Worldwide Symposium on GIs, Lisbon, 3 July 2019
Geographical Indications and Common Names
oriGIn: the Global Alliance of GIs
GIs as IPRs: national legislation

- Majority of national laws: GIs as an independent category of IP (*sui generis* / independent systems)
- Countries protecting geographical names through trademarks
- Criteria for registration (renewal), opposition, length of protection, enforcement

*No doubts about the IPRs nature 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)

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

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Search
The Lisbon Agreement

1.130 appellations of origin protected via the treaty
GIs in bilateral agreements

More than 200 agreements covering GIs currently in force


USMCA, 2018

- 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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