

**REVIEW UNDER ARTICLE 24.2 OF THE APPLICATION OF THE  
PROVISIONS OF THE SECTION OF THE TRIPS AGREEMENT  
ON GEOGRAPHICAL INDICATIONS**

Responses to the Checklist of Questions<sup>1</sup>

Addendum

LIECHTENSTEIN

Revision

By means of a communication from its Permanent Mission, dated 12 March 1999, a revised and corrected version of the responses of Liechtenstein to the Checklist, as reproduced below, has been received from Liechtenstein. The text replaces the version published in document IP/C/W/117/Add.11 of 10 February 1999.

**I. RESPONSES TO THE QUESTIONS IN DOCUMENT IP/C/13**

**A. GENERAL**

*1. Is protection for geographical indications provided through unfair competition law, e.g., passing off, false designation of origin; through a formal procedure for notification/registration before protection is available; or through both? Does the recognition of a geographical indication require registration?*

Protection for geographical indications is provided through the law of 12 December 1996 regarding the protection of trademarks and geographical indications (Trademark Act; Liechtenstein Law Gazette 1997, No. 60<sup>2</sup>). Unfair competition law (Unfair Competition Act, Liechtenstein Law Gazette 1992, No. 121<sup>3</sup>) applies only if there is no specific provision in the Trademark Law. Concurrent application is possible in civil law, but not to obtain an extension to the protection afforded by the Trademark Act (as special IP law).

The recognition of geographical indications as such does not require registration. Nevertheless, if such indication is part of a trademark, it has to be registered.

---

<sup>1</sup> Documents IP/C/13 and IP/C/13/Add.1.

<sup>2</sup> See document IP/C/1/LIE/I/1/Rev. 1.

<sup>3</sup> See document IP/N/LIE/I/3.

2. *Is there one single regime of protection of geographical indications for all products? If not, identify the different regimes.*

There is not one single regime of protection for all products.

As indicated under question 1 above, geographical indications for products and services are protected by the Trademark Act. Within the framework of the Customs Union Treaty between Liechtenstein and Switzerland of 1923<sup>4</sup>, parts of the Swiss Law on Agriculture, in particular the Swiss Ordinance of 28 May 1997 concerning the Protection of Appellations of Origin and Geographical Indications with respect to Agricultural Products and Processed Agricultural Products (RS 910.12, RO 1997 1188), are applicable in Liechtenstein. For further information about the system for the registration of geographical indications under this Ordinance, which provides for an additional protection for agricultural products including spirits, see document IP/C/W/76/Add.5/Suppl.1 and the Swiss answers to the related questions of the Checklist. Liechtenstein producers face the same registration requirements as Swiss producers under this Ordinance.

As far as wines are concerned, reference is made also to the new Swiss Ordinance on Viticulture and the Importation of Wine (SR 916.140, AS 1999, 86) as far as applicable subject to the bilateral Customs Union Treaty.

As the product-specific law applicable in Liechtenstein is not national law but Swiss law, it will not be elaborated in detail in our answers to this Checklist.

Furthermore, the Agreement on the European Economic Area of 2 May 1992 (EEA Agreement) contains extensive references to European Community legislation on definition, description and presentation of wines and spirits in its Annex II, Section XXVII.

3. *Do(es) the regime(s) of protection of geographical indications also extend to services?*

Yes. See the answer to question 2 above.

4. *What provisions of law or regulations are directed to the recognition of geographical indications required by Articles 22.2 and 23.1 of the TRIPS Agreement? Citations to laws should be provided and, if the texts of the laws have not been notified to the WTO, copies should be provided pursuant to Article 63.2.*

The relevant provisions are contained in Articles 45 *et seq.* of the Trademark Act of 12 December 1996. For cases not covered by the provisions of the Trademark Act, Article 3(b) of the Unfair Competition Act may apply.<sup>5</sup>

5. *If the required recognition of geographical indications is not provided through statutes or regulations, please explain, in detail, the mechanism or mechanisms through which the protection required is provided.*

See the answer to question 4 above.

