registration as in the country of origin (Article 20 of the Law).</p>
Additional information	
None.	

Country: Japan

International Legal Framework

Japan is a member of the World Intellectual Property Organization from 20 April 1975, a signatory to the Paris Convention for the Protection of Industrial Property from 15 July 1899 and the Madrid Protocol Concerning the International Registration of Marks from 14 March 2000.⁵⁴

Japan has signed the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods on 8 July 1953, becoming party to the Additional Act of Stockholm on 24 April 1975.

Japan is a WTO Member from 1 January 1995.⁵⁵

There are no bilateral agreements between the EC and Japan specific to GIs.

National Legal Framework

<p>Type of Protection</p>	<p>Dualism: Trademark regime and <i>Sui Generis</i> protection of GIs available only for liquors.</p> <p><u>Sui generis protection of GIs:</u> It appears that <i>ex officio</i> protection is available.</p> <p><u>Trademark regime:</u> No <i>ex officio</i> protection is available under the trademark regime, protection is provided only at the request of an interested party (<i>e.g., producers</i>).</p>
<p>Relevant Regulatory Framework</p>	<p><u>Sui generis protection of GIs:</u> Law concerning Liquor Business Associations and Measures for Securing Revenue from Liquor Tax, of 28 December 1994 (hereafter referred as “the GIs Law”).</p> <p><u>Trademark regime:</u> The Trademark Law, of 13 April 1959, entry into force 1 January 1971 (hereafter, referred as “the TM Law”), as amended in April 2006.</p>
<p>Scope of protection</p>	<p><u>Sui generis protection of GIs:</u> The scope of protection of the GIs Law in Japan is more limited and concerns only liquors.</p> <p><u>Trademark regime:</u> The scope of protection of the TM Law concerns all goods and services.</p>
<p>Source</p>	<p>The English versions of the laws are available at http://www.wipo.int</p>
<p>Summary of the Operational Provisions</p>	<p><u>Sui generis protection of GIs:</u></p> <p>The Law defines GIs as indications which identify a liquor as originating in the territory of a Member of the World Trade Organization, or a region or locality in that territory, where a given quality, reputation or other characteristic of the liquor is essentially attributable to its geographical origin (Article 1 of the Law).</p>

⁵⁴ Source of information: <http://www.wipo.int>.

⁵⁵ Source of information: <http://www.wto.org>.

*Continent: Eurasia
Country: Japan*

	<p><u>The level of protection is similar to that provided in the EC.</u> A geographical indication that indicates the place of origin designated by the commissioner of the National Tax Administration among places of origin of wines or spirits made in Japan, or a geographical indication that indicates the place of origin of wines or spirits made in a Member of the World Trade Organization and use of which, with respect to wines or spirits originating in a region other than the place of origin, is prohibited in that Member, shall not be used with respect to wines and spirits originating in a region other than the place of origin.</p> <p><u>GIs for liquors, used in translation are also protected</u> (Article 2 of the Law). This law does not provide for the registration procedure. The list of specific names of liquors is drawn by the Japanese Patent Office.</p> <p><u>Trademark regime:</u></p> <p>The Japanese Trademark Law was amended on April 1 2006, and regionally based collective marks were introduced. In definition, “collective” trademark are trademarks owned by an organization (such as an association), whose members use them to identify themselves with a level of quality or accuracy, geographical origin, or other characteristics set by the organization.⁵⁶ Therefore, “regional” collective trademark is a collective trademark consisting of a regional name and a name of goods or service.</p> <p>Therefore, the EC geographical indications can be registered in Japan as “regional” trademarks. Chapter II of the TM Law refers to the registrability of the trademarks which might consist of a mark indicating in a common way, <u>the origin</u>, quality, (...), or the method or time of manufacturing or using them (Section 3.1.iii).</p> <p>To register a trademark, an applicant must fill out the forms prescribed and submit them to the Japan Patent Office. Unregistered trademarks can also be protected.</p> <p>There is an opposition procedure available within two months of the publication of the application in the Patent Office Gazette (Article 43.bis of the Law). <u>Further appeals may be brought against the Intellectual Property High Court.</u></p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>None.</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p><u>Trademark regime:</u></p> <p>The standard application form is available at http://www.jpo.go.jp.</p> <p>Section 5 of the Trademark Act establishes that the request for the registration shall state the following:</p> <ul style="list-style-type: none"> • the name and the domicile or residence of the applicant for a trademark registration; • the trademark for which registration is sought; • the designated goods or designated services and the class of goods or services. <p>Applications may be submitted in English.</p>
<p>Relevant Supporting Documents</p>	<p>None.</p>

⁵⁶ A more detailed definition of “collective marks” is offered at the following site: http://www.wipo.int/sme/en/ip_business/marks/collective_marks.htm.

Continent: Eurasia
Country: Japan

Administration Responsible for Registration	Japan Patent Office 3-4-3, Kasumigaseki, Chiyoda-ku, Tokyo 100-8915 Tel.: + 81.3 35.81.18.98 Fax: + 81.3 35.81.07.62 E-mail: PA0842@jpo.go.jp Website: www.jpo.go.jp
Costs	
Costs of registration	Trademark regime: Fees are available in the Law. Application: Yen 6.000 + Yen 15.000 (~€ 147) per class. Registration fee: Yen 66.000 (~€ 464) per class. Renewal fee: Yen 151.000 (~€ 1063) per class.
Costs of litigation	Trademark regime: Between 262.869 Yen (~€ 1851) and 283.326 Yen (~€ 1996)
Timeframe	
Registration	Trademark regime: Between one and three months.
Protection	Trademark regime: Under Section 19 of the Law, the term of a trademark right is granted for ten years from the date of registration of its establishment. The term of a trademark right may be renewed by a request for registration of renewal.
Additional information	
Examples of marks indicating the origin of Japanese white liquors are <i>Iki</i> from Iki-gun and Nagasaki, <i>Kuma</i> from Hitoyoshi-shi, Kuma-gun, Kumamoto and <i>Ryukyu</i> from Okinawa.	

Country: Jordan

International Legal Framework

Jordan is a member of the World Intellectual Property Organization from 12 July 1972, and a signatory to the Paris Convention for the Protection of Industrial Property from 17 July 1972.⁵⁷
Jordan is a WTO Member from 11 April 2000.⁵⁸
There are no bilateral agreements between the EC and Jordan specific to GIs.

National Legal Framework

<p>Type of Protection</p>	<p>Sui generis protection. No <i>ex officio</i> protection is available; protection is provided only at the request of a third party.</p>
<p>Relevant Regulatory Framework</p>	<ul style="list-style-type: none"> • Law on Geographical Indications No. 8 of 2000, entered into force the 2 May 2000 (hereinafter, referred as "the Law"); • As the Law does not provide registration of geographical indications, there is a possibility to registrar foreign GIs as trademarks under Trademarks Law N 34 of 1999, Official Gazette No. 4389 dated 1.11.1999.
<p>Scope of protection</p>	<p><u>It appears that the scope of application of the Law is similar than the scope of the EC system</u> (concerns goods).</p>
<p>Source</p>	<p>Official Publication of the Law: "Official Gazette" 02/04/2000, No. 4423 Texts are available at: http://www.wipo.int.</p>
<p>Summary of the Operational Provisions</p>	<p>Definitions of geographical indications are similar to those provided by the EC Regulation (Article 2 of the Law).</p> <p><u>In Jordan, there is no geographical indications register. This issue has been left to discretion of the mark registrar and the subject judge.</u> That means that geographical indication are protected without registration in accordance with the decision of the court, at the same time some foreign GIs (including European) can be registered and protected as trademarks.</p> <p><u>In order to protect a GI in Jordan no registration is necessary.</u></p> <p><u>In case of registration geographical indications as trademarks</u>, the Industrial Property Protection Directorate (the authority responsible for registration of trademarks) examines the application first formally, and then substantially.</p> <p><u>Like in the EU, there is an opposition procedure available within 3 months from publication of registration of trademarks with geographical names.</u> The decision of the registrar is liable for</p>

⁵⁷ Source of information: <http://www.wipo.int>.

⁵⁸ Source of information: <http://www.wto.org>.

Continent: Eurasia
Country: Jordan

	<p>cassation by appeal before the Supreme Court of Justice within sixty days as of the date of notification (Article 5 of the Law).</p> <p>It would appear that, under the Law, the level of protection is similar to that provided in the EC: No registered designations of origin or geographical indications may be used in the cases when the genuine origin is indicated or in translation or combination with expressions such as “kind of”, “imitation” and “the like”. The use of false or misleading information as to the origin, nature or essential qualities of the product is also prohibited (Article 3 of the Law).</p>
Specific Provisions (issue of Generics, Reciprocity)	<p><u>Geographical indications and designations of origin for wines and spirits, used in translation, are protected (Article 3 of the Law).</u></p> <p>It appears that foreign geographical indications can be protected in Jordan under the Law.</p>
Formal Requirements for an Application	
Application Forms	<p><u>The Law does not provide geographical indications register.</u></p> <p>Therefore, no information with respect to application form is provided in the Law, however, the following must be indicated in case of a registration of GIs as trademarks:</p> <ul style="list-style-type: none"> • the name requested; • the kind of goods for which the registration is sought; • indication of the place where such goods are manufactured (borders of the geographic place) (the EC specification could potentially be used for these purposes).
Relevant Supporting Documents	<p>For registration of GIs as trademarks: A power of attorney notarized and legalized up to the Jordanian Consulate.</p>
Administration Responsible for Registration	<p>Industrial Property Office Industrial Property Protection Directorate (IPPD) Ministry of Industry and Trade P.O. Box 2019 Amman 11181 Tel. : +96.26 562.90.30 Fax : +96.26 568.23.31 E-mail : Khaled.A@mit.gov.jo Website: http://www.mit.gov.jo</p>
Costs	
Costs of registration	<p><u>In order to be protected in Jordan no registration is necessary.</u></p> <p>Therefore, there are no official fees indicated in the Law, however the registration of a trademark with the assistance of legal advisers in Jordan cost Dinar 250 (~€ 276).</p>
Costs of litigation	<p>Approximately Dinar 380 (~€ 422).</p>

Timeframe	
Registration	<u>In order to be protected in Jordan no registration is necessary.</u> However, trademark registration takes approximately 6 – 8 months.
Protection	Not indicated in the Law, as there is no geographical indications register.
Additional information	
None.	

Country: Kazakhstan

International Legal Framework

Kazakhstan is a member of the World Intellectual Property Organization (WIPO), a signatory to the Paris Convention on the Protection of Industrial Property and to the Madrid Agreement on the International Registration of Trademarks from 25 December 1991.⁵⁹
Kazakhstan is not a WTO Member. It has a status of observer from October 1997.⁶⁰
There are no bilateral agreements between the EC and Kazakhstan specific to GIs.

National Legal Framework

Type of Protection	Sui generis protection of AOs. No <i>ex officio</i> protection appears to be available, as protection is provided only at the request of an interested party, (e.g., producers).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Law № 456 on Trademarks, Service Marks and Appellations of Origin of Goods of 26 July 1999, Title VII (hereinafter referred to as “the Law”), as amended by the Law of the Republic of Kazakhstan No.586-II of 9 July 2004.
Scope of protection	The scope of application of the Law is more extensive than the scope of the EC system (concerns goods: natural, agricultural, mining and industrial products and handicrafts, but not services).
Source	The English version of the Law is available on: http://www.intellectual.kz/trade.html and on: http://www.kazpatent.org/english/acts/trademarks.html#top .
Summary of the Operational Provisions	<p>Definition of an appellation of origin (AO) is similar to one provided by the EC Regulation and the TRIPs Agreement (Articles 25 and 26 of the Law). Names and signs that meet such definition may be registered by one or more legal or natural persons.</p> <p>AOs, which are misleading to the public with regard to the place of origin of the goods may not be registered.</p> <p>Applications for registration of an AO must be filed with the Committee for Intellectual Property Rights (hereinafter referred to as “the Committee”, the authority for the registration of appellations of origin). The Committee carries out both a formal and a substantial examination on the grounds of Articles 26, 27 and 29 of the Law. After such examination, applicants are notified with the Committee’s decision.</p> <p><u>As in the EU, there is an opposition procedure available to interested parties wishing to object to the registration of an AO lacking the aforementioned requirements.</u></p> <p>In case of negative decisions refusing the registration of an AO and/or the granting of the right to use a registered AO, applicants may lodge an appeal with the Board of Appeals no later than three months after the receipt of such decision. The Board of Appeals decides on the appeal within four months from the date of its filing.</p> <p>Under Article 37 of the Law, a AO may not be used without registration where it is identical with or</p>

⁵⁹ Source of information: <http://www.wipo.int> .

⁶⁰ Source of information: <http://www.wto.org> .

Continent: Eurasia
Country: Kazakhstan

	<p>confusingly similar to the appellation of origin that has been registered for similar goods.</p> <p>The level of protection appears to be different from what is provided in the EC.</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p><u>Protection in translation is only granted to AOs used for mineral waters, wines or hard liquors.</u> In particular, Article 37 of the Law states that AOs identifying such goods cannot be used even when the true origin is indicated or the AO is used in translation or in combination with expressions such as “kind”, “style” or something similar.</p> <p>Article 40 of the Law lists the cases when an AO might lose protection. For instance, the registration of an AO may lose its effect in the event of the end of the legal protection for the appellation of origin in the country of origin.</p> <p>Foreign applicants may exercise all their rights under the Law only through a patent attorney registered with the Committee.</p> <p><u>Foreign natural and legal persons enjoy the same rights and obligations as natural and legal persons of the Republic of Kazakhstan (Article 48 of the Law).</u> Therefore, it appears that the EC geographical indications, can be registered in Kazakhstan.</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Unlike in the EC, there is no standard application form.</p> <p>However, pursuant to Article 29 of the Law, an application must contain:</p> <ul style="list-style-type: none"> • a request for registration of the AO and /or the grant of the right to use the AO with indication of the applicant (applicants) and also his (their) location or place of residence; • the designation in respect of which the application is made; • the type of product; • a description of the particular properties of the product; • a mention of the place of manufacture (limits of the geographical area). <p>The application and annexed documents shall be filed in the Kazakh or Russian language.</p>
<p>Relevant Supporting Documents</p>	<p>The application must be accompanied by the following documents:</p> <ul style="list-style-type: none"> • a document certifying payment of the prescribed fee; • <u>a statement from the competent body that the applicant is located in the geographical area specified and manufactures a product whose particular properties are determined by natural and/or human factors of the geographical area in question;</u> • in the case of a foreign applicant a document attesting his right to use the appellation of origin in question in the country of origin of the product (the EC Certificate can be used for these purposes); • a simple signed power of attorney (if the application is filed through a representative). <p>If the documents are written in a foreign language, the applicant shall submit within two months following the date of filing of the application their translation into the Kazakh or Russian language.</p>
<p>Administration Responsible for Registration</p>	<p>Committee for Intellectual Property Rights Ministry of Justice</p> <p>47 Omarov Str. 473000 Astana Tel. (731) 72 39 07 65 Fax. (731) 72 39 07 65 E-mail: kazpat@nursat.kz Website: http://www.kazpatent.org</p>

Costs	
Costs of registration	<ul style="list-style-type: none"> • Application fee: \$ 55 (€4); • Expertise of examination: \$ 70 (€55); • Certificate for the Right to use an Appellation: \$ 92 (€72). <p>All documents must be submitted in Kazakh or Russian, therefore the costs of translation need to be taken into account.</p>
Costs of litigation	Between € 500 and € 1500 depending on the complexity of the case.
Timeframe	
Registration	Between 6 and 10 months (approximately, not indicated in the Law).
Protection	As in the EU, protection is granted for an unlimited period of time (Certificates for Use are granted for 10 years, renewable for consecutive periods of 10 years) , provided that a product manufactured on the territory of the specific geographical area retains the properties which are typical of that area according to the registration certificate (for this purpose a statement of the competent authority for verifying the link between the geographical area and the product will be necessary).
Additional information	
None.	

Country: North Korea

International Legal Framework

Democratic People's Republic of Korea (North) is a member of the World Intellectual Property Organization from 17 August 1974, a signatory to the Paris Convention for the Protection of Industrial Property and the Madrid Agreement from 10 June 1980 and the Madrid Protocol Concerning the International Registration of Marks from 10 June 1980.

North Korea is signatory of the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration from 4 January 2005.⁶¹ According to that Agreement appellations of origin registered in the International Register established by the Agreement are protected in all countries parties to that Agreement (among them France with 564 registrations and Italy with 26 registrations).

North Korea is not a WTO Member.⁶²

There are no bilateral agreements between the EC and North Korea specific to GIs.

National Legal Framework

Type of Protection	<i>Sui generis</i> protection of GIs. However, it is unclear whether ex officio protection is available.
Relevant Regulatory Framework	<ul style="list-style-type: none"> Law of Appellations of Origin of the D.P.R. of Korea of 15 March 2005, Decree of the Standing Committee of the Supreme People's Assembly of the Department of Trademarks and Industrial Designs of the State Administration for Quality Management (hereinafter referred as "the Law").
Scope of protection	The scope of application of the Law is more extensive than the scope of the EC system (concerns goods: natural, agricultural, mining and industrial products and handicrafts, but not services).
Source	The text of the Law is not available electronically.
Summary of the Operational Provisions	See above.
Specific Provisions (issue of Generics, Reciprocity)	See above.

Formal Requirements for an Application

Application Forms	See above.
Relevant Supporting	See above.

⁶¹ Source of information: <http://www.wipo.int/treaties>.

⁶² Source of information: <http://www.wto.org>.

Continent: Eurasia
Country: Korea (North)

Documents	
Administration Responsible for Registration	<p>Trademark and Industrial Design Department Metrology and Quality Control Bureau Songyoguyok Songyo 2 dong Pyongyang Tel.: (850 2) 381 6025 (850 2) 381 4410/4416/4427/2100 (Invention Office) Telefax: (850 2) 381 4537</p>
Costs	
Costs of registration	There is no official web site of the Trademark and Industrial Design Department.
Costs of litigation	Would depend on complexity of the case, however very little information is available as to the IP litigation in the Democratic People's Republic of Korea.
Timeframe	
Registration	The registration of 2 Korean GIs was completed in 6 months after the establishment of the registration system.
Protection	Appellations of Origin are protected for an indefinite period of time (as long as the conditions for GI protection are respected).
Additional information	
<p>Two appellations of origin were registered in 백두산 가시오갈피 (transliteration - Paektusan Kasiogalpi for tea) and 개성고려인삼 (transliteration Kaesong-Koryo-Insam or elixir of life) (information from the database of the Lisbon International Registrar http://www.wipo.int/ipdl/en/search/lisbon/search-struct.jsp). Two</p>	

Country: South Korea

International Legal Framework

South Korea is a member of the World Intellectual Property Organization from 1 March 1979 a signatory to the Paris Convention for the Protection of Industrial Property from 4 May 1980 and the Madrid Protocol Concerning the International Registration of Marks from 10 April 2003.⁶³

South Korea is a WTO Member from 1 January 1995.⁶⁴

There are no bilateral agreements between the EC and South Korea specific to GIs.

National Legal Framework

<p>Type of Protection</p>	<p>Dualism: <i>sui generis</i> protection of GIs for agricultural and fisheries products and trademark protection of GI for all goods.</p> <p>Sui generis protection: No <i>ex officio</i> protection is available, protection is provided only at the request of an interested party.</p> <p>Trademark regime: No <i>ex officio</i> protection is available, protection is provided only at the request of an interested party.</p>
<p>Relevant Regulatory Framework</p>	<p>The legal framework in South Korea is composed of several texts:</p> <ul style="list-style-type: none"> • Fair Labelling and Advertising Act No. 5814 of February 5, 1999, entered into force the 1 July 1999; • Unfair Competition Prevention and Trade Secret Protection Act, NC 911, December 1961, as last amended on 3 February 2001; • Foreign Trade Act of the Republic of Korea of December 31, 1986 as Act No. 3895; • Agro-Fisheries Product Quality Management Act No. 5667 of 21 January 1999 (hereinafter, referred as “the Law”) entered into force on 1st July 1999; • A Notice Concerning Liquor Labelling; • The Korean Trademark Act No. 71, promulgated on 26 November 1946, as last amended on 1 July 2005 (hereinafter referred as “the TM Act”).
<p>Scope of protection</p>	<p>Sui generis protection: the scope of protection is more extensive than in the EC as it covers all agricultural and fisheries products</p> <p>Trademark regime: The scope of protection covers all goods (agricultural and/or industrial) but not services.</p>
<p>Source</p>	<p>The Trademark Act is available at: http://www.kipo.go.kr/eng/.</p> <p>The Foreign Trade Act is available at: http://unpan1.un.org/intradoc/groups/public/documents/APCITY/UNPAN011483.pdf#search='Korea%20Foreign%20Trade%20Act'.</p>

⁶³ Source of information: <http://www.wipo.int/treaties>.

⁶⁴ Source of information: <http://www.wto.org>.

	<p>The other texts are not available electronically.</p>
<p>Summary of the Operational Provisions</p>	<p>Passive protection of GIs:</p> <p>The Unfair Competition Prevention and Trade Secrets Protection Act prohibits, as unfair competition, the use of a geographical indication that will cause confusion, or “mislead the public into believing that the place of production, manufacturing or processing is different from the actual place of production, manufacturing or processing”.</p> <p>The Fair Labelling and Advertising Act also prevents deceptive labelling and advertising that may mislead consumers on the product’s origin.</p> <p>The Trademarks Act prevents registration of trade marks consisting of a "conspicuous geographical name". Any trademark containing geographical indications for wines or spirits originating in any WTO Member cannot be registered (Article 7(1)(xiv)). Finally, well-known or famous marks are protected by way of barring the registration of a mark which is identical with, or similar to, such marks.</p> <p>A Notice Concerning Liquor Labeling and Article 7(1)(xiv) of the Trademark Act provide for enhanced protection of GIs for wines and spirits. The use of GIs to identify wines or spirits that do not originate in the place indicated by the GI is prohibited, even if the true origin is given or the GI uses expressions like "kind", "type", "style", or "imitation".</p> <p>The Foreign Trade Act prohibits the imports or exports with false origin indications or infringing GIs (Article 39).</p> <p>Sui generis protection of GIs:</p> <p>The Agro-Fisheries Product Quality Management Act (1999) provides for the protection of agricultural and fisheries products.</p> <p>Please note that it is not expressly stated that the legislation provides for the registration of foreign GIs.</p> <p>The text of the Law was not available at the time of the research. However, it would appear that the Act defines geographical indication of agricultural and fisheries products in Article 2, prescribes the registration of geographical indications (Article 8) and prohibits false indications (Article 9). In addition, an enforcement Decree would appear to provide the requirements and procedures of the registration of geographical indications. These must be registered with the Geographical Indication Registration Council of the National Agricultural Products Quality Management Service or of the National Fishery Products Quality Management Service.</p> <p>Using a false mark of a registered GI on agricultural or fishery products is subject to imprisonment of up to three years or a maximum fine of W 30 million (~ 25.950 €).</p> <p>Trademark regime:</p> <p>The Korean Trademark Act provides for the registration of all goods with a geographical indication as “collective marks with a geographical name”. The geographical indication has to identify goods with “exceptional quality or high reputation”, and the applicant must be a group consisting of producers, manufacturers, or processors of the goods.</p> <p>Marks should be registered with the Korean Intellectual Property Office ("KIPO"). The applicant has to submit an article of association describing the product's quality, fame, and other characteristics, as well as the link between the region's natural or human factors and the characteristics of the product. Like in the EC, there is an opposition procedure available. Once a trademark application is published in the Official Gazette, called the “Trademark Publication Gazette”, any person may file an opposition within 30 days from</p>

Continent: Eurasia
Country: Korea (South)

	the publication date (Article 25 of the Law). An appeal and trial procedure are available to the applicant; it is conducted in the Industrial Property Tribunal.
Specific Provisions (issue of Generics, Reciprocity)	None.
Formal Requirements for an Application	
Application Forms	<p>Like in the EU, there is one standard application form available at the official website of the KIPO (http://www.kipo.go.kr/eng/).</p> <p>It is indicated that an application should contain (Article 9 of the Law):</p> <ul style="list-style-type: none"> • The name and domicile of the applicant for trademark registration (if the applicant is a legal entity, the title and place of business); • The name and domicile, or place of business, of the agent, if any (if the agent is a patent corporation, the title, place of business and the name of the appointed patent attorney); • The trademark; • The list of designated goods and the class of goods.
Relevant Supporting Documents	<ul style="list-style-type: none"> • 10 specimens of the trademark (7cm x 7cm or smaller in size); • If the right of priority is claimed, the priority document; • A power of attorney.
Administration Responsible for Registration	<p>Korean Industrial Property Office (KIPO) Ministry of Trade, Industry and Energy Government Complex – Daejeon Bldg.4 920 Dunsan-dong, Seo-gu Daejeon Metropolitan City 302-701 Tel.: + 82.42 481.50.64/72 Fax: + 82.42 472.34.59 E-mail: kipoicd@kipo.go.kr www.kipo.go.kr/eng</p>
Costs	
Costs of registration	<p><u>Sui generis protection of GIs</u></p> <ul style="list-style-type: none"> • GI registration fee under the Agro-Fisheries Product Quality Management Act (1999) is 100,000 W (won) (~86 €). <p><u>Trademark regime:</u></p> <ul style="list-style-type: none"> • Trademark registration fee is ~ 750 €.
Costs of litigation	Approximately between Won 1.000.000 (~€ 835) and Won 1.350.000 (~€ 1127).

Continent: Eurasia
Country: Korea (South)

Timeframe	
Registration	Not provided by the Law.
Protection	<p>Sui generis protection of GIs:</p> <p>There is no information available as to the protection granted to GIs under the Agro-Fisheries Product Quality Management Act (1999).</p> <p>Trademark regime:</p> <p>The term of a trademark right shall be 10 years from the date of registration of its establishment, and may be renewed for an additional period 10 years.</p>
Additional information	
<p>The famous geographical indications in Korea are Bosung Green Tea Cheongan Chestnuts from Gongju, Geumsan Ginsengs, Seusan Garlics, Goesan Chillies, and Chungju Apples.</p>	

Country: Kuwait

International Legal Framework

Kuwait is a member of the World Intellectual Property Organization (WIPO) from 14 July 1998.⁶⁵
Kuwait is a WTO Member from 1 January 1995.⁶⁶
There is no agreement between the EC and Kuwait specific to GIs.

National Legal Framework

<p>Type of Protection</p>	<p><u>Sui generis protection:</u> established by the Law of 2001 on the Protection of Geographical Indications, however, the government of Kuwait is currently in the process of drafting the implementation regulations to the Law on Geographical Indications, but has not yet set a date by which these will be submitted to the National Assembly. Enforcement of this Law and well as other IP laws remains inadequate to prevent widespread marketing of pirated products. Therefore, it appears that at the moment Kuwait provides the protection of geographical indications via trademark regime.</p> <p><u>Trademark protection:</u> (no ex officio protection is available, protection is provided only at the request of an interested party).</p>
<p>Relevant Regulatory Framework</p>	<p><u>Sui generis protection:</u></p> <ul style="list-style-type: none"> • Law No. 1 from 2001 on the protection of geographical indications (the text of the Law is not available electronically). <p><u>Trademark protection:</u></p> <ul style="list-style-type: none"> • Legislative Decree No.10 for the year 1991 with Respect to Trademarks (hereinafter referred as "the TMs Law"). <p>However, <u>no implementing rules have been enacted so far</u>. The US Trade Representative (USTR) through its Annual Report (Special 301" Annual Review for 2005) had included the Kuwait Government in "Priority Watch List" for its failure to provide sufficient IP protection for its Industry.⁶⁷</p>
<p>Scope of protection</p>	<p><u>Sui generis protection:</u> Applicable to goods only (agricultural and/or industrial with exclusion of alcoholic beverages and pork products).</p> <p><u>Trademark regime:</u> Applicable to goods (agricultural and/or industrial) and/or services. Trademarks for alcoholic beverages and pork products are excluded.</p>
<p>Source</p>	<p><u>Sui generis protection:</u> The text of the Law is not available.</p> <p><u>Trademark regime:</u> The text of the TM Law can be found on the official web site of the Arab Society for Intellectual Property http://www.aspip.org.</p>

⁶⁵ Source of information: <http://www.wipo.int>.

⁶⁶ Source of information: <http://www.wto.org>.

⁶⁷ For more information consult <http://www.ustr.gov>.

Summary of the Operational Provisions	<p>Trademark regime:</p> <p>It appears that at the present moment due to the absence of the Register of Geographical Indications the EC geographical indications (GIs) may be registered as trademarks in Kuwait provided that they meet definitions established by the Law.</p> <p><u>The Law provides that geographical names if their use is likely to cause confusion regarding the source or origin of the goods, may not be registered in Kuwait (Article 62.6 of the Law).</u></p> <p>Once a trademark application is filed, the trademark is examined as to its registrability. In case the Registrar rejects a trademark, the applicant may file an appeal in court within 30 days as of the date of the official notification (Article 71 of the Law). Trademark applications accepted by the Registrar are published in three consecutive issues of the Official Gazette of Kuwait (Al-Kuwait Al-Youm).</p> <p>As in the EC, there is a period open for filing opposition by any interested party. The statement of opposition to the registration of a trademark should be submitted to the Registrar within the prescribed term of thirty days, as from the date of the last (third) publication of the relevant notice in the Official Gazette.</p> <p><u>An opposition statement requires a counter statement to be filed within 30 days by the applicant in order to maintain the trademark application in force.</u> All opposed trademark applications remain pending with the Registrar until he takes a decision or a court decision is issued in favor of either party or an amicable settlement is reached by the parties concerned. In the absence of opposition, the relative certificate of registration will be issued.</p> <p>The assignment of a trademark can be recorded once the trademark is registered. In fact, unless an assignment has been entered against the trademark in the register, it will not be effective vis-à-vis third parties. Recordal particulars are endorsed on the certificate without publishing it in the official gazette.</p> <p><u>Use of trademarks in Kuwait is not a prerequisite for filing applications for registration or for maintaining trademark registrations in force.</u> However, a trademark registration is vulnerable to cancellation by any party who can convince the court that the trademark was not actually used in a serious manner for five consecutive years, or that there was no bona fide of using the trademark on the goods in respect of which the trademark was registered.</p> <p>Level of protection: Unauthorized use of a trademark registered under the law or an imitation of such a trademark applied on goods of the same class, or sale, storing for the purpose of sale, or exhibiting for sale of goods, bearing a counterfeit mark by another person to serve the purpose of unauthorized promotion of goods of the same class, are offenses punishable under the law in Kuwait.</p>
Specific Provisions (issue of Generics, Reciprocity)	None.
Formal Requirements for an Application	
Application Forms	<p>Trademark regime:</p> <ul style="list-style-type: none"> A legalized copy of the home registration certificate of the trademark showing clearly the validity term of the registration and the goods and/or services desired to be registered. In the absence of a home registration, a legalized copy of any foreign registration of the trademark can be used along with a certificate proving that the trademark is not registered in the home country. The latter document, which should also be legalized up to the Kuwaiti Consulate, can be in any one of the following forms (Documents in other than English or Arabic should be accompanied with a sworn English translation):

Continent: Eurasia
Country: Kuwait

	<p>a) A certified copy of the trademark application in the home country;</p> <p>b) An official search report showing that the trademark is not registered in the home country. A letter from the Registrar of Trademarks in the home country addressed to the Registrar of Trademarks in Kuwait to this effect will serve the purpose;</p> <p>c) A declaration executed by an officer of the applicant company, sworn before a notary public, and stating that the applicant company has no registration of the trademark in the home country.</p>
Relevant Supporting Documents	<p>Trademark regime:</p> <ul style="list-style-type: none"> • A power of attorney legalized up to the Consulate of Kuwait; • Twelve prints of the trademark for each class (preferably not exceeding 5x5 centimetres each). Additional publication charges are to be paid for a large size print. The prints can be prepared locally upon request. The prints should be in exact conformity with the form of the mark shown on the basic certificate of registration.
Administration Responsible for Registration	<p>Industrial Property Office P.O. Box 2944 Safat 13030 Tel: (+965) 246.91.31 Fax: (+965) 246.27.98</p>
Costs	
Costs of registration	<p>Trademark regime:</p> <ul style="list-style-type: none"> • Filing a mark application in one class up to Registration \$300 (€240); • Filing a simultaneous mark application in one class up to Registration \$290 (€232); • Amendment the list of goods \$180 (€144); • Opposition Action before the registrar including one hearing \$200 (€160); • Counter-opposition action before the registrar \$170 (€136); • Renewal of a mark during the 1st year of the protection period \$95 (€76); • Renewing a mark registration within 6 months of the expiry date \$100 (€80).
Costs of litigation	<p>Trademark regime: Starting from €400.</p>
Timeframe	
Registration	<p>Trademark regime: From 6 to 12 months.</p>
Protection	<p>Trademark regime: 10 years renewable in periods of 10 years (Article 77 of the Law). The Trademark Law provides for a six-month grace period for late renewal of a trademark registration subject to payment of a lateness fine. A trademark, which lapses, may be re-registered in the name of a third party at any time.</p>
Additional information	
None.	

Country: Kyrgyzstan

International Legal Framework

Kyrgyzstan is a member of the World Intellectual Property Organization (WIPO) and a signatory to the Paris Convention on the Protection of Industrial Property and to the Madrid Agreement on the International Registration of Trademarks from 25 December 1991. Kyrgyzstan subsequently signed the Protocol to the Madrid Agreement on the International Registration of Trademarks which came into force on 17 June 2004.⁶⁸
Kyrgyzstan is a WTO Member from 20 December 1998.⁶⁹
There are no bilateral agreements between the EC and Kyrgyzstan specific to GIs.

National Legal Framework

Type of Protection	Sui generis protection. No ex officio protection appears to be available, as protection is provided only at the request of an interested party, (e.g., producers).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • The Law "On Trademarks, Service Marks and Appellations of Places of Origin of Goods", No. 7 of 14 January 1998 (hereinafter, referred as "the Law").
Scope of protection	The scope of application of the provisions on AOs of the Law is more extensive than the scope of the EC system (concerns goods: natural, agricultural, mining and industrial products and handicrafts, but not services).
Source	The English version of the Law is available on: http://www.patent.com.kg/marks8.php .
Summary of the Operational Provisions	<p>Definition of appellation of origin (AO) is similar to one provided by the EC Regulation (Article 27 of the Law). Names and signs that meet such definition may be registered.</p> <p>Applications for registration of an AO must be filed with the Kyrgyz Patent & Trademark Bureau (hereinafter referred to as "the Kyrgyzpatent", the authority responsible for the registration and protection of appellations of origin). The Kyrgyzpatent first carries out a preliminary examination of the application which can also begin upon formal request in writing by the applicant within two months as from the date of filing the application. After a preliminary and formal examination, applicants are notified about the rejection of an application or acceptance for a substantial examination (Article 30 of the Law).</p> <p>Applicants have the right to file an appeal against the decision following the formal or substantive examination with the Appellate Council within three months from the date of receipt of such decision. The Appellate Council must examine an appeal within four months. An appeal is also possible against decisions of the Appellate Council by means of normal legal proceedings before the court within six months (Article 31 of the Law).</p> <p>The registered AO is published in the Official Bulletin within three months as from the date of its inclusion in the register and the Kyrgyzpatent must issue a certificate attesting such registration and/or the right to use an AO within the same term.</p> <p>As in the EU, interested persons may file an opposition with the Appellate Council against the registration</p>

⁶⁸ Source of information: <http://www.wipo.int>.

⁶⁹ Source of information: <http://www.wto.org>.

Continent: Eurasia
Country: Kyrgyzstan

	<p>of an AO or against the granting of the right to use the AO within four months.</p> <p>Level of protection under the Law appears to be different from the level provided under the EC law.</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p><u>There are no provisions in the law on the protection of geographical indications in translation or in combination with terms “kind”, “type”, “similar”, etc.</u></p> <p>The Law does not apply to generic names used as common names for goods in Kyrgyzstan. No provisions on the modalities used to determine the generic nature of a name are included in the Law.</p> <p>Article 36 of the Law states that the persons who do not have the certificate shall not be allowed to use the registered AO, and also use a similar appellation for identical goods which can mislead consumers with respect to the place of origin and special properties of the good.</p> <p><u>The owner of certificate may place a warning mark by the side of the AO, which indicates that the designation used is the AO registered and protected in Kyrgyz Republic (Article 37 of the Law).</u></p> <p>Foreign natural and legal persons may register their geographical indications in Kyrgyzstan in accordance with the principle of reciprocity (Article 42 of the Law). Article 43 states that international treaties to which Kyrgyzstan is a signatory may prevail over the national law. Therefore, the EC geographical indications can be registered in Kyrgyzstan.</p> <p><u>Article 38 lists the causes of invalidity and loss of legal protection of registered AOs such as, for instance, the loss of the right to the use of an AO in the foreign country of origin of the good.</u></p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Unlike in the EC, there is no standard application form.</p> <p>However, pursuant to Article 29 of the Law, an application must contain:</p> <ul style="list-style-type: none"> • a request for the registration and for granting the right to use the AO of goods or granting the right to use an AO of goods which has already been registered; • the indication of the applicant (applicants) and also his (their) location or residence; • the designation applied for; • the kind of a good for whose designation, registration and/or the right to use an appellation of place of origin of goods is sought ; • the indication of the place of manufacture (bounds of the geographic place); • description of special properties of the product. <p>The EC specifications may be potentially re-used for these purposes. Application shall be filed in Kyrgyz or Russian language.</p>
<p>Relevant Supporting Documents</p>	<p>The application must be accompanied by the following documents:</p> <ul style="list-style-type: none"> • a statement of a competent body to the effect that the applicant is located in the indicated geographic area and manufactures a good whose special properties are determined by natural conditions or human factors typical for that geographic area or by human factors or natural conditions simultaneously; • for a foreign applicant: a document proving his right to the claimed AO in the country of origin of goods; • a document certifying payment of the prescribed fee. <p>The documents enclosed to the application shall be filed in Kyrgyz or Russian languages.</p>

Continent: Eurasia
Country: Kyrgyzstan

Administration Responsible for Registration	<p>State Agency of Science and Intellectual Property under the Government of the Kyrgyz Republic (Kyrgyzpatent) 62 Moskovskaya Street Bishkek 720021 Tel. (996 312) 68 08 19 Fax (996 312) 68 17 03 E-mail: info@patent.com.kg Website: http://www.patent.com.kg</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • Filing an application for registration and granting the right to use the AO is \$ 400 (~€317); • Issuance of a certificate for the right to use the appellation of origin is \$ 550 (~€436); • Issuance of a copy of the certificate is \$ 200 (~€158).
Costs of litigation	Costs for legal assistance on the case are between € 500 and € 2500 (depending on the complexity of the case).
Timeframe	
Registration	The timeframe for the preliminary examination is not clear (at least 2 months). The substantive examination takes a maximum of 12 months. In total, not less than 10 months.
Protection	<p>10 years renewable for consecutive periods of 10 years provided that a formal attestation is carried out by a competent body on the persisting link between the product and the manufacturer and the geographical area in question (Article 33 of the Law).</p> <p>An additional fee for the renewal needs to be paid to the Kyrgyzpatent with the six months term after the expiration of the term of validity of the certificate.</p>
Additional information	
None.	

Country: Lao People's Democratic Republic

International Legal Framework

Laos is a member of the World Intellectual Property Organization from 17 October 1994 and a signatory of the Paris Convention for the protection of industrial property since 8 July 1998.⁷⁰
Laos is not a member of the WTO yet but it has requested accession in 2004. Negotiations are ongoing.⁷¹
There are no bilateral agreements between the EC and Laos specific to GIs.

National Legal Framework

Type of Protection	<p>Protection is currently available only through the trademark regime.</p> <p>A draft law establishing a <i>Sui generis</i> system of protection for geographical indications is under discussion.</p> <p>No <i>ex officio</i> protection is available under the trademark regime, protection is provided only at the request of an interested party (e.g., producers).</p>
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Prime Minister's Decree on trademark of 18 January 1995 (hereinafter, referred as "the Law").
Scope of protection	The scope of the trademark law covers all goods and services.
Source	The electronic version of the Law is available at http://www.ecap-project.org/fileadmin/ecapII/pdf/en/information/laos/Lao Trademark Decree.pdf .
Summary of the Operational Provisions	<p>It appears that European GIs can be registered as collective marks in Laos.</p> <p>Marks likely to mislead the public or trade circles, in particular as regards the geographical origin, nature, characteristics of the goods or services, will not be registered.</p> <p>Procedure: Application to register a trademark must be made with the Science, Technology and Environment Organization. Applicant from a foreign country must have a representative authorized in the Lao PDR.</p> <p>The Science, Technology and Environment Organization receives and examines the application, issues the certificate and publishes the result of the above registration.</p> <p>Registration provides for an exclusive use of the trademark and access to court proceedings. Exclusive rights terminates if the registered trademark is not used during a continuous period five years, unless it is shown that special circumstances prevented the use of the trademark.</p> <p>The infringer of right under the trademark can be subjected to legal sanction.</p>

⁷⁰ Source of information: <http://www.wipo.int/treaties>.

⁷¹ Source of information: <http://www.wto.org>.

Continent: Eurasia
Country: Lao People's Democratic Republic

Specific Provisions (issue of Generics, Reciprocity)	<p>The use of a registered trademark is subject to prior authorization of the owner of registered trademark and notification to the Science, Technology and Environment Organization.</p> <p>In order to use the trademark, the entity must have a permission of the owner of trademark, defining the characteristics and quality of goods and services bearing the mark. In the case of partial assignments, the agreement must provide for the right of the owner of trademark to verify the quality of goods or services.</p> <p>The principle “first in time, first in right” is upheld (the first application as priority). However, the Law recognises the right for an applicant who has registered a trademark in a foreign country to appeal the priority date in accordance with the international principles and laws or regulations of the country concerned relating to the protection of intellectual property.</p>
Formal Requirements for an Application	
Application Forms	<p>Unlike in the EC, there is no standard application form. The following documents are requested:</p> <ul style="list-style-type: none"> • A request for the registration of trademark; • Some specimens of trademark; • A list of the goods or services with the description of characteristics and quality that are to bear the mark and other necessary relevant documents; • The rules governing the use of the collective mark.
Relevant Supporting Documents	None.
Administration Responsible for Registration	<p>Department of Intellectual Property, Standardization and Metrology Science, Technology and Environment Agency Prime Minister's Office P.O. Box 2279 – Vientiane Tel: (85621) 213470, 240784 Fax: (85621) 213472 E-mail: diplao@stea.gov.la http://www.stea.la.wipo.net/index.html</p>
Costs	
Costs of registration	Approximately 112 US \$ (~88 €).
Costs of litigation	The costs of litigation vary according to the facts and circumstances, as well as the complexity of each action.
Timeframe	
Registration	Six months from the filing date.
Protection	The certificate of registration of trademark shall be for period of ten years from the filing date of the application for registration and may be renewal every ten years.
Additional information	

None.

Country: Lebanon

International Legal Framework

Lebanon is a member of the World Intellectual Property Organization (WIPO) from December 1984, a member of the Paris Convention from September 1924 and a signatory to the Madrid Protocol also from September 1924.⁷² Lebanon has an observer status in the WTO.⁷³ There are no bilateral agreements between the EC and Lebanon specific to GIs.

National Legal Framework

<p>Type of Protection</p>	<p>Trademark regime: No <i>ex officio</i> protection is available under the trademark regime, protection is provided only at the request of an interested party.</p> <p><u>Lebanon is preparing a special law for the protection of geographical indications. This law was drafted by the Ministry of Commerce but was not yet discussed or approved by the Lebanese government.</u></p>
<p>Relevant Regulatory Framework</p>	<ul style="list-style-type: none"> • Industrial Property Law, Decree No. 2385 of 1924, as revised by the Law of January 1946 (hereinafter referred as “the Law”).
<p>Scope of protection</p>	<p>Applicable to goods (agricultural and/or industrial) and/or services. Trademarks for alcoholic beverages are excluded.</p>
<p>Source</p>	<p>The English version of the Law is available on the official web site of the Arab Society for Intellectual Property http://www.aspip.org.</p>
<p>Summary of the Operational Provisions</p>	<p>Article 70 of the Law specifically mentions collective (common) marks as the form of protection available for geographical indications, <u>when agricultural or industrial companies which are licensed by the government, may acquire the right to have a common trademark to protect thereby the quality of the industry of their goods, their source or origin, or their products. Members of these companies alone shall have the right to use this common trademark or label which is separate from the personal trademark which each of them may acquire for itself.</u> Therefore, the EC GIs can be registered in Lebanon as collective (common) trademarks.</p> <p>Once a trademark application is filed, it is examined as to whether it is contrary to the public order and morals or representing national or foreign decorations. Also, it is examined as to its registrability and existence of prior rights. If similar or identical trademark registrations exist under the same class, a Notice of Similarity has to be signed on behalf of the client as an acknowledgement of taking note of the existence of these conflicting registrations. A trademark is deemed registered upon payment of the filing fees (Article 80 of the Law). Unlike in the EC, there is no provision for opposition. <u>Under normal circumstances, the registration of a trademark is completed within a two-week period; while the relevant registration certificate is issued within two weeks of the registration date.</u></p> <p>In Lebanon, the use of a trademark is not compulsory for filing applications, maintaining trademark registration in force, or for renewal or maintenance of a trademark.</p> <p>Level of protection: Unauthorized use of a registered trademark, an imitation of a trademark applied on goods of the same class, sale, storing for the purpose of sale, exhibiting for sale of goods bearing a</p>

⁷² Source of information: <http://www.wipo.int>.

⁷³ Source of information: <http://www.wto.org>.

Continent: Eurasia
Country: Lebanon

	counterfeit mark, or using a mark duly by another party in order to serve the purpose of unauthorized promotion of goods of the same class are all offences punishable under the law.
Specific Provisions (issue of Generics, Reciprocity)	None.
Formal Requirements for an Application	
Application Forms	<ul style="list-style-type: none"> The name, address and nationality of the applicant and the nature of its business; The list of the goods to be covered by the application; A certified copy of the home certificate of registration or an application is required only for claiming convention priority, which can belatedly be filed within three months of the filing date.
Relevant Supporting Documents	<ul style="list-style-type: none"> A simply signed power of attorney; Ten prints of the trademark.
Administration Responsible for Registration	<p>Intellectual Property Protection Office Hamra Rue Abdel-Aziz Beirut Tel: (+961.1) 34.51.78 Fax: (+961.1) 34.78.00 E-mail: s.faour@economy.gov.lb</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> Filing a mark application in one class is \$ 450 (€ 358); Filing a simultaneous mark application in one class is \$ 425 (€ 338); Filing a mark application in each additional class included in the same application is \$ 280 (€ 223); Filing a trademark application in one class attached to domain name registration is \$ 360 (€ 287); Publication charges of a mark application in black and white - cm 7.5 is \$ 125 (€ 99.5); Publication charges of a mark application in black and white - cm 14 is \$ 350 (€ 279); Publication charges of a mark application in color - cm 7.5 is \$ 350 (€ 279); Publication charges of a mark application in color - cm 14 is \$ 1000 (€ 796); Obtaining the registration certificate is \$ 130 (€ 103.5); Renewal of a mark registration in one class is \$ 260 (€ 207); Stamp duty on the renewal certificate is \$ 125 (€ 99.5); Translation from English into Arabic (per 200 words) is \$ 20 (€ 16).
Costs of litigation	Depending on the complexity of the case, normally starting from € 500.
Timeframe	
Registration	Normally 1 month.
Protection	A trademark registration is valid for 15 years as from the registration date and renewable for indefinite similar periods (Article 77 of the Law). Filing a late renewal application is possible through a grace period of 3 months from the date of expiration.
Additional information	
None.	

Country: Former Yugoslav Republic of Macedonia

International Legal Framework

The former Yugoslav Republic of Macedonia is a member of the World Intellectual Property Organization (WIPO) and a member of the Paris Convention both since 8 September 1991. The country is a signatory to the Madrid Agreement since 8 September 1991, and also a signatory to the Madrid Protocol since 30 August 2002.⁷⁴
The country is a WTO Member since 4 April 2003.⁷⁵
There are no bilateral agreements between the EC and the former Yugoslav Republic of Macedonia specific to GIs.

National Legal Framework

Type of Protection	Sui generis protection. It appears that <i>ex officio</i> protection is available, since governmental bodies may initiate the proceedings and control the use of registered geographical names.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Act of Industrial Property of 1993 (Part Four “Appellation of Origin and Geographical indication”), last amended in 2004 (hereinafter referred as “the Law”); • Regulations for Appellation of Origin and Geographical Indication of 2004; • Regulations for the Procedure for Recognizing Appellation of Origin and the Procedure for Recognizing right for use an Appellation of Origin or a Geographical Indication.
Scope of protection	The scope of application of the Law is more extensive than the scope of the EC system (concern goods: natural, agricultural, industrial, home-made products and handicrafts, but not services).
Source	The text of the Law is available on http://www.ippo.gov.mk/eng/zakoni.html , as well published in the Official Gazette "No. 42/93 of 15. 07. 1993 and No. 24/98 of 28. 05. 1998). The electronic versions of the Regulations in English are not available.
Summary of the Operational Provisions	<p>Definitions of Appellations of Origin and Geographical Indications are similar to one provided by the EC legislation (Articles 165 and 166 of the Law). Names and signs that meet such definition may be registered.</p> <p>Applications for registration of AOs and GIs must be filed with the Industrial Property Protection Office located in Skopje (hereinafter, referred to as the IPPO), the authority for the registration of Appellations of Origin and Geographical Indications. The applications are first examined formally (within 30 days) and then substantially (no time limit is indicated by the Law). The decision of the IPPO to grant protection is a basis for entering a geographical name to the State Register (conditional on the payment of the prescribed fees).</p> <p>Decisions refusing to grant protection by the IPPO can be appealed in the court.</p> <p>The registration is published in the Official Gazette of the IPPO and the Certificate of Use is issued within 6 months of the decision (Article 192 of the Law).</p> <p>Unlike in the EC law, there is no opposition procedure available under the Law.</p> <p>It appears that, under the Law, the level of protection is identical to that provided in the EC: No registered AOs or GIs may be used in the cases when the goods do not come from the indicated</p>

⁷⁴ Source of information: <http://www.wipo.int>.

⁷⁵ Source of information: <http://www.wto.org>.

Continent: Eurasia
Country: Former Yugoslav Republic of Macedonia

	<p>geographical area or when they are used in translation or in combination with expressions such as “sort of”, “kind of”, “imitation” and “the like”. The use of false or misleading information as to the origin, nature or essential qualities of the product on its packaging, or in advertising material or documents relating to the product is also prohibited (Article 195 of the Law).</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>As in the EC, generic names may not be protected (definition of generic names is provided in Article 171 of the Law, but, unlike in the EC, no criteria exists on how to establish a generic nature of the name).</p> <p>The EC GIs can be registered in the former Yugoslav Republic of Macedonia, as Article 173 of the Law provides equitable treatment of domestic and foreign persons.</p> <p><u>The translations of Appellations of Origin and Geographical Indications are protected (Article 195 of the Law).</u></p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Unlike in the EC, there is no standard application form provided by the Law.</p> <p>However, the Law indicates that an application must contain (Article 5 of the Law):</p> <ul style="list-style-type: none"> • a request for registration and/or provision of the right to use the appellation, containing details of the applicant and his place of business or residence; • the claimed appellation; • an indication of the good for which registration and/or provision of the right to use the appellation are requested, with an indication of the geographical location in which the good is produced; • a description of the particular features (history of production, basic physical, chemical, microbiological and/or organoleptic characteristics) of the good (where necessary-also of the raw material); • If necessary, a description of the local original method by which the good is produced; • controls over production; • details about the special labelling in connection with the appellation. <p>The application shall be filed in the local language.</p> <p>The EC specification can be potentially re-used for the registration.</p>
<p>Relevant Supporting Documents</p>	<p>In addition to the aforementioned requirements, an application must be accompanied by a document certifying payment of the application fee in order to be considered valid.</p> <p>For foreign applicants: a true copy of public certificate or another legal act in the official language of the country of origin, as evidence that the geographical name has been protected in that country or that the right to use has been granted to the authorized user, as well as certified translation in the local language (Article 175 of the Law).</p>
<p>Administration Responsible for Registration</p>	<p>Industrial Property Office Ilindenska b.b. 1000 Skopje Tel: + 389(023)116379 Fax: +389(023)116041 E-mail: mail@ippo.gov.mk Website: http://www.ippo.gov.mk</p>

Continent: Eurasia
Country: Former Yugoslav Republic of Macedonia

Costs	
Costs of registration	<ul style="list-style-type: none"> • Application fee for the authorized user of the appellation of origin: MKD 600 (€ 10); • Maintenance fee for 5 years: MKD 4000 (€65); • Renewal fee: MKD 2000 (€32.5); • Publication of registered rights for using an Appellation of Origin: MKD 1050 (€ 17); • For publishing the authorized user of Appellation of Origin: € 35; • Publication of the changes: €7.5; • Extract of the register: €5.
Costs of litigation	Costs for legal assistance on the case are between € 800 and € 2000 (depending on the complexity of the case).
Timeframe	
Registration	Approximately 8 – 12 months.
Protection	5 years; renewable for similar periods.
Additional information	
None.	

Country: Malaysia

International Legal Framework

Malaysia is a member of the World Intellectual Property Organization from 1 January 1989 and a signatory of the Paris Convention for the Protection of Industrial Property from 1 January 1989.⁷⁶
Malaysia is a WTO Member from 1 January 1995.⁷⁷
There are no bilateral agreements between the EC and Malaysia specific to GIs.

National Legal Framework

<p>Type of Protection</p>	<p>Sui generis protection (no <i>ex officio</i> protection is available; protection is only provided at the request of any interested party).</p>
<p>Relevant Regulatory Framework</p>	<ul style="list-style-type: none"> • The Geographical Indications Act of 2000, enter into force on 15 August 2001 amended in 2002 by the Act N°A 1141/2002 (hereinafter, referred as “the Law”). • The Geographical Indication Regulation adopted on 13 August 2001 entered into force on 15 August 2001.
<p>Scope of protection</p>	<p>The scope of application of the Law is more extensive than the scope of the EC system (concerns all natural and agricultural products as well as any product of handicraft or industry).</p>
<p>Source</p>	<p>Official publication: "Warta" Gazette June 15, 2000. English version of the Act is available at http://www.myipo.gov.my/media/acts/GIAct.pdf</p>
<p>Summary of the Operational Provisions</p>	<p>The definition of Geographical Indications is similar to the one provided by the EC Regulation (Section 2) for protection of geographical indications.</p> <p>According to Section 3 of the Law, it gives protection of geographical indications:</p> <ul style="list-style-type: none"> • regardless whether or not the geographical indication is registered under the Act; and • as against another geographical indication which, although literally true as to the country, territory, region or locality in which the goods originate, falsely represents to the public that the goods originate in another country, territory, region or locality. <p>According to Section 5 of the Law, as registration is not compulsory for the protection of Geographical Indications in Malaysia, any interested person may institute proceedings in the Court to prevent, in respect of geographical indications:</p> <ul style="list-style-type: none"> • the use in the course of trade of any means in the designation or presentation of any goods that indicates or suggests, in a manner which misleads the public as to the geographical origin of the goods, that the goods in question originate in a geographical area other than the true place of origin; • any use in the course of trade which constitutes an act of unfair competition within the meaning of

⁷⁶ Source of information: <http://www.wipo.int/treaties>.

⁷⁷ Source of information: <http://www.wto.org>.

Continent: Eurasia
Country: Malaysia

	<p>Article 10bis of the Paris Convention as set out in the Schedule;</p> <ul style="list-style-type: none"> • any use in the course of trade of a geographical indication which, although literally true as to the country, territory, region or locality in which the goods originate, falsely represents to the public that the goods originate in another country, territory, region or locality; or • any use in the course of trade of a geographical indication identifying wines or spirits for wines or spirits not originating in the place indicated by the geographical indication in question or a geographical indication identifying spirits for spirits not originating in the place indicated by the geographical indication in question, even where the true origin of the wines or spirits is indicated or the geographical indication is used in translation or accompanied by expressions such as "kind", "type", "style" or "imitation". <p>Special protection for GIs for wines is given under Section 7 of the Act with respect to homonymous geographical indications for wines. In this case, protection shall be accorded to each indication.</p> <p>Part 4 of the Act concerns registration of GIs. Section 11 defines the persons entitled to file an application for registration of a geographical indication.</p> <p>An application for the registration of a geographical indication shall be filed with the Registrar. Like in the EC, there is an opposition procedure establishes in Section 14 of the Law where any interested person may, within two months from the date of advertisement of an application for registration, give notice to the Registrar and the applicant of his intention to oppose the application on the grounds that the geographical indication sought to be registered by the applicant does not fall either within the meaning of the definition of "geographical indication" under this Act, or is contrary to public order or morality, or is not or has ceased to be protected in its country of origin; or has fallen into disuse in its country of origin. The applicant has two month to reply. The High Court has the last word before the registration in case that the Register has rejected his opposition. Section 30 of the Law concludes that the same rules of procedure which apply to appeals to the High Court from a decision of a subordinate court in civil matters shall apply to appeals against a decision of the Registrar.</p> <p>Once registered, only producers carrying on their activity in the geographical area specified in the Register shall have the right to use a registered geographical indication in the course of trade.</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>No provisions concerning generic names can be found in the Law.</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Like in the EC, there is a standard application form for the registration of GIs. Form GI1 accompanied by a copy of statutory declaration and the prescribed fee. The form is available at: http://www.myipo.gov.my/index.php?option=com_content&task=view&id=64&Itemid=2</p> <p>Applicant of a geographical indication who does not reside or carry on business in Malaysia shall appoint an agent and file Form GI 2, giving an address for service in Malaysia. The form is also available at: http://www.myipo.gov.my/index.php?option=com_content&task=view&id=64&Itemid=2</p> <p>The application for a GI registration should include:</p> <ul style="list-style-type: none"> • the name, address, nationality of the natural person or legal entity and the capacity of the person who request a registration; • a description of the GI; • the geographical area; • the products covered by the GI; • a description of the quality, reputation and of any other characteristics of the GI product.

Continent: Eurasia
Country: Malaysia

	The EC specification could potentially be used for these purposes. Application can be submitted in the English language.
Relevant Supporting Documents	None.
Administration Responsible for Registration	<p>Intellectual Property Corporation of Malaysia</p> <p>Kuala Lumpur Registrar Of Geographical Indication Intellectual Property Corporation of Malaysia, Tingkat 32, Menara Dayabumi Jalan Sultan Hishamuddin 50623 Kuala Lumpur Tel : +603-2263 2100 Fax: +603-22741332 E-mail: general@myipo.gov.my www.myipo.gov.my</p> <p>Kuching, Sarawak Registrar Of Geographical Indication - Intellectual Property Corporation of Malaysia, Lot 9936, (Sublot 5) 3rd Floor, Queen's Court, Block E, Jalan Wan Alwi, 93350 Kuching, Sarawak Tel: 082-459075/459076 Fax. : 082-455052</p> <p>Kota Kinabalu, Sabah Registrar Of Geographical Indication - Intellectual Property Corporation of Malaysia, Tingkat 6, Blok C, Kompleks KUWASA (KWSP), 49, Jalan Karamuning 88000 Kota Kinabalu Tel: 088-254524 Fax: 088-257046</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • Application for registration of a geographical indications is 250 RM (53 €); • Advertisement for registration is 450 RM (97 €); • Notice of opposition to registration is 450 RM (97 €); • Reply to a notice of opposition is 300 RM (64 €); • Request for cancellation or rectification of registration of geographical indications is 450 RM (97 €); • Application to the Registrar to join as a party in any proceeding relating to the rectification of the Register or the cancellation of a geographical indications from the Register is 100 RM (21 €); • Reply by applicant for cancellation/rectification of registration of geographical indications is 300 RM (64 €); • Request for correction of a clerical error in an application or for permission to otherwise amend the application for registration is 100 RM (21 €); • Request for registrar's certificate other than certificate of registration is 100 RM (21 €); • Request by registered proprietor of a registered geographical indications for entries of changes in the Register is 100 RM (21 €); • Request for extension of time is 50 RM (10 €) and 100 RM per month (21 €); • Notice to the Registrar of attendance at hearing is 480 RM (97 €).
Costs of litigation	Between 2657 RM (573 €) and 3021 RM (651 €).

Continent: **Eurasia**
Country: **Malaysia**

Timeframe	
Registration	There is no timeframe indicated in the Law.
Protection	A registered geographical indication is given 10 years of protection from the date of filling an application and is renewable every 10 years.
Additional information	

None.

Country: Maldives

International Legal Framework

Maldives is a member of the World Intellectual Property Organization from 12 May 2004.⁷⁸
Maldives is a WTO Member from 31 May 1995.⁷⁹
There is no bilateral agreement between the EC and Maldives.⁸⁰

National Legal Framework

Type of Protection	None.
Relevant Regulatory Framework	Maldives is in the process of promoting the establishment and implementation of a legal and regulatory framework. Currently, there is no legislation in force concerning trade marks or GIs.
Scope of protection	See above.
Source	See above.
Summary of the Operational Provisions	See above.
Specific Provisions (issue of Generics, Reciprocity)	See above.
Formal Requirements for an Application	
Application Forms	See above.
Relevant Supporting Documents	See above.
Administration Responsible for Registration	<p>Ministry of Economic Development and Trade Ghaazee Building Ameeru Ahmed Magu Male 20-05 Tel: (+960.3) 32.36.68 Fax: (+960.3) 33.69.22 E-mail: Trademin@dhivehinet.net.mv Contact@trademin.gov.mv</p>

⁷⁸ Source of information: <http://www.wipo.int>.

⁷⁹ Source of information: <http://www.wto.org>.

⁸⁰ Source of information: <http://www.consilium.europa.eu>

Continent: Eurasia
Country: Maldives

Costs	
Costs of registration	See above.
Costs of litigation	See above.
Timeframe	
Registration	See above.
Protection	See above.
Additional information	
None.	

Country: Moldova

International Legal Framework

Moldova is a member of the World Intellectual Property Organization (WIPO) and a signatory to the Paris Convention on the Protection of Industrial Property and to the Madrid Agreement on the International Registration of Trademarks from 25 December 1991. Moldova subsequently signed the Protocol to the Madrid Agreement on the International Registration of Trademarks which came into force on 1 December 1997.

Moldova is also a party to the Lisbon Agreement for Protection of Appellations of Origin and their International Registration and to the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods. Both Agreements entered into force in the Republic of Moldova on 5 April 2001.⁸¹

Moldova is a member of the World Trade Organization (WTO) from 26 July 2001.⁸²

There are no bilateral agreements between the EC and Moldova specific to GIs.

National Legal Framework

Type of Protection	Sui generis protection of GIs and AOs. No <i>ex officio</i> protection appears to be available, as protection is provided only at the request of an interested party, (e.g., producers).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Law on Trademarks and Appellations of Origin No. 588 – XIII of 22 September 1995 amended by the Law No. 1009 – XIII of 22 October 1996, the Law No.1079 – XIV of 23 June 2000, the Law No. 65 XV of 12 April 2001, the Law No. 1446 – XV of 8 November 2002, the Law No. 469 – XV of 21 November 2003 (hereinafter referred to as “the Law”); • Regulations on application of the Law No. 588/1995 on trademarks and appellations of origin (the part relating to the appellations of origin); • Law on Wines and Spirits No. 131 XIII of June 1994, Articles 15-16. <p>An International registration of European GIs through the Lisbon Agreement is possible under the following conditions:</p> <ol style="list-style-type: none"> 1. The GI must come from an EU Member State signatory of the Lisbon Agreement; 2. This International registration will only have effect in the countries signatories of the Lisbon Agreement.
Scope of protection	The scope of application of the Law is more extensive than the scope of the EC system (concerns goods: natural, agricultural, mining and industrial products and handicrafts, but not services).
Source	The English version of Law on Trademarks and Appellations of Origin No. 588 is available on http://www.agepi.md/en/acte/ .
Summary of the Operational Provisions	<p>Definitions of appellation of origin (AO) and of geographical indication (GI) are similar to the ones provided by the EC Regulation (Article 3 of the Law). Names and signs that meet such definition may be registered.</p> <p>The State Agency for Industrial Property Protection (hereinafter referred to as AGEPI, the authority responsible for the registration of geographical indications and appellations of origin) examines applications for registration of an AO, first formally and then substantially.</p>

⁸¹ Source of information: <http://www.wipo.int>.

⁸² Source of information: <http://www.wto.org>.

	<p>Signs which consist only of a geographical name and deprived of a distinctive character cannot be registered.</p> <p>Only after the substantive test, an application may be published (within three months from the date of the positive decision) or rejected (Article 13 of the Law).</p> <p>Like in the EC, there is an opposition procedure available within the three months that follow the application date of the notice concerning the application (Article 17 of the Law).</p> <p>Applicants have the right to file an appeal against the negative decision following the formal or substantive examination with the Board of Appeals in AGEPI which must take a decision within three months. An appeal is also possible against decisions of the Board of Appeals by means of normal legal proceedings before the court (Article 14 of the Law).</p> <p>A registration certificate for an appellation of origin issued by AGEPI attests the right to use that appellation.</p> <p>Level of protection under the Law appeared to be different from the level provided under the EC law.</p>
<p style="text-align: center;">Specific Provisions (issue of Generics, Reciprocity)</p>	<p>The Law does not apply to generic names used as common names for goods or services in Moldova and to GIs used for wines and spirits which are a customary name of a type of grape growing in the territory of Moldavia. No provisions on the modalities used to determine the generic nature of a name are included in the Law (Article 22 (3) of the Law).</p> <p>Protection in translation or in combination with expressions such as “kind”, “style”, “imitation” and “the like” is only granted to GIs used for wines and spirits. In particular, Article 7(2) c) of the Law states that GIs identifying wines and spirits not originating in the geographical area in question, cannot be registered as trademarks even when the true origin is indicated or the appellation of origin is used in translation or in combination with expressions such as “kind”, “style”, “imitation” and “the like”.</p> <p>Article 26 of the Law lists the possible causes of cancellation of a registration of an AO. For instance, an AO might be cancelled upon request of any interested party to the Board of Appeals, if it has not been used for a period of five years.</p> <p>Foreign natural and legal persons may register their geographical indications in Moldova in accordance with the international treaties and according to the principle of reciprocity (Article 32 of the Law). Article 33 states that international treaties to which Moldova is a signatory may prevail over the Law.</p> <p>Therefore, the EC geographical indications can be registered in Moldova.</p>
Formal Requirements for an Application	
<p style="text-align: center;">Application Forms</p>	<p>Like in the EC, there is a standard application form. Therefore, an application for registration may be filed by using this standard form.⁸³</p> <p>Pursuant to Article 8(5) of the Law, an application for registration of an AO (or a GI) must contain:</p> <ul style="list-style-type: none"> • a request for registration; • the surname, forenames, address and signature of the applicant; • the surname, forename, address and signature of the professional representative appointed in Moldova; • a reproduction of the appellation of origin and its description; • the list of products for whose designation, the registration of the appellation of origin is requested; • indication of the place of manufacture and of the limits of the geographical area;

⁸³ The application form for the registration of AOs is available on:
<http://www.agepi.md/pdf/formulare/word/f%20178.doc>.

Continent: Eurasia
Country: Moldova

	<ul style="list-style-type: none"> a description of the special properties of the product which justify the request of registration of the appellation of origin. <p>The EC specifications may be potentially re-used for these purposes.</p>
Relevant Supporting Documents	<p>In any case, the application must be accompanied by the following documents:</p> <ul style="list-style-type: none"> in case of foreign applicants, a document proving that the applicant is entitled to the AO concerned in the country of origin of the product (Article 8(6)(b) of the Law); a simply signed power of attorney if the application is filed through a representative;⁸⁴ a proof of payment of the prescribed fee; a certified attestation ascertaining that: <ul style="list-style-type: none"> (i) the applicant is situated in the indicated geographical region; (ii) his products are manufactured in the same area; (iii) the special properties of the product are determined by natural and/or human factors typical of that area. <p><u>Applications for registration of an AO (or GI) must be filed in the Moldovan language.</u> Other documents submitted in a foreign language (except for Russian) should be translated into Moldovan within two months from the date of filing of the application.</p>
Administration Responsible for Registration	<p>State Agency on Intellectual Property of the Republic of Moldova (AGEPI) 24/1 Andrei Doga str., MD-2024, Chisinau, Republic of Moldova</p> <p>Tel. (+373-22) 400607, 400608 Fax (+373-22) 440119 E-mail: office@agepi.md Website: http://www.agepi.md</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> Filing of an application for registration of an appellation of origin is \$ 40 (~€ 32); Examination of an application for registration of an appellation of origin is \$ 200 (~€ 159); Classification of goods and services, whether the classification as appeared in the application, is incorrect is \$ 10 (~€ 8); Registration fee is \$ 300 (~€ 239); Opposition to the provisional rejection of the application is \$ 10 (~€ 8); Opposition against the final decision of examination by the applicant or owner is \$ 100 (~€ 25).
Costs of litigation	Costs for legal assistance on the case are between € 500 and € 2500 (depending on the complexity of the case).
Timeframe	
Registration	Minimum 1 month for the formal examination and minimum 9 months for the substantive examination. In total, at least 10 months.
Protection	Indefinite (Article 20, paragraph 4 of the Law).

⁸⁴ Forms for the power of attorney carrying out proceedings in Moldavia is available on: <http://www.agepi.md/pdf/formulare/word/f%20976.doc>.

Continent: Eurasia
Country: Moldova

Additional information

To date, there have been about 809 applications for registration of AOs in Moldova, among which 794 under the Lisbon Agreement. However, for the time being, only 7 certificates of registration of AOs have been issued by AGEPI and 5 of them to foreign applicants. It is worth noting that no certificate has been issued after 1999 in spite of the many applications submitted.

Country: Mongolia

International Legal Framework

Mongolia is a member of the World Intellectual Property Organization from 28 February 1979, and a signatory to the Paris Convention for the Protection of Industrial Property and the Madrid Protocol Concerning the International Registration of Marks from 21 April 1985.⁸⁵

Mongolia is a WTO Member from 29 January 1997.⁸⁶

There are no bilateral agreements between the EC and Mongolia specific to GIs.

National Legal Framework

<p>Type of Protection</p>	<p>Sui generis protection. It appears that no <i>ex officio</i> protection is available; protection is provided only at the request of a third party.</p>
<p>Relevant Regulatory Framework</p>	<ul style="list-style-type: none"> • Law on Trademarks and GIs of 2 May 2003 (hereinafter, referred as “the Law”).
<p>Scope of protection</p>	<p>The scope of application of the Law is more extensive than the scope of the EC system (concerns goods: food, agricultural, and handicrafts products, but not services).</p>
<p>Source</p>	<p>Texts are not available online.</p>
<p>Summary of the Operational Provisions</p>	<p>Definitions of designations of origin and geographical indications are similar to those provided by the EC Regulation (Article 3.1.4 of the Law). Names and signs that meet such definition may be registered. A specific case of Article 13.6 of the Law specifies that for the certification mark which consists of a GI and attests an origin of the goods, the provisions of this Law relating to GI shall be applicable”.</p> <p>In order to be protected designations of origin and geographical indications have to be registered (Article 15 of the Law). The Intellectual Property Office of Mongolia (the authority responsible for registration of GIs) examines the application first formally, and then substantially.</p> <p>Unlike in the EU, there is no opposition procedure available. In case of a decision to refuse registration, the applicant has the possibility of appealing to the Competent Court (Article 28.1 of the Law).</p> <p>Level of protection appears to be different from the EC protection: According to Article 23 of the Law, users of GIs are protected where the registered GI is used by others in respect to goods not manufactured in the locality indicated and <u>where such use would create confusion as to the true origin of the goods, or when the registered GI is used by others in respect to similar goods and therefore takes unfair advantage of, or is detrimental to, the repute of the GI.</u></p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>As in the EC, generic names may not be protected (Article 15.2.2 of the Law). The name must be considered as generic in the territory of Mongolia.</p> <p><u>Geographical indications and designations of origin, used in translation, are not protected.</u></p> <p>There are no reciprocity provisions in the Law. However, a regulation for the implementation of the Law</p>

⁸⁵ Source of information: <http://www.wipo.int>

⁸⁶ Source of information: <http://www.wto.org>

	has been issued by the Mongolian Intellectual Property Authority, which enables third countries producers and national Mongolian producers to apply for registration. Therefore, EC GIs may be registered in Mongolia.
Formal Requirements for an Application	
Application Forms	<p>Unlike in the EU, there is no standard application form.</p> <p>However, the Law indicates that an application must contain (Article 16.1 of the Law):</p> <ul style="list-style-type: none"> • a request for registration of the geographical indication; • the family name, surname, given name and address of the applicant, the name of a State of nationality, domicile or establishment; • where the applicant is a legal person, the official designation, address, the legal nature of that legal person; • where the applicant has a representative, the family name, surname, given name and address of that representative; • the name of the geographical indication; • the geographical locality of the place; • the designation of the goods; • an account of the characteristics of the goods and their association with the geographical environment and inherent human factors. <p>The EC specification can potentially be used for these purposes.</p> <p>The language of application is Mongolian.</p>
Relevant Supporting Documents	<p>According to the Article 16.2 of the Law, the application for a GIs shall be accompanied by the following:</p> <ul style="list-style-type: none"> • where the application is filed by a foreign natural or legal person, a document certifying that the geographical indication of a country, region or locality where the goods are originating or manufactured is protected; • where the application is filed by a domestic legal person, a certified copy of the state registration certificate. The application for a GIs may be filed by several persons.
Administration Responsible for Registration	<p>Intellectual Property Office of Mongolia Baga Toiruu 49 Ulaanbaatar 46 Tel.: + 976.1 32.74.56 Fax: + 976.1 32.76.38 E-mail: ipom@magicnet.mn http://www.ipom.mn</p>
Costs	
Costs of registration	The fees shall be paid within 3 months following the date of the decision on the issue of a GI certificate or the renewal of the period of validity of the registration (Article 11.2 of the Law). The official fees are not yet available.
Costs of litigation	Approximately Tugrik 1.500.000 (~ € 1.047).
Timeframe	
Registration	Between 20 days and 18 months (Articles 7 and 8 of the Law).

Continent: Eurasia
Country: Mongolia

Protection	As in the EU , protection of geographical signs is of an unlimited duration (Article 18.4 of the Law). The period of validity of the registration of a GI shall expire where the relationship between the characteristics of the goods and the geographical environment and inherent human factors no longer exists (Article 25 of the Law).
Additional information	
None.	

Country: Myanmar (Burma)

International Legal Framework

Myanmar is a member of the World Intellectual Property Organization from 15 February 2001.⁸⁷
Myanmar has not signed any WIPO treaties.
Myanmar is a WTO Member since 1 January 1995.⁸⁸
There are no bilateral agreements between the EC and Myanmar specific to GIs.

National Legal Framework

Type of Protection	Trademark regime. No ex officio procedure is available. Protection is provided only at the request of the trademark holder.
Relevant Regulatory Framework	<p>Since there is no specific trademark law so far, it is recommended to follow the Cautionary Notice in the local newspaper in order to have public awareness of the ownership of the trademark and warn any potential infringement in case of trademark conflict problem although it is neither compulsory nor stipulated by any law.</p> <p>Trademarks/service marks are registered by means of Declaration of Ownership at the Registration Office here, followed by publication of Trademark Cautionary Notices.</p> <p>The protection is provided by the relevant legislation:</p> <ul style="list-style-type: none"> • The Registration Act; • The Penal Code; • The Specific Relief Act; • The Myanmar Merchandise Marks Act.
Scope of protection	It would appear that all goods and services are covered.
Source	Not available.
Summary of the Operational Provisions	<p>Registration of a trademark can be obtained by tabling a request for registration together with a declaration of ownership with the Register of Deeds and Assurances.</p> <p>In order for the protection to be effective, registration must be followed by the publication in local newspapers of Caution Notice. The publication aims at reminding the public of the ownership of the trademark and warding off a potential infringer or imitation. Publication of cautionary notice puts weight on the ownership of a trademark/service mark in case of litigation at a court, if there is any. However, it is not compulsory nor it is stipulated by any law. It is an established practice in Myanmar.</p> <p>Renewal of Registration and re-publication is every three year.</p> <p>Level of protection: registration allows the owner to introduce an action against a third party which has passed off similar goods bearing the offending mark, thereby misleading the public. Registration also gives</p>

⁸⁷ Source of information: <http://www.wipo.int/treaties>.

⁸⁸ Source of information: <http://www.wto.org>

Continent: Eurasia
Country: Myanmar (Burma)

	<p>an evidential value in case of dispute at a court. Moreover, the registration of the trademark is necessary to take proceedings in the courts of Myanmar, especially where no trademark Act has been promulgated.</p> <p>Remedies against passing-off can be applied for under Section 478 of the Penal Code, and against infringement under Section 54 of the Specific Relief Act and the Myanmar Merchandise Marks Act.</p>
Specific Provisions (issue of Generics, Reciprocity)	None.
Formal Requirements for an Application	
Application Forms	<p>Unlike in the EC, there is no standard application form. However, the following documents are required:</p> <ul style="list-style-type: none"> • Full name, address and nationality of the applicant; • Description of the trademark: meaning, colors claimed, translation or transliteration of the characters into English if the trademark includes characters in other languages; • List of goods, services to be covered by the trademark and if possible, class(es) of the respective goods/ services according to the International Classification.
Relevant Supporting Documents	<ul style="list-style-type: none"> • A Declaration of Ownership of Trademark which must include the name of the owner of the trademark, its address and specification of the goods/services as well as the device (or) logo of the mark. • A Power of Attorney available at: http://www.wincolaw.com/pdf/poamyanmar.pdf <p>Both documents Declaration and Power of Attorney must be fully authenticated i.e. signed, notarized, legalized, and endorsed by the Myanmar Embassy in the country concerned. Declaration and Power of Attorney must be signed by the same authorized signatory on behalf of the owner/applicant's company. The documents must be notarized and Notary Public's signature should be legalized. The signature of the Notary Public on the documents must be certified by the Myanmar Diplomatic Mission or Consulate in the country they are executed.</p> <p>All documents, Declaration and Power of Attorney, executed outside Myanmar have to be filed for registration within (4) months from the date of documents executed.</p> <ul style="list-style-type: none"> • 8 specimens of the trademark (with the size not larger than 80mm x 80mm and not smaller than 15mm x 15mm). • Certified priority documents for claiming priority (if any).
Administration Responsible for Registration	<p>Supervisory Ministry Ministry of Science and Technology No. (6) Kaba Aye Pagoda Road, Yangon Title of Head: Minister of Science and Technology Tel.: (951) 65.01.91 Fax: (951) 66.76.39 E-mail: most@mptmail.net.mm</p>
Costs	
Costs of registration	Not available.
Costs of litigation	Not available.

Continent: Eurasia
Country: Myanmar (Burma)

Timeframe	
Registration	4 to 6 weeks to obtain a Trademark Registration Certificate.
Protection	Renewal advisable every 3 years.
Additional information	
None.	

Country: Nepal

International Legal Framework

Nepal is a member of the World Intellectual Property Organization from 4 February 1997 and a signatory to the Paris Convention for the Protection of Industrial Property from 22 June 1991.⁸⁹
Nepal is a WTO Member from 26 March 1995.⁹⁰
There are no bilateral agreements between the EC and Nepal specific to GIs.

National Legal Framework

Type of Protection	Trademark protection. It appears that no <i>ex officio</i> protection is available; protection is provided only at the request of a third party.
Relevant Regulatory Framework	The Patent, Design and Trademark Act, Act No.15, August 1965 as Amended by Act N° 2044 of 1987 (hereinafter, referred as “the Law”).
Scope of protection	The scope of Trademark protection concerns all goods and services.
Source	The text is available at: http://www.vakilno1.com/saarclaw/nepal/patentandtrademarkact/chapter4.htm .
Summary of the Operational Provisions	<p>An application for trademark registration must be submitted to the Department of Industries of the Industrial Property Office. The application is examined first formally, and then substantially. If it is found registrable, the applicant must pay the fee in order for the Department to register and publish the trademark.</p> <p>Like in the EC, there is an opposition procedure available within 35 days after publication</p> <p>The illegal use of a trademark is punishable by a fine not exceeding is 1000 RUP (~ € 11), as well as confiscation of all articles and goods connected with the offence.</p>
Specific Provisions (issue of Generics, Reciprocity)	The Law defines a time limit for the use of the trademark : a registered trademark must be used within one year of registration. If not, the department can conduct necessary inquiries and cancel such registration.

