

1. **Do your jurisdiction's laws have provisions dealing within indications of origin that are used by manufacturers, distributors and service providers to commercialise their goods and services (e.g. passing off, unfair competition law, trademark law, sui generis law regulating the use of indications of source, geographical indications, or appellations of origin)? If yes, please provide the text of those provisions.**

The Czech jurisdiction has following provisions regarding Indications of origin:

- [Act No. 452/2001 Coll., on the Protection of Designations of Origin and Geographical Indications and on the Amendment to the Act on Consumer Protection](#)
- [Act No. 441/2003 Coll., on Trademarks, force from 1.4.2004](#)
- [Act No. 221/2006 Coll., on Enforcement of Industrial Property Rights](#)
- [Law No. 89/2012 Coll. Civil Code](#)
- [Regulation \(EU\) No. 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs](#)

2. **What requirements in your jurisdiction must be met in order for goods to be marketed with an indication of origin? What are the requirements for services?**

National protection can be granted for goods which are not specified in Regulation (EU) No. 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs.

Applicant has to provide information about required protection altogether with the certificate from the Government database which confirms that the factory is located in the specific area and goods are made/processed there.

If the required protection is for foodstuff intended for humans and agriculture products, the Specification required. Requirements are written in the **specification** (Section 4 – Specifikace) of certain indication of origin.

3. **Are there different provisions for different types of goods (e.g. for wines and spirits, foodstuffs, natural goods, industrial products, etc.)? If so, what are the respective requirements?**

As mentioned in Question 2 - national protection can be granted for goods which are not listed in the Regulation (EU) No. 1151/2012 of the European

Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (wines, spirits, and agricultural products).

Namely goods listed in Annex 1 of Regulation above mentioned.

4. Do the same provisions apply to domestic indications of origin as to foreign indications of origin? Does your jurisdiction for example apply the country-of-origin principle, according to which foreign indications of origin are judged according to the law of their country of origin?

There are no differences between provisions applied to domestic and to foreign Indications of origin. The Czech republic applies national Act No. 452/2001 Coll., on the Protection of Designations of Origin and Geographical Indications and on the Amendment to the Act on Consumer Protection.

5. Is there a special register for the registration of indications of origin for goods and/or services within your jurisdiction? If yes, what goods or services and what kind of indications of origin can be registered in this register? Please provide a brief description of the registration process and the effects of such a registration and the scope of protection of registered indications of origin. Is it possible that a registered indication of origin becomes a non-protected generic term or is there specific rules that prevent a registered indication from becoming generic?

There is a special register established and run by the Czech IPO (please see attachment Question 5) among direct links to WIPO databases.

An association of producers or processors (hereinafter referred to as "association") may request a registration of an appellation of origin or a geographical indication for products manufactured or processed or prepared in a region under the conditions determined by law. An individual or a corporation may request a registration of a geographical appellation, provided that at the time of filing of the request the individual or the corporation is the only one that manufactures or processes or prepares the products under the conditions determined by law.

No deadlines are given in connection with the proceeding of the Office.

The Office reviews whether the appellation of origin or the geographical indication referred to in the application meets the requirements for registration and whether it has all the prerequisites according to § 5. If it lacks some of the prerequisites provided by law, the Office calls upon the applicant to complete the application, it sets a time limit that cannot be shorter

than two months and it calls attention to the fact that otherwise it would terminate the procedure. If the appellation is excluded from the registration or if it does not meet the requirements stated by this law, the Office refuses the registration. It is possible to file an appeal against a first instance decision within the time of 15 days since the delivery of a decision. An appeal filed duly functions as a postponement (statute § 61 of the Law No. 71/1967 Coll. on Administrative Proceedings (Administrative Code), as amended).

Appellation of origin/geographical denomination applications includes the following:

1. wording of appellation of origin/geographical denomination;
2. applicant's name (company name or full name), address or permanent residence, in case of need applicant's representative
3. geographical delimitation of the territory on which the product is produced, processed and/or prepared,
4. designation of the establishment producing, processing and preparing the product with the designation of appellation of origin/geographical denomination in a place whose geographical name is part of appellation of origin;
5. listing of products concerned,
6. description of characteristics or qualitative features of products given to unique geographical environment

The application must include statement of evidence from state administration body in the relevant territory in which the product production, processing and preparation takes place. This statement certifies that the establishment is situated on the given territory and that the applicant produces or processes the products.

