

# The Trademark Reporter®



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**SWISS WATCH INTERNATIONAL, INC. v.  
FEDERATION OF THE SWISS WATCH INDUSTRY:  
THE TTAB'S UNWITTING MESSAGE FOR  
GEOGRAPHICAL INDICATIONS?**

*By Latha R. Nair\**

**I. INTRODUCTION**

In a recent ruling,<sup>1</sup> the Trademark Trial and Appeal Board (TTAB) of the United States Patent and Trademark Office (USPTO) rejected a cancellation action filed by an American company, Swiss Watch International, Inc. (“SWI”), against the certification marks SWISS and SWISS MADE owned by the Federation of the Swiss Watch Industry (the “Federation”), an unincorporated association based in Switzerland. The terms “SWISS” and “SWISS MADE” are geographical indications denoting the place of origin of high-quality watches, clocks, and alarm clocks manufactured in Switzerland and bearing the respective trademarks of their producers or distributors.

The term “geographical indications” is defined under Article 22.1<sup>2</sup> of the World Trade Organization’s (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement); Article 22.2 thereof stipulates that members of the WTO may provide “legal means” for the protection of geographical indications. The definition under Article 22.1 of the TRIPS Agreement does not define the scope of “goods” that can be protected as geographical indications and have left it to the member countries of the WTO to determine the same. The laws of various countries in their respective legislations include agricultural goods, manufactured goods, natural goods, and even goods of industry.<sup>3</sup>

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1. *Swiss Watch International, Inc. v. Federation of the Swiss Watch Industry*, Cancellation No. 92046786.

2. The term “geographical indications” is defined as, “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.”

3. See, for example, the definition of “goods” under the Indian and Malaysian geographical indications statutes. Section 3(f) of the Indian Geographical Indication of Goods (Registration & Protection) Act, 1999 defines “goods” as “any agricultural, natural or manufactured goods or any goods of handicraft or of industry and includes foodstuff.” Section 2 of the Malaysian Geographical Indications Act, 2000 defines “goods” to mean “any natural or agricultural product or any product of handicraft or industry.”

Geographical indications with respect to goods of industry, such as Swiss watches in this case, do not usually have a tangible connection to the geographical region but rather signify that the marked goods have the same reputation for high quality as goods originating from such region. Being intangible, reputation is hard to prove in many cases, and hence it becomes essential to have either statutory protection for the geographical indication or some other documentary proof of protection based on such reputation. One of the legal means to obtain protection for a geographical indication is through registration as a certification mark because, among other aspects, a certification mark is also capable of certifying the regional origin of the goods. This makes the case discussed here a subject of immense importance and interest to owners of geographical indications in general as well as geographical indications with respect to goods of industry in particular. While several members of the WTO have enacted *sui generis* laws<sup>4</sup> for the protection of geographical indications, the United States has offered protection to geographical indications through its certification marks regime.<sup>5</sup> Although the TTAB has issued rulings in the past upholding the rights in certification marks with respect to famous geographical indications such as COGNAC<sup>6</sup> and DARJEELING,<sup>7</sup> the latest ruling is, for various reasons, significant to the owners of geographical indications with respect to goods of industry. This article attempts to highlight some of these reasons from the perspective of such right holders.

## II. FACTS

The petitioner, SWI, is a distributor and reseller of various brands of watches and also sells watches under its own brands, including SWISS WATCH INTERNATIONAL and SWISS LEGEND. SWI has a registration in the United States for the

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4. See, for instance, the *sui generis* statutes for protection of geographical indications enacted by countries such as India, Malaysia, Singapore, and Thailand.

5. Section 45 of the U.S. Trademark (Lanham) Act of 1946, 15 U.S.C. § 1127, defines “certification marks” as follows:

The term “certification mark” means any word, name, symbol, or device, or any combination thereof—

(1) used by a person other than its owner, or

(2) which its owner has a bona fide intention to permit a person other than the owner to use in commerce and files an application to register on the principal register established by this chapter, to certify regional or other origin, material, mode of manufacture, quality, accuracy, or other characteristics of such person’s goods or services or that the work or labor on the goods or services was performed by members of a union or other organization.

