



With the support of



Technical–legal study  
on geographical designations  
for olive oil and table olives

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## Executive Summary

Insight Consulting ([www.insight-consulting.eu](http://www.insight-consulting.eu)) has been chosen by the International Olive Council to conduct a technical –legal study on geographical indications (GIs) for olive oil and table olives. More specifically, the study focuses on the following three elements:

1. A structured list of the national systems already existing and being set up in IOC member countries, as well as in other olive producing countries, to protect geographical indications for olive oil and table olives, including a description of the legal means used, the level of protection and the means of enforcement.
2. A presentation of the olive oil and table olives GI names protected, as well as the specifications, if any, governing the product, and a classification of the protected GIs according to the contents of their specifications in terms of product characteristics, cultural and extraction methods.
3. The identification of the GI potential in olive producing countries.

The study covers IOC Member countries - Albania, Algeria, Argentina, Croatia, Egypt, the European Union - Greece, Italy, France, Portugal, Slovenia and Spain), Iran, Iraq, Israel, Jordan, Lebanon, Libya, Montenegro, Morocco, Serbia, Syria, Tunisia, and Turkey – as well as other olive producing countries - Australia, Brazil, Chile, Mexico, Palestine, Peru, Saudi Arabia, and the USA.

Our findings show that geographical indications are protected in international treaties and national laws under a wide range of concepts which include laws against unfair competition and/or consumer protection laws, passing off, trademark laws (collective or certification marks), and special laws for the protection of geographical indications or appellations of origin (also known as *sui generis* GI protection systems). The extent of legal protection offered to GIs varies in accordance to the legal instrument available at the international and/or national levels.

The study has identified 21 table olives and 105 olive oils protected as geographical indications, mainly in the European Union (19 table olives and 101 olive oils). A detailed analysis of the table olive and olive oils' GI specifications confirms that they differ from one country to the other, although there are some common elements.

The majority of the potential GIs have been found in the IOC countries. It appears that the potential for GIs is much higher for olive oils than for table olives: from 96 to 107 olive oils and 25 table olives were identified as potential GIs.

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**PHASE I: NATIONAL LEGAL  
INSTRUMENTS AVAILABLE TO PROTECT  
GIS IN OLIVE PRODUCING COUNTRIES**

## Explanatory Note

In this phase, Insight Consulting identified and analyzed the legal frameworks available for the protection of geographical indications (GIs) in the olive producing countries. You will find below a detailed presentation of the geographical indications protection systems of the IOC Members and of a number of other countries such as Australia, Brazil, Chile, Mexico, Palestine, Peru, Saudi Arabia, Turkey and the USA.

Geographical Indications are one type of intellectual property rights. According to the World Trade Organization (WTO) Agreement on Trade Related aspects of Intellectual Property Rights (TRIPs), Geographical Indications are indications which identify a good as originating in the territory of a [WTO] 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<sup>1</sup>.

GIs are different from an “indication of source” (e.g. “Made in Belgium”) which merely refers to the origin of a product and bears no requirements, nor expectations regarding specific characteristics linked to the origin of the product.

The term “Geographical Indications” covers different concepts such as the appellation of origin, a term which has been defined at the international level in the Lisbon Agreement for the Protection of Appellation of Origin<sup>2</sup>. Appellation of origin is a type of GI which has a strong link between the origin of the product and its characteristics: “*the quality and characteristics of which are due exclusively or essentially to the geographical environment, including natural and human factors*”<sup>3</sup>.

Geographical indications are mostly geographical names, such as Champagne, Parma Ham, Scotch Whisky, Baena, etc. However, GIs may also be non geographical names that are associated to a specific geographical origin, such as Feta, in the European Union.

Geographical indications are protected in international treaties and national laws under a wide range of concepts which include laws against unfair competition and/or consumer protection laws, passing off, trademark laws (collective or certification marks), and special laws for the protection of geographical indications or appellations of origin (also known as *sui generis* GI protection systems).

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 geographical indication 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.

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<sup>1</sup> - See article 22 TRIPs available at : [http://www.wto.org/english/docs\\_e/legal\\_e/27-trips\\_04b\\_e.htm#3](http://www.wto.org/english/docs_e/legal_e/27-trips_04b_e.htm#3)

<sup>2</sup> The Agreement for the Protection of Appellation of Origin and their International registration was concluded in Lisbon on 31 October 1958. As of 5 May 2007, there were 26 states party to the Agreement. See on [www.wipo.org](http://www.wipo.org) “Treaties”, “Intellectual Property Protection Treaties”, “Lisbon Agreement”.

<sup>3</sup> - See article 2 of the Lisbon Agreement available at: [http://www.wipo.int/export/sites/www/lisbon/en/docs/lisbon\\_agreement.pdf](http://www.wipo.int/export/sites/www/lisbon/en/docs/lisbon_agreement.pdf)

To complete this task, Insight Consulting built on a study it co-authored with the law firm O'Connor & Company on behalf of DG Trade known as the GI Handbook on GIs, which was published in June 2007<sup>4</sup>. This study provides a detailed presentation and analysis of the geographical indications protection systems available to agricultural and non-agricultural products in almost 160 countries around the world (excluding the EU). Insight Consulting also prepared a fiche on the legal means available for the protection of GIs in the EU based on the Questions and Answers Manual on the EU Legislation on GIs that it produced with the financial support of the EU for the EU China Trade Project<sup>5</sup>.

This work was conducted by using our internal information and documentation, through article and book review, Internet search, including information notified to WTO and WIPO by olive producing countries, e-mail enquiry, and telephone calls to relevant authorities using the appropriate language.

Each national legal framework is presented in a fiche which provides an overview of the information included in the legal instruments, notably the scope of protection and the means of enforcement (see model fiche on the next 2 pages). These fiches provide a structured reading framework of the national systems. It has to be noted that as the European Union provides for a single registration of GI at the EU level, one fiche covers the 27 Member States of the EU.

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<sup>4</sup> see: <http://ec.europa.eu/trade/creating-opportunities/trade-topics/intellectual-property/geographical-indications/>

<sup>5</sup> See: [http://www.euchinawto.org/index.php?option=com\\_content&task=view&id=232&Itemid=37](http://www.euchinawto.org/index.php?option=com_content&task=view&id=232&Itemid=37)

**Country: name of the country**

International Legal Framework	
<p>Party to which international treaties and from which date.<sup>6</sup>                      Party to a bilateral treaty concerning the protection of GIs.</p>	
National Legal Framework	
<b><u>Relevant Regulatory Framework</u></b>	Law or regulation under which geographical indications can be protected
<b><u>Type of Protection</u></b>	<p>The protection can be obtained:</p> <ul style="list-style-type: none"> <li>➤ <b>via a Sui generis</b><sup>7</sup> system i.e. a specific law that considers geographical indications as a specific, separate intellectual property right and / or</li> <li>➤ <b>via Trademark regimes</b> i.e., where geographical indications are not considered as a separate, independent intellectual property right.</li> </ul> <p>Beyond the issue of via which type of system the protection is granted, there is a question of how to make the legal protection effective in practice. Generally speaking, there are two main approaches: administrative or “ex officio” and “ex parte” systems:</p> <ul style="list-style-type: none"> <li>➤ <b>Administrative or “ex officio”<sup>8</sup> protection</b> refers to the kind of protection where the state or public authorities are responsible for policing and ensuring GI protection.</li> <li>➤ <b>“Ex parte”<sup>9</sup> protection</b> is the kind of protection given at the request of an interested party (that is, the producers themselves). In ex parte protection systems the burden of protection is shouldered entirely by the producers or right-holders who have to go to courts, tribunals or other administrative venues to claim protection for their geographical indications.</li> </ul>
<b><u>Scope of legislation</u></b>	Applicability to goods (agricultural and/or industrial) and/or services
<b><u>Source</u></b>	Indication of where the Law has been published and whether it is available in the electronic format.
<b><u>Summary of the Operational Provisions</u></b>	<p>The summary will include information about the date of adoption of the law, entry into force, the nature of the legislative act, type of protection offered (sui generis or trademark).</p> <p>A brief summary of the operational legal provisions, which includes answers to the following questions</p> <ul style="list-style-type: none"> <li>• Can Indications from a third country be registered in the country under examination?</li> </ul>

<sup>7</sup> *Sui generis* is a Latin expression, literally meaning of *its own kind/genus* or unique in its characteristics. The expression was effectively created by scholastic philosophy to indicate an idea, an entity or a reality that could not be included in a wider concept, and in the structure *genus > species*, a species that heads its own genus. In law, particularly with respect to intellectual property rights, it is a term used to identify a legal classification that exists independently of other categorizations because of its uniqueness or because of the specific creation of an entitlement or obligation.

<sup>8</sup> *Ex officio* is a Latin expression, literally meaning “from the office”, by virtue of office or position; “by right of office”.

<sup>9</sup> *Ex parte* is a Latin legal term meaning “from (by or for) one party”.

	<ul style="list-style-type: none"> <li>• <i>If yes, what is the registration procedure, whether the opposition procedure is available?</i></li> <li>• <i>What is the timeframe for the opposition?</i></li> <li>• <i>Can a negative decision of the registration office be appealed and where?</i></li> <li>• <i>What is the level of protection provided?</i></li> </ul>
<b><u>Specific Provisions (issue of Generics, Reciprocity)</u></b>	<p><i>Certain provisions which would be of crucial importance for producers of products with geographical indications, in particular include:</i></p> <ul style="list-style-type: none"> <li>• <i>The issue of reciprocity and conditions for reciprocal treatment;</i></li> <li>• <i>Definition of generic geographical names and criteria for establishing a generic character of a geographical name for certain type of products;</i></li> <li>• <i>Whether the protection granted after the registration covers the translation of a registered geographical indication.</i></li> </ul>
<b>Formal Requirements for an Application</b>	
<b><u>Application Forms</u></b>	<i>Description of the application forms Language of the application.</i>
<b><u>Relevant Supporting Documents</u></b>	<i>Description of the relevant supporting documents</i>
<b><u>Administration Responsible for Registration</u></b>	<i>Local point or administration responsible for registration (if any), including contact details of such authority and any other institution relevant for the protection of GIs.</i>
<b>Costs</b>	
<b><u>Costs of registration</u></b>	<i>Potential costs associated with registration. This information is presented in local currency and in €.</i>
<b><u>Costs of litigation</u></b>	<i>Estimated costs associated with litigation. This information is presented in local currency and in €.</i>
<b>Timeframe</b>	
<b><u>Registration</u></b>	<i>Approximately or by Law.</i>
<b><u>Protection</u></b>	<i>Approximately.</i>

## **Section I – IOC members**

1. Albania
2. Algeria
3. Argentina
4. Croatia
5. European Union
6. Egypt
7. Iran
8. Iraq
9. Israel
10. Jordan
11. Lebanon
12. Libya
13. Montenegro
14. Morocco
15. Serbia
16. Syria
17. Tunisia

## Albania

### International Legal Framework

Albania is a member of the World Intellectual Property Organisation from 30 June 1992 and a signatory to the Paris Convention for the Protection of Industrial Property and to the Madrid Agreement concerning the International Registration of Marks from 4 October 1995 and the Madrid Protocol since 30 July 2003.<sup>10</sup> Albania is a WTO Member since 8 September 2000.<sup>11</sup>

### National Legal Framework

<b>Relevant Regulatory Framework</b>	<ul style="list-style-type: none"> <li>• <b>Law on Industrial Property No. 7819 of 27 April 1994</b> (hereinafter, referred to as “the Law”);</li> <li>• Order No. 5, dated 5 December 1994, “Regulations for Appellation of Origin”;</li> <li>• Law No. 8477 April 22, 1999, ‘Amendments of the Law No. 7819’.<sup>12</sup></li> </ul>
<b>Type of Protection</b>	<b>Sui generis protection.</b> No <i>ex officio</i> protection is granted under the <i>sui generis</i> regime, and protection is provided only at the request of an interested party (e.g., producers).
<b>Scope of legislation</b>	The scope of application of the Law concerns goods: agricultural and handicraft, but not services.
<b>Source</b>	The English version of the Law No. 7819/1994 is available at: <a href="http://www.wipo.int/clea/en/text_html.jsp?lang=en&amp;id=26#P154_4586">http://www.wipo.int/clea/en/text_html.jsp?lang=en&amp;id=26#P154_4586</a>
<b>Summary of the Operational Provisions</b>	<p><b>Appellation of Origin<sup>13</sup></b>  Appellations of origin protect (a) geographical names of products whose distinctive properties are mainly due to the location or region where they are produced, if such properties are a natural consequence of either the climate or soil or of established manufacturing procedures or processes and (b) the name of a product which has become generally known through long-term use in the course of trade as an indication that the product originates from a certain location or region.</p> <p><b>The Albanian Patent Office</b> (the authority responsible for the registration of GIs) examines the application first formally, and then substantially. After examination, the Patent Office may grant authorizations for the use of AOs (Article 93 of the Law).</p> <p><b>Level of protection:</b> Article 13 of the Law No. 8477/1999, which amends Article 93 of the Law prohibits any use of such appellation in combination with expressions such as “sort of”, “kind of”, “imitation” and “produced in the same manner as” or with similar expressions. The protection of names in translation is not mentioned in Article 93. Article 14 of the Law No. 8477/1999 bans any use of an appellation of origin which might confuse the consumers in respect of the origin of goods.</p>
<b>Specific Provisions</b>	<b>Generic names are not protected</b> (definition of generic names is provided in Article 93(3) of the Law, but no criteria exist on how to establish a generic nature of a name).

<sup>10</sup> Source of information: <http://www.wipo.int>.

<sup>11</sup> Source of information: <http://www.wto.org>.

<sup>12</sup> Source of information: <http://www.alpto.gov.al/rubrika.asp?id=7>.

<sup>13</sup> Source of information: <http://www.alpto.gov.al/rubrika.asp?id=33&idv=8>

<b>(issue of Generics, Reciprocity)</b>	<p>The Law provides that foreign appellations of origin can be protected in Albania on the basis of an international agreement on appellations of origin to which the Republic of Albania is a party (Chapter XXVI, Article 93(5 b) of the Law).</p> <p>The existence of reciprocity shall be proved by the party invoking reciprocity. (General Provisions, Article 2). Therefore, <b>it appears that geographical indications from third countries can be protected in Albania as appellations of origin on the basis of an international agreement.</b></p>
<b>Formal Requirements for an Application</b>	
<b>Application Forms</b>	<p><b>There is no standard application form.</b></p> <p>Article 93(4) of the Law and Order N 5 (available in Albanian) provides the list of the required documents which have to be submitted:</p> <ul style="list-style-type: none"> <li>• the name requested;</li> <li>• the kind of goods for which the registration is thought;</li> <li>• indication of the place where such goods are manufactured (borders of the geographic place);</li> <li>• a description of specific properties of the goods and their connection to the geographical place.</li> </ul> <p>All documents must be submitted in Albanian.</p>
<b>Relevant Supporting Documents</b>	<p>Additional material may be requested by the Patent Office from the applicant (mainly documentation relating to the link between the product and a certain geographical area).</p>
<b>Administration Responsible for Registration</b>	<p><b>Albanian Patent &amp; Trademark Office Albanian Directorate of Patents and Marks (ALPTO)</b>  Address: Bul. "Zhan D' Ark No. 3, Ministry of Economy Building, Hyrja I, Tirana Albania  Direct tell: +355 68 20 45 237  Tel: +355 4 36 36 81  Fax: +355 4 23 44 12  Website: <a href="http://www.alpto.gov.al">http://www.alpto.gov.al</a></p>
<b>Costs</b>	
<b>Costs of registration</b>	<p>7000 lek for the filing of one application and 6000 lek for the registration fee.  All documents must be submitted in Albanian, therefore, the costs of translation need to be taken into account.</p>
<b>Costs of litigation</b>	<p>Not clear, but definitely not less than € 1000</p>
<b>Timeframe</b>	
<b>Registration</b>	<p><b><u>Registration Procedure of Appellation of Origin</u></b><sup>14</sup>  After filing the application for registration within a period of 2 (two) months, ALPTO examines, whether the application satisfied the requirements of the law and Regulation No.4, for according the filing date. Within a period of 5 month, from the filing date, ALPTO examine the application and request from applicant additional materials necessary of examinations, Rule No.4 (Regulation of Appellations of Origin). If the examiner decides to register the appellation of origin, issue the decision to register it and invite the applicant to pay the fee for registration.</p> <p>ALPTO publish the Appellation of Origin Rule No.11 (Regulation of Appellation of Origin).</p>
<b>Protection</b>	<p>10 years, with a possibility of renewal conditional on the payment of a fixed fee. The registration will loose its validity once the Office declares that there is no more relation between the product and the geographical area.</p>

<sup>14</sup>Source of information: <http://www.alpto.gov.al/rubrika.asp?id=83&idv=33>

## Algeria

International Legal Framework	
<p>Algeria is a member of the World Intellectual Property Organization from 16 April 1975, a signatory to the Paris Convention for the Protection of Industrial Property from 1 March 1966, and the Madrid Protocol Concerning the International Registration of Marks and the from 5 July 1972. Algeria has signed the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods on 5 July 1972. Algeria is also a signatory of the Lisbon Agreement from 5 July 1972.<sup>15</sup> Algeria has an observer status in the WTO.<sup>16</sup></p>	
National Legal Framework	
<b>Relevant Regulatory Framework</b>	<ul style="list-style-type: none"> <li>• <b>Ordinance regarding GIs N° 76 – 65, 16 July 1976</b> (hereinafter referred as “the Law”).</li> <li>• Decree regarding registration and publication of GIs and establishing fees. N° 76-121, 16 July 1976.</li> </ul>
<b>Type of Protection</b>	<b>Sui generis protection.</b> It appears that administrative protection is available. Protection is provided at the request of an interested party or competent authority (Article 2 of the Law).
<b>Scope of legislation</b>	The scope of application of the Law concerns goods: natural, agricultural, industrial products and handicrafts, but not services.
<b>Source</b>	Texts are available in French at: <a href="http://www.inapi.org/site/legislation.php">http://www.inapi.org/site/legislation.php</a>
<b>Summary of the Operational Provisions</b>	<p>‘<b>Appellations of origin</b>’ are defined as a geographical name of a country, a region, a part of a region, a locality or a specific place which is used to describe a product originating therein and quality or characteristics of which are essentially or exclusively due to the geographical environment with its inherent natural and human factors (Article 1 of the Law).</p> <p>In order to be protected designations of origin and geographical indications have to be registered (Article 3 of the Law). <b>The National Institute of IP of Algeria</b> (the authority responsible for registration of GIs) examines the application first formally, and then substantially.</p> <p><b><u>There is no opposition procedure.</u></b></p> <p><b>Level of protection:</b> <u>No registered appellations of origin may be used in the cases when the genuine origin is indicated or the true origin is used in translation or in combination with expressions such as “sort of”, “kind of”, “imitation” and “the like” (Article 21 of the Law).</u></p>
<b>Specific Provisions (issue of Generics, Reciprocity)</b>	<p><b>Generic names may not be protected</b> (definition of generic names is provided in Article 4.c of the Law). <u>Appellations of origin, used in translation, are protected (Article 21 of the Law).</u></p> <p><b>The Law allows foreign geographical indications to be registered in Algeria subject to reciprocity provisions (Article 6 of the Law). Therefore, third countries’ GIs may be registered in Algeria.</b></p>

<sup>15</sup> Source of information: <http://www.wipo.int>.

<sup>16</sup> Source of information: <http://www.wto.org>.

<b>Formal Requirements for an Application</b>	
<b>Application Forms</b>	<p><b>There are standard application forms.</b></p> <p>The Law indicates that an application must contain (Article 11 of the Law):</p> <ul style="list-style-type: none"> <li>• Name and address of the applicant,</li> <li>• the claimed GI and the a name and boundaries of the geographical place where the goods is manufactured</li> <li>• a list of the products to be protected</li> <li>• the description of the particular properties, qualities, reputation or other characteristics of goods as labeling.</li> <li>• where appropriate, the list of authorized users.</li> </ul> <p>The language of application is Algerian or French.</p>
<b>Relevant Supporting Documents</b>	<p>The application should also be accompanied by a <b>document certifying payment of the fee and power of Attorney</b>, if needed.</p>
<b>Administration Responsible for Registration</b>	<p><b>National Algerian Institute for Industrial Property</b>  <i>Institut National Algérien de la Propriété Industrielle (INAPI)</i>            42, Rue Larbi Ben M'hidi - Third Floor, P.O. Box 403 - Algiers            Tel. : + 213.21 73.23.58/73.60.84            Fax : + 213.21 73.55.81/73.96.44            E-mail : <a href="mailto:info@inapi.org">info@inapi.org</a>  <a href="http://www.inapi.org">www.inapi.org</a></p>
<b>Costs</b>	
<b>Costs of registration</b>	<p>Registration fee: 3000 DA            See: <a href="http://www.inapi.org/site/services05.php">http://www.inapi.org/site/services05.php</a></p>
<b>Costs of litigation</b>	<p>Approximately DA 56.000.</p>
<b>Timeframe</b>	
<b>Registration</b>	<p>Not available.</p>
<b>Protection</b>	<p>Protection of geographical signs is valid for a period of ten years (Article 17 of the Law). It can be renewed for successive periods of 10 years on payment of the appropriate fee.</p>

## Argentina

### International Legal Framework

Argentina is a member of the World Intellectual Property Organization since 8 October 1980 and a signatory to the Paris Convention for the Protection of Industrial Property since 10 February 1967.<sup>17</sup>  
 Argentina is a WTO Member since 1 January 1995.<sup>18</sup>  
 Argentina is a member of the MERCOSUR since September 1991.

### National Legal Framework

<b>Relevant Regulatory Framework</b>	<ul style="list-style-type: none"> <li>• <b>Law No. 25380 of 30/11/2000 establishing a legal framework for indications of source and denominations of origin for agricultural and food products</b>, as modified by the <b>Law No. 25966 of 17 November 2004</b> – BO 21/12/2004 (hereinafter referred as “the GI Law”). This Law came into force after the adoption of the Regulatory Decree 556/2009 of the 18/05/2009.</li> <li>• <i>Law No. 25.163 of 1999 establishing General Standards for the Designation and Protection of Wines and Alcoholic Beverages in Argentina (hereinafter referred as “the GI Law for wines”). The GI Law for wines came into force after the adoption of a Decree N° 57/2004 on 14 January 2004.</i></li> <li>• Resolution N° C.20 of 14 June 2004 relating to wine labelling.</li> <li>• MERCOSUR/GMC/RES. No. 26/03 – Technical Rule for the Labelling of Packaged Foods.</li> <li>• The Trademark Law No. 22.362 and Decrees (558/81 and 1141/03).<sup>19</sup></li> <li>• Law N° 22.802 of 5 May 1983 on Fair Trading.</li> <li>• The <i>Codigo Alimentario Argentino</i> (Argentine Food Code) of 18 July 1969.</li> </ul>
<b>Type of Protection</b>	<b>Sui generis protection.</b> It appears that <i>ex officio</i> protection is now available.
<b>Scope of legislation</b>	The Law concerns all agricultural and food products.
<b>Source</b>	<p><b>Law No. 25380</b> : Only in Spanish  <a href="http://www.frtb.com.ar/docs/leyes_esp/Ley_25.380_Productos_Agricolas.doc">http://www.frtb.com.ar/docs/leyes_esp/Ley_25.380_Productos_Agricolas.doc</a></p> <p><b>Law No. 25966</b> : Only in Spanish  <a href="http://infoleg.mecon.gov.ar/infolegInternet/anexos/100000-104999/102149/norma.htm">http://infoleg.mecon.gov.ar/infolegInternet/anexos/100000-104999/102149/norma.htm</a>.</p> <p><b>Decree N° 556/2009</b>: Only in Spanish  <a href="http://www.cafi.org.ar/pgs/22_2009_ANEXO_DECRETO%20PEN%20556.2009%20-%20Productos%20Agricolas%20y%20Alimentarios.pdf">http://www.cafi.org.ar/pgs/22_2009_ANEXO_DECRETO%20PEN%20556.2009%20-%20Productos%20Agricolas%20y%20Alimentarios.pdf</a></p>
<b>Summary of the Operational Provisions</b>	<p><b><u>Sui generis protection for other agricultural and food products:</u></b></p> <p><b>Law No. 25966 – 17 November 2004</b>          Law 25966 enacted on 17 November 2004 and promulgated on 20 December 2004. Law 25380 (Agricultural and food products – Place of origin) is modified as regards geographical and country of origin indications used for the trading of the mentioned products whether in their natural state,</p>

<sup>17</sup> Source of information: <http://www.wipo.int>.

<sup>18</sup> Source of information : <http://www.wto.org>.

<sup>19</sup> The Trademark Law is relevant to protection of GIs as it makes specific reference to the protection of geographical indications.

	<p>or as prepared or processed products. Exclusions are specified.</p> <p>The GI Law (art 2) establishes a system of recognition for denomination of origin and geographical indication.</p> <p><b>The definition of denomination of origin:</b> the name of a region, province, department, district, locality or of a national area registered used to describe a product which originated from and whose quality or characteristics are due exclusively or essentially to the geographical origin, taking into account, national and human factors.</p> <p><b>The definition of geographical indication:</b> identifies a product as originated from a country, a region or a locality when a defined quality or other characteristics of the product are essentially attributable to that geographical origin.</p> <p>The applicant shall be made by a group of producers composed of:</p> <ul style="list-style-type: none"> <li>- any physical or legal person involved in the production in the related area.</li> <li>- Chambers or association of producers as “Consejo de Promocion”.</li> </ul> <p>An individual can apply for a GI whether:</p> <ul style="list-style-type: none"> <li>- The product presents a real typicity and the area is unique</li> <li>- He represents more than 30% of the production of the GI product in the area.</li> </ul> <p>For each denomination of origin, the Law foresees the producers to be organized as “Consejos de Denominacion de Origen” (Art 9 &amp; seq.).</p> <p>Art 23 of the Law states that the registration of foreign GIs is possible when such GI is already registered in the country of origin. The procedure is the same as for national GIs.</p> <p>The Registry for the geographical and/or country of origin indication of agricultural and food products is created. The National Advisory Commission for Geographical and Country of Origin Indications of Agricultural and Food Products is created. Prohibitions are specified.</p> <p>The enforcement authority may partially delegate its powers on provincial authorities. The repeal of articles 7 and 8 of Law 22802 (Fair Trade) made by Law 25380 is no longer effective. (20 articles; p. 2-3)<sup>20</sup>.</p> <p>The Article 27 covers the protection of the GIs. The GIs are protected against:</p> <ul style="list-style-type: none"> <li>- Any use liable to mislead as to the origin of the product</li> <li>- Any exploitation of the reputation of the GI</li> </ul> <p>The Law includes Trips exceptions related to the generic names and previous trademarks.</p> <p><b>MERCOSUR Resolution No. 26/03</b></p> <p><b>MERCOSUR Resolution No. 26/03</b> applies to the labelling of any food that is commercialized in the market of Member States of the MERCOSUR, regardless of its origin. The rule establishes that the geographical appellations of a country, a region or a population, recognized as places in which are manufacture foods with specific characteristics, cannot be used in the labelling or the advertisement of foods manufacture in other places when this can mislead the consumer. It prohibits the use of the expression “type/tipo”, to names associated with wines and spirits.</p> <p><b>Trademark system:</b></p> <p>The Trademark Law of Argentina does not provide for the registration of collective marks. It also expressly excludes geographical indications from registration as trademarks (Article 3 c of the Trademark Law No. 22.362).</p>
<p><b>Specific Provisions</b></p>	<p>Law No. 25380 (agricultural and food products) prohibit the registration of generic names.</p>

<sup>20</sup> <http://www.glin.gov/view.action?glinID=151503>

<b>Formal Requirements for an Application</b>	
<b>Application Forms</b>	<p><b>There is standard application form for GI and DO.</b> The application for shall mention:</p> <ul style="list-style-type: none"> <li>- The name of the applicant</li> <li>- The link between the national / human factors, the characteristics of the product and the geographical area</li> <li>- The name of the DO applied for</li> <li>- The definition of the geographical area</li> <li>- The definition of the product</li> <li>- The description of the production process</li> <li>- The labelling</li> <li>- Control methods</li> </ul> <p>Application form for GI: <a href="http://www.alimentosargentinos.gov.ar/programa_calidad/Marco_Regulatorio/DO_IP/SOLICITUD_IG.pdf">http://www.alimentosargentinos.gov.ar/programa_calidad/Marco_Regulatorio/DO_IP/SOLICITUD_IG.pdf</a></p> <p>Application form for DO: <a href="http://www.alimentosargentinos.gov.ar/programa_calidad/Marco_Regulatorio/DO_IP/SOLICITUD_DO.pdf">http://www.alimentosargentinos.gov.ar/programa_calidad/Marco_Regulatorio/DO_IP/SOLICITUD_DO.pdf</a></p> <p>The certification that proves that the GI or the AO is already registered in the country of origin is required. All documents must be submitted in Spanish.</p>
<b>Relevant Supporting Documents</b>	A certificate that proves that the GI is already registered in the country of origin.
<b>Administration Responsible for Registration</b>	<p><b>Secretary of Agriculture – SAGPyA – which depends on the Ministry of Economy</b> Av. Paseo Colón 982 /922 (1063) Buenos Aires - Argentina - Tel: 54-11- 4349-2000 e-mail: <a href="mailto:dorigen@minagri.gob.ar">dorigen@minagri.gob.ar</a> <a href="http://www.sagpya.gov.ar">http://www.sagpya.gov.ar</a></p> <p><b>Instituto Nacional de la Propiedad Industrial - INPI</b> Paseo Colón 717 C.P. 1063 Buenos Aires</p> <p><b>Telephone</b> (54 11) 4344 4967 / 68 (54 11) 4344 4975 / 4832 / 4945 (Marcas)</p> <p><b>Fax</b> (54 11) 4344 4938 (Marcas) (54 11) 4344 5286</p> <p><a href="http://www.inpi.gov.ar">http://www.inpi.gov.ar</a> <a href="mailto:infomarcas@inpi.gov.ar">infomarcas@inpi.gov.ar</a> (Marks)</p>
<b>Costs</b>	
<b>Costs of registration</b>	Not established by the Law, could be determined in the reciprocity agreements which will establish the conditions of the registration.
<b>Costs of litigation</b>	Would depend on the complexity of the case, however, not less than 2000 Argentina Pesos (ARS).
<b>Timeframe</b>	
<b>Registration</b>	Not established by the Law, could be determined in the reciprocity agreements which will establish the conditions of the registration.
<b>Protection</b>	Appellations of origin are protected for an <b>indefinite period of time</b> (as long as the conditions for GI protection are respected).

## Croatia

International Legal Framework	
<p>Croatia is a member of the World Intellectual Property Organization from 12 May 1976, a signatory to the Paris Convention for the Protection of Industrial Property from 10 October 1925 and the Madrid Protocol Concerning the International Registration of Marks from 1 January 1999. Croatia has signed the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods on 21 August 1930.<sup>21</sup> Croatia is a WTO Member from 26 March 1995.<sup>22</sup></p>	
National Legal Framework	
<b>Relevant Regulatory Framework</b>	<ul style="list-style-type: none"> <li>• <b>Regulations</b> on Geographical Indications and Designations of Origin of Products and Services (<b>No. 72/2004 of 01 June 2004, OG No. 117/2007 in force in June,1 2008</b>)</li> <li>• <b>Act</b> on Geographical Indications and Designations of Origin of Products and Services (<b>No 76/2007 in force from July 31, 2007</b>)</li> <li>• Act on GIs and Designations of Origin of Products and Services OG No. 173/2003 of 31 October 2003, in force from 1 January 2004 (hereinafter, referred as “the Law”);</li> <li>• Regulations on GIs of Products and Services, No. 72/2004 in force from 1 June 2004.</li> </ul>
<b>Type of Protection</b>	<i>Sui generis</i> protection. It appears that an <i>ex officio</i> protection is available; protection is provided at the request of any association in the field of trade and by the State Attorney (Article 48 of the Law).
<b>Scope of legislation</b>	The scope of application of the Law concerns the protection of GIs and designations of origin for agricultural products and foodstuffs, and services.
<b>Source</b>	<p>Regulations No. 72/2004 of 01 June 2004  <a href="http://www.dziv.hr/en/webcontent/file_library/inf_sources/legislation/national/regulations/pravilnik_zemljopisne_eng.pdf">http://www.dziv.hr/en/webcontent/file_library/inf_sources/legislation/national/regulations/pravilnik_zemljopisne_eng.pdf</a></p> <p>Act (No 76/2007 in force from July 31, 2007  <a href="http://www.dziv.hr/en/webcontent/file_library/inf_sources/legislation/national/acts/zakon_zemljopisne_eng.pdf">http://www.dziv.hr/en/webcontent/file_library/inf_sources/legislation/national/acts/zakon_zemljopisne_eng.pdf</a></p>
<b>Summary of the Operational Provisions</b>	<p><b><u>Act No.76/2007</u></b></p> <ul style="list-style-type: none"> <li>• (Art.2) <b><u>Geographical Indication</u></b>            (1) Geographical indication is the name of a region, a specific place or, in exceptional cases, of a country, used to describe products or services originating in that region, place or country, and possessing a specific quality, reputation or other characteristic attributable to that geographical origin and the production and/or processing and/or preparation of which take place in the specific geographical area.            (2) Any other indication identifying a product or a service originating in a certain geographical area shall be a geographical indication, if it fulfills the requirements referred to in paragraph (1) of this Article.</li> <li>• (Art.3) <b><u>Designation of Origin</u></b>            (1) Designation of origin shall be the name of a region, a specific place or, in exceptional cases, a country, used to indicate products or services originating in that region, the specific place or country, and the quality or characteristics of which are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors, and the production, processing and preparation of which entirely take place in that specific geographical area.            (2) Designation of origin shall also be considered a name, which is not the administrative</li> </ul>

<sup>21</sup> Source of information: <http://www.wipo.int>.

<sup>22</sup> Source of information: <http://www.wto.org>.

	<p>geographical name of a specific country, of a region or a place and which, due to its long-term use in trade, has become the common name of a product originating in that area, if it fulfills the requirements referred to in paragraph (1) of this Article.</p> <p>The <b>State Intellectual Property Office of Croatia</b> (the authority responsible for registration of GIs) examines the application first formally and then substantially (Article 11 of the Law). No appeal shall be allowed against the administrative decision ruled by the Office, nevertheless an administrative litigation proceeding may be directly initiated (Article 11.2 of the Law).</p> <p><b><u>There is an opposition procedure available within three months</u></b> from the date of publication in the Official Gazette (Article 30 of the Law).</p> <p><b>The level of protection:</b> <u>No registered designations of origin or geographical indications may be used in the cases when the genuine origin is indicated or when used in translation or in combination with expressions such as “sort of”, “kind of”, “imitation”, “according to process” and “the like” (Article 16 of the Law).</u> The use of misleading information as to the true origin, nature and quality of a product on the packaging, advertising materials or other documents is also prohibited.</p> <p>Any interested person may appeal for the protection of rights before a competent <b>Commercial Court</b> on the territory of which the authorised users of such a GI or DO have a domicile or an establishment in Croatia against the person infringing any of the rights referred to in the Law (Article 50 of the Law).</p> <p>A legal action may be instituted within <b>three years</b> from the date of the infringement and the perpetrators discovered, and no later than within five years from the date on which particular infringement occurred (Article 51 of the Law).</p>
<p><b>Specific Provisions (issue of Generics, Reciprocity)</b></p>	<p><b>Generic names may not be protected</b> (definition of generic names and certain criteria on how to establish a generic nature of the name are provided in Article 8 of the Law).</p> <p><u>Geographical indications and designations of origin, <b>used in translation</b>, are protected (Article 16.6 of the Law).</u></p> <p><b>The Law allows foreign geographical indications to be registered in Croatia if they have been granted such rights in the country of origin and if they comply with the requirements defined by the Law</b> (Articles 10.2 of the Law).</p> <p>Third countries’ producers not having a principal place of business, a domicile or a habitual residence in Croatia may initiate actions before the Office solely through authorised agents entered in the specific register with the Office (Article 14.1 of the Law).</p>
<p><b>Formal Requirements for an Application</b></p>	
<p><b>Application Forms</b></p>	<p><b>Regulation No. 72/2004 of 01 June 2004,</b></p> <p><b><u>Registration of Geographical Indications or Designations of Origin</u></b> (Art.3)</p> <p>(1) The application for the registration of a geographical indication or a designation of origin under Article 20 of the Law shall be made on the application forms (G-1 or G-2) being an integral part under the Regulations, or on the forms that by their contents and appearance fully comply with these forms.</p> <p>Next to the information provided under Article 20 to 22 of the Law, the application shall also be accompanied by:</p> <ol style="list-style-type: none"> <li>1. Information in relation to Article 22, paragraph (1) of the Law referring to the</li> <li>2. Information in relation to Article 22, paragraph (1) of the Law referring to the name of a company or the name of a legal entity or the surname and forename of a natural person;</li> <li>3. Address or head office of the applicant (telephone and facsimile number of the appointed</li> </ol>

	<p>contact person, where possible);</p> <p>4. Data of a document on grounds of which the protection has been claimed by a foreign person according to Article 21, paragraph (3) under the Law (the name of the country and the authority having issued the document, the date of issue and the number and name of the document);</p> <p>5. List of all annexes filed under the application;</p> <p>6. Signature or seal of the applicant, his/her plenipotentiary or representative.</p> <p>7. Attached to the forms pursuant to paragraph (1) of this Article the following shall be filed to the Office: statement containing information on the common representative, or the common plenipotentiary in case the application has been filed by several persons, and other evidence provided under the Law or by special provisions.</p>
<b>Relevant Supporting Documents</b>	Together with the application for the registration, GIs shall also supply a certified copy of an official document, or other legal document, written in the official language of the country of origin, providing evidence that the GI is protected in that country, as well as a certified translation of the same document in the Croatian language.
<b>Administration Responsible for Registration</b>	<p><b>State Intellectual Property Office</b>  Ulica grada Vukovara 78 - 10000 Zagreb  Tel.: + 385.1 610.61.00  Fax: + 385.1 611.20.17  E-mail: <a href="mailto:ipo.croatia@patent.htnet.hr">ipo.croatia@patent.htnet.hr</a>  Website: <a href="http://www.dziv.hr">http://www.dziv.hr</a></p>
<b>Costs</b>	
<b>Costs of registration</b>	<ul style="list-style-type: none"> <li>• A request for the entry of a geographical indication or a designation of origin into the register is HRK 150,00;</li> <li>• An opposition to a published application is HRK 200,00;</li> <li>• A request for the entry of the user of a geographical indication into the register is HRK 75,00;</li> <li>• A request for the acquisition of a right of use of a designation of origin and the entry into the register of users is HRK 100,00;</li> <li>• A request for the extension of effects of the right of use of a designation of origin for a ten-year period, and the publication of the entry into the register, per user is HRK 100,00;</li> <li>• A request for the extension of effects of a right of use of a foreign designation of origin for a ten-year period, and the publication of its entry into the register, a unique fee for all the users is HRK 250,00.</li> </ul> <p>These administrative fees are fixed by the Law of Croatia on Administrative Fees in the Field of Intellectual Property Rights, the text of the law is available at <a href="http://www.lexadin.nl/wlg/legis/nofr/eur/lxwecro.htm">http://www.lexadin.nl/wlg/legis/nofr/eur/lxwecro.htm</a></p> <p>Forms for Geographical Indications (in use from 10 December 2009)  <a href="http://www.dziv.hr/en/default.aspx?pArtID=85&amp;selection=4">http://www.dziv.hr/en/default.aspx?pArtID=85&amp;selection=4</a></p>
<b>Costs of litigation</b>	Approximately Croatian Kuna (HRK) 7.250.
<b>Timeframe</b>	
<b>Registration</b>	Not available in the Law.
<b>Protection</b>	<b>Protection of GIs is of an unlimited duration</b> (Article 41 of the Law). However, the right of use of a geographical indication lasts for ten years. This right may be renewed for an unlimited number of times (Article 42 of the Law).

## Egypt

International Legal Framework	
<p>Egypt is a member of the World Intellectual Property Organization from 21 April 1975, a signatory to the Paris Convention for the Protection of Industrial Property from 1 July 1951 and the Madrid Protocol Concerning the International Registration of Marks from 1 July 1952.<sup>23</sup> Egypt has signed the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods on 1 July 1952. Egypt is a WTO Member from 26 March 1995.<sup>24</sup> Protocol 4 of the EC - Egypt Association Agreement concerns the definition of “originating products” and methods of administrative cooperation.<sup>25</sup></p>	
National Legal Framework	
<b>Relevant Regulatory Framework</b>	<b>Law on the Protection of Intellectual Property Rights No. 82, Book 2</b> , entered into force on 3 June 2002 (hereinafter, referred as “the Law”).
<b>Type of Protection</b>	<b>Trademark Regime.</b> It appears that no administrative protection is available; protection is provided only at the request of a third party. Specific articles are included into the Law with respect to GIs.
<b>Scope of legislation</b>	<b>The scope of protection concerns all goods and services.</b>
<b>Source</b>	The text is available at: <a href="http://www.wipo.int/clea/en/text_pdf.jsp?lang=EN&amp;id=1301">http://www.wipo.int/clea/en/text_pdf.jsp?lang=EN&amp;id=1301</a>
<b>Summary of the Operational Provisions</b>	<p>GIs are defined in Article 104 as ‘where a geographical origin has become descriptive of the quality, reputation or other characteristics of a certain product so as to be largely instrumental in its marketing, such geographical indications shall be used to indicate the place of origin of such goods in a district or part in a country member in the World Trade Organization or a country according Egypt reciprocity.’</p> <p>GIs <b>can be protected as ordinary or collective trademarks (Article 69 of the Law) in Egypt</b>, provided that they have acquired protection in the country of origin. A definition of Trademarks under Article 63 of the Law includes <u>any signs that indicate the origin of the product, or their quality, category, guarantee or preparation process and capable of distinguishing the product or services of one undertaking from those of other undertakings.</u> Names and signs that meet such definition may be registered. A trademark that contains a geographical indication may be registered, with the proviso that the products are continuously produced by the applicant in the well - reputed geographical territory (Article 109 of the Law).</p> <p><b>The Department of Trade Registry</b> of the Ministry of Trade and Industry (the authority responsible for registration of GIs) examines the application first formally, and then substantially. GIs which are likely to mislead or confuse the public, or which contain false descriptions as to the origin of the products or their qualities shall not be registered (Article 110 of the Law). Further appeals are available before competent Court of First Instance under Article 112 of the Law.</p> <p><b>An opposition procedure is available within sixty days</b> from the date of publication (Article 80 of the Law).</p> <p><b>Level of protection:</b> The use of false or misleading information as to the origin, nature or essential qualities of the product is prohibited (Articles 113 and 114 of the Law).</p>

<sup>23</sup> Source of information: <http://www.wipo.int>.

<sup>24</sup> Source of information: <http://www.wto.org>.

<sup>25</sup> Source of information: <http://www.oapi.wipo.net/en/OAPI/index.htm>.

<p><b>Specific Provisions (issue of Generics, Reciprocity)</b></p>	<p>Under Article 108, <b>when a geographical name has become “descriptive”, to indicate in a commercial sense the nature of the any products and not their geographical place of origin, such geographical name may be used in connection with such products and may not be registered.</b></p> <p><b>The Law allows foreign GIs to be protected in Egypt subject to reciprocity provisions (Article 104 of the Law). Therefore, the third countries’ GIs may be registered in Egypt.</b></p>
<p><b>Formal Requirements for an Application</b></p>	
<p><b>Application Forms</b></p>	<p>In order to file a trademark application in Egypt, the following documents must be provided:</p> <ul style="list-style-type: none"> <li>• A Power of Attorney legalized up to the Egyptian Consulate (to be submitted with the filing of the application);</li> <li>• A printing block and ten prints of the trademark for each class;</li> <li>• A list of the goods and services to be covered by the application;</li> <li>• A certified extract of the entry of the applicant company in the commercial register or a certified copy of the certificate of incorporation, which includes the name, address, nationality, legal status and profession or nature of the business of the applicant, legalized up to the Egyptian Consulate. A certified copy of the priority document must be submitted within six months, in case it is claimed.</li> </ul> <p>According to the new Egyptian regulations, all the documents must be available within six months from the filing date. Please be advised that if the documents were not available by the due date, the above-captioned trademark application will lapse. All documents must be in translated in Arabic.</p>
<p><b>Relevant Supporting Documents</b></p>	<p>None.</p>
<p><b>Administration Responsible for Registration</b></p>	<p><b>Administration of Commercial Registration</b>          Trademarks Office          El Kalaa 12 - Cairo          Tel: (202 2) 672 0452 / 275 9812 / 918 6174          Fax: (202 2) 672 0453 / 918 6014  <a href="mailto:commercialregistry@gmail.com">commercialregistry@gmail.com</a></p>
<p><b>Costs</b></p>	
<p><b>Costs of registration</b></p>	<ul style="list-style-type: none"> <li>• Filing a mark application in one class up to registration is \$ 320;</li> <li>• Filing a simultaneous mark application up to registration is \$ 290;</li> <li>• Renewal for 10 years within six months after the expiry date is \$ 200;</li> <li>• Renewal for 10 years during the last year of the protection period is \$ 170;</li> <li>• Opposition Action before the registrar is \$ 260;</li> <li>• Counter-opposition action before the registrar is \$ 160;</li> <li>• Amendment of a mark application is \$ 50.00.</li> <li>• Translation of the list of goods from English to Arabic (over the first 100 words) per page is \$ 25.</li> </ul>
<p><b>Costs of litigation</b></p>	<p>Approximately £2600.</p>
<p><b>Timeframe</b></p>	
<p><b>Registration</b></p>	<p>At least 5 months.</p>
<p><b>Protection</b></p>	<p>Protection is valid for a period of 10 years, renewable for an identical period (Article 90 of the Law).</p>

## **European Union**

### **International Legal Framework**

The European Union (EU) has an observer status to the World Intellectual Property Organization and is a signatory to the Madrid Agreement concerning the International Registration of Marks from 1 October 2004.<sup>26</sup> The EU is a member to the WTO from 1 January 1995.<sup>27</sup> Some of the EU Member States are signatories of the Lisbon Agreement on Appellations of Origin: Bulgaria, Czech Republic, France, Hungary, Italy, Portugal, and Slovakia. Greece and Spain have signed the agreement but have not ratified it.

