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The Geneva Act of the Lisbon Agreement: Perspective of France

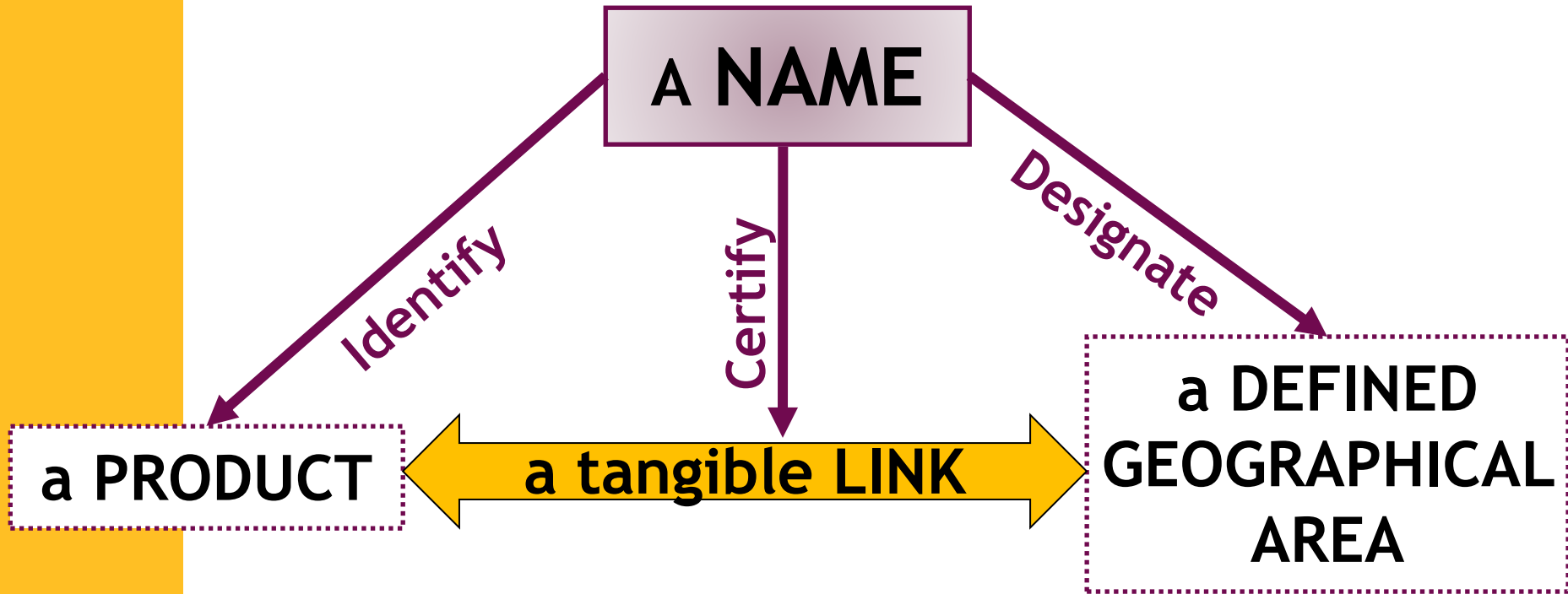
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Main characteristics of a GI:



with **organoleptic specificities**

with **defined boundaries**

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International Protection of GIs

- GIs need protection at the national level as well as international level as a specific and independant Intellectual Property (IP) right
- The international protection ensures the respect of the name against unfair competition and misleading use and also against counterfeits
 - the aim is
 - to protect and defend recognized designations
 - to promote and maintain a very particular system of agricultural organization preserverving the know-how, traditional productions and vitality of agricultural areas





Legal protection tools at the international level for the protection of the European GIs

- **Multilateral treaties**
(regarding Intellectual Property rights) :
- - Lisbon Agreement (1958)
- - Geneva Act (2015)
- - TRIPS Agreement (1994) in the framework of WTO

Bilateral Agreements

Between EU and a third country

=> Goal = « TRIPS + »





TRIPS Legal definition in the framework of the WTO

- TRIPS definition, article 22 : *Geographical indications are [...] indications which identify 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.*
- a broad definition that could be precised and enhanced in the national or international laws :
 - No mention of the natural and human factors
 - A link with the territory that could be stronger
 - Nature and scope of the GI: agricultural, wines, spirits, industrial, handicraft ?





Lisbon Agreement of 1958 as a 1st major step for the international recognition of Appellations of Origin (AO)

- Lisbon Agreement is the first text which:
 - Defines what is an AO:

“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.
 - Set up a system of international registration (the *Bureau* of Lisbon Union manages the Lisbon register)
 - ❖ ***Lisbon Agreement is the first source of legal harmonization regarding the protection of AO***
- Its main weakness: not enough countries have signed this text





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2 examples of French AO which benefited of Lisbon registrations

- The appellation Champagne was registered in 1967, very early
 - it strengthens the reputation of the appellation in the world, regarding genericity cases, among others
 - It enhanced the level of legal protection in countries Members of the system



- The appellation *huile essentielle de lavande Haute-Provence* is a small production, which was registered in 1985 before WIPO
 - The registration was a great way to promote and increase the notoriety of the appellation
 - It made easier protection cases at the international level given the small size of the group of producers





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GENEVA ACT of 2015 or the emergence of an effective and modern system for the protection of GIs all over the world

- Geneva Act provides new options and elements to empower the recognition of GIs at an international level
 - Extension of the scope : includes the historical definition of AO as well as the definition of GI:
 - “any indication (...) consisting of or containing the name of a geographical area, or another indication known as referring to such area, which identifies a good as originating in that geographical area, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin”





- Geneva Act fosters membership of all Countries given the possibility to register protected names either as AO either as GI
- Every Countries and Intergovernmental organizations may join the system
- All kind of GIs may be registered: agricultural, wines, spirits, industrial, handicraft
- The scope of the legal protection is broad and the level of the protection granted to registered GIs is much higher than the TRIPS
- It provides a great and ambitious international tool of unification of GIs protection, as an independent intellectual property right





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The EUROPEAN UNION (EU) has a strict and exclusive competence to manage all EU Member States GIs in the frame of the Geneva Act

- Since the membership of the EU on February 26th 2020, the EU will manage and represent all EU Member States GIs, even for Countries like France that were also members of the previous Lisbon agreement system
- France and the EU encourage all Countries and Organisations in the world to join this new and ambitious system: more the number of Members will be high, more the protection granted will be effective
- We have a unique and wonderful opportunity to promote and protect a model of organization of high value productions, ensuring the employment of men and women in rural areas, in preserving traditions and know how all over the world





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Thank you for your attention !

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