

International and Regional Tools and Initiatives for Protecting Geographical Indications



**Worldwide Symposium on Geographical Indications
Lisbon, July 2 to 4, 2019**

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WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

How to protect AOs/GIs abroad ?

■ Direct applications in third countries

Individual application

■ Bilateral or Pluri-lateral Agreements

Under such agreements two or more States or trading partners agree to protect each other's GIs (standard of protection + often GI-list)

■ Multilateral Agreements

- **TRIPS Agreement (WTO)**
Protection of GIs

- **Madrid Protocol/Agreement (WIPO)**
Registration of TM

- **Lisbon Agreement and Geneva Act (WIPO)**
Protection and registration of AOs and GIs under the Geneva Act

Madrid System (Trademarks)

- 104 Members*
- 120 Countries*

**Protect brands
in global markets**

<http://www.wipo.int/madrid/en/>



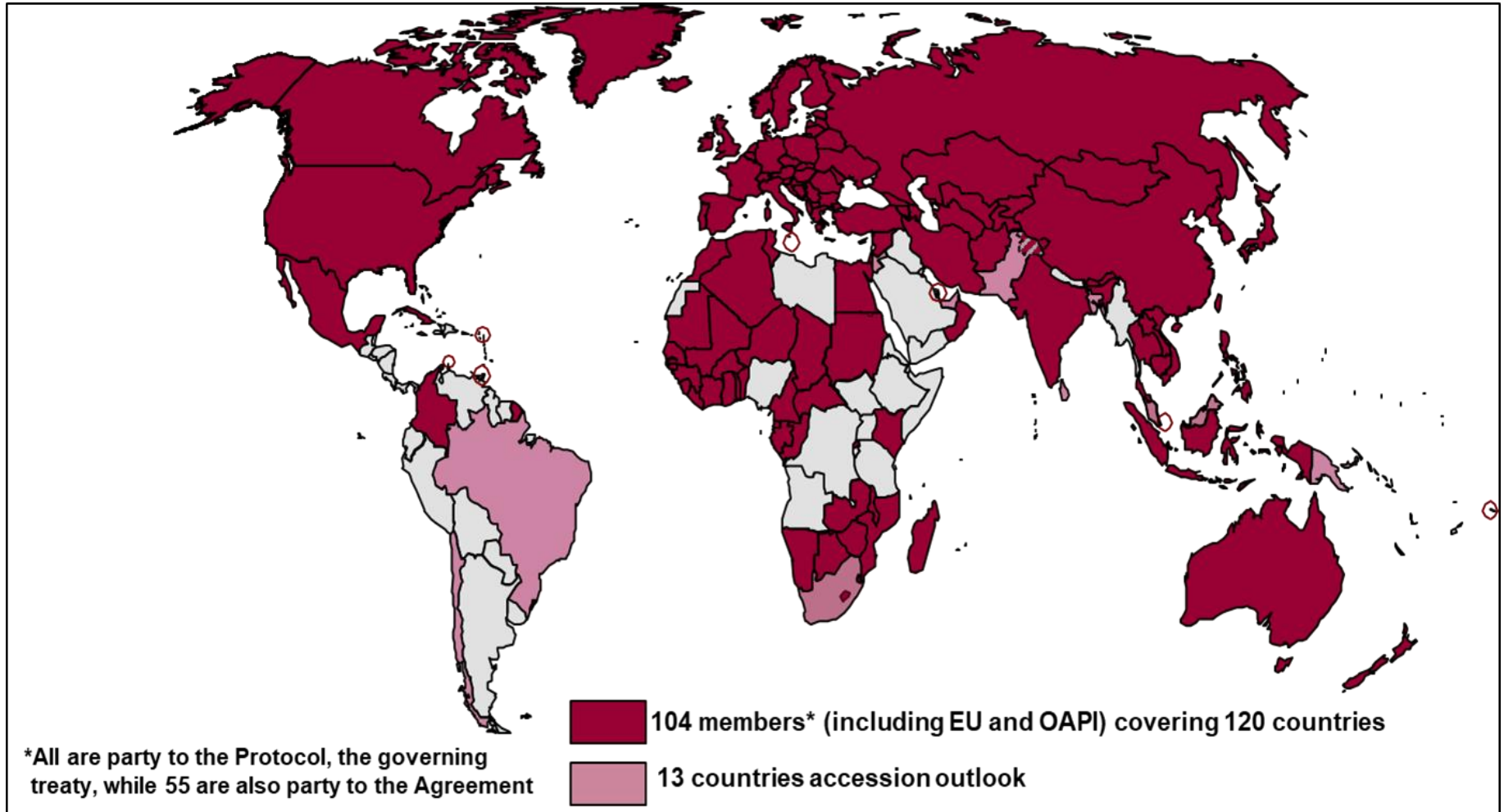
The Madrid System in a Nutshell...

- To facilitate the **registration** of trademarks at an international level
- To facilitate the **management** of trademarks after registration

The Madrid System in a Nutshell...

