

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

Checklist of Questions¹

Responses from the Slovak Republic

The present document represents the responses to the Checklist which the Secretariat has received from the Slovak Republic, by means of a communication from its Permanent Mission, dated 17 November 1998.

I. INTRODUCTION

The valid Law No. 159/1973 Coll. of the Slovak Republic on the Protection of Appellations of Origin of Products (hereinafter referred to as "the Law on the Protection of Appellations of Origin") represents an essential legislative standard in the area of the protection of geographical indications.

Pursuant to Section 1 of the mentioned law, which stipulates a positive term specification, it is understood that appellations of origin of products are defined as: "the geographical name of a country, region, or locality, which has become generally known to designate a product originating therein, the quality and characteristics of which are due exclusively or essentially to the geographical environment, including natural and human factors".

Therefore, it is obvious that possible contradictions in comparison with the TRIPS terminology might occur, but these do not impede the implementation process in relation to the TRIPS Agreement, since the definition draws from the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration of 31 October 1958, as revised at Stockholm on 14 July 1967, and as amended in 1979 (hereinafter as "Lisbon Agreement").

II. 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?

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

The protection of appellations of origin of products is included both in the Law on the Protection of Appellations of Origin of Products and in provisions on unfair competition. As far as the provisions on unfair competition are concerned, these are not regulated by a separate law, but are included in Law No. 513/1991 Coll., the Commercial Code. The Slovak legislative comprehends, under the term "unfair competition", such conduct that is contrary to the standard practices of competition and may be detrimental to other competitors or consumers. The activity being described as unfair competition will take effect only if these conditions are fulfilled cumulatively. A demonstrative enumeration of particular bases of unfair competition activity includes, as well, a provision on deceptive indication of goods and services. According to the provision, deceptive indication of goods and services refers to:

- (a) any description of goods and services that is capable of evoking a mistaken assumption in business circles that the goods or services in question come from a certain country, from a certain area, or a certain manufacturer (producer), regardless of the fact where such a description shall appear. It shall be irrelevant whether the deceptive description is provided directly or indirectly, and by which means. A fact that is in itself correct shall be considered deceptive, if used in certain circumstances or context in such a way as to mislead.
- (b) any incorrect description of goods or services, even if accompanied by an addendum such as "the kind", "the type", "the method", in order to distinguish deceptive as long as the description is still capable of misleading.
- (c) the use of any name, which is commonly used in business to describe a certain kind, or a certain quality, shall not be considered deceptive, unless accompanied by an addendum that may be capable of evoking mistaken assumptions, e.g. the words "genuine", "original", etc.

The above-mentioned provisions shall not affect the rights and duties ensuing from the registered appellation of origin of products.

Protection being provided in the scope of unfair competition effects, therefore, all appellations complying with the above-mentioned conditions, under a condition of its applicability, i.e. the existence of a competitive relationship between an infringer and aggrieved person (party).

Protection being provided in appliance with the Law on the Protection of Appellations of Origin comes into being by the entry into the Register of appellations of origin administrated by the Industrial Property Office of the Slovak Republic (hereinafter referred to as "the Office") which, if by the law stipulated conditions are complied with, files the particular appellation. The above-mentioned protection concerning the registered appellation is absolute and stricter. In accordance with Section 4 of this Law, no one shall have the right to misuse a registered appellation of origin, in particular to misappropriate it or to imitate it, even where the true origin of the product is indicated or where the appellation is used in a translated or altered form if despite the difference there is a risk of confusion, or even where the appellation is accompanied by terms such as "kind", "type," "make", "imitation", or the like. A registered appellation of origin may not be used as the generic name of a product.

Protection is provided, also, by Law No. 140/1961 Coll., as amended, the Criminal Code, which defines *res gestae* of a criminal act infringing the rights of a trademark, trade name and protected appellation of origin. According to Section 150 of the Criminal Code, the one who acquires the economic benefit by entry into free circulation of goods labelled with an assumptive appellation of origin being not in his/her exclusive ownership or by confusable goods appellation, will be sentenced to up to one year infamous punishment, statutory penalty or forfeiture.

