



ananda
INTELLECTUAL PROPERTY

THE ROLE OF GEOGRAPHICAL INDICATIONS IN THE PROMOTION OF NATIONAL PRODUCTS

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WHAT IS A GEOGRAPHICAL INDICATION?

DEFINITION

WORLD TRADE ORGANIZATION: WTO

A PRODUCT'S QUALITY, REPUTATION OR OTHER CHARACTERISTICS CAN BE DETERMINED BY WHERE IT COMES FROM.

GEOGRAPHICAL INDICATIONS ARE PLACE NAMES (IN SOME COUNTRIES ALSO WORDS ASSOCIATED WITH A PLACE) USED TO IDENTIFY PRODUCTS THAT COME FROM THESE PLACES AND HAVE THESE CHARACTERISTICS (FOR EXAMPLE, "CHAMPAGNE", "TEQUILA" OR "ROQUEFORT").

WHAT IS A GEOGRAPHICAL INDICATION?

DEFINITION

TRIPS

- INDICATION WHICH IDENTIFIES A GOOD
- AS ORIGINATING IN THE TERRITORY OF A MEMBER, OR A REGION OR LOCALITY IN THAT TERRITORY, WHERE A GIVEN
- QUALITY, REPUTATION OR OTHER CHARACTERISTIC OF THE GOOD IS ESSENTIALLY ATTRIBUTABLE TO ITS GEOGRAPHICAL ORIGIN

WHAT IS A GEOGRAPHICAL INDICATION?

DEFINITION

LISBON AGREEMENT

ARTICLE 2

(1) IN THIS AGREEMENT, "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.

(2) 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 WHICH HAS GIVEN THE PRODUCT ITS REPUTATION.

WHAT IS A GEOGRAPHICAL INDICATION?

THAILAND

NAME, SYMBOL OR ANY OTHER THING WHICH IS USED FOR CALLING OR REPRESENTING A GEOGRAPHICAL ORIGIN AND CAN IDENTIFY THE GOODS ORIGINATING FROM SUCH GEOGRAPHICAL ORIGIN WHERE THE QUALITY, REPUTATION OR OTHER CHARACTERISTIC OF THE GOODS IS ATTRIBUTABLE TO THE GEOGRAPHICAL ORIGIN.

INDIA

A PRODUCT'S QUALITY, REPUTATION OR OTHER CHARACTERISTICS CAN BE DETERMINED BY WHERE IT COMES FROM. GEOGRAPHICAL INDICATIONS ARE PLACE NAMES (IN SOME COUNTRIES ALSO WORDS ASSOCIATED WITH A PLACE) USED TO IDENTIFY PRODUCTS THAT COME FROM THESE PLACES AND HAVE THESE CHARACTERISTICS (FOR EXAMPLE, "DARJEELING TEA", "ASSAM TEA", "KASHMIR APPLES" OR "BIKANER NAMKEENS")

WHAT IS A GEOGRAPHICAL INDICATION?

EUROPE

GEOGRAPHICAL INDICATIONS (GIs) ARE A TYPE OF INTELLECTUAL PROPERTY. THEY ARE FORMS OF IDENTIFICATION WHICH IDENTIFY A PRODUCT AS ORIGINATING IN A REGION OR LOCALITY IN A PARTICULAR COUNTRY. FOR A GI PRODUCT, ITS REPUTATION FOR QUALITY OR AUTHENTICITY IS INTIMATELY LINKED TO ITS GEOGRAPHICAL ORIGIN.

WHAT IS A GEOGRAPHICAL INDICATION?

