

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

Responses to the Checklist of Questions¹

Addendum

Responses from Lithuania

The present document represents the responses to the Checklist which the Secretariat has received from Lithuania by means of a communication from its Permanent Mission, dated 2 July 2002.

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 in Lithuania is provided through the relevant provisions of the Law on Competition (Articles 16 and 17) and the Law on Trademarks (Articles 2.4, 6.1.11, 6.1.12 and 7.1.5). There are no special provisions for notification/registration of geographical indications.

Implementing the Regulations of the European Union on the geographical indications for wines, the Ministry of Agriculture adopted the same technical regulation with the list of geographical indications for wines. Lithuania does not have any authorized or otherwise compiled list of Lithuanian geographical indications. Questions concerning the geographical indications that are subject to protection arise in the phases of examination of the marks, requested for registration, as well as during the settlement of disputes before the courts.

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

There is a single regime for all products with an extended protection for alcoholic beverages.

¹ Documents IP/C/13 and IP/C/13/Add.1.

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

The provisions of the Law on Competition are applicable to both goods and services. Under the Law on Trademarks, the protection of geographical indications extends only to goods.

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 following provisions provide for the recognition of geographical indications required by Articles 22.2 and 23.1 of the TRIPS Agreement:

(a) Law on Competition (Article 16)

"1. Undertakings shall be prohibited from performing any acts contrary to honest business practices if such acts may be detrimental to competition interests of another undertaking, including:

...

(2) misleading of undertakings by providing them with incorrect or unjustified information about quantity, quality, components, properties of usage, place and means of manufacturing, price of its goods or goods of another undertaking, or concealing risks associated with the consumption, processing or other possible usage of those goods;

...

3. The information specified in subparagraph (2) of paragraph 1 hereof on the designation of origin of a good implies geographical indications provided in any suitable way characterizing the good as produced in the territory of a certain state or in a certain region or area of the territory which is associated with quality, reputation or other properties of the good".

(b) Law on Trademarks (Articles 2.4, 6.1.11 and 6.1.12)

Article 2

"...

4. 'Geographical indication' means a place name or other word or sign which directly or indirectly identify a good as originating in a certain territory, region or locality, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin."

Article 6. Absolute Grounds for Refusal of Registration or Invalidation of a Mark

"1. A sign shall not be recognised as a mark and shall be refused registration or the registration of a registered mark shall be declared invalid if:

...

(11) it contains or consists of a geographical indication with respect to goods not originating in the territory indicated, if use of the indication in the mark for such

goods in the Republic of Lithuania is of such a nature as to mislead the public as to the true place of origin of the goods. The above provision shall also be applicable against a geographical indication which, although literally true as to the place of origin of the goods, falsely represent to the public that the goods originate in another territory;

(12) it contains or consists of a geographical indication identifying wines for wines or spirits for spirits not originating in the place indicated by the geographical indication in question, 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."

The Laws mentioned above have been notified to WTO (IP/N/1/LTU/1 of 24 September 2001).

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 answers to questions 1 and 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.*

No domestic geographical indication has yet been protected.

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.*

No, it does not. The higher level of protection is provided only for wines and spirits in the Law on Trademarks (Article 6.1.12).

B. DEFINITION AND CRITERIA FOR RECOGNITION

8. *How are geographical indications defined?*

Under the Article 16.3 of the Law on Competition:

"The information specified in subparagraph 2 of paragraph 1 hereof on the designation of origin of a good implies geographical indications provided in any suitable way characterizing the good as produced in the territory of a certain state or in a certain region or area of the territory which is associated with quality, reputation or other properties of the good."

According to Article 2.4 of the Law on Trademarks:

" 'Geographical indication' means a place name or other word or sign which directly or indirectly identify a good as originating in a certain territory, region or locality, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin."

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

Yes.

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

The criteria considered are those contained in the answer to question 8 above.

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?*

No special provisions on human creativity.

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

No.

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?*

There is no special authority which would define the geographic region or area for which rights are claimed, since there is no definition of geographic region or area in the laws and regulations of Lithuania.

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

No special provisions on homonymous geographical indications for wines.

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

Yes. The Law on Competition and the Law on Trademarks provide equal treatment and protection of domestic and foreign geographical indications.

According to Article 2.2 of the Law on Competition: "This Law shall also be applicable to the activity of undertakings registered beyond the territory of the Republic of Lithuania if said activity restricts competition in the domestic market of the Republic of Lithuania."

Under Article 3.4 of the Law on Trademarks: "Foreign nationals shall exercise all rights specified in this Law and in legal acts regulating the implementation thereof."

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.