6. *Please provide a few examples of domestic geographical indications protected in accordance with the means discussed above and indicate the means by which such protection is provided.*

---

<sup>4</sup> See notification IP/N/4/LIE/1 and IP/N/4/CHE/1, respectively.

<sup>5</sup> See the notification in document IP/N/1/LIE/1/3.

Such an example might be "Malbuner" for meat products produced in Liechtenstein and "Malbun" being the name of a mountain resort in Liechtenstein. The same would apply to "Balzers", a high technology enterprise with its headquarters in Balzers, a community of the Principality of Liechtenstein. Those indications are determined in accordance with Article 46 of the Trademark Act.

7. *Is the higher level of protection required for wines and spirits under Article 23.2 of the TRIPS Agreement provided for any other product? If so, please specify such products and the law under which they are protected.*

The higher level of protection required for wines and spirits under Article 23.2 of the TRIPS Agreement is granted to other agricultural products according to the Swiss Ordinance of 28 May 1997 concerning the Protection of Appellations of Origin and Geographical Indications with respect to Agricultural Products and Processed Agricultural Products (see the answer to question 2 above), which applies to all agricultural products including processed agricultural products, with the exception of wine but including spirits.

The same level of protection is also provided by the Trademark Act for all products (except registered agricultural products according to applicable law, see above) and services, wherever there is a link between the product and the place and this link is recognized by the circles concerned.

## B. DEFINITION AND CRITERIA FOR RECOGNITION

8. *How are geographical indications defined?*

In the context of the Trademark Act, geographical indications shall be direct or indirect references to the geographical origin of goods, including references to their property, having a relationship with their origin (Article 45, paragraph 1 of the Trademark Act).

In this context direct indications are precise designations of the geographical source of a product or service (names of places, continents, countries, etc). Indirect indications do not refer to a particular place or region explicitly but by means of verbal or figurative symbols such as names or well-known representations of mountains, lakes, rivers or monuments of national or international renown, well-known emblems of cities, or names of figurative representations of famous historical persons.

9. *Would such a definition comprise geographical indications identifying products of a certain quality or reputation which are indirectly linked to a specific region?*

If the question refers to quality products or products with a high reputation bearing an indirect geographical indication (see the answer to question 8 above), the answer is yes. According to Article 45, paragraph 1 of the Trademark Act, the indication must relate to the source as a minimum requirement.

10. *In determining whether recognition should be given a geographical indication, what criteria are considered?*

According to Article 46 of the Trademark Act and as there are no specific national laws in Liechtenstein as per today in this respect (see the answer to question 2 above), the origin of goods will be determined in accordance with the place of its manufacturing or the origin of basic materials and components used. Compliance may be required with other conditions, i.e. the observance of customary local or locally-prescribed manufacturing principles and quality requirements. According to Article 47 of the Trademark Act, the origin of any service shall be determined in accordance with

the place of business of the person providing the service; the nationality of the persons exercising actual control over the business policy and management; or the domicile of the persons exercising actual control over business policy and management. In addition, compliance with other conditions may be required, i.e. the observance of customary or prescribed principles for provision of the service or the traditional association of the person performing the service with the country of origin.

*11. Is there any human creativity involved in the making of specific products under protection by the system of geographical indications? If so, how much? And do these products involve any human factors?*

As long as the definition of human creativity according to this question does not mean a certain level, individuality or originality, it is possible to cover products in which human creativity (including know-how) is involved in varying degrees in the context of the Trademark Act. However, there are cases in which the indication is simply used to indicate the place of manufacture or the source of the basic materials and components of the product or service.

*12. Are there any other intellectual property rights involved, such as patents for example?*

As already set out in the answers to questions 1, 2 and 4 above, trademark law may very often be involved. In this case it should be noted that, if the authorities and groups concerned so desire and are so authorized, they may file a geographical indication as a guarantee mark or collective mark.