### **National Legal Framework**

<b>Relevant Regulatory Framework</b>	<p>Council Regulation 510/2006 N°510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs</p> <p>Specific legislations exist for wines (Council Regulation n°479/2008 integrated into Council Regulation n° 1234/2007) and for spirits (Regulation n°110./2008)</p>
<b>Type of Protection</b>	<p>The EU has established a <i>sui generis</i> system of protection.</p> <p>There is an administrative protection of GIs in the EU: the State and its public authorities are responsible for policing and ensuring GI protection.</p>
<b>Scope of legislation</b>	<p>The legislation applies to agricultural products and foodstuffs (see article 1.1 of Regulation 510/2006 + annexes 1 and 2) <a href="http://ec.europa.eu/agriculture/quality/leg/index_en.htm">http://ec.europa.eu/agriculture/quality/leg/index_en.htm</a></p>
<b>Source</b>	<p>Council Regulation n°510/2006: <a href="http://ec.europa.eu/agriculture/quality/leg/index_en.htm">http://ec.europa.eu/agriculture/quality/leg/index_en.htm</a></p>
<b>Summary of the Operational Provisions</b>	<p>The European Union covers Protected Designation of Origin (PDO) and Protected Geographical Indications (PGI)</p> <p><b>'Designation of origin'</b> means the name of a region, a specific place or, in exceptional cases, a country, used to describe an agricultural product or a foodstuff:</p> <ul style="list-style-type: none"> <li>- originating in that region, specific place or country,</li> <li>- the quality or characteristics of which are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors, and</li> <li>- the production, processing and preparation of which take place in the defined geographical area;'</li> </ul> <p><b>'Geographical indication'</b> means the name of a region, a specific place or, in exceptional cases, a country, used to describe an agricultural product or a foodstuff:</p> <ul style="list-style-type: none"> <li>- originating in that region, specific place or country, and</li> <li>- which possesses a specific quality, reputation or other characteristics attributable to that geographical origin, and</li> <li>- the production and/or processing and/or preparation of which take place in the defined geographical area.'</li> </ul> <p>Article 5 of the regulation provides that only a group is entitled to apply for registration. In addition, under well defined conditions, a single or legal person may be treated as a group.</p>

<sup>26</sup> Source of information: <http://www.wipo.int> .

<sup>27</sup> Source of information: <http://www.wto.org>.

There are two procedures of registration, depending if the product is made in the EU or outside the EU:

**Procedure for the registration of an EU product:**

1. The group of producers has to address its application to the Member State where it produces.
2. The Member State scrutinises the application to check if it meets the conditions of Regulation n°510/2006.
3. The Member State opens a national objection procedure ensuring the publication of the application and providing for a reasonable period within which any natural or legal person having a legitimate interest and established or resident on its territory can lodge an objection to the application. It considers the admissibility of objections received.
4. If the Member State considers that all the requirements of Regulation n°510/2006 are not met, it rejects the application. If it considers that all the requirements are met, it takes a favourable decision and forward to the Commission:
  - the name and address of the applicant group;
  - the single document ;
  - a declaration by the Member State that it considers that the application lodged by the group meets the conditions of the Regulation and the provisions adopted for its implementation;
  - the publication reference of the version of the specification on which its favourable decision is based.
5. The Member State can, on a transitional basis only, grant protection under Regulation n°510/2006 at national level to the name, and, where appropriate, an adjustment period. The effects of the transitional protection and of the adjustment period start from the date on which the application is lodged with the Commission. They produce effects at national level only. The transitional national protection ceases on the date of the registration at the EU level.
6. The Commission scrutinises the application received from the Member State to check that it is justified and that it meets the conditions laid down in the Regulation.
7. If the Commission considers that the conditions laid down in the Regulation are met, it publishes in the Official Journal of the European Union (OJEU) the single document and the reference to the publication of the specification made by the Member State.
8. If the Commission considers that the conditions laid down in the Regulation are not met, it can decide to reject the application.

**Procedure for the registration of a third country product:**

The non EU product must be protected in its country of origin in order to be protected in the EU. The producers must send their application to the Commission, either directly or via the authorities of the third country concerned.

The procedure is the same as the one for the EU product at the European Commission level (see points 6 to 8 above and further details below).

**Opposition procedure**

Article 7 provides that within six months from the date of publication of the request for registration in the OJEU, any Member State, third country or any natural or legal person having a legitimate interest, can object to the registration proposed, by lodging a duly substantiated statement with the Commission. In the case of a natural or legal person established or resident in a Member State, the statement must be lodged with that Member State. If a natural or legal person is established or resident in a third country, such statement can be lodged with the Commission, either directly or via the authorities of the third country concerned.

Statements of objection are be admissible only if they:

- show non-compliance with the definitions of designations of origin or geographical indication or
- show that the name is generic; or
- show that the registration of the name proposed would jeopardise the existence of an entirely or partly identical name or of a trademark or the existence of products which have been legally on the market for at least five years preceding the date of the publication of the request of registration.

If the Commission does not receive admissible objections, it registers the name. The

	<p>registration has to be published in the OJEU. If an objection is admissible, the Commission invites the interested parties to engage in consultations. If the parties reach an agreement within six months, they notify the Commission of all the factors which enabled the agreement to be reached. If the single document published in the OJEU has not been amended or have only been amended in a minor way, the Commission registers the name. If no agreement is reached, the Commission takes a decision, having regard to fair and traditional usage and the actual likelihood of confusion. The decision shall be published in the OJEU.</p> <p><b><u>Appeal of the decision of the European Commission</u></b> The group asking for the registration can appeal the decision of the Commission not to register its product before the Court of First Instance of the EU.</p>
<p><b>Specific Provisions (issue of Generics, Reciprocity)</b></p>	<p><b><u>Limitation to the protection of a name as a GI in the EU</u></b> Article 3 provides that: “1. Names that have become <b>generic</b> may not be registered. For the purposes of this Regulation, a ‘name that has become generic’ means the name of an agricultural product or a foodstuff which, although it relates to the place or the region where this product or foodstuff was originally produced or marketed, has become the common name of an agricultural product or a foodstuff in the Community. To establish whether or not a name has become generic, account shall be taken of all factors, in particular:     (a) the existing situation in the Member States and in areas of consumption;     (b) the relevant national or Community laws. 2. A name may not be registered as a designation of origin or a geographical indication where it conflicts with the name of a <b>plant variety or an animal breed</b> and as a result is likely to mislead the consumer as to the true origin of the product. 3. A name wholly or partially <b>homonymous</b> with that of a name already registered under this Regulation shall be registered with due regard for local and traditional usage and the actual risk of confusion. In particular:     (a) a homonymous name which misleads the consumer into believing that products come from another territory shall not be registered even if the name is accurate as far as the actual territory, region or place of origin of the agricultural products or foodstuffs in question is concerned;     (b) the use of a registered homonymous name shall be subject to there being a sufficient distinction in practice between the homonym registered subsequently and the name already on the register, having regard to the need to treat the producers concerned in an equitable manner and not to mislead the consumer. 4. A designation of origin or geographical indication shall not be registered where, in the light of a trademark’s reputation and renown and the length of time it has been used, registration is liable to mislead the consumer as to the true identity of the product.”</p> <p><b><u>Control requirements</u></b> In order to be protected in the EU, GI products must be subject to an independent control which verifies the compliance of the product with the GI specification. This control can be performed:</p> <ul style="list-style-type: none"> <li>• for EU products, either by a competent authority designated by the Member State or a control body acting as a certification body</li> <li>• for non EU product, either by a public authority or a certification body</li> </ul> <p>Competent authority and public authority must provide adequate guarantees of objectivity and impartiality, and have at their disposal the qualified staff and resources necessary to carry out their functions. Each certification body must be accredited in accordance with European standard EN 45011 or ISO/IEC Guide 65. Official controls must be done in conformity with regulation 882/2004 (<a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:165:0001:0141:FR:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:165:0001:0141:FR:PDF</a>)</p> <p><b><u>Scope of the protection</u></b> Registered names are protected against (art. 13):</p> <ul style="list-style-type: none"> <li>• any direct or indirect commercial use of a registered name in respect of products not covered by the registration if those products are comparable to the products registered or if using the name exploits the reputation of the protected name;</li> </ul>

	<ul style="list-style-type: none"> <li>any misuse, imitation or evocation, even if the true origin of the product is indicated or if the protected name is translated or accompanied by an expression such as 'style', 'type', 'method', 'as produced in', 'imitation' or similar;</li> <li>any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product, on the inner or outer packaging, advertising material or documents relating to the product concerned, and the packing of the product in a container liable to convey a false impression as to its origin;</li> <li>any other practice liable to mislead the consumer as to the true origin of the product.</li> </ul> <p>Registered names cannot become generic.</p> <p>Furthermore, Article 14 provides that when a designation of origin or a geographical indication is registered, the application for registration of a trademark using the registered name and relating to the same class of product is refused. Trademarks registered in breach of this provision are invalidated.</p>
<b>Formal Requirements for an Application</b>	
<b>Application Forms</b>	<p>The application for registration shall include at least:</p> <ul style="list-style-type: none"> <li>The name and address of the applicant group;</li> <li>The product specification (for further details, see article 4 of the regulation);</li> <li>The single document;</li> <li>A proof that the name in question is protected in its country of origin.</li> </ul> <p>There is an application form, the "single document" that the applicant must fulfil. It is at the Annex I of Commission Regulation (EC) n°1898/2006 of 14 December 2006 laying down detailed rules of implementation of Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs: <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:369:0001:0019:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:369:0001:0019:EN:PDF</a></p> <p>The application can be submitted in any official languages of the European Union or accompanied by a certified translation in one of those languages.</p>
<b>Relevant Supporting Documents</b>	<p>Inspections are carried out by inspection structures identified by the Commission: <a href="http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2005:317:0001:0110:EN:PDF">http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2005:317:0001:0110:EN:PDF</a></p>
<b>Administration Responsible for Registration</b>	<p>National Authorities - Responsible Departments in the Member States: <a href="http://ec.europa.eu/agriculture/quality/schemes/authorities.pdf">http://ec.europa.eu/agriculture/quality/schemes/authorities.pdf</a></p> <p>European Commission  DG Agriculture and Rural Development DDG 3  Unit H.2 - Agricultural product quality policy  B-1049 BRUXELLES</p>
<b>Costs</b>	
<b>Costs of registration</b>	None.
<b>Costs of litigation</b>	Depends on a case-by-case basis
<b>Timeframe</b>	
<b>Registration</b>	The scrutiny of the application for the registration of a GI product by the Commission should not exceed a period of 12 months. The Commission publishes, each month, the list of names for which registration applications have been submitted to it, as well as their date of submission to the Commission.
<b>Protection</b>	GIs are protected for an undefined period of time.
<b>Additional information</b>	
As of 30 March 2010, the EU registered 101 olive oils and 16 table olives as geographical indications.	

## **Iran (Islamic Republic of)**

### **International Legal Framework**

Iran is a member of the World Intellectual Property Organization from 14 March 2002, a signatory to the Paris Convention for the Protection of Industrial Property from 25 December 2003, the Madrid Agreement on Indications of Source from 18 June 2004 and the Madrid Agreement concerning the International Registration of Marks from 25 December 2003.<sup>28</sup>

Iran is a party to the Lisbon Agreement on Appellations of Origin from 9 March 2006.

Iran has an observer status at the WTO.<sup>29</sup>

### **National Legal Framework**

<b>Relevant Regulatory Framework</b>	<p><b>Intellectual Property Law</b>, adopted on January 23, 2008, and published on April 20, 2008 (hereinafter referred as “the Trademark Law”), was made in compliance to the WIPO model IP law. It replaces the Patent and Trademark Registration Law, July 1931.</p> <p><b>An International registration of foreign GIs through the Lisbon Agreement</b> is possible under the following conditions:</p> <ol style="list-style-type: none"> <li>1. The GI must come from a State signatory of the Lisbon Agreement;</li> <li>2. This International registration will only have effect in the countries signatories of the Lisbon Agreement.</li> </ol>
<b>Type of Protection</b>	<p>At the present moment only <b>Trademark regime</b>.</p> <p>It appears that no administrative protection is available under the trademark regime, protection is provided only at the request of an interested party.</p>
<b>Scope of legislation</b>	<p>The scope of protection under the Trademark Law concerns all goods and services.</p>
<b>Source</b>	<p>The text of the national law on trademarks is available in Persian (Farsi) at <a href="http://www.sabt.gov.ir/gdocuments/gnrdocs.aspx?type=87">http://www.sabt.gov.ir/gdocuments/gnrdocs.aspx?type=87</a> It is not available electronically in other languages</p>
<b>Summary of the Operational Provisions</b>	<p>The law provides for the protection of marks, collective marks and trade names.</p> <p>To register a trademark, an applicant (Iranian or foreign) should refer in person or through an attorney to the Registration Office for Industrial Property, in Tehran, and file a request for obtaining a certificate of trademark registration.</p> <p>To register a trademark, the applicant must present the following information: full name and address of applicant(s); power of attorney duly recognized by the Iranian Consulate (a single power of attorney is sufficient for all trademarks); details of the trademark, presented with 12 samples; specifications of goods and classes (according to International Classification).</p>

<sup>28</sup> Source of information: <http://www.wipo.int> .

<sup>29</sup> Source of information: <http://www.wto.org> .

	<p>The filing formalities must be completed within 60 days from the date of notification by the Iranian Industrial Property Office, although an additional 60 days may be obtained upon the approval of the Office</p> <p>The registrar examines applications for format, content and consistency in compliance with the relevant rules of registration. If the registrar rejects an application, the applicant may appeal in court.</p> <p>Applications are published in the official gazette so that interested parties may inspect and, if needed, contest them. The opposing party may file an opposition within thirty days from the publication date of the application in the Trademark Gazette. The Registrar will then send a copy of the opposition to the applicant and the applicant may send to the Registrar a counter-statement of the grounds on which he relies for his application, otherwise, he shall be deemed to have abandoned the application. In the case of administrative oppositions with no prior IP registration in Iran, the plaintiff must file a new trade mark, patent or industrial design application simultaneously with its opposition. In the case of an administrative opposition or a rejection of an IP application by the IIPPO, a committee at the IIPPO will make an initial decision, and the applicant must present its case before that committee. A verdict issued by the committee is challengeable before the First Instance Court of Tehran and also the Appeal court.</p> <p>The registration of a trademark gives the owner of the mark the exclusive right to its use in relation to the goods and services for which it is registered. Article 61 of the new law has set a cash penalty ranging from 10,000,000 rials to 50,000,000 rials or imprisonment from 91 days to six months for the infringers.</p>
<p><b>Specific Provisions (issue of Generics, Reciprocity)</b></p>	<p><b>Marks that are not registrable:</b> marks contrary to religious decree, public order and good morals; marks that so closely resemble an already registered mark that it would cause confusion or deceive consumers, especially with respect to the geographical origin of the goods or their features</p>
<p><b>Formal Requirements for an Application</b></p>	
<p><b>Application Forms</b></p>	<p>In order to file a trademark application in Iran, the required documents are:</p> <ul style="list-style-type: none"> <li>• Certified and legalized (by the Iranian consulate) power of attorney;</li> <li>• Name &amp; Address of the applicant or the registered address in Tehran chosen by the trademark owner</li> <li>• The occupation or type of industry of the applicant</li> <li>• Date, place, and number of registration in the country or origin, if the trademark has been registered outside Iran</li> <li>• Description of goods and related classes;</li> <li>• A sample of the mark. For three-dimensional marks the applicant must provide sufficient dimensions of the mark to be clearly represented</li> <li>• Certified copy of home or abroad registration or application. If the trademark has been registered outside Iran, the applicant has to submit a copy of said registration in the original language, certified by the office that has issued it, together with an unofficial translation in Persian at the applicant's responsibility.</li> <li>• A description and specification of the trademark, and the particular manner of its use, if any</li> <li>• Ten specimens of the trademark as it is used, plus additional specimens, to equal one specimen for each additional class requested for registration</li> <li>• If the trademark is adopted in order to distinguish the privilege of the goods of a group of people, or the goods of a town or a district of the country, a certificate issued by a competent authority concerning confirmation for use of the said mark by producers of the respective goods</li> </ul>

	<ul style="list-style-type: none"> <li>• A list of exhibits</li> </ul> <p>Note: The names and addresses of applicants residing outside Iran must be written in Latin characters, besides Persian, and must be registered and advertised in the same characters. The application must be made in Persian.</p>
<b>Relevant Supporting Documents</b>	Proof of the payment of a fee for registration
<b>Administration Responsible for Registration</b>	<b>Industrial Property Office of Registration Organization of Deeds and Properties</b> No. 19, 14th Street - Ahmad Ghasir Street - Arjantin Square - Tehran Tel. (98 21) 8853 3250 - (98 21) 8853 3252 Telefax. (98 21) 8853 3247
<b>Costs</b>	
<b>Costs of registration</b>	As per the tariff of the Official Gazette
<b>Costs of litigation</b>	Depends on the complexity of the case. It can be litigated by a firm of industrial property agents authorized to practice in Iran (between € 900 – 1500).
<b>Timeframe</b>	
<b>Registration</b>	30 days after publication of the advertisement, if no opposition is lodged, the Industrial Property Office of Registration Organization of Deeds and Properties shall register the trademark
<b>Protection</b>	10 years from date of application and renewable for further periods of 10 years (Article 14 of the Trademark Law). Renewal of a trade mark is possible up to one year prior to the expiration date, although a six month grace period is allowed after the expiration date upon payment of a surcharge.

## Iraq

International Legal Framework	
Iraq is a member of the World Intellectual Property Organization from 21 January 1976, a signatory to the Paris Convention for the Protection of Industrial Property from 24 January 1976. <sup>30</sup> Iraq has an observer status at the WTO. <sup>31</sup>	
National Legal Framework	
<b>Relevant Regulatory Framework</b>	<b>Trademark and Geographical Indications Law No. 21 of 1957</b> , as amended by Laws No. 7 of 1962 and No. 214 of 1968 and 26 April 2004.
<b>Type of Protection</b>	<b>Trademark regime:</b> no administrative protection is available under the trademark regime, protection is provided only at the request of an interested party.  <b><u>Although the Trademark and Geographical Indications Law provides a definition of geographical indications, they are protected as certification or collective trademarks.</u></b>
<b>Scope of legislation</b>	The scope of application of the Law concerns goods: agricultural and handicraft, but not services.
<b>Source</b>	The text is provided by Abu-Ghazaleh Intellectual Property at <a href="http://www.agip.com/country_service.aspx?country_key=140&amp;service_key=T&amp;SubService_Order=4&amp;lang=en">http://www.agip.com/country_service.aspx?country_key=140&amp;service_key=T&amp;SubService_Order=4&amp;lang=en</a>
<b>Summary of the Operational Provisions</b>	Geographical Indications are defined as 'indications which identify a good as originating in the territory of a country, 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'.  Names and signs that meet such definition may be registered as collective or certification trademarks. In order to register a certification or a collective trademark, substantive and formal examinations of the application will be required. The Trademark Office (the authority responsible for the registration of trademarks) examines the application first formally, and then substantially.  In order to be enforceable against third parties, the trademark must be published in the <b>Official Gazette. There is an opposition procedure within 90 days from the date of the publication.</b> If there is no opposition or opposition is not acceptable, the name enters into the records of the <b>Trademark Office</b> . A trademark becomes the transferable property of the person who registered it, whose proprietorship may not be challenged after five consecutive years of use (Article 3 of the Law).  A trademark entered unlawfully or in bad faith may also be subject to court cancellation. Infringement or unauthorized use of a registered trademark is punishable by law.
<b>Specific Provisions</b>	None.

<sup>30</sup> Source of information: <http://www.wipo.int>.

<sup>31</sup> Source of information: <http://www.wto.org>.

<b>(issue of Generics, Reciprocity)</b>	
<b>Formal Requirements for an Application</b>	
<b>Application Forms</b>	<p>At least:</p> <ul style="list-style-type: none"> <li>• Full name, street address and description of the applicant (including trading style, if any, and state/country of incorporation, if incorporated);</li> <li>• List of goods and/or services;</li> <li>• If priority is claimed: a certified copy of home application/registration together with legalised translation thereof.</li> </ul> <p><u>The specific requirements for the registration of certification trademarks that certify a geographic origin or a product still needs to be prescribed in regulation made under the Law.</u></p>
<b>Relevant Supporting Documents</b>	Proof of the payment of a fee for registration (the payment need to be done to the Ministry of Industry and Minerals).
<b>Administration Responsible for Registration</b>	<p><b>Ministry of Industry and Minerals</b>  <b>Planning Department</b>  <b>Trademark Office</b>  P.O. Box 13032 - Al Jadria - Baghdad  Tel. (964 1) 776 5180  E-mail: <a href="mailto:plan@iraqiindustry.com">plan@iraqiindustry.com</a></p>
<b>Costs</b>	
<b>Costs of registration</b>	<ul style="list-style-type: none"> <li>• Filing a trademark application in one subclass up to Registrations is \$ 1360;</li> <li>• Filing a trademark application in each additional subclass up to 3 subclasses after the first up to Registrations is \$ 55;</li> <li>• Issuance of the registration Certificate for each additional subclass up to 3 subclasses after the 1<sup>st</sup> is \$ 55;</li> <li>• Opposition action before the Registrar is \$ 265;</li> <li>• Translation of the list of goods from English to Arabic (over the first 100 words) per page is \$ 25.</li> </ul>
<b>Costs of litigation</b>	Between € 750 – 1200 (depending on the complexity of the case).
<b>Timeframe</b>	
<b>Registration</b>	7 months (approximately, not by Law).
<b>Protection</b>	15 years beginning on the date of application, with the option of renewal.

## Israel

### International Legal Framework

Israel is a member of the World Intellectual Property Organization from 26 April 1970, a signatory to the Paris Convention for the Protection of Industrial Property from 24 March 1950 and signatory of the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration from 25 September 1966. According to that Agreement appellations of origin registered in the International Register established by the Agreement are protected in all countries parties to that Agreement (among them France with 564 registrations and Italy with 26 registrations).

Israel has also signed the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods on 24 March 1950.<sup>32</sup>

Israel is a WTO Member from 21 April 1995.<sup>33</sup>

### National Legal Framework

<b>Relevant Regulatory Framework</b>	<ul style="list-style-type: none"> <li>• <b>Appellations of Origin (Protection) Law</b>, No. 5725, of 7 July 1965, as last amended in January 2000 (hereinafter referred as “the Law”);</li> <li>• Appellations of Origin (Procedure of Registration of Appellations of Origin Originating in a Foreign Country) Regulations, No. 5727, of 6 February 1967.</li> </ul>
<b>Type of Protection</b>	<p><i>Sui generis</i> protection. It appears that no administrative protection is available; protection is provided only at the request of a third party.</p> <p><b>An International registration of foreign GIs through the Lisbon Agreement</b> is possible under the following conditions:</p> <ol style="list-style-type: none"> <li>1. The GI must come from a State signatory of the Lisbon Agreement;</li> <li>2. This International registration will only have effect in the countries signatories of the Lisbon Agreement.</li> </ol>
<b>Scope of legislation</b>	The scope of application of the Law concerns goods: agricultural, industrial or handicraft product.
<b>Source</b>	Official Publication of the Law: ‘Sefer Ha-Chukkim’, 16 July 1965 - 5725, No. 459, p. 186 Texts are available at: <a href="http://www.wipo.int">http://www.wipo.int</a> . <b>Law</b> No. 5725, of 7 July 1965, amended in January 2000 : <a href="http://www.wipo.int/clea/en/text_pdf.jsp?lang=EN&amp;id=2373">http://www.wipo.int/clea/en/text_pdf.jsp?lang=EN&amp;id=2373</a>
<b>Summary of the Operational Provisions</b>	<p>The law provides for the protection of appellations of origin and geographical indications:</p> <ul style="list-style-type: none"> <li>• <b>Appellation of origin:</b> “<i>appellation of origin</i>” means the geographical name of a country, region or locality contained in the name of a product and intended to convey that such product has its origin there and that its quality and properties are mainly due to that geographical area, including its nature and people;</li> <li>• <b>Geographical indication:</b> “<i>Geographical indication</i>” means an indication that identifies in Israel goods as originating in a given geographical area of a member state, or a region or part thereof, where a given quality, characteristic or reputation of the good is essentially attributable to its geographical origin;</li> </ul>

<sup>32</sup> Source of information: <http://www.wipo.int>.

<sup>33</sup> Source of information: <http://www.wto.org>.

	<p>In order to be protected appellations of origin and GIs have to be registered (Article 3 of the Law).</p> <p><b>The Patent Office at the Ministry of Justice</b> (the authority responsible for the registration) keeps a Register of AOs and GIs (Article 2 of the Law). The Register shall be established and kept under the supervision of the Registrar who is responsible for the registration of AOs and GIs, and examines the application first formally, and then substantially (Article 5 of the Law).</p> <p><b><u>There is an opposition procedure available within three months</u></b> from the date of advertisement of the acceptance of the application (Article 9 of the Law). <b><u>There is a cancellation (or “Striking-Out”, as indicated in the Law) procedure</u></b> available for any interested person or on the initiative of the Registrar when the appellation has become a mere indication of type or provenance or if the conditions which served for the registration have ceased to exist (Article 14 of the Law). Further objections against the decisions of the Registrar may be submitted to an objection committee of three members appointed by the Minister of Justice.</p> <p><b>The level of protection:</b> <u>No registered appellations of origin or geographical indications may be used in the cases when the genuine origin is indicated or used in translation or in combination with expressions such as “sort of”, “kind of”, “imitation” and “the like”.</u> The use of false or misleading information as to the origin, nature or essential qualities of the product is also prohibited (Article 21A of the Law). Special protection is provided for wines and spirits in Articles 21B and 21C of the Law. The holder of the rights in a geographical sign whose rights have been infringed may apply to the Court.</p> <p>The applications can be in two languages: Hebrew and English.</p>
<p><b>Specific Provisions (issue of Generics, Reciprocity)</b></p>	<p><b>There is no provision regarding generic names.</b> A cancellation procedure against appellations which has become mere indications of type or provenance is established under Article 14 of the Law.</p> <p><u>Geographical indications and designations of origin, used in translation, are protected (Article 22 of the Law).</u></p> <p><b><u>The Law allows third countries’ GIs to be registered in Israel subject to reciprocity provisions</u></b> (Article 17 of the Law requires notification by the International Bureau that the foreign appellation has been registered in the International Register). Should it be the case, provisions of the Law apply <i>mutatis mutandi</i> to foreign appellations. The registration of foreign appellations of origin is also possible after the announcement of the Minister of Justice, by notice in <i>Reshumot</i>, the existence of an agreement between Israel and a particular state concerning the protection of appellations of origin (Article 33 of the Law).</p>
<p><b>Formal Requirements for an Application</b></p>	
<p><b>Application Forms</b></p>	<p><b>There is no standard application form.</b></p> <p>However, the Law indicates that an application must contain (Article 4 of the Law):</p> <ul style="list-style-type: none"> <li>• the product;</li> <li>• the special particulars showing that the designation of the product is an appellation of origin and not merely an indication of provenance or type;</li> <li>• the person entitled in respect of the appellation.</li> </ul>
<p><b>Relevant Supporting Documents</b></p>	<p>During the examination process, the Registrar may demand any material or information relevant to the examination and deemed by him to be necessary for it (Article 6 of the Law).</p>
<p><b>Administra-</b></p>	<p><b>Patents, Designs and Trademarks Office</b></p>

<b>tion Responsible for Registration</b>	4, Hasadna Street – Talpiot - Jerusalem 93420 Tel.: (972.2) 565.16. 43/44 Fax: (972.2) 565.17.00 (Trademarks Department) E-mail: <a href="mailto:akselard@justice.gov.il">akselard@justice.gov.il</a> E-mail: <a href="mailto:meirno@justice.gov.il">meirno@justice.gov.il</a> Website: <a href="http://www.justice.gov.il">www.justice.gov.il</a>
<b>Costs</b>	
<b>Costs of registration</b>	<ul style="list-style-type: none"> <li>• Filing fee for an application is ILS 921;</li> <li>• Publication fee (due at the time of filing the application) is ILS 160;</li> <li>• Filing a request for urgent examination is ILS 617;</li> <li>• Filing a request for an extension of time, for each month of extension or part thereof is ILS 55;</li> <li>• Filing a request to amend a specification is ISL 617;</li> <li>• Publication of acceptance is ILS 480.</li> </ul> <p><u>These fees do not apply for the registration of foreign appellations of origin under the Lisbon Agreement.</u></p>
<b>Costs of litigation</b>	Approximately ILS 5.650.
<b>Timeframe</b>	
<b>Registration</b>	From 10 to 18 months (approximately, no information in the law).
<b>Protection</b>	<p><u>Protection of geographical signs is valid for 10 years from the filing of the application.</u> However, its validity may be extended for additional periods of ten years (Article 13 of the Law).</p> <p>For foreign appellations, the protection shall be the same of its registration as in the country of origin (Article 20 of the Law).</p>
<b>Additional information</b>	
Several GIs have been registered in Israëil such as the appellation of origin 'Jaffa' (including: 'Jaffas' and also 'Yafo', 'Jaffa' and 'Jaffas' in Hebrew).	

## Jordan

International Legal Framework	
<p>Jordan is a member of the World Intellectual Property Organization from 12 July 1972, and a signatory to the Paris Convention for the Protection of Industrial Property from 17 July 1972.<sup>34</sup>                      Jordan is a WTO Member from 11 April 2000.<sup>35</sup></p>	
National Legal Framework	
<b>Relevant Regulatory Framework</b>	<ul style="list-style-type: none"> <li>• <b>Law on Geographical Indications No. 8 of 2000</b>, entered into force the 2 May 2000. <b><u>However, no implementing decree has been adopted. As a result, the law is not implemented</u></b></li> <li>• As the Law does not provide registration of geographical indications, <b>there is a possibility to registrar foreign GIs as trademarks under Trademarks Law N 34 of 1999</b>, Official Gazette No. 4389 dated 1.11.1999.</li> </ul>
<b>Type of Protection</b>	<i>Sui generis</i> protection. No administrative protection is available; protection is provided only at the request of a third party (Art.8)
<b>Scope of legislation</b>	It would appear that the scope of application of the Law concerns all goods
<b>Source</b>	<b>Law on Geographical Indications N°8/2000</b> → 'Official Gazette' 02/04/2000, N°4423 Text available in English <a href="http://www.wipo.int/clea/en/text_pdf.jsp?lang=EN&amp;id=2602">http://www.wipo.int/clea/en/text_pdf.jsp?lang=EN&amp;id=2602</a>
<b>Summary of the Operational Provisions</b>	<p>Article 2 of the law on Geographical Indications provides a definition of GIs: <i>Any indication which identifies a good as originating in a certain country or a region or territory of a country, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin</i>".</p> <p><b><u>In Jordan, there is no geographical indications register (In order to protect a GI in Jordan no registration is necessary). This issue has been left to discretion of the mark registrar and/or the judge.</u></b> That means that GIs are protected without registration in accordance with the decision of the court, at the same time some foreign GIs can be registered and protected as trademarks.</p> <p>In case of a registration of geographical indications as trademarks, the <b>Industrial Property Protection Directorate</b> (the authority responsible for registration of trademarks) examines the application first formally, and then substantially. <b><u>There is an opposition procedure</u></b> available within 3 months from publication of registration of trademarks with geographical names. The decision of the registrar is liable for cassation by appeal before the Supreme Court of Justice within sixty days as of the date of notification (Article 5 of the Law).</p> <p><b><u>Level of protection: No registered designations of origin or geographical indications may be used in the cases when the genuine origin is indicated or in translation or combination with expressions such as "kind of", "imitation" and "the like".</u></b> The use of false or misleading information as to the origin, nature or essential qualities of the product is also prohibited.</p>

<sup>34</sup> Source of information: <http://www.wipo.int>.

<sup>35</sup> Source of information: <http://www.wto.org>.

<p><b>Specific Provisions (issue of Generics, Reciprocity)</b></p>	<p><u>Geographical indications and designations of origin for wines and spirits, used in translation, are protected (Article 3 of the Law).</u></p> <p><b>It would appear that foreign geographical indications can be protected in Jordan under the Law.</b></p>
<p><b>Formal Requirements for an Application</b></p>	
<p><b>Application Forms</b></p>	<p><b><u>The Law does not provide geographical indications register.</u></b> The following must be indicated <b>in case of a registration of GIs as trademarks:</b></p> <ul style="list-style-type: none"> <li>• the name requested;</li> <li>• the kind of goods for which the registration is sought;</li> <li>• indication of the place where such goods are manufactured (borders of the geographic place)</li> </ul>
<p><b>Relevant Supporting Documents</b></p>	<p><b>For registration of GIs as trademarks:</b> A power of attorney notarized and legalized up to the Jordanian Consulate.</p>
<p><b>Administration Responsible for Registration</b></p>	<p><b>Industrial Property Office</b>  Industrial Property Protection Directorate (IPPD) - Ministry of Industry and Trade  P.O. Box 2019 - Amman 11181  Tel. : +96.26 562.90.30  Fax : +96.26 568.23.31  E-mail : <a href="mailto:Khaled.A@mit.gov.jo">Khaled.A@mit.gov.jo</a>  Website: <a href="http://www.mit.gov.jo">http://www.mit.gov.jo</a></p>
<p><b>Costs</b></p>	
<p><b>Costs of registration</b></p>	<p>The registration of a trademark with the assistance of legal advisers in Jordan cost Dinar 250  <b><u>For ordinary and/or collective mark applications</u></b>  Filing a mark application in one class → US\$ 990.00  Registration fees of a mark application in one class → US\$ 205.00  Legalization a certified copy of Power of attorney → US\$ 30.00  Publication in the trademark Journal after the acceptance → US\$ 125.00  <i>(16%) VAT charges will be added</i></p>
<p><b>Costs of litigation</b></p>	<p>Approximately Dinar 380</p>
<p><b>Timeframe</b></p>	
<p><b>Registration</b></p>	<p><b><u>In order to be protected in Jordan no registration is necessary.</u></b>  However, trademark registration takes approximately 6 – 8 months.</p>
<p><b>Protection</b></p>	<p>Not indicated in the Law</p>

## Lebanon

International Legal Framework	
<p>Lebanon is a member of the World Intellectual Property Organization (WIPO) from December 1984, a member of the Paris Convention from September 1924 and a signatory to the Madrid Protocol also from September 1924.<sup>36</sup> Lebanon has an observer status in the WTO.<sup>37</sup></p>	
National Legal Framework	
<b>Relevant Regulatory Framework</b>	<p><b>Industrial Property Law, Decree No. 2385 of 1924</b>, as revised by the Law of January 1946 (hereinafter referred as “the Law”).</p>
<b>Type of Protection</b>	<p><b>Trademark regime:</b> No <i>ex officio</i> protection is available under the trademark regime, protection is provided only at the request of an interested party.</p> <p><b>Lebanon is preparing a special law and decree for the protection of geographical indications and designation of origin.</b> The English version of the draft is available on the website of the Intellectual Property Protection Office: <a href="http://www.economy.gov.lb/MOET/English/Panel/Documents/Draft%20law/Geographical%20indications%20ev%20EDITED%202007.pdf">http://www.economy.gov.lb/MOET/English/Panel/Documents/Draft%20law/Geographical%20indications%20ev%20EDITED%202007.pdf</a></p>
<b>Scope of legislation</b>	<p>Applicable to goods (agricultural and/or industrial) and/or services. Trademarks for alcoholic beverages are excluded.</p>
<b>Source</b>	<p>The English version of the Law is available on the website of the Intellectual Property Protection Office: <a href="http://www.economy.gov.lb/MOET/English/Panel/IPR/Legislation/Pages/Default.aspx">http://www.economy.gov.lb/MOET/English/Panel/IPR/Legislation/Pages/Default.aspx</a></p>
<b>Summary of the Operational Provisions</b>	<p>Article 70 of the Law specifically mentions collective (common) marks as the form of protection available for geographical indications, <u>when agricultural or industrial companies which are licensed by the government may acquire the right to have a common trademark to protect thereby the quality of the industry of their goods, their source or origin, or their products. Members of these companies alone shall have the right to use this common trademark or label which is separate from the personal trademark which each of them may acquire for itself.</u></p> <p>Once a trademark application is filed, it is examined as to whether it is contrary to the public order and morals or representing national or foreign decorations. Also, it is examined as to its registrability and existence of prior rights. If similar or identical trademark registrations exist under the same class, a Notice of Similarity has to be signed on behalf of the client as an acknowledgement of taking note of the existence of these conflicting registrations. A trademark is deemed registered upon payment of the filing fees (Article 80 of the Law). <b>There is no provision for opposition.</b> <u>Under normal circumstances, the registration of a trademark is completed within a two-week period; while the relevant registration certificate is issued within two weeks of the registration date.</u></p> <p>In Lebanon, the use of a trademark is not compulsory for filing applications, maintaining trademark registration in force, or for renewal or maintenance of a trademark.</p>

<sup>36</sup> Source of information: <http://www.wipo.int>.

<sup>37</sup> Source of information: <http://www.wto.org>.

	<b>Level of protection:</b> Unauthorized use of a registered trademark, an imitation of a trademark applied on goods of the same class, sale, storing for the purpose of sale, exhibiting for sale of goods bearing a counterfeit mark, or using a mark duly by another party in order to serve the purpose of unauthorized promotion of goods of the same class are all offences punishable under the law.
<b>Specific Provisions (issue of Generics, Reciprocity)</b>	None.
<b>Formal Requirements for an Application</b>	
<b>Application Forms</b>	<ul style="list-style-type: none"> <li>The name, address and nationality of the applicant and the nature of its business;</li> <li>The list of the goods to be covered by the application;</li> <li>6 pictures of the trademark</li> <li>A certified copy of the home certificate of registration or an application is required only for claiming convention priority, which can belatedly be filed within three months of the filing date.</li> </ul>
<b>Relevant Supporting Documents</b>	<ul style="list-style-type: none"> <li>A simply signed power of attorney;</li> <li>Ten prints of the trademark.</li> </ul>
<b>Administration Responsible for Registration</b>	<b>Ministry of Economy and Trade - Intellectual Property Protection Office</b> Lazarieh Bldg – Block 02A - Downtown Beirut - Beirut Tel : 01-982342. Ext :1422 Fax : 01-982369 E-mail: <a href="mailto:s.favour@economy.gov.lb">s.favour@economy.gov.lb</a>
<b>Costs</b>	
<b>Costs of registration</b>	Registration for each class: Individual mark for 15 years (250.000 LBP); for 30 years (500.000 LBP); for 45 years 750.000 LBP and for 60 years (1.000.000 LBP). Renewal of filing every 15 years (250.000 LBP). Collective marks for 40 years (250.000 LBP), for 45 years (280.000 LBP) and for 60 years (340.000 LBP). Renewal of filing (520.000 LBP) Cost of publication in the official gazette : 5.000 LBP for 6 word Translation into Arabic to be added where necessary.
<b>Costs of litigation</b>	Depending on the complexity of the case, normally starting from € 500.
<b>Timeframe</b>	
<b>Registration</b>	Normally 1 month.
<b>Protection</b>	An individual trademark registration is valid for 15, 30, 45 or 60 years. A collective trademark registration is valid for 40, 45 or 60 years. Filing a late renewal application is possible through a grace period of 3 months from the date of expiration.

## Libya

### International Legal Framework

Libya is a member of the World Intellectual Property Organization from 28 September 1976 and also a member of the Paris Convention from the same date.<sup>38</sup> Libya has an observer status at the WTO since 10 June 2004.<sup>39</sup> Libya is a potential ARIPO member and has an observer status of this African Organisation.<sup>40</sup>

### National Legal Framework

<b>Relevant Regulatory Framework</b>	<b>Trademark Law No. 40 of 1956</b> , amended by decision No. 316 on July 5, 2009
<b>Type of Protection</b>	<b>Trademark regime:</b> no administrative protection is available under the trademark regime, protection is provided only at the request of an interested party ( <i>e.g., producers</i> ).
<b>Scope of legislation</b>	Applicable to goods (agricultural and/or industrial) and/or services. Alcoholic drinks excluded.
<b>Source</b>	The English version of the Law is available on the following website: <a href="http://www.agip.com/country_service.aspx?country_key=100&amp;service_key=T&amp;SubService_Order=3&amp;lang=en">http://www.agip.com/country_service.aspx?country_key=100&amp;service_key=T&amp;SubService_Order=3&amp;lang=en</a>
<b>Summary of the Operational Provisions</b>	<p><b>It appears that geographical indications (GIs) from third countries' may be registered as trademarks in Libya</b>, provided that they meet definitions established by the Law.</p> <p>The Law provides that marks which may mislead the public or which contain any misstatements about the origin or description of the products, likewise marks which contain a fictitious imitative or forged commercial name may not be registered (Article 5(j) of the Law).</p> <p>Once a trademark application is filed (the authority responsible for the registration is <b>the Trademarks Registration Office</b>), it is examined as to its availability, registrability and coverage. If the Registrar objects in writing to certain aspects of the mark in the course of examination, such as the scope of goods or services or asks for modification of the mark, a <b>grace period indicated in the implementing Regulations</b> is given to the applicant to comply with the Registrar's request.</p> <p>Once the application is formally rejected (Article 10 of the Law), a complaint against the rejection can be submitted to an <b>administrative committee to be formed by the Minister of National Economy, including therein a member delegated from the Department of Legislation and Litigation of the Ministry of Justice</b> within 30 days as from the date of the receipt of rejection of registration. <u>All decisions of this committee shall be deemed final</u> (Article 10 of the Law).</p> <p>In the event of acceptance of the trademark, the office shall bring it to public notice subject to the methods provided for under the implementing regulations to this Law. <u>Within a 3-month period from the date of publication</u>, any person concerned may submit to the office a written notification of his objection to the registration of the trademark together with the grounds thereof.</p> <p>The applicant for registration has to submit to the office <u>his written response on the objection within the term prescribed under the executive regulations</u>. The office publishes its decision</p>

<sup>38</sup> Source of information: <http://www.wipo.int>.

<sup>39</sup> Source of information: <http://www.wto.org>.

<sup>40</sup> Source of information: <http://www.aripo.org/membership.html>.

	<p>regarding the grant or rejection of registration; it may, however, qualify the grant of registration by any conditions (Article 11 of the Law). Exceptions against decisions of the office may be raised before the Federal Supreme Court and objections may also lie before this court against decisions of the committee provided for under Article 10.</p> <p><b>Level of protection:</b> It is considered to be an offence if registered trademarks are forged or imitated in any way that misleads the public, or if a trademark owned by someone else is used on other products or services or offers, or presented for sale or sold (Article 24 of the Law).</p>
<b>Specific Provisions (issue of Generics, Reciprocity)</b>	None.
<b>Formal Requirements for an Application</b>	
<b>Application Forms</b>	<ul style="list-style-type: none"> <li>• A power of attorney signed, stamped by the applicant company's stamp and legalized up to the Libyan Consulate in the applicant home country;</li> <li>• An extract of the entry of the applicant company in the Commercial Register legalized up to the Libyan Consulate;</li> <li>• A copy of the home certificate or any foreign registration certificate of the trademark, (no need to be legalized or certified).</li> <li>• Fifteen prints of the trademark;</li> <li>• Certified copy of the priority document if the priority is claimed.</li> </ul>
<b>Relevant Supporting Documents</b>	<ul style="list-style-type: none"> <li>• All documents should be translated into Arabic in Libya.</li> <li>• One Power of Attorney can be used for filing any number of applications in the name of the same owner.</li> </ul>
<b>Administration Responsible for Registration</b>	<p>Intellectual Property Division - National Bureau for Research and Development.  P.O.Box 80045 - Tripoli  Tel: (+218.22) 634 443  Fax: (+218.22) 563 4327 / 333 / 334  <a href="mailto:hanan.alturgman@yahoo.com">hanan.alturgman@yahoo.com</a></p>
<b>Costs</b>	
<b>Costs of registration</b>	<ul style="list-style-type: none"> <li>• Filing a mark application in one class up to Registration \$ 695</li> <li>• Filing a simultaneous mark application in one class \$ 675</li> <li>• Renewal of a mark registration before the expiry date \$ 500</li> <li>• Renewal of a mark registration within 3 months after the expiry date \$ 550</li> <li>• Opposition Action before the registrar \$ 415</li> <li>• Amendment of a mark: \$ 500</li> </ul>
<b>Costs of litigation</b>	Depends on the complexity of the case but approximately starting from € 600.
<b>Timeframe</b>	
<b>Registration</b>	From 6 to 12 months.
<b>Protection</b>	10 years renewable for periods of 10 years.

## **Montenegro**

### **International Legal Framework**

Montenegro is member of the World Intellectual Property Organization (WIPO) from 27 April 1992, signatory to the Paris Convention on the Protection of Industrial Property and party to the Madrid Agreement on the International Registration of Trademarks from the same date.<sup>41</sup> Montenegro is also signatories to the Madrid Protocol on the International Registration of Marks from 17 February 1998 and to the Lisbon Agreement on the protection of Appellations of Origins from 1 June 1999.<sup>42</sup> Montenegro is not a WTO Member, but has the status of Observers in the World Trade Organization (WTO).<sup>43</sup> On 21 May 2006, the Republic of Montenegro held a successful referendum on independence and declared independence on 3 June 2006. Montenegro retained Serbia and Montenegro's membership in all international organizations and bodies. Montenegro is also a potential candidate for membership in the European Union; the country presented its official application in 2008, hoping to gain EU candidate status in 2010.

