

**Comments on the Basic Proposal for the revision of the Lisbon Agreement on  
Appellations of Origin and their International Registration  
By the Republic of Korea**

The Republic of Korea appreciates this opportunity to submit comments on the Basic Proposal for the revision of the Lisbon Agreement on Appellations of Origin and their International Registration.

We recognize that protecting geographical indication is becoming of global importance in enhancing brand competitiveness for producers, enterprises, and nations. If this proposal is adopted in the Diplomatic Conference in May 2015, the consequence will be immense and far-reaching, not just among the 28 current Lisbon Union Member States but also among the other 160 WIPO Member States. However, we are concerned that the current Rules of Procedure of the Diplomatic Conference falls short of permitting full participation by all WIPO Member States.

It is our firm belief that the Diplomatic Conference to revise the Lisbon Agreement should be open to all WIPO Member States and should offer full participation including equal voting rights, in case the scope of protection by the revised Agreement would be enlarged or expended in comparison to that of the current Lisbon Agreement. We also believe that several fundamental issues need to be fully taken into consideration in order for the Lisbon System to attract broader a WIPO membership and form a truly global system. Therefore, we reassert the amendments to the Basic Proposal as follows:

**1. Article 7(3) Maintenance Fee**

We are concerned about the lack of financial sustainability of the Lisbon System. The current fee system needs to be improved in order to become self-financing structure and

meet the benefit principle. Therefore, we support Article 7(3), which calls for the introduction of a maintenance fee.

## 2. Article 11(1) Content of Protection

We are concerned that geographical indication protection exceeds the level of protection provided under other international treaties. Therefore, we do not support Article 11(1).

## 3. Article 12 Protection Against Becoming Generic

We have a concern on the complexity that would result by prohibiting the public, all of a sudden, from using generic terms. Therefore we propose to add the phrase “and national or regional law requirements in the Contracting Party concerned regarding use, maintenance and renewal are met”.

## 4. Article 13(1) Prior Trademark Rights

Option B appears to be in line with the TRIPs Agreement’s general principle of “first come, first served” regarding the relationship between trademarks and geographical indications. In addition, Option A is too subjective and unclear.

The Republic of Korea hopes the pending issues regarding the revision of the Lisbon Agreement on Appellations of Origin and their International Registration including procedural matters could be discussed in a reasonable way and got a consensus based on a possible conclusion from the Diplomatic Conference in May 2015. The Republic of Korea reserves its rights to make further comments on the other issues not addressed in this document. (End)