

# THE ROLE OF INTELLECTUAL PROPERTY, IN PARTICULAR, TRADEMARKS AND GEOGRAPHICAL INDICATIONS, IN CREATING, DEVELOPING AND STRENGTHENING A NATION BRAND

*Version One*

Prepared by the Division for Certain Countries in Europe and Asia

## **TABLE OF CONTENTS**

### **PREFACE**

- I. INTRODUCTION
- II. OVERVIEW OF THE CURRENT SITUATION
- III. SOME GENERAL ISSUES
- IV. COUNTRY BRAND ISSUES
- V. PRODUCT/SERVICE BRANDING ISSUES
- VI. INSTITUTIONAL ISSUES
- VII. RECOMMENDATIONS

ANNEX I (States under DCEA's mandate, with population and surface size data)

ANNEX II (Survey)

ANNEX III (Treaty Membership)

ANNEX IV (Legal Framework)

ANNEX V (Trademark & Geographical Indication Registration Statistics)

### **PREFACE**

1. WIPO's Division for Certain Countries in Europe and Asia (DCEA) has produced a series of practical tools to assist countries in economic transition with the planning and delivery of key intellectual property components that are needed in a modern market economy. These tools cover such topics as copyright, the management of academic intellectual property and early stage innovation, and the creation of an intellectual property strategy. They form a package which can be used to reinforce actions within an overall IP Strategy or they can be used independently to carry out specific projects even in the absence of an overall strategy.
2. The present tool deals with intellectual property, in particular, trademarks and geographical indications, as an instrument not only for developing a strong and distinctive brand image for national products and services but also, through such a process, for creating a strong and distinctive nation brand, in both cases, with a view to gaining a competitive advantage in domestic, regional and world markets.
3. The tool is targeted at: government officials, policy makers, the academic community, business and trade associations, and enterprises those are interested in, and could benefit from, using IP as an instrument to create, develop and strengthen a nation brand.
4. For purposes hereof, the term "brand" (and other grammatical forms of such term, such as "to brand" and "branding") is used, not as a popular synonym of a "trademark", but rather in its marketing sense, encompassing the much wider concept of an image, especially a commercial image. A brand may be anchored in and identified by one or several distinctive signs, such as a trademark and/or a geographical indication, and perhaps also other intellectual property titles, but is constructed through a variety of visual, auditory, behavioral, practical and verbal mechanisms with the aim of creating a reputation, identifying a source (geographic and otherwise), guaranteeing a certain quality (in the generic sense), transmitting a message (a story or narrative), and thus developing an emotional relationship between, on the one hand, a person, an enterprise, a product or service, and/or a geographical area (such as a country, region or city) and, on the other, the consumer or the public at large.
5. The term "intellectual property" (IP) is used here in its legal sense, referring to creations of the mind and including such titles of protection as trademarks, geographical indications, industrial designs, patents and copyright. The terms "trademark" or "mark" and "geographical indication" are also used in their legal sense.

6. A trademark or mark generally means a distinctive sign which identifies certain goods or services as those produced or provided by a specific person or enterprise and that distinguishes them from other similar goods or services produced or provided by another person or enterprise. There are basically three kinds of trademarks: individual, collective and certification marks. Most trademarks are owned by an individual or enterprise to identify the goods or services it puts on the market (e.g., “Coca Cola”®, “McDonald’s”® or “Microsoft”®) and are therefore commonly known as individual marks, although they may be referred to simply as trademarks. Collective marks are owned by an association whose members are allowed to use the mark to identify themselves as members and, depending on the particular association, on the condition that they have complied with certain requirements regarding quality, geographical origin, or otherwise, which are set and controlled by the association (e.g., “FTD”® for “Florists’ Transworld Delivery”, or “CPA”® for members of the association of “Certified Public Accountants”). Certification marks can be used by any individual or enterprise for goods or services that comply with certain defined standards, as guaranteed by a certifying authority (e.g., “Woolmark”®, certifying 100% wool products, or the “BIO”® seal used for organic foodstuff).

7. For purposes hereof, the term “geographical indication” refers to a sign, most commonly consisting of the name of a geographical place, which is used on goods that originate from the indicated geographical area and, in certain cases, may also possess qualities, reputation or characteristics that are essentially attributable to that place of origin. It is intended to encompass both indications of source and appellations of origin. An “indication of source” is generally understood to be a factual geographical indication that identifies the geographical source of a product (e.g., “Made in China” or “Swiss Made”) and which may or may not suggest, depending on the reputation of the geographical place in the minds of consumers, a certain quality, although that quality is not promised or guaranteed. An indication of source therefore does not create a legally enforceable expectation as to quality. An “appellation of origin”, on the other hand, as generally understood and as specifically defined in Article 2(1) of the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, “means the geographical denomination of a country, region, or locality, which serves to designate a product originating therein, the quality or characteristics of which are due exclusively or essentially to the geographical environment, including natural and human factors” (e.g., “*Champagne*” or “*Parma*” ham). An appellation of origin therefore generally carries with it a certain assurance of a given quality. It should be noted that the concept of geographical indication, as used here, is more inclusive than its definition for the purposes of the Agreement on Trade-related Aspects of

Intellectual Property Rights (TRIPS), which does not encompass what has traditionally been understood as an “indication of source” but has been interpreted as somewhat wider or more flexible than the traditional concept of an “appellation of origin”, as defined, for example, in the Lisbon Agreement and in a number of national laws that provide for the protection of appellations of origin, as such. Namely, Article 22 of TRIPS defines geographical indications, for purposes of the Agreement, as “indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.”

8. Under the trademark laws of most countries, trademarks are protected through registration. In certain countries, they may also be protected by use. Distinctive signs that qualify as “well-known marks” under Article 6*bis* the Paris Convention for the Protection of Industrial Property must be protected based solely on their reputation in all States party to the Convention, irrespective of registration.

9. The protection of geographical indications is much more complex and varied. In most countries, geographical indications may be protected under unfair competition and consumer protection laws or passing off actions, especially against fraudulent allegations as to the actual geographical origin of the goods for which they are used. In the case of certain kinds of geographical indications, such as appellations of origin, and depending on the particular national law and the regional and international legal arrangements binding any given country, they may also be protected as a geographical indication by registration or a specific decree or sometimes as a collective or certification mark. For example, “Darjeeling Tea”, “Jamaican Blue Mountain Coffee” and “Café de Colombia”, which in principle constitute geographical indications, are registered as certification marks in many countries.

10. For more information about various aspects of intellectual property, please visit the WIPO website at [www.wipo.int](http://www.wipo.int).

## **I. INTRODUCTION**

11. Today we live in a world in which everyone and everything is marketed and publicized through branding. Companies brand themselves and their products and services. People, especially professionals and celebrities, brand themselves. There is no reason why cities, regions and even countries should also not brand

themselves, and many have done so successfully. In fact, there is evidence that countries which establish a strong national brand image have a competitive advantage over those who do not and that their products and services can be sold at a premium when compared to the same or similar products and services from other countries. For example, marketing studies have identified brand “Switzerland” as among the most valuable nation brands today. A study carried out by the University of Saint Gall<sup>1</sup> claims that Swiss products can sell up to a 20% premium, and in certain luxury lines up to a 50% premium, when compared with similar products originating from and identified with other countries.

12. Today the Swiss government, in partnership with the private sector, has understandably shown extensive concern about how and by whom brand Switzerland is used, and should be allowed to be used, so as to preserve the value of its nation brand and protect it against dilution. Difficult and sensitive negotiations are currently under way to adopt rules and criteria as to what products and even services should qualify as “Swiss made”, in terms of their composition, the manpower and know-how going into the end product and, in the case of services, the location and ownership of the enterprise. In other cases, the principal force behind nation branding has been the public sector, especially in developing countries, ranging from Costa Rica to South Africa and India, perhaps because the private sector in those countries is not yet sufficiently cohesive or aware of the importance of nation branding and does not yet have sufficient marketing experience and the necessary resources for developing a nation brand without government leadership and support. Ultimately, however, a nation branding strategy should be built and implemented through a democratic, transparent and coherent team effort between public and private sector stakeholders, as each has its particular experience, interests and role to play.

13. Nation branding can be directed at a specific sector, such as tourism, for example, through such campaigns as “Incredible India”, “Malaysia, truly Asia” and the “South Africa, it’s possible” campaigns or the promotion of the shining sun “España” logo. It can be more generalized, for example, to attract direct foreign investment or promote exports, such as publicized in current TV ads being broadcast on international cable channels by such countries as Dubai, Georgia, The former Yugoslav Republic of Macedonia, Poland and Turkey, highlighting each of those countries’ investment friendly environments. Major international events can serve as an opportunity to showcase a country and introduce it in a positive light to the world, if orchestrated effectively from a marketing perspective, and thus can contribute to building a nation brand, (i) whether such events are strategically planned and respective logos are devised and promoted for the

---

<sup>1</sup> <http://www.unisg.ch/NewsConfig/HsgNews/2010/Mai/Swissness-Finanzkrise-25Mai2010.aspx>

occasion, for example, as when South Africa hosted the 2010 World Cup or China the 2008 Beijing Summer Olympics or as the Russian Federation is now planning with the 2014 Sochi Winter Olympics, or (ii) whether by taking advantage of an unforeseeable and even formidable event, such as occurred in the case of the Chilean government's highly publicized rescue of the 33 miners, which its business savvy President used adroitly to market a positive image of his country and its people around the world.

14. Whatever the particular objectives and focus, however, behind every successful brand is a story, a narrative, which is communicated through a clear and effective message and which not only differentiates the branded object from the competition but also enables almost an emotional relationship to evolve between that object and the consumer. It is therefore just as essential to identify what that story or narrative will be as it is to determine how it will be communicated in order to ensure a successful nation branding strategy. Moreover, that story or narrative must be lucid, realistic and honest, so as not to create false expectations that cannot or are unlikely to be met. The road to many negative or failed brand images is paved by frustrated expectations, and that is no place where an enterprise or a country wants to go, since there is nothing more costly and time consuming than repairing a bad image. Moreover, whereas in such a case an enterprise can always start anew by marketing its goods or services under another trademark, what is a country to do? It can hardly change its name or geographical place and start again.

15. Finally, we cannot ignore the well-known phenomenon of certain trademarks and geographical indications which, through their wide use and reputation, become strategically tied to a specific national identity, thus associating the two in the mind of the consumer and strengthening the branding power of both, for example, as occurs with Swiss chocolate (e.g., Lindt® chocolates), German auto engineering (e.g., Mercedes® cars), French wine and cuisine (e.g., Moët & Chandon® champagne), and Italian fashion (e.g., Gucci® leather goods, especially handbags). In such cases, a synergy evolves between the individual brands and the nation brand, which strengthens and benefits both by distinguishing the country and its products and services from others, transmitting a message about "quality", in the generic sense (e.g., the best, the most reliable, the most fashionable, the most aesthetic, the most cost efficient, etc.), and thereby developing consumer preference and loyalty for both the country and its products and services.

16. It is therefore interesting that, although much has already been written about nation branding, most if not all of this work has been informed by marketing theories and methodologies. Little if anything has been examined from the

perspective of intellectual property. This is even more surprising, since certain aspects of intellectual property, especially as concerns trademarks and geographical indications, which are frequently referred to as “distinctive” signs, are perceived and used as important branding tools. A brand image for a product or service is usually built and developed around a trademark and/or geographical indication that identifies the source of the good or service, in terms of the enterprise from which it originates and/or its geographical origin, and distinguishes it from similar goods or services originating from other enterprises and/or geographical places. These are the principal reasons why an enterprise creates, protects and promotes a trademark or geographical indication for purposes of marketing its good and services. Repeated use of a trademark or geographical indication in connection with a particular kind of good or service, the context in which it is marketed, and the way it is advertised and otherwise promoted can create an image that is meaningful for the consumer, that guarantees a certain generic quality, and that distinguishes such goods or services from others. It is by such means that a trademark or geographical indication can contribute to developing a brand image, a specific reputation, almost an emotional or psychological relationship between the consumer and the goods or services for which the trademark or geographical indication is used, thus establishing what is known in the trade as “brand loyalty”.

17. This certainly does not mean that other factors, outside of the IP field, are not relevant or even critical to branding: to the contrary. It also does not mean that, within the IP field, other objects of intellectual property protection, such as patents, industrial designs and even copyright, may not also play a relevant role in branding, but as a general rule, trademarks and geographical indications are commonly the more visible, effective, relevant and frequently used intellectual property mechanisms for branding purposes.

18. The present tool therefore seeks to explore and identify ways of using the intellectual property system, in particular, trademarks and geographical indications, as part of a comprehensive and concerted nation branding strategy. It also aims to raise awareness about how enterprises can make a more creative and commercially effective use of trademarks and geographical indications in marketing their goods and services, not only to strengthen their own but also their country’s brand image and competitive advantage, and how, at the same time, they can take advantage of the nation brand to market goods and services sold under their trademarks and geographical indications, thus generating powerful win-win synergies between individual and nation branding strategies. The ultimate goal is to explore lessons learned, identify good practices and, based on



various experiences and experts' advice, formulate a series of recommendations and guidance.

19. The tool is not intended to replace existing Nation Branding Activities but provides an Intellectual Property perspective which can create a synergy between existing activities and the special characteristics of national products. The message is that the IP perspective should be integrated with other activities wherever possible.

20. As is clear from the above, the concept of branding is primarily founded in the marketing of products and services and is extended by analogy to the marketing of nations. Care must be taken not to carry the analogy too far. Nations are not products or services and there can be risks, reputational and financial, if the distinctions are not kept in mind. That said, this tool is premised on the proposition that linking country images or brands with the branding of national products or services can create a useful and powerful synergy increasing the returns for both products and country.

## II. OVERVIEW OF THE CURRENT SITUATION

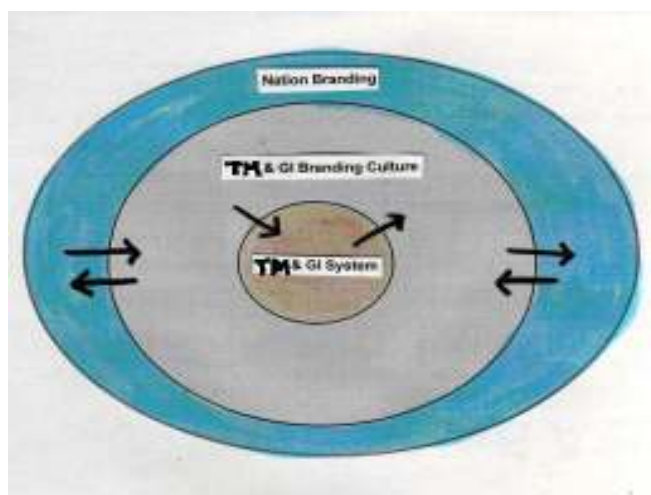
21. The countries covered in this project consist of the 33 States that fall within the mandate of the Division for Certain Countries in Europe and Asia (DCEA), namely: 17 Central European and Baltic States, 11 Central Asian, Eastern European and Caucasian countries, and five Mediterranean countries. **See Annex I.** Except for the Mediterranean countries (Cyprus, Greece, Israel, Malta and Turkey), these countries are usually referred to as “countries in economic transition”, or simply “countries in transition”, because, during the last twenty and so years, these countries have been evolving from centrally planned to free market economies and have had to face the numerous challenges that such radical institutional, social, political and economic changes entail. Apart from this shared experience, however, the so-called countries in transition are extremely diverse in many respects, be it culturally, ethnically, linguistically and religiously, be it historically, politically, institutionally and economically. They also vary significantly in terms of size and population, ranging from the smallest, Montenegro, with a population of 624,000 and an area of 13,812 sq. km., to the largest, the Russian Federation, with a population of almost 141 million and a surface of 17 million sq. km. That said, together with the five Mediterranean countries, these countries constitute a potential powerhouse that covers a surface of almost 24 million square kilometers of vast natural resources, encompasses a population of over 463 million latent consumers (**see Annex I**), and therefore promises innumerable opportunities for economic development and regional and international trade and investment. Highlighting such diversity and potential is an

important contribution that nation branding can bring to the individual countries and the region as a whole. Of course, the countries under the DCEA's mandate are members of a variety of regional groupings and affiliations other than WIPO's categorization. Therefore, their political and economic thinking takes place in a variety of different contexts, which in turn will affect the choices they make and how their plans can be implemented.

22. The information set out below is based primarily on data made available to WIPO in general, as well as by way of responses provided by national IP offices to the Survey sent by the DCEA in February 2010 (**copy contained in Annex II**), on information and impressions collected during exploratory missions carried out for such purposes during 2010 to Georgia, Hungary, the Republic of Moldova and Ukraine, on in-puts received from various national experts, and on feedback obtained during three inter-regional events (the Inter-regional Seminar on the Role of Intellectual Property, in particular, Trademarks and Geographical Indications, in Creating, Developing and Strengthening a Nation Brand, held in Prague, the Czech Republic, on November 26 and 27, 2009, the Inter-regional Experts Meeting on Nation Branding in Countries in Transition, held in Yalta, Ukraine, on September 7 and 8, 2010, and the Inter-regional Workshop on Nation Branding in Countries in Transition, held in Istanbul, Turkey, on May 26 and 27, 2011).

23. The focus of the tool is particularly on intellectual property, especially trademarks and geographical indications, for the reasons already explained. A country's intellectual property environment constitutes an essential foundation for building a nation branding strategy. Nation branding cannot be appreciated nor developed in a vacuum. Both as a strategy and a process, nation branding must necessarily interact with the intellectual property system and use similar tools to those used in IP branding. Its success in large part therefore depends on the manner in which intellectual property is understood, perceived and utilized by all stakeholders. An intellectual property culture, especially as concerns trademarks and geographical indications, in which the public and private sectors are knowledgeable about and proficient in using IP as a marketing tool, provides a fundamental platform for launching and developing a nation brand through a process that not only builds upon but in turn also showcases and strengthens national trademarks and geographical indications and their respective brand image. The challenge is to create, promote and exploit such synergies in both directions, as visualized in the image below. For purposes of the image, "TM & GI System" means primarily what is traditionally encompassed by the legal and institutional framework governing trademarks and geographical indications, such as laws, regulations and administration, and "TM & GI Branding Culture" means

all that is generally subsumed by the commercialization and marketing of trademarks and geographical indications.



24. What are some of the principal criteria that can help evaluate the intellectual property environment of a given country or region? A healthy intellectual property environment is generally characterized by at least three essential features: (i) a clear and reasonably accessible legal framework; (ii) effective IP protection through an efficient and streamlined institutional infrastructure that can ensure fair and reliable implementation and enforcement of the law; and (iii) the manner in which intellectual property is used and perceived, not only in terms of the number of IP titles registered, but also and more important, in terms of its commercial use and the economic value accorded to intellectual property. Ultimately, the registration and protection of intellectual property is not a goal in and of itself. It is a means to an end, mainly a tool for revenue creation by way of establishing a competitive advantage in the market place.

25. Based on such criteria and the information available, it is safe to say that overall the 33 countries covered share a longstanding intellectual property tradition, at least as regards IP legislation and institutions, which is reflected foremost in their membership in some of the principal international treaties in the field of intellectual property. All of the countries are party to the WIPO and the Paris conventions, as well as to the Patent Cooperation Treaty (PCT). All, except one<sup>2</sup>, are members of the Madrid system on the international registration of

<sup>2</sup> Malta is not a member; nevertheless, it is covered by the Madrid system through its EU membership. The same applies in respect of the EU Member States that are not members of the Hague Agreement and/or the Geneva Act; these are nevertheless covered by the Hague system through their EU membership.

marks, through membership either in the Agreement or in the Protocol, or, in many cases, in both. Two thirds of the countries are members of The Hague system on the international registration of designs, through membership either in The Hague Agreement or the Geneva Act, or both. Also ten of the countries are party to the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, and several more of them are engaged in the review of the Lisbon System in the context of its review held by WIPO Member States, aimed to open the Lisbon System to the international registration of GI's and to the accession of IGO's, such as EU. (Matthijs has to confirm the wording)**See Annex III.**

26. All of the countries have some intellectual property legislation and have adopted laws governing trademarks and geographical indications. **See Annex IV.** Many of these laws have been modernized in recent years and are frequently EU compatible or in the process of being aligned to EU standards<sup>3</sup>, not only in the 13 countries that have joined the European Union (Bulgaria, Cyprus, Czech Republic, Estonia, Greece, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia), but also in others, either because they are EU candidates (e.g., Croatia, The former Yugoslav Republic of Macedonia and Turkey) or because they are in the process of negotiating a formal association with the EU (e.g., Georgia, the Republic of Moldova, Montenegro and Ukraine).

