



Geographical Indications and Overview of the Lisbon System

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Study Visit:
IP Focal Persons of the
African Regional Economic Communities
and Executive Bodies of the African Union
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Appellations of Origin (AOs) and Geographical Indications (GIs)

Purpose: Distinctive sign indicating a connection between quality, characteristics, reputation of goods and their geographical origin

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

Some African Geographical Indications

- Penja pepper from Cameroon



- Oku white honey from Cameroon



- Mount Ziama-Macenta coffee from Guinea

- Zanzibar Cloves



- Kenyan Tea

- Mukono Vanilla from Uganda



- Etc...

Economic value added of GIs

- **For consumers, GIs are a guarantee of origin, quality, method of production, tradition, better quality/price ratio, etc.**
- **GIs represent an opportunity for producers of GI products.**
For example:
 - On the EU market, GIs products have a premium price of 2.23% in comparison to similar products
 - 43% of European consumers (about 210 million) are ready to pay an extra between 2.23 and 10% for GI products;
 - 8% of European consumers (about 39 million) even an extra 20% and
 - 3% of such European consumers (approximately 15 million) up to 30% for GI products

Source: 2 opinion polls of more than 16'000 EU consumers made in 1996 and 1999 conducted by an independent consultant
(EU Project FAIR CT 95-306 *PDO-PGI products: market, supply chains and institutions*).

Effects of GI Protection: Example Argane Oil (Morocco)

Experience shows that GIs may have...

Positive effects on jobs

- direct & indirect jobs
- job qualification
- rural exodus

Positive effects for Environment

- Biodiversity
- Environment preservation
- Landscape



Positive economic effects

- production, price
- profitability,
- income distribution
- tourism

Positive effects for preserving traditions

- quality
- traditional know-how

An Indian Success Story: DARJEELING TEA

Protection of Darjeeling Tea has had an impact on:

- Better prices
- Better economic health of the industry
- Sustainable education and health systems
- A better quality of life for the plantation worker
- Deceleration in the rural exodus
- Development of tourism

But

- Successful enforcement
- Commercial promotion

are needed to acquire and maintain them!



Source: Datta T. K. (2010)

Advantages, constraints and key success factors in establishing origin- and tradition-linked quality signs: the case of Darjeeling tea, India.

How to Protect GIs? *National/Regional Level*

- *Sui generis* legislation



- Collective or certification marks



- Administrative systems (labelling, etc.)

- Legislation on unfair competition

How to Protect GIs? *International Level*

■ Regional Systems of Protection (EU, OAPI...)

■ Bilateral Agreements

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

■ Multilateral Agreements:

- **TRIPS Agreement (WTO)**

Protection of GIs

- **Lisbon Agreement (WIPO)**

Protection of AOs

and GIs under the Geneva Act

WIPO's Role in the Field of Geographical Indications and Appellations of Origin

- **International Registration Services (Lisbon System)**
- **Provision of technical assistance**
 - Experts Mission
 - Legislative advise
- **Forum for discussions of possible developments of the international protections of GIs and AOs**
 - Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT)
 - Lisbon Working Group
 - Organization of International Symposia on GIs

**The Lisbon Agreement
for the Protection of Appellations of Origin
and their International Registration
and
The Geneva Act of the Lisbon Agreement
on Appellations of Origin
and Geographical Indications** 

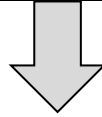
The Lisbon Agreement : Main Features (1)

- Established to facilitate the international protection of appellations of origin (AOs) through a **single registration procedure**
- Administered by WIPO, which keeps the **International Register**
- All **categories of products** can be protected under Lisbon (food, beverages, natural products, handicrafts...)

The Lisbon Agreement : Main Features (2)

- Application submitted by the **Competent Authority** of the country of origin
- **Protection in the country of origin**
 - *Ex ante recognition required*
 - *Different means of protection allowed*
- Protection in **all the Contracting Parties** to the Geneva Act (*except in those that have notified a refusal / invalidation / renunciation of protection*)
- **Indefinite protection** (*as long as AO or GI protected in the Contracting Party of Origin*)

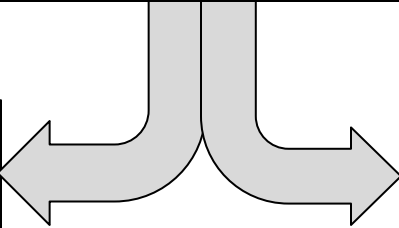
Application for an International Registration
(Competent Authority or *Direct Filing under Geneva Act*)



Registration in the International Registry and Publication (WIPO)
&
Notification of the Registration to all Contracting Parties (WIPO)

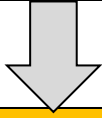
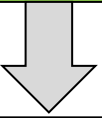
Refusal of Protection
(one year)

Notification of Protection
(optional)



Withdrawal of Refusal
or
Notification of Protection

Transitional Period
(2 years → 15 years)



