

SUGGESTED QUESTIONS FOR THE GEOGRAPHICAL INDICATIONS QUESTIONNAIRE: CHILE

STANDING COMMITTEE ON THE LAW OF TRADEMARKS, INDUSTRIAL DESIGNS AND GEOGRAPHICAL INDICATIONS (SCT)

SCT WORK PLAN ON GEOGRAPHICAL INDICATIONS (DOCUMENT SCT 38/5, ANNEX AND CIRCULAR LETTER N°8707)

TOPICS

- I. **National and regional systems which may afford some degree of protection to geographical indications**
 - **Protection systems**
 - (a) Identify the main features of your GI recognition and protection system, including the duration of protection, requirements for maintaining protection and the factors that could lead to loss of protection.
 - (b) If your national legislation provides for two or more GI recognition and protection systems, can the different protection systems coexist?
 - **Procedure for the recognition and protection of GIs**
 - (a) Briefly describe the stages of the application and registration procedure for a GI.
 - (b) If producers are applying for a GI, is proof of association required?
 - **Requirements for the recognition and protection of GIs according to available systems**
 - (a) What kind of products can be protected through GIs under your legislation?
 - (b) How are the specific characteristics of products eligible for protection technically ascertained?
 - (c) In your legislation, which is the competent authority for conducting examinations of the technical requirements to be met by the GI?
 - **Protection of foreign GIs**
 - (a) Can GIs be recognized by means of bilateral international treaties? What is the value and level of protection of these GIs under your national legislation? Are they treated differently from GIs applied for according to your domestic procedure?
 - **Possibility of homonymity for GIs**
 - (a) If your legislation does not provide express protection for homonymous GIs, is there in practice another mechanism for achieving coexistence?
 - **Refusal of registration**
 - (a) Are there procedures for opposition by third parties? Which of these have active legal standing?
 - (b) If recognition of a GI is sought and there is already a registered trade mark with that designation,

could the GI applied for be refused registration? Could an order instead be made to cancel the prior registration of the owner of the trademark? Finally, is the coexistence of both rights established?

(c) Is co-existence between trademarks and GIs allowed in your legislation? if so, does one system prevail over the other?

- Rights and enforcement of GIs

(a) What rights are granted to GI holders?

(b) What are the measures under your legislation to deal with infringers of the rights conferred by GIs?

(c) Does your legislation establish border enforcement mechanisms for GIs? if so, are there *ex officio* mechanisms, or only at the request of interested parties?

(d) Is there provision for measures for the destruction of allegedly infringing property? If so, is a prior court order necessary for destruction?

- Existence of national programs to support products of recognized origin through GIs

(a) Does your country have support programs for producers of goods recognized or protected by GIs?

(b) If so, how are they financed, and how are the results of such programs measured?