



European
Commission

International approaches on geographical indications

*Bangkok, 9 July 2020
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Agriculture
and Rural
Development

1- Why international protection is needed ?

GIS are traded but face unfair competition

2- How can GIS be protected?

**Bilateral Agreements
Multilateral protection**



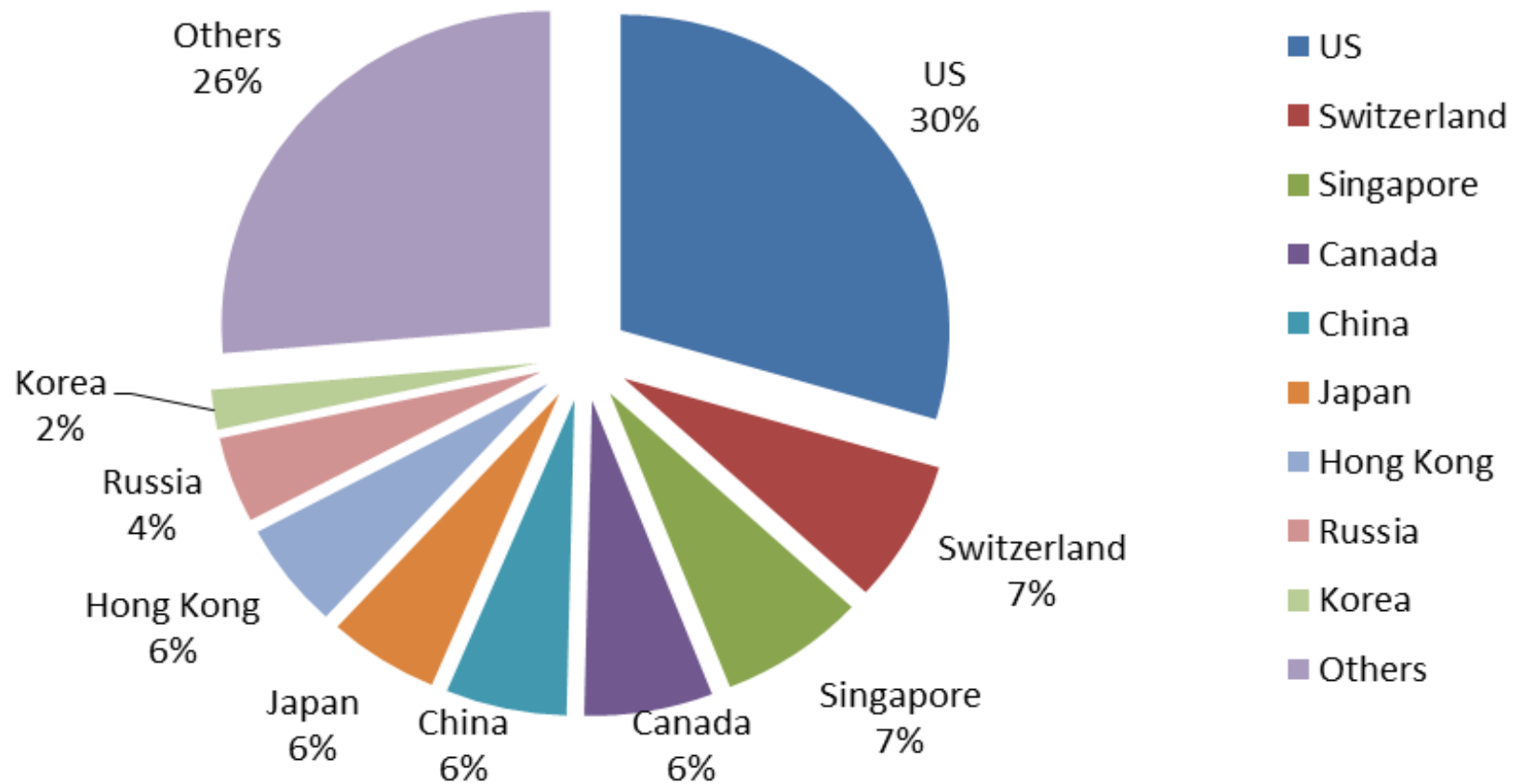
The sales value

- Estimated **sales value** of EU GIs: **€75 billion** in 2017
(estimated at wholesale stage in the region of production)
 - Wine 51%
 - Foodstuff 35%
 - Spirits 13%

