



Protecting non-EU Geographical Indications

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CARIFORUM



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Definition of Geographical Indication

GI is a **name** [not a product]

Identifies product having ‘**qualities**’

Which are linked to a **geographical area**



Geographical names

Generic names: link has disappeared in time, production evaded (Hamburger)

Indication of provenance: only factual provenance (e.g. Belgian chocolate)

Fancy names: fancy stories, no link with the area of production (Irish coffee)

Traditional Specialities Guaranteed: link has disappeared in time but the production method remained linked to the geographical name (Pizza Napoletana)

Geographical Indications: qualities linked to the area ('Miel de Tenerife')



Legal framework for GIs

WTO: TRIPS agreement as framework (no register, bilateral agreements to identify GIs)

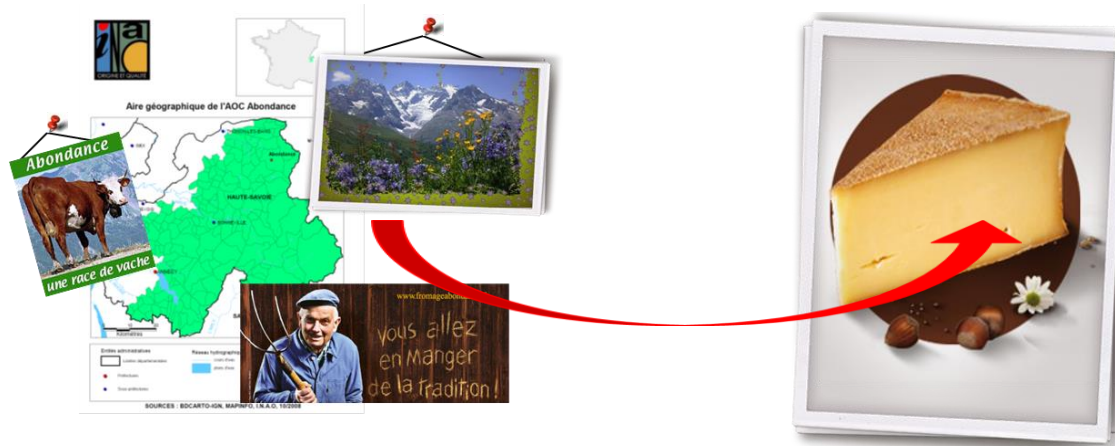
WIPO: Geneva Act of the Lisbon agreement (multilateral register)

EU: Four sets of rules for food, wine, spirit drinks & aromatised wines (EU register). Exclusive EU systems as regards the 4 sectors

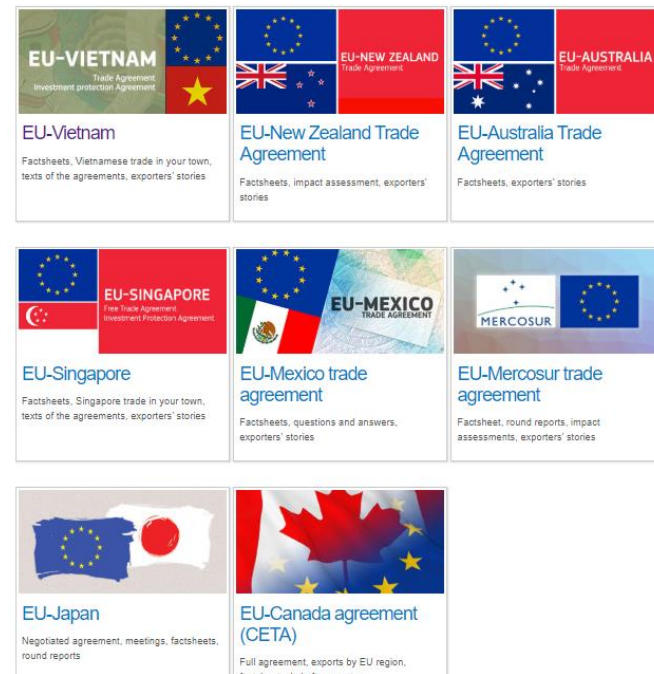


Definition of GIs in TRIPS (Art.22)