⁸⁹ Source of information: <http://www.wipo.int>

⁹⁰ Source of information: <http://www.wto.org>

Formal Requirements for an Application	
Application Forms	<p>Like in the EU, there are standard application forms.</p> <p>An application shall be accompanied by:</p> <ul style="list-style-type: none"> • Copy of registration or license of the business for product or service in which trademark is used or intend to use; • Four copies of model of trademark; • Authorizations letter if somebody has been authorized to act on behalf of the owner to register the trademark; • If the applicant is a foreigner, certified copy of any foreign registration certificate and address for service in Nepal must be submitted with application; • Receipt of payment of prescribe application fee. <p>Application forms are not available online.</p>
Relevant Supporting Documents	None.
Administration Responsible for Registration	<p>Industrial Property Office: Department of Industries Tripureshwor Kathmandu Tel.: (977.1) 426.12.0/11.01/11.69 Fax: (977.1) 426.11.12 E-mail: doi@ecomail.com.np info@doi.com.np http://www.ip.np.wipo.net/index.htm</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • Application is 1000 RUP (~ €11); • Registration is 5000 RUP (~ €55); • Complain and opposition are 2000 RUP (~ €22); • Copy of the registration certificate RUP 1000 (~ €11); • Renewal of trademark per year RUP 500 (~ €5).
Costs of litigation	Approximately RUP 41.200 (~€457).
Timeframe	
Registration	Approximately 6 months (no timeframe is indicated in the Law).
Protection	The registered trademark is valid for a period of seven years from the date of registration and it may be renewed.
Additional information	
None.	

Country: Norway

International Legal Framework

Norway is a member of the World Intellectual Property Organization from 8 June 1974, a signatory to the Paris Convention for the Protection of Industrial Property from 1 July 1885 and the Madrid Protocol Concerning the International Registration of Marks from 29 March 1996.⁹¹

Norway is a WTO Member from 1 January 1995.⁹²

There are no bilateral agreements between the EC and Norway specific to GIs.

National Legal Framework

Type of Protection	Trademark protection. No <i>ex officio</i> protection is available; protection is provided only at the request of an injured party (Article 37 of the Law).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • The Trade Marks Act No. 4 of March 3, 1961, as last amended by Act No. 15 of 1 May 2003 (hereinafter, referred as "the Law"); • Regulations Concerning Applications for Registration of Trade Marks and Collective Marks. Royal Decree of 29 March 1996; • The Marketing Control Act No 47 of 16 June 1972 entered into force on 1 January 1973 as last amended by Act, No 90 of 18 December 1981.
Scope of protection	The scope of Trademark protection concerns all goods and services.
Source	Official Publication of the Law: "Norges Lov" 1685-1995, 03/03/1961, pp. 959-967. Texts are available at: http://www.patentstyret.no/templates/Page_681.aspx
Summary of the Operational Provisions	<p>The EC GIs can be protected in Norway as trademarks.</p> <p>There are no definitions of GIs provided in the Law. As a general rule, marks indicating exclusively, or with only minor alterations or additions, the type of product, condition, quantity, use, price, <u>geographical origin</u> or when it was produced, shall not be deemed to possess sufficiently distinctive characteristics and therefore cannot be registered (Article 13 of the Law).</p> <p>However, Government bodies, foundations, companies and such like, which carry out periodic inspection of goods and services may also register certain geographical names as collective marks, as belonging to bodies which set standards for goods and services. The rules applying to the registration of trademarks also apply to the registration of collective marks.</p> <p>The right to a trademark may also be acquired without registration (Article 2 of the Law).</p> <p>The Norwegian Patent Office (the Authority responsible for registration of GIs) examines the applications</p>

⁹¹ Source of information: <http://www.wipo.int/treaties>.

⁹² Source of information: <http://www.wto.org>

Continent: Eurasia
Country: Norway

	<p>first formally, and then substantially. In case of a decision to refuse registration, the applicant has the possibility of appealing to the Boards of Appeals of the Patent Office. Decisions from the Boards of Appeals may be brought before the competent court (Article 19 of the Law).</p> <p>Unlike in the EU, there is no opposition procedure available However, an action against registration may be brought by anyone who has legal interest in the matter (Article 25.b of the Law). Actions for review decisions of the Board of Appeals may be brought before the Oslo City Court (Article 42 of the Law).</p> <p>Geographical Indications can be protected without registration under the Marketing Control Act N. 47 concerning misleading business methods (Article 2), business secrets (Article 7), technical aids (Article 8) and copying of another's product (Article 9). This protection appears to be <i>ex officio</i>.</p>
Specific Provisions (issue of Generics, Reciprocity)	<p>The Law allows foreign trademarks to be registered in Norway on the condition of registration in a country of origin (Article 28 of the Law). Therefore, the EC GIs may be registered in Norway.</p>
Formal Requirements for an Application	
Application Forms	<p>The standard application forms are available.⁹³</p> <p>The application must contain:</p> <ul style="list-style-type: none"> • the applicant's name or business name; • a reproduction of the trademark; • a list of the goods for which registration of the trademark is sought. <p>The language of application is Norwegian but some forms are available in English.</p>
Relevant Supporting Documents	<p>An applicant for trademark registration who does not have his residence or principal place of business in Norway shall have a representative, who can represent him in all matters concerning the application (Article 31 of the Law).</p>
Administration Responsible for Registration	<p>Norwegian Patent Office (<i>Patentstyret</i>) P.O. Box 8160 Dep. N-0033 Oslo Tel.: + 47.22 38.73.00 – 33 Fax: + 47.22 38.73.01 E-mail: mail@patentstyret.no Website: http://www.patentstyret.no</p>
Costs	
Costs of registration	<p>Basic fee including registration for up to 3 classes NOK 2.300 (~€289). Renewal of trademark registration NOK 2.300 (~€289).</p>

⁹³ Patentstyret website <http://www.patentstyret.no/templates>.

Continent: Eurasia
Country: Norway

Costs of litigation	Approximately NOK 11.500 (~€ 1445).
Timeframe	
Registration	Between 6 and 12 months.
Protection	Protection of trademarks is valid for a period of 10 years, renewable for ten years (Article 22 of the Law).
Additional information	
None.	

Country: Oman

International Legal Framework

Oman is a member of the World Intellectual Property Organization from 19 February 1997 and a signatory to the Paris Convention for the Protection of Industrial Property from 14 July 1999.⁹⁴
Oman is a WTO Member from 9 November 2000.⁹⁵
There are no bilateral agreements between the EC and Oman specific to GIs.

National Legal Framework

Type of Protection	Sui generis protection. No <i>ex officio</i> protection is available; protection is provided only at the request of a third party.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Royal Decree No. 40/2000 promulgating the Law on the Protection of GIs entered into force on 21 May 2001 (hereinafter, referred as “the Law”); • Royal Decree No. 38/2000, Law on Trademarks, Indications and Secrets and Protection against Unfair Competition.
Scope of protection	<u>The scope of application of the Law is more extensive than the scope of the EC system</u> (concerns goods: any natural, agricultural, industrial or handicraft products, but not services).
Source	Official Publication of the Royal Decree: Official Gazette, No. 672, 21/05/2000 Texts are available at: http://www.wipo.int .
Summary of the Operational Provisions	<p>Definitions of GIs are similar to those provided by the EC Regulation (Articles 1 and 2 of the Law).</p> <p>GIs are protected in Oman whether they are registered or not (Article 3.a of the Law).</p> <p>The Industrial Property Office of the Directorate General for Commerce in the Ministry of Commerce and Industry (the authority responsible for registration of GIs) examines the application first formally, and then substantially. An applicant for registration may oppose a decision refusing the application before a committee to be formed by decision of the Minister (Article 8 of the Law).</p> <p><u>Unlike in the EU, there is no opposition procedure available.</u></p> <p>The level of protection is similar to that provided in the EC: <u>No registered designations of origin or geographical indications may be used in the cases when the genuine origin is indicated or origin is used in translation or in combination with expressions such as “sort of”, “kind of” or “imitation”</u> (Article 5 of the Law).</p>

⁹⁴ Source of information: <http://www.wipo.int/treaties>.

⁹⁵ Source of information: <http://www.wto.org>.

Continent: Eurasia
Country: Oman

Specific Provisions (issue of Generics, Reciprocity)	<p>There are no provisions regarding generic names in the Law.</p> <p><u>Geographical indications and designations of origin, used in translation, are protected (Article 5 of the Law).</u></p>
Formal Requirements for an Application	
Application Forms	GIs are protected in Oman whether they are registered or not, in case of application for registration, such registration is provided in accordance with the procedures provided for in the Executive Regulations (they are under development now).
Relevant Supporting Documents	See above.
Administration Responsible for Registration	<p>Industrial Property Department: Directorate General for Commerce Ministry of Commerce and Industry P.O. Box 550 P.C. 113, Muscat Tel: + 968 248.142.30 Fax: + 968 248.120.30</p>
Costs	
Costs of registration	No official registration fees are indicated in the Law, they would be provided for in the Executive Regulations, which are under development now.
Costs of litigation	Approximately Rial 655(~€ 1350).
Timeframe	
Registration	No timeframe is indicated in the Law, it would be provided for in the Executive Regulations (which are under development now).
Protection	See above.
Additional information	
None.	

Country: Pakistan

International Legal Framework

Pakistan is a member of the World Intellectual Property Organization from 6 January 1977 and a signatory to the Paris Convention for the Protection of Industrial Property from 22 July 2004.⁹⁶
Pakistan is a WTO Member from 1 January 1995.⁹⁷
There are no bilateral agreements between the EC and Pakistan specific to GIs.

National Legal Framework

Type of Protection	Trademark protection. It appears that <i>no ex officio</i> protection is available; protection is provided only at the request of a third party.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Trade Marks Ordinance, 2001 (hereinafter, referred as “the Law”); • Trade Marks Rules, 2004.
Scope of protection	The scope of trademark protection concerns all goods and services (Article 12 of the Law).
Source	Official Publication of the Trade Marks Rules: "The Gazette of Pakistan", 10 April 2004. Texts are available at: http://www.wipo.int and http://www.pakistanlaw.com .
Summary of the Operational Provisions	<p>Definitions of GIs are similar to those provided by the EC Regulation (Article 2 of the Law). It appears that GIs could be registered as certification marks or collective marks under the Law (Articles 82.2 and 83 of the Law and Schedules I and II).</p> <p>GIs are protected as trademarks in Pakistan (Article 29. 5 of the Law).</p> <p>The Registrar of Trademarks (the authority responsible for registration of trademarks) examines the application first formally, and then substantially (Article 27 of the Law).</p> <p><u>As in the EU, there is an opposition procedure available within two months</u> from date of the advertisement (Article 28.2 of the Law). An infringement of a registered trademark shall be actionable by the proprietor (Article 46 of the Law). Further appeals against the registrar decisions may be brought to the High Court or District Court of Pakistan (Article 114 of the Law).</p>
Specific Provisions (issue of Generics, Reciprocity)	None.

⁹⁶ Source of information: <http://www.wipo.int/treaties>.

⁹⁷ Source of information: <http://www.wto.org>.

Formal Requirements for an Application	
Application Forms	<p>Like in the EU, there are standard application forms, which are available electronically:⁹⁸</p> <ul style="list-style-type: none"> • Application for registration of a trade mark for goods or services (other than a collective or a certification trade mark) in the register (FORM TM-1; FORM TM-2); • Application for registration of collective trade (under section 82, First Schedule, rule 39(1), FORM TM-3); • Application for registration of a certification trade mark for goods or services (under section 83, Second Schedule, rule 43(1), FORM TM-4). <p>The application shall include (Article 22.2 of the Law):</p> <ul style="list-style-type: none"> • a request for registration of a trade mark; • full name and address of the applicant; • international classification of goods or services; • a representation of the trademark. <p>Applications may be filed in English language.</p>
Relevant Supporting Documents	None.
Administration Responsible for Registration	<p>Trade Marks Registry Ministry of Commerce Plot No. Cd-3 Building C.C.I & E, 4th & 5th Floor Gulshan-e-Iqbal, Karachi Tel.: + 92.21 923.10.02 Fax: + 92.21 923.10.01 Website: http://www.commerce.gov.pk/index.asp</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • Application for registration: RUP 1000 (~€ 13); • Notice of opposition: RUP 3.000 (~€ 39); • Renewal: RUP 5.000 (~€ 66).
Costs of litigation	Approximately RUP 4.600 (~€ 536).
Timeframe	
Registration	Between 6 and 8 months.
Protection	Trademarks may be registered for a period of ten years (Article 34 of the Law). The registration may be renewed for periods of ten years. The Registrar shall inform the proprietor of the trademark before the expiry of the registration.
Additional information	
None.	

⁹⁸ All forms can be downloaded from http://www.pakistanlaw.com/Trade_Mark_Rules_2004.pdf.

Country: Philippines

International Legal Framework

The Philippines is a member of the World Intellectual Property Organization Convention since 14 July 1980 and a signatory to the Paris Convention for the Protection of Industrial Property since 27 September 1965.⁹⁹
The Philippines is a WTO Member since 1 January 1995.¹⁰⁰
There are no bilateral agreements concerning GIs between the EC and the Philippines.¹⁰¹

National Legal Framework

Type of Protection	Trademark regime. No ex officio protection is available, protection is provided only at the request of an interested party (e.g., producers).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • The Intellectual Property Rights Code of the Philippines (Act No. 8293) adopted in June 1997 and entered into force in January 1998 (hereinafter referred as “the Law”). • Rules and Regulations on trademarks, service marks, trade names and market and stamped containers, September 1998 (hereinafter referred to as “the Rules”).
Scope of protection	The Law applies to all goods (agricultural and/or industrial) and services.
Source	The Intellectual Property Code and the Rules and Regulations on trademarks, service marks, trade names and market and stamped containers are available in English at: http://ipophil.gov.ph/ .
Summary of the Operational Provisions	<p>The Rules contain a definition of GIs in a similar way to the EC regulation (Rule 101 (g)).</p> <p>The Rules provide that a trademark must not be misleading for the public in relation to the nature, quality characteristics or geographical origin of the goods or services. They state that GIs can only be protected:</p> <ul style="list-style-type: none"> • As a trademark if the signs have become distinctive as a result of their use in commerce in the Philippines. The Office may accept as <i>prima facie</i> evidence that the mark has become distinctive through the proof of a substantially exclusive and continuous use by the applicant in commerce in the Philippines for five years before the date on which the claim of distinctiveness is made. • As a collective trademark. <p>Registration procedure:</p> <ul style="list-style-type: none"> • Substantive examination by the Bureau of Trademarks at IPO. If after the examination, the applicant is not entitled to registration, the Office shall advise the applicant who has 4 months to reply or amend his application, which shall then be re-examined. If the application is accepted, it is published, upon payment of fees. • Like in the EC, there is an opposition procedure. Opposition is open to any interested person upon payment of the required fee and within thirty (30) days after the publication • When the period for filing the opposition has expired, or when the Director of Legal Affairs

⁹⁹ Source of information: <http://www.wipo.int/treaties>.

¹⁰⁰ Source of information: http://www.wto.org/english/thewto_e/countries_e/philippines_e.htm.

¹⁰¹ The Philippines is a signatory to the Cooperation Agreement between the European Economic Community and the member countries of the Association of South-East Asian Nations signed in Kuala Lumpur on 7 March 1980 and entered into force on 1 October 1980.

Continent: Eurasia
Country: Philippines

	<p>has dismissed an opposition, the IPO upon payment of the required fee, issues the certificate of registration.</p> <ul style="list-style-type: none"> • Applicants may file an appeal with the Director of Trademarks of IPO against a final decision refusing the registration of a trademark within two months from date of receipt of such decision. • A final decision of refusal of the Director of Trademarks can be appealed to the Director General. <p>Furthermore, any goods marked or labelled in contravention of the false designation of origin provisions (Section 169) shall not be imported into the Philippines or admitted entry at any customhouse in the Philippines.</p>
<p style="text-align: center;">Specific Provisions (issue of Generics, Reciprocity)</p>	<p>In order to be registered in the Philippines, foreign applicants must have their trademarks registered in the country of origin.</p> <p>Well-known trademarks are protected regardless of whether they are registered or not. In order to determine whether a trademark is well-known, the IPO takes into account the knowledge of such trademark within the relevant sector of the public and of specific factors listed in Article 102 of the Rules.</p> <p>Signs that have become generic cannot be registered. No specific definition of the generic nature of goods or services is provided in the law.</p> <p>Reciprocal treatment is granted to any national of a country which is a party to any convention, treaty or agreement relating to intellectual property rights or the repression of unfair competition, to which the Philippines is also a party, or extends reciprocal rights to nationals of the Philippines by law. An application for registration of a mark filed in the Philippines by a foreign person, and who previously duly filed an application for registration of the same mark in one of the countries covered by the reciprocity clause, shall be considered as filed as of the day the application was first filed in the foreign country in case there is claim of priority right.</p>
<p>Formal Requirements for an Application</p>	
<p style="text-align: center;">Application Forms</p>	<p>Like in the EC, there is a standard application form for registration of a trademark in the Philippines. Forms are available at: http://ipophil.gov.ph/.</p> <p>All applications must contain:</p> <ul style="list-style-type: none"> • the name and address of the applicant; • the name of a State of which the applicant is a national or where he has domicile; and the name of a State in which the applicant has a real and effective industrial or commercial establishment, if any; • where the applicant is a legal entity, the law under which it is organized and existing; • the appointment of an agent or representative, if the applicant is not domiciled in the Philippines; • where the applicant claims the priority of an earlier application, an indication of: (i) the name of the State with whose national office the earlier application was filed or it filed with an office other than a national office, the name of that office; (ii) the date on which the earlier application was filed, and where available, (iii) the application number of the earlier application; • a transliteration or translation of the mark or of some parts of the mark if it is a foreign mark;¹⁰² • the names of the goods or services for which the registration is sought, grouped according to the classes of the Nice Classification, together with the number of the class of the said Classification to which each group of goods or services belongs;

¹⁰² Transliteration is an act, process or instance of representing or spelling of words, letters or characters of one language in the letters and characters of another language or alphabet.

Continent: Eurasia
Country: Philippines

	<ul style="list-style-type: none"> sworn statement that the applicant is a small entity if such be the fact; a signature by, or other self-identification of, the applicant or his representative. <p>Applications may be submitted in English or in Filipino.</p>
Relevant Supporting Documents	<p>A simple signed power of attorney may be required by IPO within sixty days from notice. A proof of payment of the prescribed fee.</p> <p>In case of a collective mark, a copy of the agreement, if any, governing its use (the EC specification could potentially be used for these purposes).</p> <p>In case of intention to claim priority rights, the foreign application showing the date of filing or the foreign registration indicating the date of filing should also be provided.</p> <p>A declaration under oath of actual use of the mark with evidence to that effect within three years from the filing date of the application. (Otherwise, the application shall be refused or the mark shall be removed from the Register).</p> <p>The label as actually used or intended to be used on the goods or a copy or duplicate made by photo engraving or some similar process.</p>
Administration Responsible for Registration	<p>Intellectual Property Office of the Philippines - IPO Building 351 Sen. Gil Puyat Avenue Makati City 3117 Tel.: + 63.2 752.54.50 to 65 Fax: + 63.2 890.48.65 E-mail: mail@ipophil.gov.ph Internet web site: http://ipophil.gov.ph</p>
Costs	
Costs of registration	<p>The official fees set by IPO are:¹⁰³</p> <ul style="list-style-type: none"> Filing Fee (per class) is max 2181.600 Pesos (about € 33); Claim for Convention Priority (per class) is max 1515.00 Pesos (about € 23); Request for Priority Examination is max 5,252.00 Pesos (about € 80); Issuance of certificate of registration is max 1,010.00 Pesos (about € 15); Publication fees is 808 Pesos (about € 11) min approximately ½ page.
Costs of litigation	<p>Would depend on the complexity of the case, however, little information is available as to the litigation.</p>
Timeframe	
Registration	<p>Not available.</p>
Protection	<p>The registration of a trade mark is valid for 10 years. An affidavit of use is necessary after 5 years. Otherwise, the mark is removed from the Register by the Office. Renewable for further periods of 10 years.</p>
Additional information	
<p>None.</p>	

¹⁰³ Source of information: http://ipophil.gov.ph/mainframe_homepage.htm.

Country: Qatar

International Legal Framework

Qatar is a member of the World Intellectual Property Organization from 3 September 1976, and a signatory to the Paris Convention for the Protection of Industrial Property from 5 July 2000.¹⁰⁴
Qatar is a WTO Member from 13 January 2006.¹⁰⁵
There are no bilateral agreements between the EC and Qatar specific to GIs.

National Legal Framework

Type of Protection	Sui generis protection. No <i>ex officio</i> protection is available; protection is provided only at the request of a third party.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Law on Trademarks, Trade Names, Geographical Indications, Industrial Models and Designs, No. 9 of 2002 (hereinafter, referred as “the Law”).
Scope of protection	<u>It appears that the scope of application of the Law is more extensive than the scope of the EC system</u> (concerns all kind of products, but not services; beverages or class 33 goods (spirits drinks) of the International Classification are excluded).
Source	Texts are available at: www.agip.com .
Summary of the Operational Provisions	<p>Definition of geographical indications is similar to the one provided by the EC Regulation (Article 1 of the Law). Rules governing trademarks are applicable to GIs. The implementing regulations shall determine the rules for the optional registration of geographical indications and the rule of their use (Article 41 of the Law). The texts of these regulations are not yet available electronically.</p> <p>However, GIs are protected under the Law, even if they are not registered (Article 38 of the Law). The Industrial Property Protection Office (the authority responsible for registration of GIs) examines the application first formally, and then substantially.</p> <p><u>As in the EU, there is an opposition procedure available within four months</u> of the publication date (Article 15.2 of the Law).</p> <p>Decisions of the Office can be contested within sixty days before a committee (Article 13 of the Law). The decision of the committee can also be appealed within sixty days before the competent civil court (Article 14 of the Law).</p> <p>Level of protection: <u>GIs are protected against the use of false or misleading information as to the origin, nature or essential qualities of the product</u> (Article 39 of the Law). Unauthorized use of a trademark registered under the law, an imitation of such a trademark, sale, or using a mark duly registered under the law by another person to serve the purpose of unauthorized promotion are offences punishable under the Law in Qatar.</p>
Specific Provisions (issue of)	<p>There are no provisions concerning generic names in the Law.</p> <p>The Law allows foreign geographical indications to be registered in Qatar subject to reciprocity provisions</p>

¹⁰⁴ Source of information: <http://www.wipo.int>.

¹⁰⁵ Source of information: <http://www.wto.org>.

Continent: Eurasia
Country: Qatar

Generics, Reciprocity)	(Article 10 of the Law requires <i>treatment of Qatar on equal basis</i>). Therefore, the EC GIs may be registered in Qatar.
Formal Requirements for an Application	
Application Forms	<p>Unlike in the EU, there is no standard application form. However, the Law indicates that an application must contain:</p> <ul style="list-style-type: none"> • The list of the goods to be covered by the application. The protection of the class cannot include all goods and services; one item must always be excluded; • The name, address, nationality and legal status of the applicant and the nature of its business; • A copy of the priority document. <p>EC producers must be represented in Qatar through an agent residing in Qatar accompanied with a power of attorney if they are not residents therein (Article 9.3 of the Law). The EC specification can potentially be re-used for these purposes. The language of application may be English or Arabic.</p>
Relevant Supporting Documents	The registrant should enclose with his application an acknowledgement indicating the date and number of the previous application and the country where the application has been filed (Article 10 of the Law).
Administration Responsible for Registration	<p>Industrial Property Office Trademarks Office Department of Commerce Ministry of Economy and Commerce Head, Trademarks Department Tel.: + 974 443.42.81 Fax: + 974 441.39.87</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • Filing a mark application in one class up to Registration \$1385 (~€ 1081); • Opposition Action before the registrar \$ 1000 (~€781); • Renewal of a marks registration during the last year of the protection period \$ 625 (~€488); • Translation from English into Arabic (per 200 words) \$ 20.00 (~€ 15).
Costs of litigation	Approximately Rial 7300 (~€ 1567).
Timeframe	
Registration	One month. If the registration has to be modified, the registrant has six months to do it (Article 12 of the Law).
Protection	Unlike in the EU , protection of GI is valid for a period of 10 years, renewable for consecutive terms of ten years (Article 18 of the Law).
Additional information	
None.	

Country: Russian Federation

International Legal Framework

Russia a member of the World Intellectual Property Organization from 26 April 1970, a signatory to the Paris Convention for the Protection of Industrial Property from 1 July 1965 and to the Madrid Agreement concerning the International Registration of Marks from 1 July 1965.¹⁰⁶

Russian Federation is not a WTO Member yet (the date of accession to the WTO is under negotiations).¹⁰⁷

There are no bilateral agreements between the EC and Russia specific to GIs.

National Legal Framework

Type of Protection	Sui generis protection but ex parte. No ex officio protection is available under the sui generis regime, and protection is provided only at the request of an interested party (e.g., producers).
Relevant Regulatory Framework	Federal Law on Trademarks, Service Marks and Appellations of Origin of Goods of 11 December 2002 (hereafter, referred as “the Law”).
Scope of protection	<u>The scope of application of the Law is more extensive than the scope of the EC system</u> (concerns goods: agricultural and handicraft, but not services).
Source	Official publication: Rossiiskaia Gazeta, 29 December 2002. The English version of the Act is available on http://www.fips.ru/ruptoen2/law/tm.htm (see also Annex A to this document).
Summary of the Operational Provisions	<p>Definition of appellation of origin is similar to the one provided by the EC Regulation (Article 30 of Section II of the Law). Names and signs that meet such definition may be registered.</p> <p>The Russian Patent Office (the office responsible for the registration of GIs) examines the application first formally (within 2 months), and then substantially (no time limit for this part of examination).</p> <p>Unlike in the EU, there is no opposition procedure. In case of a decision to refuse registration, the applicant has the possibility of appealing to the Board on Patent Disputes within three months from the date of its receipt of such a decision. Successful registration results in the issuance of a Certificate Attesting the Right to Use Appellation of Origin (Article 35 of the Law).</p> <p>Changes in the Register and Certificate should be made to correct obvious and technical errors; any changes are subject to the payment of an appropriate fee.</p> <p>It would appear that, under the Law, the level of protection is similar to that provided in the EC: no registered appellation of origin may be used by persons who do not have an appropriate certificate. This also concerns cases when the true origin is indicated or the appellation of origin is used in translation or in combination with expressions such as “sort of”, “kind of”, “imitation” and “the like”. The use of a similar appellation of origin on any goods which may confuse consumers regarding the origin and specific properties of goods is also prohibited.</p>
Specific	

¹⁰⁶ Source of information: <http://www.wipo.int>.

¹⁰⁷ Source of information: <http://www.wto.org>.

Continent: Eurasia
Country: Russian Federation

Provisions (issue of Generics, Reciprocity)	<p>Generic names may not be protected (definition of generic names is provided in Article 30 of the Law, but, unlike in the EU, no criteria exists on how to establish a generic nature of the name). <u>Appellations of origin are protected in translation (Article 17 of the Law).</u></p> <p>The Law allows foreign appellations of origin to be registered in the Russian Federation subject to reciprocity provisions (Article 47 of the Law).</p> <p>According to the Russian Patent Office, the European GIs can be registered in the Russian Federation. Protection of the appellation of origin must be terminated if:</p> <ul style="list-style-type: none"> • Specific conditions for a given geographic place disappear and the goods having properties indicated in the Register cannot be produced; • A foreign legal entity or a natural person loses the right to a given appellation of origin in the country of origin.
Formal Requirements for an Application	
Application Forms	<p>Unlike in the EU, there is no standard application form.</p> <p>However, the Law indicates that an application must contain (Article 32):</p> <ul style="list-style-type: none"> • a request for registration and proof of protection in the country of origin; • the name requested; • the kind of goods for which the registration is sought; • indication of the place where such goods are manufactured (borders of the geographic place); • a description of specific properties of the goods (the EC specification could potentially be re-used for these purposes). <p>The language of the application is Russian. In the case where the documents are filed in another language, the application must be accompanied by its translation into Russian. Translation into Russian can be submitted by the applicant later but within two months from the date of notification by the Russian Patent Office. The filing date of an application is the entry date of the last document, including the translations.</p>
Relevant Supporting Documents	<p>An application must be accompanied by a document certifying payment of the fee. Such payment have to be made before the Russian Patent Office.</p> <p>During the examination process, as in the EU, the Patent Office may request any additional materials, which must be submitted within two months from the date of the receipt of the request by an applicant.</p>
Administration Responsible for Registration	<p>Rospatent, Federal Institute of Industrial Property Bld. 30-1, Berezhkovskaya nab., Moscow, G-59, GSP-5, Russia, 123995 Fax: (095)243 33 37, (095)234 30 58 Phone: (095)240 60 15, (095)240 61 38 Phone (095) 240 01 74 E-mails: adminm@fips.ru or support@fips.ru E-mail: fips@rupto.ru Website : http://www.fips.ru</p>
Costs	
Costs of registration	<p>€ 200 for application and € 300 for registration are official fees of the Russian Patent office. All documents must be submitted in Russian, therefore the costs of translation need to be taken into account.</p>
Costs of litigation	<p>From € 500 to € 2500 (depending on the complexity of the case).</p>

Continent: Eurasia
Country: Russian Federation

Timeframe	
Registration	From 15 to 24 months (approximately, but no timeframe is indicated in the Law).
Protection	<p>Registration is for an indefinite period of time (Article 31.4 of the Law). But a certificate attesting the right to use the appellation of origin is valid only for 10 years starting from the date of filling the application with the Patent and Trademark Office.</p> <p>The term of the certificate can be extended at the request of its holder for another ten years.</p> <p>In practice, albeit protection is “eternal”, one can only use and assert protection for its GI if the certificate is renewed every 10 years.</p>
Additional information	
None.	

Country: San Marino

International Legal Framework

San Marino¹⁰⁸ is a member of the World Intellectual Property Organization since 26 June 1991, a member of the Paris Convention since 4 March 1960 and a signatory to the Madrid Agreement since 25 September 1960.¹⁰⁹
San Marino is not a WTO Member.¹¹⁰
There are no bilateral agreements between the EC and San Marino specific to GIs.

National Legal Framework

Type of Protection	Trademark regime (no <i>ex officio</i> protection is available, protection is provided only at the request of an interested party).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Law No. 64 (on the filing, granting and registration of patents, trademarks and designs within San Marino), June 1997, in force since July 1997; • Decree No. 73 (establishing a Patent and Trademark Registry, and specifying the fees payable under Art. 30 of Law No. 64), June 1999, in force since July 1999; • Decree No. 74, June 1999 (containing Regulations implementing Law No. 64), in force since July 1999.
Scope of protection	Applicable to goods (agricultural and industrial) and services.
Source	No text is available, information from the official WIPO website.
Summary of the Operational Provisions	Protection for trademarks, collective marks and trade names. In order to register a trademark, substantive and formal examinations of the application will be required.
Specific Provisions (issue of Generics, Reciprocity)	None.

Formal Requirements for an Application

Application Forms	<ul style="list-style-type: none"> • Full name and address of the applicant; • A list of goods to be covered by the application; • If priority is claimed, a certified copy of the priority application is to be filed within three months from the application filing date; • Prints of the trademark (a trademark print should not exceed (5x5) cm).
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¹⁰⁸ The Most Serene Republic of San Marino is one of the smallest nations in the world. Located in southern Europe, it is an enclave surrounded by Italy, and is one of the European microstates (San Marino is the third-smallest country in Europe, with only Vatican City and Monaco being smaller).

¹⁰⁹ Source of information: <http://www.wipo.int>.

¹¹⁰ Source of information: <http://www.wto.org>.

Continent: Eurasia
Country: San Marino

Relevant Supporting Documents	A document proving the payment of the State fee.
Administration Responsible for Registration	Industrial Property Office Ufficio di Stato Brevetti e Marchi - USBM State Office for Patents and Trademarks Via 25 Marzo, 11 47895 San Marino Tel.: (+378) 0549.88.29.82 Fax: (+378) 0549.88.38.56 E-mail: usbm@omniway.sm
Costs	
Costs of registration	National fee is € 150.
Costs of litigation	Little history of IP litigation in San Marino. Fees would depend on the complexity of the case.
Timeframe	
Registration	Approximately 6 months.
Protection	10 years, with a possibility of renewal conditioned on the payment of the prescribed fees.
Additional information	
None.	

Country: Saudi Arabia

International Legal Framework

Saudi Arabia is a member of the World Intellectual Property Organization (WIPO) from 22 May 1982 and also a member of the Paris Convention from 11 March 2004.¹¹¹
Saudi Arabia is a WTO member from 11 December 2005.¹¹²
There are no agreements between the EC and Saudi Arabia specific to GIs.

National Legal Framework

Type of Protection	Trademark regime (no <i>ex officio</i> protection is available, protection is provided only at the request of an interested party).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Trademark Law No. M/5, January 1984.
Scope of protection	Applicable to goods (agricultural and/or industrial) and/or services. Trademarks for alcoholic beverages are excluded.
Source	The English version of the Law is available on the official web site of the Arab Society for Intellectual Property http://www.aspip.org .
Summary of the Operational Provisions	<p>It appears that the EC geographical indications (GIs) may be registered as trademarks in Saudi Arabia provided that they meet definitions established by the Law. In accordance with Article 43 of the Law, the Minister of Commerce may permit the registration of a mark which is owned jointly by natural or legal persons who are undertaking the control of specific products or services or inspection thereof as regards their origin, ingredients, method of manufacture or performance, or descriptions or any of the characteristics thereof.</p> <p>However, the Law provides that <u>geographical names if their use causes misconceptions as to the source of the products or services or origin thereof, or if their use would entail a monopoly of the source or the name of the origin without any justification, may not be registered</u> (Article 2.6 of the Law).</p> <p>Once a trademark application is filed (the authority responsible for the registration is the competent department of the Ministry of Commerce, called “the Trademarks Register”), it is examined as to its availability, registrability and coverage. If the Registrar objects in writing to certain aspects of the mark in the course of examination, such as the scope of goods or services or asks for modification of the mark, a grace period of 3 months is given to the applicant to comply with the Registrar’s request.</p> <p>Once the application is formally rejected (Article 5 of the Law), a complaint against the rejection can be filed before the Minister of Commerce, within 60 days from the date of notification of the rejection. The Minister’s decision may be appealed before the Board of Grievances (First Instance Court) (Article 8 of the Law). The trademark or service mark applications accepted for registration are published in the Official Gazette of Saudi Arabia (Ummulqura) (Article 15 of the Law).</p> <p>Publication is an invitation to any interested party to oppose the registration of trademarks conflicting with</p>

¹¹¹ Source of information: <http://www.wipo.int>

¹¹² Source of information: <http://www.wto.org>

Continent: Eurasia
Country: Saudi Arabia

	<p>their interests. Like in the EC, there is a three-month period open for filing opposition by any interested party. An opposition to the registration of a trademark or service mark should be filed within the term of the opposition period, i.e., 90 days from the date of publication of the notice in the Official Gazette. The case should be filed before the Board of Grievances (First Instance Court) (Article 16 of the Law).</p> <p>Level of protection: It is considered to be an offence if forges registered trademarks or imitates it in any way that misleads the public, or uses a trademark owned by someone else on his products or services or offers or presents for sale or sells (Article 49 of the Law).</p>
Specific Provisions (issue of Generics, Reciprocity)	It appears that the EC geographical indications (GIs) may be registered as trademarks in Saudi Arabia, no reciprocity provisions are indicated in the Law.

Formal Requirements for an Application

Application Forms	<p>For ordinary trademarks:</p> <ul style="list-style-type: none"> • The full name and address of the applicant; • A list of goods/services to be covered by the application; • In case of claiming priority, a certified copy of the priority application is to be filed within three months from the application filing date; • Fifteen prints of the trademark (a trademark print should not exceed (5x5) cm). <p>For collective and quality marks:</p> <ul style="list-style-type: none"> • Two certified copies of the Articles of association duly legalized up to the Saudi Consulate; • Two certified copies of the system to be adopted by the applicant in controlling or examining the products along with a statement on the conditions and requirements to be available therein and the method of using the mark thereon duly legalized up to the Saudi Consulate; • Fifteen prints of the trademark (a trademark print should not exceed (7x7) cm).
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Relevant Supporting Documents	A power of attorney notarized and legalized up to the Saudi Consulate. One general power of attorney is sufficient for filing simultaneous and any future applications.
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Administration Responsible for Registration	<p>Industrial Property Office General Directorate of Internal Trade Trade Mark Section Department of Internal Trade Ministry of Commerce Riyadh 11162 Tel.: (+966.1) 401.22.22 Fax: (+966.1) 403.84.21</p>
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Costs

Costs of registration	<ul style="list-style-type: none"> • Filing a mark application in one class including publication and registration charges is \$ 1900 (€ 1513); • Filing an application for temporary protection of a mark in one class is \$ 1520 (€ 1211); • Renewal of a mark registration in one class is \$ 995 (€ 792.5); • Fine for late renewal of a mark registration is \$ 435 (€ 346); • Recording an assignment of a trademark registration including publication charges (up to 5th mark) is \$ 795 (€ 633); • Recording an assignment of each additional mark including publication charges (after 5th mark) is \$ 660 (€ 525.5);
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Continent: Eurasia
Country: Saudi Arabia

	<ul style="list-style-type: none">• Amending a registered mark in one class is \$ 770 (€613);• Translation from English into Arabic (per page) is \$ 25 (€20).
Costs of litigation	Starting from €1700.
Timeframe	
Registration	From 6 to 12 months.
Protection	10 years according to the Hegira calendar (9 years and 8 months approximately) renewable for similar periods.
Additional information	
None.	

Country: Serbia and Montenegro

International Legal Framework

Serbia and Montenegro are members of the World Intellectual Property Organization (WIPO) from 27 April 1992, signatories to the Paris Convention on the Protection of Industrial Property and parties to the Madrid Agreement on the International Registration of Trademarks from the same above mentioned date.¹¹³

Serbia and Montenegro are also signatories to the Madrid Protocol on the International Registration of Marks from 17 February 1998 and to the Lisbon Agreement on the protection of Appellations of Origins from 1 June 1999.¹¹⁴

Serbia and Montenegro are not WTO Members, they both have the status of Observers in the World Trade Organization (WTO).¹¹⁵

There are no bilateral agreements between the EC and Serbia and Montenegro specific to GIs.

On 21 May 2006, the Republic of Montenegro held a successful referendum on independence and declared independence on 3 June 2006. Thereafter, the parliament of Serbia stated that the Republic of Serbia was the continuity of the state union, changing the name of the country from Serbia and Montenegro to the Republic of Serbia, with Serbia retaining Serbia and Montenegro's membership in all international organizations and bodies.

National Legal Framework

Type of Protection	<i>Sui generis</i> protection. It appears that some form of <i>ex officio</i> protection is available. In case of infringement of a GI or of an AO, <i>ex officio</i> protection is provided upon request of the consumer associations and of the public prosecutor (Article 51 of the Law).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Law on Geographical Indications of 1 April 1995 (hereinafter referred to as "the Law");¹¹⁶ • Trademarks Law of 1 January 2005.
Scope of protection	The scope of application of the provisions on appellations of origin (AOs) of the Law is more extensive than the scope of the EC system (concern all goods: natural, agricultural, manufactured, industrial products and handicrafts, but not services).
Source	Official publication of the Law on Geographical Indications of 1995 is in the Official Gazette of the Federal Republic of Yugoslavia, No. 15 of 24 March 1995, pp. 19-23. The English version of the Law is not available electronically.

¹¹³ Originally signed by Yugoslavia on 14 July 1967, ratification date is 11 July 1973, entry into force date is 11 October 1973. Declaration of succession by Federal Republic of Yugoslavia: 14 June 2001.

¹¹⁴ Source of information: <http://www.wipo.int>

¹¹⁵ In 2004, the governments of the Republic of Serbia and the Republic of Montenegro decided to apply individually for accession to the WTO, as two separate customs territories. The General Council agreed to establish a Working Party to examine the application from the Republic of Serbia on 15 February 2005. Source of information: <http://www.wto.org>.

¹¹⁶ For the purposes of this Guide it is assumed that the Law is applicable for both the Republic of Serbia and Montenegro.

Continent: Eurasia
Country: Serbia and Montenegro

<p>Summary of the Operational Provisions</p>	<p>Definitions of appellations of origin (AOs) and geographical indications (GI) are similar to the ones provided by the EC Regulation (Articles 1 and 2 of the Law). Names and signs that meet such definition may be registered. Applications for registration of an AO or a GI must be filed with the Intellectual Property Office of Serbia & Montenegro (hereinafter referred to as “the Office”, the authority responsible for the registration).</p> <p>As in the EC, according to Article 13, applications for registration of a GI or of an AO may be filed only by natural or legal persons who produce in a specific geographical area the products which bear the name of that specific geographical area. The same persons may also file an <u>application for their recognition as authorised users of a GI or of an AO</u> in accordance with Articles 19 and 23 of the Law. If several users apply for registration of the same GI/AO or for their recognition as authorised users, the GI/AO may be registered as a collective trademark in accordance with the Trademarks Law of 1 January 2005 (Article 38 of the Law).</p> <p>The Office examines all applications first formally and then substantially. Upon receipt of the examination report from the Office, applicants may write their comments to the Office within the prescribed period before the final decision on the registration of the GI or AO or on the recognition as an authorised user is taken. It appears that no real opposition procedure is provided by the Law.</p> <p><u>The decision on the recognition of an authorised user of a GI/AO is subject to the payment of the prescribed fee for the use of such GI covering the following 5 years.</u></p> <p>Registered GIs/AOs or the issued certificates of authorised user of a GI/AO are published in the Official Bulletin.</p> <p>The certificate of authorisation of use of a GI/AO shall refer to the rights listed in Article 34 of the Law such as the right to use the GI/AO on the packaging of the specific products or the right to use the GI/AO also when importing or exporting certain products.</p> <p>It would appear that the level of protection provided by the Law is similar to the level provided in the EC: Article 35 of the Law states that <u>registered geographical indications may not be used by any unauthorised users even in the case when the geographical name is indicated in transcription or transliteration, whatever the characters used, the colour or mode of expression, even with the addition of the words such as “type”, “fashion” “by the process”.</u> However, unlike in the EC, it appears that no protection is granted by the Law in all such cases when the registered GI/AO is used in translation or in combination with the aforementioned expressions when the true origin of goods is indicated.</p> <p>According to Article 43 of the Law, the registration of a GI/AO and the authorisation for use of a GI/AO might be cancelled or revoked at any time <i>ex officio</i> or upon request by any interested party or of the public prosecutor when it is ascertained that the requirements set by the Law are no longer met (sufficient evidence must be provided for this purpose).</p> <p>The holder of the rights on a GI/AO whose rights have been infringed may claim for damages under the general rules for compensation of damages (Article 49 of the Law). However, in case of infringement of the rights connected to a GI/AO or in case of false imitation of a GI/AO proceedings may be started also by consumer associations or by the public prosecutor (Articles 50 and 51 of the Law).</p> <p>The Law does not provide for an appeal procedure against the decisions rejecting an application for registration.</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>Article 5 of the Law states that GIs/AOs protected in accordance with the Law may not become generic or common names but <u>the Law clearly does not refer to the distinctiveness character or to the absence of a generic nature of the geographical name among the requirements for registration.</u></p> <p>It only states that GIs/AOs which may confuse consumers in respect of the origin, nature, quality, method of production and other characteristics of the goods are not protected (Article 6(3) of the Law).</p>

Continent: Eurasia
Country: Serbia and Montenegro

	<p>Foreign natural and legal persons may protect their GIs/AOs in Serbia and Montenegro in accordance with the principle of reciprocity or with international treaties on the reciprocal protection of GIs/AOs to which Serbia and Montenegro (or the former Federal Republic of Yugoslavia) are signatories (Article 7 of the Law). Therefore, EC GIs may be registered in Serbia and Montenegro. However, foreign natural or legal persons may apply for protection of their GIs/AOs or assert their rights according to the Law before Serbian or Montenegrin competent bodies only through professional representatives who are authorised in Serbia and Montenegro.</p>
Formal Requirements for an Application	
Application Forms	<p>Unlike in the EU, there is no standard application form. However, pursuant to Articles 13 and 14 of the Law, an application for registration of a GI or of an AO must contain:</p> <ul style="list-style-type: none"> • a request for registration of a specific GI; • indication of the name and address of the applicant; • the geographical name which the applicant wishes to protect as a GI; • a statement to that effect that it is an AO or a simple indication of source; • the type of product to which the GI applies; • the name of the region or locality from which the product originates and other information on such geographical area including its boundaries, a geographical map, indication whether the application is for registration of an AO; • the signature of the applicant. <p>In addition to the aforementioned requirements, an application for registration of an AO should also contain:</p> <ul style="list-style-type: none"> • the characteristics of the product; • name of the body responsible for controlling the product. <p>According to Article 23 of the Law, simple applications for the recognition of an authorised user of a GI or of an AO must contain:</p> <ul style="list-style-type: none"> • a request for recognition as an authorized user of a GI or of an AO; • the proof of activity or production of the good; • the product control certificate <u>if the application relates to an AO</u>; • proof of payment of the prescribed fee. <p>* Pursuant to Article 20 of the Law, the proof of activity or production of a product and the product control certificate must be issued by the competent body. However, no indication on the nature of such body is provided by the law.</p> <p>The EC specifications can potentially be re-used for these purposes.</p>
Relevant Supporting Documents	<p>An application for registration of a GI or of an AO must be accompanied by:</p> <ul style="list-style-type: none"> • a reproduction of the GI/AO which is used for the marketing of the products; • proof of payment of the prescribed fee. <p>In addition to the aforementioned requirements, an application for registration of an AO should also contain a report on the method of production and the qualities and characteristics of the product which shall comprise the indication of the applicant and of the person authorised to represent him, the geographical name of the product protected of the AO, information on the method and process of production, information on the qualities and characteristics of the product, rules for the marking of the products, rules for the use of the AO by other persons and of their rights and duties thereof.</p>

Continent: Eurasia
Country: Serbia and Montenegro

Administration Responsible for Registration	Intellectual Property Office Ministry for Internal Economic Affairs Zmaj Jovina 21 11000 Belgrade Tel. (381 11) 2630 499 Fax (381 11) 311 23 77 E-mail: yupat@yupat.sv.gov.yu Website: http://www.yupat.sv.gov.yu
Costs	
Costs of registration	<p>The state fees are indicated on the official web site http://www.yupat.sv.gov.yu/all.php?language=ser&item=5 and subject to annual changes.</p> <ul style="list-style-type: none"> • Application fee: 1500 CSD (Serbian Dinar) ~ \$ 24 (€ 19); • Examination of an AO or a GI: 2500 CSD ~ \$ 40 (€ 31); • Certificate of registration: 7500 CSD ~ \$ 119 (€ 93); • Certificate of right to use a registered AO or a GI: 8000 CSD ~ \$ 127 (€ 100).
Costs of litigation	Depends on the complexity of the case (not less than € 600).
Timeframe	
Registration	Between 10 and 18 months.
Protection	Differently from the EC system, protection of a GI or AO is granted only for 5 years renewable for consecutive periods of 5 years (Article 40 of the Law).
Additional information	
None.	

Country: Singapore

International Legal Framework

The Republic of Singapore is a member of the World Intellectual Property Organization from 10 December 1990, and a signatory to the Paris Convention for the Protection of Industrial Property from 23 February 1995, and the Madrid Protocol concerning the International Registration of Marks from 30 October 2000.¹¹⁷
The Republic of Singapore is a WTO Member from 1 January 1995.¹¹⁸
There are no bilateral agreements between the EC and Singapore specific to GIs.

National Legal Framework

<p>Type of Protection</p>	<p>Sui generis protection: No <i>ex officio</i> protection is available, protection is provided at the request of an interested party.</p> <p>Trademark regime: No <i>ex officio</i> protection is available, protection is provided only at the request of an interested party.</p>
<p>Relevant Regulatory Framework</p>	<ul style="list-style-type: none"> • Geographical Indications Act (Cap. 117B), in force from January 15, 1999 (hereinafter, referred as “the GI Law”). • Trade Marks Act (Cap. 332, 2005 Rev. Ed.) (hereinafter, referred as “the TM Act”).
<p>Scope of protection</p>	<p>Sui generis protection: The scope of application of the Law is more extensive than the scope of the EC system. It is applicable to any natural or agricultural product or any product of handicraft or industry.</p> <p>Trademark regime: Applicable to all goods and services.</p>
<p>Source</p>	<p>The legislation is available at http://statutes.agc.gov.sg.</p>
<p>Summary of the Operational Provisions</p>	<p>Sui generis protection:</p> <p>Geographical indications are described in the GI Law in a manner similar to the EU law.</p> <p>The GI Law does not provide for registration of geographical indications. Geographical indications enjoy automatic protection where they satisfy the elements required by the GI Law.</p> <p>Section 3 of the GI Law gives to an interested party the possibility to bring private civil actions for certain uses of geographical indications, when the good did not originate in the place indicated (in a manner which misleads the public as to the geographical origin of the goods) or when the use may constitute an act of unfair competition.</p> <p>In the same section of the GI Law, additional protection is provided for interested parties in the cases of geographical indications for wines and spirits when they do not originate from the place indicated,</p>

¹¹⁷ Source of information: <http://www.wipo.int>.

¹¹⁸ Source of information: <http://www.wto.org>.

Continent: Eurasia
Country: Singapore

	<p>even if the true origin of the goods is indicated, or the geographical indication is used in translation or accompanied by expressions such as “kind”, “type”, “style”, “imitation” or the like. Section 5 establishes specific provisions in relation to homonymous geographical indications for wines, stating that any interested party may apply to the Court for a declaration of the practical conditions under which the geographical indications are to be differentiated from one another.</p> <p>Some exceptions are settled in Sections 6, 7, 8 and 9 of the GI Law. An interested party may not bring an action for a geographical indication where:</p> <ul style="list-style-type: none"> • it has become the common name, in Singapore, of the goods or services which it identifies; • it has been continuously used by a qualified person (meaning a Singapore citizen or individual resident in Singapore, a body corporate incorporated under any written law, or any other person who has a real and effective industrial or commercial establishment in Singapore) in relation to goods or services for 10 years before 15 April 1994, or in good faith before that date; • it is identical or similar to a trademark which had been used in the course of trade in good faith, or registered in good faith, or an application for the registration of that trademark had been made in good faith either before the Geographical Indications Act came into force or before that geographical indication is protected in its country of origin; and • it is the name of a person or his predecessor in business (except where the name is used in a manner to mislead the public). <p>Trademark regime:</p> <p>Should the EC producers of GIs wish to register their names in Singapore, they can do so via trademark system which specifically provides for the registration of GIs as collective marks (first schedule of the TM Act) or certification marks (second schedule of the TM Act).</p> <p>Application for registration of a trade mark must be made to the Registrar who will examine and decide whether or not to publish the application. Like in the EC, there is an opposition procedure available within the prescribed time from the date of the publication of the application (Article 13).</p>
<p style="text-align: center;">Specific Provisions (issue of Generics, Reciprocity)</p>	<p>Sui generis protection:</p> <p>Section 6.c of the GI Law states that no protection can be given to geographical indications in relation to goods or services which have become the common name in Singapore. The expression “common name” is the same as used in the Article 3.1 of EC Regulation 510/2006.</p> <p>Trademark regime: None.</p>
<p>Formal Requirements for an Application</p>	
<p style="text-align: center;">Application Forms</p>	<p>Trademark regime:</p> <p>Like in the EC, there are standard application forms. They are available at the Intellectual Property Office of Singapore (see below).</p> <p>In case of registration of trade marks, applicants need to furnish the following information to obtain a filing date:</p> <ul style="list-style-type: none"> • request for registration; • name and address of the applicant; • a clear graphical representation of the mark; • a list of goods and services sought for registration; • a declaration of use/intent to use the trade mark; • required fees.

Continent: Eurasia
Country: Singapore

	<p>In addition, an applicant for registration of a certification mark must file with the Registrar regulations governing the use of the mark (Article 6 of the Second Schedule). The regulations must indicate who is authorised to use the mark, the characteristics to be certified by the mark, how the certifying body is to test those characteristics and to supervise the use of the mark, the fees (if any) to be paid in connection with the operation of the mark and the procedures for resolving disputes.</p> <p>An applicant for registration of a collective mark must file with the Registrar regulations governing the use of the mark. (Article 5 of the First Schedule). The regulations must specify the persons authorised to use the mark, the conditions of membership of the association and, where they exist, the conditions of use of the mark, including any sanctions against misuse.</p> <p>The regulations governing the use of both a registered certification mark or a registered collective mark must be open to public inspection.</p>
Relevant Supporting Documents	None.
Administration Responsible for Registration	<p>Intellectual Property Office of Singapore (IPOS) 51 Bras Basah Road 04-01 Plaza by the Park Singapore 189554 Tel.: +65 63.30.27.20 / 39.86.16 Fax: +65 63.39.02.52 http://www.ipos.gov.sg</p>
Costs	
Costs of registration	<p>Trademark regime:</p> <p>In case of registrable trademark (official fees only):</p> <ul style="list-style-type: none"> • Application fee: \$310 (153€). • Application for renewal of registration \$250 (123€). • Request to change the details of an application for registration \$40 (19€).
Costs of litigation	The costs of litigation vary according to the facts and circumstances, as well as the complexity of each action.
Timeframe	
Registration	<p>Trademark regime:</p> <p>In case of registrable trademark, the length of processing time depends on whether the application is procedurally in order and whether the mark faces objections. In the absence of any such objection, the applicant should hear from the Registrar concerning the acceptance of his application within 4 to 6 months of his application.</p>
Protection	<p>Trademark regime:</p> <p>The registration of a trade mark is valid for 10 years from the date of application. Protection can last indefinitely subject to the payment of renewal fees every 10 years, and with proper use of the mark.</p>
Additional information	
None.	

Country: Sri Lanka

International Legal Framework

Sri Lanka has been a member of the World Intellectual Property Organization since 20 September 1978 and a signatory to the Paris Convention for the Protection of Industrial Property from 29 December 1952.¹¹⁹
Sri Lanka has been a WTO member since 1 January 1995.¹²⁰
There are no bilateral agreements between the EC and Sri Lanka specific to GIs.

National Legal Framework

<p>Type of Protection</p>	<p>Dualism: <i>sui generis</i> protection of geographical indications (without registration) and trade mark regime which covers certification and collective marks.</p> <p>Sui generis protection: Geographical Indications are defined and protected in Sri Lanka without registration. No <i>ex officio</i> protection is available. Protection is provided only at the request of an interested party.</p> <p>Trade Mark Regime: No <i>ex officio</i> protection is available. Protection is provided only at the request of an applicant.</p>
<p>Relevant Regulatory Framework</p>	<p>Sui Generis Protection of GIs:</p> <p>The Intellectual Property Act No. 36 of 2003 which replaced the Code of Intellectual Property Act No. 52 of 1979 contains a section on Geographical Indications (Part IX, Section 161) (hereinafter referred as “the GI Law”).</p> <p>Trade Mark Regime:</p> <p>The Intellectual Property Act No. 36 of 2003 which replaced the Code of Intellectual Property Act No. 52 of 1979 contains a section on marks (Part V) (hereinafter referred as “the TM Law”).</p>
<p>Scope of protection</p>	<p>Sui Generis Protection of GIs: The scope of application of the GI law is more extensive than the scope of the EC system. The GI law concerns all agricultural products, foodstuffs, wines and spirits and services.</p> <p>Trade Mark Regime: All goods and services.</p>
<p>Source</p>	<p>Sui generis protection: http://www.nipo.gov.lk/act_regulations/5/chapter-5.pdf.</p> <p>Trade Mark Regime: http://www.nipo.gov.lk/act_regulations/3/chapter-3.pdf and http://www.nipo.gov.lk/act_regulations/4/chapter-4.pdf.</p>
<p>Summary of the</p>	<p>Sui Generis Protection of GIs:</p> <p>The GI Law defines GIs in a similar way to the EU legislation.</p>

¹¹⁹ Available on: www.wipo.int/treaties

¹²⁰ Source of information: <http://www.wto.org>

Continent: Eurasia
Country: Sri Lanka

Operational Provisions	<p>The GI law does not provide for the registration of GIs but prevents the use of GIs when they are misleading as to its origin and when their use constitutes an act of unfair competition. The expressions such as “kind”, “type”, “style” or “imitation of the like” cannot be used with geographical indications identifying goods, including agricultural product, food, wines or spirits [Section 161 (1) (iii)]. In case of homonymous GIs for goods including an agricultural product, food, wine or spirit, protection shall be accorded to each indication, subject to the provisions of Sub-Section 161(2).</p> <p>The court can issue injunctions to stop abuse of a GI reputation. Offence can result in penal remedies not exceeding 500,000 rupees (~ €3,800).</p> <p>Trade Mark Regime:</p> <p>An application for registration of a GI as a collective or certification mark can be made to the Director General of the IP office. If it is considered as admissible, it will be published. Like in the EC, an opposition procedure is available within 3 months after the publication.</p> <p>The Customs Ordinance prohibits the import and export of counterfeit trade mark goods or pirated copyright goods or any other goods in contravention of the provisions of the Intellectual Property Act. This provision covers GIs.</p>
Specific Provisions (issue of Generics, Reciprocity)	None.
Formal Requirements for an Application	
Application Forms	<p>Trade Mark Regime:</p> <p>It appears that like in the EC, there is a prescribed application form (however, not available electronically for the time being).</p> <p>The application form shall contain:</p> <ul style="list-style-type: none"> • The name of the applicant and a postal address in Sri Lanka; • Two copies of the representation of the mark; • A copy of the conditions governing the use of the mark certified by the applicant; • A description and list of classes for which the mark will be used; • A power of attorney if the request is filed through an agent; • Payment of fees.
Relevant Supporting Documents	None.
Administration Responsible for Registration	<p>National Intellectual Property Office “Samagam Medura”, 3rd Floor 400 D.R. Wijewardena Mawatha, Colombo 10 Tel.: (94.11) 268.93.68 - 268.87.68 Fax: (94.11) 268.93.67 E-mail: nipos@sltnet.lk</p>
Costs	
Costs of registration	Registration fee is € 395.

Continent: Eurasia
Country: Sri Lanka

Costs of litigation	Would depend on the complexity of the case.
Timeframe	
Registration	Between 6 and 9 months.
Protection	Registered trademarks are valid for 10 years. Renewal is possible.
Additional information	
Examples of protected GIs are Ceylon Tea and Ceylon Cinnamon.	

Country: Switzerland

International Legal Framework

Switzerland is a member of the World Intellectual Property Organization from 20 April 1970, a signatory to the Paris Convention for the Protection of Industrial Property from 7 July 1884 and to the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods from 15 July 1892 (Switzerland became a party to the Additional Act of Stockholm on 26 April 1970).

Switzerland is also a signatory to the Madrid Agreement (International Registration of Marks), since July 189.¹²¹
Switzerland is a WTO Member from 1 July 1995.¹²²

Agreement between the European Community and the Swiss Confederation on Trade in Agricultural Products of 30 April 2002, Annex 7 on Trade in Wine-Sector Products (Title II Mutual Protection of Names of Wine-Sector Products) and Annex 8 on the Mutual Recognition and Protection of Names of Spirit Drinks and Aromatised Wine-Based Drinks.¹²³

National Legal Framework

<p>Type of Protection</p>	<p>Sui generis protection of AOs and GIs. It appears that an <i>ex officio</i> protection is available.</p> <p><u>Professional or economic associations</u> are authorized to defend the economic interests of their members. National or regional organizations for the protection of consumers may also initiate actions to stop the misuse of registered geographical indications (Article 56 of the Law 1992). Also <u>Swiss cantons</u> are in charge of the control and the correct use of the protected geographical indications (Article 21 of the Ordinance 1997).</p>
<p>Relevant Regulatory Framework</p>	<ul style="list-style-type: none"> • Federal Law on the Protection of Trademarks and Indications of Source of 28 August 1992 entered into force on 1 April 1992, as last amended on 17 June 2005; • Ordinance on the Protection of Appellations of Origin and Geographical Indications in Respect of Agricultural Products and Processed Agricultural Products of 28 May 1997, entered into force on 1 July 1997 (hereafter, referred as “the Law”); • The Federal Law on Agriculture of 29 April 1998; • Federal Ordinance on the Protection of Trademarks, 23 December 1992, as last amended in Mai 2006 (Consolidated version of this Law was adopted in December 2004 and of the Ordinance in June 2006); • The Federal Law on Agriculture of 29 April 1998; • Ordinance on Viticulture and the Importation of Vine of 7 December 1998, entered into force on 1 January 1999; • Agreement between the European Community and the Swiss Confederation on Trade in Agricultural Products of 30 April 2002.
<p>Scope of protection</p>	<p><u>The scope of application of the Law is wider than the scope of the EC system</u> (concerns goods: agricultural products and processed agricultural products, including spirits, Article 1.1 of the Law). As in the EC, industrial products are excluded from the scope of the Law.</p>

¹²¹ Source of information: <http://www.wipo.int>.

¹²² Source of information: <http://www.wto.org>.

¹²³ Official Journal, L 114/132, 2002, available at http://europa.eu.int/eur-lex/pri/en/oj/dat/2002/l_114/l_11420020430en01320349.pdf.

Continent: Eurasia
Country: Switzerland

	The scope of Ordinance on Viticulture and the Importation of Vine of 7 December 1998 is <u>limited to wines</u> .
Source	Official publication of the Federal Law 1992: "Recueil Systématique" 232.11, "Recueil Officiel" 1997.1028 English version of the Act is available at http://www.wipo.int . Agreement between the European Community and the Swiss Confederation on Trade in Agricultural Products of 30 April 2002 is available at http://europa.eu.int/eurlex/pri/en/oj/dat/2002/l_114/l_11420020430en01320349.pdf .
Summary of the Operational Provisions	<p>Definitions of designations of origin and geographical indications are similar to those provided by the EC Regulation (Articles 2 and 3 of the Law). Names and signs that meet such definition may be registered.</p> <p><u>All applications for Registration have to be submitted to the Federal Office of Agriculture (the authority responsible for the registration of GIs), which examines the applications first formally and then substantially.</u></p> <p>As in the EU, there is an opposition procedure available within three months from the publication (Article 10 of the Ordinance) for interested parties or cantons authorities.</p> <p>In case of a decision to refuse registration the applicant has the possibility of appealing to the court.</p> <p>It would appear, under the Law, that the level of protection is similar to that provided in the EC: Unauthorised use of registered geographical indications is prohibited. This also concerns the cases when the true origin is indicated <u>or the geographical indication is used in translation or in combination with expressions such as "sort of", "kind of", "imitation" and "the like"</u>. The use of similar geographical indications on any goods which may confuse consumers in respect of origin and specific properties of goods is also prohibited (Article 17 of the Law).</p> <p><u>The EC and Switzerland bilateral agreement provides protection to the geographical indications for wines and spirits without registration (the list of the EC protected geographical indications and traditional expressions for wines is in Appendix 2 of the Annex 7 to the Agreement and for spirits is in Appendix 1 of the Annex 8 to the Agreement).</u></p>
Specific Provisions (issue of Generics, Reciprocity)	<p>As in the EC, generic names may not be protected (definition of generic names and criteria on how to establish a generic nature of the name are provided in Article 4 of the Law and are similar to the EC definition established by Article 3 of EC Regulation 510/2006).</p> <p>The EC GIs can be registered in Switzerland.</p> <p><u>Geographical indications and designations of origin, used in translation, are protected (Article 17 of the Law).</u></p>
Formal Requirements for an Application	
Application Forms	<p>Unlike in the EU, there is no standard application form.</p> <p>However, the Law indicates that an application must contain (Article 6 of the Law):</p> <ul style="list-style-type: none"> • Name of the applicant or the group of applicants and evidence of its representation; • Geographical name to be registered; • Elements, which prove that the DO or the GI has not become generic; • Elements, which prove that the product comes from the indicated geographical area; • A description of the link between the product and the geographical environment or the geographical

Continent: Eurasia
Country: Switzerland

	<p>origin;</p> <ul style="list-style-type: none"> • A description of the local methods. <p>To the application, some relevant supporting documents should be attached. The EC specification can potentially be re-used for these purposes. The application can be submitted in Switzerland's in French (the language of the application is not determined by the Law, but the language of all state procedures is French).</p>
Relevant Supporting Documents	<p>Article 7 of the Ordinance establishes that to the application, some relevant supporting documents should be attached:</p> <ul style="list-style-type: none"> • Name of the product; • Delimitation of the geographical environment; • Description of the product, especially of its raw material and its main physical, chemical, microbiological and organoleptic characters; • Description of the manufacturing method of the final product (or "méthode d'obtention"); • Designation of one or several certification bodies and its minimal conditions of control; • Specific points in the labeling. <p>The EC specification can potentially be re-used for these purposes.</p>
Administration Responsible for Registration	<p>Swiss Federal Institute of Intellectual Property Einsteinstrasse 2 CH-3003 Bern Tel.: (41.31) 325.25.25 Fax: (41.31) 325.25.26 E-mail: info@ipi.ch Website: http://www.ipi.ch</p> <p>Office federal de l'agriculture OFAG Mattenhofstrasse 5 3003 Berne Tél: +41 31 322 25 11 Fax: +41 31 322 26 34 E-mail : info@blw.admin.ch Website : www.blw.admin.ch</p>
Costs	
Costs of registration	<p>Fees are defined in the Annex to the Law.</p> <ul style="list-style-type: none"> • Registration fee: Variable fee, depending on the time taken to examine the application, between CH 70 (€44) and CH 120 (€76) per hour. • Opposition fee: CH 100 (€64).
Costs of litigation	Approximately CHF 2687 (€ 1.722).
Timeframe	
Registration	At least 10 months.
Protection	As in the EU , protection of designations of origin and geographical indications is of an unlimited duration (or as long as conditions for use of the registered name are respected).
Additional information	
None.	

Country: Syria

International Legal Framework

Syria is a member of the World Intellectual Property Organization from 18 November 2004, a member of the Paris Convention and the Madrid Agreement on source from 1 September 1924 and a signatory to the Madrid Agreement on marks and the Madrid Protocol from 5 August 2004.¹²⁴
Syria is not a WTO member.¹²⁵
There are no bilateral agreements between the EC and Syria specific to GIs.

National Legal Framework

<p>Type of Protection</p>	<p>Trademark regime: No <i>ex officio</i> protection is available under the trademark regime, protection is provided only at the request of an interested party.</p> <p><u>Although the Law of 1975 provides a definition of geographical indications, they are protected as collective trademarks.</u> Therefore, it is considered that no sui generis protection is provided by the Law.</p>
<p>Relevant Regulatory Framework</p>	<ul style="list-style-type: none"> • Legislative Decree No 47 issued on October 9, 1946 and amended by Law No.28 dated 3/4/1980, which provides protection to trademarks (hereinafter referred as “the Law”); • Law No. 9, July 1975.
<p>Scope of protection</p>	<p>Applicable to goods (agricultural and/or industrial) and/or services. Trademarks for alcoholic beverages are excluded.</p>
<p>Source</p>	<p>The English version of the Law is available on the official web site of the Arab Society for Intellectual Property http://www.aspip.org.</p>
<p>Summary of the Operational Provisions</p>	<p>Article 66 of the Syrian Trademark Law specifically mentions collective marks as the form of protection available for geographical indications, when professional, regional, <u>agricultural or industrial groups that have been licensed by the government and may possess a collective mark in order to secure the origin or the manufacture of their goods or products.</u> Therefore, the EC GIs can be registered in Syria as collective trademarks.</p> <p>Once a trademark application is filed, it is examined as to its registrability and existence of prior rights Article 73 of the Law. Examination of the application is conditional on the payment of the prescribed fee. If it appears to the Registrar that the trademark cannot be acceptable, he shall transmit it to the Minister of Supply and Internal Trade accompanied with a detailed report.</p> <p>The Minister of Supply and Internal Trade shall decide by a final order as to the acceptance or refusal of the mark. In the event of the application being dismissed, half of the fees would be returned to the depositor if he had <i>no mala fide</i> intention; the other would be vested in the Office in the name of the secretary. It is possible to apply for reconsideration of the Registrar’s decision. A trademark registration is published in the Official Gazette.</p> <p><u>There is no provision as to appealing the Registrar’s decision issued in favor or against the registration of a trademark nor for opposition by any interested party.</u></p>

¹²⁴ Source of information: <http://www.wipo.int>

¹²⁵ Source of information: <http://www.wto.org>

Continent: Eurasia
Country: Syria

	<p>The assignment of a trademark must be recorded (Article 75 of the Law). Unless it is published in the Official Gazette and entered in the records of the Trademark Office, an assignment shall not be effective vis-à-vis third parties.</p> <p>Use of trademarks in Syria is not compulsory for filing applications for registration or for maintaining trademark registrations in force. Prior use of an unregistered trademark may be claimed provided that an authenticated proof is furnished. The ownership of a trademark becomes conclusive after five years as from the date of its registration (Article 82 of the Law).</p> <p>Level of protection: Infringement or unauthorized use of a registered trademark is punishable under the provisions of the law.</p>
Specific Provisions (issue of Generics, Reciprocity)	None.
Formal Requirements for an Application	
Application Forms	<ul style="list-style-type: none"> • The list of the goods to be covered by the application; • A certified copy of the home registration of the trademark. In the absence of a home registration; • The Registrar in Syria may accept a certified copy of any foreign registration of the trademark; • The name, address, nationality, profession and nature of business of the applicant.
Relevant Supporting Documents	<ul style="list-style-type: none"> • A notarized power of attorney. A separate power for each application is required. However, one POA suffices for filing more than one application simultaneously; • A printing block and ten (10) prints, which can be processed locally.
Administration Responsible for Registration	<p>Industrial Property Office Directorate of Commercial and Industrial Property Protection (DCIP) Ministry of Economy and Trade Roukneddin facing Ibn Al-Nafees Hospital Damascus Tel: (+963.11) 512.16.52 Fax: (+963.11) 512.01.07 E-mail: Syr.D.C.I.P@net.sy</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • Filing a mark application in one class including publication is \$ 410.00 (~ €321); • Filing a simultaneous mark application in one class including publication is \$ 400.00 (~ €313); • Translation of the list of goods from English to Arabic (over the first 100 words) per page is \$ 20.00 (~ €16); • Renewal of a mark in one class including Publication charges is \$ 150.00 (~ €117); • Recording an assignment of a registered mark within 1 month including publication in the official gazette is \$ 390.00 (~ €305); • Local legalization of the power of attorney is \$ 25.00 (~ €20); • Super legalization and stamp duty on power of attorney is \$ 40.00 (~ €31); • Translation and legalization of any document is \$ 50.00 (~ €39).
Costs of litigation	Depends on the complexity of the case, in any case starting from €400.

Continent: **Eurasia**
Country: **Syria**

Timeframe	
Registration	From 4 to 6 months.
Protection	10 years renewable for similar periods. A grace period of six months is allowed for late renewal of a trademark registration against payment of a lateness fine.
Additional information	
None.	

Country: Taiwan

International Legal Framework

Taiwan (Chinese Taipei) is not a member of the World Intellectual Property Organization or signatory to the Paris Convention for the Protection of Industrial Property.¹²⁶
Taiwan is a WTO Member from 1 January 2002.¹²⁷
There are no bilateral agreements between the EC and Taiwan specific to GIs.

National Legal Framework

Type of Protection	Trademark protection. It appears that no <i>ex officio</i> protection is available; protection is provided only at the request of a third party.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Trademark Act 2003, enforced on 28 November 2003 (hereinafter, referred as “the Law”). • Trademark Regulation 2003 amended on 10 December 2003.
Scope of protection	The scope of Trademark protection concerns all goods and services.
Source	The text is available at: http://www.apeccp.org.tw/doc/Taipei/Comlaw/trade1.html
Summary of the Operational Provisions	<p>It seems that EC GIs may be protected in Taiwan. GIs may be registered in the Taiwan as certifications trademarks as they are defined as marks to certify the characteristics, quality, place of origin or other matters (Article 72 of the Law).</p> <p>Therefore, GIs are protected as certification marks employing the existing trademark regime. Provisions regarding trademarks apply <i>mutatis mutandi</i> to certification marks (Article 80 of the Law).</p> <p>Applications for registration of certification trademarks must be submitted to the Registrar Office, body appointed by the Ministry of Economic Affairs, the authority responsible for the registration of all trademarks (Article 7 of the Law). The Registrar will examine the application for registration formally and substantially.</p> <p><u>A trademark application shall be rejected if is identical or similar to a geographical indication of wines and spirits of a country or region that mutually protects trademark with the Republic of China, and is designated for use on wines and spirits</u> (Article 23 of the Law).</p> <p>As in the EC, there is an opposition procedure available within 3 months from the date of publication (Article 40 of the Law).</p> <p>Level of Protection: The use of false designations of origin and false descriptions are prohibited. Use trying to cause likelihood of confusion or misleading to relevant consumers.</p>
Specific Provisions (issue of Generics, Reciprocity)	The Law allows foreign geographical indications to be registered in Taiwan subject to reciprocity provisions (Article 3 of the Law). Therefore, EC GIs may be registered in Turkey. Those who have no domicile or business office within the territory of Taiwan shall appoint a trademark agent to perform and manage relevant trademark affairs (Article 8 of the Law).

¹²⁶ Source of information: <http://www.wipo.int>.

¹²⁷ Source of information: <http://www.wto.org>.

Formal Requirements for an Application	
Application Forms	<p>Like in the EU, there are standard application forms. An application must contain (Article 8 of the Law):</p> <ul style="list-style-type: none"> • Application specifying the name and address of the applicant, the proposed trademark, the class of the designated goods or services and the names of the goods or services; • Clear trademark representations; • Government fees; • In case a trademark agent is appointed, the Power of Attorney (if in a foreign language, a Chinese translation is required); • The application must be signed or sealed. If a trademark agent is appointed, the application may be signed or sealed by the trademark agent only. <p>The application form can be downloaded free of charge from TIPO's website. Application and other procedures of trademark may be done in electronic format. The language of application is Chinese. Certificates or other documents written in foreign languages shall be accompanied by a full or excerpted Chinese translation thereof as required.</p>
Relevant Supporting Documents	None.
Administration Responsible for Registration	<p>Intellectual Office, MOEA 185, Hsinhai Road, Sec. 2, 3F Taipei 106, Taiwan, Republic of China Tel: +886 (0)2-2738-0007 Fax: +886 (0)2-2735-2656 Contact email: ipo@tupo.gov.tw http://www.tupo.gov.tw/eng</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • Filing fee for a trademark NT\$3,000 (~€72). • Filing fee for a collective mark or certification mark, NT\$5,000 (~€120). • Registration fee NT\$2,500 (~€60). • For an opposition action, NT\$4,000 (~€96). • Fee for a renewal application NT\$4,000 (~€96).
Costs of litigation	Approximately NT\$31.350 (~€758).
Timeframe	
Registration	Not available.
Protection	Each registration shall remain in force for 10 years (Article 27 of the Law), being each registration possible to renew for periods of 10 years at the end of each successive 10-year period.
Additional information	
None.	

Country: Tajikistan

International Legal Framework

Tajikistan is a member to the World Intellectual Property Organization (WIPO) since 25 December 1991, and a member of the Paris Convention and a signatory to the Madrid agreement both since 25 December 1991.¹²⁸
Tajikistan is not a WTO Member, but it has an observer status since July 2001.¹²⁹
There are no bilateral agreements between the EC and Tajikistan specific to GIs.

National Legal Framework

Type of Protection	Sui generis protection of geographical indications (no ex officio protection is available, protection is provided only at the request of an interested party).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Provisional Regulation on Origin of Goods No. 160, February 1995 (hereinafter referred as “the Law”).
Scope of protection	The scope of application of the Law is more extensive than the scope of the EC system (concerns all goods, but not services).
Source	The text of the law is available in Russian at the official web site of the National Centre for Patents and Information of Tajikistan: http://www.tjpat.org . The English version is not available electronically.
Summary of the Operational Provisions	<p>Definition of geographical indications is similar to the one provided by the EC Regulation (Section I (2) of the Law). Names and signs that meet such definition may be registered.</p> <p>Legal protection for GIs in Tajikistan is granted on the basis of the registration in accordance with the procedure established by the Law, or in accordance with the international agreements which the Republic of Tajikistan is party (Section I (4) of the Law).</p> <p>The examination concerning formal requirements of the application is conducted by the National Centre for Patents and Information of Tajikistan (the NCPI) (the authority responsible for the registration of the geographical indications) within two months from the date that the application has been filed (Section III (2) of the Law, however, it can be extended to another 2 months if necessary).</p> <p>Subsequently, the NCPI may carry out a substantial examination of the requirements set by Section II (3) of the Law. During that examination the NCPI may request any additional materials, which must be submitted within two months from the date of receipt of the request by an applicant. There is no time limit for the substantial examination.</p> <p>Following this examination, the decision on registration is taken by the NCPI can be appealed to the Appeal Commission of the NCPI within 3 months after a decision is taken (Section IV (1) of the Law). The Appeal Commission must reply to the appeal within 4 months. Within 6 months from the date of receipt of the decision to grant or refuse the registration of the Appeal Commission of the NCPI, applicants may submit a claim to the court (Section IV (3) of the Law).</p> <p>Unlike in the EC, there is no opposition procedure provided by the Law.</p>

¹²⁸ Source of information: <http://www.wipo.int>.

¹²⁹ Source of information: <http://www.wto.org>.

Continent: Eurasia
Country: Tajikistan

	<p>Within 3 months, the NCPI registers the GIs at the State Register of GIs, on the basis of a decision and a receipt of the payment of the prescribed fee. This information is published in the official IP Journal (Section V of the Law).</p> <p>It seems that, under the Law, the level of protection is similar to that provided in the EC: No registered geographical indications may be used in cases where the true origin is indicated or used in translation (transliteration) or in combination with expressions such as “sort of”, “kind of”, “imitation” and “the like” (Section VIII (2) of the Law).</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>As in the EC, generic names may not be protected (definition of generic names is provided in Section I (3) of the Law, but, unlike in the EC, no criteria exists on how to establish a generic nature of the name).</p> <p>The Law allows foreign geographical indications to be registered in Tajikistan (Section XI (1-2) of the Law grants the same rights to foreign legal establishments and persons). Therefore, EC GIs may be registered in Tajikistan.</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Unlike in the EC, there is no standard application form in Tajikistan provided by the Law.</p> <p>However, the Law indicates that an application must contain (Section II (3) of the Law):</p> <ul style="list-style-type: none"> • a request for registration and/or provision of the right to use the appellation, containing details of the applicant and his place of business or residence; • the claimed appellation; • an indication of the good for which registration and/or provision of the right to use the appellation are requested, with an indication of the geographical location in which the good is produced; • a description of the particular features (basic physical, chemical, microbiological and/or organoleptic characteristics) of the good (where necessary-also of the raw material); • If necessary, a description of the local original method by which the good is produced; • details about special labelling in connection with the appellation. <p>The application shall be filed in Tajik or in Russian languages. The EC specification can be potentially re-used for the registration.</p>
<p>Relevant Supporting Documents</p>	<ul style="list-style-type: none"> • The document proving the payment of the state fee; • The document confirming the power-of-attorney whenever the application is filed by the patent attorney; • Ahe document proving the right of the applicant to the claimed geographic indication in the country of origin of the goods.
<p>Administration Responsible for Registration</p>	<p>Industrial Property Office National Center for Patents and Information 14a, Ainy Street 734042 Dushanbe Tel.: (+992.372) 27.59.77 Fax: (+992.372) 21.71.54 Website: www.tjpat.org/english</p>
<p>Costs</p>	
<p>Costs of registration</p>	<ul style="list-style-type: none"> • Application fee: \$ 55 (€ 43); • Expertise of examination: \$ 70 (€ 55); • Certificate for the Right to use an Appellation: \$ 100 (€ 81).

Continent: Eurasia
Country: Tajikistan

	All documents must be submitted in Russia or Tajik, therefore the costs of translation need to be taken into account.
Costs of litigation	From € 500 to € 2500 (depending on the complexity of the case).
Timeframe	
Registration	From 12 to 18 months (approximately, but no timeframe is indicated in the Law).
Protection	Registration is for an indefinite period of time (Section I (7) of the Law). A Certificate for the Right to use a GI is valid for 10 years with a possibility to renew the right to use after the payment of a prescribed fee (Section V (4-5) of the Law).
Additional information	
None.	

Country: Thailand

International Legal Framework

Thailand is a member of the World Intellectual Property Organization from 25 December 1989.¹³⁰
Thailand is not a signatory any of the WIPO treaties with respect to trademarks or geographical indications.
Thailand is a founding WTO Member (since 1 January 1995).¹³¹
There are no bilateral agreements between the EC and Thailand specific to GIs.