- **One registration covering multiple territories**
- **Fixed time limit for refusal – 12 or 18 months**
- **WIPO examines only for formalities**
- **Expand protection to new export markets (subsequent designations)**
- **Centralized management of portfolio**

Members of the Madrid System



Status June 2019

How the Madrid System Works

The International Trademark Registration Process



Madrid System and GIs (CTM / Coll-TM)

- ***Rule 9(4)(x) of the Common Regulations expressly provides for registration of **collective** or **certification marks*****

Example of Certification Marks protected under the Madrid System



龙井茶
Longjing Tea



Madrid System : Key Figures (2016)

Description	Number
International registrations (2016)	44,726
Active international registrations (2016)	641,587
Active collective or certification marks Under the Madrid System* (29.06.2017)	1,233

* Including but not limited to collective and certification marks identifying quality products linked to origin

Keep Updated on the Madrid System

- Visit the Madrid Website

www.wipo.int/madrid/en

- Register to free

[Madrid Webinars](#)

- Subscribe to [Madrid Notices](#), our legal and news updates

- Sign up for [Madrid Highlights](#)



Lisbon System Appellations of Origin (AO) and Geographical Indications (GI)

- *Lisbon Agreement (1958, 1967)*
29 Contracting Parties
- *Geneva Act of the Lisbon Agreement (2015)*
3 Contracting Parties

Protect origin-based quality products

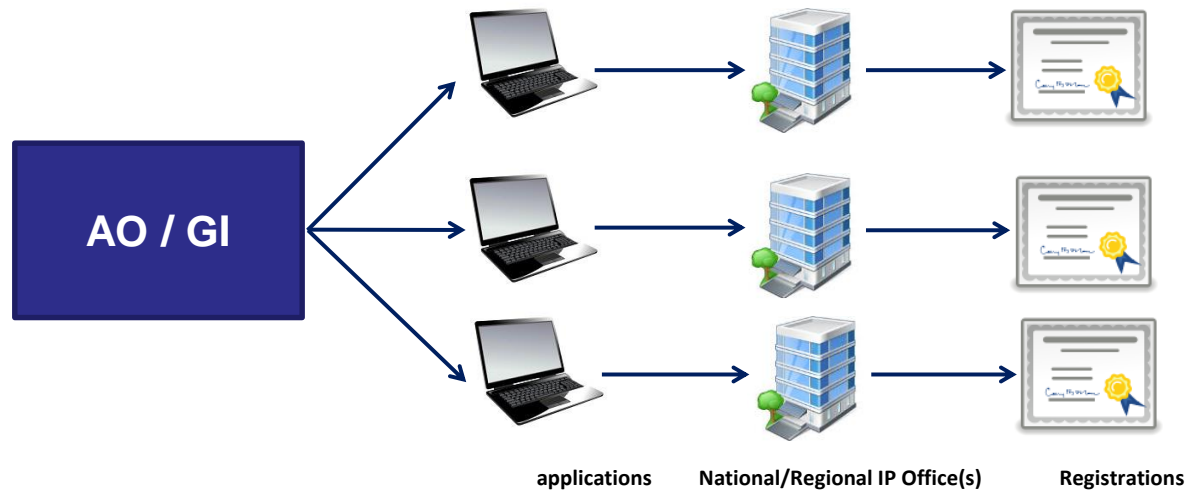
<http://www.wipo.int/lisbon/en>

The Lisbon System in a Nutshell...

- Established to facilitate the international protection of appellations of origin (AOs) and geographical indications (GIs) through a **single registration procedure** (*“simple and accessible”*)
- Administered by WIPO, which keeps the **International Register**

Direct filings vs. WIPO systems

Direct/Paris Route



Lisbon System (*international registration & protection system*)



The Lisbon System in a Nutshell...

■ Indefinite protection in **all Contracting Parties**

- *exception: refusal, invalidation, enunciation of protection, and*
- *as long as the AO/GI is protected in the Contracting Party of Origin*

■ **High level protection** of the registered AOs/GIs in the other Lisbon members

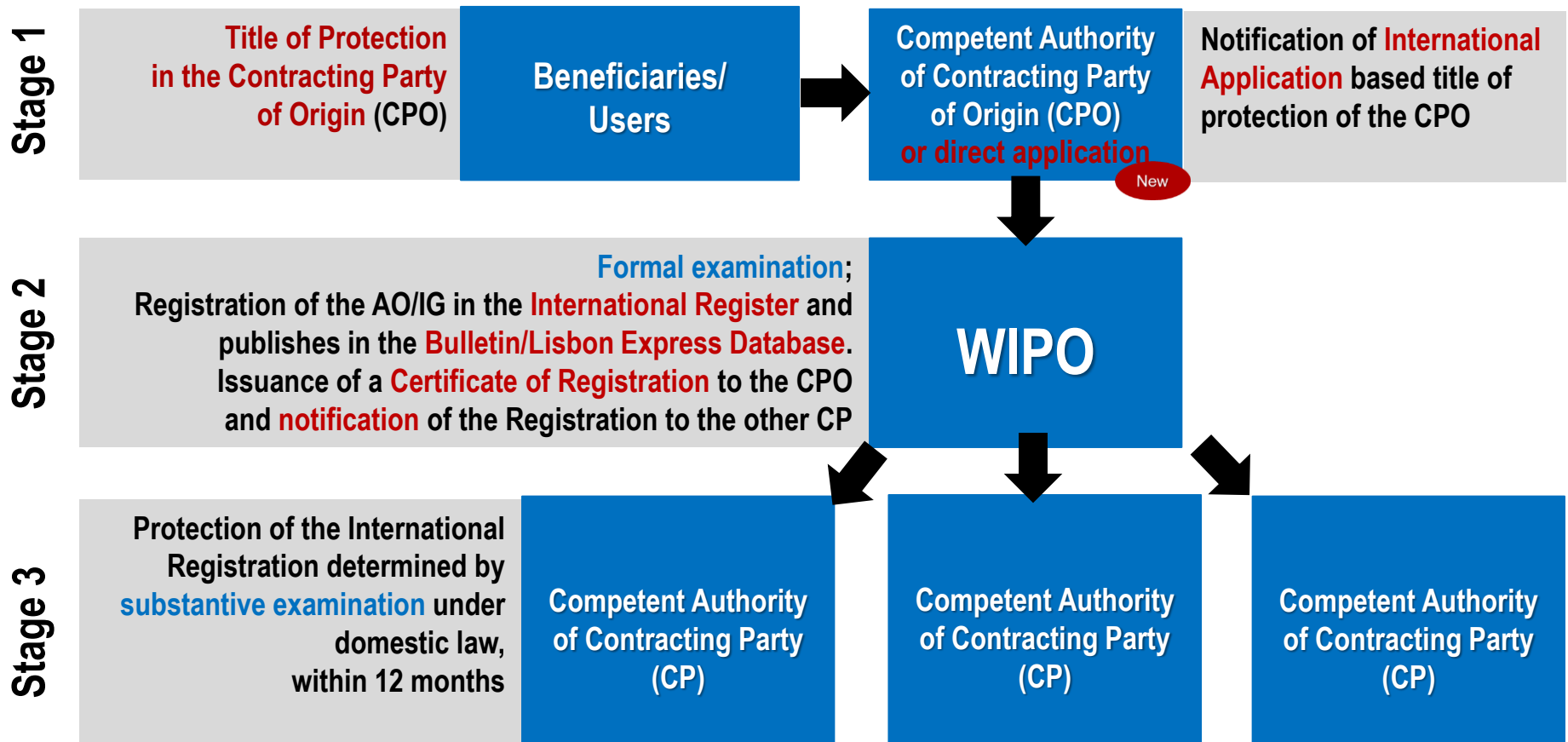
*(against any **usurpation** or **imitation**)*