27. Membership in the World Trade Organization (WTO) (**see Annex III**) and accession to the Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS) by many of the countries in the region, as well as the negotiation of Free Trade Agreements (FTAs) between many of these countries and the USA and/or the EU, have also led to the adoption and further harmonization of certain internationally accepted minimum standards of IP protection.

28. As regards registration statistics (**see Annex V**), the data suggests that some countries have not taken as much advantage of the geographical indication system as they might have and many have made little if any use of collective and certification marks. Moreover, although it seems that the Madrid system is widely used, this is so, as could be expected, mainly by foreign investors in the region, and not by national enterprises seeking trademark protection abroad, possibly because: (i) an international registration through Madrid, even though it entails a significant saving, may still prove relatively costly, especially for small and medium sized enterprises in those countries; and (ii) the business plans of many enterprises may not yet envisage exportation, which unfortunately may be short-

---

<sup>3</sup> For example, EU Community Trade Mark system administered by OHIM and the EU Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

sighted and present problems in the future, if they later find that their trademarks have already been registered abroad by someone else.

29. It is interesting to note that, although most countries experienced some reduction in their 2009 trademark registrations, which is understandable given the economic crisis, in some countries trademark registrations nonetheless did increase, such as in Belarus, Georgia, the Republic of Moldova and Serbia.

30. As could be expected, because of their size and population, the Russian Federation and Turkey recorded the greatest number of total trademark registrations during the past three years. However, in terms of the ratio of foreign versus domestic trademarks, at least three countries have registered more domestic than foreign-owned trademarks during the same period: Bulgaria, the Czech Republic and Poland. This suggests that the trademark culture among national enterprises in those countries is relatively robust and advanced as concerns their awareness of the commercial and marketing potential of trademarks, at least enough to devise and protect them and likely also use them for their competitive advantage.

31. Another useful indicator of the vitality and strength of the trademark culture in a given country and the degree of differentiation of its market can be the ratio of the population per registered trademark. Such a ratio renders trademark statistics more comparable, especially in a region where countries vary immensely in terms of size and population, rather than simply comparing absolute numbers of trademarks registered in each country. Moreover, although such a ratio cannot pretend to be a conclusive indicator, it is at least suggestive of the relative economic and commercial importance of trademarks in any given country. According to such an analysis, the lower the ratio of population per trademarks registered in any given country (or in the inverse, the higher the ratio of registered trademarks *per capita*), the stronger would appear to be the trademark culture and trademark use in that country. Based on this approach and using the round-off total of trademark registrations in 2009, as reported for purposes of Annex V hereof, and the round-off population figures provided in Annex I hereof, at least nine DCEA countries come up with a ratio of less than a 1,000 persons per registered trademark. The former Yugoslav Republic of Macedonia shows the lowest ratio of one registered trademark per 400 persons, closely followed by Slovenia and Croatia with a one to 425 and one to 488 ratios, respectively, then followed by Lithuania with almost 720 persons per registered trademark, Israel and Serbia, each with about 850 persons per registered trademark, and finally Bulgaria and the Czech Republic showing almost 950 persons per registered trademark and Turkey with a one to 962 ratio. Such ratio calculations suggest that several of the smaller countries, in terms of size and population, actually

manifest some of the stronger trademark activity in the region. Applying the same hypothesis but using only the total number of national registrations might be even more indicative of the strength and vitality of the national trademark culture. In that case, the following countries show the lowest ratios in ascending order of one registered trademark per less than 4,000 persons: Hungary, Montenegro, Turkey, Slovenia, Czech Republic, Bulgaria, Lithuania, Greece, The former Yugoslav Republic of Macedonia, Slovak Republic, Croatia, Israel, and the Republic of Moldova.

32. As regards the manner in which intellectual property is used and perceived, the situation is somewhat different, as could be expected after transitioning from decades of centrally planned economies. Much progress can still be made by both the public and the private sectors in building greater awareness about the commercial and economic value of intellectual property and in realizing its marketing potential. This is, of course, a generalization and a matter of degree, in particular, when compared with more mature free market economies. Many of the countries, especially, those that have joined the EU, have proven to be fast learners, as evidenced, for example, in the Czech Republic, Hungary, Poland and Slovenia, where certain national trademarks and geographical indications are being promoted even internationally and where concerted efforts are being made to associate those trademarks and geographical indications with a national brand image. The link between product quality, especially in foodstuffs, and effective GIs and Trade Marks is being enhanced in Bulgaria by the development of National Standards of quality. In certain sectors, such as in the wine industry, there already exists a longstanding tradition of using geographical indications and trademarks to market regional wines, for example, as occurs in Croatia, Georgia, Hungary, The former Yugoslav Republic of Macedonia, and the Republic of Moldova, and producers seem progressively more attuned to the synergic relationship that exists between nation branding and the branding of national trademarks and geographical indications under which a wine is sold. For example, the Moldovan Wine Guild has proclaimed its motto to be, "First country, then wine", in express recognition that consumers choose wine not only on the basis of a specific trademark and geographical indication but also, and perhaps even foremost, because of the reputation of the country of origin for its wine. Still other countries are exploring possible niche markets by identifying and developing targeted inter-sectoral clusters. For example, Ukraine is trying to promote the wellness industry (e.g., mineral waters and health spas) and organic agriculture and food production in order to attract a certain segment of the tourist market and thereby also shift the country's brand image in a positive direction, especially away from its association with the environmental and health disaster caused by the Chernobyl accident, which after more than 20 years still remains

imprinted in the world's collective memory. Tourism, of course, is a favorite promotion target in many countries, however, sometimes perhaps over-emphasized and over-publicized, without serious advance planning and consideration as to whether expectations can be realistically met, given the limited tourist infrastructure which still characterizes many of those countries, and at the possible price of ignoring other valuable resources for which there may be both a demand and better chances of meeting such a demand and therefore which may promise more sustainable returns.

33. In some cases, governments have taken a lead, with the participation of various concerned ministries and sometimes also private sector stakeholders, to devise a logo under which to market the country's products and services and develop a nation brand, thus replicating a process similar to that which occurs when an enterprise devises a trademark to market and around which to develop a brand image for its goods or services. Some examples of such initiatives include: (i) the Republic of Moldova, which has devised such a logo; and (ii) Slovenia, which organized a competition to choose its national logo, "I feel Slovenia" (see below). Other countries which report to have devised or to be in the process of devising a national logo are: Georgia, Kyrgyzstan and Lithuania.



**Moldova**

a.



34. Although such logos are not a necessary component of a nation branding strategy, they can provide a focal point around which to anchor and develop a

branding strategy, in much the same way that a trademark or a GI can provide such a focal point. Agreeing on a national logo, however, can be extremely challenging and much more complex than devising an individual trademark at the enterprise level because of the greater number of stakeholders and their more varied and sometimes even conflicting interests. That said, even if no agreement is actually reached as to a logo, the process alone can prove valuable and rewarding, as it encourages those very stakeholders to have a frank conversation about the direction in which they envisage and expect the country to go and how they wish the country to be perceived, domestically and abroad, not only from the position of their respective individual self-interests, but also and most important, with a view to a shared national interest. Such a process can therefore contribute to a much wider and multifaceted dynamic of economic nation building, which is so important, in particular, in a young free market economy that is confronted with ever growing and changing pressures, challenges and complexities of today's global market place.

35. As concerns legal protection of such logos, they can be registered as a trademark, including certification or collective marks, as the case may be, both at the national level and abroad. Considering that such a logo would have to be registered for at least several classes, protection in multiple jurisdictions may prove quite expensive. In this respect the use of the Madrid System for International registration of Marks could be encouraged. Also, some countries are exploring the possibility of protecting such logos, to the extent possible, as hallmarks or official signs indicating control and warranty, under Article 6<sup>ter</sup> of the Paris Convention.

36. In some cases, certain government entities have devised individual logos only for a particular sector that falls under their respective mandates, the most common being tourism (e.g., the “Wild Beauty” logo used by Montenegro), or for a particular industry, such as the “Excellent Hungarian Food-Product” logo, which was registered as a certification mark by the Ministry of Agriculture and Rural Development of Hungary and whose use is controlled by the Ministry's Agricultural Marketing Center (AMC).



a.





37. Still in other cases, the private sector has taken a lead, for example, such as in the case of the Croatian Chamber of Economy, which has devised two collective marks, “Croatian Quality” and “Croatian Creation”, to designate authentic Croatian quality products.

38. The Hungarian experience with the “Excellent Hungarian Food-Product” certification mark is particularly interesting because it targets not only the international market but, as was originally intended, also the domestic market. The certification mark was introduced in 1998 to identify and strengthen the competitive advantage of high quality Hungarian food products at a time when foreign products began to flood the domestic market after the political and economic changes that came about in the late 1980s and when, after so many years of isolation, Hungarian consumers precipitated to buy foreign, especially Western, whenever possible. As a result, the very survival of the national food industry was threatened, and it was in great part thanks to the use of this certification mark and the quality guarantee that it provides that the total erosion of a domestic market for national food products was averted and eventually even rolled back. Today the food products sold under the certification mark are just as competitive on the domestic market as similar products of foreign origin because Hungarian consumers trust the certification mark and consider the products sold under the mark of at least the same if not better quality as the foreign goods. This shows that nation branding can be used not only as an effective strategy for developing a national image and reputation for the outside world, for example, to attract foreign investment and tourism and promote exports, but also for developing a quality reputation for national products and services at home and thus promote a domestic market for local industry as well. This kind of domestic nation branding through the use of a certification mark is similar to the Swiss marketing campaigns to “Buy Swiss” or the Geneva campaign to “buy local” for agricultural products and wine and can prove extremely effective and profitable.

39. Within this kind of IP environment and in spite of the significant advances that the countries concerned have made in understanding and using intellectual property as a commercial and economic tool, the IP offices (whether constituting autonomous public entities or forming an integral part of given ministries, e.g., Ministries of Justice, Commerce, or Economy) seem to be somewhat out of step and slower to embrace change. They often continue to see themselves, and are seen, mainly as registration institutions, concentrating primarily on bureaucratic and technical tasks, such as examinations, IP information and statistics, which are certainly legitimate, necessary and important but which may reflect a somewhat outdated and limited perception of IP and of an IP office’s potential role and

contributions to economic development, especially in a twenty-first century market economy. Although most IP offices are well respected for their technical expertise and appear to have amicable relations with other sectors and entities within the government, they do not seem to have a close working relation with them and are seldom integrated into governmental initiatives, such as working groups or committees dealing with economic policy and strategies in areas where an intellectual property perspective and know-how could provide a constructive value-added, such as in the formulation of national strategies for attracting foreign investment, export promotion and nation branding. It is nonetheless unclear to what extent the role of the IP offices is limited by their own cautious choice and to what extent it is determined by the perception that other government entities have of the IP office. The answer is likely that some of both. That said, whether intentionally or by ignorance or neglect and whether by choice or imposed by others, the IP offices seem to constitute a generally underutilized resource of experience and expertise within most governments and are thereby held back from fulfilling their potential role as a key player in the formulation and implementation of national economic policies and strategies, including in the area of nation branding.

40. It should be said that this situation is not unique to the countries in the DCEA region. It can be seen across the world. However, many countries and their IP offices have changed their approach to the integration of intellectual property into national policy and hence have developed and strengthened the role of the IP office. Others are in the process of doing so. This is an important aspect of maximizing the use of intellectual property for economic benefit but is no easy task, as it requires considerable re-skilling of IP office staff and leadership and the identification of public and private sector partners and stakeholders well outside the traditional spheres of interest of an IP office.

41. It should also be mentioned that, even in the DCEA region, there are exceptions to the general rule of under-appreciation and underutilization of IP office resources. For example, the Hungarian Patent Office (HPO), shortly to be renamed the Hungarian Intellectual Property Office, through its proactive approach, its vision of IP's role in economic development and its financial independence, has been relatively successful in integrating itself in the government's policy making and strategic planning initiatives, especially in areas where intellectual property is relevant, including but not limited to nation branding. With Presidential and Ministerial support, the HPO is expected to form part of the newly revamped Nation Brand Council (Government Decision No. 1212/2010. (X.8.) Korm) that was established to "promote Hungary's uniform, positive image and appearance abroad, as well as to create a uniform nation brand". It is

interesting to note that the HPO is apparently one of relatively few self-financed IP offices in the region, which distinguishes it from many of its counterparts, likely influences how its role is viewed by others, provides it not only with a relative degree of financial independence but thereby also with more independence of action and direction, and makes it necessarily more sensitive to IP users' and owners' (referred to as "clients") needs and satisfaction. The IP office of The former Yugoslav Republic of Macedonia is another recently self-financed IP office in the region (Industrial Property Law of 2009, Article 12). There are a number of other self-financed offices which are taking conscious steps to integrate their work into national policy relating to economic and other developments through the creation of an IP strategy and through closer cooperation and collaboration with other government entities and private sector stakeholders. Examples include Georgia, Lithuania, the Republic of Moldova, Kyrgyzstan, and Belarus.

42. In fact, it must be said that many IP offices in the region have sought to improve and strengthen communication and cooperation, especially with private sector stakeholders and perhaps have proven more successful in this respect, frequently providing IP information and other forms of assistance to IP owners and the public in general and organizing various outreach and educational activities, sometimes in partnership with trade associations, such as chambers of commerce and industry, or universities. Such is the case, for example, of the Moldovan IP office (AGEPI), which cooperates with the Chamber of Commerce in organizing an annual event that takes place around the "Trademark of the Year" competition, intended to showcase commercially successful national marks and an increasingly prestigious and popular initiative among national trademark owners. All IP offices should be lauded for and well advised to build upon such efforts.

### **III. GENERAL ISSUES**

43. The starting point for some of the countries in transition is, not surprisingly, largely determined by the system adopted during the time of the Soviet Union, in which each of the Republics were allocated specific roles in contributing to the overall economy of the Soviet Union. Thus, agriculture features widely, in particular, dairy products, fruit, wine, and mineral waters. The products under this regime are still widely known in the countries of the former Soviet Union, and there is still considerable trade in them, where current political relationships permit. They have a reputation solidly based on the geographic area of origin, though not necessarily associated with the IP aspect of GIs. In some countries, there are historically strong manufactures such as crystal glass and established trademarks and marketing relating to them. These work most strongly in those countries which are now members of the European Union, which has resulted in closer contacts between the peoples and economies of the EU member States,

both older market economies and countries in transition. This has also allowed manufacturers to build on wider awareness caused by increased tourism to open the potential for creating high-end products in the market.

44. At the same time, some of the countries have developed national images as a result of previous high levels of tourism, particularly those in the former Soviet Union designated as holiday destinations or countries from the former republic of Yugoslavia, which created a strong tourism market in the 1960s. These images are arguably stronger than those created by more recent surges in tourism, which seem largely to isolate the tourist from the general life and culture of the host country (the “beach-bar-restaurant-all-inclusive” syndrome).

45. Some of the countries have a large Diaspora, such as Armenia and Georgia, which have created a significant foreign market for national products, especially wine. In a similar fashion, the mobility of labor in the European Union has widened the export market for “national” products.

46. High profile international events can provide a focus and catalyst for getting support and impetus for marketing and branding strategies. For example, the European Football Championships for 2012, to be co-hosted by Poland and Ukraine, with the final set for Kyiv, and the Winter Olympics, to be held in 2014 at Sochi, Russia. The international organizing bodies for such events have strict rules and procedures for managing the marketing of the events and related products, especially in relation to sponsor products. It is essential to work with the event organizers and authorities to ensure that national branding campaigns do not infringe agreements made with the event sponsors. However, the ability to temporarily link the country image to the event brand is a launch opportunity, as well as an occasion to demonstrate the effectiveness of a well-managed IP system and the role of the national IP office.

47. These issues present policy makers and businesses with a number of opportunities and challenges, each of which may well require specific and different approaches to marketing. Thus, it is important to identify the target markets and adopt appropriate strategies that fit them. The challenge is to find new markets, such as the European Union, or the international diasporas, and to create the appropriate brand images in those markets. In addition, import restrictions in some countries will reinforce the case for introducing national Quality Standards for food products, especially meat products.

48. Other countries within the DCEA’s mandate such as Cyprus, Israel, Malta, and Turkey, do not share the properties ascribed to countries with economies in

transition but can still benefit from linking the national image or brand to national product brands.

#### **IV. COUNTRY BRAND ISSUES**

49. A brand is not created overnight and requires more than the creation of an attractive and distinctive logo, though the latter can be an important component of a branding strategy. Rather, the brand serves as a trigger for the image of the product, service or country created in the mind of the consumer when presented with the logo or a product from the country concerned, and this image has to be created by marketing campaigns and by experience of the product or service. The brand may apply to a region or the entire country. Members of the Diaspora can help establish and use the nation brand, as well as provide the initial market.

50. The brand image can relate to geographical features, such as mountains, lakes, forests, rivers and the coast and associate activities such as hiking, sailing, swimming to these features. In addition, products can be linked to the special characteristics of such features, especially in the case of mineral waters and wine.

51. Social and cultural history forms another important component of branding a nation. Products can be linked to this through focusing on traditional production methods and the social aspects of using the products.

52. It may be that a country has a past or current reputation for particular technologies, even though knowledge of this is not widely spread. If such a reputation exists, this can help define the image of a country, whether it relates to engineering or science. Examples would be the aero industry or space exploration.

53. The above relates to concepts based on aspects of the objective reality of a country's characteristics. Equally important, however, are the perceived qualities of a country resulting from the direct contact between the consumer and the country. Thus, those involved in nation branding must ensure that the service industries provide a level of customer service which will match the expectations of users and leave a positive impression. This is a major issue for countries in transition where the concept of customer focus is not universally embedded. It also offers a significant challenge to the state bureaucracy in relation to border controls and policing. Similarly, producers have to adapt to the new relationship between customer and producer in a competitive market economy.

54. The linking of nation brands to trademarks and GIs can be problematic. Most countries in Europe do not allow the protection of a country name itself by trademarks. They require a particular presentation of the name, font and color

style, for example. Often this is in conjunction with a logo. Other countries will allow such protection but require official authorization. Also, such branding cannot be used as a barrier to trade between countries within the European Union.

## **V. PRODUCT/SERVICE BRANDING ISSUES**

55. The distinctions between trademarks and GIs are outlined in the Preface, but some points are worth emphasizing here.

a. Trademarks are not substitutes for GIs. Depending on any national IP system, each title of protection can play somewhat different functions and may be protected through different legal frameworks.

b. Trademarks and GIs can in fact complement one-another, with the former providing a good starting point for protection, while the infrastructures (quality control, testing, production methods) for the successful implementation of the GI are built up. Of course, a trademark also reinforces the appeal of a product sold under a GI and differentiates it from other products sold under the same GI, once such a GI has been established.

c. GIs are sometimes mistakenly thought to apply only to agricultural products. They can also apply to handicrafts (e.g., Bruges lace) and industrial products (e.g., Bohemian crystal). They are useful to emphasize the human factors (skills and training related to the particular geographical origin and traditions, etc) required for production.

d. The system of GIs is not the same as the Codex on food standards run by FAO/WHO, as a name under this system can be generic and does not confer any propriety or exclusive rights to the producer as concerns the name of a product, as distinct from consumer protection. GIs are not exclusive to individuals but to specific geographic areas.

