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WORKING DOCUMENT

From:	DE Delegation
To:	Trade Policy Committee (Deputies)
Subject:	Call for comments on new Chinese Guidelines for Determining Generic Terms During Protection of Geographical Indications - comments by Germany

Federal Ministry
of Justice and
Consumer Protection

POSTAL ADDRESS Federal Ministry of Justice and Consumer Protection, D-11015 Berlin

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FILE NO. China GIs and Generic Terms

DATE Berlin, 23. April 2020

PUBLIC

NOTE FROM GERMANY

Subject: Call for comments on new Chinese Guidelines for Determining Generic Terms During Protection of Geographical Indications

Regarding the drafted new Chinese Guidelines for Determining Generic Terms During Protection of Geographical Indications Germany stated the following:

As a general comment Germany points out that experience with generic names in EU GI regulations clearly shows that such questions can only be decided in individual cases. Developing guidelines that are acceptable and applicable for all stakeholders seems hardly possible.

In particular Article 6 of the Guidelines appears critical, because if GIs that have been recognized in China and protected as GIs, become after protection generic names, such GIs would have to be revoked in due procedure.

Such a rule would be very different from the EU regulations, which prevents protected designations of origin and protected geographical indications from becoming generic.

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