

# The Main Features of the Geneva Act of the Lisbon Agreement



**Webinar Series on Geographical Indications**  
*IPKey South-East Asia*  
*May 20 and 21, 2021*

**Alexandra Grazioli**  
Director, Lisbon Registry  
Brands and Designs Sector, WIPO

**WIPO**  
WORLD  
INTELLECTUAL PROPERTY  
ORGANIZATION

# Presentation

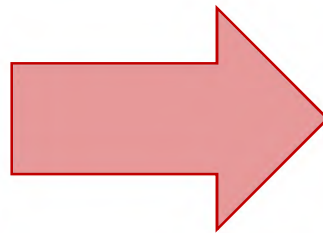
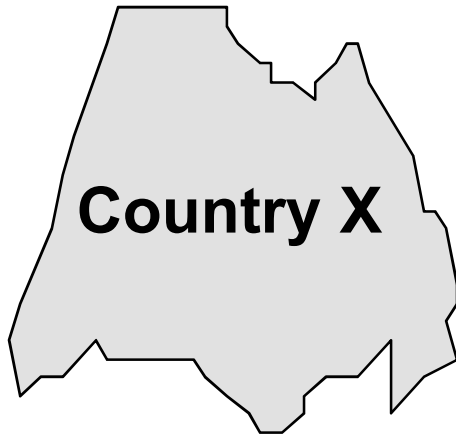
- The international context of the protection of geographical indications (GIs)
- The Geneva Act of the Lisbon Agreement
  - *Its advantages and benefits*
  - *How it works?*
  - *Recent developments and perspectives*



# The international context of the protection of geographical indications (GIs)



# How to protect your GIs abroad?





# Variety of means to protect geographical indications

## ■ *Sui generis* legislation



## ■ Trademark system (collective/certification marks)



## ■ Administrative systems (labelling, etc.)

## ■ Legislation on unfair competition

# How to protect GIs abroad ?

## ■ Direct applications in third countries

*Individual application*

## ■ Bilateral or pluri-lateral agreements

*Under such agreements two or more States or trading partners agree to protect each other's GIs (standard of protection + often GI-list)*

## ■ Multilateral agreements

- TRIPS Agreement (WTO)

*Protection of GIs*

- Madrid Protocol/Agreement (WIPO)

*Registration of TM*

- Lisbon Agreement and Geneva Act (WIPO)

*Protection and registration of AOs and GIs under the Geneva Act*

# The Lisbon System

## International Protection for Geographical Indications (GIs)

- *Lisbon Agreement (1958 & 1967 Act)*  
*30 Contracting Parties / 30 Countries*
- ***Geneva Act of the Lisbon Agreement (2015)***  
*8 Contracting Parties / 33 Countries*

**Lisbon System overall protection in 54 countries**



# The Lisbon System (Geneva Act)

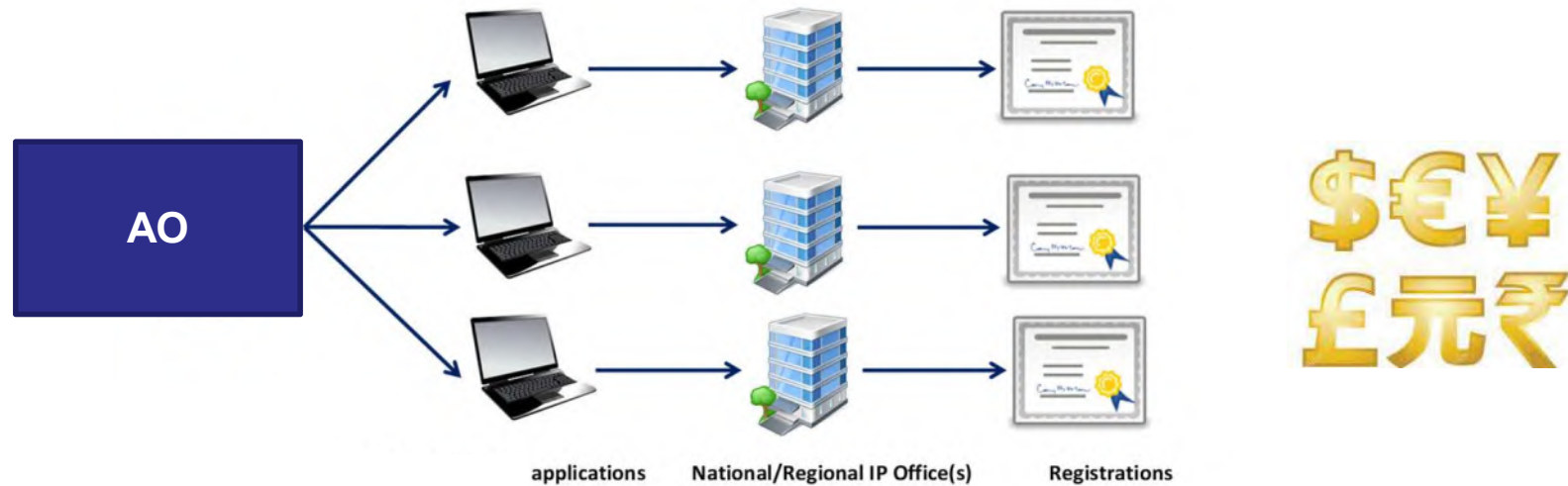
## Cost Effective

- Facilitates the **international protection** of appellations of origin (AOs) and geographical indications (GIs) with a **single registration procedure** (*“simple and accessible”*)
- Offers **the only International Register of AOs and GIs**
- Protects **all kinds of products**



# Direct filings vs. WIPO systems

## Direct/Paris Route



## Lisbon System (*international registration & protection system*)



# The Lisbon System (Geneva Act)

## Legal Benefits

- **Indefinite protection** in **all Lisbon Members**  
(including in futures ones)

- *exception: refusal, invalidation, renunciation of protection, and*
- *as long as the AO/GI is protected in the Contracting Party of Origin (no renewal fees)*

- **High level protection** of the registered AOs/GIs in the other Lisbon members

- *against any “imitation” and “usurpation”*

- **Protection against becoming generic** in the other Lisbon members

- **Title for taking legal action**

# The Lisbon System (Geneva Act)

## Flexibilities

- Inclusion of **geographical indications (GIs)** in the scope of protection *(no need to distinguish between AOs and GIs in domestic Law)*
- Flexibility as to the **type of legislation** under which a Contracting Party protects registered AOs/GIs *(sui generis, trademarks, etc.)*
- Inclusion of **safeguards**:
  - *prior trademarks rights;*
  - *personal names used in business;*
  - *plant variety or animal breed denominations;*
  - *generic terms;*
  - *possibility for interested parties to request refusal*
- Possibility for **intergovernmental organizations** to access to the Geneva Act *(e.g. EU, OAPI)*
- Possibility to request **individual fees**

**With the Geneva Act,  
the Lisbon System has the potential to  
become a truly global system  
of registration and protection for GIs**



