

452/2001 Coll.

ACT

of 29 November 2001

on protection of designations of origin and geographical indications, and on the amendment to the Consumer Protection Act

Amendment: 131/2003 Coll.
Amendment: 501/2004 Coll.
Amendment: 221/2006 Coll.
Amendment: 375/2007 Coll.
Amendment: 256/2011 Coll.
Amendment: 196/2017 Coll.
Amendment: 261/2021 Coll.
Amendment: 215/2022 Coll.
Amendment: 277/2019 Coll.

The Parliament has resolved to adopt the following legislative act of the Czech Republic:

PART ONE

PROTECTION OF DESIGNATIONS OF ORIGIN AND GEOGRAPHICAL INDICATIONS

CHAPTER I

BASIC PROVISIONS

Article 1

Subject of the Amendment

(1) The Act regulates the conditions under which it is possible to achieve the protection of the designation of origin or of the geographical indication for goods in the Czech Republic as well as the legal effects of such protection.

(2) In addition, the act regulates, in association to directly applicable legislation of the European Union regulating the protection of geographical indications and of the designation of origin ¹⁾

- a) powers of administrative bodies to perform activities which are, according to the directly applicable EU legislation, performed by the member state;
- b) a domestic procedure for the submission of applications for registration of a designation of origin or geographical indication for goods coming from the Czech Republic or from a geographical area that is partly situated in the Czech Republic (hereinafter referred to as "Cross-Border Geographical Area"), to the scope laid down by directly applicable EU legislation;
- c) a domestic procedure for amendments to specification to the scope laid down by directly applicable EU legislation;
- d) a domestic procedure for the submission of applications for cancellation of a registration of a designation of origin or geographical indication to the scope laid down by directly applicable EU legislation.

Article 2

Definition of Terms

For the purposes of this act, the following shall be understood:

- a) Designation of origin shall mean the name of an area, particular place or country (hereinafter referred to as "Territory") used to designate goods coming from such Territory provided the quality or properties of the goods are exclusively or predominantly determined by the special geographical environments with its typical natural and human factors and provided the production, processing and preparation of such goods are carried out in the specified Territory; designation of origin for agricultural products or foodstuffs shall be also understood traditional geographical or non-geographical indications for goods coming from the defined Territory provided the goods comply with other conditions laid down by this provision;
- b) Geographical indication shall mean the name of a Territory used to designate goods coming from that Territory provided the goods have a certain quality, reputation or other properties that may be attributed to that geographical origin and provided the production and/or processing and/or preparation of such goods are carried out in the specified Territory;
- c) Goods shall mean any movable thing which was manufactured, mined or otherwise obtained regardless of the degree of the processing thereof and which is intended to be offered to a consumer; according to this act, goods also include services;
- d) General name of the kind of goods shall mean designation that has become a common name for such goods as it relates to the Territory where such goods were originally manufactured or launched in the market.

Article 3

Except for the designations of origin and geographical indications for goods that are under protection exclusively in accordance with directly applicable EU legislation¹⁾ (hereinafter referred to as "Exclusive EU Protection"), designations of origin and geographical indications are registered in the Register of Designations of Origin and Geographical Indications (hereinafter referred to as "Register") maintained by the Industrial Property Office (hereinafter referred to as "Office").

Article 4

Exclusions from Registration

(1) Designations the literal wording of which truly designates the Territory where the goods come from but which might raise a false assumption that the goods come from a different Territory cannot be registered in the Register as a designation of origin or geographical indication.

(2) A general name of the kind of the goods cannot be recorded in the Register as a designation of origin or geographical indication regardless of whether or not the goods come from the Territory defined in that manner.

(3) A designation identical to an already protected designation of origin, geographical indication, well-known trademark or registered trademark, or a designation identical to the name of a plant variety or animal breed that, as a result of such agreement, might lead to false assumptions of the genuine origin of the goods cannot be registered as a designation of origin or geographical indication for identical goods.