56. From the examples above, it is clear that the use of IP in nation branding and linking it with individual products and services is not confined to countries with economies in transition. Why then this tool? The answer is simple. The wider application of the ideas in this tool does not alter the fact that this approach exploits existing capabilities and products, offering earlier financial returns on existing products. It can provide the first instance of economic gain from IP. It does not require investments in R&D and new fields of technology, though it can encourage them during the implementation of standards. Equally important is the fact that other countries are using these techniques to gain competitive advantage, and it reinforces the need for countries with economies in transition to stay in touch, not to allow the economic gaps to widen, but rather to close them.

57. Moreover, as with nation branding, it takes time to establish a brand and to transform a trademark and/or GI into a “brand”, in the marketing sense. It requires the creation of images and associations in the mind of the consumer which result in a preference for the chosen brand. A main approach is through the creation of effective trademarks. These may be individual or collective, the latter being usable by any producer who meets the requirements of the collective association. Also, certification marks can be used to ensure specified quality standards for products.

58. These latter forms of trademarks resemble closely geographical indications, as already explained, and can help the creation and reinforcement of the properties associated with GIs. Moreover, to the consumer the significance of the GI is minimal, unless the GI means something, and this something is established by a marketing campaign and the additional use of trademarks. For example, a “Champagne” (an appellation of origin) sold under a “Veuve Clicquot” trademark has a better quality reputation and can demand a much higher price than a legitimate Champagne with an unknown trademark.

59. Of course, as well as using a trademark to create distinctiveness, the producer must also provide consistency of quality. There must be either a natural consistent characteristic, as in the case of mineral waters and viticulture, or a controlled production process which ensures a specific, consistent quality outcome, as for example, in cheese and wine making. Ideally the two can reinforce one another. To give two practical instances:

60. French wines are produced in a variety of qualities but all carry an indication “Produit de France”. These are then further classified as “Vin de Table”, “Vin de Pays”, and “Appellation of Origin”, see para 6 above). In addition, particular producers have their own trademarks.

61. “Scotch Whisky” is labeled as “Made in Scotland”, but clear distinctions are made between “Blended” and “Single Grain” or “Single Malt Whisky”, the latter also having regional labels such as “Highland”, “Lowland”, “Speyside” etc, each with different characteristics and tastes. As before, individual producers have their own trademarks. The products emphasize something special about Scotland (mountains, rivers, peat etc) to create a distinction from Irish, Welsh, American, Japanese, and now even English Whisky.

62. Ensuring consistency of quality is primarily the responsibility of the individual private producers and the associations they form. The State can, however, assist by the creation of legal production and quality requirements and rules for the enforcement of these.

63. The use of trademarks in conjunction with GIs and linked to geographical features is well established in Western Europe and is an everyday experience for the consumer. Thus, each supermarket contains a vast variety of wines, cheeses, and mineral waters from many countries and regions. These are not going to be easy markets to break into. Businesses need to recognize this and plan accordingly, developing customer relationship management skills alongside the development of an IP portfolio.

64. The branding of products and services, and relating them to the country, will be more successful if the product or service is in some way special to the country, especially if already dense markets are being targeted. Emphasize what is special about the product.

## **VI. INSTITUTIONAL ISSUES**

65. It will be clear from all that is written above that the issues to be addressed go well beyond the imagined or real confines of the competences of an intellectual property office and its traditional stakeholders. Indeed, they go beyond the competence of the State in countries with market economies.

66. The maximum benefits will not be achieved unless government departments work together in partnership both within Government and with private sector producers. It is clear that an intellectual property office, even one with policy-making powers in the field of intellectual property, is limited in relation to its abilities regarding the production of goods and services and the creation of national or individual brands. Only through a coordinated and strategic approach can all skills be brought to bear.

67. A sub-optimal result is achievable without a coordinated strategic approach. A government can create an image and brand for a country, though this is likely to be fragile unless all those private individuals in the front line embody that image in their dealings with consumers. Similarly, individuals or companies can create brands to the benefit of their own companies and thus to the economy of the country. They can even associate their brands with characteristics of the country without the government being involved. This is the case in many developed market economies and, increasingly, as in Switzerland, it is being recognized that the synergy of nation and product branding creates added value.

68. Nonetheless, with imaginative and innovative leadership, an IP office is well placed to take a broad view of the intellectual property component of underlying branding concepts and to act as a catalyst for bringing all the parties together and as the glue for keeping them together. WIPO's experience can be



used to add international credibility in the start-up phase, as well as a source of advice during the process of ensuring that countries and businesses make best use of the IP system.

## **VII. RECOMMENDATIONS AND GUIDANCE**

- I. Take a strategic view and develop a clear time-limited project plan using the disciplines of Project Management. Ideally, make this part of a national IP Strategy or, if there is no such strategy, use this activity to argue for such a strategy, but do not delay action until a strategy has been agreed. (See related tool on Creating an IP Strategy).
- II. Set key objectives and visible expected results.
- III. Convince senior government ministers and officials and key private sector players of the value of the concepts. Gaining commitment is best achieved by demonstrating the economic benefits obtained in countries already applying the concept and by providing a clear project plan with the required objectives and actions. General arguments and vague plans will not be convincing. Establish the role of the IP office in the Project plan.
- IV. Identify the key players in both the private and public sectors and form partnerships with them so as to involve them in the creation and implementation of the plan. Ideally, identify those special products and services which will offer the earliest rewards, those that are really unique to the country if possible. This will allow the project to grow over time, as experience of success encourages others to take part. It is important to identify individual businesses, especially if there are no or few well developed representative organizations. Where such associations exist, they can be a good link to individual companies and an ally in the training and awareness raising that is required.
- V. Develop a clear view of the country brand intended and how it relates to individual products and services. Doing this will require working with those parts of government charged with developing the wider nation brand.
- VI. Set clear criteria for the quality of branded products and services and develop effective institutions for applying them. Introduce National Standards as appropriate.
- VII. Identify target markets and design marketing campaigns specifically aimed at them.

VIII. .Decide whether the project is one of creating a brand or one of re-branding. It may be that the country has a clear brand but one that is outdated or not helpful in the current marketplace.

IX. Help businesses develop the skills for creating and managing their IP. Also, ensure that government departments become aware of the benefit of IP and are continually involved in benefits realization.

X. Help businesses develop customer relationship management skills and the required general management skills for running a business in a competitive market economy.

XI. When more than one agency or international partner is involved in varying aspects of the project, ensure that they are coordinated and that they support one another.

**Annexes I, II, III, IV & V follow.**

**ANNEX I**  
**WIPO MEMBER STATES**  
**Division for Certain Countries in Europe and Asia (DCEA)**

<b>CENTRAL EUROPEAN &amp; BALTIC STATES - POPULATION - SURFACE</b>
<u>Albania</u> - 3.2 million - 28,748 sq. km
<u>Bosnia &amp; Herzegovina</u> - 3.8 million - 51,129 sq. km
<u>Bulgaria</u> - 7.5 million - 110,994 sq. km
<u>Croatia</u> - 4.4 million - 56,940 sq. km
<u>Czech Republic</u> - 10.4 million - 78,866 sq. km
<u>Estonia</u> - 1.3 million - 45,227 sq. km
<u>Hungary</u> - 10 million - 93,030 sq. km
<u>Latvia</u> - 2.2 million - 64,589 sq. km
<u>Lithuania</u> - 3.3 million - 65,300 sq. km
<u>Republic of Moldova</u> - 3.6 million - 33,843 sq. km
<u>Montenegro</u> - 624,000 - 13,812 sq. km
<u>Poland</u> - 38.1 million - 312,685 sq. km
<u>Romania</u> - 21.3 million - 238,391 sq. km
<u>Serbia</u> - 7.8 million - 88,361 sq. km
<u>Slovakia</u> - 5.4 million - 49,033 sq. km
<u>Slovenia</u> - 2 million - 20,273 sq. km
<u>The former Yugoslav Republic of Macedonia</u> - 2 million - 25,713 sq. km
<b>CAUCASIAN, CENTRAL ASIAN &amp; EASTERN EUROPEAN COUNTRIES – POPULATION – SURFACE</b>
<u>Armenia</u> - 3.1 million - 29,743 sq. km
<u>Azerbaijan</u> - 8.8 million - 86,600 sq. km
<u>Belarus</u> - 9.6 million - 207,595 sq. km
<u>Georgia</u> - 4.3 million - 69,700 sq. km
<u>Kazakhstan</u> – 15.6 million – 2.7 million sq. km
<u>Kyrgyzstan</u> – 5.5 million – 199,900 sq. km
<u>Russian Federation</u> - 140.9 million - 17 million sq. km
<u>Tajikistan</u> - 7 million - 143,100 sq. km
<u>Turkmenistan</u> - 5.1 million - 488,100 sq. km
<u>Ukraine</u> - 45.7 million - 603,700 sq. km
<u>Uzbekistan</u> - 27.5 million - 447,400 sq. km
<b>MEDITERRANEAN COUNTRIES - POPULATION - SURFACE</b>
<u>Cyprus</u> - 871,000 - 9,251 sq. km
<u>Greece</u> - 11.2 million - 131,957 sq. km
<u>Israel</u> – 7.2 million – 22,072 sq. km
<u>Malta</u> - 409,000 - 316 sq. km
<u>Turkey</u> – 45.7 million – 603,700 sq. km

**End of Annex**

## **ANNEX II Survey**

### **USING INTELLECTUAL PROPERTY, IN PARTICULAR, TRADEMARKS AND GEOGRAPHICAL INDICATIONS TO CREATE, DEVELOP AND STRENGTHEN A NATION BRAND**

A Survey to establish the current situation, perceptions, and potential for action

#### **BACKGROUND**

The World Intellectual Property Organization (WIPO) is the specialized United Nations agency responsible for promoting the development, use and protection of intellectual property to enable member States to create successful innovative economies. So-called “countries in transition”, which are evolving from centralized to market economies, share various challenges in their efforts to achieve such an economic transition. WIPO’s Division for Certain Countries in Europe and Asia is preparing a series of tools to assist those countries in the planning and delivery of certain key components, in WIPO’s area of expertise, which are needed in a modern market economy.

A number of such tools have already been published and cover Copyright, the Management of Academic Intellectual Property and Early Stage Innovation, and the creation of an Intellectual Property Strategy.

Work is now proceeding on the creation of a tool to assist countries in exploring ways to make use of intellectual property, in particular, trademarks and geographical indications, as a mechanism for developing a strong and distinctive brand image. This survey is part of that work and is aimed at allowing the WIPO team to assess the situation and potential in various countries in the region so as to identify around 5 countries in which further work can be done to help complete the tool.

#### **INTRODUCTION**

There is evidence that countries which establish a strong national brand have a competitive advantage over those who do not. Much of this branding work has been directed specifically at creating and maintaining an attractive image for the potential tourist. Examples include “Incredible India”, “Malaysia, truly Asia”, and the shining sun “España” logo. Some recent campaigns, however, are expanding beyond tourism, for example, by aiming to attract foreign investment, such as current TV ads by TfYR of Macedonia and Poland. There are also experiences where certain trademarks and geographical indications, through their wide use and reputation, have become strategically tied to a specific national identity, whether intentionally or not, thus associating the two in the mind of the consumer and strengthening the branding power of both. These include Swiss chocolate, German auto engineering, French wine and cuisine, and Italian fashion.

A brand image is usually built around a trademark (TM), a distinctive sign, such as a word, a color, design, number or combinations of these, used to differentiate goods and services. Marks can be owned by an individual or company, by an association for use by its members (usually called “collective marks”), or by a certifying authority responsible for controlling the quality of the goods for which the mark is used (usually called “certification marks”). The use of trademarks makes it easier for the consumer to identify and buy goods and services from selected suppliers, giving consumers confidence and providing trademark owners with an effective marketing tool and protecting them from unfair competition.

Similarly, a brand image can evolve around a geographical indication (GI), a sign used to specify the geographical origin (e.g., a city, region or country) of goods, which may or may not also indicate a particular quality or reputation primarily due to that place of origin. Geographical indications may consist of simple “indications of source”, without necessarily implying quality, or of what traditionally are known as

“appellations of origin”, which do indicate a specific quality resulting from the particular geographical environment where the goods are produced.

Repeated use of a trademark or geographical indication in connection with a particular kind of goods or services and the way it is advertised can create an image that is meaningful and positive for the consumer. It is by such means that a trademark or geographical indication can develop what is known in the trade as a “brand” image, that is, a specific reputation, almost an emotional relationship between the consumer and the goods or services for which the trademark or geographical indication is used. A brand image, however, does not necessarily need to be confined to goods or services. A person and even a country can also develop a brand image and for similar purposes: to distinguish itself from others and to gain a competitive advantage in the market place.

This project seeks to help the so-called countries in transition to explore and identify ways of using intellectual property, in particular, trademarks and geographical indications, to create, develop and strengthen a nation brand. The project also aims to assist individuals and companies in making a more creative and commercially effective use of trademarks and geographical indications in marketing their goods and services not only to strengthen their own but also their country’s brand image and competitive advantage.

Clearly, the situation varies from country to country and the appropriate planning must be based on the specific circumstances of each country. By completing this survey you will help WIPO produce an overview of what is currently being done in this area, which institutions are responsible for such activities, and what strategies are being adopted. The survey will also provide an overview of TM and GI culture in practical marketing terms and of the support available, especially to SMEs. Both of these will help identify best practices which can be developed and shared through the creation of the WIPO tool.

The Survey has the following Sections:

- I. LEGAL FRAMEWORK
- II. CURRENT IP ACTIVITY
- III. PUBLIC SECTOR
- IV. PRIVATE SECTOR
- V. ADDITIONAL INFORMATION
- VI. ADDITIONAL COMMENTS AND REMARKS

## I LEGAL FRAMEWORK

1. Current laws governing trademarks, with most recent revisions
  - a. Intellectual Property laws
  - b. Other laws, e.g., unfair competition and consumer protection laws
2. Current laws governing geographical indications, with most recent revisions
  - a. Intellectual Property laws
  - b. Other laws, e.g., unfair competition and consumer protection laws
3. Is there a law governing the labeling of goods and services, and if so, are there provisions that apply to the use of trademarks and/or geographical indications?
4. Is your country a member of
  - a. The Paris Convention for the Protection of Industrial Property?
  - b. The Lisbon Agreement for the Protection of Appellations of Origin and their International Registration?
  - c. The Madrid Agreement Concerning the International Registration of Marks?
  - d. The Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks?
  - e. The Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods?

- f. The Hague Agreement Concerning the International Registration of Industrial Designs?
- g. The World Trade Organization, especially the Agreement on Trade-Related Aspects of Intellectual Property (TRIPS)?
- h. The European Union?

## II CURRENT IP ACTIVITY

1. Trademark Registrations for 2006-2008: breakdown by ownership (national vs. foreign) and by kind of trademark (individual, collective and certification)
2. Geographical Indications
  - a. Geographical Indications protected under national law
  - b. Protection under EU Provisions
  - c. Registrations under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration

## III PUBLIC SECTOR

1. Which Ministry are you part of and to which Ministry level do you report?
2. What is the competence of the IP Office?
3. Who is responsible for IP policy?
4. Who is responsible for GI protection?
5. What is being done about IP awareness raising and outreach?
  - a. Is there a focus on particular IP titles (patents, trademarks, etc.)?
  - b. Principal target groups?
  - c. Awareness raising events?
  - d. Specific consultancies?
  - e. Enforcement advice?
  - f. General Advice?
6. Have programs related to GIs been started? If so, what lessons have been learned?
7. Has action been taken to promote a nation branding strategy, and if so, what kind, under whose lead and with what results?

## IV PRIVATE SECTOR

1. What Trade Associations are active?
2. Which could be more active?
3. Are there specific products or services that you consider particularly associated with your country?
  - a. Agriculture
  - b. Industry
  - c. Natural Resources (commodities such as oil, minerals, precious metals)
  - d. Cultural
  - e. Other
4. Are those products or services currently protected by and/or commercialized under IP?
5. Do you consider that there are products or services and particular national trademarks or geographical indications that have the potential to be linked with the country's brand image and thus contribute to nation branding?
6. Which features of your country do you regard as particularly characteristic?
7. Is your country currently marketed based on any of such national products, services, features, trademarks or geographical indications (3 to 6 above), and if so, which?
8. Who is responsible for such marketing and with what results?

## V ADDITIONAL INFORMATION

1. Details of designated contact person

2. Any others who should be asked to take part in the survey?
3. Do you wish to undertake further work to develop these issues?
4. Do you wish to call upon WIPO for assistance?

VI      ADDITIONAL COMMENTS AND REMARKS

Please feel free to raise any issues or questions you regard as relevant to future work.

**End of Annex**

### ANNEX III

#### Summary Table of Membership of the World Intellectual Property Organization (WIPO) and the Treaties Administered by WIPO, plus UPOV, WTO and UN

W	<a href="#">WIPO Convention</a>	P	<a href="#">Paris Convention</a>	B	<a href="#">Berne Convention</a>	PCT	<a href="#">Patent Cooperation Treaty</a>
PLT	<a href="#">Patent Law Treaty</a>	MI	<a href="#">Madrid Agreement (Indications of Source)</a>	MM	<a href="#">Madrid Agreement (Marks)</a>	MP	<a href="#">Madrid Protocol</a>
H	<a href="#">Hague Agreement</a>	GH	<a href="#">Geneva Act of Hague</a>	N	<a href="#">Nice Agreement</a>	LI	<a href="#">Lisbon Agreement</a>
RO	<a href="#">Rome Convention</a>	LO	<a href="#">Locarno Agreement</a>	IPC	<a href="#">Strasbourg Agreement</a>	PH	<a href="#">Phonograms Convention</a>
VC	<a href="#">Vienna Agreement</a>	BP	<a href="#">Budapest Treaty</a>	S	<a href="#">Brussels Convention</a>	NOS	<a href="#">Nairobi Treaty</a>
TLT	<a href="#">Trademark Law Treaty</a>	WCT	<a href="#">WIPO Copyright Treaty</a>	WPPT	<a href="#">WIPO Performances and Phonograms Treaty</a>	WAS	<a href="#">Washington Treaty</a>
SG	<a href="#">Singapore Treaty</a>	UN	<a href="#">United Nations (UN)</a>	U	<a href="#">UPOV Convention</a>	WTO	<a href="#">Agreement establishing the World Trade Organization (WTO)</a>

STATES	<a href="#">W</a>	<a href="#">P</a>	<a href="#">B</a>	<a href="#">PCT</a>	<a href="#">PLT</a>	<a href="#">MI</a>	<a href="#">M</a>	<a href="#">MP</a>	<a href="#">H</a>	<a href="#">GH</a>	<a href="#">N</a>	<a href="#">LI</a>	<a href="#">RO</a>	<a href="#">LO</a>	<a href="#">IPC</a>	<a href="#">PH</a>	<a href="#">VC</a>	<a href="#">BP</a>	<a href="#">S</a>	<a href="#">NO</a>	<a href="#">TLT</a>	<a href="#">WC</a>	<a href="#">WPP</a>	<a href="#">WA</a>	<a href="#">SG</a>		<a href="#">UN</a>	<a href="#">U</a>	<a href="#">WT</a>
							<a href="#">M</a>													<a href="#">S</a>		<a href="#">T</a>	<a href="#">T</a>	<a href="#">S</a>					<a href="#">O</a>
Albania	X	X	X	X	X		X	X	X	X	X		X		X	X		X				X	X			16	X	X	X
Armenia	X	X	X	X			X	X	X	X	X		X	X	X	X	X	X	X			X	X			18	X		X



Azerbaijan	X	X	X	X			X	X	X	X	X	X	X	X	X	X		X	X							17	X	X	
Belarus	X	X	X	X			X	X			X		X	X	X	X		X	X		X	X				15	X	X	
Bosnia and Herzegovina	X	X	X	X			X	X	X	X	X		X	X	X	X		X	X		X	X	X	X		19	X		
Bulgaria	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X		X	X			X		21	X	X	X
Croatia	X	X	X	X	X		X	X	X	X	X		X	X	X	X	X	X	X	X	X	X		X		22	X	X	X
Cyprus	X	X	X	X			X	X				X			X			X	X	X	X					12	X		X
Czech Republic	X	X	X	X		X	X	X			X	X	X	X	X	X		X			X	X	X			17	X	X	X
Estonia	X	X	X	X	X			X	X	X	X		X	X	X	X		X		X	X	X	X		X	19	X	X	X
Georgia	X	X	X	X				X	X	X	X	X	X					X			X	X				13	X	X	X
Greece	X	X	X	X				X	X		X		X	X	X	X		X	X	X		X	X			16	X		X
Hungary	X	X	X	X	X	X	X	X	X	X	X	X	X		X		X		X	X	X	X	X			20	X	X	X
Israel	X	X	X	X		X		X			X	X	X		X	X		X								12	X	X	X
Kazakhstan	X	X	X	X			X	X			X			X	X	X		X		X	X	X	X			15	X		
Kyrgyzstan	X	X	X	X	X		X	X	X	X	X		X	X	X	X	X	X		X	X	X	X		X	21	X	X	X
Latvia	X	X	X	X	X		X	X	X	X	X		X	X		X		X		X	X	X		X		18	X	X	X
Lithuania	X	X	X	X				X	X	X	X		X			X		X		X	X	X				14	X	X	X
Malta	X	X	X	X																	X	X				6	X		X



## ANNEX IV

### LEGAL FRAMEWORK (Based on replies to the Survey and on WIPO Lex)

#### CENTRAL EUROPEAN & BALTIC STATES

##### **ALBANIA**

###### **Industrial Property, Law (No. 9947), 2008**

Law No. 9947 of July 07, 2008 on Industrial Property, as subsequently amended.