= 7% of the total EU food and drink sector
- Estimate of EU GI **exports value: € 11.5 billion**

= 15.5% of EU food and drink industry exports

GI main export destinations



Low level of protection (TRIPS 22)

TRIPS Art. 22 offers basic but **unsufficient protection**

- Subjective (misleading);
- Does not protect against translation;
- Does not protect against the use of expression like « type », « style », ...





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Evocations :unfair competition example

Non genuine Low cost

Non genuine high cost



Possible Solutions

Rebranding



Advantages

No evocation

No confusion

No unfair competition

Can be marketed



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/3C agricultural GIs** to be protected directly and indefinitely in the respective countries from the entry into force of the agreement

Bilateral agreements

EU objectives:

- **Direct Protection** via the Agreement
- To obtain **high level of protection (TRIPS +)**
- To allow **co-existence with prior trade marks,**
- To **phase out prior uses** of EU names,
- To obtain **administrative protection,**
- To **ensure a right of use** (opposed to trade mark license system),
- **No subsequent genericness**
- To create a **co-operation** mechanism/dialogue.
- Due process (No MFN risk – opposition and examination)

Bilateral agreements

Reciprocal/ "high level" protection

Third countries GIs protected in bilateral agreements:

1534 grand total

- 1288 wine
- 129 spirits
- 116 agricultural product and foodstuff
- 1 aromatized wine

