



**MINISTRY OF TRADE, INDUSTRY AND TOURISM  
OFFICE OF THE MINISTER**

Ref.: 750/219/CM/DPI/2017

**The Deputy Director General, WIPO, Geneva**

**Dear Madam,**

I refer to your request (ref. no. C.8607) for comments and observations on document SCT/35/4 relating to the laws of trademarks, industrial designs and geographical indications. Burundi fully adheres to the six convergences mentioned by members during the analysis of the document. Our views are set out below.

**1. Possible Area of Convergence No 1: *Notion of Country Name***

At least for the purposes of examination of marks, and unless the applicable law specifies otherwise, a country name may cover: the official or formal name of the State, the name that is in common use, translation and transliteration of that name, the short name of the State, as well as the use of that name in abbreviated form and as an adjective.

**2. Possible Area of Convergence No. 2: *Non-registrable if Considered Descriptive***

At least for the purposes of examination, trademarks consisting solely of a country name should be refused where the use of that name is descriptive of the place of origin of the goods or service.

**3. Possible Area of Convergence No. 3: *Non registrable if Considered Misleading, Deceptive or False***

At least for the purposes of examination, trademarks consisting of or containing a country name should be refused where the use of that name renders the mark as a whole misleading, deceptive or false in relation to the origin of the goods or services.

**4. Possible Area of Convergence No. 4: *Consideration of other Elements of the Mark***

At least for the purposes of examination, and unless the applicable law specifies otherwise, trademarks consisting of a country name, among other elements, should be refused where the use of that name renders the mark as a whole non-distinctive, misleading, deceptive or false in relation to the origin of the goods or services.

**5. Possible Area of Convergence No. 5: *Invalidation and opposition procedures***

The grounds for refusal described in possible areas of convergence no. 2, 3 and 4 above should constitute grounds for invalidation of registered marks, and where the applicable law so provides, also grounds for opposition.

**6. Possible Area of Convergence No. 6: *Use as a Mark***

Appropriate legal means should be available to interested parties to prevent the use of country names if such use is likely to deceive the public, for instance as to the

nature, quality or geographical origin of the goods or services and to request the seizure of goods bearing false indications as to their source.

Yours faithfully,

[signed]

**Pélate Niyonkuru**

**Minister of Commerce, Industry and Tourism**