

To whom it may concern

In the light of Circular No. C. 8707 on the work plan on geographical indications adopted during the 38th session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), inviting members to submit questions on geographical indications to be included in a summary document for the 39th Session of the SCT, I would like to make the following proposals.

Basis of protection

- (a) For geographical indications for products, the link to the geographical area is decisive for quality and reputational purposes. Thus, with regard to a geographical indication for services, given that the characteristics could be replicated in another region owing to the nature of the figure, how are these characteristics determined?
- (b) In different national systems, in the absence of bilateral, regional or multilateral agreements, how are rules for the recognition and protection of geographical indications outside the national territory determined?

Application and Registration

- (a) Where genericity is considered as a ground for refusing a geographical indication, are there specific guidelines for determining this characteristic?
- (b) Is the previous questioning applicable to supervening genericity?

Scope of protection

- (a) Does any member state regulate unfair competition arising from the evocation of a geographical indication? In that case, does this cover only products of the same species or of a different nature? Does this evocation have to be graphic or is there allowance for some other kind of connection (phonetic, for example)?
- (b) Is it feasible to protect elements associated with a geographical indication, for example, aromas or textures of the products? In other words, would the protection of non-traditional GIs be feasible, as in the trademark system?

Thank you for your attention. I remain willing to provide further information if required.

Kind regards,



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