3. If a Party intends to protect, pursuant to an international agreement, a geographical indication of a third country which is homonymous with a geographical indication of the other Party which is protected under this Agreement, the former Party shall inform no later than on the date of the publication for opposition, the other Party of the opportunity to comment, provided that such opposition procedure for the relevant geographical indication of the third country to be protected commences after the date of entry into force of this Agreement.

4. In the opposition procedure and examination referred to in Article 14.28, each Party may consider the following grounds on which that Party shall not be required to protect a name as a geographical indication in Annex 14-B:

(a) that name conflicts with the name of a plant variety or an animal breed and as a result is likely to mislead the consumer as to the true origin of the good; and

(b) that name is the term customary in common language as the common name for the good concerned.

ARTICLE 14.30

Scope of the use of geographical indications

1. Any person may use any geographical indication protected under this Sub-Section provided that such use is related to the goods as identified by that geographical indication and in compliance with the scope of protection under this Agreement.

2. Once a geographical indication of a Party is protected under this Agreement in the other Party, the legitimate use of such protected name shall not be subject to any user registration or further charges in the other Party.

ARTICLE 14.31

Relationship with trademarks

1. If a geographical indication is protected under this Sub-Section, each Party shall refuse to register a trademark the use of which would be likely to mislead as to the quality of the good, provided that an application to register the trademark is submitted after the applicable date for protection of the geographical indication in the territory concerned[1] as referred to in paragraphs 2 and 3. Trademarks registered in breach of this paragraph shall be invalidated.

2. For geographical indications referred to in Article 14.28 and listed in Annex 14-B on the date of entry into force of this Agreement, the applicable date for protection shall be the date of entry into force of this Agreement.

3. For geographical indications referred to in Article 14.34 and not listed in Annex 14-B on the date of entry into force of this Agreement, the applicable date for protection shall be the date on which the amendment to Annex 14-B enters into force.

4. The Parties acknowledge that the existence of a prior conflicting trademark in a Party would not completely preclude the protection under this Agreement of a subsequent geographical indication for like goods in that Party.[2]

5. If a trademark has been applied for or registered in good faith, or if rights to a trademark have been acquired through use in good faith, in a Party, before a geographical indication is protected under this Agreement in that Party, measures adopted to implement this Sub-Section shall not prejudice the eligibility for or the validity of the registration of the trademark, or the right to use the trademark, on the basis that such a trademark is identical with, or similar to, the geographical indication.

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[1] For the purposes of paragraph 1, the examination of the trademark application which is filed in a Party after 1 February 2019 or the date of publication for opposition of a geographical indication referred to in Article 14.28, whichever is later, shall take into account the publication for opposition of the geographical indication.

[2] The competent authorities may require certain conditions for the protection of a geographical indication which conflicts with a prior existing trademark.