

REGULATIONS UNDER THE LISBON AGREEMENT

for the Protection of Appellations of Origin and their International
Registration

ENTRY INTO FORCE: April 1, 2002

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Chapter 1 General Provisions

Rule 1 Abbreviated Expressions

For the purposes of these Regulations,

(i) "Agreement" means the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration of October 31, 1958, as revised in Stockholm on July 14, 1967, and modified on September 28, 1979;

(ii) "appellation of origin" means an appellation of origin as defined in Article 2(1) of the Agreement;

(iii) "international registration" means the international registration of an appellation of origin effected under the Agreement;

(iv) "international application" means an application for international registration;

(v) "International Register" means the official collection of data concerning international registrations maintained by the International Bureau whose entry is provided for in the Agreement or these Regulations, whatever the medium on which such data are kept;

(vi) "contracting country" means a country party to the Agreement;

(vii) "country of origin" means the contracting country as defined in Article 2(2) of the Agreement;

(viii) "International Bureau" means the International Bureau of the World Intellectual Property Organization;

(ix) "official form" means a form drawn up by the International Bureau;

(x) "competent authority" means the authority referred to in Rule 4(1)(a), (b) or (c) of these Regulations;

(xi) "holder of the right to use the appellation of origin" means any natural person or legal entity referred to in Article 5(1) of the Agreement;

(xii) "declaration of refusal" means the declaration referred to in Article 5(3) of the Agreement;

(xiii) "Bulletin" means the periodical referred to in Article 5(2) of the Agreement, whatever the medium used for its publication.

Rule 2 Calculation of Time Limits

(1) [Periods Expressed in Years] A period expressed in years shall expire, in the relevant subsequent year, in the month having the same name and on the day having the same number as the month and the day of the event from which the period starts to run, except that, where the event occurred on February 29 and in the relevant subsequent year February ends on the 28th, the period shall expire on February 28.

(2) [Periods Expressed in Months] A period expressed in months shall expire,

in the relevant subsequent month, on the day which has the same number as the day of the event from which the period starts to run, except that, where the relevant subsequent month has no day with the same number, the period shall expire on the last day of that month.

(3) [Expiry on a Day Which Is Not a Working Day for the International Bureau or a Competent Authority] If a period expires on a day which is not a working day for the International Bureau or a competent authority, the period shall expire, notwithstanding paragraphs (1) and (2), on the first subsequent working day.

Rule 3 Working Languages

(1) [International Application] The international application shall be in English, French or Spanish.

(2) [Communications Subsequent to the International Application] Any communication concerning an international application or an international registration exchanged between the International Bureau and a competent authority shall be in English, French or Spanish, at the choice of the authority concerned.

(3) [Entries in the International Register and Publications] Entries in the International Register and publications in the Bulletin shall be in English, French and Spanish. The translations needed for those purposes shall be made by the International Bureau. However, the International Bureau shall not translate the appellation of origin.

(4) [Transliteration and Translations of the Appellation of Origin] Where the competent authority gives a transliteration of the appellation of origin in accordance with Rule 5(2)(c) or one or more translations of the appellation of origin, in accordance with Rule 5(3)(ii), the International Bureau shall not check that they are correct.

Rule 4 Competent Authority

(1) [Notification to the International Bureau] Each contracting country shall notify to the International Bureau the name and address, as well as any change concerning the name or address,

(a) of its authority competent

(i) to submit an international application in accordance with Rule 5, to remedy an irregularity contained in the international application in accordance with Rule 6(1), to request the entry in the International Register of a modification to an international registration in accordance with Rule 13(2), to notify the International Bureau that it renounces protection in one or more contracting countries in accordance with Rule 14(1), to request the International Bureau to cancel an international

registration in accordance with Rule 15(1), to request correction of the International Register in accordance with Rule 17(1) and to communicate to the International Bureau, in accordance with Rule 19(2)(b), the documents referred to in Rule 5(3)(v), and

(ii) to receive the notifications of the International Bureau referred to in Rules 9(3), 10(1) and (2), 11(3), 12(2) and 16(2),

(b) of its authority competent

(i) to notify a declaration of refusal, to notify the withdrawal of a declaration of refusal in accordance with Rule 11, to notify an invalidation in accordance with Rule 16(1), to request correction of the International Register in accordance with Rule 17(1) and to declare, in accordance with Rule 17(3), that it cannot ensure the protection of a corrected international registration, and

(ii) to receive the notifications of the International Bureau referred to in Rules 7(1), 13(3), 14(2), 15(2) and 17(2), and

(c) of its authority competent to give notice to the International Bureau that a period, which may not exceed two years, has been granted to third parties in accordance with Article 5(6) of the Agreement.