National Legal Framework

Type of Protection	Sui generis protection of geographical indications (no <i>ex officio</i> protection is available, protection is provided only at the request of an interested party).
Relevant Regulatory Framework	Act on Protection of Geographical Indications B. E. 2546 of 2003 , which entered into force on 28 April 2004 (hereinafter, referred as “the Law”).
Scope of protection	<u>The scope of application of the Law is more extensive than the scope of the EC system</u> (concerns goods: natural, agricultural, mining and industrial products and handicrafts, but not services).
Source	The English version of the Act is available on http://www.ipthailand.org/Static/IPSystem/GI.doc .
Summary of the Operational Provisions	<p>Definition of geographical indications is similar to one provided by the EC Regulation (Section 3 of the Law). Names and signs that meet such definition may be registered.</p> <p>In order to be protected, a geographical indication must be registered or announced to be specific goods by way of issuing Ministerial Regulations (these goods are wines, spirits and rice).</p> <p>The registration procedure consists of the following stages:</p> <ul style="list-style-type: none"> • Application for protection to the Department of Intellectual Property of Thailand (the authority responsible for the registration of geographical indications); • Examination by the Competent Officer of the DIPT; • Publication of the application (as in the EU, there is an opposition within 90 days after the publication); • Registration at the Registrar of the DIPT. <p>Level of protection under the Law appeared to be different from the level provided under the EC law.</p> <p>Under the Thai law only the following acts are deemed unlawful:</p> <ul style="list-style-type: none"> • The use of geographical indication in order to misrepresent or mislead other persons to believe that the goods which do not originate from the geographical origin indicated in the application are goods originating from such origin; • The use of geographical indications in any manner which will cause confusion or deception as to the geographical origin, quality, reputation or any other characteristics of the goods so as to cause damage to other traders.

¹³⁰ Source of information: <http://www.wipo.int>.

¹³¹ Source of information: <http://www.wto.org>.

Continent: Eurasia
Country: Thailand

	<p>An indication of the true place of origin of a good seems to be sufficient to avoid misinterpretation or deception.</p> <p>Chapter 5 of the Act provides higher protection to geographical indications of specific goods (wines, spirits and rice). Also the Minister may declare any particular type of goods to be specific goods by way of Ministerial Declaration (rice was declared as a particular type of good). The use of the Geographical Indications of specific goods on the goods not originating from the geographical place indicated is unlawful (the protection provided in Thailand to GIs of specific goods (wines, spirits and rice) is similar to the protection provided to all GIs in the EC).</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>Generic names may not be registered (definition of generic names is provided in Section 3 of the Act, no criteria of how to establish a generic nature of the name). <u>The Law does not make reference to the protection of geographical indications in translation.</u></p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Unlike in the EU, there is no standard application form.</p> <p>However, the Law indicates that an application must contain (Section 10 of the Law):</p> <ul style="list-style-type: none"> • the claimed name; • details concerning quality; • information on the reputation or any other characteristics of the goods; • geographical area of production; • as well as any other details prescribed by the Ministerial Regulations; • a proof of the payment of the prescribed fee. <p>The application shall be filed in Thai.</p> <p>The EC specification can be potentially re-used for the registration.</p>
<p>Relevant Supporting Documents</p>	<p>A foreign geographical indication must clearly show evidence that the geographical indication is protected under the law of that country and has been continuously used until the date of application in Thailand (Section 6 of the Law). As in the EU, during this examination the applicant may be requested to submit any additional information in relation to the application. Moreover, the Competent Officer may request an opinion of an expert in the field relating to the application.</p>
<p>Administration Responsible for Registration</p>	<p>Department of Intellectual Property of Thailand 44/100 Moo 1 Nonthaburi 1 Rd, Bang Krasor, Amphur Muang, Nonthaburi 11000 Thailand Tel. (662) 0-2547-4621 to 5 Hotline 1368 Website: http://www.ipthailand.org</p>
<p>Costs</p>	
<p>Costs of registration</p>	<ul style="list-style-type: none"> • Application for registration of geographical indication is 1,000 baht each (€20). • Application for amendment of registration of each geographical indication is 200 baht (€5). • Application for revocation of registration of each geographical indication is 200 baht (€5). • Other applications are 200 baht each (€5). <p>All documents must be submitted in Thai, therefore costs of translation need to be taken into account.</p>

Continent: Eurasia
Country: Thailand

Costs of litigation	<ul style="list-style-type: none"> • Opposition to registration of geographical indication 1,000 baht each. • Appeal against order or decision of the Registrar 1,000 baht each. • Cost of the litigation in Thailand depends on the complexity of the case. It can be litigated by a firm of industrial property agents authorized to practice in Thailand (between € 350 – 750).
Timeframe	
Registration	Between 6 months (if no opposition has been filed) and 18 months.
Protection	There is no time limit for the use of registered geographical indication, as long as the specified conditions are respected.
Additional information	
<p>Several geographical names have already been registered, among them Pisco spirit of Peru, pamello of Nakhonchaisri, jasmine rice of Surin and sweet tamerind of Petchaboon.</p> <p>On 28 June 2006, Thailand's Department of Intellectual Property issued a certificate for registration of CHAMPAGNE as a geographical indication. That was the first EC GI registered in Thailand.</p>	

Country: Turkey

International Legal Framework

Turkey is a member of the World Intellectual Property Organization from 12 May 1976, a signatory to the Paris Convention for the Protection of Industrial Property from 10 October 1925 and the Madrid Protocol Concerning the International Registration of Marks from 1 January 1999. Turkey has signed the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods on 21 August 1930.¹³²
Turkey is a WTO Member from 26 March 1995.¹³³
There are no bilateral agreements between the EC and Turkey specific to GIs.

National Legal Framework

<p>Type of Protection</p>	<p>Sui generis protection of geographical indications. No <i>ex officio</i> protection is available; protection is provided only at the request of a third party (any association, regardless of its legal form of producers or processors of a product, Article 20 of the Decree-Law No. 555 on the Protection of Geographical Signs).</p>
<p>Relevant Regulatory Framework</p>	<ul style="list-style-type: none"> • Decree-Law No. 555 on the Protection of Geographical Signs adopted and entered into force on 27 June 1995 (hereinafter, referred as “the Law”); • Implementing Regulations under the Decree-Law No. 555 pertaining to the Protection of Geographical Signs adopted and entered into force on 5 November 1995.
<p>Scope of protection</p>	<p><u>The scope of application of the Law is more extensive than the scope of the EC system</u> (concerns goods: natural, agricultural, mining and industrial products and handicrafts, but not services).</p>
<p>Source</p>	<p>Official Publication of the Decree-Law: "Resmi Gazete", 27/06/1995, No. 22326 Official Publication of the Implementing Regulations: "Resmi Gazete", 05/11/1995, No. 22454 Texts are available at: http://www.wipo.int.</p>
<p>Summary of the Operational Provisions</p>	<p>Definitions of designations of origin and geographical indications are similar to those provided by the EC Regulation (Article 3 of the Law). Names and signs that meet such definition may be registered. In order to be protected designations of origin and geographical indications have to be registered (Article 4 of the Law). The Turkish Patent Institute (the authority responsible for registration of GIs) examines the application first formally, and then substantially.</p> <p><u>As in the EU, there is an opposition procedure available within six months from the publication in the Official Gazette. Applications will be published in the Official Gazette, in two national newspapers and in one local newspaper.</u></p> <p>In case of a decision to refuse registration, the applicant has the possibility of appealing to the Competent Court (Article 25 of the Law).</p>

¹³² Source of information: <http://www.wipo.int>.

¹³³ Source of information: <http://www.wto.org>.

Continent: Eurasia
Country: Turkey

	<p>It would appear that, under the Law, the level of protection is similar to that provided in the EC: <u>No registered designations of origin or geographical indications may be used in the cases when the genuine origin is indicated or used in translation or in combination with expressions such as “sort of”, “kind of”, “imitation” and “the like”.</u> The use of false or misleading information as to the origin, nature or essential qualities of the product on its packaging, or in advertising material or documents relating to the product is also prohibited (Article 15 of the Law).</p> <p>The holder of the rights in a geographical sign whose rights have been infringed may apply to the Court (Article 25 of the Law).</p>
<p style="text-align: center;">Specific Provisions (issue of Generics, Reciprocity)</p>	<p>As in the EC, generic names may not be protected (definition of generic names is provided in Article 5.b of the Law and is identical to the EC definition provided in Article 3 of EC Regulation 510/2006). <u>Geographical indications and designations of origin, used in translation, are protected (Article 15 of the Law).</u></p> <p>The Law allows foreign geographical indications to be registered in Turkey subject to reciprocity provisions (Article 2 of the Law requires <i>de facto</i> protection to nationals of the Turkish Republic or membership to the WTO and the Paris or Berne Conventions). Therefore, EC GIs may be registered in Turkey.</p>
<p>Formal Requirements for an Application</p>	
<p style="text-align: center;">Application Forms</p>	<p>Unlike in the EU, there is no standard application form.</p> <p>However, the Law indicates that an application must contain (Article 8 of the Law):</p> <ul style="list-style-type: none"> • a request for registration; • information concerning the applicant's group; • 15 copies of the (8x8) representation of the designation of origin or the geographical indication to be registered; • the name of the product with respect to the designation of origin or the geographical indication to be registered; • the original receipt for the payment of the application fee; • the description of the product, technical information and documents explaining the characteristics of the product and if necessary of the raw material; • production techniques of the product and if relevant the authentic and specific local techniques and conditions, information and documents evidencing that the product conforms to the respective definition of the geographical indication; • the definition of the geographical area, information and the documents clearly; • indicating the geographical boundaries; • information detailing the labeling, marking and the means of using the registered; • designation of origin or geographical indication; • information detailing the inspection structure; • the original receipt for the payment of publication fee; • other particulars as specified in the Implementing Regulations. <p>The EC specification can potentially be re-used for these purposes.</p> <p>The language of application is Turkish.</p>
<p style="text-align: center;">Relevant Supporting Documents</p>	<p>An application must be accompanied by a document certifying payment of the fee. Such payments have to be made before the Turkish Patent Institute.</p>

Continent: Eurasia
Country: Turkey

	During the examination process, as in the EU, the Turkish Patent Institute may request any additional materials, which must be submitted within three months from the date of receipt of the request by an applicant (Article 6 of the Implementing Regulation). If the documents are not submitted in this time, the application shall be rejected by the Institute.
Administration Responsible for Registration	<p>Turkish Patent Institute Hipodrom Cad.No. 115 06330 Gazi Mahallesi Ankara</p> <p>Tel.: + 90.312 303.10.72 (Switchboard) + 90.312 232.54.41 (Head of Patent Department) Fax: + 90.312 303.10.80 E-mail: ybalci@turkpatent.gov.tr Website: http://www.turkpatent.gov.tr</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • Registration Fee: 93 YTL (~€47); • Shipping fee to the institution in charge of analysing the applications 74 YTL (~€44); • Fee for processing appeals and revisions 47 YTL (~€28); • Shipping fee to the institute in charge of analysing an appeal on an application 94 YTL (~€56); • Fee for issuing a protection document for a geographical indication 151 YTL (~€91); • Fee for issuing a registration and protection document for a geographical indication 29 YTL (~€17).
Costs of litigation	Approximately 1912 YTL (€967).
Timeframe	
Registration	Between 7 and 10 months (Article 9 of the Regulation).
Protection	As in the EU , protection of geographical signs is of an unlimited duration and there is no need to renew the registration. However, inspection reports prepared by the owner of a registered geographical sign must be submitted to the Turkish Patent Institute every 10 years.
Additional information	
None.	

Country: Turkmenistan

International Legal Framework

Turkmenistan is a member of the World Intellectual Property Organization (WIPO) since 25 December 1991, and a member of the Paris Convention since the same date. Turkmenistan is a signatory to the Madrid Protocol since 28 September 1999.¹³⁴
Turkmenistan is not a WTO Member.¹³⁵
There are no bilateral agreements between the EC and Turkmenistan specific to GIs.

National Legal Framework

Type of Protection	Trademark regime (no <i>ex officio</i> protection is available, protection is provided only at the request of an interested party).
Relevant Regulatory Framework	<ul style="list-style-type: none"> Patent Law No. 867-XII, October 1993 (hereinafter referred as “the Law”).
Scope of protection	It is applicable to goods (agricultural and industrial) and services.
Source	The text of the Law in Russian is available on http://www.galifire.com/rus/laws/patentlawtm.doc . The text in English is not available.
Summary of the Operational Provisions	<p>It appears that the EC geographical indications (GIs) may be registered as trademarks in Turkmenistan provided that they meet definitions established by the Law (Article 6 of the Law).</p> <p>The Law of Turkmenistan does not provide definitions of GIs. However, it states that it is not possible to register as trademarks geographical names, protected in Turkmenistan (Article 6.5 of the Law). Once a trademark application is filed (the authority responsible for the registration is the Industrial Property Office), it is examined its availability, registrability and coverage within 2 months from the date of application.</p> <p>If the application is formally rejected, a complaint against the rejection can be filed before the Appeal Commission within 60 days from the date of notification of the rejection. The Appeal Commission has two months to reply to the complaint. The decision of the Appeal Commission can be appealed before the Court within 6 months (Article 26 of the Law). The trademark applications accepted for registration are published in the Official Gazette and the certificates of the Ownership are issued within 6 months from the date when the decision of the Industrial Property Office is taken (Article 26.5 of the Law).</p> <p>Unlike in the EC, there is no opposition available.</p> <p>Level of protection: It is considered to be an offence if registered trademarks are forged or imitated in any way that misleads the public, or a trademark owned by someone else is used on products or services or offers or presented for sale or sold (Article 16 of the Law).</p>
Specific Provisions (issue of Generics, Reciprocity)	It appears that the EC geographical indications (GIs) may be registered as trademarks in Turkmenistan , no reciprocity provisions are indicated in the Law.

¹³⁴ Source of Information: <http://www.wipo.int>.

¹³⁵ Source of information: <http://www.wto.org>.

Continent: Eurasia
Country: Turkmenistan

Formal Requirements for an Application	
Application Forms	<ul style="list-style-type: none"> • Full name and address of the applicant; • A list of goods to be covered by the application; • If claiming priority, a certified copy of the priority application is to be filed within three months from the application filing date; • Fifteen prints of the trademark (a trademark print should not exceed (5x5) cm).
Relevant Supporting Documents	A document proving the payment of the State fee.
Administration Responsible for Registration	<p>Industrial Property Office Patent Department Ministry of Economy and Finance of Turkmenistan N. Pomma Str., 4 744000 Ashgabat Tel : (+993.12) 51.01.99 Fax: (+993.12) 51.14.50 E-mail: tmpatent@online.tm</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • Application fee: \$ 115 (€93); • Certificate for the Right to Use a Trademark: \$ 100 (€81). <p>All documents must be submitted in Russian or Turkmen, therefore the costs of translation need to be taken into account.</p>
Costs of litigation	From € 500 to € 2500 (depending on the complexity of the case).
Timeframe	
Registration	From 6 to 12 months (approximately, but no timeframe is indicated in the Law).
Protection	10 years, with a possibility of renewal conditioned on the payment of the prescribed fees.
Additional information	
None.	

Country: Ukraine

International Legal Framework

Ukraine is a member of the World Intellectual Property Organization from 26 April 1970, a signatory to the Paris Convention for the Protection of Industrial Property from 25 December 1991 and the Madrid Protocol Concerning the International Registration of Marks from 25 December 1991.¹³⁶
Ukraine is not a WTO Member yet.¹³⁷
There are no bilateral agreements between the EC and Ukraine specific to GIs.

National Legal Framework

Type of Protection	Sui generis protection. No <i>ex officio</i> protection is available; protection is provided only at the request of a third party.
Relevant Regulatory Framework	<ul style="list-style-type: none"> Law No. 752-XIV on the Protection of Rights to Indication of Origin of Goods of 16 June 1999 (hereinafter, referred as "the Law").
Scope of protection	The scope of application of the Law is more extensive than the scope of the EC system (concerns goods: agricultural and handicraft, but not services) (Article 1 of the Law).
Source	Official Publication of the Law: "The Official Journal of the Verkhovna Rada (Parliament) of Ukraine (OJU)", 1999, No. 32, Art. 267 & 2003, No. 35, Art. 271. Text is also available at: http://www.wipo.int .
Summary of the Operational Provisions	<p><u>There are two kinds of Indication of Origin of Goods under the Ukrainian Law: Simple Indications and Qualified Indications</u> (Article 1 of the Law).</p> <p>Qualified Indications include Appellations of Origin of Goods (AOG) and Geographical Indications of Origin of Goods (GIO). Definitions of AOGs and GIOs are similar to those provided by the EC Regulation (Article 1 of the Law).</p> <p>In order to be protected appellations of origin and geographical indications have to be registered (Article 6.2 of the Law). The Office of the State Department of Intellectual Property is the authority responsible for registration of GIs (Article 2 of the Law). The Examination Institute examines the application first formally, and then substantially (Article 11 of the Law).</p> <p>As in the EU, there is an opposition procedure available within six months from the publication of the official data (Article 11.10 of the Law). Applications will be published in the Official Gazette of the Office (Article 11.8 of the Law). An applicant may appeal to the court or to the Appellate Chamber against the Office decision on an application within two months from the date of receiving the Office decision (Article 13 of the Law).</p>

¹³⁶ Source of information: <http://www.wipo.int>.

¹³⁷ Source of information: <http://www.wto.org>.

	<p>The level of protection is similar to the one provided under the EC law: <u>No registered designations of origin or geographical indications may be used in the cases when the genuine origin is indicated or is used in translation or in combination with expressions such as “kind”, “type”, “style”, “imitation”, “brand”. The use of false or misleading information as to the origin, nature or essential qualities of the product is also prohibited (Article 23 of the Law).</u></p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>As in the EC, generic names may not be protected (Article 8.1.c of the Law). Definition of generic names is provided in Article 1 of the Law and refers to names which have become commonly used in Ukraine as indications (names) of species of goods irrespectively of its particular place of origin. The Office will elaborate a list of generic names on the basis of the Regulation on the List of generic names approved by the Cabinet of Ministers in Ukraine (Article 11.5 of the Law).</p> <p><u>Geographical indications and designations of origin, used in translation, are protected (Article 23 of the Law).</u></p> <p>The Law allows EC GIs to be registered in Ukraine under Article 5 of the Law, which states that foreign persons shall have equal rights and obligations provided by the Ukrainian Law in accordance with International Treaties.</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Unlike in the EU, there is no standard application form (a sample of application form is provided at http://www.sdip.gov.ua/t/docman/binary/depart_doc/blanki/kzpt.doc).</p> <p>However, the Law indicates that an application must contain (Article 10.4 of the Law):</p> <ul style="list-style-type: none"> • a request for registration of the appellation of origin of goods or the GI and/or the right to use the registered relevant qualified indication of origin of goods; • the address of the applicant; • the claimed GI or AO; • a name of goods for which an applicant requests registration of the specified indication of origin of goods; • a name and boundaries of the geographical place where the goods is manufactured and to which the particular properties, certain qualities, reputation or other characteristics of goods are related; • the description of the particular properties, qualities, reputation or other characteristics of goods; • the data on the use of the claimed qualified indication of origin of goods on the label and at marking goods; • the data on interconnection of the particular properties, certain qualities, reputation or other characteristics of goods to the natural conditions and/or human factor of the specified geographical place. <p>The EC specification can potentially be re-used for these purposes.</p> <p>The language of application is Ukrainian (Article 10.4 of the Law).</p>
<p>Relevant Supporting Documents</p>	<p>EC applicants shall file:</p> <ul style="list-style-type: none"> • The proof of the legal protection of the claimed qualified indication of origin of goods in the relevant foreign State; • The right of the foreign applicant to use the relevant qualified indication of origin of goods. <p>These documents can be filled in a foreign language and a translation into Ukrainian has to be provided to the Office within three months.</p> <p>An application must be accompanied by a document certifying payment of the prescribed fee (Article</p>

Continent: Eurasia
Country: Ukraine

	<p>10.8 of the Law).</p> <p>During the examination process, as in the EU, the Office may request any additional materials, which must be submitted within three months from the date of receipt of the request by an applicant. If the documents are not submitted in this time, the application will be considered withdrawn (Article 11.6 of the Law).</p>
Administration Responsible for Registration	<p>State Department of Intellectual Property 45 Uritskyj st., Kyiv-35, COS, 03680, Ukraine. Tel.: (+38044) 494-06-06 Fax: (+38044) 494-06-56. E-mail: post@sdip.gov.ua Website: http://www.sdip.gov.ua/</p>
Costs	
Costs of registration	<p>In accordance with the Law 1122-IV of 11 July 2003 on the State Fees for the Protection of Industrial Property Objects, the prescribed fees are:</p> <ul style="list-style-type: none"> • \$ 100 (~ €78) for application; and • \$ 200 (~ €156) for a certificate of protection. <p>All documents must be submitted in Ukrainian, therefore the cost of translation need to be taken into account.</p>
Costs of litigation	<p>Approximately Hryvnas 8800 (~ €1340).</p>
Timeframe	
Registration	<p>No indication in the Law, at least 12 months. The certificate of registration of the right to use the qualified indication of origin of goods is granted by the Office <u>within a month</u> from the date of registration (Article 15 of the Law).</p>
Protection	<p>As in the EU, protection of geographical signs is granted for an unlimited duration (Article 6.2 of the Law). However, the certificate being evidence of registration of the right to use the qualified indication of origin of goods <u>is valid during 10 years</u> from the date of filing the application, which may be prolonged for ten years (Article 15.4 of the Law).</p>
Additional information	
None.	

Country: United Arab Emirates

International Legal Framework

The UAE is a member of the World Intellectual Property Organization from 24 September 1974, and a signatory to the Paris Convention for the Protection of Industrial Property from 19 September 1996.¹³⁸
The UAE is a WTO Member from 10 April 1996.¹³⁹
There are no bilateral agreements between the EC and the UAE specific to GIs.

National Legal Framework

Type of Protection	Trademark protection. No <i>ex officio</i> protection is available; protection is provided only at the request of a third party.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Federal Law for Trade Marks No. 37 of 1992 for (hereinafter, referred as “the Law”); • Federal Law No. 8 of the Year 2002 of 24 July 2002, amending the Federal Law No. 37 of the Year 1992.
Scope of protection	The scope of Trademark protection concerns all goods and services .
Source	Texts are available at : http://members.rediff.com/law/uae-t.htm
Summary of the Operational Provisions	<p>The Law covers all seven Emirates: Dubai, Abu-Dhabi, Sharjah, Ras Al-Khaimah, Ajman, Fujairah and Umm Al-Quwain.</p> <p>There are no definitions of GIs provided in the Law. <u>It appears that GIs can be registered as ordinary trademarks, collective trademarks or quality control trademarks (Articles 2, 35 of the Law).</u> However, geographical names where the use thereof may cause confusion as to the origin or source of the goods, products or services shall not be registered as trademarks (Article 3.6 of the Law).</p> <p>The Trademark Office (the authority responsible for registration of GIs) examines the application first formally, and then substantially. Trademark applications accepted by the Registrar are published in the Trademark Journal as well as in two local daily Arabic newspapers and the cuttings of the notices are to be submitted to the Trademark Office.</p> <p><u>As in the EU, there is an opposition procedure available within thirty days</u> from the date of the publication (Article 14 of the Law).</p> <p>The Registrar’s decision concerning the opposition may be appealed to the Committee and the Committee’s decision to the competent court (Article 12 of the Law).</p> <p><u>Level of protection:</u> illegal use of a registered trademark, use of a fake mark, and use of a trademark that falls under certain categories of unregistrable marks (Article 3 of the Law) are offences punishable under the law in the United Arab Emirates.</p>

¹³⁸ Source of information: <http://www.wipo.int>.

¹³⁹ Source of information: <http://www.wto.org>.

Continent: Eurasia
Country: United Arab Emirates

Specific Provisions (issue of Generics, Reciprocity)	<p>Common names given by tradition to goods can not be registered (Article 3.1 of the Law). It appears that the EC GIs can be registered in the UAE (Article 6 of the Law provides that foreign natural or legal entities practicing any of the commercial, industrial, vocational or service business in any state having reciprocity of treatment with the State have right to register their trademarks).</p>
Formal Requirements for an Application	
Application Forms	<p>Unlike in the EU, there is no standard application form.</p> <p>However, the Law indicates that an application for an ordinary trademark must contain (Article 16 of the Law):</p> <ul style="list-style-type: none"> • Registration number of the trademark; • Application filing date and registration date; • Trade name, or the name of the trademark owner, his nationality and domicile; • An identical copy of the trademark; • Statement of the products, goods or services for which the mark is assigned, and their class. <p>For a quality control trademark an application must contain:</p> <ul style="list-style-type: none"> • A power of attorney executed by the applicant duly notarized and legalized up to the United Arab Emirates Consulate. It is necessary to submit the legalized power of attorney at the time of filing the application; • Certified and legalized copies of the articles of incorporation of the legal persons who take care of the quality control and testing stating the amendments that have been made to the regulations; • The Minister's approval to the registration of the mark (this need to be obtained in the UAE); • Two copies of the list of goods to which the mark is used for the testing measures with a mention to their specifications and quality; • A list of the persons who are going to use the mark; • Two copies of the rules, which the applicant follows in quality control and testing measures stating the amendment's made thereto. It is possible to amend the rules of use after filing; • Twenty prints of the mark to be registered (size 6cmx6cm); • List of goods or services to be covered; • A legalized copy of the application filed for the mark, in case of claiming priority; • Meaning of the mark, if any or its origin. <p>The EC Specifications can be potentially re-used for these purposes.</p> <p>The language of application is English or Arabic.</p>
Relevant Supporting Documents	<ul style="list-style-type: none"> • A certified copy of the home/foreign application/registration, if priority is claimed; • A certified translation of the trademark must be submitted.
Administration Responsible for Registration	<p>Industrial Property Directorate-Trade Mark section under Supervisory Ministry of Economy and Commerce Ministry of Finance and Industry P.O. Box 901 Abu Dhabi Tel.: + 971.2 613.13.19/12.91 Fax: + 971.2 626.29.22/ 627.23.90 E-mail: economy@emirates.net.ae</p>

Continent: Eurasia
Country: United Arab Emirates

Costs	
Costs of registration	<ul style="list-style-type: none"> • Filing a mark application in one class up to Registration \$ 2380 (~€ 1859); • Filing an opposition action before the registrar \$ 700 (~€ 546); • Filing a counter-opposition action before the registrar \$ 700 (~€ 546); • Filing an appeal \$ 500 (~€ 390); • Renewal of a trademark registration within the last year of the protection period including publication in Trademark Journal \$ 1750 (~€ 1366).
Costs of litigation	Approximately Dirham 10.500 (~€ 2233).
Timeframe	
Registration	At least 6 months.
Protection	A trademark registration is valid for 10 years as from the date of filing the application renewable for similar periods.
Additional information	
None.	

Country: Uzbekistan

International Legal Framework

Uzbekistan is a member of the World Intellectual Property Organization, a member of the Paris Convention and a signatory to the Madrid Agreement all since 25 December 1991.¹⁴⁰
Uzbekistan is not a WTO Member, but it has a status of observer since 1995.¹⁴¹
There are no bilateral agreements between the EC and Uzbekistan specific to GIs.

National Legal Framework

Type of Protection	Sui generis protection of geographical indications (no ex officio protection is available, protection is provided only at the request of an interested party).
Relevant Regulatory Framework	<ul style="list-style-type: none"> Law on Trademarks, Service Marks and Appellation of Origin, August 2001 (hereinafter referred as "the Law").
Scope of protection	The scope of application of the Law is more extensive than the scope of the EC system (concerns all goods, but not services).
Source	The English version of the Law is available electronically on http://www.patent.uz/eng/zakons.htm .
Summary of the Operational Provisions	<p>Definition of appellations of origin is similar to one provided in the EC legislation (Article 6 of the Law). Names and signs that meet such definition may be registered.</p> <p>Legal protection for AOs in Uzbekistan is granted on the basis of the registration in accordance with the procedure established by the Law, or in accordance with the international agreements which the Republic of Uzbekistan is party (Article 6 of the Law).</p> <p>The formal examination of the application is conducted by the Patent Office of the Republic of Uzbekistan (the authority responsible for the registration of the geographical indications) within 30 days of the date on which the application is filled with the Patent Office (Article 14 of the Law).</p> <p>Subsequently, the Patent Office may carry out a substantial examination of the requirements set by Article 9 of the Law. During that examination, the Patent Office may request any additional materials, which must be submitted by an applicant (Article 15 of the Law). The substantial examination must be completed within 9 months of the date on which the application is filed.</p> <p>Following this examination, the decision on registration is taken by the Patent Office which can be appealed to the Patent Office Appeal Board within 3 months of the date on which a decision is taken (Article 16 of the Law). Within 6 months from the date of receipt of the decision to grant or refuse the registration of the Patent Office Appeal Board, applicants may submit a claim to the court (Article 17 of the Law).</p> <p>Unlike in the EC, there is no opposition procedure provided by the Law.</p> <p>The Patent Office shall register a GIs at the State Register of GIs within 1 month of the date it receives</p>

¹⁴⁰ Source of information: <http://www.wipo.int>.

¹⁴¹ Source of information: <http://www.wto.org>.

Continent: Eurasia
Country: Uzbekistan

	<p>the receipt for payment of the prescribed fee. This information is published in the Official Gazette of the Patent Office (Article 19 of the Law).</p> <p>It seems that, under the Law, the level of protection is similar to that provided in the EC: <u>No registered appellations of origin may be used even in the cases when the true origin is indicated or in combination with the words such as “form”, “type”, “in the style” and so on, as well as the use of a similar designation for any goods (Article 28 of the Law).</u></p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>As in the EC, generic names may not be protected (definition of generic names is provided in Article 11 of the Law, but, unlike in the EC, no criteria exists on how to establish a generic nature of the name).</p> <p>The Law allows foreign geographical indications to be registered in Uzbekistan based on principle of reciprocity (Article 36 of the Law grants the same rights to foreign legal establishments and persons). Therefore, it appears that the EC GIs may be registered in Uzbekistan.</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Unlike in the EC, there is no standard application form in Uzbekistan provided by the Law.</p> <p>However, the Law indicates that an application must contain (Article 9 of the Law):</p> <ul style="list-style-type: none"> • a statement of registration of a designation as a trademark, appellation of origin, or the right to use such an appellation; • an illustration of the claimed designation; • a list of goods for which registration of a trademark is requested, grouped together in accordance with the International Classification of Goods and Services for the Purposes of the Registration of Marks; • the name of the type of good for which registration of an appellation of origin or the right to use such an appellation is requested, together with an indication of its place of production within the limits of a geographical subject and a description of its special features. <p>The application shall be filed in Uzbek or in Russian languages.</p> <p>The EC specification can be potentially re-used for the registration.</p>
<p>Relevant Supporting Documents</p>	<ul style="list-style-type: none"> • A document confirming payment of the application fee; • A certificate issued by the applicant, whenever the application is filed by a patent attorney; • Documents confirming that the applicant is located in the geographical subject in question and produces a good, the special features of which are linked to the natural conditions or other factors, or a combination of the natural conditions and these factors, characteristic of the relevant geographical subject; • A document confirming the right of a foreign applicant to use the claimed appellation of origin in the country in which the good is produced.
<p>Administration Responsible for Registration</p>	<p>Industrial Property Office State Patent Office of the Republic of Uzbekistan 2a, Toitepa Street Tashkent 700047 Tel.: (998.71) 132.00.13 132.00.18 Fax: (998.71) 133.45.56 E-mail: info@patent.uz Website: www.patent.uz</p>

Continent: Eurasia
Country: Uzbekistan

Costs	
Costs of registration	<p>According to the Law (Article 33), the levels and procedure for payment of patent fees shall be determined by the Cabinet of Ministers of the Republic of Uzbekistan (Annex 2 to the Law, amended on 20 April 2006, available on http://www.patent.uz/stavki_test.htm).</p> <ul style="list-style-type: none"> • Application fee: \$ 600 (€ 466); • Registration fee: \$ 250 (€ 194); • Publication fee: \$ 84 (€ 65); • Certificate for the Right to Use a Trademark: \$ 250 (€ 194); • Renewal of the Certificate: \$ 600 (€ 466); • Fee for changes in the certificate: \$ 420 (€ 326). <p>All documents must be submitted in Russian or Uzbek, therefore the costs of translation need to be taken into account.</p>
Costs of litigation	From € 1000 to € 4500 (depending on the complexity of the case).
Timeframe	
Registration	From 6 to 12 months (approximately, but no timeframe is indicated in the Law).
Protection	10 years, with a possibility of renewal conditioned on the payment of the prescribed fees.
Additional information	
None.	

Country: Vietnam

International Legal Framework

Vietnam is a member of the World Intellectual Property Organization from 2 July 1976 and a signatory to the Paris Convention for the Protection of Industrial Property from 8 March 1949 and the Madrid Agreement concerning the International Registration of Marks from 8 March 1949.¹⁴²

Vietnam is not a WTO Member but its accession is expected during the course of 2006-2007.¹⁴³

There are no bilateral agreements between the EC and Vietnam specific to GIs.

National Legal Framework

Type of Protection	<i>Sui generis</i> protection of geographical indications and appellations of origin (it appears that no <i>ex officio</i> protection is available, protection is provided only at the request of an interested party).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Intellectual Property Law of Vietnam, adopted on 19 November 2005 and entered into force on 1 July 2006 (hereafter, referred as “the Law”).
Scope of protection	The scope of application of the Law is more extensive than the scope of the EC system (concerns goods: natural, agricultural, mining and industrial products and handicrafts, but not services).
Source	The text of the Intellectual Property Law is available on the official web site of the National Office of Intellectual Property: http://www.noip.gov.vn/noip .
Summary of the Operational Provisions	<p>Definition of geographical indications is similar to one provided by the EC Regulation (Article 85 of the Law). Names and signs that meet such definition may be registered.</p> <p>In order to be protected in Vietnam geographical names must be registered and upon registration they would receive specific Protection Titles of GIs.</p> <p>The National Office of Intellectual Property (NOIP) (the authority responsible for registration of GIs) examines the application first formally, and then substantially.</p> <p>The registration procedure is divided into three phases:</p> <ul style="list-style-type: none"> • Application for registration; • Examination of the application; • Publication of the decision to grant a Protection Title to a GI or refusal of application. <p>It is possible to oppose registration to the NOIP after the publication of the decision and request a re-examination in case of refusal of registration.</p> <p>It would appear, under the Law, that the level of protection is similar to that provided in the EC: Unauthorised use of registered geographical indications is prohibited. This also concerns the cases when the true origin is indicated <u>or the geographical indication is used in translation or in combination with expressions such as “sort of”, “kind of”, “imitation” and “the like”.</u></p>

¹⁴² Source of information: <http://www.wipo.int>.

¹⁴³ Source of information: <http://www.wto.org>.

Continent: Eurasia
Country: Vietnam

Specific Provisions (issue of Generics, Reciprocity)	<p>According to the Intellectual Property Law, the following subject matters will not be protected as geographical indications:</p> <ol style="list-style-type: none"> 1) Generic names of goods in Vietnam; 2) Geographical indications that are not or no longer protected or have not been used in the origin country of such geographical indication. <p>The Law does not provide the criteria of how to establish a generic nature of a name (Article 86 of the Law).</p> <p>There are no reciprocity provisions in the Law (Article 2 of the Law), the EC GIs can be registered in Vietnam (the right to apply for registration is granted to foreigners, Article 93(2) of the Law).</p> <p><u>Geographical indications for all goods are protected in translation (Article 170 of the Law).</u></p>
Formal Requirements for an Application	
Application Forms	<p>The web site of the National Office of Intellectual Property: http://www.noip.gov.vn/noip, which contains the samples of application forms is under reconstruction (as visited 20 June 2006). <u>All documents must be submitted in Vietnamese.</u></p> <p>Article 110 of the Industrial Property Law provides the requirements for the geographical indication applications:</p> <ul style="list-style-type: none"> • Name or sign which is the geographical indication; • Product bearing the geographical indication; • Descriptions of the unique characteristics and quality, the reputation of the product bearing the geographical indication and unique natural factors attributing to the unique characteristics, quality, and reputation of the product (hereinafter called the Descriptions of the unique characteristics); • Map of the geographical area corresponding to the geographical indication; • Documents proving the geographical indication is under protection in the country of origin if it has foreign origin; <p>The Descriptions of the unique characteristics shall include at least the following contents:</p> <ul style="list-style-type: none"> • Descriptions of the relevant products, including raw materials (if any), and physical, chemical and biological and sensation elements of the product; • Methods to determine the geographical area corresponding to the geographical indication; • Evidence proving that the product originates from such geographical area, with the respective meanings provided for in paragraphs 1 and 2 of Article 84 of this Law; • Descriptions of the local and stable production methods of the product; • Information on the relationship between the unique characteristics, quality or reputation of the product with the natural conditions in the meanings provided for in paragraphs 1 and 2 of Article 84 of this Law; • Information on the self-inspection mechanism of the unique characteristics and quality of the products. <p>The EC specification can be potentially re-used for these purposes.</p>
Relevant Supporting Documents	<p>An application must be accompanied by a document certifying payment of the prescribed fee (Article 112 of the Intellectual Property Law). Such payments have to be made before the NOIP.</p> <p>All documents must be submitted in Vietnamese.</p>

Administration Responsible for Registration	Industrial Property Office National Office of Intellectual Property (NOIP) P.O. Box 432, Hanoi 384-386 Nguyen Trai Street Thanh Xuan District Hanoi <i>Title of Head:</i> Director General Tel.: (84.4) 558.82.17 858.30.69 858.37.93 858.51.56/57/59 Fax: (84.4) 858.40.02 858.34.25 Fax: (84.4) 858.84.49 E-mail: noip@fpt.vn . Website: http://www.noip.gov.vn/noip .
Costs	
Costs of registration	No specific amounts are fixed in the Law. All documents must be submitted in Vietnamese, therefore costs of translation need to be taken into account.
Costs of litigation	From € 500 to € 2500 (depending on the complexity of the case).
Timeframe	
Registration	The Law is in force only from 1 July 2006.
Protection	Geographical Indication Registration Certificate in Vietnam has indefinite term of validity beginning on the granting date (Article 98 of the Industrial Property Law), however the validity of a Protection Title of Geographical Indication will be terminated if the unique geographical factors or quality or reputation of the products bearing such geographical indication have been changed or the reputation is diluted.
Additional information	
None.	

Country: Yemen

International Legal Framework

Yemen is a member of the World Intellectual Property Organization (WIPO) from 29 March 1979.¹⁴⁴
Yemen is not a WTO Member. It has a status of observer from April 2000.¹⁴⁵
There are no bilateral agreements between the EC and Yemen specific to GIs.

National Legal Framework

Type of Protection	Trademark regime: No <i>ex officio</i> protection is available under the trademark regime, protection is provided only at the request of an interested party.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Intellectual Property Rights Law No. 19 of 1994 (hereinafter referred as “the Law”).
Scope of protection	Applicable to goods (agricultural and industrial) and services. Trademarks covering alcoholic drinks can not be registered under the Law (Article 90.3 of the Law). ¹⁴⁶
Source	Intellectual Property Rights Law No. 19 of 1994 available at http://www.agip.com .
Summary of the Operational Provisions	<p>Protection of trademarks and trade names. The EC geographical indications can be registered as trademarks in Yemen, as long as they don’t “cause confusion with respect to the source of the products” (Article 90.1 of the Law).</p> <p>Registration procedure: The procedure for registration of a trademark is provided under Article 92 – 97 of the Law.</p> <p>Applications for registration of a trademark must be submitted to the competent party (see below contact details of the General Department of IPR (the authority responsible for the registration of trademarks)), which carries out a formal and a substantive examination, the latter being aimed at establishing the distinctive character of the trademark.</p> <p>The examination must be completed and a decision approving the application or refusal to register a trademark must be issued <u>within one month from the date of acceptance for examination</u>.</p> <p>The applicant may <u>oppose the decision of the competent authority within one month</u> as from the date of notifying him thereof. The competent party shall decide on this opposition <u>within one month as from the date of its submission</u>. Its decision may <u>be appealed in the courts within a maximum period of one month as from the date of notifying the decision to the person who filed opposition</u>.</p> <p>If a trademark is accepted for registration, it must be published and any interested party may file an opposition to the registration of a trademark to the competent authority within six months as from the date of the announcement (Article 94 of the Law).</p> <p>Once the trademark is registered in the register a certificate of the mark’s registration would be granted (Article 95 of the Law).</p>

¹⁴⁴ Source of information: <http://www.wipo.int>.

¹⁴⁵ Source of information: <http://www.wto.org>.

¹⁴⁶ Source of information: <http://www.agip.com>.

*Part II of the Guide “Geographical indications and TRIPs: 10 Years Later...
A roadmap for the EU GIs to gain protection in other WTO Members”*

Specific Provisions (issue of Generics, Reciprocity)	Reciprocity issue: The foreigners have the right to register a trade mark in accordance with an international agreement concluded between the Republic of Yemen and the country to which they belong, or according to the same mutual treatment (Article 120 of the Law).
Formal Requirements for an Application	
Application Forms	<p>Unlike in the EU, there is no standard application form.</p> <p>Application form must contain at least (Article 92 of the Law):</p> <ul style="list-style-type: none"> • a description of the mark; • a statement of the products or services for which the mark is required to be registered.
Relevant Supporting Documents	The supporting document of the priority use needs to be submitted or any other documents requested by the competent authority during the examination.
Administration Responsible for Registration	<p>Ministry of Industry and Trade General Department of IPR Al Hasaba-Aljama'a Alarabia P.O. Box 1607 Sana'a Tel: (+967.1) 25.23.40 Fax: (+967.1) 25.23.48</p>
Costs	
Costs of registration	Registration of a trade mark is \$ 1065 (~€ 847), and every additional trade mark \$ 1065 (~€ 847).
Costs of litigation	Approximately € 1000 – 1500.
Timeframe	
Registration	Between 1 and 3 months (Articles 93 and 94 of the Law).
Protection	10 years, with a possibility to renew the registration (Article 99 of the Law).
Additional information	
None.	

Section II

Africa

61. Algeria
62. Angola
63. Benin
64. Botswana
65. Burkina Faso
66. Burundi
67. Cameroon
68. Cape Verde
69. Central African Republic
70. Chad
71. Congo Republic (Brazzaville)
72. Congo Democratic Republic (Zaire)
73. Djibouti
74. Egypt
75. Eritrea
76. Ethiopia
77. Gabon
78. Gambia
79. Ghana
80. Guinea
81. Guinea Bissau
82. Guinea Equatorial
83. Ivory Coast (Cote d'Ivoire)

84. Kenya
85. Lesotho
86. Liberia
87. Libya
88. Madagascar
89. Malawi
90. Mali
91. Mauritania
92. Mauritius
93. Morocco
94. Mozambique
95. Namibia
96. Niger
97. Nigeria
98. Rwanda
99. Senegal
100. Seychelles
101. Sierra Leone
102. Somalia
103. South Africa
104. Sudan
105. Swaziland
106. Tanzania
107. Togo
108. Tunisia
109. Uganda
110. Zambia
111. Zimbabwe

Country: Algeria

International Legal Framework

Algeria is a member of the World Intellectual Property Organization from 16 April 1975, a signatory to the Paris Convention for the Protection of Industrial Property from 1 March 1966, and the Madrid Protocol Concerning the International Registration of Marks and the from 5 July 1972. Algeria has signed the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods on 5 July 1972. Algeria is also a signatory of the Lisbon Agreement from 5 July 1972.¹⁴⁷

Algeria is not a WTO Member yet.¹⁴⁸

There are no bilateral agreements between the EC and Algeria specific to GIs.

National Legal Framework

Type of Protection	<i>Sui generis</i> protection. It appears that <i>ex officio</i> protection is available. Protection is provided at the request of an interested party or competent authority (Article 2 of the Law).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Ordinance regarding GIs N° 76 – 65, 16 July 1976 (hereinafter referred as “the Law”). • Decree regarding registration and publication of GIs and establishing fees. N° 76-121, 16 July 1976.
Scope of protection	The scope of application of the Law is more extensive than the scope of the EC system (concerns goods: natural, agricultural, industrial products and handicrafts, but not services).
Source	Texts are available in English at : http://www.inapi.org/site/legislation.php .
Summary of the Operational Provisions	<p>Definitions of designations of origin and geographical indications are similar to those provided by the EC Regulation (Article 1 of the Law).</p> <p>In order to be protected designations of origin and geographical indications have to be registered (Article 3 of the Law). The National Institute of IP of Algeria (the authority responsible for registration of GIs) examines the application first formally, and then substantially.</p> <p><u>Unlike in the EU, there is no opposition procedure.</u></p> <p>Level of protection: <u>No registered designations of origin or geographical indications may be used in the cases when the genuine origin is indicated or the of origin is used in translation or in combination with expressions such as “sort of”, “kind of”, “imitation” and “the like”</u> (Article 21 of the Law).</p>
Specific Provisions (issue of Generics, Reciprocity)	<p>As in the EC, generic names may not be protected (definition of generic names is provided in Article 4.c of the Law).</p> <p><u>Geographical indications and designations of origin, used in translation, are protected</u> (Article 21 of the</p>

¹⁴⁷ Source of information: <http://www.wipo.int>.

¹⁴⁸ Source of information: <http://www.wto.org>.

Continent: Africa
Country: Algeria

	<p><u>Law</u>).</p> <p>The Law allows foreign geographical indications to be registered in Algeria subject to reciprocity provisions (Article 6 of the Law). Therefore, EC GIs may be registered in Algeria.</p>
Formal Requirements for an Application	
Application Forms	<p>Like in the EU, there are standard application forms.</p> <p>The Law indicates that an application must contain (Article 11 of the Law):</p> <ul style="list-style-type: none"> • Name and address of the applicant, • the claimed GI and the a name and boundaries of the geographical place where the goods is manufactured • a list of the products to be protected • the description of the particular properties, qualities, reputation or other characteristics of goods as labeling. <p>The language of application is Algerian or French.</p>
Relevant Supporting Documents	<p>The application should also be accompanied by a document certifying payment of the fee and power of Attorney, if needed.</p>
Administration Responsible for Registration	<p>National Algerian Institute for Industrial Property <i>Institut National Algérien de la Propriété Industrielle (INAPI)</i> 42, Rue Larbi Ben M'hidi Third Floor, P.O. Box 403 Algiers Tel.: + 213.21 73.23.58/73.60.84 Fax: + 213.21 73.55.81/73.96.44 E-mail: info@inapi.org www.inapi.org</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • Registration fee DA 3000 (~€30). • Renewal fee DA 3000 (~€30).
Costs of litigation	<p>Approximately DA 56.000 (~€585).</p>
Timeframe	
Registration	<p>Not available.</p>
Protection	<p>Unlike in the EU, protection of geographical signs is valid for a period of ten years (Article 17 of the Law). It can be renewed for successive periods of 10 years on payment of the appropriate fee.</p>
Additional information	
<p>None.</p>	

Country: Angola

International Legal Framework

Angola is a member of the World Intellectual Property Organization from 15 April 1985.¹⁴⁹
Angola is not a signatory to any of the WIPO treaties with respect to trademarks or geographical indications.
Angola is a WTO Member from 23 November 1996.¹⁵⁰
There are no bilateral agreements between the EC and Angola specific to GIs.

National Legal Framework

Type of Protection	Trademark regime (no <i>ex officio</i> protection is available, protection is provided only at the request of an interested party).
Relevant Regulatory Framework	<ul style="list-style-type: none"> Industrial Property Law No. 3/92, February 1992.
Scope of protection	<u>The scope of protection concerns all goods and services.</u>
Source	No text is available, information from the official WIPO web site.
Summary of the Operational Provisions	Protection for trademarks and trade names. In order to register a trademark, substantive and formal examinations of the application will be required. Registration of a mark will confer on the owner the exclusive right for use of a trademark for a period of 10 years, renewal is possible.
Specific Provisions (issue of Generics, Reciprocity)	None.

Formal Requirements for an Application

Application Forms	<ul style="list-style-type: none"> Full name, street address and description of the applicant (including trading style, if any, and state/country of incorporation, if incorporated); List of goods and/or services; If priority is claimed: a certified copy of home application/registration together with legalised Portuguese translation thereof; Twenty prints for a device mark - not exceeding 9 cm x 9 cm.
Relevant Supporting Documents	<ul style="list-style-type: none"> A notarised power of attorney in Portuguese, legalised to Angolan consular level or attested by an Apostille of the Hague convention; A declaration that the applicant is carrying out in its home country activities relating to the goods or services covered by the mark. The declaration must be certified by a competent authority in the country of the applicant (i.e., Chamber of Commerce) and legalised to Angolan consular level or attested by an Apostille of the Hague convention.

¹⁴⁹ Source of information: <http://www.wipo.int>.

¹⁵⁰ Source of information: <http://www.wto.org>.

Continent: Africa
Country: Angola

Administration Responsible for Registration	<p>Ministère de l'Industrie Institut angolais de la propriété industrielle (I.A.P.I.) Rua Cerqueira Lukoki N° 25 Luanda Telephone: +24 42 33 29 74 Telefax: +24 42 24 00 E-mail: iapidg@ebonet.net.</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • Application: first trade mark/class are \$ 878.00 (€ 685) (only five items in each International Class may be covered by each Angolan trademark application). Additional charges for extra items. Additional classes filed simultaneously are \$ 844.00 (€659) each; • Assignment: First trade mark/class is \$ 625.00 (€ 488), additional trade marks/classes filed simultaneously are \$ 470.00 (€367) each; • Preparation of documents: \$ 107.00 (€83); • Record of change in name or address: First trade mark/class is \$ 312.00 (€ 243), additional trade marks/classes filed simultaneously is \$ 247.00 (€192) each; • Licenses: First trade mark/class \$ 603.00 (€ 470), additional trade marks/classes filed simultaneously \$ 432.00 (€337) each; • Renewal: First class is \$ 471.00 (€ 361), additional classes renewed simultaneously are \$ 394.00 (€307) each; • Searches: From \$ 610.00 (€476).
Costs of litigation	Depends on the complexity of the case. It can be litigated by a firm of industrial property agents authorized to practice in Angola (between \$ 300 – 600 (€250 – 550)).
Timeframe	
Registration	4 months (approximately, not indicated in the Law).
Protection	10 years from date of application and renewable for further periods of 10 years.
Additional information	
None.	

Country: Benin

International Legal Framework

Benin is a member of the World Intellectual Property Organization from 9 March 1975 and a signatory of the Paris Convention for the Protection of Industrial Property from 10 January 1967.¹⁵¹
Benin is a WTO Member from 22 February 1996.¹⁵²
There are no bilateral agreements between the EC and Benin specific to GIs.
Benin is a member of the **Bangui Agreement on Intellectual Property** which set up the Organisation Africaine de la Propriété Intellectuelle (OAPI) that governs the protection of intellectual property rights in 16 countries of Western and Central Africa.

National Legal Framework

Type of Protection	Sui generis protection but ex patre. No <i>ex officio</i> protection is available; protection is only provided at the request of any interested party.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Bangui Agreement, March 1977 (Annex VI), since February 1982, as last amended in February 1999.
Scope of protection	The scope of application of the GI Law is more extensive than the scope of the EC system (concerns all goods: agricultural and handicraft, but not services).
Source	English version of the Act is available at http://www.oapi.wipo.net/doc/en/bangui_agreement.pdf .
Summary of the Operational Provisions	<p>Application must be made directly at the OAPI Office in Yaoundé (see below). Geographical indication is defined in the <u>Article 1 of Annex VI of the Bangui Agreement</u> in a manner similar to EU law.</p> <p><u>GIs excluded from protection</u>: GIs that are contrary to morality or public policy, liable to deceive the public, not protected in their country of origin or have ceased to be protected or have fallen into disuse in that country (article 5 of the Annex VI).</p> <p>The registration procedure is divided into three phases:</p> <ul style="list-style-type: none"> • Request for registration; • Formal and substantial examination of the request; • Grant of a registration certificate for the GI. <p>An opposition procedure is available after the registration. Open for 6 months after the publication. There is also an appeal procedure available on the decision of the OAPI on the opposition (3 months). Registration is conditional upon the payment of the fees. GIs are registered in the Special Register of Geographical Indications.</p>

¹⁵¹ Source of information: <http://www.wipo.int>.

¹⁵² Source of information: <http://www.wto.org>.

Continent: Africa
Country: Benin

	<p>Level of protection is similar to the one provided under the EC law: the protection in translation is covered by the Agreement; the use of kind, type, make, etc. is forbidden (Article 15.3 of the Annex VI).</p> <p>The owner of an early mark that is identical with or similar to a geographical indication may continue to use his mark, except where such mark concerns wines or spirits (Article 15.6 of Annex VI).</p>
Specific Provisions (issue of Generics, Reciprocity)	<p>There is no provision with respect to generic names.</p> <p>However, Article 15.4 of the Annex VI of the Bangui Agreement states that the competent national authority of an OAPI member State can decide by regulation that the quality of products put on sale or used under a registered geographical indication shall be subject to control or that the use of such geographical indication shall be prohibited.</p> <p>Any person may at any time consult the Special Register or request information, against payment of the prescribed fees (Article 13 of the Annex VI).</p>
Formal Requirements for an Application	
Application Forms	<p>Article 6 of the Agreement states that Applications of GIs shall be filed directly to the OAPI.</p> <p>Applicants domiciled outside the territory of the member States shall file through an agent selected in one of those member States. However, OAPI has already signaled that it would be ready to accept filing via national embassies.</p> <p>Unlike in the EU, there is no standard application form at the present time. The application for registration filed to the OAPI shall contain:</p> <ul style="list-style-type: none"> • an application to the Director General of the Organization in a sufficient number of copies; • the geographical area to which the GI applies; • the products for which the GI is used; • the quality, reputation or other characteristic of the products for which the geographical indication is used; • a proof of payment of the filing fee. <p>A simplified version of the EC specifications can be used for these purposes.</p>
Relevant Supporting Documents	None.
Administration Responsible for Registration	<p>Direction Générale de l'OAPI BP 887 Yaoundé Cameroun Tél : (237) 220 57 00/ 220 39 11 Fax : (237) 220 57 27/ 220 57 21 E-mail: oapi.oa@oapi.oa.wipo.net. Website: http://www.oapi.wipo.net.</p>
Costs	
Costs of registration	<p>Application for Registration: F.FCA 90.000 (€ 137). Publication of the application for registration: F.FCA 55.000 (€ 83). Application for Opposition: F.FCA 150.000 (€ 228).</p>

Continent: Africa
Country: Benin

Costs of litigation	Approximately € 1000 to 1500.
Timeframe	
Registration	No legal requirements, but the examination procedure lasts in general for about 6 months.
Protection	GIs are protected for an indefinite period of time (as long as they are protected in their country of origin). No renewal is required.
Additional information	
None.	

Country: Botswana

International Legal Framework

Botswana is a member of the World Intellectual Property Organization Convention from 15 April 1998 and a signatory to the Paris Convention for the Protection of Industrial Property from the same date.¹⁵³
Botswana is a WTO Member from 31 May 1995.¹⁵⁴
Botswana is also a member of the African Regional Industrial Property Organisation for English-speaking Africa (ARIPO) (established by the Lusaka Agreement of 9 December 1976) from 6 February 1985 and a party to the Banjul Protocol on marks in the framework of ARIPO from 29 October 2003.¹⁵⁵
There are no bilateral agreements between the EC and Botswana specific to GIs.

National Legal Framework

Type of Protection	Trademark regime: no <i>ex officio</i> protection is available under the trademark regime, protection is provided only at the request of an interested party (<i>e.g., producers</i>).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Industrial Property Act No 14 of 1996, which entered into force on 27 August 1996, amended by the Industrial Property Regulations No 7 of 25 August 1997 (hereinafter, referred as “the Law”); • The Banjul Protocol on Marks in the framework of the African Regional Industrial Property Organisation (ARIPO) signed by the Republic of Botswana on 29 October 2003, in force from 14 November 2004. <p>Botswana is currently developing a new legislation on geographical indications. The draft Act on GIs has not yet been approved by the Legislature.</p>
Scope of protection	Applicable to goods (agricultural and/or industrial) and services.
Source	<p>The Industrial Property Act No 14 of 1996 is published in the "Botswana Government Extraordinary Gazette" 27/08/1996, Supplement C, it is not available in electronic format. Some information in English on the contents of the Act is available on the WTO search engine: http://docsonline.wto.org.</p> <p>The Banjul Protocol on Marks is available on http://www.aripo.org/Documents/Protocols/banjul_protocol.pdf.</p>
Summary of the Operational Provisions	<p>Protection of trademarks in Botswana can be obtained by filing an application through ARIPO or in Botswana itself.</p> <p>National trademark system: Protection of trademarks and trade names.</p> <p>Registration procedure: the Registrar in Botswana may register a trademark containing <u>a geographical indication which is not misleading with regard to the origin of the goods, their nature or other characteristics</u>. The Registrar will decline registration only where a mark is likely to mislead the public or trade circles, in particular as regards to the geographical origin of the goods or services concerned, or their nature or characteristics (Section 53(2)(c) of the Law). Therefore, the EC geographical indications (GIs) may be registered as trademarks in Botswana.</p>

¹⁵³ Source of information: <http://www.wipo.int>.

¹⁵⁴ Source of information: <http://www.wto.org>.

¹⁵⁵ Source of information: <http://www.aripo.org/Protocols.html>.

Continent: Africa
Country: Botswana

	<p>The procedure for registration of a trademark is provided for under section 54 (1)(a)(b)(c) of the Law. Applications for registration of a trademark must be filed to the Registrar of Botswana (see below contact details) which carries out a formal and a substantive examination, the latter being aimed at establishing the distinctive character of the trademark.</p> <p>If accepted after substantive examination the trademark is published in the quarterly Patents, Trade Marks and Industrial Designs Journal for opposition purposes. If there is no opposition the marks are registered. The registration may be appealed in the court.</p> <p><u>The Banjul Protocol on Marks in the framework of the ARIPO:</u></p> <p>The EC geographical indications (GIs) may be registered as collective or as certification trademarks through the ARIPO office. An application for registration of a trademark with ARIPO may be requested in addition to Botswana also for other ARIPO's member States which are signatories to the Banjul Protocol.¹⁵⁶</p> <p>The formal examination of applications is carried out either by ARIPO or by the Registrar of Botswana as any other Intellectual Property Office of the contracting States where the applicant wishes to protect his trademark.</p> <p>In case of a negative decision issued by ARIPO, applicants may file a complaint with the Board of Appeals of ARIPO or - within a period of three months - request that the application be treated only in Botswana.</p> <p><u>Substantial examination of applications is always carried out at the national level after notification of the decision on the formal aspects by ARIPO.</u> The opposition is also available. Results of substantial examinations are transmitted to ARIPO.</p> <p><u>Trademarks registered by ARIPO shall have the same effects accorded to marks registered under the national laws of each contracting state chosen by the applicant.</u></p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p><u>Reproduction, an imitation or a translation of a registered mark</u> which is well known in Botswana in relation to goods or services is prohibited (Section 60(3) of the Law).</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>An application through ARIPO or in Botswana itself must contain (Section 35 (1) of the Law and The Banjul Protocol):</p> <ul style="list-style-type: none"> • a request in writing that the mark be registered; • a list of the goods or services, for which registration of the mark is requested, listed under the applicable class or classes of the international Classification. <p>Non-residents must apply through the local attorneys.</p>
<p>Relevant Supporting Documents</p>	<p>An application through ARIPO or in Botswana itself must be accompanied by:</p> <ul style="list-style-type: none"> • A simply signed power of attorney; • A reproduction of the mark; • Proof of payment of the prescribed fee (made for ARIPO or in for the Registrar of Botswana).

¹⁵⁶ The Protocol came into force on March 6, 1997 for Malawi, Swaziland and Zimbabwe. Lesotho and Tanzania have joined the Protocol in the course of 1999, for more information consult: <http://www.aripo.wipo.net/protocol.html>.

Continent: Africa
Country: Botswana

Administration Responsible for Registration	<p>Ministry of Trade and Industry Department of the Registrar of Companies, Business Names, Trade Marks, Patents and Designs P.O. Box 102, Gaborone Tel. : (267) 3188 754 Fax : (267) 3188 130 E-mail: roc.mci@gov.bw Website: http://www.mti.gov.bw/index.php?option=com_frontpage&Itemid=1&lang=en</p> <p>African Regional Intellectual Property Organization (ARIPO) P.O. Box 4228, Harare, Zimbabwe Tel: (+2634) 794054, 794065/6, 794068, 794070/1 Fax: (+2634) 704072/3 E-mail: mail@aripo.org Website: http://www.aripo.org/contact.html.</p>
Costs	
Costs of registration	<p>In Botswana:</p> <ul style="list-style-type: none"> • 120 Pula (about € 17) for application covering one class of products; • 20 Pula (about € 2,70) for each additional class; • 180 Pula (about € 25) for the registration fee. <p>Through ARIPO:</p> <ul style="list-style-type: none"> • Application: 1 mark designating 1 state is \$ 1240.00 (about € 979); 1 mark designating 8 states is \$ 4148.00 (about € 3275). • Application: Additional marks/classes designating 1 state filed simultaneously are \$ 1228.00 each (about € 969), additional mark/classes designating 8 states filed simultaneously are \$ 4036.00 each (about € 3186). • Assignment: First trade mark (1 to 8 states) \$ 533.00 (about € 421), additional marks/classes filed simultaneously are \$ 235.00 each (about € 185). • Preparation of documents: \$ 107.00 (about € 84). • Record of change of name or address: First trade mark (1 to 8 states) is \$ 393.00 (about € 310), additional marks/classes filed simultaneously (1 to 8 states) are \$ 184.00 each (about € 145).
Costs of litigation	Starting from \$ 750 (€ 585).
Timeframe	
Registration	No time frame is foreseen for the formal examination whereas the substantial examination can take from 12 to 18 months (approximately, no reference in the Law).
Protection	<p>Trademarks registered in Botswana: 10 years. Pursuant to section 61 of the Law, renewal is possible for consecutive periods of ten years. Where the owner of a registered mark is late in paying the renewal fee, the Registrar shall, upon payment by the said owner of such surcharge, give him a period of grace not exceeding six months within which he must pay the late renewal fee.</p> <p>trademarks registered through ARIPO: 10 years, renewable for further periods of 10 years conditional upon the payment of the prescribed fee.</p>
Additional information	
None.	

Country: Burkina Faso

International Legal Framework

Burkina Faso is a member of the World Intellectual Property Organization from 23 August 1975 and a signatory of the Paris Convention for the Protection of Industrial Property from 19 November 1963.¹⁵⁷
Burkina Faso is also a signatory of the Lisbon Agreement from 2 September 1975.
Burkina Faso is a WTO Member from 3 June 1995.¹⁵⁸
There are no bilateral agreements between the EC and Burkina Faso specific to GIs.
Burkina Faso is a member of the **Bangui Agreement on Intellectual Property** which set up the Organisation Africaine de la Propriété Intellectuelle (OAPI) that governs the protection of intellectual property rights in 16 countries of Western and Central Africa.

National Legal Framework

<p>Type of Protection</p>	<p>Sui generis protection. No <i>ex officio</i> protection is available; protection is only provided at the request of any interested party.</p> <p>An International registration of European GIs through the Lisbon Agreement is possible under the following conditions:</p> <ol style="list-style-type: none"> 1. The GI must come from an EU member state signatory of the Lisbon Agreement; 2. This International registration will only have effect in the OAPI countries that are signatories of the Lisbon Agreement: Burkina Faso, Congo, Gabon, Togo (Article 12 of the Bangui Agreement).
<p>Relevant Regulatory Framework</p>	<ul style="list-style-type: none"> • Bangui Agreement, March 1977 (Annex VI), since February 1982, as last amended in February 1999.
<p>Scope of protection</p>	<p>The scope of application of the GI Law is more extensive than the scope of the EC system (concerns all goods: agricultural and handicraft, but not services).</p>
<p>Source</p>	<p>English version of the Act is available at http://www.oapi.wipo.net/doc/en/bangui_agreement.pdf.</p>
<p>Summary of the Operational Provisions</p>	<p>Application must be made directly to the OAPI Office in Yaoundé (see below).</p> <p>Geographical indication is defined in the Article 1 of Annex VI of the Bangui Agreement in a manner similar to EU law.</p> <p><u>GIs excluded from protection:</u> GIs that are contrary to morality or public policy, liable to deceive the public, not protected in their country of origin or have ceased to be protected or have fallen into disuse in that country (Article 5 of the Annex VI).</p> <p>The registration procedure is divided into three phases:</p>

¹⁵⁷ Source of information: <http://www.wipo.int>.

¹⁵⁸ Source of information: <http://www.wto.org>.

Continent: Africa
Country: Burkina Faso

	<ul style="list-style-type: none"> • Request for registration; • Formal and substantial examination of the request; • Grant of a registration certificate for the GI. <p>An opposition procedure is available after the registration. Open for 6 months after the publication. There is also an appeal procedure available on the decision of the OAPI on the opposition (3 months).</p> <p>Registration is conditional upon the payment of the prescribed fees.</p> <p>GIs are registered in the Special Register of Geographical Indications.</p> <p>Level of protection is similar to the one provided under the EC law: the protection in translation is covered by the Agreement; the use of kind, type, make, etc. is forbidden (Article 15.3 of the Annex VI).</p> <p>The owner of an early mark that is identical or similar to a geographical indication may continue to use his mark, except where such mark concerns wines or spirits (Article 15.6 of Annex VI).</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>There is no provision with respect to generic names.</p> <p>However, Article 15.4 of the Annex VI of the Bangui Agreement states that the competent national authority of an OAPI member State can decide by regulation that the quality of products put on sale or used under a registered geographical indication shall be subject to control or that the use of such geographical indication shall be prohibited.</p> <p>Any person may at any time consult the Special Register or request information, against payment of the prescribed fees (Article 13 of the Annex VI).</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Article 6 of the Agreement states that Applications of GIs shall be filed directly to the OAPI.</p> <p>Applicants domiciled outside the territory of the member States shall file through an agent selected in one of those member States. However, OAPI has already signaled that it would be ready to accept filing via national embassies.</p> <p><u>Unlike in the EU, there is no standard application form at the present time. The application for registration filed to the OAPI shall contain:</u></p> <ul style="list-style-type: none"> • an application to the Director General of the Organization in a sufficient number of copies; • the geographical area to which the GI applies; • the products for which the GI is used; • the quality, reputation or other characteristic of the products for which the geographical indication is used; • a proof of payment of the filing fee. <p>A simplified version of the EC specifications can be used for these purposes</p>
<p>Relevant Supporting Documents</p>	<p>None.</p>

Continent: Africa
Country: Burkina Faso

Administration Responsible for Registration	Direction Générale de l'OAPI BP 887 Yaoundé Cameroun Tél : (237) 220 57 00/ 220 39 11 Fax : (237) 220 57 27/ 220 57 21 E-mail: oapi.aa@oapi.aa.wipo.net . Website: http://www.oapi.wipo.net .
Costs	
Costs of registration	Application for Registration: F.FCA 90.000 (€ 137). Publication of the application for registration: F.FCA 55.000 (€ 83). Application for Opposition: F.FCA 150.000 (€ 228).
Costs of litigation	Approximately € 1000 to 1500.
Timeframe	
Registration	No legal requirements, but the examination procedure lasts in general for about 6 months.
Protection	GIs are protected for an indefinite period of time (as long as they are protected in their country of origin). No renewal is required.
Additional information	
None.	

Country: Burundi

International Legal Framework

Burundi is a member of the World Intellectual Property Organization since 30 March 1977 and also a member of the Paris Convention since 3 September 1977.¹⁵⁹
Burundi is a WTO Member since 23 July 1995.¹⁶⁰
Burundi is a potential ARIPO member and it holding an observer status at the present moment.¹⁶¹
There are no agreements between Burundi and the EC specific to GIs.

National Legal Framework

Type of Protection	Trademark regime: no <i>ex officio</i> protection is available under the trademark regime, protection is provided only at the request of an interested party (<i>e.g., producers</i>).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Trademark Law, August 1964.
Scope of protection	Applicable to goods (agricultural and industrial) and services.
Source	The text of the Trademark Law is not available electronically.
Summary of the Operational Provisions	Protection for trademarks and trade names. In order to register a trademark, substantive and formal examinations of the application will be required.
Specific Provisions (issue of Generics, Reciprocity)	None.

Formal Requirements for an Application

Application Forms	<ul style="list-style-type: none"> • Full name, address and description of the applicant (including trading style, if any, and state/country of incorporation, if incorporated); • List of goods and/or services.
Relevant Supporting Documents	<ul style="list-style-type: none"> • A simply signed power-of-attorney; • If priority is claimed: a certified copy of the basic application together with a verified French translation thereof; • 10 prints for a device mark; • Printing block, even for word mark.

¹⁵⁹ Source of information: <http://www.wipo.int>.

¹⁶⁰ Source of information: <http://www.wto.org>.

¹⁶¹ Source of information: <http://www.aripo.org/membership.html>.

Continent: Africa
Country: Burundi

Administration Responsible for Registration	Intellectual Property Office. Department du Commerce Exterieur. P.O. Box 492 Bujumbura Tel: (+257) 22.49.35 Fax: (+257) 22.55.95 E-mail: comext@cbinf.com .
Costs	
Costs of registration	<ul style="list-style-type: none"> • Application: 1 - 3 classes are \$ 773 (€618), additional classes over three filed simultaneously are \$ 407 (€325) each; • Assignment: First trade mark/class is \$ 497 (€ 397), additional trade marks/classes filed simultaneously are \$ 317 (€253.5) each; • Preparation of documents: \$104 (€83). • Recordal of change of name or address: First trade mark/class is \$ 360 (€ 288), additional trade marks/classes filed simultaneously are \$ 268 (€214) each. • Renewal: First class - no renewals payable.
Costs of litigation	Starting from € 700.
Timeframe	
Registration	From 6 to 12 months.
Protection	Unlimited - no renewal is required.
Additional information	
None.	

Country: Cameroon

International Legal Framework

Cameroon is a member of the World Intellectual Property Organization from 3 November 1973 and a signatory of the Paris Convention for the Protection of Industrial Property from 10 May 1964.¹⁶²

Cameroon is a WTO Member from 13 December 1995.¹⁶³

There are no bilateral agreements between the EC and Cameroon specific to GIs.

Cameroon is a member of the **Bangui Agreement on Intellectual Property** which set up the Organisation Africaine de la Propriété Intellectuelle (OAPI) that governs the protection of intellectual property rights in 16 countries of Western and Central Africa.¹⁶⁴

National Legal Framework

Type of Protection	<p>Sui generis protection.</p> <p>No <i>ex officio</i> protection is available; protection is only provided at the request of any interested party.</p>
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Bangui Agreement, March 1977 (Annex VI), since February 1982, as last amended in February 1999.
Scope of protection	<p>The scope of application of the GI Law is more extensive than the scope of the EC system (concerns all goods: agricultural and handicraft, but not services).</p>
Source	<p>English version of the Act is available at http://www.oapi.wipo.net/doc/en/bangui_agreement.pdf.</p>
Summary of the Operational Provisions	<p>Application must be made directly to the OAPI Office in Yaoundé (see below).</p> <p>Geographical indication is defined in the <u>Article 1 of Annex VI of the Bangui Agreement</u> in a manner similar to EU law.</p> <p><u>GIs excluded from protection:</u> GIs that are contrary to morality or public policy, liable to deceive the public, not protected in their country of origin or have ceased to be protected or have fallen into disuse in that country (Article 5 of the Annex VI).</p> <p>The registration procedure is divided into three phases:</p> <ul style="list-style-type: none"> • Request for registration; • Formal and substantial examination of the request; • Grant of a registration certificate for the GI. <p>An opposition procedure is available after the registration and is open for 6 months after the publication. There is also an appeal procedure available on the decision of the OAPI on the opposition (3 months).</p>

¹⁶² Source of information: <http://www.wipo.int>.

¹⁶³ Source of information: <http://www.wto.org>.

¹⁶⁴ Source of information: <http://www.oapi.wipo.net/en/OAPI/index.htm>.

Continent: Africa
Country: Cameroon

	<p>Registration is conditional upon the payment of the fees.</p> <p>GIs are registered in the Special Register of Geographical Indications.</p> <p>Level of protection is similar to the one provided under the EC law: the protection in translation is covered by the Agreement; the use of kind, type, make, etc. is forbidden (Article 15.3 of the Annex VI).</p> <p>The owner of an early mark that is identical or similar to a geographical indication may continue to use his mark, except where such mark concerns wines or spirits (Article 15.6 of Annex VI).</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>There is no provision with respect to generic names.</p> <p>However, Article 15.4 of the Annex VI of the Bangui Agreement states that the competent national authority of an OAPI member State can decide by regulation that the quality of products put on sale or used under a registered geographical indication shall be subject to control or that the use of such geographical indication shall be prohibited.</p> <p>Any person may at any time consult the Special Register or request information, against payment of the prescribed fees (Article 13 of the Annex VI).</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Article 6 of the Agreement states that Applications of GIs shall be filed directly to the OAPI.</p> <p>Applicants domiciled outside the territory of the member States shall file through an agent selected in one of those member States. However, OAPI has already signaled that it would be ready to accept filing via national embassies.</p> <p><u>Unlike in the EU, there is no standard application form at the present time.</u> The application for registration filed to the OAPI shall contain:</p> <ul style="list-style-type: none"> • an application to the Director General of the Organization in a sufficient number of copies; • the geographical area to which the GI applies; • the products for which the GI is used; • the quality, reputation or other characteristic of the products for which the geographical indication is used; • a proof of payment of the filing fee. <p>A simplified version of the EC specifications can be potentially re-used for these purposes.</p>
<p>Relevant Supporting Documents</p>	<p>None.</p>
<p>Administration Responsible for Registration</p>	<p>Direction Générale de l'OAPI BP 887 Yaoundé Cameroun Tél : (237) 220 57 00/ 220 39 11 Fax : (237) 220 57 27/ 220 57 21 E-mail: oapi.oa@oapi.oa.wipo.net. Website: http://www.oapi.wipo.net.</p>

Continent: Africa
Country: Cameroon

Costs	
Costs of registration	Application for Registration: F.FCA 90.000 (€ 137). Publication of the application for registration: F.FCA 55.000 (€ 83). Application for Opposition: F.FCA 150.000 (€ 228).
Costs of litigation	Approximately € 1000 to 1500.
Timeframe	
Registration	No legal requirements, but the examination procedure lasts in general for about 6 months.
Protection	GIs are protected for an indefinite period of time (as long as they are protected in their country of origin). No renewal is required.
Additional information	
None.	

Country: Cape Verde

International Legal Framework

Cape Verde is member of the World Intellectual Property Organization (WIPO) since 7 July 1997.¹⁶⁵
Cape Verde is an observer at the WTO.¹⁶⁶
There are no bilateral agreements between the EC and Cape Verde specific to GIs.

National Legal Framework

Type of Protection	None.
Relevant Regulatory Framework	Cape Verde is still in the process of promoting the establishment and implementation of a legal and regulatory framework. Currently, there is no legislation in force concerning trademarks or GIs.
Scope of protection	See above.
Source	See above.
Summary of the Operational Provisions	See above.
Specific Provisions (issue of Generics, Reciprocity)	See above.

Formal Requirements for an Application

Application Forms	See above.
Relevant Supporting Documents	See above.
Administration Responsible for Registration	General Directorate of Tourism, Industry and Energy Avenida Amilcar Cabral P.O. Box 145 Praia, Ilha de Santiago Tel: (+238) 61.17.53 Fax: (+238) 61.36.59

¹⁶⁵ Source of information: <http://www.wipo.int>.

¹⁶⁶ Source of information: <http://www.wto.org>.

Continent: Africa
Country: Cape Verde

Costs	
Costs of registration	See above.
Costs of litigation	See above.
Timeframe	
Registration	See above.
Protection	See above.
Additional information	
None.	

Country: The Central African Republic

International Legal Framework

The Central African Republic is a member of the World Intellectual Property Organization from 23 August 1978 and a signatory of the Paris Convention for the Protection of Industrial Property from 19 November 1963.¹⁶⁷

The Central African Republic is a WTO Member from 31 May 1995.¹⁶⁸

There are no bilateral agreements between the EC and the Central African Republic specific to GIs.

The Central African Republic is a member of the **Bangui Agreement on Intellectual Property** which set up the Organisation Africaine de la Propriété Intellectuelle (OAPI) that governs the protection of intellectual property rights in 16 countries of Western and Central Africa.¹⁶⁹

National Legal Framework

Type of Protection	Sui generis protection. No <i>ex officio</i> protection is available; protection is only provided at the request of any interested party.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Bangui Agreement, March 1977 (Annex VI), since February 1982, as last amended in February 1999.
Scope of protection	The scope of application of the GI Law is more extensive than the scope of the EC system (concerns all goods: agricultural and handicraft, but not services).
Source	English version of the Act is available at: http://www.oapi.wipo.net/doc/en/bangui_agreement.pdf .
Summary of the Operational Provisions	<p>Application must be made directly to the OAPI Office in Yaoundé (see below).</p> <p>Geographical indication is defined in the <u>Article 1 of Annex VI of the Bangui Agreement</u> in a manner similar to EU law.</p> <p><u>GIs excluded from protection</u>: GIs that are: contrary to morality or public policy, liable to deceive the public, not protected in their country of origin or have ceased to be protected or have fallen into disuse in that country (article 5 of the Annex VI).</p> <p>The registration procedure is divided into three phases:</p> <ul style="list-style-type: none"> • Request for registration; • Formal and substantial examination of the request; • Grant of a registration certificate for the GI. <p>An opposition procedure is available after the registration. Open for 6 months after the publication. There is also an appeal procedure available on the decision of the OAPI on the opposition (3 months).</p> <p>Registration is conditional upon the payment of the prescribed fees.</p>

¹⁶⁷ Source of information: <http://www.wipo.int>.

¹⁶⁸ Source of information: <http://www.wto.org>.

¹⁶⁹ Source of information: <http://www.oapi.wipo.net/en/OAPI/index.htm>.

Continent: Africa
Country: Central African Republic

	<p>GIs are registered in the Special Register of Geographical Indications.</p> <p>Level of protection is similar to the one provided under the EC law: the protection in translation is covered by the Agreement; the use of kind, type, make, etc. is forbidden (Article 15.3 of the Annex VI). The owner of an early mark that is identical with or similar to a geographical indication may continue to use his mark, except where such mark concerns wines or spirits (Article 15.6 of Annex VI).</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>There is no provision with respect to generic names.</p> <p>However, Article 15.4 of the Annex VI of the Bangui Agreement states that the competent national authority of an OAPI member State can decide by regulation that the quality of products put on sale or used under a registered geographical indication shall be subject to control or that the use of such geographical indication shall be prohibited. Any person may at any time consult the Special Register or request information, against payment of the prescribed fees (Article 13 of the Annex VI).</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Article 6 of the Agreement states that Applications of GIs shall be filed directly to the OAPI.</p> <p>Applicants domiciled outside the territory of the member States shall file through an agent selected in one of those member States. However, OAPI has already signaled that it would be ready to accept filing via national embassies.</p> <p><u>Unlike in the EU, there is no standard application form at the present time.</u> The application for registration filed to the OAPI shall contain:</p> <ul style="list-style-type: none"> • an application to the Director General of the Organization in a sufficient number of copies; • the geographical area to which the GI applies; • the products for which the GI is used; • the quality, reputation or other characteristic of the products for which the geographical indication is used; • a proof of payment of the filing fee. <p>A simplified version of the EC specifications can be used for these purposes.</p>
<p>Relevant Supporting Documents</p>	<p>None.</p>
<p>Administration Responsible for Registration</p>	<p>Direction Générale de l'OAPI BP 887 Yaoundé Cameroun Tel: (237) 220 57 00/ 220 39 11 Fax: (237) 220 57 27/ 220 57 21 E-mail: oapi.oe@oapi.oe.wipo.net. Website: http://www.oapi.wipo.net.</p>

Continent: Africa
Country: Central African Republic

Costs	
Costs of registration	Application for Registration: F.FCA 90.000 (€ 137). Publication of the application for registration: F.FCA 55.000 (€ 83). Application for Opposition: F.FCA 150.000 (€ 228).
Costs of litigation	Approximately € 1000 to 1500.
Timeframe	
Registration	No legal requirements, but the examination procedure lasts in general for about 6 months.
Protection	GIs are protected for an indefinite period of time (as long as they are protected in their country of origin). No renewal is required.
Additional information	
None.	

Country: Chad

International Legal Framework

Chad is a member of the World Intellectual Property Organization from 26 September 1970 and a signatory of the Paris Convention for the Protection of Industrial Property from 19 November 1963.¹⁷⁰

Chad is a WTO Member from 19 October 1996.¹⁷¹

There are no bilateral agreements between the EC and Chad specific to GIs.

