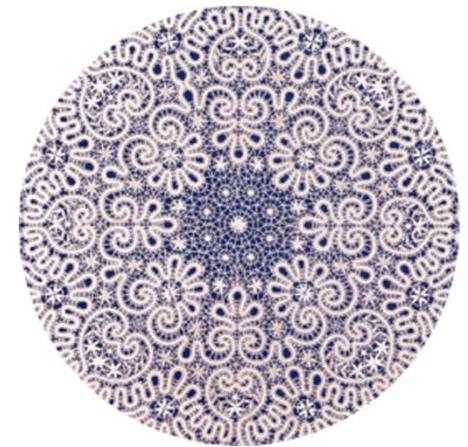




ROSPATENT

Worldwide Symposium on Geographical Indications Lisbon, July 2 to 4, 2019



**INITIATIVES FOR IMPROVING RUSSIAN LEGISLATION
CONCERNING THE PROTECTION OF GEOGRAPHICAL
INDICATIONS**



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LEGAL PROTECTION OF AOs IN RUSSIA

IN THE EU MORE THAN 3 000 AOs AND Gis ARE PROTECTED
IN RUSSIA ONLY 165 RUSSIAN AOs ARE PROTECTED



POSSIBLE REASONS:

- Public is not well informed
- Manufacturer wants to have a monopoly
- Lack of legal regulation



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INCREASE ATTENTION TO REGIONAL BRANDS

SUGGESTIONS FOR MAKING AMENDMENTS TO PART FOUR OF THE CIVIL CODE OF THE RUSSIAN FEDERATION



APPELLATION OF ORIGIN

- **TO CREATE** more effective legal regulation

A draft Federal Law on Changes to the Civil Code has been prepared



07.27.2018 Bill No. 509994-7 adopted in first reading



Preparation of the bill for the second reading in the State Duma



GEOGRAPHICAL INDICATION

- **TO INCLUDE** in the Civil Code of the Russian Federation as an independent protected IP object (Article 1225)
- **TO DEFINE** the features of the legal protection of GIs in comparison with AOs



The Civil Code of the Russian Federation - Definition

What is a «GEORGAPHICAL INDICATION»?

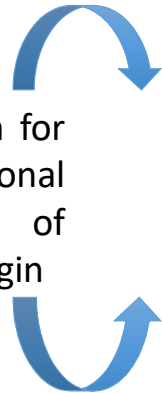
The TRIPS agreement stipulates the protection of geographical indications (GI) — indications which identify a good as originating in the territory of a Member-state or its region or locality and having certain **qualities, reputation and other characteristics** that are attributable to their geographical origin



WORLD TRADE ORGANIZATION



The Lisbon System for
the International
Registration of
Appellations of Origin



APELLATION OF ORIGIN

GEORPAHICAL INDICATION

www.rupto.ru



(the Eurasian Economic Union)

A geographical indication is an indication that identifies a good as originating in a certain Member-state or its region or locality in that region, if a given **quality, reputation or other characteristics** of the good are significantly attributable to its geographical origin.



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WHAT'S THE DIFFERENCE BETWEEN AO AND GI?

APPELLATION OF ORIGIN	GEOGRAPHICAL INDICATION
Verbal designation, which constitutes a name of a geographical object	Any designation that allows to identify a product as originating in a territory of a geographical object
Special properties of a product, with respect to which an appellation of origin may be registered, are exclusively or predominantly defined by environmental or human factors distinctive to this geographical object	A certain quality, reputation or other characteristics of a product, with respect to which a geographical indication may be registered, are significantly attributable to its geographical origin
A designation that became well-known as a result of its use with regard to a product	A designation which allows to identify a product as originating in a territory of a geographical object
All stages of production take place within the borders of a geographical object, the name of which is being registered as an AO	At least one of stages of production takes place within the borders of a geographical object, the name of which is being registered as a GI

AO and GI can be registered by one or more individuals, legal entities or association of legal entities

