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BRIEF SUMMARY OF GEOGRAPHICAL INDICATION

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ABSTRACT

Geographical indications (GIs) acquired global relevance in 1994 with their legal protection as an intellectual property right (IPR) in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) of the World Trade Organization (WTO). The term GI was coined to encompass a variety of expressions already in use in other international treaties and national legislations, such as appellations of origin. The new term was given a specific definition in Article 22.1 of the TRIPS Agreement, which is the one retained in this book:

Geographical indications are indications which identify a good as originating in the territory of a locality, or a member or region in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.

Champagne, Feta cheese, Basmati rice, Darjeeling tea, Pisco, and Parma ham are all examples of well-known GIs.

The subject of this book, however, is not GIs per se; it is rather the international legal regime for GIs established under the TRIPS Agreement. Since intellectual property protection is territorial, it is interesting to contrast regimes and analyses the impact of specific legal provisions, without pre-judging the soundness of these provisions.

KEYWORDS: *intellectual property right, TRIPS Agreement, Treaty.*

CHAPTER I INTRODUCTION

Geographical indications (GIs) acquired global relevance in 1994 with their legal protection as an intellectual property right (IPR) in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) of the World Trade Organization (WTO). The term GI was coined to encompass a variety of expressions already in use in other international treaties and national legislations, such as appellations of origin. The new term was given a specific definition in Article 22.1 of the TRIPS Agreement, which is the one retained in this book:

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The subject of this book, however, is not GIs *per se*; it is rather the international legal regime for GIs established under the TRIPS Agreement. Since intellectual property protection is territorial, it is interesting to contrast regimes and analyses the impact of specific legal provisions, without pre-judging the soundness of these provisions.

Bridging the gap between the purely theoretical and purely legal analysis of economic phenomena, this book fits into the “economics of law” literature. The goal of the book is to analyse the economic outcomes that can be expected (or explained) by applying the toolbox of the theoretical economist to the legal regimes that are compatible with the provisions of the TRIPS Agreement applying to GIs.

The economic models presented in this book are kept as tractable, coherent, and mainstream as possible, and are fully related to well-known bodies of economic theory to ease understanding and referencing. Additionally, the questions addressed in the interpretation of results were selected based on their relevance to on-going policy debates and multilateral negotiations. This book does not include original empirical work, although case studies and examples are used to illustrate various arguments.

This introductory chapter is divided in four parts. The first section reviews, summarily, and from a historical perspective, the international legal framework for the protection of GIs. Current debates and controversial aspects surrounding the recognition and protection of GIs are described next. The third section provides some figures on the global market value of GIs. The fourth and last presents the rationale behind the characterization of GIs as club assets, the key assumption in the theoretical models developed in Chapters 2 to 4.

1.1. RESEARCH AIM

The purpose of this study is to appraise about the geographical indication and the law regarding to the Geographical indication.

The study will be primarily focus on the major irritation area of India their major GIs protection of the GIs object

1.2. RESEARCH SCOPE

It will show the laws regarding the GIs of India. How people can protected their uniqueness staff from using by the other state and people.

1.3. RESEARCH METHODOLOGY

The research methodology followed by this work is basically doctrinal source of data used is both preliminary and secondary.

1.4. REVIEW OF LITERATURE

The protection of geographical indication in India by: Delphine Marine –Vivien

Geographical Indications : A search for Identity By :- Latha R Nair and Rajendra Kumar

1.5. RESEARCH QUESTIONS

- A) Bases for Legal Protection of Geographical Indications
- B) Differences of Legal Protection of Geographical Indications For Alcoholic Beverages
- C) Registration of Geographical Indication

CHAPTER II THE LEGAL PROTECTION OF GEOGRAPHICAL INDICATIONS

The legal protection of GIs has evolved substantially since 1883, when the phrase “appellation of origin” (a particular type of GI) was first introduced in the international arena. A few features of the current international debates regarding GIs have been constant throughout the legal history of this intellectual property

right: the tension between requests for legal protection confronted to claims of genericity; the option to protect GIs through trademark law instead of by establishing an *ad-hoc* legal regime; and the special standing of wines and spirits.

The early days

In 1883, the Paris Convention on the Protection of Intellectual Property singled out, in its first article, the “indications of source” or “appellations of origin” as objects of protection. These concepts were not defined, however, and the treaty provided only for remedies against the false use of indications of source; appellations of origin are not mentioned again in the Treaty.