Chad is a member of the Bangui Agreement on Intellectual Property which set up the Organisation Africaine de la Propriété Intellectuelle (OAPI) that governs the protection of intellectual property rights in 16 countries of Western and Central Africa.¹⁷²

National Legal Framework

Type of Protection	Sui generis protection. No <i>ex officio</i> protection is available; protection is only provided at the request of any interested party.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Bangui Agreement, March 1977 (Annex VI), since February 1982, as last amended in February 1999.
Scope of protection	The scope of application of the GI Law is more extensive than the scope of the EC system (concerns all goods: agricultural and handicraft, but not services).
Source	English version of the Act is available at http://www.oapi.wipo.net/doc/en/bangui_agreement.pdf .
Summary of the Operational Provisions	<p>Application must be made directly to the OAPI Office in Yaoundé (see below).</p> <p>Geographical indication is defined in the <u>Article 1 of Annex VI of the Bangui Agreement</u> in a manner similar to EU law.</p> <p><u>GIs excluded from protection:</u> GIs that are contrary to morality or public policy, liable to deceive the public, not protected in their country of origin or have ceased to be protected or have fallen into disuse in that country (Article 5 of the Annex VI).</p> <p>The registration procedure is divided into three phases:</p> <ul style="list-style-type: none"> • Request for registration; • Formal and substantial examination of the request; • Grant of a registration certificate for the GI. <p>An opposition procedure is available after the registration. Open for 6 months after the publication. There is also an appeal procedure available on the decision of the OAPI on the opposition (3 months).</p> <p>Registration is conditional upon the payment of the fees.</p>

¹⁷⁰ Source of information: <http://www.wipo.int>.

¹⁷¹ Source of information: <http://www.wto.org>.

¹⁷² Source of information: <http://www.oapi.wipo.net/en/OAPI/index.htm>.

Continent: Africa
Country: Chad

	<p>GIs are registered in the Special Register of Geographical Indications.</p> <p>Level of protection is similar to the one provided under the EC law: the protection in translation is covered by the Agreement; the use of kind, type, make, etc. is forbidden (Article 15.3 of the Annex VI).</p> <p>The owner of an early mark that is identical with or similar to a geographical indication may continue to use his mark, except where such mark concerns wines or spirits (Article 15.6 of Annex VI).</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>There is no provision with respect to generic names.</p> <p>However, Article 15.4 of the Annex VI of the Bangui Agreement states that the competent national authority of an OAPI member State can decide by regulation that the quality of products put on sale or used under a registered geographical indication shall be subject to control or that the use of such geographical indication shall be prohibited.</p> <p>Any person may at any time consult the Special Register or request information, against payment of the prescribed fees (Article 13 of the Annex VI).</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Article 6 of the Agreement states that Applications of GIs shall be filed directly to the OAPI.</p> <p>Applicants domiciled outside the territory of the member States shall file through an agent selected in one of those member States. However, OAPI has already signaled that it would be ready to accept filing via national embassies.</p> <p><u>Unlike in the EU, there is no standard application form at the present time.</u> The application for registration filed to the OAPI shall contain:</p> <ul style="list-style-type: none"> • an application to the Director General of the Organization in a sufficient number of copies; • the geographical area to which the GI applies; • the products for which the GI is used; • the quality, reputation or other characteristic of the products for which the geographical indication is used; • a proof of payment of the filing fee. <p>A simplified version of the EC specifications can be used for these purposes.</p>
<p>Relevant Supporting Documents</p>	<p>None.</p>
<p>Administration Responsible for Registration</p>	<p>Direction Générale de l'OAPI BP 887 Yaoundé Cameroun Tél : (237) 220 57 00/ 220 39 11 Fax : (237) 220 57 27/ 220 57 21 E-mail: oapi.oa@oapi.oa.wipo.net. Website: http://www.oapi.wipo.net.</p>
<p>Costs</p>	

Continent: Africa
Country: Chad

Costs of registration	Application for Registration: F.FCA 90.000 (€ 137). Publication of the application for registration: F.FCA 55.000 (€ 83). Application for Opposition: F.FCA 150.000 (€ 228).
Costs of litigation	Approximately € 1000 to 1500.
Timeframe	
Registration	No legal requirements, but the examination procedure lasts in general for about 6 months.
Protection	GIs are protected for an indefinite period of time (as long as they are protected in their country of origin). No renewal is required.
Additional information	
None.	

Country: Congo

International Legal Framework

Congo is a member of the World Intellectual Property Organization from 2 December 1975 and a signatory of the Paris Convention for the Protection of Industrial Property from 2 September 1963. Congo is also signatory of the Lisbon Agreement from 16 November 1977.¹⁷³

Congo is a WTO Member from 27 March 1997.¹⁷⁴

There are no bilateral agreements between the EC and Congo specific to GIs.

Congo is a member of the **Bangui Agreement on Intellectual Property** which set up the Organisation Africaine de la Propriété Intellectuelle (OAPI) that governs the protection of intellectual property rights in 16 countries of Western and Central Africa.¹⁷⁵

National Legal Framework

Type of Protection	<p>Sui generis protection. No <i>ex officio</i> protection is available; protection is only provided at the request of any interested party.</p> <p>An International registration of European GIs through the Lisbon Agreement is possible under the following conditions:</p> <ol style="list-style-type: none"> 1. The GI must come from an EU member state signatory of the Lisbon Agreement; 2. This International registration will only have effect in the OAPI countries that are signatories of the Lisbon Agreement: Burkina Faso, Congo, Gabon, Togo (Article 12 of the Bangui Agreement).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Bangui Agreement, March 1977 (Annex VI), since February 1982, as last amended in February 1999.
Scope of protection	<p>The scope of application of the GI Law is more extensive than the scope of the EC system (concerns all goods: agricultural and handicraft, but not services).</p>
Source	<p>English version of the Act is available at http://www.oapi.wipo.net/doc/en/bangui_agreement.pdf.</p>
Summary of the Operational Provisions	<p>Application must be made directly to the OAPI Office in Yaoundé (see below).</p> <p>Geographical indication is defined in the <u>Article 1 of Annex VI of the Bangui Agreement</u> in a manner similar to EU law.</p> <p><u>GIs excluded from protection:</u> GIs that are contrary to morality or public policy, liable to deceive the public, not protected in their country of origin or have ceased to be protected or have fallen into disuse in that country (article 5 of the Annex VI).</p>

¹⁷³ Source of information: <http://www.wipo.int>.

¹⁷⁴ Source of information: <http://www.wto.org>.

¹⁷⁵ Source of information: <http://www.oapi.wipo.net/en/OAPI/index.htm>.

Continent: Africa
Country: Congo Republic (Brazzaville)

	<p>The registration procedure is divided into three phases:</p> <ul style="list-style-type: none"> • Request for registration; • Formal and substantial examination of the request; • Grant of a registration certificate for the GI. <p>An opposition procedure is available after the registration and is open for 6 months after the publication. There is also an appeal procedure available on the decision of the OAPI on the opposition (3 months).</p> <p>Registration is conditional upon the payment of the fees.</p> <p>GIs are registered in the Special Register of Geographical Indications.</p> <p>Level of protection is similar to the one provided under the EC law: the protection in translation is covered by the Agreement; the use of kind, type, make, etc. is forbidden (Article 15.3 of the Annex VI). The owner of an early mark that is identical with or similar to a geographical indication may continue to use his mark, except where such mark concerns wines or spirits (Article 15.6 of Annex VI).</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>There is no provision with respect to generic names.</p> <p>However, Article 15.4 of the Annex VI of the Bangui Agreement states that the competent national authority of an OAPI member State can decide by regulation that the quality of products put on sale or used under a registered geographical indication shall be subject to control or that the use of such geographical indication shall be prohibited.</p> <p>Any person may at any time consult the Special Register or request information, against payment of the prescribed fees (Article 13 of the Annex VI).</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Article 6 of the Agreement states that Applications of GIs shall be filed directly to the OAPI.</p> <p>Applicants domiciled outside the territory of the member States shall file through an agent selected in one of those member States. However, OAPI has already signaled that it would be ready to accept filing via national embassies.</p> <p><u>Unlike in the EU, there is no standard application form at the present time.</u> The application for registration filed to the OAPI shall contain:</p> <ul style="list-style-type: none"> • an application to the Director General of the Organization in a sufficient number of copies; • the geographical area to which the GI applies; • the products for which the GI is used; • the quality, reputation or other characteristic of the products for which the geographical indication is used; • a proof of payment of the filing fee. <p>A simplified version of the EC specifications can be used for these purposes.</p>
<p>Relevant Supporting Documents</p>	<p>None.</p>

Continent: Africa
Country: Congo Republic (Brazzaville)

Administration Responsible for Registration	Direction Générale de l'OAPI BP 887 Yaoundé Cameroun Tél : (237) 220 57 00/ 220 39 11 Fax : (237) 220 57 27/ 220 57 21 E-mail: oapi.aa@oapi.aa.wipo.net . Website: http://www.oapi.wipo.net .
Costs	
Costs of registration	Application for Registration: F.FCA 90.000 (€ 137). Publication of the application for registration: F.FCA 55.000 (€ 83). Application for Opposition: F.FCA 150.000 (€ 228).
Costs of litigation	Approximately € 1000 to 1500.
Timeframe	
Registration	No legal requirements, but the examination procedure lasts in general for about 6 months.
Protection	GIs are protected for an indefinite period of time (as long as they are protected in their country of origin). No renewal is required.
Additional information	
None.	

Continent: Africa
Country: Congo Democratic Republic (Zaire)

Country: Congo Democratic Republic (Zaire)

International Legal Framework

The Democratic Republic of the Congo (RDC) has been a member of the World Intellectual Property Organization since 28 January 1975 and a signatory to the Paris Convention for the Protection of Industrial Property from 31 January 1975.¹⁷⁶ The RDC is a WTO Member from 1 January 1997.¹⁷⁷ There are no bilateral agreements between the EC and the RDC specific to GIs.

National Legal Framework

Type of Protection	<p>Trademark regime. No <i>ex officio</i> protection is available under the trademark regime, protection is provided only at the request of an interested party (<i>e.g., producers</i>).</p> <p>The RDC Law on Trademarks and Patents includes some articles on GIs. <u>However, according to WIPO resources, this Law is not effective, and it is currently being revised.</u></p>
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Law No. 82-001 of January 1982 on Industrial Property (Articles 101 to 105 are dedicated to Geographical Indications), (hereinafter referred as "the Law").
Scope of protection	The scope of protection concerns all goods.
Source	The text of the Law is not available electronically.
Summary of the Operational Provisions	The GIs registration procedure falls under the Trademark regime and there are no specific provisions for GIs (Articles 86-88). The Department of National Economy and Industry establishes a certificate of registration and publishes the registration in the Official Journal. It would appear that there is no opposition procedure.
Specific Provisions (issue of Generics, Reciprocity)	None.

Formal Requirements for an Application

Application Forms	<p>The Law provides an application form for GIs, but this form is not available. It appears that a special application form for GIs must contain:</p> <ul style="list-style-type: none"> • the name, the address and the nationality of the applicant; • the quality on the basis of which registration is requested, the designation of origin or the indication of origin; • the products for which the geographical indication is used; • a certificate demonstrating that the taxes were paid; • the list of transmitted documents; • the signature of the applicant.
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¹⁷⁶ Source of information: <http://www.wipo.int/treaties>

¹⁷⁷ Source of information: <http://www.wto.org>.

Continent: Africa
Country: Congo Democratic Republic (Zaire)

	In addition the following documents are also required: <ul style="list-style-type: none"> • Certificate of quality delivered by a national organisation; • An official document describing the area and its limits; • A copy of the rules describing the use of the GI.
Relevant Supporting Documents	None.
Administration Responsible for Registration	<p>Supervisory Ministry Ministry of Industry, Economy and PMEA Boulevard du 30 Juin Starcel Building ONATRA, Ground floor, Right wing P.O. Box 8.500 Kinshasa/Gombe Fax: (243) 880.23.47 E-mail: minicpmea@jobantech.cd. Industrial Property Office: Département de l'économie nationale et de l'industrie Direction de la propriété industrielle</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • Application: 1 - 3 classes: \$ 808.00 (~ € 630); • Assignment: First trade mark/class \$ 497.00 (~ € 388), additional trade marks/classes filed simultaneously \$ 317.00 (~ € 247) each; • Preparation of documents \$ 104.00 (~ € 81); • Recordal of change of name or address: First trade mark/class \$ 360.00 (~ € 281), additional trade marks/classes filed simultaneously \$ 268.00 (~ € 209) each; • Renewal: First trade mark/class \$ 566.00 (~ € 442), additional classes renewed simultaneously \$ 482.00 (~ € 376) each.
Costs of litigation	Depends on the complexity of the case. It can be litigated by a firm of industrial property agents authorised to practice in Congo (between € 600 – 900).
Timeframe	
Registration	No timeframe is indicated in the Law.
Protection	10 years from filing date and renewal for further periods of 10 years.
Additional information	
None.	

Country: Djibouti

International Legal Framework

Djibouti is a member of the World Intellectual Property Organisation from 13 May 2002 and a signatory to the Paris Convention for the Protection of Industrial Property¹⁷⁸ from the same date.
Djibouti is a WTO Member from 31 May 1995.¹⁷⁹
There are no bilateral agreements between the EC and Djibouti specific to GIs.¹⁸⁰

National Legal Framework

Type of Protection	None.
Relevant Regulatory Framework	Djibouti is still in the process of promoting the establishment and implementation of a legal and regulatory framework. Currently, there is no legislation in force concerning trade marks or GIs. ¹⁸¹
Scope of protection	See above.
Source	None.
Summary of the Operational Provisions	See above.
Specific Provisions (issue of Generics, Reciprocity)	See above.
Formal Requirements for an Application	
Application Forms	See above.
Relevant Supporting Documents	See above.
Administration Responsible for Registration	Administration responsible for the Industrial Property protection: Supervisory Ministry: Ministry of Commerce, Industry and Handicraft <i>Ministère du Commerce, de l'Industrie et de l'Artisanat</i> B.P. 24 Djibouti

¹⁷⁸ Source of information: <http://www.wipo.int>.

¹⁷⁹ Source of information: <http://www.wto.org>.

¹⁸⁰ Source of information: <http://www.wipo.int>.

¹⁸¹ WTO Trade Policy Review of Djibouti, WT/TPR/G/159 of 13 April 2006.

Continent: Africa
Country: Djibouti

	<i>Title of Head:</i> Minister of Commerce, Industry and Handicraft Tel.: (253) 35.56.03 Fax: (253) 35.49.09
Costs	
Costs of registration	See above.
Costs of litigation	See above.
Timeframe	
Registration	See above.
Protection	See above.
Additional information	
None.	

Country: Egypt

International Legal Framework

Egypt is a member of the World Intellectual Property Organization from 21 April 1975, a signatory to the Paris Convention for the Protection of Industrial Property from 1 July 1951 and the Madrid Protocol Concerning the International Registration of Marks from 1 July 1952.¹⁸²

Egypt has signed the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods on 1 July 1952.

Egypt is a WTO Member from 26 March 1995.¹⁸³

There are no bilateral agreements between the EC and Egypt specific to GIs. However, Protocol 4 of the EC - Egypt Association Agreement concerns the definition of "originating products" and methods of administrative cooperation.¹⁸⁴

National Legal Framework

Type of Protection	Trademark Regime. It appears that no <i>ex officio</i> protection is available; protection is provided only at the request of a third party. Specific articles are included into the Law with respect to GIs.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Law on the Protection of Intellectual Property Rights No. 82, Book 2, entered into force on 3 June 2002 (hereinafter, referred as "the Law").
Scope of protection	The scope of protection concerns all goods and services.
Source	The text is available at: http://www.aspip.org .
Summary of the Operational Provisions	<p>GIs are defined in Article 104 and can be protected as ordinary or collective trademarks (Article 69 of the Law) in Egypt, provided that they have acquired protection in the country of origin. Definition of GIs is similar to the one provided by the EC Regulation.</p> <p>A definition of Trademarks under Article 63 of the Law includes <u>any signs that indicate the origin of the product, or their quality, category, guarantee or preparation process and capable of distinguishing the product or services of one undertaking from those of other undertakings</u>. Names and signs that meet such definition may be registered.</p> <p>A trademark that contains a geographical indication may be registered, with the proviso that the products are continuously produced by the applicant in the well - reputed geographical territory (Article 109 of the Law).</p> <p>The Department of Trade Registry (the authority responsible for registration of GIs) examines the application first formally, and then substantially. GIs which are likely to mislead or confuse the public, or which contain false descriptions as to the origin of the products or their qualities shall not be registered</p>

¹⁸² Source of information: <http://www.wipo.int>.

¹⁸³ Source of information: <http://www.wto.org>.

¹⁸⁴ Source of information: <http://www.oapi.wipo.net/en/OAPI/index.htm>.

Continent: Africa
Country: Egypt

	<p>(Article 110 of the Law). Further appeals are available before competent Court of First Instance under Article 112 of the Law.</p> <p>An opposition procedure is available within sixty days from the date of publication (Article 80 of the Law).</p> <p>Level of protection: The use of false or misleading information as to the origin, nature or essential qualities of the product is prohibited (Articles 113 and 114 of the Law).</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>Under Article 108, when a geographical name has become “descriptive”, to indicate in a commercial sense the nature of the any products and not their geographical place of origin, such geographical name may be used in connection with such products and may not be registered.</p> <p>The Law allows foreign GIs to be protected in Egypt subject to reciprocity provisions (Article 104 of the Law). Therefore, the EC GIs may be registered in Egypt.</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>In order to file a trademark application in Egypt, the following documents must be provided:</p> <ul style="list-style-type: none"> • A Power of Attorney legalized up to the Egyptian Consulate (to be submitted with the filing of the application); • A printing block and ten prints of the trademark for each class; • A list of the goods and services to be covered by the application; • A certified extract of the entry of the applicant company in the commercial register or a certified copy of the certificate of incorporation, which includes the name, address, nationality, legal status and profession or nature of the business of the applicant, legalized up to the Egyptian Consulate. A certified copy of the priority document must be submitted within six months, in case it is claimed. <p>According to the new Egyptian regulations, all the documents must be available within six months from the filing date. Please be advised that if the documents were not available by the due date, the above-captioned trademark application will lapse.</p> <p>All documents must be in translated in Arabic.</p>
<p>Relevant Supporting Documents</p>	<p>None.</p>
<p>Administration Responsible for Registration</p>	<p>Administration of Commercial Registration Ministry of Supply and Internal Trade 24, El-Gomhouria Street Abdiu Cairo Tel.: +20.2 393.82.42 Fax: +20.2 393.82.43</p>
<p>Costs</p>	
<p>Costs of registration</p>	<ul style="list-style-type: none"> • Filing a mark application in one class up to registration is \$ 280 (€ 224); • Filing a simultaneous mark application up to registration is \$ 250 (€ 200);

Continent: Africa
Country: Egypt

	<ul style="list-style-type: none"> • Renewal for 10 years within six months after the expiry date is \$ 120 (€96); • Renewal for 10 years during the last year of the protection period is \$ 95.00 (€76); • Opposition Action before the registrar is \$ 250.00 (€200); • Counter-opposition action before the registrar is \$ 150.00 (€120); • Correction of a clerical error is \$ 50.00 (€40); • Amendment of a mark application is \$ 50.00 (€40). <p>Translation of the list of goods from English to Arabic (over the first 100 words) per page is \$ 20 (€16).</p>
Costs of litigation	Approximately £2600 (~€372).
Timeframe	
Registration	At least 5 months.
Protection	Protection is valid for a period of 10 years, renewable for an identical period (Article 90 of the Law).
Additional information	
None.	

Country: Eritrea

International Legal Framework

Eritrea is a member of the World Intellectual Property Organization from 20 February 1997¹⁸⁵.
Eritrea is not a member of the WTO.¹⁸⁶
There are no bilateral agreements between the EC and Eritrea specific to GIs.

National Legal Framework

Type of Protection	None.
Relevant Regulatory Framework	Eritrea is still in the process of promoting the establishment and implementation of a legal and regulatory framework. Currently, there is no legislation in force concerning trade marks or GIs.
Scope of protection	See above.
Source	See above.
Summary of the Operational Provisions	See above.
Specific Provisions (issue of Generics, Reciprocity)	See above.
Formal Requirements for an Application	
Application Forms	See above.
Relevant Supporting Documents	See above.
Administration Responsible for Registration	Ministry of Trade and Industry P.O. Box 1844 Asmara Tel: (+291.1) 11.51.88 Fax: (+291.1) 12.41.75 E-mail: Deprade@genel.com.er

¹⁸⁵ Source of information: <http://www.wipo.int>.

¹⁸⁶ Source of information: <http://www.wto.org>.

Continent: **Africa**
Country: **Eritrea**

Costs	
Costs of registration	See above.
Costs of litigation	See above.
Timeframe	
Registration	See above.
Protection	See above.
Additional information	
None.	

Country: Ethiopia

International Legal Framework

Ethiopia is a member of the World Intellectual Property Organization from 19 February 1998.¹⁸⁷
Ethiopia is not a WTO Member (LDC).¹⁸⁸
There are no bilateral agreements between the EC and Ethiopia specific to GIs.

National Legal Framework

Type of Protection	Trademark regime (no <i>ex officio</i> protection is available, protection is provided only at the request of an interested party).
Relevant Regulatory Framework	Trade names and trademarks are governed by the provisions of the Commercial Code and Proclamation No. 67/1997 . Ethiopia does not have comprehensive legislation providing for the protection of intellectual property. There are, however, legal provisions of the Civil Code of Ethiopia governing some aspects of intellectual property .
Scope of protection	The scope of protection concerns goods and services.
Source	No text is available. Information taken from the official WIPO web site.
Summary of the Operational Provisions	Protection for trademarks and trade names. In order to register a trademark, substantive and formal examinations of the application will be required. Registration of a mark will confer on the owner the exclusive right of use for a period of 6 years, and renewal is possible.
Specific Provisions (issue of Generics, Reciprocity)	None.

Formal Requirements for an Application

Application Forms	<ul style="list-style-type: none"> • Full name, street address and description of the applicant (including trading style, if any, and state/country of incorporation, if incorporated); • List of goods and/or services.
Relevant Supporting Documents	<ul style="list-style-type: none"> • The power of an attorney, legalised and duly authenticated by the Ethiopian Consulate; • Home registration certificate, legalised and authenticated by the Ethiopian Consulate.

¹⁸⁷ Source of information: <http://www.wipo.int>.

¹⁸⁸ Ethiopia's request for accession to the WTO was circulated on 13 January 2003. The General Council established a Working Party on 10 February 2003 (information is available on <http://www.wto.org>). Ethiopia is a Least Developed Country, and is also landlocked country (<http://www.un.org/special-rep/ohrls/lldc/default.htm>).

Continent: Africa
Country: Ethiopia

Administration Responsible for Registration	Ethiopian Intellectual Property Office (EIPO) P.O. Box 25322/1000 Ras mekonnen street Addis Ababa Telephone (251 11) 553 49 46 / 28 Telefax (251 11) 553 62 59 E-mail: eipo@ethionet.et
Costs	
Costs of registration	<ul style="list-style-type: none"> • The average cost of publishing a cautionary notice in a local newspaper for a trademark in one class is \$ 2085.00 (€ 1630); • Any number of classes may be advertised in one advertisement but the cost may vary according to the length of the advertisement. A registration certificate is issued one month after publication should no oppositions against the mark have been lodged; • Search: From \$ 705.00 (€ 550).
Costs of litigation	Depends on the complexity of the case. It can be litigated by a firm of industrial property agents authorized to practice in Ethiopia (between \$ 300 – 600 (€ 250 – 550)).
Timeframe	
Registration	3 months (approximately, no indication in the Law).
Protection	6 years from filing date.
Additional information	
None.	

Country: Gabon

International Legal Framework

Gabon is a member of the World Intellectual Property Organization from 6 June 1975 and a signatory of the Paris Convention for the Protection of Industrial Property from 26 February 1964. Gabon is also a signatory of the Lisbon Agreement from 10 June 1975.¹⁸⁹

Gabon is a WTO Member from 1 January 1995.¹⁹⁰

There are no bilateral agreements between the EC and Gabon specific to GIs.

Gabon is a member of the **Bangui Agreement on Intellectual Property** which set up the Organisation Africaine de la Propriété Intellectuelle (OAPI) that governs the protection of intellectual property rights in 16 countries of Western and Central Africa.¹⁹¹

National Legal Framework

<p>Type of Protection</p>	<p>Sui generis protection. No <i>ex officio</i> protection is available; protection is only provided at the request of any interested party.</p> <p>An International registration of European GIs through the Lisbon Agreement is possible under the following conditions:</p> <ol style="list-style-type: none"> 1. The GI must come from an EU member state signatory of the Lisbon Agreement; 2. This International registration will only have effect in the OAPI countries that are signatories of the Lisbon Agreement: Burkina Faso, Congo, Gabon, Togo (Article 12 of the Bangui Agreement).
<p>Relevant Regulatory Framework</p>	<ul style="list-style-type: none"> • Bangui Agreement, March 1977 (Annex VI), since February 1982, as last amended in February 1999.
<p>Scope of protection</p>	<p>The scope of application of the GI Law is more extensive than the scope of the EC system (concerns all goods: agricultural and handicraft, but not services).</p>
<p>Source</p>	<p>English version of the Act is available at http://www.oapi.wipo.net/doc/en/bangui_agreement.pdf.</p>
<p>Summary of the Operational Provisions</p>	<p>Application must be made directly to the OAPI Office in Yaoundé (see below).</p> <p>Geographical indication is defined in the <u>Article 1 of Annex VI of the Bangui Agreement</u> in a manner similar to EU law.</p> <p><u>GIs excluded from protection:</u> GIs that are contrary to morality or public policy, liable to deceive the public, not protected in their country of origin or have ceased to be protected or have fallen into disuse in that country (Article 5 of the Annex VI).</p>

¹⁸⁹ Source of information: <http://www.wipo.int>.

¹⁹⁰ Source of information: <http://www.wto.org>.

¹⁹¹ Source of information: <http://www.oapi.wipo.net/en/OAPI/index.htm>.

Continent: Africa
Country: Gabon

	<p>The registration procedure is divided into three phases:</p> <ul style="list-style-type: none"> • Request for registration; • Formal and substantial examination of the request; • Grant of a registration certificate for the GI. <p>An opposition procedure is available after the registration. Open for 6 months after the publication. There is also an appeal procedure available on the decision of the OAPI on the opposition (3 months).</p> <p>Registration is conditional upon the payment of the fees.</p> <p>GIs are registered in the Special Register of Geographical Indications. Level of protection is similar to the one provided under the EC law: the protection in translation is covered by the Agreement; the use of kind, type, make, etc. is forbidden (Article 15.3 of the Annex VI).</p> <p>The owner of an early mark that is identical with or similar to a geographical indication may continue to use his mark, except where such mark concerns wines or spirits (Article 15.6 of Annex VI).</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>There is no provision with respect to generic names.</p> <p>However, Article 15.4 of the Annex VI of the Bangui Agreement states that the competent national authority of an OAPI member State can decide by regulation that the quality of products put on sale or used under a registered geographical indication shall be subject to control or that the use of such geographical indication shall be prohibited.</p> <p>Any person may at any time consult the Special Register or request information, against payment of the prescribed fees (Article 13 of the Annex VI).</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Article 6 of the Agreement states that Applications of GIs shall be filed directly to the OAPI.</p> <p>Applicants domiciled outside the territory of the member States shall file through an agent selected in one of those member States. However, OAPI has already signaled that it would be ready to accept filing via national embassies.</p> <p><u>Unlike in the EU, there is no standard application form at the present time.</u> The application for registration filed to the OAPI shall contain:</p> <ul style="list-style-type: none"> • an application to the Director General of the Organization in a sufficient number of copies; • the geographical area to which the GI applies; • the products for which the GI is used; • the quality, reputation or other characteristic of the products for which the geographical indication is used; • a proof of payment of the filing fee. <p>A simplified version of the EC specifications can be used for these purposes.</p>
<p>Relevant Supporting Documents</p>	<p>None.</p>

Continent: Africa
Country: Gabon

Administration Responsible for Registration	<p>Direction Générale de l'OAPI BP 887 Yaoundé Cameroun Tél : (237) 220 57 00/ 220 39 11 Fax : (237) 220 57 27/ 220 57 21 E-mail: oapi.aa@oapi.aa.wipo.net. Website: http://www.oapi.wipo.net.</p>
Costs	
Costs of registration	<p>Application for Registration: F.FCA 90.000 (€ 137). Publication of the application for registration: F.FCA 55.000 (€ 83). Application for Opposition: F.FCA 150.000 (€ 228).</p>
Costs of litigation	<p>Approximately € 1000 to 1500.</p>
Timeframe	
Registration	<p>No legal requirements, but the examination procedure lasts in general for about 6 months.</p>
Protection	<p>GIs are protected for an indefinite period of time (as long as they are protected in their country of origin). No renewal is required.</p>
Additional information	
<p>None.</p>	

Country: Gambia

International Legal Framework

Gambia is a member of the World Intellectual Property Organization from 10 December 1980 and a member of the Paris Convention from 21 January 1992.¹⁹²
Gambia is a WTO Member from 23 October 1996.¹⁹³
Gambia is also a member of the African Regional Industrial Property Organisation for English-speaking Africa (ARIPO) (established by the Lusaka Agreement of 9 December 1976) from 15 February 1978. Gambia is not a party to the Banjul Protocol.¹⁹⁴
There is not a bilateral agreement between the EC and Gambia specific to GIs.

National Legal Framework

Type of Protection	Trademark regime: No <i>ex officio</i> protection is available under the trademark regime , protection is provided only at the request of an interested party.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • The Trade Marks Act, cap. 182 No. 30 of 1916, No. 13 of 1923; • The Industrial Property Act of 1989 (not yet in force).
Scope of protection	Applicable to goods (agricultural and/or industrial) and/or services.
Source	The text of the Law is not available but there is a summary in the following link: http://www.observer.gm/enews/index.php .
Summary of the Operational Provisions	Protection for trademarks and trade names. In order to register a trademark, substantive and formal examinations of the application will be required. Registration of a mark will confer on the owner the exclusive right of use for a period of 7 years, renewal is possible for 14 years.
Specific Provisions (issue of Generics, Reciprocity)	None.

Formal Requirements for an Application

Application Forms	<ul style="list-style-type: none"> • Full name, street address and description of the applicant (including trading style, if any, and state/country of incorporation, if incorporated); • List of goods and/or services; • Paris Convention priority may be claimed when the application is filed.
Relevant Supporting Documents	<ul style="list-style-type: none"> • 10 prints of the device mark; • A simply signed power of attorney.

¹⁹² Source of information: <http://www.wipo.int>.

¹⁹³ Source of information: <http://www.wto.org>.

¹⁹⁴ Source of information: <http://www.aripo.org/Protocols.html>.

Continent: Africa
Country: Gambia

Administration Responsible for Registration	Registrar General's Department Department of State for Justice Muammar Ghadifi Avenue Private Mail Bag Banjul Tel: (+220) 22.95.41 Fax: (+220) 22.53.52
Costs	
Costs of registration	<ul style="list-style-type: none"> • Application: First class is \$ 1153.00 (€920), additional classes filed simultaneously are \$1091.00 (€ 870) each; • Assignment: First trade mark/class is \$ 583.00 (€ 465), additional trade marks filed/classes filed simultaneously are \$ 404.00 (€322) each; • Preparation of documents: \$ 104.00 (€83); • Recordal of change of name or address: First trade mark/class is \$ 446.00 (€355), additional trade marks/classes filed simultaneously are \$ 383.00 (€305) each; • Renewal: First class/trade mark is \$ 854.00 (€681), additional classes renewed simultaneously are \$ 769.00 (€613) each.
Costs of litigation	Depending on the complexity of the case and a firm of industrial property agents authorized to practice in Gambia (between \$ 300 – 600 (€250 – 550)).
Timeframe	
Registration	Approximately 4 months.
Protection	7 years from filing date and renewal for further periods of 14 years.
Additional information	
None.	

Country: Ghana

International Legal Framework

Ghana is a member of the World Intellectual Property Organization Convention from 12 June 1976 and a signatory to the Paris Convention for the Protection of Industrial Property from 28 September 1976.¹⁹⁵
Ghana has been a WTO Member from 1 January 1995.¹⁹⁶
Ghana is also a member of the African Regional Industrial Property Organisation for English-speaking Africa (ARIPO) (established by the Lusaka Agreement of 9 December 1976) from 15 February 1978 but **is not a party to the Banjul Protocol on marks** in the framework of ARIPO.¹⁹⁷
There are no bilateral agreements between Ghana and the EC specific to GIs.

National Legal Framework

Type of Protection	Trademark regime (no <i>ex officio</i> protection is available, protection is provided only at the request of an interested party).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Trademarks Act No. 270 of 25 February 1965 which entered into force with the approval of the implementing regulations in 1970 (hereinafter referred to as “the Law”); • Trademarks regulations, No. L.I. 667, of December 1970 as amended in December 1972, July 1980 and July 1988 and in July 2001; • Trade Marks (Amendment) Regulations 2001, No. L.I. 1685 of 26 June 2001 entered into force on 28 July 2001; • Act on Protection against Unfair Competition No. 589 of 2000; • Civil procedure rules No. LI 140A of 1954; • Civil procedure rules No. CI 116 of 1996. <p>Ghana is in the process of completing a Draft Act on Trademarks and a Draft Act on Geographical Indications (GIs) soon to be submitted to the Parliament for approval.¹⁹⁸</p>
Scope of protection	Under the legislation currently in force, only goods (industrial and agricultural) are covered. The Trademarks Act is not applicable to services. However, the draft Trade Marks Act contains provisions on the protection of service marks.
Source	The English version of the Trademark Act and the Draft Acts on Trademarks and on GIs are not available in electronic format. The only information on the contents of the Trademark Act and of the said legislative proposals is available on the WTO official web site: http://docsonline.wto.org .

¹⁹⁵ Source of information: <http://www.wipo.int>.

¹⁹⁶ Source of information: <http://www.wto.org>.

¹⁹⁷ Source of information: <http://www.aripo.org/Protocols.html>.

¹⁹⁸ Information as of 20 June 2006. The new Bill on Geographical Indications seeks to provide a system of Geographical Indications protection which complies with Articles 22-24 of the TRIPs Agreement. It establishes a registration system for geographical indications for those producers carrying on activities within a specified geographical area of Ghana. The Bill includes an effective regime of both civil and criminal sanctions to prevent the unlawful use of a geographical indication.

<p>Summary of the Operational Provisions</p>	<p>Trademark regime:</p> <p>Under the Act, <u>a mark must be registered in order to be granted protection</u>. The simple use of trademarks is not protected. The main criterion for the registration of a mark under the Trade Marks Act is its distinctiveness.</p> <p>Sections 9 and 10 of the Act set out the conditions for the registration of a mark. Section 9(1)(d) of the Act excludes from registration a word or words which in its ordinary signification mean a geographical name thus the registration authority usually would refuse a trademark application if it contains a geographical indication.¹⁹⁹</p> <p>An exhaustive examination is carried out on the application by the Registration Authority before acceptance or refusal. The applicant may be invited to make amendments. All applications are published in the Commercial and Industrial Bulletin for possible opposition. A mark is entered in the Register of Trade Marks if there is no opposition or where the opposition has been disposed of.</p> <p>No information is currently available on the existence of appeal proceedings against the decision to reject a trademark application.</p> <p>Sui generis protection of GIs, according to the Draft Act:</p> <p>The future scope of application of this Act will be more extensive than the EC scope of protection of GIs, including natural products and handcrafts.</p> <p>Wines and spirit will also be covered by the Act but the current Draft does not provide for a higher level of protection of such products.</p> <p>Like the Draft Act on Trademarks, also the Draft Act on GIs only prohibits the unlawful use of GIs, such as, <i>inter alia</i>, the use of a GI in a misleading manner for the public and in contrast with fair business practices. Definition of geographical indications is similar to the one provided by the EC Regulation. Names and signs that meet such definition may be registered.</p> <p>According to the Draft on GIs, there are several requirements under which the GI may be used in Ghana:</p> <ul style="list-style-type: none"> • the use should be made by a producer carrying on an activity in the geographical area specified in the Register; • the indication may be used with respect to products specified in the Register; • products on which the GIs would be used possess the quality, reputation or other characteristic specified in the Register. <p>The EC specifications can be potentially re-used for the registration.</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>No information is currently available in the Law in force or in the draft legislation.</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p><u>Under Section 9, the application for registration of a trademark must be made in the prescribed form (Form TM No.2).</u></p>

¹⁹⁹ The draft Trade Marks Act contains a provision prohibiting the registration of a mark if it is likely to mislead the public with regards to the geographical origin of the goods or their nature or characteristics.

Continent: Africa
Country: Ghana

	<p>In any case, all such applications should contain the following information:</p> <ul style="list-style-type: none"> • the name of a company, individual or firm, represented in a, special or particular manner; • the signature of the applicant for registration or some predecessor in his business; • an invented word or invented words; • a word or words having no direct reference to the character or quality of the goods and not being according to its ordinary signification a geographical name or a surname; • any other distinctive mark; • classification and the respective goods.
Relevant Supporting Documents	<p>An application should be accompanied by:</p> <ul style="list-style-type: none"> • Four reproductions of the mark on the Form; • The power of attorney by filing the ad hoc form authorising the agent (TM No.1); • The proof of payment of the application fee.
Administration Responsible for Registration	<p>Ministry of Justice Registrar General's Department P.O. Box 118 Accra Tel. (233 21) 666 469 Fax. (233 21) 662 043 E-mail: regengh@ncs.com.gh.</p>
Costs	
Costs of registration	The cost for filing an application is about € 118.
Costs of litigation	Approximately € 1000 to 1500.
Timeframe	
Registration	About 6 months (approximately, no indication in the Law).
Protection	Section 20(1) of the Trade Marks Act permits a trademark to be protected for a period of seven years and renewable for consecutive periods of seven years. The draft Act provides for a longer period of protection of 10 years.
Additional information	
None.	

Country: Guinea

International Legal Framework

Guinea is a member of the World Intellectual Property Organization from 13 November 1980 and a signatory of the Paris Convention for the Protection of Industrial Property from 5 February 1982.²⁰⁰
Guinea is a WTO Member from 25 October 1995.²⁰¹
There are no bilateral agreements between the EC and Guinea specific to GIs.
Guinea is a member of the **Bangui Agreement on Intellectual Property** which set up the Organisation Africaine de la Propriété Intellectuelle (OAPI) that governs the protection of intellectual property rights in 16 countries of Western and Central Africa.²⁰²

National Legal Framework

<p>Type of Protection</p>	<p>Sui generis protection. No <i>ex officio</i> protection is available; protection is only provided at the request of any interested party.</p>
<p>Relevant Regulatory Framework</p>	<ul style="list-style-type: none"> • Bangui Agreement, March 1977 (Annex VI), since February 1982, as last amended in February 1999.
<p>Scope of protection</p>	<p>The scope of application of the GI Law is more extensive than the scope of the EC system (concerns all goods: agricultural and handicraft, but not services).</p>
<p>Source</p>	<p>English version of the Act is available at http://www.oapi.wipo.net/doc/en/bangui_agreement.pdf.</p>
<p>Summary of the Operational Provisions</p>	<p>Application must be made directly to the OAPI Office in Yaoundé (see below).</p> <p>Geographical indication is defined in the <u>Article 1 of Annex VI of the Bangui Agreement</u> in a manner similar to EU law.</p> <p><u>GIs excluded from protection</u>: GIs that are: contrary to morality or public policy, liable to deceive the public, not protected in their country of origin or have ceased to be protected or have fallen into disuse in that country (article 5 of the Annex VI).</p> <p>The registration procedure is divided into three phases:</p> <ul style="list-style-type: none"> • Request for registration; • Formal and substantial examination of the request; • Grant of a registration certificate for the GI. <p>An opposition procedure is available after the registration. Open for 6 months after the publication. There is also an appeal procedure available on the decision of the OAPI on the opposition (3 months).</p>

²⁰⁰ Source of information: <http://www.wipo.int>.

²⁰¹ Source of information: <http://www.wto.org>.

²⁰² Source of information: <http://www.oapi.wipo.net/en/OAPI/index.htm>.

Continent: Africa
Country: Guinea

	<p>Registration is conditional upon the payment of the fees.</p> <p>GIs are registered in the Special Register of Geographical Indications. Level of protection is similar to the one provided under the EC law: the protection in translation is covered by the Agreement; the use of kind, type, make, etc. is forbidden (Article 15.3 of the Annex VI). The owner of an early mark that is identical with or similar to a geographical indication may continue to use his mark, except where such mark concerns wines or spirits (Article 15.6 of Annex VI).</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>There is no provision with respect to generic names.</p> <p>However, Article 15.4 of the Annex VI of the Bangui Agreement states that the competent national authority of an OAPI member State can decide by regulation that the quality of products put on sale or used under a registered geographical indication shall be subject to control or that the use of such geographical indication shall be prohibited.</p> <p>Any person may at any time consult the Special Register or request information, against payment of the prescribed fees (Article 13 of the Annex VI).</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Article 6 of the Agreement states that Applications of GIs shall be filed directly to the OAPI.</p> <p>Applicants domiciled outside the territory of the member States shall file through an agent selected in one of those member States. However, OAPI has already signaled that it would be ready to accept filing via national embassies.</p> <p><u>Unlike in the EU, there is no standard application form at the present time.</u> The application for registration filed to the OAPI shall contain:</p> <ul style="list-style-type: none"> • an application to the Director General of the Organization in a sufficient number of copies; • the geographical area to which the GI applies; • the products for which the GI is used; • the quality, reputation or other characteristic of the products for which the geographical indication is used; • a proof of payment of the filing fee. <p>A simplified version of the EC specifications can be used for these purposes.</p>
<p>Relevant Supporting Documents</p>	<p>None.</p>
<p>Administration Responsible for Registration</p>	<p>Direction Générale de l'OAPI BP 887 Yaoundé Cameroun Tél : (237) 220 57 00/ 220 39 11 Fax : (237) 220 57 27/ 220 57 21 E-mail: oapi.oa@oapi.oa.wipo.net. Website: http://www.oapi.wipo.net.</p>

Continent: **Africa**
Country: **Guinea**

Costs	
Costs of registration	Application for Registration: F.FCA 90.000 (€ 137). Publication of the application for registration: F.FCA 55.000 (€ 83). Application for Opposition: F.FCA 150.000 (€ 228).
Costs of litigation	Approximately € 1000 to 1500.
Timeframe	
Registration	No legal requirements, but the examination procedure lasts in general for about 6 months.
Protection	GIs are protected for an indefinite period of time (as long as they are protected in their country of origin). No renewal is required.
Additional information	
None.	

Country: Guinea Bissau

International Legal Framework

Guinea Bissau is a member of the World Intellectual Property Organization from 28 June 1988 and a signatory of the Paris Convention for the Protection of Industrial Property from 28 June 1988.²⁰³

Guinea Bissau is a WTO Member from 31 May 1995.²⁰⁴

There are no bilateral agreements between the EC and Guinea Bissau specific to GIs.

Guinea Bissau is a member of the **Bangui Agreement on Intellectual Property** which set up the Organisation Africaine de la Propriété Intellectuelle (OAPI) that governs the protection of intellectual property rights in 16 countries of Western and Central Africa.²⁰⁵

National Legal Framework

Type of Protection	Sui generis protection. No <i>ex officio</i> protection is available; protection is only provided at the request of any interested party.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Bangui Agreement, March 1977 (Annex VI), since February 1982, as last amended in February 1999.
Scope of protection	The scope of application of the GI Law is more extensive than the scope of the EC system (concerns all goods: agricultural and handicraft, but not services).
Source	English version of the Act is available at http://www.oapi.wipo.net/doc/en/bangui_agreement.pdf
Summary of the Operational Provisions	<p>Application must be made directly to the OAPI Office in Yaoundé (see below).</p> <p>Geographical indication is defined in the <u>Article 1 of Annex VI of the Bangui Agreement</u> in a manner similar to EU law.</p> <p><u>GIs excluded from protection</u>: GIs that are contrary to morality or public policy, liable to deceive the public, not protected in their country of origin or have ceased to be protected or have fallen into disuse in that country (article 5 of the Annex VI).</p> <p>The registration procedure is divided into three phases:</p> <ul style="list-style-type: none"> • Request for registration; • Formal and substantial examination of the request; • Grant of a registration certificate for the GI. <p>An opposition procedure is available after the registration. Open for 6 months after the publication. There is also an appeal procedure available on the decision of the OAPI on the opposition (3 months).</p>

²⁰³ Source of information: <http://www.wipo.int>.

²⁰⁴ Source of information: <http://www.wto.org>.

²⁰⁵ Source of information: <http://www.oapi.wipo.net/en/OAPI/index.htm>.

Continent: Africa
Country: Guinea Bissau

	<p>Registration is conditional upon the payment of the fees.</p> <p>GIs are registered in the Special Register of Geographical Indications. Level of protection is similar to the one provided under the EC law: the protection in translation is covered by the Agreement; the use of kind, type, make, etc. is forbidden (Article 15.3 of the Annex VI). The owner of an early mark that is identical with or similar to a geographical indication may continue to use his mark, except where such mark concerns wines or spirits (Article 15.6 of Annex VI).</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>There is no provision with respect to generic names.</p> <p>However, Article 15.4 of the Annex VI of the Bangui Agreement states that the competent national authority of an OAPI member State can decide by regulation that the quality of products put on sale or used under a registered geographical indication shall be subject to control or that the use of such geographical indication shall be prohibited.</p> <p>Any person may at any time consult the Special Register or request information, against payment of the prescribed fees (Article 13 of the Annex VI).</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Article 6 of the Agreement states that Applications of GIs shall be filed directly to the OAPI.</p> <p>Applicants domiciled outside the territory of the member States shall file through an agent selected in one of those member States. However, OAPI has already signaled that it would be ready to accept filing via national embassies.</p> <p><u>Unlike in the EU, there is no standard application form at the present time.</u> The application for registration filed to the OAPI shall contain:</p> <ul style="list-style-type: none"> • an application to the Director General of the Organization in a sufficient number of copies; • the geographical area to which the GI applies; • the products for which the GI is used; • the quality, reputation or other characteristic of the products for which the geographical indication is used; • a proof of payment of the filing fee. <p>A simplified version of the EC specifications can be used for these purposes</p>
<p>Relevant Supporting Documents</p>	<p>None.</p>
<p>Administration Responsible for Registration</p>	<p>Direction Générale de l'OAPI BP 887 Yaoundé Cameroun Tél : (237) 220 57 00/ 220 39 11 Fax : (237) 220 57 27/ 220 57 21 E-mail: oapi.oa@oapi.oa.wipo.net. Website: http://www.oapi.wipo.net.</p>

Continent: Africa
Country: Guinea Bissau

Costs	
Costs of registration	Application for Registration: F.FCA 90.000 (€ 137). Publication of the application for registration: F.FCA 55.000 (€ 83). Application for Opposition: F.FCA 150.000 (€ 228).
Costs of litigation	Approximately € 1000 to 1500.
Timeframe	
Registration	No legal requirements, but the examination procedure lasts in general for about 6 months.
Protection	GIs are protected for an indefinite period of time (as long as they are protected in their country of origin). No renewal is required.
Additional information	
None.	

Country: Guinea Equatorial

International Legal Framework

Guinea Equatorial is a member of the World Intellectual Property Organization from 26 June 1997 and a signatory of the Paris Convention for the Protection of Industrial Property from 26 June 1997.²⁰⁶

Guinea Equatorial is not a WTO Member yet.²⁰⁷

There are no bilateral agreements between the EC and Guinea Equatorial specific to GIs.

Guinea Equatorial is a member of the **Bangui Agreement on Intellectual Property** which set up the Organisation Africaine de la Propriété Intellectuelle (OAPI) that governs the protection of intellectual property rights in 16 countries of Western and Central Africa.²⁰⁸

National Legal Framework

Type of Protection

Sui generis protection. No *ex officio* protection is available; protection is only provided at the request of any interested party.

Relevant Regulatory Framework

- **Bangui Agreement, March 1977** (Annex VI), since February 1982, as last amended in February 1999.

Scope of protection

The scope of application of the GI Law is more extensive than the scope of the EC system (concerns all goods: agricultural and handicraft, but not services).

Source

English version of the Act is available at http://www.oapi.wipo.net/doc/en/bangui_agreement.pdf.

Summary of the Operational Provisions

Application must be made directly to the OAPI Office in Yaoundé (see below).

Geographical indication is defined in the Article 1 of Annex VI of the Bangui Agreement in a manner similar to EU law.

GIs excluded from protection: GIs that are contrary to morality or public policy, liable to deceive the public, not protected in their country of origin or have ceased to be protected or have fallen into disuse in that country (article 5 of the Annex VI).

The registration procedure is divided into three phases:

- Request for registration;
- Formal and substantial examination of the request;
- Grant of a registration certificate for the GI.

An opposition procedure is available after the registration. Open for 6 months after the publication. There is also an appeal procedure available on the decision of the OAPI on the opposition (3 months).

Registration is conditional upon the payment of the fees.

²⁰⁶ Source of information: <http://www.wipo.int>.

²⁰⁷ Source of information: <http://www.wto.org>.

²⁰⁸ Source of information: <http://www.oapi.wipo.net/en/OAPI/index.htm>.

Continent: Africa
Country: Guinea Equatorial

	<p>GIs are registered in the Special Register of Geographical Indications.</p> <p>Level of protection is similar to the one provided under the EC law: the protection in translation is covered by the Agreement; the use of kind, type, make, etc. is forbidden (Article 15.3 of the Annex VI). The owner of an early mark that is identical with or similar to a geographical indication may continue to use his mark, except where such mark concerns wines or spirits (Article 15.6 of Annex VI).</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>There is no provision with respect to generic names.</p> <p>However, Article 15.4 of the Annex VI of the Bangui Agreement states that the competent national authority of an OAPI member State can decide by regulation that the quality of products put on sale or used under a registered geographical indication shall be subject to control or that the use of such geographical indication shall be prohibited.</p> <p>Any person may at any time consult the Special Register or request information, against payment of the prescribed fees (Article 13 of the Annex VI).</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Article 6 of the Agreement states that Applications of GIs shall be filed directly to the OAPI.</p> <p>Applicants domiciled outside the territory of the member States shall file through an agent selected in one of those member States. However, OAPI has already signaled that it would be ready to accept filing via national embassies.</p> <p><u>Unlike in the EU, there is no standard application form at the present time.</u> The application for registration filed to the OAPI shall contain:</p> <ul style="list-style-type: none"> • an application to the Director General of the Organization in a sufficient number of copies; • the geographical area to which the GI applies; • the products for which the GI is used; • the quality, reputation or other characteristic of the products for which the geographical indication is used; • a proof of payment of the filing fee. <p>A simplified version of the EC specifications can be used for these purposes.</p>
<p>Relevant Supporting Documents</p>	<p>None.</p>
<p>Administration Responsible for Registration</p>	<p>Direction Générale de l'OAPI BP 887 Yaoundé Cameroun Tél : (237) 220 57 00/ 220 39 11 Fax : (237) 220 57 27/ 220 57 21 E-mail: oapi.oa@oapi.oa.wipo.net. Website: http://www.oapi.wipo.net.</p>

Continent: Africa
Country: Guinea Equatorial

Costs	
Costs of registration	Application for Registration: F.FCA 90.000 (€ 137). Publication of the application for registration: F.FCA 55.000 (€ 83). Application for Opposition: F.FCA 150.000 (€ 228).
Costs of litigation	Approximately € 1000 to 1500.
Timeframe	
Registration	No legal requirements, but the examination procedure lasts in general for about 6 months.
Protection	GIs are protected for an indefinite period of time (as long as they are protected in their country of origin). No renewal is required.
Additional information	
None.	

Country: Ivory Coast

International Legal Framework

Ivory Coast is a member of the World Intellectual Property Organization from 1 May 1974 and a signatory of the Paris Convention for the Protection of Industrial Property from 23 October 1963.²⁰⁹

Ivory Coast is a WTO Member from 1 January 1995.²¹⁰

There are no bilateral agreements between the EC and Ivory Coast specific to GIs.

Ivory Coast is a member of the **Bangui Agreement on Intellectual Property** which set up the Organisation Africaine de la Propriété Intellectuelle (OAPI) that governs the protection of intellectual property rights in 16 countries of Western and Central Africa.²¹¹

National Legal Framework

<p>Type of Protection</p>	<p>Sui generis protection. No <i>ex officio</i> protection is available; protection is only provided at the request of any interested party.</p>
<p>Relevant Regulatory Framework</p>	<ul style="list-style-type: none"> • Bangui Agreement, March 1977 (Annex VI), since February 1982, as last amended in February 1999.
<p>Scope of protection</p>	<p>The scope of application of the GI Law is more extensive than the scope of the EC system (concerns all goods: agricultural and handicraft, but not services).</p>
<p>Source</p>	<p>English version of the Act is available at http://www.oapi.wipo.net/doc/en/bangui_agreement.pdf.</p>
<p>Summary of the Operational Provisions</p>	<p>Application must be made directly to the OAPI Office in Yaoundé (see below).</p> <p>Geographical indication is defined in the <u>Article 1 of Annex VI of the Bangui Agreement</u> in a manner similar to EU law.</p> <p><u>GIs excluded from protection:</u> GIs that are contrary to morality or public policy, liable to deceive the public, not protected in their country of origin or have ceased to be protected or have fallen into disuse in that country (Article 5 of the Annex VI).</p> <p>The registration procedure is divided into three phases:</p> <ul style="list-style-type: none"> • Request for registration; • Formal and substantial examination of the request; • Grant of a registration certificate for the GI. <p>An opposition procedure is available after the registration. Open for 6 months after the publication. There is also an appeal procedure available on the decision of the OAPI on the opposition (3 months).</p> <p>Registration is conditional upon the payment of the fees.</p>

²⁰⁹ Source of information: <http://www.wipo.int>.

²¹⁰ Source of information: <http://www.wto.org>.

²¹¹ Source of information: <http://www.oapi.wipo.net/en/OAPI/index.htm>.

Continent: Africa
Country: Ivory Coast

	<p>GIs are registered in the Special Register of Geographical Indications.</p> <p>Level of protection is similar to the one provided under the EC law: the protection in translation is covered by the Agreement; the use of kind, type, make, etc. is forbidden (Article 15.3 of the Annex VI).</p> <p>The owner of an early mark that is identical with or similar to a geographical indication may continue to use his mark, except where such mark concerns wines or spirits (Article 15.6 of Annex VI).</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>There is no provision with respect to generic names.</p> <p>However, Article 15.4 of the Annex VI of the Bangui Agreement states that the competent national authority of an OAPI member State can decide by regulation that the quality of products put on sale or used under a registered geographical indication shall be subject to control or that the use of such geographical indication shall be prohibited.</p> <p>Any person may at any time consult the Special Register or request information, against payment of the prescribed fees (Article 13 of the Annex VI).</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Article 6 of the Agreement states that Applications of GIs shall be filed directly to the OAPI.</p> <p>Applicants domiciled outside the territory of the member States shall file through an agent selected in one of those member States. However, OAPI has already signaled that it would be ready to accept filing via national embassies.</p> <p><u>Unlike in the EU, there is no standard application form at the present time.</u> The application for registration filed to the OAPI shall contain:</p> <ul style="list-style-type: none"> • an application to the Director General of the Organization in a sufficient number of copies; • the geographical area to which the GI applies; • the products for which the GI is used; • the quality, reputation or other characteristic of the products for which the geographical indication is used; • a proof of payment of the filing fee. <p>A simplified version of the EC specifications can be used for these purposes.</p>
<p>Relevant Supporting Documents</p>	<p>None.</p>
<p>Administration Responsible for Registration</p>	<p>Direction Générale de l'OAPI BP 887 Yaoundé Cameroun Tél : (237) 220 57 00/ 220 39 11 Fax : (237) 220 57 27/ 220 57 21 E-mail: oapi.oa@oapi.oa.wipo.net Website: http://www.oapi.wipo.net</p>

Continent: Africa
Country: Ivory Coast

Costs	
Costs of registration	Application for Registration: F.FCA 90.000 (€ 137). Publication of the application for registration: F.FCA 55.000 (€ 83). Application for Opposition: F.FCA 150.000 (€ 228).
Costs of litigation	Approximately € 1000 to 1500.
Timeframe	
Registration	No legal requirements, but the examination procedure lasts in general for about 6 months.
Protection	GIs are protected for an indefinite period of time (as long as they are protected in their country of origin). No renewal is required.
Additional information	
None.	

Country: Kenya

International Legal Framework

Kenya is a member of the World Intellectual Property Organization Convention from 5 October 1971 and a signatory to the Paris Convention for the Protection of Industrial Property from 14 June 1965 and the Madrid Agreement concerning the International Registration of Marks from 26 June 1998.²¹²

Kenya is a WTO member from 1 January 1995.²¹³

Kenya is also a member of the African Regional Industrial Property Organisation for English-speaking Africa (ARIPO) (established by the Lusaka Agreement of 9 December 1976) from 15 February 1978, but not a signatory to the Banjul Protocol on Marks of 1993, which established a common trademark filing system for the members of the ARIPO.²¹⁴

There are no bilateral agreements between the EC and Kenya specific to GIs.

National Legal Framework

Type of Protection	Trademark regime, which covers certification trademarks with geographical names (no ex officio protection is available, protection is provided only at the request of an interested party).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • The Trademarks Act, cap. 506, No 51 of 1956, No 39 of 1956 as amended by the Trademarks Acts No 11 of 1965, No 1 of 1984, Statute No 7 of 1990 and last amended by Act No 5 of 28 July 1994 (hereinafter, referred as “the Law”); • The Trademarks rules, L.N. 575/1956, 454/1959 as amended by L.N. No 44 of 1970, No 138 of 1971, No 131 of 1975, No 249 of 1988, as amended in 1994 and in 2002; • The Trade Descriptions Act, cap 505, No 27 of 1962. <p><u>A draft bill on Geographical Indications has been prepared in January 2001 but there is no evidence, for the time being, that the act has been adopted. The Kenyan Industrial Property Institute does not make a reference to geographical indications as a separate type of intellectual property.</u></p>
Scope of protection	Applicable to all goods (agricultural and/or industrial) and services.
Source	The English version of the Law is available on: http://www.wipo.int .
Summary of the Operational Provisions	<p>Trademarks cannot be registered if they are deprived of a distinctive character. According to Article 12 (1)(d) of the Law, the requisite distinctiveness is lacking when a trademark consists in a word or words having direct reference to the character or quality of goods or when it consists of a geographical name. This provision does not apply to certification marks. Thus, EC geographical indications (GIs) may be registered as certification and collective marks provided that they meet definitions provided by the Law.</p> <p><u>The Law does not provide for a definition of GIs.</u></p> <p>Article 40 of the Law provides for the registration of certification marks and it states that such type of registration is possible when the mark is used <i>inter alia</i> to distinguish goods which are certified by any person in respect of their origin, material, manufacturing process, quality and accuracy.</p> <p>Application for registration of a certification mark, just like in the case of registration of collective</p>

²¹² Source of information: <http://www.wipo.int>.

²¹³ Source of information: <http://www.wto.org>.

²¹⁴ Source of information: <http://www.aripo.org/Protocols.html>

Continent: Africa
Country: Kenya

	<p>trademarks, is addressed to the Registrar of the Kenya Industrial Property Institute (KIPI). After checking the formal requirements of the applications submitted, KIPI carries out a substantial examination of the trademarks. The substantial examination of certification marks aims primarily at determining the distinct character of the mark and its relation to the goods for which it is used in practice (Article 40 of the Law).</p> <p><u>Like in the EC, the registration procedure allows opposition</u>, within 60 days after the publication of the application (Article 21 of the Law).</p> <p>A registered certification mark may be used by any natural or legal person provided that this person has been granted the certification for the traded goods and the authorisation to use the certification mark for such goods by the owner of the certification mark according to the regulations provided by the latter to the Registrar when filing the application for registration.</p> <p>In the case of refusal or conditional acceptance, the applicant may file an appeal to the Court of Appeal of Nairobi. Further provisions about appeals before the court are included in Article 20 (6, 7) of the Law.</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p><u>No definition of generics is provided.</u></p> <p><u>No specific requirements with respect to reciprocity.</u> Easier arrangements concern the application of the law for the protection in Kenya of trademarks that have been registered in States which are part of the Commonwealth and which have sufficiently provided for the protection of trademarks that have been registered in Kenya (no specific international agreements providing for mutual protection are required in such case (Article 65 of the Law)).</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>There is no standard application form.</p> <p>However, the Law indicates that an application form for registration of a certification mark must indicate (Article 20):</p> <ul style="list-style-type: none"> • The name, description and nationality of the individual; • The firm or body corporate making the application; • the names of all partners in a firm must be given in full; • 7 representations of the mark; • a signed power of attorney; • regulations for using the certification mark (the EC specification could potentially be used for these purposes).
<p>Relevant Supporting Documents</p>	<p>An application must be accompanied by a proof of payment of the application fee. Such payment have to be made before the KIPI.</p>
<p>Administration Responsible for Registration</p>	<p>Ministry of Trade and Industry of the Republic of Kenya Kenya Industrial Property Institute (KIPI) Kapiti Road Nairobi South C P.O. Box 51648 Nairobi</p> <p>Tel. (254 20) 60 22 10/11 Fax (254 20) 606312 E-mail: kipi@swiftkenya.com Website: http://www.kipi.go.ke</p>

Continent: Africa
Country: Kenya

Costs	
Costs of registration	<p>The official fees for the KIPI set for the foreign applicants are:²¹⁵</p> <ul style="list-style-type: none"> • Application: \$ 150 (€ 117). • Search: \$ 100 (€ 71). • Registration: \$ 75 (€ 58). • Advertisement: \$ 150 (€ 117). • Amendment: \$ 40 (€ 31). <p>The fees of the legal practitioners in Kenya:²¹⁶</p> <ul style="list-style-type: none"> • Application: First trade mark/class is \$ 1325.00 (€ 1033), additional trade mark/classes filed simultaneously are \$ 1325.00 (€ 1033) each; • Assignment: First trade mark/class is \$ 851.00 (€ 663), additional trade marks/classes filed simultaneously are \$ 375.00 (€ 292) each; • Preparation of documents: \$ 104.00 (€ 81); • Record of change of name or address: First trade mark/class is \$ 576.00 (€ 449), additional trade marks/classes filed simultaneously are \$ 337.00 (€ 262) each; • Licenses: First trade mark/class is \$ 1071.00 (€ 835), additional trade marks/classes filed simultaneously are \$ 777.00 (€ 606) each; • Renewal: First class is \$ 760.00 (€ 592), additional classes renewed simultaneously are \$ 482.00 (€ 375) each; • Searches: From \$ 952.00 (€ 742).
Costs of litigation	Depends on the complexity of the case. It can be litigated by a firm of industrial property agents authorized to practice in Kenya (between € 600 to € 1500).
Timeframe	
Registration	6 months (approximately, no indication in the Law).
Protection	A trademark registration is valid for ten 10 years from the date of application. Six months prior to the expiry of the 10-year period, the owner may apply for a renewal which covers the next 10 years upon the payment of the prescribed fee.
Additional information	
None.	

²¹⁵ Source of information: <http://www.kipi.go.ke/trademarks/tmprocedure.htm#fees>.

²¹⁶ Source of information: <http://www.hahn.co.za/index.htm>.

Country: Lesotho

International Legal Framework

Lesotho is a member of the World Intellectual Property Organization Convention from 30 December 1986, a signatory of the Paris Convention for the Protection of Industrial Property from 28 September 1989, and a member of the Madrid Agreement and the Madrid Protocol from 12 February 1999.²¹⁷
Lesotho is a WTO member 1 May 1995.²¹⁸
Lesotho is also a member of the African Regional Industrial Property Organisation for English-speaking Africa (ARIPO) (established by the Lusaka Agreement of 9 December 1976) from 23 July 1987 and a party to the Banjul Protocol on marks in the framework of ARIPO from 12 February 1999.²¹⁹
There are no bilateral agreements between the EC and Lesotho specific to GIs.

National Legal Framework

Type of Protection	Trademark regime: No <i>ex officio</i> protection is available under the trademark regime, protection is provided only at the request of an interested party (<i>e.g.</i> , <i>producers</i>).
Relevant Regulatory Framework	<p>National law:</p> <ul style="list-style-type: none"> Industrial Property Amendment Act 1997, June 1997; Industrial Property Order No. 5, May 1989: Part V: Marks, Collective Marks and Trade names (sections 26 to 33). <p>International law:</p> <ul style="list-style-type: none"> The Banjul Protocol on Marks in the framework of the African Regional Industrial Property Organisation (ARIPO) to which Lesotho became a party on 12 February 1999.
Scope of protection	Applicable to goods (agricultural and/or industrial) and services.
Source	The texts of the national law on trademarks are not available electronically. To the Banjul Protocol: http://www.aripo.org/Documents/Protocols/banjul_protocol.pdf .
Summary of the Operational Provisions	<p>Protection of trademarks in Lesotho can be obtained by filing an application through ARIPO or in Lesotho itself.</p> <p>The Banjul Protocol on Marks in the framework of the ARIPO:</p> <p>The EC geographical indications (GIs) may be registered as collective or certification trademarks through the ARIPO office. An application for registration of a trademark with ARIPO may be requested in addition to Lesotho also for other ARIPO's member States which are signatory to the Banjul Protocol.²²⁰</p> <p>The formal examination of applications is carried out either by ARIPO or by the Registrar of Lesotho as any</p>

²¹⁷ Source of information: <http://www.wipo.int>.

²¹⁸ Source of information: <http://www.wto.org>.

²¹⁹ Source of information: <http://www.aripo.org/Protocols.html>.

²²⁰ The Protocol came into force on March 6, 1997 for Malawi, Swaziland and Zimbabwe. Lesotho and Tanzania have joined the Protocol in the course of 1999, for more information consult: <http://www.aripo.wipo.net/protocol.html>.

Continent: Africa
Country: Lesotho

	<p>other Intellectual Property Office of the contracting States where the applicant wishes to protect his trademark.</p> <p>In case of a negative decision issued by ARIPO, applicants may file a complaint with the Board of Appeals of ARIPO or - within a period of three months - request that the application be treated only in Lesotho.</p> <p><u>Substantial examination of applications is always carried out at the national level after notification of the decision on the formal aspects by ARIPO.</u> The opposition would be also available.</p> <p>Results of substantial examinations are transmitted to ARIPO.</p> <p><u>Trademarks registered by ARIPO have the same effects accorded to Marks registered under the national laws of each contracting state chosen by the applicant.</u></p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>None.</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>An application through ARIPO must contain (The Banjul Protocol):</p> <ul style="list-style-type: none"> • a request in writing that the mark be registered; • a list of the goods or services, for which registration of the mark is requested, listed under the applicable class or classes of the international Classification. <p>Non-residents must apply through local attorneys.</p>
<p>Relevant Supporting Documents</p>	<p>An application through ARIPO must be accompanied by:</p> <ul style="list-style-type: none"> • A simply signed power of attorney; • A reproduction of the mark; • Proof of payment of the paid fee (made for ARIPO).
<p>Administration Responsible for Registration</p>	<p>Industrial Property Office Office of the Registrar General Ministry of Law and Constitutional Affaires Law Office P. O. Box 33 Maseru Lesotho Tel: (+266) 22.31.32.11 Fax: (+266) 22.31.04.02 E-mail: lesipo@ilesotho.com.</p> <p>African Regional Intellectual Property Organization (ARIPO) P.O. Box 4228, Harare, Zimbabwe Tel: (+2634) 794054, 794065/6, 794068, 794070/1 Fax: (+2634) 704072/3 E-mail: mail@aripo.org Website: http://www.aripo.org/contact.html.</p>

Continent: Africa
Country: Lesotho

Costs	
Costs of registration	<p>Through ARIPO: Application: 1 mark designating 1 state is \$ 1240.00 (about €979); 1 mark designating 8 states is \$ 4148.00 (about €3275). Application: Additional marks/classes designating 1 state filed simultaneously are \$ 1228.00 each (about € 969), additional mark/classes designating 8 states filed simultaneously are \$ 4036.00 each (about € 3186). Assignment: First trade mark (1 to 8 states) \$ 533.00 (about € 421), additional marks/classes filed simultaneously are \$ 235.00 each (about € 185). Preparation of documents: \$ 107.00 (about €84). Record of change of name or address: First trade mark (1 to 8 states) is \$ 393.00 (about € 310), additional marks/classes filed simultaneously (1 to 8 states) are \$ 184.00 each (about € 145).</p>
Costs of litigation	Starting from \$ 750 (€585).
Timeframe	
Registration	No time frame is foreseen for the formal examination whereas the substantial examination can take from 12 to 18 months.
Protection	Of trademarks registered through ARIPO: 10 years renewable for further periods of 10 years on payment of the prescribed fee.
Additional information	
None.	

Country: Liberia

International Legal Framework

Liberia is a member of the World Intellectual Property Organization from 8 March 1989, a signatory to the Paris Convention for the Protection of Industrial Property from 27 August 1994 and the Madrid Agreement concerning the International Registration of Marks from 25 December 1995.²²¹
Liberia is not a WTO Member.²²²
There are no bilateral agreements between the EC and Liberia specific to GIs.

National Legal Framework

Type of Protection	Trademark regime: No <i>ex officio</i> protection is available under the trademark regime, protection is provided only at the request of an interested party.
Relevant Regulatory Framework	Patent, Copyright and Trademarks Law: Chapter 3 Trademarks and service marks, November 1977.
Scope of protection	The scope of protection concerns all goods and services.
Source	The text of the national law on trademarks is not available electronically, information from the official WIPO web site.
Summary of the Operational Provisions	Protection for trademarks and trade names. In order to register a trademark, substantive and formal examinations of the application will be required. Registration of a mark will confer to the owner the exclusive right of use a trademark for a period of 10 years, renewal is possible.
Specific Provisions (issue of Generics, Reciprocity)	None.

Formal Requirements for an Application

Application Forms	Must contain at least: <ul style="list-style-type: none"> • Full name, street address and description of the applicant (including trading style, if any, and state/country of incorporation, if incorporated); • List of goods and/or services; • If priority is claimed: a certified copy of home application/registration together with legalised translation thereof.
Relevant Supporting Documents	Proof of the payment of the prescribed registration fee.

²²¹ Source of information: <http://www.wipo.int>.

²²² Source of information: <http://www.wto.org>.

Continent: **Africa**
Country: **Liberia**

Administration Responsible for Registration	Industrial Property Office. Bureau of Archives, Patents, Trade Marks and Copyrights Ministry of Foreign Affairs P.O. Box 9002 Monrovia Tel: (+231) 22.30.11 Fax: (+231) 22.79.90
Costs	
Costs of registration	<ul style="list-style-type: none">• Comprehensive study for a first trade mark/class is € 200;• registration of the first trade mark/class is € 654;• any additional class is € 654.
Costs of litigation	Depends on the complexity of the case. It can be litigated by a firm of industrial property agents authorized to practice in Liberia (between € 600 – 900).
Timeframe	
Registration	10 months (approximately, no indication in the Law).
Protection	10 years from date of application and renewable for further periods of 10 years.
Additional information	
None.	

Country: Libya

International Legal Framework

Libya is a member of the World Intellectual Property Organization from 28 September 1976 and also a member of the Paris Convention from the same date.²²³
Libya has a status WTO from 10 June 2004.²²⁴
Libya is a potential ARIPO member and has an observer status of this African Organisation.²²⁵
There are no agreements between Libya and the EC specific to GIs.

National Legal Framework

Type of Protection	<p>Trademark regime: no <i>ex officio</i> protection is available under the trademark regime, protection is provided only at the request of an interested party (<i>e.g., producers</i>).</p>
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Trademark Law No. 40 of 1956.
Scope of protection	<p>Applicable to goods (agricultural and/or industrial) and/or services. Alcoholic drinks excluded.</p>
Source	<p>The English version of the Law is available on the official web site of the Arab Society for Intellectual Property http://www.aspip.org.</p>
Summary of the Operational Provisions	<p>It appears that the EC geographical indications (GIs) may be registered as trademarks in Libya, provided that they meet definitions established by the Law.</p> <p>The Law provides that marks which may mislead the public or which contain any mis-statements about the origin or description of the products, likewise marks which contain a fictitious imitative or forged commercial name may not be registered (Article 5(j) of the Law).</p> <p>Once a trademark application is filed (the authority responsible for the registration is the Trademarks Registration Office), it is examined as to its availability, registrability and coverage. If the Registrar objects in writing to certain aspects of the mark in the course of examination, such as the scope of goods or services or asks for modification of the mark, a grace period indicated in the implementing Regulations is given to the applicant to comply with the Registrar's request.</p> <p>Once the application is formally rejected (Article 10 of the Law), a complaint against the rejection can be submitted to an administrative committee to be formed by the Minister of National Economy, including therein a member delegated from the Department of Legislation and Litigation of the Ministry of Justice within 30 days as from the date of the receipt of rejection of registration. <u>All decisions of this committee shall be deemed final</u> (Article 10 of the Law).</p> <p>In the event of acceptance of the trademark, the office shall bring it to public notice subject to the methods provided for under the implementing regulations to this Law. <u>Within the period fixed under the implementing regulations</u>, any person concerned may submit to the office a written notification of his objection to the registration of the trademark together with the grounds thereof.</p>

²²³ Source of information: <http://www.wipo.int>.

²²⁴ Source of information: <http://www.wto.org>.

²²⁵ Source of information: <http://www.aripo.org/membership.html>.

Continent: Africa
Country: Libya

	<p>The applicant for registration has to submit to the office <u>his written response on the objection within the term prescribed under the executive regulations</u>. The office publishes its decision regarding the grant or rejection of registration; it may, however, qualify the grant of registration by any conditions (Article 11 of the Law). Exceptions against decisions of the office may be raised before the Federal Supreme Court and objections may also lie before this court against decisions of the committee provided for under Article 10.</p> <p>Level of protection: It is considered to be an offence if registered trademarks are forged or imitated in any way that misleads the public, or if a trademark owned by someone else is used on other products or services or offers, or presented for sale or sold (Article 24 of the Law).</p>
Specific Provisions (issue of Generics, Reciprocity)	None.
Formal Requirements for an Application	
Application Forms	<ul style="list-style-type: none"> • An extract of the entry of the applicant company in the Commercial Register legalized up to the Libyan Consulate; • A copy of the home certificate or any foreign registration certificate of the trademark, (no need to be legalized or certified).
Relevant Supporting Documents	<ul style="list-style-type: none"> • Fifteen prints of the trademark; • A power of attorney signed, stamped by the applicant company's stamp and legalized up to the Libyan Consulate in the applicant home country; • All documents should be translated into Arabic in Libya.
Administration Responsible for Registration	<p>Trademark Office People's General Committee for Economy and Trade. P.O. Box 3633 Tajoura-Tripoli Tel: (+218.21) 480.70.36 Fax: (+218.21) 480.87.05</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • Filing a mark application in one class up to Registration \$ 650 (€ 520); • Filing a simultaneous mark application in one class \$ 630 (€ 504); • Renewal of a mark registration before the expiry date \$ 215 (€ 172); • Renewal of a mark registration within 3 months after the expiry date \$ 280 (€ 224); • Opposition Action before the registrar \$ 300 (€ 240); • Counter-opposition action before the registrar \$ 300 (€ 240); • Amendment of a mark: \$ 480 (€ 384).
Costs of litigation	Depends on the complexity of the case but approximately starting from € 600.
Timeframe	
Registration	From 6 to 12 months.
Protection	10 years renewable for periods of 10 years.
Additional information	
None.	

Country: Madagascar

International Legal Framework

Madagascar is a member of the World Intellectual Property Organization since 22 December 1989 and a signatory of the Paris Convention for the Protection of Industrial Property since 21 December 1963.²²⁶
Madagascar is a WTO Member since 17 November 1995.²²⁷

National Legal Framework

Type of Protection	Trademark regime (no <i>ex officio</i> protection is available under the trademark regime, protection is provided only at the request of an interested party).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Ordinance No 89-019 Establishing Protection for Industrial Property in Madagascar (hereinafter referred as “the TM Law”), July 1989 («Titre II» - Art 55 - 87). • Decree No 92-993 of December 1992 for the Implementation of the Ordinance No 89-019.
Scope of protection	The scope of protection concerns all goods and services .
Source	A French version of the Ordinance 89-019 is available at: http://droit.francophonie.org/doc/html/mg/loi/fr/1989/1989dfmglgfr1.html . A French version of the Decree 92-993 is available at: http://droit.francophonie.org/doc/html/mg/loi/fr/1992/1992dfmglgfr7.html#H_026 .
Summary of the Operational Provisions	<p>The Ordinance of 1989 entered into force through the application of the 1992 Decree.</p> <p>It appears that the EC GIs could be registered as collective marks in Madagascar. There is a specific section on collective marks (Articles 78 to 82 of the Ordinance). The Ordinance provides that an applicant must fill in an application form which must be written in French or Malagasy. There is a formal examination of the demand by the Intellectual property office.</p> <p>Unlike in the EC, there is no opposition procedure available.</p> <p>The violation of a mark is punished by prison (3 months – 6 years) and by the payment of a fine. In the event of a second offence the sentence is doubled (Article 84 of the 1989 Decree).</p>
Specific Provisions (issue of Generics, Reciprocity)	Generic terms cannot be registered as trademarks (Article 55 of the Law). No definition is provided in the Ordinance.
Formal Requirements for an Application	
Application Forms	Like in the EC there is a standard application form, however, this form is not available online. The following elements are required for application:

²²⁶ Source of information: <http://www.wipo.int>.

²²⁷ Source of information: <http://www.wto.org>.

Continent: Africa
Country: Madagascar

	<ul style="list-style-type: none"> • Application form; • Receipt of the taxes payment; • 10 prints of the mark; • List of the products/services covered by the mark; • A rule on the use of the mark; • The name of an agent in charge of the contacts with the IPO. A power of attorney signed before a notary
Relevant Supporting Documents	None.
Administration Responsible for Registration	<p>Industrial Property Office Office Malgache de la Propriété Industrielle (OMAPI)</p> <p>Malagasy Industrial Property Office Bâtiment de la Direction générale de l'artisanat Rue Agosthino Neto – 67 Ha-Sud 8237 – Antananarivo 101 Tel.: (261.20) 223.35.02/6 226.59.75 Fax: (261.20) 226.59.79 E-mail: omapi@dts.mg</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • Application: 1 - 3 classes: \$ 735.00 (~ €574), additional classes over three filed simultaneously \$ 472.00 (~ €368) each. • Assignment: First trade mark/class \$ 432.00 (~ €337), additional trade marks/classes filed simultaneously \$ 261.00 (~ €204) each. • Preparation of documents: \$ 107.00 (~ €83). • Recordal of change of name or address: First trade mark/class \$ 179.00 (~ €140), additional trade marks/classes filed simultaneously \$ 52.00 each (~ €40). • Renewal: 1 - 3 classes \$ 523.00 (~ €408), 4 or more classes renewed simultaneously \$ 401.00 each (~ €313).
Costs of litigation	Depends on the complexity of the case. It can be litigated by a firm of industrial property agents authorised to practice in Madagascar (between €600 – 900).
Timeframe	
Registration	Approximately 6 months (no timeframe is indicated in the TM Law).
Protection	10 years, renewable by payment of the fees.
Additional information	
None.	

Country: Malawi

International Legal Framework

Malawi is a member of the World Intellectual Property Organization from 11 June 1970, and a signatory of the Paris Convention from 6 July 1964.²²⁸
Malawi is a WTO Member from 31 May 1995.²²⁹
Malawi is also a member of the African Regional Industrial Property Organisation for English-speaking Africa (ARIPO) (established by the Lusaka Agreement of 9 December 1976) from 15 February 1978 and a party to the Banjul Protocol on marks in the framework of ARIPO from 6 March 1997.²³⁰
There is no bilateral agreement between the EC and Malawi specific to GIs.

National Legal Framework

Type of Protection	Trademark regime: No <i>ex officio</i> protection is available under the trademark regime, protection is provided only at the request of an interested party (<i>e.g., producers</i>).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Trade Marks Act No 14 of April 1958; • Trade Descriptions Act No. 18 August 1987; • The Banjul Protocol on Marks in the framework of the African Regional Industrial Property Organisation (ARIPO) to which Malawi became a member on 6 March 1997.
Scope of protection	Applicable to goods (agricultural and/or industrial) and services.
Source	The texts of the national laws on trademarks are not available electronically. The Banjul Protocol on Marks is available on http://www.aripo.org/Documents/Protocols/banjul_protocol.pdf .
Summary of the Operational Provisions	<p>Protection of trademarks in Malawi can be obtained by filing an application through ARIPO or in Malawi itself.</p> <p><u>The Banjul Protocol on Marks in the framework of the ARIPO:</u></p> <p>The EC geographical indications (GIs) may be registered as collective or certification trademarks through the ARIPO office. An application for registration of a trademark with ARIPO may be requested in addition to Malawi also for other ARIPO's member States which are signatory to the Banjul Protocol.²³¹</p> <p>The formal examination of applications is carried out either by ARIPO or by the Registrar of Malawi as any other Intellectual Property Office of the contracting States where the applicant wishes to protect his trademark.</p> <p>In case of a negative decision issued by ARIPO, applicants may file a complaint with the Board of Appeals</p>

²²⁸ Source of information: <http://www.wipo.int>.

