EUROPEAN
COMMISSION

HIGH REPRESENTATIVE
OF THE UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

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ANNEX 4

ANNEX

to the

Joint Proposal for a Council Decision

on the conclusion, on behalf of the European Union, of the Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part and the Republic of Armenia, of the other part.

ANNEX IX

LEGISLATION OF THE PARTIES AND ELEMENTS FOR REGISTRATION, CONTROL AND PROTECTION OF GEOGRAPHICAL INDICATIONS

Part A
Legislation of the Parties

I. Legislation of the European Union

(1) 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, with its implementing rules.

(2) Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89, with its implementing rules.

(3) Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007, with its implementing rules.

(4) Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91.

II. Legislation of the Republic of Armenia

(1) Law of RA on "Geographical Indications", HO-60-N adopted on 29.04.2010, entered into force on 01.07.2010.

(2) Civil Code of RA, articles 1179-1183.

(3) Rules on "Filling out, filing and processing an application of Geographical indications, Designation of origin and Guaranteed traditional products", confirmed by decision 310 –N of the Government of RA on 10.03.2011.

Part B

Elements for registration, control and protection of geographical indications

Each Party shall ensure that its system for registration, control and protection of geographical indications includes:

(1) a register listing geographical indications protected in its territory;

(2) an administrative process verifying that geographical indications identify a good as originating in a territory, region or locality of one of the Parties, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin;

(3) a requirement that a registered name corresponds to a specific product or products for which a product specification is laid down, which can only be amended by due administrative process;

(4) control provisions applying to production;

(5) enforcement of the protection of registered geographical indications by appropriate administrative action by the public authorities;

(6) legal provisions providing that a registered geographical indication:

(a) may be used by any operator marketing the agricultural product or foodstuff conforming to the corresponding specification and;

(b) is protected against:

(i) any direct or indirect commercial use of a registered geographical indication in respect of products not covered by the registration in so far as those products are comparable to the products registered under that geographical indication or in so far as using the geographical indication exploits the reputation of the protected geographical indication;

(ii) any misuse, imitation or evocation, even if the true origin of the product is indicated or if the protected geographical indication is translated or accompanied by an expression such as "style", "type", "method", "as produced in", "imitation" or similar;

(iii) 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 likely to convey a false impression as to its origin and;

(iv) any other practice likely to mislead the consumer as to the true origin of the product.

(7) a rule that protected names may not become generic;

(8) provisions concerning the registration, which may include refusal of registration, of terms homonymous or partly homonymous with registered terms, terms customary in common language as the common name for goods and terms comprising or including the names of plant varieties and animal breeds. Such provisions shall take into account the legitimate interests of all persons concerned;

(9) rules concerning the relationship between geographical indications and trademarks providing for a limited exception to the rights conferred under trademark law to the effect that the existence of a prior trademark shall not be a reason to prevent the registration and use of a name as a registered geographical indication, except where, by reason of the trademark's renown and the length of time it has been used, consumers would be misled by the registration and use of the geographical indication on products not covered by the trademark.

(10) a right for any producer established in the geographical area and who is subject to the relevant control to produce the product labelled with the protected name, provided that that producer complies with the product specifications;

(11) an objection procedure that allows the legitimate interests of prior users of names, whether those names are protected as a form of intellectual property or not, to be taken into account.