

Working Group on the Development of the Lisbon System (Appellations of Origin)

Fifth Session
Geneva, June 11 to 15, 2012

DRAFT REGULATIONS UNDER THE DRAFT NEW INSTRUMENT

Document prepared by the Secretariat

1. The Annex to the present document sets out the draft regulations (“Draft Regulations”) under the Draft New Instrument on the International Registration of Geographical Indications and Appellations of Origin (“Draft New Instrument”), the text of which is contained in the Annex to document LI/WG/DEV/5/2.
2. Notes explaining the various provisions of the Draft Regulations are contained in document LI/WG/DEV/5/5.
3. The Draft Regulations are modeled on the Regulations under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (“Lisbon Regulations”), adapted, as necessary, to the Draft New Instrument.
4. *The Working Group is invited to comment on the various provisions of the Draft Regulations.*

[Annex follows]

DRAFT REGULATIONS UNDER THE DRAFT NEW INSTRUMENT

List of Rules

Chapter I: Introductory and General Provisions

- Rule 1: Abbreviated Expressions
- Rule 2: Calculation of Time Limits
- Rule 3: Working Languages
- Rule 4: Competent Authority

Chapter II: Application and International Registration

- Rule 5: Requirements Concerning the Application
- Rule 6: Irregular Applications
- Rule 7: Entry of the Geographical Indication or Appellation of Origin in the International Register
- Rule 8: Fees

Chapter III: Refusal and Other Actions in Respect of International Registration

- Rule 9: Refusal
- Rule 10: Irregular Notification of Refusal
- Rule 11: Withdrawal of Refusal
- Rule 12: Notification of Grant of Protection
- Rule 13: Notification of Invalidation of the Effects of an International Registration in a Contracting Party
- Rule 14: Notification of Transitional Period Granted to Third Parties
- Rule 15: Modifications
- Rule 16: Renunciation of Protection
- Rule 17: Cancellation of an International Registration
- Rule 18: Corrections Made to the International Register

Chapter IV: Miscellaneous Provisions

- Rule 19: Publication
- Rule 20: Extracts From the International Register and Other Information Provided by the International Bureau
- Rule 21: Signature
- Rule 22: Date of Dispatch of Various Communications
- Rule 23: Modes of Notification by the International Bureau
- Rule 24: Administrative Instructions
- Rule 25: Entry Into Force

Chapter I **Introductory and General Provisions**

Rule 1 Abbreviated Expressions

(1) *[Abbreviated Expressions Defined in the Regulations]* For the purposes of these Regulations, unless expressly stated otherwise:

(i) “Administrative Instructions” means the Administrative Instructions referred to in Rule 25;

(ii) “Official Form” means a form drawn up by the International Bureau in accordance with the Administrative Instructions;

(iii) “Rule” refers to rules of these Regulations.

(2) *[Abbreviated Expressions Defined in the Agreement]* Abbreviated expressions defined in Article 2 for the purposes of the Agreement shall have the same meaning in these Regulations.

Rule 2 Calculation of Time Limits

(1) *[Periods Expressed in Years]* A period expressed in years shall expire in the subsequent year on the same day and month as the day and month of the event from which the period starts to run, except that, where the event occurred on February 29, the period shall expire on February 28 of the subsequent year.

(2) *[Periods Expressed in Months]* A period expressed in months shall expire in the relevant subsequent month on the same day as the day of the event from which the period starts to run, except that, where the relevant subsequent month has no day with the same number, the period shall expire on the last day of that month.

(3) *[Expiry on a Day Which is not a Working Day for the International Bureau or a Competent Authority]* If the period of a time limit applying to the International Bureau or a Competent Authority expires on a day which is not a working day for the International Bureau or a Competent Authority, the period shall, notwithstanding paragraphs (1) and (2), expire for the International Bureau or the Competent Authority, as the case may be, on the first subsequent working day.

Rule 3 Working Languages

(1) *[Application]* The application shall be in English, French or Spanish.

(2) *[Communications Subsequent to the International Application]* Any communication concerning an application or an international registration under the Agreement and these Regulations shall be in English, French or Spanish, at the choice of the Competent Authority concerned or, in the case of Article 7(4), at the choice of the holder or legal entity referred to in Article 7(3). Any translation needed for the purposes of these procedures shall be made by the International Bureau.