### **National Legal Framework**

<b>Relevant Regulatory Framework</b>	<ul style="list-style-type: none"> <li>• <b>Law on Geographical Indications (Official Gazette of SM, No. 48/08) applicable as of 1 September 2008</b> (hereinafter referred to as "the Law");</li> <li>• <b>Regulation (Consolidation), 20/09/2007 (30/10/2008)</b></li> <li>• <b>Trademarks Law</b> of 1 January 2005<sup>44</sup>.</li> </ul>
<b>Type of Protection</b>	<b><i>Sui generis</i> protection.</b> It appears that some form of administrative protection is available. In case of infringement of a GI or of an AO, administrative protection is provided upon request of the consumer associations and the public prosecutor (Article 51 of the Law).
<b>Scope of legislation</b>	The Law concerns all goods: natural, agricultural, manufactured, industrial products and handicrafts, but not services.
<b>Source</b>	<b>Law No. 48/08:</b> Only in Montenegrin / Serbian : <a href="http://www.ziscg.me/doc/IP_legislativa/9.3.4.1.doc">http://www.ziscg.me/doc/IP_legislativa/9.3.4.1.doc</a> <b>Regulation (Consolidation), 20/09/2007 (30/10/2008):</b> <a href="http://www.wipo.int/clea/en/text_pdf.jsp?lang=EN&amp;id=5283">http://www.wipo.int/clea/en/text_pdf.jsp?lang=EN&amp;id=5283</a>
<b>Summary of the Operational Provisions</b>	The law provides a definition of: <b>An appellation of origin</b> is the geographical name of a country, region or a locality, used to designate a product originating therein, the quality and characteristics of which are due exclusively or essentially to the geographical environment, including natural and human factors, and which is produced, processed or prepared entirely within a specific limited geographical area. <b>A geographical indication</b> is the indication that identifies certain goods as goods originating from the territory of specific country, region or a locality within such territory, where specific quality, reputation or other characteristics of the goods can be essentially attributed to their geographical origin. Indications of geographical origin mark natural products: water, salt, stone

<sup>41</sup> Originally signed by Yugoslavia on 14 July 1967, ratification date is 11 July 1973, entry into force date is 11 October 1973. Declaration of succession by Federal Republic of Yugoslavia: 14 June 2001.

<sup>42</sup> Source of information: <http://www.wipo.int>

<sup>43</sup> In 2004, the governments of the Republic of Serbia and the Republic of Montenegro decided to apply individually for accession to the WTO, as two separate customs territories. The General Council agreed to establish a Working Party to examine the application from the Republic of Serbia on 15 February 2005. Source of information: <http://www.wto.org>.

<sup>44</sup> - Decision on the declaration of independence of the Republic of Montenegro of 3rd June 2006 declaring the continuing effectiveness in Montenegro of the IP laws of the former State Union of Serbia and Montenegro

	<p>etc; agricultural products: raspberries, cabbage, potato, cream, cheese; domestic handicraft products: sweaters, laces and industrial products and services.</p> <p>Applications for registration of an AO or a GI must be filed with the Intellectual Property Office of Montenegro (hereinafter referred to as “the Office”, the authority responsible for the registration). Procedure for protection of the indication of geographical origin may be initiated by any domestic natural or legal person who produces, in a specific geographical area, products marked by the name of such geographical area, also associations of those persons, chamber of economy, associations of consumers and state authorities interested in protection of appellation of origin, as well as foreign natural or legal persons if the appellation of origin or geographical indication is recognized in the country of origin, when it arises from international agreements. In the procedure before Intellectual Property Office, foreign natural or legal persons must have domestic representative, respectively lawyer who is listed into the Register of representatives.</p> <p>This protection comprises two different procedures:</p> <ul style="list-style-type: none"> <li>• Procedure for registration of the indication of geographical origin (if the indication of geographical origin is registered at the Intellectual Property Office for the first time, as a completely new right which has not been registered until that moment);</li> <li>• Procedure for recognition of a status of an authorized user of the indication of geographical origin.</li> </ul> <p>According to Article 13, applications for registration of a GI or of an AO may be filed only by natural or legal persons who produce in a specific geographical area the products which bear the name of that specific geographical area. The same persons may also file an <u>application for their recognition as authorised users of a GI or of an AO</u> in accordance with Articles 19 and 23 of the Law. If several users apply for registration of the same GI/AO or for their recognition as authorised users, the GI/AO may be registered as a collective trademark in accordance with the Trademarks Law of 1 January 2005.</p> <p><b>It appears that no real opposition procedure is provided by the Law.</b></p> <p>Registered GIs/AOs or the issued certificates of authorised user of a GI/AO are published in the Official Bulletin. <b>The certificate of authorisation of use of a GI/AO</b> shall refer to the rights listed in Article 34 of the Law such as the right to use the GI/AO on the packaging of the specific products or the right to use the GI/AO also when importing or exporting certain products.</p> <p><b>The level of protection provided:</b> <u>registered geographical indications may not be used by any unauthorised users even in the case when the geographical name is indicated in transcription or transliteration, whatever the characters used, the colour or mode of expression, even with the addition of the words such as “type”, “fashion” “by the process”.</u> However, <b>it appears that no protection is granted by the Law in all such cases when the registered GI/AO is used in translation or in combination with the aforementioned expressions when the true origin of goods is indicated.</b></p> <p>The registration of a GI/AO and the authorisation for use of a GI/AO might be cancelled or revoked at any time <i>ex officio</i> or upon request by any interested party or of the public prosecutor when it is ascertained that the requirements set by the Law are no longer met (sufficient evidence must be provided for this purpose).</p> <p>The holder of the rights on a GI/AO whose rights have been infringed may claim for damages under the general rules for compensation of damages. However, <b>in case of infringement of the rights connected to a GI/AO or in case of false imitation of a GI/AO proceedings may be started also by consumer associations or by the public prosecutor.</b></p> <p><b>The Law does not provide for an appeal procedure against the decisions rejecting an application for registration.</b></p>
<p><b>Specific Provisions (issue of</b></p>	<p><b>Article 5 of the Law states that GIs/AOs protected in accordance with the Law may not become generic</b> or common names but the Law clearly does not refer to the distinctiveness character or to the absence of a generic nature of the geographical name among the requirements for registration.</p>

<b>Generics, Reciprocity)</b>	<p>It only states that GIs/AOs which may confuse consumers in respect of the origin, nature, quality, method of production and other characteristics of the goods are not protected (Article 6(3) of the Law).</p> <p><b>Third countries' GIs may be registered in Montenegro.</b> However, foreign natural or legal persons may apply for protection of their GIs/AOs or assert their rights according to the Law before Montenegrin competent bodies only through professional representatives who are authorised in Montenegro.</p>
<b>Formal Requirements for an Application</b>	
<b>Application Forms</b>	<p><b>According to the official website of the Intellectual Property Office in Montenegro<sup>45</sup></b></p> <p><i>Procedure for registration of indication of geographical origin</i></p> <ul style="list-style-type: none"> <li>• Request for registration of appellation of origin or geographical indication (Form G-1);</li> <li>• Data on geographical area;</li> <li>• Details on specific features of product.</li> </ul> <p><i>Procedure under application of status of authorized user of the indication of geographical origin</i></p> <ul style="list-style-type: none"> <li>• Request for recognition of the status of authorized user of appellation of origin or geographical indication (Form O-1);</li> <li>• Proof of particular activity performed within the particular geographical area;</li> <li>• Proof of product quality control carried out by an authorized organization.</li> </ul>
<b>Relevant Supporting Documents</b>	<p>An application for registration of a GI or of an AO must be accompanied by:</p> <ul style="list-style-type: none"> <li>• a reproduction of the GI/AO which is used for the marketing of the products;</li> <li>• proof of payment of the prescribed fee.</li> </ul> <p>In addition to the aforementioned requirements, an <b>application for registration of an AO</b> should also contain a report on the method of production and the qualities and characteristics of the product which shall comprise the indication of the applicant and of the person authorised to represent him, the geographical name of the product protected of the AO, information on the method and process of production, information on the qualities and characteristics of the product, rules for the marking of the products, rules for the use of the AO by other persons and of their rights and duties thereof.</p>
<b>Administration Responsible for Registration</b>	<p><b>Intellectual Property Office of Montenegro</b>  Address Bulevar Revolucije 9 - 81000 Podgorica  Telephone (382 20) 246 499 - Telefax (382 20) 246 496  Director: Mr. Novak Adžić  E-mail : <a href="mailto:ziscg@ipom@gmail.com">ziscg@ipom@gmail.com</a> / <a href="mailto:ziscg@t-com.me">ziscg@t-com.me</a>  Website: <a href="http://www.ziscg.me">www.ziscg.me</a></p> <p>The Bureau for the Protection of Intellectual Property Rights of Montenegro started to operate on 28th May 2008.</p>
<b>Costs</b>	
<b>Costs of registration</b>	See: <a href="http://www.ziscg.me/en/II_Takse_naknade.asp">http://www.ziscg.me/en/II_Takse_naknade.asp</a>
<b>Costs of litigation</b>	Depends on the complexity of the case (not less than € 600).
<b>Timeframe</b>	
<b>Registration</b>	Between 10 and 18 months.
<b>Protection</b>	Duration of a registered appellation of origin or a geographical indication is <b>not limited</b> . <sup>46</sup>

<sup>45</sup> [http://www.ziscg.me/en/Oznake\\_geogr\\_porijekla.asp](http://www.ziscg.me/en/Oznake_geogr_porijekla.asp)

<sup>46</sup> [http://www.ziscg.me/en/Oznake\\_geogr\\_porijekla.asp](http://www.ziscg.me/en/Oznake_geogr_porijekla.asp)

## Morocco

### International Legal Framework

Morocco is a member of the World Intellectual Property Organization from 27 July 1971, and a signatory to the Paris Convention for the Protection of Industrial Property and the Madrid Protocol Concerning the International Registration of Marks from 30 July 1917. Morocco has signed the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods on 30 July 1917<sup>47</sup>.

Morocco is a WTO Member from 1 January 1995<sup>48</sup>.

Morocco and the EU concluded agriculture negotiations in December 2009. Intellectual property rights, including GIs, will be discussed at a later stage.

### National Legal Framework

<b>Relevant Regulatory Framework</b>	<p><b><u>Sui Generis Protection for GI wines:</u></b></p> <ul style="list-style-type: none"> <li>• <b>Order No. 1955 and 1956</b> concerning the general conditions governing production of wines with registered appellations of origin of 8 October 1998</li> <li>• <b>Order No. 869-75</b> of the Minister of Agriculture and Agrarian Reform regulating the appellation of origin regime for wines of 15 August 1977</li> <li>• <b>Decree No. 2.75.321</b> of 12 August 1977 relating to the rules on the winemaking, detention, distribution and trade of wine (hereinafter referred as “the Decree”)</li> </ul> <p><b><u>Protection of other GIs</u></b></p> <p><b>The Law No. 17-97 concerning Protection of Industrial Property No. 1-00-91</b> of 15 February 2000, which entered into force on 18 December 2004 (hereinafter referred as “the Law”). The Law 17-97 has been modified on 14 December 2005 by the Law 31-05 published on 20 February 2006. This Law introduces a <b>national registry for geographical indications and appellations of origin</b>.</p> <p>This law has been translated by competent authorities in <i>Sui Generis</i> Protection systems for GIs: one for agricultural products and other one for handicraft products (not effective yet).</p> <p><b><u>Sui Generis Protection for GI- Agricultural products:</u></b></p> <ul style="list-style-type: none"> <li>• <b>Law No. 25-06 concerning distinctive signs of origin and quality for foodstuffs, agricultural and halieutics products</b> of 23 May 2008 passed by the Minister of Agriculture and Fisheries. This Law covers the proceedings of registration of GI and AO and the rules governing the control organisms.</li> <li>• <b>Decree No. 2-08-403 of 5 December 2008</b> enforcing the Law No. 25-06 concerning distinctive signs of origin and quality for foodstuffs, agricultural and halieutics product</li> <li>• <b>Decree No. 2-08-404 of 5 December 2008</b> concerning the composition and the running of the national commission of distinctive signs of origin and quality.</li> </ul> <p><b><u>Sui Generis Protection for GI- Handicraft products:</u></b></p> <p>A draft of GI decree is being written by the Ministry of tourism and handicraft.</p>
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<sup>47</sup> Source of information: <http://www.wipo.int>.

<sup>48</sup> Source of information: <http://www.wto.org>.

<b>Type of Protection</b>	<i>Sui generis</i> protection of geographical indications. It appears that <i>ex officio</i> protection is available for wines, agricultural products and foreseen in the Law on GIs of 2004.
<b>Scope of legislation</b>	The legislation covers all goods and services.
<b>Source</b>	A consolidated version of the Law 17-97 is available at: <a href="http://www.wipo.int/clea/en/text_pdf.jsp?lang=FR&amp;id=2953">http://www.wipo.int/clea/en/text_pdf.jsp?lang=FR&amp;id=2953</a> <a href="http://www.madrpm.gov.ma/">http://www.madrpm.gov.ma/</a>
<b>Summary of the Operational Provisions</b>	<p><b><u>Sui Generis Protection of GIs for foodstuffs, agricultural and halieutics products</u></b></p> <p>The Law n°25-06 establishes a system of recognition for appellation of origin and geographical indications.</p> <p><b>The definition of appellation of origin:</b> the geographical name of a region, a specific place or, in exceptional cases, a country, used to describe a product originating in that region, specific place or country and whose quality, reputation or other characteristics are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors, and whose production, processing and preparation take place in the defined geographical area;</p> <p><b>The definition of geographical indication:</b> the name used to describe a product originating of a territory, a region or specific place which possesses a specific quality, reputation or other characteristics attributable to that geographical origin, and the production and/or processing and/or preparation of which take place in the defined geographical area.</p> <p>The applicant can be a group of producers or processors or a public authority. The application has to fulfill some formal conditions provided in the Law (art, including specifications and the name of the control body (private or public system)).</p> <p>The National commission of distinctive signs of quality and origin (CNSDOQ) will examine the application. Once the GI/AO approved by the Commission, the Ministry of Agriculture has to publish an order so that the GI/AO can be registered at the OMPIC. The decision of the Commission must be given within a period of 6 months from the date of application, including the objection delay.</p> <p>Once the GI/AO granted, the producers/processors can use official logo for GI/AO on the products.</p> <p>The articles 27 et seq. cover the protection of the GIs. The GIs are protected against</p> <ul style="list-style-type: none"> <li>• any use liable to mislead the consumer as to the nature, the identity and the true origin of the product;</li> <li>• any exploitation of the reputation of the GI;</li> <li>• any misuse, imitation or evocation, even if the true origin of the product is indicated or if the protected name is translated or accompanied by an expression such as 'style', 'type', 'method', 'as produced in', 'imitation' or similar.</li> </ul> <p>The law provides also some penalties as provided in the general Law of fraud in Morocco.</p> <p>The property of GIs in Morocco is granted to the Ministry of Agriculture.</p> <p><b><u>Protection of other GIs</u></b></p> <p>GIs are covered by the Title 6 of the Law. They are divided between <b>geographical indications</b> (Article 180) and <b>appellations of origin</b> (Article 181). Geographical indications are defined as the expression or the sign used to indicate that a product or a service comes from a country or a group of countries, a region or a determined place. Appellations of origin are defined as the geographical denomination of a country, a region or a town used to designate a product which comes from this place and which quality, reputation or other characteristics are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors.</p>

	<p>The Law provides for the <b>registration of GIs in a register of GIs and AOs</b> managed by the <b>Moroccan Industrial and Commercial Property Office</b> (the authority responsible for the registration of GIs and AOs in Morocco). Requests are published and opposition is available during a period of 2 months (Article 182.2). Opposition requests has to be sent to the competent national authority which will examine them.</p> <p><b>Level of protection:</b> <u>No registered designations of origin or geographical indications may be used in the cases when the genuine origin is indicated or is used in translation or in combination with expressions such as “make”, “kind of”, “imitation” or “the like”.</u> The direct or indirect use of a false or deceptive indication concerning the origin of a product or a service, the identity of the producer, manufacturer or trader is also prohibited (Article 182 of the Law).</p> <p>Unfair competition is specifically prohibited in the Law and <b>ex officio protection is available</b> (Article 183 of the Law).</p>
<b>Specific Provisions (issue of Generics, Reciprocity)</b>	<p><b>Third countries’ producers of GIs can register their GIs in Morocco as the Law states that</b> the nationals of each of the countries member of the International Union for the Protection of Industrial Property shall enjoy the protection of industrial property rights provided by this Law (Article 3 of the Law).</p> <p>For Agricultural products and foodstuffs, the application for registration shall be presented first to the National commission of distinctive signs at the Ministry of Agriculture.</p>
<b>Formal Requirements for an Application</b>	
<b>Application Forms</b>	<p>Applications for registration must be made by groups of producers or processors or by a public authority and must contain a set of specifications which is reviewed by a national commission.</p> <p>The application shall include, among other:</p> <ul style="list-style-type: none"> <li>• The name of the product, comprising the name of the GI or AO;</li> <li>• The definition of the geographical area;</li> <li>• The elements evidence that the product originates in the defined geographical area;</li> <li>• The elements proving the existing link between quality, characteristics of the product with the geographical origin;</li> <li>• The description of the agricultural product, including the raw materials, if appropriate, and principal physical, chemical, microbiological or organoleptic characteristics of the product;</li> <li>• A description of the method of obtaining the product, if appropriate, the authentic, unvarying local methods;</li> <li>• The name and address of control bodies;</li> <li>• Any specific labeling rules for the product in question;</li> <li>• The commitment of any person involved in the GI/AO to keep a register to ease the control of specifications</li> <li>• A control/certification plan</li> </ul> <p>The language of application is Arabic or French.</p>
<b>Relevant Supporting Documents</b>	None.
<b>Administra-</b>	

<b>tion Responsible for Registration</b>	<p><b>Moroccan Industrial and Commercial Property Office</b>  Ministry of Industry, Trade and Leveling of the Economy  Route de Nouasser RS 114 Km 9,500 - P.O. Box 8072 Casablanca  Tel : + 212.2 233.51.67/233.54.86  Fax : + 212.2 233.53.39/233.54.80  <a href="mailto:directinfo@ompic.org.ma">directinfo@ompic.org.ma</a>  <a href="mailto:elmaliki@ompic.org.ma">elmaliki@ompic.org.ma</a>  <a href="http://www.ompic.org.ma">www.ompic.org.ma</a></p> <p><b>Moroccan Ministry of Agriculture</b>  Ministry of Agriculture, rural Development and Maritim Fisheries (MADRPM)  Avenue Mohamed V, Quartier administrative - Place Abdellah Chefchaouni, B.P. 607, Rabat  Tél. : + 212-037-76.01.02 / 76.09.93 / 76.09.33 / 76.13.99  Fax : + 212 - 037 - 77.64.11  Email : <a href="mailto:webmaster@madrpm.gov.ma">webmaster@madrpm.gov.ma</a>  <a href="mailto:info@madrpm.gov.ma">info@madrpm.gov.ma</a></p>
<b>Costs</b>	
<b>Costs of registration</b>	Fees for the registration of GIs are not available.  For information, fees for the registration of trademarks are as follows: <ul style="list-style-type: none"> <li>• Deposit fees: Filing a mark application up to 3 classes \$600;</li> <li>• Renewal fees: Renewal of a trademark registration up to 3 classes \$450.</li> </ul>
<b>Costs of litigation</b>	Approximately Dirham 7.000.
<b>Timeframe</b>	
<b>Registration</b>	Not available.
<b>Protection</b>	Protection of GIs is of unlimited duration. So, there is no need to renew the registration?
<b>Additional information</b>	
Furthermore the Argan Oil and Tyout Olive oil were the first non-wine GI to be registered in 2010.	

## Serbia

International Legal Framework	
<p>The parliament of Serbia stated that the Republic of Serbia was the continuity of the state union, changing the name of the country from Serbia and Montenegro to the Republic of Serbia, with Serbia retaining Serbia and Montenegro's membership in all international organizations and bodies.</p> <p>Serbia is member of the World Intellectual Property Organization (WIPO) from 27 April 1992, signatory to the Paris Convention on the Protection of Industrial Property and party to the Madrid Agreement on the International Registration of Trademarks from the same above mentioned date.<sup>49</sup></p> <p>Serbia is also a signatory to the Madrid Protocol on the International Registration of Marks from 17 February 1998 and to the Lisbon Agreement on the protection of Appellations of Origins from 1 June 1999.<sup>50</sup></p> <p>Serbia is not WTO Member but has the status of Observers in the World Trade Organization (WTO).<sup>51</sup></p>	
National Legal Framework	
<b>Relevant Regulatory Framework</b>	<ul style="list-style-type: none"> <li>• <b>Law on Geographical Indications, Official Gazette SCG No. 20/2006</b> (hereafter the Law)</li> <li>• <b>Law on Geographical Indications</b> of 1 April 1995;</li> <li>• <b>Trademarks Law</b> of 1 January 2005.</li> </ul> <p><b>A new Serbian draft Law on Geographical Indications has been tabled by the government in October 2009 and could be adopted by the Parliament in May or June 2010.</b></p>
<b>Type of Protection</b>	<p><b><i>Sui generis</i> protection.</b> It appears that some form of administrative protection is available. In case of infringement of a GI or of an AO, administrative protection is provided upon request of the consumer associations and of the public prosecutor (Article 51 of the Law).</p>
<b>Scope of legislation</b>	<p>The Law covers all goods: natural, agricultural, manufactured, industrial products and handicrafts.</p>
<b>Source</b>	<p><b>Law on Geographical Indications, Official Gazette SCG No. 20/2006</b></p> <p>Only in Serbian : <a href="http://www.zis.gov.rs/en/pdf_ogp/gop_zakon.pdf">http://www.zis.gov.rs/en/pdf_ogp/gop_zakon.pdf</a></p> <p>Official publication of the Law on Geographical Indications of 1995 is in the Official Gazette of the Federal Republic of Yugoslavia, No. 15 of 24 March 1995, pp. 19-23.</p> <p>The English version of the Law is not available electronically.</p>
<b>Summary of the Operational Provisions</b>	<p>The Law defines Appellations of origin (AOs) and Geographical indications (GIs)</p> <p><b>An appellation of origin</b> is the geographical name of a country, region or a locality, used to designate a product originating therein, the quality and special characteristics of which are due exclusively or essentially to the geographical environment, including natural and human factors, and which is produced, manufactured or processed completely within a specific limited geographical area</p> <p><b>Geographic indication</b> is an indication which identifies certain good as good originating from the</p>

<sup>49</sup> Originally signed by Yugoslavia on 14 July 1967, ratification date is 11 July 1973, entry into force date is 11 October 1973. Declaration of succession by Federal Republic of Yugoslavia: 14 June 2001.

<sup>50</sup> Source of information: <http://www.wipo.int>

<sup>51</sup> In 2004, the governments of the Republic of Serbia and the Republic of Montenegro decided to apply individually for accession to the WTO, as two separate customs territories. The General Council agreed to establish a Working Party to examine the application from the Republic of Serbia on 15 February 2005. Source of information: <http://www.wto.org>.

	<p>territory of specific country, region or a locality within such territory, where specific quality, reputation or other characteristics of the good can be essentially attributed to its geographical origin</p> <p>The Serbian Office for Intellectual Property checks the applications and asks the opinion of the competent ministries (often Ministry of Agriculture, Forestry and Water Management, but also the Ministry of Trade).</p> <p>The registration procedure does not include an opposition procedure before the final registration but a request for opposition can be applied by any “interested person” against the registration of a PDO-PGI or against an authorised user after the final registration or after the certification of an authorised user.</p> <p>An application shall be decided upon in an expedited procedure:</p> <ol style="list-style-type: none"> <li>1) when the procedure before the court, customs authorities or inspectorate has been initiated, if the court, customs authorities or inspectorate so require;</li> <li>2) if the application for an international registration of an appellation of origin or a geographic indication has been filed.</li> </ol> <p><b>The level of protection provided:</b> <u>registered geographical indications may not be used by any unauthorised users even in the case when the geographical name is indicated in transcription or transliteration, whatever the characters used, the colour or mode of expression, even with the addition of the words such as “type”, “fashion” “by the process”.</u> However, <b>it appears that no protection is granted by the Law in all such cases when the registered GI/AO is used in translation or in combination with the aforementioned expressions when the true origin of goods is indicated.</b></p> <p>The registration of a GI/AO and the authorisation for use of a GI/AO might be cancelled or revoked at any time <i>ex officio</i> or upon request by any interested party or of the public prosecutor when it is ascertained that the requirements set by the Law are no longer met (sufficient evidence must be provided for this purpose).</p> <p>The holder of the rights on a GI/AO whose rights have been infringed may claim for damages under the general rules for compensation of damages. However, <b>in case of infringement of the rights connected to a GI/AO or in case of false imitation of a GI/AO proceedings may be started also by consumer associations or by the public prosecutor.</b></p>
<p><b>Specific Provisions (issue of Generics, Reciprocity)</b></p>	<p><b>Generic names cannot be protected and GIs/AOs protected in accordance with the Law may not become generic or common.</b></p> <p>The law provides some rules regarding homonymous names: protection of homonymic geographical names shall be granted to all interested persons that meet requirements provided for in this Law, based on the principles of just and equal treatment of producers in the market and truthful information of consumers, except when this could give the wrong impression to the public about the exact geographical origin of the product.</p> <p>The following shall not be protected by the indication of geographical origin:</p> <ol style="list-style-type: none"> <li>1) names contrary to public order or morals;</li> <li>2) names that are names of protected plant varieties or animal species;</li> <li>3) names whose appearance or content may mislead consumers with respect to nature, origin, quality, manner of production or other characteristics of the product;</li> <li>4) a name that is the exact name of the country, region or a locality of origin of the product, which causes wrong impression among consumers that the product originates from another country, region or a locality;</li> <li>6) a name that is not protected or ceased to be protected or ceased to be used in the county of origin.</li> </ol> <p><b>Third countries’ GIs may be registered in Serbia.</b> In the proceedings before responsible authority, any foreign natural or legal person must be represented by an agent listed in the</p>

	Register of Agents kept by the responsible authority or by an attorney at law.
<b>Formal Requirements for an Application</b>	
<b>Application Forms</b>	<p><b>There is no standard application form.</b> However, applications for registration of an AO or a GI must be filed with the Serbian Office for Intellectual Property (hereinafter referred to as “the Office”), the authority responsible for the registration. The following shall be the essential elements of the application:</p> <ol style="list-style-type: none"> <li>1) request for the registration of an appellation of origin or a geographic indication;</li> <li>2) description of the geographical area;</li> <li>3) data on specific characteristics of the product.</li> </ol> <p>The request for registration of an appellation of origin or a geographic indication shall include:</p> <ol style="list-style-type: none"> <li>1) the particulars of the applicant;</li> <li>2) the geographical name to be protected;</li> <li>3) the type of product to which the geographic indication applies;</li> <li>4) the name of the region or a locality of origin of the product to be marked by a geographical name;</li> <li>5) the signature of the applicant;</li> <li>6) proof that the prescribed fee has been paid.</li> </ol> <p>Where the applicant is a foreign natural or legal person or a foreign association, the application referred in paragraph 1 of this Article shall be accompanied by a public document issued by a responsible authority in the country of origin verifying that the appellation of origin or a geographic indication has been registered in the country of origin.</p> <p>The application for the registration of the appellation of origin, along with the elements referred to in paragraph 1 of this Article, shall include designation of the authorized organization which will control the quality of a product.</p> <p>The application for the registration of the geographic indication, along with the elements referred to in paragraph 1 of this Article, may include the appearance of the geographic indication, if comprising of words and possible figurative elements or figurative elements only, suitable to identify geographical origin of certain goods.</p> <p>Information on specific characteristics of the product related to the application for the registration of an appellation of origin shall be submitted in a form of a report on the manner of the production of the product and its specific characteristics and quality, which shall include, in particular:</p> <ol style="list-style-type: none"> <li>1) particulars on the applicant for the registration of the appellation of origin and the person authorized to represent the applicant;</li> <li>2) geographical name to be protected;</li> <li>3) information on the usual manner and the method of production of the product;</li> <li>4) information on specific characteristics and the quality of the product;</li> <li>5) certificate that the quality control of the product has been performed by the authorized organization;</li> <li>6) information on the method of marking the product;</li> <li>7) rules identifying the persons authorized to use the appellation of origin and the conditions for such a use;</li> <li>8) rules on the rights and obligations of a user of the appellation of origin;</li> <li>9) other data proscribed by other regulations regulating the quality of a product.</li> </ol> <p>Certificate mentioned in paragraph 2, item 5 cannot be older than 3 months</p>
<b>Relevant Supporting Documents</b>	<p>An application for registration of a GI or of an AO must be accompanied by:</p> <ul style="list-style-type: none"> <li>• a reproduction of the GI/AO which is used for the marketing of the products;</li> <li>• proof of payment of the prescribed fee.</li> </ul> <p>In addition to the aforementioned requirements, an <b>application for registration of an AO</b> should also contain a report on the method of production and the qualities and characteristics of the product which shall comprise the indication of the applicant and of the person authorised to represent him, the geographical name of the product protected of the AO, information on the method and process of production, information on the qualities and characteristics of the product,</p>

	rules for the marking of the products, rules for the use of the AO by other persons and of their rights and duties thereof.
<b>Administration Responsible for Registration</b>	<b>Intellectual Property Office Ministry for Internal Economic Affairs</b> Zmaj Jovina 21 - 11000 Belgrade Tel. (381 11) 2630 499 Fax (381 11) 311 23 77 E-mail: <a href="mailto:yupat@yupat.sv.gov.yu">yupat@yupat.sv.gov.yu</a> Website: <a href="http://www.yupat.sv.goc.yu">http://www.yupat.sv.goc.yu</a>
<b>Costs</b>	
<b>Costs of registration</b>	The state fees are indicated on the official web site <a href="http://www.zis.gov.rs/en/home/takse_ogp.html">http://www.zis.gov.rs/en/home/takse_ogp.html</a>
<b>Costs of litigation</b>	Depends on the complexity of the case (not less than € 600).
<b>Timeframe</b>	
<b>Registration</b>	Between 10 and 18 months.
<b>Protection</b>	Period of validity of the registered appellation of origin or a geographic indication is not limited.

## Syria

International Legal Framework	
<p>Syria is a member of the World Intellectual Property Organization from 18 November 2004, a member of the Paris Convention and the Madrid Agreement on source from 1 September 1924. Syria is a signatory to the Madrid Agreement on marks and the Madrid Protocol from 5 August 2004.<sup>52</sup> Syria is not a WTO member.<sup>53</sup></p>	
National Legal Framework	
<b>Relevant Regulatory Framework</b>	<ul style="list-style-type: none"> <li>• <b>Law /8/ 2007 on Trademarks, Geographical Signs and Industrial Drawings and Models</b></li> <li>• Law No. 8 Regulating the Provisions of Trademarks, Geographical Indications and Industrial Drawings and Designs</li> <li>• The Implementing Regulation of the Trademarks, Geographical Indications and Industrial Drawings and Designs Protection Law</li> </ul>
<b>Type of Protection</b>	<b>Trademark regime:</b> no administrative protection is available under the trademark regime, protection is provided only at the request of an interested party ( <i>e.g., producers</i> ).
<b>Scope of legislation</b>	All goods and services.
<b>Source</b>	The legal texts are available at: <a href="http://www.lexadin.nl/wlg/legis/nofr/oeur/lxwesyr.htm">http://www.lexadin.nl/wlg/legis/nofr/oeur/lxwesyr.htm</a>
<b>Summary of the Operational Provisions</b>	<p>The law has a section on geographic signs which includes a definition of geographical signs and country of origin.</p> <p>The mark registration application shall be filed to the Protection Directorate which examines it and publishes it if it deems appropriate. There is an objection procedure which is open for 90 as of the publication date.</p> <p>In order to register a trademark containing a geographical sign, the commodity should be continuously produced, under the registration applier's knowledge, in the geographical zone enjoying that fame. A certificate of origin proving that shall be attached to the application</p> <p>It is permissible for any concerned to litigate before the competent court requiring the prevention of the use of any geographical sign not contained in a registered trademark if that use might deceive the public regarding the commodity's actual origin.</p> <p>Legal penalties are previewed in the law with sentenced of up to 6 months in prison and fined of (SYL 50,000 to 200,000) or only one them</p>
<b>Specific Provisions (issue of Generics, Reciprocity)</b>	<p>It is not possible to register a mark containing a geographical sign if :</p> <ul style="list-style-type: none"> <li>• The use thereof might conceive the public regarding the commodity's actual origin.</li> <li>• The right of that mark has been acquired through good faith use before the validity date of the provisions of this law or before granting the geographical sign protection in the country of origin or if the protection period has finished or is not in use any more in that</li> </ul>

<sup>52</sup> Source of information: <http://www.wipo.int>

<sup>53</sup> Source of information: <http://www.wto.org>

	<p>country.</p> <p>It is possible to give some products geographical names that in commercial tradition mean essentially the product kind disregarding its geographical origin.</p>
<p><b>Formal Requirements for an Application</b></p>	
<p><b>Application Forms</b></p>	<p>The registration application shall contain the following information:</p> <ul style="list-style-type: none"> <li>• First name, surname, nationality, domicile and contact address of applicant. If the applicant is a legal person, full name, legal type, nationality and contact address in Syria should be mentioned.</li> <li>• Name, surname, domicile and place of abode of agent, if any.</li> <li>• Attest the capacity of applicant if the application is not filed in person.</li> <li>• Brief description of the mark intended for registration.</li> <li>• Picture of the mark intended for registration attached in the dedicated space in the registration application.</li> <li>• The products, goods or services on which the mark is intended to be applied and stating the codes of their categories in the Nice classification. The number of applications varies according to the number of categories on which the mark is intended to be applied.</li> <li>• The registration made in foreign countries for the same mark, if any.</li> <li>• Stating whether the mark intended for registration is used by the applicant or whether the latter has the intension to use it within a period of 3 years as of registration date.</li> <li>• In case the application is pertaining to right of priority, name of country to which the first application was filed, number and date of application and name of applicant shall be stated.</li> <li>• Name and date of official opening of the exhibition in which the mark was displayed or officially announced, if the applicant is granted temporary protection license.</li> <li>• The registration application shall be signed by applicant or their legal representative, if any. If the application is filed by a legal person without a legal representative, the documentation shall be signed by the person authorized to sign on their behalf and this shall be attested by presenting a document signed and stamped by the legal person.</li> </ul>
<p><b>Relevant Supporting Documents</b></p>	<p>The following documentation shall be attached to the registration applications:</p> <ul style="list-style-type: none"> <li>• Ten pictures of the mark intended for registration.</li> <li>• Original copy of the power of attorney or a true copy of it if a legal representative is present translated into Arabic upon presenting the power of attorney in a foreign language.</li> <li>• Temporary acceptance certificate for exhibitions and markets, if any.</li> <li>• In case the application is pertaining to a collective mark, the application should be attached with a copy of the utilization system of the collective mark.</li> <li>• The license granted for the use of the mark in order to perform control and inspection measures.</li> <li>• Receipt of the duty fixed for filing a registration application.</li> <li>• If the registration application contains word(s) written in a foreign language, a translation and explanation of the word(s) should be attached.</li> <li>• The document demonstrating the right of priority, if the applicant wishes to benefit from it.</li> <li>• Any other documentation or information requested by the Protection Department. <ul style="list-style-type: none"> <li>- The application shall be attached with a copy of the mark registration certificate in foreign countries, if any, translated in Arabic.</li> <li>- Date of issuance of the abovementioned documentation should be within 3 months as of date of filing the registration application otherwise they will annul and new acceptable documentation needed.</li> </ul> </li> </ul>
<p><b>Administration Responsible for Registration</b></p>	<p><b>Industrial Property Office Directorate of Commercial and Industrial Property Protection (DCIP)</b>  Ministry of Economy and Trade  Roukneddin Ibn Al-Nafees - Damascus  Tel: (+963.11) 516 1139 / 516 1143</p>

	Fax: (+963.11) 516 1144 E-mail: <a href="mailto:Syr.D.C.I.P@net.sy">Syr.D.C.I.P@net.sy</a> Director: Mr. Jamil Asad : <a href="mailto:ipr@syrecon.org">ipr@syrecon.org</a> Trademarks, Designs - <a href="http://www.dcipsy.com">http://www.dcipsy.com</a>
<b>Costs</b>	
<b>Costs of registration</b>	<ul style="list-style-type: none"> <li>➤ <b>Individual</b> <ul style="list-style-type: none"> <li>• Filing a mark application in one class → US\$ 420.00<sup>54</sup></li> <li>• Publication of a trademark application for an applicant individual (covering 10 words of the list of goods) → US\$ 100.00</li> <li>• Publication of a trademark registration for an applicant individual (covering 10 words of the list of goods) → US\$ 100.00</li> <li>• Super Legalization and Stamp duty on Power of Attorney → US\$ 40.00</li> <li>• Registration fee of a mark in one class → US\$ 500.00</li> <li>• Translation and legalization of a document → US\$ 50.00</li> </ul> </li> <li>➤ <b>Company</b> <ul style="list-style-type: none"> <li>• Filing a mark application in one class → US\$ 420.00</li> <li>• Super Legalization and Stamp duty on Power of Attorney → US\$ 40.00</li> <li>• Publication of a trademark registration for an applicant company (covering 10 words in the list of goods) → US\$ 160.00</li> <li>• Registration fee of a mark in one class → US\$ 500.00</li> <li>• Publication of a trademark application for an applicant company (covering 10 words in the list of goods) → US\$ 160.00</li> <li>• Translation and legalization of a document → US\$ 50.00</li> </ul> </li> </ul>
<b>Costs of litigation</b>	Depends on the complexity of the case, in any case starting from € 400.
<b>Timeframe</b>	
<b>Registration</b>	The right of priority application shall be filed within 6 months as of date of depositing the first application otherwise the right of priority shall be forfeited.
<b>Protection</b>	10 years renewable for similar periods. A grace period of six months is allowed for late renewal of a trademark registration against payment of a lateness fine.

<sup>54</sup> From 01/01/10 to 01/31/10 → € 1 = USD 1.433800  
[http://ec.europa.eu/budget/inforeuro/index.cfm?fuseaction=currency\\_historique&currency=201&SearchField=&Period=2010-1&Delim=.&Language=en](http://ec.europa.eu/budget/inforeuro/index.cfm?fuseaction=currency_historique&currency=201&SearchField=&Period=2010-1&Delim=.&Language=en)

## Tunisia

International Legal Framework	
<p>Tunisia is a member of the World Intellectual Property Organization from 28 November 1975 and a signatory to the Paris Convention for the Protection of Industrial Property from 7 July 1884.</p> <p>Tunisia has signed the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods on 15 July 1892 and the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration from 31 October 1973.<sup>55</sup> Tunisia is a WTO Member from 29 March 1995.<sup>56</sup></p>	
National Legal Framework	
<b>Relevant Regulatory Framework</b>	<ul style="list-style-type: none"> <li>• <b>Law on designations of origin, geographical indications and indications of provenance for handicrafts - Act No. 2007-68 of 27 December 2007</b> (hereinafter, referred as “the Law”).</li> <li>• Law on registered appellations of origin and indications of source of agricultural products No. 99-57 of 28 June 1999</li> </ul>
<b>Type of Protection</b>	<i>Sui generis</i> protection. It would appear that administrative protection is available.
<b>Scope of legislation</b>	All natural and processed agricultural and food products
<b>Source</b>	<ul style="list-style-type: none"> <li>• <b>No. 2007-68 of 12/27/2007 → Only available in French</b> <a href="http://www.wipo.int/clea/en/text_pdf.jsp?lang=FR&amp;id=5033">http://www.wipo.int/clea/en/text_pdf.jsp?lang=FR&amp;id=5033</a></li> <li>• No. 99-57 of 28 June 1999 → Text in English <a href="http://www.wipo.int/clea/docs_new/pdf/en/tn/tn017en.pdf">http://www.wipo.int/clea/docs_new/pdf/en/tn/tn017en.pdf</a>.</li> </ul>
<b>Summary of the Operational Provisions</b>	<p>The Law covers “appellations of origin” and “geographical indications”:  <i>“A designation of origin means the geographical name of a region or parts of regions, serving to designate a product originating therein whose quality or characteristics are due exclusively or essentially to the geographical environment natural factors and human factors.            Natural factors include generally the geographical provenance of the product. Human factors include the specific techniques acquired by craftsmen. These specific techniques are derived from local traditions, ancient, stable and well-known.            A geographical indication means an indication that identifies a good as originating in a region, locality or this region where the quality, reputation or other characteristics of the product can be attributed mainly to its geographical origin.”</i></p> <p><b>The Law does not contain any provision or reference to foreign GIs. However, the Law provides for a general protection of GIs. Therefore, <u>it is not clear whether the Law allows foreign geographical indications to be registered in Tunisia.</u></b></p> <p>As for the protection, the Minister of Artisanal products is responsible for the registration of GIs. Anyone interested in the registration of a AO or a GI must submit a request to the Ministry that should contain the product specifications.</p> <p>At the national level, the delimitation of the geographical area conferring the grant of an</p>

<sup>55</sup> Source of information: <http://www.wipo.int>.

<sup>56</sup> Source of information: <http://www.wto.org>.

	<p>appellation of origin on the products originating therefrom is carried out by the decision of the Tunisian Minister of Agriculture.</p> <p>An advisory technical commission for controlled appellations of origin and indications of source supervises formally and then substantially the appellations. It is possible to present objections to the opinion raised by the advisory technical commission within six months.</p> <p><b>There is an opposition procedure available to third parties for 4 months after the date of publication.</b></p> <p><b>Level of protection:</b> The use of false or misleading information as to the origin, nature or essential qualities of the product on its packaging, or in advertising material or documents relating to the product is also prohibited. Commercial use of the appellation or indication on any similar product originating from outside the geographical area is also prohibited (Article 19 of the Law).</p> <p>It would appear that <b>administrative protection is available</b> (Article 28 of the Law). Criminal sanctions are provided by the Law in case of infringements.</p>
<b>Specific Provisions (issue of Generics, Reciprocity)</b>	None.
<b>Formal Requirements for an Application</b>	
<b>Application Forms</b>	<p><b>It appears that there is no standard application form</b></p> <p>The application, however, shall include (Article 10 of the Law):</p> <ul style="list-style-type: none"> <li>• The name of the product originating from the area of the controlled appellation of origin or the indication of source;</li> <li>• The definition of the product with an indication of its raw materials and its main natural, chemical, microbiological and organoleptic characteristics;</li> <li>• The delimitation of its area of production;</li> <li>• The elements proving the source of the product from the area of the controlled appellation of origin or indication of source;</li> <li>• The description of the method of production, processing or manufacturing of the product, and in particular the local methods and traditions adopted in the field, as appropriate;</li> <li>• The possibility of setting annual amounts for certain products benefiting from an controlled appellation of origin or an indication of source.</li> </ul> <p>NB: The procedure for handicraft products is identical</p>
<b>Relevant Supporting Documents</b>	None.
<b>Administration Responsible for Registration</b>	<p><b>Ministry of Trade and Handicraft</b>  <a href="http://www.infocommerce.gov.tn/indexFR.html">http://www.infocommerce.gov.tn/indexFR.html</a></p> <p><b>Ministry of Agriculture and Water Resources (for agricultural products)</b>  30, rue Alain Savary - 1002 - Tunis - Tél. : + 216 71 786 833  e-mail : <a href="mailto:mag@ministeres.tn">mag@ministeres.tn</a></p> <p><b>Ministry of Industry and Energy and SMEs, National Institute for Standardization and Industrial Property (INNORPI)</b>  <a href="http://www.inorpi.ind.tn">http://www.inorpi.ind.tn</a> - B.P. 57 - rue 8451 no. 8 par la rue Alain Savary - Cité El Khadra - 1003  Tunis - Telephone (216 71) 806 758 / 807 781 - ax (216 71) 807 071 / 808 601</p>

<b>Costs</b>	
<b>Costs of registration</b>	As provided for by the national decree.
<b>Costs of litigation</b>	Approximately Dinar 1580
<b>Timeframe</b>	
<b>Registration</b>	Six months.
<b>Protection</b>	It appears that protection of geographical signs is of an unlimited duration (there is no need to renew the registration).

## Turkey

### International Legal Framework

Turkey is a member of the World Intellectual Property Organization from 12 May 1976, a signatory to the Paris Convention for the Protection of Industrial Property from 10 October 1925 and the Madrid Protocol Concerning the International Registration of Marks from 1 January 1999. Turkey has signed the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods on 21 August 1930.<sup>57</sup> Turkey is a WTO Member from 26 March 1995.<sup>58</sup>

### National Legal Framework

<b>Relevant Regulatory Framework</b>	<ul style="list-style-type: none"> <li>• <b>Decree-Law No. 555 on the Protection of Geographical Signs</b> adopted and entered into force on 27 June 1995 (hereinafter, referred as “the Law”);</li> <li>• Implementing Regulations under the Decree-Law No. 555 pertaining to the Protection of Geographical Signs adopted and entered into force on 5 November 1995.</li> </ul>
<b>Type of Protection</b>	<i>Sui generis</i> protection of geographical indications. No <i>ex officio</i> protection is available; protection is provided only at the request of a third party (any association, regardless of its legal form of producers or processors of a product, Article 20 of the Decree-Law No. 555 on the Protection of Geographical Signs).
<b>Scope of legislation</b>	The scope of application of the Law concerns all goods: natural, agricultural, mining and industrial products and handicrafts, but not services.
<b>Source</b>	Official Publication of the Decree-Law: ‘Resmi Gazete’, 27/06/1995, No. 22326 Official Publication of the Implementing Regulations: ‘Resmi Gazete’, 05/11/1995, No. 22454 Texts are available at: <a href="http://www.wipo.int/clea/en/details.jsp?id=3855">http://www.wipo.int/clea/en/details.jsp?id=3855</a>
<b>Summary of the Operational Provisions</b>	<p><b>Designations of origin and geographical indications are defined</b> (Article 3 of the Law) as ‘a sign indicating the origin of a product that possesses a specific quality, reputation or other characteristics attributable to that place, area, region or country of origin.’</p> <p>‘The name of the place, area or region of origin of a product shall be its appellation of origin when all of the following conditions are met:</p> <ul style="list-style-type: none"> <li>(a) the product originates in a place, area or region, or in exceptional cases a country, the geographical boundaries of which have been defined;</li> <li>(b) the quality or characteristics of the product are essentially or exclusively due to the inherent natural and human factors of the place, area or region;</li> <li>(c) the production, processing and preparation of the product take place within the defined boundaries of the place, area or region.</li> </ul> <p>The name of the place, area or region of a product’s origin shall be its geographical indication when the following conditions are met:</p> <ul style="list-style-type: none"> <li>(a) the product originates in a place, area or region the geographical boundaries of which have been defined;</li> </ul>

<sup>57</sup> Source of information: <http://www.wipo.int>.