CHAPTER II

DESIGNATION OF ORIGIN

Article 5

Application for Registration of a Designation of Origin

(1) A legal person associating producers or processors of such goods or a shareholder or shareholders of a company formed by an association of producers or processors of such goods may apply to the Office for registration of the designation of origin in the Register for goods produced, processed or prepared in the Territory and under the conditions defined in Article 2(a)^{1b)}. An application for registration of a designation of origin may be submitted by a natural person or legal entity if they demonstrate that they are the sole manufacturer or processor of the goods in the Territory and under the terms and conditions laid out under Article 2 (a) who wishes to submit the application.

(2) In accordance with Paragraph 1, the applicant shall indicate in the application for registration of a designation of origin in the Register (hereinafter referred to as "Application"), in addition to general elements, the following:

- a) The wording of the designation of origin;
- b) Geographical specification of the Territory where the goods are manufactured, processed and prepared;
- c) Designation of the facility that manufactures, processes and prepares the goods provided with the designation of origin in an area the geographical name of which is part of the designation of origin;
- d) A list of the goods covered by the designation of origin;
- e) Description of properties or qualitative features of the goods determined by a special geographical environment.

(3) The applicant shall enclose to the Application an excerpt from the record maintained by a government body with powers over the Territory where the goods are manufactured, processed and prepared if the excerpt proves that the applicant's facility under Paragraph 3 (c) is located in the respective Territory or that the applicant manufactures or processes the goods under Paragraph 2 (e). This shall not apply if this fact can be determined in the public administration information system.

(4) An applicant for registration of a designation of origin in the Register who does not have permanent residence or registered office in the Czech Republic and whose designation of origin is protected in accordance with legislation applicable in the country of origin of the goods may use, instead of the document required under Paragraph 3, a certificate of the protection of the designation of origin in accordance with the legislation applicable in that country.

Article 6

cancelled

Article 7

Application Procedure

(1) The Office shall review whether the designation of origin specified in the Application complies with the requirements for registration in the Register and whether the Application complies with the requirements defined under Article 5.

(2) If the Application fails to comply with the prescribed requirements or if it shows any other defects, the period of time for removal of the defects must not be shorter than 2 months.

(3) If the designation of origin is excluded from registration under Article 4 or if the designation of origin does not comply

with the terms of registration laid out by this act, the Office shall reject the application.

(4) If the Application for registration of a designation of origin in the Register complies with all necessary requirements and if the Application is not rejected under Paragraph 3, the Office shall register the designation of origin in the Register and announce the registration in the Bulletin issued by the Office (hereinafter referred to as "Bulletin"). The Office shall issue to the applicant a certificate of registration.

CHAPTER III

REGISTRATION OF A DESIGNATION OF ORIGIN

Article 8

Effects of Registration of a Designation of Origin in the Register

- (1) Protection of a designation of origin shall originate on the day of the registration thereof in the Register. The period of the protection of the designation of origin is not limited in time.
- (2) Everybody who manufactures, processes and prepares goods with the corresponding quality or properties in the defined Territory is allowed to use the registered designation of origin, especially place it on the goods covered by the designation of origin.
- (3) No licence for the registered designation of origin may be provided.
- (4) Registered designations of origin may not be pledged.

Article 9

cancelled

Article 10

cancelled

Article 11

Cancellation of Registration of a Designation of Origin

- (1) The Office shall cancel the registration of a designation of origin if it determines upon a proposal submitted by a party concerned or of its own motion that
 - a) The designation of origin was registered without its complying with the terms and conditions laid out by this act; in such an event, the designation of origin shall be regarded as not registered;
 - b) The terms and conditions laid out for registration of the designation of origin do not apply any longer.
- (2) In its decision for the reason referred to in Paragraph 1 (b) the Office shall indicate the date as of which the registration of the designation of origin is to be cancelled.
- (3) The Office shall record the cancellation of the registration of the designation of origin in the Register and announce it in the Bulletin.

CHAPTER IV

GEOGRAPHICAL INDICATIONS

Article 12

Geographical Indication

The provisions on the designation of origin shall apply similarly to the requirements for applications for registration of a geographical indication in the Register, to the procedure for an application for registration of a geographical indication, to registration of amendments to a registered geographical indication, to effects of the registration of a geographical indication, to amendments to the registration of a geographical indication, and to the cancellation thereof.