■ Protection of registered AOs/GIs **against becoming generic** in the other Lisbon members

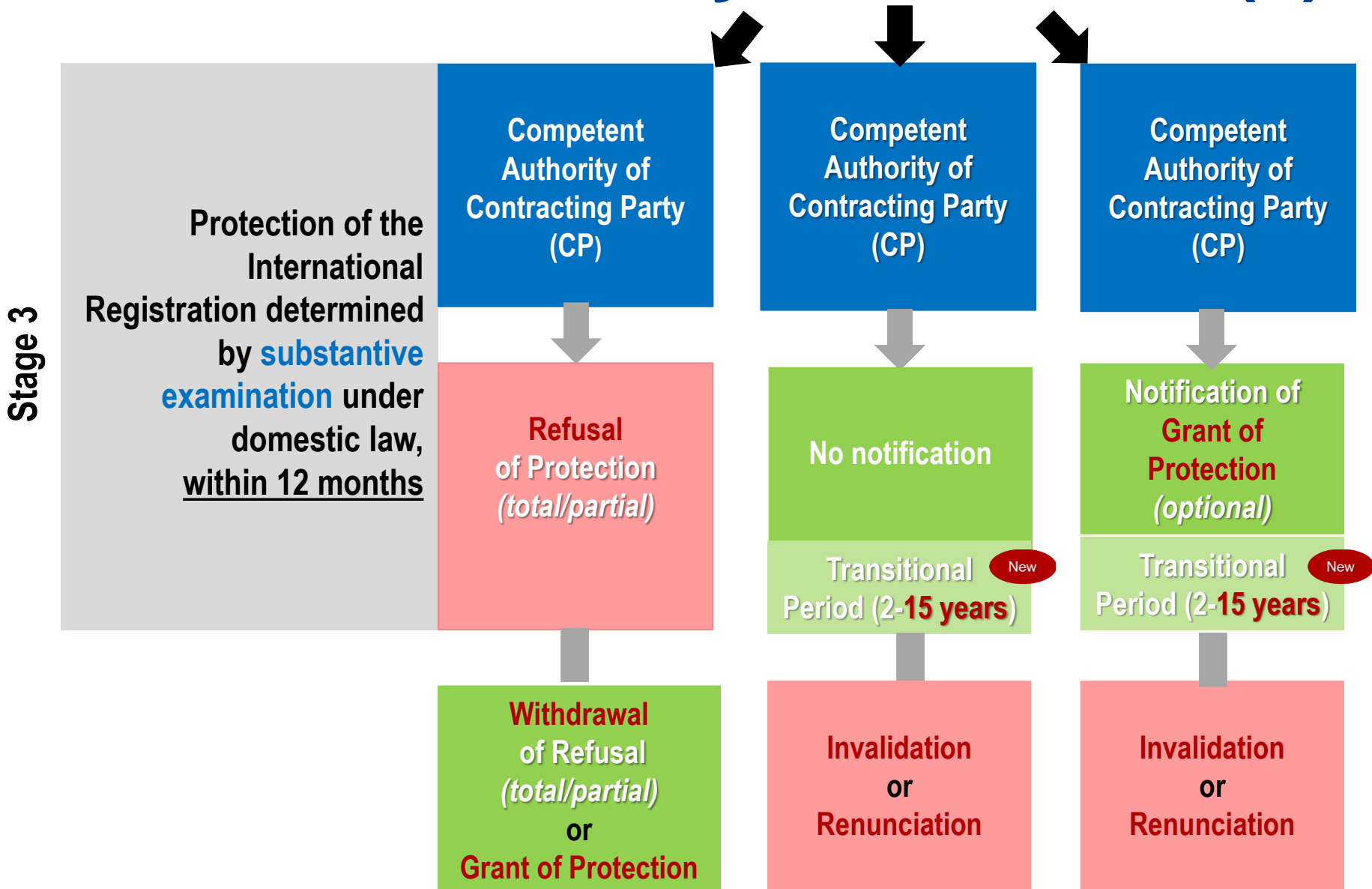
■ Provides standing for taking **legal action**

How the Lisbon System Works (1)

The International Registration and Protection Process



How the Lisbon System Works (2)