A guarantee mark is a sign used by several companies under the supervision of its holder, with a view to guaranteeing the quality, geographical origin, method of manufacture or other characteristics of these companies' products or services. In particular, the following are deemed to be such characteristics: quality, identical geographical origin, similar method of manufacture (such as environmentally friendly products), special technical characteristics (approved products), "fair-trade" products or services. To avoid any conflict of interest, the guarantee mark may not be used by the holder or by a company with which he/she has close economic ties. For a consideration, the holder must authorize the use of the guarantee mark for products or services with the common characteristics guaranteed by the trademark regulations (Article 22 Trademark Act). The guarantee mark may be used in addition to indications registered under the applicable Swiss agricultural or viticultural provisions (see the answer to question 2 above), if the product concerned includes other essential features not linked to the geographical place.

A collective mark is the sign of a group of production, trade or service companies. It is used to distinguish the products or services of members of the group from those of other companies (Article 23 Trademark Act).

*13. What authority, if any, may define the geographic region or area for which rights are claimed and on what basis is such definition made?*

With respect of the size of the country (160 km<sup>2</sup>), the geographical region will in many cases, but not necessarily, be the country itself. Should there be a dispute on a right to use a geographical identification as or combined with a trademark, the Liechtenstein Office of National Economy has the authority to decide primarily such issues.

*14. Does your legislation contain criteria for homonymous geographical indications for wines?*

No.

15. *Does your national legislation provide for recognition and protection of geographical indications or appellations of origin of foreign countries?*

Yes. Liechtenstein is party to the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods of 1891 and to the Paris Convention for the Protection of Industrial Property (ratification of the latest Acts of both Agreements). International law is considered to be an integral part of national law.

16. *Is there any specific prohibition in the legislation/regulations/rules/procedures covering geographical indications not protected in the country of origin? If so, please specify the relevant statutory provision.*

No, except for provisions contained in relevant international agreements.

#### C. PROCEDURE FOR RECOGNITION

As there is no formal registration or notification of geographical indications according to national law, the following answers refer to cases of litigation.

17. *With respect to any formal system for recognition of geographical indications, must the applicant be a governmental organization or can a private entity own the rights to a geographical indication?*

Usually, it is a private entity owning the rights of geographical indications. In the context of the Trademark Act, the protection for Liechtenstein geographical indications is automatic. It does not require any recognition or registration procedure and neither is there any procedural fee. It should be pointed out that a geographical indication can be registered as an „established mark“ (whether in the form of an individual mark, a collective mark or a guarantee mark (see the answer to question 12 above)), provided that it has established itself on the markets the distinctive sign of a particular company. The mark is registered with the Office of National Economy.

18. *What are the competent authorities where the protection of a geographical indication can be obtained?*

If in relation to a trademark application, it is the Office of National Economy where the geographical indication can be obtained.

19. *Do the procedures which lead to the recognition of a geographical indication take place ex officio or must they be based on the initiative of an entity or person?*

If in connection with a trademark, the recognition of a geographical indication takes place on the initiative of an entity or person.

20. *What, if any, fees are involved in the application and maintenance of rights in a geographical indication?*

Protection of geographical indications is guaranteed automatically, if the criteria contained in the relevant provisions of the Trademark Act are met. No fee is required, as there is no formal registration procedure.

If a geographical indication is registered related to a trademark, there will be a fee according to the Ordinance of 1 April 1997 regarding the Collection of Fees under the Trademark Act

(Liechtenstein Law Gazette 1997, No. 78<sup>6</sup>). The fee for three classes amounts to CHF 400.--, not including the costs of the publication.

21. *If criteria must be set out in an application for recognition of a geographical indication, are those criteria purely geographic in nature?*

Purely geographic as the quality of the geographical indication is linked to its geographical origin (see the answer to question 10 above).

According to the Trademark Act, it is possible for a geographical indication to be used and registered as a trademark, if its use is clearly whimsical and there is no chance of anyone being misled as to the true source. In this particular case, however, the name does not meet the requirements of Article 45 of the Trademark Act; accordingly, it is not protected as geographical indication within the meaning of Articles 22 *et seq.* of the TRIPS Agreement, but as a mere trademark.

