



Webinar Series on Geographical Indications

The Geneva Act of the Lisbon Agreement:
Perspective of Cambodia
May 20-21, 2021

LAO Reasey

Deputy Director, Department of Intellectual Property,
Ministry of Commerce, Cambodia
Mail: reasey_pp34@yahoo.com



On March 9, 2018, the Government of the Kingdom of Cambodia deposited with the Director General of the World Intellectual Property Organization (WIPO) its instrument of accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (the 'Geneva Act of the Lisbon Agreement'), adopted at Geneva on **May 20, 2015** (Cambodia is the first state party to join the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications ("Geneva Act"), which provides producers of quality, origin-linked products with faster and cheaper access to the international protection of their products' distinctive designations)

.



- ❖ The World Intellectual Property Organization (WIPO) Diplomatic Conference for the revision of the Lisbon Agreement for the Protection of Appellations of Origin and their international registration will take place in Geneva.
- ❖ OriGIn was organized a GI exposition (from 11 to 15 May) together with one-day conference on “Geographical Indications and sustainable development” (14 May).



- ❖ This initiative has the objective to allow producers from countries with an interest in the revised agreement to follow the discussions as well as share their views on the socio economic potential of GIs in terms of local development with representatives of WIPO Member States.



Why Cambodia joined the Geneva Act of the Lisbon Agreement and what are the advantage that Cambodia see in being a party to the Geneva Act:

- ❖ Workshop on the Lisbon System and Koh Trung Pomelo Branding Kratie, May 28, 2017
- ❖ Study on advantage and disadvantage for acceding to the Geneva Act on the Lisbon Agreement relate to the registration and protection of geographical indications.
- ❖ Implementation of the Lisbon System Geneva Act of the Lisbon Agreement in Cambodia: Training on the Implementation of the Lisbon System and Lessons Learnt on the Protection of GIs in Cambodia , June 27-28, 2018.



A. Registration of Cambodian Geographical Indications on the Lisbon system will provide protection for the geographical indications of all parties to the signatures of the Lisbon Agreement and / or the Geneva Law upon receipt of registration and new member parties. Subsequent Lisbon Agreement and / or Geneva Conventions (automatic extension of protection for new signatories who have joined the Lisbon system without having to determine which countries to apply for).



- B. Cambodian Geographical Indications does not face the risk of becoming a generic term when registered and protected under the Lisbon system.
- C. Cambodia has great potential for the protection of GIs, in addition to the two registered GIs, 23 other potential GIs have been identified, and these GIs have benefited greatly from Protect domestic and foreign geographical indications





D. An increasing number of countries (both developed and developing) in Asia have recently developed effective legal frameworks for the protection of their Geographical Indications.

E. The conditions and requirements for Cambodia to become a member of the Lisbon system by reviewing aspects of the Law on Cambodian Geographical Indications are consistent with the procedures and levels of protection of the Lisbon System.



F. Cambodia may be able to easily find other potential product development partners to support and provide technical or financial support to projects, including the establishment of more GIs and GIs associations on the registration of more GIs.



- ❖ The Geneva Act of the Lisbon Agreement, adopted May 20, 2015, allows now the international registration of geographical indications in addition to appellations of origin through a single registration procedure with WIPO, and permits the accession to the Act by certain intergovernmental organizations, including the European Union and the African Intellectual Property Organization (OAPI). The European Union's November 26, 2019, accession permitted the Geneva Act's entry into force three months later on February 26, 2020.



Advantages of Accession to Geneva Act

1. Accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications does not required Cambodia to pay membership contributions (according to WIPO Assemblies decision on the adoption of WIPO Program and Budget to facilitate accession to WIPO treaties by developing countries and least developed countries).





Advantages of Accession to Geneva Act

2. Thanks to the inclusion of Geographical Indication under the Geneva Act, Cambodia could join the Geneva Act without the need to amend Cambodia national law to develop the protection of Appellations of Origin. More Cambodian products can benefit from the protection of Geographical Indication than Appellation of Origin.





Advantages of Accession to Geneva Act

3. Cambodia can obtain international registration and protection of Cambodian GI in many countries through a single application at WIPO with the only pay of registration fee 1000 CHF to WIPO and individual fee to the required designated countries (e.g Samoa). The application form is very simple to fill, we can obtain protection in many countries without the need to follow the formalities/procedures for registration of each country and no need to translate the documents.



Advantages of Accession to Geneva Act

4. Once registered under Lisbon system (Geneva Act), Cambodia GI are protected in the other members, without the need of renewal as long as they protected in Cambodia. As a result, this system is cost effective for Cambodia and Cambodian GI producers.





Advantages of Accession to Geneva Act

5. Cambodia is required to examine and protect GI and Appellation of Origin of other GA members that apply for international registration with WIPO under Cambodia Law, in accordance with the GA, Cambodia does not need to take care of formal requirement (WIPO will take care of them). We only have to examine the substantive reasons for refusal according to Cambodia Law (e.g prior trademark in Cambodia, generic anme in Cambodia)





Advantages of Accession to Geneva Act

5 (bis). Therefore, Cambodia keep full control on the decision to protect Gis/Aos of the other members but the procedure is more simple than under direct registration (less procedure requirements to examine)





Advantages of Accession to Geneva Act

- Once obtaining international registration for Cambodia GI, they will be protected in the other countries of the GA against any use of product not giving the good geographical origin or not fulfilling the requirements of the BoS. They will also protected against imitation, against becoming a generic term or against uses taking advantage of the well-known character of the AOs/GIs. In addition, Cambodia GIs will be protected in third parties against registration of conflicting trademark. So the protection that Cambodia GIs will have in the other members of the GA is very efficient.





Advantages of Accession to Geneva Act

- GA has also introduced interesting safeguards that Cambodia will be able such as protection of the rights on prior good faith trademarks, individual names used in trade, denomination of plants and animals as well as the opportunity for third parties to request for refusal. So, the GA takes care of third parties interest as well.





Advantages of Accession to Geneva Act

8. According to some current estimates, Cambodia GIs will be around 30 while foreign GIs already identified worldwide are around 10.000 but they will be in some years probably much more. Therefore, Cambodia will receive foreign GI registration fees more than Cambodia GIs registration payment fee in the foreign countries. So it is very cost effective for Cambodia to acceded to the GA.

FYI: www.wipo.int/edocs/pubdocs/en/geographical/942/wipo_pub_942.pdf



Advantages of Accession to Geneva Act

8. Given the advantage of the GA, Cambodia made an application for international registration of Cambodia GI Kampot pepper under the WIPO Lisbon system (GA) on October 21, 2020 with effect of the international registration on the territory of 30 other countries covered by the GA. Cambodia was the first to apply for international protection of a GI under the Lisbon system.

Since the date the effects of the international registration has extended to the territories of Lao PDR (Feb 20, 2020) and will extend to Oman (June 30, 2020).



Advantages of Accession to Geneva Act

With the Lisbon system, the effects of international registration can, in principle, extend automatically to any new Contracting Party joining the GA. This is another interesting advantage of the Lisbon system and the GA.

FYI: https://www.wipo.int/lisbon/en/news/2021/news_0001.html





THANK YOU

LAO Reasey

Deputy Director, Department of Intellectual Property,

Ministry of Commerce, Cambodia

Mail: reasey_pp34@yahoo.com