(3) *[Entries in the International Register and Publication]* Entries in the International Register and publication of such entries by the International Bureau shall be in English, French and Spanish. The translations needed for those purposes shall be made by the International Bureau. However, the International Bureau shall not translate the geographical indication or appellation of origin.

(4) *[Transliteration and Translations of the Geographical Indication or Appellation of Origin]* Where the Competent Authority gives a transliteration of the geographical indication or appellation of origin in accordance with Rule 5(2)(b) or one or more translations of the geographical indication or appellation of origin in accordance with Rule 5(3)(ii), the International Bureau shall not check whether they are correct.

Rule 4 Competent Authority

(1) *[Notification to the International Bureau]* Upon accession to the Agreement, each Contracting Party shall notify the International Bureau of the name and contact details of its Competent Authority for the purposes of communications under the Agreement or these Regulations.

(2) *[One Authority or Different Authorities]* The notification referred to in paragraph (1) shall, preferably, indicate a single Competent Authority. However, different Competent Authorities may be designated if different protection systems apply in respect of geographical indications or appellations of origin in the Contracting Party of Origin and different authorities have been empowered for those different protection systems.

(3) *[Modifications]* Contracting Party shall notify the International Bureau of any change in the particulars referred to in paragraph (1). However, the International Bureau may *ex officio* take cognizance of a change in the absence of a notification where it has clear indications of that such a change has taken place.

Chapter II **Application and International Registration**

Rule 5 Requirements Concerning the Application

(1) *[Filing]* The application shall be filed with the International Bureau on the Official Form provided to that end and shall be signed by the Competent Authority presenting it or, in the case of Article 7(4), the holder or legal entity referred to in Article 7(3).

(2) *[Application for the International Registration of a Geographical Indication – Mandatory Contents]* (a) The application for the international registration of a geographical indication under Article 7(1)(a)(i) or 7(1)(b) shall indicate:

(i) the Competent Authority presenting the application or, in the case of Article 7(4), details identifying the holder or legal entity referred to in Article 7(3);

(ii) the holder or holders of the right to use the geographical indication, designated collectively or, where collective designation is not possible, by name;

(iii) the geographical indication for which registration is sought, in the official language of the Contracting Party of Origin or, where the Contracting Party of Origin has more than one official language, in one or more of those official languages;

(iv) the product to which the geographical indication applies;

(v) the geographical area of origin;

(vi) the identifying details, including the date, of the legislative or administrative act, the judicial or administrative decision, or the registration by virtue of which protection was granted to the geographical indication in the Contracting Party of Origin;

(b) The application for the international registration of a geographical indication under Article 8(5) shall, in addition, indicate a specification of the particulars of the geographical area of origin of the product and a description of the connection between the quality, reputation or other characteristic of the product and its origin.

(c) If they are not in Latin characters, the application shall include a transliteration of

- the names of the holder or holders of the right to use the geographical indication,

- the geographical area of origin, and

- the geographical indication for which registration is sought.

The transliteration shall use the phonetics of the language of the application.

(d) The application shall be accompanied by the registration fee specified in Rule 8.

(3) *[Application for the International Registration of a Geographical Indication – Optional Contents]* The application for the international registration of a geographical indication under paragraph (2) may indicate or contain:

(i) the addresses of the holders of the right to use the geographical indication;

(ii) translations of the geographical indication in such languages as the applicant may choose;

(iii) a statement concerning the scope of protection, for example to the effect that protection is not claimed for certain elements of the geographical indication;

(iv) a declaration that protection is renounced in one or more Contracting Parties;

(v) a copy in the original language of the legislative or administrative act, the judicial or administrative decision, or the registration by virtue of which protection was granted to the geographical indication in the Contracting Party of Origin;

(vi) any further information that the applicant wishes to provide concerning the protection granted to the geographical indication in the Contracting Party of Origin, such as additional particulars of the geographical area of origin and, without prejudice to sub-paragraph (2)(b), a description of the connection between the quality, reputation or other characteristic of the product and its origin.