# How to use the Lisbon System to obtain protection for your geographical indications (GIs) in other Lisbon Members?





# How the Lisbon System works?



Luang Prabang Silk



Kampong Speau Palm Sugar



Mebel Ukir Jepara



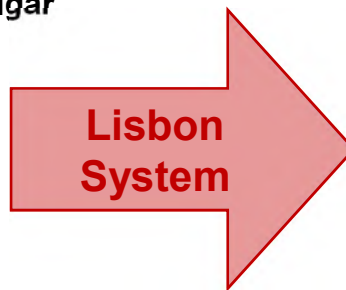
Sabah Tea



Bor Sang Umbrella

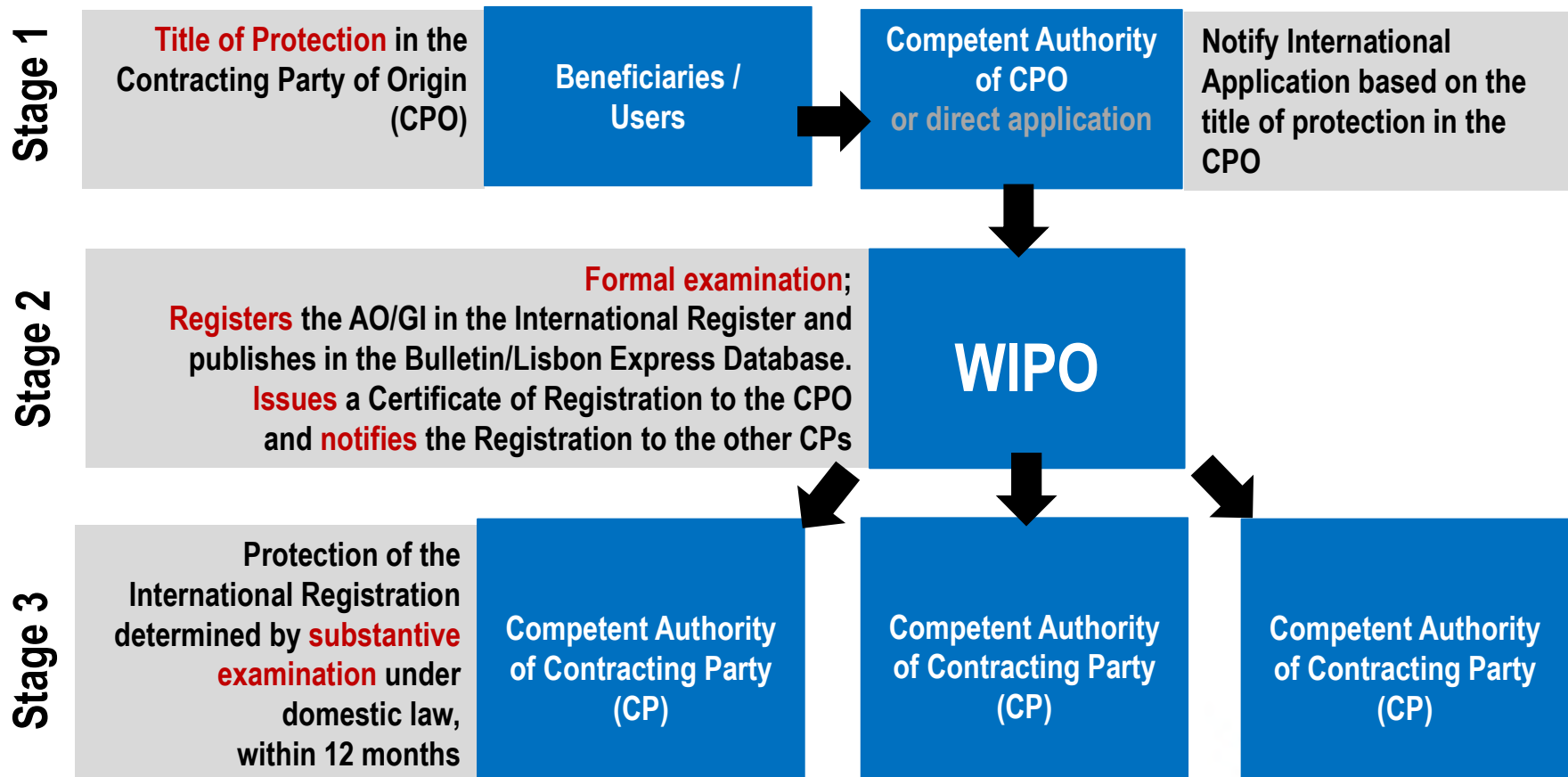


Phú Quốc

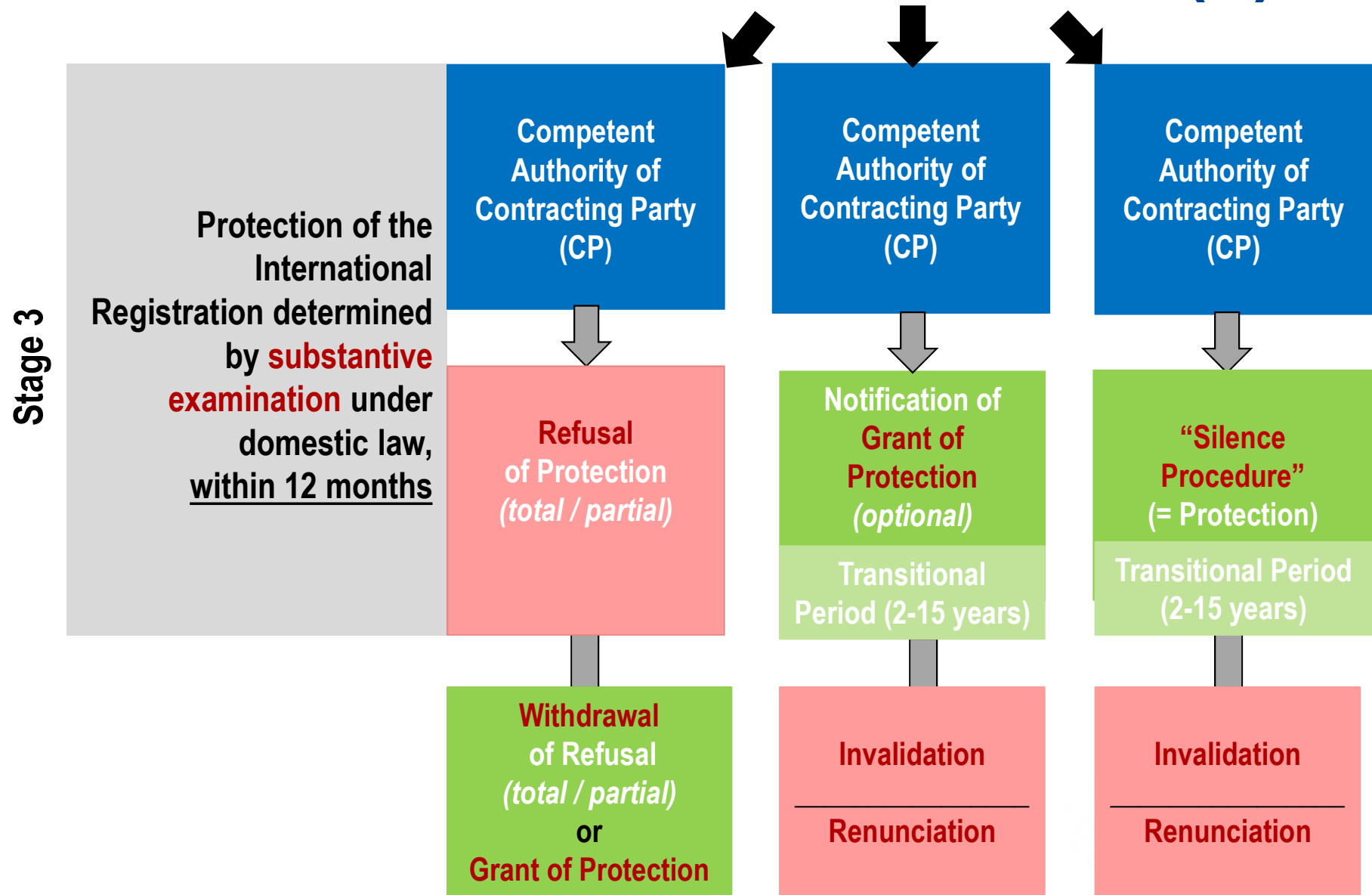


# How the Geneva Act Works

## The International Registration and Protection Process



# How the Geneva Act Works (2)



# International Application

**LISBON AGREEMENT FOR THE PROTECTION OF APPELLATIONS OF  
ORIGIN AND THEIR INTERNATIONAL REGISTRATION  
AND  
GENEVA ACT OF THE LISBON AGREEMENT ON APPELLATIONS OF  
ORIGIN AND GEOGRAPHICAL INDICATIONS  
APPLICATION FOR INTERNATIONAL REGISTRATION<sup>1</sup>**

To be submitted to the International Bureau  
of the World Intellectual Property Organization (WIPO)  
34, ch. des Colombettes, CH-1211 Geneva 20 (Switzerland)  
Tel.: + 41 22 338 91 11  
E-mail: [lisbon.system@wipo.int](mailto:lisbon.system@wipo.int) - Internet: <https://www.wipo.int/lisbon>

**1. Contracting Party of Origin:**  
(See Rule 5(2)(a)(i))

**2(a) Competent Authority presenting the application:**  
(Indicate name and address of the Authority; see Rule 5(2)(a)(ii))

**2(b) In the case of an application filed directly under Article 5(3) of the Geneva Act, beneficiaries entitled to use an appellation of origin or a geographical indication, or natural person or legal entity having legal standing to assert the rights of the beneficiaries or other rights in the appellation of origin or geographical indication:**  
(Indicate name, address and contact details of the beneficiaries, natural person or legal entity; see Rule 5(2)(a)(ii))

**2.c) Commonly designated Competent Authority that files the application, in the case of a joint application concerning a trans-border geographical area:**  
(Indicate name, address and contact details of the Authority; see Article 5(4) of the Geneva Act and Rule 5(2)(a)(ii))

<sup>1</sup> Under Rule 5 of the Common Regulations under the Lisbon Agreement and the Geneva Act of the Lisbon Agreement (Common Regulations).

geographical indication in the official language  
has two or more official languages, in the  
geographical indication is contained in the  
and in the Contracting Party of Origin;

**Geographical Indication**

**Indication:**

3(a) is in other than Latin characters, a  
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**Language of the translation**

