SUB-SECTION 3

Geographical indications

ARTICLE 14.26

Scope

1. This Sub-Section applies to the recognition and protection of geographical indications for wines, spirits and other alcoholic beverages[1] as well as agricultural products[2] which originate in the Parties.

2. For the purposes of this Chapter, "geographical indications" means indications which identify a good as originating in the territory of a Party, or a region or locality in that Party's territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.

3. Geographical indications of a Party listed in Annex 14-B shall be protected by the other Party under this Agreement if they fall within the types of goods that the other Party protects in accordance with its laws and regulations as listed in Annex 14-A.

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1 For the purposes of this Sub-Section, with respect to the protection of geographical indications in Japan, "alcoholic beverages" means beverages containing one per cent of alcohol or more.

2 For the purposes of this Sub-Section, with respect to the protection of geographical indications in Japan, "agricultural products" means agricultural, forestry and fishery products as well as foodstuffs excluding alcoholic beverages.

ARTICLE 14.27

System of protection of geographical indications

1. Each Party shall establish or maintain a system for the registration[1] and protection of geographical indications in its territory.

2. The system referred to in paragraph 1 shall contain at least the following elements:

(a) an official means to make available to the public the list of registered geographical indications;

(b) an administrative process to verify that a geographical indication to be registered as referred to in subparagraph (a) identifies a good as originating in the territory of a Party, or a region or locality in that Party's territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin;

(c) an opposition procedure that allows the legitimate interests of third parties to be taken into account; and

(d) a procedure for the cancellation[2] of the protection of a geographical indication, taking into account the legitimate interests of third parties and the users of the registered geographical indications in question.[3]

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1 For the purposes of this Sub-Section, with respect to the protection of geographical indications in Japan, "registration" and "register" respectively may be deemed to be synonymous with "designation" or "confirmation of protection" and "designate" or "confirm protection" under its relevant laws and regulations.

2 For the purposes of this Sub-Section, with respect to the protection of geographical indications in Japan, "cancellation" may be deemed to be synonymous with "exemption from protection" under its relevant laws and regulations.

3 Without prejudice to its laws and regulations on the system referred to in paragraph 1, each Party shall provide for legal means for the invalidation of the registration of geographical indications.