<sup>58</sup> Source of information: <http://www.wto.org>.

	<p>(b) the product possesses a specific quality, reputation or other characteristics attributable to the place, area or region;  (c) at least one of the activities of production, processing or preparation of the product takes place within the defined boundaries of the place, area or region.’</p> <p>In order to be protected designations of origin and geographical indications have to be registered (Article 4 of the Law). <b>The Turkish Patent Institute</b> (the authority responsible for registration of GIs) examines the application first formally, and then substantially.</p> <p><b><u>There is an opposition procedure available within six months from the publication in the Official Gazette. Applications will be published in the Official Gazette, in two national newspapers and in one local newspaper.</u></b></p> <p>In case of a decision to refuse registration, the applicant has the possibility of appealing to the Competent Court (Article 25 of the Law).</p> <p><b><u>The level of protection: No registered designations of origin or geographical indications may be used in the cases when the genuine origin is indicated or used in translation or in combination with expressions such as “sort of”, “kind of”, “imitation” and “the like”. The use of false or misleading information as to the origin, nature or essential qualities of the product on its packaging, or in advertising material or documents relating to the product is also prohibited (Article 15 of the Law).</u></b></p> <p>The holder of the rights in a geographical sign whose rights have been infringed may apply to the Court (Article 25 of the Law).</p>
<p><b>Specific Provisions (issue of Generics, Reciprocity)</b></p>	<p><b>Generic names may not be protected</b> (definition of generic names is provided in Article 5.b of the Law).  <u>Geographical indications and designations of origin, used in translation, are protected (Article 15 of the Law).</u></p> <p><b>The Law allows foreign geographical indications to be registered in Turkey subject to reciprocity provisions</b> (Article 2 of the Law requires <i>de facto</i> protection to nationals of the Turkish Republic or membership to the WTO and the Paris or Berne Conventions). <b>Therefore, third countries’ GIs may be registered in Turkey.</b></p>
<p><b>Formal Requirements for an Application</b></p>	
<p><b>Application Forms</b></p>	<p><b>There is no standard application form.</b></p> <p>However, the Law indicates that an application must contain (Article 8 of the Law):</p> <ul style="list-style-type: none"> <li>• a request for registration;</li> <li>• information concerning the applicant’s group;</li> <li>• 15 copies of the (8x8) representation of the designation of origin or the geographical indication to be registered;</li> <li>• the name of the product with respect to the designation of origin or the geographical indication to be registered;</li> <li>• the original receipt for the payment of the application fee;</li> <li>• the description of the product, technical information and documents explaining the characteristics of the product and if necessary of the raw material;</li> <li>• production techniques of the product and if relevant the authentic and specific local techniques and conditions, information and documents evidencing that the product conforms to the respective definition of the geographical indication;</li> <li>• the definition of the geographical area, information and the documents clearly;</li> </ul>

	<ul style="list-style-type: none"> <li>• indicating the geographical boundaries;</li> <li>• information detailing the labeling, marking and the means of using the registered;</li> <li>• designation of origin or geographical indication;</li> <li>• information detailing the inspection structure;</li> <li>• the original receipt for the payment of publication fee;</li> <li>• other particulars as specified in the Implementing Regulations.</li> </ul> <p>The language of application is Turkish.</p>
<b>Relevant Supporting Documents</b>	<p>An application must be accompanied by a <b>document certifying payment of the fee</b>. Such payments have to be made before the Turkish Patent Institute.</p> <p>During the examination process, the Turkish Patent Institute may request any additional materials, which must be submitted within three months from the date of receipt of the request by an applicant (Article 6 of the Implementing Regulation). If the documents are not submitted in this time, the application shall be rejected by the Institute.</p>
<b>Administration Responsible for Registration</b>	<p><b>Turkish Patent Institute</b>  Hipodrom Caddesi. No. 115 - 06330 Yenimahalle - Ankara  Tel.: + (90 312) 303 11 73 / 10 00  Fax: + 90.312 303.10.80  E-mail: <a href="mailto:info@turkpatent.gov.tr">info@turkpatent.gov.tr</a>  Website: <a href="http://www.tpe.gov.tr">http://www.tpe.gov.tr</a></p>
<b>Costs</b>	
<b>Costs of registration</b>	<ul style="list-style-type: none"> <li>• Registration Fee: 93 YTL</li> <li>• Shipping fee to the institution in charge of analysing the applications 74 YTL</li> <li>• Fee for processing appeals and revisions 47 YTL</li> <li>• Shipping fee to the institute in charge of analysing an appeal on an application 94 YTL</li> <li>• Fee for issuing a protection document for a geographical indication 151 YTL</li> <li>• Fee for issuing a registration and protection document for a geographical indication 29 YTL</li> </ul>
<b>Costs of litigation</b>	Approximately 1912 YTL
<b>Timeframe</b>	
<b>Registration</b>	Between 7 and 10 months (Article 9 of the Regulation).
<b>Protection</b>	Protection of geographical signs is of an unlimited duration and there is no need to renew the registration. However, inspection reports prepared by the owner of a registered geographical sign must be submitted to the Turkish Patent Institute every 10 years.

## **Section II – Non IOC countries**

1. Australia
2. Brazil
3. Chile
4. Mexico
5. Palestine or Palestinian Authority
6. Peru
7. Saudi Arabia
8. United States of America

## Australia

### International Legal Framework

Australia is a member of the World Intellectual Property Organization from 10 August 1972 and a signatory to the Paris Convention for the Protection of Industrial Property from 10 October 1925.<sup>59</sup>  
Australia is a WTO Member from 1 January 1995.<sup>60</sup>

### National Legal Framework

<b>Relevant Regulatory Framework</b>	<p><b>Trade Marks Act 1995 of October 17, 1995</b>, consolidated as in force on 20 October 1999 (hereinafter referred as “the TM Law”), and amended by Intellectual Property, Regulations (Amendment), 22/03/2007, No. 40.</p> <p><b>GIs can also be protected via common law tort of “passing off”, i.e. an action that can be used to enforce unregistered trademark rights.</b> Such action can be based on the Trade Practice Act of 1974.</p>
<b>Type of Protection</b>	No administrative protection is available under the trademark regime, protection is provided only at the request of an interested party ( <i>e.g., producers</i> ).
<b>Scope of legislation</b>	All goods and services.
<b>Source</b>	<p><b>Trade Marks Act 1995</b> (consolidated version):  <a href="http://www.wipo.int/clea/en/details.jsp?id=5127">http://www.wipo.int/clea/en/details.jsp?id=5127</a>            Intellectual Property, Regulations (Amendment), 22/03/2007, No. 40  <a href="http://www.wipo.int/clea/en/details.jsp?id=5176">http://www.wipo.int/clea/en/details.jsp?id=5176</a></p>
<b>Summary of the Operational Provisions</b>	<p><b>Geographical indications</b> are defined in Article 6 of the Trademark Law:            “geographical indication, in relation to goods originating in a particular country or in a region or locality of that country, means a sign recognised in that country as a sign indicating that the goods:            (a) originated in that country, region or locality; and            (b) have a quality, reputation or other characteristic attributable to their geographical origin.”</p> <p><b>It would appear that foreign GIs could be registered as certification marks or collective marks in Australia under certain conditions.</b>  <b>(a) the name must be proved to be distinctive</b> by the applicant (in general, this means that it has been used in Australia but that it is not considered as a generic name)  <b>(b) the name should not likely mislead or deceive consumers.</b></p> <p>The Trade Mark Commissioner may decide that it is not in the public interest for the mark to be registered. Before the Commissioner makes a decision on an application for the registration of a certification trade mark, the applicant must provide the Commissioner with draft regulations that govern the use of the certification trade mark for the Commissioner's approval.</p> <p><b>The protection granted to GIs via the trademark law is limited (no exclusive right on the use of the name).</b> Registration only prevents others from using the name as a trademark. The</p>

<sup>59</sup> Source of information: <http://www.wipo.int/treaties>.

<sup>60</sup> Source of information: <http://www.wto.org>.

	<p>name can be used by others to indicate the name of the person's place of business or to indicate in good faith the origin of the good.</p> <p><b>The registration procedure is similar to the registration of the Community Trademarks.</b> To register a trademark, an applicant must fill out the forms prescribed and submit them to the Australian Patent Office. <b>There is an opposition procedure</b> (Article 43.bis of the Law). The applicant or the opponent may appeal to the Federal Court from a decision of the Registrar (Article 56). Registered trademarks are included in a Register.</p>
<b>Specific Provisions (issue of Generics, Reciprocity)</b>	<b>Genericity is not defined in the Trade Mark Act of 1995</b> but it is provided that a trademark can be removed from the Register of trademarks if it can be shown that the mark has become "generally accepted within the relevant trade as the sign that describes or is the name of an article" (article 87).
<b>Formal Requirements for an Application</b>	
<b>Application Forms</b>	<p><b>There is one standard application form.</b> The application must be made in accordance with the regulations and be filed, together with any prescribed document, in accordance with the regulations (Article 27.2 of the TM Law) The application must include:</p> <ul style="list-style-type: none"> <li>• a representation of the trade mark,</li> <li>• specify, in accordance with the regulations, the goods in respect of which it is sought to register the trade mark.</li> </ul>
<b>Relevant Supporting Documents</b>	None.
<b>Administration Responsible for Registration</b>	Registrar of Trade Marks, IP Australia, PO Box 200, Woden ACT 2606. Tel: (02) 6283 2003 - Fax: (02) 6283 7999 <a href="mailto:assist@ipaaustralia.gov.au">assist@ipaaustralia.gov.au</a> <a href="http://www.ipaustralia.gov.au">www.ipaustralia.gov.au</a>
<b>Costs</b>	
<b>Costs of registration</b>	<ul style="list-style-type: none"> <li>• Application to register (per class) on-line, between AUD\$120 and 160, on paper 180,</li> <li>• Registration fees (payable within 6 months of acceptance) AUD\$ 250.</li> </ul>
<b>Costs of litigation</b>	<p>The Australian government provides an assessment which can help you determine the suitability of the trade mark for registration (Assisted Filing Service - AFS). It offers the opportunity to speak with an IP Australia staff member about the registrability of your proposed trademark.</p> <ul style="list-style-type: none"> <li>• Entry Fee: AUD\$ 90 per class.</li> <li>• A private firm will charge AUD\$ 1000 approximately for a first assessment.</li> </ul>
<b>Timeframe</b>	
<b>Registration</b>	No timeframes are set in the Law.
<b>Protection</b>	Trademarks are valid for a period of 10 years and renewable every ten years.

## Brazil

### International Legal Framework

Brazil is a member of the World Intellectual Property Organization since 20 March 1975 and a signatory to the Paris Convention for the Protection of Industrial Property since 7 July 1884.<sup>61</sup> Brazil is a WTO Member since 1 January 1995.<sup>62</sup> Brazil is a member of MERCOSUR since December 1991.

### National Legal Framework

<b>Relevant Regulatory Framework</b>	<ul style="list-style-type: none"> <li>• Industrial Property Law No. 9279 amended by <b>Act No.143 of 1998 related to the procedures for the registration of geographical indications.</b></li> <li>• Industrial Property Law No. 9279, from May 1996, entered into force in May 1997 (hereinafter, referred as the Law), and the Acts No. 134 of 1997 and No. 75 of 2000 related to the process of registration;</li> <li>• Resolution INPI 075 from November 2000 which establishes new procedures for GI registration</li> <li>• Mercosur/GMC/Res. N° 26/03: Technical Rule for the Labelling of Packaged Foods.</li> </ul>
<b>Type of Protection</b>	<b>Sui generis protection.</b> No administrative protection is available. Protection is provided only at the request of a party demonstrating legal interest.
<b>Scope of legislation</b>	The scope of application of the Law concerns all goods and services.
<b>Source</b>	<p>The English version of the Law No. 9279 is available at:  <a href="http://www.araripe.com.br/law9279eng.htm#titulo4">http://www.araripe.com.br/law9279eng.htm#titulo4</a></p> <p>The Brazilian version of the Resolution INPI 075 is available at:  <a href="http://www.inpi.gov.br/menu-esquerdo/indicacao/legislacao/resolucao-inpi-075-de-28-de-novembro-de-2000">http://www.inpi.gov.br/menu-esquerdo/indicacao/legislacao/resolucao-inpi-075-de-28-de-novembro-de-2000</a></p>
<b>Summary of the Operational Provisions</b>	<p>The law defines: designation of origin which is considered to be the geographical name of a country, city, region or locality of its territory, which designates a product or service, the qualities or characteristics of which derive exclusively or essentially from its geographical environment, including natural and human factors.</p> <p>When the <b>application</b> is filed with the National Institute of Industrial Property INPI (the authority responsible for the registration of geographical indications), there is a period of formal examination. Then, in case of approval, the INPI publishes the application for opposition by third parties within 60 days. The applicant also has 60 days to answer the possible oppositions. Finally, the INPI decides whether or not to grant the registration of a Geographical Indication in question.</p> <p>The protection granted to the GIs extends to the graphical or figurative representation of a geographical indication, as well as to the geographic representation of the country, city, region or location in which the name is a geographical indication.</p> <p>The Law also indicates as an infringement to the GIs the use in a product, container, case, tape, label, invoice, circular letter or poster, or in any other means of disclosure or advertising, indicative terms such as “<b>type</b>”, “<b>species</b>”, “<b>kind</b>”, “<b>system</b>”, “<b>similar</b>”, “<b>substitute</b>”, “<b>identical</b>” or the like, failing to clearly state the true origin of the product.</p> <p>The use of a geographical indication is limited to those manufacturers and service providers</p>

<sup>61</sup> Source of information: <http://www.wipo.int>.

<sup>62</sup> Source of information : <http://www.wto.org>.

	<p>established in that location. Compliance with quality standards in regard to designations of origin is further required.</p> <p>In addition, <b>MERCOSUR Resolution No. 26/03</b> is applicable to the labelling of any food that is commercialized in the market of Member States of the MERCOSUR, regardless of its origin. The rule establishes that the geographical appellations of a country, a region or a population, recognized as places in which are manufacture foods with specific characteristics, cannot be used in the labelling or the advertisement of foods manufacture in other places when this can mislead the consumer. It prohibits the use of the expression “type/tipo”, to names associated with wines and spirits.</p> <p><b>Foreign GIs can be registered in Brazil. The condition for foreign GIs registration: the GI must be recognized in the country of origin. The applicant shall be the owner or the titular of the GI in the country of origin.</b></p>
<b>Specific Provisions (issue of Generics, Reciprocity)</b>	<p>When the geographical name has entered into everyday use designating a given product or service, it shall not be deemed a geographical indication. Therefore, <b>generic names are not protected</b>. However, no criteria as to the generic nature of a geographical name or “everyday use” are given.</p> <p><b>The protection does not extend to the translation of geographical names.</b></p>
<b>Formal Requirements for an Application</b>	
<b>Application Forms</b>	<p><b>There is no standard application form.</b> However, the Law indicates that an application for registration must contain the following:</p> <ul style="list-style-type: none"> <li>• Full geographical name and legal name of the applicant and supporting documents (legal statutes)</li> <li>• A description of the characteristics of the product or service;</li> <li>• Rules of use of a geographical name;</li> <li>• An Official Document that defines the geographical zone.</li> <li>• Description of the product and characteristics of the product</li> <li>• Examples of Labelling</li> <li>• Payment of fee</li> <li>• Existence of a control body</li> </ul> <p>All documents must be submitted in Portuguese. For foreign GIs a translation is required.</p>
<b>Relevant Supporting Documents</b>	An application must be accompanied by a document certifying the payment of the prescribed fee.
<b>Administration Responsible for Registration</b>	<p><b>Ministry of Development, Industry and Foreign Trade</b>  National Institute of Industrial Property  Praça Mauá nº 7, Cidade do Rio de Janeiro/RJ - CEP 20081-240. A/C sala 905,  DIRTEC/CGREG  Tel.: (55.21) 2139-3000 - Fax: (55.21) 2263 2539  E-mail: <a href="mailto:geografica@inpi.gov.br">geografica@inpi.gov.br</a>  Website: <a href="http://www.inpi.gov.br">www.inpi.gov.br</a></p>
<b>Costs</b>	
<b>Costs of registration</b>	<p>Approximately 3,000 Reais.  See: <a href="http://www.inpi.gov.br/menu-esquerdo/indicacao/tabela-de-retribuicoes-new-version">http://www.inpi.gov.br/menu-esquerdo/indicacao/tabela-de-retribuicoes-new-version</a>  All documents must be submitted in Portuguese, therefore costs of translation need to be taken into account.</p>
<b>Costs of litigation</b>	The costs of litigation will depend on the complexity of the case (not less than € 1500).
<b>Timeframe</b>	
<b>Registration</b>	At least 1 year, but the processes of registration can take much longer (see additional information below).
<b>Protection</b>	The registration of a denomination of origin will be indefinite if the conditions that generated it continue to exist.

## Chile

### International Legal Framework

Chile is a member of the World Intellectual Property Organization since 25 June 1975 and a signatory to the Paris Convention for the Protection of Industrial Property since 14 June 1991.<sup>63</sup>  
Chile a WTO Member since 1 January 1995.<sup>64</sup>

### National Legal Framework

<b>Relevant Regulatory Framework</b>	<b>The law No. 19039</b> , from 1991, has been amended by a law from 1996, by a regulation of August 2005, by a decree-law of March 2006 and by a <b>law in January 17<sup>th</sup>, 2007 (Concerning GIs and DOs → Art 95 modified and Art 96-a added)</b>
<b>Type of Protection</b>	<i>Sui generis</i> protection. Administrative protection is available only for GI wines and spirits. For other GI products, the protection is provided only at the request of a party demonstrating legal interest.
<b>Scope of legislation</b>	The scope of application of the Law concerns all goods but not services.
<b>Source</b>	The Spanish version of the Law No. 19039 is available at: <a href="http://www.wipo.int/clea/en/text_pdf.jsp?lang=ES&amp;id=5324">http://www.wipo.int/clea/en/text_pdf.jsp?lang=ES&amp;id=5324</a>
<b>Summary of the Operational Provisions</b>	<p>The Law defines: [Art.92 a) ] – “ <i>‘geographical indication’ means the name of a country, a region or a specific place used to describe an product, which possesses a specific quality, reputation or other characteristics attributable to that geographical origin</i>” [Art.92 b) ] – “<i>‘designation of origin’ means the name of a country, a region or a specific place used to describe an product, which possesses a specific quality, reputation or other characteristics attributable to that geographical environment with its inherent natural and human factors which influence its production</i>”</p> <p><b>Foreign geographical indications can be registered in Chile, in accordance with the Law</b> (Article 96). This legislation does not concern GI wines and spirits. When an <b>application</b> of a geographical indication from Chile or from a foreign country involves agro-industrial or agricultural products, it is required a favourable report by the Chilean Ministry of Agriculture within 120 days. In practice, the protection of foreign GIs (except wines and spirits) is not effective. Some foreign GIs applications are pending.</p> <p><b>The registration procedure for foreign appellations of origin is the same as for the national appellations of origin.</b> When the application is filed, an extract is published in the Official Gazette. After this publication, third persons may oppose within the next 45 days. The applicant has another 45 days, to reply eventual oppositions.</p> <p>There is no condition linked with the applicant quality.</p> <p><b>Level of protection:</b> civil actions are available to prevent the abuse of a registered GI. Fines are imposed. In accordance with the national law or international treaties ratified by Chile, the</p>

<sup>63</sup>Source of information: <http://www.wipo.int>.

<sup>64</sup>Source of information : <http://www.wto.org>.

	coexistence between trademarks and geographical indications or appellations of origin can be an option (Article 96-a). In fact, this situation can only be considered as a possibility <i>if the conditions under which should be used either “geographical indications / appellations of origin” or “trademarks” are clearly determined</i> , to avoid confusion or misleading consumers.
<b>Specific Provisions (issue of Generics, Reciprocity)</b>	Names that are considered as <b>common or generic cannot be registered</b> (whenever experts of that type of product as well as the public in general consider the name as common or generic), except if those names have been recognised as a geographical indications or an appellations of origin by an international treaties signed by Chile. <b>The protection is not extended to the translation of geographical names, except for wines and spirits.</b>
<b>Formal Requirements for an Application</b>	
<b>Application Forms</b>	<p><b>There is no standard application form.</b> However, the Law indicates that an application for registration must contain the following:</p> <ul style="list-style-type: none"> <li>• Name, address and activity of the applicant for to the GI;</li> <li>• The GI name;</li> <li>• The geographic zone for the production, extraction or elaboration of the product;</li> <li>• A detailed description of the products that are going to bear the GI;</li> <li>• A copy of specifications and controls;</li> <li>• A technical study, prepared by an expert, on the characteristics or qualities of the product which are exclusively attributable to its environment;</li> <li>• A certificate that indicates that the GI is registered in the foreign country.</li> </ul> <p>All documents must be submitted in Spanish.</p> <p style="text-align: center;"><b>REGISTRATION SYSTEM (IPR) IN CHILE</b></p> <pre> graph TD     A[APPLICATION] --&gt; B[PRELIMINARY REVIEW]     B --&gt; C[PUBLICATION OFFICIAL JOURNAL]     C --&gt; D[FINAL RESOLUTION]     D --&gt; E[GI or DO NOTICED]     F[FAVORABLE REPORT MINISTRY AGRICULTURE (120 DAYS)] --&gt; D     G[IPR - MINISTER OF ECONOMY] --- A   </pre>
<b>Relevant Supporting Documents</b>	An application must be accompanied by a document certifying the payment of the prescribed fee.
<b>Administration Responsible for Registration</b>	<p><b>Ministry of Economic Affairs, Development and Reconstruction</b>  Industrial Property Department  Moneda 970, floor 10 - Santiago  Telephone: (56.2) 688.27.91/687.46.05 - Fax: (56.2) 688.34.84  E-mail: <a href="mailto:dpi@dpi.cl">dpi@dpi.cl</a>  Website: <a href="http://www.dpi.cl">www.dpi.cl</a></p> <p><b>Instituto Nacional de Propiedad Industrial (INAPI)</b>  Industrial Property Department  Moneda 975, floor15, Santiago, Chile.</p>

	Telephone: (56 2) 836 0000 - Fax: (56 2) 836 0101 Website : <a href="http://www.inapi.cl/">http://www.inapi.cl/</a>
<b>Costs</b>	
<b>Costs of registration</b>	<b>Geographical Indications and Appellations of Origin/Products<sup>65</sup></b> <i>Form</i> : US\$ 1,000 <sup>66</sup> <i>Payment</i> : 1 U.T.M. Class <i>Publication</i> : According to the extension of the extract + label value <i>Last payment</i> : 2 U.T.M. by Class <i>Total</i> : Extract value + 3 U.T.M The UTM in Chile Pesos is modified every month (in January 2010, 1 UTM was 36,679 Chilean Pesos - CLP <sup>67</sup> . All documents must be submitted in Spanish, therefore the costs of translation need to be taken into account where necessary.
<b>Costs of litigation</b>	The costs of litigation will depend on the complexity of the case (not less than € 1500).
<b>Timeframe</b>	
<b>Registration</b>	At least 5 months.
<b>Protection</b>	The registration of a geographical indication or an appellation of origin will have indefinite duration.
<b>Additional information</b>	
Bilateral Agreement between Chile and the EC on wines and spirits, in force since 1 February 2003 - Annex V for wines and Annex VI for spirits (hereinafter referred as "the Agreement").	

<sup>65</sup> [http://www.inapi.cl/index.php?option=com\\_content&view=article&id=95&Itemid=93&lang=es](http://www.inapi.cl/index.php?option=com_content&view=article&id=95&Itemid=93&lang=es)

<sup>66</sup> From 01/01/10 to 01/31/10 → € 1 = USD 1.433800  
[http://ec.europa.eu/budget/inforeuro/index.cfm?fuseaction=currency\\_historique&currency=201&SearchField=&Period=2010-1&Delim=.&Language=en](http://ec.europa.eu/budget/inforeuro/index.cfm?fuseaction=currency_historique&currency=201&SearchField=&Period=2010-1&Delim=.&Language=en)

<sup>67</sup> From 01/01/10 to 01/31/10 → € 1 = CLP 724.990000  
[http://ec.europa.eu/budget/inforeuro/index.cfm?fuseaction=currency\\_historique&currency=40&Language=en](http://ec.europa.eu/budget/inforeuro/index.cfm?fuseaction=currency_historique&currency=40&Language=en)

## China

International Legal Framework	
<p>China is a member of the World Intellectual Property Organization from 3 June 1980 and a signatory to the Paris Convention for the Protection of Industrial Property from 19 March 1985 and the Madrid Agreement concerning the International Registration of Marks from 4 October 1989.<sup>68</sup> China is a WTO Member since 11 December 2001.<sup>69</sup></p>	
National Legal Framework	
<b>Type of Protection</b>	<p><b>Dualism: Trademark regime which covers trademarks with geographical names and <i>sui generis</i> protection of geographical indications.</b></p> <p><b><u>Sui generis protection of GIs</u></b> it would appear that administrative protection is available, where the state or public authorities are responsible for the policing and ensuring GI protection.</p> <p><b><u>Trademark regime</u></b> No administrative protection is available under the trademark regime, protection is provided only at the request of an interested party (<i>e.g., producers</i>).</p>
<b>Relevant Regulatory Framework</b>	<p><b><u>Sui generis protection of GIs</u></b></p> <ul style="list-style-type: none"> <li>• The State General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) issued on 7 June 2005 the Regulation on Protection of Products of Geographical Indications, which came into force on 15 July 2005 (hereinafter, referred as “the GI law”).</li> <li>• Measures for the Administration of Geographical Indications of Agricultural Products, which have been adopted on December 6th, 2007 and came into force as of February 1st, 2008</li> </ul> <p><b><u>Trademark regime</u></b></p> <ul style="list-style-type: none"> <li>• <b>The Chinese Trademark Law</b> of 23 August 1982 amended on 22 February 1993 and on 27 October 2001 (hereinafter, referred as “the TM Law”);</li> <li>• Regulation for the Implementation of the Trademark Law of the People’s Republic of China, promulgated by Decree N° 358 of the State Council of the People’s Republic of China on 3 August 2002, and effective as of 15 September 2002;</li> <li>• Measures for the Registration and Administration of Collective Marks and Certification Marks, issued by the State Administration for Industry and Commerce issued on 17 April 2003. These will be collectively referred hereinafter as the “Trademark Law”.</li> </ul>
<b>Scope of protection</b>	<p><b><u>Sui generis protection of GIs</u></b> concerns agricultural and handicraft goods.</p> <p><b><u>Trademark regime</u></b> all goods and services.</p>
<b>Source</b>	<p><b><u>Sui generis protection of GIs</u></b> The text of the Regulation on Protection of Products of Geographical Indications is available at:</p>

<sup>68</sup> Source of information: <http://www.wipo.int>.

<sup>69</sup> Source of information: <http://www.wto.org>.

	<p><a href="http://kjs.aqsiq.gov.cn/dlbzcpbh wz/zcfq/flfgwx/200610/t20061023_1793.htm">http://kjs.aqsiq.gov.cn/dlbzcpbh wz/zcfq/flfgwx/200610/t20061023_1793.htm</a> Official website: <a href="http://english.aqsiq.gov.cn/">http://english.aqsiq.gov.cn/</a></p> <p><b>Trademark regime</b> The texts relating to the Trademark Law and its implementing regulations are available at: <a href="http://sbj.saic.gov.cn/english/law/law.asp">http://sbj.saic.gov.cn/english/law/law.asp</a> <a href="http://www.wipo.int/clea/en/text_pdf.jsp?lang=EN&amp;id=5003">http://www.wipo.int/clea/en/text_pdf.jsp?lang=EN&amp;id=5003</a></p>
<p><b>Summary of the Operational Provisions</b></p>	<p><b>Sui generis protection of GIs</b> The Regulation refers to special agricultural product indications which are named by territorial names and are meant to tell that the indicated agricultural products are from a specific area and that the quality and major characteristics of the products mainly lie in the natural and ecological environment as well as cultural and historical factors of the area.</p> <p>If a product with geographical indication needs to be protected, an application must be filed with the relevant government office and the approval or the registration for protection must be obtained.</p> <p>The application must be accompanied by the specification with standards of production and management norms. <b>The General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ)</b> (the authority responsible for registration of GIs) examines the application first formally, and then substantially.</p> <p>The registration procedure is divided into three phases:</p> <ul style="list-style-type: none"> <li>• Application for registration;</li> <li>• Formal and substantial examination of the application;</li> <li>• Publication of the decision to grant a Protection Title to a GI or refusal of application.</li> </ul> <p><b>It is possible to oppose registration to the AQSIQ within two months</b> after the publication of acceptance by the AQSIQ. In the case of opposition, the AQSIQ has to organise an expert committee to conduct technical examinations over the applications. If the GI is not used within two years after its registration, the AQSIQ can cancel the registration.</p> <p><b>It would appear that the level of protection is the following:</b> Unauthorised use of registered geographical indications is prohibited. This also concerns the cases when the true origin is indicated or <u>a geographical indication is used in translation</u> or in combination with expressions such as “sort of”, “kind of”, “imitation” and “the like”.</p> <p><b>Foreign geographical indications may be registered in China as certification and/or collective trademarks or as products of geographical indications under the AQSIQ Regulation on Protection of Products of Geographical Indications.</b></p> <p><b>Trademark regime</b> <b>Geographical indications are defined in</b> Article 16.2 of the Trademark Law as “<i>indications which identify a good as originating in a region, where a given quality, reputation or other characteristic of the goods is essentially attributable to its natural or human factors.</i>” Names and signs that meet such definition may be registered as collective or certification marks (Article 3 of the Trademark Law) but they also need to meet the specific requirements of those categories.</p> <p>A collective mark may be used by any natural or legal person or other organization whose goods satisfy the conditions set out in the registration. However the organisation in control of these registered marks (in practice, it would be the consorzio, consejo regulador, interprofession or others) are entitled to examine whether the requirements for use are respected.</p>
<p><b>Specific Provisions (issue of Generics, Reciprocity)</b></p>	<p><b>Sui generis protection of GIs</b> Geographical indications for all goods are protected in translation.</p>

Formal Requirements for an Application	
<b>Application Forms</b>	<p><b><u>Sui Generis Protection for GIs</u></b>  <b>There is no standard application form.</b></p> <p>Under the GI Law (Article 10), an application must contain:</p> <ul style="list-style-type: none"> <li>• The name and address of an applicant;</li> <li>• The certifying materials of GI products, in particular: <ul style="list-style-type: none"> <li>a) The application for protection of GI products;</li> <li>b) The name and classification of products, the boundary of geographical origin and geographical features;</li> <li>c) The quality elements of the product, including physical, chemical, microbiological and organoleptic characteristics, and their correlations with the natural and human factors of the region as specified by the GI;</li> <li>d) The specification of production techniques (including processing techniques, food safety and hygienic requirements, technical requirements on processing equipment, etc);</li> <li>e) The popularity of products, production, sales and historical facts of the product in question.</li> </ul> </li> <li>• Technical standards of the GI products under application.</li> </ul> <p><b><u>Trademark regime</u></b>  An application, under the Trademark Law (Article 7), must be accompanied by documents showing the following:</p> <ul style="list-style-type: none"> <li>• the given quality, reputation or any other characteristic of the goods indicated by the geographic indication;</li> <li>• the correlation between the given quality, reputation or any other characteristic of the goods, and the natural and human factors of the region indicated by the GI;</li> <li>• the boundary of the region indicated by the geographic indication.</li> </ul> <p><u>All documents must be submitted in Chinese.</u></p>
<b>Relevant Supporting Documents</b>	<p>Proof of the fee paid (in both cases: for the registration as a certification or collective trademark or as a product of geographical origin).</p>
<b>Administration Responsible for Registration</b>	<p><b>Trademark Office under the State Administration for Industry and Commerce</b>  No.8 Sanlihedonglu, Xicheng District, Beijing - Post code: 100820  Telephone: 86-10-68027820, 86-10-68052266 (voice reference)  Fax: 86-10-68013623  Website: <a href="http://www.saic.gov.cn">www.saic.gov.cn</a></p> <p><b>General Administration of Quality Supervision, Inspection and Quarantine</b>  No.9, Madian East Road, Haidian District, Beijing - Zip code: 100088  Tel: 0086-10-82260092, 82261946  Website: <a href="http://english.aqsiq.gov.cn/">http://english.aqsiq.gov.cn/</a></p>
Costs	
<b>Costs of registration</b>	<p><b><u>GI Product registration</u></b>  No fee. However, all documents must be submitted in Chinese. Therefore costs of translation need to be taken into account.</p> <p><b><u>Trademark registration</u></b></p> <ul style="list-style-type: none"> <li>• € 100 Search (word mark);</li> </ul>

	<ul style="list-style-type: none"> <li>• € 450 Registration (including official filing fee but limited to 10 items only);</li> <li>• € 80 Obtaining Certificate of Registration.</li> </ul> <p>All documents must be submitted in Chinese, therefore costs of translation need to be taken into account.</p>
<b>Costs of litigation</b>	<p><b>Trademark regime or GI products</b> From € 500 to € 2500 (depending on the complexity of the case).</p>
<b>Timeframe</b>	
<b>Registration</b>	<p><b>Sui Generis Protection for GIs</b> 12-15 months (approximately, no timeframe is indicated in the GIs Law).</p> <p><b>Trademark regime</b> 10 months (approximately, no timeframe is indicated in the Trademark Law).</p>
<b>Protection</b>	<p><b>Sui Generis Protection for GIs</b> Protection is unlimited in time as long as the conditions of use of registered GIs are respected.</p> <p><b>Trademark regime</b> Registered trademarks are granted for 10 years (with a possibility to renew for another 10 years).</p>

## **Mexico**

### **International Legal Framework**

Mexico is a member of the World Intellectual Property Organization since 14 June 1975 and a signatory of the Paris Convention for the Protection of Industrial Property since 7 September 1903. Mexico is a signatory of the Lisbon Agreement on the Protection of Appellations of Origin since 25 September 1966.<sup>70</sup> Mexico is a WTO Member since 1 January 1995.<sup>71</sup>

### **National Legal Framework**

<b>Relevant Regulatory Framework</b>	<ul style="list-style-type: none"> <li>• The Industrial Property Law (<b>Title V – Appellations of Origin</b>) published by Decree in August 1994, amended in December 1997, in May 1999 and in December 2005.</li> <li>• Regulations under the Industrial Property Law, published by Decree in November 1994.</li> </ul>
<b>Type of Protection</b>	<i>Sui generis</i> protection. Administrative protection is available (Art 158)
<b>Scope of legislation</b>	The scope of application of the Law concerns all goods, but not services.
<b>Source</b>	<p><b>Mexico: Industrial Property, Law (Consolidation), 25/06/1991 (06/12/2005)</b></p> <ul style="list-style-type: none"> <li>• In English : <a href="http://www.wipo.int/clea/en/text_pdf.jsp?lang=EN&amp;id=3102">http://www.wipo.int/clea/en/text_pdf.jsp?lang=EN&amp;id=3102</a></li> <li>• In Spanish : <a href="http://www.sice.oas.org/int_prop/nat_leg/Mexico/lipmexsa.asp">http://www.sice.oas.org/int_prop/nat_leg/Mexico/lipmexsa.asp</a></li> </ul>
<b>Summary of the Operational Provisions</b>	<p>The Law provides for the protection of appellations of origin - Art.156 : “<i>An appellation of origin shall be understood to be the name of a geographical region of the country that is used to designate a product originating therein whose qualities or characteristics are due exclusively to the geographical environment, including both natural and human factors</i>”.</p> <p>Foreign appellations of origin can be registered by the national authorities of foreign countries or by persons with legal interest provided that it is established in a Treaty which Mexico is party.</p> <p>The <b>Mexican Institute of Intellectual Property (IMPI)</b> can grant a declaration of recognition to the foreign appellations of origin. With such recognition, future trademarks in Mexico cannot be registered with the name of the appellation of origin. There are three ways to obtain this recognition:</p> <ul style="list-style-type: none"> <li>• Via the Lisbon Agreement of Appellations of Origin, as Mexico recognizes the appellations of origin of countries that are parties to this Agreement;</li> <li>• Via notification sent by the WIPO;</li> <li>• Through the request of a country or person with legal interest in the recognition by the IMPI.<sup>72</sup></li> </ul> <p><b>There is no opposition procedure.</b> A decision to reject registration can be appealed before the Mexican Federal Superior Court.</p> <p><b>The Law offers a high level of protection to registered appellations of origin:</b> protection against unfair competition as well as against any use susceptible to cause error or confusion on the geographic origin of products. This protection covers the use of the GIs with expressions such as: ‘class’, ‘type’, ‘style’, ‘imitation’ or other analogous ones (Article 157).</p>

<sup>70</sup> Source of information: <http://www.wipo.int>.

<sup>71</sup> Source of information : <http://www.wto.org>.

<sup>72</sup> This information has been provided by the Division of International Affairs of the IMPI

	It regulates the use of the registered appellation of origin.
<b>Specific Provisions</b>	
<b>Formal Requirements for an Application</b>	
<b>Application Forms</b>	<p><b>There is no standard application form.</b></p> <p>However, the main requirements for the recognition of an appellation of origin in Mexico are:</p> <ol style="list-style-type: none"> <li>1. That the name of the appellation of origin is not registered in Mexico;</li> <li>2. The certification of the country of origin certifying that the appellation of origin is registered there.</li> </ol> <p>All documents must be submitted in Spanish.</p>
<b>Relevant Supporting Documents</b>	None.
<b>Administration Responsible for Registration</b>	<p><b>Mexican Institute of Industrial Property</b>  Periférico Sur, Col. Jardines del Pedregal - Mexico, D.F. P.C. 01900  Telephone: (52) 55.56.24.04.00/04  Fax: (52) 55.56.24.04.06  E-mail: <a href="mailto:jkahwagi@impi.gob.mx">jkahwagi@impi.gob.mx</a>  Website: <a href="http://www.impi.gob.mx">www.impi.gob.mx</a></p>
<b>Costs</b>	
<b>Costs of registration</b>	<ul style="list-style-type: none"> <li>• For the study of the application: US\$ 180<sup>73</sup>;</li> <li>• For the authorization to use: US\$ 85;</li> <li>• For a process of infringement: US\$ 120 for each infringement;</li> <li>• For every inspection visit where the infringer product is located US\$ 50.</li> </ul> <p>All documents must be submitted in Spanish; therefore, the costs of translation need to be taken into account.</p>
<b>Costs of litigation</b>	<p>From US\$ 4,000 to 8,000 for the administrative procedures.  Opposition procedures can cost US\$ 3,500 to 6,000 depending on the complexity and difficulty of the case.</p>
<b>Timeframe</b>	
<b>Registration</b>	The procedure can last between 2 to 3 years, depending on the complexity of the submitted documentation.
<b>Protection</b>	GIs are protected for an indefinite period of time (as long as the conditions for GI protection are respected).
<b>Additional information</b>	
There is one agreement between the EC and the United States of Mexico concerning the mutual recognition and protection of designation of spirits, signed in May, 1997. <sup>74</sup>	

<sup>73</sup> From 01/01/10 to 01/31/10 → € 1 = USD 1.433800  
[http://ec.europa.eu/budget/inforeuro/index.cfm?fuseaction=currency\\_historique&currency=201&SearchField=&Period=2010-1&Delim=&Language=en](http://ec.europa.eu/budget/inforeuro/index.cfm?fuseaction=currency_historique&currency=201&SearchField=&Period=2010-1&Delim=&Language=en)

<sup>74</sup> The English version of the agreement between the EC and Mexico is available at:  
[http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:21997A0611\(01\):EN:HTML](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:21997A0611(01):EN:HTML)

## Palestine or Palestinian Authority

International Legal Framework	
National Legal Framework	
<b>Relevant Regulatory Framework</b>	<p>The political situation of the Palestinian authority has a profound impact on the development of an intellectual property policy, especially as regards geographical indications (GIs). The Palestinian territories, the West Bank and Gaza Strip, have separate jurisdictions with regards to Intellectual Property. It would appear that the protection of intellectual property right is currently regulated through the implementation of Jordanian laws, as follows:</p> <ul style="list-style-type: none"> <li>• The <b>Patents and Designs Ordinance No. 33 of 1924</b> and the <b>Trademarks Ordinance No. 35 of 1938</b> are in force in the <b>Gaza Strip</b></li> <li>• The <b>Patents for Inventions and Industrial Designs Law No. 22 of 1953</b>, the <b>Trademarks Law No. 33 of 1953</b> and the <b>Jordanian Law on Geographical Indications No. 8 of 2000</b> are in force in the <b>West Bank</b>.</li> </ul> <p>For obtaining full protection all over the Palestinian territories, filing in both jurisdictions is recommended.</p>
<b>Type of Protection</b>	<p><b>Gaza Strip:</b> No <i>sui generis</i> or administrative protection available</p> <p><b>West Bank:</b> <i>Sui generis</i> protection. No administrative protection is available; protection is provided only at the request of a third party (Art.8)</p>
<b>Scope of legislation</b>	<p><b>Gaza Strip:</b> It would appear that the scope of application of the Law only concerns all goods.</p> <p><b>West Bank:</b> It would appear that the scope of application of the Law concerns all goods</p>
<b>Source</b>	<p><b>Gaza Strip:</b> Patents and Designs Ordinance No. 33 of 1924 / Trademarks Ordinance No. 35 of 1938. Official web site of the Arab Society for Intellectual Property <a href="http://www.aspip.org">http://www.aspip.org</a>.</p> <p><b>West Bank:</b> Official Publication of the Law: 'Official Gazette' 02/04/2000, No. 4423 Texts are available at: <a href="http://www.wipo.int">http://www.wipo.int</a></p>
<b>Summary of the Operational Provisions</b>	<p><b>Gaza Strip</b> The law encompass areas of Copyright, Patents and Designs, Trademarks, and Merchandise Branding<sup>75</sup>. Trademark protection is available for registered trademarks for a period of seven years, which may be extended for additional periods of 14 years.</p> <p>The proprietor of a trademark owns the sole right to the use of the trademark in association with the goods with which the trademark is registered. A trademark registration can be renewed at any time after the expiry of the relevant registration, as long as the Registrar has not ordered that such trademark registration should be cancelled from the register of trademarks.</p> <p>Use of trademarks is not compulsory for filing applications or for maintaining trademark registrations in force. However, a trademark registration is vulnerable to cancellation by any interested party, who can establish that the trademark was not actually used during the 2 years immediately preceding the application for cancellation, or that there was no bona fide of using the trademark on the goods in respect of which the trademark was registered.</p>

<sup>75</sup> <http://www.state.gov/e/eeb/afd/2008/101774.htm>

	<p>Unauthorized use of a trademark registered under the law or an imitation of such trademark applied on goods of the same class, or sale, storing for the purpose of sale, or exhibiting for sale of goods bearing a counterfeit mark, or using a mark duly registered under the law by another person to serve the purpose of unauthorized promotion of goods of the same class are offenses punishable under the law<sup>76</sup></p> <p>The trademark is open for opposition after being published in the Gazette for a period of three months. The holder of a trademark retains the right to bring civil action against any perpetrator in addition to criminal proceedings. There is minimal enforcement of IPR laws in WB/G.</p> <p><b>West Bank</b> Article 2 of the law on Geographical Indications provides a definition of GIs: <i>Any indication which identifies a good as originating in a certain country or a region or territory of a country, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin</i>".</p> <p><b><u>There is no geographical indications register (In order to protect a GI in Jordan no registration is necessary). This issue has been left to discretion of the mark registrar and/or the judge.</u></b> That means that GIs are protected without registration in accordance with the decision of the court, at the same time some foreign GIs can be registered and protected as trademarks.</p> <p><u>In case of a registration of geographical indications as trademarks,</u> the <b>Industrial Property Protection Directorate</b> (the authority responsible for registration of trademarks) examines the application first formally, and then substantially. <b><u>There is an opposition procedure</u></b> available within 3 months from publication of registration of trademarks with geographical names. The decision of the registrar is liable for cassation by appeal before the Supreme Court of Justice within sixty days as of the date of notification (Article 5 of the Law).</p> <p><b>Level of protection:</b> <u>No registered designations of origin or geographical indications may be used in the cases when the genuine origin is indicated or in translation or combination with expressions such as "kind of", "imitation" and "the like".</u> The use of false or misleading information as to the origin, nature or essential qualities of the product is also prohibited</p>
<p><b>Specific Provisions (issue of Generics, Reciprocity)</b></p>	<p><b><u>Gaza Strip:</u></b> Information not available</p> <p><b><u>West Bank</u></b> <u>Geographical indications and designations of origin for wines and spirits, used in translation, are protected (Article 3 of the Law).</u> <b>It would appear that foreign geographical indications can be protected under the Law.</b></p>
<p><b>Formal Requirements for an Application</b></p>	
<p><b>Application Forms</b></p>	<p><b><u>Gaza Strip legislation</u></b> <u>Trademark/Service Mark Applications</u></p> <ol style="list-style-type: none"> <li>1. A simply signed and stamped Power of Attorney.</li> <li>2. Fifteen prints of the trademark for each class of goods.</li> <li>3. The name, address, nationality and occupation of the applicant.</li> </ol> <p><u>Renewal of Trademark/Service Mark Registrations</u></p> <ol style="list-style-type: none"> <li>1. A simply signed and stamped Power of Attorney.</li> <li>2. The trademark number and class and date of the registration.</li> </ol> <p><u>Change of Name/Address Applications</u></p> <ol style="list-style-type: none"> <li>1. A simply signed and stamped Power of Attorney.</li> <li>2. A certified copy of the change of name or address certificate issued by the home registry.</li> <li>3. The number and date of the trademark registration.</li> </ol>