###### **Competition (No. 8044), Law, 1995**

Law No. 8044 on Competition, dated 7 December 1995.

###### **Law No. 9863, 28.01.2008**

Law dealing with food labeling.

##### **BOSNIA & HERZEGOVIA**

###### **1. Current laws governing trademarks, with most recent revisions**

###### **a) Intellectual Property laws**

Law on Trademarks of June 29, 2010 (OG 53/10), entered into force on July 7, 2010 and to be applied from January 1, 2011.

###### **b) Other laws, e.g., unfair competition and consumer protection laws**

Law on Trade

###### **2. Current laws governing geographical indications, with most recent revisions**

###### **a) Intellectual Property laws**

Law on the Protection of Geographical Indications of June 29, 2010 (OG 53/10), entered into force on July 7, 2010 and to be applied from January 1, 2011.

###### **b) Other laws, e.g., unfair competition and consumer protection laws**

Law on Trade

Law on Consumer Protection

###### **3. Laws governing the labeling of goods and services, with provisions that apply to the use of trademarks and/or geographical indications.**

Yes, in the laws on trademarks and geographical indications (above).

###### **Industrial Property, Law, 2002**

Industrial Property Law of Bosnia and Herzegovina. Official Gazette No. 3/02.

##### **BULGARIA**

###### **5. Current laws governing trademarks, with most recent revisions**

###### **a. Intellectual Property laws**

**LAW ON MARKS AND GEOGRAPHICAL INDICATIONS**, Published in State Gazette No. 81/14.09.1999, amended No. 82/17.09.1999; amended No. 28/01.04.2005, amended No. 43/20.05.2005, amended No. 94/25.11.2005, amended No. 105/29.12.2005, amended No. 30/11.04.2006, amended No.

### Annex III, Legal Framework

73/05.09.2006, amended No. 59/20.07.2007, amended No. 36/04.04.2008, amended No. 12/13.02.2009, amended No. 32/28.04.2009, amended No. 19/09.03.2010, in force 09.06.2010 except § 1, 3, 5, 6, § 7 (1) g, d, § 8, 15, 16, 17, 19, 20-24, 26, 30, 33, 35, 36, 37, 39, 40 – in force 09.03.2011.

b. Other laws, e.g., unfair competition and consumer protection laws

**LAW ON PROTECTION OF THE COMPETITION**, Publ. in State Gazette No. 52/08.05.1998, amend. No. 112/29.09.1998, amend. No. 81/14.09.1999, amend. No. 28/19.03.2002, amend. No. 9/31.01.2003, amend. No. 107/09.12.2003, amend. No. 105/29.12.2005, amend. No. 37/05.05.2006, amend. No. 59/21.07.2006, amend. No. 86/24.10.2006, amend. No. 64/07.08.2007, amend. No. 36/04.04.2008, amend. No. 102/28.11.2008;

**LAW ON PROTECTION OF THE CONSUMERS**, Publ. in State Gazette No. 102/ 28.11.2008.

#### 6. Current laws governing geographical indications, with most recent revisions

a. Intellectual Property laws

**LAW ON MARKS AND GEOGRAPHICAL INDICATIONS**, Publ. in State Gazette No. 81/ 14.09.1999, amend. No. 82/17.09.1999; amend. No. 28/01.04.2005, amend. No. 43/20.05.2005, amend. No. 94/25.11.2005, amend. No. 105/29.12.2005, amend. No. 30/11.04.2006, amend. No. 73/05.09.2006, amend. No. 59/20.07.2007, amended No. 36/04.04.2008, amended No. 12/13.02.2009, amended No. 32/28.04.2009, amended No. 19/09.03.2010, in force 09.06.2010 except § 1, 3, 5, 6, § 7 (1) g, d, § 8, 15, 16, 17, 19, 20-24, 26, 30, 33, 35, 36, 37, 39, 40 – in force 09.03.2011.

b. Other laws, e.g., unfair competition and consumer protection laws

**LAW ON PROTECTION OF THE COMPETITION**, Publ. in State Gazette No. 52/08.05.1998, amend. No. 112/29.09.1998, amend. No. 81/14.09.1999, amend. No. 28/19.03.2002, amend. No. 9/31.01.2003, amend. No. 107/09.12.2003, amend. No. 105/29.12.2005, amend. No. 37/05.05.2006, amend. No. 59/21.07.2006, amend. No. 86/24.10.2006, amend. No. 64/07.08.2007, amend. No. 36/04.04.2008, amend. No. 102/28.11.2008;

**LAW ON PROTECTION OF THE CONSUMERS**, Publ. in State Gazette No. 102/ 28.11.2008.

#### 7. Laws governing the labeling of goods and services, with provisions that apply to the use of trademarks and/or geographical indications.

**ORDINANCE FOR THE REQUIREMENTS FOR THE LABELLING AND THE PRESENTING OF THE FOODS**, In force from 29.07.2001, Prom. SG. 62/28.07.2000, amend. SG. 40/19.04.2002, amend. SG. 19/28.02.2003, amend. SG. 100/14.11.2003, amend. SG. 98/5.11.2004, amend. SG. 82/14.10.2005, amend. SG. 20/7.03.2006, amend. SG. 75/18.09.2007.

### **CROATIA**

#### 1. Current laws governing trademarks, with most recent revisions

a) Intellectual Property laws

Trademarks Act of 2003 (OG 173/03) with its subsequent amendments (in 2007 (OG 76/07) and 2009 (OG 30/09).

Trademark Regulations of 2007 (OG 117/07).

b) Other laws, e.g., unfair competition and consumer protection laws

## **Annex III, Legal Framework**

### **2. Current laws governing geographical indications, with most recent revisions**

#### a) Intellectual Property laws

Act on Geographical Indications and Designations of Origin of Products and Services of 2003 (OG 173/03) and its subsequent corrections (OG 186/03) and amendments in 2007 (OG 76/07).

Regulations on Geographical Indications and Designations of Origin of Products and Services of 2004 (OG 72/04) and its subsequent amendments in 2007 (OG 117/07).

Act on Geographical Indications, Designations of Origin and Traditional Specialties guaranteed of agricultural products and foodstuffs of 2008 (OG 84/08) and its subsequent amendments in 2009 (OG 75/09) and in 2010 (OG 20/10).

Act on Wine of 2003 (OG 96/03).

Ordinance on Marking Wines with Geographical Indications of 2005 (OG 7/05) and its subsequent amendments in 2008 (OG 41/08).

Ordinance on Recognition and Protection of Geographical Indications for Spirits (OG 20/07).

#### b) Other laws, e.g., unfair competition and consumer protection laws

### **3. Laws governing the labeling of goods and services, with provisions that apply to the use of trademarks and/or geographical indications.**

Yes, several laws govern the labeling of goods such as the Act on Customer Protection (OG 79/07) with its subsequent corrections (OG 125/07) and its subsequent amendments in 2007 (OG 79/09 and 89/09) as well as the Ordinance on labeling, promotion and presentation of foodstuffs (OG 41/08) but non of them contain provisions that refer to the use of trademarks and/or geographical indications directly.

## **CZECH REPUBLIC**

### **1. Current laws governing trademarks, with most recent revisions**

#### a. Intellectual Property laws

Act No. 441/2003 Coll., on Trademarks.

Decree No. 97/2004 implementing the Act on Trademarks.

#### b. Other laws, e.g., unfair competition and consumer protection laws

Act. No. 513/2001 Coll., Commercial Code.

**I. ACT. NO. 634/1992 COLL., ON CONSUMER PROTECTION.**

**II. ACT NO. 221/2006 COLL, ON ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS.**

Act. No. 191/1999 Coll., on some Measures regarding Import and Export (customs).

Act No. 64/1986 Coll., on Czech Trade Inspection.

### **Current laws governing geographical indications, with most recent revisions**

#### a. Intellectual Property laws

Act No. 452/2001 Coll., on the Protection of Designations of Origin and Geographical Indications and on the Amendment to the Act on Consumer Protection.

#### b. Other laws, e.g., unfair competition and consumer protection laws

Act. No. 513/2001 Coll., Commercial Code.

**III. ACT. NO. 634/1992 COLL., ON CONSUMER PROTECTION.**

**IV. ACT NO. 221/2006 COLL, ON ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS.**

Act. No. 191/1999 Coll., on some Measures regarding Import and Export (customs).

Act No. 64/1986 Coll., on Czech Trade Inspection.

### **3. Laws governing the labelling of goods and services, with provisions that apply to the use of**

## Annex III, Legal Framework

### trademarks and/or geographical indications

Act No. 634/1992 Coll., on Consumer Protection.

**A. ACT NO. 110/1997 COLL., ON FOODSTUFFS AND TOBACCO PRODUCTS.**

Act No. 321/2004 Coll., on Viniculture and Winegrowing.

**B. ACT NO. 166/1999 COLL., ON VETERINARY CARE.**

Act No. 146/2002 Coll., on Czech Agriculture and Food Inspection Authority.

Act No. 147/2002 Coll., on Central Institute for Supervising and Testing in Agriculture.

**Geographical Indications, Decree, 31/05/2002, No. 243**

Decree of the Ministry of Agriculture No. 243/2002 Coll., implementing Act No. 452/2001 Coll. on the Protection of Designations of Origin and Geographical Indications and on the Amendment to the Act on the Consumer Protection.

**Intellectual Property, Civil Code, 24/02/1964 (1995), No. 40 (No. 118)**

Civil Code, No. 40 of 24 February 1964 (as amended). Date of Last Amendment: January 1, 1995.

### **ESTONIA**

**Trade Marks (No. RT I 2004, 20, 141, Trademark Act), Act, as amended 2004**

Trade Marks Act, 2004.

**Anti-competitive Practices, Act, 05/06/2001**

Competition Act of June 5, 2001.

**Geographical Indications (Protection), Act, 15/12/1999**

Geographical Indications Protection Act of December 15, 1999.

**Anti-competitive Practices (Exemptions Franchise), Regulation, 23/03/1999**

Government Regulation on Granting Block Exemptions on Certain Categories of Restrictive Agreements of 23 March 1999.

**Marks (Alcohol), Act (Consolidation), 10/02/1999 (16/06/1999)**

Alcohol Act of 10 February 1999, last amendment 16 June 1999. Date of Last Amendment: June 16, 1999.

**Marks (Statutes Register), Regulation, 10/06/1998**

Government Regulation on Confirming the Statutes of the Trademark Register of 10 June 1998.

**Unfair Competition, Act, 11/03/1998**

Competition Act of 11 March 1998.

**Other (Consumer Protection), Act (Consolidation) 15/12/1993 (25/02/1999)**

Consumer Protection Act of 15 December 1993, last amendment 25 February 1999.  
Date of Last Amendment: February 25, 1999.

**Marks, Act (Consolidation), 27/08/1992 (17/12/1997)**

Trademark Act of 27 August 1992 (last amended on December 17, 1997).  
Date of Last Amendment: December 17, 1997.

### **HUNGARY**

#### **1. Current laws governing trademarks, with most recent revisions**

### Annex III, Legal Framework

#### a. Intellectual Property laws

Trademark and Geographical Indications Act, as amended (Act XI of 1997, entered into force on 1 July 1997), consolidated in 2009.

Government Decree 147/2007. (VI. 26.) on the detailed rules concerning electronic filing of certain documents in industrial property procedures.

Decree 16/2004. (IV.27.) IM on the detailed formalities of trademark applications and applications for the protection of geographical indication.

The full text of these pieces of legislation is available on the homepage of the Hungarian Patent Office (<http://www.mszh.hu/English/jogforras/index.html>).

#### b. Other laws, e.g., unfair competition and consumer protection laws

Under Article 6 of the **Hungarian Competition Act (Act LVII of 1996)** it shall be prohibited to manufacture, distribute, or advertise goods or services without the consent of a competitor, if such goods have a characteristic presentation, packaging or labelling (including designation of origin) or bear a name, mark or designation, by which a competitor or its goods are usually recognised.

Article 296 of the **Hungarian Criminal Code** defines the criminal action "*false marking of goods*" as follows: any person who produces a product with distinctive appearance, packaging, labelling or name, from which a competitor or his product having distinctive features can be recognized, and who does so without the consent of such competitor or acquires such product for the purpose of placing it on the market, commits a criminal act. Article 329/D of the Hungarian Criminal Code lays down criminal consequences in connection with "*infringement of industrial property rights*": a person who violates the right of the holder of a patent, protected design, trade mark or geographical indication by way of imitation or copying, and thereby causes financial injury, shall be punishable.

Finally, pursuant to Article 6(2)a) of the **Unfair Commercial Practices Act (Act XLVII of 2008)** a commercial practice is considered misleading, if it can entail that a product or sign is confused with the product, trade mark, trade name, or other distinguishing mark of another business.

### 2. Current laws governing geographical indications, with most recent revisions

#### a. Intellectual Property laws

Trade mark and Geographical Indications Act, as amended (Act XI of 1997, entered into force on 1 July 1997).

Government Decree 158/2009. (VII. 30.) on the procedure for the protection of geographical indications of agricultural products, foodstuffs and spirit drinks as well as the inspection of these products.

Government Decree 178/2009. (IX. 3.) on the procedure for the Community protection of designations of origin and geographical indications of wine products as well as the inspection of these products.

#### c. Other laws, e.g., unfair competition and consumer protection laws

Decision 77/2008. (VI. 13.) of the Parliament on the Protection of Hungarica.

Article 6 of the Hungarian Competition Act (Act LVII of 1996).

Article 296 and 329/D of the Hungarian Criminal Code.

Article 6(2)a) of the Unfair Commercial Practices Act (Act XLVII of 2008)(see section I.1.b.).

#### d. Laws governing the labelling of goods and services, with provisions that apply to the use of trademarks and/or geographical indications.

Yes, there are several rules governing the labeling of goods and services, e.g. Decree 19/2004. (II. 26.) FVM-ESzCsM-GKM on the labelling of foodstuffs [Article 6(5) thereof mentions trade marks as not sufficient in themselves to designate the foodstuff].

These rules are in compliance with EU provisions on labelling in the different product sectors and are applied in the framework of general consumer protection law.

## Annex III, Legal Framework

### **LATVIA**

#### **Marks & Geographical Indications, Act, 16/06/1999**

Law on Trademarks and Indications of Geographical Origin of June 16, 1999.

#### **Industrial Property (Information Publicity), Act, 29/10/1998**

Information Publicity Law of October 29, 1998.

#### **Unfair Competition, Act (Art. 22-23), 18/06/1997**

Excerpt of the Law on Competition of 18 June 1997.

#### **Marks, Act, 09/03/1993, No. 12/13**

Law of 9 March 1993 on Trademarks.

### **LITHUANIA**

#### **1. Current laws governing trademarks, with most recent revisions**

##### **a. Intellectual Property laws**

- Law on Trade Marks of 10 October 2000 No VIII-1981 (English version with most recent revisions is available at <http://www.vpb.gov.lt/index.php?n=296&l=en>).

##### **b. Other laws, e.g., unfair competition and consumer protection laws**

- Competition Law of 23 March 1999 No VIII-1099.

- Law on Consumer Protection of 10 October 1994 No I-657 (as last amended on 10 December 2009 No XI-562).

- Law on Prohibition of Unfair Business-to-Consumer Commercial Practices of 21 December 2007 No X-1409.

- Law on Advertising of 18 July 2000 No VIII-1871 (as last amended on 11 January 2008 No X-1414).

#### **2. Current laws governing geographical indications, with most recent revisions**

##### **a. Intellectual Property laws**

- Law on Trade Marks of 10 October 2000 No VIII-1981.

- Order of the Minister of Agriculture No 499 of 20 December 2002 on the Approval of Regulation on the Protection of Designations of Origin and Geographical Indications for Agricultural Products and Foodstuffs.

##### **b. Other laws, e.g., unfair competition and consumer protection laws**

Competition Law of 23 March 1999 No VIII-1099.

#### **3. Laws governing the labelling of goods and services, with provisions that apply to the use of trademarks and/or geographical indications.**

The Law on Trade Marks regulates only registration and enforcement of trade marks. There are some provisions regarding labelling in the Law on Consumer Protection, Law on Prohibition of Unfair Business-to-Consumer Commercial Practices and Law on Advertising.

Labelling of GIs determines the Regulation on the Protection of Designations of Origin and Geographical Indications for Agricultural Products and Foodstuffs, approved by the Order of the Minister of Agriculture No 499 of 20 December 2002.

Rules on labelling and designation of prices for articles (goods) traded in the Republic of Lithuania, approved by the Order of the Minister of Economy No 170 of 15 May 2002, have a list of legislation



### Annex III, Legal Framework

governing the labelling of goods (laws, regulations, standards), however these acts are not intended to directly regulate the use of trademarks and/or geographical indications.

#### Marks (State Symbol), Order, 10/04/2001, No. 65

Order No. 65 of the Minister of Justice Establishing the Procedure of the Granting of the Permission for Use of Lithuanian State Symbolic in Trademarks and Firm Names, adopted on 10 April 2001.

#### Marks (State Symbol), Resolution, 12/02/2001, No. 155

Governmental Resolution No. 155 on the Order of Granting the Permission for Use of Lithuanian State Symbolic in Trademarks and Firm Names, adopted on 12 February 2001.

#### Geographical Indications (Advertising), Law, 18/07/2000, No. VIII-1871

Law on Advertising No. VIII-1871, adopted on 18 July 2000.

### **REPUBLIC OF MOLDOVA**

#### **1. Current laws governing trademarks, with most recent revisions**

##### a. Intellectual Property laws

The industrial property legislation of the Republic of Moldova is in compliance with international treaties (including TRIPs Agreement) and EU Regulations and Directives in the field, including EU Directive 48/2004/EC of the European Parliament and of the Council on the Enforcement of Intellectual Property Rights.

In the Republic of Moldova, the rights on trademarks are governed by the following normative acts:

- i. *The Law No. 38-XVI of February 29, 2008 on the Protection of Trademarks (in force as from September 6<sup>th</sup>, 2008).*
- ii. *The Regulation on the procedure of application, examination and registration of trademarks (approved by the Government Decision No.488 of 13.08.2009), in force as from August 21<sup>st</sup>, 2009.*

The IP legislation of the Republic of Moldova (Romanian and Russian languages) is available on the AGEPI web-site: [www.agepi.md](http://www.agepi.md), the English version of the legal acts being available at the following link: <http://www.agepi.md/en/acte/>.

##### b. Other laws, e.g., unfair competition and consumer protection laws

Other laws of the Republic of Moldova containing provisions on trademarks are as follows:

- ✓ *The Law on consumers' protection No.105-XV of March 13<sup>th</sup>, 2003.*

In compliance with the Art. 20 (3) of the current Law: "Producer (packer) must submit information on product name, brand name and trademark of the manufacturer, to indicate address (phone number, if applicable), regulatory document, mass/volume, the main qualitative characteristics..."