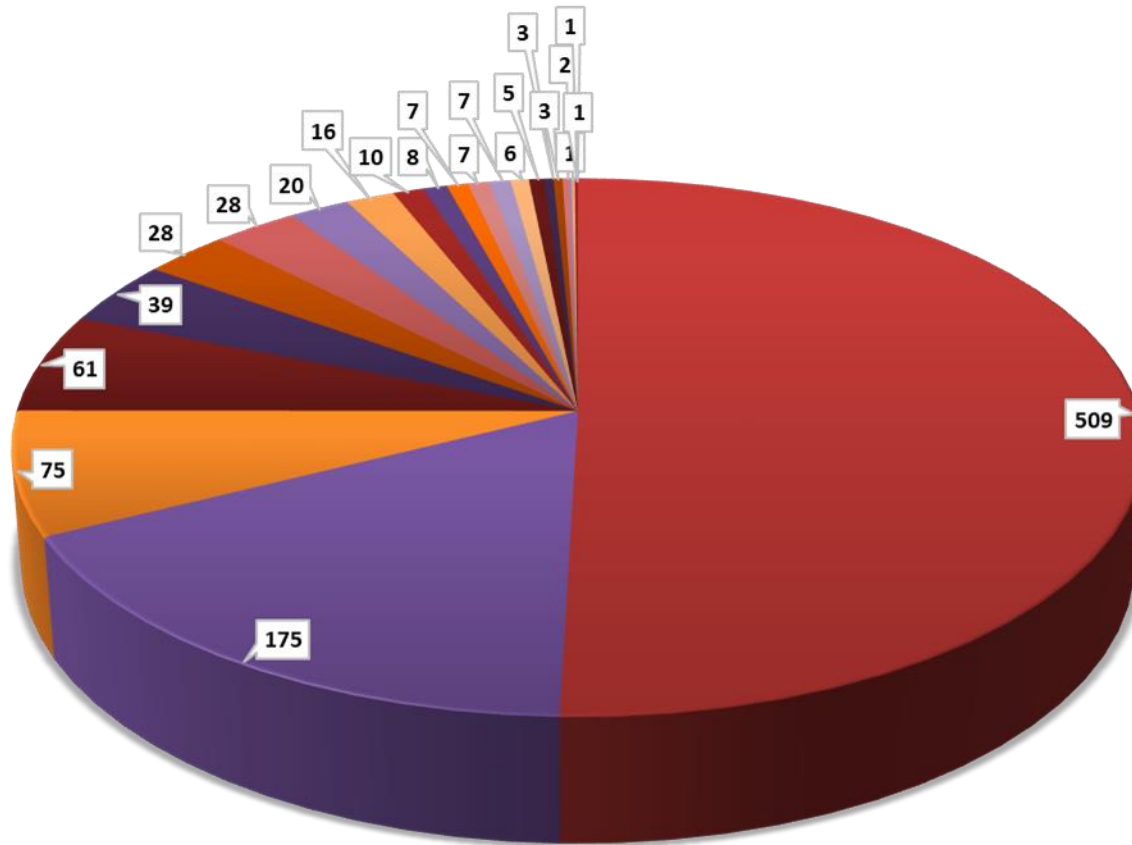
Lisbon Union:

29 +3 Contracting Parties and more to come...

- **Africa (6+1):** Algeria; Burkina Faso; Congo; Gabon; **Côte d'Ivoire** (*Geneva Act*)*; Togo; Tunisia
- **America (6):** Costa Rica; Cuba; Haiti; Mexico; Nicaragua; Peru
- **Asia (3+1):** **Cambodia** (*Geneva Act*); Islamic Republic of Iran; Israel; DPR of Korea
- **Europe (14<1):** **Albania** (*Lisbon + Geneva Act*), Bosnia and Herzegovina; Bulgaria; Czech Republic; France; Georgia; Hungary; Italy; Moldova; Montenegro; North Macedonia; Portugal; Serbia; Slovakia

NB: The Geneva Act will enter into force with **five** accessions / ratifications by eligible* Contracting Parties

Lisbon Registry (Lisbon Agreement)



- France
- Italy
- Czech Rep.
- Iran (Islamic Rep.)
- Bulgaria
- Georgia
- Hungary
- Cuba
- Mexico
- Peru
- Slovakia
- Algeria
- Portugal
- Tunisia
- DPR of Korea
- North Macedonia
- Serbia
- Bosnia-Herzegovina
- Montenegro
- Costa Rica
- Israel
- Rep. of Moldova

1012
registrations
in force (received)

(May 2019)

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



CAFE VERACRUZ
(840 / Mexico)



BANANO DE COSTA RICA
(900 / Costa Rica)



PIEŠŤANY MUD
(61 / Slovakia)



REBLOCHON
(458 / France)



FINE BOHEMIAN CHINA
(27 / Czech Republic)



TROJANSKA KERAMIKA
(651 / Bulgaria)



HEREND
(737 / Hungary)



CHULUCANAS
(869 / Peru)



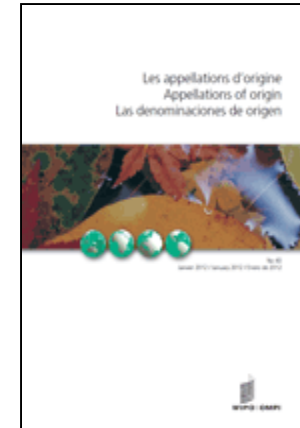
**IRAN'S KORDESTAN
MARBLE (1105 / Iran)**

Registered Appellations of Origin

The LISBON EXPRESS database

The AO Bulletin

The screenshot shows the WIPO LISBON EXPRESS 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 header includes the WIPO LISBON logo and navigation links for "Español" and "Français". The main content area is titled "Search Appellations of Origin (Lisbon Express)" and contains a "Structured Search" form with fields for Number, Appellation, Country of Origin, Area of Production, Product, Category, Nice Classification, and Holder. A "SHORTCUTS" section on the right lists links for Help, Sample Search, ST 3 (Country codes), Feedback, and Lisbon Web site. The taskbar at the bottom shows the Start button and several open applications, including "Lisbon Search - Micro...".



