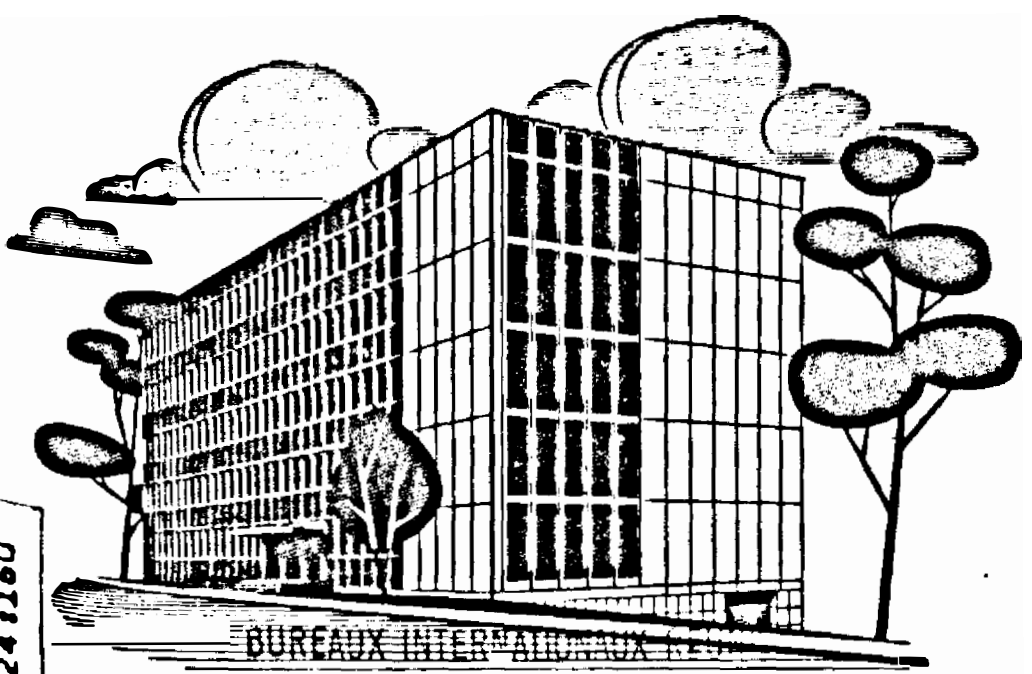


BIRPI

**UNITED INTERNATIONAL BUREAUX FOR
THE PROTECTION OF INTELLECTUAL PROPERTY**

LISBON

**LISBON AGREEMENT
FOR THE PROTECTION OF
APPELLATIONS OF ORIGIN AND THEIR
INTERNATIONAL REGISTRATION**



BUREAUX INTERNATIONAUX

POUR LA PROTECTION DE LA

PROPRIÉTÉ INTELLECTUELLE

BIBLIOTHÈQUE



GENEVA
September 1966

*This booklet may be obtained also in French, free of charge
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32, chemin des Colombettes, Geneva*

1707/1966

LISBON AGREEMENT FOR THE PROTECTION OF APPELLATIONS OF ORIGIN AND THEIR INTERNATIONAL REGISTRATION

OF OCTOBER 31, 1958

Article 1

The countries to which this Agreement applies form a Special Union within the framework of the Union for the Protection of Industrial Property.

They undertake to protect on their territories, in accordance with the terms of this Agreement, the appellations of origin of products of the other countries of the Special Union, recognized and protected as such in the country of origin and registered at the Bureau of the Union for the Protection of Industrial Property.

Article 2

(1) In this Agreement “appellation of origin” means the geographical name of a country, region or locality which serves 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.

(2) The country of origin is the country whose name, or the country in which is situated the region or locality whose name, constitutes the appellation of origin which has given the product its reputation.

Article 3

Protection shall be ensured against any usurpation or imitation, even if the true origin of the product is indicated or if the appellation is used in translated form or accompanied by terms such as "kind," "type," "make," "imitation," or the like.

Article 4

The provisions of this Agreement shall in no way exclude the protection already granted to appellations of origin in each of the countries of the Special Union by virtue of other international instruments, such as the Paris Convention of March 20, 1883, for the Protection of Industrial Property and the Madrid Agreement of April 14, 1891, for the Repression of False or Deceptive Indications of Source, last revised at Lisbon on October 31, 1958, or by virtue of national legislation or judicial decisions.

Article 5

(1) The registration of appellations of origin shall be effected at the International Bureau for the Protection of Industrial Property, at the request of the Administrations of the countries of the Special Union, in the name of any individual person or legal entity, public or private, having, according to their national legislation, a right to use such appellations.