6. Institut National Des Appellations d’Origine v. Brown-Forman Corp., U.S.P.Q.2d 1875 (T.T.A.B. 1998).

7. Tea Board of India v. The Republic of Tea, Inc., 80 U.S.P.Q.2d 1881, 1888 (T.T.A.B. 2006).

mark SWISS WATCH INTERNATIONAL. The trigger for the cancellation action was the rejection by the USPTO of SWI's application to register the mark SWISS LEGEND on the grounds, *inter alia*, of likelihood of confusion with the Federation's certification marks SWISS and SWISS MADE.

The Federation is an unincorporated Swiss association established for the purpose of contributing to the defense and development of the Swiss watch industry and has a membership of nearly 500 companies or associations linked to the Swiss watch industry. With certain rare exceptions, all Federation members must have their headquarters in Switzerland. The Federation visits the premises of applicants for membership in the Federation to make sure that the watches are produced in compliance with the "Ordinance Governing the use of the appellation 'Switzerland' or 'Swiss' for watches" (the "Ordinance"). The Ordinance was issued by the Federal Council of Switzerland on December 23, 1971, and it governs the use of the terms, *inter alia*, SWISS and SWISS MADE in respect of watches in that country. Outside Switzerland, these watches are protected through bilateral agreements and free trade agreements with some countries such as France, Spain, Portugal, and Japan and as certification marks in the United States and Hong Kong.<sup>8</sup> In the United States, the Federation has registered the marks SWISS and SWISS MADE as certification marks for certifying the geographical origin of goods identified as "horological and chronometric instruments, namely, watches, clocks and their component parts and fittings thereof."

### III. CLAIMS IN THE CANCELLATION ACTION AND THE OPINION OF THE TTAB

As seen above, the definition of certification marks under the United States Trademark (Lanham) Act encompasses certification of regional origins.<sup>9</sup> Section 14(5) of the Lanham Act, 15 U.S.C. § 1064(5), provides that a petition to cancel a registration of a mark may be brought, in the case of a certification mark, at any time, on the following grounds:

- A. that the registrant does not control, or is not able to legitimately exercise control over, the use of such mark, or

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8. See page 113 of the "Study on the protection of geographical indications for products other than wines and spirits, agricultural products or food stuffs" dated November 2009 and commissioned by the Directorate General for Trade of the European Commission and conducted by oriGIn, Insight Consulting and Agridea. The same can be accessed at [http://trade.ec.europa.eu/doclib/docs/2011/may/tradoc\\_147926.pdf](http://trade.ec.europa.eu/doclib/docs/2011/may/tradoc_147926.pdf).

9. Section 45 of the U.S. Trademark (Lanham) Act of 1946, 15 U.S.C. § 1127; see *supra* note 5.

- B. that the registrant engages in the production or marketing of any goods or services to which the certification mark is applied, or
- C. that the registrant permits the use of the certification mark for purposes other than to certify, or
- D. that the registrant discriminately refuses to certify or to continue to certify the goods or services of any person who maintains the standards or conditions that such mark certifies.

Further, under Section 14(3) of the Act, a cancellation action may be brought at any time if the registered mark becomes the generic name for the goods or services, or portion thereof, for which it is registered or if the registration was obtained fraudulently.

SWI's cancellation petition has relied on grounds A, C, and D under Section 14(5) as well as on the grounds of genericness and fraud under Section 14(3). The claims of SWI and the findings of the USPTO against each of these claims are discussed in detail below.

#### ***A. The Federation Permits Its Marks to Be Used for Purposes Other Than Those for Certification***

SWI argued that the Federation was allowing its members and licensees to use trademarks that included the word "SWISS" and had accordingly permitted use of its certification marks for purposes other than to certify. To support this claim, SWI listed out marks such as , WENGER SWISS MILITARY, SWISS ARMY, and DAVOSA SWISS as examples of such use. The TTAB noted that in *In re 88Open Consortium Ltd.*,<sup>10</sup> it was held that a certification mark could not be used as a trademark if the former was identical or substantially or virtually identical to the latter. Relying on the said precedent, the TTAB found that all referenced third-party marks contained wording and/or design elements such that they could not be considered identical or substantially or virtually identical to the Federation's marks. Nor was the TTAB persuaded by SWI's argument that the trademarks of the members and licensees of the Federation were not sufficiently separate and distinct from its certification marks to satisfy the requirement that the difference in the purpose between the respective marks would

