



STANDING COMMITTEE ON GEOGRAPHICAL INDICATIONS QUESTIONNAIRE TO NATIONAL GROUPS

Introduction

- 1) The purpose of this questionnaire is to seek information from AIPPI's National and Regional Groups on developments in their respective countries in relation to geographical indications (**GIs**) and appellations of origin (**AOs**) and on the positions taken with regard to issues that have emerged from AO and GI legislation.
- 2) According to the TRIPs Agreement GIs are “indications which identify a good as originating in the territory of a [Country], or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin”. A similar definition is adopted by the WIPO Geneva Act.

Under the WIPO Lisbon Agreement an AO is a “geographical denomination 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”. A similar definition is adopted by the WIPO Geneva Act.

- 3) Therefore, the rationale for protection of AOs and GIs is to protect signs identifying the geographical origin of goods whose characteristics and/or reputation are linked to such origin.
- 4) At a worldwide level, many contrasts and divergences have emerged with regard to protection of AOs and GIs. Some countries have enacted specific legislation on AOs / GIs supporting broad protection (particularly in relation to their local typical products). Other countries, who do not tend to favour strong protection of AOs / GIs regulate them, if at all, within the framework of trademark legislation.
- 5) It is intended that the information obtained by means of this questionnaire will:
 - enable AIPPI to further develop its position on issues relating to GIs and AOs, leading to a further Resolution aimed at harmonisation of national laws relating to GIs and AOs; and
 - thereby assist in the advocacy of AIPPI's position on such issues to national and regional governments and in international forums.

Previous work of AIPPI

- 6) AIPPI's most recent study of issues relating to GIs and AOs was Q191 – "Relationship between trademarks and geographical indications". A Resolution on Q191 was adopted in Gothenburg, Sweden in 2006 (**Gothenburg Resolution**). The Gothenburg Resolution is available at:

<http://aippi.org/wp-content/uploads/committees/191/RS191English.pdf>.

Further information on AOs and GIs, their legal regulation and the debate surrounding them can be found in the Study Guidelines for Q191 available at:

<http://aippi.org/wp-content/uploads/committees/191/WG191English.pdf>

- 7) Other work of AIPPI prior to the Gothenburg Resolution is summarised in the Study Guidelines for Q191,

<http://aippi.org/wp-content/uploads/committees/191/WG191English.pdf>

Discussion

- 8) Set out below is a brief discussion on international legal frameworks for the protection of GIs and AOs, including developments that have taken place since the Gothenburg Resolution.

- 9) At an international level, the two multilateral treaties committing signatory States to protect GIs which have gained the broadest adhesion worldwide are the Paris Convention within the WIPO system and the TRIPs Agreement within the WTO system.

- 10) Article 1(2) of the Paris Convention states that the subject-matter of protection of industrial property is (among other things) "indications of source or appellations of origin". Article 10 of the Convention states that seizures and other remedies "shall apply in cases of direct or indirect use of a false indication of the source of the goods or the identity of the producer, manufacturer, or merchant".

- 11) Article 22 of TRIPs requires the protection of "geographical indications". GIs are recognised by Article 1(2) of TRIPs as a category of intellectual property. Under the TRIPs Agreement, GIs are protected against uses misleading the public or constituting an act of unfair competition. Additional and stronger protection is only provided for GIs of wines and spirits. Discussions commenced under the Doha mandate on the question of increasing the level of protection of GIs under the TRIPs Agreement appear to have come to a deadlock.

