

Geographical indications

At present, there is a notable lack of global statistics on geographical indications (GIs).¹ The collection of reliable GI statistics could enable researchers to conduct empirical research and promote evidence-based policymaking.

In 2016, WIPO initiated a survey to collect GI data and invited national and regional intellectual property (IP) offices and/or other competent authorities to share these data. A pilot survey for reference year 2015 was launched in 2016. Based on the response rate and inputs received from respondents, the questionnaires were revised and sent to national/regional authorities in 2017 inviting them to share their 2016 GI data with WIPO. In response, 54 national/regional authorities provided their data to WIPO in 2017.

It is important to note that responsibility for protecting GIs is often shared among different authorities within a country. This can make it challenging to obtain a complete picture of all GIs protected in any particular country. WIPO has made substantial efforts to gather data from all sources, but in many instances it has not been possible to obtain data from every source. Therefore, caution should be exercised when interpreting the GI data here presented. Notwithstanding data limitations, this is the first time WIPO has reported GI data covering a large number of countries. We encourage countries unable to share their GI data with us to provide relevant statistics in the near future.

What is a geographical indication?

A GI is a sign identifying a good as originating in a specific geographical area and possessing a given quality, reputation or other characteristic that is *essentially attributable* to that geographical origin. Thus, the main function of a GI is to indicate a connection between that quality, characteristics or reputation of the good and its territory of origin.

World-renowned examples of GIs include Café de Colombia (Colombia), Bordeaux (France), Kampot Pepper (Cambodia), Penja Pepper (Cameroon) and Scotch whisky (UK).

GIs are mainly used for agricultural and food products, which typically tend to have a close natural link with their place of origin. There are, however, also many GIs for other kinds of products. The specific qualities of the product may derive from traditional manufacturing skills or from a combi-

nation of local know-how and natural resources. Examples of such GIs include Bohemia Crystal (Czech Republic), Solingen Cutlery (Germany), Kilim Carpets (Turkey), Swiss Watches (Switzerland) and Yangzhou Lacquerware (China).

Although GIs are commonly names of places, under many systems they may consist of non-geographical terms with a traditional geographical connotation. Reblochon (France) and Argan oil (Morocco) serve as GIs although they are not geographical names.

Geographical indications can only be used by producers, whose goods conform to the applicable requirements concerning the area of origin, processing method and typicality of the product. Production sites located outside the area of origin and goods that do not meet the applicable requirements are prevented from using the protected indication.

What is an appellation of origin?

An appellation of origin (AO) is a special kind of geographical indication. It generally consists of a geographical name or a traditional denomination which serves to designate a product as originating therein, where the quality or characteristics of the product are due *exclusively or essentially* to the geographical environment, including natural and human factors, and which have given the good its reputation. The most important difference between AOs and other GIs is that the link with the place of origin should be stronger in the case of an AO. In other words, AOs are a more restrictive sub-category of GIs.

How are GIs protected?

At the national and regional levels, GIs are protected through a variety of legal means. These include *sui generis* systems – laws specifically designed to protect geographical indications,² often based on a registration procedure. *Sui generis* systems generally provide protection against any direct and indirect commercial use of the GI as well as against its imitation. *Sui generis* systems for GI protection are used in many countries and also by two regional intergovernmental organizations: the African Intellectual Property Organization (OAPI) and the European Union (EU).

GIs are also protected on the basis of trademark law, commonly through the use of collective and certification marks. Because trademarks incorporating geographi-

cal terms are typically not recorded by IP offices as a separate category of trademarks, and because not all trademarks incorporating geographical terms can be considered GIs, it may be difficult to determine the exact number of registered GIs within those jurisdictions. It is also worth noting that GI protection via trademark and *sui generis* systems are not mutually exclusive but often coexist, under many legal frameworks, and are available to the benefit of GI holders.

Finally, GIs are typically also protected under unfair competition and consumer protection laws and administrative and judicial decisions as well as under specific laws or decrees recognizing individual GIs.