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

Consequently, in compliance with Section 1, subsection 2 of the Law on the Protection of Appellations of Origin, we have a single regime of protection of appellations of origin for industrial, technical, agricultural and natural products, i.e. products of all branches, in a broad sense.

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

A deceptive description of services is also included in the protection against unfair competition; protection, according to the Law on the Protection of Appellations of Origin, applies to the appellation of origin of products.

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.*

Protection in accordance with Article 22.2 of the TRIPS Agreement is provided by the Law on the Protection of Appellations of Origin and provisions of unfair competition (see the reply to question 1 above, the section on the protection against unfair competition and protection in accordance with the Law on the Protection of Appellations of Origin); protection is, in accordance with Article 22.2 of the TRIPS Agreement, provided, i.a. by Law No. 55/1997 Coll. on Trademarks (hereinafter as: "the Trademark Law"), which in Section 2, subsection 1(f) stipulates on the basis of absolute registration exclusion being taken into account by the Office ex officio the obligation to repudiate such a sign which may mislead the public, especially as far as the nature, quality and geographical origin of products and services are concerned; protection is, in accordance with Article 23.1 of the TRIPS Agreement, provided for the appellation of all products, not only for wines and spirits (see the reply to question 1 above).

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.*

Not applicable.

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.*

Examples of Slovak appellations of origin of products:

"Korytnická minerálna voda" – registered appellation of origin for mineral water. The entry in the Register of appellations of origin in the Office was carried out according to the Law on the Protection of Appellations of Origin.

"Karpatská perla" - registered appellation of origin for wine. The entry in the Register of appellations of origin in the Office was carried out according to the Law on the Protection of Appellations of Origin.

"Modranská majolika" - registered appellation of origin for hand-painted pottery. The entry in the Register of appellations of origin in the Office was carried out according to the Law on the Protection of Appellations of Origin.

"Piešťanské bahno" - registered appellation of origin for healing mud. The entry in the Register of appellations of origin in the Office was carried out according to the Law on the Protection of Appellations of Origin.

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 provisions of Article 23.2 regulate the supplementary protection for wines and spirits in such way that it will not be possible to register as a trademark such a sign (or will be possible the cancellation of a registered trademark) which consists of such a geographical indication identifying wines and spirits not originating therein – without pronouncement of condition of deception.

The Trademark Law does not allow the registration of such a sign, which is liable to mislead the public, in particular with regard to the nature, quality or geographical origin of the goods or services. This is a registration exclusion being taken into account by the Office ex officio.

The registration exclusion relates to any good or service. To enable the registration of such a designation as a trademark, the applicant has to prove that goods or services originate in the place indicated by the geographical indication in question and then the Office can accept this proof as sufficient for registration of a trademark.

B. DEFINITION AND CRITERIA FOR RECOGNITION

8. *How are geographical indications defined?*

See the Introduction above.

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

See the Introduction above.

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

The definition of appellation of origin, as defined above, sets up also the conditions for registration, i.e. (i) it must be a geographical name of a country, region or locality; (ii) it must be a name which has come to be generally known – according to the nature of the product, either among experts or common consumers as information about a product's origin; and (iii) the product must have specific attributes or quality which are due exclusively or essentially to the geographical environment, including natural and human factors.

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?*

Appellations of origin include folk-art products which are indigenous in their design, shape, technology and quality obtained by creativity, skills and tradition representing human sources in that region (e.g. Pozdišovská keramika /pottery/, Piešťanské kúpeľné oblátky /waffles/).

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

Our Law on the Protection of Appellations of Origin does not concern other intellectual property rights, in particular.

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?*

In normal practice, the Office has accustomed to register an appellation of origin in the form as it is stated in the application of appellation of origin. In most cases, it is the name according to the administrative territorial classification of Slovakia – the names of villages, districts, which are defined by the Law of the Slovak National Council.

An extra obligatory regulation delimiting geographical territories or places of origin of products refers to the wine products respectively. Law No. 332/1996 Coll. on Viticulture and Winemaking divided the territory of Slovakia into vine-growing districts, regions and vine-growing villages. Vine-growing districts are defined directly by the mentioned Law. Vine-growing regions and villages are defined by the Decree of the Ministry of Agriculture No. 153/1998 Coll.