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(a)(iii))

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**Signature  
of the Competent Authority:**

**Signature  
of the beneficiary(-ies),  
natural person or legal entity:**


# Application procedure: mandatory requirements (Rule 5(2))

- The **Contracting Party of Origin**
- The **Competent Authority** or (direct) applicants
- The **beneficiaries** or  
the natural persons or legal entity referred to in Art. 5(2)(ii)
- The **AO/GI**
- The **good(s)** to which the AO/GI applies
- The geographical **area of production/origin** of the good(s)
- Details of the registration, or legislative or administrative provision, or judicial decision, by virtue of which the AO/GI is **protected in the Contracting Party of Origin**
- **Registration fees** (1000 CHF  $\cong$  1000USD)  
+ individual fees (if requested by third CPs)



# WIPO/LISBON

## International Registration Certificate



**WIPO LISBON**  
The International System  
of Appellations of Origin


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**REGISTRATION CERTIFICATE**

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The International Bureau of the World Intellectual Property Organization (WIPO) certifies that the indications appearing on the following pages of the present certificate conform to the recording made in the International Register of Appellations of Origin maintained under the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration.

Geneva, December 14, 2020




Alexandra Grazioli  
Director  
Lisbon Registry

WORLD  
INTELLECTUAL PROPERTY  
ORGANIZATION

T +4122 338 9111  
F +4122 338 9410  
lisbon-system@wipo.int

34, chemin des Colombettes  
1211 Geneva 20, Switzerland  
www.wipo.int



**WIPO LISBON**  
The International System  
of Appellations of Origin

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**GEOGRAPHICAL INDICATION**

---

**REGISTRATION DATE**  
October 21, 2020

**REGISTRATION NUMBER**  
1152

**CONTRACTING PARTY OF ORIGIN**  
Cambodia

**GEOGRAPHICAL INDICATION**  
កំពតប៊ែប / Kampot Pepper

Transliteration Mrech Kampot

**GOOD(S)**  
Pepper

**COMPETENT AUTHORITY**  
Department of Intellectual Property, Ministry of Commerce (MoC)  
Lot 19-61, MoC Road (113B Road), Phum Teuk Thla  
Sangkat Teuk Thla, Khan Sen Sok  
Phnom Penh  
Cambodia

Commune

Kampot City, all of

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Ministerial Regulation signed by the Senior Minister of Commerce.