**Exclusive right for
GI/AO**



Association of manufacturers

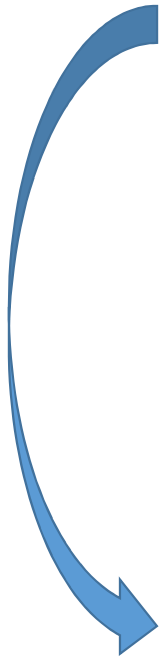


**To register AO or GI an association can be created
by manufacturers, but also by commodity
producers, packers, distributors, etc.**



Members of the Association

**Right to use
GI/AO**





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ROSPATENT **provides public** information on applications for GIs/AOs

Direct mailing:

- Regional administration
- District Mayors
- Association of manufacturers
- Specialized scientific institutions

Rospatent publishes the data regarding the state registration of **AOs** and **GIs** in official publications and conducts the examination.

An opposition can be initiated within three months after the publication date by any entity

The decision is made after the opposition is considered, taking into account the examination results.



Opposition



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- 1) Application form;
- 2) identification applied for;
- 3) goods specification;
- 4) place of origin (manufacture) of the goods (geographical borders);
- 5) information on how goods' features are related to its place of origin (manufacture);
- 6) **features description**, including the raw material, main physical, chemical, microbiological and organoleptic features of the goods;
- 7) **description of the manufacturing process**, as well as **storage and transportation conditions**, if they can affect significantly the creation and maintenance of goods' features;

GI application



- 8) description of **procedures for monitoring manufacture conditions and maintenance of the features of the goods** in question;
- 9) **list of entities that have the right to use the GI**, if applied by an association, and **conditions of the GI use** for members of the association;
- 10) information, **confirming the right to manufacture the goods**, if required by the Federal Law.

Documents confirming the stated information should be attached to the application!



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AO application

The same information as in GI application (1-4), and also:

5) information, justifying that special properties of the goods in question are exclusively determined by the natural conditions and (or) human factors of the geographical object;

6) **Description of special properties of the goods**, including the reference to the raw materials, used for its manufacturing, main physical, chemical, microbiological and organoleptic features



For domestic AOs:

A conclusion should be attached to the application issued **by the authority:**

- on the Federal level (as specified by the Government of the Russian Federation);
- if unavailable – on the regional level (as specified by the authority of the region)

For foreign AOs:

A document, confirming applicant's right **for the AO** in the country of origin should be attached to the application



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Grounds for refusal and opposition

- 1) Became **well-known and widely used** as a type of a product not associated with its place of manufacture;
- 2) **Was previously registered as GI or AO** in regard to the same type of product;

- 3) **Identical or similar to the trademark** with earlier registration, if its use can be **confusing for the consumer in relation to the goods** or their manufacturers;
- 4) **Name of the plant variety or animal species**, if its use can be confusing for the consumer.

Examination of the GI/AO



Refusal in state registration of GI/AO

It is possible to open **a dispute** on such registration within **five years** since publication date



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ILLEGAL USE OF AO AND GI

1) GI is used by individuals and entities with no right to use it, even if they state a genuine place of origin or GI is translated or used with phrases such as “type”, “kind”, “imitation” etc.;

2) GI is used by individuals and entities with the right to use it in relation to the products that do not have the features stated in the National registry or are manufactured outside the geographic object;

3) Using the marking similar to the registered GI for any goods, that is confusing to the consumer in regard to the place of origin of the product, its features, quality, reputation and other.



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Using domestic trademarks and AOs to explore and develop new markets and support exports



By 2024 it is recommended to register
at least 300 AOs



IP DEVELOPMENT GOALS IN THE RUSSIAN FEDERATION

RECOMMENDATIONS ON IPR AND INDIVIDUALIZATION MEANS MANAGEMENT IN RUSSIA

#10. Support the protection of individualization means, creating regional brands

01

Promoting AO registration

02

Support in creating and registering collective trademarks

03

Support in creating local trademarks owned by regions of Russia



THANK YOU FOR YOUR ATTENTION!

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