(4) *[Application for the International Registration of an Appellation of Origin – Mandatory Contents]* (a) The application for the international registration of an appellation of origin under Article 7(1)(b) shall indicate:

(i) the Competent Authority presenting the application or, in the case of Article 7(4), details identifying the holder or legal entity referred to in Article 7(3);

(ii) the holder or holders of the right to use the appellation of origin, designated collectively or, where collective designation is not possible, by name;

(iii) the appellation of origin for which registration is sought, in the official language of the Contracting Party of Origin or, where the Contracting Party of Origin has more than one official language, in one or more of those official languages;

(iv) the product to which the appellation of origin applies;

(v) the geographical area of origin;

(vi) the identifying details, including the date, of the legislative or administrative act, the judicial or administrative decision, or the registration by virtue of which protection was granted to the appellation of origin in the Contracting Party of Origin;

(b) The application for the international registration of an appellation of origin under Article 7(1)(a)(ii) or Article 8(5) shall, in addition, indicate a specification of the particulars of the geographical area of origin of the product and a description of the connection between the quality or characteristics of the product and its geographical environment.

- (c) If they are not in Latin characters, the application shall include a transliteration of
- the names of the holder or holders of the right to use the appellation of origin,
 - the geographical area of origin, and
 - the appellation of origin for which registration is sought.

The transliteration shall use the phonetics of the language of the application.

- (d) The application shall be accompanied by the registration fee specified in Rule 8.

(5) *[Application for the International Registration of an Appellation of Origin – Optional Contents]* The application for the international registration of an appellation of origin under paragraph (4) may indicate or contain:

- (i) the addresses of the holders of the right to use the appellation of origin;
- (ii) translations of the appellation of origin in such languages as the applicant may choose;
- (iii) a statement concerning the scope of protection, for example to the effect that protection is not claimed for certain elements of the appellation of origin;
- (iv) a declaration that protection is renounced in one or more Contracting Parties;
- (v) a copy in the original language of the legislative or administrative act, the judicial or administrative decision, or the registration by virtue of which protection was granted to the appellation of origin in the Contracting Party of Origin;
- (vi) any further information that the applicant wishes to provide concerning the protection granted to the appellation of origin in the Contracting Party of Origin, such as additional particulars of the geographical area of origin and, without prejudice to sub-paragraph 4(b), a description of the connection between the quality or characteristics of the product and its geographical environment.

Rule 6

Irregular Applications

(1) *[Examination of the Application and Correction of Irregularities]* (a) Subject to paragraph (2), if the International Bureau finds that an application does not satisfy the conditions set out in Rule 3(1) or Rule 5, it shall defer registration and invite the Competent Authority or, in the case of Article 7(4), the holder or legal entity referred to in Article 7(3), to remedy the irregularity found within a period of three months from the date of such invitation.

(b) If the irregularity found is not corrected within two months of the date of the invitation referred to in subparagraph (a), the International Bureau shall send a reminder of its invitation. The sending of such a reminder shall have no effect on the three-month period referred to in subparagraph (a).

(c) If the correction of the irregularity is not received by the International Bureau within the three-month period referred to in subparagraph (a), the international application shall be rejected by the International Bureau which shall inform the applicant accordingly.

(d) Where, in accordance with subparagraph (c), the international application is rejected, the International Bureau shall refund the fees paid in respect of the application, after deduction of an amount corresponding to half the registration fee referred to in Rule 8.

(2) *[Application not Considered as Such]* If the application is not filed by the Competent Authority of the Contracting Party of Origin or a natural person or legal entity as referred to in Article 7(4), it shall not be considered as such by the International Bureau and shall be returned to the filer.