(2) [One Authority or Different Authorities] The notification referred to in paragraph (1) may indicate a single authority or different authorities. However, only one authority may be designated with respect to each of subparagraphs (a) to (c).

Chapter 2 International Applications

Rule 5 Requirements Concerning the International Application

(1) [Presentation] An international application shall be presented to the International Bureau by the competent authority of the country of origin on the official form provided to that end and shall be signed by that authority.

(2) [Mandatory Contents of the International Applications]

(a) The international application shall indicate:

(i) the country of origin;

(ii) the holder or holders of the right to use the appellation of origin, designated collectively or, where collective designation is not possible, by name;

(iii) the appellation of origin for which registration is sought, in the official language of the country of origin or, where the country of origin has more than one official language, in one or more of those official languages;

(iv) the product to which the appellation applies;

(v) the area of production of the product;

(vi) the title and date of the legislative or administrative provisions, the judicial decisions or the date and number of the registration by virtue of which the appellation of origin is protected in the country of origin.

(b) Where the names of the holder or holders of the right to use the appellation of origin or the area of production of the product are in characters other than Latin characters, they must be indicated in the form of a transliteration into Latin characters; the transliteration shall use the phonetics of the language of the international application.

(c) Where the appellation of origin is in characters other than Latin characters, the indication referred to in subparagraph (a)(iii) must be accompanied by a transliteration into Latin characters; the transliteration shall use the phonetics of the language of the international application.

(d) The international application shall be accompanied by a registration fee the amount of which is specified in Rule 23.

(3) [Optional Contents of the International Application] The international application may indicate or contain:

(i) the addresses of the holders of the right to use the appellation of origin;

(ii) one or more translations of the appellation of origin, in as many languages as the competent authority of the country of origin wishes;

(iii) a statement to the effect that protection is not claimed for certain

elements of the appellation of origin;

(iv) a declaration that protection is renounced in one or more contracting countries, designated by name;

(v) a copy in the original language of the provisions, decisions or registration referred to in paragraph (2)(a)(vi).

Rule 6 Irregular Applications

(1) [Examination of the Application and Correction of Irregularities]

(a) Subject to paragraph (2), if the International Bureau finds that an international application does not satisfy the conditions set out in Rule 3(1) or Rule 5(1) and (2), it shall defer registration and invite the competent authority to remedy the irregularity found within a period of three months from the date of such invitation.

(b) If the competent authority has not corrected the irregularity found within two months of the date of the invitation referred to in subparagraph (a), the International Bureau shall address to that authority a reminder of its invitation. The sending of such a reminder shall have no effect on the three-month period referred to in subparagraph (a).

(c) If the correction of the irregularity is not received by the International Bureau within the three-month period referred to in subparagraph (a), the international application shall be rejected by the International Bureau which shall inform the competent authority of the country of origin thereof.

(d) Where, in accordance with subparagraph (c), the international application is rejected, the International Bureau shall refund the fees paid in respect of the application, after deduction of an amount corresponding to half the registration fee referred to in Rule 23.

(2) [International Applications Not Considered as Such] If the international application is not presented to the International Bureau by the competent authority of the country of origin, it shall not be considered as such by the International Bureau and shall be returned to the sender.

Chapter 3 International Registration

Rule 7 Entry of the Appellation of Origin in the International Register

(1) [Registration, Certificate and Notification] Where the International Bureau finds that an international application satisfies the conditions set out in Rules 3(1) and 5, it shall enter the appellation of origin in the International Register, shall send a certificate of international registration to the authority that requested the registration and shall notify the international registration to the competent authority of those other contracting countries in respect of which protection has not been renounced.

