



GEOGRAPHICAL INDICATIONS AND APPELLATIONS OF ORIGIN

What's shaping up in WIPO's WG on the Development of the Lisbon System?

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**Seminar on Geographical Indications
in the Olive Oil and Table Olive Sector
International Olive Council**

Villa San Giovanni, October 21, 2010

Geographical Indications (GI) and Appellations of Origin (AO)

WIPO's Role

- Administration of a number of **international agreements** which deal with the protection of GIs/AOs
- Discussion of new ways of **enhancing international protection** of GIs/AOs
(work of 'Standing Committee on the Law of Trademarks, Industrial Designs and GIs' and 'Working Group on the Development of the Lisbon System')
- Provision of **technical assistance** to Member States upon request

Subject-Matter of Protection (GIs and AOs)

Indication of a Connection between Characteristics of Products and their Geographical Origin

- Informs consumers of the uniqueness of the products derived from this connection (**typicality**)
- Represents the collective goodwill derived from this uniqueness (**reputation**)
- **Value-added**

Distinctive Signs

- Distinctive Signs for **Individual** Use
 - Trademarks (goods & services)

- Distinctive Signs for **Collective** Use
 - Collective marks
 - Certification marks
 - **Geographical indications and Appellations of origin**

Résultats de la recherche dans Lisbonne - Microsoft Internet Explorer

File Edit View Favorites Tools Help

[Récapitulation des résultats]
Résultats de la recherche dans LISBON pour:
AP/parmigiano : 1 document
document 1 à 1 sur 1 :

Affiner l'interrogation

No.	Appellation
1.	513 PARMIGIANO-REGGIANO

Récapitulation des résultats
AP/parmigiano: 2 occurrences dans 1 document.
Durée de la recherche: 0.07 secondes.
▲