Nine years later, the Madrid Agreement for the Repression of False or Deceptive Indications of Source of Goods of 1891, which consists of only six articles, was the first treaty to (1) prevent the *deceptive* use of indications of source, (2) include a genericity exception, and (3) set a special regime for wines. The last two principles are embodied in Article 4, which reads:¹

“The courts of each country shall decide what appellations, on account of their generic character, do not fall within the provisions of this Agreement, regional appellations concerning the source of products of the vine being, however, excluded from the reservation specified by this Article.” (Article 4 of the Madrid Agreement for the Repression of False or Deceptive Indications of Source of Goods)²

The same year, 1891, the Madrid Agreement Concerning the International Registration of Marks was signed, which since has been used by many countries to protect GIs as collective, certification, or guarantee trademarks. Since then, the world has been divided between those countries that protect GIs through an *ad-hoc* system, and those that use their trademark law.

Interestingly, after World War I, France, probably fearing that Germany might want to supply the world with “Champagne” after the region around Reims, where Champagne originates, had been badly damaged, included an article in the Treaty of Versailles providing for the “respect” of legal, administrative, and judicial decisions regarding “appellations for wine or spirits”: This was thus the second time that wines (and spirits) were given special attention.

The Lisbon Agreement: Limited country coverage

¹ Hint by Stephen Clarke, 1000 Years of Annoying the French, Bantam Press, March 2010./last visited 20/06/18

²

<https://www.riigiteataja.ee/en/eli/530102013035/consolide/20/06/18>

Building on these early milestones, appellations of origin were protected in a dedicated Treaty for the first time under the 1958 Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, administered by the World Intellectual Property Organization (WIPO).

This Agreement, however, only entered into force in 1966 and has had limited country coverage. With Macedonia joining in October 2010, the Lisbon

Agreement counts 27 Contracting Parties (with five additional signatories with pending ratification). Its first signatories, in 1966, were Cuba, France, Haiti, Israel, Mexico, and Portugal. Figure 1.1.a shows a moderate increase in membership over time, with a 15-year period of stagnation from 1978 to 1993.

Figure 1.1.a: Lisbon Agreement membership and registrations

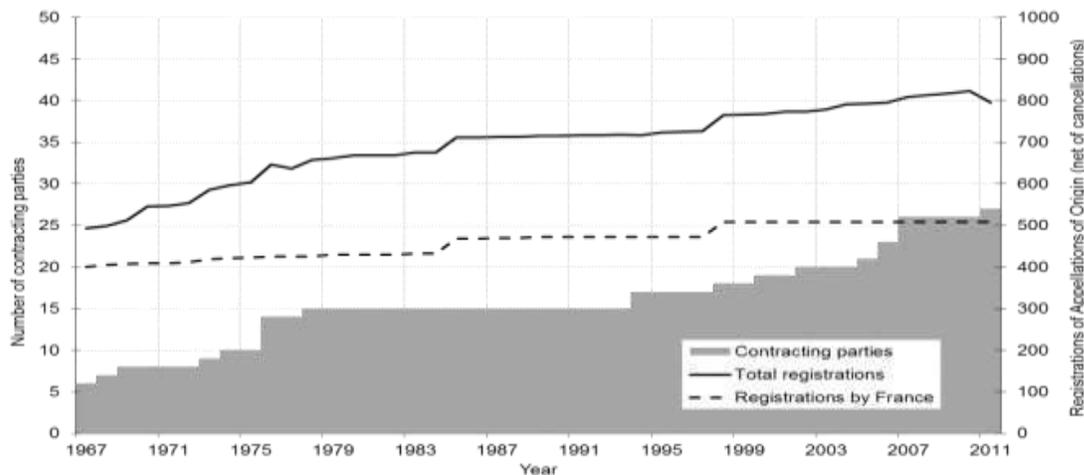


Figure 1.1.a: Lisbon Agreement membership and registrations

The most prominent instrument under the Lisbon Agreement is a registry of appellations of origin protected in the territories of all contracting parties, a feature that proponents of an increased level of protection for GIs would like to import to the WTO (next Section). In 2011, the Agreement covered 795 protected appellations of origin, 508 of which belonged to France (63.9 per cent of the total, down from 81.2 per cent in 1968)³. Seven contracting parties had not registered a single appellation of origin (Burkina Faso, Congo, Gabon, Haiti, the Islamic Republic of Iran, Nicaragua, and Togo); while Israel and the Republic of Moldova had one registered appellation each (Jaffa oranges and Românești red wine respectively). Wine accounts for approximately two-thirds of GI registrations, followed by spirits, cheese, tobacco, mineral water, and beer and malt. Registrations demonstrate a pattern of specialization of certain countries in particular sectors (Escudero 2001):

appellations in wine, spirits, and cheese are led by France; all registrations for tobacco are from Cuba; and the Czech Republic specializes in mineral water and beer and malt.⁴