²²⁹ Source of information: <http://www.wto.org>.

²³⁰ Source of information: <http://www.aripo.org/Protocols.html>.

²³¹ The Protocol came into force on March 6, 1997 for Malawi, Swaziland and Zimbabwe. Lesotho and Tanzania have joined the Protocol in the course of 1999, for more information consult: <http://www.aripo.wipo.net/protocol.html>.

Continent: Africa
Country: Malawi

	<p>of ARIPO or - within a period of three months - request that the application be treated only in Malawi.</p> <p><u>Substantial examination of applications is always carried out at the national level after notification of the decision on the formal aspects by ARIPO.</u> The opposition would be also available. Results of substantial examinations are transmitted to ARIPO.</p> <p><u>Trademarks registered by ARIPO shall have the same effects accorded to Marks registered under the national laws of each contracting state chosen by the applicant.</u></p>
Specific Provisions (issue of Generics, Reciprocity)	None.
Formal Requirements for an Application	
Application Forms	<p>An application through ARIPO must contain:</p> <ul style="list-style-type: none"> • a request in writing that the mark be registered; • a list of the goods or services, for which registration of the mark is requested, listed under the applicable class or classes of the international classification. <p>Non-residents must apply through the local attorneys.</p>
Relevant Supporting Documents	<p>An application through ARIPO must be accompanied by:</p> <ul style="list-style-type: none"> • A simply signed power of attorney; • A reproduction of the mark; • Proof of payment of the prescribed fee.
Administration Responsible for Registration	<p>Industrial Property Office Department of the Registrar General Fatima Arcade Building Haile Selassie Road P.O. Box 100 Blantyre Malawi Tel: (+265.1) 65.10.22 Fax: (+265.1) 64.08.77 E-mail: reg@malawi.net.</p> <p>African Regional Intellectual Property Organization (ARIPO) P.O. Box 4228, Harare, Zimbabwe Tel: (+2634) 794054, 794065/6, 794068, 794070/1 Fax: (+2634) 704072/3 E-mail: mail@aripo.org Website: http://www.aripo.org/contact.html.</p>
Costs	
Costs of registration	<p>Through ARIPO: Application: 1 mark designating 1 state is \$ 1240.00 (about € 979); 1 mark designating 8 states is \$ 4148.00 (about € 3275). Application: Additional marks/classes designating 1 state filed simultaneously are \$ 1228.00 each (about €</p>

Continent: Africa
Country: Malawi

	<p>969), additional mark/classes designating 8 states filed simultaneously are \$ 4036.00 each (about € 3186). Assignment: First trade mark (1 to 8 states) \$ 533.00 (about € 421), additional marks/classes filed simultaneously are \$ 235.00 each (about € 185). Preparation of documents: \$ 107.00 (about € 84). Record of change of name or address: First trade mark (1 to 8 states) is \$ 393.00 (about € 310), additional marks/classes filed simultaneously (1 to 8 states) are \$ 184.00 each (about € 145).</p>
Costs of litigation	Starting from \$ 750 (€ 585).
Timeframe	
Registration	No timeframe is foreseen for the formal examination whereas the substantial examination can take from 12 to 18 months.
Protection	Of trademarks registered through ARIPO: 10 years, renewable for further periods of 10 years conditional upon the payment of the prescribed fees.
Additional information	
None.	

Country: Mali

International Legal Framework

Mali is a member of the World Intellectual Property Organization from 14 August 1982 and a signatory of the Paris Convention for the Protection of Industrial Property from 1 March 1983.²³²
Mali is a WTO Member from 31 May 1995.²³³
There are no bilateral agreements between the EC and Mali specific to GIs.
Mali is a member of the **Bangui Agreement on Intellectual Property** which set up the Organisation Africaine de la Propriété Intellectuelle (OAPI) that governs the protection of intellectual property rights in 16 countries of Western and Central Africa.²³⁴

National Legal Framework

Type of Protection	Sui generis protection. No <i>ex officio</i> protection is available; protection is only provided at the request of any interested party.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Bangui Agreement, March 1977 (Annex VI), since February 1982, as last amended in February 1999.
Scope of protection	The scope of application of the GI Law is more extensive than the scope of the EC system (concerns all goods: agricultural and handicraft, but not services).
Source	English version of the Law is available at http://www.oapi.wipo.net/doc/en/bangui_agreement.pdf
Summary of the Operational Provisions	<p>Application must be made directly to the OAPI Office in Yaoundé (see below).</p> <p>Geographical indication is defined in the <u>Article 1 of Annex VI of the Bangui Agreement</u> in a manner similar to EU law.</p> <p><u>GIs excluded from protection</u>: GIs that are: contrary to morality or public policy, liable to deceive the public, not protected in their country of origin or have ceased to be protected or have fallen into disuse in that country (article 5 of the Annex VI).</p> <p>The registration procedure is divided into three phases:</p> <ul style="list-style-type: none"> • Request for registration; • Formal and substantial examination of the request; • Grant of a registration certificate for the GI. <p>An opposition procedure is available after the registration. Open for 6 months after the publication. There is also an appeal procedure available on the decision of the OAPI on the opposition (3 months).</p> <p>Registration is conditional upon the payment of the fees.</p>

²³² Source of information: <http://www.wipo.int>.

²³³ Source of information: <http://www.wto.org>.

²³⁴ Source of information: <http://www.oapi.wipo.net/en/OAPI/index.htm>.

Continent: Africa
Country: Mali

	<p>GIs are registered in the Special Register of Geographical Indications.</p> <p>Level of protection is similar to the one provided under the EC law: the protection in translation is covered by the Agreement; the use of kind, type, make, etc. is forbidden (Article 15.3 of the Annex VI).</p> <p>The owner of an early mark that is identical with or similar to a geographical indication may continue to use his mark, except where such mark concerns wines or spirits (Article 15.6 of Annex VI).</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>There is no provision with respect to generic names.</p> <p>However, Article 15.4 of the Annex VI of the Bangui Agreement states that the competent national authority of an OAPI member State can decide by regulation that the quality of products put on sale or used under a registered geographical indication shall be subject to control or that the use of such geographical indication shall be prohibited.</p> <p>Any person may at any time consult the Special Register or request information, against payment of the prescribed fees (Article 13 of the Annex VI).</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Article 6 of the Agreement states that Applications of GIs shall be filed directly to the OAPI.</p> <p>Applicants domiciled outside the territory of the member States shall file through an agent selected in one of those member States. However, OAPI has already signaled that it would be ready to accept filing via national embassies.</p> <p>Unlike in the EU, there is no standard application form at the present time. The application for registration filed to the OAPI shall contain:</p> <ul style="list-style-type: none"> • an application to the Director General of the Organization in a sufficient number of copies; • the geographical area to which the GI applies; • the products for which the GI is used; • the quality, reputation or other characteristic of the products for which the geographical indication is used; • a proof of payment of the filing fee. <p>A simplified version of the EC specifications can be used for these purposes.</p>
<p>Relevant Supporting Documents</p>	<p>None.</p>
<p>Administration Responsible for Registration</p>	<p>Direction Générale de l'OAPI BP 887 Yaoundé Cameroun Tél : (237) 220 57 00/ 220 39 11 Fax : (237) 220 57 27/ 220 57 21 E-mail: oapi.oe@oapi.oe.wipo.net. Website: http://www.oapi.wipo.net.</p>

Continent: **Africa**
Country: **Mali**

Costs	
Costs of registration	Application for Registration: F.FCA 90.000 (€ 137). Publication of the application for registration: F.FCA 55.000 (€ 83). Application for Opposition: F.FCA 150.000 (€ 228).
Costs of litigation	Approximately € 1000 to 1500.
Timeframe	
Registration	No legal requirements, but the examination procedure lasts in general for about 6 months.
Protection	GIs are protected for an indefinite period of time (as long as they are protected in their country of origin). No renewal is required.
Additional information	
None.	

Country: Mauritania

International Legal Framework

Mauritania is a member of the World Intellectual Property Organization from 17 September 1976 and a signatory of the Paris Convention for the Protection of Industrial Property from 11 April 1965.²³⁵

Mauritania is a WTO Member from 31 May 1995.²³⁶

There are no bilateral agreements between the EC and Mauritania specific to GIs.

Mauritania is a member of the **Bangui Agreement on Intellectual Property** which set up the Organisation Africaine de la Propriété Intellectuelle (OAPI) that governs the protection of intellectual property rights in 16 countries of Western and Central Africa.²³⁷

National Legal Framework

Type of Protection	Sui generis protection. No <i>ex officio</i> protection is available; protection is only provided at the request of any interested party.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Bangui Agreement, March 1977 (Annex VI), since February 1982, as last amended in February 1999.
Scope of protection	The scope of application of the GI Law is more extensive than the scope of the EC system (concerns all goods: agricultural and handicraft, but not services).
Source	English version of the Law is available at http://www.oapi.wipo.net/doc/en/bangui_agreement.pdf .
Summary of the Operational Provisions	<p>Application must be made directly to the OAPI Office in Yaoundé (see below).</p> <p>Geographical indication is defined in the <u>Article 1 of Annex VI of the Bangui Agreement</u> in a manner similar to EU law.</p> <p><u>GIs excluded from protection</u>: GIs that are contrary to morality or public policy, liable to deceive the public, not protected in their country of origin or have ceased to be protected or have fallen into disuse in that country (article 5 of the Annex VI).</p> <p>The registration procedure is divided into three phases:</p> <ul style="list-style-type: none"> • Request for registration; • Formal and substantial examination of the request; • Grant of a registration certificate for the GI. <p>An opposition procedure is available after the registration. Open for 6 months after the publication. There is also an appeal procedure available on the decision of the OAPI on the opposition (3 months).</p> <p>Registration is conditional upon the payment of the fees.</p>

²³⁵ Source of information: <http://www.wipo.int>.

²³⁶ Source of information: <http://www.wto.org>.

²³⁷ Source of information: <http://www.oapi.wipo.net/en/OAPI/index.htm>.

Continent: Africa
Country: Mauritania

	<p>GIs are registered in the Special Register of Geographical Indications.</p> <p>Level of protection is similar to the one provided under the EC law: the protection in translation is covered by the Agreement; the use of kind, type, make, etc. is forbidden (Article 15.3 of the Annex VI).</p> <p>The owner of an early mark that is identical with or similar to a geographical indication may continue to use his mark, except where such mark concerns wines or spirits (Article 15.6 of Annex VI).</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>There is no provision with respect to generic names.</p> <p>However, Article 15.4 of the Annex VI of the Bangui Agreement states that the competent national authority of an OAPI member State can decide by regulation that the quality of products put on sale or used under a registered geographical indication shall be subject to control or that the use of such geographical indication shall be prohibited.</p> <p>Any person may at any time consult the Special Register or request information, against payment of the prescribed fees (Article 13 of the Annex VI).</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Article 6 of the Agreement states that Applications of GIs shall be filed directly to the OAPI.</p> <p>Applicants domiciled outside the territory of the member States shall file through an agent selected in one of those member States. However, OAPI has already signaled that it would be ready to accept filing via national embassies.</p> <p><u>Unlike in the EU, there is no standard application form at the present time.</u> The application for registration filed to the OAPI shall contain:</p> <ul style="list-style-type: none"> • an application to the Director General of the Organization in a sufficient number of copies; • the geographical area to which the GI applies; • the products for which the GI is used; • the quality, reputation or other characteristic of the products for which the geographical indication is used; • a proof of payment of the filing fee. <p>A simplified version of the EC specifications can be used for these purposes.</p>
<p>Relevant Supporting Documents</p>	<p>None.</p>
<p>Administration Responsible for Registration</p>	<p>Direction Générale de l'OAPI BP 887 Yaoundé Cameroun Tél : (237) 220 57 00/ 220 39 11 Fax : (237) 220 57 27/ 220 57 21 E-mail: oapi.oe@oapi.oe.wipo.net. Website: http://www.oapi.wipo.net.</p>

Continent: Africa
Country: Mauritania

Costs	
Costs of registration	Application for Registration: F.FCA 90.000 (€ 137). Publication of the application for registration: F.FCA 55.000 (€ 83). Application for Opposition: F.FCA 150.000 (€ 228).
Costs of litigation	Approximately € 1000 to 1500.
Timeframe	
Registration	No legal requirements, but the examination procedure lasts in general for about 6 months.
Protection	GIs are protected for an indefinite period of time (as long as they are protected in their country of origin). No renewal is required.
Additional information	
None.	

Country: Mauritius

International Legal Framework

Mauritius is a member of the World Intellectual Property Organization since 21 September 1976, and a member of the Paris Convention since 24 September 1976.²³⁸
Mauritius is a WTO Member since 1 January 1995.²³⁹
There are no bilateral agreements between the EC and Mauritius specific to GIs.

National Legal Framework

Type of Protection	Sui generis protection. It appears that <i>ex officio</i> protection is available, since Governmental Officials (Controllers of the Industrial Property Office appointed under Section 3 of the Law) may initiate the proceedings and control the use of registered geographical names).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • The Geographical Indications Act N 23 of 8 August 2002 (hereinafter referred as “the Law”).
Scope of protection	The scope of application of the Law is more extensive than the scope of the EC system (concern all goods: natural, agricultural and industrial, but not services).
Source	The text of the Law is available on http://www.wipo.int .
Summary of the Operational Provisions	<p>Definition of geographical indications is similar to one provided by the EC Regulation (Section 2 of the Law). Names and signs that meet such definition may be registered.</p> <p>The Controller of the Industrial Property Office (the authority responsible for registration of GIs) examines the application first formally, and then substantially.</p> <p>Registration is not compulsory to afford protection. <u>However, registration affords better protection, facilitates an action for infringement and gives the authorized user the exclusive rights to the use</u> (Section 4 of the Law). The Controller of the Industrial Property Office is responsible for the registration of geographical indications.</p> <p>Like in the EC, there is an opposition procedure available to any person within the prescribed by the Controller period (Section 10 of the Law). There is a right to appeal a decision of the Controller to the Tribunal (Section 17 of the Law).</p> <p>The Law provides higher protection for GIs for wines and spirits. For these goods the use of a GI with any good not originating from the geographical origin is unlawful even if there is a declaration of the true place of origin of the goods. Similarly, the use of the geographical indication in translation or the use of the terms “kind”, “type”, “style”, “imitation” or anything similar to accompany the geographical indication used with the protected goods is considered unlawful.</p> <p>It appears that the level of protection under the GIs law to GIs for agricultural products and foodstuffs (not wines or spirits) is different from the level provided under the EC law.</p> <p>The use of registered GIs for agricultural products and foodstuffs (not wines or spirits) is not allowed only in</p>

²³⁸ Source of information: <http://www.wipo.int>.

²³⁹ Source of information: <http://www.wto.org>.

Continent: Africa
Country: Mauritius

	a manner which misleads the public. Therefore, GI producers will have to show that consumers are misled by imitators and counterfeiters. This may require producing consumer surveys and other evidence that may be expensive. In contrast, this will not be the case for wines and spirits where proof of consumer deception is not required and misuse of the relevant GI on a non-originating product will suffice to trigger protection.
Specific Provisions (issue of Generics, Reciprocity)	The Law does not contain definition of generic names. The EC GIs can be registered in Mauritius , as the Law does not contain any provisions indicating a different treatment of foreign GIs.
Formal Requirements for an Application	
Application Forms	Unlike in the EC, there is no standard application form in Mauritius provided by the Law. However, the Law indicates that an application must contain (Section 9 of the Law): <ul style="list-style-type: none"> • details of the applicant (name, address and nationality) and the capacity in which the applicant is applying for registration; • the geographical indication for which registration is sought; • the products for which the geographical indication applies; and • a description of the particular features (quality, reputation or other characteristics) of the good (where necessary-also of the raw material); <p>The EC specification can be potentially re-used for the registration.</p>
Relevant Supporting Documents	In addition to the aforementioned requirements, an application must be accompanied by a document certifying payment of the application fee in order to be considered valid.
Administration Responsible for Registration	Industrial Property Office Patents and Trade Marks Section Level 7, Air Mauritius Centre John Kennedy Street Port Louis Tel.: (230) 210.25.13 E-mail: Trademark@intnet.mu .
Costs	
Costs of registration	The amount of fees would be established by the Controller (not less than € 500).
Costs of litigation	Costs for legal assistance on the case are between € 800 and € 2000 (depending on the complexity of the case).
Timeframe	
Registration	Approximately 8 – 12 months.
Protection	The registration of a GI is valid for a period of time determined by the Controller.
Additional information	
None.	

Country: Morocco

International Legal Framework

Morocco is a member of the World Intellectual Property Organization from 27 July 1971, and a signatory to the Paris Convention for the Protection of Industrial Property and the Madrid Protocol Concerning the International Registration of Marks from 30 July 1917. Morocco has signed the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods on 30 July 1917²⁴⁰.

Morocco is a WTO Member from 1 January 1995²⁴¹.

There are no bilateral agreements between the EC and Morocco specific to GIs.

National Legal Framework

Type of Protection

Sui generis protection of geographical indications although the protection is effective only for some GIs for wines at the present time pending the adoption of an implementing decree for GIs of other products. It appears that **ex officio protection** is available presently for wines and foreseen in the Law on GIs of 2004.

Relevant Regulatory Framework

Existing Sui Generis Protection of some GI wines:

- **Order No. 1955 and 1956** concerning the general conditions governing production of wines with registered appellations of origin of 8 October 1998;
- **Order No. 869-75** of the Minister for Agriculture and Agrarian Reform regulating the appellation of origin regime for wines of 15 August 1977;
- **Decree No 2.75.321** of 12 August 1977 relating to the rules on the winemaking, detention, distribution and trade of wine (hereinafter referred as "the Decree").

Protection of other GIs

The Law No. 17-97 concerning Protection of Industrial Property No. 1-00-91 of 15 February 2000, which entered into force on 18 December 2004 (hereinafter referred as "the Law"). The Law 17-97 has been modified on 14 December 2005 by the Law 31-05 published on 20 February 2006. This Law introduces a **national registry for geographical indications and appellations of origin. However, this is not effective, yet pending the adoption of an implementing Decree.**

Scope of protection

The scope of protection is more extensive than the scope of the EC system (concerns all goods and services).

Source

A consolidated version of the Decree is available at:
<http://www.mcinet.gov.ma/mciweb/baseslegales/161.pdf>

A consolidated version of the Law 17-97 is available at:
<http://www.ompic.org.ma/actualite/docs/11797consofr.pdf>

Summary of the Operational

Sui Generis Protection of GIs: Moroccan GIs for wines are protected as well as the French GI **Champagne**, Article 19 B of Decree No 2.75.321.

²⁴⁰ Source of information: <http://www.wipo.int>.

²⁴¹ Source of information: <http://www.wto.org>.

Continent: Africa
Country: Morocco

Provisions	<p>Protection of other GIs</p> <p>GIs are covered by the Title 6 of the Law. GIs are defined in a manner similar to the EC legislation with two definitions, one for geographical indications (Article 180) and another for appellations of origin (Article 181).</p> <p>The Law provides for the registration of GIs in a register of GIs and AOs managed by the Moroccan Industrial and Commercial Property Office (the authority responsible for the registration of GIs and AOs in Morocco). Requests are to be published (in a manner which will be defined in the implementing Decree). Opposition will be available during a period of 2 months (Article 182.2). Opposition requests will be sent to the competent national authority which will examine them.</p> <p>Level of protection: <u>No registered designations of origin or geographical indications may be used in the cases when the genuine origin is indicated or is used in translation or in combination with expressions such as “make”, “kind of”, “imitation” or “the like”.</u> The direct or indirect use of a false or deceptive indication concerning the origin of a product or a service, the identity of the producer, manufacturer or trader is also prohibited (Article 182 of the Law).</p> <p>Unfair competition is specifically prohibited in the Law and ex officio protection is available (Article 183 of the Law).</p>
Specific Provisions (issue of Generics, Reciprocity)	<p>EC producers of GIs will be able to register their GIs in Morocco as the Law states that the nationals of each of the countries member of the International Union for the Protection of Industrial Property shall enjoy the protection of industrial property rights provided by this Law (Article 3 of the Law).</p>
Formal Requirements for an Application	
Application Forms	<p>Unlike in the EU, no standard application form is previewed.</p> <p>The language of application is Arabic or French.</p>
Relevant Supporting Documents	<p>The application must include also the power of attorney signed by the owner of the GI (Article 4 of the Law).</p>
Administration Responsible for Registration	<p>Moroccan Industrial and Commercial Property Office Ministry of Industry, Trade and Levelling of the Economy Route de Nouasser RS 114 Km 9,500 P.O. Box 8072 Casablanca Tel : + 212.2 233.51.67/233.54.86 Fax : + 212.2 233.53.39/233.54.80 www.ompic.org.ma.</p>
Costs	
Costs of registration	<p>Fees for the registration of GIs are not available yet.</p> <p>For information, fees for the registration of trademarks are as follows:</p>

Continent: Africa
Country: Morocco

	<ul style="list-style-type: none">• Deposit fees: Dirham 560 (~€ 52);• Registration fees by class of goods or services: Dirham 60 (~€ 5);• Renewal fees: Dirham 560 (~€ 52).
Costs of litigation	Approximately Dirham 7.000 (~€ 750).
Timeframe	
Registration	Not available.
Protection	There is no provision in the Law on this aspect. It will be defined in the implementing decree.
Additional information	
14 Moroccan GIs for wine have been registered including: Berkane, Saïs, Beni Sadden, Zerhoun, Guerrouane, Beni M'Tir, Rhab, Chellah, Zaër, Zemmour, Zenata, Côteaux d'Atlas.	

Country: Mozambique

International Legal Framework

Mozambique is a member of the World Intellectual Property Organization from 23 December 1996, a member of the Paris Convention from 9 July 1998, and a signatory of the Madrid Agreement from 7 October 1998.²⁴²
Mozambique is a member of the WTO from 26 August 1995.²⁴³
Mozambique is a member of the African Regional Intellectual Property Organization (ARIPO) from 8 February 2000.²⁴⁴
There are no bilateral agreements between the EC and Mozambique specific to GIs.

National Legal Framework

Type of Protection	Sui generis protection but <i>ex parte</i>. No <i>ex officio</i> protection is available under the sui generis regime , as protection is provided only at the request of an interested party.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • The Industrial Property Code of Mozambique with Chapter VI on Appellations of Origin and Geographical Indications, approved by Decree 18/99 of May 4 1999, which entered into force on 12 June 2006 (hereinafter referred as “the Law”).
Scope of protection	The scope of application of the Law is more extensive than the scope of the EC system (applicable to all goods (agricultural and industrial)).
Source	Industrial Property Code of Mozambique: http://www.tralac.org/pdf/MZ_IP_code_eng.doc .
Summary of the Operational Provisions	<p>Definitions of appellations of origin (AOs) and geographical indications (GIs) are similar to those provided by the EC Regulation (Article 1 of the Law). Names and signs that meet such definition may be registered.</p> <p>Registration procedure: An application for the registration of a geographical indication may be submitted to the Trade Marks Office of Mozambique (the authority responsible for registration of GIs), where it will be examined first formally, and then substantially.</p> <p>The Office shall verify that:</p> <ul style="list-style-type: none"> • the applications are correctly addressed; • the application is duly signed; • the amount of fees to paid and the documents required are attached thereto. <p>Unlike in the EC, there is no opposition procedure foreseen under the Law.</p> <p>However, annulment of the registration is possible according to Article 16 of the Law, within 5 years from the date on which the certificate of title was issued. Decisions of the Trade Marks Office can be appealed in the courts (Article 173 of the Law).</p> <p>The level of protection under the Law appears to be different from the level provided under the EC law.</p> <p>The use of misleading GIs is banned (Article 138 of the Law), however, the Law does not refer to protection</p>

²⁴² Source of information: <http://www.wipo.int>.

²⁴³ Source of information: <http://www.wto.org>.

²⁴⁴ Source of information: <http://www.aripo.org/Protocols.html>.

Continent: Africa
Country: Mozambique

	of geographical names in translation. The appellations of origin and geographical indications are protected even prior their registration (from the date of application for registration, in accordance with Article 142 of the Law).
Specific Provisions (issue of Generics, Reciprocity)	The Law does not refer to geographical names commonly used to identify certain goods. There are no provisions precluding the registration of foreign GIs, therefore, it would appear that the EC GIs can be registered in Mozambique.
Formal Requirements for an Application	
Application Forms	<p>As in the EC, the applications must be submitted on the forms provided by Mozambique's industrial property administration office²⁴⁵ and must contain (Articles 8 and 140 of the Law):</p> <ul style="list-style-type: none"> • The name of the individuals and the public and private entities with capacity to obtain registration; • The name of the product/s including the appellation of origin; • The traditional conditions or regulations for the use of the appellation and the boundaries of the geographical area.
Relevant Supporting Documents	None.
Administration Responsible for Registration	<p>Industrial Property Office Industrial Property Institute Rua Consiglieri Pedroso, 165 P.O. Box 1072 Maputo Tel: (+285.1) 35.49.00 Fax: (+258.1) 35.49.44 Website: www.ipi.gov.mz</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • Application for registration of an appellation of origin or a geographical indication is 400.000,00 Mozambique Metical (MT) or \$ 15 (€ 12); • Transfer of international application is 3.000.000,00 MT or \$ 112 (€ 88); • Service charge is 50.000 MT or \$ 2 (€ 1,5); • Publication is 300.000 MT or \$ 11 (€ 9); • Certificate of Title is 600.000 MT or \$ 22 (€ 17); • Renewal is equal to initial registration fee; • Revalidation is triple the fee to be paid; • Use of the local agent for the registration is \$750 (€598.78) for each registration. <p>Table of fees is attached to the Law in Annex I and subject to adjustments over time.²⁴⁶</p>
Costs of litigation	Starting from \$ 600 (€ 474).

²⁴⁵ At the moment no forms are available electronically (July 2006).

²⁴⁶ Available at: http://www.tralac.org/pdf/MZ_IP_code_eng.doc. Conversion of Mozambique Meticals is done according to the currency rate of 10 August 2006.

Continent: **Africa**
Country: **Mozambique**

Timeframe	
Registration	The Law does not indicate the timeframe and no practical experience have been reported yet (since the Law just entered into force).
Protection	<p>The appellations of origin and geographical indications are protected for an indefinite period of time (Article 142 of the Law). The Certificates of Titles for appellations of origin and geographical indications are issued for indefinite period of time and delivered to the interested parties within 60 days after the registration (Article 11 of the Law).</p> <p>The fees for Certificate of Titles shall be paid on a yearly basis with a minimum 30 days advance notice of the expiry of period for the payment of the renewal (Article 177 of the Law).</p>
Additional information	
None.	

Country: Namibia

International Legal Framework

Namibia is a member of the World Intellectual Property Organization Convention from 23 December 1991, a signatory of the Paris Convention for the Protection of Industrial Property from 1 January 2004, and a member of the Madrid Agreement (Marks) from 30 June 2004.²⁴⁷

Namibia is a WTO member 1 January 1995.²⁴⁸

Namibia is also a member of the African Regional Industrial Property Organisation for English-speaking Africa (ARIPO) (established by the Lusaka Agreement of 9 December 1976) from 14 October 2003 and a party to the Banjul Protocol on marks in the framework of ARIPO from 14 January 2004.²⁴⁹

There are no bilateral agreements between the EC and Namibia specific to GIs.

National Legal Framework

Type of Protection	Trademark regime: No <i>ex officio</i> protection is available under the trademark regime, protection is provided only at the request of an interested party (<i>e.g., producers</i>).
Relevant Regulatory Framework	<p>National law:</p> <ul style="list-style-type: none"> • Trade Marks in South West Africa Act No. 48 of 1973, in force since January 1974; • Regulations for Trade Marks in South West Africa, Government Notice No. R. 2437, in force since January 1974; • Trade Marks in South West Africa Act of 1973: Amendment of Regulations, by Administrator-General's Government Notice No. AG 40 of 1989. <p>The new Industrial Property Bill was approved by the Cabinet in Namibia on 24 June 2005 and authorised the Ministry of Trade and Industry to introduce it in Parliament. No further information was communicated to the WIPO or any other organisation.</p> <p>International law:</p> <ul style="list-style-type: none"> • The Banjul Protocol on Marks in the framework of the African Regional Industrial Property Organisation (ARIPO) to which Namibia became a party on 14 January 2004.
Scope of protection	Applicable to goods (agricultural and/or industrial) and / or services.
Source	<p>No texts of the national law on trademarks are available electronically on the official web site of WIPO.</p> <p>To the Banjul Protocol: http://www.aripo.org/Documents/Protocols/banjul_protocol.pdf</p>
Summary of the Operational Provisions	<p>Protection of trademarks in Namibia can be obtained by filing an application through ARIPO or in Namibia itself.</p> <p>Protection for trademarks and trade names. In order to register a trademark, substantive and formal examinations of the application will be required.</p> <p>The Banjul Protocol on Marks in the framework of the ARIPO:</p>

²⁴⁷ Source of information: <http://www.wipo.int>.

²⁴⁸ Source of information: <http://www.wto.org>.

²⁴⁹ Source of information: <http://www.aripo.org/Protocols.html>.

Continent: Africa
Country: Namibia

	<p>The EC geographical indications (GIs) may be registered as collective or certification trademarks through the ARIPO office. An application for registration of a trademark with ARIPO may be requested in addition to Namibia also for other ARIPO's member States which are signatory to the Banjul Protocol.²⁵⁰</p> <p>The formal examination of applications is carried out either by ARIPO or by the Registrar of Namibia as any other Intellectual Property Office of the contracting States where the applicant wishes to protect his trademark.</p> <p>In case of a negative decision issues by ARIPO, applicants may file a complaint with the Board of Appeals of ARIPO or - within a period of three months - request that the application be treated only in Namibia.</p> <p><u>Substantial examination of applications is always carried out at national level after notification of the decision on the formal aspects by ARIPO.</u> The opposition would be also available. Results of substantial examinations are transmitted to ARIPO.</p> <p><u>Trademarks registered by ARIPO shall have the same effects accorded to Marks registered under the national laws of each contracting state chosen by the applicant.</u></p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>None.</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>An application through ARIPO must contain (The Banjul Protocol):</p> <ul style="list-style-type: none"> • a request in writing that the mark be registered; • a list of the goods or services, for which registration of the mark is requested, listed under the applicable class or classes of the international Classification. <p>Non-residents must apply through local attorneys.</p>
<p>Relevant Supporting Documents</p>	<p>An application through ARIPO must be accompanied by:</p> <ul style="list-style-type: none"> • A simply signed power of attorney; • A reproduction of the mark; • Proof of payment of the paid fee (made for ARIPO).
<p>Administration Responsible for Registration</p>	<p>National trademark system:</p> <p>Ministry of Trade and Industry P.O. Box 21214 Windhoek 9000 Tel.: (264.61) 22.99.33 Fax: (264.61) 22.01.48 and 22.02.27 E-mail: ekamboua@mti.gov.na.</p> <p>Industrial Property Office The Registrar of Companies, Trade Marks, Patents and Designs Ministry of Trade and Industry. As above, under Supervisory Ministry.</p>

²⁵⁰ The Protocol came into force on March 6, 1997 for Malawi, Swaziland and Zimbabwe. Lesotho and Tanzania have joined the Protocol in the course of 1999, for more information consult: <http://www.aripo.wipo.net/protocol.html>.

Continent: Africa
Country: Namibia

	<p>African Regional Intellectual Property Organization (ARIPO) P.O. Box 4228, Harare, Zimbabwe Tel: (+2634) 794054, 794065/6, 794068, 794070/1 Fax: (+2634) 704072/3 E-mail: mail@aripo.org Website: http://www.aripo.org/contact.html.</p>
Costs	
Costs of registration	<p>National Trademark system:</p> <ul style="list-style-type: none"> • Application: 1st application/class is \$ 862.00 (€ 689) including filing, advertisement and registration; additional application/class filed simultaneously are \$ 731.00 (€ 584) each; • Assignment: First trade mark \$ 502.00 (€ 401), additional trade marks filed simultaneously \$ 171.00 (€ 137) each, preparation of documents is \$ 71.00 (€ 57); • Recordal of change of name or address: First trade mark \$ 274.00 (€ 219), additional trade marks filed simultaneously are \$ 184.00 (€ 147) each; • Renewal: First class is \$ 479.00 (€ 383), additional classes renewed simultaneously are \$ 377.00 (€ 301) each. <p>Through ARIPO:</p> <ul style="list-style-type: none"> • Application: 1 mark designating 1 state is \$ 1240.00 (about € 979) and 1 mark designating 8 states is \$ 4148.00 (about € 3275); • Application: Additional marks/classes designating 1 state filed simultaneously are \$ 1228.00 each (about € 969), additional mark/classes designating 8 states filed simultaneously are \$ 4036.00 each (about € 3186); • Assignment: First trade mark (1 to 8 states) \$ 533.00 (about € 421), additional marks/classes filed simultaneously are \$ 235.00 each (about € 185); • Preparation of documents: \$ 107.00 (about € 84); • Record of change of name or address: First trade mark (1 to 8 states) is \$ 393.00 (about € 310), additional marks/classes filed simultaneously (1 to 8 states) are \$ 184.00 each (about € 145).
Costs of litigation	Starting from \$ 750 (€ 585).
Timeframe	
Registration	No timeframe is foreseen for the formal examination whereas the substantial examination can take from 12 to 18 months.
Protection	Of trademarks registered through ARIPO or in Namibia: 10 years renewable for further periods of 10 years on the payment of the prescribed fee.
Additional information	
None.	

Country: Niger

International Legal Framework

Niger is a member of the World Intellectual Property Organization from 18 May 1975 and a signatory of the Paris Convention for the Protection of Industrial Property from 5 July 1964.²⁵¹
Niger is a WTO Member from 13 December 1996.²⁵²
There are no bilateral agreements between the EC and Niger specific to GIs.
Niger is a member of the Bangui Agreement on Intellectual Property which set up the Organisation Africaine de la Propriété Intellectuelle (OAPI) that governs the protection of intellectual property rights in 16 countries of Western and Central Africa.²⁵³

National Legal Framework

Type of Protection	Sui generis protection. No <i>ex officio</i> protection is available; protection is only provided at the request of any interested party.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Bangui Agreement, March 1977 (Annex VI), since February 1982, as last amended in February 1999.
Scope of protection	The scope of application of the GI Law is more extensive than the scope of the EC system (concerns all goods: agricultural and handicraft, but not services).
Source	English version of the Law is available at http://www.oapi.wipo.net/doc/en/bangui_agreement.pdf
Summary of the Operational Provisions	<p>Application must be made directly to the OAPI Office in Yaoundé (see below).</p> <p>Geographical indication is defined in the <u>Article 1 of Annex VI of the Bangui Agreement</u> in a manner similar to EU law.</p> <p><u>GIs excluded from protection:</u> GIs that are: contrary to morality or public policy, liable to deceive the public, not protected in their country of origin or have ceased to be protected or have fallen into disuse in that country (Article 5 of the Annex VI).</p> <p>The registration procedure is divided into three phases:</p> <ul style="list-style-type: none"> • Request for registration; • Formal and substantial examination of the request; • Grant of a registration certificate for the GI. <p>An opposition procedure is available after the registration. Open for 6 months after the publication. There is also an appeal procedure available on the decision of the OAPI on the opposition (3 months).</p>

²⁵¹ Source of information: <http://www.wipo.int>.

²⁵² Source of information: <http://www.wto.org>.

²⁵³ Source of information: <http://www.oapi.wipo.net/en/OAPI/index.htm>.

Continent: Africa
Country: Niger

	<p>Registration is conditional upon the payment of the fees.</p> <p>GIs are registered in the Special Register of Geographical Indications.</p> <p>Level of protection is similar to the one provided under the EC law: the protection in translation is covered by the Agreement; the use of kind, type, make, etc. is forbidden (Article 15.3 of the Annex VI).</p> <p>The owner of an early mark that is identical with or similar to a geographical indication may continue to use his mark, except where such mark concerns wines or spirits (Article 15.6 of Annex VI).</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>There is no provision with respect to generic names.</p> <p>However, Article 15.4 of the Annex VI of the Bangui Agreement states that the competent national authority of an OAPI member State can decide by regulation that the quality of products put on sale or used under a registered geographical indication shall be subject to control or that the use of such geographical indication shall be prohibited.</p> <p>Any person may at any time consult the Special Register or request information, against payment of the prescribed fees (Article 13 of the Annex VI).</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Article 6 of the Agreement states that Applications of GIs shall be filed directly to the OAPI. Applicants domiciled outside the territory of the member States shall file through an agent selected in one of those member States. However, OAPI has already signaled that it would be ready to accept filing via national embassies.</p> <p><u>Unlike in the EU, there is no standard application form at the present time.</u> The application for registration filed to the OAPI shall contain:</p> <ul style="list-style-type: none"> • an application to the Director General of the Organization in a sufficient number of copies; • the geographical area to which the GI applies; • the products for which the GI is used; • the quality, reputation or other characteristic of the products for which the geographical indication is used; • a proof of payment of the filing fee. <p>A simplified version of the EC specifications can be used for these purposes</p>
<p>Relevant Supporting Documents</p>	<p>None.</p>
<p>Administration Responsible for Registration</p>	<p>Direction Générale de l'OAPI BP 887 Yaoundé Cameroun Tél : (237) 220 57 00/ 220 39 11 Fax : (237) 220 57 27/ 220 57 21 E-mail: oapi.oe@oapi.oe.wipo.net. Website: http://www.oapi.wipo.net.</p>

Continent: Africa
Country: Niger

Costs	
Costs of registration	Application for Registration: F.FCA 90.000 (€ 137). Publication of the application for registration: F.FCA 55.000 (€ 83). Application for Opposition: F.FCA 150.000 (€ 228).
Costs of litigation	Approximately € 1000 to 1500.
Timeframe	
Registration	No legal requirements, but the examination procedure lasts in general for about 6 months.
Protection	GIs are protected for an indefinite period of time (as long as they are protected in their country of origin). No renewal is required.
Additional information	
None.	

Country: Nigeria

International Legal Framework

Nigeria is a member of the World Intellectual Property Organization from 9 April 1995 and a signatory of the Paris Convention for the Protection of Industrial Property from 2 September 1963.²⁵⁴
Nigeria is a WTO Member from 1 January 1995.²⁵⁵
Nigeria has an observer status of the African Regional Industrial Property Organisation ARIPO.²⁵⁶
There are no bilateral agreements between the EC and Nigeria specific to GIs.

National Legal Framework

Type of Protection	Trademark regime: No <i>ex officio</i> protection is available under the trademark regime, protection is provided only at the request of an interested party (<i>e.g., producers</i>).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Trade Marks Act No. 29 of 1965, in force since June 1967; • Trade Mark Regulation of 1967.
Scope of protection	Applicable to goods (agricultural and/or industrial) and/or services.
Source	The legal texts are not available, information from the official WIPO web site and other sources. ²⁵⁷
Summary of the Operational Provisions	Protection for trademarks and trade names. In order to register a trademark, substantive and formal examinations of the application will be required. Registration of a mark will confer on the owner the exclusive right of use for a period of 7 years, renewal is possible for 14 years.
Specific Provisions (issue of Generics, Reciprocity)	None.

²⁵⁴ Source of information: <http://www.wipo.int>.

²⁵⁵ Source of information: <http://www.wto.org>.

²⁵⁶ Source of information: <http://www.aripo.org/membership.html>.

²⁵⁷ Source of information: <http://www.wipo.int> and <http://www.hahn.co.za/patent-nigeria.htm#trademark>.

Continent: Africa
Country: Nigeria

Formal Requirements for an Application	
Application Forms	<p>The application must contain:</p> <ul style="list-style-type: none"> • Full name, street address and description of the applicant (including trading style, if any, and state/country of incorporation, if incorporated); • List of goods and/or services.
Relevant Supporting Documents	<ul style="list-style-type: none"> • A simply signed power of attorney; • 15 prints of the mark.
Administration Responsible for Registration	<p>Industrial Property Office Registry of Trade Marks, Patents and Designs PMB 88 Abuja Tel: (+234.9) 234.02.82 Fax: (+234.9) 234.13.51 Email: iponigeria@yahoo.com.</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • Application: First class is \$ 1101 (€ 881), additional classes filed simultaneously are \$ 1067 (€ 854) each; • Assignment: First trade mark/class is \$ 764 (€ 611), additional trade marks/classes filed simultaneously are \$ 322 (€ 258) each; • Preparation of documents: \$ 107 (€ 86); • Recordal of change of name or address: First trade mark/class \$ 301 (€ 241), additional trade marks/classes filed simultaneously \$ 232 (€ 186) each; • Renewal: First class \$ 746 (€ 597), additional classes renewed simultaneously \$ 669 (€ 535) each.
Costs of litigation	Starting from €1000.
Timeframe	
Registration	Between 6 and 12 months.
Protection	<ul style="list-style-type: none"> • 7 years from filing date and renewal for further periods of 14 years; • If not used for a continuous period of 5 years, a mark may be removed from register.
Additional information	
None.	

Country: Rwanda

International Legal Framework

Rwanda is a member of the World Intellectual Property Organization from 3 February 1984 and a signatory to the Paris Convention for the Protection of Industrial Property from 1 March 1984.²⁵⁸
Rwanda is a founding WTO Member since 1 January 1995 (status LDC).²⁵⁹
There are no bilateral agreements between the EC and Rwanda specific to GIs.

National Legal Framework

Type of Protection	Trademark regime (no <i>ex officio</i> protection is available, protection is provided only at the request of an interested party).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Law on Trademarks of February 1963. <p>The new Industrial Property Legislation is in the process of adoption. The draft law contains provisions on Geographical indications, which will be protected if a quality, reputation or other characteristic of the product can be attached to its geographical origin. A substantive examination will be required for registration. Only producers carrying their activities (in connection with the stated products) in the region indicated in the register will be entitled to use the registered geographical indication for commercial purposes.</p>
Scope of protection	The scope of the law concerns goods and services.
Source	No text is available. Information taken from the official WIPO web site.
Summary of the Operational Provisions	Protection for trademarks, collective marks and trade names. In order to register a trademark, substantive and formal examinations of the application will be required. Registration of a mark will confer on the owner the exclusive right of use for a period of 10 years, renewable indefinitely.
Specific Provisions (issue of Generics, Reciprocity)	None.

Formal Requirements for an Application

Application Forms	<p>The application must contain:</p> <ul style="list-style-type: none"> • The full name, street address and description of the applicant (including trading style, if any, and state/country of incorporation, if incorporated); • List of goods and/or services; <p>Applications must be filed in one of the following three languages: French, English or Kinyarwanda;</p>
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²⁵⁸ Source of information: <http://www.wipo.int>.

²⁵⁹ Rwanda is a Least Developed Country, which is also a landlocked country (<http://www.un.org/special-rep/ohrls/ldc/default.htm>).

Continent: Africa
Country: Rwanda

	Foreign applicants are required to be represented by a firm of industrial property agents authorized to practice in Rwanda.
Relevant Supporting Documents	<ul style="list-style-type: none"> • A simply signed power of attorney; • 10 prints of the mark; • Printing block, even for word marks.
Administration Responsible for Registration	<p>Ministry of Trade, Industry, Investment Promotion, Tourism and Cooperatives Directorate for Industry and Handicrafts B.P. 73 Kigali Tel. (250) 08 42 05 10 (mobile)/(250) 57 47 25/(250) 57 66 08 Directeur de l'Industrie 57 54 63 Telefax (250) 57 54 65</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • Application: 1 - 3 classes are \$ 773.00 (€ 605), additional classes over three filed simultaneously are \$ 407.00 (€ 318) each; • Assignment: First trade mark/class is \$ 497.00 (€ 390), additional trade marks/classes filed simultaneously are \$ 317.00 (€ 248) each; • Preparation of documents: \$ 104.00. (€ 81); • Record of change of name or address: First trade mark/class \$360.00 (€ 281), additional trade marks/classes filed simultaneously \$ 268.00 (€ 209) each; • Licenses: First trade mark/class \$ 475.00 (€ 372), additional trade marks/classes filed simultaneously \$ 281.00 (€ 219) each; • Renewal: First class – no fees are required.
Costs of litigation	Depends on the complexity of the case. It may be litigated by a firm of industrial property agents authorized to practice in Rwanda. The cost is between \$ 300 – 600 (€ 250 – 550).
Timeframe	
Registration	3 months (approximately, but no timeframe is indicated in the Law).
Protection	10 years, renewable indefinitely.
Additional information	
None.	

Country: Senegal

International Legal Framework

Senegal is a member of the World Intellectual Property Organization from 26 April 1970 and a signatory of the Paris Convention for the Protection of Industrial Property from 21 December 1973.²⁶⁰
Senegal is a WTO Member from 1 January 1995.²⁶¹
There are no bilateral agreements between the EC and Senegal specific to GIs.
Senegal is a member of the **Bangui Agreement on Intellectual Property** which set up the Organisation Africaine de la Propriété Intellectuelle (OAPI) that governs the protection of intellectual property rights in 16 countries of Western and Central Africa.²⁶²

National Legal Framework

Type of Protection	Sui generis protection. No <i>ex officio</i> protection is available; protection is only provided at the request of any interested party.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Bangui Agreement, March 1977 (Annex VI), since February 1982, as last amended in February 1999.
Scope of protection	The scope of application of the GI Law is more extensive than the scope of the EC system (concerns all goods: agricultural and handicraft, but not services).
Source	English version of the Act is available at http://www.oapi.wipo.net/doc/en/bangui_agreement.pdf
Summary of the Operational Provisions	<p>Application must be made directly to the OAPI Office in Yaoundé (see below).</p> <p>Geographical indication is defined in the <u>Article 1 of Annex VI of the Bangui Agreement</u> in a manner similar to EU law.</p> <p><u>GIs excluded from protection</u>: GIs that are: contrary to morality or public policy, liable to deceive the public, not protected in their country of origin or have ceased to be protected or have fallen into disuse in that country (Article 5 of the Annex VI).</p> <p>The registration procedure is divided into three phases:</p> <ul style="list-style-type: none"> • Request for registration; • Formal and substantial examination of the request; • Grant of a registration certificate for the GI. <p>An opposition procedure is available after the registration. Open for 6 months after the publication. There is also an appeal procedure available on the decision of the OAPI on the opposition (3 months).</p> <p>Registration is conditional upon the payment of the fees.</p>

²⁶⁰ Source of information: <http://www.wipo.int>.

²⁶¹ Source of information: <http://www.wto.org>.

²⁶² Source of information: <http://www.oapi.wipo.net/en/OAPI/index.htm>.

Continent: Africa
Country: Senegal

	<p>GIs are registered in the Special Register of Geographical Indications.</p> <p>Level of protection is similar to the one provided under the EC law: the protection in translation is covered by the Agreement; the use of kind, type, make, etc. is forbidden (Article 15.3 of the Annex VI). The owner of an early mark that is identical with or similar to a geographical indication may continue to use his mark, except where such mark concerns wines or spirits (Article 15.6 of Annex VI).</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>There is no provision with respect to generic names.</p> <p>However, Article 15.4 of the Annex VI of the Bangui Agreement states that the competent national authority of an OAPI member State can decide by regulation that the quality of products put on sale or used under a registered geographical indication shall be subject to control or that the use of such geographical indication shall be prohibited.</p> <p>Any person may at any time consult the Special Register or request information, against payment of the prescribed fees (Article 13 of the Annex VI).</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Article 6 of the Agreement states that Applications of GIs shall be filed directly to the OAPI.</p> <p>Applicants domiciled outside the territory of the member States shall file through an agent selected in one of those member States. However, OAPI has already signaled that it would be ready to accept filing via national embassies.</p> <p><u>Unlike in the EU, there is no standard application form at the present time.</u> The application for registration filed to the OAPI shall contain:</p> <ul style="list-style-type: none"> • an application to the Director General of the Organization in a sufficient number of copies; • the geographical area to which the GI applies; • the products for which the GI is used; • the quality, reputation or other characteristic of the products for which the geographical indication is used; • a proof of payment of the filing fee. <p>A simplified version of the EC specifications can be used for these purposes.</p>
<p>Relevant Supporting Documents</p>	<p>None.</p>
<p>Administration Responsible for Registration</p>	<p>Direction Générale de l'OAPI BP 887 Yaoundé Cameroun Tél : (237) 220 57 00/ 220 39 11 Fax : (237) 220 57 27/ 220 57 21 E-mail : oapi.ia@oapi.ia.wipo.net. Website: http://www.oapi.wipo.net.</p>

Continent: **Africa**
Country: **Senegal**

Costs	
Costs of registration	Application for Registration: F.FCA 90.000 (€ 137). Publication of the application for registration: F.FCA 55.000 (€ 83). Application for Opposition: F.FCA 150.000 (€ 228).
Costs of litigation	Approximately € 1000 to 1500.
Timeframe	
Registration	No legal requirements, but the examination procedure lasts in general for about 6 months.
Protection	GIs are protected for an indefinite period of time (as long as they are protected in their country of origin). No renewal is required.
Additional information	
None.	

Country: Seychelles

International Legal Framework

Seychelles is a member of the World Intellectual Property Organization from 16 March 2000 and a member of the Paris Convention from 7 November 2002.²⁶³
Seychelles is a potential member State of the African Regional Intellectual Property Organization (ARIPO) and is a cooperater of this organization.²⁶⁴
Seychelles has an observer status of the WTO.²⁶⁵
There are no bilateral agreements between the EC and Seychelles specific to GIs.

National Legal Framework

Type of Protection	Trademark regime: No <i>ex officio</i> protection is available under the trademark regime, protection is provided only at the request of an interested party.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Trade Marks Decree No. 18 of 1977.
Scope of protection	Applicable to goods (agricultural and/or industrial) and/or services.
Source	No text is available, information from the official WIPO web site.
Summary of the Operational Provisions	<p>Protection for trademarks and trade names. In order to register a trademark, substantive and formal examinations of the application will be required, which will be conducted by the Registrar within 2 months. Once the Seychelles Patent Office has accepted a trademark application, it will be published it in weekly Trade Marks Journal with notification of an application of the publication date in that Journal. An opposition procedure is available within 15 weeks from the date of publication.</p> <p>Registration in Seychelles is the formal recording of a trademark in the United Kingdom Register of Trade Marks. On registration, "an applicant" becomes "a proprietor" of a trade mark. Notice of registration is also advertised in the Trade Marks Journal two weeks later and a Certificate of Registration is issued to the proprietor. The date when the mark was applied for (the filing date) is then deemed to be the date of registration.</p> <p>Certificates should be kept safe, as the Seychelles Patent Office cannot issue replacements or duplicates.</p>
Specific Provisions (issue of Generics, Reciprocity)	None.
Formal Requirements for an Application	
Application Forms	<p>The application must contain:</p> <ul style="list-style-type: none"> • Name, address and nationality (or country of incorporation) of the applicant;

²⁶³ Source of information: <http://www.wipo.int>.

²⁶⁴ Source of information: <http://www.aripo.org/membership.html>.

²⁶⁵ Source of information: <http://www.wto.org>.

Continent: Africa
Country: Seychelles

	<ul style="list-style-type: none"> • Description of a trade mark, which may be a word, logo, picture or a combination of these, in the box; • List all the goods or services for which trademark will be used trade in, or intend to trade in, using the mark you are applying for.
Relevant Supporting Documents	If priority from an earlier application made in a country which has signed the Paris Convention (for the Protection of Industrial Property) for any of the goods or services in the application is claimed, the information need to be provided to support that claim (a priority claim can be made within six months of the first application).
Administration Responsible for Registration	<p>The Registrar General Registration Division Department of Legal Affaires P.O. Box 142 Mahè Tel: (+248) 22.49.04 Fax: (+248) 22.50.63 Email: regdiv@seychelles.sc</p>
Costs	
Costs of registration	Not available.
Costs of litigation	Not less than € 800.
Timeframe	
Registration	At least 5 months (examination must be done by Law within 2 months and 15 weeks are allowed for an opposition period).
Protection	Registration of a mark will confer on the owner the exclusive right of use for a period of 10 years, renewal for another period of 10 years is possible.
Additional information	
None.	

Country: Sierra Leone

International Legal Framework

Sierra Leone is a member of the World Intellectual Property Organization from 18 May 1986 and a signatory of the Paris Convention from 17 June 1997. Sierra Leone is a party to the Madrid Agreement concerning the International Registration of Marks from 17 June 1997 and to the Madrid Protocol from 28 December 1999.²⁶⁶

Sierra Leone is a WTO Member from 23 July 1995.²⁶⁷

Sierra Leone is a member of the African Regional Industrial Property Organisation for English-speaking Africa (ARIPO) (established by the Lusaka Agreement of 15 February 1978) from 5 December 1980, but **not a signatory to the Banjul Protocol on Marks of 1993**, which established a common trademark filling system for the members of ARIPO.²⁶⁸

There are no bilateral agreements between the EC and Sierra Leone specific to GIs.

National Legal Framework

<p>Type of Protection</p>	<p>Trademark regime: No <i>ex officio</i> protection is available under the trademark regime, protection is provided only at the request of an interested party (<i>e.g.</i>, <i>producers</i>).</p>
<p>Relevant Regulatory Framework</p>	<ul style="list-style-type: none"> • Merchandise Marks Act No. 7, Chapter 245 of 1889, 12 of 1889, 2 of 1908, 32 of 1908, 39 of 1908, 24 of 1955, as amended by the Laws (Adaptation) Act No. 29 of 1972; • Trade Marks Act No. 17, Chapter 244, of 1913, Sec. 30 of No. 12 of 1924, 10 of 1940, as amended by the Laws (Adaptation) Act No. 29 of 1972; • Trade Marks (Certificate of Registration) Order, O. in C. No. 1 of 1915, as last amended by the Laws (Adaptation) Act No. 29 of 1972; • Patent Fees, Design and Trade Mark Fees, December 1979.
<p>Scope of protection</p>	<p>Applicable to goods (agricultural and/or industrial) and services.</p>
<p>Source</p>	<p>The text of the national law on trademarks Merchandise Marks Act is not available electronically.</p>
<p>Summary of the Operational Provisions</p>	<p>In 1972, national legislation on trade marks was amended by the Adaptation Act No. 29 to provide protection to appellations of origin, which can be registered as trademarks (as reported to the WTO in the Trade Policy Review of Sierra Leone in 2005).²⁶⁹</p> <p>Protection for trademarks and trade names is conditioned upon the registration. In order to register a trademark, substantive and formal examinations of the application will be required. Registration of a mark will confer on the owner the exclusive right of use for a period of 14 years, renewal is possible for 14 years. The application for registration is advertised by the Registrar in the Sierra Leone Gazette, first as “received” and then as “accepted”, unless the application is refused by the Registrar, in which the reasons for such a refusal should be stated in writing. <u>The decision of the Registrar is subject to appeal to the Courts.</u></p> <p>As in the EC, there is an opposition procedure available for three months after the publication as “accepted” in the Sierra Leone Gazette.</p>

²⁶⁶ Source of information: <http://www.wipo.int>.

²⁶⁷ Source of information: <http://www.wto.org>.

²⁶⁸ Source of information: <http://www.aripo.org/Protocols.html>.

²⁶⁹ WT/TPR/S/143, 7 January 2005, the full text of the report find on <http://www.wto.org>.

Continent: Africa
Country: Sierra Leone

	<p>When an application for registration of a trade mark has been accepted, or any opposition has been decided in favour of the applicant, the Registrar will register the trade mark.</p> <p>Failure to renew a trade mark will lead to its removal from the Register.</p> <p>According to the authorities the Merchandise Marks Ordinance (Chapter 245), dated 13 February 1956 is still applied. There is proposed legislation on patents and designs (currently drafted and with the Law Officers Department) and trade marks (still under consultation).²⁷⁰</p>
Specific Provisions (issue of Generics, Reciprocity)	It appears that the EC GIs may be registered in Sierra Leone as trademarks.
Formal Requirements for an Application	
Application Forms	<p>The application must contain:</p> <ul style="list-style-type: none"> • The full name, street address and description of the applicant (including trading style, if any, and state/country of incorporation, if incorporated); • List of goods and/or services; • A simply signed power of attorney. <p>Non-residents must apply through the local attorneys.</p>
Relevant Supporting Documents	<ul style="list-style-type: none"> • If priority is claimed: a certified copy of basic application.
Administration Responsible for Registration	<p>Industrial Property Office Administrator and Registrar-General's Department Roxy Building Walpole Street Freetown <i>Title of Head: Administrator and Registrar General</i> Tel.: (232.22) 22.68.15 or 22.28.54 Registrar General Fax: (232.22) 24.05.94 or 22.26.42 E-mail: arg@sierratel.sl</p>
Costs	
Costs of registration	The fees for registration are provided in Patent Fees, Design and Trade Mark Fees Act of December 1979. However, the text of this document is not available electronically.
Costs of litigation	Depending on the complexity of the case and a firm of industrial property agents authorized to practice in Sierra Leone (starting from € 550).

²⁷⁰ WT/TPR/S/143, 7 January 2005, the full text of the report find on <http://www.wto.org>.

Continent: Africa
Country: Sierra Leone

Timeframe	
Registration	About six to eight months (as indicated in the WTO Trade Policy Review of Sierra Leone of 2005). ²⁷¹
Protection	14 years from filing date and renewal for further periods of 14 years.
Additional information	
None.	

²⁷¹ Ibid.

Country: Somalia

International Legal Framework

Somalia is a member of the World Intellectual Property Organization from 18 November 1982²⁷².
Somalia is not a WTO Member.²⁷³
Somalia is a member of the African Regional Industrial Property Organisation for English-speaking Africa (ARIPO) (established by the Lusaka Agreement of 15 February 1978) from 10 March 1981, but not a signatory to the Banjul Protocol on Marks of 1993, which established a common trademark filing system for the members of ARIPO.²⁷⁴
There is no bilateral agreement between the EC and Somalia specific to GIs.

National Legal Framework

Type of Protection	None. The Trade Mark Act of 1975 is not in force.
Relevant Regulatory Framework	Somalia has had no functioning national government since the collapse of the regime of Maj. Gen. Mohamed Siad Barre in January 1991. The present political situation in much of Somalia is marked by inter-clan fighting and random banditry, with some areas of peace and stability. On October 10, 2004, Abdullahi Yusuf Ahmed was elected Transitional Federal President of Somalia for a five-year period. A cabinet, consisting of 90 ministers and deputy ministers, was appointed in January 2005. Supreme Court or other courts of the country are not functioning at the present moment. ²⁷⁵ Somalia is still in the process of promoting the establishment and implementation of a legal and regulatory framework. Currently, there is no legislation in force concerning trade marks or GIs.
Scope of protection	See above.
Source	See above.
Summary of the Operational Provisions	See above.
Specific Provisions (issue of Generics, Reciprocity)	See above.
Formal Requirements for an Application	
Application Forms	See above.
Relevant Supporting Documents	See above.

²⁷² Source of information: <http://www.wipo.int>.

²⁷³ Source of information: <http://www.wto.org>.

²⁷⁴ Source of information: <http://www.aripo.org/Protocols.html>.

²⁷⁵ For more information consult <http://www.so.undp.org>.

Continent: **Africa**
Country: **Somalia**

Administration Responsible for Registration	Ministry of Industry P.O. Box 928 Mogadiscio Tel: (+252) 21.201
Costs	
Costs of registration	See above.
Costs of litigation	See above.
Timeframe	
Registration	See above.
Protection	See above.
Additional information	
None.	

Country: South Africa

International Legal Framework

South Africa is a member of the World Intellectual Property Organization from 23 March 1975, and a signatory to the Paris Convention for the Protection of Industrial Property from 1 December 1947.²⁷⁶
South Africa is a WTO Member from 1 January 1995.²⁷⁷
The EC and South Africa Agreements on Trade in Wine and Spirits, both of 30 January 2002.²⁷⁸

National Legal Framework

<p>Type of Protection</p>	<p>Protection of GIs for wines and spirits: <i>Ex officio</i> protection is available (Article 18.2 of the Liquor Products Act).</p> <p>Trademark regime: No <i>ex officio</i> protection is available under the trademark regime, protection is provided only at the request of an interested party.</p>
<p>Relevant Regulatory Framework</p>	<p>Protection of GIs for wines and spirits: Liquor Products Act No. 60 of 1989 (section 11 and 12) as amended by Liquor Products Amendment Act No. 11 of 1993.</p> <p>Trademark regime:</p> <ul style="list-style-type: none"> • Trade Marks Act No. 194 of 22 December 1993, entered into force on 1 May 1995 (hereinafter referred as "the Law"); • Merchandise Marks Act No. 17 (section 6 and 7) of 1941 entered into force on 18 October 1941 as last amended by the Merchandise Marks Amendment No. 54 of 1987.
<p>Scope of protection</p>	<p>Sui generis protection of GIs: The scope of protection of the GIs Law in South Africa is more limited and concerns only liquors.</p> <p>Trademark regime: The scope of protection of the TM Law concerns all goods and services.</p>
<p>Source</p>	<p>Official Publication of the TM Law: "Government Gazette/Staatskoerant", 5 January 1994, No. 15400. Texts are available at: http://www.wipo.int.</p>

²⁷⁶ Source of information: <http://www.wipo.int>.

²⁷⁷ Source of information: <http://www.wto.org>.

²⁷⁸ Agreement between the European Community and the Republic of South Africa on trade in wine, OJ L 28, 30 January 2002, p. 4; Agreement between the European Community and the Republic of South Africa on trade in spirits, OJ L 28, 30 January 2002, p. 113, both texts are also available at <http://www.eusa.org.za/AgreementOverView.htm>.

Continent: Africa
Country: South Africa

<p>Summary of the Operational Provisions</p>	<p>Protection of GIs for wines and spirits:</p> <p>Sections 11 and 12 prohibit false or misleading descriptions for liquor products. Geographical indications pertaining to liquor products are, in fact, descriptions of such products and, therefore, if they are false or misleading, this section may be used to deal with the situation (Section 11 of the Law).</p> <p>EU – South Africa Agreements on wines of 2002:</p> <p>GIs are defined in the Agreement as in Article 22(1) of the TRIPs Agreement (Article 3.b of the Agreement). <u>The EC and South Africa Agreement on Trade in Wines provides protection to the GIs for wines without registration (the list of the EC protected GIs and traditional expressions for wines is in the appendix A of the Annex II of the Agreement).</u></p> <p>Protection: <u>EC GIs are protected in the cases when the genuine origin is indicated or the of origin is used in translation or in combination with expressions such as “sort of”, “kind of”, “imitation” and “the like”. (Article 7.3 of the Agreement).</u></p> <p>EU – South Africa Agreements on spirits of 2002:</p> <p>GIs are defined in the Agreement as in Article 22(1) of the TRIPs Agreement (Article 3.b of the Agreement). Reciprocal protection to spirits is provided between EC and South Africa (Article 5 of the Agreement). The same protection as for wines is provided.</p> <p>The specific denominations Grappa, Ouzo/Oýæi, Korn, Kornbrand, Jägertee, Jagertee, Jagatee and Pacharán are also protected (Article 6.a) iii) of the Agreement).</p> <p>Trademark regime:</p> <p>There is one specific reference to GIs in the Trademark Law. It appears that geographical names or other indications of geographical origin can be registered in South Africa as certification and collective trademarks (Articles 42.1 and 43.2 of the Law).</p> <p>To register a trademark, an applicant must fill out the forms prescribed and submit them to the South African Patent Office (the authority responsible for the registration of trademarks). Unregistered trademarks may also be protected under the common law.</p> <p>There is an opposition procedure available within three months of the advertisement of the application (Article 21 of the Law). <u>Further appeals may be brought against the Transvaal Provincial Division of the Supreme Court (Article 53 of the Law).</u></p> <p>Level of Protection: Unauthorised use of registered trademark is prohibited when may confuse consumers in respect of origin and specific properties of goods or when the user would be likely to take unfair advantage. Well known marks are also protected under Paris Convention (Article 35 of the Law).</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>Trademark regime:</p> <p>The only reference to generic names appears under the Article 10.2(b) of the Trademark Law which states that a mark will be unregistrable when it consists exclusively of a sign or an indication which has become customary in the current language.</p>

Formal Requirements for an Application	
Application Forms	<p>Trademark regime:</p> <p>Like in the EU, there is a standard application form (available as an annex to the Law).²⁷⁹ The Law indicates that an application must contain the signature of an authorised agent.</p> <p>In case of amendment, the applicant shall file a copy of the amended rules within one month of the approval of the rules by the Registrar. If the applicant fails to file the copy within the time stipulated, the application for amendment shall be deemed to have been abandoned.</p> <p>The language of application is English or one of the official languages of South Africa (Afrikaans, Zulu, Xhosa, Swazi, Ndebele, Southern Sotho, Northern Sotho, Tsonga, Tswana and Venda).</p>
Relevant Supporting Documents	<p>Trademark regime:</p> <p>An application for the registration of a collective mark or a certification mark shall be accompanied by rules governing the use of the mark. The rules shall specify the persons authorised to use the mark, the conditions of membership of the association and, when applicable, the conditions of the use of the mark, including any sanctions against misuse.</p>
Administration Responsible for Registration	<p>Office of the Registrar of Patents, Trade Marks, Copyright and Designs Department of Trade and Industry Private Bag X400 Pretoria 0001 Tel : + 27.12 310.87.00 Fax: + 27.12 323.42.57</p> <p>Intellectual Property Registration Office <u>Postal Address</u> PO Box 429 Pretoria 0001</p> <p><u>Physical Address</u> The Dti campus (Block F - Entfufukweni) 77 Meintjies Street Sunnyside Pretoria Tel: +27 (0)11 254 9405 Fax: +27 (0)11 254 9406 E-mail: contactcentre@cipro.gov.za Website: http://www.cipro.gov.za</p>
Costs	
Costs of registration	<p>Trademark regime:</p> <ul style="list-style-type: none"> • Application for registration of a trade mark for a specification of goods/services: Rand 266 (~€31); • Application for registration of a certification mark for a specification of goods/services: Rand 310 (~€36);

²⁷⁹ Consult the official web site of the WIPO: <http://www.wipo.int>.

Continent: Africa
Country: South Africa

	<ul style="list-style-type: none">• Application for registration of a collective mark for a specification of goods/services: Rand 310 (~€ 36);• Notice of opposition/rectification: Rand 120 (~€ 14);• Renewal of registration: Rand 121 (~€ 14).
Costs of litigation	Approximately Rand 5700 (~€ 668).
Timeframe	
Registration	Trademark regime: No timeframe is established in the Law. The registrar shall advise the applicant within a reasonable period (Article 16.3 of the Law).
Protection	Trademark regime: Under Section 37 of the Law, the term of a trademark right is granted for ten years, and may be renewed for a period of ten years.
Additional information	
None.	

Country: Sudan

International Legal Framework

Sudan is a member to the World Intellectual Property Organization from 15 February 1975, a member of the Paris Convention from 16 April 1984 and also a member of the Madrid Agreement from 16 May 1984.²⁸⁰
Sudan is not a WTO Member.²⁸¹
Sudan is also a member of the African Regional Industrial Property Organisation for English-speaking Africa (ARIPO) (established by the Lusaka Agreement of 9 December 1976) from 15 February 1978, but not a signatory to the Banjul Protocol on Marks of 1993, which established a common trademark filing system for the members of the ARIPO.²⁸²
There is no bilateral agreement between the EC and Sudan specific to GIs.

National Legal Framework

Type of Protection	Trademark regime: No <i>ex officio</i> protection is available under the trademark regime, protection is provided only at the request of an interested party.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • The Trade Marks Act, No.8 of 1969 (hereinafter, referred as “the Law”).
Scope of protection	The scope of protection concerns all goods and services . Trademarks covering alcoholic beverages can not be registered under the Law.
Source	The Trade Marks Act, No. 8 of 1969: http://www.aspip.org/site_content.aspx?page_key=sudan&lang=en
Summary of the Operational Provisions	<p>EC geographical indications (GIs) may be registered as trademarks in Sudan provided that they meet definitions established by the Law.</p> <p>Once a trademark application is filed, it is examined as to its registrability.</p> <p><u>Trademarks cannot be registered if they are deprived of a distinctive character.</u> According to Article 8 of the Law, marks which consist exclusively of a sign or an indication which may serve, in the course of trade, to designate any particularity, such as quality, quantity, purpose, value and <u>place of origin</u> can not be registered as trademarks (Article 8 of the Law).</p> <p>Should the mark lack any requirement as provided for in the law and its regulations, the Registrar of Trademarks <u>will reject the application (Article 16 of the Law)</u>. The applicant may appeal for reviewing that rejection to the Registrar. However, if this failed to give the expected result, the applicant may appeal such rejection to the court of law.</p> <p>Trademark applications <u>approved by the Registrar are published in the Official Gazette</u>. As in the EC, there is an eight-month period from the date of publication during which any interested party may file an opposition notice (Article 18 of the Law). An opposition to the registration of a published trademark should be prosecuted before the Registrar, whose decision may be appealed to the court.</p> <p>In the absence of any opposition, a published trademark is registered, and the relative certificate is issued. Use of trademarks in Sudan is not a prerequisite for filing applications or for maintaining trademark</p>

²⁸⁰ Source of information: <http://www.wipo.int>.

²⁸¹ Source of information: <http://www.wto.org>.

²⁸² Source of information: <http://www.aripo.org/Protocols.html>.

Continent: Africa
Country: Sudan

	<p>registrations in force.</p> <p>Level of protection: It is considered to be an offence if using makes, packs or wraps, etc. for the purpose of sale goods as to lead intending purchasers to believe that they are goods of another manufacturer or <u>of an origin other than its true origin</u>. For the purpose of this sub-paragraph (Article 27(e) of the Law) it shall be immaterial whether the goods, the packing, wrapping or get-up of which is imitated, bear a duly registered trademark or not.</p> <p>Protection is provided to trademarks in translation (in accordance with Article 27, marks which constitute a reproduction, in whole or in part, an imitation, a translation, or a transcription, likely to mislead the public opinion, can not be registered).</p>
Specific Provisions (issue of Generics, Reciprocity)	Reciprocity issue: the EC trademarks can be registered in Sudan (the application for registration must be submitted through an authorized agent in Sudan, qualifications for agents are provided in Article 15 of the Law).
Formal Requirements for an Application	
Application Forms	<p>Unlike in the EU, there is no standard application form.</p> <p>However, the Law indicates that an application form for registration of a trademark must at least indicate (Article 9 of the Law):</p> <ul style="list-style-type: none"> • Full name, street address, nationality and description of the applicant (including trading style, if any, and state/country of incorporation, if incorporated); • List of goods and/or services; • If priority is claimed: a certified copy of home application/registration together with legalised translation thereof. <p>Application of non-residents must be made through authorised local agents (Article 9 of the Law).</p> <p>The application must be in English or Arabic, if in any other language a certified translation of the documents into Arabic or English must be supplied (Article 10 of the Law).</p>
Relevant Supporting Documents	<ul style="list-style-type: none"> • A power of attorney signed by the applicant; • Proof of payment of the fees.
Administration Responsible for Registration	<p>Registrar General of Intellectual Property Ministry of Justice P.O Box 744 Khatorum Tel: (+249.11) 77.21.74 Fax: (+249.11) 77.29.72</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • For the first trademark: \$440 (€351.24); • For each additional trade mark: \$340 (€271.48)
Costs of litigation	Depends on the complexity of the case. It can be litigated by a firm of industrial property agents authorized to practice in Sudan (between €600 to €1200).

Continent: Africa
Country: Sudan

Timeframe	
Registration	At least 9 months (as the opposition period is 8 months, Article 18 of the Law).
Protection	A trademark registration in Sudan is valid for 10 years from the date of filing the trademark application, renewable for periods of 10 years each, upon application and payment of the official renewal fees. Late renewal of a trademark registration is permitted until a cancellation decision is published in the Official Gazette (Article 19 of the Law).
Additional information	
None.	

Country: Swaziland

International Legal Framework

Swaziland is a member of the World Intellectual Property Organization Convention from 18 August 1988, a signatory of the Paris Convention for the Protection of Industrial Property from 12 May 1991, and a member of the Madrid Agreement (Marks) from 14 December 1998.²⁸³

Swaziland is a WTO member 1 January 1995.²⁸⁴

Swaziland is also a member of the African Regional Industrial Property Organisation for English-speaking Africa (ARIPO) (established by the Lusaka Agreement of 9 December 1976) from 23 July 1987 and a party to the Banjul Protocol on marks in the framework of ARIPO from 6 March 1997.²⁸⁵

There are no bilateral agreements between the EC and Swaziland specific to GIs.

National Legal Framework

Type of Protection	Trademark regime: No <i>ex officio</i> protection is available under the trademark regime, protection is provided only at the request of an interested party (<i>e.g.</i> , <i>producers</i>).
Relevant Regulatory Framework	<p>National law:</p> <ul style="list-style-type: none"> • Merchandise Marks Act No. 24 of 1937 (hereinafter, referred as “the Law”); • Trade Marks Act of 1981; • Trade Marks Act (Date of Commencement) Notice No. 101; • Registration of United Kingdom Trade Marks Rules No. 72; • Merchandise Marks Regulations No. 24 of 1937; • Trade Marks Regulations (Legal Notice No. 47) of 1989. <p>International law:</p> <ul style="list-style-type: none"> • The Banjul Protocol on Marks in the framework of the African Regional Industrial Property Organisation (ARIPO) to which Swaziland became a party on 6 March 1997.
Scope of protection	Applicable to goods (agricultural and/or industrial) and / or services.
Source	An overview of the texts of the national law on trademarks are available electronically on the official web site of WIPO. To the Banjul Protocol: http://www.aripo.org/Documents/Protocols/banjul_protocol.pdf
Summary of the Operational Provisions	<p>Protection of trademarks in Swaziland can be obtained by filing an application through ARIPO or in Swaziland itself.</p> <p><u>Relevance of national law on trademarks to geographical indications:</u> The Law of Swaziland outlaws false description of goods as to quality, kind, origin, measure, ownership, weight, gauge, mode of manufacture, fitness for purpose, strength, performance, etc.</p> <p>It provides protection against the use of false trade description and forged trademarks. The Law outlaws the false application of a trade description and since geographic indications inherently describe the quality of goods and thus if they are falsely applied to goods that becomes an offence under this law.</p> <p>It further outlaws the sale of goods with false descriptions and so goods bearing false geographical</p>

²⁸³ Source of information: <http://www.wipo.int>.

²⁸⁴ Source of information: <http://www.wto.org>.

²⁸⁵ Source of information: <http://www.aripo.org/Protocols.html>.

Continent: Africa
Country: Swaziland

	<p>indications are prohibited from being sold in Swaziland.</p> <p><u>The Banjul Protocol on Marks in the framework of the ARIPO:</u> The EC geographical indications (GIs) may be registered as collective or certification trademarks through the ARIPO office. An application for registration of a trademark with ARIPO may be requested in addition to Swaziland also for other ARIPO's member States which are signatory to the Banjul Protocol.²⁸⁶ The formal examination of applications is carried out either by ARIPO or by the Registrar of Swaziland as any other Intellectual Property Office of the contracting States where the applicant wishes to protect his trademark.</p> <p>In case of a negative decision issues by ARIPO, applicants may file a complaint with the Board of Appeals of ARIPO or - within a period of three months - request that the application be treated only in Swaziland.</p> <p><u>Substantial examination of applications is always carried out at national level after notification of the decision on the formal aspects by ARIPO.</u> The opposition would be also available.</p> <p>Results of substantial examinations are transmitted to ARIPO. <u>Trademarks registered by ARIPO shall have the same effects accorded to Marks registered under the national laws of each contracting state chosen by the applicant.</u></p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>None.</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>An application through ARIPO must contain (The Banjul Protocol):</p> <ul style="list-style-type: none"> • a request in writing that the mark be registered; • a list of the goods or services, for which registration of the mark is requested, listed under the applicable class or classes of the international Classification. <p>Non-residents must apply through local attorneys.</p>
<p>Relevant Supporting Documents</p>	<p>An application through ARIPO must be accompanied by:</p> <ul style="list-style-type: none"> • A simply signed power of attorney; • A reproduction of the mark; • Proof of payment of the paid fee (made for ARIPO).
<p>Administration Responsible for Registration</p>	<p>Industrial Property Office Registrar General's Office Ministry of Justice 3rd Floor, Justice Building P.O. Box 460 Mbabane Registrar General Tel.: (268) 401.30.42 Fax: (268) 404.47.96</p> <p>African Regional Intellectual Property Organization (ARIPO)</p>

²⁸⁶ The Protocol came into force on March 6, 1997 for Malawi, Swaziland and Zimbabwe. Lesotho and Tanzania have joined the Protocol in the course of 1999, for more information consult: <http://www.aripo.wipo.net/protocol.html>.

Continent: Africa
Country: Swaziland

	<p>P.O. Box 4228, Harare, Zimbabwe Tel: (+2634) 794054, 794065/6, 794068, 794070/1 Fax: (+2634) 704072/3 E-mail: mail@aripo.org Website: http://www.aripo.org/contact.html.</p>
Costs	
Costs of registration	<p>Through ARIPO:</p> <ul style="list-style-type: none"> • Application: 1 mark designating 1 state is \$ 1240.00 (about € 979); 1 mark designating 8 states is \$ 4148.00 (about € 3275). • Application: Additional marks/classes designating 1 state filed simultaneously are \$ 1228.00 each (about € 969), additional mark/classes designating 8 states filed simultaneously are \$ 4036.00 each (about € 3186). • Assignment: First trade mark (1 to 8 states) \$ 533.00 (about € 421), additional marks/classes filed simultaneously are \$ 235.00 each (about € 185). • Preparation of documents: \$ 107.00 (about € 84). • Record of change of name or address: First trade mark (1 to 8 states) is \$ 393.00 (about € 310), additional marks/classes filed simultaneously (1 to 8 states) are \$ 184.00 each (about € 145).
Costs of litigation	Starting from \$ 750 (€ 585).
Timeframe	
Registration	No timeframe is foreseen for the formal examination whereas the substantial examination can take from 12 to 18 months.
Protection	<p>Of trademarks registered through ARIPO: 10 years renewable for further periods of 10 years on payment of the prescribed fee.</p>
Additional information	
None.	

Country: Tanzania

International Legal Framework

Tanzania is a member of the World Intellectual Property Organization from 30 December 1983, a member of the Paris Convention from 16 June 1963.²⁸⁷
Tanzania is a member of the World Trade Organization since 1 January 1995.²⁸⁸
Tanzania is also a member of the African Regional Industrial Property Organisation for English-speaking Africa (ARIPO) (established by the Lusaka Agreement of 9 December 1976) from 12 October 1983 and a party to the Banjul Protocol on marks in the framework of ARIPO from 1 September 1999.²⁸⁹
There is not any bilateral agreement between the EC and Tanzania specific on GIs.

National Legal Framework

Type of Protection	Trademark regime: No <i>ex officio</i> protection is available under the trademark regime, protection is provided only at the request of an interested party (<i>e.g., producers</i>).
Relevant Regulatory Framework	<p>For Tanzania:</p> <ul style="list-style-type: none"> • The Trade and Service Marks Act No. 12 of 1986. <p>For Zanzibar:</p> <ul style="list-style-type: none"> • Trade Marks Decree, cap. 159 (15 of 1930, cap. 89, 1934, G. N. 47 of 1955, 123 of 1955, 74 of 1956) (in the Laws of Zanzibar). <p>International law:</p> <ul style="list-style-type: none"> • The Banjul Protocol on Marks in the framework of the African Regional Industrial Property Organisation (ARIPO) to which Tanzania became a party on 1 September 1999.
Scope of protection	Applicable to goods (agricultural and/or industrial) and services.
Source	<p>The Trade and Service Marks Act is available on Tanzania's Parliament website: http://www.parliament.go.tz.</p> <p>The Banjul Protocol on Marks is available on: http://www.aripo.org/Documents/Protocols/banjul_protocol.pdf.</p>
Summary of the Operational Provisions	<p>Protection of trademarks in Tanzania can be obtained by filing an application through ARIPO or in Tanzania itself.</p> <p>National trademark system: Protection to trade and service marks: The Registrar in Tanzania may register a trademark containing <u>a geographical indication which is not misleading with regard to the origin of the goods, their nature or other characteristics</u>. Therefore, the EC geographical indications may be registered as trademarks in Tanzania.</p>

²⁸⁷ Source of information: <http://www.wipo.int>.

²⁸⁸ Source of information: <http://www.wto.org>.

²⁸⁹ Source of information: <http://www.aripo.org/Protocols.html>.