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?*

The Slovak Republic is a member of the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration and provides protection of appellations of origin of products from other countries in compliance with the provisions, as stated therein.

If the protection is required directly in the Office, according to Decree No. 160/1973 Coll., the foreign legal entity or natural person shall in lieu of the mentioned Decree, submit a certificate whereby the appellation of origin is recognized in the country of origin, issued in the name of the applicant. Similarly, if such a person applies for registration of another holder of the right to use registered appellations of origin, the applicant shall submit with the application a document attesting that the person or entity in question is the other holder of the right to use the appellation of origin in question in the country of origin.

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.*

See the answer to question 15 above.

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?*

The applicant can be any legal entity or natural person.

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

The Industrial Property Office of the Slovak Republic.

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?*

Proceedings on registration of the appellation of origin into the Register and registration of another holder of the right to use such appellation of origin are performed on a proposal of the competent person.

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

According to Law No. 145/1995 Coll. on Administrative Fees, the fee for filing an application for an appellation of origin is 2000 Slovak crowns. The fees for maintenance are not paid.

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

The application for an appellation of origin of products shall contain:

(i) identifying data of the applicant or his/her representative; (ii) the trade name and head Office of the factory in the locality whose geographical name constitutes the appellation of origin; (iii) the name of the appellation of origin and the name of the products to which the appellation of origin applies; (iv) the country, region or locality of the product originating therein; (v) the quality and characteristics of the said products. The application shall be accompanied by a document attesting the name of the applicant and the subject of his business activity, e.g. extract from the Companies Register, statement of the Municipal Office, statement of the respective central authority (in most cases, the Ministry of Agriculture, Ministry of Health) and receipt confirming that the administrative fee has been paid.

The application for registration of every other user shall contain the same data and the application is accompanied with the same documents as the first application.

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

See the answer to question 21 above.

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

See the answer to question 21 above.

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

The application shall contain a document indicating the applicant's name and business activity, e.g. an extract from the Companies Register.

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

In acting before the Office this is not permitted by the Slovak legislation; but it is possible to bring an action before court against unfair competition.

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

See the answer to question 25 above.

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 most requested protection is the one provided by means of the mechanisms of the Lisbon Agreement - a request for the registration by the International Bureau consecutively notifying the Office (which, within a one-year period, may issue the declaration in accordance with Article 5(3) of this Agreement).

Otherwise, the protection can be obtained by means of the geographical indication procedure. The procedure is the same as in case of domestic geographical indications, but the application filed by a foreign applicant shall contain recognition of the geographical indication in the applicant's country of origin and, similarly the request for registration of another user shall contain a document confirming that he is another user of the geographical indication in the country of origin.

D. MAINTENANCE

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

Protection has no time limitation.

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.*

The Law does not require a renewal of the geographical indication.

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

The Law does not stipulate a condition due which the rights are maintained by the use of an indication.

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

There is no specific limit for non-use of a geographical indication.

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

Continuation of the criteria is not monitored.

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

Relating to the provision of Section 10 of the Law on the Protection of Appellations of Origin the Office shall cancel the registration of an appellation of origin if it finds out that:

- (a) the appellation of origin was registered although the requirements set out in Section 1 had not been fulfilled;
- (b) the conditions prescribed for the registration of the appellation of origin have ceased to exist;
- (c) all the registered holders of the right to use the appellation of origin have renounced the appellation of origin in writing.

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.*

The Office can, on a proposal, initiate the cancellation procedure of the geographical indication, in compliance with the previous answer.

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?*

In accordance with the Law, ex officio on a proposal, as well; in practice, on a proposal.

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?*

The right to use a registered geographical indication is granted only to those users who are registered in the Geographical Indications Register; no additional criteria are required.

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?*

The Law does not explicitly govern the question of the determination of conditions. The first applicant determines distinctive characters that should be respected in case of another user registration.

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?*

A request for the registration of another user is subject to a fee payment (2,000 Slovak crowns for each another user), in accordance with Law No. 145/1995 Coll. on Administrative Fees.