(2) [Contents of the Registration] An international registration shall contain or indicate:

- (i) all the particulars given in the international application;
- (ii) the language in which the International Bureau received the international application;
- (iii) the number of the international registration;
- (iv) the date of the international registration.

Rule 8 Date of the International Registration

(1) [Irregularities Affecting the Date of the International Registration] Where an international application does not contain all the following particulars:

- (i) the country of origin;
- (ii) the holders of the right to use the appellation of origin;
- (iii) the appellation of origin for which registration is sought;
- (iv) the product to which the appellation applies,

the international registration shall bear the date on which the last of the missing particulars is received by the International Bureau.

(2) [Date of the International Registration in All Other Cases] In all other cases, the international registration shall bear the date on which the international application was received by the International Bureau.

(3) [Date of Effect of International Registration]

(a) An appellation of origin that is the subject of an international registration shall, in each contracting country that has not declared in accordance with Article 5(3) of the Agreement that it cannot ensure the protection of the appellation, be protected from the date of the international registration or, where a contracting country has made a declaration in accordance with subparagraph (b), from the date mentioned in that declaration.

(b) A contracting country may, in a declaration, notify the Director General

that, in accordance with the law of that country, an appellation of origin that is the subject of an international registration is protected from a date that is mentioned in the declaration, which date shall however not be later than the date of expiry of the period of one year referred to in Article 5(3) of the Agreement.

Chapter 4 Declarations of Refusal of Protection

Rule 9 Declaration of Refusal

(1) [Notification to the International Bureau] A declaration of refusal shall be notified to the International Bureau by the competent authority of the contracting country for which the refusal is issued and shall be signed by that authority.

(2) [Contents of a Declaration of Refusal] A declaration of refusal shall relate to a single international registration and shall indicate or contain:

(i) the number of the international registration concerned, preferably accompanied by further information enabling the identity of the international registration to be confirmed, such as the name of the appellation of origin;

(ii) the grounds on which the refusal is based;

(iii) where the refusal is based on the existence of a prior right, the essential particulars of that prior right and, in particular, if it is constituted by a national, regional or international trademark application or registration, the date and filing number, the priority date (where appropriate), the date and registration number (if available), the name and address of the holder, a reproduction of the trademark, together with the list of relevant goods and services given in the trademark application or registration, it being understood that the list may be submitted in the language of the said application or registration;

(iv) where the refusal concerns only certain elements of the appellation of origin, those elements that it concerns;

(v) the judicial or administrative remedies that may be exercised against the refusal together with the applicable time limits.

(3) [Entry in the International Register and Notification to the Competent Authority of the Country of Origin] Subject to Rule 10(1), the International Bureau shall enter in the International Register any refusal, together with the date on which the declaration of refusal was sent to the International Bureau, and shall notify a copy of the declaration to the competent authority of the country of origin.

Rule 10 Irregular Declaration of Refusal

(1) [Declaration of Refusal Not Considered as Such]

(a) A declaration of refusal shall not be considered as such by the International Bureau:

(i) if it does not indicate the number of the international registration concerned, unless other information given in the declaration enables the

registration to be identified without ambiguity;

(ii) if it does not indicate any grounds for refusal;

(iii) if it is sent to the International Bureau after the expiry of the one-year period referred to in Article 5(3) of the Agreement;

(iv) if it is not notified to the International Bureau by the competent authority.

(b) Where subparagraph (a) applies, the International Bureau shall, unless it is unable to identify the international registration concerned, notify a copy of the declaration of refusal to the competent authority of the country of origin and shall inform the authority that notified the declaration of refusal that the latter is not considered as such by the International Bureau and that the refusal has not been entered in the International Register, and shall state the reasons therefor.

(2) [Irregular Declaration] If the declaration of refusal contains an irregularity other than those referred to in paragraph (1), the International Bureau shall nevertheless enter the refusal in the International Register and shall notify a copy of the declaration of refusal to the competent authority of the country of origin. At the request of that authority, the International Bureau shall invite the authority that notified the declaration of refusal to regularize its declaration without delay.

Rule 11 Withdrawal of a Declaration of Refusal

(1) [Notification to the International Bureau] Any declaration of refusal may be withdrawn, in part or in whole, at any time by the authority that notified it. The withdrawal of a declaration of refusal shall be notified to the International Bureau by the competent authority and shall be signed by such authority.