Continent: Africa
Country: Tanzania

	<p>The Banjul Protocol on Marks in the framework of the ARIPO: The EC geographical indications (GIs) may be registered as collective or certification trademarks through the ARIPO office. An application for registration of a trademark with ARIPO may be requested in addition to Tanzania also for other ARIPO's member States which are signatory to the Banjul Protocol.²⁹⁰ The formal examination of applications is carried out either by ARIPO or by any other Intellectual Property Office of the contracting States where the applicant wishes to protect his trademark.</p> <p>In case of a negative decision issued by ARIPO, applicants may file a complaint with the Board of Appeals of ARIPO or - within a period of three months - request that the application be treated only in Tanzania.</p> <p><u>Substantial examination of applications is always carried out at the national level after notification of the decision on the formal aspects by ARIPO.</u> The opposition would be also available. Results of substantial examinations are transmitted to ARIPO. <u>Trademarks registered by ARIPO shall have the same effects accorded to Marks registered under the national laws of each contracting state chosen by the applicant.</u></p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>None.</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>An application through ARIPO or in Tanzania itself must contain (Section 21 (2) of the Law and The Banjul Protocol):</p> <ul style="list-style-type: none"> • a request in writing that the mark be registered; • a list of the goods or services, for which registration of the mark is requested. <p>Non-residents must apply through local attorneys.</p>
<p>Relevant Supporting Documents</p>	<p>An application through ARIPO must be accompanied by:</p> <ul style="list-style-type: none"> • A simply signed power of attorney; • A reproduction of the mark; • Proof of payment of the prescribed fee.
<p>Administration Responsible for Registration</p>	<p>For Tanzania: Ministry of Industry and Trade Lumumba Street P.O. Box 9503 Dar es Salaam Tanzania. Tel: (+255.22)218.13.97 Fax: (+255.22) 218.04.11 E-mail: mic@raha.com</p> <p>For Zanzibar: Registry of Trademarks and Patents Office of the Registrar General P. O. Box 260 Zanzibar Tel: (+255.24) 223.63.24 Fax: (+255.24) 223.63.25 E-mail: waziri@zanzinet.com</p>

²⁹⁰ The Protocol came into force on March 6, 1997 for Malawi, Swaziland and Zimbabwe. Lesotho and Tanzania have joined the Protocol in the course of 1999. For more information consult: <http://www.aripo.wipo.net/protocol.html>.

Continent: Africa
Country: Tanzania

	<p>For ARIPO: African Regional Intellectual Property Organization (ARIPO) P.O. Box 4228, Harare, Zimbabwe Tel: (+2634) 794054, 794065/6, 794068, 794070/1 Fax: (+2634) 704072/3 E-mail: mail@aripo.org Website: http://www.aripo.org/contact.html</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • Application: 1 mark designating 1 state is \$ 1240.00 (about € 979); 1 mark designating 8 states is \$ 4148.00 (about € 3275). • Application: Additional marks/classes designating 1 state filed simultaneously are \$ 1228.00 each (about € 969), additional mark/classes designating 8 states filed simultaneously are \$ 4036.00 each (about € 3186). • Assignment: First trade mark (1 to 8 states) \$ 533.00 (about € 421), additional marks/classes filed simultaneously are \$ 235.00 each (about € 185). • Preparation of documents: \$ 107.00 (about € 84). • Record of change of name or address: First trade mark (1 to 8 states) is \$ 393.00 (about € 310), additional marks/classes filed simultaneously (1 to 8 states) are \$ 184.00 each (about € 145).
Costs of litigation	Starting from \$ 750 (€585).
Timeframe	
Registration	No time frame is foreseen for the formal examination whereas the substantial examination can take from 12 to 18 months.
Protection	<p>Of trademarks registered in Tanzania: General timeframe: 7 years. Pursuant to section 29 of the Law, protection during 10 years is possible according to the requirements of the law. Both are renewable, without specifying periods.</p> <p>Of trademarks registered through ARIPO: 10 years renewable for further periods of 10 years conditional upon the payment of the prescribed fee.</p>
Additional information	
None.	

Country: Togo

International Legal Framework

Togo is a member of the World Intellectual Property Organization from 28 April 1975 and a signatory of the Paris Convention for the Protection of Industrial Property from 10 September 1967.
Togo is a signatory of the **Lisbon Agreement** from 30 April 1975.²⁹¹
Togo is member of the WTO Member from 31 May 1995.²⁹²
There are no bilateral agreements between the EC and Togo specific to GIs.
Togo is a member of the **Bangui Agreement on Intellectual Property** which set up the Organisation Africaine de la Propriété Intellectuelle (OAPI) that governs the protection of intellectual property rights in 16 countries of Western and Central Africa.²⁹³

National Legal Framework

<p>Type of Protection</p>	<p>Sui generis protection. No <i>ex officio</i> protection is available; protection is only provided at the request of any interested party.</p> <p>An International registration of European GIs through the Lisbon Agreement is possible under the following conditions:</p> <ol style="list-style-type: none"> 1. The GI must come from an EU member state signatory of the Lisbon Agreement; 2. This International registration will only have effect in the OAPI countries that are signatories of the Lisbon Agreement: Burkina Faso, Congo, Gabon, Togo (Article 12 of the Bangui Agreement).
<p>Relevant Regulatory Framework</p>	<ul style="list-style-type: none"> • Bangui Agreement, March 1977 (Annex VI), since February 1982, as last amended in February 1999.
<p>Scope of protection</p>	<p>The scope of application of the GI Law is more extensive than the scope of the EC system (concerns all goods: agricultural and handicraft, but not services).</p>
<p>Source</p>	<p>English version of the Act is available at http://www.oapi.wipo.net/doc/en/bangui_agreement.pdf.</p>
<p>Summary of the Operational Provisions</p>	<p>Application must be made directly to the OAPI Office in Yaoundé (see below). Geographical indication is defined in the <u>Article 1 of Annex VI of the Bangui Agreement</u> in a manner similar to EU law.</p> <p><u>GIs excluded from protection:</u> GIs that are contrary to morality or public policy, liable to deceive the public, not protected in their country of origin or have ceased to be protected or have fallen into disuse in that country (article 5 of the Annex VI).</p> <p>The registration procedure is divided into three phases:</p> <ul style="list-style-type: none"> • Request for registration;

²⁹¹ Source of information: <http://www.wipo.int>.

²⁹² Source of information: <http://www.wto.org>.

²⁹³ Source of information: <http://www.oapi.wipo.net/en/OAPI/index.htm>.

Continent: Africa
Country: Togo

	<ul style="list-style-type: none"> • Formal and substantial examination of the request; • Grant of a registration certificate for the GI. <p>An opposition procedure is available after the registration. Open for 6 months after the publication. There is also an appeal procedure available on the decision of the OAPI on the opposition (3 months).</p> <p>Registration is conditional upon the payment of the fees.</p> <p>GIs are registered in the Special Register of Geographical Indications. Level of protection is similar to the one provided under the EC law: the protection in translation is covered by the Agreement; the use of kind, type, make, etc. is forbidden (Article 15.3 of the Annex VI).</p> <p>The owner of an early mark that is identical with or similar to a geographical indication may continue to use his mark, except where such mark concerns wines or spirits (Article 15.6 of Annex VI).</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>There is no provision with respect to generic names.</p> <p>However, Article 15.4 of the Annex VI of the Bangui Agreement states that the competent national authority of an OAPI member State can decide by regulation that the quality of products put on sale or used under a registered geographical indication shall be subject to control or that the use of such geographical indication shall be prohibited.</p> <p>Any person may at any time consult the Special Register or request information, against payment of the prescribed fees (Article 13 of the Annex VI).</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Article 6 of the Agreement states that Applications of GIs shall be filed directly to the OAPI.</p> <p>Applicants domiciled outside the territory of the member States shall file through an agent selected in one of those member States. However, OAPI has already signaled that it would be ready to accept filing via national embassies.</p> <p><u>Unlike in the EU, there is no standard application form at the present time.</u> The application for registration filed to the OAPI shall contain:</p> <ul style="list-style-type: none"> • an application to the Director General of the Organization in a sufficient number of copies; • the geographical area to which the GI applies; • the products for which the GI is used; • the quality, reputation or other characteristic of the products for which the geographical indication is used; • a proof of payment of the filing fee. <p>A simplified version of the EC specifications can be used for these purposes.</p>
<p>Relevant Supporting Documents</p>	<p>None.</p>

Continent: Africa
Country: Togo

Administration Responsible for Registration	<p>Direction Générale de l'OAPI BP 887 Yaoundé Cameroun Tél : (237) 220 57 00/ 220 39 11 Fax : (237) 220 57 27/ 220 57 21 E-mail: oapi.aa@oapi.aa.wipo.net Website: http://www.oapi.wipo.net</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • Application for Registration: F.FCA 90.000 (€ 137). • Publication of the application for registration: F.FCA 55.000 (€ 83). • Application for Opposition: F.FCA 150.000 (€ 228).
Costs of litigation	Approximately € 1000 to 1500.
Timeframe	
Registration	No legal requirements, but the examination procedure lasts in general for about 6 months.
Protection	GIs are protected for an indefinite period of time (as long as they are protected in their country of origin). No renewal is required.
Additional information	
None.	

Country: Tunisia

International Legal Framework

Tunisia is a member of the World Intellectual Property Organization from 28 November 1975 and a signatory to the Paris Convention for the Protection of Industrial Property from 7 July 1884.

Tunisia has signed the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods on 15 July 1892 and the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration from 31 October 1973.²⁹⁴

Tunisia is a WTO Member from 29 March 1995.²⁹⁵

There are no bilateral agreements between the EC and Tunisia specific to GIs.

National Legal Framework

Type of Protection	Sui generis protection. It would appear that <i>ex officio</i> protection is available.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Law on registered appellations of origin and indications of source of agricultural products No. 99-57 of 28 June 1999 (hereinafter, referred as “the Law”).
Scope of protection	The scope of application of the Law is more extensive than the scope of the EC system (concerns all natural or processed agricultural and food products, including wines and spirits).
Source	The text in English is available at : http://www.wipo.int/clea/docs_new/pdf/en/tn/tn017en.pdf .
Summary of the Operational Provisions	<p>Definitions of designations of origin and geographical indications are similar to those provided by the EC Regulation (Article 2 of the Law). There is a definition of appellation of origin. There is also a definition of geographical indication although the text of the Law is not clear as it uses both terms: indication of source and geographical indication.</p> <p>The Law does not contain any provision or reference to foreign GIs. However, the Law provides for a general protection of GIs. Therefore, it is not clear whether the Law allows foreign geographical indications to be registered in Tunisia.</p> <p>As for the protection, the Minister of Agriculture is responsible for the registration of GIs (Article 5 of the Law). The delimitation of the country, regions and parts of regions conferring the grant of an controlled appellation of origin or an indication of source on the products originating therefrom is carried out by the decision of the Minister of Agriculture. An advisory technical commission for controlled appellations of origin and indications of source supervises formally and then substantially the appellations. The benefit from a controlled appellation of origin or an indication of source shall be subject to the submission of a request for that purpose (Article 10 of the Law). It is possible to present objections to the opinion raised by the advisory technical commission within six months.</p> <p>Unlike in the EU, there is no opposition procedure available to third parties.</p> <p>Level of protection: The use of false or misleading information as to the origin, nature or essential qualities of the product on its packaging, or in advertising material or documents relating to the product is</p>

²⁹⁴ Source of information: <http://www.wipo.int>.

²⁹⁵ Source of information: <http://www.wto.org>.

Continent: Africa
Country: Tunisia

	also prohibited Commercial use of the appellation or indication on any similar product originating from outside the geographical area is also prohibit (Article 16 of the Law). It would appear that ex officio protection is available (Article 28 of the Law).
Specific Provisions (issue of Generics, Reciprocity)	None.
Formal Requirements for an Application	
Application Forms	<p>It appears that, unlike in the EU, there is no standard application form. The application, however, shall include (Article 10 of the Law):</p> <ul style="list-style-type: none"> • The name of the product originating from the area of the controlled appellation of origin or the indication of source; • The definition of the product with an indication of its raw materials and its main natural, chemical, microbiological and organoleptic characteristics; • The delimitation of its area of production; • The elements proving the source of the product from the area of the controlled appellation of origin or indication of source; • The description of the method of production, processing or manufacturing of the product, and in particular the local methods and traditions adopted in the field, as appropriate; • The possibility of setting annual amounts for certain products benefiting from an controlled appellation of origin or an indication of source.
Relevant Supporting Documents	None.
Administration Responsible for Registration	<p>Ministry of Agriculture 30, rue Alain Savary 1002 - Tunis Tél. : + 216 71 786 833 e-mail : mag@ministeres.tn</p>
Costs	
Costs of registration	Not available.
Costs of litigation	Approximately Dinar 1580 (~€ 946).
Timeframe	
Registration	Six months.
Protection	It appears that, like in the EU, protection of geographical signs is of an unlimited duration (there is no need to renew the registration).
Additional information	
None.	

Country: Uganda

International Legal Framework

Uganda is a member of the World Intellectual Property Organization from 18 October 1973 and a member of the Paris Convention from 14 June 1965.²⁹⁶
Uganda is a WTO Member from 1 January 1995.²⁹⁷
Uganda is also a member of the African Regional Industrial Property Organisation for English-speaking Africa (ARIPO) (established by the Lusaka Agreement of 9 December 1976) from 8 August 1978 and a party to the Banjul Protocol on marks in the framework of ARIPO from 21 November 2000.²⁹⁸
There are no bilateral agreements between the EC and Uganda specific to GIs.

National Legal Framework

Type of Protection	Trademark regime: No <i>ex officio</i> protection is available under the trademark regime, protection is provided only at the request of an interested party (<i>e.g., producers</i>).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • The Trade Marks Act, cap. 83 (Ord. 14 of 1952, L.Ns. 281 of 1952, 161 of 1962, 261 of 1962, Act 3 of 1965), January 1933; • The Trade Marks Rules, S.I. 83-2 (first schedule substituted by S.I No. 142 of 1982); • The Trade Marks (Amendment) Rules, S.I. 1982 No. 142 of 1982, as last amended by Trade Marks (Amendment) Rule, SI No. 11/89 of 1988; • The Banjul Protocol on Marks in the framework of the African Regional Industrial Property Organisation (ARIPO) signed by the Republic of Uganda on 21 November 2000.
Scope of protection	Applicable to goods (agricultural and/or industrial) and services .
Source	The text of the national law on trademarks The Trade Marks Act is not available electronically. The Banjul Protocol on Marks is available on: http://www.aripo.org/Documents/Protocols/banjul_protocol.pdf
Summary of the Operational Provisions	<p>Protection of trademarks in Uganda can be obtained by filing an application through ARIPO or in Uganda itself.</p> <p>The Banjul Protocol on Marks in the framework of the ARIPO:</p> <p>The EC geographical indications may be registered as collective or certification trademarks through the ARIPO office. An application for registration of a trademark with ARIPO may be requested in addition to Uganda also for other ARIPO's member States which are signatory to the Banjul Protocol.</p> <p>The formal examination of applications is carried out either by ARIPO or by the Registrar of Uganda as any other Intellectual Property Office of the contracting States where the applicant wishes to protect his trademark.</p> <p>In case of a negative decision issued by ARIPO, applicants may file a complaint with the Board of Appeals of ARIPO or - within a period of three months - request that the application be treated only in Uganda.</p>

²⁹⁶ Source of information: <http://www.wipo.int>.

²⁹⁷ Source of information: <http://www.wto.org>.

²⁹⁸ Source of information: <http://www.aripo.org/Protocols.html>.

Continent: Africa
Country: Uganda

	<p><u>Substantial examination of applications is always carried out at the national level after notification of the decision on the formal aspects by ARIPO.</u> The opposition would be also available. Results of substantial examinations are transmitted to ARIPO.</p> <p><u>Trademarks registered by ARIPO shall have the same effects accorded to Marks registered under the national laws of each contracting state chosen by the applicant.</u></p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>None.</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>An application through ARIPO must contain:</p> <ul style="list-style-type: none"> • a request in writing that the mark be registered; • a list of the goods or services, for which registration of the mark is requested, listed under the applicable class or classes of the international Classification. <p>Non-residents must apply through the local attorneys.</p>
<p>Relevant Supporting Documents</p>	<p>An application through ARIPO must be accompanied by:</p> <ul style="list-style-type: none"> • A simply signed power of attorney; • A reproduction of the mark; • Proof of payment of the prescribed fee (made for ARIPO).
<p>Administration Responsible for Registration</p>	<p>Industrial Property Office Registrar General's Department Amamu House Plot No. 5, Gerge Street P.O. Box 6848 Kampala Uganda Tel: (+256.41) 23.59.15 Fax: (+256.41) 25.07.12 E-mail: RegistrarGeneralbKatureebe@infocom.co.ug</p> <p>African Regional Intellectual Property Organization (ARIPO) P.O. Box 4228, Harare, Zimbabwe Tel: (+2634) 794054, 794065/6, 794068, 794070/1 Fax: (+2634) 704072/3 E-mail: mail@aripo.org Website: http://www.aripo.org/contact.html</p>

Continent: Africa
Country: Uganda

Costs	
Costs of registration	<p>Through ARIPO:</p> <ul style="list-style-type: none"> • Application: 1 mark designating 1 state is \$ 1240.00 (about € 979); 1 mark designating 8 states is \$ 4148.00 (about € 3275). • Application: Additional marks/classes designating 1 state filed simultaneously are \$ 1228.00 each (about € 969), additional mark/classes designating 8 states filed simultaneously are \$ 4036.00 each (about € 3186). • Assignment: First trade mark (1 to 8 states) \$ 533.00 (about € 421), additional marks/classes filed simultaneously are \$ 235.00 each (about € 185). • Preparation of documents: \$ 107.00 (about € 84). • Record of change of name or address: First trade mark (1 to 8 states) is \$393.00 (about € 310), additional marks/classes filed simultaneously (1 to 8 states) are \$184.00 each (about € 145).
Costs of litigation	Starting from \$ 750 (€ 585).
Timeframe	
Registration	No time frame is foreseen for the formal examination whereas the substantial examination can take from 12 to 18 months.
Protection	<p>Of trademarks registered through ARIPO:</p> <p>10 years, renewable for further periods of 10 years conditional on the payment of the prescribed fee.</p>
Additional information	
None.	

Country: Zambia

International Legal Framework

Zambia is a member of the World Intellectual Property Organization from 14 May 1977 and a signatory of the Paris Convention from 15 November 2001.²⁹⁹
Zambia is a WTO Member from 1 January 1995.³⁰⁰
Zambia is a member of the African Regional Industrial Property Organisation for English-speaking Africa (ARIPO) (established by the Lusaka Agreement of 15 February 1978) from 8 August 1978, but **not a signatory to the Banjul Protocol on Marks of 1993**, which established a common trademark filling system for the members of ARIPO.³⁰¹
There are no bilateral agreements between the EC and Zambia specific to GIs.

National Legal Framework

Type of Protection	Trademark regime: No <i>ex officio</i> protection is available under the trademark regime, protection is provided only at the request of an interested party (<i>e.g., producers</i>).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • The Trade Marks Act, Cap. 401 of the Laws of Zambia, April 1958, as amended up to 1994; • The Trade Marks Office (Establishment) Order of 1968, Statutory Instrument No. 326 of 1968; • The Trade Marks Regulations, Federal Government Notices Nos. 260 of 1957, 57 of 1960, 11 of 1961, 267 of 1962, Act 57 of 1964, Government Notices Nos. 497 of 1964 and Statutory Instruments Nos. 223 of 1965, 307 of 1965, as amended by The Trade Marks (Amendment) Regulations of 1981 and 1990 (S.I. No. 148 of 1990) (fees); • The Merchandise Marks Act, Cap. 694, Notices Nos. 153 of 1964, 497 of 1964, Statutory Instrument No. 175 of 1965, Act No. 23 of 1965; • The Merchandise Marks (Section 7 Suspension) Notice, Government Notices Nos. 154 of 1964, 497 of 1964, Statutory Instrument No. 47 of 1965.
Scope of protection	Applicable to goods (agricultural and/or industrial) and services.
Source	The text of the national law on trademarks The Trade Marks Act is not available electronically.
Summary of the Operational Provisions	<p>Protection for trademarks and trade names. In order to register a trademark, substantive and formal examinations of the application will be required. Registration of a mark will confer on the owner the exclusive right of use for a period of 7 years, renewal is possible for 14 years.</p> <p>Zambia is intended to amend its legislation on intellectual property to fully align it with the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) (<u>in particular, with respect to geographical indications</u>). This was expected to be completed by January 2006 (as stated in Trade Policy Review of Zambia, WT/TPR/S/106, 19/08/2003),³⁰² though no changes have been reported yet.</p>
Specific Provisions (issue of Generics, Reciprocity)	None.

²⁹⁹ Source of information: <http://www.wipo.int>.

³⁰⁰ Source of information: <http://www.wto.org>.

³⁰¹ Source of information: <http://www.aripo.org/Protocols.html>.

³⁰² The full text of the report find on <http://www.wto.org>.

Formal Requirements for an Application	
Application Forms	<ul style="list-style-type: none"> • Full name, street address and description of the applicant (including trading style, if any, and state/country of incorporation, if incorporated); • List of goods and/or services; • A simply signed power of attorney. <p>Non-residents must apply through local attorneys.</p>
Relevant Supporting Documents	<ul style="list-style-type: none"> • If priority is claimed: a certified copy of basic application.
Administration Responsible for Registration	<p>Industrial Property Office Patents and Companies Registration Office Mwayi House Haile Selassie Avenue Longacres P.O. Box 32020 Lusaka 10101 Registrar of Patents, Trade Marks and Designs Tel.: (260.1) 25.51.51 or 25.54.25 Fax: (260.1) 25.54.26 or 22.72.25 E-mail: comtrade@zamnet.zm</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • Application: First trade mark/class is \$ 1302.00 (€ 1041), additional classes filed simultaneously are \$ 1005.00 (€ 804) each; • Assignment: First trade mark/class is \$ 624.00 (€ 500), additional trade marks/classes filed simultaneously are \$ 145.00 (€ 116) each; • Preparation of documents: \$104.00 (€ 83); • Recordal of change of name or address: First trade mark/class is \$ 492.00 (€ 393), additional trade marks/classes filed simultaneously are \$ 429.00 (€ 343); • Renewal: First class is \$ 940.00 (€ 752), additional classes renewed simultaneously are \$ 868.00 (€ 694) each.
Costs of litigation	Depending on the complexity of the case and a firm of industrial property agents authorized to practice in Zambia (between \$ 300 – 600 (€ 250 – 550)).
Timeframe	
Registration	Approximately 6 months.
Protection	7 years from filing date and renewal for further periods of 14 years.
Additional information	
None.	

Country: Zimbabwe

International Legal Framework

Zimbabwe is a member of the World Intellectual Property Organization Convention from 29 December 1981 and a signatory to the Paris Convention for the Protection of Industrial Property from 18 April 1980.³⁰³
Zimbabwe is a WTO Member from 5 March 1995.³⁰⁴
Zimbabwe is also a member of the African Regional Industrial Property Organisation for English-speaking Africa (ARIPO) (established by the Lusaka Agreement of 9 December 1976) from 11 November 1980 and a party to the Banjul Protocol on marks in the framework of ARIPO from 6 March 1997.³⁰⁵
There are no bilateral agreements between the EC and Zimbabwe specific to GIs.

National Legal Framework

Type of Protection	Sui generis protection but <i>ex parte</i>. No <i>ex officio</i> protection is available under the sui generis regime, and protection is provided only at the request of an interested party (e.g., producers).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Geographical Indications Act No 24/2001, entered into force on 1 March 2002 (hereinafter, referred as “the Law”).
Scope of protection	<u>The scope of application of the Law is more extensive than the scope of the EC system</u> (concerns goods: agricultural and handicraft, but not services).
Source	The Act on Geographical Indications is available on: http://www.parlzim.gov.zw/Resources/Acts/acts.html .
Summary of the Operational Provisions	<p>Definition of geographical indication is similar to one provided by the EC Regulation (Article 2 of the Law). Names and signs that meet such definition may be registered.</p> <p>Registration procedure: An application for the registration of a geographical indication must be submitted to the Trade Marks Office of Zimbabwe (the authority responsible for registration of GIs), where it will be examined first formally, and then substantially.</p> <p>The Office shall accept an application after acknowledging <i>prima facie</i> that:</p> <ul style="list-style-type: none"> • the applicant is entitled to lodge the application; • the indication sought to be registered is a geographical indication; • the application of the geographical indication concerning the product specified in the application will not be contrary to public order or morality; • and where the application is for the registration of a foreign geographical indication, that it is protected in the foreign country concerned and has not fallen into disuse in that country. <p><u>The EC Certificate of Protection can be potentially re-used for these purposes.</u></p> <p>The applicant is further required to advertise the GI in the prescribed manner. During the time of publication, the Office has more time to establish the link between the characteristics of the good and its geographical origin. According to the Act, for the purpose of determining whether a geographical indication suggests that a product originates in a particular area or misleads the public as to its area of origin, regard shall be to the general understanding of consumers or users of the product concerned where it has been, is</p>

³⁰³ Source of information: <http://www.wipo.int>.

³⁰⁴ Source of information: <http://www.wto.org>.

³⁰⁵ Source of information: <http://www.aripo.org/Protocols.html>.

Continent: Africa
Country: Zimbabwe

	<p>being or is intended to be sold.</p> <p><u>Like in the EU, the use of misleading GIs is banned.</u> Also similar to the EC system, <u>an opposition by any interested party is also possible</u> within two months from the date when the GI is published.</p> <p>Appeals against decisions of the Office may be lodged before the Tribunal within two months from the date of notification of the decision.</p> <p>It would appear that, under the Law, the level of protection for spirits and wines is similar to that provided in the EC (Article 3 of the Law). The use of <u>geographical indication for wines and spirits is considered to be misleading even if the true origin is indicated or used in translation or in combination with expressions such as “sort of”, “kind of”, “imitation” and “the like”.</u> With respect to other goods, the level of protection appears to be different as the misleading use must be established on the basis of general understanding of consumers.</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>Names that are customarily applied to the products in Zimbabwe (even if they are identical to geographical indications applied elsewhere) may continue to be used (Article 45 of the Law).</p> <p><u>Unlike in the EU, no definition of generic names or criteria of how to establish a generic nature of the name.</u></p> <p><u>Geographical indication for wines and spirits are protected in translation (Article 3(d) of the Law), for other goods the protection is granted only if the use of such translated name is misleading to the public or constitutes an act of unfair competition.</u></p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Unlike in the EU, there is no standard application form.</p> <p>However, the Law indicates that an application must contain (Article 17, Section IV of the Law):</p> <ul style="list-style-type: none"> • the applicant’s name, address and nationality; • the geographical indication concerned; • the product or products to which the geographical indication is to be applied; • the quality, reputation or characteristic of the product which is attributable to its geographical origin (the EC specification could potentially be re-used for these purposes). <p>The language of the application is English.</p>
<p>Relevant Supporting Documents</p>	<p>An application must be accompanied by:</p> <ul style="list-style-type: none"> • A proof of payment of the prescribed fee (such payment have to be made before the Trademark Office of Zimbabwe); • A simply signed power of attorney (referring to a legal practitioner registered as a patent agent in the Register of Patent Agents or registered as a trade mark agent in the Register of Trade Mark Agents kept in the Trademarks Office).
<p>Administration Responsible for Registration</p>	<p>Trademarks Office - Ministry of Justice, Legal and Parliamentary Affairs Office of the Controller of Patents, Trade Marks and Industrial Designs 5th Floor Corner House Corner Leopold Takawira Street and Samora Machel Avenue Harare Private Bag 7704 Causeway Zimbabwe Tel: (263 4) 773 443 (M. Manyonga) Fax: (263 4) 772 999 E-mail: zimpat@gta.gov.zw</p>

Continent: Africa
Country: Zimbabwe

Costs	
Costs of registration	No specific amounts are fixed in the Law (according to Article 26, in any proceedings before the Registrar, he may award any party such costs as he considers reasonable and may direct how and by what parties they are to be paid).
Costs of litigation	Starting from \$ 750 (€ 585).
Timeframe	
Registration	Not specified by the Law (according to Article 28 the time-limits established by the Law may be extended by the Registrar).
Protection	10 years from date of application and renewable for further periods of 10 years.
Additional information	
None.	

Section III

Australia and Oceania

- 112. Australia
- 113. Fiji
- 114. Kiribati
- 115. Marshall Islands
- 116. Micronesia
- 117. Nauru
- 118. New Zealand
- 119. Palau
- 120. Papua New Guinea
- 121. Samoa, Western
- 122. Solomon Islands
- 123. Tonga
- 124. Tuvalu
- 125. Vanuatu

Country: Australia

International Legal Framework

Australia is a member of the World Intellectual Property Organization from 10 August 1972 and a signatory to the Paris Convention for the Protection of Industrial Property from 10 October 1925.³⁰⁶
Australia is a WTO Member from 1 January 1995.³⁰⁷
There is one specific GIs bilateral agreement between the EC and Australia on Trade in Wine,³⁰⁸ which was signed in Brussels and Canberra on 25 and 31 January 1994 respectively.

National Legal Framework

<p>Type of Protection</p>	<p>Sui generis protection: mutual recognition and protection of almost all European GI wines through the bilateral agreement.</p> <p>Trademark regime: No <i>ex officio</i> protection is available under the trademark regime, protection is provided only at the request of an interested party (<i>e.g., producers</i>).</p>
<p>Relevant Regulatory Framework</p>	<p>Sui generis protection of GI for wines:</p> <ul style="list-style-type: none"> • The Australian Wine and Brandy Corporation Act 1980 (AWBC), substantially amended in 1993. <p>Trademark regime:</p> <ul style="list-style-type: none"> • Trade Marks Act 1995 of October 17, 1995, amended by Trade Marks Regulations of 24 January 1996 (hereinafter referred as “the TM Law”). <p>GIs can also be protected via common law tort of “passing off”, i.e. an action that can be used to enforce unregistered trademark rights. Such action can be based on the Trade Practice Act of 1974.</p>
<p>Scope of protection</p>	<p>Sui generis protection of GIs for wines: Same level of protection as the one given in the EC for a list of all European GIs for wines included in the agreement. However, 11 EC famous GIs are currently not protected: Burgundy, Chablis, Champagne, Claret, Graves, Marsalla, Moselle, Port, Sauternes, Sherry et White Burgundy. A phasing-out period is being negotiated for these GIs.</p> <p>Trademark regime: All goods and services.</p>
<p>Source</p>	<p>Sui generis protection of GIs: Wine and Brandy Act Official publication: "Commonwealth of Australia Gazette", 24 December 1993 and http://www.wipo.int/clea/es/clea_tree1.jsp.</p> <p>Trademark regime: Trademarks Act Official publication: "Commonwealth of Australia Gazette" on 25 January 1996.</p>

³⁰⁶ Source of information: <http://www.wipo.int/treaties>.

³⁰⁷ Source of information: <http://www.wto.org>.

³⁰⁸ http://www.ecdel.org.au/eu_and_australia/wineagreement/wineagreement.htm.

Continent: Australia and Oceania
Country: Australia

	<p>http://www.comlaw.gov.au/comlaw/legislation/legislativeinstrumentcompilation1.nsf/frame lodgmentattachm ents/1D08238605E90E48CA2570890002E25F</p> <p>Trade Practice Act of 1974 http://scaleplus.law.gov.au/html/pasteact/0/115/top.htm</p>
<p style="text-align: center;">Summary of the Operational Provisions</p>	<p>Sui generis protection of GIs for wines:</p> <p>The EC and Australia bilateral Agreement on Trade in Wine provides for a reciprocal protection of wine names: <u>No registered designations of origin or geographical indications may be used in the cases when the genuine origin is indicated or the of origin is used in translation or in combination with expressions such as “sort of”, “kind of”, “imitation” and “the like” (Article 6 of the Agreement).</u></p> <p>A phasing-out period is being negotiated for the remaining 11 EC famous GIs that are currently not protected in Australia: Burgundy, Chablis, Champagne, Claret, Graves, Marsalla, Moselle, Port, Sauternes, Sherry et White Burgundy.</p> <p>Trademark regime:</p> <p>Definition of geographical indications is similar to the one provided by the EC Regulation (Article 6 of the Trademark Law).</p> <p>It would appear that European GIs could be registered as certification marks or collective marks in Australia under certain conditions.</p> <ul style="list-style-type: none"> (a) the name must be proved to be distinctive by the applicant (in general, this means that it has been used in Australia but that it is not considered as a generic name) (b) the name should not likely mislead or deceive consumers. <p>The Trade Mark Commissioner may decide that it is not in the public interest for the mark to be registered. Before the Commissioner makes a decision on an application for the registration of a certification trade mark, the applicant must provide the Commissioner with draft regulations that govern the use of the certification trade mark for the Commissioner's approval.</p> <p>The protection granted to GIs via the trademark law is limited (no exclusive right on the use of the name). Registration only prevents others from using the name as a trademark. The name can be used by others to indicate the name of the person's place of business or to indicate in good faith the origin of the good.</p> <p>The registration procedure is similar to the registration of the Community Trademarks. To register a trademark, an applicant must fill out the forms prescribed and submit them to the Australian Patent Office. There is an opposition procedure (Article 43.bis of the Law). The applicant or the opponent may appeal to the Federal Court from a decision of the Registrar (Article 56). Registered trademarks are included in a Register.</p>
<p style="text-align: center;">Specific Provisions (issue of Generics, Reciprocity)</p>	<p>Sui generis protection of GIs for wines:</p> <p>According to the Wine and Brandy Corporation Act, unauthorised use of geographical indications for wines is subject to criminal prosecution. Substantial penalties of up to two years jail and/or a \$60,000 fine may be incurred for false or misleading description or presentation of wine. This may involve improper use of a registered GI or other wine name appearing on the Register of Protected Names.</p> <p>Trademark regime:</p> <p>Genericity is not defined in the Trade Mark Act of 1995 but it is provided that a trademark can be removed from the Register of trademarks if it can be shown that the mark has become “generally accepted within the relevant trade as the sign that describes or is the name of an article.</p>

Continent: Australia and Oceania
Country: Australia

Formal Requirements for an Application	
Application Forms	<p>Trademark regime:</p> <p>Like in the EU, there is one standard application form. The application must be made in accordance with the regulations and be filed, together with any prescribed document, in accordance with the regulations (Article 27.2 of the TM Law) The application must include:</p> <ul style="list-style-type: none"> • a representation of the trade mark, • specify, in accordance with the regulations, the goods in respect of which it is sought to register the trade mark.
Relevant Supporting Documents	None.
Administration Responsible for Registration	<p>Trademark regime:</p> <p>Registrar of Trade Marks, IP Australia, PO Box 200, Woden ACT 2606. Tel: (02) 6283 2999 Fax: (02) 6283 2978 www.ipaustralia.gov.au</p>
Costs	
Costs of registration	<p>Trademark regime:</p> <p>Application to register (single class) \$ 150 (€ 92), Application to register (single class) on-line, \$ 120 (€ 74) Registration fees (payable within 6 months of acceptance) \$ 300 (€ 185).</p>
Costs of litigation	<p>Trademark regime:</p> <p>The Australian government provides an assessment which can help you determine the suitability of the trade mark for registration (Assisted Filing Service - AFS). It offers the opportunity to speak with an IP Australia staff member about the registrability of your proposed trademark.</p> <ul style="list-style-type: none"> • Entry Fee: \$ 90 (€ 55) per class. • A private firm will charge € 1000 approximately for a first assessment.
Timeframe	
Registration	No timeframes are set in the Law.
Protection	<p>European GI wines included in the annex of the bilateral agreement are protected as long as the agreement remains in force.</p> <p>Trademarks are valid for a period of 10 years and renewable every ten years.</p>
Additional information	
<p>The EC - Australia Wine Agreement provides for a list of oenological practices or processes authorized in Australia. A request to obtain an authorization for the registration of a wine using a different oenological practice not included in the Annex may be submitted by the European Union, according to Article 5 of the Agreement.</p>	

Country: Fiji Islands

International Legal Framework

The Fiji Islands are a member of the World Intellectual Property Organization since 11 March 1972.³⁰⁹
The Fiji Islands are a WTO member of the World Trade Organization since 14 January 1996.³¹⁰
There are no bilateral agreements between the EC and Fiji Islands specific to GIs.

National Legal Framework

Type of Protection	Trademark regime. No <i>ex officio</i> protection is available, protection is provided only at the request of an applicant.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • The Fiji Trade Marks Act of 1978, as last amended in 1984 (Cap 240). • The Merchandise Marks Act (Cap 241).
Scope of protection	Applicable to all goods.
Source	The Fiji Trade Marks Act is available at http://www.paclii.org/fj/legis/consol_act/tma121/ . The Merchandise Marks Act is not available electronically.
Summary of the Operational Provisions	<p>Under the Act, <u>a mark must be registered in order to be granted protection</u>. The simple use of trademarks is not protected.</p> <p><u>The main criterion for the registration of a mark under the Trade Marks Act is its distinctiveness (Article 8 of the Law prohibits registration of geographical names as trademarks).</u></p> <p>Articles 9 and 10 of the Act set out the conditions for the registration of a mark. Application for trademark registration must be sent to the Registrar. The Registrar's decision of refusal or conditional acceptance can be appealed by the applicant before the Court.</p> <p>When an application has been accepted, the Registrar publishes it in the Gazette.</p> <p>Like in the EC, an opposition procedure is available although there are no details on the timeframe.</p>
Specific Provisions (issue of Generics, Reciprocity)	<p>The Trade Marks Act contains specific provisions with regard to the UK trademarks (Part III).</p> <p>Any proprietor of a trade-mark registered in the United Kingdom can apply to have such trade-mark registered in Fiji.</p> <p>The application must be accompanied by a certified representation of the trademark and a certificate of the Controller-General of the United Kingdom Patent Office giving full particulars of the registration of the trade-mark in the United Kingdom.</p> <p>The Registrar of Fiji issues a certificate of registration which will confer on the applicant privileges and rights subject to all conditions established by law of Fiji as though the certificate of registration in the United Kingdom had been issued with an extension to Fiji.</p>

³⁰⁹ Source of information: <http://www.wipo.int>.

³¹⁰ Source of information: <http://www.wto.org>.

Continent: Australia and Oceania
Country: Fiji

Formal Requirements for an Application	
Application Forms	<p>Like in the EC, there is a standard application form which is available online at the following address: http://www.paclii.org/fj/legis/consol_act/tma121/ (Second and Third Schedules).</p> <p>In any case, each application should contain the following information:</p> <ul style="list-style-type: none"> • the name of a company, individual or firm, represented in a, special or particular manner; • the signature of the applicant for registration or some predecessor in his business; • an invented word or invented words; • any other distinctive mark; • classification and the respective goods.
Relevant Supporting Documents	In addition to the aforementioned requirements, an application must be accompanied by a document certifying payment of the application fee in order to be considered valid.
Administration Responsible for Registration	<p>Intellectual Property Office Ministry of Justice Government Buildings P.O. Box 11869 Suva Tel.: (679) 330.86.00 Fax: (679) 330.36.76</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • Application fee: FJD 10 (~ €5); • Fee for a certificate: FJD 2 (~ €0,9). <p>The above mentioned fees are established by the Rules of 25 November 1974, available at http://www.paclii.org/fj/legis/consol_act/tma121/.</p>
Costs of litigation	Starting from FDJ 300 (~ € 140).
Timeframe	
Registration	A maximum of 12 months.
Protection	14 years and renewable for consecutive periods of 14 years.
Additional information	
None.	

Continent: Australia and Oceania
Country: Kiribati

Country: Kiribati

International Legal Framework

Kiribati is not a WIPO member.³¹¹
Kiribati is not a WTO Member.³¹²
There are no bilateral agreements between the EC and Kiribati specific to GIs.

National Legal Framework

Type of Protection	Trademark protection. No <i>ex officio</i> protection is available, protection is provided only at the request of an applicant.
Relevant Regulatory Framework	There is currently no legal text for the protection of trademarks or GIs in Kiribati. However, it would appear that trademark protection is possible for trademarks that have already been registered in the United Kingdom.
Scope of protection	All goods and services.
Source	See above.
Summary of the Operational Provisions	See above.
Specific Provisions (issue of Generics, Reciprocity)	See above.

Formal Requirements for an Application

Application Forms	See above.
Relevant Supporting Documents	See above.
Administration Responsible for Registration	Ministry of Commerce, Industry and Tourism P.O. Box 510 Betio Tarawa Tel.: (686) 261 57; 261 58 Fax: (686) 262 33 E-mail: commerce@tskl.net.ki

³¹¹ Source of information: <http://www.wipo.int/treaties>.

³¹² Source of information: <http://www.wto.org>.

Continent: **Australia and Oceania**
Country: **Kiribati**

Costs	
Costs of registration	See above.
Costs of litigation	See above.
Timeframe	
Registration	See above.
Protection	See above.
Additional information	
None.	

Country: Marshall Islands

International Legal Framework

The Marshall Islands are not a WIPO member.³¹³
The Marshall Islands are not a WTO Member.³¹⁴
There are no bilateral agreements between the EC and the Marshall Islands specific to GIs.

National Legal Framework

Type of Protection	None.
Relevant Regulatory Framework	The Marshall Islands are still in the process of promoting the establishment and implementation of a legal and regulatory framework. It would appear that there is currently no legal text for the protection of trademarks or GIs in the Marshall Islands.
Scope of protection	See above.
Source	See above.
Summary of the Operational Provisions	See above.
Specific Provisions (issue of Generics, Reciprocity)	See above.

Formal Requirements for an Application

Application Forms	See above.
Relevant Supporting Documents	See above.
Administration Responsible for Registration	Information is not available.

Costs

Costs of registration	See above.
Costs of litigation	See above.

³¹³ Source of information: <http://www.wipo.int/treaties>.

³¹⁴ Source of information: <http://www.wto.org>.

Continent: Australia and Oceania
Country: Marshall Islands

Timeframe	
Registration	See above.
Protection	See above.
Additional information	
None.	

Country: Micronesia

International Legal Framework

Micronesia is not a WIPO member.³¹⁵
Micronesia is not a WTO Member.³¹⁶
There are no bilateral agreements between the EC and Micronesia specific to GIs.

National Legal Framework

Type of Protection	None.
Relevant Regulatory Framework	Micronesia is still in the process of promoting the establishment and implementation of a legal and regulatory framework. It would appear that there is currently no legal text for the protection of trademarks or GIs in Micronesia.
Scope of protection	See above.
Source	See above.
Summary of the Operational Provisions	See above.
Specific Provisions (issue of Generics, Reciprocity)	See above.

Formal Requirements for an Application

Application Forms	See above.
Relevant Supporting Documents	See above.
Administration Responsible for Registration	Information is not available.

Costs

Costs of registration	See above.
Costs of litigation	See above.

³¹⁵ Source of information: <http://www.wipo.int/treaties>.

³¹⁶ Source of information: <http://www.wto.org>.

Continent: Australia and Oceania
Country: Micronesia

Timeframe	
Registration	See above.
Protection	See above.
Additional information	
None.	

Country: Nauru

International Legal Framework

Nauru is not a WIPO member.³¹⁷
Nauru is not a WTO Member.³¹⁸
There are no bilateral agreements between the EC and Nauru specific to GIs.

National Legal Framework

Type of Protection	None.
Relevant Regulatory Framework	Nauru is still in the process of promoting the establishment and implementation of a legal and regulatory framework. It would appear that there is currently no legal text for the protection of trademarks or GIs in Nauru.
Scope of protection	See above.
Source	See above.
Summary of the Operational Provisions	See above.
Specific Provisions (issue of Generics, Reciprocity)	See above.

Formal Requirements for an Application

Application Forms	See above.
Relevant Supporting Documents	See above.
Administration Responsible for Registration	Registrar of Patents, Trade Marks and Copyright Department of Justice, Government Offices Yaren District Nauru, Central Pacific Tel: (674) 444 3747 Fax: (674) 444 3108

Costs

Costs of registration	See above.
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³¹⁷ Source of information: <http://www.wipo.int/treaties>.

³¹⁸ Source of information: <http://www.wto.org>.

Continent: **Australia and Oceania**
Country: **Nauru**

Costs of litigation	See above.
Timeframe	
Registration	See above.
Protection	See above.
Additional information	
None.	

Country: New Zealand

International Legal Framework

New Zealand is a member of the World Intellectual Property Organization from 20 June 1984 and a signatory to the Paris Convention for the Protection of Industrial Property and the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods from 29 July 1931.³¹⁹
New Zealand is a WTO Member from 1 January 1995.³²⁰
There are no specific to GIs bilateral agreements between the EC and New Zealand. However, EU and NZ have started negotiations on a wine agreement.

National Legal Framework

<p>Type of Protection</p>	<p>In New Zealand, geographical indications are defined by the Geographical Indications Act of 1994, which has not yet been brought into force. A review of this Act has been undertaken; and the Geographical Indications (Wine and Spirits) Registration Bill, which will repeal and replace the Geographical Indications Act of 1994, is currently in the process of being drafted. Therefore, the EC GIs can be protected at the present moment under the Trademark Regime.</p> <p>Trademark protection. No <i>ex officio</i> protection is available under the trademark regime, protection is provided only at the request of an interested party (<i>e.g., producers</i>).</p>
<p>Relevant Regulatory Framework</p>	<ul style="list-style-type: none"> • Trade Mark Act 2002, last amended in 2005 (hereinafter referred as “the TM Law”). • Trade Mark Regulation of 4 August 2003, come into force from 23 of August 2003. • The Fair Trading Act of 17 December 1986. • Common law tort of “passing off”: action that can be used to enforce unregistered trademark rights.
<p>Scope of protection</p>	<p>All goods and services.</p>
<p>Source</p>	<p>The English version of the Trademark Act and the Fair Trading Act are available on: http://www.legislation.govt.nz/browse_vw.asp?content-set=pal_statutes.</p>
<p>Summary of the Operational Provisions</p>	<p>Geographical indications are defined in Article 5.1 of the Trade Mark Act of 2002 with reference to the Geographical Indications Act 1994 which has not entered into force yet. GIs are used “in relation to goods, means a description or presentation used to indicate the geographical origin of the goods”. “Geographical origin” means a country, region, locality, or linear feature.</p> <p>Certification marks are defined in Article 5.1 of the Law as a sign certifying that the goods or services in respect of which it is used are of a particular origin, material, mode of manufacture, quality, accuracy, performance, or other characteristic. Therefore, it would appear that the EC GIs can be registered in New Zealand as certification marks.</p> <p>Procedure: The Commissioner of Trade Marks is the person in charge of the registration of trademarks. He will examine the application first formally and then substantially (Article 39 of the Law). There is an opposition procedure available within 3 months after the date when acceptance of registration was first advertised (Article 47 of the Law).</p>

³¹⁹ Source of information: <http://www.wipo.int/treaties>.

³²⁰ Source of information: <http://www.wto.org>.

Continent: Australia and Oceania
Country: New Zealand

	<p><u>Protection</u>: Section 9 of the Fair Trading Act of 1986 provides that “no person shall, in trade, engage in conduct that is misleading or deceptive or is likely to mislead or deceive”. Also, the general consumer protection law might be indirectly applicable when prevents anyone from making false or misleading statements as to the origin of their products.</p>
Specific Provisions (issue of Generics, Reciprocity)	None.
Formal Requirements for an Application	
Application Forms	<p>Like in the EC, there is an application form to register trademarks available on the website of the Intellectual Property Office of New Zealand (http://www.iponz.govt.nz/pls/web/dbssiten.main).</p> <p>An application to register a trade mark must contain the following information:</p> <ul style="list-style-type: none"> • The applicant’s name; • The name of each applicant (in the case of a joint application); • An address for service in New Zealand; • The agent’s name (if the owner has an agent), • A clear representation of the trade mark; • A clear representation of each trade mark in the series, if the application is for registration of a series of trade marks; • The goods and services for which registration is required. <p>Documents must be filled in English or Maori language.</p>
Relevant Supporting Documents	Not available.
Administration Responsible for Registration	<p>Intellectual Property Office of New Zealand Levin House 330 High Street DX SX11129 Wellington Tel.: + 64.4 560.16.00 Fax: + 64.4 568.07.47 E-mail: iponz@iponz.govt.nz http://www.iponz.govt.nz/</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • Trademark application \$ 112.50 (~€ 55). • Renewal \$ 281.25 (~€ 135).
Costs of litigation	<ul style="list-style-type: none"> • Between \$ 225 (~€ 117) to \$ 890 (~€ 429).

Continent: Australia and Oceania
Country: New Zealand

Timeframe	
Registration	Approximately 8 months (no timeframe is indicated in the Law).
Protection	Trademarks are valid for a period of 10 years and renewable every ten years.
Additional information	
The Champagne producers successfully used the action of "passing off" to prevent non-French winemakers from labelling their sparkling wine with the term "Champagne".	

Country: Palau

International Legal Framework

Palau is not a WIPO member.³²¹
Palau is not a WTO Member.³²²
There is no bilateral agreement between the EC and Palau specific to GIs.

National Legal Framework

Type of Protection	None.
Relevant Regulatory Framework	Palau is still in the process of promoting the establishment and implementation of a legal and regulatory framework. Currently, there is no legislation in force concerning trademarks or GIs in the Republic of Palau.
Scope of protection	See above.
Source	See above.
Summary of the Operational Provisions	See above.
Specific Provisions (issue of Generics, Reciprocity)	See above.

Formal Requirements for an Application

Application Forms	See above.
Relevant Supporting Documents	See above.
Administration Responsible for Registration	Ministry of Resources and Development P.O. Box 100 Madalaii Palau Tel: (680) 488 2701 Fax: (680) 488 3380

Costs

Costs of registration	See above.
Costs of litigation	See above.

³²¹ Source of information: <http://www.wipo.int/treaties>.

³²² Source of information: <http://www.wto.org>.

Continent: Australia and Oceania
Country: Palau

Timeframe	
Registration	See above.
Protection	See above.
Additional information	
None.	

Country: Papua New Guinea

International Legal Framework

Papua New Guinea is a member of the World Intellectual Property Organization Convention since 10 July 1997 and a signatory of the Paris Convention for the Protection of Industrial Property from 15 June 1999.³²³
Papua New Guinea is a WTO Member since 9 June 1996.³²⁴
There are no bilateral agreements between the EC and Papua New Guinea specific to GIs.

National Legal Framework

Type of Protection	Trademark protection. No <i>ex officio</i> protection is available. Protection is provided only at the request of an applicant.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Trade Marks Act No. 39 of 1978, as last amended in 1994, hereinafter referred as “the Law”.
Scope of protection	Applicable to all goods and services.
Source	A consolidated version of the Trade Marks Act is available at: http://www.paclii.org/pg/legis/consol_act/tma1978121/ .
Summary of the Operational Provisions	<p>It would appear that EC GIs could be registered as trademarks in Papua New Guinea. However, the Trade Marks Act provides that a trade mark is not registrable if it contains or consists of a geographical name (Article 15 of the Law).</p> <p>A person can apply for trademark registration to the Registrar (the authority responsible for registration of trademarks).</p> <p>The Registrar may accept an application for registration of a trade mark without conditions or limitations; he may refuse to accept the application altogether; or require the application to be amended. The decision of the Registrar can be appealed in front of the Court. There is an opposition procedure available to any interested person within three months after the date of advertisement of the acceptance of an application for the registration of a trade mark.</p> <p>The registered proprietor and each registered user of a trade mark shall have an address for service, being an address in Papua New Guinea at which documents may be sent to. The address is entered in the Register.</p> <p>Forgery of a trademark is considered as an offence and subject to a penalty of a fine not exceeding K 2,000.00 (~ €555) or imprisonment for a term not exceeding three years.</p>
Specific Provisions (issue of Generics, Reciprocity)	None.

³²³ Source of information: <http://www.wipo.int>.

³²⁴ Source of information: <http://www.wto.org>.

Continent: Australia and Oceania
Country: Papua New Guinea

Formal Requirements for an Application	
Application Forms	Unlike in the EC, there is no standard application form.
Relevant Supporting Documents	Not available.
Administration Responsible for Registration	Intellectual Property Office Of Papua New Guinea Investment Promotion Authority Registrar of Trade Marks Po Box 1281. Port Moresby. Papua New Guinea Tel : (+675) 321 3900 Fax : (+675) 321 3949 Mail : gaia@ipa.gov.pg
Costs	
Costs of registration	Not available.
Costs of litigation	Not available.
Timeframe	
Registration	A maximum of 12 months.
Protection	10 years, with a possibility to renew the protection.
Additional information	
None.	

Country: Samoa, Western

International Legal Framework

Samoa is a member of the World Intellectual Property Organization from 11 October 1997.³²⁵
Samoa is an observer of the WTO.³²⁶
There is no bilateral agreement between the CE and Samoa specific to GIs.

National Legal Framework

Type of Protection	Trademark regime. No <i>ex officio</i> protection is available under the trademark regime, protection is provided only at the request of an interested party.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Trade Marks Act of 1972 (hereinafter referred as “the Law”).
Scope of protection	Applicable to goods (agricultural and/or industrial, services are not mentioned).
Source	Trade Marks Act of 1972: http://www.paclii.org/cgi-pacii/disp.pl/ws/legis/consol_act/tma1972121.html?query=tma1972121
Summary of the Operational Provisions	<p>There are no definitions of GIs provided in the Law. <u>However, it appears that GIs can be registered as ordinary trademarks.</u> A registrable trade mark may contain (among others): “... a geographical name...” (Section 5.3.d of the Law).</p> <p>The Registrar of Trademarks (the authority responsible for registration of GIs) examines the application first formally, and then substantially. Trademark applications accepted by the Registrar are published in Samoa newspapers and the cuttings of the notices are to be submitted to the Registrar.</p> <p><u>As in the EU, there is an opposition procedure available within 3 months from the date of the publication</u> (Section 8 of the Law).</p> <p>The Registrar’s decision concerning the opposition may be appealed to the courts of Samoa (Section 14 of the Law).</p>
Specific Provisions (issue of Generics, Reciprocity)	Compliance with the requirements of section 5 of the Law is required in order to register in Samoa a trade mark already registered overseas (Section 16 of the Law).
Formal Requirements for an Application	
Application Forms	<p><u>Unlike in the EC, there is no standard application form for registration.</u></p> <p>However, a written application is required (Section 6 of the Law), indicating the following information:</p> <ul style="list-style-type: none"> • The name of a company, individual or firm represented in a special or particular manner; • The signature of the applicant for registration or some predecessor in his business; • An invented word or invented words;

³²⁵ Source of information: <http://www.wipo.int>.

³²⁶ Source of information: <http://www.wto.org>.

Continent: Australia and Oceania
Country: Samoa, Western

	<ul style="list-style-type: none"> • A word or words although having no direct reference to the character or quality of the goods and not being, according to its ordinary signification, a geographical name, a matai title³²⁷ or a surname; • Any other distinctive mark, but a name, signature or word or words other than such as fall within the descriptions in the above paragraphs (a), (b), (c) and (d) shall not be registrable under the provisions of this paragraph except upon evidence of its distinctiveness.
Relevant Supporting Documents	<p>For trade marks registered overseas (Section 16 of the Law):</p> <ul style="list-style-type: none"> • Certified representation of the trade mark; • Certificate of the issuing authority giving full particulars of the registration of the trade mark overseas.
Administration Responsible for Registration	<p>Ministry of Commerce, Industry and Labour P.O. Box 862 Apia Tel: (+658) 20.441 Fax: (+685) 20.443 E-mail: mpal@lesamoa.net</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • Register or renewal of a trade mark: Australian \$ 20 (€ 15.88); • Register a series of trade marks: Australian \$ 20 (€ 15.88) for the first trade mark and Australian \$ 4 (€ 3.17) for each one of the rest; • Register of overseas trade marks: Australian \$ 20 (€ 15.88) - information as of 1972.³²⁸
Costs of litigation	Approximately between Australian \$ 10 and \$ 20 (€7.95 and €15.88) ³²⁹ – information as of 1972.
Timeframe	
Registration	Less than 12 months (Section 9.3 of the Law states that where registration of a trade mark is not completed within 12 months from the date of the application by reason of default on the part of the applicant, the Registrar may treat the application as abandoned unless it is completed within the time specified in that behalf in such notice).
Protection	For a period of 14 years renewable according to the Law. Application for renewal shall be made any time no more than 12 months before the expiration of the last registration period (Section 13 of the Law).
Additional information	
None.	

³²⁷ The word “matai” means “chief”, and is an honour that is bestowed upon someone. The role of the “matais” is very complex and interwoven deep into the fabric of Samoan culture and history. A “matai” title can be given to either men or women as acknowledgment for services that have been rendered.

³²⁸ Source of information: Second Schedule of the Law: http://www.paclii.org/cgi-pac/lii/disp.pl/ws/legis/consol_act/tma1972121.html?query=tma1972121

³²⁹ Ibid.

Country: Solomon Islands

International Legal Framework

The Solomon Islands are not a member of the World Intellectual Property Organization.³³⁰
The Solomon Islands are a WTO member since 26 July 1996.³³¹
There are no bilateral agreements between the EC and Solomon Islands specific to GIs.

National Legal Framework

Type of Protection	Trademark protection. No <i>ex officio</i> protection is available. Protection is provided only at the request of an applicant.
Relevant Regulatory Framework	The Solomon Islands are still in the process of promoting the establishment and implementation of a legal and regulatory framework. It would appear that there is currently no legal text for the protection of trademarks or GIs in The Solomon Islands are. The last Act mentioned is an Act of 1939 last amended in 1965 (i.e. before the independence of the Solomon Islands).
Scope of protection	See above.
Source	See above.
Summary of the Operational Provisions	See above.
Specific Provisions (issue of Generics, Reciprocity)	See above.

Formal Requirements for an Application

Application Forms	See above.
Relevant Supporting Documents	See above.
Administration Responsible for Registration	Information is not available.

Costs

Costs of registration	See above.
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³³⁰ Source of information: <http://www.wipo.int>.

³³¹ Source of information: <http://www.wto.org>.

Continent: Australia and Oceania
Country: Solomon Islands

Costs of litigation	See above.
Timeframe	
Registration	See above.
Protection	See above.
Additional information	
None.	

Country: Tonga

International Legal Framework

Tonga a member of the World Intellectual Property Organization Convention since 14 June 2001 and a signatory of the Paris Convention for the Protection of Industrial Property from 14 June 2001.³³²
Tonga is a WTO member since 15 December 1995.³³³
There are no bilateral agreements between the EC and Tonga specific to GIs.

National Legal Framework

Type of Protection	Trademark regime. No <i>ex officio</i> protection is available. Protection is provided only at the request of an applicant.
Relevant Regulatory Framework	<ul style="list-style-type: none"> Industrial Property Act of 1994, which came into force in February 2000.
Scope of protection	The scope of protection concerns all goods .
Source	The text of the Industrial Property Act is not available online.
Summary of the Operational Provisions	It would appear that European GIs can be registered as trademarks with the Registrar. In order to register a trademark, substantive and formal examinations of the application will be required. Registration of a mark will confer on the owner the exclusive right of use for a period of 10 years, renewable indefinitely. However, it is impossible to provide more information on the procedure as the Industrial Property Act is not available.
Specific Provisions (issue of Generics, Reciprocity)	See above.

Formal Requirements for an Application

Application Forms	At least full name, street address and description of the applicant (including trading style, if any, and state/country of incorporation, if incorporated). List of goods and/or services.
Relevant Supporting Documents	Not available.
Administration Responsible for Registration	Intellectual Property & Company Registration Office Ministry of Labour, Commerce & Industries P.O. Box 110 Nuku'alofa Tel.: (676) 24.306 Fax.: (676) 27.791

³³² Source of information: <http://www.wipo.int>.

³³³ Source of information: <http://www.wto.org>.

Continent: **Australia and Oceania**
Country: **Tonga**

Costs	
Costs of registration	Not available.
Costs of litigation	Not available.
Timeframe	
Registration	Not available.
Protection	Not available.
Additional information	
A draft legislation on Geographical Indications appears to be under consideration in 2006.	

Country: Tuvalu

International Legal Framework

Tuvalu is not a WIPO member.³³⁴
Tuvalu is not a WTO Member.³³⁵
There are no bilateral agreements between the EC and Tuvalu specific to GIs.

National Legal Framework

Type of Protection	None.
Relevant Regulatory Framework	Tuvalu is still in the process of promoting the establishment and implementation of a legal and regulatory framework. It would appear that there is currently no legal text for the protection of trademarks or GIs in Tuvalu.
Scope of protection	See above.
Source	See above.
Summary of the Operational Provisions	See above.
Specific Provisions (issue of Generics, Reciprocity)	See above.
Formal Requirements for an Application	
Application Forms	See above.
Relevant Supporting Documents	See above.
Administration Responsible for Registration	Ministry of Trade, Commerce and Public Corporations The Permanent Secretary Vaiaku Funafuti Tuvalu, South Pacific Tel: (688) 829 Fax: (688) 829

³³⁴ Source of information: <http://www.wipo.int/treaties>.

³³⁵ Source of information: <http://www.wto.org>.

Continent: **Australia and Oceania**
Country: **Tuvalu**

Costs	
Costs of registration	See above.
Costs of litigation	See above.
Timeframe	
Registration	See above.
Protection	See above.
Additional information	
None.	

Continent: **Australia and Oceania**
Country: **Vanuatu**

Country: Vanuatu

International Legal Framework

Vanuatu is not a WIPO member.³³⁶
Vanuatu is not a WTO Member.³³⁷
There are no bilateral agreements between the EC and Vanuatu specific to GIs.

National Legal Framework

Type of Protection	None.
Relevant Regulatory Framework	Vanuatu is still in the process of promoting the establishment and implementation of a legal and regulatory framework concerning trademarks and GIs. Currently, there is no protection provided to these intellectual property rights.
Scope of protection	See above.
Source	See above.
Summary of the Operational Provisions	See above.
Specific Provisions (issue of Generics, Reciprocity)	See above.

Formal Requirements for an Application

Application Forms	See above.
Relevant Supporting Documents	See above.
Administration Responsible for Registration	The Vanuatu Financial Services Commission Companies House Rue de Bougainville Private Mail Bag 023 Port Vila Vanuatu, South West Pacific Tel: (678) 22247 Fax: 678) 22242

³³⁶ Source of information: <http://www.wipo.int/treaties>.

³³⁷ Source of information: <http://www.wto.org>.

Continent: Australia and Oceania
Country: Vanuatu

Costs	
Costs of registration	See above.
Costs of litigation	See above.
Timeframe	
Registration	See above.
Protection	See above.
Additional information	
None.	

Section IV

North and South America

126. Antigua and Barbuda
127. Argentina
128. Barbados
129. Bahamas (The)
130. Belize
131. Bolivia
132. Brazil
133. Canada
134. Chile
135. Colombia
136. Costa Rica
137. Cuba
138. Dominica
139. Dominican Republic
140. Ecuador
141. El Salvador
142. Grenada
143. Guatemala
144. Guyana
145. Haiti
146. Honduras
147. Jamaica
148. [Mexico](#)
149. [Nicaragua](#)
150. [Panama](#)
151. [Paraguay](#)
152. [Peru](#)
153. [St. Kitts & Nevis](#)
154. [St. Lucia](#)
155. [St. Vincent & Grenadines](#)
156. [Suriname](#)
157. [Trinidad & Tobago](#)
158. [United States](#) of America
159. [Uruguay](#)
160. [Venezuela](#)

Country: Antigua and Barbuda

International Legal Framework

Antigua and Barbuda has been a member of the World Intellectual Property Organization since 17 March 2000 and a signatory to the Paris Convention for the Protection of Industrial Property and the Madrid Protocol (the International Registration of Marks) from 17 March 2000.³³⁸

Antigua and Barbuda has been a Member of the WTO since 1 January 1995.³³⁹

There are no bilateral agreements between the EC and Antigua and Barbuda specific to GIs.

National Legal Framework

Type of Protection

There is **no *sui generis* protection** of geographical indications (GIs) in Antigua and Barbuda and it is doubtful that protection to GIs could be provided under the current Trade Marks Act, 1887 and Trade Marks Rules, 1937.

As a result, it is not clear whether the EC GIs are eligible for registration as trademarks in Antigua and Barbuda at the present moment.

Legal texts dealing with GIs have not yet entered into force. When this happens, protection will be available under a *sui generis* system.

The present status of the legal texts is as follows:

- The Geographical Indications Act was promulgated in December, 2003. However, it is not yet in force. As soon as the Regulations are promulgated, the Act and the Regulations will be brought into force.

Relevant Regulatory Framework

Trade Mark Regime: The Antiguan and Barbudan Trade Marks Act, 1887 (the TM Act) is based on the United Kingdom Patents, Designs and Trade Marks Act, 1883 as amended by the 1888 Act of the same name. The Trade Marks Rules of 1937 are also in force in Antigua and Barbuda.

Scope of protection

Trade Mark Regime: All goods.

Source

Trade Mark Regime: The TM Act and Rules are available from the Government Printing Office of Antigua and Barbuda or from published editions of the Laws of Antigua and Barbuda.

Summary of the Operational Provisions

Trade Mark Regime: The TM Act explicitly excludes geographical names from the scope of registrable marks.

Protection for trademarks and trade names. In order to register a trademark, substantive and formal examinations of the application will be required. Registration of a mark will confer on the owner the exclusive right of use a trademark for an indefinite period of 14 years, renewal is possible.

It appears therefore, that the EC GIs may only be eligible for registration in Antigua and Barbuda if recognised as distinctive signs.

³³⁸ Source of information: <http://www.wipo.int>.

³³⁹ Source of information : <http://www.wto.org>.

Continent: North and South America
Country: Antigua and Barbuda

Specific Provisions (issue of Generics, Reciprocity)	None.
Formal Requirements for an Application	
Application Forms	<p>Trade Mark Regime:</p> <p>Like in the EC, there is a prescribed application form in the TM Act which is available upon request at the Antigua & Barbuda Intellectual Property Rights and Commerce Office (ABIPCO).</p> <p>The language of the applications is English. Documents that are not in English must be accompanied by a certified translation.</p>
Relevant Supporting Documents	<p>(a) Proof of the fees paid;</p> <p>(b) For foreign applicants, a power of attorney.</p>
Administration Responsible for Registration	<p>The Antigua & Barbuda Intellectual Property Rights and Commerce Office (ABIPCO) Corner of Corn Alley and Redcliffe Street St. John's Antigua Phone: +1 268 462 0453 Fax: +1 268 562 5438</p>
Costs	
Costs of registration	<p>Trade Mark Regime: registration fees are 790 US\$ (~ € 625).</p>
Costs of litigation	Little history of IP litigation in Antigua & Barbuda. Fees would depend on the complexity of the case.
Timeframe	
Registration	<p>Trade Mark Regime: No timeframe is indicated in the law.</p>
Protection	<p>Trade Mark Regime: For registered trade marks, 14 years renewable indefinitely.</p>
Additional information	
None.	

Country: Argentina

International Legal Framework

Argentina is a member of the World Intellectual Property Organization since 8 October 1980 and a signatory to the Paris Convention for the Protection of Industrial Property since 10 February 1967.³⁴⁰
Argentina is a WTO Member since 1 January 1995.³⁴¹
Argentina is a member of the MERCOSUR since September 1991.
There are no bilateral agreements between the EC and Argentina specific to GIs.

National Legal Framework

<p>Type of Protection</p>	<p>Sui generis protection. No ex officio protection is available, protection is provided only at the request of a party demonstrating legal interest.</p> <p>However, please note that the established <i>sui generis</i> system for GI protection remains incomplete as regards to the protection of foreign GIs. Therefore, the issue of protection of European Geographical Indications in Argentina remains uncertain.</p>
<p>Relevant Regulatory Framework</p>	<ul style="list-style-type: none"> • Law No. 25.163 of 1999 establishing General Standards for the Designation and Protection of Wines and Alcoholic Beverages in Argentina (hereinafter referred as “the GI Law for wines”). The GI Law for wines came into force after the adoption of a Decree N° 57/2004 on 14 January 2004. • Resolution N° C.20 of 14 June 2004 relating to wine labelling. • Law No. 25380 establishing a legal framework for indications of source and denominations of origin for agricultural and food products, entered into force on 9 January 2001, as modified by the Law No. 25966 of 17 November 2004 (hereinafter referred as “the GI Law”). • MERCOSUR/GMC/RES. No. 26/03 – Technical Rule for the Labelling of Packaged Foods. • The Trademark Law No. 22.362 and Decrees (558/81 and 1141/03).³⁴² • Law N° 22.802 of 5 May 1983 on Fair Trading. • The Codigo Alimentario Argentino (Argentine Food Code) of 18 July 1969.
<p>Scope of protection</p>	<p>The scope of application of the Law is more extensive than the scope of the EC system (concerns all agricultural and food products).</p>
<p>Source</p>	<p>For wines and spirits GIs:</p> <p>The Spanish version of Law No. 25163 is available at: http://www.lexaustralis.com/vinos.htm. The Spanish version of Decree No. 57/2004 is available at: http://www.inv.gov.ar/Legislacion/decreto57-2004.PDF.</p> <p>For wines only:</p> <p>Resolution N° C.20 of 14 June 2004 relating to wine labelling is not available on electronic format.</p> <p>For agricultural and food products:</p>

³⁴⁰ Source of information: <http://www.wipo.int>.

³⁴¹ Source of information : <http://www.wto.org>.

³⁴² The Trademark Law is relevant to protection of GIs as it makes specific reference to the protection of geographical indications.

Continent: North and South America
Country: Argentina

	<p>The Spanish version of Law No. 25380 is available at: http://www.aaba.org.ar/ln25380.htm and Law No. 25966 at http://infoleg.mecon.gov.ar/infolegInternet/anexos/100000-104999/102149/norma.htm.</p> <p>The Spanish version of the MERCOSUR technical regulation for the labelling of pre-packaged products is available at: http://www.mercosur.org.uy/espanol/snor/normativa/resoluciones/2002/0221.htm.</p> <p>The Spanish version of the Trademark Law No. 22.362 is available at: http://www.inpi.gov.ar/docs/marcas_ley.htm.</p> <p>Argentine Food Code: http://www.anmat.gov.ar/codigoo/caa1.htm.</p>
<p>Summary of the Operational Provisions</p>	<p>Sui Generis protection of wines and spirits GIs:</p> <p>It would appear that European GI for wines and alcoholic beverages can be registered in Argentina. Article 38 of Law 57/2004 indicates that foreign GIs demonstrating that they are registered in their country of origin can be included in the Register. However, at the time of preparation of this Guide, Argentina has not taken any decisions with respect to foreign GIs for alcoholic beverages.</p> <p>Law No. 25163 and the Decree No. 57/2004 provide for some guidelines with regard to the registration of national wine and spirits GIs. However, <u>there are no guidelines available for the registration of foreign GIs.</u></p> <p>Law No. 25163 and the Decree No. 57/2004 provide for a level of protection similar to that provided in the EC. <u>No registered designations of origin or geographical indications may be used in the cases when the genuine origin is indicated or used in translation or in combination with expressions such as “sort of”, “kind of”, “imitation” and “the like”.</u> The use of false or misleading information as to the origin, nature or essential qualities of the product is also prohibited (Articles 34 of the Law and Article 35 of the Decree).</p> <p>At the time of preparation of this Guide, it appears that European GIs for wines can only be protected in Argentina via Resolution N° C.20 of 14 June 2004 relating to wine labelling. Paragraph I d) of the Annex of the Resolution provides that: “The information presented must be clear, precise, true and verifiable in order to prevent consumer deception or misleading, in particular with regard to the origin, nature, quality and methods of production of the product”.</p> <p>Sui generis protection for other agricultural and food products:</p> <p>The Law No. 25380 defines both indications of source and denominations of origin (Article 2). Denominations of origin are defined in a similar manner than GIs in the EC. It also sets up the modalities for registration including an opposition procedure.</p> <p>Article 23 of the Law No. 25380 states that foreign GIs will be allowed for registration, when Argentina has secured reciprocity agreements which will establish the conditions of the registration. At the time of preparation of this Guide, it appears that foreign GIs cannot be registered under the Law No. 25380.</p> <p>Argentine Food Code:</p> <p>Article 236 provides specifically that GI names considered as generic names in Argentina can be used freely by anyone. Article 236 provides with a list of names which includes notably: <i>Champagne, Emmenthal, Gruyere, Habana, Jerez, Madera, Málaga, Oporto, Roquefort, Marsala,</i></p> <p>MERCOSUR Resolution No. 26/03</p> <p>MERCOSUR Resolution No. 26/03 applies to the labelling of any food that is commercialized in the market of Member States of the MERCOSUR, regardless of its origin. The rule establishes that the geographical appellations of a country, a region or a population, recognized as places in which are manufacture foods with specific characteristics, cannot be used in the labelling or the advertisement of foods manufacture in other places when this can mislead the consumer. It prohibits the use of the expression “type/tipo”, to names associated with wines and spirits.</p>

Continent: North and South America
Country: Argentina

	<p>Trademark system:</p> <p>The Trademark Law of Argentina does not provide for the registration of collective marks. It also expressly excludes geographical indications from registration as trademarks (Article 3 c of the Trademark Law No. 22.362).</p>
Specific Provisions (issue of Generics, Reciprocity)	Both Laws No. 25163 (wines and spirits) and Law No. 25380 (agricultural and food products) prohibit the registration of generic names.
Formal Requirements for an Application	
Application Forms	<p>Unlike in the EC, there is no standard application form.</p> <p>The certification that proves that the GI or the AO is already registered in the country of origin.</p> <p>All documents must be submitted in Spanish.</p>
Relevant Supporting Documents	A certificate that proves that the GI is already registered in the country of origin.
Administration Responsible for Registration	<p>For wines: Instituto Nacional de Vitivinicultura or National Institute of Wine and Vine San Martín 430 C.P. M5500AAR Mendoza República Argentina</p> <p>For other products: Ministry of Agriculture – SAGPyA Av. Paseo Colón 982 /922 (1063) Buenos Aires - Argentina - Tel: 54-11- 4349-2000 http://www.sagpya.gov.ar</p>
Costs	
Costs of registration	<p>Not established by the Law, could be determined in the reciprocity agreements which will establish the conditions of the registration.</p> <p>All documents must be submitted in Spanish, therefore costs of translation need to be taken into account.</p>
Costs of litigation	Would depend on the complexity of the case, however, not less than 2000 Argentina Pesos (ARS) (~ € 500).
Timeframe	
Registration	Not established by the Law, could be determined in the reciprocity agreements which will establish the conditions of the registration.
Protection	Appellations of origin are protected for an indefinite period of time (as long as the conditions for GI protection are respected).
Additional information	
A number of cases has been identified in Argentina of illegal use of European Geographical Indications (among them Champagne, Lentilles vertes du Puy, Beaujolais).	

Continent: North and South America
Country: Barbados

Country: Barbados

International Legal Framework

Barbados has been a member of the World Intellectual Property Organization since 5 October 1979 and a signatory to the Paris Convention for the Protection of Industrial Property from 12 March 1985.³⁴³
Barbados has been a WTO Member since 1 January 1995.³⁴⁴
There are no bilateral agreements between the EC and Barbados specific to GIs.

National Legal Framework

Type of Protection	Sui Generis protection of GIs. No <i>ex officio</i> protection is available. Protection is provided at the request of an applicant, namely: producers in the geographical area, consumers and any marketing organisation.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • The Barbadian Geographical Indications (GI) Act was promulgated in September 1998 and became effective on 19 February 2001 (hereinafter referred as “the GI Law”). The GI Regulations came into force on 22 November 2001.
Scope of protection	The scope of application of the law is more extensive than the scope of the EC system. The GI Law concerns: agricultural and handicraft products, goods produced from natural products but not services.
Source	The text of the GI Act can be found at http://www.wipo.int/clea/docs_new/pdf/en/bb/bb021en.pdf and the Regulations at http://www.wipo.int/clea/docs_new/pdf/en/bb/bb025en.pdf
Summary of the Operational Provisions	<p>The GI Law defines GIs in a similar way to the EU legislation. The registration procedure is similar to that for trade marks. It involves: application, examination, publication of the application, opposition within three months of publication, registration and publication of registration. There is a right of appeal to the Court from a decision of the Registrar within two months after the decision has been taken. Any interested party may apply to the Court for cancellation or rectification of registration of a GI.</p> <p>It would appear that the EC GIs would be eligible for protection in Barbados. The information in the EC product specification could form the basis of the application.</p> <p>The GI Law provides higher protection for GIs for wines and spirits. For these goods the use of a GI with any good not originating from the geographical origin is unlawful even if there is a declaration of the true place of origin of the goods. Similarly, <u>the use of the geographical indication in translation or the use of the terms “kind”, “type”, “style”, “imitation” or anything similar to accompany the geographical indication used with the protected names is considered unlawful.</u></p> <p>It appears that the level of protection under the GIs Law to GIs for agricultural products and foodstuffs (not wines or spirits) is different from the level provided under the EC law.</p> <p>The use of registered GIs <u>for agricultural products and foodstuffs (not wines or spirits)</u> is not allowed only in a manner which misleads the public. Therefore, GI producers will have to show that consumers are misled by imitators and counterfeiters. This may require producing consumer surveys and other evidence that may be expensive. In contrast, this will not be the case for wines and spirits where proof of consumer deception is not required and misuse of the relevant GI on a non-originating product will suffice to trigger protection.</p>

³⁴³ Source of information: <http://www.wipo.int>.

³⁴⁴ Source of information : <http://www.wto.org>.

Continent: North and South America
Country: Barbados

Specific Provisions (issue of Generics, Reciprocity)	Generic names may not be protected as GIs. A definition is provided in the GI Law but no determining criteria are given. The definition is similar to that in the TRIPs Agreement – “the term customarily used in common language as the common name for such goods or services in Barbados”.
Formal Requirements for an Application	
Application Forms	<p>Sui Generis Protection of GIs: Like in the EC, there is a prescribed application form in the GI Regulations which can be found at: http://caipo.gov.bb/download/download1.html#Geographical%20Indications%20Act,%201998-22.</p> <p>The form must specify:</p> <ul style="list-style-type: none"> • the name, address and nationality of the person making the application and the capacity in which the applicant is applying for registration; • the geographical indication for which registration is sought; • the geographical areas to which the geographical indication applies; • the goods to which the geographical indication applies; • the quality, reputation or other characteristic of the goods in respect of which the geographical indication is used. <p>The language of the applications is English. Documents that are not in English must be accompanied by an approved translation.</p>
Relevant Supporting Documents	<ul style="list-style-type: none"> • Fees; • Proof of protection and use in the country of origin; • Authorisation of Agent (Attorney-at-Law) for foreign applicants.
Administration Responsible for Registration	<p>The Corporate Affairs and Intellectual Property Office (CAIPO) “Clarence Greenidge House” Keith Bourne Complex Belmont Road St. Michael Barbados Phone: +1 246 436 4818/9 Fax: +1 246 437 3072 Email: general@caipo.gov.bb; caipo@caribsurf.com Website: www.caipo.gov.bb</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • Application Fee: B\$ 500.00 (~ €202); • Publication Fee: B\$ 200.00 (~ €81); • Registration Fee: B\$ 2,500.00 (~ €1.013).
Costs of litigation	Little history of IP litigation in Barbados. Fees would depend on the complexity of the case.
Timeframe	
Registration	No applications of GIs have been processed to-date. Expected time frame is approximately 9 months (no timeframe is indicated in the GI Law).
Protection	Protection is provided for an indefinite period.
Additional information	
None.	

Continent: North and South America
Country: The Bahamas

Country: The Bahamas

International Legal Framework

The Bahamas has been a member of the World Intellectual Property Organization since 4 January 1977 and a signatory to the Paris Convention for the Protection of Industrial Property from 10 July 1973.³⁴⁵
The Bahamas is not a WTO Member.³⁴⁶
There are no bilateral agreements between the EC and the Bahamas specific to GIs

National Legal Framework

Type of Protection	Trade Mark Regime: no <i>ex officio</i> protection is available. Protection is provided at the request of an applicant.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • The Bahamian Trade Marks (TM) Act was promulgated in 1906 and became effective on 29 May 1906 (hereinafter referred as “the Law”). It was last amended in 1987. • The Trade Marks Rules became effective on October 23, 1948. They were last amended in 1987.
Scope of protection	The scope of protection concerns all goods.
Source	Texts are not available electronically.
Summary of the Operational Provisions	<p>Trade Mark Regime: A certification mark “in respect of origin, material, mode of manufacture, quality, accuracy or other characteristic” may be registered. The TM Act and Rules provide for a registration procedure which involves: application, examination, publication of the application, opposition and registration. Proceedings can be brought before the Registrar or the Court for rectification of the Register. There is no general right of appeal to the Court against a decision of the Registrar.</p> <p>It would appear that EC GIs for goods are eligible for protection in the Bahamas as certification marks. The information in the EC product specification could form the basis of the application.</p>
Specific Provisions (issue of Generics, Reciprocity)	None.