C. PROCEDURE FOR RECOGNITION

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?*

18. *What are the competent authorities where the protection of a 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?*
20. *What, if any, fees are involved in the application and maintenance of rights in a geographical indication?*
21. *If criteria must be set out in an application for recognition of a geographical indication, are those criteria purely geographic in nature?*
22. *What other criteria, if any, must be set out in an application for recognition of a geographical indication?*
23. *What information must be supplied in an application for rights in a geographical indication?*
24. *Must the goods or services with respect to which a geographical indication is claimed be set out?*
25. *What mechanisms are provided to oppose the recognition of a geographical indication? How is an investigation conducted after such a complaint?*
26. *Who can oppose the recognition of a geographical indication?*
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?*

Lithuania has no procedure for recognition of geographical indications.

D. MAINTENANCE

28. *How long does recognition for a geographical indication continue?*
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.*
30. *Must a geographical indication be used in order to maintain rights? If so, how is such use determined?*
31. *Is there a specified limit for non-use before rights in a geographical indication cease and, if so, what is that limit?*
32. *Who monitors the use of geographical indications to determine if the criteria identified in the application continue to be met?*
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.*

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?*

Lithuania has no procedure for maintenance of geographical indications.

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?*

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?*

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

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?*

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

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?*

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

Lithuania has no procedure for recognition of geographical indications.

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?*

Under Article 6 of the Law on Trademarks, "a sign shall not be recognized as a mark and shall be refused registration or the registration of a registered mark shall be declared invalid if:

...

(11) it contains or consists of a geographical indication with respect to goods not originating in the territory indicated, if use of the indication in the mark for such goods in the Republic of Lithuania is of such a nature as to mislead the public as to the true place of origin of the goods. The above provision shall also be applicable against a geographical indication which, although literally true as to the place of origin of the goods, falsely represent to the public that the goods originate in another territory;

(12) it contains or consists of a geographical indication identifying wines for wines or spirits for spirits not originating in the place indicated by the geographical indication in question, 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."

Under Article 7 of the Law on Trademarks, "registration of a mark shall be declared invalid if the mark is:

...

(5) identical with the geographical indication protected in the Republic of Lithuania or possessing a misleading likelihood thereto, except for the indication incorporated in the mark as the disclaimer, for which registration is applied for by a person entitled to use the geographical indication."

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?*

See the answer to question 44 above.

Also Article 18 of the Law on Trademarks provides:

"1. Within a period of three months following the publication of the registered mark in the Official Bulletin of the State Patent Bureau, the interested persons may give to the Appeals Division a justified written opposition to registration of the mark on the grounds that it may not be registered under Articles 6 and 7 of this Law.

...

5. Following the examination of the opposition, the Appeals Division shall adopt one of the following decisions:

(1) to decide that the opposition is allowable and declare registration of the mark invalid in respect of all or some of the goods and/or services;

(2) to reject the opposition and leave the registration of the mark valid."

Article 43 of the Law on Trademarks provides:

"1. Upon request by any interested person, the registration of a mark may be invalidated by the court on the ground that the said mark does not comply with Articles 6 and 7 of this Law."

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 of the protection for geographical indications in Lithuania is provided under:

- Law on Competition (Articles 16-17)

"Article 16: Prohibition of Acts of Unfair Competition.

1. Undertakings shall be prohibited from performing any acts contrary to honest business practices if such acts may be detrimental to competition interests of another undertaking, including:

...

(2) misleading of undertakings by providing them with incorrect or unjustified information about quantity, quality, components, properties of usage, place and means of manufacturing, price of its goods or goods of another undertaking, or concealing risks associated with the consumption, processing or other possible usage of those goods;

...

3. The information specified in subparagraph (2) of paragraph 1 hereof on the designation of origin of a good implies geographical indications provided in any suitable way characterizing the good as produced in the territory of a certain state or in a certain region or area of the territory which is associated with quality, reputation or other properties of the good.

Article 17. Protection of Rights

1. The undertaking legitimate interests whereof are violated by actions of unfair competition shall be entitled to bring an action in court seeking:

- (1) termination of illegal actions;
- (2) recovery of the damages;
- (3) imposition of the obligation to make one or several statements of a certain content or form, denying the previously submitted incorrect information or giving explanations as to the identity of the undertaking or its goods;
- (4) seizure and destruction of the goods, their packaging or attributes, directly related to unfair competition, unless infringements can be eliminated otherwise.

2. The organisations representing the interests of undertakings or consumers shall also enjoy the rights specified in subparagraphs 1, 3 and 4 of paragraph 1 hereof.

3. Liability for the use of misleading advertising shall be established by the laws of the Republic of Lithuania.

4. The Competition Council shall investigate the acts of unfair competition only in the cases where these acts violate the interests of a number of undertakings or consumers. The Competition Council shall impose sanctions for these acts provided for by legislation."