- 12) Within the WIPO system further agreements concerning AOs and GIs have been adopted, generally providing for a high level of protection:

- a) the Lisbon Agreement of 1958 protects "appellations of origin" against any form of usurpation or imitation, whether or not this usurpation or imitation is misleading for the public. The Lisbon Agreement provides for the establishment of a system for the deposit of "appellations of origin" with the International Bureau operated by

WIPO. Under the Lisbon Agreement, each signatory state is required to protect the appellations of origin registered by another state. A provision is inserted protecting AOs against becoming generic. The list of contracting parties to the Lisbon Agreement can be found at http://www.wipo.int/treaties/en/ShowResults.jsp?lang=en&treaty_id=10

- b) the Geneva Act of the Lisbon Agreement, adopted in 2015, protects both appellations of origin and geographical indications. Protection is given against various types of use, including uses liable to mislead consumers and/or "impair or dilute in an unfair manner, or take unfair advantage of" the reputation of a AO/GI. Further provisions of the Geneva Act protect AOs/GIs against becoming generic and regulate the relationship between AOs/GIs and trademarks. The list of countries that have signed the Geneva Act can be found at http://www.wipo.int/treaties/en/ActResults.jsp?act_id=50.
- 13) Within the WIPO Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications, there are discussions about the proposal by some delegations concerning the protection of GIs in the domain name system. This is particularly with regard to possible modification of the WIPO UDRP in order to "permit complaints to be made concerning registration and use of domain names in violation of the protection of geographical indications".
- 14) Due to the above divergences, the WIPO Agreements have received limited support among WIPO Member States. Only a relatively small number of States have signed them. This debate emerged in particular during the negotiations leading to the adoption of the WIPO Geneva Act. Negotiations were characterized by a clash between countries pushing for a very high level of protection and other countries refuting the content of the Act and even the legitimacy of the negotiations.
- 15) In addition to the protection for GIs and AOs afforded by the international treaties described above, a high level of protection for GIs and AOs relating to agricultural products and foodstuffs is granted in the European Union under EU Regulation 1151/2012 and other regulations pertaining to specific products. EU Regulation 1151/2012 protects "designations of origin" and "geographical indications" against acts which are of a nature to mislead the public and/or to unduly exploit or freeride on the reputation of the GI/AO. The Regulation contains provisions protecting GIs and AOs against becoming generic and in general against a possible loss of rights, as well as regulating relationships between GIs/AOs and trademarks. The EU system is based on registration and EU case law restricts protection of GIs/AOs which are not registered at EU level.

The European Commission is currently investigating the possibility of expanding the protection of GIs and AOs to non-agricultural products.

- 16) Differences and disagreements which have emerged within the international framework regard several key points of legislation on GIs and AOs, such as the way of acquiring rights, the prerequisites for protection, the scope of protection, maintaining protection in the face of supervening circumstances and relationships with other IP rights. The questions below are intended to touch upon these issues.

Name of your National/Regional Group

National Group Argentina

Questions

Your Group is invited to submit a Report addressing the questions below. If your Group considers that the answer to a question has already been given in its report on Question Q191, and that nothing has changed since then, a cross-reference to the specific paragraph in your Group's report on Q191 is sufficient.

In each case please specify whether your answer differs:

- (a) as between GIs and AOs; and
- (b) depending on whether the GI or AO is foreign or domestic.

I. Analysis of current legislation and case law

- 1) Are GIs and/or AOs protected under your Group's current law?**

Yes.

- 2) If yes, please briefly describe the following:**

- a) How AOs and GIs are defined and the prerequisites (in particular the type, nature and intensity of link with a territory).**

In Argentina, there are two specific legislations on AOs and GIs, namely Law No. 25,163 on Designations for Wines and Wine Based Spirits ("Law on Designations for Wines and Wine Based Spirits") and Law No. 25,380 - as amended by Law No. 25,966 - on Agricultural and Food Products ("Law on Agricultural and Food Products"). Both contain definitions of AO and GI.

In addition, Trademark Law No. 22,362 ("Trademark Law") and Fair Trade Law No. 22,802 ("Fair Trade Law"), which were enacted prior to the above mentioned specific laws, provide definitions of AO. In particular, Fair Trade Law, passed in 1983, originally included a definition of AO. In 2001, an amendment to Fair Trade Law removed this

definition, but it was reinstated in 2004.