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[http://www.agip.com/country\\_service.aspx?country\\_key=910&service\\_key=T&SubService\\_Order=1&lang=en](http://www.agip.com/country_service.aspx?country_key=910&service_key=T&SubService_Order=1&lang=en)

	<p><b>Assignment Applications</b></p> <ol style="list-style-type: none"> <li>1. A simply signed and stamped Power of Attorney.</li> <li>2. A notarized deed of assignment.</li> </ol> <p><b>Agency Agreements</b></p> <ol style="list-style-type: none"> <li>1. A Power of Attorney legalized up to the Palestinian Consulate. Notarization is acceptable, if a Palestinian Consulate is not available.</li> <li>2. An Agency Agreement executed by the Principal and the Agent, legalized up to the Palestinian Consulate and a certified translation if not in Arabic.</li> </ol> <p><b>West Bank</b>  <b>The Law does not provide geographical indications register.</b> The following must be indicated in case of a registration of GIs as trademarks:</p> <ul style="list-style-type: none"> <li>• the name requested;</li> <li>• the kind of goods for which the registration is sought;</li> <li>• indication of the place where such goods are manufactured (borders of the geographic place)</li> </ul>
<b>Relevant Supporting Documents</b>	<b>For registration of GIs as trademarks:</b> A power of attorney notarized and legalized up to the "Jordanian" Consulate.
<b>Administration Responsible for Registration</b>	<p><b>Gaza Strip:</b>  <b>Abu-Ghazaleh Intellectual Property Office in Gaza Strip, Palestine</b>  Al-Quds Street, Ansar Square, Awkaf Building, 2nd Floor  Apartment No. 8+9, Southern Rimal - Gaza, Palestine. - PO Box: 505 Gaza City, Gaza Strip  Tel: (00 970-8) 282 7947  Fax: (00 970-8) 282 4156  E-mail: <a href="mailto:gaza@agip.com">gaza@agip.com</a>  Website: <a href="http://www.agip.com">http://www.agip.com</a>  Contact: Ms. Manar Basheer</p> <p><b>West Bank</b>  <b>Industrial Property Office in Jordan</b>  Industrial Property Protection Directorate (IPPD) - Ministry of Industry and Trade  P.O. Box 2019 - Amman 11181  Tel. : +96.26 562.90.30  Fax : +96.26 568.23.31  E-mail : <a href="mailto:Khaled.A@mit.gov.jo">Khaled.A@mit.gov.jo</a>  Website: <a href="http://www.mit.gov.jo">http://www.mit.gov.jo</a></p>
<b>Costs</b>	
<b>Costs of registration</b>	<p><b>Gaza Strip</b></p> <p>Filing a mark application in one class → US\$ 270.00<sup>77</sup>  Registration fee of a mark in one class → US\$ 125.00  Publication charges of a mark application in the Official Gazette → US\$ 45.00  (14.5%) VAT charges will be added</p> <p><b>West Bank</b></p> <p>The registration of a trademark with the assistance of legal advisers in Jordan cost Dinar 250.</p> <p><b>For ordinary and/or collective mark applications</b></p> <p>Filing a mark application in one class → US\$ 990.00  Registration fees of a mark application in one class → US\$ 205.00</p>

<sup>77</sup> From 01/01/10 to 01/31/10 → € 1 = USD 1.433800  
[http://ec.europa.eu/budget/inforeuro/index.cfm?fuseaction=currency\\_historique&currency=201&SearchField=&Period=2010-1&Delim=&Language=en](http://ec.europa.eu/budget/inforeuro/index.cfm?fuseaction=currency_historique&currency=201&SearchField=&Period=2010-1&Delim=&Language=en)

	<p>Legalization a certified copy of Power of attorney → US\$ 30.00          Publication in the trademark Journal after the acceptance → US\$ 125.00  <i>(16%) VAT charges will be added</i></p>
<b>Costs of litigation</b>	
<b>Timeframe</b>	
<b>Registration</b>	<p><b><u>Gaza Strip:</u></b>          An opposition to the registration of a trademark should be prosecuted before the Registrar within 3 months as of the date of publication.          However, a trademark registration is vulnerable to cancellation by any interested party, who can establish that the trademark was not actually used during the 2 years immediately preceding the application for cancellation</p> <p><b><u>West Bank</u></b>  <b>In order to be protected in Jordan no registration is necessary.</b>          However, trademark registration takes approximately 6 – 8 months.</p>
<b>Protection</b>	<p><b><u>Gaza Strip legislation</u></b> : A trademark registration is valid for 7 years from the date of filing the application and renewable for periods of 14 years each</p> <p><b><u>West Bank:</u></b> information not available</p>

## Peru

### International Legal Framework

Peru is a member of the World Intellectual Property Organization since 2 September 1980 and a signatory of the Paris Convention for the Protection of Industrial Property since 11 April 1995.<sup>78</sup> Peru is a signatory of the Lisbon Agreement on the Protection of Appellations of Origin since 16 May 2005. Peru is a member of the Andean Community Cartagena Agreement since May 1969. Peru is a WTO Member since 1 of January 1995.<sup>79</sup>

### National Legal Framework

<b>Relevant Regulatory Framework</b>	<ul style="list-style-type: none"> <li>• <b>Decision No. 486, Andean Community Common Provisions on Industrial Property, December 2000.</b> (Title XII, art 201-223) – hereinafter referred as the Decision</li> <li>• General Law on Regulatory Councils for Appellations of Origin, 13 August 2004</li> <li>• Peruvian Industrial Property Law, Legislative Decree No. 823, April 1996 (Title XV), (hereinafter referred as “the Law”)</li> </ul>
<b>Type of Protection</b>	<i>Sui generis</i> protection. <b>It appears that administrative protection is available</b> (Article 223 of the Law).
<b>Scope of legislation</b>	The scope of application concerns natural, agricultural, handicraft or industrial goods, but not services.
<b>Source</b>	<p>The Spanish version of the Decree No. 823 is available at:  <a href="http://www.sice.org/int_prop/nat_leg/Peru/D823i.asp">http://www.sice.org/int_prop/nat_leg/Peru/D823i.asp</a>.</p> <p>The English version of the Decision No. 486 is available at:  <a href="http://www.wipo.int/clea/en/text_pdf.jsp?lang=EN&amp;id=3419">http://www.wipo.int/clea/en/text_pdf.jsp?lang=EN&amp;id=3419</a></p>
<b>Summary of the Operational Provisions</b>	<p>The Decision defines in Art.201: “An <i>appellation of origin [denominación de origen]</i> shall be understood to be a geographical indication consisting in the name of a particular country, region or place or a name which, without being that of a particular country, region or place, refers to a particular geographical area, and is used to designate a product originating therein the quality, reputation or other characteristics of which are exclusively or essentially due to the geographical environment in which it is produced, including both natural and human factors.”.</p> <p><b>Application</b> can be made either:</p> <ul style="list-style-type: none"> <li>• Via the Lisbon Agreement on the protection of appellations of origin;</li> <li>• Directly towards the National Institute for the Defence of Competition and Intellectual Property Protection (INDECOPI).</li> </ul> <p><b>Registration:</b> The National Institute for the Defence of Competition and Intellectual Property Protection (<b>INDECOPI</b>) will grant a declaration of recognition to the foreign appellations of origin.</p> <p><b>Nature of applicants:</b> any persons who can prove a legitimate interest:</p> <ul style="list-style-type: none"> <li>- Natural persons or legal entities directly engaged in the extraction, production or processing of the product or products to be covered by the appellation of origin, and also associations of producers</li> <li>- State, departmental, provincial or municipal authorities where the appellations of origin refer to their own areas of concern</li> </ul>

<sup>78</sup> Source of information: <http://www.wipo.int/treaties>.

<sup>79</sup> Source of information : <http://www.wto.org>.

	<p><b>It appears that foreign GIs can be registered in Peru</b> (Article 219 of the Decision 486). Foreign GIs can be protected if such protection is provided for in any treaty to which Peru is party. Moreover, in order to apply for such protection, the GIs have to have been declared such in their country of origin.</p> <p><b>The process of registering foreign geographical indications is the same as the one used for the national appellations of origin.</b> When the application is accepted for consideration, the competent national office shall, within the next thirty days, ascertain whether it complies with the requirements or not. The application is then published once in the Official Gazette. <b>It seems that there is no opposition procedure previewed in the Peruvian Law although opposition procedure is available under Decision 486 for 30 days.</b></p> <p><b>Level of protection:</b> registered appellations of origin will be protected against (Article 214 &amp; of the Decision):</p> <ul style="list-style-type: none"> <li>• The unauthorized use of the appellation of origin;</li> <li>• The use to distinguished products not included in the recognition of protection, when the products are similar or when this products use the reputation of the appellation of origin;</li> <li>• Any other practice that can mislead the consumer about the true origin of the products;</li> <li>• Becoming generic.</li> </ul> <p>Article 235 states that registration confers the right of exclusive use of the denominations of origin. The use of the GI name is prohibited including when used with expressions such as type, like, etc.</p>
<p><b>Specific Provisions (issue of Generics, Reciprocity)</b></p>	<p><b>Common or generic terms:</b> can't be registered as an appellation of origin; the common or generic terms that distinguish the product concerned, i.e, terms considered as such by persons with knowledge on the area concerned and by the general public.</p> <p>All documents must be submitted in Spanish.</p>
<p><b>Formal Requirements for an Application</b></p>	
<p><b>Application Forms</b></p>	<p><b>There is no standard application form.</b> However, the application for a declaration of protection of an appellation of origin shall be filed in writing before the competent national office and must specify the following:</p> <ul style="list-style-type: none"> <li>• Name, domicile, residence and nationality of the applicant or applicants and proof of their legitimate interest;</li> <li>• The appellation of origin in respect of the declaration filed;</li> <li>• The limited geographical area where the production, extraction, or processing of the product to be identified by the appellation of origin;</li> <li>• the products designated by the appellation of origin; and</li> <li>• an account of the qualities, reputation or other essential characteristics of the products designated by the appellation of origin.</li> </ul> <p><b>All documents must be submitted in Spanish.</b></p> <p><b>According to the INDECOPI official website,</b> for the registration of trademarks, trade names, commercial slogans, collective marks and certification marks the following requirements should be taken into account:</p> <ul style="list-style-type: none"> <li>• Submit three copies of the relevant application form (one to be used as evidence of receipt). It should indicate the applicant's personal identification information (including his/her home address for mailing notifications).</li> <li>• In the event there is a representative, he/she must indicate personal identification information and home address for mailing notifications. Consequently, it is mandatory that the proper powers of attorney be attached.</li> <li>• Specify which sign or symbol is the one you intend to register. If it has graphical components you should attach copies (three copies of approximately 5cm x 5cm, and</li> </ul>

	<p>include colors if you wish to protect the colors).</p> <ul style="list-style-type: none"> <li>• Specifically state which products, services or activities are that you want to register, and the class to which they belong (The Nice (France) Classification).</li> <li>• In the case of multiclass applications, products or services must be grouped by class preceded by the corresponding class number and in the order stipulated by the Nice Classification.</li> <li>• If necessary, the priority being claimed should be stated. In this particular situation, attach a copy of the application whose priority is invoked, certified by the authority which issued it, if necessary, translated into Spanish.</li> <li>• Attach the evidence of processing fee payment, the cost of which is equivalent to 13.70% of Tax Revenue Unit (ITU) per class requested. This amount (486.35 nuevos soles) to be paid at the INDECOPI office.</li> </ul>
<p><b>Relevant Supporting Documents</b></p>	<p>In order to benefit from an authorisation to use a GI, the following is required:</p> <ul style="list-style-type: none"> <li>• Name and address of the applicant;</li> <li>• Powers of attorney when necessary;</li> <li>• Documents to proof the true legal existence of the applicant;</li> <li>• the denomination of origin to be used;</li> <li>• Certification of the place or places of operation, production or elaboration of the product. An inspection visit might be required;</li> <li>• Certification of the characteristics of the product, including its components, methods of production or elaboration and factors of bond with the protected geographic area. An inspection as well as a certification by an authorized organization might be required;</li> <li>• Certification that the product fulfills the Peruvian Practical standards, if necessary; and,</li> <li>• Proof of the payment of the corresponding fees.</li> </ul> <p><b>INDECOPI</b> : NB: Certain additional requirements shall also be taken into account under the following circumstances:  <b>Collective marks and certification marks:</b> Please attach the regulations on their respective uses.</p> <ul style="list-style-type: none"> <li>• Trade name: Indicate the first date it was used and attach the evidence to prove each of the activities it seeks to distinguish.</li> <li>• Commercial slogan: enter sign or symbol to be associated with the commercial slogan indicating the certificate number or if applicable, the file of the pending application for registration still in process.</li> <li>• The interested party should take into account that there are certain minimum requirements to be fulfilled when applying for registration in order for a submission date to be assigned. Thus, if the application does not contain any of the following information:</li> <li>• Data identifying the applicant or the person making the request to allow the notification thereof.</li> <li>• The trademark subject of the application for registration.</li> <li>• An explicit description of the goods or services for which registration is being applied for or;</li> <li>• Payment of the respective fees.</li> </ul>
<p><b>Administration Responsible for Registration</b></p>	<p><b>Ministry of Industry, Tourism, Integration and International Trade Negotiations</b>  <b>National Institute for the Defence of Competition and Intellectual Property Protection (INDECOPI)</b>  Calle de la Prosa No. 138 - Esquina con Prolongación Av. Guardia Civil - San Borja -Lima 41  Telephone: (511) 224.78.00/224.17.03 - Fax: (511) 224.0348  E-mail: <a href="mailto:webmaster@indecopi.gob.pe">webmaster@indecopi.gob.pe</a>.  Website: <a href="http://www.indecopi.gob.pe">www.indecopi.gob.pe</a>.</p>
<p><b>Costs</b></p>	
<p><b>Costs of registration</b></p>	<p>Fees: the cost of which is equivalent to 13.70% of Tax Revenue Unit (ITU) per class requested. This amount (PEN 486.35) → to be paid at the INDECOPI office</p>

<b>Costs of litigation</b>	A litigation procedure cost approximately US\$ 1000 <sup>80</sup> .
<b>Timeframe</b>	
<b>Registration</b>	<p>Trademarks</p> <ol style="list-style-type: none"> <li>1. The applicant → 60 days to correct the information non compliance</li> <li>2. The Commission → 15 days to evaluate it and make its formal assessment</li> <li>3. The Department → 60 working days to comply, starting from the day following receipt of the applicant notice</li> <li>4. Within 30 working days of receipt of the publishing order, the applicant must ensure it publishes its notice in the official daily gazette El Peruano</li> <li>5. If after being notified of the resolution, the applicant wishes to submit an application for reconsideration through appeal or accession, he/she has a maximum of 15 days from the date on which such resolution was notified.</li> </ol>
<b>Protection</b>	<p>GIs are protected for an indefinite period of time (as long as the conditions for GI protection are respected).</p> <p><b>The right to use a GI is limited to 10 years.</b> Renewal must be requested 6 months before the expiration date, otherwise the registration will be cancelled.</p>

<sup>80</sup> From 01/01/10 to 01/31/10 → € 1 = USD 1.433800  
[http://ec.europa.eu/budget/inforeuro/index.cfm?fuseaction=currency\\_historique&currency=201&SearchField=&Period=2010-1&Delim=.&Language=en](http://ec.europa.eu/budget/inforeuro/index.cfm?fuseaction=currency_historique&currency=201&SearchField=&Period=2010-1&Delim=.&Language=en)

## Saudi Arabia

### International Legal Framework

Saudi Arabia is a member of the World Intellectual Property Organization (WIPO) from 22 May 1982 and also a member of the Paris Convention from 11 March 2004.<sup>81</sup> Saudi Arabia is a WTO member from 11 December 2005.<sup>82</sup>

### National Legal Framework

<b>Relevant Regulatory Framework</b>	Trademark Law No. M/21, 7 August 2002.
<b>Type of Protection</b>	<b>Trademark regime</b> (no <i>ex officio</i> protection is available; protection is provided only at the request of an interested party).
<b>Scope of legislation</b>	Applicable to goods (agricultural and/or industrial) and/or services. Trademarks for alcoholic beverages, as well as retail and wholesale service, are excluded.
<b>Source</b>	The English version of the Law is available on the WIPO website: <a href="http://www.wipo.int/clea/en/text_pdf.jsp?lang=EN&amp;id=3595">http://www.wipo.int/clea/en/text_pdf.jsp?lang=EN&amp;id=3595</a>
<b>Summary of the Operational Provisions</b>	<p><b>It appears that geographical indications (GIs) may be registered as trademarks in Saudi Arabia</b> provided that they meet definitions established by the Law. However, geographical names cannot be registered as trademarks 'if their use is liable to create confusion as to the source of the products or services or their origin or liable to monopolize notice of origin or name the source without rightful justification'.</p> <p>In accordance with Article 38 of the Law, the Minister of Commerce may permit the registration of a mark which is owned jointly by natural or legal persons who are undertaking the control of specific products or services or inspection thereof as regards their origin, ingredients, method of manufacture or performance, or descriptions or any of the characteristics thereof.</p> <p>However, the Law provides that <u>geographical names if their use causes misconceptions as to the source of the products or services or origin thereof, or if their use would entail a monopoly of the source or the name of the origin without any justification, may not be registered</u> (Article 2.6 of the Law).</p> <p>Once a trademark application is filed (the authority responsible for the registration is <b>the competent department of the Ministry of Commerce, called "the Trademarks Register"</b>), it is examined as to its availability, registrability and coverage. If the Registrar objects in writing to certain aspects of the mark in the course of examination, such as the scope of goods or services or asks for modification of the mark, a <b>grace period of 3 months</b> is given to the applicant to comply with the Registrar's request.</p> <p>Once the application is formally rejected (Article 13 of the Law), a complaint against the rejection can be filed <b>before the Minister of Commerce, within 60 days from the date of notification of the rejection</b>. The Minister's decision may be appealed before the Board of Grievances (First</p>

<sup>81</sup> Source of information: <http://www.wipo.int>

<sup>82</sup> Source of information: <http://www.wto.org>

	<p>Instance Court) (Article 8 of the Law). The trademark or service mark applications accepted for registration are published in the Official Gazette of Saudi Arabia (Ummulqura) (Article 15 of the Law).</p> <p>Publication is an invitation to any interested party to oppose the registration of trademarks conflicting with their interests. <b>There is a three-month period open for filing opposition by any interested party.</b> An opposition to the registration of a trademark or service mark should be filed within the term of the opposition period, i.e., 90 days from the date of publication of the notice in the Official Gazette. The case should be filed before the Board of Grievances (First Instance Court) (Article 15 of the Law).</p> <p><b>Level of protection:</b> It is considered to be an offence to forge or to imitate registered trademarks in any way that misleads the public, or uses a trademark owned by someone else on his products or services or offers or presents for sale or sells (Article 43 of the Law).</p>
<b>Specific Provisions (issue of Generics, Reciprocity)</b>	None
<b>Formal Requirements for an Application</b>	
<b>Application Forms</b>	<p><b>For ordinary trademarks:</b></p> <ul style="list-style-type: none"> <li>• The full name and address of the applicant;</li> <li>• A list of goods/services to be covered by the application;</li> <li>• In case of claiming priority, a certified copy of the priority application is to be filed within three months from the application filing date;</li> <li>• Fifteen prints of the trademark (a trademark print should not exceed (5x5) cm).</li> </ul> <p><b>For collective and quality marks:</b></p> <ul style="list-style-type: none"> <li>• The full name and address of the applicant;</li> <li>• A list of goods/services to be covered by the application;</li> <li>• Two certified copies of the Articles of association duly legalized up to the Saudi Consulate;</li> <li>• Two certified copies of the system to be adopted by the applicant in controlling or examining the products along with a statement on the conditions and requirements to be available therein and the method of using the mark thereon duly legalized up to the Saudi Consulate;</li> <li>• Fifteen prints of the trademark (a trademark print should not exceed (7x7) cm).</li> </ul>
<b>Relevant Supporting Documents</b>	If the individual willing to register a trademark is not domiciled in the Kingdom, an official agent domiciled in it with the competent department at the Ministry of Commerce has to fill the demand. One general power of attorney is sufficient for filing simultaneous and any future applications.
<b>Administration Responsible for Registration</b>	Industrial Property Office General Directorate of Internal Trade - Trade Mark Section - Department of Internal Trade Ministry of Commerce Riyadh 11162 Tel.: (+966.1) 401.22.22 Fax: (+966.1) 403.84.21
<b>Costs</b>	
<b>Costs of registration</b>	<ul style="list-style-type: none"> <li>• Filing a mark application in one class including publication and registration charges is \$ 1830;</li> <li>• Filing an application for temporary protection of a mark in one class is \$ 1520;</li> </ul>

	<ul style="list-style-type: none"> <li>• Renewal of a mark registration in one class is \$ 990;</li> <li>• Fine for late renewal of a mark registration is \$ 320;</li> <li>• Recording an assignment of a trademark registration including publication charges (up to 5th mark) is \$ 795;</li> <li>• Recording an assignment of each additional mark including publication charges (after 5th mark) is \$ 660;</li> <li>• Amending a registered mark in one class is \$ 770;</li> <li>• Translation from English into Arabic (per page) is \$ 25.</li> </ul>
<b>Costs of litigation</b>	Starting from €1700.
<b>Timeframe</b>	
<b>Registration</b>	From 6 to 12 months.
<b>Protection</b>	10 years according to the Hegira calendar (9 years and 8 months approximately) renewable for similar periods.

## Switzerland

### International Legal Framework

Switzerland is a member of the World Intellectual Property Organization from 20 April 1970, a signatory to the Paris Convention for the Protection of Industrial Property from 7 July 1884 and to the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods from 15 July 1892 (Switzerland became a party to the Additional Act of Stockholm on 26 April 1970). Switzerland is also a signatory to the Madrid Agreement (International Registration of Marks), since July 189. <sup>83</sup>Switzerland is a WTO Member from 1 July 1995. <sup>84</sup>

### National Legal Framework

<b>Type of Protection</b>	<b><i>Sui generis</i> protection of AOs and GIs.</b> It appears that an administrative protection is available.
<b>Relevant Regulatory Framework</b>	<ul style="list-style-type: none"> <li>• <b>Federal Law on the Protection of Trademarks and Indications of Source of 28 August 1992 entered into force on 1 April 1992, as last amended on 17 June 2005;</b></li> <li>• Agreement between the European Community and the Swiss Confederation on Trade in Agricultural Products of 30 April 2002.</li> <li>• <b>Ordinance on the Protection of Appellations of Origin and Geographical Indications in Respect of Agricultural Products and Processed Agricultural Products of 28 May 1997, entered into force on 1 July 1997 (hereafter, referred as “the Law”);</b></li> <li>• Ordinance of the Federal Department of the Economy (DFE) on the Minimum Control Requirements for Protected Appellations of Origin and Protected Geographical Indications adopted on 11 June 1999 (Status as at 1 January 2008)</li> <li>• Ordinance on Viticulture and the Importation of Vine of 7 December 1998, entered into force on 1 January 1999;</li> <li>• The Federal Law on Agriculture of 29 April 1998;</li> <li>• Federal Ordinance on the Protection of Trademarks, 23 December 1992, as last amended in Mai 2006 (Consolidated version of this Law was adopted in December 2004 and of the Ordinance in June 2006)</li> </ul>
<b>Scope of protection</b>	The Law covers agricultural products and processed agricultural products, including spirits, (Article 1.1 of the Law).
<b>Source</b>	<p>Official publication of the Federal Law 1992: ‘Recueil Systématique’ 232.11, ‘Recueil Officiel’ 1997.1028</p> <ul style="list-style-type: none"> <li>• <b>Ordinance on the Protection of Appellations of Origin and Geographical Indications in Respect of Agricultural Products and Processed Agricultural Products:</b> <a href="http://www.wipo.int/clea/en/details.jsp?id=726">http://www.wipo.int/clea/en/details.jsp?id=726</a></li> <li>• Ordinance of the Federal Department of the Economy (DFE) on the Minimum Control Requirements for Protected Appellations of Origin and Protected Geographical Indications (11 June 1999 - Status as at 1 January 2008) only in French: <a href="http://www.wipo.int/clea/en/text_pdf.jsp?lang=FR&amp;id=5231">http://www.wipo.int/clea/en/text_pdf.jsp?lang=FR&amp;id=5231</a></li> </ul>

<sup>83</sup> Source of information: <http://www.wipo.int>.

<sup>84</sup> Source of information: <http://www.wto.org>.

<p><b>Summary of the Operational Provisions</b></p>	<p>Article 2 of the Law defines the <b>designations of origin</b> as the name of a region, of a place, or in exceptional cases, of a country, which describes an agricultural product or a process agricultural product:</p> <ol style="list-style-type: none"> <li>originating in that region, specific place or country,</li> <li>the quality or characteristics of which are essentially or exclusively due to a geographical environment with its inherent natural and human factors, and</li> <li>produced, processed and prepared in a defined geographical area.</li> </ol> <p>Article 2 of the Law defines the <b>geographical indications</b> as the name of a region, of a place, or in exceptional cases, of a country, which describes an agricultural product or a process agricultural product:</p> <ol style="list-style-type: none"> <li>originating in that region, specific place or country,</li> <li>a given quality, the reputation or another characteristic of which can be due to this geographical origin a geographical environment and,</li> <li>produced, processed and prepared in a defined geographical area.</li> </ol> <p><u>All applications for Registration have to be submitted to the <b>Federal Office of Agriculture</b> (the authority responsible for the registration of GIs), which examines the applications first formally and then substantially.</u></p> <p><b>It must be noted that under the general provisions of the Law on the protection of trademarks and indications of source (Art. 47 ss) the benefit of the protection as a GI is independent of any registration (protection without registration when an indication is perceived as such by the consumers should correspond to the real geographical origin of the product).</b></p> <p><b>There is an opposition procedure available within three months from the publication</b> (Article 10 of the Ordinance) for interested parties or cantons authorities. In case of a decision to refuse registration the applicant has the possibility of appealing to the court.</p> <p><b>Level of protection:</b> Unauthorised use of geographical indications is prohibited. This also concerns the cases when the true origin is indicated <u>or the geographical indication is used in translation or in combination with expressions such as “sort of”, “kind of”, “imitation” and “the like”</u>. The use of similar geographical indications on any goods which may confuse consumers in respect of origin and specific properties of goods is also prohibited (Article 17 of the Law).</p> <p><u>Professional or economic associations</u> are authorized to defend the economic interests of their members. National or regional organizations for the protection of consumers may also initiate actions to stop the misuse of registered geographical indications (Article 56 of the Law 1992). Swiss cantons are also in charge of the control and the correct use of the protected geographical indications (Article 21 of the Ordinance 1997).</p>
<p><b>Specific Provisions (issue of Generics, Reciprocity)</b></p>	<p><b>Generic names may not be protected</b> (definition of generic names and criteria on how to establish a generic nature of the name are provided in Article 4 of the Law).</p> <p><b>Foreign GIs can be registered in Switzerland.</b></p> <p><u>Geographical indications and designations of origin, <b>used in translation</b>, are protected (Article 17 of the Law).</u></p>
<p><b>Formal Requirements for an Application</b></p>	
<p><b>Application Forms</b></p>	<p><b>There is no standard application form.</b> However, the Law indicates that an application must contain (Article 6 of the Law):</p> <ul style="list-style-type: none"> <li>Name of the applicant or the group of applicants and evidence of its representation;</li> </ul>

	<ul style="list-style-type: none"> <li>• Geographical name to be registered;</li> <li>• Elements, which prove that the DO or the GI has not become generic;</li> <li>• Elements, which prove that the product comes from the indicated geographical area;</li> <li>• A description of the link between the product and the geographical environment or the geographical origin;</li> <li>• A description of the local methods.</li> </ul> <p>To the application, some relevant supporting documents should be attached. The application can be submitted in Switzerland's in French (the language of the application is not determined by the Law, but the language of all State procedures is French).</p>
<b>Relevant Supporting Documents</b>	<p>Article 7 of the Ordinance establishes that to the application, some relevant supporting documents should be attached:</p> <ul style="list-style-type: none"> <li>• Name of the product;</li> <li>• Delimitation of the geographical environment;</li> <li>• Description of the product, especially of its raw material and its main physical, chemical, microbiological and organoleptic characters;</li> <li>• Description of the manufacturing method of the final product (or "méthode d'obtention");</li> <li>• Designation of one or several certification bodies and its minimal conditions of control;</li> <li>• Specific points in the labeling.</li> </ul>
<b>Administration Responsible for Registration</b>	<p><b>Swiss Federal Institute of Intellectual Property</b> Einsteinstrasse 2- CH-3003 Bern Tel.: (41.31) 325.25.25 Fax: (41.31) 325.25.26 E-mail: <a href="mailto:info@ipi.ch">info@ipi.ch</a> Website: <a href="http://www.ipi.ch">http://www.ipi.ch</a></p> <p><b>Office federal de l'agriculture OFAG</b> Mattenhofstrasse 5 - 3003 Berne Tél: +41 31 322 25 11 Fax: +41 31 322 26 34 E-mail : <a href="mailto:info@blw.admin.ch">info@blw.admin.ch</a> Website : <a href="http://www.blw.admin.ch/index.html?lang=en">http://www.blw.admin.ch/index.html?lang=en</a></p>
<b>Costs</b>	
<b>Costs of registration</b>	<p>Fees are defined in the Annex to the Law.</p> <ul style="list-style-type: none"> <li>• Registration fee: Variable fee, depending on the time taken to examine the application, between CH 70 and CH 120 per class.</li> <li>• Opposition fee: CH 100.</li> </ul>
<b>Costs of litigation</b>	Approximately CHF 2687.
<b>Timeframe</b>	
<b>Registration</b>	At least 10 months.
<b>Protection</b>	Protection of designations of origin and geographical indications is of an unlimited duration (or as long as conditions for use of the registered name are respected).

## United States of America

### International Legal Framework

The US is a member of the World Intellectual Property Organization from 25 August 1970, a signatory of the Paris Convention for the Protection of Industrial Property from 30 May 1887, and the Madrid Protocol Concerning the International Registration of Marks from 2 November 2003.<sup>85</sup> The US is a WTO Member from 1 January 1995.<sup>86</sup>

### National Legal Framework

<b>Relevant Regulatory Framework</b>	<ul style="list-style-type: none"> <li>• <b>Trademark regime: The Lanham Trademark Act of 1946</b>, as amended in 1999 (hereinafter, referred as “the “Law”).</li> <li>• <b>Common law protection (on a case-by-case)</b></li> <li>• [For wines and spirits: United States Code, Title 15 (USC) - Commerce and Trade, Chapter 2 - Federal Trade Commission; Promotion of Export Trade and Prevention of Unfair Methods of Competition, Subchapter I - Federal Trade Commission, §45, Chapter 22 - Trade-marks, Subchapter I - The Principal Register. Title 27 - Intoxicating Liquors, Chapter 8 - Federal Alcohol Administration Act, Subchapter I - Federal Alcohol Administration]</li> </ul>
<b>Type of Protection</b>	No administrative protection is available under the trademark regime, protection is provided only at the request of an interested party (e.g., producers).
<b>Scope of legislation</b>	Applicable to all goods (agricultural and/or industrial) and services.
<b>Source</b>	The English version of the Lanham Act is available at: <a href="http://www.bitlaw.com/source/15usc/">http://www.bitlaw.com/source/15usc/</a> . The English version of the Alcoholic Beverage Labelling Act at: <a href="http://www.washingtonwatchdog.org/documents/cfr/title27/part4.html">http://www.washingtonwatchdog.org/documents/cfr/title27/part4.html</a> .
<b>Summary of the Operational Provisions</b>	<p><b>Geographical indications are viewed in the US as a sub-set of trademarks.</b> Therefore, GIs are protected as trademarks, collective or certification marks employing the existing trademark regime (Section 4 of the Law).</p> <p><b>Applications for registration of collective or certification trademarks must be submitted to the US Patent and Trademark Office</b> (the authority responsible for the registration of all trademarks). The Registration shall be signed by the Director (Section 7.A of the Law). <b>All applications for federal registration of certification and collective marks are examined at the USPTO.</b></p> <p>For certification trademarks, the accompanying specimens of use and evidence in the record are reviewed to determine whether the geographical sign is being used as a certification mark to indicate the geographical origin of the goods/services upon which it is used.</p> <p>If the record or other evidence available indicates that a specific sign in question has a principal significance as a generic term denoting a type of goods/services, registration will be refused.</p> <p>If use of the sign is controlled by the certifier and limited to goods/services meeting the certifier's standards of regional origin, and if purchasers understand the sign to refer only to goods/services produced in the particular region and not to goods/services produced elsewhere, then the sign</p>

<sup>85</sup> Source of information: <http://www.wipo.int>.

<sup>86</sup> Source of information : <http://www.wto.org>.

	<p>functions as a regional certification mark. If, before registration, the USPTO becomes aware that the applicant does not have the authority to exercise control over use of the certification mark, registration will be refused <i>ex officio</i>.</p> <p><b>With respect to foreign marks</b>, an application for registration of a mark already filed in one of the countries members of the treaties signed by the USA, shall be accorded the same force and effect as would be accorded to the same application if filed in the United States on the same date on which the application was first filed in such foreign country (Section 44 of the Law).</p> <p><b>There is an opposition procedure</b> available within 30 days, with possible extension for another 30 days (Section 13.A of the Law). Further appeal may be taken to the Trademark Trial and Appeal Board from any final decision of the examiner in charge of the registration (Section 20 of the Law).</p> <p><b>Level of Protection:</b> The use of false designations of origin and false descriptions are prohibited under Section 43. However, marks which may be used to certify regional origin, are not necessarily limited to terms, which comprise precise geographical terminology. <u>A distortion, an abbreviation, or a combination of geographical terms can be used as, or in, a certification mark indicating regional origin.</u></p> <p><b>Common Law protection of GIs in the US</b> <b>Geographical indications can secure protection through common law trademark law without being registered by the USPTO.</b> One example: the TTAB has held that 'COGNAC' is protected as a common-law (unregistered) certification mark in the United States. <i>Institut National Des Appellations v. Brown-Forman Corp</i>, 47 USPQ2d 1875, 1884 (TTAB 1998)</p>
<p><b>Specific Provisions (issue of Generics, Reciprocity)</b></p>	<p><b>Generic names may not be protected</b> (Section 15.4 of the Law). A petition to cancel a registration of a mark may be filed by any person who believes that the registered mark becomes the generic name for the goods or services (Section 14 of the Law).</p>
<p><b>Formal Requirements for an Application</b></p>	
<p><b>Application Forms</b></p>	<p>Applications must be filed in English.</p> <p><b>There is no standard application form for the registration of trademarks.</b> However, the Law indicates that an application must contain (Section 1.A (2) of the Law):</p> <ul style="list-style-type: none"> <li>• the applicant's domicile and citizenship;</li> <li>• the date of the applicant's first use of the mark;</li> <li>• the date of the applicant's first use of the mark in commerce;</li> <li>• the goods in connection with which the mark is used;</li> <li>• and a drawing of the mark.</li> </ul> <p>The applicants not domiciled in the United States are requested to designate, by a document filed in the United States Patent and Trademark Office, the name and address of a person resident in the United States on whom may be served notices or process in proceedings affecting the mark (Section 1.E of the Law).</p>
<p><b>Relevant Supporting Documents</b></p>	<p>The applicant shall file in the Patent and Trademark Office, a payment of the prescribed fee (Section 1.D.1).</p>
<p><b>Administ</b></p>	<p><b>United States Patent and Trademark Office</b></p>

<b>ra-tion Respons ible for Registra tion</b>	Madison Buildings (East & West) - 600 Dulany Street - Alexandria, VA Contact Center at 1-800-786-9199 or 571-272-1000 Law Office 101 Tel: (571) 272-9101 Fax: (571) 273-9101 E-mail: <a href="mailto:TrademarkAssistanceCenter@uspto.gov">TrademarkAssistanceCenter@uspto.gov</a>
<b>Costs</b>	
<b>Costs of registrati on</b>	<ul style="list-style-type: none"> <li>• Application for registration of trademark, per international class (paper filing): \$ 375 and \$ 325 for the electronic filling of the application.</li> <li>• Fee established for notice of opposition, per class: \$ 300.</li> <li>• Certifying an International application based on single application or registration, under the Madrid Protocol, per class: \$ 100.</li> </ul>
<b>Costs of litigation</b>	Between \$ 862 and \$ 1874 but can be much higher depending on the legal problem.
<b>Timeframe</b>	
<b>Registra tion</b>	From 10 to 15 months. For trademarks, in case of refusal of the registration, the applicant will have 6 months to reply or amend his application (Section 12 of the Act).
<b>Protecti on</b>	<b>Each registration shall remain in force for 10 years</b> (Section 8 of the Law), being each registration possible to renew for periods of 10 years at the end of each successive 10-year period following the date of registration upon payment of the prescribed fee and the filing of a written application. Such application may be made at any time within 1 year before the end of each successive 10-year period (Section 9 of the Law).

**PHASE II: DETAILED ANALYSIS OF THE  
PROTECTED TABLE OLIVES AND OLIVE  
OILS' GEOGRAPHICAL INDICATIONS**

## 1. Introduction

The objective of this phase was first to provide a list of protected olive oils and table olives protected as geographical indications in the countries covered by the study. Then, we analyzed all the specifications of the products identified in order to provide an overview of the main characteristics of the olive oils and table olives protected as GIs by country and region. The specifications are the documents that include the production and sometimes labelling and/packaging rules of each GI product. We also highlighted the differences that exist with regard to these GI specifications so that the reader can get a better understanding on how olive oils and table olives protected as GIs are defined in each country/region.

### **Method used**

During the second phase of the study, Insight Consulting and its experts searched for olive oils and table olives protected as geographical indications in the countries covered by the study. They first gathered general information concerning these products in an identity card, including the file number, the country of origin, the type of product, the denomination of the product, the type of protection, the name of the applicant group as well as the type of controls. The aim of this first part was to draw a comprehensive list of table olives and olive oils which are protected as geographical indications in the IOC members (see annex IV and V).

The second part of this phase consisted of creating a database which contains, as regard to the table olives, details concerning the following elements:

- Date of registration;
- Type of protection (PDO or PGI);
- Origin of the raw material and the production area;
- Varietal, physical, chemical and organoleptic characteristics;
- Cultivation techniques: planting density, care of the plants, irrigation, maximum yield per hectares and other techniques of cultivation;
- Time and method of the harvest;
- Transportation and storage methods;
- Production methods,
- Packaging and marketing methods.

Concerning the olive oils, this database contains the same information but the type of oil and the type of press used were added.

The databases for each country are included in the annex below. They are divided into two parts: one on table olives and one on olive oils. They have been fulfilled using the following caption:

- “Y” for “Yes” when there is a provision in the specification;
- “N” for “No” when there is no provision in the specification or when the practice is forbidden. As a result, we would like to underline that “N” does not mean that the practice is always forbidden.

The objective of this second part was to provide a detailed analysis of each identified GI's specification and a comparison between the content of the specifications.

This detailed analysis is based on national statistics on the type of information available in the specifications of each product found. We thus indicate a percentage per country for each piece of information contained in the database. When we calculated the percentage at the European Union (EU) or non-EU level, we did not calculate the bloc's statistic as a pro rata of the number of the products at the national levels, that is to say that in the case of olive oils,

Italy would have accounted for nearly 40% of the EU total and Slovenia for nearly 1%. The percentage at the EU level is the six national percentages added and divided per six. This means that all countries have the same weight on the EU average in this study. We decided not to make a pro rata assessment because we wanted to emphasise the national differences within the defined blocs. Each country has its manner to conceive its GI legislation and the specification used. Thus we try to highlight the cultural, agricultural and legal differences which exist between the blocs.

**Geographical coverage:**

This phase of the study covered:

- IOC Member countries: Albania, Algeria, Argentina, Croatia, Egypt, the European Union (Greece, Italy, France, Portugal, Slovenia and Spain), Iran, Iraq, Israel, Jordan, Lebanon, Libya, Montenegro, Morocco, Serbia, Syria, Tunisia, and Turkey;
- Other olive producing countries: Australia, Brazil, Chile, Mexico, Palestine, Peru, Saudi Arabia, and the USA

## 2. General overview

During this second phase of the study, the following number of products was found to be protected as geographical indications in their country of origin (see identity cards in the Annexes III).

**Table 1 - General overview of the protected GIs**

	<b>Table Olives</b>	<b>Olive oils</b>
<b>EU countries</b>		
France	4	7
Greece	10	27
Italy	3	40
Portugal	2	6
Slovenia		1
Spain		20
Sub-total EU Countries	19	101
<b>Non EU Countries</b>		
Morocco		1
Turkey	1	3
Sub-total non EU Countries	1	4
<b>Total EU &amp; non EU Countries</b>	<b>21</b>	<b>105</b>

The geographical indications' products found by the experts are mainly registered in the European Union: 19 table olives and 101 olive oils. Regarding the non-EU countries, Morocco and Turkey are the only countries which have currently protected a small number of products.

The following detailed analysis covers these 21 table olives and 105 olive oils protected as geographical indications.

### **3. Comparison**

The comparison of the olive oils and table olives' specifications is done first at the EU level, then between the non EU countries, and finally between the EU and the other countries' GIs.

#### **3.1.1. Comparison at the EU level**

In the European Union, only the Mediterranean countries have an olive production. As a consequence, this part of the study only covers six of the twenty seven Member States of the European Union, that is to say France, Greece, Italy, Portugal, Slovenia and Spain. Italy and Greece are the countries which have registered the highest number of olives oils and table olives.

The statistics were first done at the national level and then at the European level. This method allows us to see the difference between the Member States and give us an insight into the type of protection the European Union gives to its products with geographical indications.

#### **3.1.2. Comparison at the EU level for olive oils**

This analysis covers 40 protected Italian olive oils, 27 Greek ones, 20 Spanish ones, 7 French ones, 6 Portuguese ones and one Slovenian olive oil.

Table 2 - Comparison at the EU level for olive oils

		France	Greece	Italy*	Portugal	Slovenia	Spain **	Total EU
Date of registration	Until 1996	0%	55,56%	12,50%	66,66%	0%	5%	23,29%
	After 1996	100%	44,44%	87,50%	33,34%	100%	95%	76,71%
Type of protection	PDO	100%	59,25%	97,50%	100%	100%	100%	92,79%
	PGI	0%	40,74%	2,50%	0%	0%	0%	7,21%
Origin of the raw material	Local	100%	100%	100%	100%	100%	100%	100%
	Other	0%	0%	0%	0%	0%	0%	0%
Type of oil	Virgin	100%	37,04%	0%	0%	0%	15%	25,34%
	Extra virgin	0%	62,96%	100%	100%	100%	85%	74,66%
<b>Characteristics</b>								
Olive variety(ies) used	Native	28,57%	0%	25%	33,33%	0%	15%	16,98%
	Others	71,43%	100%	75%	66,67%	100%	85%	83,02%
Physical	Yes	71,43%	100%	100%	100%	100%	90%	93,57%
	No	28,57%	0%	0%	0%	0%	10%	6,43%
Chemical	Yes	100%	96,30%	100%	100%	100%	70%	94,38%
	No	0%	3,70%	0%	0%	0%	30%	5,62%
Organoleptic	Yes	100%	96,30%	100%	100%	100%	80%	96,05%
	No	0%	3,70%	0%	0%	0%	20%	3,95%
<b>Cultivation, production &amp; packaging methods</b>								
Planting density	Yes	71,43%	33,33%	77,50%	16,66%	0%	75%	45,65%
	No	28,57%	66,66%	22,50%	83,34%	100%	25%	54,35%
Care of the plants	Yes	71,43%	96,30%	87,50%	33,33%	100%	75%	77,26%
	No	28,57%	3,70%	12,50%	66,67%	0%	25%	22,74%
Irrigation	Yes	71,43%	59,25%	5,0%	33,33%	100%	65%	55,67%
	No	28,57%	40,74%	95,0%	66,67%	0%	35%	44,33%
Maximum yield per hectares	Yes	85,71%	0%	100%	33,33%	0%	15%	39,01%
	No	14,29%	100%	0%	66,67%	100%	85%	60,99%
Other techniques	Yes	71,43%	100%	75%	50%	100%	60%	76,07%
	No	28,57%	0%	25%	50%	0%	40%	23,93%
Time of the harvest	Yes	100%	88,88%	95%	83,33%	100%	90%	92,87%
	No	0%	11,12%	5%	16,67%	0%	10%	7,13%
Harvest method	Yes	100%	88,88%	95%	83,33%	100%	95%	93,70%
	No	0%	11,12%	5%	16,67%	0%	5%	6,30%
Transportation method	Yes	46,86%	92,59%	40%	33,33%	10%	100%	53,80%
	No	53,14%	7,41%	60%	66,67%	0%	0%	31,20%
Production methods	Yes	100%	100%	85%	83,33%	100%	100%	94,72%
	No	0%	0%	15%	16,67%	0%	0%	5,28%
Storage method	Yes	71,43%	100%	42,50%	50%	100%	100%	77,32%
	No	28,57%	0%	57,50%	50%	0%	0%	22,68%
Type of press used	Yes	100%	100%	100%	100%	100%	100%	100%
	No	0%	0%	0%	0%	0%	0%	0%
Packaging methods	Yes	0%	96,30%	95%	66,66%	100%	100%	76,33%
	No	100%	3,70%	5%	33,34%	0%	0%	23,67%
<b>Marketing methods</b>								
Rules concerning the labelling	Yes	100%	100%	100%	83,33%	100%	100%	97,22%
	No	0%	0%	0%	16,67%	0%	0%	2,78%
Other marketing methods	Yes	0%	96,30%	100%	0%	0%	40%	39,38%
	No	100%	3,70%	0%	100%	100%	60%	60,62%
<b>Type of controls</b>								
Public authority		100%	100%	100%	0%	0%	100%	66,67%
Private body		0%	0%	0%	100%	100%	0%	33,33%

\* 39 olive oils out of 40 had provisions on the variety used (97.5%)

\*\* In the case of one of the products, the type of control was not specified. The average for Spain will thus be based on the other products.

