

To whom it may concern

In the light of Circular No. C. 8707 on the work plan on geographical indications adopted during the 38<sup>th</sup> 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 39<sup>th</sup> 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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