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



Art.24 TRIPS: Members may enter into negotiations to increase protection of individual GI



EU Objectives

Protection at a level similar to that offered by the various EU Regulations protecting GIs

Reciprocal protection (GIs protected directly and indefinitely)

Co-existence of GIs with prior TM registered in good faith

Phasing out prior use of EU GI in 3C

Obtaining administrative protection

Ensuring automatic right of use of GIs



Bilateral agreements

- Exchange of **GI lists** and specifications during negotiations
- Conflicts **prescreening** (TM offices consulting + OJ publication)
- Does the name complies with **TRIPS GI** definition? (condition : equivalence of legislations was established) : **Examining** and carrying out a documentary check for each individually listed name
- Accepted GIs listed in an **annex** to the agreement and protected under its provisions

Later: GI list updating through Joint Committee



Bilateral agreements

36 agreements in force or concluded
13 negotiations ongoing



3C Gis protected in the EU through bilateral agreements :

- 1554 total
- 1242 wines; 135 spirits; 173 agricultural product and foodstuff; 3 alcoholic beverages; 1 aromatised wine

https://ec.europa.eu/info/sites/info/files/food-farming-fisheries/food_safety_and_quality/documents/list-gis-non-eu-countries-protected-in-eu_en.pdf

Multilateral scheme (WIPO)

Lisbon Agreement, Geneva Act 2015

Multilateral system of Registration

1958: Lisbon Agreement

(only Appellations of Origin 'AO')

20 May 2015: modernized Agreement

"Geneva Act of the Lisbon Agreement"

- expands the scope beyond AOs to all GIs
- Open to intergovernmental organizations

EU deposited the act of accession on 26/11/2019. Since the EU was the fifth acceding contracting party, the Geneva act entered into force on 26/2/2020



Multilateral scheme (WIPO) - Geneva act - Regulation (EU) 2019/1753

- European Commission (COM) as **Competent Authority** (Article 3 of the Geneva Act)
- COM will **file applications** with the WIPO International Bureau for international registration of EU GIs & **will assess 3C AO/GI** submissions through Geneva Act for protection in the EU
- 3Cs GI: Publication for opposition of 3C AO/GI (Art 4 Reg 2019/1753); assessment of 3C AO/GI submitted through Geneva Act (Art 5); Opposition procedure (Art 6) and Decision on protection in the EU through implementing act (Art 7)

Protection under the EU GI rules

Agri products and food - Regulation (EU) No 1151/2012

Wines – Regulation (EC) No 1308/2013

Spirits – Regulation (EU) 2019/787

Aromatised wines – Regulation (EU) No 251/2014



Protection under the EU GI rules – Types of Geographical Indications (GIs) in the EU

PDO

Protected Designation of Origin (**food** & **wine**)



PGI

Protected Geographical Indication (**food** & **wine**)



GI

Geographical Indication (**spirits** & **aromatised wines**)



3334 GIs in the EU registers

Food: 1479

Wines: 1608

Spirits: 242

Aromatised wines: 5



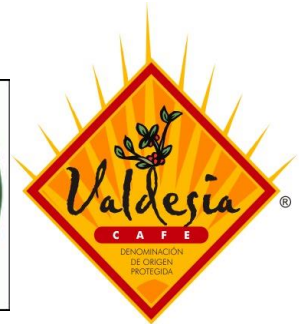
34 3C GIs registered in the EU Registers (Food, Wine, Spirit drinks)

EU Registration procedure open for applications directly submitted by producers from non-EU countries

Food: China (10); Thailand (4) ; Turkey (3) ; Cambodia (2) ; Norway (2) ; Andorra (1) ; Colombia (1); Dominican Republic (1); India (1); Indonesia (1); Vietnam (1)

Wine: USA (1); Brazil (1)

Spirit drinks: Norway (2); Guatemala (1); Peru (1); Mexico (1)



Thank you!

More information:

Quality policy web-page

http://ec.europa.eu/agriculture/quality/index_en.htm





THANK YOU
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