## **General comments**

24% of olive oils studied were registered at the European level in 1996, accounting for 55.56% in Greece and 66.66% in Italy. They were thus registered under the fast track procedure established after the adoption of Council Regulation (EEC) n°2081/92 of the 14<sup>th</sup> of July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs<sup>87</sup>. This regulation provided, under article 17, that the Member States which already had products with PDO or PGI could inform the European Commission of the existence of these products so that it could examine the specifications in order to protect them quickly at the European level. The Member States had until 1994 to send the information on their products to the Commission. The first Regulation protecting these products was published in 1996. We decided to emphasise this difference in the process of registration at the EU level because the products registered in 1996 were scrutinized in a different manner than the ones protected afterwards. The products protected after 1996 had to better justify the link to the territory and the *terroir*, as well as to provide a more detailed specification. Over 76% of olive oils studied were registered at the European level after 1996.

Most of the products (92.79%) registered in the EU benefit from a Protected Denomination of Origin (PDO). Greece has the highest number of Protected Geographical Indications (PGI): 40.74% of all its oils. While the protection under a PGI authorises one step of the production to take place outside the defined area (production and/or processing and/or preparation), the raw material of the olive oils studied is locally produced in all the cases.

Most of the oils (74.66%) are extra virgin oils, with the notable exception of France, where 100% of the oils are virgin oils.

With regard to the control of the specifications which is mandatory, two third (66.67%) of the protected olive oils are subject to controls led by public authorities, the figure reaches 100% in France, in Greece, in Italy and in Spain. However, private bodies are controlling the quality of the oils in all the cases in Portugal and Slovenia.

## **Characteristics of the olives**

83.02% of the oils do not use native olive varieties, which are defined as varieties which are typical of the region and usually not found outside that region.

Over 93% of the specifications of the olive oils contain information concerning the physical (93.57%), chemical (94.38%) and organoleptic (96.05%) characteristics of the oils.

## **Cultivation techniques**

Cultivation techniques are defined as the techniques used to ensure that the production of oil is efficient and that the quality of the olives is optimum. In this study, we emphasised our research on planting density, care of the plants, irrigation, maximum yield per hectares and techniques of cultivation. 54.35% of the specifications do not contain indications on the planting density. However, this information is usually present in France (71.43%), in Italy (77.50%) and in Spain (75%). 77.26% of the specifications include provisions on the care of the plants (the obligation to cut the branches, the grass under the plants...), except in Portugal where only 33.33% of them have information on this point.

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<sup>87</sup> - Regulation (EC) 2081/1992 is not in force any longer. See: [http://eur-lex.europa.eu/smartapi/cgi/sga\\_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=fr&numdoc=31992R2081&model=guichett](http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexapi!prod!CELEXnumdoc&lg=fr&numdoc=31992R2081&model=guichett)

The majority (55.67%) of the specifications provides for the right to irrigate the plants, except in Italy and in Portugal, where respectively 95% and 66.67% of the specifications do not allow it. The maximum yield per hectares is not given in 60.99% of the cases, except in France and in Italy where it is given in 85.71% and 100% of the cases.

76.07% of the specifications indicate other techniques of cultivation, such as the fight against bugs or illness attacking the olive plants or the authorisation to use pesticides. It has to be noted that in the case of Portugal only half of the specifications contains such provisions.

In 92.87% of the cases, the time of the harvest, a period of months in which the harvest is authorised, is given in the specifications and in 93.70% the harvest method is also provided. In the majority of the specifications (53.80%), the transportation method of the olives towards the place of processing is given. In France (53.14%), Italy (60%) and Portugal (66.67%), this indication does not appear in the specifications. The storage method is indicated on average in 77.32% of the cases with the notable exception of Italy (42.50%) and Portugal (50%).

In a large majority of cases (94.72%), details on the production methods of the oils are given, and in all the cases, the type of press used is given. It consists, in most of the cases, of a mechanical press.

The packaging methods of the oils, for example the type of bottle used, appears in 76.33% in the specifications, except in France where it is never indicated.

### **Marketing methods**

Nearly all the specifications (97.22%) for the olive oils contain rules concerning the labelling, that is to say that the label should indicate the term "Protected Denomination of Origin" or "Protected Geographical Indications". The figure reaches 100% for all the countries, except Portugal (83.33%).

The majority of the specifications (60.62%) have no provisions on other marketing methods. Only Greece (96.30%) and Italy (100%) have such provisions. The producers are allowed to put their name on the bottles and the year of production must be indicated in both Greece and Italy.

### 3.1.3. Comparison at the EU level for table olives

The number of table olives protected at the EU level is much smaller than the number of olive oils. Greece has 10 protected table olives, France 4, Italy 3 and Portugal 2. The analysis will thus be based on these four countries and their 19 table olives.

Table 3 - Comparison at the EU level for table olives

		<u>France</u>	<u>Greece</u>	<u>Italy</u>	<u>Portugal</u>	<u>Total EU</u>
Date of registration	<i>Until 1996</i>	0%	90%	0%	50%	35%
	<i>After 1996</i>	100%	10%	100%	50%	65%
Type of protection	<i>PDO</i>	100%	90%	100%	100%	97,50%
	<i>PGI</i>	0%	10%	0%	0%	2,50%
Origin of the raw material	<i>Local</i>	100%	90%	100%	100%	97,50%
	<i>Other</i>	0%	10%	0%	0%	2,50%
<b>Characteristics</b>						
Olive variety(ies) used	<i>Native</i>	0%	0%	0%	50%	12,50%
	<i>Others</i>	100%	100%	100%	50%	87,50%
Physical	<i>Yes</i>	100%	100%	66,67%	100%	91,67%
	<i>No</i>	0%	0%	33,33%	0%	8,33%
Chemical	<i>Yes</i>	0%	0%	66,67%	50%	29,17%
	<i>No</i>	100%	100%	33,33%	50%	70,83%
Organoleptic	<i>Yes</i>	100%	10%	66,67%	50%	56,67%
	<i>No</i>	0%	90%	33,33%	50%	43,33%
<b>Cultivation, production &amp; packaging methods</b>						
Planting density	<i>Yes</i>	75%	40%	66,67%	100%	70,42%
	<i>No</i>	25%	60%	33,33%	0%	29,58%
Care of the plants	<i>Yes</i>	75%	90%	66,67%	50%	70,42%
	<i>No</i>	25%	10%	33,33%	50%	29,58%
Irrigation	<i>Yes</i>	75%	60%	100%	100%	83,75%
	<i>No</i>	25%	40%	0%	0%	16,25%
Maximum yield per hectares	<i>Yes</i>	75%	0%	100%	50%	56,25%
	<i>No</i>	25%	100%	0%	50%	43,75%
Other techniques	<i>Yes</i>	25%	100%	100%	50%	68,75%
	<i>No</i>	75%	0%	0%	50%	31,25%
Time of the harvest	<i>Yes</i>	100%	100%	66,67%	100%	91,67%
	<i>No</i>	0%	0%	33,33%	0%	8,33%
Harvest method	<i>Yes</i>	100%	100%	66,67%	100%	91,67%
	<i>No</i>	0%	0%	33,33%	0%	8,33%
Production methods	<i>Yes</i>	100%	100%	100%	100%	100%
	<i>No</i>	0%	0%	0%	0%	0%
Transportation method	<i>Yes</i>	75%	90%	33,33%	50%	62,08%
	<i>No</i>	25%	10%	66,67%	50%	37,92%
Storage method	<i>Yes</i>	75%	100%	33,33%	100%	77,08%
	<i>No</i>	25%	0%	66,67%	0%	22,92%
Packaging methods	<i>Yes</i>	0%	100%	100%	100%	75%
	<i>No</i>	100%	0%	0%	0%	25%
<b>Marketing methods</b>						
Rules concerning the labelling	<i>Yes</i>	100%	100%	100%	100%	100%
	<i>No</i>	0%	0%	0%	0%	0%
Other marketing methods	<i>Yes</i>	0%	100%	100%	50%	62,50%
	<i>No</i>	100%	0%	0%	50%	37,50%
<b>Type of controls</b>						
Public authority		100%	100%	100%	0%	75%
Private body		0%	0%	0%	100%	25%

## **General comments**

Only 35% of the table olives were registered under the fast-track procedure (for further information on this procedure, see the paragraph "introduction" in the previous olive oil section). However, the figure reaches 90 % for the Greek table olives. Furthermore, one in two Portuguese products was also protected before 1996.

97.5% of the table olives are protected as PDO and the origin of their raw material is local. As in the case of olive oils, Greece has the highest number of PGI (10 %).

75% of the table olives are controlled by a public authority, that is to say in all the cases in France, Greece and Italy. Portugal is the only country in which the control is made by a private body.

## **Characteristics of the olives**

On average, 87.50% of the olives cultivated are coming from non native varieties of plants. The figure is 100% in France, Greece, Italy and Spain, while half of the Portuguese olives are actually native.

In all cases studied in France, Greece and Portugal, the specifications provide information on the physical condition of the olive. In Italy, the information is given in 66.67% of the cases. In 70.83% of the cases, there is no indication on the chemical features of the olives, except for Italy (66.67%) and Portugal (50%) where they are given. In 57% of the specifications, the organoleptic characteristics of the table olives are provided, except in Greece (only 10 %). In Portugal, such an indication is given in one in two cases.

## **Cultivation techniques**

Cultivation techniques cover planting density, care of the plants, irrigation, maximum yield per hectares and techniques of cultivation.

70.42% of the specifications provide for the planting density authorised, except in Greece where it accounts for only 40 %. 70.42% of the specifications give information on the care of the plants, but only 66.67% in Italy and one in two in the case of Portugal. Irrigation is allowed in 83.75% of the cases. Other techniques of cultivation are allowed in 68.75% of the specifications. Those techniques are mostly not allowed in France (75%) but also in Portugal (50%).

The maximum yield per hectare is provided in 56.25% of the specifications, and again in one in two in the case of Portugal.

The time of the harvest and the harvest method are always given, apart from Italy where this information is only given in 66.67% of the cases.

The production methods are provided in all cases. Nonetheless, the specifications give details on the transportation method in 62.08% of the cases, apart from Italy (33.33%) and Portugal (50%). 77.08% of the specifications give details on the storage methods; yet again in Italy this information is given in only 33.33% of the cases. The specifications of the Italian olive oils seem to be the least detailed on the cultivation techniques, with information such as the transportation method and storage methods are usually not given.

75% of the specifications provide for information on the packaging method, notably on the type of bottle to be used. In France, this information is never given.

### **Marketing methods**

Rules concerning the labelling of the product exist for all the table olives studied. Other marketing methods, notably the logo of the product in Italy, the name of the inspection body and the serial number in Portugal and in Greece or the two final numbers of the year of production in Greece, are also used in 62.50% of the cases, except in France where it is never given and in Portugal where it is not given in one in two products.

### ***3.2. Comparison between the non EU countries***

This study covers many non EU countries. However, olive oils and table olives were found to be protected as geographical indications in only two of these countries: Morocco and Turkey. Both of them have protected olive oils, respectively one and three, but only Turkey has registered a GI for a table olive. You will find below an assessment of the details provided in the specifications of these four products.

### 3.2.1. Comparison between the non EU countries for olive oils

As aforementioned, only one olive oil is protected in Morocco and three are registered in Turkey.

Table 4 - Comparison between the non EU countries for olive oils

		Morocco	Turkey	Total non EU countries
Date of registration	Until 1996	0%	0%	0%
	After 1996	100%	100%	100%
Type of protection	PDO	100%	100%	100%
	PGI	0%	0%	0%
Origin of the raw material	Local	100%	100%	100%
	Other	0%	0%	0%
Type of oil	Virgin	0%	0%	0%
	Extra virgin	100%	100%	100%
<b>Characteristics</b>				
Olive variety(ies) used	Native	0%	0%	0
	Others	100%	100%	100%
Physical	Yes	100%	100%	100%
	No	0%	0%	0%
Chemical	Yes	100%	100%	100%
	No	0%	0%	0%
Organoleptic	Yes	100%	100%	100%
	No	0%	0%	0%
<b>Cultivation, production &amp; packaging methods</b>				
Planting density	Yes	0%	0%	0%
	No	100%	100%	100%
Care of the plants	Yes	100%	0%	50%
	No	0%	100%	50%
Irrigation	Yes	100%	0%	50%
	No	0%	100%	50%
Maximum yield per hectares	Yes	0%	0%	0%
	No	100%	100%	100%
Other techniques	Yes	100%	0%	50%
	No	0%	100%	50%
Time of the harvest	Yes	100%	0%	50%
	No	0%	100%	50%
Harvest method	Yes	100%	0%	50%
	No	0%	100%	50%
Transportation method	Yes	100%	0%	50%
	No	0%	100%	50%
Production methods	Yes	100%	100%	100%
	No	0%	0%	0%
Storage method	Yes	100%	100%	100%
	No	0%	0%	0%
Type of press used	Yes	100%	100%	100%
	No	0%	0%	0%
Packaging methods	Yes	100%	33,33%	66,67%
	No	0%	66,67%	33,34%
<b>Marketing methods</b>				
Rules concerning the labelling	Yes	100%	100%	100%
	No	0%	0%	0%
Other marketing methods	Yes	0%	66,67%	33,34%
	No	100%	33,33%	66,67%
<b>Type of controls</b>				
Public authority		0,00%	33,33%	16,67%
Private body		100,00%	66,67%	83,34%

## **General comments**

The four olive oils protected as GIs were registered after 1996. We decided to keep the same chronological difference, before and after 1996, than for the EU products in order to facilitate the comparison between the EU and the non EU products in the subsequent section.

All the Moroccan and Turkish olive oils are extra virgin and protected as PDO; their raw materials are local and all the production steps take place in the geographical area.

In Morocco, the controls are made by a private body, while in Turkey one olive oil is controlled by a public body and the two others by a committee consisting of both private (the cooperative union) and public authorities.

## **Characteristics of the olives**

In all the cases, the varieties used are not native. However, details on the physical, chemical and organoleptic features of the oils are always given.

## **Cultivation techniques**

The planting density and the maximum yield per hectares are never indicated in the specifications of the Moroccan and Turkish products.

Nevertheless, the Moroccan specifications are more detailed than the Turkish ones. The Moroccan specification includes provisions regarding the care of the plants (e.g. the obligation to cut the branches), irrigation and other techniques of cultivation (e.g. fight against bugs or illness). The Turkish specifications do not contain such provisions.

Furthermore, the Moroccan specification includes provisions on the time of the harvest, on the harvest and the transportation methods. The Turkish specifications do not include any of these details.

The production methods, as well as the storage method and the type of press used, are indicated in all the Moroccan and Turkish specifications.

On average, the packaging methods are indicated in 66.67% of the cases, but accounts for 100% in Morocco. This means that for two out of three Turkish cases, there is no provision on those methods.

## **Marketing methods**

All the Moroccan and Turkish specifications include provisions on the rules concerning the labelling. There are nonetheless no indication regarding the other marketing methods in 66.67% of the cases; 100% in Morocco.

### 3.2.2. Comparison between the non EU countries for table olives

This part of the study covers the only protected table olive outside the EU: one Turkish table olive. In general, it has to be noted that the Turkish specifications include fewer provisions than the EU and the Moroccan ones.

Table 5 - Comparison between the non EU countries for table olives

		Turkey	Total non EU countries
Date of registration	Until 1996	0%	0%
	After 1996	100%	100%
Type of protection	PDO	100%	100%
	PGI	0%	0%
Origin of the raw material	Local	100%	100%
	Other	0%	0%
<b>Characteristics</b>			
Olive variety(ies) used	Native	0%	0%
	Others	100%	100%
Physical	Yes	100%	100%
	No	0%	0%
Chemical	Yes	100%	100%
	No	0%	0%
Organoleptic	Yes	100%	100%
	No	0%	0%
<b>Cultivation, production &amp; packaging methods</b>			
Planting density	Yes	0%	0%
	No	100%	100%
Care of the plants	Yes	0%	0%
	No	100%	100%
Irrigation	Yes	0%	0%
	No	100%	100%
Maximum yield per hectares	Yes	0%	0%
	No	100%	100%
Other techniques	Yes	100%	100%
	No	0%	0%
Time of the harvest	Yes	0%	0%
	No	100%	100%
Harvest method	Yes	0%	0%
	No	100%	100%
Production methods	Yes	100%	100%
	No	0%	0%
Transportation method	Yes	0%	0%
	No	100%	100%
Storage method	Yes	100%	100%
	No	0%	0%
Packaging methods	Yes	100%	100%
	No	0%	0%
<b>Marketing methods</b>			
Rules concerning the labelling	Yes	100%	100%
	No	0%	0%
Other marketing methods	Yes	0%	0%
	No	100%	100%
<b>Type of controls</b>			
Public authority		100%	100%
Private body		0%	0%

### **General comments**

The Turkish table olive was registered after 1996 as a PDO. Its raw material comes from the area. The control is made by public authorities.

### **Characteristics of the olives**

The olive variety is not native but physical, chemical and organoleptic features are given by the specifications.

### **Cultivation techniques**

In the specification, there is no indication of the planting density, the care of the plants, the irrigation, and the maximum yield per hectares. However, other cultivation techniques are given.

The time of the harvest, as well as the harvest and transportation methods are not stated. The production, storage and packaging methods are nonetheless indicated in the specification.

### **Marketing methods**

The specification contains the rules concerning the labelling but nothing related to other marketing methods.

### ***3.3. Comparison between the European and non European olive oils and table olives protected as GIs***

Most of the table olives and olive oils protected by a geographical indication are from the EU: 16 table olives out of 17 and 101 olive oils out of 115. The objective of this section is to provide an analysis of the differences that exist between the products registered in the EU and those protected in non EU countries.

#### **3.3.1. Comparison for olive oils**

This part of the study aims at examining the existing differences between the 101 olive oils registered in the EU and the four table olives protected in Morocco and Turkey. The comparison between Morocco and Turkey highlighted big differences between their specifications. In order to facilitate the comparison between their specifications and those of the EU, the comparison will be done first between Morocco and the EU and then between Turkey and the EU.

The comparison between the Moroccan specification and the European specifications is simple because the Moroccan specification has exactly the same characteristics as the European ones, except for the type of control (see paragraphs above in section 3.2).

As the comparison between Morocco and the EU does not imply a further development, the following paragraphs cover mainly the comparison between Turkey and the EU.

Table 6 - Comparison for olive oils between the European and non European olive oils and table olives protected as GIs

		Total EU	Morocco	Turkey	Total non EU countries
Date of registration	Until 1996	23,29%	0%	0%	0%
	After 1996	76,71%	100%	100%	100%
Type of protection	PDO	92,79%	100%	100%	100%
	PGI	7,21%	0%	0%	0%
Origin of the raw material	Local	100%	100%	100%	100%
	Other	0%	0%	0%	0%
Type of oil	Virgin	25,34%	0%	0%	0%
	Extra virgin	74,66%	100%	100%	100%
<b>Characteristics</b>					
Olive variety(ies) used	Native	16,98%	0%	0%	0%
	Others	83,02%	100%	100%	100%
Physical	Yes	93,57%	100%	100%	100%
	No	6,43%	0%	0%	0%
Chemical	Yes	94,38%	100%	100%	100%
	No	5,62%	0%	0%	0%
Organoleptic	Yes	96,05%	100%	100%	100%
	No	3,95%	0%	0%	0%
<b>Cultivation, production &amp; packaging methods</b>					
Planting density	Yes	45,65%	0%	0%	0%
	No	54,35%	100%	100%	100%
Care of the plants	Yes	77,26%	100%	0%	50%
	No	22,74%	0%	100%	50%
Irrigation	Yes	55,67%	100%	0%	50%
	No	44,33%	0%	100%	50%
Maximum yield per hectares	Yes	39,01%	0%	0%	0%
	No	60,99%	100%	100%	100%
Other techniques	Yes	76,07%	100%	0%	50%
	No	23,93%	0%	100%	50%
Time of the harvest	Yes	92,87%	100%	0%	50%
	No	7,13%	0%	100%	50%
Harvest method	Yes	93,70%	100%	0%	50%
	No	6,30%	0%	100%	50%
Transportation method	Yes	53,80%	100%	0%	50%
	No	31,20%	0%	100%	50%
Production methods	Yes	94,72%	100%	100%	100%
	No	5,28%	0%	0%	0%
Storage method	Yes	77,32%	100%	100%	100%
	No	22,68%	0%	0%	0%
Type of press used	Yes	100%	100%	100%	100%
	No	0%	0%	0%	0%
Packaging methods	Yes	76,33%	100%	33,33%	66,67%
	No	23,67%	0%	66,67%	33,34%
<b>Marketing methods</b>					
Rules concerning the labelling	Yes	97,22%	100%	100%	100%
	No	2,78%	0%	0%	0%
Other marketing methods	Yes	39,38%	0%	66,67%	33,34%
	No	60,62%	100%	33,33%	66,67%
<b>Type of controls</b>					
Public authority		66,67%	0,00%	33,33%	16,67%
Private body		33,33%	100,00%	66,67%	83,34%

## **General comments**

On average, the Turkish and the European olive oils protected as GIs are extra virgin and were registered after 1996 as PDO. The origin of the raw material is always local.

Regarding the type of control, the situations differ quite a lot and this impedes a good comparison:

- On average, in the EU, two third (66.67%) of the olive oils are controlled by public authorities, the figure reaches 100% in France, Greece, Italy and Spain.
- However, private bodies are controlling the quality of the olive oils in all the cases in Portugal and Slovenia. In Morocco, the controls are made by a private body.
- In Turkey, the majority (two out of three) is controlled by a committee consisting of both private (the cooperative union) and public authorities. The other Turkish olive oil is controlled by a public body.

## **Characteristics of the olives**

On average, the Turkish and the European specifications contain information on the physical, chemical and organoleptic characteristics of the olives. Furthermore, the variety of the olive is not local.

## **Cultivation techniques**

The cultivation techniques considerably differ between Turkey and the European Union. The Turkish specifications do not include provisions regarding the care of the plants, irrigation and other techniques of cultivation. The European specifications always give such a detail. However, the planting density and the maximum yield per hectares are not indicated in the specifications of the Turkish products or in the standard European specifications.

The Turkish specifications also do not contain provision on the time of the harvest, as well as on the harvest and the transportation methods. This information is always given in the European specifications.

The production methods, as well as the storage method and the type of press used, are indicated in the Turkish specifications, as well as in the European specifications.

The packaging methods appear in 76.33% in the European specifications, but only in 33.33% of the Turkish ones.

## **Marketing methods**

On average, the Turkish as well as the European specifications contain provisions on the rules concerning the labelling. The difference occurs regarding the other marketing methods: they are provided for in the Turkish specifications but in general not in the EU ones.

In the Turkish olive oil sector, the specifications of the products currently protected do not include detailed information on the cultivation techniques. Rather, they concentrate on the description of the production methods and of the final products.

### 3.3.2. Comparison for table olives

This part of the study aims at assessing the existing differences between the 19 table olives registered in the EU and the table olive protected in Turkey.

Table 7 - Comparison for table olives between the EU and Turkey

		Total EU	Total Turkey
Date of registration	Until 1996	35%	0%
	After 1996	65%	100%
Type of protection	PDO	97,50%	100%
	PGI	2,50%	0%
Origin of the raw material	Local	97,50%	100%
	Other	2,50%	0%
<b>Characteristics</b>			
Olive variety(ies) used	Native	12,50%	0%
	Others	87,50%	100%
Physical	Yes	91,67%	100%
	No	8,33%	0%
Chemical	Yes	29,17%	100%
	No	70,83%	0%
Organoleptic	Yes	56,67%	100%
	No	43,33%	0%
<b>Cultivation, production &amp; packaging methods</b>			
Planting density	Yes	70,42%	0%
	No	29,58%	100%
Care of the plants	Yes	70,42%	0%
	No	29,58%	100%
Irrigation	Yes	83,75%	0%
	No	16,25%	100%
Maximum yield per hectares	Yes	56,25%	0%
	No	43,75%	100%
Other techniques	Yes	68,75%	100%
	No	31,25%	0%
Time of the harvest	Yes	91,67%	0%
	No	8,33%	100%
Harvest method	Yes	91,67%	0%
	No	8,33%	100%
Production methods	Yes	100%	100%
	No	0%	0%
Transportation method	Yes	62,08%	0%
	No	37,92%	100%
Storage method	Yes	77,08%	100%
	No	22,92%	0%
Packaging methods	Yes	75%	100%
	No	25%	0%
<b>Marketing methods</b>			
Rules concerning the labelling	Yes	100%	100%
	No	0%	0%
Other marketing methods	Yes	62,50%	0%
	No	37,50%	100%
<b>Type of controls</b>			
Public authority		75%	100%
Private body		25%	0%

### **General comments**

Most of the products studied for this phase were registered after 1996 as PDO and the majority of their raw material comes from the area of production.

In most of the cases the control is made by public authorities: 100% in Turkey and on average 75% in the EU (100% in France, Greece and Italy). Portugal is the only country in which the control is made by a private body.

### **Characteristics of the olives**

The majority of the varieties are not local. In the EU and in Turkey, details on the physical and organoleptic characteristics of the olives are given. However, on average there is no provision on the chemical features in the EU while in Turkey this information is given.

### **Cultivation techniques**

The cultivation techniques differ between the EU and Turkey because the standard European specifications contain details on the planting density, the care of the plants, the irrigation and the maximum yield per hectares, but the Turkish one does not. Nonetheless, they both contain information on the other techniques concerning cultivation techniques.

The Turkish specification does not include details on the time of the harvest, the harvest and the transportation methods; the EU specifications usually do contain such information. However, the production methods are given in all the cases, and the storage and the packaging methods are on average present in the European and Turkish specifications.

### **Marketing methods**

All the specifications include provisions on the rules concerning the labelling but only the European specifications give on average details on the other marketing methods.

#### **4. Conclusion**

According to the assessment of the specifications done in this phase, some elements are common to the majority of olive oils and table olives protected as geographical indications. They are indeed mostly PDOs, which means that all the production process (cultivation, harvest, transformation and packaging) takes place in the geographical area. Moreover, the raw materials, the olives, come from the area. Nevertheless, in most of the cases, the variety of the olive does not have to be a local one, that-is-to-say not a traditional variety.

The physical and organoleptic characteristics of the olives are generally given in the specifications. Furthermore, the cultivation, production and packaging methods are usually indicated, as well as the rules concerning the labelling are also mentioned.

The main differences between the different specifications are the type of control and how detailed the texts are. This is true within the European Union as well as when comparing specifications of EU products with non EU GI specifications. Indeed, the Turkish specifications of the protected GIs do not include detailed information on olive cultivation for instance. They concentrate on the description of the final products and production methods. However, the protected GIs cover very large areas with heterogeneous olive varieties, flavours and cultivation techniques. According to a Turkish expert, Evren GÜldoğan, the current Turkish GIs specifications differ so much from the European ones that they would not be registered in the EU under Regulation n°510/2006.

On the other hand, the Moroccan system is clearly inspired by the EU system, which means that the Moroccan olive oils could potentially be registered in the EU.

In conclusion, we can affirm that the type of information needed for the protection of the table olive and olive oils are heterogeneous in the countries which currently protect them.

**PHASE III: IDENTIFICATION OF THE GI  
POTENTIAL IN OLIVE PRODUCING  
COUNTRIES**

## Introduction

As part of this study, Insight Consulting and its expert searched for table olives and olive oils which could qualify as geographical indications in IOC members and in several olive non-IOC countries. The identified products are not protected yet at the national level but arguably meet of the definition of geographical indication (in particular they have a quality, reputation or other characteristic essentially attributable to their geographical origin<sup>88</sup>) to justify a possible protection as a GI in the future.

In order to facilitate the presentation of information gathered, Insight Consulting created a database in which the experts inserted the data collected, i.e:

- The geographical origin of the product (Country + Region),
- The type of product (olive oil or table olive),
- The denomination of the product,
- The reasons why it could qualify as a GI,
- Any other relevant information.

We would like to emphasise that has proved very difficult to obtain detailed information on many possible GIs. The analysis provided below thus does not go into a lot of details on some of the potential GIs due to the lack of information. It should however provide a good overview of where the GI potential lies and of the countries which are interested in pursuing the GI route as a way to protect and promote their olive oils and table olives.

During this phase, Insight Consulting and its team also tried to enquire about the stakeholders' interest in the registration of their products in the aforesaid countries.

This section covers potential GIs for table olives and olive oils. It is divided in two parts: IOC and non-IOC members. A file has been established for each country, which explains the national situation and gives the name(s) of the potential GIs, if any.

Looking at numbers (see table below), from 102 to 113 olive oils and 27 table olives were identified as potential GIs: from 84 to 94 olive oils and 24 table olives in the IOC members, including 19 olive oils and 6 table olives in the EU, and 18 to 19 olive oils and 3 table olives in the non-IOC members.

**Table 8 - Summary of the potential GIs**

	<u>Potential Olive oils GIs</u>	<u>Potential Table olives GIs</u>
<b>IOC Members</b>		
<b>Albania</b>	<b>9</b>	<b>2</b>
<b>Algeria</b>	None	None
<b>Argentina</b>	<b>4</b>	<b>9</b>
<b>Croatia</b>	<b>8</b>	None
<b>Egypt</b>	None	None
<b>European Union</b>		
<b>Bulgaria</b>	No production of olives	No production of olives
<b>Cyprus</b>	<ul style="list-style-type: none"> <li>• None</li> <li>• Applications exclusively at the national</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> <li>• Applications exclusively at the national</li> </ul>

<sup>88</sup> - see article 22§1 of the Trade Related Intellectual Property Rights (TRIPs) Agreement of the World Trade Organization which defines geographical indication.

	level	level
<b>France</b>	<b>3:</b> <ul style="list-style-type: none"> <li>• 2 projects at the local level</li> <li>• 1 pending application at the EU level</li> </ul>	<b>2:</b> <ul style="list-style-type: none"> <li>• 1 project at the local level</li> <li>• 1 pending application at the EU level</li> </ul>
<b>Greece</b>	1 pending registration request at the EU level	None
<b>Italy</b>	<b>4:</b> <ul style="list-style-type: none"> <li>• 1 project at the national level</li> <li>• 3 pending application at the EU level</li> </ul>	1 pending application at the national level
<b>Malta</b>	<ul style="list-style-type: none"> <li>• None</li> <li>• Interest of local producers in the protection of their products</li> </ul>	None
<b>Portugal</b>	<b>2:</b> <ul style="list-style-type: none"> <li>• 1 project at the national level</li> <li>• 1 pending application at the EU level</li> </ul>	2 projects at the national level
<b>Romania</b>	No production of olives	No production of olives
<b>Slovenia</b>	None	None
<b>Spain</b>	9 pending application at the EU level	1 pending application at the EU level
<b>Sub-total</b>	<b>19</b>	<b>6</b>
<b>Iran</b>	None	None
<b>Iraq</b>	Small production of olives	Small production of olives
<b>Israel</b>	<b>4</b>	None
<b>Jordan</b>	<b>2</b>	None
<b>Lebanon</b>	<b>6</b>	None
<b>Libya</b>	None	None
<b>Montenegro</b>	Future Law on labels of origin, geographical indications and traditional specialties guaranteed labels for agricultural and food products including olive oils	None
<b>Morocco</b>	<b>1 or 11</b>	None
<b>Serbia</b>	None	None
<b>Syria</b>	<b>4</b>	<b>4</b>
<b>Tunisia</b>	<b>24</b>	None
<b>Turkey</b>	3 projects at the national level	3 projects at the national level
<b>Total</b>	<b>From 84 to 94</b>	<b>24</b>
<b>Non IOC Members</b>		
<b>Australia</b>	No certification scheme or GI strategy	No certification scheme or GI strategy
<b>Brazil</b>	Production of olive oil at a nascent stage	Production of olive oil at a nascent stage
<b>Chile</b>	<b>4</b>	<b>2</b>
<b>Mexico</b>	Small production, no GIs	None
<b>Palestine</b>	<b>6/7</b>	None
<b>Peru</b>	<b>4</b>	<b>1</b>
<b>Saudi Arabia</b>	<ul style="list-style-type: none"> <li>• Very small production</li> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Very small production</li> <li>• None</li> </ul>
<b>USA</b>	<b>4 potential GIs in 2 areas:</b> <ul style="list-style-type: none"> <li>• California: Existing Certification Program for Californian Olive Oils (1 potential GI)</li> <li>• Texas: setting up of a scheme in Texas (3 potential GIs)</li> </ul>	None
<b>Total</b>	<b>From 18 to 19</b>	<b>3</b>

Situation at the end of May 2010

The figures indicated in the above chart cover potential GIs in each country. In some cases, specific areas of production have been identified, e.g. California in the USA, whereas in other cases, specific olive oil or table olive have been found to qualify as potential GI.

## Section I – IOC members

As aforementioned, 84 to 94 olive oils and 24 table olives have been found in the IOC members, including 19 olive oils and 6 table olives in the EU.

**Table 9 - Summary of the potential GIs in the IOC members**

	<u>Potential Olive oils GIs</u>	<u>Potential Table olives GIs</u>
<b>IOC Members</b>		
<b>Albania</b>	<b>9</b>	<b>2</b>
<b>Algeria</b>	None	None
<b>Argentina</b>	<b>4</b>	<b>9</b>
<b>Croatia</b>	<b>8</b>	None
<b>Egypt</b>	None	None
<b>European Union</b>		
<b>Bulgaria</b>	No production of olives	No production of olives
<b>Cyprus</b>	<ul style="list-style-type: none"> <li>• None</li> <li>• Applications exclusively at the national level</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> <li>• Applications exclusively at the national level</li> </ul>
<b>France</b>	<b>3:</b> <ul style="list-style-type: none"> <li>• 2 projects at the local level</li> <li>• 1 pending application at the EU level</li> </ul>	<b>2:</b> <ul style="list-style-type: none"> <li>• 1 project at the local level</li> <li>• 1 pending application at the EU level</li> </ul>
<b>Greece</b>	1 pending registration request at the EU level	None
<b>Italy</b>	<b>4:</b> <ul style="list-style-type: none"> <li>• 1 project at the national level</li> <li>• 3 pending application at the EU level</li> </ul>	1 pending application at the national level
<b>Malta</b>	<ul style="list-style-type: none"> <li>• None</li> <li>• Interest of local producers in the protection of their products</li> </ul>	None
<b>Portugal</b>	<b>2:</b> <ul style="list-style-type: none"> <li>• 1 project at the national level</li> <li>• 1 pending application at the EU level</li> </ul>	2 projects at the national level
<b>Romania</b>	No production of olives	No production of olives
<b>Slovenia</b>	None	None
<b>Spain</b>	9 pending application at the EU level	1 pending application at the EU level
<b>Sub-total</b>	<b>19</b>	<b>6</b>
<b>Iran</b>	None	None
<b>Iraq</b>	Small production of olives	Small production of olives
<b>Israel</b>	<b>4</b>	None
<b>Jordan</b>	<b>2</b>	None
<b>Lebanon</b>	<b>6</b>	None
<b>Libya</b>	None	None
<b>Montenegro</b>	Future Law on labels of origin, geographical indications and traditional specialties guaranteed labels for agricultural and food products including olive oils	None
<b>Morocco</b>	<b>1 or 11</b>	None
<b>Serbia</b>	None	None
<b>Syria</b>	<b>4</b>	<b>4</b>
<b>Tunisia</b>	<b>24</b>	None
<b>Turkey</b>	3 projects at the national level	3 projects at the national level
<b>Total</b>	<b>From 84 to 94</b>	<b>24</b>

Situation at the end of May 2010

The situation varies greatly from one country to the other. Some countries do not produce olives or do not have the legal framework to protect these products as GIs. In other countries, the production is recent and is not protected yet.

Finally, in some countries, the reflection on the protection of GIs started recently and the process of protection is ongoing. In most of the cases, potential GI for olive oils has been found, but there are no potential GIs for table olives.

In the following chart containing only the details on the countries which have potential GIs, we can see that Tunisia is the country which has the higher number of potential areas of production of olive oils (24), followed by Morocco (11). As regards to table olives, Argentina has the higher number of potential GIs (9). The Members States of the EU do not account for the majority of the products found, as it was the case in the second phase of the study on protected GIs. This can be explained by the fact that most the GIs are probably already protected at the EU level. However, it is interesting to see that non EU countries are in the process of protecting their products or at least thinking to do so.

**Table 10 - Summary of the IOC members in which potential GIs were found**

	<b>Potential Olive oils GIs</b>	<b>Potential Table olives GIs</b>
<b>IOC Members</b>		
<b>Albania</b>	<b>9</b>	<b>2</b>
<b>Argentina</b>	<b>4</b>	<b>9</b>
<b>Croatia</b>	<b>8</b>	None
<b>European Union</b>		
<b>France</b>	<b>3:</b> • 2 projects at the local level • 1 pending application at the EU level	<b>2:</b> • 1 project at the local level • 1 pending application at the EU level
<b>Greece</b>	1 pending registration request at the EU level	None
<b>Italy</b>	<b>4:</b> • 1 project at the national level • 3 pending application at the EU level	1 pending application at the national level
<b>Portugal</b>	<b>2 :</b> • 1 project at the national level • 1 pending application at the EU level	2 projects at the national level
<b>Spain</b>	9 pending application at the EU level	1 pending application at the EU level
<b>Sub-total</b>	<b>19</b>	<b>6</b>
<b>Israel</b>	<b>4</b>	None
<b>Jordan</b>	<b>2</b>	None
<b>Lebanon</b>	<b>6</b>	None
<b>Morocco</b>	<b>1 or 11</b>	None
<b>Syria</b>	<b>4</b>	<b>4</b>
<b>Tunisia</b>	<b>24</b>	None
<b>Turkey</b>	3 projects at the national level	3 projects at the national level
<b>Total</b>	<b>From 84 o 94</b>	<b>24</b>

Situation at the end of May 2010

## **Albania**

Like all economic sectors in Albania, the olive sector has suffered from the consequences of radical changes that have affected the political and economic systems of the country.

For almost fifty years, the cultivation of olive trees and the whole area of processing and marketing of the product was managed by cooperatives and grouping of farmers associations.

Although it occupies only 9.4% of the agricultural area, the olive tree is considered in Albania as an extremely important factor for the development of rural areas in the western part of the country. The annual production of olive oil over the past 90 years was approximately 5000 tons and almost 3000 tons of table olives.

The current production of olive oil varies between 7000 and 8000 tons a year and between 5000 and 6000 tons a year for the table olives<sup>89</sup>.

The virgin olive oil produced in Albania is exclusively destined for domestic consumption. The poor quality of olive oil produced in Albania makes it impossible to export.

### Legal framework

The Albanian legislation for PDOs and PGIs is still in a drafting phase. Therefore, there is not yet a legal basis for establishing Albanian olive oil and table olives PDOs and PGIs. A groundbreaking draft law, regarding the establishment of the vineyard cadastre and the rules for the establishment of wine PDOs and PGIs is currently in phase of final draft. The legislation on olive oil is based on Law No. 8944, 10 September 2002, "*On the production, origin and trade of olive oil*".

After the access of Albania to IOC and WTO and within the process of pre-accession to EU, the norms on olive oil must be deeply improved

The required steps, preliminary to the development of legislation on olive oil and table olives PDOs and PGIs are the following:

1. The drafting of a new law on olive oil, replacing Law 8944/02.
2. The drafting of a law on olive cadastre.
3. The drafting of a law on olive oil and table olives PDOs and PGIs.

Based on the work made for the harmonisation to the *acquis communautaire* (EU legal framework) of the Albanian legislation on wine, the harmonisation of legal provisions required for establishing Albanian olive oil and table olives PDOs and PGIs could follow a shorter and simpler process.

The norms preventing the illegal use of denomination of origin are included in the law "on industrial property" (Law 9977/08) with the objects: a) Patent and utility models; b) Industrial designs; c) trademarks and service marks; ç) Geographical indications.) and in the law "on food" (Law 9863/08), chapter VIII, article 32, "origin designation and food geographical indications".

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<sup>89</sup> *Olivicoltura eroica dall'Albania. Sami Aslani (Rev. Olivo e Olio n. 3/2004)*. - Rapport préparé par Angelina Belaj, de l'Institut d'arboriculture Ujet e Ftohte, Vlorë. Albanie

## Land suitability map

The land suitability map has been recently updated and is included in the study “*Situation and development perspectives of oliviculture*” produced in 2009 by Ministry of Agriculture, Food and Consumer Protection.

## Potential areas for PDOs and PGIs

The elements for establishing Olive oil and table olives PDOs in Albania (tradition in production, specificity of product, use of a limited number of cultivars, particularly suitable to the area and homogeneity of pedoclimatic conditions) are satisfied in some places.

Some cultivars are native to Albania. They are cultivated around their areas of origin and have a limited diffusion outside these areas. According to a study on “*RAPD genetic diversity of Albanian olive germplasm and its relationships with other Mediterranean countries*”<sup>90</sup>, there are six major cultivars established in the six most important and antique areas of olive cultivation:

1. ‘Kalinjot’ (Vlora),
2. ‘Kokerrmadh Berati’ (Berat),
3. ‘Mixani’ (Elbasan),
4. ‘Ulliri i Bardhë i Tiranës’ (Tirana),
5. ‘Krypsi i Krujës’ (Kruja) and
6. ‘Kallmet’ from Lezhë-West of Peshkopia.

9 potential olive oils and 2 table olives were identified in Albania. There are three pending applications to the Albanian Patent Institute for olive oils, for the ‘White olive’ (which covers the one from Kruja, Tirana and Elbasan), ‘Kanina’ and ‘Bregu’ and two for the two table olives.

### **1. Olive oils:**

#### **White olive oil of Kruja**

Type of protection: PDO

Geographical area: Kruja, in the region of Durres

This potential PDO is linked to the ‘White olive oil of Tirana’ and the ‘White olive oil of Elbasan’, because they have physically contiguous areas, even if they are located in different regions, and are characterised by the specialisation in the production of the ‘White Olive’, with a double purpose (olive oil and table olive). Although registered as a single cultivar<sup>91</sup>, the ‘white olive’ has slightly different characteristics that sometimes lead to identify them separately.

Varieties: The ‘white olive of Kruja’. This variety represents half the region’s plants, and 23% of the century old plants in the country. The weight of the fruit is 2.04 grams and the weight of the stone is 0.37 grams. The percentage of oil which can be extracted from the olive is 24-25%. This variety is resilient to cold weather and to drought. It can be cultivated on the slopes of the hills.

Production method: Every part of the process of growing, preparing and packing the olives takes place within the defined geographical area. In this area are also located a cluster of high quality olive oil producers.

#### **White olive oil of Tirana**

Type of protection: PDO

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<sup>90</sup> Study done by Angelina Belaj, Luis Rallo & Isabel Trujillo, Departamento de Agronomía, ETSIAM, Universidad de Córdoba, Spain; Zlatko Satovic, Faculty of Agriculture, University of Zagreb, Department of Seed Science and Technology, Croatia; Hajri Ismaili & Dhimitër Panajoti, Institute of Arboriculture, Albania. Received 4 March 2002; accepted 17 November 2002.

<sup>91</sup> Cultivar : a race or variety of a plant that has been created or selected intentionally and maintained through cultivation

Geographical area: Petrela, in the region of Tirana

This potential PDO is linked to the 'White olive oil of Kruja' and the 'White olive oil of Elbasan', because they have physically contiguous areas, even if they are located in different regions, and are characterised by the specialisation in the production of the 'White Olive', with a double purpose (olive oil and table olive). Although registered as a single cultivar<sup>92</sup>, the 'white olive' has slightly different characteristics that sometimes lead to identify them separately.

Varieties: the 'white olive of Tirana', which is a native variety of the region. The variety can also be found in Durrës, Kruja, Lezha and Shkodra regions. The weight of the fruit is 2.1 grams and the weight of the stone is 0.35 grams. The percentage of oil which can be extracted from the olive is 24%. This variety is resilient to drought and illnesses.

Production method: Every part of the process of growing, preparing and packing the olives takes place within the defined geographical area. In this area are also located a cluster of high quality olive oil producers.

### **White olive oil of Elbasan**

Type of protection: PDO

Geographical area: Peqin in the Region of Elbasan

This potential PDO is linked to the 'White olive oil of Kruja' and the 'White olive oil of Tirana', because they have physically contiguous areas, even if they are located in different regions, and are characterised by the specialisation in the production of the 'White Olive', with a double purpose (olive oil and table olive). Although registered as a single cultivar<sup>93</sup>, the 'white olive' has slightly different characteristics that sometimes lead to identify them separately.