Should the appellation of origin/geographical denomination be registered for agricultural products or foodstuff intended for humans and agricultural products not intended for humans, (the lists of which are ruled by Department of Agriculture by means of decree) the application has to be circumstantiated by the specification by virtue of §6, which designates its characteristics and defines the specialty of the geographical environment.

- 6. Is the registration of certain indications of origin mandatory in order for them to be protected and their use to be regulated? If yes, to which**

indications of origin and for what kind of goods and services does such registration requirement apply?

No, the registration is not mandatory.

7. **Who is entitled to apply for the registration of an indication of origin (any market player, manufacturer organisations only, etc.)? Does the registration of an indication of origin confer property rights upon a specific owner?**

As mentioned in Question 5: "An association of producers or processors (hereinafter referred to as "association") may request a registration of an appellation of origin or a geographical indication for products manufactured or processed or prepared in a region under the conditions determined by law. An individual or a corporation may request a registration of a geographical appellation, provided that at the time of filing of the request the individual or the corporation is the only one that manufactures or processes or prepares the products under the conditions determined by law."

8. **If your jurisdiction provides for a registration of certain indications of origin, who defines the rules that have to be followed and the requirements that have to be met when using the registered indication for certain goods or services (the applicants, the lawmaker, a combination of both, others)? If the applicants are competent to define those rules and requirements (e.g. in specifications), are there any provisions or principles that limit the applicant's power and have to be considered by the applicants (e.g. antitrust law, free speech arguments, free movement of goods, etc.)?**

Rules are defined by the applicant/ owner of a registered indication in section "Specifikace". As mentioned above.

9. **Is it possible that manufacturers, suppliers and distributors of goods or services which have lawfully advertised their goods or services with an indication of origin for a long time be excluded from using the indication of origin after the indication's registration (e.g. because they cannot comply with new use requirements that apply after the registration of the indication of origin)? Does your jurisdiction have any provisions which try to prevent such exclusions of previous legitimate users of indications of origin?**

Please see attachment "Act No. 441/2003 "according to which in:

Section 7 – Oppositions 7.1 g)

The sign applied for shall not be registered in the register upon opposition against the registration of the trade mark in the register filed with the Office by the proprietor of a non-registered sign or of another sign used in the course of trade of more than mere local significance for identical or similar goods and services, if such sign is identical with or similar to the sign applied for, if the rights to that sign were acquired prior to the date of the application for registration;

Section 13 - Use of a trade mark

If, within the period of five years following the registration, the proprietor of the trade mark has not put the trade mark to genuine use for goods or services in respect of which it is registered, or if such use has been suspended during an uninterrupted period of five years, the trade mark shall be subject to the sanctions provided for in this Act (Sections 14 and 31), unless there are, proper reasons for non-use.

Section 14 - Some consequences of non-use of trade mark

(1) A trade mark cannot be revoked because of an earlier trade mark, if this earlier trade mark does not fulfil the conditions of use as mentioned in Section 13.

(2) If the earlier trade mark is not used within the meaning of Section 13 for all goods and services for which this trade mark is registered, the earlier trade mark can constitute a ground for revocation of a later trade mark only in respect to those goods and services, for which the earlier trade mark is used.

10. Do your country's laws provide for the registration of indications of origin as trademarks or service marks, i.e. as certification marks, collective marks or individual marks? If so, what are the requirements?

No, it does not.

11. How are conflicts between trademarks and non-registered indications of origin or indications of origin that are subject to sui generis protection resolved under your country's laws? Are there specific rules or case law governing such conflicts?

According to Act No. 441/2003 Coll. of 3 December 2003 On Trademarks, as mentioned above:

Section 7 – Oppositions 7.1 g)

The sign applied for shall not be registered in the register upon opposition against the registration of the trade mark in the register (hereinafter referred to as “the opposition”) filed with the Office by the proprietor of a non-registered sign or of another sign used in the course of trade of more than mere local significance for identical or similar goods and services, if such sign is identical with or similar to the sign applied for, if the rights to that sign were acquired prior to the date of the application for registration.