# Lisbon International Register



**KAMPOT PEPPER**  
(IG1152 / Cambodge)



**BANANO DE COSTA RICA**  
(AO900 / Costa Rica)



**FIGUES DE DJEBBA**  
(AO1155 / Tunisie)



**CAFE VERACRUZ**  
(AO840 / Mexique)



**REBLOCHON**  
(AO458 / France)



**VAZISUBANI**  
(AO871 / Géorgie)



**VINHO VERDE**  
(AO564 / Portugal)



**SPECK ALTO ADIGE**  
(AO941 / Italy)



**HEREND**  
(AO737 / Hongrie)



**CHULUCANAS**  
(AO869 / Pérou)

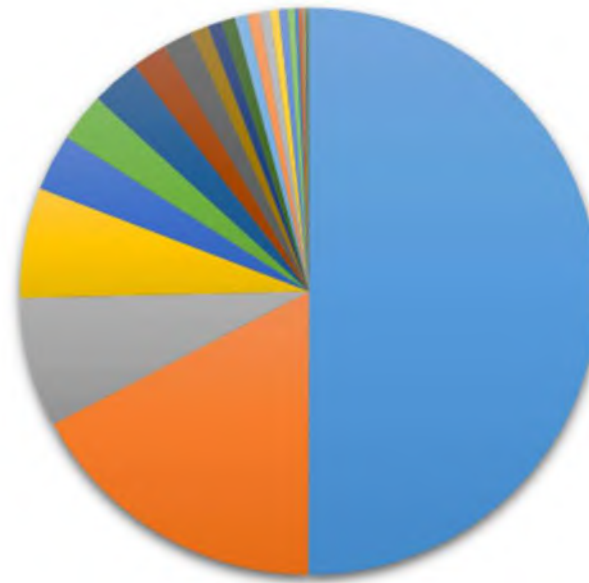


**IRAN'S KORDESTAN  
MARBLE** (AO1105 / Iran)



**SAROUGH HANDMADE  
CARPET** (AO956 / Iran)

# Lisbon International Register

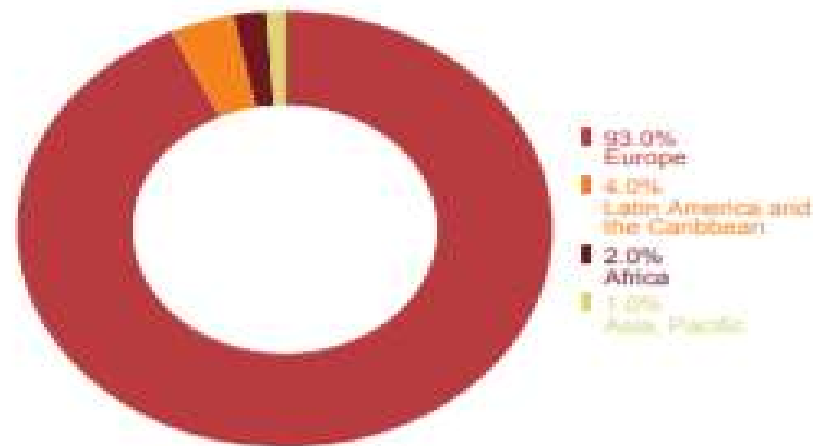


**1117**  
**Registrations**  
**in force**  
(15.04.2021)

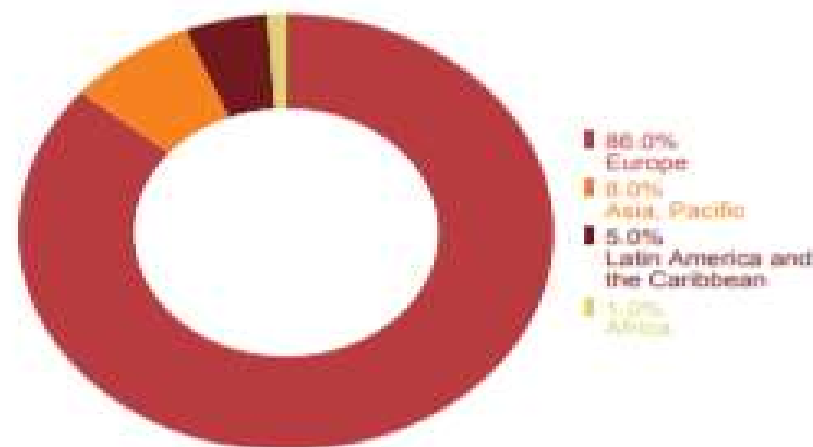


# Lisbon System (2008-2020)

**International Lisbon System  
registrations per region,  
2008 and 2020**

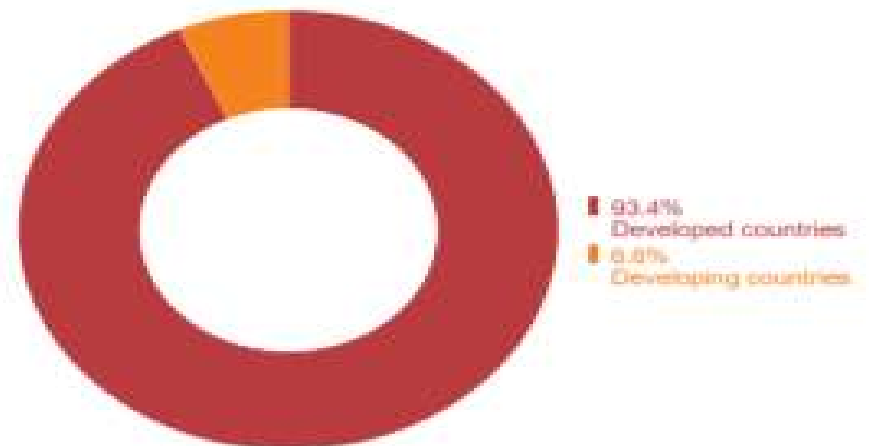


2008

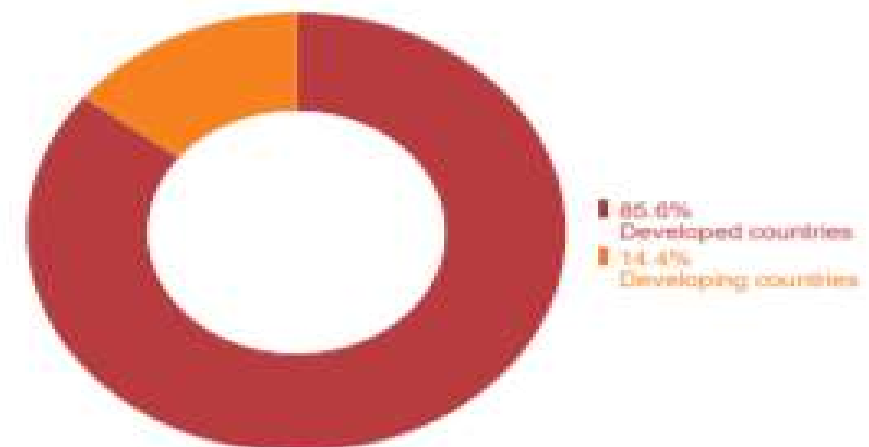


2020

**Origin of Lisbon System  
international registrations,  
2008 and 2020**



2008

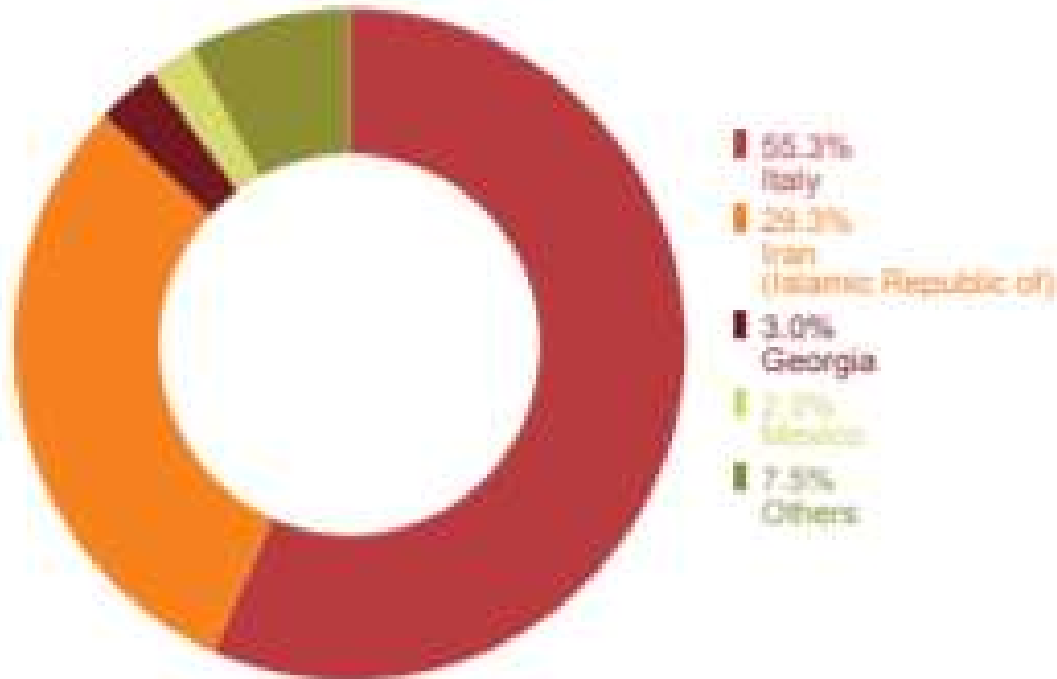


2020



# Lisbon System (2008-2020)

Top five Lisbon System  
applicant countries,  
2020





# Registered Appellations of Origin

## The *LISBON EXPRESS* Database

**WIPO**  
**IP PORTAL**

MENU

*Lisbon Express*

### Recherche appellations d'origine et indications géographiques

Cette base de données contient des informations sur toutes les appellations d'origine et indications géographiques inscrites au registre international tenu par le Bureau international de l'OMPI conformément au système de Lisbonne concernant la protection des appellations d'origine et des indications géographiques.

options ☐ résultats ☐

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Classification de Nice

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Bénéficiaire

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☒ Voir documents radiés

Chercher

## The Bulletin



The Bulletin is the official publication of the Lisbon System. It is issued by WIPO for the publication of new registrations and other recordings in the International Register, as well as information concerning changes in the legal framework of the Lisbon System. In addition, the Bulletin contains statistical information concerning registered appellations of origin and geographical indications.