(2) [Contents of the Notification] The notification of withdrawal of a declaration of refusal shall indicate:

(i) the number of the international registration concerned, preferably accompanied by other information enabling the identity of the international registration to be confirmed, such as the name of the appellation of origin;

(ii) the date on which the declaration of refusal was withdrawn.

(3) [Entry in the International Register and Notification to the Competent Authority of the Country of Origin] The International Bureau shall enter in the International Register any withdrawal referred to in paragraph (1) and shall notify a copy of the notification of withdrawal to the competent authority of the country of origin.

Chapter 5 Other Entries Concerning an International Registration

Rule 12 Period Granted to Third Parties

(1) [Notification to the International Bureau] Where the competent authority of a contracting country gives notice to the International Bureau that a period has been granted to third parties in that country to terminate the use of an appellation of origin in that country in accordance with Article 5(6) of the Agreement, such notice shall be signed by that authority and shall indicate:

- (i) the number of the international registration concerned, preferably accompanied by other information enabling the identity of the international registration to be confirmed, such as the name of the appellation of origin;
- (ii) the identity of the third parties concerned;
- (iii) the period granted to the third parties;
- (iv) the date from which the time limit begins, it being understood that this date may not be later than the date on which the three-month period referred to in Article 5(6) of the Agreement expires.

(2) [Entry in the International Register and Notification to the Competent Authority of the Country of Origin] Subject to the notice referred to in paragraph (1) being sent by the competent authority to the International Bureau within three months from expiry of the period of one year laid down in Article 5(3) of the Agreement, the International Bureau shall enter such notice in the International Register together with the particulars shown therein and shall notify a copy of the notice to the competent authority of the country of origin.

Rule 13 Modifications

(1) [Permissible Modifications] The competent authority of the country of origin may request the International Bureau to enter in the International Register:

- (i) a change in the holder of the right to use the appellation of origin;
- (ii) a modification to the names or addresses of the holders of the right to use the appellation of origin;
- (iii) a modification to the limits of the area of production of the product to which the appellation of origin applies;
- (iv) a modification relating to the legislative or administrative provisions, the judicial decisions or the registration referred to in Rule 5(2)(a)(vi);
- (v) a modification relating to the country of origin that does not affect the area of production of the product to which the appellation of origin applies.

(2) [Procedure] A request for entry of a modification referred to in paragraph (1) shall be presented to the International Bureau by the competent authority, shall be signed by that authority and shall be accompanied by a fee the amount of which is specified in Rule 23.

(3) [Entry in the International Register and Notification to the Competent Authorities] The International Bureau shall enter in the International Register a modification requested in accordance with paragraphs (1) and (2) and shall notify it to the competent authority of the other contracting countries.

Rule 14 Renunciation of Protection

(1) [Notification to the International Bureau] The competent authority of the country of origin may at any time notify the International Bureau that it renounces protection in one or more contracting countries, designated by name. The notification of renunciation of protection shall state the number of the international registration concerned, preferably accompanied by other information enabling the identity of the international registration to be confirmed, such as the name of the appellation of origin, and shall be signed by the competent authority.

(2) [Entry in the International Register and Notification to the Competent Authorities] The International Bureau shall enter in the International Register the renunciation of protection referred to in paragraph (1) and shall notify it to the competent authority of each contracting country with respect to which the renunciation has effect.

Rule 15 Cancellation of an International Registration

(1) [Request for Cancellation] The competent authority of the country of origin may at any time request the International Bureau to cancel an international registration that it has requested. A request for cancellation shall state the number of the international registration concerned, preferably accompanied by other information enabling the identity of the international registration to be confirmed, such as the name of the appellation of origin, and shall be signed by the competent authority of the country of origin.

(2) [Entry in the International Register and Notification to the Competent Authorities] The International Bureau shall enter in the International Register any cancellation together with the particulars given in the request and shall notify such cancellation to the competent authority of the other contracting countries.

