

**Decree of the Government No. 87/1998 (V.6.) on the Detailed Rules  
Concerning the Protection of Geographical Indications of Agricultural  
Products and Foodstuffs**

By virtue of the authorization under Article 121(1)(b) of Law No. XI of 1997 on the Protection of Trademarks and Geographical Indications (hereinafter referred to as “the Trademark Law”) the Government orders as follows:

Inspection of Products  
Article 1

(1) In order to enforce the requirements of protectability laid down in Article 104 of the Trademark Law concerning geographical indications of agricultural products and foodstuffs, including wines and spirits (hereinafter referred to as “products”), there shall be inspected

a) in the procedure for registration under Article 113 of the Trademark Law and in the case of amendments of the product specification, whether the products bearing the geographical indication meet the requirements laid down in the product specification;

b) during the use of geographical indications in the course of trade and in any stage of the production, importation and putting on the market of the products, whether the requirements laid down in the product specification are met.

(2) The provisions of paragraph (1)(b) shall not prevent inspection and measures with respect to the production and the putting on the market of the products on the basis of other legislation.

Product Specification  
Article 2

(1) The product specification forming part of the application for registration of geographical indications shall include:

a) the name of the geographical indication;

b) the name of the product with respect to which the geographical indication is used;

c) a description of the product including, if appropriate, the raw materials used for the production, and principal physical, chemical, microbiological and organoleptic characteristics of the product;

d) a description of the method of obtaining the product and, if appropriate, the authentic local methods;

e) the definition of the geographical area in which the product designated by the geographical indication originates, in the case of wines the site determined under Article 4(5) of Law No. CXXI of 1997 on viticulture and wine-making, and in the case of geographical names traditionally used for foodstuffs also the definition of the breeding area in compliance with Article 118(1)(a) of the Trademark Law;

f) the details of the link between the product and the geographical environment or the geographical origin bearing out the fact that the specific quality, reputation or other characteristics of the product are attributable to that link;

g) the labelling details relating to the geographical indications appearing on the product.

(2) During the procedure for the registration of geographical indications and during the term of protection the proprietors may amend the product

specification, in particular to take account of developments in scientific and technical knowledge or to redefine the geographical area.

### Inspection Authorities Article 3

(1) The inspection tasks prescribed in Article 1(1)(a) with respect to the protection of geographical indications of the products shall be carried out by the Ministry of Agriculture (hereinafter referred to as “the Ministry”) in compliance with the opinion of the Hungarian Council for the Protection of Appellations of Origin (hereinafter referred to as “the Council”).

(2) The Council shall consist of 15 members. The members shall be invited by the Minister of Agriculture (hereinafter referred to as “the Minister”) from amongst the representatives of producers, science, consumers protection organizations, inspection and from amongst the representatives of the Ministry and of the Hungarian Patent Office.

(3) With respect to wines, the Council shall set up a Committee for the Protection of Appellations of Origin of Wines (hereinafter referred to as “the Committee”) to carry out the inspection tasks prescribed in Article 1(1)(a).

(4) The rules of procedure of the Council and of the Committee shall be approved by the Minister, the secretarial work shall be performed by the Ministry.

(5) The results of inspections carried out by a foreign organization may be taken into consideration in the procedure for registration of geographical indications either with the consent of such organization, or on the basis of an international treaty or subject to reciprocity. In the matter of reciprocity, the opinion of the President of the Hungarian Patent Office shall be decisive. The Hungarian Patent Office shall notify the Council and the Committee of the acceptance of the results of foreign inspection.

### Article 4

The inspection tasks referred to in Article 1(1)(b) shall be carried out by the following authorities:

- a) with respect to wines: the National Wine Qualifying Institute;
- b) with respect to other products: in the course of production, the county (metropolitan) veterinary and food-inspection station in whose sphere of authority the geographical place corresponding to the geographical indication is located, and in the course of putting the product on the market, consumer protection authorities.

### Article 5

(1) The inspection procedure referred to in Article 1(1) shall commence

a) in the case of the registration of geographical indications and in the case of amendments of the product specification, at the request of the proprietor to certify that the products bearing the geographical indication meet the requirements laid down in the product specification;

b) during the use of geographical indications in the course of trade, *ex officio* or at a request to establish that in relation to the product specification serious defects occur in the use of the geographical indication, which cannot be

remedied in any other way and can result in the lapse of protection under the provisions of Article 111(3) of the Trademark Law.

(2) As a result of the procedure, the inspection authority either allows or rejects the request within six months from the commencement of the procedure. In the event of an invitation to correct defects or in other justified cases the inspection authority may extend the time limit once for a period of not more than six months.

(3) In the procedures concerning geographical indications falling within the competence of the Hungarian Patent Office in accordance with Article 112(1) of the Trademark Law, decisions of the inspection authority shall be taken into consideration with respect to compliance with the requirements of the product specification.

(4) The costs of the procedure before the inspection authority shall be borne by the requesting party.

#### Article 6

(1) The registration of geographical indications of the products and the lapse of protection shall also be published in the official journal of the Ministry.

(2) After the registration of the geographical indication the product specification, with the exception of wines, shall be recorded in the Hungarian Food Register.

#### Entry Into Force; Transitional Provisions

#### Article 7

(1) This Decree shall enter into force on the fifteenth day following promulgation; its provisions on geographical indications shall apply both in pending procedures and with respect to valid registrations.

(2) In the case of appellations of origin protected under Article 118(3) of the Trademark Law, the product specification shall be filed with the Hungarian Patent Office within one year from the entry into force of this Decree.

## Approximation to European Community Law

### Article 8

Pursuant to Article 3 of Law No. I of 1994 promulgating the Agreement, signed in Brussels on December 16, 1991, establishing an association between the Republic of Hungary and the European Communities and the Member States, this Decree contains regulations compatible with the following legislation of the European Communities: Council Regulation 2081/92/EEC on the protection of geographical indications and designations of origin for agricultural products and foodstuffs.

---