WTO’s TRIPS two-tier standard of protection for GIs

G.I were given (virtually) universal attention and protection only in 1995, with the signature of the TRIPS Agreement.

Broadly, GIs are protected under the TRIPS Agreement on the grounds of consumer and goodwill protection. There are, however, two standards of protection, a minimum level that applies to all goods and revolves around the so-called “non-misleading requirement”, and an increased level of protection for wine and spirits. The Doha Round of multilateral negotiations opposes, among others, those countries that favour the extension of the additional protection to all products to those that favour the *statu quo*.

³ Correlative registration numbers go up to 900 due to 105 cancellations over time; among these 56 in 2011 by France, and 31 in 2011 by Slovakia.

⁴ moj.gov.jm/sites/default/files/laws/POGI%20Act.pdf

a) The minimum level of protection

The stated aim of the TRIPS Agreement is to reduce distortions to international trade, to promote the effective protection and enforcement of all categories of IPRs, and to promote technological innovation and transfer. The TRIPS Agreement includes a series of provisions that apply to all categories of IPRs (patents, utility models, trademarks, etc.), and therefore, as such, to GIs. In substance, these include the traditional clauses of non-discrimination, and most of the obligations regarding enforcement at the domestic level (judicial review, indemnification, provisional measures, and criminal procedures).

Other obligations, however, are specific to GIS, under Part II, Section 3 of the TRIPS Agreement, or elsewhere. For example, it is left to members to apply measures at the border in relation to the infringement of GI protection.⁵

The GI Section of the TRIPS Agreement specifically prevents the use of a GI in a manner “which misleads the public as to the geographical origin of the good” (the so-called “non-misleading requirement”), or “which constitutes an act of unfair competition”. The protection extends to the invalidation of the registration of a trademark that contains, or consists of, a GI if (and only if) it is misleading. These provisions apply to deceptive indications as well (i.e. indications that despite being literally true, falsely represent the goods as originating in another territory).

The TRIPS Agreement also includes an exception for GIs that are reputed to have become generic terms, concerning products such as Moutarde de Dijon, Cheddar cheese, or Camembert (Giovanucci et al. 2009).⁶ Additionally, a “grandfather clause” prevents the invalidation of trademarks identical or similar to a GI when the trademark was acquired in good faith prior to 1994, or before the GI was protected in its country of

origin. Parma, which has been trademarked in both Mexico and Canada, is an example of this phenomenon; Parma ham Italian producers have been prevented from marketing their products with the Parma GI in these two countries, resulting in an estimated loss of EUR 3 million per year in Canada alone (European Commission 2003).

b) Additional protection for wines and spirits

The TRIPS Agreement provides for an additional level of protection for GIs of wine and spirits, in the tradition established in the Madrid Agreement of 1891 and in the aftermath of World War I (see Section 1.1.1). First, there is a “non-misleading requirement”⁷. Second, the use of a GI is prevented “even where the true origin of the goods is indicated or the geographical indication is used in translation or accompanied by expressions such as “kind”, “type”, “style”, “imitation” or the like” (Article 23.1).

The agreement holds some exceptions (for homonymous GIs, for example) as well as additional obligations (Article 24). In particular, the genericity exception applies to those GIs that are identical to the customary name of a grape variety (such as Montepulciano). There is also a second “grandfather clause” which allows the continuous use of a protected GI for wine or spirits by those who can prove prior use (before 1984, or in good faith before 1994). Finally, WTO Members may not refuse, if requested, to conduct negotiations of international agreements aimed at increasing the protection of individual GIs for wine and spirits.⁸

Policy debate at the WTO: “Usurpation” versus “confiscation”

Since the Doha Round of multilateral trade negotiations of the WTO was launched in 2001, a number of countries have expressed their willingness to renegotiate the GI-relevant

⁵ The current situation regarding negotiations is detailed in the WTO website, TRIPS: Geographical Indications, Background and the current situation, version of February 2010: http://www.wto.org/english/tratop_e/trips_e/gi_background_e.htm - wines_spirits.