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

According to Section 5 of the Law on the Protection of Appellations of Origin, a registered holder may request the court to prohibit infringement of his rights and to remedy the unlawful situation; in case of a conflict with a trademark, see the answer to question 46 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?*

No.

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

Not applicable.

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?*

Relating to the provision of Section 4(3) of the Law on the Protection of Appellations of Origin, a registered geographical indication cannot be licensed.

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

We assume that the mentioned provision has not a cogent character; in our opinion, it is the interpretative rule of TRIPS implementation of which is not appropriate and possible in the Law. The "grandfather use" did not occur in our country.

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?*

As regards the protection of other laws (the Trademark Law), registration of a geographical indication is based on the registration principles. The conflict is solved by means of provisions on unfair competition and by the Law on Trademarks.

Obligations resulting from Article 16.1 of the TRIPS Agreement are applied in the Slovak legal system, particularly in Section 25 of Law No. 55/1997 on Trademarks in which it is stated that no person may use a sign that is identical with or confusingly similar to a trademark that has been registered for identical or similar goods and services without the consent of the trademark owner. Also, no person may use such a sign in connection with such goods or services that are related with the commercial activities without consent of the trademark holder.

The Slovak legislation comprehends, under the term "legally relevant consent", the conclusion of a licence agreement.

A trademark owner may request the court to impose a ban for using his/her trademark or sign that is confusingly similar to his/her trademark or sign for identical or similar goods or services and may require that the articles thus marked be withdrawn from the market.

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?*

Article 6bis of the Paris Convention is incorporated into provisions of Law No. 55/1997 Coll. on Trademarks that are dealing with the objections against the entry of a trademark in the Register (Section 4c), cancellation of the trademark registration as well as the provisions on rights of a trademark owner.

Particularly, pursuant to Section 26 of this Law, the owner of a well-known mark entered in the Register may claim the same protection (as stated in the reply to question 44 above) whether or not the goods or services are identical or similar, provided that the usage of a well-known mark would suggest an association between the goods or services thus marked and the owner of the well-known mark and his/her interests might be prejudiced by such use.

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

As mentioned in the answer to question 4 under III below, the valid Slovak trademark legislation stipulates on the basis of absolute registration exclusion being taken into account by the Office ex officio the obligation to repudiate such a sign which may mislead the public, especially as far as the nature, quality and geographical origin of products and services are concerned.

As a result, it is also possible to consider the cancellation of a trademark. This is possible pursuant to Section 16 (1) in connection with Section 2(1) (f) of Law No. 55/1997 Coll. on Trademarks, in the proceeding open by the Office ex officio or at the proposal of a third person. It is the cancellation of such a trademark, which is registered contrary to the conditions stated in the Law, i.e. such a trademark, which may, i.a. mislead the public as to its geographical origin or services.

However, such a trademark application, which is not misleading as to the geographical origin of the goods, (though the applicant does not correspond with the person originally registered in the register of the appellation of origin), the Law on Trademarks provides a competent subject with a possibility to enter an objection, which may be applied in compliance with this Law. If the Office ascertains, on the basis of the objections entered in compliance with this Law, that the appellation is identical or confusingly similar to another subject of industrial property (in this case of the appellation of origin) with the earlier priority right, the Office repudiates the trademark application for such a designation.

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.*

See the reply to question 1 above.

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

A registered user pursuant to the Law on the Protection of Appellations of Origin; any competitor, pursuant to the provisions of Chapter V of Law No. 513/1991 Coll., the Commercial Code.

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?*

Pursuant to Section 5 of the Law on the Protection of Appellations of Origin a registered user of an appellation of origin may claim to impose a ban on the infringement of his/her rights and to remove the defective status; a proposal to initiate proceedings in relation to the rights of appellations of origin charges, pursuant to Law No. 71/1992 Coll. on Court Fees, a fee of 3,000 Slovak crowns.

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

A notification of the entry of the appellation of origin in the Register is published in the Gazette of the Office, which is issued monthly.