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10. 28 U.S.P.Q.2d 1314 (T.T.A.B. 1993). The TTAB held that 88OPEN COMPATIBILITY CERTIFIED & Design could be registered as a certification mark despite the applicant's ownership of a trademark registration for 88OPEN. The mark 88OPEN COMPATIBILITY CERTIFIED & Design was found registrable as a certification mark even though the applicant owned six registrations for the marks 88OPEN in typed and stylized form as trademarks, service marks, and collective membership marks. The Board noted that the words "COMPATIBILITY CERTIFIED" served to inform those seeing the mark that it is functioning as a certification mark, and that the certification mark included a design feature not found in the previously registered marks.

be recognized by the purchasers of the certified goods. Finding that the additional elements in the various marks clearly made these marks different from SWISS and SWISS MADE, the TTAB rejected the argument of SWI that the salient and distinguishing feature of these trademarks was the term “SWISS.”

***B. The Federation Did Not Control Use of Its Marks***

SWI further claimed that the Federation did not control or was not able to legitimately exercise control over the use of the marks and therefore, the registrations fell afoul of Section 14(5)(A) of the Trademark Act. The basis of SWI’s claim that there was widespread unauthorized use of the term “SWISS” was a list of 22 trademarks that contained the term “SWISS” owned by third parties who were not members or licensees of the Federation. Citing these marks, SWI argued that the unauthorized uses of the Federation’s marks were so extensive that SWISS and SWISS MADE had become generic and ceased to function as certification marks.

The TTAB did not accept the claim of SWI that the Federation had allowed uncontrolled use of its marks, nor did it agree with SWI that the instances of use placed on record were so extensive as to arrive at a conclusion that the registrations should be cancelled. While arriving at the above finding, the TTAB took note of, *inter alia*, the following aspects of the Federation’s evidence:

The Federation engaged in significant activities to ensure that only companies adhering to its standards used the terms “SWISS” or “SWISS MADE” in connection with watches;

- The Federation monitored all trademark applications in Class 14 worldwide and filed opposition proceedings when it discovered dubious cases;
- The Federation monitored the use of “SWISS,” “SWITZERLAND,” and “SWISS MOVEMENT” on watches displayed in watch-specialized magazines;
- The Federation often bought or requested watch samples for inspection;
- In the United States alone, the Federation had filed 25 oppositions against marks incorporating the term “SWISS” or “SWITZERLAND”; it had also worked with U.S. Customs to prevent the importation of watches bearing the term “SWISS,” which did not meet the standards of the Ordinance;
- The Federation’s witness testified that of the 22 uncontrolled trademark uses cited by SWI, 6 of them were opposed and action was being taken against two others; the remaining instances did not involve registered trademarks

and the Federation had contacted other companies to determine what actions would be taken.

Because the statute did not define “control,” the TTAB considered these actions and the diligence displayed by the Federation and found that it was impossible to have absolute control over the use of such marks and that the question was whether the control was adequate. The TTAB took special note of the extensive worldwide monitoring and enforcement systems put in place by the Federation, the numerous oppositions filed by it in the United States, the negotiations conducted for abandonment or withdrawal of numerous applications, and the letters of protest filed with the USPTO, and held that the control exercised by the Federation was adequate.

The TTAB was quite critical of SWI’s contention that the Federation could not control use of its certification marks because of the widespread third-party uses prior to its registrations of the designation SWISS in connection with watches that did not originate in Switzerland. The TTAB found that the date of registration of the Federation’s marks was not the operative date for it to bring an action because its rights did not arise only with the issuance of its registrations. Quoting from the decision in *Tea Board of India*,<sup>11</sup> the TTAB added that the mere fact of misuse was not sufficient to raise an inference that control was not adequate or that SWISS or SWISS MADE had lost all significance as certification marks. The TTAB further noted that even if control was not maintained and misuse occurred, it must be shown that the misuse was of such significance as to permit an inference that the mark was generic.

### ***C. Federation Discriminated***

The next claim of SWI was under Section 14(5)(D) of the Trademark Act that the registrant “discriminately refuses to certify or to continue to certify the goods or services of any person who maintains the standards or conditions which such mark certifies.” SWI pursued a claim of discrimination under this section, arguing that:

- a. the Federation applied improper and unnecessary standards for its certification marks by requiring that the watch movement be cased in Switzerland and that final inspections of SWISS-mark certified watches take place in Switzerland;
- b. the Federation discriminated in the approval for use of its certification marks because it may deny membership in its organization;

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11. *Tea Board of India*, 80 U.S.P.Q.2d at 1888.