Rule 16 Invalidation

(1) [Notification of Invalidation to the International Bureau] Where the effects of an international registration are invalidated in a contracting country and the invalidation is no longer subject to appeal, the invalidation shall be notified to the International Bureau by the competent authority of that contracting country. The notification shall indicate or contain:

- (i) the number of the international registration concerned, preferably accompanied by other information enabling the identity of the international registration to be confirmed, such as the name of the appellation of origin;
- (ii) the authority that pronounced the invalidation;
- (iii) the date on which the invalidation was pronounced;
- (iv) where the invalidation concerns certain elements only of the appellation of origin, the elements concerned;
- (v) a copy of the decision that invalidated the effects of the international registration.

(2) [Entry in the International Register and Notification to the Competent Authority of the Country of Origin] The International Bureau shall enter the invalidation in the International Register together with the particulars, referred to in items (i) to (iv) of paragraph (1), which are given in the notification of invalidation and shall notify a copy of the notification to the competent authority of the country of origin.

Rule 17 Corrections Made to the International Register

(1) [Procedure] If the International Bureau, acting ex officio or at the request of the competent authority of the country of origin, finds that the International Register contains an error with respect to an international registration, it shall modify the Register accordingly.

(2) [Notification of Corrections to the Competent Authorities] The International Bureau shall notify such fact to the competent authority of each contracting country.

(3) [Application of Rules 9 to 11] Where the correction of the error concerns the appellation of origin or the product to which the appellation of origin applies, the competent authority of a contracting country has the right to declare that it cannot ensure the protection of the international registration so corrected. The declaration shall be addressed to the International Bureau by such competent authority within a period of one year from the date of notification by the International Bureau of the correction. Rules 9 to 11 shall apply mutatis mutandis.

Chapter 6 Miscellaneous Provisions and Fees

Rule 18 Publication

The International Bureau shall publish in the Bulletin all entries made in the International Register.

Rule 19 Extracts From the International Register and Other Information Provided by the International Bureau

(1) [Information on the Contents of the International Register] Extracts from the International Register or any other information on the contents of the Register shall be provided by the International Bureau to any person so requesting, on payment of a fee the amount of which is specified in Rule 23.

(2) [Communication of Provisions, Decisions or the Registration Under Which an Appellation of Origin is Protected]

(a) Any person may request the International Bureau for a copy in the original language of the provisions, the decisions or the registration referred to in Rule 5(2)(a)(vi) on payment of a fee the amount of which is specified in Rule 23.

(b) Where such documents have already been communicated to the International Bureau, the latter shall transmit without delay a copy to the person who has made the request.

(c) If the documents have not been communicated to the International Bureau, the latter shall request a copy of them from the competent authority of the country of origin and shall transmit them, on receipt, to the person who has made the request.

Rule 20 Signature

Where the signature of an authority is required under these Regulations, such signature may be printed or replaced by the affixing of a facsimile or an official seal.

Rule 21 Date of Dispatch of Various Communications

Where the declarations referred to in Rules 9(1) and 17(3) or where the notice referred to in Rule 12(1) are communicated through a postal service, the date of dispatch shall be determined by the postmark. If the postmark is illegible or missing, the International Bureau shall treat the communication concerned as if it had been sent 20 days before the date on which it was received. Where such declarations or such notice are sent through a delivery service, the date of dispatch shall be determined by the information provided by such delivery service on the basis of the

details of the mailing as recorded by it.

Rule 22 Modes of Notification by the International Bureau

(1) [Notification of the International Registration] The notification of the international registration, referred to in Rule 7(1), shall be addressed by the International Bureau to the competent authority of each contracting country by registered mail with acknowledgement of receipt or by any other means enabling the International Bureau to establish the date on which notification was received.

(2) [Other Notifications] Any other notification by the International Bureau referred to in these Regulations shall be addressed to the competent authorities by registered post or by any other means enabling the International Bureau to establish that the notification has been received.

Rule 23 Fees

The International Bureau shall collect the following fees, payable in Swiss francs:Amount (Swiss francs)

- (i) Fee for registration of an appellation of origin 500
- (ii) Fee for entry of a modification of a registration 200
- (iii) Fee for providing an extract from the International Register 90
- (iv) Fee for providing an attestation or any other information given in writing concerning the contents of the International Register 80

Rule 24 Entry into Force

These Regulations shall enter into force on April 1, 2002, and shall, as from that date, replace the previous Regulations.