



# Accession by the EU to the Geneva Act of the Lisbon Agreement

**Speaker:**

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# 1.EU in the Geneva Act



# The Geneva Act: born with the EU

- February 26, 2020
- The Geneva Act enters into force with the EU accession



# The Geneva Act: the participation of the EU

- The accession of EU shows one of the main difference with the Lisbon Agreement: International organizations may participate
- 7 Member States are parties of the Lisbon Agreement and have registered Appellations of Origin (AOs)





# The Geneva Act: the EU in the core business

- Facilitates the international protection of geographical indications by centralizing their registration: one procedure for multilateral protection
- EU bringing 27 states further multiplies the multilateral effect



Manouri PDO (EL)



Polska Wódka GI (PL)



Kraški pršut PGI (SI)



Bourgogne PDO (FR)

# The Geneva Act: the role of the EU



- EU one of the main actor in GI international policy: its accession contributes to global GI policy development
- EU offers protection in a market of 440 millions consumers
- Positive impact on growth and employment from improved GI Protection
- Global protection of local value: the good globalization

## 2. Registering EU GIs





# EU legal basis



- **Regulation (EU) 2019/1753 of the EP and of the Council of 23 October 2019 on the action of the Union Following the accession to the Geneva Act**
- **Council Decision (EU) 2019/1754 on the accession of the European Union to the Geneva Act**





# EU GI Registration

## Article 2 R.2019/1753

- Member States request the Commission to register EU GIs (for names not in Lisbon)
- Criteria: the export value, current/potential misuse in 3C
- Commission adopts implementing acts and submits applications for these GIs

# EU GI Registration



- **Application to World Intellectual Property Organization (WIPO)**
- **WIPO examination**
- **WIPO Decision on International Registration**
- **If registered notification to the parties**
- **Decision on protection**

# Non Agri GIs



- At present, the EU has no legislation on protection of non-agri GIs
- Procedures have been launched in view of adopting new EU legislation on non-agri GIs
- Before the new EU legislation on non-agri GIs is adopted EU will not apply for registration of non-agri GIs and will be obliged to refuse protection for non-agri GI. Such refusal may be withdrawn in the future



# 3. Protecting 3C GIs in the EU







# EU procedure

**Articles 4 and 5 R.2019/1753**

- **Notification by WIPO to COM of the 3C registrations**
- **Publication for opposition in the EU OJ**
- **Commission assessment (in parallel with the opposition)**



# EU procedure

Articles 6 and 7 R.2019/1753

- Opposition for 4 months after publication
- No opposition + COM assessment OK  
➡ protection
- Admissible opposition or assessment of COM not OK ➡ protection/refusal
- Decision (refusal) to be notified to WIPO within 1 year from notification
- GI view

# Assessment: mandatory Geneva requirements

## Article 5 R.2019/1753

### Rule 5.2 of the Common Regulations of the Geneva Act

- Name
- Product category (scope)
- Geographical area
- Proof of protection in the country of origin





# Assessment: description and link

## Article 5 R.2019/1753

### Rule 5.3 of the Common Regulations of the Geneva Act



- **Product Description:** must be possible to identify the product
- **Link:** statements deemed correct accepted unless clearly false or inconsistent or other specific reason, material cannot be vague, reputation referred to current context (not past), linked to the name, reporting facts



# Protecting GI in the EU under the Geneva Act



- Simple: easy procedure
- Favourable: low cost
- Objective: codified procedural rules
- Fair: not divergent results
- Fast: one year for protection

# Useful links



**Geneva Register (WIPO website)**

<https://www.wipo.int/ipdl/en/search/lisbon/search-struct.jsp>

**Geneva Act and Common Regulations (WIPO website)**

<https://www.wipo.int/treaties/en/registration/lisbon/>

**GI View (EUIPO website)**

<https://www.tmdn.org/giview/>

**EUOJ with Geneva Act + related EU acts (EU website)**

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2019:271:FULL&from=EN>

# Thank you



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