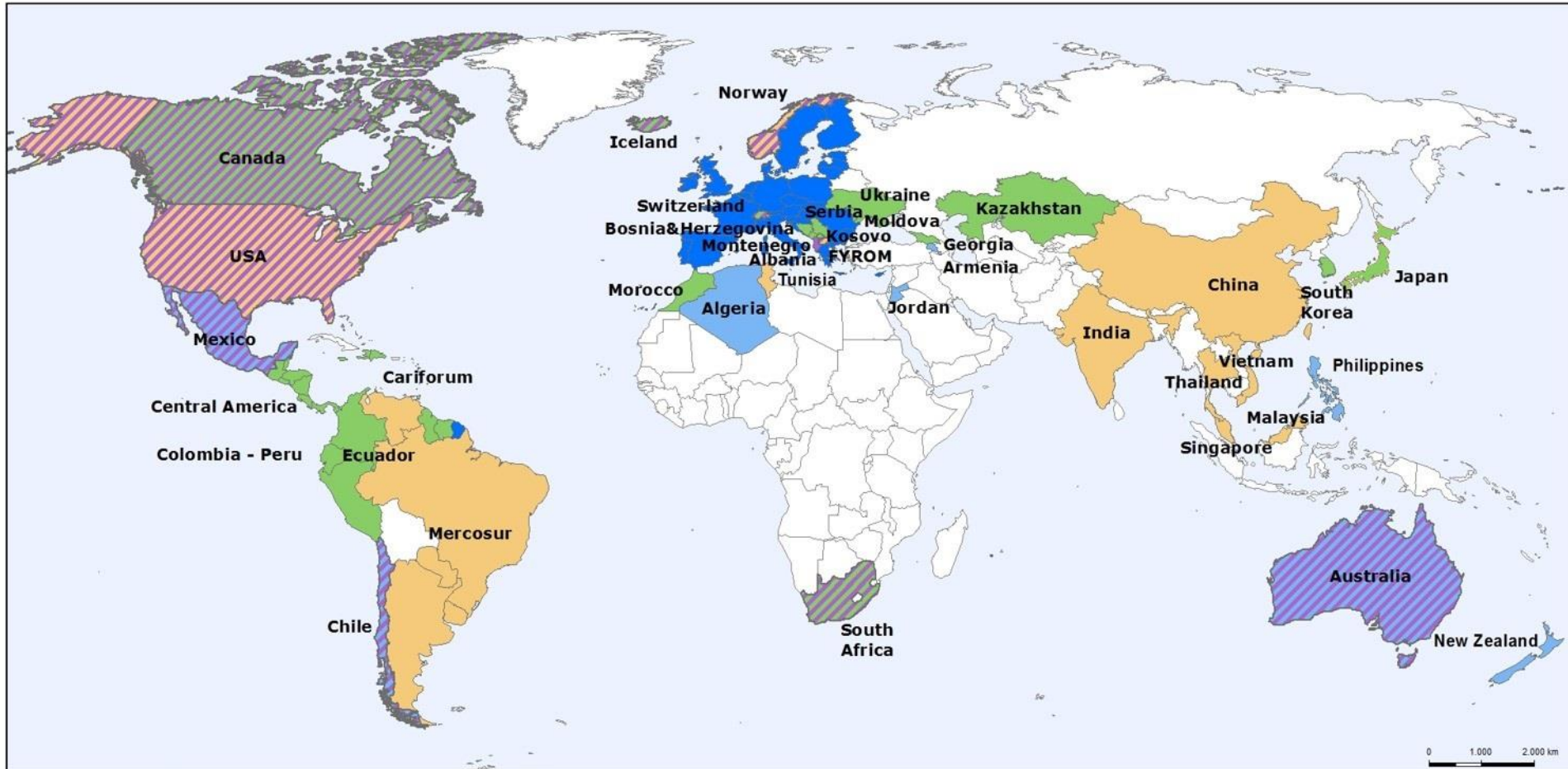
EU GI negotiations - State of play

- **W&S:** SA, Canada, Chile, Mexico, USA, Australia, Albania, North Macedonia, Iceland, Lichtenstein, Norway, Switzerland.
- **Concluded agreements** – (GI chapter): SADC, Canada, CARIFORUM, Central America, Colombia & Peru, Ecuador, South Korea, Bosnia Herzegovina, Georgia, Iceland, Kazakhstan, Kosovo, Moldova, Montenegro, Serbia, Switzerland, Ukraine, Japan, Singapore, Vietnam, Armenia, Mercosur, Mexico, China.
- **Ongoing negotiations:** Chile, Australia, India, Indonesia, Malaysia, New Zealand, Philippines, Thailand, Azerbaijan, Kyrgyzstan, Morocco, Tunisia.

EU GIs negotiations state of play



European



0 1,000 2,000 km

- GIs Agreements**
- Wine and /or Spirit GIs Agreement concluded
 - GIs Agreement concluded
 - Ongoing GIs Negotiations
 - Future GIs Negotiations

Source: EU Commission

Map Projection World: Eckert III - Map Scale 1:110.000.000



Agriculture and Rural Development

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 Note : The borders of the map does not necessarily represent the official position of the EU. The map has only a statistical value.

State of play in the region

More than 30 Agreements concluded (FTAs, Stand alone)

- In ASEAN: Singapore, Vietnam
- China
- South Korea
- Japan

15 On-going negotiations

- Thailand (FTA)
- Malaysia (FTA)
- Indonesia (FTA)
- Philippines (FTA)

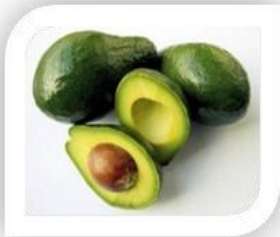
- Australia, NZ...