The effects of a GI right obtained in a particular jurisdiction are limited to the territory of that jurisdiction. Thus, where a right over a GI is obtained in one jurisdiction, it is protected there but not abroad. In order to obtain protection in a foreign jurisdiction, GI holders must, in principle, seek protection under the relevant national laws prevailing in the jurisdiction in question. However, international agreements can facilitate the acquisition of GI rights abroad. In particular, many bilateral and regional trade agreements have incorporated lists of GIs that are to be protected in the relevant parties to the agreement. The listed GIs may relate to existing or subsequent registrations of GI rights, but protection may also emanate from the trade agreements themselves.

Another way of obtaining GI protection abroad is through two international registration systems administered by WIPO: the Lisbon System and the Madrid System.

The Lisbon System

The Lisbon System was established in 1958 to facilitate the international protection of appellations of origin through a single registration procedure.³ Registration with the WIPO International Bureau ensures protection in all Lisbon contracting parties, without need for renewal and as long as the appellation of origin remains protected in its contracting party of origin. However, the decision whether to protect a newly registered appellation of origin at the national level remains the prerogative of each

contracting party, and each Lisbon member can refuse protection based on any ground within one year of being notified of a new appellation of origin by the WIPO International Bureau. The Lisbon System is flexible as regards the means by which countries may provide protection for the registered appellation of origin (e.g., *sui generis* systems, trademark laws or specific ad hoc decrees as well as judicial and administrative decisions).

Globally-renowned examples of appellations of origin protected under the Lisbon System include Tequila (Mexico), Chianti for wines (Italy), Habanos for cigars (Cuba) and handicrafts such as Chulucanas for ceramics (Peru), Herend for porcelain (Hungary) and Kraslice musical instruments (Czech Republic). The scope of the System extends to non-geographical traditional names such as Reblochon (France) and Vinho Verde (Portugal).

In 2015, with the adoption of the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications, which will enter into force after five ratifications or accessions, Lisbon contracting parties modernized the System to attract a wider membership, while preserving its principles and objectives. The Geneva Act formally extends the scope of the Lisbon System to the general category of geographical indications in addition to appellations of origin. The new Act also opens the Lisbon System to accession by intergovernmental organizations such as the EU and OAPI.

The Madrid System

GIs can also be protected in several countries as collective and certification marks through the Madrid System, an international registration system legally governed by the Madrid Agreement (1891) and the Madrid Protocol (1989) and administered by WIPO.⁴ Famous examples of collective and certification marks registered under the Madrid System include Napa Valley for wine (U.S.) and Parmigiano Reggiano for cheese (Italy). As at June 2017, there were more than 1,200 collective and certification marks registered under the Madrid System. However, collective and certification marks protecting GIs are not separately recorded, so it is difficult to determine their exact number.

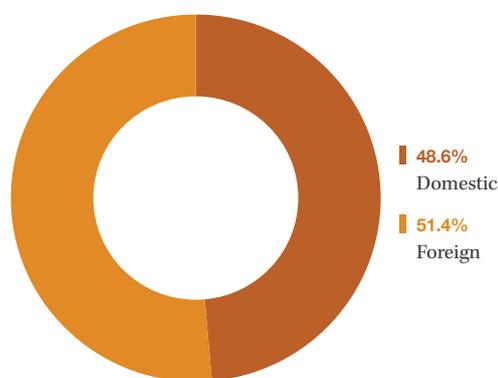
How many GIs are in force worldwide?

Data received from the 54 national/regional authorities that shared their data with WIPO (figure 29) reveals the existence of approximately 42,527 protected GIs. Approximately 49% of these were in force domestically and the remaining 51% in foreign jurisdictions (figure 26). Germany had the largest number of GIs in force (9,499), followed by China (7,566), the EU (4,914), the Republic of Moldova (3,442) and Bosnia and Herzegovina (3,147). The top five authorities accounted for 67% of the 2016 total (figure 27).

