

Worldwide Symposium on GIs, Lisbon, 3 July 2019

Geographical Indications and Common Names



oriGIn: the Global Alliance of GIs



GIs as IPRs: what does it mean?

- Protection, exclusive rights over geographical names
- Balance with the interest of public domain: rights of TMs previously registered in good faith and genericity
- Territoriality

Exceptions to GIs protection have been consistently applied by courts and IP offices on a national basis

GIs in multilateral/plurilateral agreements

- The WIPO Lisbon Agreement on Appellations of Origin and their International Registration (1958)
- The WTO TRIPs Agreement (1994)
- The Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (2015)



*GIs as IPRs + genericity
as an exception to protection
to be evaluated at the national level*

LISBON SYSTEM

Lisbon Agreement
Lisbon System Review
Meetings
Bulletin
Lisbon – The International
System of Appellations of
Origin

Search Appellations of Origin (Lisbon Express)

This database contains information on all the appellations of origin entered, in accordance with the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, in the international register kept by the WIPO International Bureau and which are in force.

options results

Structured Search

» Search =

AND Number =

AND Appellation =

AND Country of Origin =

AND Area of Production =

AND Product =

AND Category =

AND Nice Classification =

AND Holder =

AND Date All From: To:

AND Status by country =

Show cancelled records

Search

SHORTCUTS

- ▶ Help
- ▶ Sample Search
- ▶ ST 3 (Country codes) [PDF]
- ▶ Feedback
- ▶ Lisbon Web site

LISBON SYSTEM

- Lisbon Agreement
- Lisbon System Review
- Meetings
- Bulletin
- Lisbon – The International System of Appellations of Origin

Searching LISBON...

[\[Search Summary\]](#)

Results of searching in LISBON for:

REF/*: 724 records

Showing records 1 to 25 of 724 :

Next 25 records Start At

Refine Search REF/* [\[Start new Search\]](#)

No.	Appellation
1. 1	PLZEŇ / PILSNER / PILSENER / PILSEN PILS
2. 2	PLZEŇSKÉ PIVO / PILSEN BEER PILS / BIÈRE DE PILSEN (PLZEŇ) PILSNER / PILSNER BIER PILSENER
3. 25	SMÍCHOVSKÉ PIVO
4. 26	Cancelled
5. 33	Cancelled
6. 34	BZENECKÁ LIPKA
7. 35	Cancelled
8. 36	Cancelled
9. 37	Cancelled
10. 38	PÁLAVSKÉ BÍLÉ
11. 39	PAVLOVICKÉ OHNIVÉ
12. 40	Cancelled
13. 41	PRAŽSKÝ VÝBĚR
14. 42	Cancelled
15. 43	SLOVÁCKÝ RUBÍN
16. 44	Cancelled
17. 45	TOKAJSKÉ VÍNO de la région slovaque
18. 46	TRENČIANSKÁ BOROVIČKA "JUNIPERIERS"- TRENČIN DISTILLERY
19. 49	ČESKOBUDĚJOVICKÉ PIVO / BUDWEIS BEER / BIÈRE DE ČESKÉ BUDĚJOVICE / BUDWEISER BIER
20. 50	BUDĚJOVICKÉ PIVO - BUDVAR / BUDWEIS BEER - BUDVAR / BIÈRE DE BUDWEIS -

GIs in bilateral agreements



More than 200 agreements covering GIs currently in force

- EU: Canada (2004), USA (2006), Australia (2010), South Korea (2011), Japan (2019), CETA (2017), Vietnam (signed 2019), Mexico (political agreement 2018)
- Switzerland: Germany (1969), Portugal (1980), Hungary (1981), France (1975), EU (2002), Russia (2011), Jamaica (2014), Georgia (2019)
- USA: NAFTA (1994), EU (1994), Brazil (2012), South Korea (2012), USMCA (concluded in 2018)

USMCA, 2018



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- Section E: opposition phase the US, Mexico and Canada have to provide for interested parties before a GI is recognized in their territory, either through the national administrative procedures or an international treaty
 - Opposition phase, grounds (Article 20.E.3): genericity, to be evaluated with respect to the jurisdiction where protection is sought

Opposition phase in EU Agreements

- **Transparency:** in the framework of negotiations, GIs lists are published and third parties are given time to submit oppositions
- **Rule of law:** oppositions evaluated by national IP offices



Opposition phase in EU Agreements

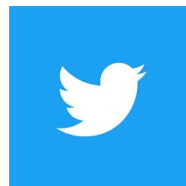
- Examples of “limitations” to full GIs protection as result of opposition:
 - i. EU/Mexico trade agreement: Protection of Manchego
 - ii. EU Vietnam FTA: Protection of Asiago, Fontina and Gorgonzola

Risks of solution which do not respect the legal situation in country: what happens to the trademark “Asiago” owned by the Consorzio Asiago in Vietnam?

Many thanks for your attention

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