

Act no. 469/2003 Coll.

of 28th October 2003

**on designations of origin for products and geographical indications for product
and on amendment of some acts**

THE NATIONAL COUNCIL OF THE SLOVAK REPUBLIC,
HAS ADOPTED THE FOLLOWING ACT:

Title I

**PART ONE
BASIC PROVISIONS**

Article 1

Subject-matter of Regulation

This Act governs the legal conditions to acquire the right for protection of designation of origin for product or geographical indication for product and legal conditions for the protection of that right.

Article 2

Definition of terms

(1) For the purposes of this Act

a) designation of origin for product shall mean the name of a specific place, a region or, in exceptional cases, a country, used to describe an agricultural product originating in that specific place, region, or country, if the quality or characteristics of which are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors, and the production, processing and preparation of which take place in the defined specific place, region, or country,

b) geographical indication for product shall mean the name of a specific place, a region or, in exceptional cases, a country, used to describe an agricultural product originating in that specific place, region, or country which possesses a specific quality, reputation or other characteristics attributable to that specific place, region, or country and the production, processing or preparation of which take place in the defined specific place, region, or country,

c) product shall mean any goods produced, mined out or otherwise obtained, irrespective of its processing stage, that is destined for a consumer,

d) generic name shall mean the name of an agricultural product which, although it refers to the specific place, the region or the country where this product was originally produced or marketed, it has become the common name of an agricultural product,

e) a legal or natural person entered as the holder in the Register shall be deemed the holder of the registration certificate for a designation of origin for product or a geographical indication for product,

f) user of registered designation of origin for product or registered geographical indication for product shall mean a member of corporation or association of producers or processors which use registered designation of origin for product or registered geographical indication for product that is subject to registration,

g) delocalization clause shall mean a geographical data, specifying the territory where the product originates from.

(2) Certain traditional geographical or non-geographical names designating an agricultural product or a foodstuff originating in a specific place, a region or a country, which fulfil the conditions of this act shall also be considered as designations of origin for products.

Article 3

A designation of origin for product (hereinafter referred to as "designation of origin") and geographical indication for product (hereinafter referred to as "geographical indication"), which comply with the requirements of this Act and related Regulations¹, shall enter in the Register of designations of origin and geographical indications (hereinafter referred to as "Register") kept by the Industrial Property Office of the Slovak Republic (hereinafter referred to as "the Office").

Article 4

Exclusions from registration

The following shall not be registered as a designation of origin or geographical indication:

a) an indication which, although literally true as to the territory, region or locality in which the product originates, is capable to evoke a false assumption that the product originates in another territory,

b) an indication which is a generic name of the product although originate in specified territory,

c) an indication identical with a plant variety or animal breed and as a result is liable to mislead the public as to the true origin of the product,

d) an indication for similar or identical product which is identical to or confusingly similar with registered designation of origin, geographical indication, trademark, or unregistered well-known trademark,

e) an indication identical to or confusingly similar with registered well-known trademark if the use of such indication for any products would indicate connection between the thus-

¹ Act of the National Council of the Slovak Republic No. 152/1995 Coll. on Foodstuffs as amended.

marked products and the owner of the registered well-known mark, and if the interests of its owner are likely to be damaged by such use.

Article 5

Registration of identical names of regions for wines or spirits

If the applicant which filed the application of designation of origin or geographical indication for wines or spirits, in accordance with Article 14 using a delocalization clause, is able to ensure such a manner of utilization of these indications which is not capable to evoke a false assumption about the true origin of product, two or more designations of origin or geographical indications for wines or spirits containing identically written or identically reading names of places may enter in the register provided that the principle of equal position of producers in the market is complied with.

**PART TWO
DESIGNATIONS OF ORIGIN**

Article 6

Rights and obligations conferred by registration

(1) Only the holder of the registration certificate for a designation of origin for product (hereinafter referred to as "holder of the registration certificate") and user of registered designation of origin for product (hereinafter referred to as "user") is entitled to use registered designation of origin.

(2) Holder of the registration certificate has the right to prohibit the use of designation of origin by user if the designated product lacks the characteristics or quality which are due to a particular geographical environment [Article 15(1)(d)] or does not comply with the requirements of specification for agricultural product or foodstuffs.

(3) Holder of the registration certificate or the user may assign on the product the information that this is a registered designation of origin.

