

Procedures for challenging and enforcing rights to appellations of origin and geographical indications in Peru

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The procedures for challenging and enforcing rights to appellations of origin and geographical indications in Peru are as follows.

A. Appellations of origin

The current procedures for appellations of origin are regulated by Decision 486 (Common Industrial Property Regime), adopted by the Commission of the Andean Community,¹ and Legislative Decree No. 1075 (approving supplementary provisions to Decision 486).²

Challenges to the rejection of applications to register appellations of origin are governed by Title XII, Articles 131 and 135, of Legislative Decree 1075, on appeals.

With regard to the enforcement of rights to appellations of origin, Decision 486 establishes clearly that only producers, manufacturers or artisans authorized to use a given registered appellation of origin may use it in conjunction with the expression “appellation of origin”. The provisions of Articles 155 to 158 of Decision 486 (which set forth the scope of the rights granted by a registered right), respectively, therefore apply.

In addition, Title XV of Decision 486 and Title XI of Legislative Decree No. 1075, on actions for the infringement of rights, provide for a legal mechanism available to rights holders (in this case, the owners of an appellation of origin) enabling them to safeguard their rights against infringers and whomever acts in a way that is likely to lead to an infringement.

B. Geographical indications

With regard to geographical indications, in addition to the above-mentioned provisions, Articles 23.1, 48 and 49 of Supreme Decree No. 170-2021-PCM (approving the Regulations governing the Regime for the Protection of Guaranteed Traditional Specialties and the Regime of Geographical Indications) apply.

¹ Decision 486: <https://www.indecopi.gob.pe/documents/1902049/3468565/02.++01-Decision486.pdf/2d4e6e59-03a9-ed91-26d7-332869bf3b47>.

² Legislative Decree No. 1075: <https://cdn.www.gob.pe/uploads/document/file/1664721/DL%201075.pdf.pdf>.