

"Champagne" is to be respected.

The Peruvian Trademark Office (INDECOPI) has issued an important Resolution (1404-2010/CSD - 1600-2010/CSD) protecting CHAMPAGNE's geographical indication (appellation of origin) and setting the protection framework of geographical indications for wines and spirit drinks, under the prohibitions contained in the Andean Community norms for trademark registration (Decision 486).

The above mentioned resolution was issued within the administrative procedure of opposition filed by French institutions, *Institut National de L'origine et de la Qualité* (INAO) and *Comité Interprofessionnel du vin de Champagne* (CIVC), against the trademark application for "CHAMPAGNE ROOM and designe", for restaurant services included in Class 43 of the International Classification.

INDECOPI has rejected the trademark application due to the following considerations:

- It is acknowledged that all geographical indications registered at the WIPO's International Registry under the ruling of the Lisbon Agreement are protected in Peru, since it is a member country of said international instrument.
- Being CHAMPAGNE a geographical indication protected in Peru and identifying wines and spirits (of this French region), the registry prohibition contained in Andean Community Decision 486, article 135, letter k), stating that "*signs containing protected geographical indication for wines and spirits shall not be registered as marks*" shall be fully enforced .

The resolution issued by INDECOPI is important for the interests of the owners of geographical indications protected by the Lisbon Agreement, and specially those indicating wines and spirits, since:

- CHAMPAGNE is no longer deemed a generic indication in Peru. The same reasoning shall apply to "Cognac" and "Bourgogne", among others.
- The trademark authority in Peru has fully enforced the prohibition contained in article 135 letter k) of Decision 486, based on article 23 of the TRIPS Agreement.
- A precedent has been created in Peru in the sense that all foreign geographical indications for wines and spirits within the scope of the Lisbon Agreement shall be protected against any trademark registrations "containing" said geographical indication, notwithstanding the type of products or services to be indicated by said trademark.

The *Institut National de L' Origine et de la Qualité* (INAO) and the *Comité Interprofessionnel du vin de Champagne* (CIVC) were represented by the Intellectual Property team from Estudio Echecopar Abogados in Peru.

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