(4) No license may be granted for the registered designation of origin.

(5) The right of lien on registered designation of origin may not be established.

(6) Registered designation of origin may not be a subject of an assignment.

Article 7

(1) Registered designation of origin shall be protected against :

(a) any direct or indirect commercial use in respect of products not covered by the registration in so far as those products are identical or comparable to the products registered under that designation of origin or insofar as using the name exploits the reputation of the registered designation of origin ;

(b) any misuse, imitation or evocation, even if the true origin of the product is indicated or if the registered designation of origin is translated or accompanied by an expression such as 'kind', 'style', 'type', 'method', 'as produced in', 'imitation', similar; or by use of similar expression,

(c) any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product, on the inner or outer packaging, advertising material or documents relating to the product concerned, and the packing of the product in a container liable to convey a false impression as to its origin,

(d) any other practice liable to mislead the public as to the true origin of the product.

(2) Where a registered designation of origin contains within it the name of a product that is considered generic, the use of that generic name shall not be considered to be contrary to the (a) or (b) in the first subparagraph.

Article 8

(1) Protection of designation of origin shall arise on the day of entering in the register.

(2) Protection of designation of origin shall be unlimited in time.

Article 9

(1) Any person may request that it should be prohibited to use the registered designation of origin for identical or similar products, which does not fulfil the conditions for its utilization and may request that thus products be withdrawn from market.

(2) In the case of unauthorized interference with the rights protected by this Act or jeopardizing these rights, the holder of registration certificate whose rights have been infringed or jeopardized is entitled to claim that everybody who puts or intends to put identical or similar product in the market, for information about origin of the product, for which the protected designation of origin is used and on circumstances regarding its introduction into market.

(3) In case of unauthorized interference with the rights protected by this Act or jeopardizing these rights, the holder of registration certificate whose rights have been infringed or jeopardized is entitled to claim that the infringement or jeopardizing of the right has to be prohibited and the consequences of infringement removed. The right to compensation is not affected.

If the interference caused a non-pecuniary injury, the damaged party has a right to adequate satisfaction, which may be represented by pecuniary compensation.

Article 10
Disputes hearing

(1) Disputes on rights pursuant to this Act shall be heard and ruled by courts, unless this Act stipulates otherwise.

(2) The holder of registration certificate may requests the court to order that products, through which the infringement or jeopardizing of right, protected by this Act, is directly performed to be

a) withdrawn from the market,

b) otherwise secured by a method preventing further infringement or jeopardizing of the right,

c) destroyed in a suitable manner at the cost of the person infringing the right, unless a more appropriate solution is available; the court shall not order destruction if the products through which the infringement or jeopardizing of rights, protected by this Act, is directly performed are not property of the alleged person.

(3) The court shall not grant the right to submit the data related to the origin of the product, in which the registered designation of origin is incorporated and the circumstances of its placing on market (Article 9(2)), if the seriousness of jeopardizing or infringing the right is disproportionate to the seriousness of consequences following from the fulfillment of obligation imposed in this manner.

Article 11

(1) Holder of registration certificate is entitled to propose so that the court, while protecting the rights pursuant to this Act, imposes by means of preliminary injunction², the obligations identical in content with decision on the matter as such in case any delay may cause to the entitled party a damage, which can be repaired only with difficulties, or a non-pecuniary injury.

(2) Within a decision on the preliminary injunction the court is also entitled to impose on the plaintiff an obligation to deposit a financial security in a reasonable amount, or to condition the effectiveness of the decision by fulfillment of the imposed obligation. When taking decision on the amount of the financial security, the court shall take into consideration the scope of the pecuniary or non-pecuniary injury, which can occur to the counterpart, as well as to the financial situation of the plaintiff, where the imposition of the obligation to deposit the financial security shall not create a substantial obstacle for the effective enforcement of the right.

(3) Defendant may propose so that the court to decide upon releasing the financial security to the counterpart as a compensation of pecuniary injury or satisfaction of non-pecuniary injury in terms of money caused directly by the enforcement of the injunction decision without a reasonable title.

(4) If within a six-month time limit from the finding of the injury pursuant to paragraph 3, the claim to compensation or satisfaction is not exercised before the court or if no

² Articles 74 to 77 and Article 102 of the Code of Civil Procedure.

agreement of the parties on the use of the financial security is reached, the court shall return the financial security.