Rule 7

Entry of the Geographical Indication or Appellation of Origin in the International Register

- (1) *[Registration]* (a) Where the International Bureau finds that:
- (i) the application for a geographical indication under the Agreement satisfies the conditions set out in Rule 3(1) and Rules 5(1) to 5(3), it shall enter the geographical indication in Part A of the International Register;
 - (ii) the application for an appellation of origin under the Agreement satisfies the conditions set out in Rule 3(1) and Rules 5(1), 5(4) and 5(5), it shall enter the appellation of origin in Part B of the International Register;
 - (iii) the application for an appellation of origin under the Lisbon Agreement satisfies the conditions set out in Rules 3(1) and 5 of the Regulations under the Lisbon Agreement, it shall enter the appellation of origin in Part B of the International Register.
- (b) In respect of appellations of origin registered in Part B of the International Register, the International Bureau shall indicate per Contracting Party whether the international registration is governed by the Agreement or by the Lisbon Agreement.

Option A:

- (c) The International Bureau shall enter geographical indications that are the subject of an application for both a geographical indication and an appellation of origin meeting the conditions set out in Rule 3(1) and Rules 5(1) to 5(5), in Part A as well as Part B of the International Register while indicating in respect of which Contracting Parties the registration as a geographical indication in Part A applies and in respect of which other Contracting Parties the registration as an appellation of origin in Part B applies.]

Option B:

- (c) The International Bureau shall enter appellations of origin registered in Part B of the International Register also in Part A of the International Register while indicating in respect of which Contracting Parties the registration as a geographical indication in Part A applies and in respect of which other Contracting Parties the registration as an appellation of origin in Part B applies.]

- (2) *[Certificate and Notification]* The International Bureau shall:
- (i) send a certificate of international registration to the Competent Authority of the Contracting Party of Origin or, in the case of Article 7(4), to the holder or legal entity referred to in Article 7(3) that requested the registration, and
 - (ii) notify the international registration to the Competent Authority of each Contracting Party.
- (3) *[Contents of the Registration]* An international registration shall contain or indicate:
- (i) all the particulars given in the international application;
 - (ii) the language in which the International Bureau received the international application;
 - (iii) the number of the international registration;
 - (iv) the date of the international registration.

- (4) *[Implementation of Article 30(1)]* (a) In case of the ratification of, or accession to, the Agreement by a State that is party to the Lisbon Agreement, Rule 5(4) and Rule 5(5) shall apply *mutatis mutandis* with regard to international registrations of appellations of origin effective under the Lisbon Agreement in respect of that State. The International Bureau shall verify with the Competent Authority concerned the changes to be made, in view of the requirements of Rule 3(1) and Rule 5, for the purpose of their registration under the Agreement and notify international registrations thus affected to all other Contracting Parties.

(b) Any Contracting Party that is also party to the Lisbon Agreement shall, upon receipt of a notification under subparagraph (a), protect the appellation of origin concerned thenceforth under the Agreement, subject to any declaration of refusal or notification of invalidation that the Contracting Party had issued in respect of the appellation of origin under the Lisbon Agreement, which shall remain effective under the Agreement, unless the Contracting Party indicates otherwise. Any period granted under Article 5(6) of the Lisbon Agreement and still effective at the time the notification under subparagraph (a) is received shall, for its remainder, be continued under Article 17.

Rule 8

Fees

The International Bureau shall collect the following fees, payable in Swiss francs:

-fee for registration of a geographical indication or an appellation of origin	500
-fee for entry of a modification of a registration	200
-fee for providing an extract from the International Register	90
-fee for providing an attestation or any other written information concerning the contents of the International Register	80

Chapter III

Refusal and Other Actions in Respect of International Registration

Rule 9

Refusal

(1) *[Notification to the International Bureau]* (a) A refusal shall be notified to the International Bureau by the Competent Authority of the concerned Contracting Party and shall be signed by that Competent Authority.

(b) The refusal shall be notified within a period of one year from the receipt of the notification of international registration under Article 8(6). In the case of Article 28(4), this time limit may be extended by another year.