Varieties: the 'Mixan' cultivar, which is native of the region of Peqin and Elbasan. The weight of the fruit is 2.3 grams and the weight of the stone is 0.36 grams. The percentage of oil which can be extracted from the olive is 24%. The productivity of the cultivar is constant. This variety can be cultivated on the steep and poor grounds.

Production method: Every part of the process of growing, preparing and packing the olives takes place within the defined geographical area. In this area are also located a cluster of high quality olive oil producers.

### **Kanina**

Type of protection: PDO

Geographical area: Kanina (nearby the city of Vlora) and Tre vllazer (area in the hills of Novosele municipality, Vlora)

Varieties: the main cultivar used in this area is 'Kalinjot'; in the same area other international varieties are also cultivated, such as 'Frantoio'. The 'Kalinjot' cultivar is native of the Vlora and Mallakastra regions, principally on the Ionian Sea. In this area, it represents around 85% of the trees and in the whole country 43%. It is also used outside the region especially on the Lezha and Shkodra regions. The 'Kalinjot' cultivar is planted with another olive cultivar, the 'Pulazeqin', which is doing the pollinisation. This technique allows a better yield of the 'Kalinjot'. The weight of the fruit is 3.64 grams and the weight of the stone is 0.49 grams. The percentage of oil which can be extracted from the olive is 28%. The productivity of the cultivar is good. This variety is relatively resilient to drought and cold weather.

Production method: The oil is of very good quality and is very aromatic. Every part of the process of growing, preparing and packing the olives takes place within the defined geographical area. Some high quality oil mills are also located in this area.

### **Bregu**

Type of protection: PDO or PGI

Geographical area: Bregu, in the South West Coast (Region of Vlora), is a coastal area including Dhermi, Himara, Qeparo, Borsh, Piqeras and Lukova characterised by homogeneous landscape and climatic conditions and characteristic with a distribution of

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<sup>92</sup> Cultivar : a race or variety of a plant that has been created or selected intentionally and maintained through cultivation

<sup>93</sup> Cultivar : a race or variety of a plant that has been created or selected intentionally and maintained through cultivation

human settlements along the rocky coast. The traditional oliviculture in this area is based on terraced olive groves with several centenary olives.

Varieties: In Himara, a native variety, 'Ulliri i holle i Himarës' ('thin olive of Himara'), is quite used. The weight of the fruit is 1.37 grams and the weight of the stone is 0.33 grams. The percentage of oil which can be extracted from the olive is 16%. This variety is relatively resilient to the continued drought during the summer. The quality of this oil is very good.

'Kalinjot' is the variety which is the most used in Dhërmi, Qeparo and Borsh. The 'Kalinjot' cultivar is native of the Vlora and Mallakstra regions, principally on the Ionian Sea. In this area, it represents around 85% of the trees and in the whole country 43%. It is also used outside the region especially on the Lezha and Shkodra regions. The 'Kalinjot' cultivar is planted with another olive cultivar, the 'Pulazeqin', which is doing the pollinisation. This technique allows a better yield of the 'Kalinjot'. The weight of the fruit is 3.64 grams and the weight of the stone is 0.49 grams. The percentage of oil which can be extracted from the olive is 28%. The productivity of the cultivar is good. This variety is relatively resilient to drought and cold weather.

Production method: Every part of the process of growing, preparing and packing the olives takes place within the defined geographical area.

### **Kallmet**

Geographical area: the plain region of Lezha and of Shkodra. Kallmet is the name of a village in this region.

Varieties: the 'Kallmet' variety is used. The weight of the fruit is 3.74 grams and the weight of the stone is 3.76 grams. The percentage of oil which can be extracted from the olive is 22-23%. The productivity of the cultivar is good. This variety is relatively resilient to cold weather. It is used both for the oil and as table olive.

Production method: This variety of olive is ready to be harvested early, from October to December.

### **Kusha**

Geographical area: The variety comes from the village of Preza and it used until the Fushe Kruje region. The variety is used only in this region.

Varieties: the 'Kusha' variety is used. There are three types of olives which are differentiated by the size of the fruit.

### **Kotruvsi**

Geographical area: some areas of the district of Berat and Fier.

Varieties: the 'Kotruvsi' variety is used. The weight of the fruit is 2.4 grams and the weight of the stone is 0.54 grams. The percentage of oil which can be extracted from the olive is 24-25%. The productivity of the cultivar is constant. This cultivar can be used on grounds which are not deep and poor.

### **Nisiot**

Geographical area: in the Mallakstra region, particularly in the district of Greshice, Fratar, and Kutë.

Varieties: the 'Nisiot' variety is used. This cultivar constitutes 50% of the trees in the region and is not found in other regions of Albania.

## **2. Table olives:**

### **Kokërrmadh i Beratit:**

Type of protection: PGI

Geographical area: Covering part of the district of Berat and of Lushnja

Variety: The quasi-totality of plants is of the Kokërrmadh variety. The pollinisation is made by the 'Unafka' variety. The weight of the fruit is 6.69 grams and the weight of the stone is 0.71

grams. The percentage of oil which can be extracted from the olive is 18-20%. This variety is relatively resilient to cold weather.

Production method: It is considered as the best table olive of the country. Every part of the process of growing, preparing and packing the olives takes place within the defined geographical area. This district is highly specialised for table olives

**Kokërrmadh i Elbasanit:**

Type of protection: PDO

Geographical area: Covering part of the district of Elbasan

Variety: The 'Kokërrmadh' variety, which is native of the district of Elbasan. In the region, most of the old trees are from this cultivar. The weight of the fruit is 3.7 grams and the weight of the stone is 0.54 grams. The percentage of oil which can be extracted from the olive is 22%.

Production method: Every part of the process of growing, preparing and packing the olives takes place within the defined geographical area. This district is highly specialised for table olives. The area of Elbasan is better known for olive oil, but now there is a specialised area between Elbasan and Tirana for table olives

## ***Algeria***

In the year 2000, olive orchards covered 168 080 hectares. The forecast for olive crop area in 2010 is 309 500 hectares. The olive sector represents 21% of the agricultural production in Algeria.

In 2004, the annual olive oil production reached 69 500 tons and 51 600 tons for the table olives. In 2006, olives were grown for oil production in 79% of the orchards; the remaining 21% was cultivated for table olive production. The producing areas currently consume almost all the olive oil they produce. The consumption per capita was 1.53 kg in 2004<sup>94</sup>.

Based on the impact of the start of bearing in new orchards and of the modernization of the processing sector, the olive oil production in Algeria will significantly rise in the years to come.

Despite the importance of the olive sector in this country, it seems that no certification - such as the PDO or PGI legal systems - exists in Algeria in this sector. Furthermore, our expert has not identified any possible geographical indication.

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<sup>94</sup> International Olive Oil Council – IOOC, *Country profile – Algeria – Crop Area, Production And Consumption*, p.2

## **Argentina**

Argentina is the main olive producer in South America. The introduction of olive trees in the country dates back to the Spanish colonisation but the production has been developing since the 20<sup>th</sup> century. The national production and consumption are currently rising.

There are 4 potential GIs for table olives and 9 for olive oils.

### **1. Olive oils**

The number of potential olive oils is not well defined in Argentina. Our expert identified 9 of them, but in two cases, the area is not well defined. Indeed in the regions of Catamarca and La Rioja, there is no agreement on whether the denominations for these regions should be protected separately or together. Furthermore, in the Cordoba region, the same problem occurs for the denomination “Villa Dolores” and “TraslaSierra”.

#### **Aceite de oliva Virgen Extra Mendoza**

Type of protection: PDO project led by the Cámara Olivícola de Mendoza. It exists a producers organisation, the “Consejo de denominacion de Origen”. This olive oil is currently protected at the regional level by the “Ley n° 7.809 Mendoza 13/11/2007 BO 11/12/2007 Regimen DO Mendoza Aceite de oliva Virgen Extra”.

Geographical area: the region of Mendoza in Argentina

Control: There is a special olive oil control body called the CPOM.

#### **Aceite de Oliva Virgen Extra Maipu Mendoza**

Type of protection: PDO project led by the Cámara Olivícola de Mendoza. It exists a producers organisation, the “Consejo de denominacion de Origen”

Geographical area: the region of Mendoza in Argentina

Varieties: the varieties used are arbequina, arauco, farga, frantoio, empeltre, manzanilla and nevadillo. The raw material must come from the local area of Maipu (all districts)

Production method: The geographical area is well defined.

Control: There is a special olive oil control body called the CPOM.

#### **Aceite de oliva virgen Extra San Juan**

Type of protection: PDO project led by the Cámara Olivícola de San Juan. The oil is protected at the regional level as a denomination of origin since 2009. It exists a producers’ organisation, the “Consejo de denominacion de Origen”. There is a pilot project on voluntary certification of origin at the regional level. Two firms are certified.

Geographical area: the region of San Juan in Argentina

Varieties: the arbequina, arauda, frantoio, picual varieties are used.

Production method: As several varieties are used, the typicity of the oil can be different within the region. Sensorial differences thus exist.

Control: There is a special olive oil control body called the CPOM.

#### **Bolson de Pipanaco**

Geographical area: the region of Catamarca in Argentina

Varieties: The oil is extra virgin.

Production method: the olive is typical.

#### **Cruz del Eje**

Type of protection: A producer organization is being created.

Geographical area: the region of Cordoba in Argentina

Varieties: the Arbequina, Frantoio and Picudilla varieties are used. The oil is extra virgin.

Production method: The soil and the climate are specific. There are good practices of production; organic farming also exists. The defined area is small, demonstrating the existence of a specific *terroir*. The olives are picked by hand during the harvest. The oil enjoys a reputation in the area.

### **Cuenca de Pichanas**

Geographical area: the region of Cordoba in Argentina

Varieties: The arbequina variety is used for the production of this Extra Virgin oil. Organic production also exists.

### **La Rioja**

Geographical area: the region of La Rioja in Argentina

Production method: the oil of North Argentina enjoys a certain typicity.

### **Catamarca**

Type of protection: PDO. An organisation of producers exists: "Consejo de denominacion de origen". There is a draft of text protecting the denomination but it is not applied yet.

Geographical area: the region of Catamarca in Argentina

Varieties: the Nabali - Baladi variety is used, and should account for 90% of the olives used to produce the oil. It is a local variety of olive.

Production method: The culture of olives is traditional in this area. The soil and the climate are specific, which means that it give the oil a certain typicity. There are good practices of production. The system of production is extensive and the olives are picked by hand during the harvest.

**OR**

### **Catamarca/la Rioja**

Geographical area: the region of Catamarca/la Rioja in Argentina

### **Villa Dolores**

Type of protection: The limit to the protection is that there is only one producer involved in the quality production.

Geographical area: the region of Cordoba in Argentina

Varieties: the Arbequina, Frantoio and Manzanilla variety are used. The oil is extra virgin.

Production method: The soil and the climate are specific. There are good practices of production; organic farming also exists. The defined area is small, demonstrating the existence of a specific *terroir*. The olives are picked by hand during the harvest. The oil enjoys a reputation in the area. The oil enjoys a good reputation at the local level and has been awarded for its quality.

**OR**

### **TraslaSierra**

Geographical area: the region of Cordoba in Argentina

## **2. Table olives**

### **Catamarca**

Type of protection: A project of protection as a denomination of origin for this product is pending.

Geographical area: the region of Catamarca in Argentina

Varieties: the Nabali - Baladi variety is used and should account for at least 90% of the olives used to produce the oil. It is a local variety of olive.

Production method: The culture of the olive is traditional in this area, which enjoys a specific soil and climate. There are good practices of production. The olives are picked by hand during the harvest. The system of production is extensive.

**Manzanilla Amarilla de Cruz del Eje**

Geographical area: the region of Cordoba in Argentina

**Villa Mazán**

Geographical area: the region of La Rioja in Argentina

Varieties: Natural black olives

**Arauco**

Geographical area: the region of La Rioja in Argentina

Varieties: The variety used is Arauco (green olives)

Production method: The production is traditional but there is a problem with the geographical name as it is the same as the variety of olives used.

## **Croatia**

In Croatia, as in other Mediterranean countries, olive has been present for more than two thousand years. In the Middle-Ages, the culture has continued to grow thanks to the encouragement of public authorities but it was only from the eighteenth century that the crop reached its maximum expansion. Statistical data from 1987 indicated an area of 30,000 hectares of olive cultivation and 4.1 million trees in the Ex-Yugoslavia.

In the late 2000s, the number of farms with an olive grove was 32,922. The participation of the olive, olive oils and table olives in the final agricultural production was only around 0.5% in 1999/2000.

In 2004, the average production of olive oil was 5,100 tons. The same year, the consumption of olive oil ranged between 1.8 and 2 kg per capita. It is clear that the national production is entirely destined to the domestic consumption.

The implementation of a national PDO or PGI certification is in progress in Croatia. Thus, the Ministry of Agriculture, Fisheries and Rural Development of the Republic of Croatia received applications from some farmers associations to protect olive oils.

There are eight pending applications for olive oils:

### **Cres**

Type of protection: PDO

Type of oil: Extra virgin olive oil

### **Krk**

Type of protection: PDO

Type of oil: Extra virgin olive oil

### **Dalmatinska zlatna oblica**

Type of protection: PDO

Type of oil: Virgin olive oil

### **Rab**

Type of protection: PDO

Type of oil: Extra virgin olive oil

### **Istrian**

Type of protection: PGI

Type of oil: Extra virgin olive oil

### **Tar – Poreč**

Type of protection: PGI

Type of oil: Extra virgin olive oil

### **Korčula**

Type of protection: PDO

Type of oil: Extra virgin olive oil

### **Vodnjan**

Type of protection: PDO

Type of oil: Virgin olive oil

As, the application files are not public, it is not possible to have further information about their content.

Producers contacted in the course of this study have expressed interest in the protection at the national level as a first step to secure protection as a PDO or PGI at the European Union level.

## **Egypt**

The earliest remains of the olive tree found in Egypt dated from the 18<sup>th</sup> dynasty (1570-1345 before JC). A legend said that the Pharaoh Ramses III offered to Ra, the Ancient Egyptian Sun God, the oil extracted from olive groves of Heliopolis. Many lamps found in the tombs of pharaohs prove that olive oil was widely used in Egyptian temples.

### Olive oil sector

Nowadays, the cultivation of olives is playing an important role in the development of agriculture in Egypt. The area devoted to this culture is now more than 58,000 hectares. In 2007, the average production of olive oil was 7 500 tons.

### The sector of table olives in Egypt: production and consumption

The development of the confectionery sector of table olives is particularly significant. Production of table olives has indeed reached 340,000 tons in 2003, making Egypt the 3<sup>rd</sup> largest table olive producing country in the world.

As the production of table olives was 160 000 tons (2004 figures) and the domestic consumption reached 115 000 tons – i.e. 1 kg per capita per year, the rest was logically exported. These figures show the boom sector of table olives in Egypt since the early 2000s.

### Egypt: a role model in the Middle East

Egypt is one of the most competitive countries of the Middle East in terms of olive production. Over the past few years, Egypt improved its cultivation techniques (intensive plantations, irrigation, mechanization, fertilization, pesticide treatments, etc..).

The PDO - and PGI - legal protection is not used in Egypt. However, certifying the Egyptian olive oils and table olives as PDO or PGI, might be a great opportunity for the country.

Our expert has not identified any possible geographical indication.

## European Union

Potential GIs for table olives and olive oils have been searched in the following Member States of the EU: in Bulgaria, Cyprus, France, Greece, Italy, Malta, Portugal, Romania, Slovenia and Spain. It appears that there is no production of olives, nor of olive oils in Bulgaria and Romania. This sub-section will thus cover the other 8 EU Member States.

**Table 11 - Summary of the potential GIs in the European Union**

	<u>Potential Olive oils GIs</u>	<u>Potential Table olives GIs</u>
<b>European Union</b>		
<b>Bulgaria</b>	No production of olives	No production of olives
<b>Cyprus</b>	<ul style="list-style-type: none"> <li>• None</li> <li>• Applications exclusively at the national level</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> <li>• Applications exclusively at the national level</li> </ul>
<b>France</b>	<p style="text-align: center;"><b>3:</b></p> <ul style="list-style-type: none"> <li>• 2 projects at the local level</li> <li>• 1 pending application at the EU level</li> </ul>	<p style="text-align: center;"><b>2:</b></p> <ul style="list-style-type: none"> <li>• 1 project at the local level</li> <li>• 1 pending application at the EU level</li> </ul>
<b>Greece</b>	1 pending registration request at the EU level	None
<b>Italy</b>	<p style="text-align: center;"><b>4:</b></p> <ul style="list-style-type: none"> <li>• 1 project at the national level</li> <li>• 3 pending application at the EU level</li> </ul>	1 pending application at the national level
<b>Malta</b>	<ul style="list-style-type: none"> <li>• None</li> <li>• Interest of local producers in the protection of their products</li> </ul>	None
<b>Portugal</b>	<p style="text-align: center;"><b>2</b></p> <ul style="list-style-type: none"> <li>• 1 project at the national level</li> <li>• 1 pending application at the EU level</li> </ul>	2 projects at the national level
<b>Romania</b>	No production of olives	No production of olives
<b>Slovenia</b>	None	None
<b>Spain</b>	9 pending application at the EU level	1 pending application at the EU level
<b>Sub-total</b>	<b>19</b>	<b>6</b>

Situation at the end of May 2010

## **Cyprus**

The cultivation of the olive tree is a tradition in Cyprus; olive production is one of the most important economic sectors for the development of the Cypriot agriculture. It actively contributes to the maintenance of rural population (12,500 families working in the grove), and supplies 665 000 workdays per year.

During the period 1991-2000, the annual production was about 2,500 tons of olive oil and 4,600 tons of table olives<sup>95</sup>. Nowadays, the olive production provides more than 6500 tons of olive and 9300 tons of table olives per year.

However, according to the Cyprus Chamber of Commerce and Industry, Cyprus does not have any products (olive related) certified as PDO. There are some ongoing discussions for future applications regarding some local products that could get a PGI certification.

## **France**

France is a small but traditional producer of olive. The production of olive oils and table olives is concentrated in the south of the country, especially in the Mediterranean periphery, in the regions of Provence-Alpes-Côte-d'Azur, Languedoc-Roussillon, Rhône-Alpes and in the Corse. The region Provence-Alpes-Côte-d'Azur is the main area of production. Each area has its own local variety of olive. The production decreased during the 20<sup>th</sup> century but grew significantly in the past twenty years. The consumption of olive oil also grew during the last two decades. France is thus importing olive oils.

Two table olives and four olive oils have been identified as potential GIs.

### **1. Olives oils**

#### **Huile d'olive d'Ardèche** (olive oil)

Type of protection: PDO. Project at the very beginning of the reflection stage

Geographical area: Ardèche Département

#### **Huile d'olive du Languedoc** (olive oil)

Type of protection: PDO. The assessment of the file is ongoing at the local level. The local Unit of the Institut National de l'origine et de la qualité (INAO) is working on the file. The Committee of inquiry went last summer in the region to examine the link to the area.

Geographical area: North of the Hérault Département and the Aude Département

Varieties: The Lucques and the Olivière varieties are used. The Lucques variety is a traditional and local variety. It is a difficult variety to produce because it is not self-fertile. It was thus not exported much out of the region.

Production method: This is a traditional area of production. The know-how is important in the production of this table olive, because as aforementioned, the tree of the Lucques variety is not self-fertile. The region benefits for a specific climate.

#### **Huile d'olive de Provence** (olive oil)

Type of protection: PDO. The request for registration as a PDO at the EU level was published on 30/03/2007. The file number at the EU level is FR/PDO/0005/0594. As the request for registration has not been published in the European Union Official Journal yet, no further information is available.

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<sup>95</sup> International Olive Oil Council – IOOC, *Country profile – Cyprus - Indicateurs Macroéconomiques et Agricoles*, p.2

### **Huile d'olive du Roussillon** (olive oil)

Type of protection: PDO. The assessment of the file is ongoing at the local level. The local Unit of the Institut National de l'origine et de la qualité (INAO) is working on the file. However, the Committee of inquiry did not study the file yet. The work on the specification is still in progress.

Geographical area: Roussillon Département

Production method: This is a traditional area of production.

## **2. Table olives**

### **Olives de Nîmes** (table olives)

Type of protection: PDO. The request for registration as a PDO at the EU level was published on 10/11/2006. The file number at the EU level is FR/PDO/0005/0568. The request for registration was published in the European Union Official Journal on 20/02/2010<sup>96</sup>.

Geographical area: the department of the Gard & the eastern part of that of Hérault, except for the Causses, the mountains of the Cévennes and the Camargue.

Varieties: The Picholine variety is used and is native of the area. It is a green olive.

Production method: olive trees are present in the area since the antiquity. Every part of the process of growing, preparing and packing the olives takes place within the defined geographical area.

### **Olives vertes du Languedoc** (table olives)

Type of protection: PDO. The assessment of the file is ongoing at the local level. The local Unit of the Institut National de l'origine et de la qualité (INAO) is working on the file. The Committee of inquiry went last summer in the region to examine the link to the area.

Geographical area: North of the Hérault Département and the Aude Département

Varieties: The Lucques variety is used. It is a traditional and local variety. It is a difficult variety to produce because it is not self-fertile. It was thus not exported much out of the region.

Production method: This is a traditional area of production. The know-how is important in the production of this table olive, because as aforementioned, the tree is not self-fertile. The region benefits for a specific climate.

## **Greece**

Olive trees have been cultivated in Greece since the ancient times, about 4000 years ago. In this country, olive growing and its products are considered as part of the national heritage and have played throughout its history a significant role in its economy and its religious rites.

The world of Ancient Greece is full of references to the olive oil: Knossos, Phaistos, Malia, Mycenae, Pylos, Thebes... are some archaeological sites where discoveries demonstrated that the olive oil had played a key role in the lives and customs of the ancient Greeks<sup>97</sup>.

The expansion of olive cultivation in Greece led to its spread throughout the rest of the Mediterranean area.

The olive products generate a billion euros profit every year. Its annual contribution to the agriculture sector is around 15%.

<sup>96</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:044:0013:0017:EN:PDF>

<sup>97</sup> Encyclopédie mondiale de l'olivier. José M. Blázquez 'Origine et diffusion de la culture'.

The cultivation of olive trees covers an area of 1,125,000 hectares (18.8% of EU total). In 2010, the estimated area under olive trees should be about 1.15 million hectares. Greece has produced an average annual 352,700 tons of oil (22.5% of the EU) during the 90s<sup>98</sup>.

We can observe that Greek olive oil market outside the euro zone has grown considerably. Greek production of olive oil has two main destinations: the domestic market and export. The evolution of the domestic market in recent years has been very positive.

In the early 2000s, the average consumption of olive oil in Greece has reached more than 223,000 tons, which placed Greece as the 3<sup>rd</sup> largest olive oil consuming country in the entire world. Consumption per capita has increased from 19.92 kg per capita per year to 24.93 kg.

#### Pending registration of Greek olive oil at EU level

Greece has filed one registration request for a PDO at the EU level, the file number at the EU level is EL/PDO/0005/0736<sup>99</sup> The application introduced 14 January 2009 concerned the olive oil “Αγουρέλαιο Χαλκιδικής / Agoureleo Chalkidikis”.

Due to the fact that the specifications have not been published so far on the DOOR website, no further information is available.

### Italy

Italy is the second world producer of olive after Spain. The production of olive is traditional in this country, which consumes more than it produces and thus imports.

One potential GI for a table olive and four for olive oils were identified during this phase.

#### **1. Olives oils**

##### **Seggiano (olive oil)**

Type of protection: PDO. The request for registration as a PDO at the EU level was published on 30/10/2006. The file number at the EU level is IT/PDO/0005/0561. The request for registration was published in the European Union Official Journal (EUOJ) on 26/03/2010<sup>100</sup>.

Geographical area: the Grosseto province in the Toscana region.

Varieties: The Olivastra Seggianese variety is used and is present in the regions since antiquity.

Production method: Olive trees are present in the area since the antiquity. Every part of the process of growing, preparing and packing the olives takes place within the defined geographical area. According to the specification published in the EUOJ, the oil produced in the territory of ‘Seggiano’ PDO and deriving from the ‘Olivastra Seggianese’ variety has higher content of unsaturated fatty acids (palmitoleic acid, oleic acid, linoleic acid, linolenic acid, eicosenoic acid) and more stearic acid as compared to oils produced in the rest of the province.

##### **Terre Aurunche (olive oil)**

Type of protection: PDO. The request for registration as a PDO at the EU level was published on 21/11/2006. The file number at the EU level is IT/PDO/0005/0571. As the

<sup>98</sup> International Olive Oil Council – IOOC, *Country profile – Grèce – Production*, p.4

<sup>99</sup> See the DOOR – *EU Database of Origin and Registration* website link :

<http://ec.europa.eu/agriculture/quality/door/appliedName.html?denominationId=1887>

<sup>100</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:077:0006:0009:EN:PDF>

request for registration has not been published in the European Union Official Journal yet, no further information is available.

**Vulture** (olive oil)

Type of protection: PDO. The request for registration as a PDO at the EU level was published on 09/03/2005. The file number at the EU level is IT/PDO/0005/0452. As the request for registration has not been published in the European Union Official Journal yet, no further information is available.

**Olio extravergine di oliva Majatica** (olive oil)

Type of protection: PDO. The work regarding the protection of the olive is in progress at the national level since 2008. There is a group of producers: l'Associazione Edei Produttori e Trasformatori Per La Tutela e Valorizzazione Dell'Olio Extravergine Di Oliva Majatica.

Geographical area: the City of Stigliano (MT) in the Basilicata region.

Varieties: The variety used is local.

Production method: The production is typical and traditional in the defined area. The production is known at the local and national level.

## **2. Table olives**

**Oliva di Gaeta** (table olives)

Type of protection: PDO. The work regarding the protection of the olive is in progress at the national level since 2002.

Geographical area: the municipalities of Latina, Frosinone, Roma and Caserta in the Lazio and Campania regions.

Varieties: The variety of the oil is local.

Production method: The production is typical and traditional in the defined area. The production is known at the local and national level.

## **Malta**

For centuries, olives have played a significant role in the Maltese culture. There is plenty of evidence of its widespread production on the Islands in ancient times. Mainstream cultivation of olives probably died out when cash crops like cotton were introduced in the early 19<sup>th</sup> century. Today, Malta is seeing a revival in olive oil production. In 2005, the olive-growing area covered about 340 hectares of the country. And 400 hectares are expected for 2010.

In terms of legislation, Malta does not have any protected GI for table olives or olive oils.

However, local operators declared their interest for the protection of their olive oils as a PDO. But no official applications have been received yet by the national authorities. The implementation of a legal framework is still in discussion.

## **Portugal**

In Portugal, the olive tree, whose origins dated back in the Bronze Age, plays a key role in Portuguese culture. Thanks to the traditional use of olive oil in their cooking habits and the recent interest of farmers for planting new intensive olive, this sector became a source of development and welfare for the Portuguese economy.

## Olive oil market in Portugal (production, import and export)

The quantity and quality of olive production significantly increased in the past few years. Even if the domestic production covers only about 37% of their needs, the Portuguese production of olive oil is exported all around the world.

These exports are usually destined to Brazil (65%), Africa – i.e. Portuguese speaking countries (8%), EU (12%), United States (4%) and Venezuela, Canada, Japan and South Africa<sup>101</sup>.

Portugal mainly imports olive oils from the EU market, especially in Spain. However, since 1993, Portugal has also begun to supply its domestic market through oil produced in third countries (Tunisia, Turkey, Morocco, etc...)<sup>102</sup>.

## The Portuguese olive oil consumption

The consumption per capita has risen from 3.7 kg per capita per year to 5.5 kg per capita per year in ten years. Today, the average consumption per capita per year is around 6 to 7 kg.

## Table olives production and consumption in Portugal

As developed previously, we can see that the domestic consumption is globally dissatisfactory. The Portuguese consume more table olives that they produce. The average consumption is about 1.5 kg per capita per year.

## Potential GIs

Two olive oils and two table olives have been identified as potential GIs.

### **1. Olive oil**

#### **Azeites do Ribatejo** (olive oil)

Type of protection: PDO. The request for registration as a PDO was published in the Official Journal of the European Union on 09/01/2006. The file number at the EU level is PT/PDO/01117/0219<sup>103</sup>. Unfortunately, its specifications have not been published so far in the DOOR website. Thus, no relevant information is available for the time being.

#### **Douro** (olive oil)

Type of protection: PDO

Geographical area: The region of Douro - North of Portugal

Varieties: Verdeal transmontana, Madural, Cobrançosa, Cordovil and a few of Galega

### **2. Table olives**

#### **Table olives of Nordeste Alentejano** (table olives)

Geographical area: Nordeste Alentejano

Varieties: Galega

#### **Alcaparras** (table olives)

Geographical area: Trás-os-Montes

<sup>101</sup> International Olive Oil Council – IOOC, *Country profile – Portugal – Commercialisation*, p.6

<sup>102</sup> International Olive Oil Council – IOOC, *Country profile – Portugal – Commercialisation*, p.7

<sup>103</sup> <http://ec.europa.eu/agriculture/quality/door/appliedName.html?denominationId=1000>

## Slovenia

In Slovenia, the cultivation of olive trees is relatively recent. It has been introduced in the 17<sup>th</sup> century. The potential for olive cultivation is limited to a narrow area of the country (*Istria and Primorje*). The cultivation has started to decline just after the devastating frost of 1929 which affected forever the olive sector in Slovenia.

The participation of the olive sector in the Slovenian economy is very small (0.03%). In 2004, the average production of olive oil was close to 450 tons, clearly insufficient to meet the domestic consumption's needs. The production of table olives is even smaller: only 5 tons per year. This low production is due to the olive area reduced for table olives (10 ha in production in 2004)<sup>104</sup>.

Due to this situation, the Slovenian growers decided to adopt a new strategy: an economy based on the quality of the olive oil products. The olive oil production in Slovenia is now oriented toward elite markets i.e. with a high purchasing power<sup>105</sup>.

However, it would appear that there are no PDO or PGI olives or olives oils in Slovenia.

## Spain

The cultivation of the olive tree probably started to be grown in Spain at the end of the 2<sup>nd</sup> millennium before JC, during the Phoenician colonization in the Western Mediterranean area. The cultivation of olive trees in Spain have always been a tradition which is still playing a crucial role in the lives and customs of the Spanish society.

### 1<sup>st</sup> Olive oil producer in the world

Spain is the largest olive oil producing country in the world. Its average production of olive oil has increased in recent years and its production potential is estimated at over 1 million tons of olive oil.

Its total export volume also increased to numbers close to 400,000 tons and even a record 625,000 tons in 2002. In 2003/04, exports outside the EU have reached over 114 000 tons. It is also the largest producer and exporter of table olives, with numbers above 400 000 tons (production) and 188 000 tons (export) in 2003<sup>106</sup>

The olive sector is a very important one for the Spanish agriculture: 13.3% of cultivated land is planted with olive trees in thirteen of the seventeen autonomous communities of the country. This sector is so important that hundred thousands of euros are invested every year in Research and Development and Technological Development in the area<sup>107</sup>.

The olive tree is an important pillar of society in different regions: it generates annually about 46 million days of work. It is therefore an important source of employment. In these positive effects on employment, we must add those produced on industry, refining units and packaging.

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<sup>104</sup> Source: Olive Growing in Slovenia. Koper 2002. GH

<sup>105</sup> International Olive Oil Council – IOOC, *Country profile – Slovénie – Le secteur et la transformation*, p.4

<sup>106</sup> International Olive Oil Council – IOOC, *Country profile – Espagne – Commercialisation*, p.7-8

<sup>107</sup> *Libro Blanco de Agricultura y el Desarrollo the Rural* (Ministry of Agriculture, Fisheries and Food of Spain).

The Spanish production represents about 42% of world production of olive oil. Four regions concentrate 96% of Spanish production: Andalusia (62.7%), Castilla-La Mancha (6.3 %), Extremadura (9%) and Catalonia (3.2%)<sup>108</sup>.

Spanish production has two main destinations: the domestic market and export (EU market and Third countries). The recent evolution of external markets has shown that Spain is also the leading exporter of olive oil. Exports are about 40% of production with 10% extra-EC.

The consumption per capita has grown significantly, from 9-10 kg (early 90s) to about 15kg today.

#### 1<sup>st</sup> global table olives exporting country

Spain also holds first place in the global production and export of table olives.

The production of table olives represented about 33% of world production (2004 figures) and 74% of EU production in 2003.

A significant growth occurred in the domestic market in recent years, placing the consumer at around 194,000 tons and 200,000 tons of table olives over the past few years (2003 to 2008).

#### PDO and PGI Olives in Spain

There are nine pending applications at the EU level for olive oils and one for table olives.

### **3. Olive oils**

#### **Aceite Campo de Calatrava**

Type of protection: PDO and 'Protección Nacional Transitoria' (National legal protection). The request for registration as a PDO at the EU level was published on 11/09/2007. The file number at the EU level is ES/PDO/0005/0642<sup>109</sup>.

Geographical area: South of Castilla-La Mancha, 16 municipalities in the Province of Ciudad Real

Varieties: Cornicabra and Picual

Production method: The olive trees are planted in deep soils. The farmer begins its work towards the middle of winter, in mid-February begins with the pruning. Since March, they start to break the crust of the soil and eliminate weeds, which will be repeated in several times until November. In spring and fall fly treatments are applied. The olives are harvested directly from the tree by shaking or through vibration. The transport system is always in bulk, in boxes, trailers or rigid containers of limited capacity to prevent damage or deterioration the fruit. The processing of fruit is made 24 hours after collection. The mixing temperature cannot exceed 30°C. The temperature of the water mixing with oil in the centrifuge must be less than 35°C.

#### **Aceite Campo de Montiel**

Type of protection: PDO. The request for registration as a PDO at the EU level was published on 30/01/2007. The file number at the EU level is ES/PDO/0005/0590<sup>110</sup>.

Geographical area: 26 municipalities in the Province of Ciudad Real

Varieties: Cornicabra Picual, Manzanilla, Arbequina and Local

<sup>108</sup> *Anuario de Estadística Agraria – Spain - 2004.*

<sup>109</sup>

<http://ec.europa.eu/agriculture/quality/door/appliedName.html;jsessionid=M818MPZWQbNKHsJHTyJZdZTBvy8y0SymL82rpqMbhyzmzC6rnhFxl-54596877?denominationId=1403>

<sup>110</sup> <http://ec.europa.eu/agriculture/quality/door/publishedName.html?denominationId=1799>

Production method: Extra-virgin olive oil obtained from the fruit of the olive tree of the Cornicabra, Picual, Manzanilla, Arbequina and Local varieties by mechanical processes or other physical means that do not lead to deterioration of the oil, conserving the taste, aroma and characteristics of the fruit from which it is obtained. The particular characteristics of Aceite Campo de Montiel are due to the natural combination of the main varieties, cornicabra and picual, which give it its distinctive bitterness and spiciness, positive qualities in olive oil. The label on the containers will include, along with the sales name, the designation logo, with the words 'Denominación de Origen Aceite Campo de Montiel' and, optionally, the mark of conformity of the product certification body of the inspection body.

### **Aceite de la Comunitat Valenciana**

Type of protection: PDO and 'Protección Nacional Transitoria' (National legal protection). The request for registration as a PDO at the EU level was published on 23/09/2008. The file number at the EU level is ES/PDO/0005/0720<sup>111</sup>.

Geographical area: 18 municipalities in the Province of Valenciana

Varieties: Manzanilla Villalonga, Blanqueta, Farga, Serrana de Espadán, Morruda, Cornicabra, Alfafara o Grosal, Changlot Real, Rojal, Canetera, Nana, Arbequina, Empeltre, Cuquillo, Sollana, Callosina, Llumeta, Millarenca and Borriolenca.

Production method: The olive harvest begins in terms of maturity. The Council Regulator may move the start date of harvest, to make sure that the fruit will be at appropriate level of maturation. The olives are picked directly from the tree, by the traditional or milking techniques (most widely used)

Olive Transportation: The olives must be placed one by one to avoid any injuries and the most optimal conditions of health. Reception of the olives: Identification of the origin of the received olives. Olive Processing is carried out by using appropriate techniques handling, milling, extraction and conservation, to obtain products with the highest quality, maintaining the characteristics of the oils in the area.

The time between the harvest and the processing industry system should not exceed 48 hours.

### **Aceite de Navarra**

Type of protection: PDO and 'Protección Nacional Transitoria' (National legal protection). The request for registration as a PDO at the EU level was published on 29/04/2008. The file number at the EU level is ES/PDO/0005/0695<sup>112</sup>.

Geographical area: The geographical area covers the southern part of Navarra, bounded on the north by the line defined by the hills of Codés, Lokiz, Urbasa, Andia, Forgiveness, Alaiz, Izco and Leyre. It includes the 135 municipalities, plus Bardenas territory.

Varieties: The oil covered is made with olive groves flight registered, with at least 90% of the varieties Arróniz (native), Arbequina or Empeltre and 10% of other varieties.

Production method: The harvest, directly from the tree, is done either by traditional methods of milking, shaking or vibration, spreading blankets on the floor to avoid deterioration of the olive and contact with soil, or harvesting machine. The harvest period is from October to mid-February each year.

The oils are covered by the words 'Denominación de Origen Protegida Aceite de Navarra'. Every part of the process of packaging and labelling takes place within the defined geographical area.

### **Aceite del Empordà**

Type of protection: PDO. The request for registration as a PDO at the EU level was published on 27/07/2007. The file number at the EU level is ES/PDO/0005/0637<sup>113</sup>.

<sup>111</sup> <http://ec.europa.eu/agriculture/quality/door/appliedName.html?denominationId=10383>

<sup>112</sup> <http://ec.europa.eu/agriculture/quality/door/appliedName.html?denominationId=1401>

<sup>113</sup> <http://ec.europa.eu/agriculture/quality/door/appliedName.html?denominationId=1400>

Specifications have not been published so far in the DOOR website. No relevant information is thus available.

### **Aceite Sierra del Moncayo**

Type of protection: PDO. The request for registration as a PDO at the EU level was published on 2/02/2010. The file number at the EU level is ES/PDO/0005/00767<sup>114</sup>. Specifications have not been published so far in the DOOR website. No relevant information is thus available.

### **Estepa**

Type of protection: PDO. The request for registration as a PDO at the EU level was published on 13/02/2010. The file number at the EU level is ES/PDO/0005/0341<sup>115</sup>.

Geographical area: 11 municipalities in the Province of Sevilla

Varieties: At least 50 % of extra virgin olive oil of the Hojiblanca variety, between 20 and 30 % of the Arbequina variety and up to 5 % of the other varieties (Manzanilla, Picual and Lechin de Sevilla).

Production method: Extra virgin olive oil obtained from the fruit of three types of extra virgin olive oil: Hojiblanca, Arbequina, Manzanilla, Picual and Lechin de Sevilla. The olives are harvested with care directly from the tree using the traditional methods of beating with poles, hand picking or vibration. The fruit is always transported in bulk in trailers or rigid containers. The olives are then pressed at registered mills within 24 hours of harvesting. Preparation involves the following stages: cleaning and washing the olives; pressing; beating the paste; phase separation; decantation; storage in tanks until packing; transportation in bulk and packing.

### **Lucena**

Type of protection: PDO and 'Protección Nacional Transitoria' (National legal protection). The request for registration as a PDO at the EU level was published on 18/02/2009. The file number at the EU level is ES/PDO/0005/0760<sup>116</sup>.

Varieties: Hojiblanca is the main variety also known as Lucentina (at least 90%) + other accepted secondary varieties (Arbequina, Picual, Lechin, Tempranillo, Ocal, Campanile and Chorrúo)

Geographical area: 10 municipalities of the South of the province of Cordoba.

Production method: Cultivation practices enrolled in the olive groves will be verified by the Council Regulator, to ensure that they conform to the specifications published. The harvest is made at maturity (the natural fall of the fruit). It is mostly mechanical (by vibrators) and usually between the beginning of November and early December. All the olives used for the oils are strictly examined before the final production.

The olives are always transported in bulk. The transport of the fruit is done in 24 hours once it is collected to make sure that the quality and health and hygiene conditions of the fruit are not compromised

### **Montoro-Adamuz**

Type of protection: PDO. The request for registration as a PDO at the EU level was published on 8/11/2007. The file number at the EU level is ES/PDO/0005/0658<sup>117</sup>.

Geographical area: 8 municipalities in the Province of Córdoba

Varieties: Nevadillo Negro (Native) at least 10% and Picual, which should both represent at least 98% of the olive oil, and other varieties (Lechin de Sevilla, Picudo and Carrasqueño de la Sierra).

Production method: Mechanical process or other physical means that do not lead to deterioration of the oil, conserving the taste, aroma and characteristics of the fruit from which

<sup>114</sup> <http://ec.europa.eu/agriculture/quality/door/appliedName.html?denominationId=2000>

<sup>115</sup> <http://ec.europa.eu/agriculture/quality/door/publishedName.html?denominationId=2103>

<sup>116</sup> <http://ec.europa.eu/agriculture/quality/door/appliedName.html?denominationId=1896>

<sup>117</sup> <http://ec.europa.eu/agriculture/quality/door/appliedName.html?denominationId=10199>

it is obtained. The label on the containers shall include, along with the sales name, the designation logo, with the words 'Denominación de Origen Protegida Montoro-Adamuz'. Every part of the process of growing, preparing and packing the olives takes place within the defined geographical area.

#### **4. Table olives:**

##### **Aceituna Aloreña de Málaga**

Type of protection: PDO. The request for registration as a PDO at the EU level was published on 04/08/2009. The file number at the EU level is ES/PDO/0005/0785<sup>118</sup>.

Other comments on protection: Potential GI but the application has not been examined yet by the EU Commission

Geographical area: 19 municipalities in the south-eastern province of Malaga

Variety: Aloreña variety

Production method: This process is based on ancient customs, passed down from parents to children over the years. Harvesting is manual, the system of 'milking'. The transportation is done by rigid containers to prevent alterations in the original features

Every part of the process of growing, preparing and packing the olives takes place within the defined geographical area.

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<sup>118</sup> <http://ec.europa.eu/agriculture/quality/door/appliedName.html?denominationId=1847>

## ***Iran (Islamic Republic of)***

Due to the lack of information given by the Iranian public authorities, no relevant figures are available after 2004.

The olives are traditionally grown in the valley of Sefi-Rud, between Taron and Manjil at approximately 60-70 km of the coastline of the Caspian Sea.

The olive area of Iran was 63,000 hectares in 2001. In 2010, the estimated area is close to 100,000 hectares<sup>119</sup>.

The average production of olive oil over the past ten years was 2000 tons. Since then, there has been a steady increase in production figures, which is probably due to the improvement of the farming techniques.

The global consumption of olive oil was 5000 tons (2004). For several years (2001-2004), the domestic consumption coincided exactly with the figures of the olive oil production in Iran. Thus, during this period no trading was recorded. Today, the olive oil trade remains small.

Unfortunately, the table olive production figures were not available.

Iran does not protect its olive at the national level with a legal protection that can be compared to the PDO or PGI certifications.

Our expert has not been able to identify any potential GI.

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<sup>119</sup> International Olive Oil Council – IOOC, *Country profile – Iran – Aspects économiques*, p.2

## ***Iraq***

As Iraq is still today a country at war, it has been impossible to have any relevant information about registered PDO or PGI olive oils or table olives - or even about a project of certifications.

Our expert has not been able to identify any potential GI.

## **Israel**

The olive tree has probably started to be grown in Israel during the second half of the 4th millennium before Christ. Remains of utensils and equipment for extracting olive oil have been found during excavations.

Today, the cultivation of olive trees in Israel is still a subject that arouses the interest of farmers, researchers and public authorities, in addition, consumers have learned to appreciate and value the virtues of the Israeli olive oil. The olive-growing area in 2010 will probably cover 22,500 hectares. The olive sector participation in agricultural production represents 4.5%; the annual production is around 14,100 tons (i.e. only 40% of the domestic consumption<sup>120</sup>). The consumption per capita has consequently risen, from 1kg in the 90s to more than 2 kg in 2004. Concerning the table olives, the global growing surface was 2,800 hectares in 2005. As well as the olive oil sector, the domestic consumption is not satisfied.

Presently, there is no official geographical indication for table olives or olive oils in Israel. However, at the national level, oils produced in Israel are protected under two special labels:

- one for all extra virgin oils
- one for fine virgin oils grown produced and packed in Israel.

The labels indicate and assure the quality of the product. They also distinguish these specific oils from any imported or mixed oils with imported ones. They are issued by the Israeli olive board which defines the characteristics: origin, production, quality and random inspection. So these designations are more than a 'made in' statement as all the production from orchard to customer has to be solely Israeli.

Due to the increase of the olive consumption (about half the oil consumed presently is imported), this label became particularly important for this industry.

Israel is in the process for identifying four GIs for olive oils referring to specific climatic and soil characteristics i.e. type of water used for irrigation, cultivar composition and maturation state. These oils will be chemically characterized and designated accordingly.

No definite names for the GIs have been determined yet. In General terms the GIs will be:

### **1. The Negev highland**

Type of protection: PGI

Geographical area: The Negev highland - A desert region with a high level of irrigation

### **2. The Lower Galilee**

Type of protection: PGI

Geographical area: The Lower Galilee region in the north of the country, where generally the orchards are not irrigated and are based on traditional cultivation and cultivars.

### **3. The Coastal plain**

Type of protection: PGI

Geographical area: The Coastal plain, with typical Mediterranean climate and typical sandy-loam soil.

### **4. The Inland hot valleys**

Type of protection: PGI

Geographical area: The Inland hot valleys with calcareous and slightly saline soils.

It seems that shortly GI designations might be legally established and controlled in Israel.

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<sup>120</sup> International Olive Oil Council – IOOC, *Country profile – Israel - L'oléiculture en Israel*, p.5

## **Jordan**

In 2006, olive crop area was estimated at 122 000 hectares. The country's olive orchards are quite young because only 4% is over 50 years old. The olive sector accounts for around 5% of the final agricultural production of Jordan, although this figure varies according to the alternating volume of crops.