PART THREE GEOGRAPHICAL INDICATIONS

Article 12

Geographical indication

Provisions relating to designation of origin shall apply to rights and obligations resulting from the registration, disputes hearing and procedure before the Office accordingly.

PART FOUR PROCEDURE BEFORE THE OFFICE

Article 13

(1) Unless otherwise stated by this Act, the procedure before the Office pursuant to this Act shall be governed by general rules of administrative proceedings³.

(2) Following provisions under general rules of administrative proceedings³ shall not apply to the procedure before the Office: on suspension of proceedings, on declaration on oath, on terms for decision and measures again failure to act.

Article 14

Application for designation of origin

(1) An application for designation of origin (hereinafter referred to as “application”) may be filed by the corporation or association of producers or processors regardless of legal form or composition (hereinafter referred to as “association”)⁴ for product produced, processed and prepared in the specified territory. An individual natural person or a legal entity may apply for registration provided that at the time of filing of the application it is the only person that produces, processes and prepares the product in the specified territory (hereinafter referred to as “applicant”).

(2) Another natural person or legal entity which submitted the application pursuant to subparagraph 1 independently, if production, processing and preparation of the product with defined quality or characteristics takes place in the defined specific place, shall have the right to become a member of association who fulfils conditions of membership in association, which shall be neither discriminatory nor in conflict with legally binding rules of economic competition.

The association shall be obliged to issue a certificate of membership to its members upon the request.

³ Act No. 71/1967 Coll. on Administrative Proceedings in wording of the Act No. 215/2002 Coll.

⁴ e.g. Articles 20(f) to 20(j) of the Civil Code, Act No. 83/1990 Coll., on Association of Citizens, as amended, Article 69 of the Act No. 455/1991 Coll., on Small Businesses, as amended.

(3) An application shall contain:

a) request for entry of designation of origin in the Register, accompanied by express will of applicant to register a designation of origin,

b) surname, name, domicile and nationality of the applicant, and name or trade name and seat if the applicant is a legal entity,

c) determination of the product, if the subject of application is the agricultural product or foodstuff, their specification approved by the Ministry of Agriculture of the Slovak Republic (hereinafter referred to as "Ministry"),

d) name and seat of business where the product in the specified territory is produced, processed and prepared ,

e) surname, name and seat of business of the representative of applicant, if it is not identical with domicile, or domicile or trade name or name and seat of representative of the applicant as well as warrant in case where the applicant is represented or is obliged to be represented⁵ (Article 37(2)),

f) signature of the applicant or applicant's representative.

4) File number is attached to the application, delivery date of application is marked and applicant receives an filing receipt

Article 15

(1) Determination of the product shall contain:

a) name of the product, including the wording of designation of origin,

b) geographical definition of territory where the production, processing a preparation performs,

c) evidence that the product originates in the defined geographical area,

d) description of quality or characteristics which are due to a particular geographical environment.

(2) The applicant without a residence or seat in the Slovak Republic having protected designation of origin in the country of origin of product in compliance with domestic legislation may substitute data according to subparagraph 1(c) with protection certificate for designation of origin issued in country of origin.

⁵ Article 40 of the Act No 237/1991 Coll. on Patent Attorneys as amended by the Act of the National Council of the Slovak Republic No 90/1993 Coll.

Article 16

The specification of the agricultural product or foodstuff shall contain:

- a) the name of the agricultural product or foodstuffs including the designation of origin;
- b) description of the agricultural product or foodstuff including the raw materials, and principal physical, chemical, microbiological and organoleptic characteristics of the product or the foodstuff;
- c) definition of the geographical area where the production, processing and preparation of the agricultural product or foodstuffs, takes place; in case of foodstuffs or agricultural products within the meaning of Article 2 (2), the data upholding such products or foodstuffs,
- d) an evidence that the agricultural product or the foodstuff originates in the defined geographical area;
- e) description of the method of obtaining the agricultural product or foodstuff and, if appropriate, the authentic and unvarying local methods;
- f) details bearing out the link between the quality or characteristics of agricultural product or foodstuff and the geographical environment, within the meaning of Article 2(1)(a).

Article 17

Application procedure

(1) The Office shall examine whether

- a) designation of origin stated in the application fulfils conditions for registration,
- b) the application meets conditions pursuant to Articles 14 to 16,
- c) the applicant is represented by an authorized representative⁵ (Article 37(2)).