22. *What other criteria, if any, must be set out in an application for recognition of a geographical indication?*

Only the criteria according to the answer to question 10 above.

23. *What information must be supplied in an application for rights in a geographical indication?*

As there is no formal registration or notification for geographical indications as such (except when applied as a trademark) and geographical indications shall be presumed correct if corresponding to usage, no information must be supplied. Nevertheless, this assumption may be overruled by the proof of the contrary.

24. *Must the goods or services with respect to which a geographical indication is claimed be set out?*

Only within the burden of proof in a litigation.

25. *What mechanisms are provided to oppose the recognition of a geographical indication? How is an investigation conducted after such a complaint?*

If in connection with a trademark, the same legal protection is granted to the person claiming the better right to a geographical indication as set out for trademarks (see the answers to questions 47 *et seq.* below).

26. *Who can oppose the recognition of a geographical indication?*

Any interested person may oppose such use of a geographical indication in a court trial.

27. *If your national legislation provides for recognition and protection of geographical indications or appellations of origin of foreign countries, what is the procedure that has to be followed in order to obtain such recognition and consequent protection?*

The practice of the Office of National Economy is quite strict. A sign is apt to mislead when it contains a geographical indication, alone or combined with other elements, which leads the consumer to believe that the product comes from the country to which the indication relates, whereas in reality it

---

<sup>6</sup> See document IP/N/1/LIE/I/2/Rev. 1.

does not. The assessment is made according to the circumstances in each particular case. The criteria which determine the assessment include:

- the extent to which the word is well-known as a geographical indication;
- an effective or easily identifiable link between the geographical indication and any additional indications contained in the mark that might increase or reduce the risk of the public being misled;
- the products or services in question.

Where necessary, corrections are demanded. Any misleading correction is rejected.

#### D. MAINTENANCE

##### 28. *How long does recognition for a geographical indication continue?*

The protection provided for a geographical indication is, by definition and under Liechtenstein law, indefinite in duration. If however in relation to a trademark, it is ten years. The registration of trademarks may be extended upon request for further ten-year periods (cf. Article 10, paragraph 2 *et seq.* of the Trademark Act). Fees for the extension of a trademark are laid down in the Ordinance of 1 April 1997 regarding the Collection of Fees under the Trademark Act.

29. *If recognition of a geographical indication must be renewed or reaffirmed, what information must be provided in order to effect such a renewal or reaffirmation? Specify any fees involved in renewal or reaffirmation.*

See the answer to question 28 above.

30. *Must a geographical indication be used in order to maintain rights? If so, how is such use determined?*

No. Nevertheless, in cases where the geographical indication is registered as an „established mark“ (individual, guarantee or collective mark), continuous non-use for a period of five years leads to the forfeiture of the mark, unless the holder can give a good reason for the non-use (Article 12 of the Trademark Act).

31. *Is there a specified limit for non-use before rights in a geographical indication cease and, if so, what is that limit?*

No.

32. *Who monitors the use of geographical indications to determine if the criteria identified in the application continue to be met?*

In the context of the Trademark Act, the associations themselves, according to the product and the circumstances, do the monitoring. Consumer organizations may also perform this function.

If the geographical indication has established itself as a mark and has been registered as a collective or guarantee mark, then the holder of the mark will be responsible for monitoring its use. This function, whose procedures are laid down in the regulations, may also be delegated to a third party (Articles 24 to 27 of the Trademark Act).

33. *If a government entity is responsible for monitoring the use of geographical indications, what are its procedures for doing so?*

-

34. *Are there means by which interested parties may request termination of a geographical indication based on non-use or failure to maintain the criteria identified in the application? Describe the procedure.*

No, if the geographical indication is protected as such. However, in the context of the Trademark Act there are means in cases of continuous non-use (see the answer to question 30 above): the holder will be given a time-limit to remedy the situation by the judge. If no action is being taken, the mark will be cancelled.

35. *Do the procedures which lead to forfeiture of a geographical indication take place ex officio or must they be based on the initiative of an entity or person?*

See the answer to question 34 above.

