



Presentation to the International Olive Council Seminar

Presentation of the main elements of
the IOC commissioned study on the
legal framework for the protection of
GIs

David Thual – Fanny Lossy
21 October 2010 – Villa San Giovanni

General objectives of the study

- Provide the IOC and its members with a clear picture with regard to the current use of GIs in the olive oils and table olives sector
- Identify the GI potential in that sector

Specific objectives of the study

1. Description of the legal frameworks available for GI protection in IOC member countries and other olive producing countries and at the international level
2. Comparative analysis of the currently protected table olives and olive oils GIs
3. Identification of potential GIs in the olive sector in all producing countries
4. Support for the dissemination of the study's findings through a proposed draft programme for an international IOC seminar

Geographical scope of the study

- IOC Member countries, which produce GI table olives and olive oils:
 - Albania,
 - Algeria,
 - Argentina,
 - Croatia,
 - Egypt,
 - European Union (GR, IT, FR, PT, SI & ES),
 - Iran,
 - Iraq,
 - Israel,
 - Jordan,
 - Lebanon,
 - Libya,
 - Montenegro,
 - Morocco,
 - Serbia,
 - Syria
 - Tunisia
- Other olive producing countries, where there is a potential for table olives and olive oils GIs:
 - Australia,
 - Brazil,
 - Chile,
 - Mexico,
 - Palestine,
 - Peru,
 - Saudi Arabia,
 - Turkey
 - the USA




Presentation of the legal instruments available for the protection of table olives and olive oils GIs



- National legal instruments available to protect GIs in olive producing countries:
 - Comprehensive information gathering on the national legislations
 - Analysis of the purpose of the protection


- Aims:
 - Establish a fiche per country that provides information on the legal framework available for GI protection
 - Provide for a user-friendly database:
 - of the aims of GI protection sought by the different national legislations
 - summarizing the fiches



Outcome of the study on the legal instruments available for the protection of table olives and olive oils GIs

- International Legal Framework
 - Party to an international or bilateral treaty concerning the protection of GI

- National Legal Framework
 - Relevant Regulatory Framework
 - Type of Protection:
 - *Sui generis*, trademark or another system
 - “Ex officio” and/or “Ex parte” protection
 - Scope of legislation:
 - Agricultural and/or industrial goods, and/or services
 - Source
 - Summary of the Operational Provisions
 - Registration procedure and opposition procedure
 - Specific Provisions:
 - Generics, Reciprocity and protection in translation




Outcome of the study on the legal instruments available for the protection of table olives and olive oils GIs

- Formal Requirements for an Application
 - Application Forms
 - Description of the application forms and language of the application
 - Relevant Supporting Documents
 - Administration Responsible for Registration and its contacts details


- Costs of registration & litigation

- Timeframe
 - For the registration of a product
 - Of the protection of the product (limited or not)



Outcome of the study on the legal instruments available for the protection of table olives and olive oils GIs

- Aims of the protection:
 - Specific *terroir*
 - Know-how
 - History
 - Reputation
 - Origin
 - Quality



Outcome of the study on the legal instruments available for the protection of table olives and olive oils GIs

- The extent of legal protection offered to GIs **varies** in accordance to the legal instrument available at the international and/or national levels.
- In essence, **unauthorized parties** may not use a GIs in respect of products that do not originate in the place designated by that indication.
- Some legal framework provide for the **protection** of GIs **by the public authorities**, a procedure by which governments take responsibility on the enforcement of the law (administrative protection or “ex officio” protection).
- **Applicable sanctions** range from court injunctions preventing the unauthorized use to the destruction of the counterfeit good and the payment of damages and fines or, in serious cases, imprisonment.



Presentation of the legal instruments available for the protection of table olives and olive oils GIs



- Overview of the state of play of the bilateral and multilateral negotiations on GIs concerning IOC Members
- Aim:
 - Provide a state of play of the negotiations at the international level – a specific annex in the study



Thank you for your attention

David Thual

E-mail: d.thual@insight-consulting.eu

Tel: +32.2.733.50.60