(2) The Office shall invite the applicant to remedy the ascertained irregularities under subparagraph 1(b)(c) within the prescribed time limit not shorter than two months. If the applicant does not remedy the irregularities, the Office shall suspend the application procedure. The applicant has to be notified about this consequence in the invitation.

(3) If the application fails to meet the conditions pursuant to Article 4 or does not meet the registration conditions, the Office shall refuse the application. Before the refusal of the application the Office shall enable the applicant to respond to the ascertained reasons on the basis of which the application shall be refused.

Article 18

Registration of designation of origin

(1) The Office shall enter a designation of origin into the Register if an application meets the conditions pursuant to this Act. The Office shall issue the certificate on the registration of the designation of origin into the Register to the owner and the registration shall be published and the registration shall be announced in the Official Journal of the Industrial Property Office of the Slovak Republic (hereinafter referred to as "Journal").

(2) The Office shall send the copy of the certificate on the registration of the designation of origin for agricultural product or foodstuff into the Register, to the Ministry.

Article 19

Registration of amendments relating to the determination of product and specification of agricultural product or foodstuff.

Applicant or holder of registration certificate may request the amendment of a determination of product or specification of agricultural product or foodstuff, in particular to take account of developments in scientific and technical knowledge or to redefine the geographical area.

Article 20

Inspection

(1) The competence over the performing an inspection of specification of agricultural product or foodstuff (Article 16) is assigned to the bodies and organizations accredited to perform certification of products and authorized by Ministry to conduct inspections of agricultural products or foodstuffs (hereinafter referred to as "inspection authority") to the scope of their competence.

(2) The applicant or holder of registration certificate or plaintiff of designation of origin registration cancellation (hereinafter referred to as "plaintiff") is obliged to enclose an approval of Ministry with the request for amendment of specification of agricultural product or foodstuff, or with the proposal for cancellation of registration of designation of origin for agricultural product or foodstuff,

(3) Any person may request the inspection authority to issue the certification or other document important for exercise or defense of his right.

(4) Results of inspection or examination performed by a foreign inspection authority shall be taken into account in the proceedings before the Office, based on the international convention or based on reciprocity.

Article 21

Cancellation of registration

(1) The Office shall cancel the registration of a designation of origin if it ascertains in the proceedings started at the request of a third party, inspection authority or ex-officio that

a) the designation of origin was registered contrary to the conditions for registration laid down by this Act,

b) conditions stipulated for registration of designation of origin ceased to exist;

c) product for which the designation of origin is registered, missing the quality or characteristics of which are due to a particular geographical environment (Article 15(1)(d)) or according to inspection authority it does not fulfil requirements determined by specification for agricultural product or foodstuff and these requirements were not fulfilled additionally within the period specified by the Office.

(2) In case, pursuant to paragraph 1(c), an registration of designation of origin shall not be cancelled, if the product the quality or characteristics of which are due to a particular geographical environment (Article 15(1)(d)), or comply with conditions stipulated by this Act, exists in the market.

Article 22

(1) Where the registered designation of origin is cancelled pursuant to Article 21(1)(a), it shall be deemed not to have been registered.

(2) Where the registered designation of origin is cancelled pursuant to Article 21(1)(b) and (c) it shall be deemed cancel on the date of filing the proposal for cancellation.

(3) The Office shall enter the decision on the cancellation in the register and publish in the Journal. The Office shall send the copy of the decision on the cancellation of the designation of origin for agricultural product or foodstuff into to the Ministry.

Article 23

(1) If a proposal for cancellation of designation of origin (hereinafter referred to as "proposal for cancellation") fails to contain the reasons for a cancellation of registration of designation of origin pursuant to Article 21(1) the Office shall request the plaintiff to supplement the proposal or remedy the irregularities within the prescribed time limit. If a plaintiff does not remedy the irregularities within the prescribed time limit, the Office shall suspend the proceeding on the proposal for cancellation.

(2) The Office shall deliver the proposal for cancellation to the holder of the registration certificate and concurrently invites him to respond to the proposal within the prescribed time limit.

(3) If the holder of the registration certificate fails to respond within the time limit prescribed in the notice, the Office shall decide on the basis of the file contents.

(4) If the owner is not represented by an authorized representative and fails to comply with the notice for submitting the authorization within the prescribed time limit, he shall be deemed not to have responded to the request for the invalidation.