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.



**The Geneva Act of the Lisbon Agreement
on Appellations of Origin
and Geographical Indications
of May 20, 2015**

Origin of the Revision

*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.*

(See LI/A/25/3, paragraph 19(i))

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

- Adopted on May 20, 2015
- 15 signatories of the Geneva Act
(Bosnia and Herzegovina, Burkina Faso, Congo, Costa Rica, France, Gabon, Hungary, Italy, Mali, Nicaragua, Peru, Portugal, Republic of Moldova, Rumania, Togo)
- **Accessions/Ratifications:**
 - **Cambodia (March 9, 2018)**
 - **Côte d'Ivoire (Sept. 28, 2018)***
 - **Albania (June 26, 2019)****and more to come...**



- The Geneva Act will enter into force with **five** ratifications or accessions from eligible CP*

The **New** Features of the Geneva Act

- Enhanced recognition of the different means of protection of AOs and GIs at national and regional level (*sui generis*, *trademarks*, etc.)

Variety of means to protect geographical indications

- *Sui generis* legislation



- Trademark system (collective/certification marks)



- Administrative systems (labelling, etc.)

- Legislation on unfair competition

The **New** Features of the Geneva Act

- Allow the accession of **intergovernmental organizations** that administer regional systems for the registration of GIs

Accessions of IGOs



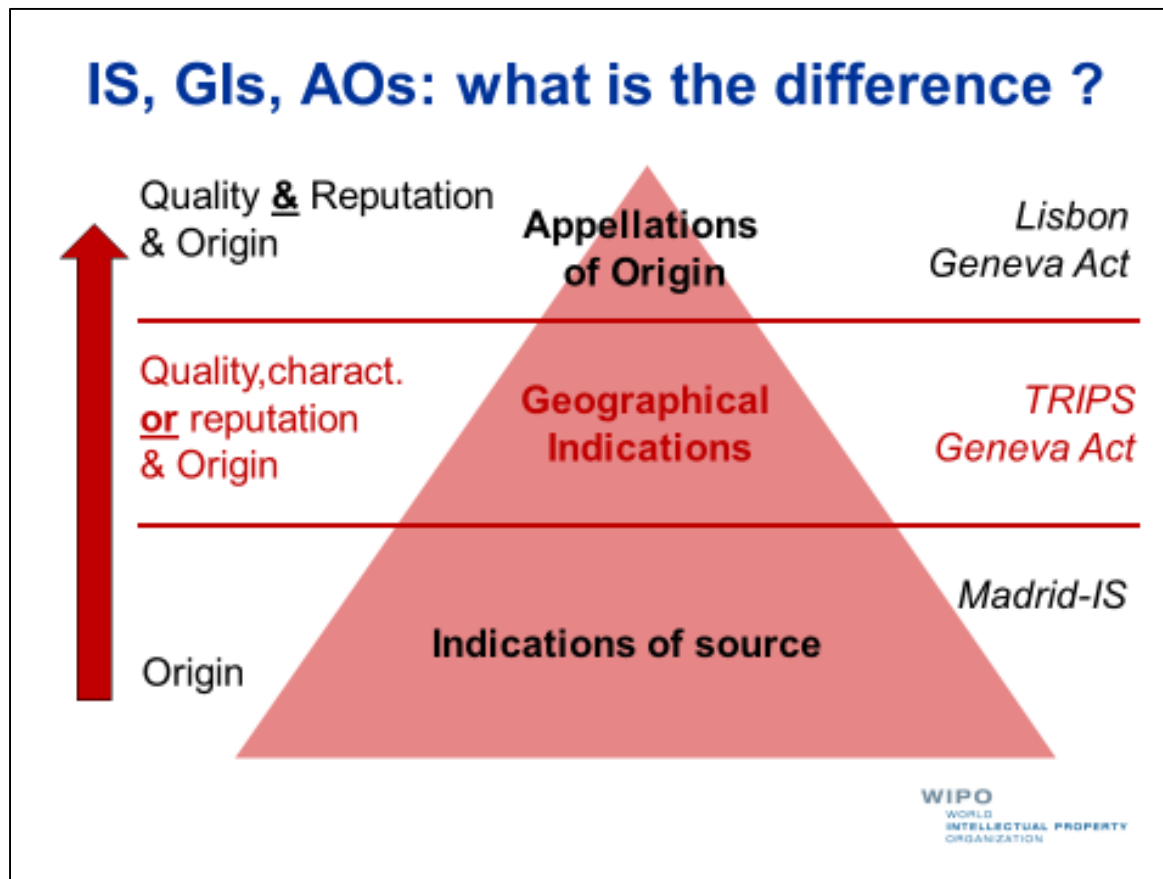
- European Union
28 Member States



- African Organization of Intellectual Property (OAPI)
17 Member States

The **New** Features of the Geneva Act

- Inclusion of **geographical indications** in the scope of protection (*TRIPS definition*)



Protection of GIs



Luangprabang Silk
(Lao PDR)



Darjeeling Tea
(India)



Toiles de Korhogo
(Côte d'Ivoire)



Kopi Luwak Coffee
(Indonesia)



Colombian Coffee
(Colombia)



Pain de Sucre du Benin
(Benin)



Chuao Cocoa Bean
(Venezuela)



Jamaican Jerk
(Jamaica)

The **New** Features of the Geneva Act

- **Flexibility** as to the **type of legislation** under which a Contracting Party protects registered AOs/GIs (*sui generis, trademarks, etc.*) (Art. 10)
 - Flexibility as to the **quality of applicant** (Art. 5.2)
 - Possibility of **direct filings** by “right holders” (Art. 5)
 - Possibility to request an **intention to use** (*declaration based requirement*) (Rule 5.4)
 - New definition of the **scope of protection** (Art. 11)