CHAPTER V

PROCEDURE PROVISIONS

Article 13

heading omitted

- (1) Unless this act determines otherwise, the procedure under this act shall be subject to the Administrative Procedure

Code, except for the provisions on the authentication of powers of attorney for an indefinite number of procedures,⁴⁾ on the possibility to appoint several joint agents,^{4a)} on deadlines for issuance of a decision⁹⁾ and except for the provisions on the special features of the procedure for an appeal against the provision on the composition of the Appeal Board and on a potential method of termination of a procedure for an appeal.^{4b)}

(2) A legal action against the final decision of the Office is admissible in accordance with a special legal regulation^{4c)}.

Article 13a

cancelled

Article 14

(1) In accordance with special legal regulations, persons/entities that do not have a permanent residence or registered office in the Czech Republic must be represented in the procedure for application of registration of a designation of origin or a geographical indication by a lawyer or a patent attorney.⁵⁾

(2) Paragraph 1 shall not apply to natural persons who are citizens of a member state of the European Union or of a country that is a contracting party to the Agreement on the European Economic Area and who are established or provide services in the Czech Republic. In addition, it shall not apply to legal entities whose administration centre or registered office is in the territory of a member state of the European Union or of a country that is a contracting party to the Agreement on the European Economic Area and who are established or provide services in the Czech Republic. If such persons/entities do not have a residence or registered office in the Czech Republic, they must indicate a mailing address in the Czech Republic for the procedure before the Office.

Article 15

Register and Bulletin

(1) The Register is public and everybody is entitled to inspect it.

(2) The Office records in the Register the following decisive data as regards a designation of origin and geographical indication:

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- a) The number of the record of the designation of origin or geographical indication and the date of the record in the Register;
- b) The wording of the designation of origin or geographical indication;
- c) The date of submission of the Application for registration of the designation of origin or geographical indication;
- d) Geographical specification of the Territory where the goods are manufactured, processed and/or prepared;
- e) The name or business name and registered office or name, surname and address of permanent residence of the applicant and/or of the applicant's representative/agent;
- f) The address of the facility where the goods provided with the designation of origin or geographical indication are manufactured and/or processed and/or prepared at a place whose geographical name forms the designation of origin or geographical indication;
- g) The goods covered by the designation of origin or geographical indication, including the definition of the quality and features typical of the goods;
- h) Cancellation of the registration of the designation of origin or geographical indication.

(3) Other data relevant to the designation of origin or geographical indication can be recorded in the Register, too.

(4) The Office announces in the Bulletin registration of a designation of origin or geographical indication in the Register, the cancellation thereof as well as other important facts relating to the designation of origin or geographical indication.

(5) Changes occurring after the registration of the designation of origin or geographical indication shall be recorded in the Register at a relevant request following verification of the submitted data.

(6) The Office shall issue an excerpt from the Register to everyone applying for one. An excerpt from the Register contains data valid as at the date of the excerpt issuance.

CHAPTER VI

FOREIGN RELATIONS

Article 16

(2) An applicant for international registration of a designation of origin is also obliged to pay fees for the actions pursuant to Paragraph 1 as determined by the international treaty; the amount of the fees determined by the international treaty shall be announced in the Bulletin by the Office.

(1) Persons/entities whose residence address or registered office is in the Czech Republic may apply for international

registration of a designation of origin or geographical indication via the Office according to an international treaty⁶).

(2) If the subject of the Application under Paragraph 1 consists in a designation of origin or geographical indication provided with exclusive EU protection, the Office shall pass the Application to the European Commission (hereinafter referred to as "Commission") for a further procedure.

(3) Where the subject of an application under Paragraph 1 is a designation of origin or geographical indication which is not granted

exclusive Union protection, the Office shall request the Commission's opinion on the application for international registration under the international treaty. If the standpoint of the Commission as regards passing of the Application is negative, the Office shall discontinue the procedure concerning such Application. If the standpoint of the Commission is positive, the Office shall submit the Application to the International Office of the World Intellectual Property Organisation (hereinafter referred to as "International Office").

(4) An applicant for international registration of a designation of origin or geographical indication is obliged to pay fees for the actions as determined by the international treaty; the amount of the fees determined by the international treaty shall be announced in the Bulletin by the Office.

Article 17

(1) International registration of a designation of origin or geographical indication with an Application for protection in the Czech Republic has the same effects as registration of the designation of origin in the Register maintained by the Office.