(2) *[Contents of the Notification of Refusal]* A refusal may relate only to a single international registration and shall indicate or contain:

- (i) the number of the relevant international registration, preferably accompanied by further information enabling the identity of the international registration to be confirmed, such as the indication constituting the geographical indication or the appellation of origin;
- (ii) the grounds on which the refusal is based;
- (iii) where the refusal is based on the existence of a prior right, as referred to in Article 13, the essential particulars of that prior right and, in particular, if it is constituted by a national, regional or international trademark application or registration, the date and number of such application or registration, the priority date (where appropriate), the name and address of the holder, a reproduction of the trademark, together with the list of relevant goods and services given in the trademark application or registration, it being understood that the list may be submitted in the language of the said application or registration;

- (iv) in case of a partial refusal based on coexistence with a prior right, subparagraph (ii) shall apply *mutatis mutandis* in respect of such coexistence¹;
- (v) where the refusal concerns only certain elements of the geographical indication or appellation of origin, an indication of the elements that it concerns;
- (vi) the judicial or administrative remedies available to contest the refusal, together with the applicable time limits.

(3) *[Entry in the International Register and Notifications by the International Bureau]* Subject to Rule 10(1), the International Bureau shall enter in the International Register any refusal, together with the date on which the notification of refusal was sent to the International Bureau, and shall communicate a copy of the notification of refusal to the Competent Authority of the Contracting Party of Origin and, in the case of Article 7(4), the holder or legal entity referred to in Article 7(3) as well as the Competent Authority of the Contracting Party of Origin.

Rule 10

Irregular Notification of Refusal

(1) *[Declaration of Refusal not Considered as Such]* (a) A notification of refusal shall not be considered as such by the International Bureau:

- (i) if it does not indicate the number of the international registration concerned, unless other information given in the declaration enables the registration to be identified without ambiguity;

- (ii) if it does not indicate any ground for refusal;

- (iii) if it is sent to the International Bureau after the expiry of the relevant time limit referred to in Rule 9(1);

- (iv) if it is not notified to the International Bureau by the Competent Authority.

(b) Where subparagraph (a) applies, the International Bureau shall, unless it is unable to identify the international registration concerned, communicate a copy of the notification of refusal to the Competent Authority of the Contracting Party of Origin and, in the case of Article 7(4), the holder or legal entity referred to in Article 7(3) as well as the Competent Authority of the Contracting Party of Origin, and shall inform the Competent Authority that submitted the notification of refusal that the refusal is not considered as such by the International Bureau and has not been entered in the International Register and shall state the reasons therefor.

(2) *[Irregular Declaration]* If the notification of refusal contains an irregularity other than those referred to in paragraph (1), the International Bureau shall nevertheless enter the refusal in the International Register and shall communicate a copy of the notification of refusal to the Competent Authority of the Contracting Party of Origin and, in the case of Article 7(4), the holder or legal entity referred to in Article 7(3) as well as the Competent Authority of the Contracting Party of Origin. At the request of that Competent Authority or, in the case of Article 7(4), the holder or legal entity referred to in Article 7(3), the International Bureau shall invite the Competent Authority that submitted the notification of refusal to regularize the notification without delay.

¹ In the case of a partial refusal based on such coexistence with a geographical indication or appellation of origin previously recorded in the International Register, the International Bureau shall supplement the International Register by entering cross-references between the two international registrations. Paragraph 3 shall apply *mutatis mutandis* with regard to the modification of the previously recorded international registration.

Rule 11
Withdrawal of Refusal

- (1) *[Notification to the International Bureau]* A refusal may be withdrawn, in part or in whole, at any time by the Competent Authority that notified it. The withdrawal of a refusal shall be notified to the International Bureau by the relevant Competent Authority and shall be signed by such authority.
- (2) *[Contents of the Notification]* The notification of withdrawal of a refusal shall indicate:
- (i) the number of the international registration concerned, preferably accompanied by other information enabling the identity of the international registration to be confirmed, such as the indication constituting the geographical indication or appellation of origin;
 - (ii) the reason for the withdrawal and, in case of a partial withdrawal, the particulars referred to in Rule 9(2)(iv) or (v);
 - (iii) the date on which the refusal was withdrawn.
- (3) *[Entry in the International Register and Notifications by the International Bureau]* The International Bureau shall enter in the International Register any withdrawal referred to in paragraph (1) and shall communicate a copy of the notification of withdrawal to the Competent Authority of the Contracting Party of Origin and, in the case of Article 7(4), the holder or legal entity referred to in Article 7(3).