- Law on Designations for Wines and Wine Based Spirits

The Law on Designations for Wines and Wine Based Spirits protects GIs, AOs and indications of source. It defines these terms as follows:

Indication of source: Name which identifies a product originating from a geographic area (smaller than a country) which has been defined and acknowledged as such by the National Wine Institute. Indications of source can only be used to designate ordinary wines and to the extent an 80% of the product is derived from grapes grown and produced within a given geographic area.

Geographical indication: Name which identifies a product originating from a limited region, place or production area within the country, such territory not exceeding that of a province or an inter–province area, to the extent that the quality or characteristics of the product are essentially associated to the geographical origin. GIs can only be used to designate quality wines.

Appellation of origin: Name which can be used exclusively to designate premium quality wines or spirits from selected grapevines produced in a geographically defined and quality differentiated area, produced from grapes grown within such area and manufactured and bottled within such area, inasmuch the natural environment and human factors provide the product with specific characteristics which are different to those of products produced under similar ecologic conditions.

- Law on Agricultural and Food Products

The Law on Agricultural and Food Products protects GIs and AOs, and defines the terms as follows:

Geographical indication: Name which identifies a product as originating from a country, area or town, to the extent that a specific quality or characteristics of the product essentially derive from its geographic origin.

Appellation of origin: Name which identifies a product as originating from a region, province, town or area, which bears typical and original characteristics as a result of the natural environment and human factors, such distinctive characteristics being different than those of products of the same category, even if produced under similar conditions.

- Trademark Law

Trademark Law contains the following definition of AO:

Appellation of origin: Name of a country, region, place or geographic area which designates a product originating therefrom and whose quality and characteristics

exclusively derive from the geographic environment. This broad concept covers both that of GI and AO as defined in the specific laws.

- Fair Trade Law

Fair Trade Law contains the following definition of AO:

Appellation of origin: Name of a country, region or defined location which designates a good that originates from that area and owes its characteristics exclusively or essentially to its geographic provenance.

b) Whether that protection is provided by sui generis laws; solely as aspects of other laws, such as by registration as collective or certification marks; or by other (and if so, what) means.

In Argentina, AOs and GIs are protected by sui generis laws. As previously mentioned, the Law on Designations for Wines and Wine Based Spirits and the Law on Agricultural and Food Products are both specifically aimed at protecting AOs and GIs.

The Law on Designations for Wines and Wine Based Spirits is regulated by Decree No. 57/2004 and enforced by the National Institute of Viticulture (“NIV”). The Law on Agricultural and Food Products is regulated by Decree No. 556/2009. It was originally enforced by the Secretariat of Agriculture, Livestock and Fishing, but under Decree No. 32/2016 is currently enforced by the Secretariat of Added Value (“Secretariat of Added Value”). Both specific laws were enacted after Argentina joined WTO, with the purpose of conforming local rules to the provisions of the TRIPs Agreement.

Before the enactment of these laws, there was some protection granted within the framework of other laws. Specifically, Section 3 of the Trademark Law provides that foreign and domestic AOs cannot be registered as trademarks. Moreover, Section 7 of Fair Trade Law states that goods cannot be identified by an AO if they do not originate from the pertinent area, unless the AO has been registered as a trademark prior to the enactment of the Fair Trade Law.

c) If GIs and/or AOs are protected by sui generis laws, whether your Group's laws provide for a system of registration. If so, what are the steps of this procedure including the content of the application and the possibility of opposition by third parties.

Both the Law on Designations for Wines and Wine Based Spirits and Law on Agricultural and Food Products provide for registration systems.

- Law on Designations for Wines and Wine Based Spirits

Applications for the protection of GIs and AOs for wines and wine based spirits are filed before the NIV. Moreover, according to Decree No. 57/2004, foreign GIs and AOs may be included in the national registry if they demonstrate their registration in the country

of origin.

