

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

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

Checklist of Questions

Addendum

At its meeting of 16 July 1998, the Council took note of the attached questions communicated by Mexico and agreed that these questions be included in the Checklist of Questions attached to document IP/C/13. Members already under an obligation to apply the provisions of the Section on Geographical Indications are invited to provide their responses by 16 November 1998, it being understood that other Members could also furnish replies on a voluntary basis.

The four questions from Mexico should be added to sections B, A, F and B of the Checklist respectively, it being understood that, as reflected in document IP/C/13, Members responding to the Checklist are free to group their responses as they find appropriate in the context of their national systems.

ANNEX

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

Checklist of Questions

Addendum

The following questions should be added to the Checklist of Questions annexed to document IP/C/13.

Section A

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?

Section B

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?

Section F

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?