(2) The Office shall inform the International Office of the rejection of effects of the international registration of the designation of origin or geographical indication in the Czech Republic.

a) On the basis of a legitimate objection claimed within 3 months of the publishing in the Register of the International Office pursuant to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications; or

b) Where such designation does not comply with the terms and conditions laid down for the registration.

(3) If protection for the Czech Republic was rejected for an internationally registered designation of origin or geographical indication, it should be regarded as not having been registered in the Czech Republic.

(4) The Office shall inform the International Office of the impossibility to provide protection in the Czech Republic if the Application concerns a designation of origin or geographical indication falling within the exclusive EU protection.

CHAPTER VII

DEBATING AND SUBMISSION OF APPLICATIONS FOR REGISTRATION OF DESIGNATIONS OF ORIGIN AND GEOGRAPHICAL INDICATIONS ACCORDING TO DIRECTLY APPLICABLE LEGISLATION OF THE EUROPEAN UNION

Article 18

heading omitted

The bodies of the Czech Republic that perform tasks according to directly applicable legislation of the European Union include the Office and the Ministry of Agriculture, except for activities performed by control authorities specified in Article 19 (2).

Application for Registration of a Designation of Origin and Geographical Indication

Article 19

heading omitted

(1) An Application for registration of a designation of origin or geographical indication which is provided with exclusive EU protection for goods coming from the Czech Republic or from a Cross-Border Geographical Area (hereinafter referred to as "Application for EU Registration") where the designation of origin or geographical indication is used in the Czech Republic in association to such goods shall be submitted to the Office.

(2) To the Application for EU Registration must be enclosed documents required by directly applicable legislation of the European Union and a binding source material by the control authority authorised to check the specifications, which is, to the scope of its powers, the Czech Agriculture and Food Inspection Authority, the State Veterinary Administration, or the Central Institute for Supervising and Testing in Agriculture³.

(3) If the documents as defined in Paragraph 2 are not enclosed to the Application for EU Registration, the Office shall ask the applicant to remove the deficiencies within the period of 2 months.

(4) The Office shall ask the Ministry of Agriculture to give its opinion on the Application for EU Registration and to determine if the designation of origin or the geographical indication the registration of which is requested does not contain a name that has become generic, the name of a plant variety or animal breed, or a homonym name. It shall set a period of time for giving such opinion, which must not be shorter than 10 days. If the Ministry of Agriculture does not give its opinion in that period of time, it shall be understood that it has no objections to the submitted Application.

(5) If an Application for EU Registration concerns a name designating a geographical area that also includes a territory

of another member state of the European Union, the natural persons and legal entities established and the natural persons residing in the territory of that country shall have the same rights within a procedure before the Office as the natural persons or legal entities established or natural persons residing in the Czech Republic.

Article 20

heading omitted

As regards an Application for EU Registration which meets the requirements and to which are enclosed the documents as defined by directly applicable legislation of the European Union and by this act, and provided the designation of origin or geographical indication indicated therein is not excluded from registration according to directly applicable legislation of the European Union, the Office shall

a) publish it in the Bulletin and indicate basic data on the submitted Application required by directly applicable legislation of the European Union and announce that every natural person and legal entity established or natural person residing in the Czech Republic

Republic with a legitimate interest may raise an objection against the Application for EU Registration to the Office, and

b) display it to be viewed by the public for the period of 3 months.

Objections

Article 21

(1) Objections shall be submitted in writing within 3 months of the day of publishing the Application for EU Registration in the Bulletin pursuant to Article 20. The objections must contain reasons and indicate evidence that the designation of origin or geographical indication the registration of which is applied for does not comply with the terms and conditions laid out by directly applicable legislation of the European Union for registration in the Register maintained by the Commission. The Office shall inform the Ministry of Agriculture of the submitted objections.

(2) If the objecting party does not prove that it is an entity with a legitimate interest, the Office shall resolve to reject the objections.

(3) Submitted objections that are in accordance with Paragraph 1 shall be submitted by the Office, within 15 days of the delivery thereof or of the legal force of the decision on the admissibility thereof, to the applying party for an opinion and invite the applying party to remove the dispute through amicable dealings with the objecting party. The Office shall set a reasonable time limit for it, which shall not be shorter than 15 days. Where the dispute between the applicant and the claimant has been settled, the claim shall be considered to have been withdrawn.

