

Questions of Switzerland for the workprogram on geographical indications

I. National and regional systems ensuring protection of geographical indications

- 1.1. What systems, mechanisms and laws enable the beneficiaries of a geographical indication to obtain an exclusive right of use of the denomination concerned? What procedures and costs are required by such systems, mechanisms and laws? Please indicate, wherever relevant, the various systems, mechanisms and laws in your answers to the following questions and, whenever possible, provide examples.
- 1.2. Apart from registrations of an intellectual property right, are there any other legal options that can be used to restrict the rights of beneficiaries of a geographical indication to use said geographical indication?
- 1.3. What is the scope of protection of geographical indications? Are there any differences according to the products concerned or the systems, mechanisms and laws considered?
- 1.4. Who can apply for the registration or protection of a geographical indication?
- 1.5. What are the required conditions to obtain protection of a geographical indication?
- 1.6. Is it necessary to demonstrate a link between the quality and reputation or another given characteristic of the product concerned and its geographical origin? If so, who is obliged to demonstrate such a link (e.g.: producer groups/beneficiaries of the geographical indication)?
- 1.7. Are there any databases containing information on geographical indications that are protected either nationally or regionally? Are these databases freely accessible to the public?
- 1.8. Do the laws or standards applied to products designated by a geographical name ensure that the use of such geographical names is restricted to the corresponding beneficiaries of the geographical indication?
- 1.9. Can a geographical indication be used as a trademark? If so, how can these marks be distinguished from other marks that are not geographical indications? Is there a list of geographical indications that are protected as marks?
- 1.10. Can a denomination that constitutes a geographical indication be registered as a word mark? Or can it only be registered if combined with several other word elements and/or figurative elements?
- 1.11. Does the protection of a geographical indication require its effective use in the market of the territory concerned?
- 1.12. Is protection of a geographical indication granted for an unlimited period? If protection is granted for a limited period, what are the conditions required for the renewal of said protection? Is demonstration of the link mentioned in question 1.6 subject to a new examination?
- 1.13. Can a geographical indication be protected and coexist with earlier marks that are totally or partially homonymous? If so, what are the conditions for such coexistence?
- 1.14. Does the protection of geographical indications take into account translations, modified forms and limitations?
- 1.15. Does the protection of geographical indications take into account the characteristic form of the product, when there is one?

- 1.16. Can the use of a geographical indication be restricted to the beneficiaries thereof without formally identifying a holder of the geographical indication?
- 1.17. Does the use of a geographical indication require authorization?
If so, what are the conditions and possible costs of this authorization for the beneficiaries?
- 1.18. Is the use of a geographical indication by the beneficiaries subject to regular, independent monitoring?
- 1.19. What procedures are available in the case of an infringement of rights relating to a geographical indication? Do you have any information on costs?

II. The use/misuse of geographical indications, country names and 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).

- 2.1. Is the notion of “geographical term” defined in national or regional law? Are there any databases containing information on country names and/or geographical terms that are protected nationally or regionally? Are these databases freely accessible to the public?
- 2.2. What systems, mechanisms and laws ensure legal protection of country names and geographical terms and respectively combat the misuse thereof? Does this protection encompass modified forms of the geographical term? What rights are granted by these systems, mechanisms and laws? What are the procedures and costs required by such systems, mechanisms and laws? Please specify, wherever relevant, the various systems, mechanisms and laws in your reply to the following questions, and if possible, provide examples.
- 2.3. Are there any conditions for registering a second-level domain name, consisting of a geographical indication, a country name or a geographical name or consisting of one such denomination or having similarities with one such denomination, in the ccTLD?
- 2.4. Is the registration, renewal and use of a domain name in the ccTLD subject to domiciliation in the country of the country code in question? Does the procedure for registration under a ccTLD require demonstration of a link between the country and the applicant /holder of the country domain name?
- 2.5. Is there a procedure, in the ccTLD of your country, for the settlement of disputes between a complainant and an adverse party relating to a domain name (UDRP or UDRP variant) that must be included in all contracts for the registration of a domain name?

- 2.6. If so, does this procedure recognize a right or claim against misuse that can be raised with regard to the registration of a domain name containing the following titles or terms:
- Intellectual property right
 - Geographical indication
 - Appellations of origin
 - Indication of source
 - Country name
 - Other geographical name.
- 2.7. Are there any frameworks, in your countries, for overseeing registrars (ccTLDs and/or gTLDs) consisting of, for example, supervision or direct control by the State, specific regulations or specific obligations imposed by the State?
- 2.8. Can the beneficiaries of a right relating to a geographical term (country name, indication of source, geographic indication or other geographic term) or the beneficiaries of any other claim against misuse legally contest the registration of a domain name, based on internal law:
- As a generic top level domain (gTLD) ?
 - As a generic second level domain (gSLD) ?
 - As a generic country code second-level domain (ccSLD)?
- 2.9. If so, have the judicial authorities (civil, criminal or administrative) of your country already ruled on a dispute involving a geographical term (country name, indication of source, or other geographical term) and a domain name?
- 2.10. If so, what was the final decision and what were the key considerations relating to this matter?
- 2.11. Has your Government (through one of its bodies or other regional or local administrative units) acquired one (or several) gTLDs that contain a geographical term referring to a country or a place inside the territory of the country (for example, "Swiss" was acquired by the Swiss Confederation)?
- 2.12. What is/would be the most appropriate manner in which to protect geographical terms from being illicitly registered in the DNS?
- 2.13. What types of types of instruments or legal means are available for the beneficiaries of a geographical term (country name, indication of source, geographical indication) or the beneficiaries of any other claim against misuse to prohibit or stop the sale of counterfeit products on the Internet (i.e. products displaying a false or incorrect indication of source)?
- 2.14. Are there any non-binding instruments of soft law (e.g. Memoranda of Understanding) to address Internet sales of goods that display a false or incorrect indication of source?
- 2.15. Do such instruments apply to domain name hosts?
- 2.16. What Internet platforms have committed to abide by such instruments?