⁶ None of these indications are GIs properly; for Camembert, only Camembert de Normandie is protected as an appellation of origin in France. On the genericity issue, the protection of the Lisbon Agreement is broader: once an appellation of origin has been recognized, registered and protected under the terms of the Agreement, it cannot be deemed to have become generic as long as it maintains its protection in its country of origin.

⁷ The current situation regarding negotiations is detailed in the WTO website, TRIPS: Geographical Indications, Background and the current situation, version of February 2010: http://www.wto.org/english/tratop_e/trips_e/gi_background_e.htm - wines_spirits.

⁸ The built-in agenda of Article 23.4 refers explicitly only to “wines”. The extension of the mandate to include spirits was initially highly controversial and resented as it affected the balance of benefits struck during the Uruguay Round. I am grateful to Sergio Escudero for pointing out this aspect.

section of the TRIPS Agreement, though the subject has not been retained. There is, however, a so-called “built-in agenda” mandating negotiations aimed at establishing a registration of wine GIs and a multilateral system of notification (Article 23.4 of the TRIPS Agreement). Since no deadlines were set, however, and negotiations have systematically stalled, they are now part of the Doha Round. The Doha mandate on GIs includes two issues: the creation of the multilateral register for wine and spirits and the extension of the higher level of protection granted under Article 23 to products other than wine and spirits.

Briefly, current discussions at the WTO are framed by two opposing groups of countries. On one side, the “friends of GIs” favour a strong level of protection (with the concomitant non-misleading requirement and no generic exemption), the establishment of a global registry of GIs, and the extension of the special protection for wine and spirits to all products. Their main goal is to inveigh against the “usurpation” of their geographical indications by New World producers. The EU has the strongest position, defined in a proposal dated June 2005 (TN/IP/W/11). The EU calls for the TRIPS Agreement to be amended by adding an annex to Article 23.4 holding that the registration of a GI would establish a “rebuttable presumption” that the term is to be protected by all Members, except in a country that makes a reservation “on permitted grounds” (such as genericity) within a specified period (for example, 18 months). It also favours the extension of the higher protection of GIs for wine and spirits to all products.⁹

Their opponents favour the *statu quo*. These countries are satisfied with the current level of protection and favour the establishment of a voluntary system wherein notified GIs would be registered in a database. The governments participating in said system would have to consult the database when making protection decisions in their own countries. Non-participating members would be “encouraged” but “not obliged” to consult the database. Opponents also counter the “usurpation” argument by recalling that European colonial rule and immigration led GIs to be adopted and

popularized as generic terms outside Europe. They argue that current users of European GIs outside Europe would have the value of their investments “confiscated” if a monopoly over the GI label were imposed.

Bilateral agreements: Main tools for an effective protection

Several bilateral agreements on GIs have been negotiated, most of them on the basis of the TRIPS clause that mandates GI wine and spirits negotiations at the request of a WTO Member. Bilateral agreements are usually negotiated and enforced under the umbrella of Free Trade Agreements (FTAs), which facilitate trade-offs in other sectors over the course of the negotiations.

Regarding wine and spirits alone, by 2010 the European Commission had concluded agreements with Albania, Australia, Bosnia-Herzegovina, Canada, Chile, Croatia, the Former Yugoslav Republic of Macedonia, Mexico, Montenegro, South Africa, Switzerland, and the United States. Through¹⁰ these bilateral agreements, the EU has secured the protection of its GIs in territories where these were formerly used as generic terms, and this notwithstanding the grandfather clauses and genericity exemptions of the TRIPS Agreement. In trade jargon, this practice has been labelled the “claw-back” of GIs.

since most GIs are agricultural products, it would follow that states with agriculture-based economies would be inclined to advocate for a strong international protection of GIs, but this does not seem to be the case – mainly due to the use of GIs as generic terms. It is worth noting, however, that some developed countries have become *demandeurs* in this area, particularly those few that possess GIs with some international recognition (Escudero 2001). These demands are often channelled through bilateral negotiations, a fact that could signal a perception of potential imbalance in the eventual outcome of multilateral negotiations.