- c. the Federation's standards discriminated against U.S. companies that adhered to the U.S. Customs regulations. The U.S. Tariff Act of 1930 provided that the country of origin of the movement determined the country of origin of the watch. Based on this, SWI asserted that U.S. Customs recognized "SWISS MADE" as an appropriate marking on the watch.

The TTAB refused to entertain the first claim and found that the statutory provision was not dependent upon whether the TTAB or a third party liked the standards or saw the need for them. It held that the statute required only that the owner of the certification mark could allow any entity that met the standards, as determined by the owner, to use the mark. Regarding the second claim, the TTAB found that although the Federation's members were permitted to use the certification marks (because members must comply with the standards in the Ordinance), there was no requirement that an entity be a member of the Federation for using the certification marks. To arrive at this finding, TTAB relied on a list provided by the Federation consisting of companies that were not its members but were licensed to use its certification marks. Nor was the TTAB persuaded by the third claim of SWI; it held that whether the U.S. Customs considered a watch to be made in Switzerland for duty purposes or considered "SWISS MADE" to be acceptable to indicate the country of origin did not mean that the Federation was discriminating against U.S. companies in the use of the certification marks.

In short, the TTAB found that SWI had not submitted any evidence that the Federation had refused to permit the use of its certification marks for watches meeting its standards, namely, the watch movement was made in Switzerland, the watch was "cased up" in Switzerland, and the final inspection of the watch took place in Switzerland.

#### ***D. "SWISS" and "SWISS MADE" Are Generic Terms for Watches, Clocks, Etc.***

SWI argued that the certification marks of the Federation were generic because these terms primarily signified to the American purchaser the type of watch regardless of regional origin. To buttress its claim, SWI relied on common usages by the press of the terms "Swiss watch" and "Swiss precision" to convey certain qualities associated with accurate watches. It further contended that because of the evidence of the use of "Swiss" by third parties who were not the Federation's members or licensees on watches that did not originate in Switzerland, these two terms had become generic for a category of watches, irrespective of where these watches were made. It was also SWI's argument that "certification marks that act as an indicator of geographic origin

generally arise due to the use of a geographic term in connection with products tied to the land” and that because the terms “SWISS” and “SWISS MADE” were used in connection with manufactured goods, irrespective of the geographical locations utilized throughout the manufacturing and assembly process, consumers would not view these terms as indicating goods that originate from Switzerland.

The TTAB rejected all of these claims. It found the evidence on common usages to be unpersuasive in demonstrating the genericness of these terms and found, to the contrary, that the use of “Swiss watch” as a metaphor for something of precision workmanship showed the renown of Swiss watches. Regarding the evidence of unlicensed third-party use of the SWISS certification mark on watches that did not originate in Switzerland, the TTAB pointed out that the issue was whether as a result of such unauthorized uses, SWISS and SWISS MADE had lost their capacity to function as certification marks indicating the origin of these watches and were instead viewed as generic indicators of certain qualities and characteristics. Further, the TTAB found that SWI had not proved that the terms “SWISS” and “SWISS MADE” had lost their significance to consumers in identifying the geographical origin of the goods and that the relatively small number of unauthorized third-party uses of these terms were insufficient to show that these, when used in connection with watches, referred to any watch that worked with precision, as opposed to indicating geographical origin. As for the argument that certification marks that were used as indicators of geographical origin must have a tangible link with the region, the TTAB found no case law support for this position.

To sum up, the TTAB found that the evidence on record showed that the geographical connection between watches and Switzerland was very strong and that when the terms “SWISS” and “SWISS MADE” were used in connection with watches, consumers would understand that these signified the geographical origin of the goods in question.

