Protection of GIs in the EU and abroad

Lima, 28-29 March 2019
"GIs Protection abroad"

- Why?
- How?
- Who?
The growing importance of GIs

- GIs embody the philosophy of caring about origin
- GIs protect diversity
- GIs benefit producers, consumers and society
The premium a GI can expect from the market, compared to non-GI products

- on average, the price of an EU GI product is 2.23 times the price of a comparable non-GI products

- Estimated **sales value** of EU GIs: €62 billion in 2017
  - = 5.7% of €1,098 billion (EU food and drink sector)

- Estimate of EU GI **exports value**: €15 billion in 2017
  - = 15% of €102 billion (EU food and drink exports)
Protection

- Valuable intellectual property right (collective right)
- Protection of the name not of the product
- Against any misuse, imitation or evocation and any other practice liable to mislead the consumer
- Right to use: applies to any operator within the geographical area respecting product specification
- Protection unlimited in time (but possibility of cancellation if compliance with the product specification is no longer ensured)
EU GIs negotiations state of play

- **Wine & Spirits**: South Africa, Canada, Chile, Mexico, USA, Australia, Albania, Republic of North Macedonia, Iceland, Lichtenstein, Norway, Switzerland.

- **Concluded Agreements**: (GI chapter): CARIFORUM, SADC, Canada, Central America, Colombia, Peru & Ecuador, South-Korea, Bosnia Herzegovina, Georgia, Iceland, Kazakhstan, Kosovo, Moldova, Montenegro, Serbia, Switzerland, Ukraine, Japan, Singapore, Vietnam, Armenia, Mexico.

- **Ongoing negotiations**: Chile, Mercosur, Australia, China, India, Indonesia, Malaysia, New Zealand, Philippines, Thailand, Azerbaijan, Kyrgyzstan, Morocco, Norway, Tunisia.
Bilateral agreements

• In the FTAs a satisfactory GI chapter is a "must have" for the EU.

• EU objective is not to impose a mere transposition of its internal legislation to the concerned third countries-not realistic

• The objective in EU negotiations is to add value compared to TRIPS basic provisions.

• The aim is to establish a list of EU/Third Country agricultural GIs to be protected directly and indefinitely in the respective countries from the entry into force of the agreement
Bilateral agreements

EU objectives:

- To allow co-existence with prior trademarks,
- To phase out prior uses of EU names,
- To obtain administrative protection,
- To ensure a right of use (opposed to trademark license system),
- To create a co-operation mechanism/dialogue.
Bilateral agreements

Reciprocal/ "high level" protection

Third Country GIs protected in bilateral agreements with the EU:

1588 total
(1288 wine; 127 spirits; 115 agricultural product and foodstuff; 1 aromatized wine)

Thank you!

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