GI s in the EU-Vietnam FTA

**Recognition of high level of protection (Direct) of GIs,
comparable level to the one under the EU GI legislation;**

**169 EU Gis and 39 Vietnamese products enjoy
direct protection through the FTA**



**GIs can coexist with prior registered trademarks
Cannot become generic
New Gis can be added in the future**

EU – China Stand-alone Agreement on Gis

No FTA perspective but common interests on GI protection

Concluded in November 2019 (internal procedures ongoing for signature)

100 Gis protected each side at entry into force of the Agreement + list of 175 GIUs on each side will be protected 4 years after entry into force

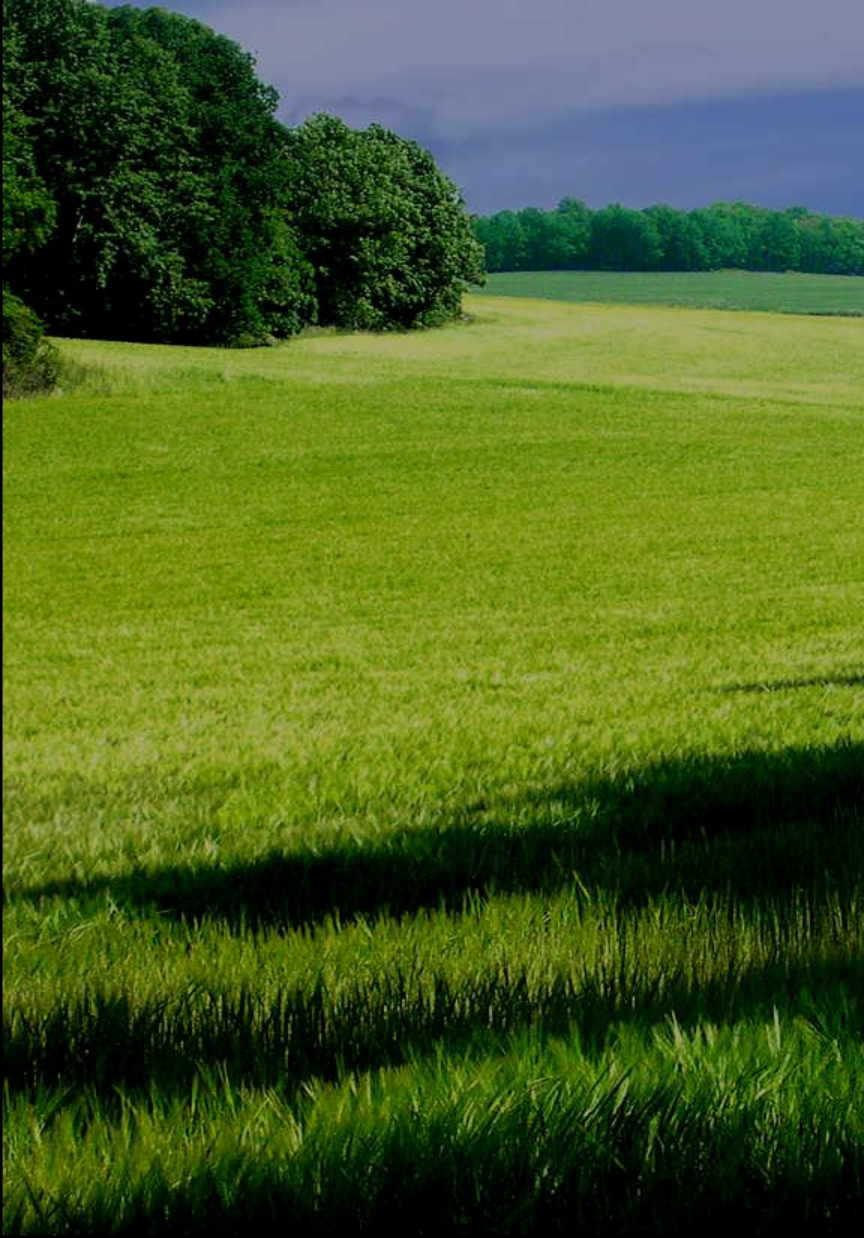
High level of protection...

WIPO

EU accession to multilateral Lisbon system (Geneva Act) –
February 2020

- The only realistic multilateral basis for GIs protection in foreseeable future;
- Indefinite protection of GIs in contracting Parties (single application);
- Fully compatible with TRIPS;
- High level of protection;
- covers GIs and not only Denomination of origin

Cambodia is member, Laos close to be... What about other ASEAN ?



Thank you