#### ***E. Federation Committed Fraud on the USPTO in Registering SWISS MADE***

SWI argued that the Federation committed fraud on the USPTO in registering SWISS MADE. The basis for such a claim, according to SWI, was that in response to an office action issued by the USPTO, the Federation submitted an exhibit containing its certification standards coupled with the abstract of the Ordinance on which its standards were based. According to SWI, the Federation’s decision to submit both these documents was calculated to defraud the examiner because the certification standards document of the Federation provided no description of

its standards to determine whether others may use the mark SWISS MADE and that these standards referred only to the indicators “SWISS,” “SWISS CASE,” “SWISS DIAL,” and “SWISS PARTS.” SWI argued that the Ordinance was submitted to confuse the examiner and entice him to believe that the Federation’s standards covered the mark SWISS MADE.

The TTAB found no merit or basis for this argument and held that submission of both these documents, which were clearly marked by the Federation, in no way proved that the Federation was trying to project an incomplete picture.

#### IV. WHAT DOES THE ORDER MEAN FOR OWNERS OF GEOGRAPHICAL INDICATIONS?

As discussed above, the legal means for protection of geographical indications are varied, and a certification mark is one such means. Though the order of the TTAB is really about the cancellation of a certification mark, it unwittingly highlights the challenges faced in the protection of geographical indications, whether as certification marks or through other means of protection, such as collective marks or a *sui generis* system of protection, available around the world. The order also has high precedential value in the context of protection of geographical indications with respect to goods of industry and the specific challenges faced by owners thereof primarily because the certification mark SWISS protects the intangible element of reputation of watches and clocks produced in Switzerland as high-quality products. In particular, the order would be of high interest to several Asian and African countries that have geographical indications, including goods of industry that designate a certain reputation possessed by such goods.

So what are the specific challenges of protection faced by geographical indications in a world dominated by private rights such as trademarks? The most grievous of these challenges is the uneven scope of global protection currently extended to geographical indications. As explained above, though the TRIPS Agreement obligates members of the WTO to provide “legal means”<sup>12</sup> for the protection of geographical indications, it does not specify what such “legal means” should be. One such legal means

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12. See Article 22.2, which reads as follows:

In respect of geographical indications, Members shall provide the legal means for interested parties to prevent:

- (a) the use of any means in the designation or presentation of a good that indicates or suggests that the good in question originates in a geographical area other than the true place of origin in a manner which misleads the public as to the geographical origin of the good;
- (b) any use which constitutes an act of unfair competition within the meaning of Article 10bis of the Paris Convention (1967).

adopted by many countries,<sup>13</sup> including the United States, is to register a geographical indication as a certification mark. This model has emerged, because apart from certifying the characteristics and qualities of the relevant goods, a certification mark may also certify the regional origin of the goods. The other two prevailing modes of protection for geographical indications are *sui generis* legislation<sup>14</sup> and collective mark regime.<sup>15</sup> In the instant case itself, while SWISS MADE and SWISS are protected as certification marks in the United States, in Switzerland these are protected through a *sui generis* law, being the Ordinance referred to above. Switzerland has also entered into bilateral agreements with some other jurisdictions for the protection of these names.<sup>16</sup> As it emerges, unlike in the case of trademarks, copyrights, and patents, there is no standardized global method of protection for geographical indications. Consequently, the scope of protection offered to these rights varies from country to country and is one of the key causes of concern for the right holders thereof.

In this context, it is also relevant to highlight the plight of right holders in certain countries that offer only a collective mark regime for the protection of geographical indications. Collective marks are a sign of membership and are used by the members of an association to distinguish the goods or services of that association from those of others.<sup>17</sup> In countries that offer only collective mark protection to geographical indications, there is a usual requirement of local membership that makes the protection process rather problematic. Unlike trademarks, which may be affixed on goods produced anywhere in the world with the consent of the owner thereof, geographical indications are rooted in the specific geographical regions indicated by them. To illustrate, while PepsiCo, Inc. may choose to produce its soft drink under the famous mark PEPSI all over the world, a watch indicated to be "SWISS MADE" could be produced only in Switzerland. Naturally, any attempt to register SWISS MADE as a collective mark in a jurisdiction (other than Switzerland) that offers only collective mark protection would be defeated as a result of lack of local membership. In such countries, the only means to deal with third-

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13. As followed by countries such as the United States, United Kingdom, Australia, New Zealand and Canada.