(5) If the character of the matter so requires, the Office shall order an oral proceeding. The Office shall set a date for oral proceeding and shall concurrently deliver a statement of the holder of the registration certificate to the proposal for the cancellation to the plaintiff.

(6) The Office may continue in the proceeding and decide in the matter also in the case that the duly summoned party fails to participate in the oral proceeding.

(7) Extending or supplementing the proposal for cancellation shall be inadmissible; such extending or supplementing shall not be taken into consideration within the proceeding and decision-making by the Office.

Article 24

Further proceeding

(1) On the basis of the request of the party to the proceedings on extension of the time limit prescribed by the Office for performing an action, submitted before the expiry of this time limit, the Office is entitled to extend the time limit.

(2) If a party to the proceedings before the Office has failed to comply with the time limit prescribed by the Office for performing an action, he is entitled to ask the Office for further proceeding and at the same time to perform the omitted action no later than two months from the delivery of the official decision issued as a consequence of failure to comply with the time limit.

(3) The Office shall refuse a request pursuant to paragraphs 2 in the case of failure to comply with the time limits for submitting the request for *restitutio in integrum* (Article 25(1)).

(4) The Office shall refuse a request pursuant to paragraph 2 in the case of failure to comply with the time limit for response of the owner to the proposal for invalidation (Article 23(1)).

(5) The Office shall refuse the request for extension of time limits or for further proceeding which fails to comply with conditions pursuant to paragraphs 1 or 2 or to which a restriction pursuant to paragraphs 3 or 4 applies; before the refusal of the request the Office shall enable the person who requests it to respond to the ascertained reasons on the basis of which the request is to be refused.

(6) If the Office grants request for further proceeding, the legal effects of the decision issued as a consequence of failure to comply with the time limit shall be retracted or shall not ensue.

(7) If the Office fails to make a decision about refusing the request pursuant to paragraphs 1 or 2 within two months from its delivery, the request shall be deemed to be satisfied.

Article 25

Restitutio in integrum

(1) If the party to the proceedings before the Office unintentionally fails to comply with the statutory time limit or the time limit prescribed by the Office for performing an action, where a consequence of non-performance of the action is a suspension of the proceedings

or another right is lost, he is entitled to ask the Office for *restitutio in integrum* and at the same time to perform the omitted action within two months from the removal of the cause for which he could not perform the action, not later than within 12 months from the expiry of the non-complied time limit.

(2) The party to the proceedings shall be obliged to justify the request pursuant to paragraph 1 and state the facts, which prevented the performance of the action. The statements submitted after the expiry of any of the time limits pursuant to paragraph 1 shall not be taken into consideration by the Office when making a decision about the request.

(3) In the case of reasonable doubts about the veracity of the statement pursuant to paragraph 2, the Office may ask the applicant to prove his statements in a different way.

(4) The request for *restitutio in integrum* shall not be granted in the case of failure to comply with the time limits for:

- a) performing the actions pursuant to paragraph 1,
- b) performing the actions pursuant to Article 24(2) or (4),
- c) filing an appeal pursuant to Article 27(1),
- d) filing an oppositions pursuant to Article 34(2),

(5) The Office shall refuse the request for *restitutio in integrum*, which fails to meet the requirements pursuant to paragraphs 1 and 2, or to which the restriction pursuant to paragraph 4 applies, or the applicant has not proven his statements pursuant to paragraph 3; before the refusal of the request the Office shall enable the applicant to respond to the ascertained reasons on the basis of which the request is to be refused.

(6) If the Office satisfies the request for *restitutio in integrum*, the legal effects of the decision issued as a consequence of failure to comply with the time limit shall be retracted or shall not ensue.

(7) The rights of the third parties acquired in the territory of the Slovak Republic in a good faith from the validity date of the decision issued as a consequence of failure to comply the time limit of the legal effects of this decision pursuant to paragraph 6, shall be retained.

Article 26

Grounds for the decision

(1) The party to the proceedings shall be obliged to submit or propose the evidence to support his statements.

(2) The Office shall decide on the basis of the facts ascertained from the performed evidences submitted or proposed by the parties of the proceedings.

Article 27

Remedies

(1) An appeal against the decision of the Office may be lodged within one-month time limit from the delivery of the decision; an appeal filed in time has a dilatory effect.