⁹ The Friends of GIs include: Bulgaria, the European Union, Guinea, India, Jamaica, Kenya, Madagascar, Mauritius, Morocco, Pakistan, Romania, Sri Lanka, Switzerland, Thailand, Tunisia, and Turkey.

¹⁰ The list of Bilateral agreements in wine and spirits negotiated by the European Commission appears on the following website: http://ec.europa.eu/agriculture/markets/wine/third/index_en.htm.

CHAPTER III DIFFERENCES OF LEGAL PROTECTION OF GEOGRAPHICAL INDICATIONS FOR ALCOHOLIC BEVERAGES

Provision of legal protection of geographical indication

Geographical indications provide legal protection to every state by the registration of geographical indications. Geographical indication is legally protected and shall be ensured by the exercising state and applying the enforcement power of the state on the bases and pursuant to the procedure provided for this Act.

Extent of legal protection of geographical indications

The extent of legal protection of a GIs shall be specified on the basis of the GIs registration.

Term of legal protection of geographical indications

There is no legal term of geographical indications

Indications not protected as geographical indications

Indication which are not protected as Legal protection are :

- 1.) Mislead the people of the GIs origin and services.
- 2.) Designates a service or goods where the given reputation, quality or other characteristic of the service and good is not essentially attribute to the GIs origin of the service and goods.
- 3.) Although literally true as to the GIs origin of the service and good may falsely represent to the people of the society that the service and good originates in another GIs
- 4.) Accept the principles of morality or is contrary to public order
- 5.) Has not found its original meaning of geographical origin and has become the common name of a service and good and is being used to designate the quality, kind ,variety or other properties or characteristics of a services or good
- 6.) Includes the name of plant variety or breed animal or is misleadingly similar to it.
- 7.) Hasn't been provided legal protection in a territory of origin or the legal protection of which has been terminated in the territory of origin,or which has fallen into disuse in that country

Right to apply for registration of geographical indication

The right to apply for the registration of a geographical indication is vested in :

- 1) A person who acts as the processor ,producer or preparer for sales of the designed good with

the indication ,or as the renderer of the service in the geographical area particular in the indication.

- 2) an association of consumers or persons referred to in clause 1 of this subsection, regardless of its seat or legal form;
- 3) A competent authority of the originated country of service and good
- 4) The person referred to in subsection 1 of this section may only apply for the registration of an indication which meets the requirements prescribed for geographical indications and complies with the provisions of § 4 of this Act and which is not excluded from protection under § 8 of this Act.
- 5) he list of Estonian administrative agencies competent for applying for the registration of geographical indications shall be approved by the Government of the Republic.

Unlawful use of geographical indication

The following shall be prohibited:

- 1)The use of a geographical indication or a misleadingly similar indication for designating goods or services by a person who does not act as the producer, processor or preparer for sales of the good specified in the registration or as the renderer of the service in the geographical area specified in the registration;
 - 2) The use of a geographical indication or a misleadingly similar indication for designating goods or services if the good or service lacks any quality, reputation or other characteristic specified in the registration;
 - 3) the use of a geographical indication or a misleadingly similar indication for designating goods or services that are not covered by the registration but which are of the same kind as the goods and services covered by the registration;
 - 4) The use of a geographical indication or a misleadingly similar indication for designating other goods or services where it may constitute the use of the reputation of the protected geographical indication in bad faith;
 - 5) The use of any misleading information about the origin, nature or basic characteristics of the good or service on the inner or outer packaging, in advertising materials or relevant documents of the good or service;
 - 6) The use of an indication which, although literally true as to the geographical origin of the good or service, may falsely represent to the public that the good or service originates in another area, even if the true origin is indicated;
 - 7) Other transactions which may mislead the public as to the true origin of the good or service.
- (2) The prohibition provided for in subsection 1 of this section shall not extend to the use,

in the course of trade, of a person's trade name, except where such name is used in such a manner as to mislead the public.

(3) Trading with a good which is unlawfully designated with a registered geographical indication shall be prohibited, regardless of whether the distributor, vendor or consumer has been notified of the relevant specific character of the good. This does not affect the validity of the transaction entered into for the transfer of the good.

CHAPTER 4 REGISTRATION OF GEOGRAPHICAL INDICATION

Register

(1) The register is established and the statutes for maintenance of the register are approved by the Government of the Republic.

