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**Council for Trade-Related Aspects  
of Intellectual Property Rights  
Special Session**

**MULTILATERAL SYSTEM OF NOTIFICATION AND REGISTRATION OF  
GEOGRAPHICAL INDICATIONS FOR WINES AND SPIRITS**

In reporting on the progress of developing text in the small group consultations, the Chairman of the Special Session of the Council for TRIPS is circulating the attached paper which represents the current state of play. The paper exclusively reflects the text that has emanated from Members in the small group consultations.

This text is work in progress and is without prejudice to Members' positions on the overall outcome of the negotiations. Members are working on the understanding that nothing is agreed until everything is agreed, and that Members may revert to any issue of the text at any time.

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**[PURSUANT TO TRIPS AGREEMENT ARTICLE 23.4 A MULTILATERAL SYSTEM OF NOTIFICATION AND REGISTRATION OF GEOGRAPHICAL INDICATIONS FOR WINES AND SPIRITS ELIGIBLE FOR PROTECTION IN THOSE MEMBERS PARTICIPATING IN THE SYSTEM]<sup>JP</sup>**

**[MULTILATERAL SYSTEM OF NOTIFICATION AND REGISTRATION OF GEOGRAPHICAL INDICATIONS]<sup>EU,BRA,CH,TUR,CHN,ACP</sup>**

**A. NOTIFICATION**

**A.1** Each [participating]<sup>JP,HKC</sup> WTO Member may notify to [[the WTO]<sup>JP</sup> Secretariat]<sup>JP, EU,BRA,CHN,CH</sup> [the administering body]<sup>HKC</sup> any [domestic]<sup>HKC</sup> geographical indication [that identifies a wine or a spirit]<sup>JP,HKC</sup> [[as]<sup>EU</sup> defined in Article 22.1 TRIPS,]<sup>EU,BRA,CHN,CH</sup> [which is]<sup>EU</sup> originating [and protected]<sup>EU,BRA,CHN,CH,HKC</sup> in that Member's territory [protected under their domestic legislation, judicial decisions or administrative measures]<sup>HKC</sup>.

**A.2** The notification shall:

- (a) identify the [details of the]<sup>HKC</sup> geographical indication [as it appears on wine or spirit goods in the territory of the notifying Member;]<sup>JP</sup> [itself in the language or languages in which it is protected in its country of origin;]<sup>EU,TUR,CH</sup> [(e.g. the name, quality, reputation or other characteristics, and goods indicated by the geographical indication).]<sup>HKC</sup>
- (c) identify the notifying Member;
- (d) identify the territory, region or locality [of the notifying Member from which the wine or spirit bearing the notified geographical indication is identified as originating;]<sup>JP</sup> [in which the good originates;]<sup>EU,TUR,CH</sup>
- (e) [The name and contact details of the owner of the geographical indication.]<sup>HKC</sup>
- (f) when the geographical indication [for a wine or a spirit]<sup>JP</sup> is in characters other than Latin characters, include for information purposes only, a transliteration into Latin characters of the geographical indication using the phonetics of the language in which the notification is made ("transliteration");
- (g) specify [whether the indication refers to a wine or spirit.]<sup>JP</sup> [the type of goods which is identified by the geographical indication.]<sup>EU,TUR</sup>
- (h) [include a reference to the text of the legal instrument implementing TRIPS, or to the TRIPS Council document if the text of the legal instrument implementing TRIPS has already been notified to the WTO; and if provided for by domestic legislation, a reference to the legal means by which the geographical indication is protected in the notifying Member, for example the relevant national or regional legislative or administrative texts or the relevant judicial decision, including, where applicable, the registration number of the geographical indication in the notifying Member.]<sup>EU</sup>

[The relevant domestic legislation or judicial decisions protecting the geographical indication in the territory of the notifying Participating Member.

Or:

A statement executed under seal by the government of the notifying Member to the effect that the geographical indication:

- (i) conforms with the definition in Article 22.1 of the TRIPS Agreement;
- (ii) is protected by law and has not fallen into disuse in the territory of the notifying Participating Member; and
- (iii) a statement by the government of the notifying Participating Member that the geographical indication is for wines and/or spirits.]<sup>HKC</sup>

- (i) [indicate, where available, the date on which the geographical indication first received protection in the originating Member and [, if applicable,] <sup>EU</sup> any date of expiration [of the protection currently accorded] <sup>EU</sup> [under the domestic legislation or judicial decisions or administrative measures] <sup>HKC, EU, HKC</sup>
- (j) [include the requisite fee.] <sup>1, HKC</sup>