# WIPO IP PORTAL....

## and soon *eLisbon* !



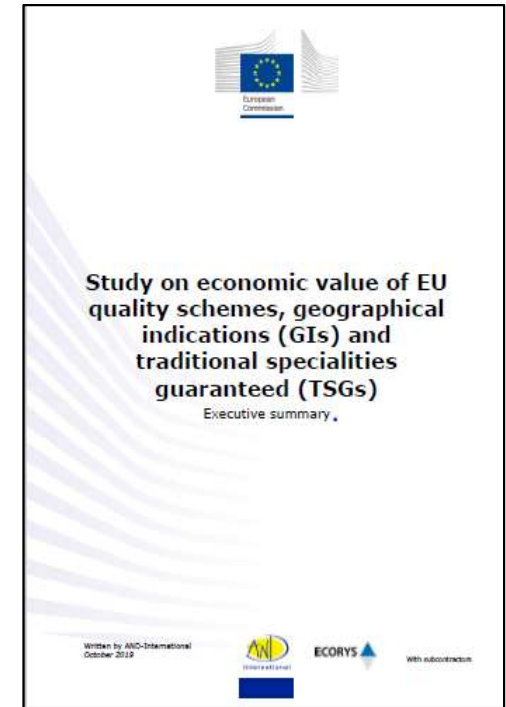
# What are the benefits of the Lisbon System?



# ***“Producers’ benefits are clear... Geographical indications protect local value at a global level”***

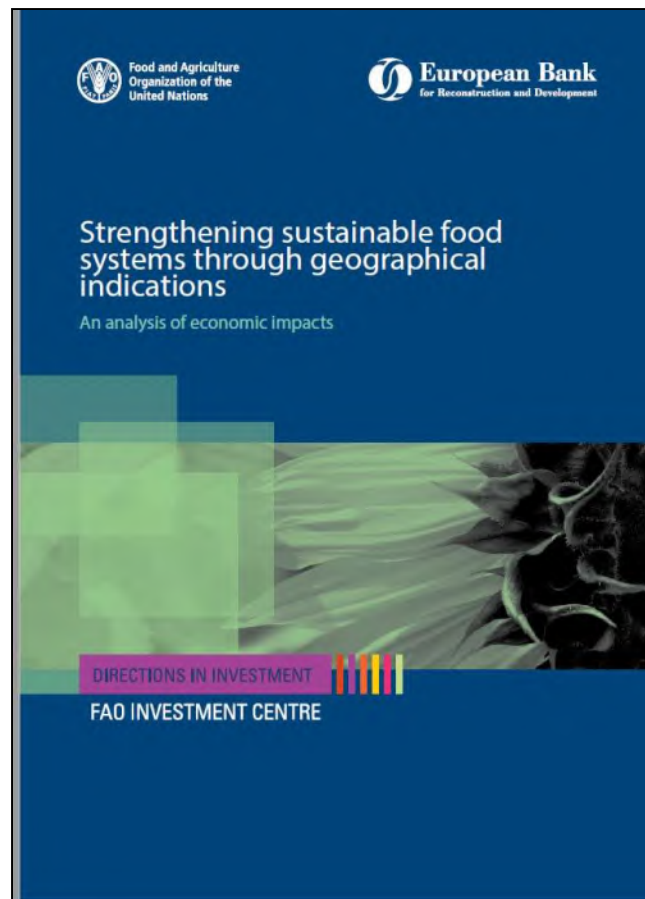
*Janusz Wojciechowski, European Agriculture Commissioner*

- **Worth** of EU GI products was **EUR 74.76 billion** in 2017 (+37% since 2010)
- **Value of whole exports** of EU GI products estimated **EUR 31.42 billion** in 2017 (= 42% of total sales value)
- **Global value premium** for EU GI products **EUR 40 billion** in 2017 (+ 38% since 2010)
- **Sales premium** for EU GI products were on average **double** than sales value for similar products without GI-certification in 2017



<https://op.europa.eu/en/publication-detail/-/publication/a7281794-7ebe-11ea-aea8-01aa75ed71a1>

# FAO/EBRD Study on socio-economic impact



<http://www.fao.org/3/I8737EN/i8737en.pdf>



# Possible risks for a non-protected GI

- Producers outside the zone may use it and benefit from the reputation of the origin product ("**free-riding**")
- Third parties may register the denomination as **trademarks** and prevent the protection of the GI
- The name of the origin product might be transformed into a **generic term** (*common name of a given kind of product*)

# Scope of Protection (Art.11.1 Geneva Act)

## ■ Prevent use in respect of goods of the same kind

- **not originating** in the geographical area of origin, or
- **not complying** with other requirements of the AO/GI

## ■ Prevent use in respect of goods that are not of the same kind or services, if such use

- would **suggest a connection** with the beneficiaries of the AO/GI, and would be likely to damage their interests, or
- would **impair** or **dilute** in an **unfair manner**, or take **unfair advantage** of, the reputation of the AO/GI

# Scope of Protection (Art.11&12 Geneva Act)

- **Protection applies to use of AO/GI amounting to its **imitation** (Art. 11.2)**  
*(translation, “style”, “kind”, etc.)*
- **Prevent any practice that could **mislead consumers** (Art.11.1.b)**
- **Refuse or invalidate the registration of a **later trademark** (Art.11.3)**
- **Protection **against becoming generic term** (Art. 12)**

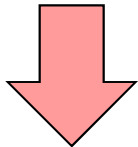
# Scope of Protection (Art.11-15 Geneva Act)