- ✓ *The Law on unfair competition No. 1103-XIV of June 30, 2000.*

This Law set the organizational and legal basis of the competition protection, prevention, limitation and suppression of the monopolistic activities and unfair competition, and aims to develop the competition relationships on the markets of goods of the Republic of Moldova.

Pursuant to the Art. 2 of the current Law, the unfair competition express groundless advantages achieved by a stock trader in entrepreneurial activity, which are incompatible with the provisions of the legislation on protection of competition and triggers harmful damages to business reputation of other economic agents.

Special provisions on IP rights enforcement on the territory of the Republic of Moldova are included in the following national acts:

### Annex III, Legal Framework

- ✓ *The Contravention Code No. 218-XVI of October 24<sup>th</sup>, 2008 (articles 97 to 98).*
- ✓ *The Civil procedural Code No. 225-XV of May 30<sup>th</sup>, 2003 (articles 33, 85, 127<sup>1</sup>, 127<sup>2</sup>, 127<sup>3</sup>, 460).*
- ✓ *The Criminal Code No. 985-XV of April 18<sup>th</sup>, 2002 (articles 185<sup>2</sup>, 185<sup>3</sup>, 246<sup>1</sup>).*
- ✓ *The Criminal procedural Code (special part) No. 122-XV of March 14<sup>th</sup>, 2003 (articles 275 and 276).*
- ✓ *The Customs Code No. 1149-XIV of July 20<sup>th</sup>, 2000 (Section XII "Enforcement of Measures at Border for Protection of Intellectual Property" - articles 301 to 308).*

## 2. Current laws governing geographical indications, with most recent revisions

### a. Intellectual Property laws

In the Republic of Moldova, the rights on geographical indications are governed by the following normative acts:

*The Law No. 66-XVI of March 27<sup>nd</sup>, 2008 on the protection of geographical indications, appellations of origin and traditional specialties guaranteed, in force as from October 25<sup>th</sup>, 2008.*

*The Regulation on the procedure of application, examination and registration of geographical indications, appellations of origin and traditional specialties guaranteed (approved by the Government Decision No.610 of 05.07.2010), in force as from July 13, 2010*

*Decision No. 644 of 19.07.2010 on the designation of competent authorities vested with powers and responsibilities related to products with appellations of origin and geographical indications, and traditional specialties guaranteed and authorities responsible for official controls on conformity of these products (in force as from July 27, 2010 )*

### b. Other laws, e.g., unfair competition and consumer protection laws

Other laws of the Republic of Moldova containing provisions on geographical indications are as follows:

The Law on consumers' protection No.105-XV of March 13<sup>th</sup>, 2003.

➤ *The Law on unfair competition No. 1103-XIV of June 30, 2000.*

➤ *The Governmental Decision No. 760 of November 1<sup>th</sup>, 1995 for approval of the production of wine and its derivatives with designation of origin.*

➤ *The Law No. 57- XVI of March 10<sup>th</sup>, 2006 on Vine and Wine:*

*Article 27 "Constraints on the quality and production of the propagating material and grapevine planting material, grapes goods, wines and grape-based products and wine"*

*Article 33 "State supervision and control over the performance requirements related to vine and wine products"*

*Article 34 "Testing wine products"*

*Article 35 "Certification of wine products"*

*Article 36 "Object of the sanctions"*

e) Producing wines with designation of origin and supervised denomination of origin outside of the delimited wine region;

g) use of some designations of origin for commercialization of wines and wine-based products without compliance with the compulsory requirements set by laws;

Special provisions on IP rights enforcement on the territory of the Republic of Moldova are included in the following national acts:

✓ *The Contravention Code No. 218-XVI of October 24<sup>th</sup>, 2008 (articles 97 to 98).*

✓ *The Civil procedural Code No. 225-XV of May 30<sup>th</sup>, 2003 (articles 33, 85, 127<sup>1</sup>, 127<sup>2</sup>, 127<sup>3</sup>, 460).*

✓ *The Criminal Code No. 985-XV of April 18<sup>th</sup>, 2002 (articles 185<sup>2</sup>, 185<sup>3</sup>, 246<sup>1</sup>).*

### Annex III, Legal Framework

✓ *The Criminal procedural Code (special part) No. 122-XV of March 14<sup>th</sup>, 2003 (articles 275, 276).*

✓ *The Customs Code No. 1149-XIV of July 20<sup>th</sup>, 2000 (Section XII "Enforcement of Measures at Border for Protection of Intellectual Property" - articles 301 to 308).*

#### **3. Laws governing the labeling of goods and services, with provisions that apply to the use of trademarks and/or geographical indications.**

In Republic of Moldova, there are several legal acts that govern the labeling of goods and services:

✓ *The Law No. 1100 of June 30<sup>th</sup>, 2000 on producing and circulation of the ethyl alcohol and alcoholic products, in particular the Chapter 6 "Labeling and advertisement of the alcoholic products". In compliance with the Art. 17<sup>2</sup> "The restrictions on the information to be labeled on the alcoholic products": "it is prohibited to indicate on the label or marketing container any information which contains: "c) a geographical indication identifying a product not originating in the area mentioned in the that indication, even though the real origin is being mentioned or if the geographical indication is used in translation or accompanied by such expressions as "like", "type", "style", "imitation" and others."*

✓ *The Governmental Decision No. 1481 of December 26<sup>th</sup>, 2006 on labeling of alcoholic products.*

✓ *The Governmental Decision No. 1056 of September 13<sup>th</sup>, 2006 on measures for optimizing the system of checking the quality of the alcoholic products.*

✓ *The Governmental Decision No. 996 of August 20<sup>th</sup>, 2003 on food labeling and rules on labeling of chemicals and cleaning. According to the Chapter 4 "Mandatory food labeling requirements" of the current Decision, "Food labels should cover the following requirements":*

*(1) The name under which food is sold*

*(f) Trademarks, commercial mark or attractive names can not replace the name under which food is being sold;*

*(6) the name and address*

The name or business name and address of the producer, packer or distributor must bear a label. In case of the imported products, the name and address of the importer or distributor registered in the Republic of Moldova are comprehensive.

*(7) Country of origin*

1. The food's country of origin is registered if its omission would be likely to trigger confusion among the consumers on the real origin of the food.

2. In case the alimentary product has been sent for processing in a secondary country, for changing the content purposes, then the country where processing is being performed shall be considered the country of origin to be mentioned on the label.

### **MONTENEGRO**

#### **1. Current laws governing trademarks, with most recent revisions**

a. Intellectual Property laws

The Law on Trademarks („The Official Gazette of the State Union of Sdebia and Montenegro“, No 61/04).

The Law on legal protection of industrial design („The Official Gazette of the State union of Serbia and Montenegro“ No 61/04).

The Law on protection of topography of integrated circuits („The Official Gazette of The Stae Union of Serbia and Montenegro“, No 61/04).

The Law on geographic indications of origin („The Official Gazette of the Republic of Montenegro“, No 44/08).

Decree securing the implementation of intellectual property rights in Montenegro ("The Official Gazette of the Republic of Montenegro" No 61/07,"The Official Gazette of Montenegro", No 70/2008).

Decree on procedure for registering the trademark ("The Official Gazette", No 28/05).

### Annex III, Legal Framework

Decree on procedure for recognising rights for the industrial design ("The Official Gazette of the State Union of Serbia and Montenegro" No 28/05).

Decree on records of works of authorship and subject matter of related rights ("The Official Gazette of the State Union of Serbia and Montenegro" No 24/05).

Regulations on procedure for recognition of geographic indication of origin and recognition of the status of authorized user of the geographic indication of origin ("The Official Gazette of Montenegro", No 47/09).

The Law on administrative fees ("The Official Gazette of the Republic of Montenegro", No 55/2003, 81/2005, 2/2006, and the Official Gazette of Montenegro, No 22/2008, 77/2008 and 3/2008).

Decision on the amount of fees of special costs for the procedures lead by the Intellectual Property Office and the fee costs for information services of the Office („The Official Gazette of the State Union of Serbia and Montenegro", No 16/08).

The Law on implementation of the legislation regulating the intellectual property rights („The Official Gazette of the Republic of Montenegro", No 45/05).

b. Other laws, eg. unfair competition and consumer protection laws

The Law on protection of consumers ("The Official Gazette of the Republic of Montenegro" No. 26/2007).

The Law on data confidentiality, published in the Official Gazette of Montenegro, No 14/2008 and 76/2009).

The Law on protection of plant species, ("The Official Gazette of the Republic of Montenegro No 48/2007 and the Official Gazette of Montenegro" No 48/2008).

The Law on protection of competition, ("The Official Gazette of the Republic of Montenegro No 69/05").

#### **2. Current laws governing geographical indications, with most recent revisions**

a. Intellectual Property laws

The Law on geographic origin of indication, ("The Official Gazette of the Republic of Montenegro, No 44/08").

Regulations on procedure for recognition of geographic indication of origin and recognition of the status of authorized user of the geographic indication of origin ("The Official Gazette of Montenegro", No 47/09).

The Law on Spirits ("The Official Gazette of Montenegro, No 83/2009").

The Law on Wine, ("The Official Gazette of the Republic Montenegro, No 36/2007").

The Law on Food Safety, ("The Official Gazette of Montenegro, No 14/2007").

The Law on Agriculture and Rural Development, ("The Official Gazette of Montenegro, No 56/2009").

The draft Law on protection of indication of origin, geographic indication of origin, indications for guaranteed traditional specialties, agricultural and food products, (when this new law is adopted the authority transfers to the Ministry of agriculture and until now was under the authority of our institution - MIPO).

b. Other laws, eg. unfair competition and consumer protection laws

The Law on protection of consumers ("The Official Gazette of the Republic of Montenegro" No. 26/2007).

The Law on data confidentiality, published in the Official Gazette of Montenegro, No 14/2008 and 76/2009.

The Law on protection of plant species, published in the Official Gazette of the Republic of Montenegro, No 48/2007 and the Official Gazette of Montenegro No 48/2008.

The Law on protection of competition („The Official Gazette of Montenegro" No br 69/05).

#### **3. Laws governing the labelling of goods and services, with provisions that apply to the use of trademarks and/or geographical indications.**

The Law on geographic indication of origin, (The Official Gazette of the Republic of Montenegro, No 44/08).

Regulations on procedure for recognition of geographic indication of origin and recognition of the status of authorized user of the geographic indication of origin ("The Official Gazette of Montenegro", No 47/09).

### **POLAND**

#### **1. Current laws governing trademarks, with most recent revisions**

a. Intellectual Property laws

Act of 30 June 2000 – Industrial Property Law, last amended 24 October 2008

b. Other laws, e.g., unfair competition and consumer protection laws

### Annex III, Legal Framework

Act of 16 April 1993 on combating unfair competition – last amended 19 November 2009,  
Act of 16 February 2007 on consumer protection – last amended 27 August 2009

#### **2. Current laws governing geographical indications, with most recent revisions**

##### **a. Intellectual Property laws**

Act of 30 June 2000 – Industrial Property Law, last amended 24 October 2008 – in respect of non-agriculture GIs,

Act of 17 December 2004 on the registration and protection of indications and designations of agricultural products, foodstuffs and on traditional products, last amended on 24 October 2008,

Act of 18 October 2006 on the production of spirits and on the registration and protection of geographical indications for spirits

##### **b. Other laws, e.g., unfair competition and consumer protection laws**

Act of 16 April 1993 on combating unfair competition – last amended 19 November 2009

#### **3. Laws governing the labeling of goods and services, with provisions that apply to the use of trademarks and/or geographical indications.**

None

### **ROMANIA**

#### **Marks (Geographical Indications), Law, 15/04/1998, No. 84**

Law on Trade Marks and Geographical Indications No. 84 of April 15, 1998.

#### **Unfair Competition, Law (Arts. 1 and 73), 10/04/1996, No. 21**

Law on Competition No. 21 of April 10, 1996 (Arts. 1 and 73).

#### **Unfair Competition, Law, 29/01/1991, No. 11**

Law No. 24 of January 29, 1991 on the Repression of Unfair Competition

### **SERBIA**

#### **1. Current laws governing trademarks, with most recent revisions**

##### **a. Intellectual Property laws**

The Law on Trademarks (Official Gazette of RS, no. 104/2009)

##### **b. Other laws, e.g., unfair competition and consumer protection laws**

The Law on special powers for the effective protection of intellectual property rights (Official Gazette of RS, no. 46/2006)

#### **2. Current laws governing geographical indications, with most recent revisions**

##### **a. Intellectual Property laws**

The Law on Indication of Geographical Origin (Official Gazette RS No. 18/2010)

The Law on Wines (Official Gazette RS No. 41/2009)

The Law on Spirits and Other Alcoholic Beverages (Official Gazette RS No. 41/2009)

##### **b. Other laws, e.g., unfair competition and consumer protection laws**

The Law On consumer protection ( Official Gazette of RS, no. 79/2005)

The Law On Trade (Official Gazette of FRY, no. 32/93, 50/93, 41/94, 29/96 and 37/2002 - other Official Gazette of RS, no. 101/2005 - other Law and 85/2005 - other law) Chapter 2. Article 22.

#### **3. Laws governing the labelling of goods and services, and if so, provisions that apply to the use of trademarks and/or geographical indications**

The Law On Trade (Official Gazette of FRY, no. 32/93, 50/93, 41/94, 29/96 and 37/2002 - other Official Gazette of RS, no. 101/2005 - other Law and 85/2005 - other law)

Article 23: According to the Art. 23. of the Law on Trade, unfair competition shall mean unauthorised use of the protected designations of another merchant (name, trade name, trade mark, service mark,

### **Annex III, Legal Framework**

designation of the quality, designation of origin etc.), as well as unauthorized use of indications which are not protected, which cause or may cause confusion in the trade.

#### **Geographical Indications, Law, 2010**

Law on Indications of Geographical Origin.

#### **Trademarks, Law, 2009**

The Law on Trademarks.

### **SLOVAKIA**

#### **1. Current laws governing trademarks, with most recent revisions**

##### **a. Intellectual Property laws**

- Act No. 506/2009 Coll. on Trade marks.
- Decree No. 567/2009 Coll. implementing the Act No. 506/2009 Coll. on Trade marks.

##### **b. Other laws, e.g., unfair competition and consumer protection laws**

- Act No. 513/1991 Coll. Commercial Code, as amended.
- Act No. 250/2007 Coll. on Consumer protection, as amended.
- Act No. 300/2005 Coll. - Criminal Code, as amended.

#### **2. Current laws governing geographical indications, with most recent revisions**

##### **a. Intellectual Property laws**

- Act No. 469/2003 Coll. on Designations of origin for products and geographical indications for products, as amended in 2007.
- Act No. 152/1995 Coll. on Foodstuffs, as amended.

##### **b. Other laws, e.g., unfair competition and consumer protection laws**

- Act No. 513/1991 Coll. Commercial Code as amended.
- Act No. 250/2007 Coll. on Consumer protection, as amended.
- Act No. 300/2005 Coll. - Criminal Code, as amended.

#### **3. Laws governing the labelling of goods and services, with provisions that apply to the use of trademarks and/or geographical indications.**

Article 9 of the Act No. 152/1995 Coll. on Foodstuffs deals with the labelling of foodstuffs only. There are no relevant provisions that would apply specifically to the use of trademarks and/or geographical indications.

### **SLOVENIA**

#### **8. Current laws governing trademarks, with most recent revisions**

##### **a. Intellectual Property laws**

Industrial Property Act of 23 May 2001, last amended on 6 February 2006, in force from 11 March 2006, published in the Official Gazette RS Nos 45/01, 96/02, 37/04, 20/06 and 51/06.

Copyright and Related Rights Act of 30 March 1995, last amended on 15 December 2006, in force from 13 January 2007, published in the Official Gazette RS Nos. 21/95, 9/01, 30/01, 43/01, 17/06, 44/06, 139/06 and 16/07.

##### **b. Other laws, e.g., unfair competition and consumer protection laws**

The most important provisions concerning unfair competition are represented by the Protection of



### **Annex III, Legal Framework**

Competition Act (Zakon o varstvu konkurence (ZVK), Official Gazette of RS 18/1993) as a central legislative act and the Consumer Protection Act (Zakon o varstvu potrošnikov (ZVPot), Official Gazette of RS 20/1998).

#### **9. Current laws governing geographical indications, with most recent revisions**

##### **a. Intellectual Property laws**

Products other than agricultural products and foodstuffs, wines and other products obtained from grapes or wine are covered by Industrial Property Act of 23 May 2001, last amended on 6 February 2006, in force from 11 March 2006, published in the Official Gazette RS Nos 45/01, 96/02, 37/04, 20/06 and 51/06; Articles 55-60.

Law governing agricultural products and foodstuffs as well as wines and other products obtained from grapes or wine: Agricultural Act (Official Gazette No 45/08) and various national and EU acts (Regulations) on the protection of geographical indications and designations of origine for agricultural products.

Decree on the geographical indication of the Lipicanec (Lipizzaner) horse (Official Gazette RS, No 4/1999).

Wine Act (Official Gazette RS, No 105/2006).

Rules on the list of designation of geographical origin for wines and other grape and wine products (Official Gazette RS, No 68/2002, No 42/2003).

Rules on the designation of wine, must and other grape and wine products and their packaging (Official Gazette RS, No 40/2001, No 52/2003, No 44/2005).

##### **b. Other laws, e.g., unfair competition and consumer protection laws**

Consumer Protection Law (Official Gazette RS 98/2004).

#### **10. Laws governing the labelling of goods and services, with provisions that apply to the use of trademarks and/or geographical indications**

Rules on the list of designation of geographical origin for wines and other grape and wine products (Official Gazette RS, No 68/2002, No 42/2003).

Rules on the designation of wine, must and other grape and wine products and their packaging (Official Gazette RS, No 40/2001, No 52/2003, No 44/2005).

Rules on the trade mark for labelling agricultural products or foodstuffs (Official Gazette RS, No 58/2001, No 28/2004, No 87/2004, No 121/2006).

#### **Trademarks (No. 4/2007, EU Council Regulation on Community Trademarks and Community designs), Decree, 2007**

Decree implementing Council Regulation (EC) on Community designs and Council Regulation (EC) on Community trademarks (Official Gazette RS, No 4/2007).

### **THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA**

#### **1. Current laws governing trademarks, with most recent revisions**

##### **a. Intellectual Property laws:**

-Law on Industrial Property (2009)

##### **b. Other laws, e.g., unfair competition and consumer protection laws:**

-Law on Copyrights and Related Rights (2010)

-Law on Protection of Consumers, as last revised in 2008

-Law on Protection of Competition, as last revised in 2007

-Law on Protection of Cultural Heritage (2004)

#### **2. Current laws governing geographical indications, with most recent revisions**

##### **a. Intellectual Property laws:**

### Annex III, Legal Framework

-Law on Industrial Property (2009)

Other laws, e.g., unfair competition and consumer protection laws

-Law on Protection of Consumers, as last revised in 2008

-Law on Quality of the Agricultural Products (2010)

#### Marks, Regulation, 2009

Regulation on Trade Mark.

#### Geographical Indication, Regulation, 2009

Regulation on Appellation of Origin of the Product and Geographical Indication.

### CAUCASIAN, CENTRAL ASIAN & EASTERN EUROPEAN COUNTRIES

#### ARMENIA

##### **1. Current laws governing trademarks, with most recent revisions**

a. Intellectual Property laws

Law of the Republic of Armenia on Trademarks, Service Marks and Appellations of Origin 2000 (last amended in 2007).

Draft Law on Trademarks (2010; currently in the National Assembly of the Republic of Armenia).

b. Other laws, e.g., unfair competition and consumer protection laws

Law of the Republic of Armenia on Protection of Economic Competition, November 6, 2000, as consolidated in 2007.

##### **2. Current laws governing geographical indications, with most recent revisions**

a. Intellectual Property laws

Draft Law on Geographical Indications (2010; currently in the National Assembly of the Republic of Armenia).

b. Other laws, e.g., unfair competition and consumer protection laws

Law on Protection of Consumers Rights 2001 (last amended in 2008).