**A.3** The notification may also include:

- [(a) information concerning the date on which the geographical indication for a wine or a spirit received protection in the territory of the notifying Member and the date, if any, on which protection will expire; and
- (b) information concerning how the notified geographical indication for a wine or a spirit is protected in the territory of the notifying Member.] <sup>JP</sup>
- [(c) available translations of the geographical indication in languages other than the language or languages referred to in paragraph A.2(a); (d) an indication of any bilateral, regional or multilateral agreement under which the geographical indication is protected.] <sup>EU, TUR</sup>

**A.4** The notifications of each geographical indication [for a wine or a spirit] <sup>JP</sup> shall be made on the basis of a standard form to be adopted by the TRIPS Council prior to the entry into operation of the System.

**A.5** Notifications may be made at any time. However, the administering body may fix the maximum number of applications to be processed each year, having regard to the administrative capacity and resources constraints of the administering body.] <sup>HKC</sup>

**A.6** Each [Participating] <sup>JP</sup> Member shall notify to the WTO a contact point<sup>2</sup>, [and/or details of the office competent to receive correspondence from the administering body.] <sup>HKC</sup> from which further information on geographical indications [for wines and spirits] <sup>JP</sup> notified by that Member can be obtained. The WTO Secretariat shall publish the contact points [in the Database] <sup>JP</sup> [in the Register] <sup>EU</sup>.

**A.7** [The notification shall be made in English, French or Spanish. The notification, with the exception of the geographical indication itself, shall be translated by the WTO Secretariat into the two other languages.] <sup>EU</sup>

## **B. REGISTRATION**

**[B.1** After receiving notifications from Participating Members, the administering body shall undertake formality examination of the notifications and ensure that documents submitted are in order. The examination process does not involve substantive examination.

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<sup>1</sup> The user-pays principle applies. The system will be run on a full-cost recovery basis. Consideration might be given to special and differential treatment in this regard for least-developed country Members and developing country Members.

<sup>2</sup> The EU, JP and HKC agree to deal with the functions of a Contact Point in a separate paragraph towards the end of the text.

**B.2** The administering body may require the notifying Participating Member to rectify any deficiency if it considers the documentation submitted fails to meet the stipulated minimum formal requirements.]<sup>HKC</sup>

**B.3** [The WTO Secretariat]<sup>JP,EU</sup> [Once the administering body is satisfied that the formalities and documents submitted are in order and the requisite fee has been paid, the geographical indications]<sup>HKC</sup> shall[, as soon as practicable after receipt of the notification, [circulate it to all Members, publish it on the Internet and]<sup>EU,JP</sup> [[register]<sup>JP,EU</sup> [record]<sup>HKC</sup> the notified geographical indication on the [Database]<sup>JP</sup>[Register]<sup>EU,HKC</sup> of Geographical Indications [for Wines and Spirits ("the Database").]<sup>JP</sup> [("the Register")]<sup>EU,JP,EU,HKC</sup>]  
[For each geographical indication recorded on the Register, the administering body shall, as soon as practicable, issue an official copy of the Certificate of Registration to the relevant Participating Member. Certificates of Registration may be issued in electronic form.]<sup>HKC</sup>

**B.4** The registration of a Geographical Indication [for a wine or spirit on the Database]<sup>JP</sup> shall consist of the recording of the information provided under paragraph[s]<sup>EU</sup> A.2<sup>3</sup> [and A.3]<sup>EU</sup> [and contain the following information in respect of each registered geographical indication:

- (a) A statement to the effect that the date of notification and registration shall not be taken as providing evidence of priority between conflicting claims in respect of identical or similar geographical indications.
- (b) The date of registration.
- (c) The serial number of registration.]<sup>HKC</sup>

**B.5** [The Database]<sup>JP</sup> [The Register]<sup>EU,HKC</sup> [(which should be kept up-to-date by the administering body)]<sup>HKC</sup> shall [[be]<sup>JP</sup>[take the form of a]<sup>EU</sup> searchable on-line [database]<sup>EU</sup>, [free of charge]<sup>JP</sup>, [freely]<sup>EU</sup> accessible to all [WTO]<sup>JP</sup> Members and [to]<sup>JP,JP,EU</sup> [be made available on the WTO Internet website for access and search by]<sup>HKC</sup> the public[, and [shall]<sup>EU</sup> provide [for]<sup>EU</sup> a means to access the original notifications]<sup>JP,EU</sup>.