Geographical indication: The Law on Designations for Wines and Wine Based Spirits states that requests for the registration of a GI must be accompanied by the required documentation, reports and information (Section 9). In particular, this implies providing information and reports on: i) the fact that the GI is known locally or nationally; ii) the definition of the geographic area (to be drawn on account of historic, political or geographic data); iii) the natural or human factors which provide the goods' particular characteristics; iv) the producer (or producers) which request the recognition of the GI; and v) a list of vineyards and production facilities within the area which may fall within the scope of the GI. Such reports may also be drafted by the NIV itself. Once the initial requirements are met, the NIV will publish the request in a newspaper belonging to the area in question. Any individual or legal entity which can demonstrate a legitimate interest may oppose the registration within 30 days of this publication. If the registration process prospers, the results will be published in the Official Gazette and the Argentine Trademark Authority will be notified of the existence of the GI.

Appellation of origin: The Law on Designations for Wines and Wine Based Spirits provides that producers of grape, wine or spirits may – individually or collectively – request the recognition of an AO in the area where they conduct their activities (Section 17). In order to do so, they must create a council, which will conduct studies on and/or draft rules on: i) the historical background and geographical limits of the production area; ii) the general characteristics of the area (including weather, ground and natural factors, homogeneity of the characteristics and composition of the vineyards); iii) the growing, harvesting and planting systems and practices typically used in the area; iv) the usual and necessary wine-making methods, alcoholic concentration and preserving timeframe required to obtain the specific qualities; v) the maximum production rate, uniformity of the quality and characteristics of the wine produced in the area; vi) the organoleptic characteristics of the wine produced in the area; vii) the rules for bottling, labelling and displaying the products which shall apply to the AO; and viii) the list of the wine-growers and wine-makers which apply for the AO.

The council will then request the recognition of the AO and provide all necessary information to the NIV. The request will be sent to the National Council on the Designation of Wines and Wine Based Spirits, which will issue its opinion. Once the initial requirements are met, the NIV will publish the request in a newspaper belonging to the area in question. Any individual or legal entity which can demonstrate a legitimate interest may oppose the registration within 30 days of this publication. If the registration process prospers, the results will be published in the Official Gazette and the Argentine Trademark Authority will be notified of the existence of the AO.

- Law on Agricultural and Food Products

Applications for the protection of GIs and AOs for agricultural and food products are

filed before the Secretariat of Added Value. Further, foreign GIs and AO may be included in the registry if they are registered in their countries of origin.

Geographical indication: Section 3 of Decree No. 556/2009 states that, in order to register a GI, the producers must define the geographic area through maps, diagrams and reports on the area, its peculiarities and the differences with the surrounding areas. Under Section 16 of Decree No. 556/2009, producers must also provide specific information on the good or product, describe the qualities or characteristics of the products, describe the production process and demonstrate a connection between the area and the differentiating characteristics of the product. The documentation must be certified by a provincial authority, include an affidavit on the estimated amount of products to be commercialized and indicate the name, logo and label of the GI. Prior to issuing its decision, the Secretariat of Added Value will notify the Argentine Trademark Authority. Once it approves the registration, it will notify the Argentine Trademark Authority of the existence of the new GI.

Appellation of origin: Section 6 of the Law on Agricultural and Food Products establishes that in order to register an AO, the producers of the good must first form a council which will conduct studies on: i) the historical background and geographical limits of the production area; ii) the general characteristics of the area (including weather, ground and natural factors and homogeneity of the characteristics); iii) the goods for which the AO will be used and the factors which demonstrate that it originates from the pertinent area; iv) the production process (raw materials, methods, processing); v) the list of producers applying for the AO; and vi) the name of the AO. In addition, the registrants must include a technical report on the proposed AO issued by the corresponding provincial government. This information must be presented before the Secretariat of Added Value, which will issue a decision on the preliminary application. If approved, the producers must constitute the council as a legal entity within 180 days. Each AO will have its own council.