#### E. SCOPE OF RIGHTS AND USE

36. *May anyone who meets the criteria submitted to obtain recognition of a geographical indication use that geographical indication after recognition is given or must additional criteria or procedures be followed by that party before use is permitted?*

Generally, anyone who meets the criteria submitted according to the answer to question 10 above may use a geographical indication.

37. *Who makes the determination regarding use of a geographical indication by particular parties, the entity responsible for the recognition or the entity that obtained the recognition?*

-

38. *Are there fees involved in receiving authorization to use a particular geographical indication and, if so, what are those fees and how are they established?*

In the context of the Trademark Act, there are no relevant provisions, the protection of the geographical indication being automatic. It is possible for groups - established on the basis of private law - to lay down rules, voluntarily accepted, concerning the use of a geographical indication.

39. *If there is a dispute regarding use of a geographical indication by a particular party, what procedures are followed to resolve it?*

The procedures set out in the answers to questions 47 *et seq.* below.

40. *Must individual authorized users of a geographical indication use that geographical indication continually to retain their right to use it and, if so, how is their use determined and how long will disuse be permitted?*

There is no determination as to the use.

However, in the context of the Trademark Act, the obligation to use exists when the geographical indication has been registered as an "established mark" (individual, guarantee or collective mark). If the holder has not used the mark in connection with the registered products or services during a continuous period of five years, he/she may no longer assert his/her right to the mark, unless there is a good reason for the non-use (Article 12, paragraph 1 of the Trademark Act; see also the answer to question 30 above). If the mark is first used or use is resumed after more than five years, the right to the mark is restored with effect from the original priority date, provided that no one has invoked non-use under paragraph 1 before the date of first use or resumption of use (Article 12, paragraph 2 of the Trademark Act).

41. *If there is a dispute over continuity of use by a particular party, how is it resolved?*

See the answer to question 40 above.

42. *Does the regime for protection of geographical indications allow geographical indications to be licensed and, if so, what conditions are imposed on such licenses? If such conditions are not met, what is the effect on the geographical indication?*

Licensing is only possible when a geographical indication is part of a trademark; it then has to meet the provisions of the Trademark Act. Where the geographical indication has been registered as an "established mark", licensing is allowed for the individual mark and the collective mark. It must be entered in the register (Article 28 of the Trademark Act). As the guarantee mark serves a different purpose (it is not used to distinguish one product or service from another but to perform a guarantee function), it must be accessible to anyone who meets the requirements (Article 22, paragraph 3 of the Trademark Act). For the guarantee mark, see the answer to question 17 above.

43. *How is "grandfathered use" of a geographical indication, under Article 24.4 of the TRIPS Agreement, applied in your country?*

The use of a geographical indication remains unchanged by the new Trademark Act.

#### F. RELATIONSHIP TO TRADEMARKS

44. *What steps are taken to ensure that, in recognizing a geographical indication, the obligations of Article 16.1 of the TRIPS Agreement are not nullified and impaired?*

In general, given that direct and indirect geographical indications indisputably describe the geographical source of a product, they are treated as signs in the public domain. Accordingly, as a general rule, they cannot be monopolized by a single enterprise.

In the context of the Trademark Act, the general principle described above applies. Unless they have established themselves as marks for the products or services concerned, signs in the public domain are excluded from protection (absolute reason for exclusion - Article 2, paragraph 1 of the Trademark Act). The same applies if the sign is liable to mislead or is contrary to the law in force (Article 2(c) and (d) of the Trademark Act).

Thus, geographical indications can be registered as trademarks when they have established themselves as marks for the products or services concerned. If the mark has established itself abroad, in the country to which the geographical indication relates, the mark is registered in Liechtenstein. The same applies when the foreign geographical name has been entered in the trademark register of the country of origin, provided that the mark does not mislead the public as to the origin of the products or services.

45. *What steps are taken to ensure that, in recognizing a geographical indication, the obligations of Article 16.2 and 16.3 of the TRIPS Agreement are not nullified and impaired*

See the answer to question 44 above.

