

COMPLIANCE WITH GI WORK PLAN
Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), Thirty-Eighth Session

In response to Circular No. 8707 of November 27, 2017 and in accordance with the “Work Plan on Geographical Indications” adopted at the thirty-eighth session of the SCT, held in Geneva from October 30 to November 2, 2017, the SIC submits the list of questions that may form the basis of the questionnaire focusing on the topics discussed, i.e., (i) the practice in various systems for the protection of geographical indications; and (ii) Internet protection of geographical indications and country names..

I. National and regional systems which may afford some degree of protection to geographical indications

Firstly, it should be noted that our national system confers protection on geographical indications, in the form of Appellations of Origin, referred to in Article 201 of Decision 486 of 2000.¹ Thus, protection is granted as an Appellation of Origin for nominative expressions composed of the indication of a specific country, region or place or referring to a delimited area, which are used to designate a product originating in the area, whose qualities, characteristics and product reputation derive from the geographical environment in which it is produced, taking into account natural and human factors.

▪ **Basis of protection (sign/indication subject matter of the protection/services covered, etc.)**

In the light of the above-mentioned definition, the system of protection of appellations of origin in Colombia allows for the protection of nominative expressions designating products from a given area, without accepting the designation of services through this mechanism or the use of mixed or other expressions.

For this reason, the appellation of origin refers to a product which may be agro-food or handicrafts and whose coverage will correspond to the detailed description of the product in question, without – in all cases – it being appropriate to apply the International Classification of Nice.

QUESTIONS

1. *Can geographical indications and appellations of origin be used to designate services?*
2. *If so, how is the causal link between the quality, characteristics and reputation of the service and the defined geographical area determined?*

¹ **Article 201.** *An appellation of origin shall be understood to be a geographical indication constituted by the appellation of a country, region or place, or by a name other than that of a country, region or place, which refers to a specific geographical area, used to designate a product originating therefrom and whose quality, reputation or other characteristics are due exclusively or essentially to the geographical environment in which it is produced, including natural and human factors.*



3. *In this case, what are the requirements for authorizations to use the geographical indication or appellation of origin and how are recognition or protection procedures carried out in third countries?*
4. *What difficulties or benefits may arise if such a service appellation is accepted?*
5. *Can an appellation of origin or geographical indication designate a living animal?*
6. *Can appellations of origin or geographical indications be composed of figurative elements?*
7. *Is it possible for an appellation of origin or geographical indication to designate more than one product and/or service which are in different classes of the Nice Classification?*
8. *Is it possible for the same geographical location to be part of different appellations of origin designating different products?*
9. *Can geographical indications and appellations of origin be used to designate artisanal products?*
10. *In the case of appellations of origin designating artisanal products, how stringent is the natural factor requirement?*
11. *What are artisanal products?*