The application for the registration of an AO must provide information on the link between the natural and human factors of the area and the characteristics of the goods attributed to them, the goods which will employ the AO, the boundaries of the pertinent geographic area (as well as its background and characteristics), the process by which the goods are produced and the corresponding AO council. Once the initial requirements are met, the Secretariat of Added Value will publish the request in a newspaper belonging to the area in question. The Argentine Trademark Authority will also be notified so that it may issue its opinion. Any individual or legal entity which can demonstrate a legitimate interest may oppose the registration within 30 days of this publication. If the registration process prospers, the results will be published in the Official Gazette and the Argentine Trademark Authority will be notified of the existence of the AO.

3) If your country does not protect GIs and/or AOs, was this a deliberate decision and, if so, why?

N/A.

- 4) **What are the grounds of invalidity/loss of rights for GIs and/or AOs under your Group's law (e.g. becoming generic, lack of use, not paying fees) and where can such be invoked (which court, office etc.)? Please specify the applicable test, how such is proven (e.g. consumer surveys, expert advice, dictionaries, etc.) and who bears the burden of proof.**

- *Law on Designations for Wines and Wine Based Spirits*

The Law on Designations for Wines and Wine Based Spirits establishes that the registration of a GI or AO may be cancelled as a sanction. In addition, non-compliance with the requirements of the law is also a cause for cancellation of the registration of a GI or AO.

- *Law on Agricultural and Food Products*

The Law on Agricultural and Food Products states that it does not necessarily protect GIs and AOs which are no longer protected, or no longer in use, in their country of origin (Section 23). In addition, it provides that a GI's registration may be terminated if the pertinent council resigns it, due to a sanction or due to a change in the natural or administrative conditions on which the registration was based (Section 30).

- 5) **What is the scope of protection of GIs/AOs under your Group's current law?**

The Law on Designations for Wines and Wine Based Spirits applies to the recognition, protection and registration of Argentine geographical names to designate the origin of wines and wine-based spirits. Conversely, the Law on Agricultural and Food Products applies to GIs and AOs used to commercialize agricultural and food products, whether they are in their natural state, prepared or processed. Section 1 of the Law on Agricultural and Food Products provides that wines and wine-based spirits are excluded from the scope of the law.

- 6) **Against what kind of conduct are GIs/AOs protected? For example, against use misleading consumers, parasitism and free riding.**

Both the Law on Designations for Wines and Wine Based Spirits and the Law on Agricultural and Food Products grant a right to use the AO or GI, and therefore prohibit actions which undermine this right (see Sections 34 and 27, respectively). Forbidden actions include any use of GIs or AOs for goods which do not originate from the pertinent area, seeks to take advantage of the reputation of an AO or GI, induces error or is deceitful regarding the origin of the good or its qualities, and may mislead consumers as to the origin of the wine or constitute unfair trade.

- 7) **Who has legal standing to protect a GI/AO. For example, individual producers, consortiums and associations, public bodies.**

- *Law on Designations for Wines and Wine Based Spirits*

Section 8 of the Law on Designations for Wines and Wine Based Spirits states that the registration of a GI may be requested by the NIV, grape producers or organizations of grape producers, wines and wine-based spirits producers, and organizations charged with promoting the interests of those involved in the production of wine. In addition, Section 17 states that producers of grapes, wines or spirits may – individually or collectively – request the recognition of an AO in the area where they conduct their activities.

In addition, Section 52 provides that producers of a wine or a wine-based spirit protected by a GI which is well-known domestically or abroad, recognized publicly and manufactured under strict quality control, may apply for registration as an AO if all legal requirements are met.