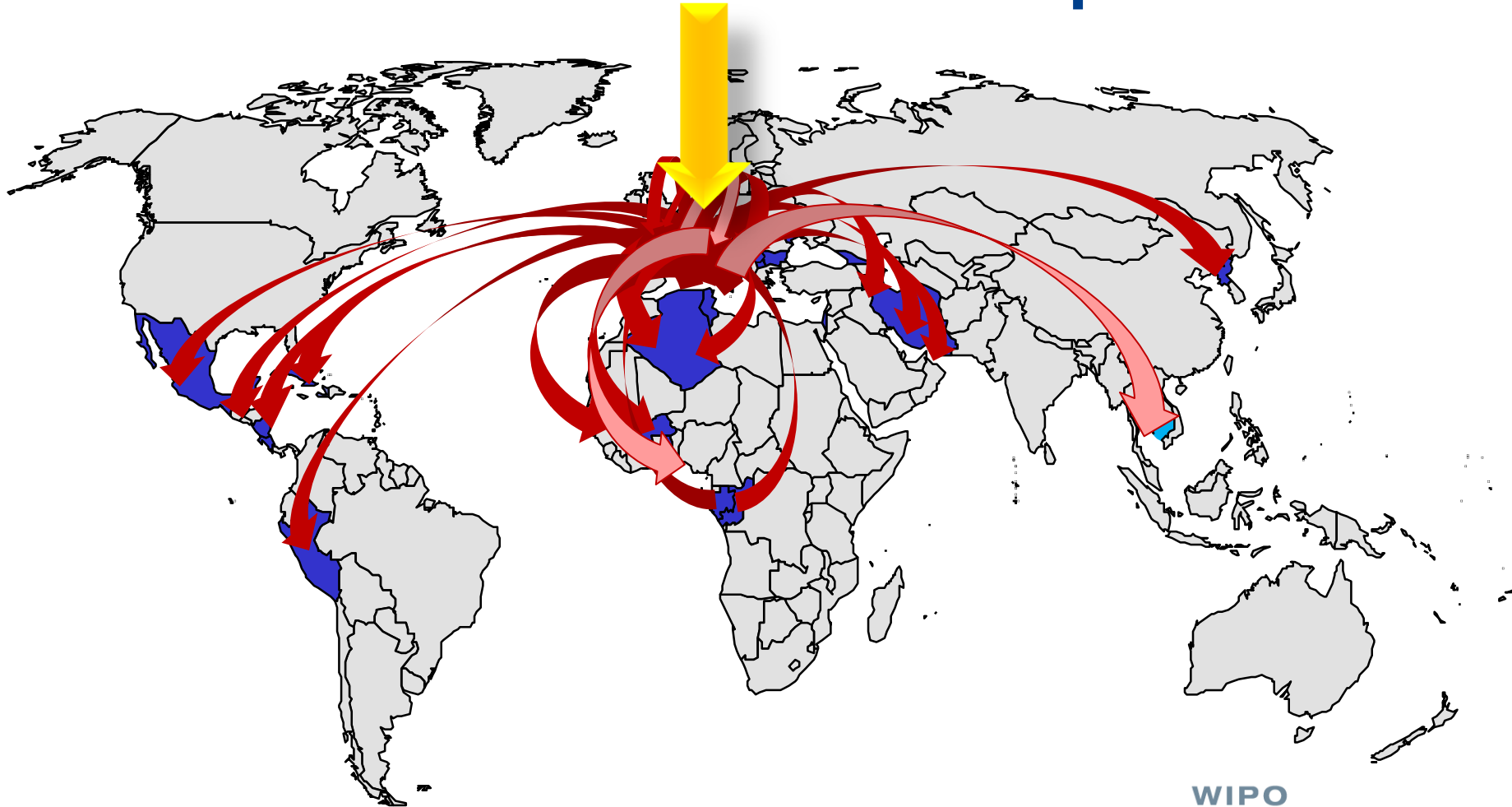
The **New** Features of the Geneva Act

■ Inclusion of **safeguards** to:

- **prior trademarks rights** (*Art. 13.1*)
- **personal names used in business** (*Art. 13.2*)
- **plant variety or animal breed denominations** (*Art 13.3*)
- **generic terms** (*agreed statements, Rule 5.5*)
 - *Prior use as a generic in a Contracting Party is a **possible ground for refusal***
 - *If the GI/AO contains a **term that is considered generic in the Contracting Party of Origin**, other Members are **not obliged to protect such term***

■ Opportunity for **interested Parties** to request the refusal of protection (*Art. 15*)

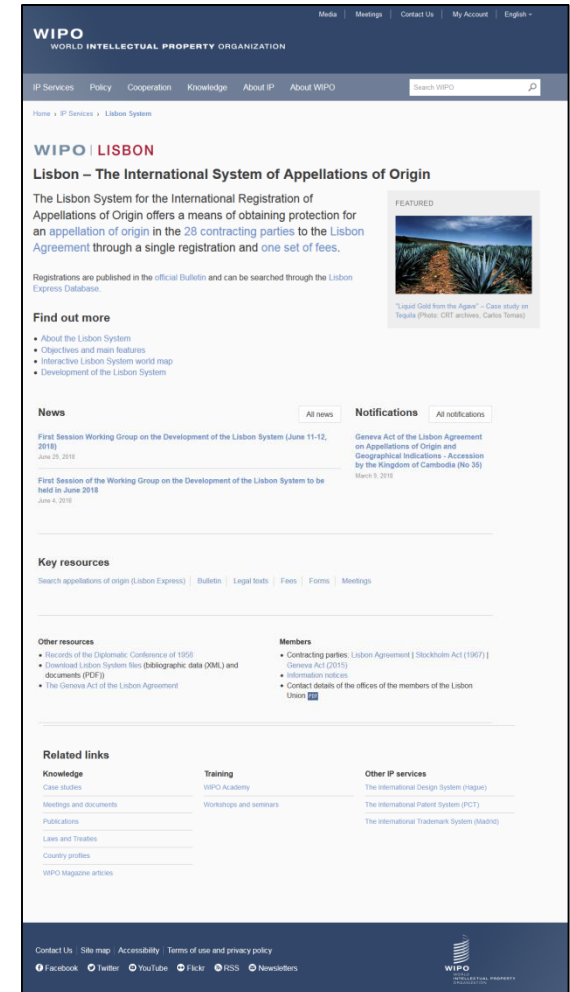
Lisbon System: One application → protection in all member States of the respective Act