[With the exception of each notified geographical indication itself and, as applicable, its transliteration, the Database shall be available in all three WTO languages.]<sup>JP</sup>

[The administering body shall notify the Participating Members of any new or amended registrations. The administering body shall also distribute a copy of the Register to every Participating Member on an annual basis. This may be done by electronic means.]<sup>HKC</sup>

## **[B.6 UPDATING OF THE MULTILATERAL REGISTER**

- (a) Initial registrations shall be valid for a period of 10 years. Subject to the payment of a specified fee, Participating Members may submit a request to the administering body for the renewal of registrations. Each renewed term shall be a further period of 10 years, and there shall be no limit on the number of times renewals can be made.
- (b) Participating Members requesting renewal of a geographical indication on the Register shall submit the information set out in paragraph A.2 above, subject to any factual changes that have occurred since the original registration or subsequent amendment. Such applications shall be subject to a formality examination.]<sup>HKC</sup>
- (c) Each [Participating]<sup>JP,HKC</sup> [WTO]<sup>EU</sup> Member [shall]<sup>HKC</sup> [may]<sup>JP,EU</sup>, [at any time]<sup>JP,EU</sup> [as soon as practicable]<sup>HKC</sup>, [submit to the WTO amended notifications of geographical indications]<sup>JP</sup> [notify]<sup>HKC,EU</sup> [the administering body of any amendments or corrections to the registrations on the Register]<sup>HKC</sup> [the modification of a notification of a registered geographical indication]<sup>EU</sup>. [The provisions of paragraphs [concerning "Notification" (A.1 and A.2) and "Registration on the Database: General Procedures" (B.3, B.4, B.6) above]<sup>JP</sup> [related to

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<sup>3</sup> (JP Note: Reference should correspond to provisions enumerated in paragraph 3.2 of TN/IP/W/10).

notification, registration and effect of registration]<sup>EU</sup> shall apply to [amended notifications]<sup>JP</sup> [the notification of such modifications to it]<sup>EU</sup>.]<sup>JP,EU</sup> [The administering body shall allow such amendments or corrections to the registrations if it is satisfied that the notification is in order and a specified fee has been paid.]<sup>HKC</sup>

[(d) The administering body shall be responsible for the compilation, maintenance and updating of the Register.]<sup>HKC</sup>

[(e) If a registered geographical indication is no longer protected [or has fallen into disuse]<sup>HKC</sup> in the [territory of the notifying Member]<sup>EU</sup> [country of origin]<sup>HKC</sup>, the [Participating]<sup>HKC</sup> [notifying]<sup>EU</sup> Member [who submitted the original application]<sup>HKC</sup> shall notify [to the WTO Secretariat]<sup>EU</sup> [the administering body]<sup>HKC</sup> [the withdrawal of the relevant notification]<sup>EU</sup> [and such geographical indications shall be removed from the Register accordingly]<sup>HKC,EU</sup>].<sup>HKC,EU</sup> [[A notifying]<sup>EU</sup> [Each Participating]<sup>JP</sup> Member may, at any time, [notify to the WTO Secretariat the withdrawal of]<sup>EU</sup> [withdraw]<sup>JP</sup> a notification [it has made earlier]<sup>JP</sup> of a [registered]<sup>EU</sup> geographical indication. [Any withdrawal shall be notified to the WTO Secretariat in writing.]<sup>JP</sup> [Upon receipt of the notification of withdrawal of a notification of a registered geographical indication, the WTO Secretariat]<sup>EU</sup> [The previously-registered geographical indication for which the notification of withdrawal was made]<sup>JP</sup> shall [circulate the notification of withdrawal to all Members and publish it on the Internet and remove the registered geographical indication from the register]<sup>EU</sup> [thereupon be removed from the Database without undue delay]<sup>JP</sup>.]<sup>JP,EU</sup>

[(f) Any Participating Member may notify the administering body that a registered geographical indication is refused protection by the courts, tribunal or administrative bodies in its country or territory on grounds permitted under Articles 22 to 24 of the TRIPS Agreement. The administering body shall, as soon as possible, upon receipt of such a notice, transmit it to the Participating Member who submitted the original application and, at the same time, record the refusal in the Register together with the reasons for refusal.<sup>4</sup>]<sup>HKC</sup>

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<sup>4</sup> The recordal procedure is aimed at enhancing transparency. The decision of the domestic courts, tribunals or administrative bodies to refuse protection of a registered geographical indication shall only have binding effect within its territory.