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Article 24

International Negotiations; Exceptions

1. Members agree to enter into negotiations aimed at increasing the protection of individual geographical indications under Article 23. The provisions of paragraphs 4 through 8 below shall not be used by a Member to refuse to conduct negotiations or to conclude bilateral or multilateral agreements. In the context of such negotiations, Members shall be willing to consider the continued applicability of these provisions to individual geographical indications whose use was the subject of such negotiations.

2. The Council for TRIPS shall keep under review the application of the provisions of this Section; the first such review shall take place within two years of the entry into force of the WTO Agreement. Any matter affecting the compliance with the obligations under these provisions may be drawn to the attention of the Council, which, at the request of a Member, shall consult with any Member or Members in respect of such matter in respect of which it has not been possible to find a satisfactory solution through bilateral or plurilateral consultations between the Members concerned. The Council shall take such action as may be agreed to facilitate the operation and further the objectives of this Section.

3. In implementing this Section, a Member shall not diminish the protection of geographical indications that existed in that Member immediately prior to the date of entry into force of the WTO Agreement.

4. Nothing in this Section shall require a Member to prevent continued and similar use of a particular geographical indication of another Member identifying wines or spirits in connection with goods or services by any of its nationals or domiciliaries who have used that geographical indication in a continuous manner with regard to the same or related goods or services in the territory of that Member either (a) for at least 10 years preceding 15 April 1994 or (b) in good faith preceding that date.

5. Where a trademark has been applied for or registered in good faith, or where rights to a trademark have been acquired through use in good faith either:

(a) before the date of application of these provisions in that Member as defined in Part VI; or

(b) before the geographical indication is protected in its country of origin;

measures adopted to implement this Section shall not prejudice eligibility for or the validity of the registration of a trademark, or the right to use a trademark, on the basis that such a trademark is identical with, or similar to, a geographical indication.

6. Nothing in this Section shall require a Member to apply its provisions in respect of a geographical indication of any other Member with respect to goods or services for which the relevant indication is identical with the term customary in common language as the common name for such goods or services in the territory of that Member. Nothing in this Section shall require a Member to apply its provisions in respect of a geographical indication of any other Member with respect to products of the vine for which the relevant indication is identical with the customary name of a grape variety existing in the territory of that Member as of the date of entry into force of the WTO Agreement.

7. A Member may provide that any request made under this Section in connection with the use or registration of a trademark must be presented within five years after the adverse use of the protected indication has become generally known in that Member or after the date of registration of the trademark in that Member provided that the trademark has been published by that date, if such date is earlier than the date on which the adverse use became generally known in that Member, provided that the geographical indication is not used or registered in bad faith.

8. The provisions of this Section shall in no way prejudice the right of any person to use, in the course of trade, that person's name or the name of that person's predecessor in business, except where such name is used in such a manner as to mislead the public.

9. There shall be no obligation under this Agreement to protect geographical indications which are not or cease to be protected in their country of origin, or which have fallen into disuse in that country.

1.2 Article 24.2

1. At its meeting of 12 May 1998, the Council for TRIPS, in its review under Article 24.2 of the application of the provisions of the section of the TRIPS Agreement on geographical indications, took note of a Checklist of Questions¹ and invited those Members already under an obligation to apply the provisions of the section on geographical indications to provide responses, it being understood that other Members could also furnish replies on a voluntary basis. Further, at its meeting of 16 July 1998, the Council for TRIPS took note of some additional questions and agreed that those questions be included in the Checklist.² At its meeting of 7-8 July 1999, the Council for TRIPS requested the Secretariat to prepare a paper summarizing the responses to the Checklist of Questions on the basis of an outline, on the understanding that it would be made explicit that the paper would be without prejudice to the rights and obligations of Members and that its purpose was merely to facilitate an understanding of the more detailed information that had been provided in national responses to the Checklist.³

2. At its meeting of 2 March 2010, the Council for TRIPS, in its review under Article 24.2 of the application of the provisions of the section of the TRIPS Agreement on geographical indications, agreed to encourage Members to share information on and notify to the Council bilateral agreements related to the protection of geographical indications, which they had entered into.⁴

Current as of: February 2019

¹ [IP/C/M/18](#), para. 45. The Checklist of Questions was circulated as [IP/C/13](#).

² [IP/C/M/19](#), para. 42. The additional questions were circulated as [IP/C/13/Add.1](#).

³ [IP/C/M/24](#), para. 39. The Secretariat note was circulated as [IP/C/W/253](#) and subsequently updated and circulated as [IP/C/W/253/Rev.1](#).

⁴ [IP/C/M/62](#), paras. 68-74. This was based on a suggestion from China, supported by India, Ecuador, Angola, Brazil, and the United States.