- Law on Agricultural and Food Products

Section 3 of the Law on Agricultural and Food Products provides that anyone who extracts, produces or manufactures an agricultural or food product within a certain area may request its registration as a GI. Decree No. 556/2009 states that the registrant must demonstrate a legitimate interest. Individuals or entities which extract, produce or manufacture an agricultural or food product within the pertinent area, as well as organizations which group the producers of the good, have a legitimate interest for purposes of the law. Requests to register a GI must be made by a group, association or organization of producers, although individual producers may file requests under certain circumstances.

Furthermore, Section 5 of the Law on Agricultural and Food Products establishes that producers may request the registration of an AO individually or collectively, as long as they conduct their activities within the pertinent area.

Moreover, Section 16 of Decree No. 556/2009 states that any user of a GI may apply for its recognition as an AO if it meets regulatory requirements.

8) What remedies are available in the case of violation of rights in a GI/AO?

In case of violation of the rights in a GI or a AO, the infringement could be reported to the pertinent enforcement authority. Both NIV and the Secretariat of Added Value may conduct administrative proceedings and impose sanctions in cases of infringement. The decisions rendered as a result of the proceedings may be appealed before the federal courts.

9) How does your Group's law regulate the conflict between a GI/AO and a prior trademark? Does the GI/AO or the trademark prevail or do they coexist? Under what conditions?

- Law on Designations for Wines and Wine Based Spirits

Section 32.c) of the Law on Designations for Wines and Wine Based Spirits provides that registered trademarks which identify wine-based products may not be registered as GIs or AOs. Therefore trademarks registered prior to the enactment of the law will prevail over a GI or AO.

- *Law on Agricultural and Food Products*

Section 25.b) of the Law on Agricultural and Food Products states that areas may not be registered as GIs or AOs if they are a trademark which was registered in good faith - or over which rights were acquired in good faith – before January 1, 2000 or before the GI or AO was protected by its country of origin.

10) Is there any specific provision or practice concerning the inclusion of a GI/AO in a domain name?

No.

11) Is there anybody that administers GIs/AOs in your country and/or is responsible for the verification of compliance of goods bearing a GI/AO? Please briefly describe the relevant processes, e.g. the process by which compliance with product specifications is verified before such goods are put on the market and/or the subsequent market controls on such goods?

- *Law on Designations for Wines and Wine Based Spirits*

The NIV is the administrative authority charged with enforcing the Law on Designations for Wines and Wine Based Spirits and it can perform inspections, analyses and tastings of wines and spirits subject to the law. It can also verify the conditions of vineyards and other production facilities, as well as the production process itself. Moreover, it imposes sanctions in case of non-compliance with the Law on Designations for Wines and Wine Based Spirits.

- *Law on Agricultural and Food Products*

The Secretariat of Added Value is the administrative authority charged with enforcing the Law on Agricultural and Food Products. It controls compliance with the regulations on production and manufacturing of products, and can impose sanctions in case of non-compliance.

12) Please describe any other developments in your country in relation to GIs or AOs which you consider relevant, including any proposals for reform. For example, to the extent that your country has been involved in any negotiations or discussions regarding the protection of GIs and AOs in any fora, such as multilateral, regional or bilateral agreements, please specify whether your country is negotiating or has signed any agreement with other countries that includes provisions on AOs/GIs and whether it was necessary to amend domestic legislation as a result of such agreements.

In general, Argentine courts have favoured the recognition of GIs in their decisions. Regarding proposals for reform, a bill which proposes to amend Section 17, paragraph c), of General Wine Law No. 14,878 so that "sparkling, champaña or champagne wines" be referred to by the common name of "sparkling wines" is currently before the Argentine Congress. The purpose of this bill is to conform to the international trend of respecting AOs.

II. Proposals for improvements and for harmonisation

- 13) Should there be harmonised definitions of AOs and GIs? If so, please propose appropriate definitions and prerequisites.**

The definitions of GI and AO contained in the Trademark Law, the Law on Designations for Wines and Wine Based Products and the Law on Agricultural and Food Products are all generally in compliance with the definitions of GI and AO contained in the TRIPs and the WIPO Agreements.