(4) If the dealing as referred to in Paragraph 3 does not result in the removal of the dispute, the Office shall ask the Ministry of Agriculture to give its opinion on the objection legitimacy provided the objections concern facts referred to in Article 19 (4). It shall set a period of time for giving such opinion, which must not be shorter than 10 days. The Office shall decide on the objections after it has received an opinion of the Ministry of Agriculture or after the period for giving an opinion expires without result. If the Ministry of Agriculture does not give its opinion in that period of time, it shall be understood that it has no objections to the submitted Application.

(5) If the objections concern a specification of goods, for example a relation between the goods and the geographical environment the goods come from, the Office shall ask the control authority to issue a source material for the purposes of passing the Application for EU Registration.

(6) The control authority is obliged to issue a source material according to Paragraph 5 within 2 months of the day the Office submits to it a complete file of the Application for EU Registration.

(7) If the objections to the Application for EU Registration are legitimate according to directly applicable legislation of the European Union, the Office shall reject the Application for EU Registration and shall not pass it to the Commission for further procedure.

Article 21a

If, during the procedure, significant changes in the specification of the goods coming from the Czech Republic or from a Cross-Border Geographical Area occur, the Office shall publish a renewed Application pursuant to Article 20 and allow submission of objections under Article 21.

Article 22

The Office shall deliver the decision on passing of the Application for EU Registration by means of a public notice⁷⁾.

Article 22a

Change in Specification Requiring Procedure at the European Union Level

(1) An application for a change in the specification of goods coming from the Czech Republic or from a Cross-Border Geographical Area shall be submitted to the Office. The documents defined in Article 19 (2) must be enclosed to the application.

(2) The Office shall display the change in the specification to be viewed by the public for the period of 3 months and publish the application for the change in the specification in the Bulletin with an announcement that an objecting party may raise objections to the change in the specification within 3 months of the day of such publishing. The objections must contain reasons and indicate evidence that the changed specification does not comply with the terms and conditions laid out by the directly applicable legislation of the European Union for registration in the Register maintained by the Commission. Article 21a shall apply to the new publishing similarly.

(3) If the objecting party does not prove that it is an entity with a legitimate interest, the Office shall resolve to reject the objections.

(4) Submitted objections that are in accordance with Paragraph 2 shall be submitted by the Office, within 15 days of the delivery thereof or of the legal force of the decision on the admissibility thereof, to the holder of the EU designation of origin or a geographical indication for an opinion and invite it at the same time to remove the dispute through amicable dealings with the objecting party. The Office shall set a reasonable time limit for it, which shall not be shorter than 15 days. Where the dispute between the applicant and the claimant has been settled, the claim shall be considered to have been withdrawn.

(5) If the dealing as referred to in Paragraph 4 does not result in removal of the dispute, the Office shall decide on the objections on the basis of a binding source material issued by the control authority as determined in Article 19 (2) on the compliance with the terms and conditions for a change in the specification determined by the directly applicable legislation of the European Union, which shall issue it within 2 months of the day that the Office submits to it a complete file of the Application for a change in the specification.

(6) If the objections to the Application for a change in the specification are legitimate according to the directly applicable legislation of the European Union, the Office shall reject the Application for a change in the specification and shall not pass it to the Commission for further procedure.

(7) The Office shall deliver the decision on passing the Application for a change in the specification by means of a public notice⁷⁾.

Article 22b

Application for De-registration of a Designation of Origin and Geographical Indication

(1) An Application for cancellation of the designation of goods coming from the Czech Republic or from a Cross-Border Geographical Area shall be submitted to the Office.

(2) In accordance with Paragraph 1, the Office shall publish the Application in the Bulletin and announce that objections against the Application for cancellation of the EU registration may be raised by anyone who proves their legitimate interest within 3 months of the publishing of the Application. The objections must contain reasons and indicate evidence that the registered Designation complies with the terms and conditions laid out by the directly applicable legislation of the European Union for registration in the Register maintained by the Commission.