## ■ Inclusion of safeguards to:

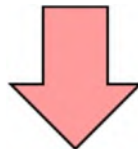
- **prior trademarks rights** (Art. 13.1)
- **personal names used in business** (Art.13.2)
- **plant variety or animal breed denominations** (Art 13.3)
- **generic terms** (agreed statements, Rule 5.5)
  - *Prior use as a generic in a Contracting Party is a **possible ground for refusal***
  - *If the GI/AO contains a **term that is considered generic in the Contracting Party of Origin**, other Members are not obliged to protect such term*

## ■ Opportunity for **interested Parties to request the refusal of protection** (Art.15)

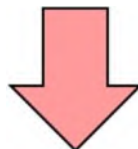
# International Application by Cambodia for Kampot Pepper Producers Association



**DIPC-MoC  
Cambodia**



**WIPO/LISBON**



**Other Lisbon (Geneva Act) Members = 33 countries on May 2021  
and more to come!!**

**LISBON AGREEMENT FOR THE PROTECTION OF APPELLATIONS OF ORIGIN AND THEIR INTERNATIONAL REGISTRATION AND GENEVA ACT OF THE LISBON AGREEMENT ON APPELLATIONS OF ORIGIN AND GEOGRAPHICAL INDICATIONS**

**APPLICATION FOR INTERNATIONAL REGISTRATION<sup>1</sup>**

To be submitted to the International Bureau of the World Intellectual Property Organization (WIPO)  
34, Avenue de la Gare, CH-1211 Geneva 20 (Switzerland)  
Tel.: +41 22 338 91 11  
E-mail: [lisbon.international@wipo.int](mailto:lisbon.international@wipo.int) - Internet: <http://www.wipo.int/lisbon>

1. Contracting Party of Origin:  
(See Rule 5(2)(a)(i))

2(a) Competent Authority presenting the application:  
(Indicate name and address of the Authority; see Rule 5(2)(a)(ii))

2(b) In the case of an application filed directly under Article 5(3) of the Geneva Act, beneficiaries entitled to use an appellation of origin or a geographical indication, or natural person or legal entity having legal standing to assert the rights of the beneficiaries or other rights in the appellation of origin or geographical indication:  
(Indicate name, address and contact details of the beneficiaries; natural person or legal entity; see Rule 5(2)(a)(iii))

2(c) Commonly designated Competent Authority that files the application, in the case of a joint application concerning a trans-border geographical area:  
(Indicate name, address and contact details of the Authority; see Article 5(4) of the Geneva Act and Rule 5(2)(a)(iii))

**or geographical indication:**  
For the name of the appellation of origin or geographical indication in the official language of Origin or, if the Contracting Party of Origin has two or more official languages, in the language in which the appellation of origin or the geographical indication is contained in the act, by virtue of which protection is granted in the Contracting Party of Origin.

Origin ☐ or ☐ Geographical Indication

**Appellation of origin or geographical indication:**  
In or geographical indication specified under this is in other than Latin characters, a transcriber should be given, that transcription should follow the phonetic rules of the language of the appellation; see Rule 5(2)(b).

**Appellation of origin: (optional)**  
In or geographical indication specified under this is in other than Latin characters, a transcriber should be given, that transcription should follow the phonetic rules of the language of the appellation; see Rule 5(2)(b).

**Language of the translation**

**For use as an appellation of origin or a geographical indication or legal entity having legal standing to assert the rights of the beneficiaries appellation of origin or geographical indication:**  
Indicated in, where collective designation is not possible, by name - if necessary using a natural person or legal entity; see Rule 5(2)(a)(iii).

**Elements referred to in 4(a) above:**  
Indicated in, where collective designation is not possible, by name - if necessary using a natural person or legal entity; see Rule 5(2)(a)(iii).

Confirmed by WIPO ☐ WIPO receipt No. \_\_\_\_\_

Account with WIPO: \_\_\_\_\_ On behalf of \_\_\_\_\_

☐ bank account  
IBAN: 7000 8100 0  
31 Geneva 70  
ZZ80A  
Payment references: All none/yyy/

☐ postal checking  
(no payments only)  
IBAN: 1200 5000 8  
BE  
Payment references: All none/yyy/

**Date:** \_\_\_\_\_ **Signature of the Competent Authority:** \_\_\_\_\_

**Date:** \_\_\_\_\_ **Signature of the beneficiary(-ies), natural person or legal entity:** \_\_\_\_\_

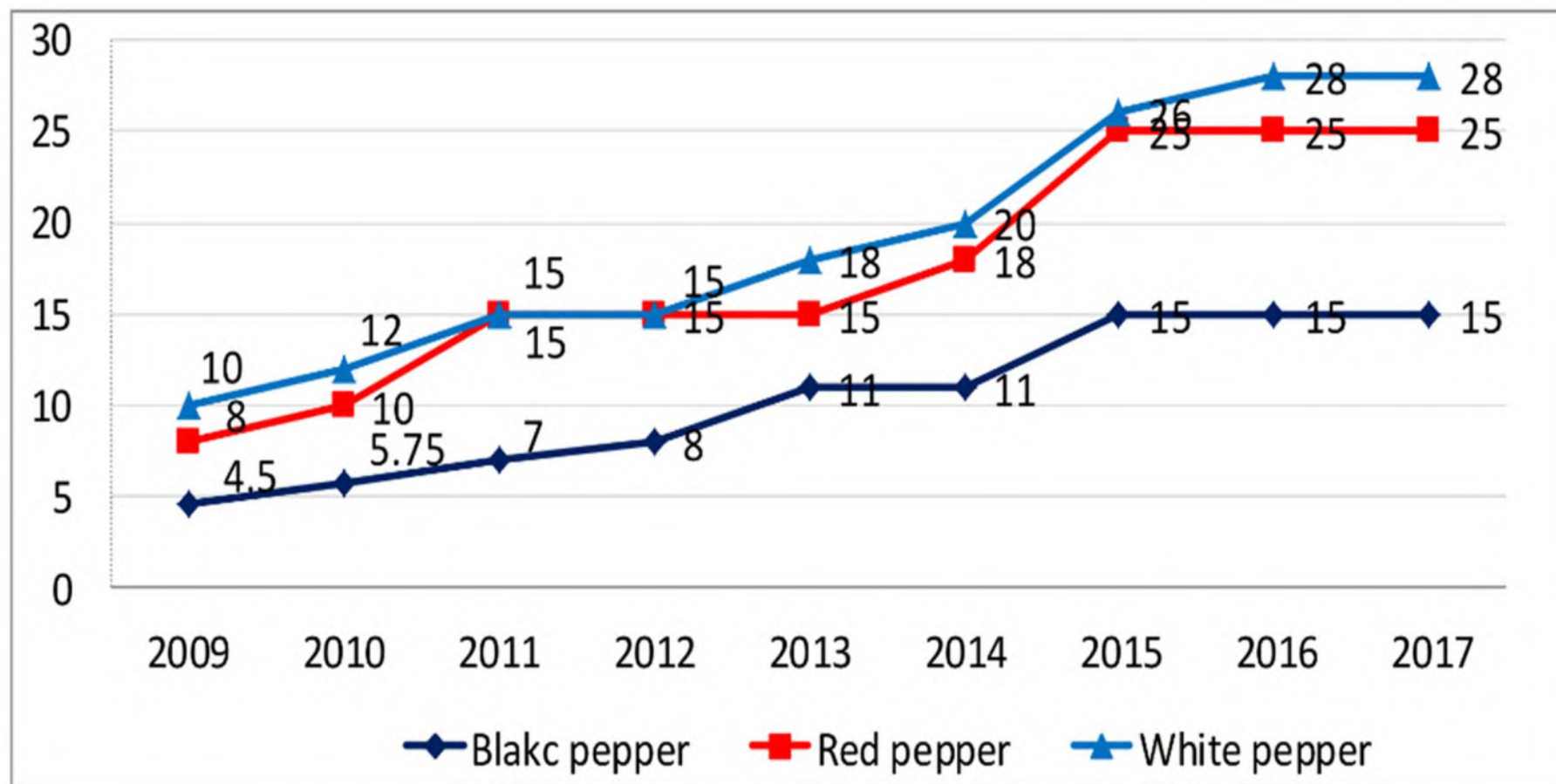
1. Under Rule 5 of the Common Regulations under the Lisbon Agreement and the Geneva Act of the Lisbon Agreement (Common Regulations).

