Article 11.31: Grounds for Opposition and Cancellation

1. With respect to the opposition procedures referred to in subparagraph 1(e) of Article 11.30 (Domestic Administrative Procedures for the Protection of Geographical Indications), each Party shall provide procedures that allow at least interested persons to oppose the protection of a geographical indication, and that allow for any such protection to be refused at least on the ground that the geographical indication is a term customary in common language as the common name[26] for the relevant good in the territory of that Party.

2. If a Party provides protection of a geographical indication through the procedures referred to in Article 11.30 (Domestic Administrative Procedures for the Protection of Geographical Indications) to the translation or transliteration of that geographical indication, that Party shall make available at least the ground which is the same as that referred to in paragraph 1 with respect to oppositions to the protection of that translation or transliteration.[27]

3. With respect to the procedures referred to in paragraph 1, in determining whether a term is a term customary in common language as the common name for the relevant good in the territory of a Party, each Party shall ensure that its competent authorities have the authority to take into account how consumers understand the term within the territory of that Party. Factors relevant to such consumer understanding may include:

   (a) whether the term is used to refer to the type of good in question, as indicated by competent sources such as dictionaries, newspapers, and relevant websites; and

   (b) how the good referenced by the term is marketed and used in trade in the territory of that Party.[28]

4. With respect to the cancellation procedure referred to in paragraph 2 of Article 11.30 (Domestic Administrative Procedures for the Protection of Geographical Indications), no Party shall preclude the possibility that the protection of a geographical indication may be cancelled, or otherwise cease, on the basis that the protected term has ceased meeting the conditions upon which the protection was originally granted in that Party.

Article 11.32: Multi-Component Terms

With respect to the procedures referred to in Article 11.30 (Domestic Administrative Procedures for the Protection of Geographical Indications) and Article 11.31 (Grounds for Opposition and Cancellation), an individual component of a multi-component term that is protected as a geographical indication shall not be protected in a Party if that individual component is a term customary in the common language as the common name for the associated good in the territory of that Party.

Article 11.33: Date of Protection of a Geographical Indication

The protection of a geographical indication through a Party's domestic administrative procedures[29] referred to in Article 11.30 (Domestic Administrative Procedures for the Protection of Geographical Indications) shall commence no earlier than the filing date[30] of the application for the protection in that Party or the registration date in that Party, as applicable.

Article 11.34: Protection or Recognition of Geographical Indications Pursuant to International Agreements

If a Party protects or recognises a geographical indication pursuant to an international agreement involving a Party or a non-Party, and that agreement is concluded after the date of entry into force of this Agreement for that Party, and that geographical indication is not

[26] Where a Party applies this Article to geographical indications for wines and spirits or applications for those geographical indications, the Parties understand that nothing in this Section shall require a Party to protect a geographical indication of any other Party with respect to products of the vine for which the relevant indication is identical with the customary name of a grape variety that exists in the territory of that Party.

[27] A Party shall not be required to apply this paragraph to applications for geographical indications for wines and spirits.

[28] For the purposes of this subparagraph, a Party's authorities may take into account, as appropriate, whether the term is used in relevant international standards recognised by the Parties to refer to a type or class of good in the territory of that Party.

[29] For the purposes of this Article, "administrative procedures" include quasi-judicial procedures.

[30] For greater certainty, where a Party protects a geographical indication through its trademark system, the filing date referred to in this Article includes, as applicable, the priority filing date under the Paris Convention.