

I. THE NATIONAL AND REGIONAL SYSTEMS THAT CAN PROVIDE A CERTAIN PROTECTION TO GIS

- Basis for protection (sign/indication subject of protection, goods/services covered, etc.)

- 1.1. Does the available protection mechanism specifically identify geographical indications as distinct from other protected signs or designations protected under the same mechanism? If yes, please explain how.
- 1.2. Does the available protection mechanism recognize geographical indications as the object of an intellectual property right? If yes, is such protection mechanism a sui generis system or part of another intellectual property regime (i.e. trade mark law, etc.)?
- 1.3. Does the available protection mechanism require the causal link between a given quality, the reputation or other characteristics of the product on the one hand, and its geographical origin on the other, to be expressed and justified?

- Application and registration (entitlement to file, content of application, grounds for refusal, examination and opposition, ownership/right of use, requests for protection from other countries...).

- 1.4. Under the available protection mechanism, is the test for determining whether a term has become generic, limited to the factual circumstances in the particular territory (following the so-called "territoriality principle")?
- 1.5. Does the available protection mechanism require that in order to maintain protection for a registered geographical indication, the denomination must be used on the market? If yes, what frequency of use is required?
- 1.6. Does your legislation recognize the possibility for registration/protection of GIs from outside your home territory? If yes, please describe available protection mechanism(s).

- Scope of protection, right to take action and enforcement

- 1.7. Does the available protection mechanism provide for protection of geographical indications against unauthorised use/against use taking unfair advantage of, or detrimental to, the repute of the denomination?
- 1.8. Please describe all enforcement measures available for geographical indications in your legislation, including administrative controls, judicial remedies and targeted anti-counterfeiting measures. (Omit internet-based measures covered in Questionnaire 2)

II. THE USE/MISUSE OF GEOGRAPHICAL INDICATIONS, COUNTRY NAMES AND OTHER GEOGRAPHICAL TERMS ON THE INTERNET AND IN THE DNS, INCLUDING TLDs, gTLDs AND ccTLDs (EXAMPLES, CASES, MECHANISMS TO ADDRESS MISUSE, BASIS FOR PROTECTION WHERE APPROPRIATE)

- Use/misuse on the Internet

- 2.1. Does your national legislation provide for GI protection against counterfeiting that occur on the internet? Does it provide for the protection of country names and names of geographical significance, including against misleading and/or unfair use on the internet? Which instruments does your country have in cases of GI counterfeiting that occur on the internet? Does it have jurisdiction on the use of any denomination or trade description that may jeopardize country names and names of geographical significance?
- 2.2. What type of legal and technical instruments (binding or soft law) or dispute resolution mechanisms are available in your jurisdiction on the sale of counterfeit goods, or other forms of infringement, via the internet covering also geographical indications? In case there are soft law instruments available, e.g. memorandum of understanding, which major internet platforms have acceded to such a type of agreements? Please, distinguish between State measures (whether binding or not) and those taken on the initiative of private parties (either platforms or networks themselves or by agreement with third parties).

- Use/misuse in the DNS

BASIS FOR PROTECTION

- 2.3 The use of geographic, country names and indicators in the DNS can occur as second-level domain name (SLD) or as a top-level domain name (TLD), which in turn can be as a generic TLD (gTLD) or a country-code TLD (ccTLD). The current rules for such usages differ for the type of domain name. Are the current mechanisms in place, including eventual safeguards against possible abuse, working properly? Have any gaps been identified in terms of legal basis for the protection of geo-domain names? Does your country maintain a repository of protected/reserved names? Under what legal basis?

- 2.4 On the basis of the national rules, can the beneficiaries of a GI challenge the registration by judicial means or oppose an ongoing registration of a second-level of domain name linked to:
- a) domain name of first generic level (gSLD) (for example: X.vin OR X.wine), or
 - b) domain name of first national level (ccTLD) (for example: X.fr).

If so, please explain the procedure made available.

ccTLDs

- 2.5 Does the ccTLDs regulatory framework of your country mention GIs, country names and names of geographical significance (or IPRs in general) as valid titles to activate dispute resolution and curative mechanisms in case of cybersquatting? If yes, please provide examples of cases where the claim was based on a GIs or on any other IPRs title other than trademarks.
- 2.6 In the ccTLD process, does your national legislation provide for measures, procedures and remedies for interested parties to prevent or invalidate the registration of GIs, country names and names of geographical significance as Second-level domains before an administrative or judicial authority? If yes, does your legislation allow to make an injunction to order the national registrar to prevent or invalidate registration?

gTLDs

- 2.7 Is there any role that the “WIPO Arbitration and Mediation Centre” might play to settle disputes concerning delegation as gTLDs of geographical names coinciding with GIs, country names and names of geographical significance, as in the field of trademarks?

gTLD DELEGATIONS:

- 2.8 Does the current legal and institutional framework for the delegation of “generic terms” as Top-level domains provide for sufficient international legal instruments to prevent the “ex ante” delegation of GIs, country names and names of geographical significance?

- 2.9 Under which conditions should the gTLDs process provide for the delegation of a geographical name, coinciding or not with a GI, a country name or a name of geographical significance, as a Top-level domain? Is there any rule, legal measure, remedy or legal basis in your country suitable to prevent the delegation as Top-level domains of GIs, country names and names of geographical significance?
- 2.10 Trademark Clearinghouse” (TMCH) is a “rights protection mechanism” based on a database of signs built-in the gTLD program¹. The database is currently dedicated to trademarks. Would you support the use of this mechanism to prevent unauthorized delegation as gTLD of GIs, country names and names of geographical significance? If not, why not?

¹ TMCH is a centralized database of verified trademarks that is connected to each and every new Top Level Domain (TLD) that is delegated. The insertion and verification of trademarks within the database of TMCH is made on a voluntary basis upon payment of a fee by the trademark holders, subject to the renewal.