##### **3. Laws governing the labelling of goods and services, with provisions that apply to the use of trademarks and/or geographical indications**

None.

#### Other, Constitution, 1995

The Constitution of the Republic of Armenia, 5 July 1995.

#### AZERBAIJAN

NA



### Annex III, Legal Framework

#### **BELARUS**

##### **1. Current laws governing trademarks, with most recent revisions**

- a) The Civil Code of the Republic of Belarus; Law of the Republic of Belarus of 5 February 1993 "On Trademarks and Service Marks" (as revised on July 15, 2009).  
 b) Law of the Republic of Belarus of 10 December 1992 "On Counteraction to Monopolistic Activities and Promotion of Competition" (as revised on January 4, 2010); Law of the Republic of Belarus of 9 January 2002 "On Protection of Consumers' Rights" (as revised on July 8, 2008).

##### **2. Current laws governing geographical indications, with most recent revisions**

- a) The Civil Code of the Republic of Belarus; Law of the Republic of Belarus of 17 July 2002 "On Geographical Indications" (as revised on January 4, 2010).  
 b) Law of the Republic of Belarus of 10 December 1992 "On Counteraction to Monopolistic Activities and Promotion of Competition" (as revised on January 4, 2010); Law of the Republic of Belarus of 9 January 2002 "On Protection of Consumers' Rights" (as revised on July 8, 2008).

##### **3. Laws governing the labelling of goods and services, with provisions that apply to the use of trademarks and/or geographical indications**

None.

##### **Geographical Indications (No. 127-Z), Law, as consolidated 2010**

Law No. 127-Z of the Republic of Belarus on Geographical Indications of July 17, 2002.

##### **Competition (No. 2034-XII, Monopolistic Activities), Law, as consolidated 2010**

Law of the Republic of Belarus |No. 2034-XII of December 10, 1992 |On Counteraction to Monopolistic Activities and Promotion of Competition.

##### **Other (No. 225-Z , Advertising), Law, as amended 2009**

On Advertising Law of the Republic of Belarus No. 225-Z of May 10, 2007.

##### **Trademarks (No. 2181-XII, Service marks), Law, as consolidated 2009**

Law on Trademarks and Service Marks of February 5, 1993 No. 2181-XII.

##### **Other (No. 427-Z, Mass Media), Law, 2008**

On Mass Media Law of the Republic of Belarus No. 427-Z of July 17, 2009.

##### **Trademarks (No. 2181-XII, Service marks), Law, as consolidated 2007**

Law on Trademarks and Service Marks of February 5, 1993 No. 2181-XII.

##### **Other (No. 347-Z, Foreign Trade Activities), Law, 2004**

Law of the Republic of Belarus|No. 347-Z of November 25, 2004|On State Regulation of Foreign Trade Activities.

#### **GEORGIA**

##### **1. Current laws governing trademarks, with most recent revisions**

- a. Intellectual Property laws

Main laws governing trademarks in Georgia are:

- "Law of Georgia on Trademarks" (Adopted in 1999, amended in 2005).
- "Law of Georgia on Border Measures Related to Intellectual Property" (Adopted in 1999, amended in 2005 and 2006).

### **Annex III, Legal Framework**

- b. Other laws, e.g., unfair competition and consumer protection laws
- Criminal Code of Georgia.
- Administrative Violations Code of Georgia.
- 2. Current laws governing geographical indications, with most recent revisions**
- a. Intellectual Property laws.
  - Law of Georgia on Appellations of Origin and Geographical Indications (Adopted in 1999).
  - “Law of Georgia on Border Measures Related to Intellectual Property” (Adopted in 1999, amended in 2005 and 2006).
- b. Other laws, e.g., unfair competition and consumer protection laws
- 4. Laws governing the labelling of goods and services, with provisions that apply to the use of trademarks and/or geographical indications**
- 1. Law of Georgia on Food Safety and Quality
- 2. Law of Georgia on Vine and Wine
- 3. Law of Georgia on Advertising
- 4. Law of Georgia on Tobacco Control

### **KAZAKHSTAN**

- 1. Current laws governing trademarks, with most recent revisions
- Intellectual Property laws
  - Law of the Republic of Kazakhstan on trademarks, service marks and appellations of origin;**
  - a. Other laws, e.g., unfair competition and consumer protection laws
    - The Constitution of the Republic of Kazakhstan**
    - Civil code of the Republic of Kazakhstan**
    - Criminal Code of the Republic of Kazakhstan**
    - Code of the Republic of Kazakhstan on Administrative Offences**
    - Custom Code of the Republic of Kazakhstan**
    - Law of the Republic of Kazakhstan on unfair competition**
    - 1. Current laws governing geographical indications, with most recent revisions
  - a. Intellectual Property laws
    - Law of the Republic of Kazakhstan on trademarks, service marks and appellations of origin;**
    - b. Other laws, e.g., unfair competition and consumer protection laws
      - Civil code of the Republic of Kazakhstan;**
      - 2. Is there a law governing the labelling of goods and services, and if so, are there provisions that apply to the use of trademarks and/or geographical indications?
      - There is a Law of the Republic of Kazakhstan on certification that is used to regulation of standards of goods and services that furnished for the market;**
      - Law of the Republic of Kazakhstan on trademarks, service marks and appellations of origin;**
      - There are no provisions that applied to utilization of trademark and/or geographical indications.**

### Annex III, Legal Framework

#### **KYRGYSTAN**

##### **1. Current laws governing trademarks, with most recent revisions**

- a. Intellectual Property laws - YES  
Other laws, e.g., unfair competition and consumer protection laws - YES

##### **2. Current laws governing geographical indications, with most recent revisions**

- a. Intellectual Property laws - YES  
b. Other laws, e.g., unfair competition and consumer protection laws – YES

##### **3. Laws governing the labelling of goods and services, with provisions that apply to the use of trademarks and/or geographical indications.- YES**

#### **RUSSIAN FEDERATION**

##### **1. Current laws governing trademarks, with most recent revisions**

- a. Intellectual Property laws

Federal Law No. 230-FZ containing the Civil Code of the Russian Federation, Part IV, of December 18, 2006, with amendments made by Federal Laws No. 318-FZ of December 1, 2007 and No. 104-FZ of June 30, 2008; Federal Law No. 231-FZ on the Entry into Force of Part IV of the Civil Code of the Russian Federation" of December 18, 2006, with amendments introduced by Federal Law No. 202-FZ of July 24, 2007.

- b. Other laws, e.g. unfair competition and consumer protection laws

Federal Law No. 135-FZ on the Protection of Competition of July 26, 2006, with the latest amendments made by Federal Law No. 108-FZ of June 30, 2008; Law of the Russian Federation on the Protection of Consumer Rights, as per Federal Law No. 2-FZ of January 9, 1996, with the latest amendments introduced by Federal Law No. 234-FZ of October 25, 2007.

##### **2. Current laws governing geographical indications, with most recent revisions**

- a. Intellectual Property laws

Federal Law No. 230-FZ containing the Civil Code of the Russian Federation, Part IV, of December 18, 2006, with amendments introduced by Federal Laws No. 318-FZ of December 1, 2007 and No. 104-FZ of June 30, 2008; Federal Law No. 231-FZ on the Entry into Force of Part IV of the Civil Code of the Russian Federation, of December 18, 2006, with amendments introduced by Federal Law No. 202-FZ of July 24, 2007.

- b. Other laws, e.g. unfair competition and consumer protection laws

Federal Law No. 230-FZ containing the Civil Code of the Russian Federation, Part IV of December 18, 2006, with the amendments introduced by Federal Laws No. 318-FZ of December 1, 2007 and No. 104-FZ of June 30, 2008; Federal Law No. 231-FZ on the Entry into Force of Part IV of the Civil Code of the Russian Federation, of December 18, 2006, with amendments introduced by Federal Law No. 202-FZ of July 24, 2007. Federal Law No. 152-FZ on the Naming of Geographical Subjects of December 18, 1997, with amendments introduced by Federal Law No. 191-FZ of October 27, 2008.

### Annex III, Legal Framework

#### **3. Laws governing the labeling of goods and services, with provisions that apply to the use of trademarks and/or geographical indications?**

Articles 9 and 10 of Law No. 2300-1 of the Russian Federation on the Protection of Consumer Rights of February 17, 1992 (version of November 23, 2009)// Compendium of Legislation of the Russian Federation, January 15, 1996, No.3, page 140.

#### **Other, Constitution, as amended 2008**

Constitution of the Russian Federation (amended 30 December 2008).

#### **Industrial Property & Copyright (State Registration of Contracts on the Disposition of IP Rights and transfer of IP Rights), Regulation (Decree of the Government, No. 1020), 2008**

Decree of the Russian Federation Government 24 December, 2008, No. 1020 on state registration of contracts on the disposition of exclusive right on patent, utility model, industrial design, registration of layout designs of integrated circuits, software programs, databases and on transfer without contract of the exclusive rights on patent, utility model, industrial design, trade mark, service mark, geographical indication, registered layout designs of integrated circuits, software program, database.

#### **Industrial Property & Copyright (State Functions of the Federal Service on Intellectual Property, Patents and Trademarks), Order of the Ministry of Education and Science of the Russian Federation N 321, 2008**

Ministry of Education and Science of the Russian Federation Order of 29 October 2008 N 321 on Approval of Administrative Regulation of execution of the Federal Service on Intellectual Property, Patents and Trademarks of State Functions of Registration of Contracts on Granting the Rights on Patents, Utility Models, Industrial Designs, Trademarks, Service Marks, Patentable Software Programs, Databases, Layout Designs and also Franchising Contracts on utilization of Intellectual Property Objects, protected according with the Patent Law of Russian Federation.

### **TAJIKISTAN**

#### **1. Current laws governing trademarks, with most recent revisions**

##### **a. Intellectual Property laws**

Law of the Republic of Tajikistan «On inventions» (28 February 2004).

Law of the Republic of Tajikistan «On industrial designs» (28 February 2004).

Law of the Republic of Tajikistan «On the legal protection of the topologies of integrated circuits» (22 December, 2006).

Law of the Republic of Tajikistan «On geographical indications» (05 March 2007).

Law of the Republic of Tajikistan «On trademarks and service marks» (05 March 2007).

##### **b. Other laws, e.g., unfair competition and consumer protection laws**

Law of the Republic of Tajikistan « On Competition and Limitation of Monopolistic Activity at Goods Market» » (28 July 2006).

#### **2. Current laws governing geographical indications, with most recent revisions**

##### **a. Intellectual Property laws**

Law of the Republic of Tajikistan «On industrial designs».

Law of the Republic of Tajikistan «On geographical indications».

##### **b. Other laws, e.g., unfair competition and consumer protection laws**

Law of the RT «On consumer rights» (09 December, 2004).

### Annex III, Legal Framework

#### 3. Laws governing the labelling of goods and services, with provisions that apply to the use of trademarks and/or geographical indications

None

#### **TURKMENISTAN**

NA

#### **UKRAINE**

##### **1. Current laws governing trademarks, with most recent revisions**

###### a. Intellectual Property laws

###### GENERAL LEGISLATION OF UKRAINE ABOUT INTELLECTUAL PROPERTY

- Constitution of Ukraine
- The Civil Code of Ukraine
- The Commercial Code of Ukraine
- The Criminal Code of Ukraine
- Law of Ukraine "On Amending the Code of Ukraine on Administrative Violations (related to introducing responsibility for deception of consumers or customers)"
- Customs Code of Ukraine
- The Civil Procedural Code of Ukraine
- The Commercial and Procedural Code of Ukraine
- The Criminal Procedural Code of Ukraine
- The Criminal Executive Code of Ukraine
- The Law of Ukraine On Execution Procedure

###### SPECIAL LEGISLATION OF UKRAINE ABOUT INTELLECTUAL PROPERTY

- The Law of Ukraine "On the Protection of Rights to Marks for Goods and Services"
- Rules for compilation, filing and consideration of application for the grant of a Certificate of Ukraine on the sign for goods and services

- The regulation of The Cabinet of Ministers of Ukraine "On approval of payment of fees for activities related to the protection of intellectual property"

###### b. Other laws, e.g., unfair competition and consumer protection laws

- The Law of Ukraine "On Consumer Rights Protection"
- The Law of Ukraine On Protection against Unfair Competition

##### **2. Current laws governing geographical indications, with most recent revisions**

###### a. Intellectual Property laws

###### GENERAL LEGISLATION OF UKRAINE ABOUT INTELLECTUAL PROPERTY

- Constitution of Ukraine
- The Civil Code of Ukraine
- The Commercial Code of Ukraine
- The Criminal Code of Ukraine
- Law of Ukraine "On Amending the Code of Ukraine on Administrative Violations (related to introducing responsibility for deception of consumers or customers)"
- Customs Code of Ukraine
- The Civil Procedural Code of Ukraine
- The Commercial and Procedural Code of Ukraine
- The Criminal Procedural Code of Ukraine
- The Criminal Executive Code of Ukraine
- The Law of Ukraine On Execution Procedure

###### SPECIAL LEGISLATION OF UKRAINE ABOUT INTELLECTUAL PROPERTY

- Law of Ukraine "On the Protection of Rights to Indication of Origin of Goods"
- Rules for compilation, filing and examination of application for the registration of qualified indication of

### **Annex III, Legal Framework**

---

origin and / or for the right to use the registered qualified indication of origin

- The regulation of The Cabinet of Ministers of Ukraine “On approval of payment of fees for activities related to the protection of intellectual property”

- Decree of The Cabinet of Ministers of Ukraine “On specially authorized bodies to identify and control specific properties and other characteristics of the goods”

- b. Other laws, e.g., unfair competition and consumer protection laws

- The Law of Ukraine “On Consumer Rights Protection”

- The Law of Ukraine On Protection against Unfair Competition

### **3. Laws governing the labelling of goods and services, with provisions that apply to the use of trademarks and/or geographical indications**

The law governing the labeling of goods and services exist but it is not apply to the use of trademarks and/or geographical indications.

#### **(Industrial Property Protection & Labor Law), Law (№ 322-VIII), as consolidated 2010**

Labor Code of Ukraine of December 10, 1971.

#### **(Advertising), Law (No. 270/96-VR, Summary), as consolidated 2009**

Law on Advertising.

#### **Competition (Economic Competition), Law (No. 2210-III), as consolidated 2009**

Law on the Protection of Economic Competition.

#### **(2012 European Football Championship in Ukraine), Law (No. 1474-VI), 2009**

Law on amendments of the law On the Organization and Holding of the Final Part of the 2012 European Football Championship in Ukraine.

#### **(Standardization and certification), Decree (No. 46-93), as consolidated 2009**

Decree of the Cabinet of Ministers of Ukraine on Standardization and Certification.

#### **(2012 European Football Championship in Ukraine), Law (No. 962-V, Summary), as consolidated 2009**

Law on the Organization and Holding of the Final Part of the 2012 European Football Championship in Ukraine.

#### **Trademarks, Law (No. 3689-XII), as consolidated in 2008**

Law on Protection of Rights to Marks for Goods and Services, adopted on 15 December 1993

Date of Last Amendment: April 10, 2008.

#### **Geographical Indications, Law (No. 752-XIV), as consolidated in 2008**

Law on Protection of Rights to Indication of Origin of Goods, adopted on 16 June 1999.

Date of Last Amendment: April 10, 2008.

#### **Competition (Unfair competition), Law (No. 236/96-VR), as consolidated 2008**

Law on Protection Against Unfair Competition.

#### **Competition (Antimonopoly committee), Law (No. 3659-XII), as consolidated 2007**

Law on the antimonopoly committee No. 3659-XII of November 16, 1993

#### **(Folk Artistic Craft), Law (No. 2547-III, Summary), as consolidated 2004**

Law on Folk Artistic Craft.

#### **Constitution, as amended 2004**

Constitution of Ukraine 28 June 1996.

#### **Geographical Indications, Law (No. 752–XIV) , as consolidated 2003**

### **Annex III, Legal Framework**

Law No. 752–XIV of June 16, 1999 on the Protection of Rights to Indication of Origin of Goods  
Date of Last Amendment: May 22, 2003.

**Competition (Unfair Competition), Law (No. 236/96-VR), consolidated 2003**

Law on Protection Against Unfair Competition. Date of Last Amendment: May 15, 2003.

### **UZBEKISTAN**

**Marks, Law**

Law on Trade Marks and Service Marks and Appellations of Origin (published on September 22, 2001).

**Industrial Property, Other, 01/10/1992**

Announcement on the Protection of Industrial Property in Uzbekistan.

### **CYPRUS**

1. Current laws governing trademarks, with most recent revisions

a. Intellectual Property laws

Trade Marks Law, Cap. 268

Trade Marks (Amendment) Law 1990

Trade Marks (Amendment) Law 2000

Trade Marks (Amendment) Law 2006

b. Other laws, e.g., unfair competition and consumer protection laws

Trade Descriptions Law 1987

Civil Wrongs Law, Cap. 248

2. Current laws governing geographical indications, with most recent revisions

a. Intellectual Property laws

The Geographical Indications Law of 2006

b. Other laws, e.g., unfair competition and consumer protection laws

3. Laws governing the labelling of goods and services that apply to the use of trademarks and/or geographical indications.

The Trade Descriptions Law of 1987. There is a provision that applies to Trademarks only i.e Section 32.

### **GREECE**

**1. Current laws governing trademarks, with most recent revisions**

a. Intellectual Property laws

a. L. 2239/1994 for trade marks

2. L. 2290/1995 for TRIPS

3. L. 213/1975 for PARIS CONVENTION

a. L. 2783/2000 for MADRID PROTOCOL

b. L. 2505/1997 for NICE CLASSIFICATION

c. L. 2943/2001 for COMMUNITY TRADE MARKS COURTS

d. Ministerial Decision K4-10204/1994 for TRADE MARK

APPLICATION FORM



### Annex III, Legal Framework

- e. *M.D. K4-3072001 for IMPEMENTING MADRID PROTOCOL*
- f. *Presidential Degree K4-353/1998 for CONVERSION OF CTM*
- b. *Other laws, e.g., unfair competition and consumer protection laws*
  - 1. *L. 146/1914 for unfair competition*
  - 2. *L. 2251/94 for consumer protection amended by L. 3587/2007*
- 2. Current laws governing geographical indications, with most recent revisions**
  - a. *Intellectual Property laws*
    - 1. *L. 2290/1995 for TRIPS*
    - 2. *MARKET CODE for foodstuff and spirits*
  - For agricultural products and foodstuff*
    - 1. *Regulation (EC) No 510/2006 (L. 93/2006), amended by Regulations (EC) No 1791/2006 and 417/2008.*
    - 2. *Regulation (EC) No 1898/2006 (L. 369/2006), amended by Regulation (EC) No 628/2008.*
    - 3. *Joint Ministerial Decision No 261611/7-3-2007 (Gazette No 406B), amended by Joint Ministerial Decisions 290398/11-4-2008 (Gazette No 694B) and 318764/31-7-2008 (Gazette No 1683B).*
  - For wines and spirits*
    - 1. *Regulation (EC) No 1234/2007 (L 299/19-11-2007).*
    - 2. *Regulation (EC) No 607/2009 (L193/24-7-2009)*
    - 3. *Regulation (EC) No 110/2008 (L39/13-2-2008)*
    - 4. *Joint Ministerial Decision No 392169/20-10-1999 (National Journal No 1985B), amended by Joint Ministerial Decisions 321813/29-8-2007 (Gazette 1723B)*
  - b. *Other laws, e.g., unfair competition and consumer protection laws*
    - L. 2251/94 for consumer protection amended by L. 3587/2007 .
- 3. Laws governing the labeling of goods and services, and if so, provisions that apply to the use of trademarks and/or geographical indications?**
  - *Special labeling rules that apply to the use of trademarks and protected GI's are included in the above mentioned legislation.*

### ISRAEL

- 1. Current laws governing trademarks, with most recent revisions**
  - a. *Intellectual Property laws*
  - TRADEMARKS ORDINANCE, 1972*
  - b. *Other laws, e.g., unfair competition and consumer protection laws*
  - UNFAIR COMPETITION LAW, 1999*
  - CONSUMER PROTECTION LAW, 1981*
- 2. Current laws governing geographical indications, with most recent revisions**
  - a. *Intellectual Property laws*
  - TRADEMARKS ORDINANCE (TRIPS Amendment), 1999*
  - Appellations of Origin and Geographical Indications Protection Law, 1965*
  - b. *Other laws, e.g., unfair competition and consumer protection laws*
  - UNFAIR COMPETITION LAW, 1999*
  - CONSUMER PROTECTION LAW, 1981*
- 3. Laws governing the labelling of goods and services, with provisions that apply to the use of trademarks and/or geographical indications**



### Annex III, Legal Framework

APPELLATION OF ORIGIN PROTECTION LAW, 1965

#### **MALTA**

##### **Intellectual Property (Cross-Border Measures), Act, 29/02/2000, No. VIII**

Intellectual Property Rights (Cross-Border Measures) Act of February 29, 2000 (Act No. VIII of 2000).