Local intranet

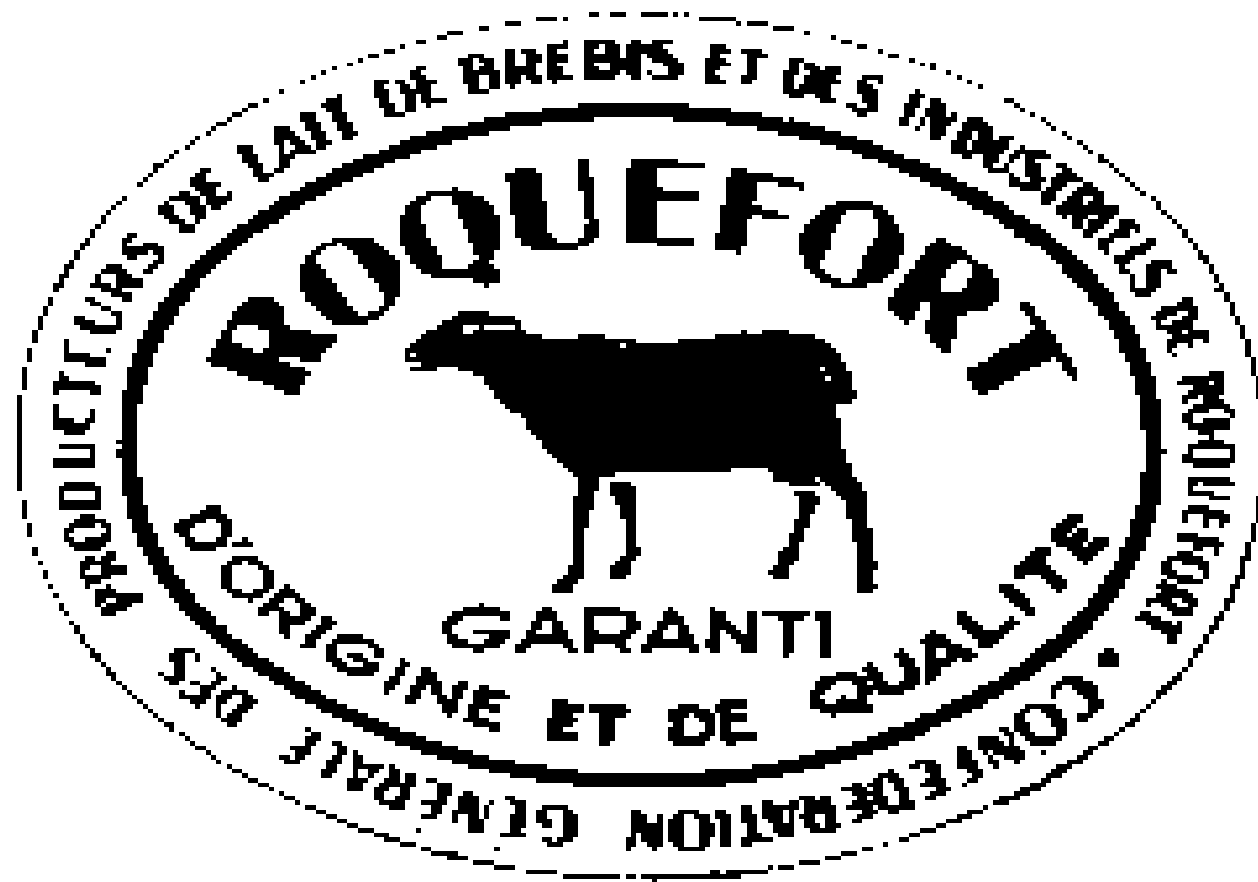
ACTUAL PROPERTY
ATION

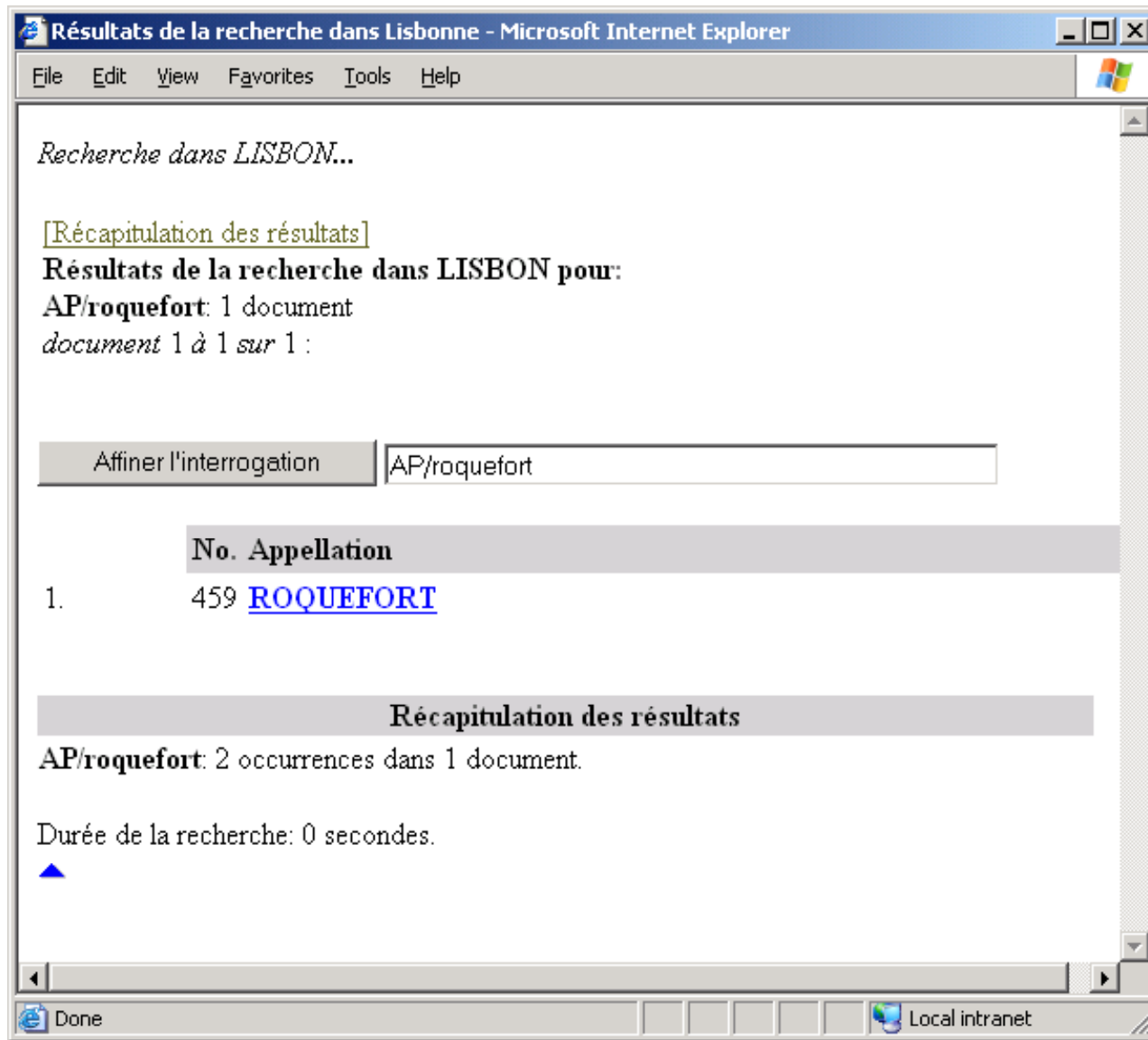


**PARMIGIANO
REGGIANO**



WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION





Overview of the international instruments related to the protection of GIs/AOs

- **Paris Convention** (1883), Art. 10 and 10ter
(false indications of the source of goods)
- **Madrid Agreement** (1891)
(repression of false or deceptive indications of source)
- **Madrid Agreement and Protocol** (1989)
(international registration of marks)
- **Lisbon Agreement** (1958) – *Appellations of origin*
- **Bilateral Agreements**
- **TRIPS Agreement** (1994), Art. 22 to 24