(2) The Ministry of Justice is the chief processor of the register and the Patent Office is the authorised processor of the register. [RT I 28.12.2011, 1 – entered into force 01.01.2012]

(3) The Patent Office processes applications for registration of a geographical indication (hereinafter registration application), and makes decisions and entries in the register.

(4) The register shall be maintained in Estonian. Foreign-language documents shall be submitted to the register together with an Estonian translation.

Register entry

(1) A register entry is an entry of registration application processing, an entry of registration data, an entry to amend a registration data entry and a deletion of a registration entry.

(2) A register entry shall enter into force on the date of making the entry.

(3) Notices of entries of registration data, entries to amend a registration data entry and deletions of a registration entry shall be published in the official gazette of the Patent Office.

(4) A state fee is payable for an entry to amend a registration data entry.

Registration

(1) A registration shall be made on the basis of a decision to register a geographical indication.

(2) Registrations are numbered in the order in which geographical indications are registered.

(3) A registration enters into force retroactively from the filing date of the registration application.

(4) Registration data are:

- 1) The registration number;
- 2) The date of making the entry of registration data;
- 3) The representation of the geographical indication;

4) The list of goods and services designated with the geographical indication;

5) The identification of the geographical area;

6) The description showing the link of a given quality, reputation or other characteristic of a good or service with the geographical origin of the good or service and identifying the geographical area (hereinafter description);

7) The short summary of the description;

8) the data of the protection of the geographical indication in its country of origin or the data of the competent agency of the country of origin that has certified the link of a given quality, reputation or other characteristic of a good or service with the geographical origin of the good or service, and the data of the competent agency of the country of origin that has certified the right of the applicant for registration of a geographical indication (hereinafter applicant) to apply for registration of the geographical indication pursuant to the provisions of subsection

9 (1) of this Act;

9) The name and address of residence or seat of the applicant;

10) The name of the representative of the applicant, if the applicant has a representative;

11) The registration application number;

12) The filing date of the registration application

Registration application

(1) In one registration application, the applicant may apply for the registration of only one geographical indication.

(2) A registration application shall comprise the following documents:

1) A request for the registration of a geographical indication;

2) A description;

3) A certificate of the protection of the geographical indication in its country of origin, or a certificate issued by the competent agency of the country of origin certifying the link of the given quality, reputation or other characteristic of the good or service with the geographical origin of the good or service, and a certificate issued by the competent agency of the country of origin of the right of the applicant to apply for registration of a geographical indication pursuant to the provisions of subsection 9 (1) of this Act;

4) A document certifying payment of the state fee;

5) An authorization document if the applicant has a representative.

(3) The list of Estonian agencies competent to issue a certificate specified in clause 3 of subsection 2 of this section and the procedure for issuing certificates is approved by the Government of the Republic.

(4) The formal requirements of registration application documents are established by the Minister of Justice.

Request for registration of geographical indication

A request for the registration of a geographical indication shall set out:

- 1) A statement requesting the registration of a geographical indication;
- 2) A representation of the geographical indication;
- 3) The name and address of residence or seat of the applicant and other contact data;
- 4) Information about the possession of the right to apply for the registration of the geographical indication pursuant to the provisions of subsection 9 (1) of this Act;
- 5) A short summary of the description which shall comply with the content of the description;
- 6) The name of the representative, if the applicant has a representative;
- 7) The signature of the applicant or the representative of the applicant.

Description

- 1) A description shall set out:
 - 1) The name of the good or service;
 - 2) The features characterizing the good (a list of physical, chemical, microbiological, organoleptic or other qualities according to the particular good);
 - 3) The features characterizing the service or the method of producing the good;
 - 4) The identification of the geographical area;
 - 5) The particulars certifying the link of a given quality, reputation or other characteristic of the good or service with the geographical origin.
- (2) The description may contain features characterizing the raw material, the data about the use of a warning notice and other data which the applicant considers necessary to submit.
- (3) The description shall give a complete and exact idea of the link of the given quality, reputation or other characteristic of the good or service with the geographical origin of the good or service.
- (4) If the same geographical indication is used to designate goods or services with different features, the description shall be submitted for each good or service separately.

Filing of registration application

- (1) Registration applications are filed with the Patent Office by delivery by hand, by post or by facsimile.
- (2) The original documents of registration applications filed by facsimile shall be filed within one month after the date of receipt of the facsimile.
- (3) The document certifying payment of the state fee shall be submitted within one month after the date of receipt of the registration application at the latest.
- (4) The authorization document shall be submitted within two months after the date of receipt of the registration application at the latest.