- Law on Trademarks (Articles 6-7, 18, 46 and 50-53)

"Article 6. Absolute Grounds for Refusal of Registration or Invalidation of a Mark

1. A sign shall not be recognised as a mark and shall be refused registration or the registration of a registered mark shall be declared invalid if:

...

(5) the sign is of such a nature as to mislead the public, for instance as to the nature, quality or geographical origin of the goods and/or services;

...

(11) it contains or consists of a geographical indication with respect to goods not originating in the territory indicated, if use of the indication in the mark for such goods in the Republic of Lithuania is of such a nature as to mislead the public as to the true place of origin of the goods. The above provision shall also be applicable against a geographical indication which, although literally true as to the place of origin of the goods, falsely represent to the public that the goods originate in another territory;

(12) it contains or consists of a geographical indication identifying wines for wines or spirits for spirits not originating in the place indicated by the geographical indication in question, 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.

...

Article 7. Other Grounds for the Invalidation of Registration

1. Registration of a mark shall be declared invalid if the mark is:

...

(5) identical with the geographical indication protected in the Republic of Lithuania or possessing a misleading likelihood thereto, except for the indication incorporated in the mark as the disclaimer, for which registration is applied by a person entitled to use the geographical indication;

...

Article 18. Opposition

1. Within a period of three months following the publication of the registered mark in the Official Bulletin of the State Patent Bureau, the interested persons may give to the Appeals Division a justified written opposition to registration of the mark on the grounds that it may not be registered under Articles 6 and 7 of this Law.

2. The filing of opposition shall be subject to the payment of the fixed fee.

3. The Appeals Division shall verify within fourteen days from the day of receipt of the opposition whether the opposition complies with the requirements of paragraphs 1 and 2 of

this Article. Where the opposition is filed according to the procedure laid down in this Law and the Regulations and complies with the above requirements, the Appeals Division shall accept the opposition as admissible and shall communicate one copy of the opposition to the proprietor of the mark against which the opposition is filed or his representative.

4. The proprietor of the mark against which opposition is filed or his representative must within three months from the date of sending of the opposition file a justified reply to the opposition. Failure to file a justified reply to the opposition shall be considered as a refusal to participate in the examination of the opposition and shall not prevent the Appeals Division from examining the opposition in the absence of the proprietor of the mark against which the opposition has been filed or his representative.

5. Following the examination of the opposition, the Appeals Division shall adopt one of the following decisions:

(1) to decide that the opposition is allowable and declare registration of the mark invalid in respect of all or some of the goods and/or services;

(2) to reject the opposition and leave the registration of the mark valid.

6. The proprietor of the mark against which opposition is filed or his representative, or the person who filed the opposition or his representative, who did not attend the opposition examination proceedings, shall be within one month from the day of making of the decision communicated the decision in writing with a copy of decision attached to the communication.

7. The decision made by the Appeals Division may be appealed against to the Vilnius County Court within six months from the day of adoption thereof.

8. Decisions made by the Appeals Division shall be published in the Official Bulletin of the State Patent Bureau.

...

Article 46. Invalidation of a Registration

1. Upon request by any interested person, the registration of a mark may be invalidated by the court on the ground that the said mark does not comply with Articles 6 and 7 of this Law.

2. Having passed a decision of invalidation, the court shall send a copy of the effective decision to the State Patent Bureau which shall remove the mark from the Register according to the procedure laid down in Article 24 of this Law.

3. The registration of a mark may not be invalidated on the ground that it conflicts with an earlier mark which does not meet the requirements of paragraph 2 of Article 47 of this Law.

4. Invalidation or revocation of a mark shall not be allowed if the proprietor of an earlier registered mark has knowingly tolerated the use during five years of a later mark which has been the subject of a bona fide application, except where the coexistence would be liable to mislead the public or be contrary to public order.

5. After the invalidation or revocation of a mark the issued registration certificate shall also be declared invalid.

...

Article 50. Enforcement of Rights

With the aim of protecting his infringed rights, the proprietor of the mark shall be entitled to apply to court in accordance with the procedure prescribed by law, which may make a decision relating to:

- (1) recognition of rights;
- (2) injunction to terminate all actions which infringe or may infringe the rights specified in Article 38;
- (3) reimbursement of losses or damage (including moral damage), caused to the proprietor of the mark by actions which infringed the rights specified in Article 38, including lost income and other expenses;
- (4) payment of compensation;
- (5) re-establishment of the situation that existed before the infringement;
- (6) seizure and, where necessary, destruction of unlawfully used marks, devices or equipment for the production thereof, also of goods when it is impossible to remove the marks unlawfully affixed to them as well as of other devices and equipment used for the infringement of the rights conferred by virtue of this Law.