Different systems of protection worldwide

➤ **Multilateral Agreements**

- Protection of GIs under TRIPS
- Protection of AOs under the Lisbon Agreement
 - Legal protection they provide is based on various means of protection on the national level: an act of public law (law, decree, administrative decision, ordinance), or a judicial decision

➤ **Regional Systems of Protection (EU, OAPI...)**

➤ **Bilateral Agreements**

- Under such agreements two States or two trading partners agree to protect each other's GIs or AOs

- **General laws focusing on business practices** (unfair competition and consumer protection provisions)

- **Specific protection systems** for GIs and AOs (sui generis)

- **Trademark law provisions** devoted to collective marks and/or certification and guarantee marks

- **Administrative schemes** of label control

Differences between GIs and AOs

- **AOs (Lisbon, Art.2)**
- Geographical **denomination**
- Refers to quality or characteristics of a specific product
- Due exclusively or essentially to the geographical **environment** (natural or human factors)

- AO= **Special category** of GI
- Only existing **multilateral registration system** for the protection of AOs

- **GIs (TRIPS, Art.22.1)**
- **Indication**
- Refers to quality, **reputation**, or other characteristic
- Essentially attributable to its geographical **origin**



GI can also be a symbol referring to or associated with a particular geographical area (the cartographic outline of France with a red itinerary for Burgundy wines)

The Lisbon Agreement

- Established to facilitate the international protection of AOs through a **single registration procedure**
- Accession open to any country party to the **Paris Convention**
- Administered by WIPO, which keeps the **International Register of AOs**
 - At present:
 - **27** contracting parties
 - A total of 891 AOs have been recorded in the International Register, of which **818** are currently in force

Lisbon Union: 27 Member States

Africa (6)

Algeria
Burkina Faso
Congo
Gabon
Togo
Tunisia

Asia (4)

Georgia
Islamic Rep. of Iran
Israel
DPR of Korea

America (6)

Costa Rica
Cuba
Haiti
Mexico
Nicaragua
Peru

Europe (11)

Bulgaria
Czech Rep.
France
Hungary
Italy
Moldova
Montenegro
Portugal
Serbia
Slovakia
The FYR of Macedonia

892 registrations – 818 in force

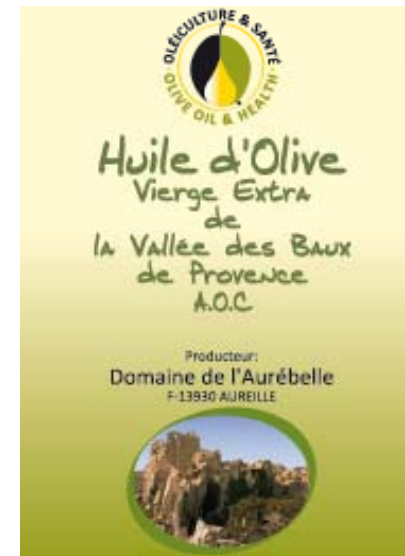
■ France	508	■ Algeria	7
■ Czech Rep.	76	■ Portugal	7
■ Bulgaria	51	■ Tunisia	7
■ Slovakia	37	■ DPR of Korea	6
■ Italy	31	■ Peru	4
■ Hungary	28	■ Montenegro	2
■ Georgia	20	■ Moldova	1
■ Cuba	19	■ Israel	1
■ Mexico	12	■ Serbia	1

Registrations for Olives and Olive Oil

- Olives de Nyons
- Olives Noires de Nyons
- Huile d'Olives de Nyons
- Huile d'Olive de la Vallée des Baux de Provence
- Olives Noires de la Vallée des Baux de Provence

Example of an International Registration under Lisbon: Huile d'Olive de la Vallée des Baux de Provence (AO No. 806)

- **Registered** on:
June 29, 1998
- **Holder:**
Producers and groups of producers enjoying the protection for the appellation of origin in question
- **Area of Production:**
Delimited territory within the department of Bouches-du-Rhône (France)
- **Legal Basis:**
Decree of August 27, 1997



