

Order of the Office of Inventions and Discoveries concerning Procedure in respect of Appellations of Origin of Products

(No. 160/1973 Sb., of December 13, 1973)

1. – An application for the registration of an appellation of origin of products (hereinafter, “application”) shall be filed with the Office of Inventions and Discoveries (hereinafter, “Office”) in writing, and may only relate to one appellation of origin.

The application shall indicate clearly that its purpose is the registration of the appellation of origin and of the holder of the right to use the said appellation.

If the application is filed by more than one such holder, without the designation of a common agent, the holders shall state in the application the name and address of the holder to whom the notifications and the decisions of the Office are to be communicated; if this is not done, notifications and decisions shall be communicated to the holder mentioned first in the application.

2. – The application shall state:

(a) the trade name and head office, or the given name, family name and domicile of the applicant and his nationality; in addition, if the applicant is a Czechoslovak legal entity, the name and head office of the supervisory authority and of the competent central authority;

(b) where the applicant is represented by an agent, the trade name and head office, or the given name, family name and domicile of the agent;

(c) the trade name and head office of the undertaking or factory in the locality whose geographical name constitutes the appellation of origin;

(d) the name of the appellation of origin;

(e) the country, region or locality in which the product originates;

(f) the products to which the appellation of origin applies;

(g) the quality and characteristics of the said products.

3. – The application shall be accompanied by:

(a) a document attesting to the name of the applicant and the nature of his activity;

(b) a declaration by the competent central authority or, in the case of an organization administered by the National Committee, a declaration by the competent regional National Committee, concerning the appellation of origin and the products to which the appellation relates;

(c) a receipt showing that the administrative fee has been paid.

If the application is filed by a foreign legal entity or natural person, the applicant shall, in lieu of the above-mentioned declaration, submit a certificate whereby the appellation of origin is recognized in the country of origin, issued in the name of the applicant.

4. – An application for the registration of another holder of the right to use an appellation of origin that has already been registered shall be submitted to the Office in writing and shall include, in addition to the particulars and documents referred to in Sections 2 and 3, paragraph (1)(a) and (c), a declaration by the competent central authority or, in the case of an organization administered by the National Committee, a declaration by the competent regional National Committee, concerning the holder of the right to use the appellation of origin in question and its products.

If the application for registration of another holder of the right to use the appellation of origin is filed by a foreign legal entity or natural person, the applicant shall submit with the application, in addition to the documents referred to in Section 3, paragraph (1)(a) and (c), a document attesting that the person or entity in question is another holder of the right to use the appellation of origin in question in the country of origin.

5. – The declaration concerning an appellation of origin or another holder of the right to use an appellation of origin that has already been registered shall include a statement confirming that the products to which the appellation of origin applies fulfill the requirements established by law (Sections 1 and 6 of Law No. 159/1973 Sb.).

6. – The Office shall indicate on the application the exact time (date, hour and minute) at which it received it. It shall issue to the applicant an acknowledgement of receipt of the application.

The Office shall proceed in the same way in the case of an application for the registration of another holder of the right to use an appellation of origin.

7. – The register of appellations of origin shall record the following:

- (a) the registration number of the appellation of origin and the date of the decision by which the Office granted protection;
- (b) the name of the appellation of origin;
- (c) the date of filing of the application for registration of the appellation of origin;
- (d) the country, region or locality in which the product originates;
- (e) the trade name and head office or the given name, family name and domicile of the applicant, and his nationality;
- (f) the name and head office of the undertaking or factory which produces the products bearing the appellation of origin in the locality whose geographical name constitutes the appellation of origin;
- (g) any other holder of the right to use the registered appellation of origin;
- (h) the trade name and head office or the given name, family name and domicile of the agent of the applicant and of any other holder of the right to use the appellation;
- (i) the nature of the activity of the applicant and of any other holder of the right to use the appellation;
- (j) the time from which the protection of the appellation of origin or of another holder of the right to use the appellation of origin runs;
- (k) the transfer of the appellation of origin;
- (l) the cancellation of the registration of the appellation of origin or of holders.

The specification of the quality and characteristics of the products to which the appellation of origin relates shall constitute part of the registration.

8. – In its certificate of registration of the appellation of origin or of another holder of the right to use the appellation of origin, the Office shall enter all the particulars given in the register. On request, it shall enter in a certificate that has already been issued, any changes and new particulars subsequently entered in the register.

9. – A petition for cancellation of the registration of an appellation of origin or of the registration of another holder of the right to use such an appellation shall be submitted in writing to the Office.

The petition shall be accompanied by a statement of reasons and shall refer to the evidence furnished or proposed.

The petition may only relate to one appellation of origin. A number of copies corresponding to the number of parties to the proceedings shall be submitted. The Office shall send one to each party, and shall set the time limit within which the parties may comment on the petition. Any failure to do so shall not prevent the Office from taking a decision on the petition.



10. – On the application of a legal entity or natural person that is the registered holder of the right to use an appellation of origin, the Office shall authorize the registration of the appellation of origin abroad, if the appellation is important from the standpoint of the Czechoslovak economy.

11. – An application for the registration abroad of an appellation of origin shall specify the countries in which the appellation is to be registered, the economic justification for the registration abroad, the opinions of the competent central authority or of the National Committee and of the appropriate foreign trade undertaking and the name and head office of the person who will defray the cost of registration of the appellation abroad.

The Office shall take a decision on the application after hearing the opinions of a commission composed, in particular, of representatives of the competent central authorities, the authority responsible for monetary operations abroad, the foreign trade undertaking and the organization authorized to serve as intermediary for the registration of the appellation abroad.

12. – The foregoing provisions shall apply *mutatis mutandis* where the application for registration of the appellation of origin abroad is withdrawn or protection renounced.

13. – Applications for the registration of appellations of origin pursuant to the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration of October 31, 1958, must be submitted through the Office.

14. – A list of attorneys' offices and organizations authorized to act as agents pursuant to Section 15 of Law No. 159/1973 Sb. concerning the Protection of Appellations of Origin of Products shall be published in the Bulletin of the Office by the President of the Office in agreement with the competent central authorities.

15. – This Order shall enter into force on February 1, 1974.