2. The proprietor of the mark shall be entitled to bring an action for infringement. If he fails to exercise the right, the action may be brought by the licensee, unless the license contract provides otherwise.

3. The holder of an exclusive license may bring an action for infringement, even if the contract provides otherwise, if the proprietor of the mark, after formal notice, does not himself bring an action for infringement within an appropriate period.

Article 51. Reimbursement of Losses and Damage. Compensation

1. The procedure for the reimbursement of losses and damage shall be regulated by the Civil Code of the Republic of Lithuania and the provisions of this Law.

2. When assessing the amount of losses, the court shall take into account the substance of violation, the amount of the inflicted damage and the lost income, as well as other expenses incurred by the proprietor of the mark. The unlawfully marked goods may be handed over by a court decision to the proprietor of the mark, if requested.

3. Instead of the reimbursement of losses, the proprietor may claim compensation. The amount of the compensation shall be determined according to the price of legal sale of a relevant good or service by increasing it up to 200% or up to 300% if the infringer has committed the infringement deliberately.

Article 52. Action by the Customs Authorities

Action by the customs authorities prescribed by the laws of the Republic of Lithuania shall be taken with respect to goods bearing marks without authorisation, which are imported to or exported from the Republic of Lithuania [see below].

Article 53. Criminal Liability for Infringement of the Rights of the Proprietor of the Mark

Criminal liability for the infringement of the rights of the proprietor of the mark shall be established by the Criminal Code of the Republic of Lithuania."

- Law on the Protection of Intellectual Property in the Field of Import and Export of Goods

According to this Law, the Customs authorities have the right to check at the border the goods which infringe the rights of trademark owners, ex officio or by request of trademark owner.

The aforementioned laws have been notified to WTO Secretariat (IP/N/1/LTU/1 of 24 September 2001)

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

Any interested person may oppose the registration of the trademark which consists in the unlawful use of the geographical indications and file an action in court or complain to Competition Council against unlawful use of a geographical indication.

According to the Article 17.1 of the Law on Competition:

"The undertaking legitimate interests whereof are violated by actions of unfair competition shall be entitled to bring an action in court seeking:

- (1) termination of illegal actions;
- (2) recovery of the damages;
- (3) imposition of the obligation to make one or several statements of a certain content or form, denying the previously submitted incorrect information or giving explanations as to the identity of the undertaking or its goods;
- (4) seizure and destruction of the goods, their packaging or attributes, directly related to unfair competition, unless infringements can be eliminated otherwise."

Under Paragraph 17.4 of the Law on Competition, the Competition Council investigates the acts of unfair competition (unfair competition is determined in Article 16, see the answer to question 4 above) only in the cases where these acts violate the interests of a number of undertakings or consumers. The Competition Council imposes sanctions for these acts provided for by legislation.

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?*

According to Article 49 of the Law on Trademarks, the Vilnius County Court has the jurisdiction to enforcement of the trademark proprietor's rights.

According to Article 17 of the Law on Competition, disputes for acts of unfair competition are heard by local courts of general jurisdiction. The Competition Council investigates acts of unfair competition only in such cases when the acts infringe interests of a number of entities or consumers (see the answer to question 48 above). There is no fee involved in relation to complaints made to the Competition Council. In civil and administrative proceedings provided by the Law on Trademarks legal costs include state fees.

When filing an opposition before the Appeal Division of the State Patent Bureau, a state fee of 320 Litass (3,45 Litass is equivalent for 1 Euro) must be paid.

When filing an action in court, a state fee 132 Litass or fee based on the value of the action must be paid.

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

No special provisions on public notifications.

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.*

Unauthorized use of geographical indications is not subject to criminal action.

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.*

Lithuania has not entered into any international agreement for the notification and/or registration of geographical indications.

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

As a part of WTO accession package, Lithuania, has signed the Memorandum of Understanding on the Protection of the Geographical Indications with Mexico on 14 October 1999.

Under this Understanding, Lithuania recognizes "tequila" as a geographical indication of the products which are originated from Mexico and Mexico recognizes "Palanga" as a geographical indication of the products which are originated from Lithuania.

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. Under Article 6 of the Law on Trademarks, "a sign shall not be recognized as a mark and shall be refused registration or the registration of a registered mark shall be declared invalid if:

...

(12) it contains or consists of a geographical indication identifying wines for wines or spirits for spirits not originating in the place indicated by the geographical indication in question, 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."

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?*

No, there is no such distinction made.

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

There are no special provisions for homonymous geographical indications for wines and spirits.

F. 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 and spirits with respect to such wines or spirits not originating in the indicated territory?*

Yes. See the answer to question 44 in Section I above.