2.

6.



# Price of Kampot Pepper from 2009 to 2017

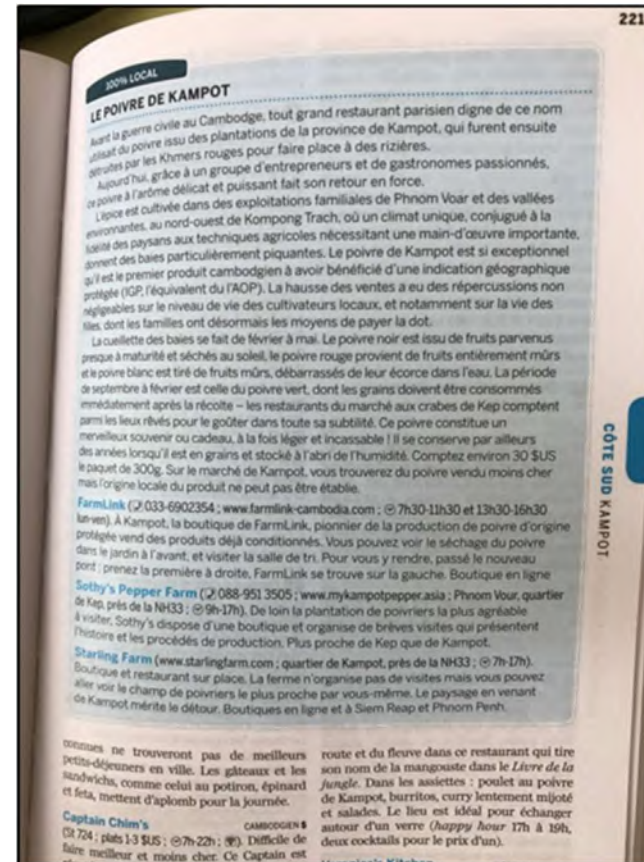
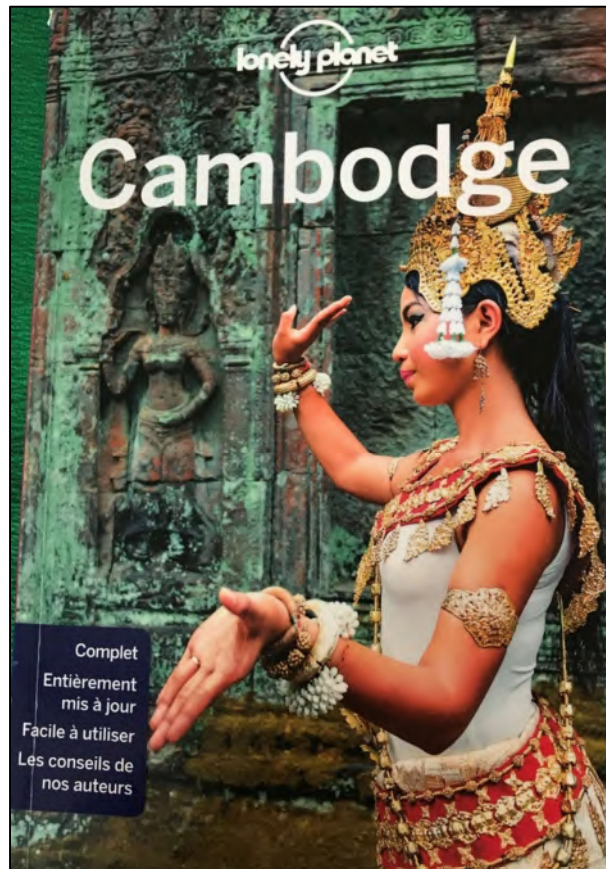


Source: H.E. Mr Thay Bunthou



សមាគមលើកកម្ពស់រដ្ឋប្រចាំត "ស.ល.ប.ក"  
Kampot Pepper Promotion Association (KPPA)

# Geographical Indication and Tourism





# Kampot Pepper: Local Tourism



LA PLANTATION

FAIR SPICES PRODUCER







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# Lisbon Agreement's Geneva Act Receives First Geographical Indication: Kampot Pepper from Cambodia

January 18, 2021

Cambodia has recorded Kampot Pepper as the first geographical indication (GI) registered via the [Geneva Act of WIPO's Lisbon System](#), which provides protection for names identifying the geographic origin of products such as coffee, tea, cheese, wine, pottery, and cloth.

# **The Geneva Act of the Lisbon Agreement (2015): *Its current progress and potential***

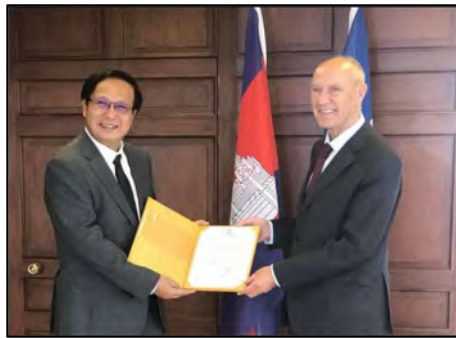




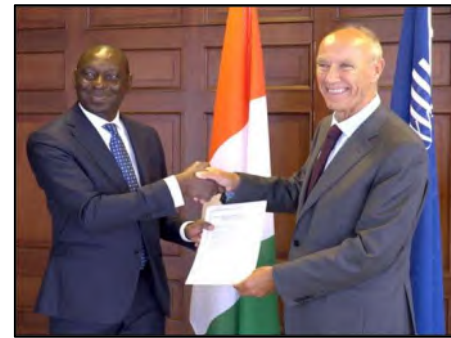
# The Geneva Act of the Lisbon Agreement