Rule 12
Notification of Grant of Protection

- (1) *[Optional Statement of Grant of Protection]* (a) A Competent Authority of a Contracting Party which does not refuse the effects of an international registration may, within the same time limit referred to in Rule 9(1), send to the International Bureau a statement confirming that protection is granted to the geographical indication or appellation of origin that is the subject of an international registration.
- (b) The statement shall indicate:
- (i) the Competent Authority of the Contracting Party making the statement;
 - (ii) the number of the international registration concerned, preferably accompanied by other information enabling the identity of the international registration to be confirmed, such as the indication constituting the geographical indication or appellation of origin; and
 - (iii) the date of the statement.
- (2) *[Optional Statement of Grant of Protection following a Refusal]* (a) Where a Competent Authority that has previously submitted a notification of refusal wishes to withdraw that refusal, it may, instead of notifying the withdrawal of refusal in accordance with Rule 11(1), send to the International Bureau a statement to the effect that protection is granted to the relevant geographical indication or appellation of origin.
- (b) The statement shall indicate:
- (i) the Competent Authority of the Contracting Party making the statement;
 - (ii) the number of the international registration concerned, preferably accompanied by other information enabling the identity of the international registration to be confirmed, such as the indication constituting the geographical indication or appellation of origin;
 - (iii) the reason for the withdrawal and, in case of a grant of protection that amounts to a partial withdrawal of refusal, the particulars referred to in Rule 9(2)(iv) or (v); and
 - (iv) the date on which protection was granted.

(3) *[Entry in the International Register and Notifications by the International Bureau]*

The International Bureau shall enter in the International Register any statement referred to in paragraphs (1) or (2) and communicate a copy of such statement to the Competent Authority of the Contracting Party of Origin and, in the case of Article 7(4), the holder or legal entity referred to in Article 7(3).

Rule 13

Notification of Invalidation of the Effects of an International Registration in a Contracting Party

(1) *[Notification of Invalidation to the International Bureau]* Where the effects of an international registration are invalidated in a Contracting Party, in whole or in part, and the invalidation is no longer subject to the possibility of an appeal, the Competent Authority of the concerned Contracting Party shall transmit to the International Bureau a notification of invalidation. The notification shall indicate or contain:

(i) the number of the international registration concerned, preferably accompanied by other information enabling the identity of the international registration to be confirmed, such as the indication or denomination constituting the geographical indication or appellation of origin;

(ii) the authority that pronounced the invalidation;

(iii) the date on which the invalidation was pronounced;

(iv) where the invalidation is partial, the particulars referred to in Rule 9(2)(iv)

or (v);

(v) the grounds on the basis of which the invalidation was pronounced;

(vi) a copy of the decision that invalidated the effects of the international

registration.

(2) *[Entry in the International Register and Notifications by the International Bureau]*

The International Bureau shall enter the invalidation in the International Register together with the particulars referred to in items (i) to (v) of paragraph (1) and shall communicate a copy of the notification to the Competent Authority of the Contracting Party of Origin and, in the case of Article 7(4), the holder or legal entity referred to in Article 7(3).

Rule 14

Notification of Transitional Period Granted to Third Parties

(1) *[Notification to the International Bureau]* Where a third party has been granted a defined period of time in which to terminate the use of a geographical indication or an appellation of origin in a Contracting Party in accordance with Article 17(1) or Article 17(2), the Competent Authority of that Contracting Party shall notify the International Bureau accordingly. The notification shall indicate:

(i) the number of the international registration concerned, preferably accompanied by other information enabling the identity of the international registration to be confirmed, such as the indication constituting the geographical indication or appellation of origin;

(ii) the identity of the third party concerned;

(iii) the period granted to the third party;

(iv) the date from which the defined period begins, it being understood that the date may not be later than one year and three months from the receipt of the notification of international registration under Article 8(6) or, in the case of Article 28(4), no later than two years and three months from such receipt.

(2) *[Desirable Duration]* The duration of the period granted to a third party should not be shorter than [five] years and not be longer than [15] years, it being understood that the period may depend on the specific situation of each case.