Invalidation

Legal Effect of an International Registration under the Lisbon Agreement

- Protection against any **usurpation or imitation** of the registered AO in the other Lisbon countries
- Protection of the registered AO against becoming **generic** in the other Lisbon countries
- Provides standing for taking **legal action**

Lisbon Union: 28 Member States

Africa (6)

Algeria
Burkina Faso
Congo
Gabon
Togo
Tunisia

Asia (3)

Islamic Rep. of Iran
Israel
DPR of Korea

America (6)

Costa Rica
Cuba
Haiti
Mexico
Nicaragua
Peru

Europe (13)

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

1060 registrations – 955 in force

■ Algeria	7	■ Mexico	14
■ Bulgaria	51	■ Montenegro	2
■ Costa Rica	1	■ Peru	8
■ Cuba	20	■ Portugal	7
■ FYR of Macedonia	5	■ Rep. of Moldova	1
■ France	509	■ DPR of Korea	6
■ Georgia	28	■ Czech Rep.	76
■ Hungary	28	■ Serbia	3
■ Iran (Islamic Rep.)	32	■ Slovakia	7
■ Israel	1	■ Tunisia	7
■ Italy	142		

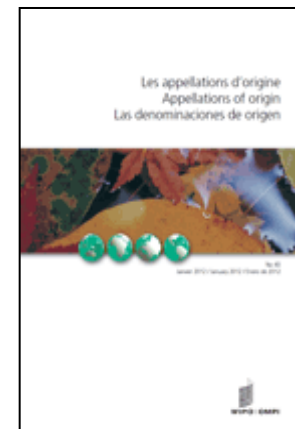
(End of April 2016)

Registered Appellations of Origin

The LISBON EXPRESS database

The screenshot shows the WIPO LISBON EXPRESS database search interface. The browser window title is "Lisbon Search - Microsoft Internet Explorer" and the address bar shows "http://www.wipo.int/ipdl/en/search/lisbon/search-struct.jsp". The page features the WIPO logo and the text "LISBON The International System of Appellations of Origin". A search bar is located at the top right. The main content area is titled "Search Appellations of Origin (Lisbon Express)" and contains a description of the database. Below the description is a "Structured Search" section with various search criteria and input fields. The criteria include: Search, Number, Appellation, Country of Origin, Area of Production, Product, Category, Nice Classification, and Holder. Each criterion has a dropdown menu set to "AND" and an input field. A "SHORTCUTS" section on the right lists links for Help, Sample Search, ST 3 (Country codes) [PDF], Feedback, and Lisbon Web site. The browser's taskbar at the bottom shows several open applications, including WIPO Applications for R..., Inbox - Microsoft Outlook, Microsoft PowerPoint, and Lisbon Search - Micro... The system clock shows 16:07.

The AO Bulletin



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

Examples of Appellations of Origins (AO) in the Lisbon Registry



TEQUILA (669 / Mexico)



CHULUCANAS (869 / Peru)



REBLOCHON (458 / France)



VINHO VERDE (564 / Portugal)



PROSCIUTTO DI PARMA (843 / Italy)





SAROUGH HANDMADE CARPET (956 / Iran)



HEREND (737 / Hungary)

Origin of the Revision of the Lisbon System

- **Objective:** *Improve the Lisbon System to make it **more attractive** for users and prospective new Members, while **preserving the principles and objectives** of the Lisbon Agreement*
- Allow the accession of **intergovernmental organizations** that administer regional systems for the registration of GIs 
- Enhanced recognition of the **different means of protection** of AOs and GIs at national and regional level 

Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications

- Adopted on May 20, 2015

- 15 signatories

(Bosnia and Herzegovina, Burkina Faso, Congo, Costa Rica, France, Gabon, Hungary, Italy, Mali, Nicaragua, Peru, Portugal, Republic of Moldova, Rumania, Togo)

- Will enter into force with **five** ratifications or accessions



The Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications

New

The New Features of the Geneva Act (1)

New

- Definition of **geographical indications**
- Maximum **flexibility** as to the **type of legislation** under which a Contracting Party protects registered AOs/GIs
(sui generis, TM/CTM, other)
- Possibility to request **payment of individual fees**
- Accession for **intergovernmental organizations**
- Precision on the definitions of **beneficiaries**
(applicants)

The New Features of the Geneva Act (2)

New

- **Direct filings** by these “right holders”
(*upon declaration*)
- New definition of the **scope of protection**
- Opportunity for **interested Parties to request the refusal of protection**
- **Safeguards** to prior trademarks rights, personal names used in business, plant variety or animal breed denominations

Legal Effect of an International Registration under the Geneva Act

- Protection in **all the Contracting Parties** to the Geneva Act (*except in those that have notified a refusal / invalidation / renunciation of protection*)
- **Indefinite protection** (*as long as AO or GI protected in the Contracting Party of Origin*)

Thank you!

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