However, the definitions of GI and AO provided in the Law on Designations for Wines and Wine Based Products and the Law on Agricultural and Food Products, although similar, are not the same. It would be advisable to have harmonized definitions of GI and AO which reflect exactly those contained in the TRIPs and the WIPO Agreements.

- 14) Should there be a registration procedure for AOs and GIs? If so, what should its key features be? For example, content of the application; examination by competent bodies; possibility of opposition by third parties.**

In Argentina, the Law on Designations for Wines and Wine Based Products and the Law on Agricultural and Food Products clearly specify the pertinent registration procedures. However, it would be advisable for the Law on Designations for Wines and Wine Based Products to specifically regulate the requirements for foreign GIs to be recognized domestically.

- 15) What should the grounds of invalidity/loss of rights for GIs and/or AOs be? For example, becoming generic, lack of use, not paying fees. Please specify what the applicable test should be, how such should be proven and who should bear the burden of proof.**

The Law on Designations for Wines and Wine Based Products and the Law on Agricultural and Food Products provide sufficient regulation on this matter.

- 16) How should conflicts between GIs/AOs and prior trademark rights be regulated?**

The Law on Designations for Wines and Wine Based Products and the Law on Agricultural and Food Products comply with the minimum standards of protection for GIs and AOs established by the TRIPs Agreement. However, these laws have not been completely harmonized with the Trademark Law. In particular, there is still some doubt

regarding the extent of the rights a trademark owner has over a trademark which was registered prior to the enactment of the Law on Designations for Wines and Wine Based Products and the Law on Agricultural and Food Products. For instance, it is unclear if the trademark owner's rights include the right to update the design of a registered trademark which was later recognized as a GI or AO. In order to settle this matter, the rights that such trademark owners have should be clearly defined.

Further, it would be advisable for the Law on Designations for Wines and Wine Based Products and the Law on Agricultural and Food Products to specifically regulate what occurs when a foreign AO has become the generic or usual designation of a good.

- 17) What scope of protection should GIs/AOs have and should it matter if these are domestic or foreign? Against which conduct by third parties should they be protected?**

Protection should be granted against the use of a GI or AO by anyone who is not entitled to such use and/or does not meet the regulatory requirements for its recognition. In addition, GIs and AOs should be protected against any deceitful or misleading use. If the GI or AO complies with all applicable legal requirements and was duly registered, protection should be granted regardless of whether the GI or AO is domestic or foreign.

- 18) Who should have legal standing to protect a GI/AO and which remedies are appropriate?**

In Argentina, the Law on Designations for Wines and Wine Based Products and the Law on Agricultural and Food Products provide sufficient regulation on this matter. However, despite the fact that both laws state that foreign GIs and AOs may be registered in the pertinent national registries, it would be advisable for the laws to regulate in detail the protection of foreign GIs and AOs.

- 19) Should there be a specific provision or practice concerning the inclusion of a GI/AO in a domain name?**

While in Argentina there is no specific provision or practice concerning the inclusion of a GI or AO in a domain name, there is a general framework which allows for the cancellation of a domain name based on the existence of a better right. This framework could be used to challenge a domain name containing a GI or AO.

NIC Argentina has the power to cancel the registration of a domain name when its use or registration affects the rights of third parties. Through an administrative procedure, third parties may request the cancellation or recovery of a registered domain name. In order to obtain it, they must reasonably prove that they have better rights to the domain name than the current owner. Therefore, a claim regarding the existence of a better right to a domain name could be brought on the grounds of a registered GI or AO.

Responses to this Questionnaire

Groups are requested to submit responses to this questionnaire **by May 29, 2017**. Responses should be sent by email to StandingCommittees@aippi.org and should clearly indicate that they are responses to this questionnaire.