EUROPE

GEOGRAPHICAL INDICATIONS DIFFERENTIATES:

- APPELLATION OF ORIGIN
 - SPECIAL KIND OF GEOGRAPHICAL INDICATION.
 - CONSIST OF A GEOGRAPHICAL NAME OR A TRADITIONAL USED PRODUCTS WHICH HAVE A SPECIFIC QUALITY OR CHARACTERISTICS.
 - EXPRESSED GEOGRAPHICAL ENVIRONMENT THAT THEY ARE PRODUCED.
- APPELLATION D'ORIGINE CONTROLEE (AOC)
 - FRENCH CERTIFICATION GRANTED TO CERTAIN FRENCH GEOGRAPHICAL INDICATIONS FOR WINES, CHEESES, BUTTERS, AND OTHER AGRICULTURAL PRODUCT.

WHAT IS A GEOGRAPHICAL INDICATION?

POINTS OF CONTACT BETWEEN TRADEMARKS AND GEOGRAPHICAL INDICATIONS

- BOTH ARE DISTINCTIVE SYMBOLS.
- STEMS FROM THE FOREGOING-THAT IS, BOTH DIFFERENTIATE SOME PRODUCTS FROM OTHERS, ALTHOUGH, AS HAS ALREADY BEEN MENTIONED, TRADEMARKS DIFFERENTIATE THE PRODUCTS MADE BY DIFFERENT PRODUCERS, AND A GEOGRAPHICAL INDICATIONS
- IN SOME COUNTRIES GIS ARE PROTECTED UNDER TRADEMARK LAW PROVISIONS
- AS A RESULT, DISPUTES BETWEEN TRADEMARKS AND GIS ARE FREQUENT

HOW ARE THEY PROTECTED INTERNATIONALLY?

- Paris Convention for the Protection of Industrial Property (1883)

- Madrid Agreement (1891)

- Madrid Agreement and Protocol (1891 , 1989)

- Lisbon Agreement (1958)

- Bilateral Agreements

- TRIPs Agreement (1994)

HOW ARE THEY PROTECTED INTERNATIONALLY?

LISBON AGREEMENT

- 27 CONTRACTING PARTIES
- LISBON SYSTEM FACILITATES THE INTERNATIONAL PROTECTION OF APPELLATIONS OF ORIGIN THROUGH ONE SINGLE REGISTRATION PROCEDURE.
- LISBON SYSTEM DOES AWAY WITH NEED TO FILE MULTIPLE REGISTRATIONS AT DIFFERENT OFFICES AND COVER COUNTRIES IN AFRICA , ASIA , EUROPA , AND LATIN AMERICA.
- ARTICLES 22 TO 24 OF AGREEMENT ON TRADE RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS (TRIPS) DEAL WITH THE INTERNATIONAL PROTECTION OF GEOGRAPHICAL INDICATIONS WITH CONCORDANTLY THE FRAMEWORK OF THE WORLD TRADE ORGANIZATION(WTO).

HOW ARE THEY PROTECTED INTERNATIONALLY?

LISBON AGREEMENT

- “ RECOGNIZED” AND “PROTECTED” IN THE COUNTRY OF ORIGIN (ARTICLE 1(2))
- A GOOD WITH CERTAIN REPUTATION (ARTICLE 2 (2))
- APPELLATION MEETS CERTAIN QUALIFICATION (ARTICLE 2(1))

WHY DO GEOGRAPHICAL INDICATIONS NEED PROTECTION?

SEVERAL OF PRODUCTS HAVE OBTAINED REPUTATIONS WHICH, IF NOT ADEQUATELY, MAY BE MISREPRESENTED BY DISHONEST COMMERCIAL OPERATORS

CUSTOMERS MAY BELIEVE THEIR ARE BUYING A GENUINE PRODUCT WITH SPECIFIC QUALITIES AND CHARACTERISTICS , WHILE THEY IN FACT GET A WORTHLESS IMITATION

THE LATTER SUFFER DAMAGE BECAUSE VALUABLE BUSINESS IS TAKEN AWAY FROM THEM AND THE ESTABLISHED REPUTATION FOR THEIR PRODUCTS IS DAMAGED

CASE STUDIES

AND GROUP DISCUSSION

PISCO, CHAMPAGNE, JASMINE RICE...

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