(3) *[Entry in the International Register and Notifications by the International Bureau]* Subject to the notification referred to in paragraph (1) being sent by the Competent Authority to the International Bureau within the relevant time limit referred to in paragraph 1(iv), the International Bureau shall enter such notification in the International Register together with the particulars shown therein and shall communicate a copy of the notification to the Competent Authority of the Contracting Party of Origin and, in the case of Article 7(4), the holder or legal entity referred to in Article 7(3).

Rule 15 Modifications

(1) *[Permissible Modifications]* The following modifications may be recorded in the International Register:

- (i) a change in the holder or holders of the right to use the geographical indication or appellation of origin;
- (ii) a modification of the names or addresses of the holder or holders of the right to use the geographical indication or appellation of origin;
- (iii) a modification of the limits of the geographical area of origin of the product to which the geographical indication or appellation of origin applies;
- (iv) a modification relating to the legislative or administrative act, the judicial or administrative decision, or the registration referred to in Rule 5(2)(a)(vi);
- (v) a modification relating to the Contracting Party of Origin that does not affect the geographical area of origin of the product to which the geographical indication or appellation of origin applies.

(2) *[Procedure]* A request for entry of a modification referred to in paragraph (1) shall be presented to the International Bureau by the Competent Authority of the Contracting Party of Origin and shall be accompanied by the fee specified in Rule 8.

(3) *[Entry in the International Register and Notification to the Competent Authorities]* The International Bureau shall enter in the International Register any modification requested in accordance with paragraphs (1) and (2), confirm the entry to the Competent Authority that requested the modification, and communicate such modification to the Competent Authorities of the other Contracting Parties.

(4) *[Optional Alternative]* In the case of Article 7(4), paragraphs (1) to (3) shall apply *mutatis mutandis*, it being understood that a request from a holder or legal entity as referred to in Article 7(3), must indicate that the change is requested because of a corresponding change to the legislative or administrative act, the judicial or administrative decision, or the registration on the basis of which the geographical indication or appellation of origin had been granted protection in the Contracting Party of Origin; and that the entry of the modification in the International Register shall be confirmed to the concerned holder or legal entity.

Rule 16

Renunciation of Protection

(1) *[Notification to the International Bureau]* The Competent Authority of the Contracting Party of Origin and, in the case of Article 7(4), the holder or legal entity referred to in Article 7(3) may at any time notify the International Bureau that protection of the geographical indication or appellation of origin is renounced in respect of one or more Contracting Parties. The notification of renunciation of protection shall state the number of the international registration concerned, preferably accompanied by other information enabling the identity of the international registration to be confirmed, such as the indication constituting the geographical indication or appellation of origin.

(2) *[Entry in the International Register and Notification to the Competent Authorities]* The International Bureau shall enter in the International Register the renunciation of protection referred to in paragraph (1), confirm the entry to the Competent Authority of the Contracting Party of Origin and, in the case of Article 7(4), the concerned holder or legal entity and shall communicate the entry of the renunciation in the International Register to the Competent Authorities of each Contracting Party to which the renunciation relates.

Rule 17

Cancellation of an International Registration

(1) *[Request for Cancellation]* The Competent Authority of the Contracting Party of Origin and, in the case of Article 7(4), the holder or legal entity referred to in Article 7(3), may at any time request the International Bureau to cancel the international registration concerned. A request for cancellation shall state the number of the international registration concerned, preferably accompanied by other information enabling the identity of the international registration to be confirmed, such as the indication constituting the geographical indication or appellation of origin.

(2) *[Entry in the International Register and Notification to the Competent Authorities]* The International Bureau shall enter in the International Register any cancellation together with the particulars given in the request, confirm the entry to the Competent Authority of the Contracting Party of Origin and, in the case of Article 7(4), the concerned holder or legal entity; and communicate the cancellation to the Competent Authorities of the other Contracting Parties.

Rule 18

Corrections Made to the International Register

(1) *[Procedure]* If the International Bureau, acting *ex officio* or at the request of the Competent Authority of the Contracting Party of Origin, finds that the International Register contains an error with respect to an international registration, it shall modify the Register accordingly.

(2) *[Optional Alternative]* In the case of Article 7(4), a request under paragraph (1) can also be submitted by the holder or legal entity referred to in Article 7(3). The holder or legal entity shall be notified by the International Bureau of any correction concerning the international registration of their geographical indication or appellation of origin.