(3) If the objecting party does not prove that it is an entity with a legitimate interest, the Office shall resolve to reject the objections.

(4) The Application for cancellation of an EU registration including submitted objections that are in accordance with Paragraph 2 shall be submitted by the Office, within 15 days of the delivery of the objections or of the legal force of the decision on the admissibility thereof, to the holder of the EU designation of origin or a geographical indication for an opinion and invite it at the same time to remove the dispute through amicable dealings with the applicant for cancellation of the EU registration. The Office shall set a reasonable time limit for it, which shall not be shorter than 15 days. Where the dispute between the applicant, a domestic holder of an EU designation of origin or a geographical indication, and the party that raised the objection has been removed, the Application shall be regarded as withdrawn.

(5) If the dealings as referred to in Paragraph 4 do not result in removal of the dispute and if the reason of the cancellation of the EU registration consists in the specification of the goods, for example in the relation between the goods and the geographical area the goods come from, the Office shall ask the control authority to issue a binding source material on the compliance with the terms and conditions laid out by the directly applicable legislation of the European Union.

(6) The control authority is obliged to issue a binding source material according to Paragraph 5 within 2 months of the day the Office submits to it a complete file of the Application for cancellation of the EU registration.

(7) If the designation of origin or geographical indication does not comply with the terms and conditions laid out by the directly applicable legislation of the European Union, the Office shall pass the Application for cancellation of the EU registration to the Commission for further procedure. If this is not the case, it shall reject the Application.

(8) The Office shall deliver the decision on passing of the Application for cancellation of the EU Registration by means of a public notice⁷⁾.

Article 22c

Objections to Application for EU Registration, for Its Cancellation or for a Change in the Specification of Goods Coming from Another Country

If objections to an Application for EU registration, to an Application for the cancellation thereof or to an Application for a change in the specification of goods coming from another country are to be submitted in the procedure before the Commission via the Office, the objection shall be submitted to the Office no later than 1 month prior to the expiry of the period of time laid out by the directly applicable legislation of the European Union⁸⁾.

Article 22d

Change in Specification Not Requiring Procedure at the European Union Level

- (1) The provision of Article 22a (1) through (6) shall apply to the procedure for a change in the specification similarly.
- (2) The Office shall deliver the decision on a change in the specification by means of a public notice⁷⁾.
- (3) The Office shall inform the Commission of the final decision on the change in the specification. If the Commission cancels the decision of the Office on the change in the specification, the Office shall perform a new procedure and issue a new decision¹⁰⁾.

Article 22e

Temporary Change in Specification

- (1) The provision of Section 22a (1) through (6) shall apply to the procedure for a temporary change in the specification similarly; it shall also apply that the period of time specified in Article 22a (2) for the display of the change in the specification and the period of time for submission of objections shall be 1 month.
- (2) The Application must include documents proving the legitimacy of the change in accordance with hygiene and phytosanitary measures or associated with natural disasters or adverse weather conditions according to directly applicable legislation of the European Union¹¹⁾.
- (3) The decision on a temporary change in the specification must indicate the period of time for which the temporary change shall be effective. The Office shall deliver the decision on a change in the specification by means of a public notice⁷⁾.
- (4) The Office shall inform the Commission of the final decision on the temporary change in the specification.

CHAPTER VIII

RIGHTS ARISING OUT OF REGISTRATION OF DESIGNATION OF ORIGIN AND GEOGRAPHICAL INDICATION

Article 23

- (1) Registered designations of origin or geographical indications are protected against
 - a) Any direct or indirect commercial use of the registered designation of origin or geographical indication for goods not covered by the registration if the goods are comparable to the goods registered under such designation or if the use of such designation benefits from the good reputation of the protected designation of origin or geographical indication;
 - b) Any misuse, imitation or resemblance even if the actual origin of the goods is indicated or even if the protected designation of origin or geographical indication has been translated and is accompanied with expressions such as "kind", "type", "method", "à la", "imitated", or with a similar expression.
 - c) Any other misleading or false data on the geographical origin, nature or basic properties of the goods indicated on the inner or outer packaging, advertising materials or documents concerning the goods in questions, as well as against the use of transport packaging that might make a false impression of the origin thereof;
 - d) Any other actions that might lead to false assumptions of the actual origin of the goods.
- (2) A registered designation of origin or geographical indication cannot become a generic designation of the goods; if the registered designation of origin or geographical indication on its own contains the name of the goods that is considered generic, the use of such generic name on the corresponding goods shall not be considered a breach of Paragraph 1 (a) or (b).