Representation of applicant

- (1) The procedures related to the registration of a geographical indication and to the continued validity of the registration shall be performed by an applicant or a patent attorney authorized by the applicant.
- (2) If the residence or seat of the applicant is outside the Republic of Estonia, the registration application shall be filed by the applicant or the patent attorney. After the filing of the registration application, procedures related to the registration and to the continued validity of the geographical indication shall be performed only by a patent attorney authorized by the applicant.
- (3) If several applicants file a registration application jointly, they shall authorise a patent attorney or choose a representative from among themselves (hereinafter joint representative), whose residence or seat is in the Republic of Estonia, to perform any procedures related to the registration or to the continued validity of the geographical indication.
- (4) An authorization document shall set out the following:
 - 1) the name and address of the residence or seat of the applicant;
 - 2) In case of a patent attorney, the given name and surname of the patent attorney;
 - 3) In case of a joint representative, the name and address of the residence or seat of the representative;
 - 4) The scope of the authorization
 - 5) The right to delegate authorization, if the principal grants such right to the representative;
 - 6) The term of validity of the authorization
 - 7) The signature of the principal;
 - 8) The place and date of issue of the authorization document.

Acceptance of registration application for processing

- (1) The filing date of a registration application shall be deemed the date of receipt of the registration application if the following documents are filed:
 - 1) A statement requesting the registration of a geographical indication;
 - 2) A representation of the geographical indication;
 - 3) A list of goods and services which are designated by the geographical indication;
 - 4) The identification of the geographical area;
 - 5) The name and address of the residence or seat of the applicant and other contact information.
- (2) A filed registration application shall be accepted for processing if the following have been filed: a document certifying payment of the state fee, an authorization document, if it is required, and original documents if the registration application is filed by facsimile.

Examination of registration application

(1) During processing, the compliance of the geographical indication with the provisions of clauses 1 to 3 and 5 to 7 of § 8 of this Act and the correctness of the facts presented in the registration application shall not be examined.

(2) The applicant shall be notified in writing of formal or substantive deficiencies of the registration application or if any other circumstances are revealed which hinder the processing and a term of two months shall be set for elimination of the deficiencies or provision of relevant explanations.

(3) On the basis of a request from the applicant, the term for elimination of deficiencies in a registration application or for provision of explanations shall be extended by up to six months from the beginning of the term specified in subsection 2 of this section. The request with a document certifying payment of the state fee shall be filed before the end of the term set in subsection 2 of this section.

Withdrawal of registration application

(1) An applicant may withdraw a registration application during processing by filing a corresponding written request. A registration application is deemed withdrawn upon receipt of such request by the Patent Office.

(2) A registration application is deemed withdrawn if the applicant has failed to eliminate deficiencies in the registration application or to provide relevant explanations by the end of the term established pursuant to subsections 32 (2) and (3) of this Act.

CONCLUSION

Intellectual Property Rights have never been more economically and politically important or controversial than they are today. Patents, copyrights, trademarks industrial designs, integrated circuits and geographical indications are frequently mentioned in discussions and debates on such diverse topics as public health, food security, education, trade, industrial policy, traditional knowledge, biodiversity, biotechnology, the internet and media industries. In a knowledge based economy, there is no doubt that an understanding of IPRs is indispensable to informed policy making in all areas of human development. Geographical indications of goods is emerging field of intellectual property, which needs to be protected. Marks indicating the geographical origins of goods were the earliest type of trademark. With the industrial revolution international trade began to develop, and competition was largely dependent on the quality of a good, which was associated with its source of origin. To take advantage of the commercial attractiveness of local reputations merchants branded their goods with the place of origin. It resulted in a variety of depictions such as local animals (panda beer), land marks (Mt Keji Sake), buildings (Pisa Silk) or even well known

personalities (Napoleon Brandy Mozart Chocolates). These brands were tantamount to a warranty of the quality of these goods. The legislation which sought to protect the commercial reputation of traders on discrete geographical localities evolved principally in Europe into systems for the protection of geographical indications. Geographical Indications are understood by consumer to denote the origin and the quality of products. Many of them have acquired valuable reputations which, if not adequately protected, may be misrepresented by dishonest commercial operators