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.*

Law No. 140/1961 Coll., the Criminal Code, as amended, defines *res gestae* of a criminal act infringing the rights of a trademark, trade name and protected appellation of origin. According to Section 150 of the Criminal Code, the one who acquires the economic benefit by entry into free circulation of goods labelled with an assumptive appellation of origin being not in his/her exclusive ownership or by confusable goods appellation, will be sentenced to up to one year infamous punishment, statutory penalty or forfeiture.

As to the criminal proceedings, pursuant to the provisions of Law No. 141/1961 Coll. as amended, the Code of Criminal Procedures, it consists of several stages. Firstly, the police verify intimations concerning the facts, which indicate that a criminal offence has been committed. Secondly, preparatory proceedings, executed on the basis of an investigation, shall ascertain whether the suspicion of a criminal offence against a particular person is supported enough to bring an accusation against such a person and to forward *res gestae* to the Court. In case the result, supported with detected facts, is supported enough and proves that a criminal offence has been committed by a particular person, the criminal prosecution shall be initiated on the basis of a resolution on bringing an accusation against such a person. The preparatory proceeding is followed by the accusation brought by the prosecutor. If the prosecution is supported enough for the main hearing the judge – chief justice – will order such a hearing.

At the main hearing the court will examine the accusation stated in the prosecution, view evidences, and make a decision on a punishment, the manner of punishment's execution and other facts stipulated by the law.

The Code of Criminal Procedures also adjusts, by means of its provisions, legal remedies, individual ways of proceedings (e.g. against the underage) and performing proceedings.

We have decided for a brief description of the criminal proceedings in the Slovak Republic as it is quite extensive legal rule (392 sections), which re-codification is at a stage of its intensive preparation. To provide a notification of its version is for the time being hardly viable for the Office considering shortness of the time and, in our opinion, as far as the perspectives of the re-codification are concerned, such a notification would be useless as well.

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.*

The Slovak Republic is party to the following international conventions and treaties relating to geographical indications:

Paris Convention for the Protection of Industrial Property of 20 March 1883, revised at Brussels on 14 December 1900, at Washington on 2 June 1911, at The Hague on 6 November 1925, at London on 2 June 1934, at Lisbon on 31 October 1958, at Stockholm on 14 July 1967;

Lisbon Agreement for the Protection of Appellations of Origin and their International Registration of 31 October 1958, revised in Stockholm on 14 July 1967;

Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods of 14 April 1891, revised at Washington on 2 June 1911, at The Hague on 6 November 1925, at London on 2 June 1934, at Lisbon on 31 October 1958 and at Stockholm in 1967;

Agreement between Austria and the CSSR on Indications of Source on Goods, Appellations of Origin of Products and other Marking Concerning the Origin of Agricultural and Industrial Products (Decree No. 19/1981), which entered into force on 26 February 1981;

Agreement between the Government of Portugal and the CSSR on Indications of Source on Goods, Appellations of Origin of Products and other Geographic Denomination (Decree No. 63/1978), which entered into force on 7 March 1987;

Agreement between Switzerland and the CSSR on Indications of Source on Goods, Appellations of Origin of Products and other Geographic Denominations (Decree No.13/1976), which entered into force on 14 January 1976 .

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

No other international agreements regarding the notification and/or registration of geographical indications have been entered into.

III. 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?*

See the answer to question 1 under II above.

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

2/3. *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? Does your legislation contain criteria for homonymous geographical indications for wines and spirits?*

The Slovak legal system uses the expression "appellation of origin" only, as defined above. It does not contain any special criteria for homonymous geographical indications for wines and spirits.

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?*

As far as the relation between trademarks and appellations of origin is concerned, the Law on Trademarks, Section 2 (1) (f) does not allow to admit as a trademark such a sign which is liable to mislead the public, in particular with regard to the nature, quality or geographical origin of the goods or services. It is the matter of absolute exclusion of registration being taken into account by the Office ex officio.

In this relation it is also possible to consider the cancellation of a trademark. This is possible, pursuant to Section 16 (1) in connection with Section 2 (1) (f) of Law No. 55/1997 Coll. on Trademarks, in proceedings open by the Office ex officio or at the proposal of a third person. It regards the cancellation of such a trademark, which is registered contrary to the conditions stated in the Law, i.e. such a trademark, which may, i.a. mislead the public as to its geographical origin or services.
