



THE LISBON SYSTEM

INTERNATIONAL PROTECTION FOR IDENTIFIERS OF TYPICAL
PRODUCTS FROM A DEFINED GEOGRAPHICAL AREA

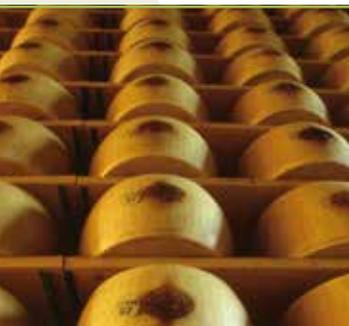



WIPO
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Champagne, Cognac, Roquefort, Chianti, Porto, Tequila, Darjeeling, are some examples of names which are associated with products of a certain nature, quality and geographical origin.

Protected indications, also considered as a collective tool for producers to promote the products of their territory, can acquire a high reputation and therefore turn into valuable commercial assets for local producers, and to a larger extent, also represent a factor of national economic development and sustainability of traditional products. For this very reason they are often exposed to misappropriation or counterfeiting by unauthorized third parties, for unrelated products, and their protection is highly desirable both at the national and international level.

The legal protection provided by geographical indications and appellations of origin is based on the recognition of a connection between the quality or characteristics of such products and a specific geographical area.



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WHAT ARE THE ADVANTAGES OF PROTECTION UNDER THE LISBON SYSTEM?

Geographical indications are protected in accordance with international treaties and national laws under a wide range of concepts, including sui generis laws for the protection of geographical indications or appellations of origin, trademark laws in the form of collective marks or certification marks, laws against unfair competition, consumer protection laws, or specific laws or decrees that recognize individual geographical indications. Securing protection for such indications in other countries has, however, been complicated due to differences in legal concepts existing from country to country in this regard.

As its name indicates, The Lisbon Agreement for the Protection of Appellations of Origin and Their International Registration (hereinafter referred to as 'the Lisbon Agreement') was specifically concluded in response to the need for an international system that would facilitate the protection of a special category of such geographical indications, i.e. "appellations of origin", in countries other than the country of origin, by means of their registration with WIPO through a single procedure, for a minimum of formalities and expense.

The Lisbon Agreement helps protect national economic interests: in many countries, goods bearing an appellation of origin represent a substantial share of exports, and it is therefore important that the appellations should be effectively protected against any appropriation in the largest possible number of countries.

A FEW FACTS

The Lisbon Agreement was adopted in 1958 and revised at Stockholm in 1967. It entered into force on September 25, 1966, and is administered by the International Bureau of WIPO, which keeps the International Register of Appellations of Origin and publishes a bulletin entitled "Appellations of origin", which is also available in electronic format on the WIPO website at www.wipo.int/lisbon/en/.

The Contracting Parties to the Lisbon Agreement are listed on WIPO's website, at the following address: www.wipo.int/treaties/en/documents/pdf/lisbon.pdf.

WHAT IS AN APPELLATION OF ORIGIN?

An appellation of origin is a special kind of geographical indication. It generally consists of a geographical name or a traditional designation used on products which have a specific quality or characteristics that are essentially due to the geographical environment in which they are produced.

Under Article 2 of the Lisbon Agreement, appellations of origin are defined as follows: 'Appellation of origin means the geographical denomination of a country, region or locality which serves to designate a product originating therein, the quality or characteristics of which are due exclusively or essentially to the geographical environment, including natural and human factors. The country of origin is the country whose name, or the country in which is situated the region or locality whose name, constitutes the appellation of origin that has given the product its reputation.'

More specifically, under the Lisbon Agreement the Contracting Parties undertake to protect on their territories those appellations of origin of products of the other signatories of the Agreement provided they have been registered at WIPO. In order to qualify for international registration, the *protection* of the appellation of origin must have been formalized first in the country of origin, either by means of legislative provisions, or administrative provisions, or a judicial decision or any form of registration.



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WHY PROTECT APPELLATIONS OF ORIGIN?

Appellations of origin are a collective tool for producers to promote the products of their territory and also preserve their quality and reputation acquired over time. The use of the protected appellation of origin is reserved to those producers that are able to meet a number of specifications, including geographical area of production, methods of production, product specificities, etc.

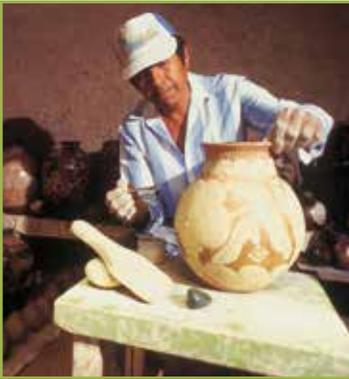
As such, an effective and modern system for the protection of appellations of origin benefits:

The producers: the appellation helps producers obtain good prices for their products. In that sense, appellations of origin can be perceived as a form of compensation for maintaining high and constant levels of quality.

The consumers: appellations of origin provide guarantees to consumers with respect to production methods and quality.

Economic development: appellations of origin are tools for the development and promotion of regions and countries. When the name of a product receives protection as an appellation of origin, the local communities benefit from the positive impact, in various ways:

- the appellation increases production and creates jobs (differentiation strategy which results in higher prices while also helping to sustain the production of traditional products)
- the appellation enables improved redistribution of the added value across the whole production chain, from the producer of the raw material to the manufacturer.



