

A stylized, low-poly map of South-East Asia in shades of brown and orange, centered on the region. Concentric dotted circles are drawn around the map. The text "WEBINARS ON GEOGRAPHICAL INDICATIONS" is overlaid in white, bold, sans-serif font.

**WEBINARS ON  
GEOGRAPHICAL INDICATIONS**

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## QUESTIONS

### WEBINAR SERIES ON GEOGRAPHICAL INDICATIONS

#### Protection of GIs in the EU and in International Trade Agreements (09 July 2020)

<p>What is the procedure for the registration of a GI product in the EU for a GI that has been registered in a country in Southeast Asia, such as Indonesia? Where can information be found on the procedure for GI registration in the EU?</p>	<p>An application has to be filed with the Directorate General for Agriculture and Rural Development of the European Commission (DG AGRI). Along with the product specification and the single document, the applicant must submit proof that the name of the product is protected in its country of origin. If the application passes examination, the single document and a link to the product specification shall be published in the Official Journal of the EU for opposition purposes. If no opposition is filed, or if the opposition is rejected, the GI shall be registered.</p> <p>Information can be found on the DG AGRI's website. Specifically, check the section "How to register":  <a href="https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels/registration-name-quality-product_en">https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels/registration-name-quality-product_en</a></p>
<p>What is the current status of the Geneva Act of the Lisbon Agreement in the EU?</p>	<p>The Geneva Act of the Lisbon Agreement came into force in the European Union in February 2020, when the accession was approved. However, GIs registered in the Lisbon system do not enjoy immediate protection in the EU. They will be protected:</p> <ul style="list-style-type: none"> <li>a) after the EU Commission's express decision; or</li> <li>b) if the EU Commission does not refuse protection within two years from the receipt of the notification of the international registration.</li> </ul>
<p>It was discussed that infringements are handled at the national level. In case a non-EU GI protected in the EU is infringed, what is the recourse of GI right holders? Do they seek remedies at the EU level or at the national level (EU Member State)?</p>	<p>For GIs of third countries protected in the EU, actions against infringements are handled at the national level, before the competent authorities or Courts (depending on the type of action) of the corresponding Member State.</p> <p>Both administrative and judicial actions are available for the GI right holders to act against infringements. Specific details of the actions will depend on the national legislation.</p>
<p>What are the reasons for GI applications to be rejected or for "conditions not to be fulfilled" for registration by DG AGRI?</p>	<p>DG AGRI can reject an application for several reasons:</p> <ul style="list-style-type: none"> <li>- Lack of fulfilment of the definition or requirements of the corresponding scheme (PDO/PGI): no proper justification of the link, no specificity of the product demonstrated, etc.</li> <li>- The name is generic.</li> </ul>

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	<ul style="list-style-type: none"> <li>- The name conflicts with a prior GI, or with the name of a plant variety or an animal breed, being likely to mislead the consumer.</li> <li>- When the name conflicts with a prior trademark, but only when in the light of its reputation and renown and the length of time it has been used, registration of the later GI would be liable to mislead the consumer as to the true identity of the product.</li> </ul>
<p>Who can request the protection of GIs? Local government or the country or other entities?</p>	<p>In the case of a non-EU GI, the application can be filed either directly by the group of producers or by any authority of the third country (e.g., local government).</p>