(2) Filing an appeal shall not be admissible against the decision on which a request for further proceedings or request for *restitutio in integrum* has been satisfied,

Article 28

Data accessibility

(1) Before the entering an designation of origin into the Register, the Office shall be entitled to notify third parties without the consent of the applicant only the name and surname of the applicant, wording of the designation of origin, number of application and filing date.

(2) After entering of the designation of origin into the Register, the Office shall on the basis of the request enable anyone to inspect the file concerning the application and the registered designation of origin.

(3) The right for a file inspection shall include a right for making photocopies for the fee.

(4) Those parts of the file which contain trade secret or other confidential information which publication is not necessary for a guarantee of the right for an information of third parties including the parties to the proceedings shall be excluded from the file inspection.

Article 29

Register and Official Journal

(1) Following data are recorded into Register

- a) application number,
- b) the date of filing of the application,
- c) the registration number of designation of origin,
- d) the date of registration of designation of origin,
- e) the name of designation of origin,
- f) the name of the product for which the designation of origin refers to,
- g) definition of the geographical area where the production, processing and preparation of the product takes place,
- h) surname and name, and domicile if the applicant is a natural person, and name or trade name and seat if the applicant is a legal entity,
and the date of the decision by which the Office granted protection,
- i) surname, name and seat of business of the representative of applicant, if it is not identical with domicile, or domicile or trade name or name and seat of representative of the applicant,
- j) name and seat of business where the product bearing the designation of origin in the specified territory is produced, processed and prepared,
- k) a description of characteristics or quality of product which are due to a particular geographical environment, or characteristics of the agricultural product or foodstuff including the raw materials, and principal physical, chemical, microbiological and organoleptic characteristics of the product or the foodstuff,
- l) cancellation of the registration of the designation of origin,
- m) another decisive data,

(2) After verification of submitted data, amendments that occurred after registration of designation of origin or, as appropriate, geographical indication, shall be entered in the register upon request.

(3) Data entered in the Register shall be considered valid unless a decision of the relevant authority determines otherwise

(4) Modifications of data entered in the Register, ensuing from valid and enforceable decision of the relevant authority shall be entered in the Register without delay by the Office after delivery of the decision with a validity clause.

(5) Entry of data and fact ensuing from the law or from a decision of the relevant authority pursuant to paragraph 3 shall not be considered a decision issued in the proceedings pursuant to provisions of the Administrative Procedure Code³.

(6) Anybody is authorized to inspect in the Register.

(7) Upon request, the Office shall issue an extract from Register to any person upon request. Extract from Register shall contain the data valid as of the day on which such extract from Register was issued.

(8) The Office shall publish the Official Journal, in which it publishes and notifies the facts concerning the applications and registered designs.

PART FIVE INTERNATIONAL PROTECTION

Article 30

International registration of designation of origin

(1) Persons having their permanent address or seat in the Slovak Republic may apply for international registration of designation of origin according to the international convention⁶ through the Office.

(2) The applicant for international registration of designation of origin shall be obliged to pay a fees for operations according to paragraph 1 specified by the international convention⁶. The amount of fees set down by the international convention⁶ shall be announced by the Office in the Journal.

Article 31

(1) International registration of designation of origin shall have the same effects as the registration of the designation of origin by the Office.

⁶ Lisabon Agreement for the Protection of Appellations of Origin and their International Registration of 31. October 1958, revised in Stockholm on 14 July 1967, published under No. 67/1975 Coll. as amended by the decree No. 79/1985 Coll.

(2) If the protection relating to internationally registered designation of origin was refused for the territory of the Slovak Republic, it shall be deemed not to have been registered in the Slovak Republic.

Article 32

Protection of designation of origin and geographical indications according to the legislation of European Union

(1) Persons, pursuant to Article 14, having their permanent address or seat in the Slovak Republic may after approval of the specification of agricultural product or foodstuff by the ministry apply with the Office for registration of designations of origin or geographical indications for agricultural product or foodstuff according to Council Regulation (EEC)⁷, which are produced, processed or prepared in the territory situated within the Slovak Republic.

(2) If the application fails to meet the specified requirements⁷ or specification for agricultural product or foodstuff approved by the ministry, the Office shall invite the applicant to remedy these irregularities within the prescribed time limit.