Article 24

Threat to or Violation of Right

Anyone can demand at the relevant court that the use of a registered designation of origin or geographical indication be banned for comparable goods that do not comply with the terms and conditions for the use of a designation of origin or geographical indication, and that goods marked or labelled in a manner that threatened or violated the rights arising out of a registered designation of origin or geographical indication be withdrawn from the market.

CHAPTER IX

TEMPORARY PROVISIONS, POWERS OF EXECUTION AND REPEALING PROVISIONS

Article 25

Temporary Provisions

- (1) The provisions of this act shall apply unless an international treaty which the Czech Republic is obliged to comply with and which was declared in the Collection of Laws and Collection of International Treaties or in a preceding similar collection

specifies otherwise.

(2) Products that were recognized the protection of a designation of origin prior to the effect date of this act according to existing regulations shall enjoy protection of the designation of origin according to this act.

(3) Procedures for applications for designation of origin of products that were not completed prior to the effect date of this act shall be completed according to this act, and it shall apply that the applicant is obliged, when invited by the Office and within the period of time indicated by the Office, to put their application into compliance with the requirements that this act specifies for applications for registration of a designation of origin in the Register.

(4) Relations arising out of the designation of origin of products registered in the Register prior to the effect date of this act shall be governed by the provisions of this act. The origination of such relations as well as the claims arising out of them prior to the effect date of this act shall be assessed according to regulations applicable on the date of the origination thereof.

Article 26

cancelled

Article 27

Repealing Provisions

The following is hereby repealed:

1. Act No. 159/1973 Coll., on the protection of designations of origin of products.
2. Regulation No. 160/1973 Coll., on procedures concerning designations of origin of products.

PART TWO

Amendment to the Consumer Protection Act

Article 28

Act No. 634/1992 Coll., on consumer protection, as amended by the Act No. 217/1993 Coll., Act No. 40/1995 Coll., Act No. 104/1995 Coll., Act No. 110/1997 Coll., Act No. 356/1999 Coll., Act No. 64/2000 Coll., Act No. 145/2000 Coll., Act No. 258/2000 Coll. and Act No. 102/2001 Coll., is hereby amended as follows:

In Article 2 (1) (r) the full stop at the end of item 3 is hereby replaced with a comma, and item 4 is added, which, including the footnote no. 4f), has the following wording:

“4. A product or goods violating the rights of the party enjoying the protection of a registered designation of origin or geographical indication.4f)

4f) Act No. 452/2001 Coll., on protection of designations of origin and geographical indications, and on the amendment to the Consumer Protection Act.”

PART THREE

EFFECT

Article 29

This act comes into effect on 01 April 2002, except for the provisions of Article 18 through 22, which shall come into effect on the day that the Treaty of Accession of the Czech Republic to the European Union comes into force.

Klaus m.p.

Havel m.p.

Zeman m.p.

Selected Provisions of the Amendments

Art. II of Act No. 215/2022 Coll.

Temporary Provisions

1. If a person or entity who has registered, according to existing legal regulations, in the register maintained by the Industrial Property Office (hereinafter referred to as “Register”) a designation of origin or geographical indication for goods coming from the Czech Republic or from a cross-border geographical area and who is provided with protection exclusively in accordance with directly applicable legislation of the European Union (hereinafter referred to as “Exclusive EU Protection”) applies for an EU

registration by 14 September 2022, the Exclusive EU Protection shall come into effect upon the provision thereof instead of the protection provided in the Czech Republic according to existing legal regulations. Article 19 (2) of the Act No. 452/2001 Coll., as amended from the effect date of this act on, shall apply to the essentials of the application similarly.

2. Unless Exclusive EU Protection is provided to a designation of origin and geographical indication under item 1, the registration in the Register shall expire on the date that the decision of the competent European Union authority comes into force.

3. Registrations in the Register of a designation of origin or geographical indication for goods falling within the area of Exclusive EU Protection for which no application under item 1 has been submitted shall expire upon the expiry of the day of 14 September 2022.