(3) *[Notification of Corrections to the Competent Authorities]* The International Bureau shall notify any correction of the International Register to the Competent Authorities of all Contracting Parties.

(4) *[Application of Rules 9 to 12]* Where the correction of an error concerns the geographical indication or the appellation of origin, or the product to which the geographical indication or appellation of origin applies, the Competent Authority of a Contracting Party has the right to declare that it cannot ensure the protection of the international registration so corrected. The declaration shall be addressed to the International Bureau by such Competent Authority within a period of one year from the date of notification by the International Bureau of the correction. Rules 9 to 12 shall apply *mutatis mutandis*.

Chapter V **Miscellaneous Provisions**

Rule 19 Publication

The International Bureau shall publish all entries made in the International Register.

Rule 20 Extracts From the International Register and Other Information Provided by the International Bureau

- (1) *[Information on the Contents of the International Register]* Extracts from the International Register or any other information on the contents of the Register shall be provided by the International Bureau to any person so requesting, on payment of the fee specified in Rule 8.
- (2) *[Communication of Provisions, Decisions or the Registration Under Which a Geographical Indication or an Appellation of Origin is protected]*
- (a) Any person may request from the International Bureau a copy in the original language of the provisions, the decisions or the registration referred to in Rule 5(2)(a)(vi) on payment of a fee specified in Rule 8.
- (b) Where such documents have already been communicated to the International Bureau, the latter shall transmit without delay a copy to the person who has made the request.
- (c) If a document has never been communicated to the International Bureau, the latter shall request a copy of it from the Competent Authority of the Contracting Party of Origin and shall transmit the document, on receipt, to the person who has made the request.

Rule 21 Signature

Where the signature of a Competent Authority is required under these Regulations, such signature may be printed or replaced by the affixing of a facsimile or an official seal.

Rule 22 Date of Dispatch of Various Communications

Where the declarations referred to in Rules 9(1) and 18(4), or where the notice referred to in Rule 14(1), are communicated through a postal service, the date of dispatch shall be determined by the postmark. If the postmark is illegible or missing, the International Bureau shall treat the communication concerned as if it had been sent 20 days before the date on which it was received. Where such declarations or such notice are sent through a mail delivery

service, the date of dispatch shall be determined by the information provided by such delivery service on the basis of the details of the mailing as recorded by it, as provided for in the Administrative Instructions.

Rule 23

Modes of Notification by the International Bureau

(1) *[Notification of the International Registration]* The notification of the international registration, referred to in Rule 7(1)(iii), shall be addressed by the International Bureau to the Competent Authority of each Contracting Party by registered mail with acknowledgement of receipt or by any other means enabling the International Bureau to establish the date on which the notification was received, as provided for in the Administrative Instructions.

(2) *[Other Notifications]* Any other notification by the International Bureau referred to in these Regulations shall be addressed to the Competent Authorities by registered post or by any other means enabling the International Bureau to establish that the notification has been received.

Rule 24

Administrative Instructions

(1) *[Establishment of Administrative Instructions; Matters Governed by Them]*

(a) The Director General shall establish Administrative Instructions and may modify them. Before establishing or modifying the Administrative Instructions, the Director General shall consult the Competent Authorities of the Contracting Parties which have direct interest in the proposed Administrative Instructions or their proposed modification.

(b) The Administrative Instructions shall deal with matters in respect of which these Regulations expressly refer to such Instructions and with details in respect of the application of these Regulations.

(2) *[Supervision of the Assembly]* The Assembly may invite the Director General to modify any provision of the Administrative Instructions and the Director General shall act upon any such invitation.

(3) *[Publication and Effective Date]* (a) The Administrative Instructions and any modification thereof shall be published.

(b) Each publication shall specify the date on which the published provisions become effective.

(4) *[Conflict With the Agreement or These Regulations]* In the case of conflict between, on the one hand, any provision of the Administrative Instructions and, on the other hand, any provision of the Agreement or these Regulations, the latter shall prevail.

Rule 25

Entry Into Force

These Regulations shall enter into force on [...].

[End of Annex and of document]