Keep Updated on the Lisbon System

■ Visit the Lisbon Website
www.wipo.int/lisbon/en

■ Stay informed with
[Lisbon Information Notices](http://www.wipo.int/newsletters/en),
our legal and news updates
and
www.wipo.int/newsletters/en



The screenshot shows the WIPO Lisbon System website. The header includes the WIPO logo and navigation links for IP Services, Policy, Cooperation, Knowledge, About IP, and About WIPO. The main content area is titled "WIPO LISBON" and "Lisbon – The International System of Appellations of Origin". It features a featured image of a landscape with the caption "Liquid Gold from the Agave™ - Case study on Tequila (Photo: CRT archives, Carlos Tomas)". Below this, there is a "Find out more" section with links to "About the Lisbon System", "Objectives and main features", "Interactive Lisbon System world map", and "Development of the Lisbon System". The "News" section includes two articles: "First Session Working Group on the Development of the Lisbon System (June 11-12, 2018)" and "Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications - Accession by the Kingdom of Cambodia (No. 30)". The "Key resources" section provides links for searching appellations of origin, bulletins, legal texts, fees, forms, and meetings. The "Other resources" section lists records of the Diplomatic Conference of 1958, the Lisbon System files (bibliographic data (XML) and documents (PDF)), and the Geneva Act of the Lisbon Agreement. The "Members" section lists contracting parties, the Geneva Act (2015), information notices, and contact details of the offices of the members of the Lisbon Union. The "Related links" section is organized into three columns: Knowledge (Case studies, Meetings and documents, Publications, Laws and Treaties, Country profiles, WIPO Magazine articles), Training (WIPO Academy, Workshops and seminars), and Other IP services (The International Design System (Hague), The International Patent System (PCT), The International Trademark System (Madrid)). The footer contains contact information, accessibility links, and social media icons for Facebook, Twitter, YouTube, Flickr, RSS, and Newsletters.

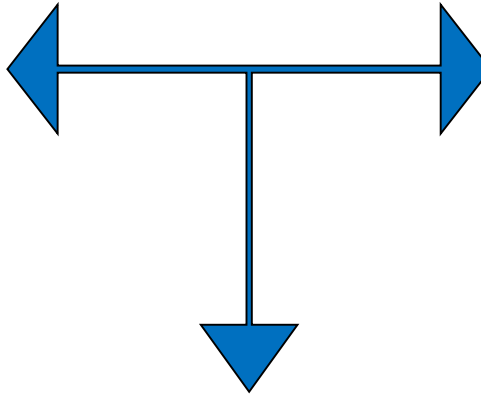
Why are geographical indications interesting for local communities?

GI = Interaction between the product, the producers and the production area



PRODUCTION AREA

(Influence of natural conditions → the product is generally different from the ones produced elsewhere)



PRODUCERS' KNOW-HOW

(GI products are often traditional products, with a connection to the local knowledge and heritage)



PRODUCT WITH A SPECIFIC NAME AND SPECIFIC NAME OR REPUTATION

→ Consumers make a direct connection between the origin of the product and its specific characteristics/quality

Experience shows that GI Protection Schemes may have...