(2) The International Bureau shall, without delay, notify the Administrations of the various countries of the Special Union of such registrations, and shall publish them in a periodical.

(3) The Administration of any country may declare that it cannot ensure the protection of an appellation of origin whose registration has been notified to it, but only in so far as its declaration is notified to the International Bureau, together with an indication of the reasons therefor, within a period of one year from the receipt of the notification of the registration, and provided that this

declaration is not detrimental, in the country concerned, to the other forms of protection of the appellation which the owner thereof may be entitled to claim under Article 4, above.

(4) This declaration may not be opposed by the Administrations of the countries of the Union after the expiry of the period of one year provided for in the preceding paragraph.

(5) The International Bureau shall, as soon as possible, notify the Administration of the country of origin of any declaration made under the terms of paragraph (3) by the Administration of another country. The interested party, when informed by his national Administration of the declaration made by another country, may resort, in that other country, to all the judicial and administrative remedies open to the nationals of that country.

(6) If an appellation which has been granted protection in a given country pursuant to the notification of its international registration has already been used by third parties in that country from a date prior to that notification, the competent Administration of the said country shall have the right to grant to such third parties a period not exceeding two years to terminate such use, on condition that it advise the International Bureau accordingly during the three months following the expiration of the period of one year provided for in paragraph (3), above.

Article 6

An appellation which has been granted protection in one of the countries of the Special Union, pursuant to the procedure provided for in Article 5, cannot, in that country, be considered as having become generic, as long as it is protected as an appellation of origin in the country of origin.

Article 7

(1) Registration effected at the International Bureau in conformity with Article 5 shall ensure, without renewal, protection for the whole of the period referred to in the preceding Article.

(2) A single fee shall be paid for the registration of each appellation of origin.

The amount of the fee to be collected shall be fixed unanimously by the Council established under Article 9, below.

The receipts from the fees collected by the International Bureau shall be used to meet the expenses of the international registration service of appellations of origin, subject to the application, to the countries of the Special Union, of Article 13(8) of the Paris Convention.

Article 8

The legal action required for ensuring the protection of appellations of origin may be taken in each of the countries of the Special Union under the provisions of the national legislation:

1. at the instance of the competent Administration or at the request of the public prosecutor;
2. by any interested party, whether an individual person or a legal entity, whether public or private.

Article 9

(1) A Council composed of representatives of all the countries members of the Special Union shall be established, at the International Bureau, for the implementation of this Agreement.

(2) This Council shall draw up its own statutes and rules of procedure and coordinate them with the organs of the Union for the Protection of Industrial Property and with those of international organizations which have concluded agreements for cooperation with the International Bureau.

Article 10

(1) The details for carrying out this Agreement are fixed in the Regulations which shall be signed at the same time as the Agreement.

(2) This Agreement, and the Regulations for carrying it out, may be revised in accordance with Article 14 of the General Convention.

Article 11

(1) Member countries of the Union for the Protection of Industrial Property which are not parties to this Agreement may accede to it at their request and in the manner prescribed in Articles 16 and 16*bis* of the Paris Convention.

(2) Notification of accession shall, in itself, ensure, on the territory of the acceding country, the benefit of the above provisions for appellations of origin which, at the time of the accession, are the subject of international registration.

(3) However, any country acceding to this Agreement may, within a period of one year, declare in regard to which appellations of origin, already registered at the International Bureau, it wishes to exercise the right provided for in Article 5(3).

(4) In the event of denunciation of this Agreement, Article 17*bis* of the Paris Convention shall apply.

Article 12

This Agreement shall remain in force as long as five countries at least are parties to it.

Article 13

This Agreement shall be ratified and the instruments of ratification deposited with the Government of the Swiss Confederation.

It shall come into force upon ratification by five countries, one month after the deposit of the fifth ratification has been notified by the Government of the Swiss Confederation, and, in the countries in whose name it is ratified at a later date, one month after the notification of each of such ratifications.

Article 14

(1) This Agreement shall be signed in a single copy in the French language, which shall be deposited in the archives of the Government of the Swiss Confederation. A certified copy shall be transmitted by the latter to each of the Governments of the countries of the Special Union.

(2) This Agreement shall remain open for signature by the countries of the Union for the Protection of Industrial Property until December 31, 1959.

(3) Official translations of this Agreement shall be established in English, German, Italian, Portuguese and Spanish.

**MEMBER STATES
OF THE LISBON UNION
(APPELLATIONS OF ORIGIN)**

(October 1, 1966)

Cuba

Czechoslovakia

France

Haiti

Israel

Mexico

Portugal