46. *What procedures are foreseen in case of a conflict of a geographical indication with a trademark?*

A trademark owner may prevent infringements by all the means available according to the answer to question 47 below. If a geographical indication is the major part of a trademark and the latter thus does not have distinctive function, the trademark may not be registered.

#### G. ENFORCEMENT

47. *How are rights in the geographical indication enforced? Are provisions available under unfair competition law? Trademark law? Other laws? Provide citations to the laws and, if they have not been notified under Article 63.2 of the TRIPS Agreement, please provide copies.*

Enforcement is primarily granted under the Trademark Act. Articles 50 *et seq.* are related to the protection under civil law (declaratory judgement, action for execution, confiscation, precautionary measures ...). Article 62 of the Trademark Act imposes a penalty for the use of incorrect geographical indications. Articles 3(b), 9, 12 and 22 are the relevant provisions of the Unfair Competition Act.

The possible remedies in civil law as provided for in the Trademark Act are as follows: declaratory action to establish a right or legal relationship (Article 50); actions to enforce performance (i.e. prohibition of an infringement or threat of infringement of a geographical indication), order to desist, order to reveal the source of objects illegally bearing a geographical indication (Article 53); confiscation, destruction, etc. (Article 55); provisional measures (Article 57); publication of judgement (Article 58).

The criminal penalties are imprisonment for a maximum of one year or a fine of up to CHF 360,000 for whoever intentionally uses an inaccurate geographical indication or a designation liable to be confused with an inaccurate designation, or creates a risk of deception by using a name, address or mark in connection with products or services from another source. If the offender is making a business of it, he/she will be prosecuted *ex officio*. The penalty is imprisonment for up to three years and a fine of up to CHF 360,000 (Article 62).

Border measures: the (Swiss) Federal Customs Administration has the right to notify the beneficiary of a geographical indication or a trade or business association with the capacity to institute legal proceedings when there is reason to suspect the imminent importation or exportation of products to which the geographical indication has been illegally affixed (Article 68). The holder of the geographical indication may request the Federal Customs Administration through the Office of National Economy or, in urgent cases, directly to detain the goods, for a maximum of ten working days. In exceptional circumstances, the detention period may be extended by a maximum of ten working days. If there is a risk of damage, the Federal Customs Administration may ask for appropriate security. Anyone who improperly requests the detention of goods must make good the injury caused, if the provisional measures are unjustified or if they have not been ordered (Article 70). Trade and business associations whose rules and regulations authorize them to protect the economic interests of their members and organizations of national or regional importance with a statutory duty to protect the consumer also have the capacity to bring legal proceedings (Articles 50, 53 and 54).

Protection may furthermore be granted under the Unfair Competition Act (UCA): Anyone whose goodwill, credit or professional reputation, or business or economic interests are the subject of an act of unfair competition or are threatened therewith may request the judge to prohibit it, if imminent, to put an end to it if it still continues or to declare it illegal if the trouble it has caused persists. In particular, he/she may request that a rectification be made or that the judgement be communicated to third parties or published. He/she may also ask for damages (Article 9 UCA). Provisional measures are also possible (Article 14 UCA). Proceedings may be instituted by customers whose economic interests are threatened or injured by an act of unfair competition. Proceedings may also be initiated by trade or business associations whose rules and regulations authorize them to protect the economic interests of their members and organizations of national or regional importance with a statutory duty to protect the consumer (Article 10 - actions to prohibit (prevent) or terminate the unfair act).

Criminal provisions: anyone who intentionally engages in unfair competition (for example, gives inaccurate or misleading information on his/her goods, takes measures liable to give rise to misunderstanding with respect to the goods, etc.) will, upon complaint, be liable to imprisonment or a fine of up to CHF 100,000 (Article 23 UCA).

48. *Who has the right to enforce a geographical indication?*

Generally, every infringed party has the right to enforce a geographical indication. According to Article 54 of the Trademark Act, professional and business associations, authorized by statutes to protect the economic interests of their members as well as organizations devoted by statutes to protection of consumers, may file a civil action.

