

**Czech Republic**

**Law concerning the Protection of Appellations of Origin of Products**

**(No. 159/1973 Sb., of December 12, 1973)**

1. – Appellation of origin of products (hereinafter, “appellation of origin”) means the geographical name of a country, region or locality which has come to be generally known 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. Agricultural and natural products, in addition to products of handicraft or industry, are considered to be products for the purposes of this Law.
2. – The protection of an appellation of origin under this Law shall result from its registration in the register of appellations of origin (hereinafter, “register”) kept by the Office of Inventions and Discoveries (hereinafter, “Office”).
3. – Only the registered holder of the right to use an appellation of origin may use the registered appellation of origin.
4. – No one shall have the right to misuse a registered appellation of origin, in particular to misappropriate it or to imitate it, even where the true origin of the product is indicated or where the appellation is used in a translated or altered form if despite the difference there is a risk of confusion, or even where the appellation is accompanied by terms such as “kind,” “type,” “make,” “imitation,” or the like.

A registered appellation of origin may not be used as the generic name of a product.

The right to use a registered appellation of origin may not be licensed.

In the event of the merger or division of an organization registered as the holder of the right to use an appellation of origin, the right in respect of the registered appellation of origin shall be transferred in the same way as other rights; the transfer shall be recorded in the register. In the event of any other reorganization or of a transfer of production programs, the registered appellation of origin may be transferred by agreement between the organizations with the consent of the Office; the transfer shall become effective when it is entered in the register. In all cases of the transfer of a registered appellation of origin, the products must satisfy the requirements set out in Section 1.

5. – The registered holder of the right to use an appellation of origin may request the competent authority to prohibit infringements of his right and to remedy the unlawful situation, without prejudice to the other rights of the registered holder of the right to use the appellation of origin.

The right referred to in paragraph (1) of this Section shall not be enforceable against a person who, within six months from the publication of the registration of the appellation of origin in the Bulletin published by the Office (hereinafter, “Bulletin”), applies to be registered as another holder of the right to use the appellation of origin (Section 8) and is registered as such.

6. – Applications for the registration of appellations of origin shall be filed with the Office.

**7.** – Applications for the registration of an appellation of origin may be made by legal entities or natural persons.

The Office shall register the appellation of origin and the holder of the right to use it if it finds that the application contains the particulars required by the Rules and that the appellation of origin fulfills the conditions set out in Section 1. A certificate of registration of the appellation of origin shall be issued to the applicant. The registration shall be published in the Bulletin.

If the application does not contain the required particulars the Office shall invite the applicant to remedy the defects within three months. If the application is not rectified within that time limit, the applicant shall be deemed to have withdrawn the application.

If the appellation of origin does not fulfill the prescribed requirements the Office shall reject the application.

**8.** – Any person whose products fulfill the requirements laid down for an appellation of origin already registered may apply to the Office for registration as another holder of the right to use that appellation of origin. The procedure for the application shall be governed by the same rules as those for the application for registration of the appellation of origin. The protection of the rights of another holder of the right to use the appellation of origin under this Law shall result from his entry in the register.

**9.** – The protection resulting from the registration of an appellation of origin or the registration of another holder of the right to use the appellation of origin shall take effect as from the date on which the application for registration of the appellation of origin or the application for registration of another holder of the right to use the appellation of origin reaches the Office.

The protection shall be of unlimited duration.

**10.** – The Office shall cancel the registration of the appellation of origin if it finds that:

- (a) the appellation of origin was registered although the requirements set out in Section 1 had not been fulfilled;
- (b) the conditions prescribed for the registration of the appellation of origin have ceased to exist;
- (c) all the registered holders of the right to use the appellation of origin have renounced the appellation of origin in writing. The Office shall cancel the registration of an individual holder of the right to use the appellation of origin if the grounds set out in paragraph (1)(b) or (c) hereof apply only to that holder.

In its decision, the Office shall mention the date of the cancellation of the registration of the appellation of origin or of the registration of the holder of the right to use the appellation of origin. The Office shall enter the cancellation in the register and shall publish it in the Bulletin.

**11.** – The decision of the Office shall be subject to appeal; the appeal may be lodged within one month from the date on which the decision was notified.

**12.** – Any person may consult the register and request official extracts therefrom.

**13.** – Applications for the registration of Czechoslovak appellations of origin may be made

abroad only after they have been registered in Czechoslovakia and only with the consent of the Office. The consent of the Office shall also be required for the withdrawal of an application for registration of an appellation of origin made abroad and for the renunciation of protection.

**14.** – Registered holders of the right to use the appellation of origin shall notify the Office, without undue delay, of any new particulars so that they may be entered in the register of appellations of origin, and of any changes in the particulars already registered.

**15.** – Legal entities or natural persons whose head office or domicile is not situated in the territory of Czechoslovakia must be represented in proceedings before the Office by a member of an organization authorized to act in such proceedings.

**16.** – Subject to reciprocity, foreigners shall enjoy the same rights and shall have the same obligations as Czechoslovak citizens. The first paragraph shall apply *mutatis mutandis* to legal entities.

**17.** – This Law shall be without prejudice to the protection of appellations of origin based on other regulations or on international agreements.

Czechoslovak appellations of origin registered under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration on the date of the entry into force of this Law shall be entered in the register by the Office. Appellations of origin so registered shall enjoy protection under this Law as from the date of its entry into force.

**18.** – Filings (applications for registration, petitions, etc.) made at the Office shall not be admissible unless they are in writing. Sections 19(5), 29(2) and 49 of Law No. 71/1967 Sb. on Administrative Procedure shall not be applicable.

The general regulations concerning administrative procedure shall, except where this Law provides otherwise, be applicable in respect of proceedings before the Office.

**19.** – The Office shall make rules concerning:

(a) the particulars which must be contained in an application for the registration of an appellation of origin and in an application for the registration of another holder of the right to use an appellation of origin;

(b) the particulars which must be contained in a petition for the cancellation of the registration of an appellation of origin or of the registration of the holder of the right to use an appellation of origin;

(c) the particulars to be entered in the register of appellations of origin kept by the Office;

(d) the characteristics to be entered in the certificate of registration of the appellation of origin;

(e) relations outside Czechoslovakia and the representation of foreigners before the Office.

**20.** – This Law shall enter into force on February 1, 1974.