Section 25 Opposition – please see attachment Act 441/2003., Coll.

- 12. If during the manufacturing process of a certain product a certain manufacturing step has taken place at a particular location or in a specific geographical area XY, but other steps have taken place in other geographical areas so that the conditions are not satisfied that the product as a whole can be considered to originate from XY, is it possible in your jurisdiction to highlight in the advertisement for this product that one specific manufacturing step took place in XY, e.g. by highlight for example “Research & Development in XY“ or “Filled in XY” if those activities actually took place in XY but the product as such does not originate from XY? Do your country’s laws have provisions which regulate the reference to the geographic origin of certain manufacturing steps? If so, can you please provide the wording of these provisions?**

There is no such as provision regarding the sign „MADE IN CZECH REPUBLIC „or „MADE IN CZECHIA“.

According to recent studies and researches that sign is not as attractive to manufactures and consumers as it used to be. The sign used to show tradition, good name, long history and quality products. But according to Czech manufacturers, foreign investors prefer not to see such a sign on the products. That t is the reason why it is not that widely used anymore. Czech producers rather use the sign “MADE IN EU” as it indicates higher quality, tradition and reliability.

The references of registered geographic origin are written in the “Specification” of certain product, as mentioned above. It is the proprietor’s responsibility to watch the list and responsibility of certain authorities to check given standards.

Should the appellation of origin/geographical denomination be registered for agricultural products or foodstuff intended for humans and agricultural products not intended for humans, the application has to be substantiated by the specification by virtue of §6, which designates its characteristics and defines the specialty of the geographical environment.

Authorities responsible for inspection are: Czech Agriculture and Food Inspection Authority, The Czech Trade Inspection, State Veterinary Administration.

13. Do your jurisdiction's laws have specific provisions or is there any case law with regard to the requirements that have to be met to use of the indication "Made in XY" for goods?

As mentioned in Question 12: "There is no such as provision regarding the sign „MADE IN CZECH REPUBLIC“ or „MADE IN CZECHIA“. According to recent studies and researches that sign is not as attractive to manufactures and consumers as it used to be. The sign used to show tradition, good name, long history and quality products. But according to Czech manufacturers, foreign investors prefer not to see such a sign on the products. That t is the reason why it is not that widely used anymore. Czech producers rather use the sign "MADE IN EU" as it indicated higher quality, tradition and reliability".

14. Do provisions in the laws of your jurisdiction provide that for certain goods or services the geographic origin must be indicated (mandatory labelling requirements for example in the legislation with respect to foodstuffs, cosmetics, pharmaceuticals or customs)? If so, what is the wording of these provisions? To which goods or services do these provisions apply? What kind of indications must be made? Are such mandatory labelling requirements considered to be trade restraints in your jurisdiction?

The Czech jurisdiction does not provide such a provision. Labelling product is not mandatory, the use is owner's responsibility.

15. If your jurisdiction has mandatory labelling requirements with respect to the geographic origin of certain goods or services is there a risk of conflicts between the mandatory labelling requirements and the provisions regarding the voluntary use of geographical indications? In other words, is it possible that the mandatory labelling requirements require that a product is labelled with a certain geographic origin while the provisions dealing with the voluntary use of indications of origin would not allow the use of this indication of origin, e.g. because the link

between the product and the indicated geographic origin does not seem to be sufficient.

16. What courts, authorities, or other bodies in your country have jurisdiction to hear cases concerning the protection of indications of origin or are entitled to take measures to protect indications of origin (e.g. civil courts, criminal courts, customs authorities, food safety authorities, chambers of commerce, etc.)?

The responsible authority is in this case „Municipal Court in Prague”.

17. In your personal opinion which rules and concepts of your jurisdiction with respect to the use of indications of source for goods and services do you particularly endorse? Which rules or concepts would you prefer to be amended or abandoned?

Czech Ligue group has not been encountered with any critics regarding the contemporary jurisdiction. In case of adding or completing Czech national jurisdiction we honour the precautionary principle as everything seems to be working according to the contemporary jurisdiction as it is.