Positive economic effects

- production, price
- profitability
- income distribution
- tourism

Positive effects for preserving traditions

- quality
- traditional know-how



Positive effects on jobs

- direct & indirect jobs
- job qualification
- rural exodus

Positive effects for Environment

- Biodiversity
- Environment preservation
- Landscape

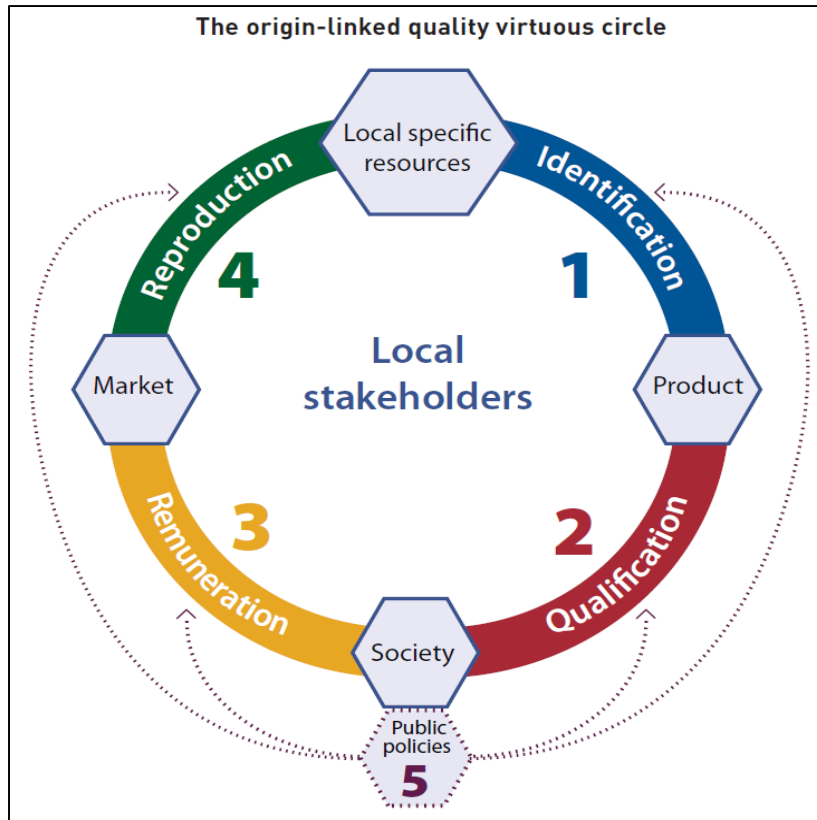


SUSTAINABLE DEVELOPMENT GOALS



SYNERGI/FAO Virtuous Circle: a methodology for sustainable GIs

SYNERGI/FAO Virtuous Circle for GIs is a methodology which indicates the necessary steps to respect for the setting-up of GIs at the national level:



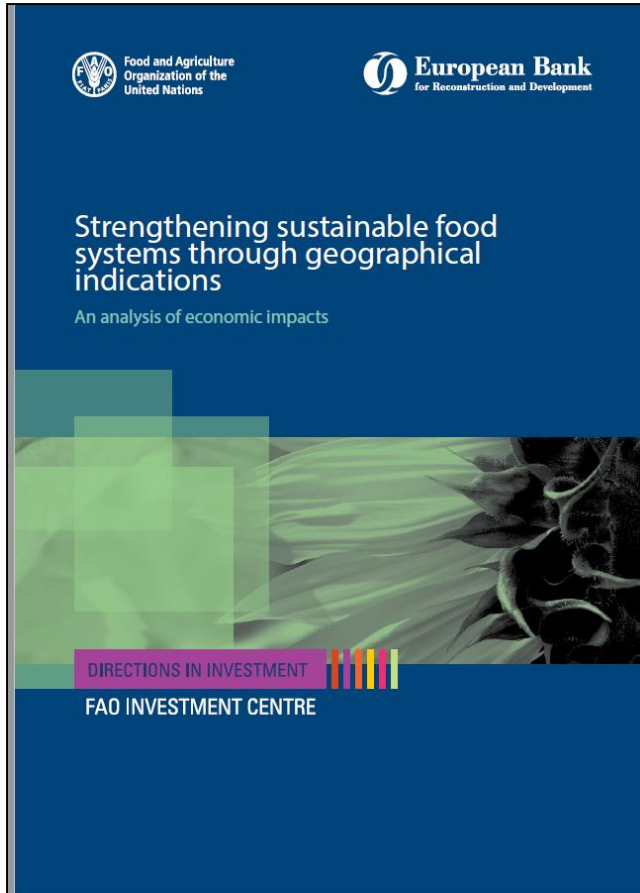
- 1) **Identification**: assessment of potential (link to the origin)
- 2) **Qualification**: establishment of collective organization, code of practice, control
- 3) **Remuneration**: marketing aspects
- 4) **Reproduction of local resources**: ensuring sustainability
- 5) **The role of public policies in the overall process**

See: <http://www.fao.org/food-quality-origin/accueil/fr/>

25 June 2018 Launching of Cambodian GI: Koh Trung Pomelo



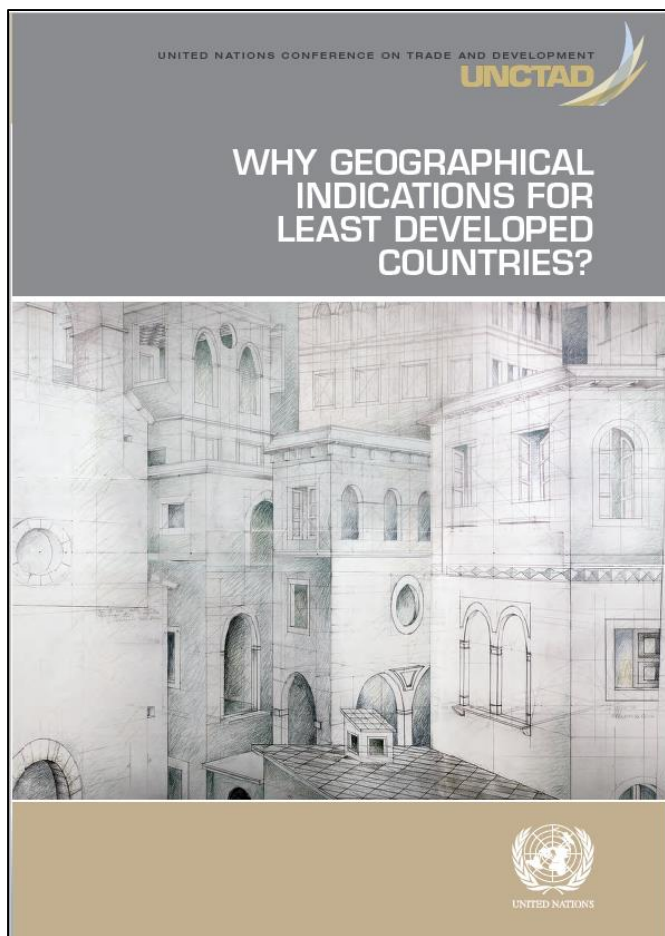
FAO/EBRD Study on socio-economic impact



<http://www.fao.org/3/I8737EN/i8737en.pdf>

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UNCTAD Study with focus on LDCs



- **Bhutan**
- **Cambodia**
- **Ethiopia**
- **Lao PDR**
- **Madagascar**
- **Mozambique**
- **Mauritania**
- **Myanmar**
- **Senegal**

[http://www.unctad.org/en/pages/
PublicationWebflyer.aspx?publicationid=1617](http://www.unctad.org/en/pages/PublicationWebflyer.aspx?publicationid=1617)



Thank you !

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