##### **Marks, Act, 2000**

Trademarks Act, 2000.

##### **Industrial Property (Ch. 29), Ordinance (Consolidation), 1899 (1998), No. XI (No. 140)**

Industrial Property (Protection) Ordinance, Chapter 29

Date of Last Amendment: January 1, 1998.

#### **TURKEY**

##### **1. Current laws governing trademarks, with most recent revisions**

###### **a. Intellectual Property laws**

Decree Law No: 556 pertaining to the protection of trademarks (in force as from June 27, 1995) and its Implementing Regulation.

###### **b. Other laws, e.g., unfair competition and consumer protection laws**

Provisions regarding the unfair competition under Turkish Commercial Code.

##### **2. Current laws governing geographical indications, with most recent revisions**

###### **a. Intellectual Property laws**

Decree Law No: 555 pertaining to the protection of geographical signs (namely designations of origin and geographical indications) (in force as from June 27, 1995) and its Implementing Regulation

###### **b. Other laws, e.g., unfair competition and consumer protection laws**

Provisions regarding the unfair competition under Turkish Commercial Code.

##### **3. Laws governing the labelling of goods and services, with provisions that apply to the use of trademarks and/or geographical indications.**

There are some provisions to be applied for trademarks and geographical indications in the Law numbered 5179, which governs the labeling details. Responsible ministry for said law is Agriculture and Rural Affairs.

\*\*\*\*\*

##### **Anti-competitive Practices (Franchising), Circular, 1998**

Block Exemption Circular on Franchising 1998/7.

##### **Anti-competitive Practices, Law, 07/12/1994, No. 4054**

Act on the Protection of Competition No. 4054 of December 7, 1994

End of ANNEX

## Annex III, Legal Framework

# **ANNEX V** **Registration Statistics for Trademarks and Geographical Indications**

## **1. TRADEMARK REGISTRATIONS (2007-2009)**

**Breakdown by Ownership (national vs. foreign), by Kind of Trademark (individual, collective and certification), and by National and International (Madrid) Routes**

### **ALBANIA**

Year	By way of International Applications	By way of National Applications				Total
		Foreign Ownership	Domestic Ownership Individual Tdks.                      Collective Tdks.                      Certification Tdks.			
2007	3310	353	147	0	0	3810
2008	3469	472	218	0	0	4159
2009	2743	353	210	0	0	3306

### **BELARUS**

Year	By way of International Applications	By way of National Applications				Total
		Foreign Ownership	Domestic Ownership Individual Tdks.                      Collective Certification Tdks.			
2007	5744	706	1403	1	N.A.	7854
2008	6068	909	1551	0	N.A.	8528
2009	6563	1027	1523	0	N.A.	9113

### **BOSNIA & HERZEGOVINA**

Year	By way of International Applications	By way of National Applications				Total
		Foreign Ownership	Domestic Ownership Individual Tdks.                  Collective Tdks.                  Certification Tdks.			
2007	3.957	1.041	333	1	0	5.332
2008	3.882	1.075	413	1	0	5.371
2009	3.703	488	360	3	0	4.554

### **BULGARIA**

**Annex III, Legal Framework**

Year	By way of International Applications	By way of National Applications				Total
		Foreign Ownership	Domestic Ownership Individual Tdks.                      Collective Tdks.                      Certification Tdks.			
2007	5 298	661	6 854	15	4	12 832
2008	3 780	754	6 341	10	6	10 891
2009	2 853	562	4 564	5	9	7 993

**CZECH REPUBLIC**

Year	By way of International Applications	By way of National Applications				Total
		Foreign Ownership	Domestic Ownership Individual Tdks.                      Collective Tdks.                      Certification Tdks.			
2007	4 553	1 006	9 155	1	N/A	14 715
2008	4 033	816	8 267	0	N/A	13 116
2009	3 246	658	7 234	0	N/A	11 138

**GEORGIA**

Year	By way of International Applications	By way of National Applications				Total
		Foreign Ownership	Domestic Ownership Individual Tdks.                      Collective Tdks.                      Certification Tdks.			
2007	3211	640	300	0	5	4151
2008	3557	516	358	0	8	4431
2009	4143	698	408	1	10	5249

**GREECE**

Year	By way of International Applications	By way of National Applications				Total
		Foreign Ownership	Domestic Ownership Individual Tdks.                  Collective Tdks.                  Certification Tdks.			
2007	3.794	811	6.412	6	-	11.023

**Annex III, Legal Framework**

2008	3.375	746	6.142	10	-	10.273
2009	2.504	605	5.159	1	-	8.269

**HUNGARY**

Year	By way of International Applications	By way of National Applications				Total
		Foreign Ownership	Domestic Ownership Individual Tdks.                      Collective Tdks.                      Certification Tdks.			
2007	4828	892	3590	0	5	9315
2008	4506	812	3479	0	8	8805
2009	3656	563	2383	0	10	6612

**ISRAEL**

Year	By way of International Applications	By way of National Applications				Total
		Foreign Ownership	Domestic Ownership Individual Tdks.                      Collective Tdks.                      Certification Tdks.			
2007	0	7285	3289	0	4	10578
2008	0	7508	3195	0	3	10606
2009	0	5622	2734	0	0	8356

**REPUBLIC OF KAZAKHSTAN**

Year	By way of inter-national applications	By way of national applications				Total
		Foreign ownership	Domestic ownership			
			Individual trademarks	Collective trademarks	Certification trademark	
2006	2951	858	1376	1	4	5185
2007	2787	999	794	0	2	4580
2008	4292	1973	1459	1	4	7724
2009	3535	2419	1239	11	7	7193

**KYRGYZ REPUBLIC**

**Annex III, Legal Framework**

Year	By way of/  International  Applications	By way of National Applications				Total
		Foreign Ownership	Domestic Ownership			
			Individual/ Tdk.	Collective Tdk.	Certificatio Tdk.	
2007	3060	424	191	0	0	615
2008	3200	511	239	0	0	750
2009	2595	419	227	0	0	646

**LITHUANIA**

Year	By way of International Applications	By way of National Applications				Total
		Foreign Ownership	Domestic Ownership Individual Tdks.                  Collective Tdks. Certification			
2007	3702	411	1839	0	NA	5952
2008	3648	395	2417	0	NA	6460
2009	2472	275	1832	1	NA	4580

**THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA**

Year	By way of Internationa/M adrid  Applications	By way of National Applications			Tota By way of National Applications Idomestic and foreign	Total By way of National Applications Idomestic and foreign +Madrid
		Foreign Ownership	Domestic Ownership Individual Tdks.                      Collective 			

**Annex III, Legal Framework**

NOTE: In 2010 was submitted 1(one) national application for certification mark.

**MOLDOVA**

Year	By way of International Applications	By way of National Applications				Total
		Foreign Ownership	Domestic Ownership Individual Tdks.                      Collective Tdks.                      Certification Tdks.			
2007	3356	467	791	1	0	4615
2008	4389	770	1002	2	0	6161
2009	4444	736	1040	4	0	6224

**MONTENEGRO**

Year	By way of International Applications	By way of National Applications				Total
		Foreign Ownership	Domestic Ownership Individual Tdks.                      Collective Tdks. Certification			
2007	/	/	/	/	/	/
2008	/	85%*	15%*	/	/	1230 national applications
2009	1	85%*	15%*	1	/	686 National applications

National route: Regarding national applications in 2008 and 2009 we only have the number of applications in percentage, domestic ownerships submitted count to around 15% and foreign ownership submitted application are still in large majority to 85%; In 2010 to date we have registered approximately 427 national trademarks applications.

International route: In 2010, to date we have sent 4 international applications, out of which one was a collective trademark and the others are individual trademarks.

**POLAND**

Year	By way of International Applications	By way of National Applications				Total
		Foreign Ownership	Domestic Ownership Individual Tdks.                      Collective Tdks.                      Certification Tdks.			
2007	5.497	1.687	N.A.	N.A.	N.A.	21.217
2008	5.359	1.609	N.A.	N.A.	N.A.	20.879

**Annex III, Legal Framework**

2009	4.188	889	N.A.	N.A.	N.A.	13.808
------	-------	-----	------	------	------	--------

**THE RUSSIAN FEDERATION**

Year	By way of International Applications	By way of National Applications				Total
		Foreign Ownership	Domestic Ownership*			
			Individual Tdks.	Collective Tdks.	Certification Tdks.	
2007	9537	15731	0	0	N.A.	30724
2008	8518	16722	0	0	N.A.	36617
2009	8101	16851	0	0	N.A.	36436

\*Notice: Total number domestic applications without division on individual, collective and certification trademarks:

Year	Domestic Ownership
2007	14993
2008	19895
2009	19585

**SERBIA**

Year	By way of International Applications	By way of National Applications				Total
		Foreign Ownership	Domestic Ownership Individual Tdks.                  Collective Tdks.                  Certification Tdks.			
2007	5162	856	1246	N.A.	N.A.	7624
2008	5659	1472	1636	N.A.	N.A.	8767
2009	5885	1521	1819	N.A.	N.A.	9225

**SLOVAK REPUBLIC**

Year	By way of International Applications	By way of National Applications			Total
		Foreign Ownership	Domestic Ownership Individual Tdks.                  Collective Tdks.                  Certification Tdks.		
2007	4 073	1 077	2 828	0                  0	7 978

**Annex III, Legal Framework**

<b>2008</b>	3 571	1 016	2 470	0	0	<b>7 057</b>
<b>2009</b>	2 878	862	2 235	0	0	<b>5 975</b>

**SLOVENIA**

Year	By way of International Applications	By way of National Applications				Total
		Foreign Ownership	Domestic Ownership Individual Tdks.                      Collective Tdks.                      Certification Tdks.			
2007	3.629	437	1133	6	N/A	5205
2008	2.930	386	1364	0	N/A	4680
2009	2410	249	1404	2	N/A	4065

**UZBEKISTAN**

Year	By way of International Applications	By way of National Applications		Total
		Foreign Ownership	Domestic Ownership Individual Tdks. Collective Tdks. Certification Tdks.	
2007	2697	639	446	
2008	3136	736	991	
2009	3397	648	840	

**2. INFORMATION PROVIDED REGARDING TRADEMARK & GI REGISTRATIONS IN INITIAL RESPONSE TO THE WIPO SURVEY****ARMENIA**

3. Trademark Registrations for 2006-2008: breakdown by ownership (national vs. foreign) and by kind of trademark (individual, collective and certification)

National applicants: 2086 Foreign applicants: 904

4. Geographical Indications

a. Geographical Indications protected under national law

The current Law on Trademark does not provide for registration of GIs. It is provided in the New Draft Law on GIs.

b. Protection under EU Provisions

The new Draft Law on GIs includes all the provisions provided by EU legislation.

c. Registrations under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration

Armenia is not a member to the Lisbon Agreement.



### **Annex III, Legal Framework**

---

#### **BELARUS**

##### **1. Trademark Registrations for 2006-2008**

Breakdown by Ownership:

	National	Foreign
2006	1348	6068
2007	1404	6450
2008	1551	6977

Breakdown by Kind of Mark:

	Individual	Collective	Certification
2006	7416	-	n/a
2007	7853	1	n/a
2008	8528	-	n/a

##### **5. Geographical Indications**

a) 2004-2009 - 2

#### **BOSNIA & HERZEGOVINA**

Geographical Indications protected under national law

Under the current Law on Industrial Property (under force until January 1, 2011), two domestic GIs are protected.

#### **BULGARIA**

6. Trademark Registrations for 2006-2008: breakdown by ownership (national vs. foreign) and by kind of trademark (individual, collective and certification)

##### **a) Breakdown by ownership**

###### **2006**

- national trademark applications for 2006: 7677 national applicants + 1493 foreign applicants = 9170 total applications;
- international trademark applications for 2006: 513 national applicants + 6990 foreign applicants = 7503 total applications;
- trademark registrations for 2006: 3577 national registrations + 6708 international registrations = 10 285 total registrations;

###### **2007**

- national trademark applications for 2007: 6873 national applicants + 661 foreign applicants = 7534 total applications;
- international trademark applications for 2007: 482 national applicants + 5298 foreign applicants = 5780 total applications;
- trademark registrations for 2007: 5325 national registrations + 4981 international registrations = 10,306 total registrations;

###### **2008**

- national trademark applications for 2008: 6357 national applicants + 754 foreign applicants = 7111 total applications;
- international trademark applications for 2008: 0 national applicants + 3780 foreign applicants = 3780 total applications;
- Trademark registrations for 2008: 5535 national registrations + 4300 international registrations = 9835 total registrations.

###### **2006-2008**

- national trademark applications for 2006-2008: 20 907 national applicants + 2908 foreign applicants = 23 815 total applications;
- international trademark applications for 2006-2008: 995 national applicants + 16 068 foreign applicants = 17 063 total applications;
- trademark registrations for 2006-2008: 14 437 national registrations + 15 989 international registrations = 30 426 total registrations;

##### **b) Breakdown by kind of trademark 2006-2008**

### Annex III, Legal Framework

- Applications for individual trademarks: 23 542;
- Applications for collective trademarks: 31;
- Applications for certification trademarks: 15;
- Registrations for individual trademarks: 15 235;
- Registrations for collective trademarks: 4;
- Registrations for certification trademarks: 2.

7. Geographical Indications

8.

- a. Geographical Indications protected under national law - 117.
- b. Protection under EU Provisions - 1 application for PGI under Regulation 510/2006.
- c. Registrations under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration - 51.

### CROATIA

1. *Trademark Registrations for 2006-2008: breakdown by ownership (national vs. foreign) and by kind of trademark (individual, collective and certification)*

	National trademark registration	Foreign trademark registration	Total
2006	1987	6749	8736
2007	1410	6874	8284
2008	1791	7216	9007

	Individual trademark	Collective trademark	Certification	Total
2006	1981	0	6	1987
2007	1404	1	5	1410
2008	1784	3	4	1791

### 2. Geographical Indications

- a) Geographical Indications protected under national law
  - geographical indication protected for foodstuff
  - geographical indications protected for wines and spirits
  - geographical indications protected for other products
- b) *Protected under EU Provisions*  
None
- c) *Registrations under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration*  
None

### CZECH REPUBLIC

Trademark Registrations for 2006-2008: breakdown by ownership (national vs. foreign) and by kind of trademark (individual, collective and certification)

Note: The institute of a certification trademark does not exist within the Czech legal system.

Registered trademarks 2006-2009 in the IPO CZ

	2006	Coll. TM	2007	Coll. TM	2008	Coll. TM	2009
National trademarks	8 858	5	8 211	5	7 806	3	7 019

### Annex III, Legal Framework

Thereof domestic applicants	7 931	1	7 316	5	6 975	3	6 219
Thereof foreign applicants	927	0	895	0	831	0	800
International Trademarks	5 942	4	4 831	9	5 130	10	3 498

#### 2. Geographical Indications in March 2010

- a. Geographical Indications protected under national law: 199
- b. Protection under EU Provisions : 24
- c. Registrations under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration: 74

### GEORGIA

#### 1. Trademark Registrations for 2006-2008: breakdown by ownership (national vs. foreign) and by kind of trademark (individual, collective and certification)

In 2006-2008 were registered 10 767 foreign and 983 national marks. (All of them are individual, except of one foreign collective mark)

#### 2. Geographical Indications

- a. Geographical Indications protected under national law

18 Appellations of Origin are registered under national law. (All of them are for wine)

- b. Protection under EU Provisions

At present Georgia negotiates with EU on Draft "Agreement between the European Community and Georgia on protection of geographical indications of agricultural products and foodstuffs". Lists of Georgian and EU GI's are already published for 2 month objection procedure. After expiration of this period Georgia will conclude the abovementioned Agreement, on the basis of which Georgian GI's will acquire protection in all EU Member States.

- c. Registrations under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration

Currently 788 Appellations of Origin are registered under the Lisbon Agreement in Georgia.

### GREECE

#### Geographical Indications

- a. Geographical Indications protected under national law
  - See LEGAL FRAMEWORK, 2a (*Agr. Products*, point 3 & *Wines & spirits*, point 4)
- b. Protection under EU Provisions
  - Agricultural products and foodstuff
    - The names of 88 agricultural products and foodstuff are registered as protected GIs (see attached list).
  - Wines and spirits
    - Names of the protected geographical indications for wines and spirits (see attached list).
- c. Registrations under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration

### HUNGARY

#### 1. Trade mark Registrations for 2006-2008: breakdown by ownership (national vs. foreign) and by kind of trade mark (individual, collective and certification)

	2006	2007	2008
national <sup>4</sup>	3490	3615	3291
foreign <sup>5</sup>	747	631	552

<sup>4</sup> trademark applications per year

**Annex III, Legal Framework**

individual	4848	4007	3992
collective	1	0	0
certification	3	4	9

## 2. Geographical Indications

## a. Geographical Indications protected under national law

Currently 43 geographical indications are protected under national law.

## b. Protection under EU Provisions

	Protected Geographical Indication	Protected Designation of Origin
Wine	13	34
Foodstuff	1	3
Spirits	7	-

## c. Registrations under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration

Presently there are 28 Hungarian appellations of origins protected under the Lisbon Agreement.

**ISRAEL**

## 1. Trademark Registrations for 2006-2008: breakdown by ownership (national vs. foreign) and by kind of trademark (individual, collective and certification)

YEAR	NATIONAL	FOREIGN	INDIVIDUAL	COLLECTIVE	CERTIFICATION
2006	1701	3960	5661	1	1
2007	2173	5446	7619	18	8
2008	2604	6785	9389	3	24

## 2. Geographical Indications

## a. Geographical Indications protected under national law

STATISTICS IS NOT AVAILABLE

## b. Protection under EU Provisions: NO

## c. Registrations under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration: 893

**KYRGYSTAN**

## 1. Trademark Registrations for 2006-2008: breakdown by ownership (national vs. foreign) and by kind of trademark (individual, collective and certification) - YES

National registrations – 2006 – 417

2007 – 665

2008 – 656

International registrations – 2006 – 2549

2007 – 3396

2008 - 4112

## 2. Geographical Indications

## a. Geographical Indications protected under national law - YES

## b. Protection under EU Provisions - NO

## c. Registrations under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration – NO

<sup>5</sup> trademark applications per year

### Annex III, Legal Framework

#### LITHUANIA

1. Trademark Registrations for 2006-2008: breakdown by ownership (national vs. foreign) and by kind of trademark (individual, collective and certification)

By ownership

Year	National	foreign	C. TOTAL
2006	2006	451	2457
2007	2218	431	2649
2008	2417	395	2812

2. Geographical Indications

- a. Geographical Indications protected under national law

There are no national registration system and national GIs register in the Republic of Lithuania. In addition to GIs registered under the Regulation (EC) No 110/2008 of the European Parliament and of the Council (see point b.) Lithuania has several other *terms* for spirit drinks protected under national legislation.

- b. Protection under EU Provisions

As provided by Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs, Council Regulation (EC) No 509/2006 on agricultural products and foodstuffs as traditional specialties guaranteed, Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89.