49. *What judicial or administrative bodies have jurisdiction over enforcement actions related to geographical indications? Are there fees involved and, if so, what are those fees?*

The courts enumerated in the answer to question 1 of the Checklist of Issues on Enforcement<sup>7</sup> have jurisdiction over enforcement actions related to geographical indications. Costs depend on the value in cause. There is a separation between the lawyers' tariff and the court fees. Both are regulated in acts and ordinances respectively. The costs of a proceeding comprise the court fees (including also all the costs in court and all other costs, in particular the representation costs of the lawyer). The fee to be paid for the execution of the proceedings depends on the value in dispute. It is a lump sum per instance appealed to for the decision, and a fee for the protocol depending on the duration of the proceedings, in particular the number and duration of the court hearings. To this must be added possible further costs (in particular the costs in court for experts and fees paid to witnesses), the amount of which cannot even be approximated in view of the different circumstances encountered in each procedure.

50. *Must the public be notified of the existence of a geographical indication and, if so, how and how often?*

No.

51. *Is unauthorized use of a geographical indication subject to criminal action and, if so, describe the procedures. If the law has not been notified pursuant to Article 63.2 of the TRIPS Agreement, please provide a copy.*

---

<sup>7</sup> Document IP/N/6/LIE/1.

Yes. See the answer to question 47 above.

#### H. INTERNATIONAL AGREEMENTS

52. *Is your government party to an international, including bilateral or plurilateral, agreement for the notification and/or registration of geographical indications? If so, please name the international agreement and explain the relationship between it and your national legislation.*

Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods of 1891 and the Paris Convention for the Protection of Industrial Property (ratification of the latest Acts of both Agreements). According to Liechtenstein Constitutional Law, international agreements are an integral part of national law and national legislation will be interpreted accordingly by national courts.

53. *What other international agreements, if any, have been entered into? What do those agreements provide?*

-

## II. RESPONSES TO THE QUESTIONS IN DOCUMENT IP/C/13/ADD.1

### A. GENERAL (SECTION A OF DOCUMENT IP/C/13)

1. *Does your economy's industrial property law and/or related law prevent the use of geographical indications identifying wines or spirits against products not originating in the place indicated by the geographical indication, even where the true origin of the goods is indicated or the geographical indication is used in translation or accompanied by expressions such as "kind", "type", "style", "imitation" or the like?*

Yes. The use of delocalizing terms, for example, adding the actual place of production to a false geographical indication or adding indications such as "kind", "type", "style", "according to the method", "as produced in", etc, is illegal in Liechtenstein.

The definition of geographical indication in Article 45 (see answer to question 8 under I above) also includes indications which emphasize the quality or properties of a product by suggesting an incorrect source. This provision also covers appellations of origin such as those of the wine sector. Inasmuch as other provisions do not deal expressly with the specific question of delocalizing qualifiers, it is the Trademark Act that applies. Finally, geographical indications not registered under the above mentioned Swiss Ordinance fall under the Trademark Act. Delocalizing qualifiers are also prohibited for these indications. See furthermore the relevant provisions applicable under the EEA Agreement as mentioned in the answer to question 2 under I above, especially EEC Regulations 1576/89 and 1601/91.

### B. DEFINITION AND CRITERIA FOR RECOGNITION (SECTION B OF DOCUMENT IP/C/13)

2. *Is there a clear distinction among the terms "geographical indications", "appellations of origin" and "indications of source" in your economy's industrial property law and/or related law, or are there any substantive criteria to distinguish these terms?*

In the national law (see the answer to question 2 under I above), only the term "geographical indication" is used.

3. *Does your legislation contain criteria for homonymous geographical indications for wines and spirits?*

See the answer to question 14 under I above.

C. RELATIONSHIP TO TRADEMARKS (SECTION F OF DOCUMENT IP/C/13)

4. *Does your economy's industrial property law and/or related law provide the refusal or invalidation of a trademark registration, which consists of or contains geographical indications identifying wines or spirits with respect to such wines or spirits not originating in the indicated territory?*

See the answer to question 44 under I above.

---