- Adoption on May 20, 2015

- **Accessions & ratifications:**



**Cambodia**  
(March 9, 2018)



**Côte d'Ivoire**  
(Septembre 28, 2018)



**Albania**  
(June 26, 2019)



**Samoa**  
(October 2, 2019)



**DPR Korea**  
(October 8, 2019)

# Accession of the European Union

## Novembre 26, 2019



**The Geneva Act entered into force  
on February 26, 2020 !!!**

# The Geneva Act of the Lisbon Agreement



**Lao PDR**  
(Novembre 24,  
2020)

**France**  
(January 21, 2021)

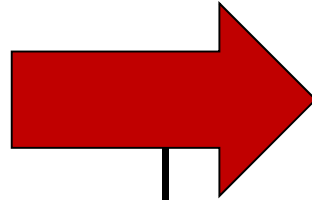


**Oman**  
(March 30, 2021)

# Members of the Lisbon System

## Lisbon Agreement (30 countries)

- **Asia (3)**: **DPR Korea**; Iran (Isl. Rep.); Israel
- **Americas (7)**: Costa Rica; Cuba; Haiti; Mexico; Nicaragua; Peru; Dominican Rep.
- **Africa (6)**: Algeria; Burkina Faso; Congo; Gabon; Togo; Tunisia
- **Europe (14)**: **Albania**; Bosnia and Herzegovina; Bulgaria; Czech Rep.; **France**; Georgia; Hungary; Italy; Moldova (Rep); Montenegro; Portugal; Serbia; Slovakia; North Macedonia



## Geneva Act (33 countries)

- **Asia/Pacific (5)**: Cambodia; **DPR Korea**; Lao PDR; Oman; Samoa
- **Africa (1)**: [*Côte d'Ivoire\**]
- **Europe (3)**: **Albania**; **France**; European Union (= 27 countries)



# Accessions Outlook...



**WIPO**  
WORLD  
INTELLECTUAL PROPERTY  
ORGANIZATION



# GIs can play a positive role with respect to UN SDGs



# GI = Interaction between the product, the producers and the production area



## PRODUCTION AREA

(Influence of natural conditions → the product is generally different from the ones produced elsewhere)

Houaphanh  
Silk



## PRODUCERS' KNOW-HOW

(GI products are often traditional products, with a connection to the local knowledge and heritage)



## PRODUCT WITH A SPECIFIC NAME AND QUALITY, CHARACTERISTIC OR REPUTATION

→ Consumers make a direct connection between the origin of the product and its specific characteristics/quality/reputation

# Experience shows that GI Protection Schemes may have...

## Positive economic effects

- production, price
- profitability,
- income distribution
- tourism

## Positive effects for preserving traditions

- quality
- traditional know-how



## Positive effects on jobs

- direct & indirect jobs
- job qualification
- rural exodus

## Positive effects for Environment

- Biodiversity
- Environment preservation
- Landscape



# WIPO / GI Project Koh Trung Pomelo Protection and commercialisation



**GI Registration June 2018  
(Cambodia)**

# Positive evolution since the registration of the *GI Koh Trung Pomelo*

- Number of *Koh Trung* Pomelos sold:  
175'000 (2017) → **916'275 (2020)**
- Price in Riel at farm gate (high season):  
5'500 (2017) → **8'000 (2020)**
- Incomes (total, in Riel):  
1'085'000'000 (2017) → **7'513'455'000 (2020)**
- Incomes (average/producer in Riel):  
3'902'878 (2017) → **49'430'625 (2020)**







**Madd de Casamance**



**Banano de Costa Rica**



**Grana Padano**



**Scotch Whisky**

[https://www.wipo.int/ip-outreach/en/ipday/archive/ipday\\_2020.html](https://www.wipo.int/ip-outreach/en/ipday/archive/ipday_2020.html)

# A new geographical indication: *Madd de Casamance*

- *Madd de Casamance* is an interesting example of how GIs can support the environmental, social and economic dimensions of sustainability and the transition to a green future.
- As a collective endeavor, GIs have the potential to support efforts to scale-up sustainable local development initiatives, which might otherwise be more difficult to achieve with individual companies.







## **Recognition and valorization of emblematic products and traditions**



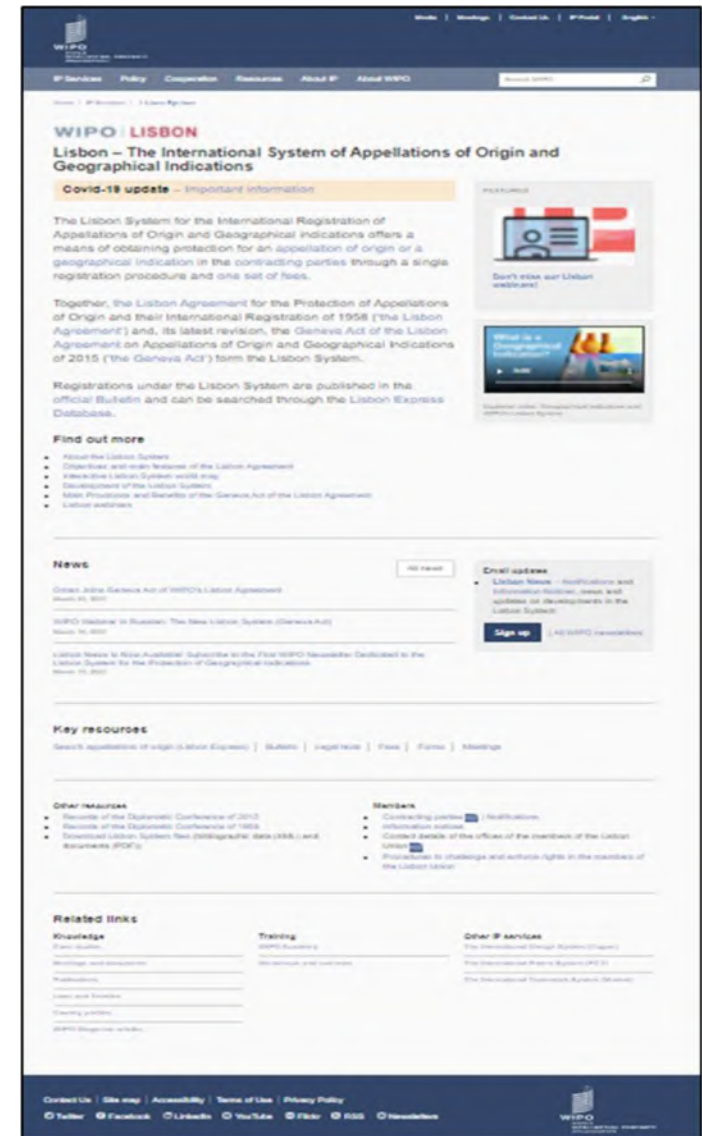
# The Lisbon System helps to strengthen the economic value and competitiveness of origin products (GIs) on third markets



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# More information on the Lisbon System

- **Web Page Lisbon System:**  
<https://www.wipo.int/lisbon/en/>
- **Newsletter - *Lisbon News*:**  
[https://www.wipo.int/newsletters-archive/en/lisbon\\_notices.html](https://www.wipo.int/newsletters-archive/en/lisbon_notices.html)
- **Webinaires:**  
[https://www.wipo.int/meetings/en/topic.jsp?group\\_id=344](https://www.wipo.int/meetings/en/topic.jsp?group_id=344)





## ***IP & SMEs: Taking your ideas to market***



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**More information on the Lisbon System:**  
**[www.wipo.int/lisbon](http://www.wipo.int/lisbon)**



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