

GEOGRAPHICAL INDICATIONS: THE INTERNATIONAL LANDSCAPE AND CURRENT ISSUES

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DEFINITION

What is a geographical indication?

A geographical indication is a sign used on goods that have a **specific geographical origin** and **possess qualities, reputation or characteristics that are essentially attributable to that place of origin.**

Most commonly, a geographical indication includes the name of the place of origin of the goods. Agricultural products typically have qualities that derive from their place of production and are influenced by specific local factors, such as climate and soil. Whether a sign is recognized as a geographical indication is a matter of national law. Geographical indications may be used for a wide variety of products, whether natural, agricultural or manufactured.

DEFINITION

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. The concept of a geographical indication encompasses appellations of origin.

DEFINITION

Why do geographical indications need protection?

Geographical indications are understood by consumers to denote the origin and the quality of products. Many of them have acquired valuable reputations which, if not adequately protected, may be misrepresented by dishonest commercial operators.

False use of geographical indications by unauthorized parties is detrimental to consumers and legitimate producers.

Consumers are deceived into believing that they are buying a genuine product with specific qualities and characteristics, when they are in fact getting an imitation.

Legitimate producers are deprived of valuable business and the established reputation of their products is damaged.

DEFINITION

What is the difference between a geographical indication and a trademark?

A trademark is a sign used by an enterprise to distinguish its goods and services from those of other enterprises. It gives its owner the right to exclude others from using the trademark. A trademark will often consist of a fanciful or arbitrary name or device. A geographical indication tells consumers that a product is produced in a certain place and has certain characteristics that are due to that place of production. **It may be used by all producers who make their products in the place designated by a geographical indication and whose products share specified qualities.** Unlike a trademark, the name used as a geographical indication will usually be predetermined by the name of the place of production.

DEFINITION

How are geographical indications protected?

Geographical indications are protected in accordance with international treaties and national laws under a wide range of concepts, including –

- special 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/FTAs that recognize individual geographical indications.

DEFINITION

How are geographical indications protected on the international level?

A number of treaties administered by WIPO provide for the protection of geographical indications, most notably the *Paris Convention for the Protection of Industrial Property* of 1883, and the *Lisbon Agreement for the Protection of Appellations of Origin and Their International Registration*.

In addition, Articles 22 to 24 of the *Agreement on Trade-Related Aspects of Intellectual Property Rights* (TRIPS) deal with the international protection of geographical indications within the framework of the World Trade Organization (WTO).

DEFINITION

Lisbon System for the International Registration of Appellations of Origin

27 contracting parties

The Lisbon System facilitates the international protection of appellations of origin through one single registration procedure.

The Lisbon system does away with the need to file multiple registrations at different offices and covers over two dozen countries in Africa, Asia, Europe, and Latin America.

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