4. Registrations in the Register of a designation of origin that was provided with protection under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration for goods falling within the area of Exclusive EU Protection for which no application under item 1 has been submitted shall expire upon the expiry of the day of 14 September 2022.

5. An application for international registration of a designation of origin or geographical indication according to the Geneva Act of the Lisbon Agreement for designations of origin and geographical indications which is protected under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration and which has been provided with Exclusive EU Protection instead of protection provided in the Czech Republic according to existing legal regulations may be submitted by 14 September 2022.

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, as amended.

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, as amended.

Regulation (EC) 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.

Commission Delegated Regulation (EU) No. 664/2014 of 18 December 2013 supplementing Regulation (EU) No. 1151/2012 of the European Parliament and of the Council with regard to the establishment of the Union symbols for protected designations of origin, protected geographical indications and traditional specialties guaranteed and with regard to certain rules on sourcing, certain procedural rules and certain additional transitional rules.

Commission Implementing Regulation (EU) No. 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No. 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs.

Commission Delegated Regulation (EU) 2019/33 of 17 October 2018 supplementing Regulation (EU) No. 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation, as amended.

Commission Implementing Regulation (EU) 2019/34 of 17 October 2018 laying down rules for the application of Regulation (EU) No. 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, amendments to product specifications, the register of protected names, cancellation of protection and use of symbols, and of Regulation (EU) No. 1306/2013 of the European Parliament and of the Council as regards an appropriate system of checks.

Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No. 110/2008, as amended.

Regulation (EU) 2019/1753 of the European Parliament and of the Council of 23 October 2019 on the action of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications.

Commission Delegated Regulation (EU) 2021/1235 of 12 May 2021 supplementing Regulation (EU) 2019/787 of the European Parliament and of the Council with rules on applications for registration of geographical indications of spirit drinks, amendments to product specifications, cancellation of registration and the register.

Commission Implementing Regulation (EU) 2021/1236 of 12 May 2021 laying down rules for the application of Regulation (EU) 2019/787 of the European Parliament and of the Council concerning applications for registration of geographical indications of spirit drinks, the opposition procedure, amendments to product specification, cancellation of the registration, use of symbol and control.

^{1b)} E.g. Article 214 et seq. of the Civil Code, Article 2716 et seq. of the Civil Code.

³⁾ Act No. 146/2002 Coll., on the State Agriculture and Food Inspection Authority and on amendments to certain related acts, as amended.

Act No. 166/1999 Coll., on veterinary care and on amendment to certain related acts (the Veterinary Act), as amended.

Act No. 147/2002 Coll., on the Central Institute for Supervising and Testing in Agriculture and on amendment to certain related acts (the Act on the Central Institute for Supervising and Testing in Agriculture), as amended.

⁴⁾ Article 33 (2) (c) of the Administrative Procedure Code.

^{4a)} Article 35 (3) of the Administrative Procedure Code.

4b) Article 152 (3) and (5) of the Administrative Procedure Code.

4c) Act No. 150/2002 Coll., Administrative Court Rules, as amended.

5) Act No. 85/1996 Coll., on Advocacy, as amended.

Act No. 417/2004 Coll., on patent attorneys and on amendment to the Act on Measures for Industrial Property Protection, as amended.

6) Lisbon Agreement for the Protection of Appellations of Origin and Their International Registration of 31 October 1958, revised in Stockholm on 14 July 1967, declared under no. 67/1975 Coll., as amended by the regulation No. 79/1985 Coll.

The Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications.

7) Article 25 of the Administrative Procedure Code.

8) Article 51(1) of Regulation (EU) No. 1151/2012 of the European Parliament and of the Council.

Article 98 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council.

Article 27(1) of Regulation (EU) 2019/787 of the European Parliament and of the Council.

9) Article 71 (3) of the Administrative Procedure Code.

10) Article 101 (e) of the Administrative Procedure Code.

11) Article 6(3) of Commission Delegated Regulation (EU) No. 664/2014.

Article 31(3) of Regulation (EU) 2019/787 of the European Parliament and of the Council.

Article 53(3) of Regulation (EU) No. 1151/2012 of the European Parliament and of the Council.