GEOGRAPHICAL INDICATIONS AND APPELLATIONS OF ORIGIN

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

Matthijs Geuze

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 LISBON pour:
AP/parmigiano : 1 document
document 1 à 1 sur 1 :

Affiner l'interrogation [AP/parmigiano]

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<th>No.</th>
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Récapitulation des résultats

AP/parmigiano : 2 occurrences dans 1 document.

Durée de la recherche: 0.07 secondes.
Recherche dans LISBON...

[Récapitulation des résultats]

Résultats de la recherche dans LISBON pour:
AP/roquefort: 1 document

document 1 à 1 sur 1:

<table>
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Récapitulation des résultats

AP/roquefort: 2 occurrences dans 1 document.

Durée de la recherche: 0 secondes.
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

<table>
<thead>
<tr>
<th>Multilateral Agreements</th>
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<tbody>
<tr>
<td>- Protection of GIs under TRIPS</td>
</tr>
<tr>
<td>- Protection of AOs under the Lisbon Agreement</td>
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</tbody>
</table>

- 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…) |

<table>
<thead>
<tr>
<th>Bilateral Agreements</th>
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<tbody>
<tr>
<td>- Under such agreements two States or two trading partners agree to protect each other’s GIs or AOs</td>
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</tbody>
</table>

| 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

America (6)
- Costa Rica
- Cuba
- Haiti
- Mexico
- Nicaragua
- Peru

Asia (4)
- Georgia
- Islamic Rep. of Iran
- Israel
- DPR of Korea

Europe (11)
- Bulgaria
- Czech Rep.
- France
- Hungary
- Italy
- Moldova
- Montenegro
- Portugal
- Serbia
- Slovakia
- The FYR of Macedonia
### 892 registrations – 818 in force

<table>
<thead>
<tr>
<th>Country</th>
<th>Registrations</th>
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<tbody>
<tr>
<td>France</td>
<td>508</td>
<td>Algeria</td>
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<tr>
<td>Mexico</td>
<td>12</td>
<td>Serbia</td>
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</tbody>
</table>
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)
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.
Lisbon System for the International Registration of Appellations of Origin

The Lisbon System facilitates the international protection of appellations of origin through a 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

Electronic Tools
- Search Appellations of Origin [Lisbon Express]
- Interactive Lisbon System World Map
- Download Lisbon System files

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

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)
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.
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

Search

AND Number

AND Appellation

AND Country of Origin

AND Area of Production

AND Product

AND Category

AND Nice Classification

AND Holder

AND Date From:

AND Status by country

options results
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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Previous Issue
THANK YOU

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