14. See *supra* note 4.

15. For instance, Japan offers protection to geographical indications through a collective mark system.

16. See *supra* note 8.

17. For example, see Section 2(1)(g) of the Indian Trade Marks Act, 1999, which defines "collective mark" to mean "a trade mark distinguishing the goods or services of members of an association of persons [not being a partnership within the meaning of the Indian Partnership Act, 1932 (9 of 1932)] which is the proprietor of the mark from those of others."

party violations of the rights in a geographical indication through bad faith trademark applications or registrations is to register the geographical indication as a trademark and use that registration as the basis of objection to such bad faith registrations. While it sounds outrageous to register SWISS MADE—a collective community right of all watch producers of Switzerland—as a private monopoly right, there is little else that would be available to the Federation in such a jurisdiction to protect the rights of its members.

Secondly, there is a higher risk of genericide faced by geographical indications than that by trademarks, as a result of the heightened tendency and temptation to use geographical indications as qualifiers and descriptors. The instances of unlicensed misuse in the United States of the certification mark SWISS cited by SWI in the present case are glaring examples of such temptation. Such usage as qualifiers would render these rights generic in the long run. In addition, an issue that is specific to geographical indications with respect to goods of industry such as “SWISS” and “SWISS MADE,” which have no tangible connection to geography and are protected purely based on their reputation to originate from their respective geographical regions, is that, if left unmonitored, these could be perfectly replicated outside the relevant region. As such, these run an even greater risk of genericide than geographical indications of goods such as DARJEELING tea or CHAMPAGNE, which have tangible links with their respective geographical regions because fakes sold with reference to such names could be detected through advanced technology, employing methods such as DNA fingerprinting. To combat such misuse, several famous geographical indications are watched through global watch services to deal with unauthorized uses that could render these generic to describe the type, qualities, and characteristics of the goods. The order of the TTAB makes particular reference to such a worldwide monitoring and enforcement system put in place by the Federation to curb violations of its marks.

Thirdly, monitoring trademark registers alone cannot be an adequate measure to address the issue of genericide. In the instant case, SWI was quick to point out the generic uses of the term “SWISS” by third parties, some of whom the Federation had not acted against. While it is possible to track violations through trademark applications using a trademark watch agency, it is much harder and costlier to spot unauthorized uses in the marketplace as descriptors or qualifiers. Monitoring the markets, therefore, becomes an indispensable part of enforcement and protection strategy in connection with a geographical indication.

That brings us to the fourth point on costs. Owners of geographical indications such as the Federation are nonprofit

and/or nontrading bodies and often take up the onerous task of protecting the rights in the geographical indication concerned on behalf of its trading members who use the relevant geographical indication on their goods. Owners of highly reputed geographical indications usually do not confine such protection measures to their home turf and undertake such tasks on a worldwide basis. Unlike a profit-driven trademark owner who likely has deep pockets, an entity in charge of the administration and protection of a geographical indication survives on membership fees and often has budgetary constraints to deal with numerous violations, both domestic and international. The problem of costs is further compounded by the number of violations that these entities have to tackle at any given point of time. The TTAB's order makes several references to the efforts of the Federation in the United States to preserve its certification marks through oppositions, cancellation actions, letters to the USPTO, negotiations, and amicable resolutions, which involve significant attorney costs and other costs to enforce rights. In other words, the high vulnerability of geographical indications to be used as descriptors or qualifiers warrants constant vigilance of not only the trademark registers but also the markets for potential violations. In such circumstances, the finding of the TTAB that the Federation had exercised adequate control over its marks and that the certification mark owner's affirmative duty to control its certification mark did not mean "absolute control" was not only apt but also equitable as far as geographical indications are concerned.

These are just a handful of the challenges that are reflected in the order of the TTAB. There are numerous other challenges that are faced by owners of geographical indications round the world that would warrant a separate discussion and analysis.<sup>18</sup> As for now, the mantra that emerges from the order of the TTAB to all owners of geographical indications is that despite the challenges discussed above, the protection measures employed by these owners must be maintained unabated to ward off genericide. Otherwise, the ever-so-vulnerable expressions that form geographical indications will, in an uneven world of IP protection, soon slip into the public domain. For the present, hail the TTAB for its order.

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18. For instance, the additional level of protection offered under Article 23 of the TRIPS Agreement to geographical indications in respect of wines and spirits alone and the increasing trend of bilateralism in the protection of geographical indications and geographical indications in the context of unfair competition are two of the issues that right owners world over are grappling with at the moment.