RESOLUTION ECO 3/99

GEOGRAPHICAL INDICATIONS AND HOMONYMS

THE GENERAL ASSEMBLY,

IN CONSIDERATION of the April 15, 1994 agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) which foresees the homonymy of geographic labels for wine (article 23-3) and that each member of the World Trade Organization will set the procedures by which these homonymous indicators will be differentiated taking into account the fact that the producers involved deserve equitable treatment while the consumer is not to be misled;

CONSIDERING that the agreement of November 29, 1924, in the interest of producers and consumers alike, gives the OIV the mission of complying with all government requirements for ensuring wine origin designations are protected with product authenticity guarantees and suppression of fraud and unfair competition;

CONSIDERING that Resolution ECO 2/92, known as the Madrid Resolution, defines recognized geographic labels and designations of origin for wines and spirits;

DEFINING the homonymy of a geographic indicator used to designate a wine or spirit beverage of viticultural origin as used in several countries with a common spelling and/or identical pronunciation;

RECOMMENDS that for cases of homonymy as defined above, that member states of the OIV should, when setting differentiation rules for these homonymous names:

- consider the official recognition used in the country of origin,
- consider the length of time the name has been in use,
- consider whether the usage is in good faith,
- consider the importance of presenting the homonymous labels to marketing,
- encourage mentioning sufficient distinguishing information to avoid confusion of consumers,

ENCOURAGES, in cases of difficulty, consulting between countries or customs territories who use homonymous geographic designations.

Certified in conformity Paris
The Director General of the OIV
Secretary of the General Assembly

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