(3) The Office shall cede the application to the Commission⁸, including all documents supporting its findings, within two months from the day when the proper application was delivered to the Office. The Office shall inform the applicant about this fact.

(4) The Office shall inform the applicant about formal findings of the Commission without delay.

Article 33

Amendments to specification

Provisions of Article 32 shall apply accordingly to filing, verification and cession of request for amendments to specification for agricultural product or foodstuff according to Council Regulation (EEC)⁷.

Article 34

Objections

(1) Persons having their permanent address or seat in the territory of the Slovak Republic may file duly justified objections against the registration of designations of origin and geographical indications in the Register of protected designations of origin and protected geographical indications kept by the Commission or, as appropriate, the objections against amendments to specification of agricultural product or foodstuff for designation of origin or geographical indication (hereinafter referred to as “objections”).

(2) Objections shall be submitted not later than within five months from the day on which the Commission published identification data of applicant, the name of agricultural product or foodstuff, main items of application and references to national legal regulations relating

⁷ Council Regulation (EEC) No. 2081/92 of 14 July 1992, on the Protection of Geographical Indications and Designations of Origin for Agricultural Products and Foodstuffs

⁸ Articles 211 to 219 of the Treaty establishing the European Community.

to production, processing or preparation of agricultural product or foodstuff, including reasons for conclusion that the name fulfils conditions for protection.

(3) Duly justified objections the Office shall cede to the Commission for further proceedings.

(4) The Office shall refuse to cede objections to the Commission, if they are not duly justified and if they are filed after the term stipulated in paragraph 2; the person who submitted objections must be informed about this fact.

Article 35

(1) If the Commission invites the parties concerned to reach an agreement about objections, the Committee established by the ministry shall be competent to lead discussions on behalf of the Slovak Republic. Before conclusion of agreement, the Office shall be obliged to request the standpoint of a person who filed an application pursuant to Article 32 or of a person who submitted objections against registration of such indication pursuant to Article 34.

(2) The Office shall be entitled to request that a person who filed an application pursuant to Article 32, or a person who filed objections pursuant to Article 34, should provide at his own expense the deed or certificate from the relevant inspection authority, that is important for denying or raising of objections against registration of designation of origin or, as appropriate, geographical indication in the Register kept by the Commission.

(3) The Committee shall inform the Commission by means of the Office about the standpoint of the Slovak Republic as regards the results of discussions relating to objections in respect of standpoint of a person who filed an application pursuant to Article 32 or of a person who submitted objections against registration of designation of origin or geographical indication pursuant to Article 34.

(4) The Office shall inform the applicant pursuant to Article 32 and to a person who submitted objections pursuant to Article 34, about the decision made by the Commission as regards the objections.

Article 36

(1) Registration of designation of origin or geographical indication in the register of protected designations of origin and protected geographical indications kept by the Commission shall have the same effects in the Slovak Republic as registration of designation of origin or geographical indication in the register kept by the Office.

(2) If the Commission enters or refuses to enter designation of origin or geographical indication in the register of protected designations of origin and protected geographical indications, the entry in the register kept by the Office shall lose its effect.

(3) Inspection authorities, which control compliance with specification in case of agricultural products or foodstuffs whose designation or origin or, as appropriate, geographical indication is entered in the register kept by the Office, shall be obliged to perform activities according to Article 10 also in relation to agricultural products or

foodstuffs originating from the territory of the Slovak Republic, whose designation of origin or, as appropriate, geographical indication is entered in the register of protected designations of origin and protected geographical indications kept by the Commission.

PART SIX COMMON, TRANSITIONAL AND REPEALING PROVISIONS

Article 37

Common provision

(1) The parties with the residence or seat in the territory of the member state of an international convention⁹ or in the territory of a Member State of the World Trade Organization¹⁰, have the same rights and obligations as national applicants or entitled persons; if the state in which the parties have the residence or seat, is not a member state of an international convention or a member of the World Trade Organization, the rights and obligations shall be granted only under the condition of reciprocity.

(2) The parties without a residence or seat in the Slovak Republic shall have to be represented in the proceedings on designations of origin or geographical indications by an authorized representative⁵.

(3) Submission to the Office shall be made in the official language¹¹ only .

Article 38

Transitional provisions

(1) Proceedings on applications of designations of origin, which has not been legally concluded before the date of the effectiveness of this Act, shall be concluded pursuant to this Act. Applicant is obliged, base on the official notice within set time limit, to put its application into compliance with requirements of this Act in respect of application for designation of origin.