These figures should be interpreted with caution, however. Not only are the data limited to the 54 countries that shared their data with WIPO, but the submissions made by many countries were incomplete. The questionnaire underlying the data collection asked for information regarding GIs protected through *sui generis* systems, the trademark system and trade agreements. As can be seen from figure 29, many countries were unable to provide statistics on the number of GIs protected through the trademark system, reflecting the difficulty of identifying such GIs among all collective and certification trade-

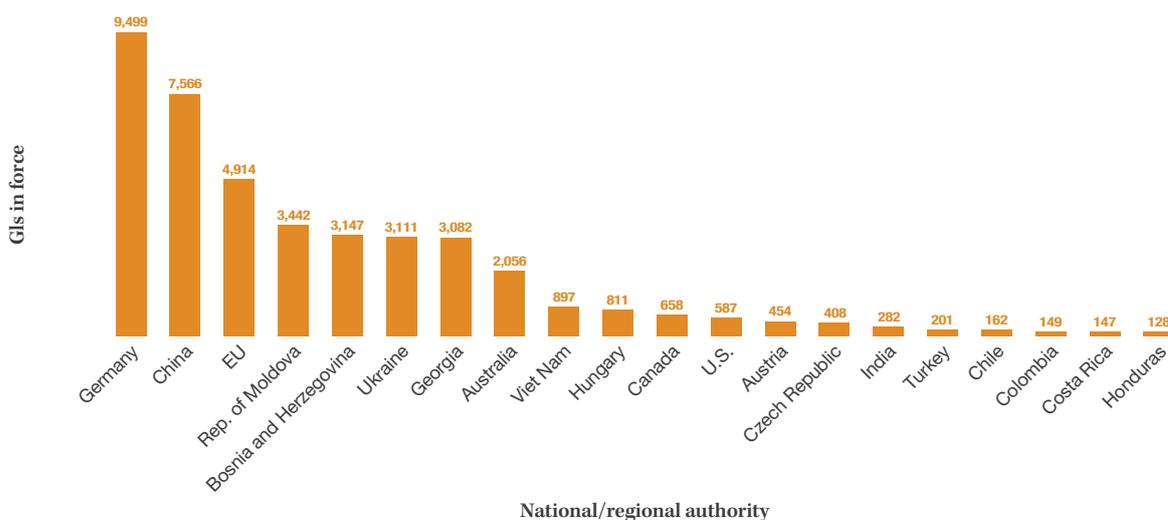
marks registered. In addition, several countries could not provide data on the number of GIs protected through trade agreements. Finally, there is likely to be double-counting of GIs protected through two or more legal means.⁵

Figure 26
Geographical indications in force worldwide, 2016



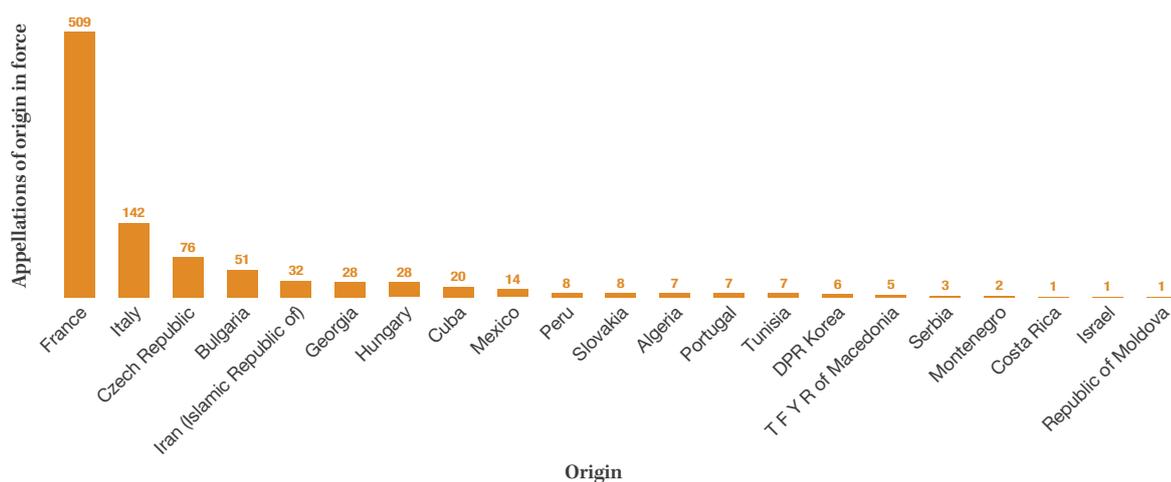
Source: WIPO Statistics Database, September 2017.