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HOW CAN APPELLATIONS OF ORIGIN BE PROTECTED? (REGISTRATION MODALITIES)

International Registration: Once protected in the country of origin, the holders of the right to use the appellation of origin may request their Government to file an application for international registration under the Lisbon Agreement. International registration of an appellation of origin takes place at the request of the 'country of origin', in the name of interested parties (i.e. any natural person or legal entity, public or private, having, according to their national legislation, a right to use such appellation). The International Bureau then notifies the competent Offices of the other Contracting Parties to the Lisbon Agreement of any new international registration of an appellation of origin.

Fee: International registration is subject to payment of a single 1,000 Swiss francs fee.

Term of Protection: The international registration of an appellation of origin ensures the protection of that appellation without renewal, for as long as it is protected in the country of origin.

Scope of Protection: A registered appellation may not be presumed to have become generic in a Contracting State as long as it continues to be protected in the country of origin. In addition, the other Contracting States are under the obligation to provide a means of defense against any usurpation or imitation of an internationally protected appellation of origin in their territory.

LISBON EXPRESS

The "Lisbon Express" database allows for a search on appellations of origin as registered under the Lisbon Agreement, the product to which they apply, their area of production, the holders of the right to use the appellation of origin, any refusals or invalidations notified by member countries, etc. It is available on the WIPO website at www.wipo.int/ipdl/en/lisbon/search-struct.jsp

Territorial Effect of Registration:

In principle, an internationally registered appellation of origin must be protected in all countries of the Lisbon system. However, these countries do have the right to refuse such protection, for example, on the ground that, in their territory, the appellation of origin corresponds to a protected trademark or to a generic indication of a particular product. They can do so by notifying a declaration of refusal to WIPO within one year from the receipt of the notification of registration issued by the International Bureau. When a refusal has

been initially issued, but it appears over time that the conditions that have motivated such refusal are no longer valid, a country may either issue a withdrawal of refusal or a statement of grant of protection. If no refusal is submitted, the appellation of origin will be considered automatically protected for as long as it is registered (unless a court in the country invalidates the effects of the registration in the country in question).

Appeal Against Refusal: The International Bureau notifies the competent Office of the country of origin as soon as possible of any declaration refusing the protection of the international registration of an appellation of origin. The interested party, on being informed by his national Office of the declaration made by another country, may resort, in that other country, to all the judicial and administrative remedies open to nationals of that country.

SOME EXAMPLES OF APPELLATIONS OF ORIGIN REGISTERED UNDER THE LISBON SYSTEM

TEQUILA

(No. 669), registered on 06.03.78



Product: Spirit

Holder: Government of Mexico

Area of Production: Territory of the area of Jalisco

Legal Basis: Law on inventions and trademarks of February 10, 1976; Ministry of Heritage and Industrial Development declaration of October 13, 1977, published in the Official Journal on October 13, 1977

In 1978, Tequila was registered under the Lisbon Agreement administered by WIPO, thus establishing its international status. Tequila is only produced within a delimited geographical area in Mexico (territory of the area of Jalisco) where its primary raw material, the cactus-like agave plant, grows. The sale of Tequila was further enhanced as a result of this registration

because producers were able to guarantee the quality of the product as they could prevent the name from being used on products made with different ingredients or proceeding from other localities, which could ultimately damage the reputation of the original Mexican product and deceive customers.

Source: Tequila Regulatory Council

PARMIGIANO-REGGIANO

(No. 513), registered on 23.12.69



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Product: Cheese

Holder: Consorzio del formaggio Parmigiano-Reggiano, 4, piazza della Vittoria, Reggio Emilia

Area of production: Territory of the Provinces of Bologna (left bank of the Reno), Mantova (right bank of the Po), Modena, Parma and Reggio Emilia

Legal basis: Executive Order N° 1269 of the President of the Italian Republic, of October 30, 1955

Source: Lisbon Express Database

HUILE D'OLIVE DE LA VALLÉE DES BAUX DE PROVENCE

(No. 806), registered on 29.06.98

Product: Oil

Holder: Producers and groups of producers enjoying the appellation of origin in question

Area of Production: Delimited territory within the department of Bouches-du-Rhône

Legal Basis: Decree of August 27, 1997



The olive oil from the Baux de Provence valley is produced in a small territory which is only 7km wide and 25km long, located on the east side of the Rhône River. Such a rocky soil gives a characteristic aroma to the olives that are later used for the preparation of olive oil. This unique characteristic was later recognized and a French appellation of origin was granted to the olive oil from Baux de Provence in 1996. The protection of the olive oil concerns 2.300 producers and represents 20% of the national production

(400.000 liters per year). The list of specifications governing the use of the appellation contains strict requirements such as the authorized plantation density, the size of the olive trees, or the delay within which an olive must be processed after it has been picked up. To benefit from international protection, the French appellation of origin was later registered with WIPO by the French competent authorities (INAO), under the Lisbon Agreement, on June 29, 1998.

Source: INAO, France

CHULUCANAS

(No. 869), registered on 31.10.06

Product: Ceramics

Holder: The Peruvian State

Area of production: District of Chulucanas, in the province of Morropón, department of Piura. The district of Chulucanas borders, to the north, the district of Frias (province of Ayabaca), to the south the district of Catacaos (province of Piura), to the east the districts of La Matanza, Morropón and Santo Domingo and to the west the districts of Castilla (province of Piura) and Tambogrande (Sullana), in the Republic of Peru

Legal basis: Office of Distinctive Signs of the National Institute for Defence of Competition and Protection of Intellectual Property (INDECOPI), pursuant to Resolution No. 011517-2006/OSD-INDECOPI, dated 26 July 2006, Number of Register: 3

Source: Lisbon Express Database



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