

Geographical Indications: Overview of the Current Work at WIPO

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**World
Intellectual
Property
Organization**



WIPO



GI's and WIPO

- Administration of international agreements
 - *The Lisbon Agreement*
 - *The Madrid Agreement and Protocol*
- Forum to discuss GIs
 - *Standing Committee of the Law of Trademarks, Industrial Designs and Geographical Indications,*
 - *Working Group on the Development of the Lisbon System*
 - *Worldwide Symposia on Geographical Indications*
- Provision of technical assistance to Member States
 - *Legislative assistance*
 - *Projects on product branding in development countries and LDCs*
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International legal framework

Five **multilateral** treaties applicable to GIs:

WIPO:

Paris Convention for the Protection of Industrial Property (1883)

Madrid Agreement on the Repression of False or Deceptive Indications of Source on Goods (1891)

Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (1958)

Madrid Agreement and Protocol for the international registration of marks (1891 and 1989)

WTO:

TRIPS Agreement (1994)

The Lisbon Agreement

Lisbon Union: 27 Member States

Africa (6)

Algeria
Burkina Faso
Congo
Gabon
Togo
Tunisia

Asia (4)

Georgia
**Islamic Rep. of
Iran**
Israel
DPR of Korea

Europe (11)

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

America (6)

Costa Rica
Cuba
Haiti
Mexico
Nicaragua
Peru

905 registrations – 800 in force

■ France	508	■ Portugal	7
■ Czech Rep.	76	■ Tunisia	7
■ Bulgaria	51	■ DPR of Korea	6
■ Italy	31	■ Slovakia	6
■ Hungary	28	■ FYR of Macedonia	4
■ Georgia	20	■ Serbia	3
■ Cuba	19	■ Montenegro	2
■ Mexico	14	■ Costa Rica	1
■ Peru	8	■ Israel	1
■ Algeria	7	■ Moldova	1

Total registered since 1995 -170
of which since 2003: 55

The Lisbon Agreement

Principles

- Establishes an **international register** for appellations of origin and a **procedure** for their registration
- Provides a **definition** of *appellation of origin* (Art. 2(1)):

*"the **geographical** denomination of a country, region or locality which serves to **designate a product originating** therein, **the quality/characteristics** of which are due exclusively or essentially to the **geographical environment**, including natural and human factors."*

Flexibility:

in practice **traditional appellations** that have the “quality link” have been assimilated to appellations of origin: e.g.

MUSCADET (N° 279, wine, France)

REBLOCHON (N° 458, cheese, France)

VINHO VERDE (N° 564, wine, Portugal)

The Lisbon Agreement

Any sort of product may be designated by an AO:

- natural products (e.g. mineral water, marble)

Karlovarska Voda, Marble Lепенica

- manufactured products (e.g. crystalware, porcelain)

Joblonec, Herend

- agricultural, food and handicraft products

Fontina, Huile d'olive de Nyons, Bordeaux, Olinalá

The Lisbon Agreement: General view of the procedure

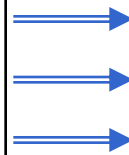
country of origin



Appellation protected *as such*

International application

INTERNATIONAL BUREAU



Records in the International Register
Publishes in Bulletin *Appellations of origin*
Notifies other members



OTHER MEMBERS



examine

12 months

REFUSAL

12 months

NO REFUSAL = protection

The Lisbon Agreement

Effects of international registration

States that have not refused a notified AO within 12 months from receipt of the notification

- must **ensure protection** of the appellation against **usurpation** or **imitation**, even if the true origin of the product is stated, or if the appellation is used in translated form or accompanied by a disclaimer or a delocalizer (“type”, “method”, “system”)
- **cannot** deem that the appellation has become **generic** as long as it remains protected as an appellation of origin in its country of origin



The Lisbon Agreement

- **Term:** Protection of the appellation of origin in each member country that has not refused protection continues without renewal as long as the appellation is protected as such in its country of origin
- **No renewal** is required to maintain the international registration

Development of the Lisbon system

Working Group on the Development of the Lisbon System


- established by the Assembly of the Lisbon Union
- began meeting in 2009; has met five times so far

Development of the Lisbon system



Objectives

Look for improvements of the Lisbon system that will make the system more attractive for States and users, while preserving the principles and objectives of the Lisbon Agreement





Two-fold Mandate

- 1) *Revision of the Lisbon Agreement*
 - Refinement of the Legal Framework
 - Accession Possibility for IGOs (e.g., EU)

- 2) *Establishment of International Registration System for GIs*

Development of the Lisbon system

Preparatory work

- Survey to ascertain what changes in the System might trigger wider Membership


36 contributions from Members, Non-Members, NGOs, IGOs and Academia

- Study by WIPO on
 - The application of the Lisbon system in countries that are part of a regional system
 - Possible accession to the Lisbon Agreement of certain IGOs

Development of the Lisbon system



During sessions held since 12/2011, the WG has examined Draft New Instrument and Related Regulations, containing **draft provisions** on, most notably :

- Definitions (of « geographical indication » and « appellation of origin »)
 - Basis for protection (not necessarily *sui generis* legislation)
 - Scope of protection
 - Prior Rights and Prior Use
 - Accession criteria for IGOs
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Development of the Lisbon system



The work ahead:

Revision of the Lisbon Agreement?

New treaty?





Thank you