Figure 27
Geographical indications in force by national/regional authority, 2016



Source: WIPO Statistics Database, September 2017.

Figure 28
Appellations of origin in force by origin, 2016



Source: WIPO Statistics Database, September 2017.

Use of the Lisbon System to protect appellations of origin

The Lisbon System consists of 28 member countries, many of which are European. In 2016, there were 956 appellations of origin in force via the Lisbon System (figure 28). France accounted for 53.2% of this total, followed by Italy (14.9%), the Czech Republic (7.9%) and Bulgaria (5.3%).

Conclusions

This is the first time WIPO has compiled and reported GI data covering a large number of national/regional authorities. Although the data are incomplete and partial, this

initiative should be seen as an initial step in creating more comprehensive and accurate data sets regarding GIs.

WIPO will continue to collect these data and it is hoped that data coverage will improve over time.

We are grateful to all those authorities that shared their data, and encourage authorities unable to share their data at present to make efforts to share them in the future.

Figure 29
Geographical indications in force in 2016

National/regional authority	Total	Domestic	Foreign	<i>Sui generis</i>	Trademarks	Agreements
Argentina	7	7		7		
Armenia	8	1	7		8	
Australia	2,056	122	1,934	116	68	1,872
Austria*	454					454
Azerbaijan	18	10	8			
Bangladesh	1	1		1		
Belarus	31	1	31	31	1	
Bosnia and Herzegovina	3,147	13	3,134	13		3,134
Brazil	56	48	8	56		
Bulgaria*	122	122		122		
Cambodia	2	2		2		
Canada	658	25	633	646		12
Chile	162	146	16	162		
China	7,566	7,416	150			
China, Hong Kong SAR	36		36		36	
China, Macao SAR	11		11	1	10	
Colombia	149	25	124	30		119
Costa Rica	147	5	142	5		142
Croatia	3	3		3		
Cuba	29	25	4	25		4
Czech Republic*	408	200	208	200		208
Estonia*	6	6		6		
European Union	4,914	3,356	1,558	3,383		1,531
Finland*	0	0	0			
France*	1	1		1		
Georgia	3,082	47	3,035	47		3,035
Germany*	9,499	7,276	2,223	7,275	1	2,223
Greece*	0	0	0			
Guatemala	32		32			32
Honduras	128	10	118		128	
Hungary*	811	23	788	23		788
India	282	270	12	282		
Iran (Islamic Republic of)	33	33		33		
Israel	0	0	0			
Italy*	0	0		0		
Japan	39	32	7			
Kazakhstan	1		1	1		
Latvia*	2	2		2		
Malaysia	74	67	7			
Mongolia	4	4		4		
Morocco	79	79		36	43	
Peru	123	10	113	10		113
Philippines	0	0	0			
Portugal*	14	14		14		
Republic of Moldova	3,442	9	3,433	16		3,426
Romania*	23	23		23		
Serbia	69	55	14			
Singapore	0	0	0			
Slovakia*	2	2		2		
Trinidad and Tobago	0	0	0			
Turkey	201	195	6	198		3
Ukraine	3,111	17	3,094	21		3,090
United States of America	587	314	273		587	
Viet Nam	897			56	841	

Note: * indicates EU member states. For certain products, protection of GIs in member states falls within the competence of the EU.

Source: WIPO Statistics Database, September 2017.