Formal Requirements for an Application

Application Forms	<p>Like in the EC, there is a prescribed application form in the TM Rules – Form 45. The application form must be accompanied by:</p> <ul style="list-style-type: none"> • Two duplicates of the application; • “a case setting out the grounds on which the applicant relies in support of his application” in duplicate; • “draft regulations for governing the use of the mark” in duplicate; • A Form 46 of the TM Rules in duplicate
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³⁴⁵ Source of information: <http://www.wipo.int>.

³⁴⁶ Source of information : <http://www.wto.org>.

Continent: North and South America
Country: The Bahamas

	<p>The forms are not available in electronic format.</p> <p>The language of the application is English. Documents that are not in English must be accompanied by an approved translation.</p>
Relevant Supporting Documents	<ul style="list-style-type: none"> • Fees; • Form 3 of the TM Rules; • Six additional copies of a representation of the mark; • Where the application is made by an agent, a Form of Authorisation.
Administration Responsible for Registration	<p>Registrar General's Department Ministry of Financial Services and Investments Rodney E. Bain Building P.O. box N-532 Nassau Bahamas Phone: (242) 322-3316/7/8 (242) 322-8038 Fax: (242) 322-1251 Email: RegistrarGeneral@bahamas.gov.bs Website: http://www.bahamas.gov.bs/rgd</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • Application Fee: B\$ 20.00 (~ € 16); • Publication Fee: (According to advertisement rates); • Registration Fee: B\$ 40.00 (~ € 32).
Costs of litigation	<p>Little history of IP litigation in the Bahamas. Fees would depend on the complexity of the case.</p>
Timeframe	
Registration	<p>12 months approximately (no timeframe is indicated in the Law).</p>
Protection	<p>For registered trade marks, 14 years renewable indefinitely.</p>
Additional information	
<p>None.</p>	

Continent: North and South America
Country: Belize

Country: Belize

International Legal Framework

Belize has been a member of the World Intellectual Property Organization since 17 June 2000 and a signatory to the Paris Convention for the Protection of Industrial Property from 17 June 2000.³⁴⁷
Belize has been a WTO Member since 1 January 1995.³⁴⁸
There are no bilateral agreements between the EC and Belize specific to GIs.

National Legal Framework

Type of Protection	Trade Mark Regime: no <i>ex officio</i> protection is available. Protection is provided at the request of an applicant.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • The Belize Trade Marks (TM) Act was promulgated in June 2000 and became effective on January 5, 2001. The Trade Marks Rules became effective on 5 January 2002.
Scope of protection	The scope of protection concerns all goods and services.
Source	<p>Trade Mark Regime: The text of the TM Act can be found at http://www.belipo.bz/e_library/legislation/SUBSTANTIVE%20chapter%20257%20revised%202001.pdf and http://www.wipo.int/clea/docs_new/pdf/en/bz/bz020en.pdf</p> <p>The TM Rules can be found at: http://www.belipo.bz/e_library/legislation/subsid%20trade%20marks%20ch.%20257.pdf and http://wipo.int/clea/docs_new/pdf/en/bz/bz016en.pdf.</p>
Summary of the Operational Provisions	<p>Trade Mark Regime covers collective and certification marks.</p> <p>A collective mark and/or a certification mark “to designate the geographical origin of the goods or services” may be registered. The TM Act and Rules provide for a registration procedure which involves: application, examination, publication of the application. Like in the EC, there is an opposition procedure available but no timeframe is provided. Any person may bring revocation or invalidity proceedings before the Registrar or the Court. There is a right to appeal a decision of the Registrar to the Court.</p> <p>It would appear that the EC GIs can be protected in Belize as collective or certification marks. The information in the EC product specification could form the basis of the application for such protection.</p>
Specific Provisions (issue of Generics, Reciprocity)	As a general rule, generic names may not be registered. Under the TM Act “any trade marks which consist exclusively of signs or indications which have become customary in the current language or in the <i>bona fide</i> and established practices of the trade” may not be registered unless it can be proved to have acquired a distinctive character before the date of the application.
Formal Requirements for an Application	
Application Forms	Like in the EC, there is a prescribed application form in the TM Rules – Form No. 3 which can be found at: http://www.belipo.bz/trademark_forms.html .

³⁴⁷ Source of information: <http://www.wipo.int>.

³⁴⁸ Source of information : <http://www.wto.org>.

Continent: North and South America
Country: Belize

	<p>In the case of an application for the registration of a <u>collective trade mark</u>, the application form must be accompanied by regulations which specify, in particular:</p> <ul style="list-style-type: none"> • the persons authorised to use the mark; • the conditions of membership of the association; • where they exist, the conditions of use of the mark, including any sanctions against misuse. <p>In the case of an application for the registration of a <u>certification trade mark</u>, the application form must be accompanied by regulations governing the use of the mark, which must indicate:</p> <ul style="list-style-type: none"> • the persons authorised to use the mark; • the characteristics to be certified by the mark; • how the certifying body is to test those characteristics and to supervise the use of the mark; • the fees (if any) to be paid in connection with the operation of the mark; • the procedures for resolving disputes. <p>The language of the application is English. Documents not in English must be accompanied by an approved translation.</p>
Relevant Supporting Documents	<ul style="list-style-type: none"> • Fees; • Four copies of a representation of the mark; • In the case of a foreign applicant, a Form of Authorisation of Agent;
Administration Responsible for Registration	<p>The Belize Intellectual Property Office (BELIPO) 2nd Floor, Habet Building P.O. Box 592 Constitution Drive Belmopan Belize, C.A. Phone: +501 822 1381/2073 Fax: +501 822 1382 Email: info@belipo.bz ; belipobz@lycos.net ; belipo@btl.net Website: http://www.belipo.bz</p>
Costs	
Costs of registration	<p>The information on the official fees can be found at http://www.belipo.bz/trademark_regfees.html.</p> <ul style="list-style-type: none"> • Application Fee: BZ\$ 75.00 (~ €30) per international class (up to maximum of 5 classes); • Publication Fee: BZ\$ 250.00 (~ €100); • Registration Fee: BZ\$ 75.00 (~ €30).
Costs of litigation	<p>Belize has a little history of IP litigation. The fee would depend on the complexity of the case.</p>
Timeframe	
Registration	<p>12 months approximately (no timeframe is indicated in the Law).</p>
Protection	<p>For registered trade marks, 10 years renewable indefinitely.</p>
Additional information	
<p>Belize has introduced electronic filing of TM applications. The procedure is set out in the Trade Marks (Electronic Filing) Administrative Instructions (A.I. No. 1 of 2006) which can be found at: http://belipo.bz/e_library/legislation/trade%20mark%20(elec%20filing)%20admin%20instru%202006.pdf</p>	

Country: Bolivia

International Legal Framework

Bolivia is a member of the World Intellectual Property Organization since 6 July 1993, and a signatory to the Paris Convention for the Protection of Industrial Property since 4 November 1993.³⁴⁹
Bolivia is a WTO Member since 12 September 1995.³⁵⁰
Bolivia is a member of the Andean Community Cartagena Agreement.
There are no bilateral agreements between the EC and Bolivia specific on GIs.

National Legal Framework

<p>Type of Protection</p>	<p>Sui generis system. It appears that <i>ex officio</i> protection is available (in accordance with Article 203, the declaration of protection of an appellation of origin shall be made <i>ex officio</i> or at the request of persons who are able to prove a legitimate interest, such being natural persons or legal entities directly engaged in the extraction, production, or processing of the product or products to be covered by the geographical indication, associations of producers. <u>Where the appellations of origin refer to their own jurisdictions, state, departmental, provincial, or municipal authorities shall likewise be considered interested parties</u>).</p>
<p>Relevant Regulatory Framework</p>	<ul style="list-style-type: none"> • Decision No. 486, of the Commission of the Cartagena Agreement of 2000, adopted on 14 September 2000, is the legal framework applicable for the protection of geographical indications.
<p>Scope of protection</p>	<p>The scope of application of the Decision is more extensive than the scope of the EC system (concerns natural, agricultural, handicraft or industrial goods, but not services).</p>
<p>Source</p>	<p>The English version of Decision No. 486 is available at: http://www.sice.oas.org/trade/JUNAC/decisiones/dec486e.asp</p>
<p>Summary of the Operational Provisions</p>	<p>Decision No. 486: defines appellations of origin (AOs) similarly to the EC legislation (Article 201).</p> <p>It appears that European GIs can be registered in Bolivia. The competent national office shall recognize the protection accorded by third countries to AOs or GIs, provided that there is an agreement to which Bolivia is a party. To be eligible for such protection, the appellations of origin must be declared as protected in their countries of origin (Article 219 of the Decision).</p> <p>The process of registering foreign geographical indications is the same as the one used for the national appellations of origin from Bolivia. When the application is accepted for consideration, the competent national office shall, within the next thirty days, ascertain whether it complies with the requirements or not. The application is then published in the Official Gazette. Like in the EC, there is an opposition procedure available for 30 days. If the opposition is accepted in the term of the publication, the applicant will be notified to present a reply.</p> <p>An authorization to use a protected appellation of origin can be requested by those who:</p> <ul style="list-style-type: none"> • are directly engaged in the extraction, production, or processing of the products identified by the appellation of origin; • perform the referred activity in the demarcated geographical area specified in the declaration of protection; • comply with other requirements imposed by the competent national offices.

³⁴⁹ Source of information: <http://www.wipo.int>.

³⁵⁰ Source of information : <http://www.wto.org>.

Continent: North and South America
Country: Bolivia

	<p>Competent national offices may grant authorizations to use registered geographical indications. This authorization may also be accorded by public or private institutions representing the beneficiaries from the appellations of origin, if permitted by domestic provisions. When the competent national office is responsible for granting authorizations to use an appellation of origin, it shall be granted or denied within a period of fifteen days following the filing date of the application (Article 208).</p> <p>Level of protection: Registered GIs are protected against abuses, including cases where the use is accompanied by indications of gender, type, imitation and other similar indications, in such manner as is likely to cause confusion among consumers. It is considered an infringement of intellectual property right and sanctionable by punishment (Article 214).</p> <p>GIs for wines and spirits benefit from a higher level of protection as they are protected against any use, even where the true origin of the goods is indicated or the appellation of origin is used in translation or accompanied by expressions such as "kind", "type", "style", "imitation," or the like (Article 214).</p> <p>However, a grandfather clause is previewed. Use of a GI name for wines and spirits for at least 10 years preceding 15 April 1994 in a continuous manner or in good faith preceding that date can be authorized (Article 215).</p>
<p style="text-align: center;">Specific Provisions (issue of Generics, Reciprocity)</p>	<p>Names cannot be registered as an appellation of origin if they are considered as a common or a generic designation. The Decision does not provide for specific criteria and states that it will depend on the appreciation of both: by general public and persons with knowledge of the area concerned (Article 202).</p> <p>The protection is not extended to the translation of geographical names, except for wines and spirits.</p>
<p>Formal Requirements for an Application</p>	
<p style="text-align: center;">Application Forms</p>	<p>Unlike in the EC, there is no standard application form. However, the application for a declaration of protection of an appellation of origin shall be filed in writing before the competent national office and must specify the following:</p> <ul style="list-style-type: none"> • name, domicile, residence and nationality of the applicant or applicants and proof of their legitimate interest; • the appellation of origin in respect of the declaration filed; • the demarcated geographical area where the production, extraction, or processing of the product to be identified by the appellation of origin takes place; • the products that are designated by the appellation of origin; • a summary of the essential qualities, reputation, or other characteristics of the products that are designated by the appellation of origin; • the certification that indicate that the appellation of origin is registered in the foreign country. <p>All documents must be submitted in Spanish.</p>
<p style="text-align: center;">Relevant Supporting Documents</p>	<p>An application must be accompanied by a document certifying the payment of the prescribed fee.</p>
<p style="text-align: center;">Administration Responsible for Registration</p>	<p>Ministry of Industry and Internal Commerce National Intellectual Property Service (SENAPI) Camacho Avenue No. 1488, Bueno corner, Casilla 13930, La Paz, Bolivia Telephone: (591-2) 237-2047/236-4502 E-mail: info@senapi.gov.bo Website: www.senapi.gov.bo</p>

Continent: North and South America
Country: Bolivia

Costs	
Costs of registration	<p>There is no official fee available. However, legal assistance in Bolivia for the registration of a GI is estimated at:</p> <ul style="list-style-type: none"> • Registration: € 500; • Opposition: € 500. <p>All documents must be submitted in Spanish, therefore costs of translation need to be taken into account.</p>
Costs of litigation	<p>The cost for a defence on trade infringement may range from € 800 to € 3,000.</p>
Timeframe	
Registration	<p>From 1 to 2 years.</p>
Protection	<p>Like in the EC, the validity of the declaration of protection of an appellation of origin shall be subject to the continuation of the existing conditions from which it was based, as determined by the competent national office.</p> <p>The right to use a GI is limited to 10 years. Renewal must be requested 6 months before the expiration date, otherwise the right will be cancelled.</p>
Additional information	
<p>None.</p>	

Country: Brazil

International Legal Framework

Brazil is a member of the World Intellectual Property Organization since 20 March 1975 and a signatory to the Paris Convention for the Protection of Industrial Property since 7 July 1884.³⁵¹
Brazil is a WTO Member since 1 January 1995.³⁵²
Brazil is a member of MERCOSUR since December 1991.
There are no bilateral agreements between the EC and Brazil specific to GIs.

National Legal Framework

<p>Type of Protection</p>	<p>Sui generis protection. No <i>ex officio</i> protection is available. Protection is provided only at the request of a party demonstrating legal interest.</p>
<p>Relevant Regulatory Framework</p>	<ul style="list-style-type: none"> • Industrial Property Law No. 9279, from May 1996, entered into force in May 1997 (hereinafter, referred as the Law), and the Acts No. 134 of 1997 and No. 75 of 2000 related to the process of registration; • Mercosur/GMC/Res. N° 26/03: Technical Rule for the Labelling of Packaged Foods.
<p>Scope of protection</p>	<p>The scope of application of the Law is more extensive than the scope of the EC system (concerns all goods and services).</p>
<p>Source</p>	<p>The English version of the Law No. 9279 is available at: http://www.sice.org/int_prop/nat_leg/Brazil/ENG/L9279el.asp.</p> <p>The Spanish version of the MERCOSUR/GMC/Res. No. 26/03 is available at: http://200.40.51.219/msweb/pagina_anterior/sam/espanol/snor/normativa/resoluciones/2003/Res_026_003%20RTM%20Rotulaci%F3n%20Alim_Acta%2004_03.htm.</p>
<p>Summary of the Operational Provisions</p>	<p>It seems that the EC GIs can be registered in Brazil.</p> <p>The Law defines denominations of origin similarly to the EC legislation (Article 178).</p> <p>When the application is filed in the National Institute of Industrial Property INPI (the authority responsible for the registration of geographical indications), there is a period of formal examination. Then, in case of approval, the INPI publishes the application for opposition by third parties within 60 days. The applicant also has 60 days to answer the possible oppositions. Finally, the INPI decides whether or not to grant the registration of a Geographical Indication in question.</p> <p>The protection granted to the GIs extends to the graphical or figurative representation of a geographical indication, as well as to the geographic representation of the country, city, region or location in which the name is a geographical indication.</p> <p>Like in the EC, the Law also indicates as an infringement to the GIs the use in a product, container, case, tape, label, invoice, circular letter or poster, or in any other means of disclosure or advertising, indicative terms such as “type”, “species”, “kind”, “system”, “similar”, “substitute”, “identical” or the like,</p>

³⁵¹ Source of information: <http://www.wipo.int>.

³⁵² Source of information : <http://www.wto.org>.

Continent: North and South America
Country: Brazil

	<p>failing to clearly state the true origin of the product.</p> <p>In addition, MERCOSUR Resolution No. 26/03 is applicable to the labelling of any food that is commercialized in the market of Member States of the MERCOSUR, regardless of its origin. The rule establishes that the geographical appellations of a country, a region or a population, recognized as places in which are manufacture foods with specific characteristics, cannot be used in the labelling or the advertisement of foods manufacture in other places when this can mislead the consumer. It prohibits the use of the expression “type/tipo”, to names associated with wines and spirits.</p>
Specific Provisions (issue of Generics, Reciprocity)	<p>When the geographical name has entered into everyday use designating a given product or service, it shall not be deemed a geographical indication. Therefore, like in the EC generic names are not protected. However, no criteria as to the generic nature of a geographical name or “everyday use” are given.</p> <p>The protection does not extend to the translation of geographical names.</p>
Formal Requirements for an Application	
Application Forms	<p>Unlike in the EC, there is no standard application form. However, the Law indicates that an application for registration must contain the following:</p> <ul style="list-style-type: none"> • Full geographical name and legal name of the applicant; • A description of the characteristics of the product or service; • Rules of use of a geographical name; • An Official Document that defines the geographical zone. <p>The EC specifications can be potentially re-used for these purposes.</p> <p>All documents must be submitted in Portuguese.</p>
Relevant Supporting Documents	<p>An application must be accompanied by a document certifying the payment of the prescribed fee.</p>
Administration Responsible for Registration	<p>Ministry of Development, Industry and Foreign Trade National Institute of Industrial Property Praça Mauá 7, 18 andar - Centro 20081-240 Rio de Janeiro - R.J. Tel.: (55.21) 22.23.41.82 Fax: (55.21) 22.33.03.34 E-mail: geografica@inpi.gov.br Website: www.inpi.gov.br</p>
Costs	
Costs of registration	<p>Approximately 1,755 Reais (605 Euros).</p> <p>All documents must be submitted in Portuguese, therefore costs of translation need to be taken into account.</p>
Costs of litigation	<p>The costs of litigation will depend on the complexity of the case (not less than € 1500).</p>
Timeframe	
Registration	<p>At least 1 year, but the processes of registration can tak much longer (see additional information below).</p>

Continent: North and South America
Country: Brazil

Protection	The registration of a denomination of origin will be indefinite if the conditions that generated it continue to exist.
Additional information	
<p>One Brazilian wine, "Vale dos Vinhedos", has been registered as a GI.</p> <p>Since 1997, several European GIs have applied for registration in Brazil. However, none has so far been registered. It seems that the Brazilian Institute for Intellectual Property has not considered their requests yet.</p>	

Country: Canada

International Legal Framework

Canada is a member of the World Intellectual Property Organization from 26 June 1970 and a signatory to the Paris Convention for the Protection of Industrial Property from 12 June 1925.³⁵³
Canada is a WTO Member from 1 January 1995.³⁵⁴
There is one agreement between the EC and Canada on Trade in Wines and Spirit Drinks, signed on 16 September 2003, relevant to GIs.³⁵⁵

National Legal Framework

<p>Type of Protection</p>	<p>Trademark regime: No <i>ex officio</i> protection is available, protection is provided only at the request of an interested party.</p> <p>However, in practice, it appears that <i>ex officio</i> protection is provided through monopolies (“do not buy fakes”).</p>
<p>Relevant Regulatory Framework</p>	<ul style="list-style-type: none"> • Trademarks Act of 1985, as amended in 1996 (hereafter, referred as “the Law”), which contains provisions for certification trademarks and geographical indications for wines and spirits.
<p>Scope of protection</p>	<p>The scope of protection of certification trademarks under the Law concerns all goods and services. The scope of protection of the GIs in Canada under the Trademark Law is more limited and concerns only wines and spirits.</p>
<p>Source</p>	<p>Official publication: "Canada Gazette/Gazette du Canada", Date of entry into force of latest amendment: 12 July 1996. The English version of the Act is available on http://www.wipo.int.</p>
<p>Summary of the Operational Provisions</p>	<p>Certification Trademarks:</p> <p>GIs for all goods and services can be protected as certification marks that are defined as a mark that is used for the purpose of distinguishing or so as to distinguish goods or services that are of a defined standard with respect to the character or quality; the class of persons by whom the wares have been produced; or the area within which the wares have been produced, from wares or services that are not of that defined standard.</p> <p>The application for additions to the list of GIs should be send to the Register of Trademarks. There shall be a Registrar of Trademarks, appointed by the Governor in Council (Section 63.1 of the Law).</p>

³⁵³ Source of information: <http://www.wipo.int>.

³⁵⁴ Source of information : <http://www.wto.org>.

³⁵⁵ Available at http://europa.eu.int/eur-lex/pri/es/oj/dat/2004/l_035/l_03520040206es00030095.pdf

Continent: North and South America
Country: Canada

	<p><u>As in the EC, there is an opposition procedure available within two months</u> after the advertisement of an application for the registration of a trademark (Section 38 of the Law). Within three months of publication of the new names on the list, a statement of objection may be brought to the Registrar of Trademarks. Further civil action may be brought to the Federal Court (Article 55 of the Law).</p> <p>Geographical Indications for wines and spirits:</p> <p>Definition of GIs refers to wines and spirits when originated in the territory of a WTO Member, or a region or locality of that territory, and where a quality, reputation or other characteristic of the wine or spirit is essentially attributable to its geographical origin (Chapter T-13, Section 2 of the Law). The list of protected geographical indications is limited to those geographical indications which are “officially recognized and protected by the applicable laws in that WTO Member”.</p> <p>Under the Law, the level of protection of GIs for wines and spirits is similar to that provided in the EC: once registered, the names of wines and spirits may not be used by others, neither in its original language accompanied with such words as “type”, “style”, “similar”, “as produced in”, etc. nor in a translated version (Section 11.14 and 11.15 of the Law).</p>
<p style="text-align: center;">Specific Provisions (issue of Generics, Reciprocity)</p>	<p>Section 11.18 of the Trademark Act contains lists of generics for wines and spirits. As a result of the bilateral agreement between Canada and the EC of 2003, some names previously regarded as generic will be removed from the lists of generic names for wines and spirits.</p> <p>According to the Agreement between the EC and Canada, the classification as “generic” in Canada of 21 European wine names will be terminated in three phases:</p> <ul style="list-style-type: none"> • by 31 December 2013 for Chablis, Champagne, Port/Porto and Sherry; • by 31 December 2008 for Bourgogne/Burgundy, Rhin/Rhine, Sauterne/Sauternes; • and immediately on entry into force of the agreement for Bordeaux, Chianti, Claret, Madeira, Malaga, Marsala, Medoc/Médoc, and Mosel/Moselle (Article 12.1 of the Agreement). <p>An end to the “generic” status of European spirits names Grappa, Ouzo, Jägertee/Jagertee/ Jagatee, Korn/Kornbrand and Pacharan is phased out within 2 years from the entry into force of the Agreement.</p> <p>Unregistered trademarks are also entitled to protection in Canada, although the extent and scope of protection provided to unregistered trademarks will depend on factors such as the extent to which, and the manner in which, the trademark has been used and has become known.</p>
Formal Requirements for an Application	
<p style="text-align: center;">Application Forms</p>	<p>Like in the EU, there is a standard application form (see below in “Additional information”).</p> <p>In addition, the Trademark Law indicates that an application must contain (Section 30):</p> <ul style="list-style-type: none"> • the name and address of the applicant; • a drawing of the trade-mark, unless the trade-mark consists solely of a word or words; • the products or services in association with which the trademark is proposed to be used, or has been used; • for certification marks, particulars of the defined standard that the use of the mark is intended to indicate and a statement that the applicant is not engaged in the manufacture, sale, leasing or hiring of products or the performance of services such as those in association with which the certification mark is used; • either a statement indicating intention to use a certain trade-mark and how that use will occur or the date of first use of the trade-mark in Canada, whichever is applicable, and • the application fee. <p>Applications must be filed in one of the following two languages: French or English.</p>

Continent: North and South America
Country: Canada

Relevant Supporting Documents	In certain cases, the Registrar may require evidence “by way of affidavit or statutory declaration establishing the circumstances on which he relies, including the length of time during which the trade-mark has been used in any country” (Section 31 of the Law). In certain cases, further information may be required by the Registrar (Section 32 of the Law).
Administration Responsible for Registration	Department of Industry Canadian Intellectual Property Office (CIPO) Place du Portage 50 Victoria Street Hull, Québec K1A 0C9 PCT Office Box PCT CIPO Tel: (1 819) 953 9712 (PCT Office) (1 819) 997 19 36 Fax: (1 819) 953 76 20 (1 819) 953-95 38 (PCT Office) E-mail: cipo.contact@ic.gc.ca
Costs	
Costs of registration	<ul style="list-style-type: none"> • Filing Fee: when the application and fee are submitted on-line to the Office of the Registrar of Trade-Marks, via the Canadian Intellectual Property Office website \$ 250 (~€ 174), or in any other case \$ 300 (~€ 209); • Registration Fee: \$ 200 (~€ 139); • There are other extra fees to pay as amendments to the registration, transfers, renew registration, etc; • A statement of opposition pursuant to subsection 38(1) of the Law \$ 750 (~€ 524); • A statement of objection pursuant to subsection 11.13(1) of the Law \$ 1.000 (~€ 699); • Renewal of Registration: \$ 350 (~€ 246).
Costs of litigation	From \$ 1375 to \$ 1727 (between ~€ 961 and ~€ 1.200) for the administrative procedures. Opposition proceedings before the Trademarks Office can cost \$ 5.000 to \$ 25.000 and more (~€ 3.525 to ~€ 17.627).
Timeframe	
Registration	No deadlines are set in the Law.
Protection	Trademark registrations last for a period of 15 years, and may be renewed upon the payment of a fee (for the same period of time (Section 46.1 of the Law).
Additional information	
The standard application forms for are available at http://strategis.ic.gc.ca/sc_mrksv/cipo/forms	

Country: Chile

International Legal Framework

Chile is a member of the World Intellectual Property Organization since 25 June 1975 and a signatory to the Paris Convention for the Protection of Industrial Property since 14 June 1991.³⁵⁶
Chile a WTO Member since 1 January 1995.³⁵⁷
There is one bilateral agreement between Chile and the EC on wines and spirits. This agreement entered into force on 1 February 2003.³⁵⁸

National Legal Framework

<p>Type of Protection</p>	<p>Sui generis protection. <i>Ex officio</i> protection is available only for GI wines and spirits. For other GI products, the protection is provided only at the request of a party demonstrating legal interest.</p>
<p>Relevant Regulatory Framework</p>	<ul style="list-style-type: none"> • The Law No. 19039, from 1991, has been amended by a Law from 1996 (hereinafter referred as “the Law”); • Bilateral Agreement between Chile and the EC on wines and spirits, in force since 1 February 2003 - Annex V for wines and Annex VI for spirits (hereinafter referred as “the Agreement”).
<p>Scope of protection</p>	<p>The scope of application of the Law is more extensive than the scope of the EC system (concerns all goods but not services).</p>
<p>Source</p>	<p>The Spanish version of the Law No. 19039 is available at: http://www.dpi.cl/default.asp?cuerpo=579. The English version of the Annex V of the Bilateral Agreement is available at: http://europa.eu.int/eur-lex/lex/JOhtml.do?textfield2=352&year=2002&Submit=Rechercher&serie=L.</p>
<p>Summary of the Operational Provisions</p>	<p>Law No. 19039:</p> <p>The Law defines appellations of origin in a similar way as in the EC legislation (Article 92). It seems that foreign geographical indications can be registered in Chile, in accordance with the Law (Article 96). When an application of a geographical indication from Chile or from a foreign country involves agro-industrial or agricultural products, it is required a favourable report by the Chilean Ministry of Agriculture.</p> <p>The registration procedure for foreign appellations of origin is the same as for the national appellations of origin. When the application is filed, an extract is published in the Official Gazette. After this publication, third persons may oppose within the next 45 days. The applicant has another 45 days, to reply eventual oppositions.</p> <p>Level of protection: civil actions are available to prevent the abuse of a registered GI. Fines are imposed (Article 105). A higher level of protection is granted to wines and spirits (protection in translation, and</p>

³⁵⁶Source of information: <http://www.wipo.int>.

³⁵⁷Source of information : <http://www.wto.org>.

³⁵⁸<http://europa.eu.int/eur-lex/lex/JOhtml.do?textfield2=352&year=2002&Submit=Rechercher&serie=L>.

Continent: North and South America
Country: Chile

	<p>when it is preceded by terms like “class”, “type”, “style”, “imitation” or another similar, even when the true origin of the product is indicated (Article 104). However, a grandfather clause is previewed for the use of a GI name for wines and spirits: use for at least 10 years preceding 15 April 1994 in a continuous manner or in good faith preceding that date can be authorized (Article 96).</p> <p>Bilateral Agreement between Chile and the EC on wines and spirits:</p> <p>The Agreement offers a mutual recognition for EC and Chilean wines and spirits. An ex officio protection available for wines (Article 16 of Agreement on wines and spirits). The protection covers the name of the GI used in translation, and when it is preceded by terms like “class”, “type”, “style”, “imitation” or another similar, even when the true origin of the product is indicated.</p> <p>Chile agreed to halt using trademarks that contain European appellations of origin within a period of 5 years (for exports) and 12 years (in its internal market) starting from 2002. However, at the request of Chile, a new transition period has been granted by the EC on 14 February 2006, delaying the start of the phasing-out period for some Chilean trademarks not in 2002, but in 2005. See: http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_054/l_05420060224en00240027.pdf</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>Names that are considered as common or generic cannot be registered (whenever experts of that type of product as well as the public in general consider the name as common or generic), except if those names have been recognised as a geographical indications or an appellations of origin by an international treaties signed by Chile.</p> <p>The protection is not extended to the translation of geographical names, except for wines and spirits.</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Unlike in the EC, there is no standard application form. However, the Law indicates that an application for registration must contain the following:</p> <ul style="list-style-type: none"> • Name, address and activity of the applicant for to the GI; • The GI name; • The geographic zone for the production, extraction or elaboration of the product; • A detailed description of the products that are going to bear the GI; • A copy of specifications and controls; • A technical study, prepared by an expert, on the characteristics or qualities of the product which are exclusively attributable to its environment; • A certificate that indicates that the GI is registered in the foreign country. <p>All documents must be submitted in Spanish.</p>
<p>Relevant Supporting Documents</p>	<p>An application must be accompanied by a document certifying the payment of the prescribed fee.</p>
<p>Administration Responsible for Registration</p>	<p>Ministry of Economic Affairs, Development and Reconstruction Industrial Property Department Moneda 970, floor 10 - Santiago Telephone: (56.2) 688.27.91/687.46.05 Fax: (56.2) 688.34.84 E-mail: dpi@dpi.cl Website: www.dpi.cl</p>

Continent: North and South America
Country: Chile

Costs	
Costs of registration	<p>Approximately 25000 Chilean Pesos (~ € 40). It is also necessary to pay 3 UTM (a Monthly Taxation Unit). The UTM in Chile Pesos is modified every month (in June 2006, 1 UTM was 31791 Chilean Pesos (~ € 48). The total costs for application is approximately € 180.</p> <p>All documents must be submitted in Spanish, therefore the costs of translation need to be taken into account.</p>
Costs of litigation	<p>The costs of litigation will depend on the complexity of the case (not less than € 1500).</p>
Timeframe	
Registration	<p>At least 5 months.</p>
Protection	<p>The registration of a geographical indication or an appellation of origin will have indefinite duration.</p>
Additional information	
<p>None.</p>	

Country: Colombia

International Legal Framework

Colombia is a member of the World Intellectual Property Organization since 4 May 1980, and is a signatory to the Paris Convention for the Protection of Industrial Property since 13 September 1996.³⁵⁹
Colombia is a WTO Member from 30 April 1995.³⁶⁰
Colombia is a member of the Andean Community Cartagena Agreement.
There are no bilateral agreements between the EC and Colombia specific to GIs.

National Legal Framework

<p>Type of Protection</p>	<p>Sui generis protection. It appears that <i>ex officio</i> protection is available (in accordance with Article 203, the declaration of protection of an appellation of origin shall be made <i>ex officio</i> or at the request of persons who are able to prove a legitimate interest, such being natural persons or legal entities directly engaged in the extraction, production, or processing of the product or products to be covered by the geographical indication, associations of producers. <u>Where the appellations of origin refer to their own jurisdictions, state, departmental, provincial, or municipal authorities shall likewise be considered interested parties.</u>)</p>
<p>Relevant Regulatory Framework</p>	<p>Decision No. 486, of the Commission of the Cartagena Agreement of 2000, adopted on 14 September 2000, is the legal framework applicable for the protection of geographical indications.</p>
<p>Scope of protection</p>	<p>The scope of application of the Decision is more extensive than the scope of the EC system (concerns natural, agricultural, handicraft or industrial goods, but not services).</p>
<p>Source</p>	<p>The English version of the Decision 486 is available at: http://www.sice.oas.org/trade/JUNAC/decisiones/dec486e.asp.</p>
<p>Summary of the Operational Provisions</p>	<p>Decision No. 486: defines appellations of origin (AOs) similarly to the EC legislation (Article 201).</p> <p>It appears that European GIs can be registered in Colombia. The competent national office shall recognize the protection accorded by third countries to AOs or GIs, provided that there is an agreement to which Colombia is a party. To be eligible for such protection, the appellations of origin must be declared as protected in their countries of origin (Article 219 of the Decision).</p> <p>The process of registering foreign geographical indications is the same as the one used for the national appellations of origin from Colombia. When the application is accepted for consideration, the competent national office shall, within the next thirty days, ascertain whether it complies with the requirements or not. The application is then published in the Official Gazette. Like in the EC, there is an opposition procedure available for 30 days. If the opposition is accepted in the term of the publication, the applicant will be notified to present a reply.</p> <p>An authorization to use a protected appellation of origin can be requested by those who:</p> <ul style="list-style-type: none"> • are directly engaged in the extraction, production, or processing of the products identified by the appellation of origin; • perform the referred activity in the demarcated geographical area specified in the declaration of protection; and, • comply with other requirements imposed by the competent national offices.

³⁵⁹ Source of information: <http://www.wipo.int>.

³⁶⁰ Source of information : <http://www.wto.org>.

Continent: North and South America
Country: Colombia

	<p>Competent national offices may grant authorizations to use registered geographical indications. This authorization may also be accorded by public or private institutions representing the beneficiaries from the appellations of origin, if permitted by domestic provisions. When the competent national office is responsible for granting authorizations to use an appellation of origin, it shall be granted or denied within a period of fifteen days following the filing date of the application (Article 208).</p> <p>Level of protection: Registered GIs are protected against abuses, including cases where the use is accompanied by indications of gender, type, imitation and other similar indications, in such manner as is likely to cause confusion among consumers. It is considered an infringement of intellectual property right and sanctionable by punishment (Article 214).</p> <p>GIs for wines and spirits benefit from a higher level of protection as they are protected against any use, even where the true origin of the goods is indicated or the appellation of origin is used in translation or accompanied by expressions such as "kind", "type", "style", "imitation," or the like (Article 214). However, a grandfather clause is previewed. Use of a GI name for wines and spirits for at least 10 years preceding 15 April 1994 in a continuous manner or in good faith preceding that date can be authorized (Article 215).</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>Names cannot be registered as an appellation of origin if they are considered as a common or a generic designation. The Decision does not provide for specific criteria and states that it will depend on the appreciation of both: by general public and persons with knowledge of the area concerned (Article 202).</p> <p>The protection is not extended to the translation of geographical names, except for wines and spirits.</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Unlike in the EC, there is no standard application form.</p> <p>However, the application for a declaration of protection of an appellation of origin shall be filed in writing before the competent national office and must specify the following:</p> <ul style="list-style-type: none"> • Name, domicile, residence and nationality of the applicant or applicants and proof of their legitimate interest; • The appellation of origin in respect of the declaration filed; • The demarcated geographical area where the production, extraction, or processing of the product to be identified by the appellation of origin takes place; • The products that are designated by the appellation of origin; • A summary of the essential qualities, reputation, or other characteristics of the products that are designated by the appellation of origin; • The certification that indicates that the appellation of origin is registered in the foreign country. <p>All documents must be submitted in Spanish.</p>
<p>Relevant Supporting Documents</p>	<p>An application must be accompanied by a document certifying the payment of the prescribed fee.</p>
<p>Administration Responsible for Registration</p>	<p>Ministry of Economic Development - Superintendence of Industry and Commerce Industrial Property Delegation Carrera 13 No. 27-00, Floors 2, 5,7, 10 Santa Fe of Bogotá, D.C. Telephone: (571) 337.5357 Fax: (571) 382.2696 E-mail: info@sic.gov.co Website: www.sic.gov.co</p>

Continent: North and South America
Country: Colombia

Costs	
Costs of registration	<p>There is no official fee available. However, legal assistance in Colombia for the registration of a GI is estimated at 509,000 Colombian Pesos (~ € 180).</p> <p>All documents must be submitted in Spanish, therefore costs of translation need to be taken into account</p>
Costs of litigation	<p>The costs of litigation will depend on the complexity of the case (not less than € 1500).</p>
Timeframe	
Registration	<p>At least 8 months.</p>
Protection	<p>Like in the EC, the validity of the declaration of protection of an appellation of origin shall be subject to the continuation of the existing conditions from which it was based, as determined by the competent national office.</p> <p>The right to use a GI is limited to 10 years. Renewal must be requested 6 months before the expiration date, otherwise the right will be cancelled.</p>
Additional information	
<p>Cafe de Colombia has been registered as a GI in Colombia.</p>	

Country: Costa Rica

International Legal Framework

Costa Rica is a member of the World Intellectual Property Organization since 10 June 1981 and a signatory to the Paris Convention for the Protection of Industrial Property since 31 October 1995.³⁶¹
Costa Rica is a signatory of the WIPO Lisbon Agreement on for the Protection of Appellations of Origin and their International Registration since 30 July 1997.
Costa Rica is a WTO Member since 1 of January 1995.³⁶²
There are no bilateral agreements between the EC and Costa Rica specific to GIs.

National Legal Framework

Type of Protection	Sui generis protection. It appears that <i>ex officio</i> protection is available (Article 74 of the Law).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Law No. 7978 on Trademarks and other Distinctive Signs, from January 2000 (hereinafter referred as "the Law").
Scope of protection	The scope of application of the Law is more extensive than the scope of the EC system (concerns natural, agricultural, handicraft or industrial goods, but not services).
Source	The Spanish version of the Law No. 7978 is available at http://www.sice.org/int_prop/nat_leg/Costa/lm7978-1.asp .
Summary of the Operational Provisions	<p>Geographical indications and denominations of origin are defined similarly to the EC legislation (Article 2 of the Law).</p> <p>It appears that the EC GIs can be registered in Costa Rica.</p> <p>The registration process of foreign GIs is the same as used for GIs from Costa Rica. The Registry examines the application (Formal Examination) to verify if it fulfils the requirements established by the Law (during 15 working days).</p> <p>If the requirements are not fulfilled, the applicant has 15 working days to correct them. If there are modifications to do, the Registry gives 30 working days so the applicant can make the modifications. The application will be published three times in the Official Gazette within a period of 15 days.</p> <p>Like in the EC, any interested person can file an opposition within 2 months of the publication. If no opposition is filed, the Registry proceeds with the registration of the GI and provides a certificate to the holder.</p> <p>The Law offers a high level of protection to registered GIs. They are protected against unfair competition as well as against any use susceptible to cause error or confusion on the geographic origin of products. This protection covers the use of the GIs in the trade but also in publicity as well as in commercial documentation on sale, exhibition or supply of products or services (Articles 71 and 72). Finally, the use of expressions will not be allowed either in the registry of marks such as: "class", "type", "style", "imitation" or other analogous ones (Article 73).</p>

³⁶¹ Source of information: <http://www.wipo.int>.

³⁶² Source of information: <http://www.wto.org>.

Continent: North and South America
Country: Costa Rica

Specific Provisions (issue of Generics, Reciprocity)	<p>Article 75 of the Law states that common or generic denomination cannot be registered. A denomination is considered common or generic whenever it is recognized as such by persons familiar with those product as well as by the general public (it will be possible to register a denomination of origin made up of one or more generic or descriptive elements related to the respective product, but the protection will not extend to those elements <i>per se</i>). However, no criteria on how to establish a generic nature of a geographical name are provided by the Law.</p> <p>The protection is not extended to the translation of geographical names.</p>
Formal Requirements for an Application	
Application Forms	<p>Unlike in the EC, there is no standard application form.</p> <p>However, Article 76 of the Law establishes that the application of an appellation of origin must include:</p> <ul style="list-style-type: none"> • The name, address and nationality of the applicant and the place where is located the establishment of production; • The GI for which registration is requested; • The geographical zone of production; • The products that use the GI name; • A briefing on the qualities and essential characteristics of the products that use the GI; • A certificate that indicates that the GI is registered in the foreign country. <p>All documents must be submitted in Spanish.</p>
Relevant Supporting Documents	<p>The application will be subject to the payment of previously designated taxes, <u>except when the registration is applied by a public authority</u>. With respect to applications filed by <u>foreign public authorities</u>, this exception will be <u>subject to reciprocity</u> (Article 76).</p>
Administration Responsible for Registration	<p>Ministry of Justice National Registry Intellectual Property Registry Edificio del Registro Nacional Módulo 8, 4th Floor Postal Code 5685-1000 Zapote - San Jose Telephone: (506) 202.0800/234.15.37 Fax: (506) 234.79.59 E-mail: mercantil@rnp.go.cr Website: www.registronacional.go.cr</p>
Costs	
Costs of registration	<p>Approximately \$ 120 (~ €100).</p> <p>All documents must be submitted in Spanish, therefore costs of translation need to be taken into account.</p>
Costs of litigation	<p>A minimum of 70,000 Colones (€110).</p>

Continent: North and South America
Country: Costa Rica

Timeframe	
Registration	At least 6 months.
Protection	The registration of a denomination of origin will have an indefinite duration
Additional information	
None.	

Country: Cuba

International Legal Framework

Cuba is a member of the World Intellectual Property Organization since 27 March 1975 and a signatory to the Paris Convention for the Protection of Industrial Property from 17 November 1904 and to the Madrid Agreement concerning the International Registration of Marks from 6 December 1989 and the Madrid Protocol since 26 December 1995. Cuba is a party to the Lisbon Agreement on Appellations of Origin since 25 September 1966.³⁶³ Cuba is a WTO Member since 20 April 1995.³⁶⁴ There is no bilateral treaty between Cuba and the EC concerning the protection of GIs. Cuba has signed bilateral agreements with France in 1929 and Germany in 1954 relating to the protection of GIs.

National Legal Framework

Type of Protection	Sui generis system. <i>Ex officio protection is available</i> (Article 48 of the Decree Law).
Relevant Regulatory Framework	<ul style="list-style-type: none"> Decree Law No. 228 of 22 February 2002 on Geographical Indications. <p>An international registration of European GIs through the Lisbon Agreement is possible under the following conditions:</p> <ol style="list-style-type: none"> The GI must come from an EU Member State signatory to the Lisbon Agreement; The International registration will only have effect in the countries signatories to the Lisbon Agreement.
Scope of protection	The scope of application of the Law is more extensive than the scope of the EC system (concerns all goods: agricultural and handicraft, but not services (Article 2 of the Decree Law).
Source	A Spanish version of the Law Decree 228 is available at: http://www.ocpi.cu/doc/legis/Ley228.pdf .
Summary of the Operational Provisions	<p>Geographical indications are defined as appellation of origin in a manner similar to the protected denomination of origin in the EC.</p> <p>GIs can be registered towards the Cuban Office for Intellectual property (Oficina Cubana de la Propiedad Industria). Article 20 of the Decree Law provides for the registration of foreign GIs, subject to reciprocity. The examination of the foreign denominations of origin is limited to the test of the legitimacy of the request based on the documents and the requirements established under the Decree Law (Article 20.4)</p> <p>Level of protection: It seems that Cuba provides for the same level of protection for GIs as the EC (article 6 of the Law Decree). This covers translation and the use of the GI name with expressions such as “like”, “style”, etc.</p>
Specific Provisions (issue of Generics, Reciprocity)	According to Article 5 of the Law Decree, the protection is granted only on the basis of reciprocity . It would therefore appear that European GIs are entitled to protection in Cuba. Article 9 provides that generic names cannot be registered as GI. The Law Decree does not provide for a definition of generic or common names.

³⁶³ Source of information: <http://www.wipo.int/treaties>.

³⁶⁴ Source of information: <http://www.wto.org>.

Continent: North and South America
Country: Cuba

Formal Requirements for an Application	
Application Forms	<p>Unlike in the EC, there is no standard application form. However, the following documents must be submitted:</p> <ul style="list-style-type: none"> • The request for registration; • The name, address and nationality of the applicant; • The geographic area covered; • The name of the product; • The relation between the applicant and the geographic area delimited by the denomination; • The name and official address of the representative in Cuba, if there is one; • The company/signature of the applicant or his representative; • The document establishing the validity of the geographic name in relation to the delimited geographic area, sent by an official authority; • The detailed description of the characteristics of the product that protects the denomination of origin. The EC specification could be used; • A certificate of registration and use in the country of origin to be provided by an official authority; • The payment of the relevant fees. <p>All documents must be submitted in Spanish.</p>
Relevant Supporting Documents	A local agent or address is required (Article 10 of the Decree Law).
Administration Responsible for Registration	<p>Oficina Cubana de la Propiedad Industrial (OCPI) Cuban Industrial Property Office Calle Picota No 15 entre Luz y Acosta 1, La Habana Vieja C.P. 10100, Havana Tel.: (537) 866.05.57 E-mail: ocpi@ocpi.cu Internet website: www.ocpi.cu</p>
Costs	
Costs of registration	<p>Registration fees: +/- 380 Cuban Pesos (~15 €)</p> <p>All documents must be submitted in Spanish, therefore costs of translation might have to be added.</p>
Costs of litigation	Depend on the complexity of the case, however, very little IP litigation in Cuba.
Timeframe	
Registration	Not available.
Protection	10 years; renewable.
Additional information	
19 Cuban appellations of origin have been registered under the Lisbon Agreement: PINAR DEL RIO, LAS MARTINAS, SAN VICENTE, HOYO DE MONTERREY, SAN JUAN Y MARTINEZ, CUCHILLAS DE BARBACOA, EL COROJO, SAN LUIS, CABAÑAS, VUELTA ABAJO, VUELTA ARRIBA, HOYO DE MANICARAGUA, REMEDIOS, TUMBADERO, PARTIDO, HABANEROS, HABANA, HABANOS, CUBA.	

Country: Dominica

International Legal Framework

Dominica has been a member of the World Intellectual Property Organization since 26 September 1998 and a signatory to the Paris Convention for the Protection of Industrial Property from 7 August 1999.³⁶⁵
Dominica is a WTO Member from 1 January 1995.³⁶⁶
There are no bilateral agreements between the EC and Dominica specific to GIs.

National Legal Framework

<p>Type of Protection</p>	<p>There is no <i>sui generis</i> protection of geographical indications (GIs) in Dominica and it is doubtful that protection to GIs could be provided under the current Trade Marks Act, 1887 and Trade Marks Rules, 1937.</p> <p><u>As a result, it is not clear whether the EC GIs are eligible for registration as trademarks in Dominica at the present moment.</u></p> <p>Legal texts dealing with GIs have not yet entered into force. When this happens, protection will be available under a <i>sui generis</i> system.</p> <p>The Geographical Indications Act (the GI Act) was promulgated in December, 1999. However, it is not yet in force. As soon as the GI Regulations are promulgated, the Act and the Regulations will be brought into force.</p>
<p>Relevant Regulatory Framework</p>	<p>Trade Mark Regime:</p> <p>The Dominican Trade Marks Act of 1887 (the TM Act) is based on the United Kingdom Patents, Designs and Trade Marks Act, 1883 as amended by the 1888 Act of the same name. The Trade Marks Rules, 1937 are also in force in Dominica.</p>
<p>Scope of protection</p>	<p>Trade Mark Regime: All goods.</p>
<p>Source</p>	<p>Trade Mark Regime: The 1887 TM Act and 1937 TM Rules are available from the Government Printing Office of Dominica or from published editions of the Laws of Dominica.</p> <p>The text of the GI Act of 1999 can be found at: http://www.wipo.int/clea/docs_new/pdf/en/dm/dj003en.pdf.</p> <p>The text of the Marks Act of 1999 can be found at: http://www.wipo.int/clea/docs_new/pdf/en/dm/dm007en.pdf.</p>
<p>Summary of the Operational Provisions</p>	<p>Trade Mark Regime: The TM Act explicitly excludes geographical names from the scope of registrable marks.</p> <p>Protection for trademarks and trade names. In order to register a trademark, substantive and formal examinations of the application will be required. Registration of a mark will confer on the owner the exclusive right of use a trademark for an indefinite period of 14 years, renewal is possible.</p>

³⁶⁵ Source of information: <http://www.wipo.int>.

³⁶⁶ Source of information : <http://www.wto.org>.

Continent: North and South America
Country: Dominica

	It appears therefore, that the EC GIs will only be eligible for registration in Dominica if recognised as distinctive signs.
Specific Provisions (issue of Generics, Reciprocity)	None.
Formal Requirements for an Application	
Application Forms	<p>Trade Mark Regime: Like in the EC, there is a prescribed application form in the TM Act which is available upon request at the Trade Marks Office</p> <p>The language of the applications is English. Documents that are not in English must be accompanied by an approved translation.</p>
Relevant Supporting Documents	<ul style="list-style-type: none"> • Fees; • Where the applicant is a foreigner, a power of attorney (Attorney-at-Law).
Administration Responsible for Registration	<p>Trade Marks Office Bayfront - Roseau Dominica Phone: +1 767 266 3031 Fax: +1 767 440 3753 Email: registrar@cwdom.dm</p>
Costs	
Costs of registration	Trade Mark Regime: registration fees 945 US \$ (~746 €).
Costs of litigation	Little history of IP litigation in Dominica. Fees would depend on the complexity of the case.
Timeframe	
Registration	Trade Mark Regime: No timeframe is indicated in the TM Law.
Protection	Trade Mark Regime: For registered trade marks, 14 years renewable indefinitely.
Additional information	
None.	

Country: Dominican Republic

International Legal Framework

The Dominican Republic has been a member of the World Intellectual Property Organization since 27 June 2000 and a signatory to the Paris Convention for the Protection of Industrial Property from 11 July 1890.³⁶⁷
The Dominican Republic has been a WTO Member since 9 March 1995.³⁶⁸
There is no bilateral treaty between the Dominican Republic and the EC concerning the protection of GIs.

National Legal Framework

Type of Protection	Sui generis protection of Geographical Indications (GIs) and Appellations of Origin (AOs). It appears that <i>ex officio</i> procedure is available.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Law No. 20-00 on Industrial Property promulgated in April 2000 and effective since 8 May 2000. • Decree No. 408-00 establishing the Implementing Regulations of Law No. 20-00 on Industrial Property which is effective since August 2000.
Scope of protection	The scope of protection is wider than in the EC , as it concerns not only all goods but also services.
Source	The legal texts are not available electronically. However, some information on the registration procedure is available at: http://www.seic.gov.do/onapi/ .
Summary of the Operational Provisions	<p>Appellations of origin are defined in the Law in a manner similar to the definition provided by the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, while GIs are defined in a manner similar to the definition included in the TRIPS Agreement.</p> <p>The Industrial Property Law affords protection to geographical indications, and provides that a geographical indication may not be used in trade in relation to a product or a service when the indication is false or misleading with regard to the origin of the product or service, or where its use could mislead the public with regard to the origin, status, source, characteristics or qualities of the product or service.</p> <p>It seems that EC GIs would be eligible for protection in the Dominican Republic on the basis of the provisions of international agreements and on reciprocal treatment. The information in the EC product specification could form the basis of the application.³⁶⁹</p>
Specific Provisions (issue of Generics, Reciprocity)	None.

³⁶⁷ Source of information: <http://www.wipo.int>.

³⁶⁸ Source of information : <http://www.wto.org>.

³⁶⁹ Review of IP legislation of Dominican Republic, IP/Q/DOM/1, 25 February 2002.

Continent: North and South America
Country: Dominican Republic

Formal Requirements for an Application	
Application Forms	<p>Unlike in the EC, there is no prescribed application form. The application must include:</p> <ul style="list-style-type: none"> • Details of the applicant; • The place of production or manufacture; • The geographical indication/appellation of origin; • The geographical area of production; • The goods to be protected; • The qualities or essential characteristics of the goods. <p>The language of the applications is Spanish. Documents not in Spanish must be accompanied by an approved translation.</p>
Relevant Supporting Documents	<ul style="list-style-type: none"> • Proof of identity of applicant (Passport if foreigner) or registration documents if a business; • Proof of payment of fees; • Where the application is made by an agent, a Power of Attorney.
Administration Responsible for Registration	<p>Oficina Nacional de la Propiedad Industrial (ONAPI) Avenida Los Proceres 11 Jardines del Norte Santo Domingo Dominican Republic Phone: +1 809 567.74.74/732.5152 Fax: +1 809 732.77.58 Email: info@onapi.gov.do Website: http://www.seic.gov.do/onapi/</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • Application Fee: RD\$6,781.00 (~ 165 €); • Publication Fee: RD\$1,961.00 (~ 48 €).
Costs of litigation	Would depend on the complexity of the case, however little litigation history on IP in Dominican Republic.
Timeframe	
Registration	Registration of foreign appellations of origin will depend on the provisions of international agreements and on reciprocal treatment.
Protection	Domestic appellations of origin are registered for an indefinite period of time, provided that the applicants have their production or manufacturing establishment in the region of the country to which the appellation of origin corresponds, or where registration is requested by a competent public authority. In the case of foreign appellations of origin, registration depends on the provisions of international agreements and on reciprocal treatment.
Additional information	
According to the information from the National Industrial Property Office (ONAPI), there are 6 registered Appellations of Origin at the present moment in Dominican Republic.	

Country: Ecuador

International Legal Framework

Ecuador is a member of the World Intellectual Property Organization since 22 May 1998 and a signatory to the Paris Convention for the Protection of Industrial Property since 22 June 1999.³⁷⁰
Ecuador is a WTO Member from 21 January 1996.³⁷¹
Ecuador is a member of the Andean Community Cartagena Agreement.
There are no bilateral agreements between the EC and Ecuador specific to GIs.

National Legal Framework

<p>Type of Protection</p>	<p>Sui generis system. It appears that <i>ex officio</i> protection is available (in accordance with Article 203 of Decision 486), the declaration of protection of an appellation of origin shall be made <i>ex officio</i> or at the request of persons who are able to prove a legitimate interest, such being natural persons or legal entities directly engaged in the extraction, production, or processing of the product or products to be covered by the geographical indication, associations of producers. <u>Where the appellations of origin refer to their own jurisdictions, state, departmental, provincial, or municipal authorities shall likewise be considered interested parties).</u></p>
<p>Relevant Regulatory Framework</p>	<ul style="list-style-type: none"> • Intellectual Property Law No. 320, May 1998 (hereinafter referred as “the Law”); • Regulations to the Intellectual Property Law, published in February 1999; • Decision No. 486, Andean Community Common Provisions on Industrial Property, December 2000.
<p>Scope of protection</p>	<p>The scope of application of the Decision is more extensive than the scope of the EC system (concerns natural, agricultural, handicraft or industrial goods, but not services).</p>
<p>Source</p>	<p>The Spanish version of the Law No. 320 is available at: http://www.sice.org/int_prop/nat_leg/Ecuador/L320ind.asp.</p> <p>The Spanish version of the Rule of the Law No. 320 is available at: http://www.sice.org/int_prop/nat_leg/Ecuador/R320ind.asp.</p> <p>The English version of the Decision 486 is available at: http://www.sice.org/Trade/Junac/Decisiones/dec486e.asp.</p>
<p>Summary of the Operational Provisions</p>	<p>GIs are defined by the Law as identifying products which quality, reputation or another characteristic are essentially linked to their geographic origin, including the natural and human factors (Article 237 of the Law).</p> <p>Although the Law only mentions Ecuadorian GIs, it seems that EC GIs can be registered in Ecuador in accordance with Decision 486 of the Andean Community.</p> <p>The registration process for foreign and national GIs is the same as used for GIs from Ecuador. The Ecuadorian Institute of Intellectual Property (IEPI) (the authority responsible for GIs registrations) examines the application (Formal Examination) to verify if it fulfils the requirements established in the Law (15 days).</p>

³⁷⁰ Source of information: <http://www.wipo.int>.

³⁷¹ Source of information : <http://www.wto.org>.

Continent: North and South America
Country: Ecuador

	<p>If the requirements are not fulfilled, the applicant has 30 days to correct them. The application is published only once in the Official Gazette.</p> <p>Like in the EC, there is an opposition procedure. Any interested person can file an opposition within 30 days after the date of publication. This period can be extended to another 30 days. The applicant also has 30 days to reply. The IEPI will resolve the oppositions and decide whether or not to register a name and grant protection.</p> <p>The level of protection: The Law provides that protection confers a right of exclusive use of the Ecuadorian GIs. The use of a registered GI by an unauthorized person is considered an act of unfair competition, including when it is used with expressions such as “class”, “type”, “style”, “imitation” or other similar expressions (Article 239 of the Law).</p>
Specific Provisions (issue of Generics, Reciprocity)	<p>The Law prohibits the registration of GIs names that are considered to be common or generic. According to the Law, a denomination is considered common or generic when it is established as such by persons familiar with such types of products as well as by the general public. However, no criteria on how to establish a generic or common nature of a geographical name are provided by the Law.</p> <p>The protection is not extended to the translation of geographical names.</p>
Formal Requirements for an Application	
Application Forms	<p>Unlike in the EC, there is no standard application form. However, the Law indicates that the application for the protection of a geographical indication must include:</p> <ul style="list-style-type: none"> • Identification of the applicant, his/her address and nationality; • Identification of the attorney; • Identification of the geographical indication; • The geographical zone of production, extraction or elaboration of the product that bears the geographical indication; • Indication of the products that are distinctive with the determination of the quality or characteristics; • A certificate that indicates that the geographical indication is registered in the foreign country. <p>All documents must be submitted in Spanish.</p>
Relevant Supporting Documents	An application must be accompanied by a document certifying the payment of the prescribed fee.
Administration Responsible for Registration	<p>Ecuadorian Institute of Intellectual Property (IEPI) Av. República No. 396 y Diego de Almagro Edificio FORUM No. 300 Floors 1, 2,3, Quito Telephone: (593.22) 50.80.00 Fax: (593.22) 50.80.27 E-mail: info@iepi.gov.ec Website: www.iepi.gov.ec</p>
Costs	
Costs of registration	<p>Approximately \$ 100 (~ € 80).</p> <p>All documents must be submitted in Spanish, therefore cost of translation need to be taken into account.</p>
Costs of litigation	The costs of litigation will depend on the complexity of the case (not less than € 500).

Continent: North and South America
Country: Ecuador

Timeframe	
Registration	At least 7 months.
Protection	The validity of the declaration of protection of an appellation of origin shall be subject to the continuation of the existing conditions from which it was based.
Additional information	
None.	

Country: El Salvador

International Legal Framework

El Salvador is a member of the World Intellectual Property Organization since 18 September 1979 and a signatory to the Paris Convention (Industrial Property) since 19 February 1994.³⁷²
El Salvador is a WTO Member since 7 May 1995.³⁷³
There are no bilateral agreements between the EC and El Salvador specific to GIs.

National Legal Framework

Type of Protection	Sui generis protection (no <i>ex officio</i> protection is available. Protection is provided only at the request of an interested party (e.g., producers)).
Relevant Regulatory Framework	<ul style="list-style-type: none"> The Trademark and other Distinguishing Signs Law of 2002, was adopted on June 2002 (hereinafter referred as “the Law”).
Scope of protection	Applicable to goods (agricultural and industrial) and services.
Source	The text in Spanish of the Trademark and other Distinguishing Signs Law is available at: http://www.sieca.org.gt/publico/ProyectosDeCooperacion/Proalca/PI/868SV.htm .
Summary of the Operational Provisions	<p>The Law defines denominations of origin similarly to the EC legislation (Article 2).</p> <p>It seems that EC GIs can be registered in El Salvador. Foreign producers, manufacturers, craftsman’s and competent public authorities can register foreign appellations of origin whenever that is established by a treaty to which El Salvador is party, or when a foreign country provides reciprocal protection for appellations of origin from El Salvador (Article 67 of the Law).</p> <p>The process to registering foreign appellations of origin is the same as one used for the national appellations of origin.</p> <p>The National Centre of Registries (CNR) (the authority established for the registration of geographical indications) examines applications to verify if they fulfil the requirements. Then the CNR publishes its “resolution” in the Official Gazette. From the date of publication the applicant has 6 months to prepare and present before the Registry the rules applicable for the use and administration of the appellation of origin. Like in the EC, there is an opposition procedure within two months after the first publication of the application. Finally, the CNR delivers its “resolution” of inscription.</p> <p>Level of protection: registered GIs are protected against unfair competition as well as against any use susceptible to cause error or confusion on the geographic origin of products. This protection covers the use of the GIs in the trade but also in publicity as well as in commercial documentation on sale, exhibition or supply of products or services (Articles 64 and 65). Civil actions are available to prevent abuse of a registered GI (Article 94).</p>

³⁷² Source of information: <http://www.wipo.int>.

³⁷³ Source of information : <http://www.wto.org>.

Continent: North and South America
Country: El Salvador

Specific Provisions (issue of Generics, Reciprocity)	<p>Article 68 of the Law indicates that signs considered as common or generic (there is not criteria in the Law to determined those terms) cannot be registered as appellations of origin.</p> <p>The protection is not extended to the translation of geographical names.</p>
Formal Requirements for an Application	
Application Forms	<p>Unlike in the EC, there is no standard application form.</p> <p>However, Article 69 of the Law provides that an application must contain:</p> <ul style="list-style-type: none"> • Designation of the authority that is going to receive the application; • Name, nationality and address of the applicant with an indication of the place of production; • Appellation of origin for which the register is required; • The geographic zone of production; • The product covered; • A brief description of the qualities and essential characteristics of the products that use the appellation of origin; • The certificate that indicates that the appellation of origin is registered in the foreign country; • A concrete indication of what is required, i.e., the protection of the appellation of origin; • The exact address to receive notifications; • Place, date of the application and signature of the applicant. <p>All documents must be submitted in Spanish.</p>
Relevant Supporting Documents	It is necessary to provide a certificate of payment of the prescribed fee together with the application.
Administration Responsible for Registration	<p>National Center of Registries Poniente 1st Street and 43 North Av. No 2310 Colonia Flor Blanca San Salvador Telephone: (503) 2261.8602 E- mail: propiedadintelectual@cnr.gob.sv Website: www.cnr.gob.sv</p>
Costs	
Costs of registration	<p>Approximately \$ 180 (~ €145).</p> <p>All documents must be submitted in Spanish, therefore costs of translation need to be taken into account.</p>
Costs of litigation	The costs of litigation will depend on the complexity of the case (not less than € 1500).
Timeframe	
Registration	From 6 to 8 months.
Protection	The register of an appellation of origin will be indefinite and will be determinate for the subsistence of the conditions that generated it.
Additional information	
None.	

Country: Grenada

International Legal Framework

Grenada is a member of the World Intellectual Property Organization from 22 September 1998 and a signatory to the Paris Convention for the Protection of Industrial Property from 22 September 1998.³⁷⁴
Grenada is a WTO Member from 22 February 1996.³⁷⁵
There is no bilateral agreement between the EC and Grenada specific to GIs.

National Legal Framework

<p>Type of Protection</p>	<p>There is no <i>sui generis</i> protection of geographical indications (GIs) in Grenada and it is doubtful that protection to GIs could be provided under the current Trade Marks Act of 1889 and Trade Marks Rules of 1939.</p> <p>As a result, it is not clear whether the EC GIs are eligible for registration as trademarks in Grenada at the present moment.</p> <p>Legal texts dealing with GIs have not yet entered into force. When this happens, protection will be available under a <i>sui generis</i> system.</p> <p>The Geographical Indications Act was promulgated in December, 2003. However, it is not yet in force. As soon as the Regulations are promulgated, the Act and the Regulations will be brought into force.</p>
<p>Relevant Regulatory Framework</p>	<p>Trade Mark Regime:</p> <ul style="list-style-type: none"> • The Merchandise Marks Act of 1889 and the Registration of United Kingdom Trade Marks Act of 1939 and the accompanying Rules.
<p>Scope of protection</p>	<p>Trade Mark Regime: All goods.</p>
<p>Source</p>	<p>The electronic version of the Law is not available.</p>
<p>Summary of the Operational Provisions</p>	<p>Trade Mark Regime: The TM Act explicitly excludes geographical names from the scope of registrable marks.</p> <p>It appears therefore, that the EC GIs may only be eligible for registration in Grenada if recognised as distinctive signs.</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>None.</p>

³⁷⁴ Source of information: <http://www.wipo.int>.

³⁷⁵ Source of information : <http://www.wto.org>.

Continent: North and South America
Country: Grenada

Formal Requirements for an Application	
Application Forms	None.
Relevant Supporting Documents	None.
Administration Responsible for Registration	<p>Supreme Court Registry Ministry of Legal Affairs Church Street St. George's Grenada Phone: +1 473 440 0870 Fax: +1 473 440 6695 Email: registrargda@caribsurf.com</p>
Costs	
Costs of registration	Not available.
Costs of litigation	Not available.
Timeframe	
Registration	Not available.
Protection	Not available.
Additional information	
None.	

Country: Guatemala

International Legal Framework

Guatemala is a member of the World Intellectual Property Organization since April 1983 and a signatory to the Paris Convention for the Protection of Industrial Property since August 1998.³⁷⁶
Guatemala is a WTO Member since 21 July 1995.³⁷⁷
There are no bilateral agreements between the EC and Guatemala specific to GIs.

National Legal Framework

Type of Protection	Sui generis system. It appears that <i>ex officio</i> protection is available (Article 84 of the Law).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Industrial Property Law, Decree No. 57-2000 that entered into force in November 2000 (hereinafter referred as “the Law”); • The Implementation Rules in the Decree No. 89-2002 (hereinafter referred as “the Rules”).
Scope of protection	The scope of application of the Decision is more extensive than the scope of the EC system (concerns natural, agricultural, handicraft or industrial goods, but not services).
Source	The Spanish version of the Decree No. 57/2000 is available at: http://www.rpi.gob.gt/descargas/Ley%20Propiedad%20Industrial.pdf . The Spanish version of the Decree No. 89-2002 is available at: http://www.sice.org/int_prop/nat_leg/Guatemala/Rpinda_s.asp .
Summary of the Operational Provisions	<p>Definition of denomination of origin provided in the Law is similarly to the EC legislation (Article 4 of the Law).</p> <p>Foreign GIs can be registered in Guatemala as provided for by treaties signed by Guatemala (Article 81 of the Law). Application for registration must be submitted to the Registry of Intellectual Property which examines it. If the application meets the legal criteria, it is published once in the Official Journal. Like in the EC, an opposition procedure is available (Article 86 of the Law).</p> <p>However, please note that it is not clear whether the same registration system would be applied to foreign GIs.</p> <p>Level of protection: registered GIs are protected against unfair competition as well as against any use susceptible to cause error or confusion on the geographic origin of products (Article 78). They are also protected against abuses, including cases where the use is accompanied by indications of gender, type, imitation and other similar indications, in such manner as is likely to cause confusion among consumers. It is considered an infringement of intellectual property right and sanctionable by punishment (Article 83 of the Law).</p>
Specific Provisions (issue of Generics, Reciprocity)	Common or generic designation of a product cannot be registered as a denomination of origin. There is no precise definition of generic names. Article 82 of the Law provides that terms considered as such by persons with knowledge on the area concerned and by the general public.

³⁷⁶ Source of information: <http://www.wipo.int/treaties>.

³⁷⁷ Source of information : <http://www.wto.org>.

Continent: North and South America
Country: Guatemala

Formal Requirements for an Application	
Application Forms	<p>Unlike in the EC, there is no standard application form. However, the following documents are required to apply for registration:</p> <ul style="list-style-type: none"> • Name, domicile, residence and nationality of the applicant or applicants and proof of their legitimate interest; • The appellation of origin in respect of the declaration filed; • The demarcated geographical area where the production, extraction, or processing of the product to be identified by the appellation of origin; • A detailed description of the products that are designated by the appellation of origin, including a summary of the essential qualities, reputation, or other characteristics of the products that are designated by the appellation of origin; • Elements to prove the link between the GI, the product and the territory. <p>All documents must be submitted in Spanish.</p>
Relevant Supporting Documents	None.
Administration Responsible for Registration	<p>Registry of Intellectual Property Ministry of Economic Affairs 7a avenida 7-61 - Zona 4 Ciudad Guatemala C.A. - Primer Nivel Guatemala Tel: (502) 23320111-14 Fax: (502) 23320116 E-mail: repiweb@rpi.gob.gt Website: www.rpi.gob.gt</p>
Costs	
Costs of registration	<p>There is no official fee available.</p> <p>All documents must be submitted in Spanish, therefore costs of translation need to be taken into account.</p>
Costs of litigation	Would depend on the complexity of the case.
Timeframe	
Registration	Not available.
Protection	Appellations of origin are protected for an indefinite period of time (as long as the conditions for AO protection are respected).
Additional information	
None.	

Country: Guyana

International Legal Framework

Guyana has been a member of the World Intellectual Property Organization since 25 October 1994 and a signatory to the Paris Convention for the Protection of Industrial Property from 25 October 1994.³⁷⁸
Guyana is a WTO Member from 1 January 1995.³⁷⁹
There are no bilateral agreements between the EC and Guyana specific to GIs.

National Legal Framework

<p>Type of Protection</p>	<p>Sui generis protection: No <i>ex officio</i> protection is available. Protection is provided at the request of an applicant, namely: producers in the geographical area, consumers and any competent authority.</p> <p>However, at the present moment, the <i>sui generis</i> protection of GIs is not available.</p> <p>Trade Mark Regime: No <i>ex officio</i> protection is available. Protection is provided only at the request of an applicant.</p>
<p>Relevant Regulatory Framework</p>	<p>Sui Generis Protection of GIs:</p> <ul style="list-style-type: none"> • The Guyanese Geographical Indications Act was passed in the Guyanese Parliament in October 2005 (hereinafter referred as “the GI Law”). The GI Act is not yet in force. The GI Regulations have not been drafted yet. <p>Trade Mark Regime:</p> <ul style="list-style-type: none"> • The Guyanese Trade Marks Act was promulgated in 1952 and became effective in 1956 (hereinafter referred as “the TM Law”). The Act was last amended in 1972. • The Trade Marks Rules, which became effective in 1955 and were last amended in 1972.
<p>Scope of protection</p>	<p>Sui Generis Protection of GIs: The scope of application of the law is more extensive than the scope of the EC system. The GI law concerns: natural and agricultural products and products of handicraft and industry but not services.</p> <p>Trade Mark Regime: All goods.</p>
<p>Source</p>	<p>Sui Generis Protection of GIs: An official copy of the GI Law is not yet available.</p> <p>Trade Mark Regime: The text of the TM Act can be found at http://www.wipo.int/clea/docs_new/pdf/en/gy/gy001en.pdf and the TM Rules at http://www.wipo.int/clea/docs_new/pdf/en/gy/gy006en.pdf</p>

³⁷⁸ Source of information: <http://www.wipo.int/treaties>.

³⁷⁹ Source of information : <http://www.wto.org>.

Continent: North and South America
Country: Guyana

Summary of the Operational Provisions	<p>Sui Generis Protection of GIs:</p> <p>The GI Law defines GIs in a similar way to the EU legislation. The registration procedure is similar to that for trade marks. It involves: application, examination, publication of the application, opposition, registration and publication of registration. There is a right to appeal a decision of the Registrar within two months after the decision to the Court. Any interested party may apply to the Court for cancellation or rectification of registration of a GI.</p> <p>It seems that the EC GIs would be eligible for protection in Guyana once the GI Act enters into force. The information in the EC product specification could form the basis of the application.</p> <p>The GI Act provides higher protection for GIs for wines and spirits. For these goods the use of a GI with any good not originating from the geographical origin is unlawful even if there is a declaration of the true place of origin of the goods. Similarly, the use of the geographical indication in translation or the use of the terms “kind”, “type”, “style”, “imitation” or anything similar to accompany the geographical indication used with the protected goods is considered unlawful.</p> <p>It appears that the level of protection under the GIs Law to <u>GIs for agricultural products and foodstuffs (not wines or spirits)</u> is different from the level provided under the EC law.</p> <p>The use of registered GIs <u>for agricultural products and foodstuffs (not wines or spirits)</u> is not allowed only in a manner which misleads the public. Therefore, GI producers will have to show that consumers are misled by imitators and counterfeiters. This may require producing consumer surveys and other evidence that may be expensive. In contrast, this will not be the case for wines and spirits where proof of consumer deception is not required and misuse of the relevant GI on a non-originating product will suffice to trigger protection.</p> <p>Trade Mark Regime:</p> <p>A certification mark “in respect of origin, material, mode of manufacture, quality, accuracy or other characteristic” may be registered. The TM Law and Rules provide for a registration procedure which involves: application, examination, publication of the application, opposition and registration. Proceedings can be brought before the Registrar or the Court for rectification of the Register. There is a right of appeal to the Court against a decision of the Registrar on a question of rectification of the Register.</p>
Specific Provisions (issue of Generics, Reciprocity)	<p>Sui Generis Protection of GIs: Generic names may not be protected under the GI Law. A definition is provided in the GI Act but no determining criteria are given. The definition is similar to one provided in the TRIPs Agreement – “the term customary in common language as the common name for such goods or services in Guyana.”</p> <p>Trade Mark Regime: None.</p>
Formal Requirements for an Application	
Application Forms	<p>Sui Generis Protection of GIs:</p> <p>Like in the EC, there is a prescribed application form in the GI Regulations. The application must specify:</p> <ul style="list-style-type: none"> • the name, address and nationality of the person making the application and the capacity in which the applicant is applying for registration; • the geographical indication for which registration is sought; • the geographical area to which the geographical indication applies; • the goods for which the geographical indication applies; • the quality, reputation or other characteristic of the goods in respect of which the geographical indication is used.

Continent: North and South America
Country: Guyana

	<p>Trade Mark Regime: Like in the EC, there is a prescribed application form in the TM Rules – Form 6 which can be found at http://www.wipo.int/clea/docs_new/pdf/en/gy/gy006en.pdf. The form must be accompanied by:</p> <ul style="list-style-type: none"> • two duplicates of the application; • “a case setting out the grounds on which the applicant relies to support his application” in duplicate; • “draft Regulations governing the use of the mark” in duplicate; • Form 34 in duplicate available at the above mentioned Internet address. <p>The language of the applications is English. Documents that are not in English must be accompanied by an approved translation.</p>
Relevant Supporting Documents	<p>Sui Generis Protection of GIs:</p> <ul style="list-style-type: none"> • Fees; • Proof of protection and use in the country of origin; • Authorisation of Agent (Attorney-at-Law) for foreign applicants. <p>Trade Mark Regime:</p> <ul style="list-style-type: none"> • Fees; • Six copies of a representation of the mark; • Where the application is made by an agent, a Form of Authorisation of Agent.
Administration Responsible for Registration	<p>The Trade Marks Registry Law Courts Avenue of the Republic Georgetown Guyana Phone: +592 226 3083</p>
Costs	
Costs of registration	<p>Sui Generis Protection of GIs: Fees are not yet established.</p> <p>Trade Mark Regime: The registration system for trade marks is a single-class system.</p> <ul style="list-style-type: none"> • Application Fee: G\$10,000 (~ €41); • Registration Fee: G\$10,000 (~ €41).
Costs of litigation	In Guyana there is no history of IP litigation. Fees would depend on the complexity of the case.
Timeframe	
Registration	<p>Sui Generis Protection of GIs: No timeframe is indicated in the GI Law.</p> <p>Trade Mark Regime: Approximately 24 months (no timeframe is indicated in the TM Law).</p>
Protection	<p>Sui Generis Protection of GIs: Protection is provided for an indefinite period.</p> <p>Trade Mark Regime: For registered trade marks, 7 years renewable indefinitely.</p>
Additional information	
None.	

Country: Haiti

International Legal Framework

Haiti is a member of the World Intellectual Property Organization since 2 November 1983 and a signatory to the Paris Convention for the Protection of Industrial Property from 1 July 1958.
Haiti is a party to the Lisbon Agreement on Appellations of Origin since 25 September 1966.³⁸⁰
Haiti is a WTO Member since 30 January 1996.³⁸¹
There is no bilateral treaty between Haiti and the EC concerning the protection of GIs.

National Legal Framework

Type of Protection	Sui generis system. It is not clear if an <i>ex officio</i> protection is available.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Trade Marks Act of July 1954, amended by Act of July 1956. • Decree of August 1960, which complements the Act of July 1954.
Scope of protection	Concerns all goods (under Lisbon Agreement).
Source	The legal texts are not available electronically.
Summary of the Operational Provisions	See above.
Specific Provisions (issue of Generics, Reciprocity)	See above.
Formal Requirements for an Application	
Application Forms	See above.
Relevant Supporting Documents	See above.
Administration Responsible for Registration	Ministry of Trade and Industry Intellectual Property Service 8, Rue Légitime Champs-de-Mars Port-au-Prince Tel.: (509) 221.31.03 Fax: (509) 223.84.02 E-mail: mci-haiti@yahoo.fr .

³⁸⁰ Source of information: <http://www.wipo.int/treaties>.

³⁸¹ Source of information : <http://www.wto.org>.

Continent: North and South America
Country: Haiti

Costs	
Costs of registration	Not available
Costs of litigation	Not available.
Timeframe	
Registration	Not available.
Protection	Protection for an indefinite period of time.
Additional information	
No geographical indication has been registered in Haiti under the Lisbon Agreement.	

Country: Honduras

International Legal Framework

Honduras is a member of the World Intellectual Property Organization since November 15 1983 and a signatory to the Paris Convention for the Protection of Industrial Property since 4 February 1994.³⁸²
Honduras is a WTO Member since 1 January 1995.³⁸³
There are no bilateral agreements between the EC and Honduras specific to GIs.

National Legal Framework

Type of Protection	Sui generis protection. It appears that <i>ex officio</i> protection is available (Articles 125 and 126 of the Decree)
Relevant Regulatory Framework	<ul style="list-style-type: none"> Decree No. 12-99-E on Industrial Property, from January 2000 (hereinafter referred as “the Law”).
Scope of protection	The scope of application of the Decision is more extensive than the scope of the EC system (concerns natural, agricultural, handicraft or industrial goods, but not services).
Source	The Spanish version of the Decree No. 12-99-E is available at: http://www.sice.org/int_prop/nat_leg/Honduras/indice.asp .
Summary of the Operational Provisions	<p>The definition of geographical indications provided in Article 2 of the Law refers in fact to the definition of an indication of source. However, Article 2 also provides a definition of “Appellations of Origin” which covers both PDO and PGI definitions</p> <p>It seems that the EC GIs can be registered in Honduras. Foreign producers, manufactures or craftsmanship, as well as competent authorities of foreign jurisdictions, may register the GIs protected in their countries of origin, in particular when such protection is established by a treaty signed by Honduras, or when the corresponding foreign country provides reciprocal protection to the nationals and residents of Honduras.</p> <p>The registration process of foreign GIs is the same one as indicated for GIs from Honduras.</p> <p>The Registry examines the application in order to verify if it fulfils the requirements established by the Law. If the requirements are not fulfilled, the applicant will have 30 days to correct them. If there is any modification to make, the Registry will give 60 days to the applicant to modify</p> <p>The application will be published in the Official Gazette three times within the interval of 10 days. Any interested person can file an opposition during the period of publication or within 30 days after the last publication. If no opposition is filed, the Registry proceeds with the registration of the GI and provides a Certificate of Use to the applicant.</p> <p>Level of protection: registered GIs are protected against unfair competition as well as against any use susceptible to cause error or confusion on the geographic origin of products (Article 123). Article 125 states that an action can be brought up before the Office of the Registry of the Industrial Property by all interested person (producers, manufacturers, craftsmen, consumers and the State).</p>

³⁸² Source of information: <http://www.wipo.int>.

³⁸³ Source of information : <http://www.wto.org>.

