

APPENDIX 8.A.1 TO ANNEX 8.A COUNTRY NAMES

Article 1 Country Names

With reference to paragraph 5 of Article 8 of Annex 8.A on Protection of Intellectual Property Rights and for the purposes of that article and this Appendix, the country names of the Parties are listed in Attachments I and II.

Article 2 Protection of Country Names

1. India shall, *ex officio*, refuse the application for registration of the country names of Switzerland, and terms with which they could be confused, as a trademark or as an element of a trademark, if it is of such a nature as to deceive the public or cause confusion as to the true place of origin of the goods or services. In making this determination, India shall consider the authorisation document produced by the applicant and issued by the competent authority of Switzerland in relation to the registration of the trademark. Such authorisation shall be considered valid if explicitly issued.
2. Switzerland shall refuse the application for registration of the country name of India, and terms with which they could be confused, as a trademark or as an element of a trademark, if the use of the trademark inevitably misleads the public as to the true place of origin of the goods or services.
3. Paragraphs 1 and 2 shall apply even if the country name has been translated or used as an adjective or in a modified form.
4. Paragraphs 1 and 2 are without prejudice to other grounds of refusal, as per the domestic law of the Parties.
5. A Party may decide that a trademark is not deceiving, as per paragraphs 1 and 2, if:
 - (a) the country name, in the context of the applied for trademark, has a non-geographical meaning in current language in the Party where registration is sought,
 - (b) the country name, in the context of the applied for trademark, does not refer to the geographical origin of the products or services claimed, or
 - (c) the country name corresponds to the applicant's own surname or that of his predecessor in business.
6. If a trademark covered by paragraphs 1 or 2 has been applied for or registered in good faith, or has been established by use in good faith before the entry into

force of this Appendix, it may continue to be used and its registration renewed notwithstanding this Appendix, provided that no other grounds for the invalidity of the trademark or its revocation exist as specified by the domestic laws and regulations of the Party concerned.

Article 3
Non-Application of Dispute Settlement

No Party shall have recourse to dispute settlement under Chapter 12 (Dispute Settlement) for any matter concerning this Appendix, except for provisions on consultations set out in paragraphs 2, 4 and 5 of Article 12.5 of the Agreement.

ATTACHMENT I TO APPENDIX 8.A.1 TO ANNEX 8.A

Country name of Switzerland

Country name	Adjective
Switzerland	Swiss
Schweiz	Schweizer, Schweizerisch
Suisse	Suisse

ATTACHMENT II TO APPENDIX 8.A.1 TO ANNEX 8.A

Country name of India

Country name	Adjective
India	Indian
Bharat or Bharath	Bharatiya
Hindustan	Hindustani