Spirit drinks *Samanė*, *Originali lietuviška degtinė*/Original Lithuanian vodka, *Vilniaus Džinas/Vilnius Gin*, *Trejos devynėrius*, *Čepkelių*, *Trauktinė*, *Trauktinė Palanga* and *Trauktinė Dainava* are registered in Annex III of the Regulation (EC) No 110/2008 of the European Parliament and of the Council.

The meat product name 'SKILANDIS' is registered in the Register of Traditional Specialities Guaranteed under the Council Regulation (EC) No. 509/2006.

- c. Registrations under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration

Lithuania is not a member of Lisbon Agreement.

#### MACEDONIA (FYR)

Geographical Indications

- a. Geographical Indications protected under national law: MACEDONIAN ajvar, DISAN- (for wine), KOCANI rice, TETOVO been, MALESEVO cheeses, OHRID tea, OVCEPOLE honey), KRIVOPALANECKI honey. Sources of mineral and natural water have been protected as well by appellation of origin.
- b. Protection under EU Provisions NO
- c. Registrations under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration: four international registrations.

#### REPUBLIC OF MOLDOVA

1. Trademark Registrations for the years 2006-2009: breakdown by ownership (national vs. foreign) and by kind of trademark (individual, collective and certification)

*The overall picture of the trademark registration activity under the national and international procedures (Madrid Agreement) in the period from 2006-2009:*

	<b>Number of trademarks registered in the year:</b>
--	---

**Annex III, Legal Framework**

	2006	2007	2008	2009
<b>Total (national &amp; international)</b>	<b>4380</b>	<b>4615</b>	<b>6161</b>	<b>6224</b>
<b>National procedure</b>				
<b>Total</b>	<b>1319</b>	<b>1259</b>	<b>1774</b>	<b>1780</b>
- national owners	976	792	1004	1044
- foreign owners	343	467	770	736
<b>International procedure</b>				
according to the Madrid Agreement and Protocol (foreign owners)	<b>3061</b>	<b>3356</b>	<b>4389</b>	<b>4444</b>
<b>Total (foreign owners – both under national &amp; international procedures)</b>	<b>3404</b>	<b>3823</b>	<b>5159</b>	<b>5180</b>

*The overall picture of the trademark (individual, collective and certification) registration activity under the national procedure, in the period 2006 -2008*

Type of registered trademarks	Number of certificates issued in the year:			Total
	2006	2007	2008	
<b>Individual</b>	<b>1315</b>	<b>1258</b>	<b>1772</b>	<b>4345</b>
<b>Collective</b>	<b>4</b>	<b>1</b>	<b>2</b>	<b>7</b>
<b>Certification*</b>	-	-	-	-

\*In the period under review, there were no applications or registrations of certification marks.

Previous to the year 2006, six official signs/hallmarks were recorded under Art. 6ter of the Paris Convention, with relevance to the Official sign indicating control and warranty; in 2008, another hallmark was recorded in seven different languages.

## 2. Geographical Indications

### a. Geographical Indications protected under national law

*At present, on the territory of the Republic of Moldova, 2 autochthonous appellations of origin for wines ("Ciumai" and "Românești") and 5 appellations of origin from the Czech Republic (4 – for beer and 1 – for alcoholic beverages) are protected on the basis of registration with the AGEPI.*

### b. Protection under EU Provisions

*There are no protected GIs under the EU Provisions.*

### c. Registrations under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration

*Republic of Moldova, as a member of the Lisbon Agreement, has granted protection to 810 appellations of origin. To note that on April 19, 2007 the first national AO „ROMĂNEȘTI”- for red wines - was filed for protection under the Lisbon Agreement (AO 882).*

## MONTENEGRO

1. Trademark Registrations for 2006-2008: breakdown by ownership (national vs. foreign) and by kind of trademark (individual, collective and certification)

2006-2008:

### NATIONAL: 2006

In 2006, 8877 applications have been filed, 8223 trademark applications, 649 design applications and 5 applications for geographic indications of origin

Application of trademarks, out of 8223 trademark applications in 2006, 6362 are foreign applications (5211 based on Madrid system of trademark registration and the Madrid Protocol), and 1861 national applicants

### Annex III, Legal Framework

2007 - 9.059 applications : 8.889 trademark applications, 164 desogn applications and 6 applications for geographic indication of origin  
 2008-1239 applications  
 In 2008 there are 101 registered trademarks  
 Out of 101 – 92 are prepared for registration  
 2009-686 applications  
 2010-until 30/03/2010 there are 87 applications

#### FOREIGN:

2006-124\*

2007-278\*

2008-277\*

2009-3 applications, 2 registrations

2010-1 application, 1 registration

\*Since the Montenegrin Intellectual Property Office was opened on 28th May in 2008, all trademarks being registered under the State Union of the Intellectual Property Office of Serbia and Montenegro are also valid for Montenegro.

#### 2. Geographical Indications

a. Geographical Indications protected under national law

/

b. Protection under EU Provisions

/

c. Registrations under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration

The famous Montenegrin wines Vranac and Krstač are protected under the Lisbon Agreement as well as the Njeguski pršut/smoked ham

Njeguški pršut

Number	846
Date	13.05.2003
Holder	Holding kompanija Agrokombinat "13. juli" A.D., "Plantaže", Društvo za proizvodnju poljoprivrednih proizvoda, promet i ugostiteljstvo, Put Radomira Ivanovića 2, 81000 Podgorica
Appellation	<b>Црногорски крстац</b>
<b>Crnogorski krstač</b>	
Transliteration	Crnogorski krstach
Translation	FR Krstač de Montenegro
EN Montenegro Krstač	
Publication	N° 33 : 01/2004
Country of Origin	<b>ME</b>
Nice Classification	33
Product	Wine
Area of Production	Montenegrin viticulture region, Podgorica vineyards (Zeta- Bjelopavlić plain)
Refusal	<u>IR</u> - 10.12.2007
Legal basis	Federal Intellectual Property Office of Serbia and Montenegro,
Decision No.	G-2/01/2 of November 18, 2002, National registration No. 30

Number	847
Date	13.05.2003
Holder	Holding kompanija Agrokombinat "13. juli" A.D., "Plantaže", Društvo za proizvodnju poljoprivrednih proizvoda, promet i ugostiteljstvo, Put Radomira Ivanovića 2, 81000 Podgorica
Appellation	<b>Црногорски вранац</b>
<b>Crnogorski vranac</b>	

### Annex III, Legal Framework

Transliteration	Crnogorski vranatz
Translation	FR Vranac de Montenegro
EN Montenegro Vranac	
Publication	N° 33 : 01/2004
Country of Origin	<b>ME</b>
Nice Classification	33
Product	Wine
Area of Production	Montenegrin viticulture region, Podgorica vineyards (Zeta-Bjelopavlić plain)
Refusal	<u>IR</u> - 10.12.2007
Legal basis	Federal Intellectual Property Office of Serbia and Montenegro,
Decision No. G-4/01/2 of November 18, 2002, National registration No. 31	

### POLAND

1. Trademark Registrations for 2006-2008: breakdown by ownership (national vs. foreign) and by kind of trademark (individual, collective and certification)

2.

Ownership	2006	2007	2008
National	10 644	14 033	13 911
Foreign	2 613	1 687	1 609

Kind of trademark	2006	2007	2008
Individual	13 186	15 640	15 369
Collective	6	8	4
Certification	9	9	14

#### Geographical Indications

a. Geographical Indications protected under national law

**0**

b. Protection under EU Provisions

**15**

c. Registrations under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration

**0**

### RUSSIAN FEDERATION

1. Trademark Registrations for 2006-2008: breakdown by ownership (national vs. foreign) and by kind of trademark (individual, collective and certification)

#### TRADEMARKS AND SERVICE MARKS: Changes in trademark registration

INDICATORS	2004	2005	2006	2007	2008
Total number of registered marks	27,540	29,447	29,199	30,724	36,617
Including: in the name of Russian applicants	15,257	14,389	13,694	14,993	19,895
In the name of foreign applicants	12,283	15,058	15,505	15,731	16,722
Of those legal protection has been granted on the territory of the Russian Federation for marks	7,765	10,185	10,240	9,537	8,518



### Annex III, Legal Framework

claimed in accordance with the  
Madrid Agreement and Protocol  
procedure

Total number of marks with extended terms of validity	3,630	3,475	4,419	8,015	6,431
Including: in the name of Russian applicants	1,552	1,545	2,243	4,160	3,550
In the name of foreign applicants	2,078	1,930	2,176	3,855	2,881
Registrations in force at year end	170,570*	186,352*	197,055*	207,562*	222,208*

. \* Excluding applications filed in accordance with the Madrid Agreement procedure  
In Russia, 10 collective trademarks are currently protected, of which three are registered in  
the name of foreign rights owners.

#### 2. Geographical Indications

a. Geographical indications protected under national law  
Legal protection is granted to 113 appellations of origin

b. Protection under EU Provisions  
No

c. Registrations under the Lisbon Agreement for the Protection of  
Appellations of Origin and their International Registration  
No

### SERBIA

1. Trademark Registrations for 2006-2008: breakdown by ownership (national vs. foreign) and by kind of trademark (individual, collective and certification)

Year	International application	National application		In total
		Foreign applicants	Domestic applicants	
1998	4668	866	529	6063
1999	3682	587	310	4579
2000	4726	827	462	6015
2001	5319	891	971	7181
2002	4456	738	923	6125
2003	4480	663	1077	6220
2004	4334	774	966	6074
2005	5175	772	1089	7036
2006	5211	1151	1861	8223
2007	5754	1023	2112	8889
2008	6358	1111	2067	9536
2009	5422	711	1376	7509
<sup>1</sup> Submitted by the International Bureau in Geneva				
<sup>2</sup> Submitted directly to the Office				

2. Geographical Indications
  - a. Geographical Indications protected under national law

### **Annex III, Legal Framework**

Goveđa užička pršuta, Svinjska užička pršuta, Užička slanina, Sremski kulen, Požarevačka kobasica, Rtanjski čaj, Krivovirski kačkavalj, Homoljski ovčiji sir, Homoljski kozji sir, Homoljski kravljji sir, Banatski rizling, Jagodinska ružica, Vršačko šampion pivo, Kosovo polje (Amselfeld, Field of the black bird, Champ de merle), Kosovsko vino (Amselfelder), Prizren, Metohija (Metohy), Kladovski kavijar (Caviar of Kladovo), Voda Vrnjci, Apatinsko jelen pivo, Bujanovačka mineralna voda AQUA HEBA, Pirotski ćilim, Sirogojno, Mineralna voda Duboka, Biserno ostrvo, muskat krokan, Knjaz Miloš Bukovička banja, Petrovska Klobasa (Petrovačka kobasica), Leskovačko roštilj meso (za pljeskavice i ćevapčiće), Valjevski duvan čvarci, Bermet, Svrlijski kačkavalj, Karlovački rizling, Futoški sveži i kiseli kupus, Homoljski med, Ariljska malina, Svrlijski belmuž, Bezdanski damast.

b. Protection under EU Provisions

/

c. Registrations under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration

/

### **SLOVAKIA**

#### **1. Trademark Registrations for 2006-2008: breakdown by ownership (national vs. foreign) and by kind of trademark (individual, collective and certification)**

- i. **TM registrations for 2006:** National - 2542; Foreign - 1213; International - 4728;
- ii. **TM registrations for 2007:** National - 2828; Foreign - 1077; International - 3905;
- iii. **TM registrations for 2008:** National - 2470; Foreign - 1016; International - 3571;
- iv. No collective TM registrations for 206-2008.

#### **2. Geographical Indications**

##### **a. Geographical Indications protected under national law**

**Act No. 469/2003 Coll. on Designations of origin for products and geographical indications for products, as amended**

- i. Tokajské víno zo slovenskej oblasti
- ii. Trenčianska borovička „JUNIPERUS“
- iii. Piešťanské bahno
- iv. Modranská majolika
- v. Baldovská minerálna voda
- vi. Lipovská minerálna voda Salvator
- vii. Cigeľská prírodná liečivá voda
- viii. Karpatská perla
- ix. Budiš
- x. Fatra
- xi. Korytnická
- xii. Sol'nobanská čipka

##### **b. Protection under EU Provisions**

**Protection under provisions of the Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs**

Registered Geographical Indications:

- Slovenský oštiepok (cheese)
- Slovenská bryndza (cheese)
- Slovenská parenica (cheese)
- Skalický trdelník (bakery product)

Pending applications for Geographical Indication:

- Oravský korbáčik (cheese)
- Tekovský salámový syr (cheese)
- Zázrivský korbáčik (cheese)

### **Annex III, Legal Framework**

---

#### **Protection under provisions of the Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialities guaranteed**

Pending applications for traditional specialities guaranteed

- Špekačky (meat product)
- Spišské párky (meat product)
- Liptovská saláma (meat product)
- Lovecká saláma (meat product)
- Ovčí hrudkový syr – salašnícky (cheese)
- Bratislavský rožok (bakery product)
- Ovčí salašnícky údený syr (cheese)

#### **Protection under provisions of the Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks**

Karpatské brandy špeciál, Bošácka slivovica, Laugaricio vodka, Spišská borovička, Slovenská borovička Juniperus, Slovenská borovička, Inovecká borovička, Liptovská borovička, Demänovka bylinná horká, Demänovka bylinný likér

#### **Protection under provisions of the Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products**

***Wine from following wine-growing zones:***

- Malokarpatská vinohradnícka oblasť,
- Južnoslovenská vinohradnícka oblasť,
- Nitrianska vinohradnícka oblasť,
- Stredoslovenská vinohradnícka oblasť,
- Východoslovenská vinohradnícka oblasť,
- Tokaj

#### **c. Registrations under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration**

**Wine:** Bratislavské hrozno, Limbašský sylván, Malokarpatské zlato, Modranská harmónia, Pezinské zámocké, Skalický rubín, Svätajurský muškátel, Tokajské víno de la région slovaque, Bratislavské hradné, Posonium, Račianska frankovka, Račiansky výber, Modranské kráľovské, Modranská zlatá perla, Orešanské červené, Pezinské kláštorne, Južnoslovenský výber, Svätopeterský rizling, Čermanské červené, Nitrianske hradné, Zoborské zlato, Cassovia, Čaro Zemplína, Širava, Viniansky stravec, Košický poklad, Slovenské hrozno, Ipeľské tajomstvo, Karpatská perla, Modrokameľský křišťál

**Spirits:** Trenčianska borovička „JUNIPERUS“, Karpatské brandy

**Cheese:** Slovenský oštiepok

**Malt:** Slovenský slad

**Mud:** Piešťanské bahno/ la Boue de Piešťany / Piešťany Mud,

**Carbonates of Mg (MgCO<sub>3</sub>):** Slovenský magnezit/ la Magnésite slovaque,

**Silica bricks and unworked silica:** Banskobelanský dinas/ la Silice de Banská Belá

### **SLOVENIA**

9. Trademark Registrations for 2006-2008: breakdown by ownership (national vs. foreign) and by kind of trademark (individual, collective and certification)

#### **2006**

**By national route:**

**National: 1.184**

**Foreign: 416**

**By International Route (Madrid System): 3.928**

### **Annex III, Legal Framework**

---

#### **2007**

**By national route:**

**National: 1.139**

**Foreign: 437**

**By International Route (Madrid System): 3.629**

#### **2008**

**By national route:**

**National: 1.364**

**Foreign: 386**

**By International Route (Madrid System and CTM): 2.930**

**Above mentioned trademarks are individual marks, 58 of all registered trademarks are collective trademarks.**

#### **10. Geographical Indications**

##### **a. Geographical Indications protected under national law or/in under EU provisions:**

**Agricultural Products and Foodstuffs:**

**Protected Designation of Origin (PDO) – covers agricultural products and foodstuffs which are produced, processed and prepared in a given geographical area using recognised know-how:**

**Cheeses: Nanoški sir, Tolminc, Bovški sir, Mohant, Kraški ovčji sir**

**Ham: Prekmurska šunka,**

**Oil: Ekstra deviško oljčno olje Slovenske Istre (also under EU Regulation)**

**Honey: Kočevski gozdni med, Kraški med,**

**Salt: Piranska sol,**

**Meat: Kraška jagnjetina,**

**Olives: Namizne oljke Slovenske Istre**

**Protected Geographical Indication (PGI): covers agricultural products and foodstuffs closely linked to the geographical area. At least one of the stages of production, processing or preparation takes place in the area:**

**Ham or meat products: Kraški pršut, Kraški zašink, Kraška panceta, Prleška tunka Kranjska klobasa, Zgornjesavinjski želodec, Šebreljski želodec, Vipavski pršut, Vipavski zašinek, Vipavska panceta, Vipavska salama**

**Eggs: Jajca izpod Kamniških planin,**

**Oil: Štajersko prekmursko bučno olje,**

**Onion: Ptujski luk,**

**Honey: Slovenski med**

**Traditional Speciality Guaranteed (TSG): highlights traditional character, either in the composition or means of production: Prekmurska gibanica (also under EU regulation), Idrijski žlikrofi (also under EU regulation), Belokranjska povitica, Prosta povitica, Belokranjska pogača (also under EU regulation)**

**Protected Spirits / geographical indication in Slovenia and within EU**

**Brinjevec**

**Dolenjski sadjevec**

**Janeževec**

**Slovenska travarica**

**Pelinkovec**

**Orehovec**

**Domači rum**

**Kraški brinjevec**

**Gorenjski tepkovec**

**Brkinski slivovec**

**Kosteljska rakija**

**Other products:**

**Idrija lace**

### Annex III, Legal Framework

- b. Registrations under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration

Not applicable

#### TAJIKISTAN

1. Trademark Registrations for 2006-2008: breakdown by ownership (national vs. foreign) and by kind of trademark (individual, collective and certification)

	2006	2007	2008	2009	In all
<b>Application submitted (total)</b>	2500	2787	3139	2725	44472
By Madrid System	1843	2098	2286	2003	34593
By National Procedure	657	689	853	722	9879
domestic applicants	148	170	210	195	1081
foreign applicants	509	519	643	527	8798
<b>Trade marks registered (total)</b>	1956	2348	2528	2666	38153
By Madrid System	1682	1742	1952	1978	27476
By National Procedure	274	606	576	688	8725
domestic applicants	120	65	158	191	674
foreign applicants	154	541	418	497	8051

2. Geographical Indications

Geographical Indications protected under national law

	2006	2007	2008	2009	In all
Application submitted (total)					15
domestic applicants					8
foreign applicants					7
Registered (total)					11
domestic applicants					6

- a. Protection under EU Provisions

**No**

- b. Registrations under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration

**No**

#### TURKEY

1. Trademark Registrations for 2006-2008: breakdown by ownership (national vs. foreign) and by kind or trademark (individual, collective and certification)

The following table shows the breakdown of the trademark registrations according to the ownership.

	2006	2007	2008
National Registrations	34.543	40.757	35.543
D. FOREIGN REGISTRATIONS	7.044	14.263	11.782

The following tables show the breakdown of the trademark registrations according to the kind (collective and guarantee).

Collective Marks	2006	2007	2008
National Registrations	-	-	-

**Annex III, Legal Framework**

E. FOREIGN REGISTRATIONS	3	-	-
--------------------------	---	---	---

F. GUARANTEE	2006	2007	2008
National Registrations	-	1	2
G. FOREIGN REGISTRATIONS	1	-	-

**2. Geographical Indications**

a. Geographical Indications protected under national law: Till today, 129 geographical indications have been registered. But the relevant court has invalidated 2 of them.

b. Protection under EU Provisions: -

c. Registrations under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration: -

**UKRAINE****1. Trademark Registrations for 2006-2008: breakdown by ownership (national vs. foreign) and by kind of trademark (individual, collective and certification)**

Protection of collective and certification marks are not provide under the Ukrainian law.

Registered trademarks and service marks

	under the national procedure			under the Madrid Agreement
	Together	Domestic applicants	Foreign applicants	
2006	13,134	10,327	2,807	9,396
2007	15,375;	12,130;	3,245;	8,298
2008	15,357	11,974	3,383	9,459

**2. Geographical Indications**

a. Geographical Indications protected under national law

In Ukraine are 10 registered geographical indications and 9 in process.

b. Protection under EU Provisions

No

c. Registrations under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration

No

**End of Annex**