Continent: North and South America
Country: Honduras

Specific Provisions (issue of Generics, Reciprocity)	<p>The Law prohibits the registration of common or generic denominations as GIs. A denomination is common or generic when it is considered as such by the persons familiar with these products as well as by the general public (it is also possible to register a GI made up of one or more generic or descriptive elements related to the respective product, but the protection will not extend to those elements <i>per se</i>).</p> <p>The protection is not extended to the translation of geographical names.</p>
Formal Requirements for an Application	
Application Forms	<p>Unlike in the EC, there is no standard application form in Honduras provided by the Law. However, Article 128 of the Law establishes that the application of a GI must include:</p> <ul style="list-style-type: none"> • Name, address and nationality of the applicant and the place where the establishment of production is located; • GI for which registration is requested; • The geographical zone of production of the GI; • The products that use that GI; • A brief overview of the qualities and essential characteristics of the products that use the denomination of origin; • The certification that indicates that the denomination of origin is registered in the foreign country. <p>All documents must be submitted in Spanish.</p>
Relevant Supporting Documents	<p>The application will be subject to payment of previously designated State taxes, except when the registration is applied by a public authority. With respect to applications filed by foreign public authorities this exception will be subject to reciprocity.</p>
Administration Responsible for Registration	<p>Secretary for Industry and Commerce Directorate General of Intellectual Property Planta Baja Edificio Fenaduanah Boulevard Kuwait Tegucigalpa Telephone: (504) 235.40.88 Fax: (504) 235.36.85 E-mail: dgp@sic.gob.hn Website: www.sic.gob.hn</p>
Costs	
Costs of registration	<p>Approximately \$ 150 (€ 120).</p> <p>All documents must be submitted in Spanish, the costs of translation need to be taken into account.</p>
Costs of litigation	<p>At least € 500.</p>
Timeframe	
Registration	<p>From 4 to 6 months.</p>
Protection	<p>The registration of a GI is for an indefinite period of time.</p>
Additional information	
<p>None.</p>	

Country: Jamaica

International Legal Framework

Jamaica has been a member of the World Intellectual Property Organization since 25 December 1978 and a signatory to the Paris Convention for the Protection of Industrial Property from 24 December 1999.³⁸⁴
Jamaica is a WTO Member from 9 March 1995.³⁸⁵
There are no bilateral agreements between the EC and Jamaica specific to GIs.

National Legal Framework

<p>Type of Protection</p>	<p>Sui Generis Protection of GIs: No ex officio protection is available. Protection is provided at the request of an applicant, namely: producers in the geographical area and any competent authority. <u>However, the GI Act has not yet entered into force.</u></p> <p>Trade Mark Regime: No ex officio protection is available. Protection is provided only at the request of an applicant.</p>
<p>Relevant Regulatory Framework</p>	<p>Sui Generis Protection of GIs:</p> <ul style="list-style-type: none"> • The Jamaican Protection of Geographical Indications Act was promulgated in March 2004 (hereinafter referred as “the GI Law”). <u>The GI Act has not yet entered into force. The GI Regulations have not yet been drafted.</u> <p>Trade Mark Regime:</p> <ul style="list-style-type: none"> • The Jamaican Trade Marks Act was promulgated in 1999 and became effective on 3 September 2001 (hereinafter referred as “the TM Law”). The Act was last amended in 2001. • The Trade Marks Rules became effective on 3 September 2001.
<p>Scope of protection</p>	<p>Sui Generis Protection of GIs: The scope of application of the law is more extensive than the scope of the EC system. The law concerns: natural and agricultural products, products of industry and handicraft but not services.</p> <p>Trade Mark Regime: All goods and services.</p>
<p>Source</p>	<p>Sui Generis Protection of GIs: The text of the GI Act can be found at http://www.wipo.int/clea/docs_new/pdf/en/jm/jm004en.pdf and http://www.jipo.gov.jm/pages/archive/The%20Protection%20of%20Geographical%20Indications%20Act.pdf.</p> <p>Trade Mark Regime: The text of the TM Act can be found at http://www.jipo.gov.jm/pages/trademarks/The%20Trade%20Marks%20Act,1999.pdf and the TM Rules at http://www.jipo.gov.jm/pages/trademarks/TradeMarksRules%20-%202001.pdf.</p>

³⁸⁴ Source of information: <http://www.wipo.int/treaties>.

³⁸⁵ Source of information : <http://www.wto.org>.

Continent: North and South America
Country: Jamaica

Summary of the Operational Provisions	<p><u>Sui Generis Protection of GIs:</u></p> <p>The GI Law defines GIs in a similar way to the EU legislation. The registration procedure is similar to that for trade marks. It involves: application, examination, publication of the application, opposition, registration and publication of registration. Any interested person may apply to the Registrar for cancellation of the registration of a GI or for rectification of the Register. There is a right to appeal a decision of the Registrar to the Court within two months after the decision has been taken.</p> <p>It appears that the EC GIs would be eligible for protection in Jamaica once the Act enters into force. The information in the EC product specification could form the basis of the application.</p> <p>The GI Act provides higher protection for GIs for wines and spirits. For these goods the use of a GI with any good not originating from the geographical origin is unlawful even if there is a declaration of the true place of origin of the goods. <u>Similarly, the use of the geographical indication in translation or the use of the terms “kind”, “type”, “style”, “imitation” or anything similar to accompany the geographical indication used with the protected goods is considered unlawful.</u></p> <p><u>It appears that the level of protection under the GIs law to GIs for agricultural products and foodstuffs (not wines or spirits) is different from the level provided under the EC law.</u></p> <p>The use of registered GIs for agricultural products and foodstuffs (not wines or spirits) is not allowed only in a manner which misleads the public. Therefore, GI producers will have to show that consumers are misled by imitators and counterfeiters. This may require producing consumer surveys and other evidence that may be expensive. In contrast, this will not be the case for wines and spirits where proof of consumer deception is not required and misuse of the relevant GI on a non-originating product will suffice to trigger protection.</p> <p><u>Trade Mark Regime:</u></p> <p>A collective mark and/or a certification mark “to designate the geographical origin of the goods or services” may be registered. The TM Act and Rules provide for a registration procedure which involves: application, examination, publication of the application, opposition and registration. Invalidity proceedings may be brought before the Court or the Registrar. There is a right of appeal to the Court from a decision of the Registrar.</p>
Specific Provisions (issue of Generics, Reciprocity)	<p><u>Sui Generis Protection of GIs:</u> Generic names may not be protected. A definition is provided in the GI Act but no determining criteria are given. The definition is similar to that in the TRIPs Agreement – “the term customarily used as the common name for such goods and services in Jamaica.”</p> <p><u>Trade Mark Regime:</u> Generic names may not be registered. Under the TM Act “trade marks which consist exclusively of signs or indications which have become customary in the current language or in the <i>bona fide</i> and established practices of the trade” are not registrable.</p>
Formal Requirements for an Application	
Application Forms	<p><u>Sui Generis Protection of GIs:</u></p> <p>The application must specify:</p> <ul style="list-style-type: none"> • the name, address and nationality of the applicant; • the capacity in which the applicant is applying for registration; • the geographical indication for which registration is sought; • the geographical area to which the geographical indication applies; • the good to which the geographical indication applies; • the quality, reputation or other characteristic of the good in relation to which the geographical indication is used.

Continent: North and South America
Country: Jamaica

	<p>Trade Mark Regime:</p> <p>Like in the EC, there is a prescribed application form in the TM Rules – Form TM–No. 1 which can be found at http://www.jipo.gov.jm/pages/forms.htm. In the case of an application for the registration of a <u>collective trade mark</u>, the application form must be accompanied by regulations which specify:</p> <ul style="list-style-type: none"> • the persons authorised to use the mark; • the conditions of membership of the association; and • where they exist, the conditions of use of the mark, including any sanctions against misuse. • In the case of an application for the registration of a <u>certification trade mark</u>, the application form must be accompanied by regulations governing the use of the mark, which regulations must specify: <ul style="list-style-type: none"> • the persons authorised to use the mark; • the characteristics to be certified by the mark; • how the certifying body is to test those characteristics and to supervise the use of the mark; • the fees (if any) to be paid in connection with the operation of the mark; and • the procedures for resolving disputes. <p>The language of the applications is English. Documents that are not in English must be accompanied by an approved translation.</p>
<p style="text-align: center;">Relevant Supporting Documents</p>	<p>Sui Generis Protection of GIs:</p> <ul style="list-style-type: none"> • Fees; • Proof of protection and use in the country of origin; <p>Trade Mark Regime:</p> <ul style="list-style-type: none"> • Fees; • Seven copies of a representation of the mark; • Where the application is made by an agent, a Request to Appoint an Agent.
<p style="text-align: center;">Administration Responsible for Registration</p>	<p>The Jamaica Intellectual Property Office 4th Floor, PCJ Building 36 Trafalgar Road Kingston 10 Jamaica Phone: (876) 754-6360 Fax: (876) 929-1190 Email: info@jipo.gov.jm. Website: http://www.jipo.gov.jm.</p>
Costs	
<p style="text-align: center;">Costs of registration</p>	<p>Sui Generis Protection of GIs: Fees are not yet established.</p> <p>Trade Mark Regime: The fees can be found at: http://jipo.gov.jm/pages/trademarks/htm#Trademark%20fees. Application Fee: J\$ 3,500.00 (~ €42) single class plus J\$ 1,000.00 (~ €12) for each additional class; Regulations Fee: J\$ 5,000.00 (~ €60); Publication Fee: J\$1,320.00 (~ €16); Registration Fee: J\$3,500.00 (~ €42).</p>
<p style="text-align: center;">Costs of litigation</p>	<p>Fees would depend on the complexity of the case – J\$ 150,000.00 (~ €1.800) – J\$ 500,000.00 (~ €6.000).</p>

Continent: **North and South America**
Country: **Jamaica**

Timeframe	
Registration	Sui Generis Protection of GIs: No timeframe is indicated in the GI Law. Trade Mark Regime: Approximately 12 months (no timeframe is indicated in the TM Law).
Protection	Sui Generis Protection of GIs: Protection is provided for an indefinite period of time. Trade Mark Regime: For registered trade marks: The period is 10 years; indefinitely renewable.
Additional information	
None.	

Country: Mexico

International Legal Framework

Mexico is a member of the World Intellectual Property Organization since 14 June 1975 and a signatory of the Paris Convention for the Protection of Industrial Property since 7 September 1903.
Mexico is a signatory of the Lisbon Agreement on the Protection of Appellations of Origin since 25 September 1966.³⁸⁶
Mexico is a WTO Member since 1 January.³⁸⁷
There is one agreement between the EC and the United States of Mexico concerning the mutual recognition and protection of designation of spirits, signed in May, 1997.³⁸⁸

National Legal Framework

Type of Protection	<i>Sui generis</i> protection. Ex officio protection is available only for spirits GIs from the EC. For all other ECGI products, protection is provided only at the request of an interested party.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • The Industrial Property Law published by Decree in August 1994, amended in December 1997 and in May 1999 (hereinafter referred as “the Law”); • Regulations under the Industrial Property Law, published by Decree in November 1994.
Scope of protection	<u>The scope of application of the Law is more extensive than the scope of the EC system</u> (concerns all goods, but not services).
Source	<p>The text in Spanish of the Industrial Property Law is available at: http://www.sice.oas.org/int_prop/nat_leg/Mexico/lipmexsa.asp</p> <p>The English version of the agreement between the EC and Mexico is available at: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:21997A0611(01):EN:NOT.</p>
Summary of the Operational Provisions	<p><u>EC GIs for spirits</u> are protected in Mexico by virtue of the bilateral agreement concerning the mutual recognition and protection of designation of spirits, signed in May 1997. The agreement provides for an ex officio protection (Article 11) which also covers the products exported (Article 9). The protection applies even where the true origin of the spirit drink is indicated or the designation is used in translation or accompanied by terms such as 'kind', 'type', 'style', 'way', 'imitation', 'method' or other analogous expressions, including graphic symbols which may lead to confusion (Article 5).</p> <p><u>As for other EC GIs</u> the registration and protection are governed by the 1994 Industrial Property Law.</p> <p>Article 156 of the Law defines appellation of origin in a manner similar to the EC legislation. Foreign appellations of origin can be registered by the national authorities of foreign countries or by persons with legal interest provided that it is established in a Treaty which Mexico is party.</p> <p>The Mexican Institute of Intellectual Property (IMPI) can grant a declaration of recognition to the foreign appellations of origin. With such recognition, future trademarks in Mexico cannot be registered with the</p>

³⁸⁶ Source of information: <http://www.wipo.int>.

³⁸⁷ Source of information : <http://www.wto.org>.

³⁸⁸ Source of information: [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:21997A0611\(01\):EN:NOT](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:21997A0611(01):EN:NOT).

Continent: North and South America
Country: Mexico

	<p>name of the appellation of origin. There are three ways to obtain this recognition:</p> <ul style="list-style-type: none"> • Via the Lisbon Agreement of Appellations of Origin, as Mexico recognizes the appellations of origin of countries that are parties to this Agreement; • Via notification sent by the WIPO; • Through the request of a country or person with legal interest in the recognition by the IMPI.³⁸⁹ <p>There is no opposition procedure. A decision to reject registration can be appealed before the Mexican Federal Superior Court.</p> <p>The Law offers a high level of protection to registered GIs: protection against unfair competition as well as against any use susceptible to cause error or confusion on the geographic origin of products. This protection covers the use of the GIs with expressions such as: "class", "type", "style", "imitation" or other analogous ones (Article 156).</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>The Agreement between the EC and Mexico concerning the mutual recognition and protection of designations of spirits contains a list of the spirits that are protected by this Agreement. However, if the legislation of the contracting parties changes to protect different designations to the ones included in this list, an annex to these designations will be made when the parties conclude pertinent consultations.</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Unlike in the EC, there is no standard application form.</p> <p>However, the main requirements for the recognition of an appellation of origin in Mexico are:</p> <ol style="list-style-type: none"> 1. That the name of the appellation of origin is not registered in Mexico; 2. The certification of the country of origin certifying that the appellation of origin is registered there. <p>All documents must be submitted in Spanish.</p>
<p>Relevant Supporting Documents</p>	<p>None.</p>
<p>Administration Responsible for Registration</p>	<p>Mexican Institute of Industrial Property Periférico Sur, Col. Jardines del Pedregal Mexico, D.F. P.C. 01900 Telephone: (52) 55.56.24.04.00/04 Fax: (52) 55.56.24.04.06 E-mail: jkahwagi@impi.gob.mx Website: www.impi.gob.mx</p>
<p>Costs</p>	
<p>Costs of registration</p>	<ul style="list-style-type: none"> • For the study of the application: \$ 180 (€ 145); • For the authorization to use: \$ 85 (€ 60); • For a process of infringement: \$ 120 (€ 100) for each infringement; • For every inspection visit where the infringer product is located \$ 50 (€ 40). <p>All documents must be submitted in Spanish, therefore, the costs of translation need to be taken into account.</p>

³⁸⁹ This information has been provided by the Division of International Affairs of the IMPI

Continent: **North and South America**
Country: **Mexico**

Costs of litigation	<p>From \$ 4,000 to 8,000 (€ 3,200 – 6,400) for the administrative procedures.</p> <p>Opposition procedures can cost \$ 3,500 to 6,000 Dollars (€ 2,800 – 4,800) depending on the complexity and difficulty of the case.</p>
Timeframe	
Registration	<p>The procedure can last between 2 to 3 years, depending on the complexity of the submitted documentation.</p>
Protection	<p>GIs are protected for an indefinite period of time (as long as the conditions for GI protection are respected).</p>
Additional information	
<p>None.</p>	

Country: Nicaragua

International Legal Framework

Nicaragua is a member of the World Intellectual Property Organization since 5 May 1985 and a signatory to the Paris Convention for the Protection of Industrial Property since 3 July 1996.³⁹⁰
Nicaragua is a signatory of the WIPO Lisbon Agreement on for the Protection of Appellations of Origin and their International Registration since 15 June 2006.
Nicaragua is a WTO Member since 3 September 1995.³⁹¹
There are no bilateral agreements between the EC and Nicaragua specific to GIs.

National Legal Framework

Type of Protection	Sui generis system. It appears that <i>ex officio</i> protection is provided (Article 101).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Law No. 380 on Trademarks and Other Distinctive Signs, from March 2001 (hereinafter referred as “the Law”); • Decree No. 83, September 2001.
Scope of protection	The scope of application of the Law is more extensive than the EC system (concerns all goods, but not services).
Source	The English version of the Law No. 380 is available at: http://www.rpi.gob.ni/Documentos/Law%20380.pdf . The English version of the Decree No. 83 is available at: http://www.rpi.gob.ni/Documentos/Rules%20of%20Law%20380.pdf .
Summary of the Operational Provisions	<p>Geographical indications (denominations of origin) are defined similarly to the EC legislation (Article 2 of the Law).</p> <p>It appears that the EC GIs can be registered in Nicaragua. Foreign producers, manufactures or craftsmanship, as well as the competent authorities of foreign jurisdictions, may register the Denominations of Origin protected in their countries whenever such registration is established by a Treaty which Nicaragua is party; or when the corresponding jurisdiction grants Nicaraguan denominations of origin treatment equivalent to the one established in the Law.</p> <p>The registration process of foreign GIs is the same as the one provided for the Nicaraguan Denominations of Origin. The Registry examines if the application complies with the requirements (Formal Examination). Then, the Registry orders the application to be published in the Official Gazette. Like in the EC, there is an opposition procedure available. Any interested party may file an opposition to the registration within a period of 2 months from the first publication.</p> <p>The applicant will be notified of the opposition and may reply to it within 2 months. Finally, the Registry examines if the application falls within any prohibitions of the Law, and then, notifies the acceptance or rejection of the application.</p> <p>Level of protection: In accordance with Article 101 of the Law, any competent authority or interested</p>

³⁹⁰ Source of information: <http://www.wipo.int/treaties>.

³⁹¹ Source of information : <http://www.wto.org>.

Continent: North and South America
Country: Nicaragua

	party, and in particular the producers, manufacturers, artisans and consumers may act, jointly or individually against improper use of GIs. Article 68 states that GIs cannot be used in a manner that would deceive consumer or create confusion as to the origin of the product. Article 69 prohibits the use of GIs in advertising and commercial documents even when used with expressions like "class", "type", "style", and "imitation". The owner of a GI can initiate action before judicial authorities (Article 97) and seek criminal sanctions (between 3 to 6 years imprisonment and/or a fine not greater than \$CA25,000.00 – Articles 102 (c) and (d)).
Specific Provisions (issue of Generics, Reciprocity)	Article 72 of the Law provides that common or generic denominations cannot be registered . A denomination is common or generic when it is considered as such by the persons familiar with such types of product as well as by the general public (it will be possible to register a Denomination of Origin made up of one or more generic or descriptive elements related to the respective product, but the protection will not extend to those elements per se).
Formal Requirements for an Application	
Application Forms	<p>Unlike in the EU, there is no standard application form in Nicaragua.</p> <p>However, the Law indicates that an application of a Denomination of Origin shall indicate:</p> <ul style="list-style-type: none"> • Name, address and the nationality of the applicant, as well as the place where development, production or manufacturing establishments are located; • Denomination of Origin for which registration has been applied; • The geographical area of development, production or manufacturing of the product designated by the Denomination of Origin; • The products designated by the Denomination of Origin; • A description of the essential qualities or characteristics of the products designated by the Denomination of Origin; • A certificate which indicates that the Denomination of Origin is registered in the foreign country. <p>All documents must be submitted in Spanish.</p>
Relevant Supporting Documents	The application will be subject to the payment of a State designated tax, except when the registration is applied for by a public authority. With respect to applications filed by foreign public authorities, this exception will be subject to the provisions of the applicable Treaty or, in its absence, reciprocity.
Administration Responsible for Registration	<p>Ministry of Economic Development, Industry and Commerce Intellectual Property Registry</p> <p>Carretera a Masaya Esquina Este del Hotel Intercontinental Metrocentro Managua, Nicaragua, Postal Code No. 8 Tel.: (505) 267.24.17 Fax: (505) 267.53.93 Website: www.rpi.gob.ni. E-mail: rpi@mific.gob.ni.</p>
Costs	
Costs of registration	Approximately \$ 120 (€ 100). All documents must be submitted in Spanish, therefore costs of translation need to be taken into account.
Costs of litigation	At least € 500.

Continent: North and South America
Country: Nicaragua

Timeframe	
Registration	From 5 to 7 months.
Protection	The registration of a Denomination of Origin has an indefinite duration.
Additional information	
None.	

Country: Panama

International Legal Framework

Panama is a member of the World Intellectual Property Organization since 17 September 1983 and a signatory to the Paris Convention for the Protection of Industrial Property since 19 October 1996.³⁹²
Panama is a WTO Member since 6 September 1997.³⁹³
There are no bilateral agreements between Panama and the EC and specific to GIs.

National Legal Framework

Type of Protection	Sui generis system. No <i>ex officio</i> protection is available, protection is provided only at the request of an interested party.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Law No. 35 “Provisions on Industrial Property”, of May 1996 (hereinafter referred as “the Law”); • Executive Decree No. 7 of February 1998.
Scope of protection	The scope of application of the Law is more extensive than the scope of the EC system (concerns all goods, but not services).
Source	The English versions of the Law No. 35 and Executive Decree No. 7 are available at: http://www.digerpi.gob.pa/law_35.html .
Summary of the Operational Provisions	<p>Denomination of Origin is defined similarly to the EC legislation (Article 132 of the Law).</p> <p>It seems that EC GIs can be registered in Panama, as it is provided that foreign Denominations of Origin are protected as established in the Treaties which the Republic of Panama is party of.</p> <p>Foreign GIs can be registered following the same procedure established for the national Denominations of Origin. The application has to be sent to the DIGERPI (Directorate General of the Industrial Property Registry) which will examine it formally and substantially in order to verify that the requirements of the Decree are fulfilled. The DIGERPI will grant protection to a Denomination of Origin, through a resolution, which will be notified by means of an edict posted in a visible place of the Directorate during five (5) working days. The expiry of the notification shall be understood as to have been executed. Appeals against the decision of the DIGERPI are allowed to the Court.</p> <p>The judicial authority can declare the annulment of the registration of a Denomination of Origin, as well as the cancellation of the registration of a Denomination of Origin whenever it is demonstrated that the denomination is used in trade in a way that does not correspond to that indicated in the respective registration.</p> <p>It seems that the level of protection provided under the Law is similar to the level of protection provided in the EC: It is prohibited to use denominations of origin which do not really correspond to the country, place or specific geographical region where the products were manufactured, processed, harvested or extracted or when the services were rendered, even when the real origin of the product, or the geographical reference is translated or accompanied by expressions such as “kind”, “type”, “style”, “imitation” or other similar terms.</p>

³⁹² Source of information: <http://www.wipo.int>.

³⁹³ Source of information: <http://www.wto.org>.

Continent: North and South America
Country: Panama

Specific Provisions (issue of Generics, Reciprocity)	<p>Common or generic denominations cannot be protected in Panama as GIs. The Law defines generic or common denominations as names that are considered as such by the experts of that type of product and by the general public.</p> <p>The translations of Denominations of Origins are protected.</p>
Formal Requirements for an Application	
Application Forms	<p>Unlike in the EC, there is no standard application form in Panama.</p> <p>However, the application for registration of a Denomination of Origin must indicate:</p> <ul style="list-style-type: none"> • Name, nationality and the applicant or applicants' addresses and the places where they have their production or manufacturing establishments; • Denomination of Origin whose registration is requested; • The delimited geographical area of production which Denomination of Origin refers to; • The products which Denomination of Origin are used; and • A review of the basic characteristics of the products for which the Denomination of Origin is used; • The certification that indicates that the Denomination of Origin is registered in the foreign country. <p>All documents must be submitted in Spanish.</p>
Relevant Supporting Documents	An application must be accompanied by a document certifying the payment of the prescribed fee.
Administration Responsible for Registration	<p>Ministry of Commerce and Industries Directorate General of the Industrial Property Registry (DIGERPI) Ricardo J. Alfaro Ave. and El Paical street Plaza Edison Building - 2nd floor Postal Code 9658 - Zone 4 Panama 4 Tel.: (507) 360.0700/0705 Fax: (507) 360.0741 E-mail: digerpi@sinfo.net. Website: www.digerpi.gob.pa.</p>
Costs	
Costs of registration	In Panama, there is no geographical indications' registry, therefore no costs are indicated by the Law. All documents must be submitted in Spanish, there cost of translation need to be taken into account.
Costs of litigation	A minimum of \$ 320 (~€267).
Timeframe	
Registration	At least 6 months.
Protection	The registration of a Denomination of Origin has an indefinite duration.
Additional information	
None.	

Country: Paraguay

International Legal Framework

Paraguay is a member of the World Intellectual Property Organization since 20 June 1987 and a signatory to the Paris Convention for the Protection of Industrial Property since 28 May 1994.³⁹⁴
Paraguay is a WTO Member since 1 January 1995.³⁹⁵
Paraguay is a member of the MERCOSUR since January 1995.
There are no bilateral agreements between the EC and Paraguay specific to GIs.

National Legal Framework

Type of Protection	Trademark regime. No <i>ex officio</i> protection is available, protection is provided only at the request of an applicant.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Trademarks Law No. 1294 of 1998 (hereinafter referred as “the Law”); • Decree No. 22365, of 1998, which implements the Law No. 1294; • MERCOSUR/GMC/RES. No. 26/03 – Technical Rules for the Labelling of Packaged Foods.
Scope of protection	Applicable to all goods .
Source	<p>The Spanish versions of the Law and Decree are available at http://www.sice.org/int_prop/nat_leg/Paraguay/L1294in.asp.</p> <p>The Spanish version of the MERCOSUR/GMC/Res. No. 26/03 is available at http://200.40.51.219/msweb/pagina_anterior/sam/espanol/snor/normativa/resoluciones/2003/Res_026_003%20RTM%20Rotulaci%F3n%20Alim_Acta%2004_03.htm.</p>
Summary of the Operational Provisions	<p>The Law defines GIs similarly to the EC legislation (Article 57 of the Law).</p> <p>It seems that the EC GIs can be registered in Paraguay as collective or certification marks.</p> <p>Registration process for both collective and certification marks: application must be submitted to the Industrial Property Office (IPO) (the authority responsible for the registration of trademarks). The priority in the right to obtain the registration of a trademark will be determined by the date and hour submitted before the IPO (The registration in any State which Paraguay has a treaty to respect the principle of priority will be taken into account).</p> <p>After the formal examination, publication must take place within three days. Like in the EC, there is an opposition procedure available. Oppositions will be resolved by the Section of Legal Affairs of the IPO. The Director of the IPO then decides whether or not to grant the registration. If protection of a trademark is granted, the applicant receives a certificate.</p> <p>Level of protection: registration of a collective or certification mark provides for an exclusive use of the mark on the market.</p>

³⁹⁴ Source of information: <http://www.wipo.int>.

³⁹⁵ Source of information : <http://www.wto.org>.

Continent: North and South America
Country: Paraguay

Specific Provisions (issue of Generics, Reciprocity)	None.
Formal Requirements for an Application	
Application Forms	<p>The application for the registration of a collective or certification mark must contain:</p> <ul style="list-style-type: none"> • name, address and signature of the applicant or from an attorney-at-law; • name of the mark; • the specification of the products or services that distinguishes the mark; • the power-of-attorney whenever the interested person does not submit the application personally. <p>All documents must be submitted in Spanish.</p>
Relevant Supporting Documents	None.
Administration Responsible for Registration	<p>Ministry of Industry and Commerce Directorate of Industrial Property Avenida España 374 Calle Artigas, Asunción Tel.: (595.21) 44.42.31 Fax: (595.21) 21.39.70 E-mail: micpy@mic.gov.py Website: http://mic.gov.py</p>
Costs	
Costs of registration	<p>Registration fees: 320 US\$ (~250 €) per class</p> <p>All documents must be submitted in Spanish, the costs of translation need to be taken into account.</p>
Costs of litigation	It will depend on the complexity of the case. However litigation would cost at least € 500.
Timeframe	
Registration	Between 3 and 6 months.
Protection	The registration of a collective or a certification mark lasts 10 years. It can be renewed for similar periods. Renewals must be requested one year before the expiration date.
Additional information	
None.	

Country: Peru

International Legal Framework

Peru is a member of the World Intellectual Property Organization since 2 September 1980 and a signatory of the Paris Convention for the Protection of Industrial Property since 11 April 1995.³⁹⁶
Peru is a signatory of the Lisbon Agreement on the Protection of Appellations of Origin since 16 May 2005.
Peru is a member of the Andean Community Cartagena Agreement since May 1969.
Peru is a WTO Member since 1 of January 1995.³⁹⁷
There are no bilateral agreements between the EC and Peru specific to GIs.

National Legal Framework

Type of Protection	Sui generis protection. It appears that <i>ex officio</i> protection is available (Article 223 of the Law).
Relevant Regulatory Framework	<ul style="list-style-type: none"> Peruvian Industrial Property Law, Legislative Decree No. 823, April 1996 (Title XV), (hereinafter referred as "the Law") Decision No. 486, Andean Community Common Provisions on Industrial Property, December 2000.
Scope of protection	The scope of application of the Decision is more extensive than the scope of the EC system (it concerns natural, agricultural, handicraft or industrial goods, but not services).
Source	<p>The Spanish version of the Decree No. 823 is available at: http://www.sice.org/int_prop/nat_leg/Peru/D823i.asp.</p> <p>The English version of the Decision No. 486 is available at: http://www.sice.org/Trade/Junac/Decisiones/dec486e.asp.</p>
Summary of the Operational Provisions	<p>The Law defines appellations of origin similarly to the EC legislation (Article 219 of the Law).</p> <p>Application can be made either:</p> <ul style="list-style-type: none"> Via the Lisbon Agreement for European GIs originating from one of the European countries which are members of the Lisbon Agreement (France, Italy, Portugal, Czech Republic, Hungary and Slovakia); Directly towards the National Institute for the Defence of Competition and Intellectual Property Protection (INDECOPI). <p>Registration: The National Institute for the Defence of Competition and Intellectual Property Protection (INDECOPI) will grant a declaration of recognition to the foreign appellations of origin.</p> <p>It appears that European GIs can be registered in Peru (Article 239 of the Law).</p> <p>The process of registering foreign geographical indications is the same as the one used for the national appellations of origin. When the application is accepted for consideration, the competent national office shall, within the next thirty days, ascertain whether it complies with the requirements or not. The application is then published once in the Official Gazette. Unlike in the EC, it seems that there is no opposition procedure previewed in the Peruvian Law although opposition procedure is available</p>

³⁹⁶ Source of information: <http://www.wipo.int/treaties>.

³⁹⁷ Source of information : <http://www.wto.org>.

Continent: North and South America
Country: Peru

	<p>under Decision 486 for 30 days.</p> <p>Level of protection: registered appellations of origin will be protected against (Article 220 of the Law):</p> <ul style="list-style-type: none"> • The unauthorized use of the appellation of origin; • The use to distinguished products not included in the recognition of protection, when the products are similar or when this products use the reputation of the appellation of origin; • Any other practice that can mislead the consumer about the true origin of the products; • Becoming generic. <p>Article 235 states that registration confers the right of exclusive use of the denominations of origin. The use of the GI name is prohibited including when used with expressions such as type, like, etc.</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>Article 239 of the Law states that foreign GI protection is subject to reciprocity.</p> <p>Common or generic terms: can't be registered as an appellation of origin; the common or generic terms that distinguish the product concerned, i.e, terms considered as such by persons with knowledge on the area concerned and by the general public.</p> <p>All documents must be submitted in Spanish.</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Unlike in the EC, there is no standard application form. However, the application for a declaration of protection of an appellation of origin shall be filed in writing before the competent national office and must specify the following:</p> <ul style="list-style-type: none"> • Name, domicile, residence and nationality of the applicant or applicants and proof of their legitimate interest; • The appellation of origin in respect of the declaration filed; • The demarcated geographical area where the production, extraction, or processing of the product to be identified by the appellation of origin takes place; • A detailed description of the products that are designated by the appellation of origin, as well as of their characteristics. <p>All documents must be submitted in Spanish.</p>
<p>Relevant Supporting Documents</p>	<p>In order to benefit from an authorisation to use a GI, the following is required:</p> <ul style="list-style-type: none"> • Name and address of the applicant; • Powers of attorney when necessary; • Documents to proof the true legal existence of the applicant; • the denomination of origin to be used; • Certification of the place or places of operation, production or elaboration of the product. An inspection visit might be required; • Certification of the characteristics of the product, including its components, methods of production or elaboration and factors of bond with the protected geographic area. An inspection as well as a certification by an authorized organization might be required; • Certification that the product fulfills the Peruvian Practical standards, if necessary; and, • Proof of the payment of the corresponding fees.

Continent: North and South America
Country: Peru

Administration Responsible for Registration	<p>Ministry of Industry, Tourism, Integration and International Trade Negotiations National Institute for the Defence of Competition and Intellectual Property Protection (INDECOPI)</p> <p>Calle de la Prosa No. 138 Esquina con Prolongación Av. Guardia Civil San Borja -Lima 41 Telephone: (511) 224.78.00/224.17.03 Fax: (511) 224.0348 E-mail: webmaster@indecopi.gob.pe. Website: www.indecopi.gob.pe.</p>
Costs	
Costs of registration	Not available.
Costs of litigation	A litigation procedure cost approximately \$ 1000 (€ 800).
Timeframe	
Registration	Not available.
Protection	<p>GIs are protected for an indefinite period of time (as long as the conditions for GI protection are respected).</p> <p>The right to use a GI is limited to 10 years. Renewal must be requested 6 months before the expiration date, otherwise the registration will be cancelled.</p>
Additional information	
<p>In Peru at the moment there are two registered GIs: MAÍZ BLANCO GIGANTE CUSCO and PISCO (according to the database of WIPO, Lisbon Agreement International Registrations (http://www.wipo.int/ipdl/en/search/lisbon/search-struct.jsp)).</p>	

Country: Saint Christopher (Kitts) & Nevis

International Legal Framework

Saint Kitts & Nevis has been a member of the World Intellectual Property Organization since 16 November 1995 and a signatory to the Paris Convention for the Protection of Industrial Property from 9 April 1995.³⁹⁸
Saint Kitts & Nevis has been a WTO member since 21 February 1996.³⁹⁹
There are no bilateral agreements between the EC and Saint Kitts & Nevis specific to GIs.

National Legal Framework

Type of Protection	Trade Mark Regime: no <i>ex officio</i> protection is available. Protection is provided only at the request of an applicant.
Relevant Regulatory Framework	<ul style="list-style-type: none"> • The St. Kitts & Nevis Marks, Collective Marks and Trade Names Act (hereinafter referred as the TM Law) was promulgated in July 2000 and became effective in June 2002. • The Marks Regulations are not yet available. The old Trade Marks Rules of 1937 continue to be used in the interim.
Scope of protection	The scope of protection concerns all goods and services .
Source	The text of the TM Law is not available.
Summary of the Operational Provisions	<p>It appears that the EC GIs can be registered as collective trade marks.</p> <p>A collective mark “capable of distinguishing the origin or other characteristic such as quality” may be registered according to the TM Law. The TM Law provides for a registration procedure which involves: application, examination, publication of application, opposition, registration and publication of registration. Invalidity proceedings may be brought before the Court. There is a right to appeal a decision of the Registrar to the Court within 2 months of the decision.</p> <p>It would appear that the EC GIs would be eligible for protection in Saint Kitts & Nevis. The information provided in the EC product specification could form the basis of the application.</p>
Specific Provisions (issue of Generics, Reciprocity)	None.
Formal Requirements for an Application	
Application Forms	Like in the EC, there is a prescribed application form in the Schedule to the old Trade Marks Act which is still being used. The application form must be accompanied by a copy of the regulations governing the use of the collective mark.

³⁹⁸ Source of information: <http://www.wipo.int/treaties>.

³⁹⁹ Source of information: <http://www.wto.org>.

Continent: North and South America
Country: St. Kitts & Nevis

	The language of the application is English. Documents that are not in English must be accompanied by an approved translation.
Relevant Supporting Documents	<ul style="list-style-type: none"> • Fees; • Ten copies of a representation of the mark; • In the case of a foreign applicant, a power of attorney (Attorney-at-Law).
Administration Responsible for Registration	<p>The Intellectual Property Office Supreme Court Registry Sir Lee L. Moore, K.C.M.C., Q.C. Judicial and Legal Complex East Independence Square Street Basseterre St. Kitts Phone: +1 869 465 3916 Fax: +1 869 465 2482</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • Application Fee: EC\$ 500.00 (~ € 147) single class plus EC\$ 80.00 (~ € 24) for each additional class; • Registration Fee: EC\$ 240.00 (~ € 70); • Certificate Fee: EC\$ 240.00 (~ € 70).
Costs of litigation	There is no history of IP litigation in Saint Kitts, Nevis. Fees would depend on the complexity of the case.
Timeframe	
Registration	Approximately 12 months (no timeframe is indicated in the TM Law).
Protection	For registered trade marks, 10 years renewable indefinitely.
Additional information	
None.	

Country: Saint Lucia

International Legal Framework

Saint Lucia has been a member of the World Intellectual Property Organization since 21 August 1993 and a signatory to the Paris Convention for the Protection of Industrial Property from 9 June 1995.⁴⁰⁰
Saint Lucia has been a WTO Member since 1 January 1995.⁴⁰¹
There are no bilateral agreements between the EC and Saint Lucia specific to GIs.

National Legal Framework

<p>Type of Protection</p>	<p>Sui generis protection of geographical. No <i>ex officio</i> protection is available. Protection is provided at the request of an applicant, namely: producers in the geographical area, groups of consumers and any competent authority representing producers.</p>
<p>Relevant Regulatory Framework</p>	<ul style="list-style-type: none"> • The Saint Lucian Geographical Indications Act was promulgated in 2000 and became effective on 1 May 2003 (hereinafter referred as “the GI Law”). The GI Regulations came into force in June 2003.
<p>Scope of protection</p>	<p>The scope of application of the law is more extensive than the scope of the EC system. The GI Law concerns: natural and agricultural products, products of handicraft and industry but not services.</p>
<p>Source</p>	<p>The text of the GI Act can be found at: http://www.wipo.int/clea/docs_new/pdf/en/lc/lc006en.pdf. The text of the GI Regulations at: http://www.wipo.int/clea/docs_new/pdf/en/lc/lc017en.pdf.</p>
<p>Summary of the Operational Provisions</p>	<p>The GI Law defines GIs in a similar way to the EU legislation. The registration procedure is similar to that for trade marks. It involves: application, examination, publication of application, opposition within three months of publication, registration and publication of registration. An interested person or competent authority may apply to the Registrar for cancellation of registration of a GI or for rectification of the Register. There is a right to appeal a decision of the Registrar to the Court within two months of the date when the decision has been taken.</p> <p>It would appear that the EC GIs would be eligible for protection in Saint Lucia. The information in the EC product specification could form the basis of the application.</p> <p>The GI Act provides higher protection for GIs for wines and spirits. For these goods the use of a GI with any good not originating from the geographical origin is unlawful even if there is a declaration of the true place of origin of the goods. Similarly, the use of the geographical indication in translation or the use of the terms “kind”, “type”, “style”, “imitation” or anything similar to accompany the geographical indication used with the protected goods is considered unlawful.</p> <p>It appears that the level of protection under the GIs law to <u>GIs for agricultural products and foodstuffs (not wines or spirits)</u> is different from the level provided under the EC law.</p> <p>The use of registered GIs for agricultural products and foodstuffs (not wines or spirits) is not allowed only in a manner which misleads the public. Therefore, GI producers will have to show that consumers are misled by imitators and counterfeiters. This may require producing consumer surveys and other evidence that may</p>

⁴⁰⁰ Source of information: <http://www.wipo.int/treaties>.

⁴⁰¹ Source of information : <http://www.wto.org>.

Continent: North and South America
Country: St. Lucia

	be expensive. In contrast, this will not be the case for wines and spirits where proof of consumer deception is not required and misuse of the relevant GI on a non-originating product will suffice to trigger protection.
Specific Provisions (issue of Generics, Reciprocity)	Generic names may not be protected. A definition is provided in the GI Act but no determining criteria are given. The definition is similar to one provided by the TRIPs Agreement – “the term customary in common language as the common name of such goods or services in Saint Lucia.”
Formal Requirements for an Application	
Application Forms	<p>Like in the EC, there is a prescribed application form in the GI Regulations – Form 2 which can be found at: http://www.wipo.int/clea/docs_new/pdf/en/lc/lc017en.pdf.</p> <p>The application must specify:</p> <ul style="list-style-type: none"> • the name, address and nationality of the natural person or legal entity filing the application and the capacity in which the applicant is applying for registration; • the geographical indication for which registration is sought; • the geographical areas to which the geographical indication applies; • the goods for which the geographical indication applies; • the quality, reputation or other characteristic of the goods for which the geographical indication is used. <p>The language of the applications is English. Documents not in English must be accompanied by an approved translation.</p>
Relevant Supporting Documents	<ul style="list-style-type: none"> • Fees; • Proof of protection and use in the country of origin; • Authorisation of Agent (Attorney-at-Law) for foreign applicants.
Administration Responsible for Registration	<p>Registry of Companies and Intellectual Property Old Education Building Cnr Micoud and Laborie Streets Castries Saint Lucia Phone: +1 758 468 3230 Fax: +1 758 451 7989 Email: rocip2@hotmail.com; registrarrocip@yahoo.com</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • Application Fee: EC\$ 250.00 (~ €74); • Publication Fee: EC\$ 60.00 (~ €12); • Registration Fee: EC\$ 1,250.00 (~ €370).
Costs of litigation	There is no history of IP litigation in Saint Lucia. Fees would depend on the complexity of the case.
Timeframe	
Registration	No applications processed to-date. Expected timeframe is approximately 12 months (no timeframe is indicated in the GI Law).
Protection	Protection is provided for an indefinite period.
Additional information	
None.	

Country: Saint Vincent and the Grenadines

International Legal Framework

Saint Vincent and the Grenadines has been a member of the World Intellectual Property Organization since 29 August 1995 and a signatory to the Paris Convention for the Protection of Industrial Property from 29 August 1995.⁴⁰² Saint Vincent and the Grenadines is a WTO Member from 1 January 1995.⁴⁰³ There are no bilateral agreements between the EC and Saint Vincent and the Grenadines specific to GIs.

National Legal Framework

<p>Type of Protection</p>	<p>Sui Generis Protection of GIs: No <i>ex officio</i> protection is available. Protection is provided at the request of an applicant, namely producers in the geographical area, groups of consumers, any marketing organisation and any competent authority. However, the GI Act has not yet entered into force.</p> <p>Trade Mark Regime: No <i>ex officio</i> protection is available. Protection is provided only at the request of an applicant.</p>
<p>Relevant Regulatory Framework</p>	<p>Sui Generis Protection of GIs:</p> <ul style="list-style-type: none"> • The Vincentian Geographical Indications Act was promulgated in August 2004 (hereinafter referred as “the GI Law”). The GI Act has not yet entered into force. The GI Regulations are not yet available. <p>Trade Mark Regime:</p> <ul style="list-style-type: none"> • The Vincentian Trade Marks Act was promulgated in 2003 and became effective in 2004 (hereinafter referred as “the TM Law”). • The Trade Marks Regulations.
<p>Scope of protection</p>	<p>Sui Generis Protection of GIs: The scope of application of the law is more extensive than the scope of the EC system. The law concerns: natural and agricultural products, products of handicraft and industry but not services.</p> <p>Trade Mark Regime: All goods and services.</p>
<p>Source</p>	<p>Sui Generis Protection of GIs: The text of the GI Act can be found at: http://www.gov.vc/govt/files/Geographical%20Indications%20Act,%202004.pdf.</p> <p>Trade Mark Regime: The text of the TM Act can be found at: http://www.gov.vc/govt/files/TM%20Act%202003.PDF and the TM Regulations at: http://www.gov.vc/govt/files/TMRegs2004.pdf.</p>
<p>Summary of the Operational Provisions</p>	<p>Sui Generis Protection of GIs: The GI Law defines GIs in a similar way to the EU legislation. The registration procedure involves: application, examination, publication of the application, opposition, registration and publication of registration. Any interested person or competent authority may apply to the Court for cancellation or rectification of the registration of a GI. There is a right to appeal a decision of the Registrar to the Court</p>

⁴⁰² Source of information: <http://www.wipo.int/treaties>.

⁴⁰³ Source of information : <http://www.wto.org>.

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	<p>within 2 months after the decision has been taken.</p> <p>It would appear that the EC GIs would be eligible for protection in Saint Vincent and the Grenadines once the GI Act has entered into force. The information in the EC product specification could form the basis of the application.</p> <p>The GI Act provides higher protection for GIs for wines and spirits. For these goods the use of a GI with any good not originating from the geographical origin is unlawful even if there is a declaration of the true place of origin of the goods. Similarly, the use of the geographical indication in translation or the use of the terms “kind”, “type”, “style”, “imitation” or anything similar to accompany the geographical indication used with the protected goods is considered unlawful.</p> <p>It appears that the level of protection under the GIs law to <u>GIs for agricultural products and foodstuffs (not wines or spirits)</u> is different from the level provided under the EC law.</p> <p>The use of registered GIs <u>for agricultural products and foodstuffs (not wines or spirits)</u> is not allowed only in a manner which misleads the public. Therefore, GI producers will have to show that consumers are misled by imitators and counterfeiters. This may require producing consumer surveys and other evidence that may be expensive. In contrast, this will not be the case for wines and spirits where proof of consumer deception is not required and misuse of the relevant GI on a non-originating product will suffice to trigger protection.</p> <p>Trade Mark Regime: It would appear that GIs could be registered as <u>collective marks</u>, which may be registered by an association, or as <u>certification marks</u> “in relation to quality, accuracy or some other characteristic, including in the case of goods, origin, material or mode of manufacture” may be registered. The TM Act and Regulations provide for a registration procedure which involves: application, examination, publication of application. Like in the EC, there is an opposition procedure available within 3 months from the day of publication (Part 4 of the TM Regulations). Any aggrieved person may apply to the Court for rectification of the Register which includes cancellation of the registration of a trade mark. An appeal against the decision of the Registrar to the Court is also possible.</p> <p>The TM Law provides a possibility to oppose registration of a trade mark, which contains or consists of a false geographical indication.</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>Sui Generis Protection of GIs: Generic names cannot be protected under the GI Law. A definition is provided in the GI Law but no determining criteria are given. The definition is similar to one provided by the TRIPs Agreement – “the term customary in common language as the common name for such goods or services in Saint Vincent and the Grenadines.”</p> <p>Trade Mark Regime: None.</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Sui Generis Protection of GIs:</p> <p>The application must specify:</p> <ul style="list-style-type: none"> • the name, address and nationality of the natural person or legal entity filing the application, and the capacity in which the applicant is applying for registration; • the geographical indication for which registration is sought; • the geographical area to which the geographical indication applies; • the goods for which the geographical indication applies; • the quality, reputation or other characteristic of the goods for which the geographical indication is used.

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	<p>Trade Mark Regime:</p> <p>There is a prescribed application form in the TM Regulations – Form 1 which can be found at: http://www.gov.vc/contentmanager/articlefiles/2902-Application%20for%20registration%20Form%201.pdf</p> <p>For a <u>collective trade mark</u>, there is no requirement to file rules or regulations along with the application form.</p> <p>In the case of a <u>certification trade mark</u>, the application form must be accompanied by a copy of the rules governing the use of the mark. These rules must include provisions regarding:</p> <ul style="list-style-type: none"> • the person's approved certifiers who may be approved for the purpose of certifying goods or services, or both; • the cases in which goods or services are to be certified; • the conditions under which an approved user is to be allowed to use the certification trade mark in relation to goods or services; • the use of the certification trade mark by the owner, if he intends to use it, and any approved user; and • the settlement of any dispute arising from refusal: <ul style="list-style-type: none"> ○ to certify goods or services; or ○ to allow the use of the certification trade mark. <p>The language of the applications is English. Documents that are not in English must be accompanied by an approved translation.</p>
<p style="text-align: center;">Relevant Supporting Documents</p>	<p>Sui Generis Protection of GIs:</p> <ul style="list-style-type: none"> • Fees; • Proof of protection and use in the country of origin; • For foreign applicants, a power of attorney (Attorney-at-Law). <p>Trade Mark Regime:</p> <ul style="list-style-type: none"> • Fees; • Six copies of a representation of the mark; • For foreign applicants, an Authorisation of Agent (Attorney-at-Law).
<p style="text-align: center;">Administration Responsible for Registration</p>	<p>Commerce and Intellectual Property Office Ground Floor, Methodist Building Granby Street Kingstown Saint Vincent and the Grenadines Phone: +1 784 456 1516; +1 784 451 2894 Fax: +1 784 457 1397 Email: ciposvg@vincysurf.com; office.cipo@mail.gov.vc. Website: http://www.gov.vc/govt/cipo/index.asp.</p>
Costs	
<p style="text-align: center;">Costs of registration</p>	<p>Sui Generis Protection of GIs: Fees not yet established.</p> <p>Trade Mark Regime: The fees can be found at: http://www.gov.vc/govt/cipo/fees.asp?a=3411.</p> <ul style="list-style-type: none"> • Application Fee: EC\$ 100.00 (~ € 29,5) single class plus EC\$ 50.00 (~ € 16) for each additional class; • Rules: EC\$ 80.00 (~ € 23,5); • Publication Fees: word marks up to 2 classes – EC\$ 100.00 plus EC\$100.00 (~ € 29.5) for each additional class;

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	<ul style="list-style-type: none"> • Combined marks up to 2 classes – EC\$ 125.00 (~ €37) plus EC\$ 100.00 (~ €29.5) for each additional class. • Logos up to 2 classes – EC\$ 200.00 plus EC\$ 100.00 (~ €29,5) for each additional class; • Certificate Fee: EC\$ 100.00 (~ €29,5).
Costs of litigation	There is no history of IP litigation in Saint Vincent and the Grenadines. Fees would depend on the complexity of the case.
Timeframe	
Registration	<p>Sui Generis Protection of GIs: No timeframe is indicated in the GI Law.</p> <p>Trade Mark Regime: Approximately 12 months. The timeframe, which indicated in the TM Law, is 4 months after acceptance is published except in certain specified circumstances.</p>
Protection	<p>Sui Generis Protection of GIs: Protection is provided for an indefinite period.</p> <p>Trade Mark Regime: For registered trade marks, 10 years renewable indefinitely.</p>
Additional information	
None.	

Country: Suriname

International Legal Framework

Suriname has been a member of the World Intellectual Property Organization since 25 November 1975 and a signatory to the Paris Convention for the Protection of Industrial Property from 25 November 1975.⁴⁰⁴
Suriname is a WTO Member since January 1995.⁴⁰⁵
There is no bilateral treaty between Suriname and the EC concerning the protection of GIs.

National Legal Framework

Type of Protection	None.
Relevant Regulatory Framework	Suriname is still in the process of promoting the establishment and implementation of a legal and regulatory framework. The current legal framework pertaining to IPRs consists of several laws, most of which were first introduced during the colonial era. These laws do not provide for the protection of trademarks or geographical indications. ⁴⁰⁶ There is a draft Industrial Property Law of 2001 under which geographical indications can be provided as collective marks.
Scope of protection	See above.
Source	See above.
Summary of the Operational Provisions	See above.
Specific Provisions (issue of Generics, Reciprocity)	See above.

Formal Requirements for an Application

Application Forms	See above.
Relevant Supporting Documents	See above.
Administration Responsible for Registration	Bureau for Intellectual Property Mr. J. Lachmonstraat no. 167 Suriname Phone: 597 531 491 Fax: 597 412 109

⁴⁰⁴ Source of information: <http://www.wipo.int/treaties>.

⁴⁰⁵ Source of information : <http://www.wto.org>.

⁴⁰⁶ WTO Trade Policy Review of Suriname, WT/TPR/S/135 of 14 June 2004.

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Costs	
Costs of registration	See above.
Costs of litigation	See above.
Timeframe	
Registration	See above.
Protection	See above.
Additional information	
None.	

Country: Trinidad & Tobago

International Legal Framework

Trinidad and Tobago has been a member of the World Intellectual Property Organization since 16 August 1988 and a signatory to the Paris Convention for the Protection of Industrial Property from 1 August 1964.⁴⁰⁷
Trinidad and Tobago is a WTO Member since 1 March 1995.⁴⁰⁸
There are no bilateral agreements between the EC and Trinidad and Tobago specific to GIs.

National Legal Framework

<p>Type of Protection</p>	<p><i>Sui generis</i> protection of geographical indications. No <i>ex officio</i> protection is available. Protection is provided at the request of an applicant, namely producers in the geographical area, groups of consumers and any competent authority.</p>
<p>Relevant Regulatory Framework</p>	<ul style="list-style-type: none"> • The Trinidad & Tobago Geographical Indications Act was promulgated in 1996 and became effective on 1 December 1997 (hereinafter referred as “the GI Law”). It was last amended in 2000. • The GI Regulations came into force in 1997.
<p>Scope of protection</p>	<p>The scope of application of the law is more extensive than the scope of the EC system. The law concerns natural and agricultural products, products of handicraft and industry but not services.</p>
<p>Source</p>	<p>The text of the GI Act can be found at: http://www.wipo.int/clea/docs_new/pdf/en/tt/tt035en.pdf. The text of the GI Regulations at: http://www.wipo.int/clea/docs_new/pdf/en/tt/tt016en.pdf.</p>
<p>Summary of the Operational Provisions</p>	<p>The GI Law defines GIs in a similar way to the EU legislation. The registration procedure involves: application, examination, publication of the application, opposition within three months of publication, registration and publication of registration. Any interested party or competent authority may apply to the Court for cancellation or rectification of registration of a GI. There is a right to appeal a decision of the Registrar to the Court within two months after the decision has been taken.</p> <p>It would appear that the EC GIs would be eligible for protection in Trinidad and Tobago. The information in the EC product specification could form the basis of the application.</p> <p>The GI Act provides higher protection for GIs for wines and spirits. For these goods the use of a GI with any good not originating from the geographical origin is unlawful even if there is a declaration of the true place of origin of the goods. Similarly, the use of the geographical indication in translation or the use of the terms “kind”, “type”, “style”, “imitation” or anything similar to accompany the geographical indication used with the protected goods is considered unlawful.</p> <p>It appears that the level of protection under the GIs law to GIs for agricultural products and foodstuffs (not wines or spirits) is different from the level provided under the EC law.</p> <p>The use of registered GIs <u>for agricultural products and foodstuffs (not wines or spirits)</u> is not allowed only in a manner which misleads the public. Therefore, GI producers will have to show that consumers are misled by imitators and counterfeiters. This may require producing consumer surveys and other evidence that may be expensive. In contrast, this will not be the case for wines and spirits where proof of consumer deception is not required and misuse of the relevant GI on a non-originating product will suffice to trigger protection.</p>

⁴⁰⁷ Source of information: <http://www.wipo.int/treaties>.

⁴⁰⁸ Source of information : <http://www.wto.org>.

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Specific Provisions (issue of Generics, Reciprocity)	Generic names cannot be protected. A definition is provided in the GI Law but no determining criteria are given. The definition is similar to one provided by the TRIPs Agreement – “the term customary in common language as the common name for such goods or services in Trinidad and Tobago.”
Formal Requirements for an Application	
Application Forms	<p>There is a prescribed application form in the GI Regulations – Form No. 1 which can be found at http://www.wipo.int/clea/docs_new/pdf/en/tt/tt016en.pdf.</p> <p>The application must specify:</p> <ul style="list-style-type: none"> • the name, address and nationality of the natural person or legal entity filing the application and the capacity in which the applicant is applying for registration; • the geographical indication for which registration is sought; • the geographical areas to which the geographical indication applies; • the goods to which the geographical indication applies; • the quality, reputation or other characteristic of the goods for which the geographical indication is used. <p>The language of the applications is English. Documents that are not in English must be accompanied by an approved translation.</p>
Relevant Supporting Documents	<ul style="list-style-type: none"> • Fees; • Proof of protection and use in the country of origin; • Authorisation of Agent (Attorney-at-Law) for foreign applicants.
Administration Responsible for Registration	<p>The Intellectual Property Office 3 Floor, Registration House 72-74 South Quay Port of Spain Trinidad Phone: +1 868 625 9972 Fax: +1 868 624 1221 Email: info@ipo.gov.tt Website: http://www.ipo.gov.tt.</p>
Costs	
Costs of registration	<ul style="list-style-type: none"> • Application Fee: TT\$ 500.00 (~ €64); • Publication Fee: TT\$ 50.00 (~ €6,4) plus fee according to advertising rates; • Registration Fee: TT\$ 2,500.00 (~ €320).
Costs of litigation	There is little history of IP litigation in Trinidad & Tobago. Fees would depend on the complexity of the case.
Timeframe	
Registration	No applications processed to-date. Expected timeframe is approximately 9 months (no timeframe is indicated in the GI Law).
Protection	Protection is provided for an indefinite period of time.
Additional information	
None.	

Country: United States of America

International Legal Framework

The US is a member of the World Intellectual Property Organization from 25 August 1970, a signatory of the Paris Convention for the Protection of Industrial Property from 30 May 1887, and the Madrid Protocol Concerning the International Registration of Marks from 2 November 2003.⁴⁰⁹

The US is a WTO Member from 1 January 1995.⁴¹⁰

Agreement between the European Community and the United States of America on the mutual recognition of certain distilled spirits / spirit drinks of 25 March 1994.⁴¹¹

The European Community and the United States of America Agreement on Trade in Wine of 10 March 2006.⁴¹²

National Legal Framework

<p>Type of Protection</p>	<p>Protection of GIs for wines and spirits. It appears that ex officio protection of labels for wines and spirits is available.</p> <p>Trademark regime: No <i>ex officio</i> protection is available under the trademark regime, protection is provided only at the request of an interested party (<i>e.g., producers</i>).</p>
<p>Relevant Regulatory Framework</p>	<p>Protection of GIs for wines and spirits. Use of geographical indications on alcoholic beverages, including wines, is regulated by the Alcoholic Beverage Labelling Act of 1988.</p> <p>This Act can not be considered as constituting a <i>sui generis</i> protection of geographical indications, but it requires mandatory labelling of wines and spirits domestically produced or imported.</p> <p>Trademark regime:</p> <ul style="list-style-type: none"> • United States Code, Title 15 (USC) - Commerce and Trade, Chapter 2 - Federal Trade Commission; Promotion of Export Trade and Prevention of Unfair Methods of Competition, Subchapter I - Federal Trade Commission, §45, Chapter 22 - Trade-marks, Subchapter I - The Principal Register. Title 27 - Intoxicating Liquors, Chapter 8 - Federal Alcohol Administration Act, Subchapter I - Federal Alcohol Administration; • The Lanham Trademark Act of 1946, as amended in 1999 (hereinafter, referred as “the “Law”).
<p>Scope of protection</p>	<p>Trademark regime: Applicable to all goods (agricultural and/or industrial) and services.</p>
<p>Source</p>	<p>The English version of the Lanham Act is available at: http://www.bitlaw.com/source/15usc/. The English version of the Alcoholic Beverage Labelling Act at: http://www.washingtonwatchdog.org/documents/cfr/title27/part4.html.</p>

⁴⁰⁹ Source of information: <http://www.wipo.int>.

⁴¹⁰ Source of information : <http://www.wto.org>.

⁴¹¹ Official Journal L 157, 24 June 1996.

⁴¹² Official Journal L 87, 24 March 2006,

Also available at: http://www.ttb.gov/international_trade/us_ec_wine_agreement.htm and at: http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_087/l_08720060324en00020074.pdf.

Protection of GIs for wines and spirits:

The Alcohol and Tobacco Tax and Trade Bureau (TTB)⁴¹³ regulates the use of geographical indications on alcoholic beverages, including wines and spirits. The TTB established a system of registration of labels of alcoholic beverages with Certificates of Label Approval for US importers and US domestic producers.

A Certificate of Label Approval is needed to bottle and remove imported alcoholic beverages from the US Customs and Border Protection custody.⁴¹⁴

Trademark regime:

Geographical indications are viewed in the US as a sub-set of trademarks. Therefore, GIs are protected as trademarks, collective or certification marks employing the existing trademark regime (Section 4 of the Law).

Applications for registration of collective or certification trademarks must be submitted to the US Patent and Trademark Office (the authority responsible for the registration of all trademarks). The Registration shall be signed by the Director (Section 7.A of the Law).

All applications for federal registration of certification and collective marks are examined at the USPTO.

For certification trademarks: The accompanying specimens of use and evidence in the record are reviewed to determine whether the geographical sign is being used as a certification mark to indicate the geographical origin of the goods/services upon which it is used.

If the record or other evidence available indicates that a specific sign in question has a principal significance as a generic term denoting a type of goods/services, registration will be refused.

(For example, "FONTINA" held a generic name of a type of cheese rather than a certification mark indicating regional origin, in view of the fact that non-certified producers outside that region use the term to identify non-certified cheeses (*In re Cooperativa Produttori Latte E Fontina Valle D'Acosta*, 230 USPQ 131 (TTAB 1986)).

If use of the sign is controlled by the certifier and limited to goods/services meeting the certifier's standards of regional origin, and if purchasers understand the sign to refer only to goods/services produced in the particular region and not to goods/services produced elsewhere, then the sign functions as a regional certification mark.

(For example, "COGNAC" held to be a geographical indication for brandy from France (*Institut National Des Appellations D'Origine v. Brown-Forman Corp.*, 47 USPQ2d 1875 (TTAB 1998)).

If, before registration, the USPTO becomes aware that the applicant does not have the authority to exercise control over use of the certification mark, registration will be refused *ex officio*.

With respect to foreign marks, an application for registration of a mark already filed in one of the countries members of the treaties signed by the USA, shall be accorded the same force and effect as would be accorded to the same application if filed in the United States on the same date on which the application was first filed in such foreign country (Section 44 of the Law).

As in the EC, there is an opposition procedure available within 30 days, with possible extension for another 30 days (Section 13.A of the Law).

Further appeal may be taken to the Trademark Trial and Appeal Board from any final decision of the examiner in charge of the registration (Section 20 of the Law).

Level of Protection: The use of false designations of origin and false descriptions are prohibited under Section 43. However, marks which may be used to certify regional origin, are not necessarily limited to terms, which comprise precise geographical terminology. A distortion, an abbreviation, or a combination of geographical terms can be used as, or in, a certification mark indicating regional origin.

⁴¹³ The official web site is: <http://www.ttb.gov/>.

⁴¹⁴ Consult: <http://www.colaonline.gov/>.

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	<p>Common Law protection of GIs in the US Geographical indications too are protected through common law trademark law without being registered by the USPTO. For example, the TTAB has held that "COGNAC" is protected as a common-law (unregistered) certification mark in the United States. <i>Institut National Des Appellations v. Brown-Forman Corp</i>, 47 USPQ2d 1875, 1884 (TTAB 1998) ("Cognac" is a valid common law regional certification mark, rather than a generic term, since purchasers in the United States primarily understand the "Cognac" designation to refer to brandy originating in the Cognac region of France, and not to brandy produced elsewhere, and since opposes control and limit use of the designation which meets certain standards of regional origin.)</p> <p>EU - USA Agreement on spirits of 1996: The USA agreed to restrict the use of the product designations: "Scotch whisky", "Irish whiskey"/"Irish whisky", "Cognac", "Armagnac", "Calvados" and "Brandy de Jerez" to distilled spirits/spirit drinks products of the Member States of the EC. It is recognized that these products shall continue to be subject to all of the labelling requirements of the USA.</p> <p>The EC agrees to restrict, within its regulatory framework, the use of the product designations: "Tennessee whisky"/"Tennessee whiskey", "Bourbon whiskey"/"Bourbon whisky" and "Bourbon" as a designation for Bourbon whisk(e)y to distilled spirits/spirit drinks products of the USA produced in compliance with the laws and regulations of the USA. It is recognized that these whiskies shall continue to be subject to all of the labelling requirements of the EC.</p> <p>EU - USA Agreement on wines of 2006: The Agreement between EC/USA of 2006 provides for recognition of each other's existing current winemaking practices (Annex I of the Agreement) and a consultative process for accepting new winemaking practices. The US will limit the use of certain semi-generic names in the US market.⁴¹⁵</p> <p>EU wine is not subject to the US wine certification requirements. Section 2002 of the Miscellaneous Trade and Technical Corrections Act of 2004, states that natural wine imported from a country that has an agreement with the US or that is a party to a multilateral agreement in which the US is a party, is exempt from the certification.</p> <p>The Agreement addresses the use of semi-generic names of origin (Annex II to the Agreement: Burgundy, Chablis, Champagne, Chianti, Claret, Haut Sauterne, Hock, Madeira, Malaga, Marsala, Moselle, Port, Retsina, Rhine, Sauterne, Sherry and Tokay). <u>The US agreed to change the legal status of the terms referred in Annex II and to restrict the use of the terms on wine solely to wine originating in the Community.</u> The US will notify the EC of the date when the change in legal status would come into effect.</p> <p>The Agreement contains lists of names of quality wines produced in specified regions from the EC and The US (Annex IV and V), which may be used as names of origin for wine only to designate wine of the origin indicated by that name (Article 7 of the Agreement).</p>
<p style="text-align: center;">Specific Provisions (issue of Generics, Reciprocity)</p>	<p>Trademark regime: As in the EC, generic names may not be protected (Section 15.4 of the Law). A petition to cancel a registration of a mark may be filed by any person who believes that the registered mark becomes the generic name for the goods or services (Section 14 of the Law).</p> <p>Protection of GIs for wines and spirits. The TTB has developed a classification of geographical names for wines:</p> <ul style="list-style-type: none"> • "generic" names, which may be used without registration; • "semi-generic" names, which may be used if the correct place of origin is directly conjoined to the name; • "non-generic, non-distinctive" names, which may be used without registration for wines originating

⁴¹⁵ However, the EU acceptance of the US winemaking practices and US limitation of use of semi-generic names will take effect only after the enactment of the US legislation to change the legal status of the semi-generic names.

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	<p>in the named place;</p> <ul style="list-style-type: none"> • “non-generic, distinctive” names, may be used only for wines from that place. <p>The TTB sets a three-part classification scheme for GIs for spirits:</p> <ul style="list-style-type: none"> • “generic” designations, which can be used without restriction (however, BATF must make a specific finding that such a name is generic); • “non-generic distinctive” spirits, may be used for spirits produced in other places if the product is similar to the original and words such as “type” or “American” are directly conjoined to the geographical name;⁴¹⁶ • “non-generic non-distinctive” names, which may only be used for spirits produced in the named place.
Formal Requirements for an Application	
Application Forms	<p>Applications must be filed in English.</p> <p>There is no standard application form for the registration of trademarks.</p> <p>However, the Law indicates that an application must contain (Section 1.A (2) of the Law):</p> <ul style="list-style-type: none"> • the applicant's domicile and citizenship; • the date of the applicant's first use of the mark; • the date of the applicant's first use of the mark in commerce; • the goods in connection with which the mark is used; • and a drawing of the mark. <p>The applicants not domiciled in the United States are requested to designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark (Section 1.E of the Law).</p>
Relevant Supporting Documents	<p>The applicant shall file in the Patent and Trademark Office, a payment of the prescribed fee (Section 1.D.1).</p>
Administration Responsible for Registration	<p>United States Patent and Trademark Office Madison Buildings (East & West) 600 Dulany Street - Alexandria, VA Contact Center at 1-800-786-9199 or 571-272-1000 Law Office 101 Tel: (571) 272-9101 Fax: (571) 273-9101 E-mail: TrademarkAssistanceCenter@uspto.gov.</p>

⁴¹⁶ It should be pointed out that this is exactly what Article 23.1 of TRIPs tries to prevent: “Each Member shall provide the legal means for interested parties to prevent use of a geographical indication identifying wines for wines not originating in the place indicated by the geographical indication in question or identifying spirits for spirits not originating in the place indicated by the geographical indication in question, even where the true origin of the goods is indicated or the geographical indication is used in translation or accompanied by expressions such as “kind”, “type”, “style”, “imitation” or the like”. Therefore, this provision appears to be inconsistent with the TRIPs Agreement.

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Costs	
Costs of registration	The application for registration of trademark, per international class (paper filing) is \$ 375.00 (~€ 292) and \$ 325.00 (~€ 253) for the electronic filling of the application. The fee established for notice of opposition, per class is \$ 300.00 (~€ 234). Certifying an International application based on single application or registration, under the Madrid Protocol, per class is \$ 100 (~€ 78).
Costs of litigation	Between \$ 862 (~€ 672) and \$ 1874 (~€ 1462).
Timeframe	
Registration	From 10 to 15 months. For trademarks, in case of refusal of the registration, the applicant will have 6 months to reply or amend his application (Section 12 of the Act).
Protection	Each registration shall remain in force for 10 years (Section 8 of the Law), being each registration possible to renew for periods of 10 years at the end of each successive 10-year period following the date of registration upon payment of the prescribed fee and the filing of a written application. Such application may be made at any time within 1 year before the end of each successive 10-year period (Section 9 of the Law).
Additional information	
Certification marks <i>Parmigiano Reggiano</i> , <i>Banshu Somen</i> , <i>Roquefort</i> , <i>Swiss</i> , <i>Halloumi</i> , <i>Darjeeling</i> are examples of foreign geographical indications protected in the United States.	

Country: Uruguay

International Legal Framework

Uruguay is a member of the World Intellectual Property Organization since 21 December 1979 and a signatory to the Paris Convention for the Protection of Industrial Property since 18 March 1967.⁴¹⁷
Uruguay is a WTO Member since 1 January 1995.⁴¹⁸
It is also member of the MERCOSUR since March 1991.
There are no bilateral agreements between the EC and Uruguay specific to GIs.

National Legal Framework

Type of Protection	Sui generis system. It would appear that <i>ex officio</i> protection is available (Article 64 of the Decree).
Relevant Regulatory Framework	<ul style="list-style-type: none"> • Trademark Law No. 17.011, September 1998 (hereinafter referred as “the Law”); • Decree No. 34/999 of February 1999 Regulating Law No. 17.011, regarding Trademarks and GIs; (hereinafter referred as “the Decree”); • MERCOSUR/GMC/RES. No. 26/03, Technical Rules for the Labelling of Packaged Foods.
Scope of protection	The scope of application of the Law is more extensive than the scope of the EC system (concerns all goods and services, as indicated in Article 75 of the Law).
Source	<p>The English version of the Law No. 17.011 is available at: http://www.sice.org/int_prop/nat_leg/Uruguay/L17011Ae.asp.</p> <p>The English version of the Decree No. 34/999 is available at: http://www.sice.org/int_prop/nat_leg/Uruguay/D34999le.asp.</p> <p>The Spanish version of the Decision No. 8/95 of MERCOSUR Council (Law No. 17.052 of 1998 in Uruguay) is available at: http://www.sice.oas.org/Trade/MRCSRS/Decisions/dec0895.asp.</p>
Summary of the Operational Provisions	<p>The term “geographical indication” covers both Indications of source and appellations of origin (Article 73 of the Law). Article 75 defines appellation of origin in a way similar to EC legislation.</p> <p>It seems that the EC GIs can be protected in Uruguay. Foreign producers, manufacturers, craftsmen or service providers as well as competent public authorities from foreign countries are entitled to register foreign appellations of origin corresponding to them according to those International Agreements signed by Uruguay (article 65 of the Decree).</p> <p>Uruguay has established a Register of Appellations of Origin at the Industrial Property Office. Applications can be filed by one or several producers, manufacturers, craftsmen or service providers established in the region or place corresponding to the appellation of origin. In addition, registration can be requested by any competent public authority with a legitimate interest thereon and established in the corresponding territory (Article 65 of the Decree). In the event of foreign appellations of origin already acknowledged in the original country, said acknowledgement shall be certified with the application form (Article 67).</p> <p>Foreign GIs can be registered following the same procedure established for the national GIs. Once</p>

⁴¹⁷ Source of information: <http://www.wipo.int/treaties>.

⁴¹⁸ Source of information: <http://www.wto.org>.

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	<p>an application is duly filed, the Industrial Property Office (the authority responsible for the registration of GIs) publishes it once in the Industrial Property Gazette.</p> <p>Like in the EC, an opposition from any interested parties is available. The applicant will be granted thirty days to reply to the opposition. If no opposition is filed, the registration is granted. If an opposition is filed, the Industrial Property Office issues the final resolution granting the registration or dismissing the application. The Industrial Property Office publishes the resolution granting registration to an appellation of origin in the Industrial Property Gazette.</p> <p>Level of protection: neither the Law nor the Decree is very precise on this point. Article 77 of the Law states that “the use of an indication of source is limited to those producers and service providers set in the corresponding place”. Article 79 of the Law contains a grandfathered clause by which the prohibition to use a geographical indication to identify wines or spirituous beverages does not apply to those that have said using geographical indication on a continuous basis during a minimum term of ten years as from 15 April 1994.</p> <p><u>MERCOSUR Resolution No. 26/03</u></p> <p>This rule is applicable to the labelling of any food which is commercialized in the markets of any Member State of the MERCOSUR, regardless of its origin. The rule establishes that the geographical appellations of a country, a region or a population, recognized as places where the food is manufactured with specific characteristics, cannot be used in the labelling or the advertisement of foods manufactured in other places whenever it can mislead consumers. It prohibits the use of the expression “type/tipo”, with names associated with wines and spirits.</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>The protection of Geographical Indications does not cover the use in translation.</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Unlike in the EC, there is no standard application form in Uruguay. However, the application for registering a GI must indicate:</p> <ul style="list-style-type: none"> • name, address and nationality of the applicant; • the denomination of the appellation of origin; • the products that are going to bear the appellation of origin; • the certification that indicate that the appellation of origin is registered in the foreign country. <p>All documents must be submitted in Spanish.</p>
<p>Relevant Supporting Documents</p>	<p>An application must be accompanied by a document certifying the payment of the prescribed fee.</p>
<p>Administration Responsible for Registration</p>	<p>Ministry of Industry, Energy and Mining National Directorate of Industrial Property Rincón 719 - Montevideo Telephone: (598.2) 900.06.58/902.57.71 Fax: (598.2) 903.11.40 E-mail: dnpiuy@adinet.com.uy. Website: http://dnpi.gub.uy.</p>

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Costs	
Costs of registration	<p>The application costs are approximately 3486 Uruguayan Pesos (€116).</p> <p>The publication costs ranges from approximately 600 to 1400 Uruguayan Pesos (from €20 to €48).</p> <p>All documents must be submitted in Spanish, therefore costs of translation need to be taken into account.</p>
Costs of litigation	<p>It will depend on the complexity of the case, however, at least €350.</p>
Timeframe	
Registration	<p>At least 6 months.</p>
Protection	<p>Denominations of origin are granted for an indefinite period of time (article 71 of the Decree).</p>
Additional information	
<p>None.</p>	

Country: Venezuela

International Legal Framework

Venezuela is a member of the World Intellectual Property Organization since 23 November 1984 and a signatory to the Paris Convention for the Protection of Industrial Property since 12 September 1995.⁴¹⁹
Venezuela is a WTO Member since 1 January 1995.⁴²⁰
Venezuela is a member of the Andean Community Cartagena Agreement since December 1973.
It is a member of the Mercosur since 9 December 2005.
There are no bilateral agreements between the EC and Venezuela specific to GIs.

National Legal Framework

<p>Type of Protection</p>	<p>Sui generis system. It appears that <i>ex officio</i> protection is available (in accordance with Article 203, the declaration of protection of an appellation of origin shall be made <i>ex officio</i> or at the request of persons who are able to prove a legitimate interest, such being natural persons or legal entities directly engaged in the extraction, production, or processing of the product or products to be covered by the geographical indication, associations of producers. <u>Where the appellations of origin refer to their own jurisdictions, state, departmental, provincial, or municipal authorities shall likewise be considered interested parties</u>).</p>
<p>Relevant Regulatory Framework</p>	<ul style="list-style-type: none"> • Decision No. 486, of the Commission of the Cartagena Agreement, in force since December 2000 (hereinafter referred as “the Law”); • MERCOSUR/GMC/RES. No. 26/03, Technical Rules for the Labelling of Packaged Foods.
<p>Scope of protection</p>	<p>The scope for the application of the Law is more extensive than the scope of the EC system (concerns natural, agricultural, handicraft or industrial goods, but not services).</p>
<p>Source</p>	<p>The English version of the Decision 486 is available at http://www.sice.oas.org/trade/JUNAC/decisiones/dec486e.asp.</p> <p>The Spanish version of the MERCOSUR/GMC/Res. No. 26/03 is available at http://200.40.51.219/msweb/pagina_anterior/sam/espanol/snor/normativa/resoluciones/2003/Res_026_003%20RTM%20Rotulaci%F3n%20Alim_Acta%2004_03.htm</p>
<p>Summary of the Operational Provisions</p>	<p>Decision No. 486: defines appellations of origin (AOs) similarly to the EC legislation (Article 201).</p> <p>It appears that European GIs can be registered in Venezuela. The competent national office shall recognize the protection accorded by third countries to AOs or GIs, provided that there is an agreement to which Venezuela is a party. To be eligible for such protection, the appellations of origin must be declared as protected in their countries of origin (Article 219 of the Decision).</p> <p>The process of registering foreign geographical indications is the same as the one used for the national appellations of origin from Venezuela. When the application is accepted for consideration, the competent national office shall, within the next thirty days, ascertain whether it complies with the requirements or not. The application is then published in the Official Gazette. Like in the EC, there is an opposition procedure available for 30 days. If the opposition is accepted in the term of the publication, the applicant will be notified to present a reply.</p>

⁴¹⁹ Source of information: <http://www.wipo.int>.

⁴²⁰ Source of information: <http://www.wto.org>.

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	<p>An authorization to use a protected appellation of origin can be requested by those who:</p> <ul style="list-style-type: none"> • Are directly engaged in the extraction, production, or processing of the products identified by the appellation of origin; • Perform the referred activity in the demarcated geographical area specified in the declaration of protection; • Comply with other requirements imposed by the competent national offices. <p>Competent national offices may grant authorizations to use registered geographical indications. This authorization may also be accorded by public or private institutions representing the beneficiaries from the appellations of origin, if permitted by domestic provisions. When the competent national office is responsible for granting authorizations to use an appellation of origin, it shall be granted or denied within a period of fifteen days following the filing date of the application (Article 208).</p> <p>Level of protection: Registered GIs are protected against abuses, including cases where the use is accompanied by indications of gender, type, imitation and other similar indications, in such manner as it is likely to cause confusion among consumers. It is considered an infringement of intellectual property right and sanctionable by punishment (Article 214).</p> <p>GIs for wines and spirits benefit from a higher level of protection as they are protected against any use, even where the true origin of the goods is indicated or the appellation of origin is used in translation or accompanied by expressions such as "kind", "type", "style", "imitation," or "like" (Article 214).</p> <p>However, a grandfather clause is previewed. Use of a GI name for wines and spirits for at least 10 years preceding 15 April 1994 in a continuous manner or in good faith preceding that date can be authorized (Article 215).</p> <p>MERCOSUR Resolution No. 26/03</p> <p>This rule is applicable for the labelling of any food that is commercialized in the market of a Member State of the MERCOSUR, regardless of its origin. The rule establishes that the geographical appellations of a country, a region or a population, recognized as the places where the food is manufactured with specific characteristics, cannot be used in the labelling or the advertisement of foods manufactured in other places whenever it can mislead consumers. It prohibits the use of the expression "type/tipo" to names associated with wines and spirits.</p>
<p>Specific Provisions (issue of Generics, Reciprocity)</p>	<p>A name cannot be registered as an appellation of origin if it is considered to be a common or a generic designation. The Decision does not provide for specific criteria and states that it will depend on the appreciation of both: by general public and persons with knowledge of the area concerned (Article 202).</p> <p>The protection is not extended to the translation of geographical names, except for wines and spirits.</p>
<p>Formal Requirements for an Application</p>	
<p>Application Forms</p>	<p>Unlike in the EC, there is no standard application form. However, the application for a declaration of protection of an appellation of origin shall be filed in writing before the competent national office and must specify the following:</p> <ul style="list-style-type: none"> • Name, domicile, residence and nationality of the applicant or applicants and proof of their legitimate interest; • The appellation of origin in respect of the declaration filed; • The demarcated geographical area where the production, extraction, or processing of the product to be identified by the appellation of origin takes place; • The products that are designated by the appellation of origin; • A summary of the essential qualities, reputation, or other characteristics of the products that are designated by the appellation of origin; • The certification that indicates that the appellation of origin is registered in the foreign country. <p>All documents must be submitted in Spanish.</p>

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Relevant Supporting Documents	An application must be accompanied by a document certifying the payment of the prescribed fee.
Administration Responsible for Registration	<p>Ministry of Industry and Trade Autonomous Service for Intellectual Property Centro Simón Bolívar Edificio Norte, Piso 4 El Silencio Postal Code 1010 Caracas Telephone: (58.12) 481.6478 – 481.4215 Fax: (58.12) 484.6638 E-mail: sapi@reacciun.ve. Website: www.sapi.gov.ve.</p>
Costs	
Costs of registration	<p>There is no official fee available. However, legal assistance in Venezuela for the registration of a GI is estimated at:</p> <ul style="list-style-type: none"> • Registration: € 500; • Opposition: € 500. <p>All documents must be submitted in Spanish, therefore costs of translation need to be taken into account.</p>
Costs of litigation	Depends on the complexity of the case, starting from € 500.
Timeframe	
Registration	A minimum of 6 months.
Protection	<p>The validity of the declaration of protection of an appellation of origin shall be subject to the continuation of the existing conditions from which it was based, as determined by the competent national office.</p> <p>The right to use a GI is limited to 10 years. Renewal must be requested 6 months before the expiration date, otherwise the registration will be cancelled.</p>
Additional information	
None.	