(2) Relationships from designations of origin for products entered into the Register before the date of entry into force of this Act shall apply pursuant to this Act. Rise of these relationships, as well as claims occurred before the date of entry into force of this Act has entered into force shall be adjudicated pursuant to the regulations valid in the time of their rise.

(3) Provisions of this law shall govern relations arising from designation of origin of products entered in the register before the date of entry into force of this Act provided that registered user or users fulfill registration requirements pursuant to this Act within two

⁹ Paris Convention on Protection of Industrial Property of 20. March 1883 revised in Brussels on 14. December 1900, in Washington on 2. June 1911, in the Hague on 6. November 1925, in London on 2. June 1934, in Lisbon on 31. October 1958 and in Stockholm on 14. July 1967 published by Decree of the Minister of Foreign Affairs No 64/1975 Coll. as amended by Decree No 81/1958 Coll.

¹⁰ Communication of the Ministry of Foreign Affairs of the Slovak Republic No 152/2000 Coll. on Conclusion of the Agreement establishing the World Trade Organisation.

¹¹ Act of the National Council of the Slovak Republic No 270/1995 Coll. on official language of the Slovak Republic as amended.

years time period as from the date of entry into force of this Act. The Office shall cancel this designation of origin after futile expiration of specified time limit.

Article 39

Repealing provision

The following shall be repealed:

1. Act no. 159/1973 Coll. on the protection of appellations of origin of products in wording of the Act of National Council of the Slovak Republic no.90/1993 Coll.
2. Decree of the Office of Inventions and Discoveries no. 160/1973 Coll. concerning the procedures in respect of appellations of origin of products

Title II

The Act no. 634/1992 Coll. on consumer protection in wording of the Act of National Council of the Slovak Republic No. 220/1996 Coll., Act No. 137/1998 Coll., Act No. 310/1999 Coll., Act no. 128/2002 Coll., Act No . 414/2002 Coll. and Act No. 529/2002 Coll. is thus amended:

Article 8 is added with paragraph 6 that reads as follows:

“(6) Also the offer or sale of products that violates the rights conferred by designations of origin for products and geographical indications for products pursuant to special regulation^{9e} as well as storing such a products for the purposes of offer or sale is consider as misleading of consumer”.

Footnote no. 9e reads as follows:

“^{9e)} Act of the National Council of the Slovak Republic No. 152/1995 Coll. on Foodstuffs as amended”.

Title III

Act of National Council of the Slovak Republic No. 145/1995 Coll. on administrative fees in wording of Act of National Council of the Slovak Republic no. 123/1996 Coll., Act of National Council of the Slovak Republic No. 224/1996 Coll., Act of National Council of the Slovak Republic No. 70/1997 Coll., Act No. 1/1998 Coll., Act No. 232/1999 Coll., Act no. 3/2000 Coll., Act No. 142/2000 Coll., Act No. 211/2000 Coll., Act No. 468/2000 Coll., Act No. 553/2001 Coll., Act No. 96/2002 Coll., Act No. 118/2002 Coll., Act No. 215/2002 Coll., Act No. 237/2002 Coll., Act No. 418/2002 Coll., Act No. 457/2002 Coll., Act No. 465/2002 Coll., Act No. 477/2002 Coll., Act No. 480/2002 Coll. and Act No. 245/2003 Coll. is thus amended and added:

The Items 233 – 235 in the Tariff of administrative fees read as follows:

”Item 233

a) Filing an application for a designation of origin for products or geographical designations of product...

2000 SKK

- b) Filing a request for
1. registration of a change of specification of agricultural product or foodstuff or a designation of product 500 SKK
 2. registration of another decisive data in the Register of designations of origin or geographical designations 200 SKK
- Item 234**
Filing a request for cancellation of registration of a designation of origin for products or geographical designation of product 2000 SKK
- Item 235**
a) Filing a request for international registration of a designation of origin for products or geographical designation of product 1000 SKK”

Title IV **Entry into force**

This Act shall enter into force on 1 December 2003, except for provisions of Articles 32, 36, which shall take effect on the day of entry into force of the Convention on accession of the Slovak Republic to the European Union.

Rudolf Schuster s. m.

Pavol Hrušovský s. m.

Mikuláš Dzurinda s. m.