

UNITED STATES
PATENT AND TRADEMARK OFFICE



Worldwide Symposium on Geographical Indications

Tbilisi, Georgia, 14–16 June 2023

Cooperation on Geographical Indications

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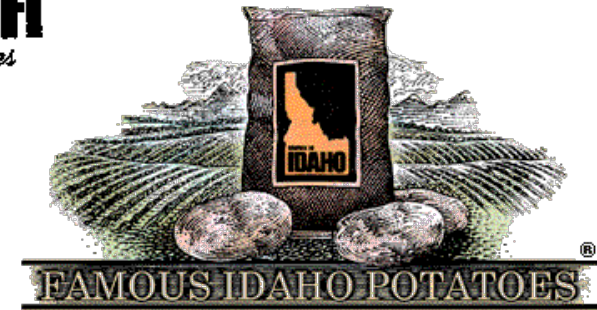
Office of Policy and International Affairs - USPTO



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- Agency of the Department of Commerce responsible for registration of trademarks
- Protection of GIs primarily as certification marks indicating regional origin (CMROs) – Section 4 of the US Trademark Act – not as ordinary trademarks
- Section 2 of Act exempts CMROs from geographic descriptiveness refusal
- Recordal with Customs and Border Protection available for registered CMROs



BRITAIN'S HISTORIC BLUE



The U.S. model for protecting GIs

- Ensures granting of protection
- Is NOT automatic
- Is transparent
- Embodies due process
- Includes examination for refusal of generic terms and prior rights
- Publishes the GI for third party objection, noting which part of a compound GI is generic and not protected
- Provides for opposition to allow those who may be harmed to prevent registration
- Provides for cancellation of GIs



Please remember:

- Cannot compare regular trademarks with GIs – the comparison is between CMROs and GIs. They are legally equivalent. CMROs require inclusion of standards for the product and connection with the territory named.
- GIs are examined and refused if the common name for the product.
- If a compound GI is comprised of a common name, that generic term must be disclaimed.
- That disclaimer of exclusive right to use is included in the information published for opposition in the USPTO database and on the registration certificate.



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