Basis for the Review of the Lisbon System

- ❑ **Survey** by WIPO among interested stakeholders to explore what changes to the Lisbon system might allow a wider membership

- ❑ **Study** by WIPO on:
 - the relationship between regional systems for the protection of geographical indications and the Lisbon system

 - the conditions for the possible accession to the Lisbon Agreement by intergovernmental organizations administering such system

Questions addressed in the Survey

- WIPO document LI/WG/DEV/2/2

- ❑ **The basis for protection in the country of origin**
(does Lisbon require *sui generis* legislation or not?)
- ❑ **The definition of protectable subject-matter**
(how should the differences in definitions at the domestic level be dealt with under Lisbon?)
- ❑ **Scope of protection**
 - what does protection against usurpation and imitation mean?
 - is it adequate?
 - « cannot be deemed to have become generic »?
 - are prior rights sufficiently safeguarded under Lisbon?
- ❑ **Is there need for modifying the procedural requirements**
 - for applications?
 - for refusals?
 - for invalidations?

Results of the Survey

- reasonably representative response

36 Contributions

- Lisbon Member States (13)
- Non-Lisbon States (12)
- IGOs (1)
- NGOs (5)
- AO/GI Producers (1)
- Academia (2)
- Private Enterprises (2)

Working Group on the Development of the Lisbon System (August 30 to September 3, 2010)

□ The WG requested WIPO to prepare draft treaty provisions on various topics, notably:

- Definitions
- Scope of protection
- Prior users
- Applications for trans-border AOs or GIs
- Accession criteria for IGOs

□ The WG invited WIPO to prepare a study on the possibility of dispute settlement within the Lisbon system



Home > IP Services > Lisbon System for the International Registration of Appellations of Origin

LISBON SYSTEM FOR THE INTERNATIONAL REGISTRATION OF APPELLATIONS OF ORIGIN

- Overview
About the Lisbon Agreement
Search Appellations of Origin
Meetings
AOs Bulletin
Statistics

RELATED LINKS

- Geographical Indications
E-Bookshop
WIPO Lex
SME Case Studies
WTO webpage on GIs

Lisbon System for the International Registration of Appellations of Origin

The Lisbon System facilitates the international protection of appellations of origin through one single registration procedure. The Lisbon system does away with the need to file multiple registrations at different offices and covers over two dozen countries in Africa, Asia, Europe, and Latin America.

Members

- Contracting Parties
Information Notices
Notifications
Contact details of the offices of the Members of the Lisbon Union

Legal and Administrative

- Lisbon Agreement for the Protection of Appellations of Origin and their International Registration
Regulations Under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (as in force on January 1, 2010)
Administrative Instructions (as in force on January 1, 2010)
Acts of Diplomatic Conference
Forms
Fees
Surveys

Electronic Tools

- Search Appellations of Origin (Lisbon Express)
Interactive Lisbon System World Map
Download Lisbon System files

LATEST NEWS

- Outcome Second Session Lisbon Working Group (August 30-September 3, 2010) (Sep 7, 2010)
Updated version of the official English text of the Lisbon Agreement now available on-line (Aug 12, 2010)

PO GOLD

- Technology
- Standards
- Appellations of Origin
- Elements
- Main Names
- Signs
- Statistics
- Agreements & Treaties
- Classifications
- WIPO Standards

Appellations of Origin

This map displays information on all the appellations of origin entered, in accordance with the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, in the international register kept by the WIPO International Bureau and which are in force.



- Algeria
- Bulgaria
- Costa Rica
- Cuba
- Czech Republic
- Czechoslovakia

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Search Appellations of Origin (Lisbon Express)

This database contains information on all the appellations of origin entered, in accordance with the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, in the international register kept by the WIPO International Bureau and which are in force.

Structured Search options results

» Search =

AND Number =

AND Appellation =

AND Country of Origin =

AND Area of Production =

AND Product =

AND Category =

AND Nice Classification =

AND Holder =

AND Date All From:

To:

AND Status by country =

SHORTCUTS

- Log in
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- ST 3 (Country codes) [PDF]
- Feedback
- Lisbon Web site

**BON SYSTEM FOR THE
ERNATIONAL
ISTRATION OF
PELLATIONS OF
IGIN**

Review
of the Lisbon
Agreement
on the International
Registration of
Appellations of
Origin
and
its
Amendments
and
Protocol

RELATED LINKS

Geographical Indications
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Bulletin Appellations of Origin



The Bulletin "Appellations of origin" is the official publication of the Lisbon system. It is issued by WIPO for the publication of new registrations and other recordings in the International Register as well as information concerning changes in the legal framework of the Lisbon system. In addition, the Bulletin contains statistical information concerning registered appellations of origin.

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THANK YOU

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