

2004



(2004. 7 ~)
 1 (1999. 7 ~)
 ((1997. 6~)
 3 (1996. 12~)
 (1994. 8 ~)

[연재 일정 안내]

2005. 7	I. 가	
	II.	1. 2.
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(가) 11) (3)

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() (indication of source),
(appellation of origin) 가

/ 가 가

가 (가) (indication of source)
(indication of source) ‘

(12) 1 (2)13) 10 14)

가 1 가 (

)5) ’

() 가 1 (1)16)

/ 가 (the country or place of origin) ’

가

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8) Geographical indications are, for the purposes of this Agreement, indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin. (.)

9) 2 1 3 “2: ” 가

10) 7 1 14 : 世界貿易機構 葡萄酒 蒸溜酒 產地 地理的 商標 葡萄酒 .
蒸溜酒 商品 商標

11) , , 가 (TRIPs)

. . . , made (emblem)
 in Korea, made in Paris
 () (appellation of origin) 가
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 . Bordeaux , Tequila , Jaffa
 () Bordeaux ()
) ¹⁷⁾ , Tequila() , Jaffa(
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 (appellation of origin) ,
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 (geographical name)
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12) the Paris Convention for the Protection of Industrial Property of 1883 (Paris Convention)

13) 1 (2) - The protection of industrial property has as its object patents, utility models, industrial designs, trademarks, service marks, trade names, indications of source or appellations of origin, and the repression of unfair competition.

14) 10 (False Indications: Seizure, on Importation, etc., of Goods Bearing False Indications as to their Source or the Identity of the Producer)
 (1) The provisions of the preceding Article shall apply in cases of direct or indirect use of a false indication of the source of the good or the identity of the producer, manufacturer, or merchant.

(2) Any producer, manufacturer, or merchant, whether a natural person or a legal entity, engaged in the production or manufacture of or trade in such goods and established either in the locality falsely indicated as the source, or in the region where such locality is situated, or in the country falsely indicated, or in the country where the false indication of source is used, shall in any case be deemed an interested party.

15) Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods of April 14, 1891

16) 1 1 - All goods bearing a false or deceptive indication by which one of the countries to which this Agreement applies, or a place situated therein, is directly or indirectly indicated as being the country or place of origin shall be seized on importation into any of the said countries.

17) Lisbon Agreement for the Protection of Appellations of Origin and their International Registration of October 31, 1958

18) 2 1 - In this Agreement, " appellation of origin " means the geographical name of a country, region, or locality, which serves to designate a product originating therein, the quality and characteristics of which are due exclusively or essentially to the geographical environment, including natural and human factors.

19) 가 . 가 . EU
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 (emblem) . ,
 20) 2 1 22)
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 (geographical origin)
 2 1 가

19) TRIPs 22 1 - Geographical indications are, for the purposes of this Agreement, indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.
 20) SCT/6/3 page 6, B6 - Signs other than geographical names, for example a non-geographical name or an emblem, would not be covered by Article 2 of the Lisbon Agreement. However, they would fall into the category of signs that could constitute geographical indications under the TRIPs Agreement.
 21) Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs
 - Article 8 : The indications PDO, PGI or equivalent traditional national indications may appear only on agricultural products and foodstuffs that comply with this Regulation.
 22) Introduction to Intellectual Property Theory and Practice. WIPO. Published by Kluwer Law International Ltd. in 1997. p 234.
 23) (2003.12) (2003.8)

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31) Members shall give effect to the provisions of this Agreement. Members may, but shall not be obliged to, implement in their domestic law more extensive protection than is required by this Agreement provided that such protection does not contravene the provisions of this Agreement. Members shall be free to determine the appropriate method of implementing the provisions of this Agreement within their own legal system and practice.