The olive oil production was about 23 500 tons (2001 to 2004), in addition to an average 22 900 tons of table olives. Jordan consumed an average 21 500 tons of olive oil and 21 400 tons of table olives per year (figures of 2004). During the reference period it imported a net volume of approximately 1 500 tons per crop year. Supply and demand have been relatively balanced.

In the years to come, this production will probably be absorbed by the domestic market, thanks to population growth and increased tourism. However, the absence of inspections and the lack of knowledge about olive-growing techniques make it impossible to check for compliance with minimum quality standards.

However, the implementation PDO or PGI certifications in Jordan is still in discussion.

Our expert identified two potential geographical indications, but either the area or the characteristics have not been well defined yet. Local operators declared their interest for the protection of two following olive oils: "*Idlib*" and "*Ajlun*". As these two projects are still in their initial stage no further information is available.

## **Lebanon**

Lebanon is a traditional producer of olives. Most of its farms are family owned and cover less than one hectare. Lebanon currently does not produce enough to satisfy the national consumption and has to import olive oils. It thus does not export much.

Six potential GI for olive oils have been found in Lebanon.

### **Akkar** (Olive oil)

Geographical area: North Lebanon

Varieties: the sourani variety is used.

### **Chouf** (Olive oil)

Geographical area: Lebanon

### **Hasbaya** (Olive oil)

Geographical area: The region of Hasbaya in Lebanon

Varieties: the soury, samakmaki and Nabali - Baladi varieties are used. There are local.

Production method: The culture of the olive is traditional in this region. Good practices of production are sometimes used and give the oil its typicity. The region has a special soil and microclimate which create a *terroir*. The olives are picked by hand during the harvest. The region is mountainous, the use of machines is thus impossible. There is no real organisation of producers. The producers encounter difficulties in the trade of their products.

### **Koura** (Olive oil)

Geographical area: North Lebanon

Varieties: the Ayrouni, Soury and Nabali - Baladi varieties are used. There are local.

Production method: The culture of the olive is traditional in this region. The region has a special soil and microclimate. The oil enjoys a typicity but it does not comply with the organoleptic rules of COI. There are good practices of production: harvest by hand, definition of the storage conditions and the use of traditional mill. There is an organisation of producers. Some 'geographical trademarks' using the 'Koura' denomination are registered. Usurpations are already detected.

### **Tyr & Jabal Amel** (Olive oil)

Geographical area: South Lebanon

Varieties: the samakmaki variety is used.

### **Zghorta** (Olive oil)

Geographical area: North Lebanon

Varieties: the sourani variety is used.

## **Libya**

The cultivation of the olive tree is a tradition in this country. There is evidence that demonstrates the importance of this crop in Libya since the beginning of the Christian era. Archaeology shows that the techniques used in Roman times were known for a very long time.

Despite the antiquity of the establishment of the olive tree in Libya, the country is still a small producer of olive oil and table olives that do not have sufficient quantities of these products to meet the needs of domestic consumption. The present surface dedicated to olive cultivation is about 122,000 hectares.

The average olive oil production of Libya was around 6 000-7 000 tons (2004), unfortunately, lower than the domestic consumption.

This is also true as regards table olive production. In 2003, the production was 3000 tons, not enough to satisfy the needs of the domestic consumption which reached 5200 tons.

The olive oil market is not very extensive in Libya: imports of olive oil are less than 2000 tons per year<sup>121</sup>.

In terms of legislation, Libya does not have any protected olives or olive oils under a national certification such as PDO or PGI.

Our expert was not able to identify any potential GI.

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<sup>121</sup> All figures from International Olive Oil Council – IOOC, *Country profile – Libya – Aspects économiques*, p.4-5

## **Montenegro**

The former State Union of Serbia and Montenegro had always been a small producer of olive oil. Its production had never completely satisfied its domestic consumption (especially for the table olives) and that is why imports were almost systematic and mandatory.

When Montenegro obtained its independence in 2006, the country tried to develop its economy through the agriculture sector. But despite the historic presence of olive trees in this country, Montenegro stayed outside the olive market.

The '*Law on labels of origin, geographical indications and traditional specialties guaranteed labels for agricultural and food products*' is currently in being drafted in Montenegro.

This Law shall govern procedures and conditions for registration of geographical indications and designations of origin for agriculture products, in accordance with EU regulations. This Law shall also logically cover olive oils and table olives.

Previously, this area was under the responsibility of the Intellectual Property Office. But so far there was no registration of indications of geographical origin of olive products in Montenegro.

There is a true potential for Montenegro to obtain a specific PDO or PGI certification for their olives but our expert was not able to identify potential GI at this stage.

## **Morocco**

The production of olive is traditional in Morocco and constitutes an important economic sector. The production has been expanding for fifty years.

In Morocco, there are four or five potential table olives GIs. However, no detail was found on these products.

Furthermore, there is either one potential GI for olive oil or eleven ones. The areas are not defined yet. There is thus one big area "Meknes" which could be divided into eleven smaller areas.

### **Meknes (Olive oil)**

Geographical area: the region of Meknes and Tifilalet in Morocco

Varieties: the picholine variety is used.

Production method: The culture of the olive is traditional in this region and the oil is typical. There are good practices of production. The oil enjoys a good reputation at the international level and received an international award for its quality.

### **Or the eleven following denominations**

#### **Zerhoun Volubilis (Olive oil)**

Geographical area: the region of Meknes and Tifilalet in Morocco

Varieties: the picholine variety is used.

Production method: The culture of the olive is traditional in this area and the oil is typical. There are good practices of production. The oil enjoys a good reputation at the international level and received an international award for its quality.

#### **Beni Mellal (Olive oil)**

Geographical area: the Province de Beni Mellal in the region of Tadla-Azilal in Morocco

Varieties: the picholine variety is used.

Production method: The culture of the olive is traditional in this area.

#### **Tadla (Olive oil)**

Geographical area: the Province de Beni Mellal in the region of Tadla-Azilal in Morocco

Varieties: the picholine variety is used.

Production method: The culture of the olive is traditional in this area.

#### **Ouezzane (Olive oil)**

Geographical area: the Province de Chefchaouen in the region of Tetouan in Morocco

Production method: The culture of the olive is traditional in this area. The oil enjoys a good reputation.

#### **Guelmim (Olive oil)**

Type of protection: Studies are pending.

Geographical area: the region of Guelmim El Smara in Morocco

Production method: The culture of the olive is traditional in this area. The oil enjoys a good reputation.

#### **Haut Atlas (Olive oil)**

Geographical area: the region of Marrakech Tensift Al Haouz in Morocco

Production method: The culture of the olive is traditional in this area. There are good practices of production. The oil enjoys a good reputation.

**Ouargui / Attaiona** (Olive oil)

Geographical area: the region of Marrakech Tensift Al Haouz in Morocco

Production method: There are good practices of production. The oil enjoys a good reputation at the local and regional levels.

**Meknes** (Olive oil)

Geographical area: the region of Fes Boulmane in Morocco

Varieties: the picholine variety is used.

Production method: The culture of the olive is traditional in this area and the oil is typical. There are good practices of production. The oil enjoys a good reputation at the international level and received an international award for its quality.

**Taounate** (Olive oil)

Geographical area: the region of Taza-Al Hoceima-Taounate in Morocco

Varieties: the picholine variety is used.

Production method: The culture of the olive is traditional in this area and the oil is typical. There are good practices of production. The oil enjoys a good reputation at the national level.

**Taza** (Olive oil)

Geographical area: the region of Taza-Al Hoceima-Taounate in Morocco

Varieties: the picholine variety is used.

Production method: The culture of the olive is traditional in this region and the oil is typical. There are good practices of production. The oil enjoys a good reputation at the national level.

**Guercif** (Olive oil)

Geographical area: the region of Taza-Al Hoceima-Taounate in Morocco

Varieties: the picholine variety is used.

Production method: The culture of the olive is traditional in this region and the oil is typical. There are good practices of production. The oil enjoys a good reputation at the national level.

There are currently discussions at the national level on the definition of the areas, showing the interest of the producers as well as the State to protect the Moroccan olive oils.

## ***Serbia***

Over the past few years, average consumption in Serbia was exactly equal to the average production of olive oil (700 tons), which means that trade in this product have been nonexistent. Nowadays, it seems obvious that the Serbian production of olive oil only satisfies the domestic consumption, export is not considered.

During the same period, the production average of table olives was 500 tons. But unlike the olive oil market, the average consumption (600 tons) implies imports of 100 tons.

Our expert did not identify any potential GI.

## **Syria**<sup>122</sup>

The olive is a centrepiece of the history and economy of Syria. Economically, it is the main source of earnings for a large proportion of the population in certain regions. On top of that, olive oil and table olives are staple foodstuffs and help to cover the dietary needs of a great part of the country.

The olive sector accounts for between 4% and 8.5% of the final agricultural production of Syria, depending on harvest volume.

### Olive oil sector in Syria

According to data contained in the Agricultural Statistics Yearbook for the year 2000, olives were cropped on 477 993 hectares. 94% of this area was under dry farming and only 62% had come into bearing.

The production figure for the 2004/2005 crop year is 175 000 tons. Syrians consumed over 135 000 tons in 2004/2005. Per capita consumption of olive oil was around 6kg per inhabitant per year (2<sup>nd</sup> half of the 1990s). Syria does not import any olive oil and its exports are very small.

### Table olive sub-sector

Syria held fifth position in the world table olive production league. In 2004, the table olive production figures showed an average of 128 000 tons a year. Syria does little international trade in table olives.

The Directorate General of Intellectual Property of the Ministry of Economy and Commerce is the official body responsible for granting and recording the applications for a Geographical Indication protection. However, relevant public and private agencies have been also involved in the implementation of the new legal framework, such as the Ministries of Agriculture, Industry, and the Food Supply - the Scientific Institute of Agricultural Research - farmers' associations - chambers of commerce, agriculture and industry - and agricultural cooperatives.

A new policy for the protection of all Syrian products with a strong identity has been officially announced the past May 6, 2010. Among the list of products, we can find the olive oils and table olives.

The strategy for the protection of GIs in Syria is based on a two-step approach. Firstly, the protection would exclusively concern a national Geographical Indication called 'Olive Oil of Syria'. Then, the protection will be extended to local olive oils, as explained below.

### **1. Olive oils**

4 potential olive oils to be protected as Geographical Indications

#### **Baraa**

Type of protection: PGI

#### **Alkhawzer**

Type of protection: PGI

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<sup>122</sup> Extract from International Olive Oil Council – IOOC, *Country profile – Syria – Olive growing in Syria*, p.2

**Charki**

Type of protection: PGI

Geographical area: The geographical areas of production located in inland areas and semi-continental Hama, Homs, Damascus and Kuneitra Soueida

Type of oil: Virgin

**Moutawassiti**

Type of protection: PGI

Geographical area: The geographical areas of production located in the Mediterranean or Western areas: Tartous and Lattakia and Aleppo and Edleb

Type of oil: Virgin

**2. Table olives**

4 table olives are also eligible for the protection as PGI:

Type of protection: PGI

Variety: Sourani

Geographical area: Edleb, Hama and Aleppo

Type of protection: PGI

Variety: Zayt

Geographical area: Aleppo

Type of protection: PGI

Variety: Abousatl

Geographical area: Palmyra

Type of protection: PGI

Variety: Dwebli

Geographical area: Tall Kalakh, Tartous, Latakia (Lazikiyya)

## **Tunisia**

This sub-section on the potential GIs in Tunisia is based on a study commissioned by the Ministry of Agriculture and Hydraulic Resources of Tunisia in 2008<sup>123</sup>. The aim of this study was to assess the opportunity of the setting-up of GIs for the Tunisian olive oils. It notably identified the local areas where the oil is produced as well as the links between the oil produced and its production area in order to identify the *terroirs*. Four factors were searched: the variety of the olive, the composition of the soils, the density of the plantations and the pluviometry. 57 homogeneous areas were found in Tunisia. The experts of the study then defined areas which could be eligible for a protection. They thus assessed the importance of the oil sector, the existence of rural institutions, the wish of the farmers to work together, the typicity found and the tourist appeal of the 57 areas. 21 smaller areas eligible for a protection under a GI were identified. These areas enjoy a specific *terroir*, that is to say a specificity linked to the physical factor (soil & climate), to the techniques used (know-how) and to the historic background. The authors of the study however explain that this definition of areas eligible for the protection is not definitive and could evolve. The preparation of the specifications will probably have as a consequence the modifications of these areas.

As the project to protect GIs is at a nascent stage, the authors of the study did not name each area, but called them with a letter from “A” to “U”. In this part of the study, we are using this delimitation. 21 potentials GIs were thus found in Tunisia.

In its work, l'Office National de l'Huile of Tunisia, the National Oil Office, uses 24 areas by adding 3 areas (zone U to X) after the 21 defined by the aforesaid study. The number of potential olives in Tunisia is thus of 24.

### **‘Zone A’ (Olive oil)**

Geographical area: The region of Monastir, Sahline, Ouerdanine, Bembla, Jammel, Zeramdine, Beni Hassen, Bouficha, Enfidha, Sidi Bou Ali, Akouda, Kalaa Kebira, Kalaa Sghira, M'saken, Sidi El Hani, and Kondar in Tunisia

Varieties: the Chemlali Sfax variety is used.

Production method: There are between 38 and 76 trees per hectare. The harvest takes place from the 10 November to the 26 February. A chemical and an organoleptic analysis are available.

Other information: The product is being registered.

### **‘Zone B’ (Olive oil)**

Geographical area: The region of Mareth, Matmata Nouvelle, and Matmata Ancienne in Tunisia

Varieties: the Chemlali Matmata and Zarazzi varieties are used.

Production method: There are maximum 38 trees per hectare. A chemical and an organoleptic analysis are available.

Other information: The consumers are looking for this origin. It could be amongst the next products to become a GI.

### **‘Zone C’ (Olive oil)**

Geographical area: The region of Jerba Houmet Souk, Jerba Midoun, and Jerba Ajim in Tunisia

Varieties: the Chemlali Jerba variety is used.

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<sup>123</sup> Étude d'opportunité pour la mise en place et le développement de la qualification géographique de l'huile d'olive d'origine tunisienne, réalisée par Comete engineering, Décembre 2008, funded by the Republic of Tunisia Ministry of Agriculture and Hydraulic Resources

Production method: There are between 38 and 76 trees per hectare. The harvest takes place from the 5 November to 15 February. A chemical and an organoleptic analysis are available.

**‘Zone D’** (Olive oil)

Geographical area: The region of Zarzis in Tunisia

Varieties: the Zarrazi, Chemlali Zarzis, and Zalmati varieties are used.

Production method: There are between 38 and 76 trees per hectare. The harvest takes place from the 5 November to 10 March. A chemical and an organoleptic analysis are available.

Other information: The consumers are looking for this origin. It could be amongst the next products to become a GI.

**‘Zone E’** (Olive oil)

Geographical area: The region of Beni Khedech in Tunisia

Varieties: the Chemlali Zarzis, Zarrazi, and Jemri Bouchouka varieties are used.

Production method: There are maximum 38 trees per hectare. The harvest takes place from the 5 November to 15 February. A chemical and an organoleptic analysis are available.

**‘Zone F’** (Olive oil)

Geographical area: The region of Beja Nord, Beja Sud, Ghardimaou, Jendouba Nord, Oued Meliz, Jendouba, Balta Bou Aouane, and Bou Salem in Tunisia

Varieties: the Chetoui variety is used.

Production method: There are maximum 76 trees per hectare. The harvest takes place from the 15 November to 31 January. A chemical and an organoleptic analysis are available.

**‘Zone G’** (Olive oil)

Geographical area: The region of Testour, Goubellat, Thibar, and Teboursouk in Tunisia

Varieties: The Chetoui Siali and Jerbouli varieties are used.

Production method: There are maximum 76 trees per hectare. The harvest takes place from the 5 November to 25 January. A chemical and an organoleptic analysis are available.

Other information: The consumers are looking for this origin. It could be amongst the next products to become a GI.

**‘Zone H’** (Olive oil)

Geographical area: The region of El Fahs in Tunisia

Varieties: The Chemlali Nord and Chetoui varieties are used.

Production method: There are between 38 and 76 trees per hectare. The harvest takes place from the 5 November to 25 January. A chemical and an organoleptic analysis are available.

**‘Zone I’** (Olive oil)

Geographical area: The region of Bir Lahmar, Ghomrassen, Smar, Tataouine Sud, Tataouine Nord, and Dhiba in Tunisia

Varieties: The Chemlali Tataouine, Zarrazi, and Tofféhi varieties are used.

Production method: There are maximum 38 trees per hectare. The harvest takes place from the 5 November to 25 January. A chemical and an organoleptic analysis are available.

**‘Zone J’** (Olive oil)

Geographical area: The region of Kairouan Sud in Tunisia

Varieties: The Chemlali Sfax and Oueslati varieties are used.

Production method: There are maximum 38 trees per hectare. The harvest takes place from the 5 November to 25 January. A chemical and an organoleptic analysis are available.

**‘Zone K’** (Olive oil)

Geographical area: The region of Kairouan Nord, Sbikha, El Alaa, El Oueslatia, Echbika, Haffouz in Tunisia

Varieties: The Chemlali and Oueslati varieties are used.

Production method: There are between 38 and 76 trees per hectare. The harvest takes place from the 5 November to 25 January. A chemical and an organoleptic analysis are available.

Other information: The specifications are being prepared.

**‘Zone L’** (Olive oil)

Geographical area: The region of Sers, Dahmani, El Ksour, Djerissa, Sakiet Sidi Youssef, Kef Ouest, Kesra, and Makthar in Tunisia

Varieties: The Chetoui, Siali and Jerbouï varieties are used.

Production method: There are maximum 76 trees per hectare. The harvest takes place from the 5 November to 25 January. A chemical and an organoleptic analysis are available.

**‘Zone M’** (Olive oil)

Geographical area: The regions of Tajerouine, Kalat Snan and Kalat Khasba in Tunisia

Varieties: The Chetoui and Jerbouï varieties are used

Production method: There are minimum 76 trees per hectare. The harvest takes place from the 5 November to the 25 January. A chemical and an organoleptic analysis are available.

**‘Zone N’** (Olive oil)

Geographical area: The region of Bargou in Tunisia

Varieties: The Chetoui, Siali and Jerbouï varieties are used

Production method: There are minimum 76 trees per hectare. The harvest takes place from the 5 November to the 25 January. A chemical and an organoleptic analysis are available.

**‘Zone O’** (Olive oil)

Geographical area: The region of Siliana North in Tunisia

Varieties: The Chetoui, Siali and Marsaline varieties are used

Production method: There are minimum 76 trees per hectare. The harvest takes place from the 5 November to the 25 January. A chemical and an organoleptic analysis are available.

**‘Zone P’** (Olive oil)

Geographical area: The region of Siliana South in Tunisia

Varieties: The Chetoui and Jerbouï varieties are used

Production method: There are minimum 76 trees per hectare. The harvest takes place from the 5 November to the 25 January. A chemical and an organoleptic analysis are available.

**‘Zone Q’** (Olive oil)

Geographical area: The region of Djebeniana in Tunisia

Varieties: The Chemlali variety is used

Production method: There are minimum 76 trees per hectare. The harvest takes place from the 5 November to the 25 January. A chemical and an organoleptic analysis are available.

**‘Zone R’** (Olive oil)

Geographical area: The regions of Boumerdes, Souassi, El Jem, Ouled Chamekh, Chorbane, Hbira, Nasrallah, Echrarda, Eouhajla, Hajeb El Ayoun, Menzel Chaker, Amra, Air Ali Ben Khelifa, Sakiet Ezzit, Sakiet Eddair, El Mahres, Gheriba, Skhira, Agareb and Hancha in Tunisia

Varieties: The Chemlali variety is used

Production method: There are maximum 38 trees per hectare. The harvest takes place from the 5 November to the 25 January. A chemical and an organoleptic analysis are available.

**‘Zone S’** (Olive oil)

Geographical area: The regions of Ouled Haffouz, Bir El Hafey, Sidi Bouzid Ouest, Sidi Bouzid and Est, Souk Jedid in Tunisia

Varieties: The Chemlali variety is used

Production method: There are maximum 38 trees per hectare. The harvest takes place from the 5 November to the 25 January. A chemical and an organoleptic analysis are available.

**'Zone T'** (Olive oil)

Geographical area: The regions of Mahdia, Ksour Essef and Sidi Alouane in Tunisia

Varieties: The Chemlali variety is used

Production method: There are between 38 and 76 trees per hectare. The harvest takes place from the 10 November to the 26 February. A chemical and an organoleptic analysis are available.

**'Zone U'** (Olive oil)

Geographical area: The regions of Ras El Djebel Menzel Djemil, Ghar El Meleh, Ghezala, Menzel Bourguiba, Utique, Mateur, Zaghouan, Bir M'chergua, Ez-Zeriba, Sidi Hassine, Fouchana, Mohamedia, Mornag, Tebourba, El Battane and Borj El Amri in Tunisia

Varieties: The Chetoui variety is used

Production method: There are minimum 76 trees per hectare. The harvest takes place from the 5 November to the 25 January. A chemical and an organoleptic analysis are available.

Other information: The specifications are being prepared.

**'Zone V'** (Olive oil)

Geographical area: The region of Gafsa: Belkhir, Elguettar, Gafsa Nord, Gafsa Sud, and Sned.

Varieties: The chemchali and the chemlali variety are used

Production method: There are from 28 to 76 trees per hectare. The harvest takes place from 5 November to the end of January.

Other information: The consumers are looking for this origin. It could be amongst the next products to become a GI.

**'Zone W'** (Olive oil)

Geographical area: The region of Kasserine: Thala, Sbiba, Sbeitla, Feriana, and Megelbelabbas.

Varieties: The chemlali variety is used

Production method: There are minimum 38 trees per hectare. The harvest takes place from 5 November to the end of January.

**'Zone X'** (Olive oil)

Geographical area: The region of Cap Bon: Grombalia, Korba, Hammamet, Kélibia, El Haouaria, Menzel Bouzelfa, Menzel Temime, Nabeul, and Soliman.

Varieties: The chetoui and the chemlali variety are used

Production method: There are minimum 76 trees per hectare. The harvest takes place from 5 November to the end of January.

## **Turkey**

Olive cultivation is traditional in Turkey and constitutes an important sector of the Turkish agriculture. Turkey exports in large quantities, but imports few. Most of the farms are small and family owned. The Aegean Sea region is the main region of olive production, followed by the region of Marmara (North), the Mediterranean region, region of the South-East Anatolia and of the Black Sea.

There are six pending applications to the Turkish Patent Institute for table olives and olive oils.

### **1. Olive oils**

#### **Edremit Körfezi Zeytinyağı**

##### **Aydın Zeytinyağı**

Geographical area: Aydın province in the Aegean Sea region

##### **Nizip Zeytinyağı**

Geographical area: Gaziantep province in the South-East Anatolia region

### **2. Table olives**

#### **Akhisar Domat Zeytin**

Geographical area: Manisa province in the Aegean Sea region

Varieties: local variety

#### **Akhisar Uslu Zeytin**

Geographical area: Manisa province in the Aegean Sea region

Varieties: local variety

#### **Edremiy Yeşil Çizik Zeytin**

Varieties: green table olive

As, the application files are not public, it is not possible to have further information about their content until they are published in the Official Gazette.

In Turkey, GIs are not used as retail marketing tools as such, but as instruments of reputation or territorial marketing tools. Most GIs are registered by public authorities with a local scope such as municipalities, chambers of commerce and mercantile exchanges.

The development of olive GIs in Turkey is possible, because there is a high number of olive oils and table olives, and because more products are being registered

## Section II – Non IOC countries

The majority of the potential GIs have been found in the IOC countries. However, an interest in the protection of table olives and olive oils as GIs in non IOC countries has been identified (see figures and information below): between 18 and 19 olive oils and 3 table olives.

**Table 12 - Summary of potential GIs in non IOC countries**

	<u>Potential Olive oils GIs</u>	<u>Potential Table olives GIs</u>
<b>Non IOC Members</b>		
<b>Australia</b>	No certification scheme or GI strategy	No certification scheme or GI strategy
<b>Brazil</b>	Production of olive oil at a nascent stage	Production of olive oil at a nascent stage
<b>Chile</b>	<b>4</b>	<b>2</b>
<b>Mexico</b>	Small production, no GIs	None
<b>Palestine</b>	<b>6/7</b>	None
<b>Peru</b>	<b>4</b>	<b>1</b>
<b>Saudi Arabia</b>	<ul style="list-style-type: none"> <li>• Very small production</li> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Very small production</li> <li>• None</li> </ul>
<b>USA</b>	<p>4 potential GIs in 2 areas:</p> <ul style="list-style-type: none"> <li>• California: Existing Certification Program for Californian Olive Oils (1 potential GI)</li> <li>• Texas: setting up of a scheme in Texas (3 potential GIs)</li> </ul>	None
<b>Total</b>	<b>From 18 to 19</b>	<b>3</b>

Situation at the end of May 2010

In the following chart, only the information concerning the countries which have potential GIs has been kept in order to highlight their interest in the protection of table olives and olive oils. This interest exists in several part of the world:

- Latin America (Chile and Peru) with 8 potential GIs for olive oils and 3 for table olives;
- Palestine with 6 to 7 potential GI for olive oils
- The USA where two big areas were identified: California and Texas.

This interest is motivated by the history of the olives trees in these countries. In Palestine, the culture of the olives is traditional, while for the others it has been introduced by European immigrants.

**Table 13 - Non IOC countries in which potential GIs were found**

	<u>Potential Olive oils GIs</u>	<u>Potential Table olives GIs</u>
<b>Chile</b>	<b>4</b>	<b>2</b>
<b>Palestine</b>	<b>6/7</b>	None
<b>Peru</b>	<b>4</b>	<b>1</b>
<b>USA</b>	<p>4 potential GIs in 2 areas:</p> <ul style="list-style-type: none"> <li>• California: Existing Certification Program for Californian Olive Oils (1 potential GI)</li> <li>• Texas: setting up of a scheme in Texas (3 potential GIs)</li> </ul>	None
<b>Total</b>	<b>From 18 to 19</b>	<b>3</b>

Situation at the end of May 2010

## **Australia**

The production of olive and olive oils is relatively new in Australia, as it really started to produce to market in 2001<sup>124</sup>. The Australian olive industry represents nowadays over 800 jobs.

The Australian legislation allows the protection of origin products only as trademark (see phase I of the study). Because the industry is young, it has not yet developed an interest in the protection of local products. A trend seems to appear at the local level, where regional foods are being promoted, as in the Orange County in New South Wales. However, this process is still at an early stage.

The Australian Olive Association (AOA)<sup>125</sup> was formed in 1995 and is the national body representing the Australian olive industry. It developed an “Australian Certified Extra Virgin”, a certification for Australian olive oil. A code of practice contains all the provisions regarding the use of this certification<sup>126</sup>. When the AOA certifies a producer, he/she can use the logo ‘Australian Certified Extra Virgin’ on the labelling of its product.

This certification is comparable to a consumer awareness programme on the quality of the Australian olive oils, which promote the products. However, there is currently no GI approach in Australia. Potential GIs were thus not found.

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<sup>124</sup> [http://www.australianolives.com.au/web/index.php?option=com\\_content&task=view&id=86&Itemid=289](http://www.australianolives.com.au/web/index.php?option=com_content&task=view&id=86&Itemid=289)

<sup>125</sup>

[http://www.australianolives.com.au/web/index.php?option=com\\_content&task=blogcategory&id=18&Itemid=231](http://www.australianolives.com.au/web/index.php?option=com_content&task=blogcategory&id=18&Itemid=231)

<sup>126</sup> [http://www.australianolives.com.au/web/index.php?option=com\\_docman&Itemid=250](http://www.australianolives.com.au/web/index.php?option=com_docman&Itemid=250)

## **Brazil**

Brazil is a new olive oil producer. There is no tradition of producing olive oils in this country, although the consumption of this oil is important. Brazil is among the ten countries considered as “big consumers” of olive oil and the market is increasing. Olive oils sold in Brazil are mainly originating from Portugal, Italy, Spain and Argentina.

Nowadays, some olive oils production projects are being developed and two regions can be defined as having the potential to become GIs.

### **Rio Grande do Sul**

There is an experimental area in Caçapava do Sul, at 250km from Porto Alegre in the Rio Grande Do Sul State. The oil coming from this area is extra virgin. This oil is not yet marketed.

Caçapava is known in Brazil as ‘the city of olive trees’. There are 39 producers and around 120 hectares planted.

Producers are planning to reach 250 hectares in 2011 and to produce around 2 500 tons of olives. These products will only cover the regional market.

### **Minas Gerais**

Since 2006, some researchers of EPAMIG (Empresa de Pesquisa Agropecuaria de Minas Gerais) have been working on a selection of olives varieties that suit with the brazilian pedo-climatic conditions. An experimental farm has been set up: Fazenda Experimental de Maria da Fe, in the south of Minas Gerais.

The first extraction of olive oil was realized in 2008. This oil is extra virgin and has an acidity rating between 0,3 and 0,7%. This oil is not marketed.

There is an interest in the development of the production of olive oils in Brazil and in the protection of local name as GIs. However, the reflection on the protection of local names is only starting now and several years will be needed in order to be able to produce oils whose name could be registered.

## **Chile**

Olive trees were introduced in Chile during the 16<sup>th</sup> century under the Spanish colonisation. However, the production significantly increased only during the two last decades. Chile thus started to export more. It however continues to import European olive oils.

In Chile, two table olives and four olive oils were identified by our expert as having GI potential.

### **1. Olives oils**

#### **Valle del Huasco** (olive oil)

Geographical area: the region of Atacama in Chile

Varieties: the Picholine variety is used; it is a local variety of olive. It gives typicity to the oil.

Production method: There are good practices of production. The olive oil enjoys a good reputation at the international level and received an international award for its quality. The creation of a denomination of origin for this product is under study

#### **Coquimbo** (olive oil)

Geographical area: the region of Coquimbo in Chile

Production method: The region has a special soil and benefits for a microclimate. There is no illness attacking the plants. The process of production is organic. The oil is extra virgin and there are extra virgin oil tasting panels.

#### **Valle del Maule** (olive oil)

Geographical area: the region of Maule in Chile

Production method: The region has a special soil and benefits for a microclimate. There is no illness attacking the plants. The oil is extra virgin and there are extra virgin oil tasting panels.

#### **Valle de Pencahue** (olive oil)

Geographical area: the region of Maule in Chile

Production method: The region has a special soil and benefits for a microclimate. There is no illness attacking the plants. There are good agricultural practices of production. The oil is extra virgin and there are extra virgin oil tasting panels. The oil received an international award in 2009.

### **2. Table olives**

#### **Valle del Huasco** (table olive)

Geographical area: the region of Atacama in Chile

Production method: The culture of the olive is traditional in this area. The creation of a denomination of origin for this product is under study

#### **Valle de Azapa** (table olive)

Geographical area: the region of Tarapaca in Chile

Varieties: the varieties are adapted to the territory.

Production method: The region has the agro-climatic conditions necessary for the production of olives. The creation of a denomination of origin for this product is under study. There are cases of usurpations.

## **Mexico**

The olive oil production in Mexico is small. This is due to the official prohibition of the production in the kingdom of Mexico between 1525 and 1821 ordered by the Spanish Kingdom in order to impose exclusive oil importation from Spain.

However, an olive tradition exists in Mexico, coming from the Spanish influence but this production is undervalued. This production aims mainly at table olives and not at oil.

The Mexican market is at the present time exclusively composed of products imported from Spain and Italy (total imports 35 MUSD/year and 8 M kg which 2/3 comes from Spain). The French position is very small (only some "gourmet oils"): 150 000 USD in 2009 for 24 000 kg)

The olive oil consumption is not traditional in Mexico unlike colza or sunflower oils. Olive oil is rather aimed at upper classes and represents only 1% of the oils national consumption.

Some olives production areas have been identified as potential GIs:

- **Baja California**
- **Tamanlipas**
- **Sonora**
- **Xochimilco.**

Some experimental plantings, of quality level, are beginning to develop in the State of Jalisco-Zone de los Altos. However, there is no PDO or PGI project so far, as these experiences concern only individual initiatives.

In Xochimilco, the olive oil fair is celebrated every year but there is neither link nor reference with an eventual typicity of this oil.

It seems that the Mexican olive oil sector has not initiated PGI or PDO projects for several reasons:

- The olive oil is undervalued at the national level (small consumption, no administration involved in this sector),
- There is no information related to a quality or a typicity of Mexican olive,
- Multiplicity of olive varieties and no relationship with a potential typicity,
- There is no mention of the origin of the oils (potential *terroirs*). Mexican oils can be blended with Spanish imports,
- No collective project has been identified.

## ***Palestine or Palestinian Authority***

Palestine is a country of Mediterranean climate with moderate winters, warm summers and land characterized by increasing aridity from north to south, suitable for growing olives. Olive is one of the most important crops for the economy, especially in the western area (West Bank and Gaza Strip).

The olive oil industry contributes positively and significantly to the country's gross domestic product, given its capacity to create jobs and provide income opportunities for a large segment of Palestinian society.

### Olive sector deeply affected by the political and economic context<sup>127</sup>

Due to the political and economic crisis in Palestine (Palestinian Authority), no official figures are available after 2003. The politico-economic problems experienced by the Palestinian society have also significantly affected the olive sector, forcing many growers to abandon their crops.

Before the second intifada, the market for olive oil was largely open to Israel and represented about 4 to 5.000 tons per year. However, today, after the construction of the wall, the market with Israel is totally closed. Since the beginning of the second intifada, unfortunately no olive oil have been sold - or at prices that do not cover the cost. The absence of opportunities for farmers discouraged them to treat their orchard or harvest all their olives. Others have already started looking for alternative crops. These circumstances have so negative consequences for the maintenance of trees in this area that nowadays olive trees are only producing no more than 20% of their capacity and quality.

### Olive production in Palestine

The olive area in 2002 was approximately 88,200 hectares, i.e. 46% of the agricultural area and 80% of the total area planted with fruit trees. Olive production has reached 160,000 tons in 2003.

The average consumption of olive oil for West Bank and Gaza Strip is about 8 to 9000 tons per year.

The volume of available supply of olive oil reached 35,800 tons in 2002. As the domestic market is only representing 10,000 tons per year, the surplus is usually exported to its closest neighbour Jordan or given for free to Palestinian families (about 500 tons/year).

### Table olive in Palestine

It seems that the production of table olives in Palestine is so small that it cannot satisfy the domestic consumption. However, Palestine does not import table olives.

There is no potential GI for table olives in Palestine. However, there are six to seven potential GIs for Palestinian olive oils. One of them covers the entire Palestine and its denomination would be "Palestine".

In the Ramallah area, the name is not well defined. A GI could be registered for "Ramallah" and/or "Ramallah - Bani Zaid"

### **Palestine (olive oil)**

Geographical area: the entire Palestine

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<sup>127</sup> International Olive Oil Council – IOOC, *Country profile – Palestine – L'oléiculture en Palestine*, p.2

Varieties: the Nabali - Baladi variety is used and must account for at least 90% of the varieties used. It is a local variety of olive and gives typicity to the oil.

Production method: The culture of the olive is traditional in Palestine, as it enjoys a specific soil and climate. There are good practices of production. The territory where the oil is produced is homogeneous. The olives are picked by hand during the harvest. The system of production is extensive.

#### **Tulkarem / Balaa** (olive oil)

Geographical area: the region of Tulkarem in Palestine

Varieties: the Nabali - Baladi variety is used and must account for at least 90% of the varieties used. It is a local variety of olive and gives typicity to the oil.

Production method: The culture of the olive is traditional in Palestine, as it enjoys a specific soil and climate. There are good practices of production. The territory where the oil is produced is homogeneous. The olives are picked by hand during the harvest. The system of production is extensive.

#### **Nablus** (olive oil)

Geographical area: the region of Nablus in Palestine

Varieties: the Nabali - Baladi variety is used and must account for at least 90% of the varieties used. It is a local variety of olive and gives typicity to the oil.

Production method: The culture of the olive is traditional in Palestine, as it enjoys a specific soil and climate. There are good practices of production. The territory where the oil is produced is homogeneous. The olives are picked by hand during the harvest. The system of production is extensive.

#### **Jenin** (olive oil)

Geographical area: the region of Jenin in Palestine

Varieties: the Nabali - Baladi variety is used and must account for at least 90% of the varieties used. It is a local variety of olive and gives typicity to the oil.

Production method: The culture of the olive is traditional in Palestine, as it enjoys a specific soil and climate. There are good practices of production. The territory where the oil is produced is homogeneous. The olives are picked by hand during the harvest. The system of production is extensive.

#### **Salfeet** (olive oil)

Geographical area: the region of Salfeet in Palestine

Varieties: the Nabali - Baladi variety is used and must account for at least 90% of the varieties used. It is a local variety of olive and gives typicity to the oil.

Production method: The culture of the olive is traditional in Palestine, as it enjoys a specific soil and climate. There are good practices of production. The territory where the oil is produced is homogeneous. The olives are picked by hand during the harvest. The system of production is extensive.

#### **Ramallah and/or Ramallah - Bani Zaid** (olive oil)

Geographical area: the region of Ramallah in Palestine

Varieties: the Nabali - Baladi variety is used and must account for at least 90% of the varieties used. It is a local variety of olive and gives typicity to the oil.

Production method: The culture of the olive is traditional in Palestine, as it enjoys a specific soil and climate. There are good practices of production. The territory where the oil is produced is homogeneous. The olives are picked by hand during the harvest. The system of production is extensive.

In Palestine, all the oils are using the same local variety of varieties. The oils thus all have the same characteristics. The *terroir* is thus defining the typicity of the oils and differentiate them from one another.

## **Peru**

Olive culture is traditional in Peru. This production has been brought by the Spanish and remained after their departure. The olive culture is located in South Peru, mainly, the Regions of Tacna, Moquegua, Arequipa and Lima.

In the past, the National Association of olives producers tried to set up a collective strategy, to obtain a collective trademark and to get an appellation of origin. It seems that this project has been abandoned. Nowadays, Peruvian producers aim at increasing the quality of their oils to export them. Some of them could pretend in the future to register a GI.

In Peru, one table olive and four olive oils were identified by our expert as having GI potential.

### **1. Olives oils**

#### **Acari** (olive oil)

Geographical area: the region of Arequipa in Peru

Varieties: the Picholine variety is used; it is a local variety of olive. It gives typicity to the oil.

Production method: The culture of the olive is traditional in this area. There are good practices of production and the oil enjoys a good reputation at the national level.

#### **Yauca** (olive oil)

Geographical area: the region of Arequipa in Peru

Production method: The culture of the olive is traditional in this area. Virgin and extra virgin olive oils are produced. There are good practices of production and the oil enjoys a good reputation at the national level.

#### **Tacna** (olive oil)

Geographical area: the region of Tacna in Peru

Production method: There is a microclimate in this region as well as a special soil. There is no illness attacking the plants. Extra virgin olive oil is produced. There are good practices of production and knowledge of organoleptic tasting. Certification exists and is used by some enterprises. The oil enjoys a good reputation at the national level.

#### **Moquegua** (olive oil)

Geographical area: the region of Moquegua in Peru

No further information was provided.

### **2. Table olives**

#### **Yauca** (table olive)

Geographical area: the region of Arequipa in Peru

Varieties: green olive

Production method: The culture of the olive is traditional in this area.

## ***Saudi Arabia***

According to the IOOC website, Saudi Arabia started to produce olives in 2005. But its small production seems to be destined exclusively to the domestic consumption.

Apart from this information, no relevant information has been found about potential PDO or PGI olive oils or table olives in this country.

## **United States of America**

The USA does not have a *sui generis* system of protection for products with a geographical indication. However, its legislation allows the protection of these products as a trademark or a certification mark. The GI approach currently is starting to interest local producers in the USA.

Two regions producing olive oils can be identified as potential GIs: California and Texas.

### **1. California**

The olive trees were introduced in California at the end of the 18<sup>th</sup> century. The industry did not expand until the end of the 20<sup>th</sup> century. California is currently the largest olive oil producer in the USA. Oils are produced from over 100 olive varieties, using labour-intensive traditional hand-harvesting or mechanisation.

The California Olive Oil Council (COOC) was founded in 1992 as a non-profit trade and marketing association whose purpose is to promote the growing of olives and the production of olive oil in California. The COOC set up a certification program for Californian olive oils<sup>128</sup>. The COOC certification program is available to its members, and was established as a quality guarantee for California extra virgin olive oil. Producers who apply for this certification must guarantee that their oil was produced from 100% California olives. In order to receive the certification, the olive oils have to meet the following requirements:

- The olives must be mechanically extracted without chemicals or excessive heat,
- There should be less than .5% free oleic acid, and
- The oils must enjoy positive taste elements and no taste defects, as determined during a blind tasting.

In 2009/2010, 125 Californian olive oils had the certification. They can thus use the logo of the California Olive Oil Council which states "California Olive Oil Council – Certified extra virgin".

We can thus consider that this area of production can qualify as a potential GI. The concept of GI does not exist as such in the USA. The Certification Trademark is thus the only route available for the protection of local products. However, the Californian producers of olive oils are not the owner of the Certification Trademark, which belongs to the certifying body, in this specific case, the COOC. The producers of olive oils who answered to our query informed us that they are member of the COOC and use the certification mark delivered by the Council. It seems that the certification of the COOC is the only protection they use at the moment (the Californian producers who replied to our questions in the context of this study appear not to use other private marks).

Some of the olive oils produced in California are old and have a specificity. The majority of the oils seem nonetheless to be "young" because the production started or restarted at the beginning of the 21<sup>st</sup> century. It would appear that Californian producers are interested in the protection of their oil, but it has not been possible to identify the type of protection they are looking for.

As the Californian wine sector enjoys the higher type of protection available in California, it could be a model for the olive oil sector. Some Californian wines are protected as GI in the EU. The olive oils could thus benefit from such a protection if a law on the protection of olive oils as GI was passed in California.

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<sup>128</sup> [http://www.cooc.com/about\\_certification.html](http://www.cooc.com/about_certification.html)

As the certification program of the COOC is the oldest in the olive sector in the USA, it is used as a model for the Texas.

## **2. Texas**

Olive agriculture in Texas is new. The Texas Olive Oil Council (TOOC)<sup>129</sup> was founded in 1994 as a non-profit organisation. It aims at successfully cultivate olives in Texas, gather and disseminate the most current and pertinent information for growing olives and making olive oil in Texas.

Following our contacts with the TOOC, we have been told that it is working notably with the Texas Department of Agriculture, the USDA and the California Olive Oil Council in order:

- to develop collective designations or trademarks and eventually GIs,
- to establish a sensory certification panel for Texas olive oil, and
- to support a legislation to perfect the IOC labelling standards for olive oil in the USA and in particular, Texas.

There is currently only one commercial producer of extra virgin olive oil in Texas: Texas Olive Ranch, in Carrizo Springs, Texas, Nueces River Valley. There are several small producers who do not distribute their olive oil to retailers except very locally.

There are no collective or certification trademarks currently registered for the products of the members of TOOC. The TOOC anticipates a significant increase in commercial production, in the next three years, in three geographical areas: the Nueces River Valley, the Edwards Plateau, and the Texas Gulf Coast. The producers in these areas are working with the TOOC to develop geographical designations and to perfect their geographical domains.

The three geographical areas mentioned are not yet in the planning stage for geographical indication certification or trademarks, but are still in a reflection stage. In these three geographical areas, olives are currently being planted for commercial crops. The project of the TOOC is thus in a nascent stage of development.

The protection of agricultural products as GIs in the USA is currently being developed. As for olive oil production, the producers in California and in Texas are willing to emphasise the origin of their products and are as such interested in the protection of their names. However, the protection as GI is at a very nascent phase in this country.

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<sup>129</sup> <http://www.texasliveoilcouncil.org/>

## Conclusion

In total, 102 to 113 olive oils and 27 table olives were identified as potential GIs:

- From 84 to 94 olive oils and 24 table olives in the IOC members, including 19 olive oils and 6 table olives in the EU; and
- From 18 to 19 olive oils and 3 table olives, in the non-IOC members.

In general, the potential for GIs is much higher for olive oils than for table olives.

The situation varies greatly from one country to another. Some countries covered by this study do not have the legal framework to protect table olives and olive oils as GIs. In other countries, the production is recent and there is no protection granted yet. Finally, in some countries, the reflection on the protection of GIs started recently and the process of protection is ongoing.

Amongst the IOC countries, Tunisia is the State which has the higher number of potential areas of production of olive oils (24), followed by Morocco (11). As regards to table olives, Argentina has the higher number of potential GIs (9).

The products from the Members States of the EU only account for a quarter of the products found in this phase of the study. This can be explained by the fact that most the GIs are probably already protected at the EU level. Nonetheless, a potential exists in the Member States which recently joined the EU (e.g. Slovenia), and in neighbouring countries which have applied to join the EU (e.g. Croatia).

The majority of the potential GIs have been found in the IOC countries. However, an interest in the protection of table olives and olive oils as GIs in non IOC countries has been identified. In this group, Palestine has the highest number of potential GIs for olive oils (6/7). However, the region which accounts for the highest share of the non IOC members is Latin America (Chile and Peru) with 8 potential GIs for olive oils and 3 for table olives. The USA is at the third place with two big areas of production and 4 potential GIs.

Some countries which produce table olives or olive oils are developing an interest in the protection of their local products as GIs because they want to export to the EU. Indeed, GIs represent an important market on the EU Single market. Producers in these countries have expressed an interest for GI protection as a way to better protect but also to better promote and sell their olive oils or table olive on the EU market.

The findings of this study are based on the research done by our experts who have received information from many stakeholders of the olive oil and table olives sector established in the countries covered by the study. However, as stated above, this information will have to be updated as the situation with regard to ongoing GI projects in this sector develops and matures in the coming months and years.