

EU-CHINA

GEOGRAPHICAL INDICATIONS AGREEMENT



THE EU-CHINA AGREEMENT ON GEOGRAPHICAL INDICATIONS

中欧地理标志协定

« overview and next steps »

概况与展望

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The EU system for Geographical Indications

欧盟地理标志体系





What is the definition of a Geographical Indication?

地理标志的定义

1. Defined geographical area +
确定的地理区域



2. Specific product
具体产品



+ 3. Link between 1 and 2.
1和2之间的关联





Legal Framework 法律框架

WTO 世贸组织 : TRIPS agreement as framework - Articles 22-24 (no register, legal basis for bilateral agreements) 以《TRIPS协议》为框架——第22–24条（未涉及注册簿，为双边协议的法律基础）

WIPO 世知组织 : Geneva Act of the Lisbon agreement (multilateral register) 《里斯本协定日内瓦文本》（多边国际注册簿）

EU 欧盟 : Four sets of rules for food, wine, spirit drinks & aromatised wines (EU register). Exclusive EU systems as regards the 4 sectors 为食品、红酒、烈酒、加香酒分设规则（欧盟注册簿）。此四品类分设规则的制度为欧盟特色。

- ❖ Agricultural products and foodstuffs - Regulation (EU) No 1151/2012 农产品和食品
- ❖ Wines – Regulation (EC) No 1308/2013 红酒
- ❖ Spirits – Regulation (EU) No 2019/787 烈酒
- ❖ Aromatised wines - Regulation (EU) No 251/2014 加香酒

GIs in the EU: quality and authenticity guaranteed and identified

欧盟地理标志：高质量和真实性得到保障和认定

Well known EU GI logos for 欧盟知名地理标志标识

PGI Protected Geographical Indication

PGI - 受保护地理标志

(at least one production step in the geographical area)

(至少有一个生产步骤在地理区域中完成)



PDO Protected Denomination of Origin

PDO - 受保护原产地名

(all production steps in the geographical area)

(所有生产步骤都在地理区域中完成)



Economic Data 经济数据

- **Estimated total sales value of EU GIs: € 75 billion in 2017** 欧盟地理标志产品总销售额为**€750亿** (2017年估算数据)

= 6.8% of the total EU food and drink sector 占欧盟食品饮料业总销售额的**6.8%**

- **Estimate of EU GI exports value to non-EU countries: € 17 billion in 2017** 欧盟地理标志产品对外出口额**€170亿** (2017年估算数据)

= 15% of EU food and drink exports; wines & spirits: 89% of total GI exports 占欧盟食品饮料业总出口额的**15%**；其中，红酒、烈酒占地理标志产品对外出口额的**89%**

- **Sales destinations:** 销售目的地

= 58% of sales take place on the national MS market, 20% on the EU market and 22% in third countries 按销售目的地分析，欧盟成员国内部占**58%**，欧盟境内（成员国之间）占**20%**，非欧盟市场占**22%**。

Protection of third countries GIs

非欧盟地理标志如何获得保护



1. **Direct application** 直接申请
2. **International Agreements** 国际协定

Direct application 直接申请



- **Sectorial regulation** 分品类监管
- **No public authorities intervention necessary** 无需主管部门介入
- **Certification/control public or private** 对地理标志公开/非公开的使用进行认证/管控
- **Demonstrate that the product name is protected as a GI in country of origin** 证明产品名已于原产国作为地理标志受到保护





Direct application 直接申请

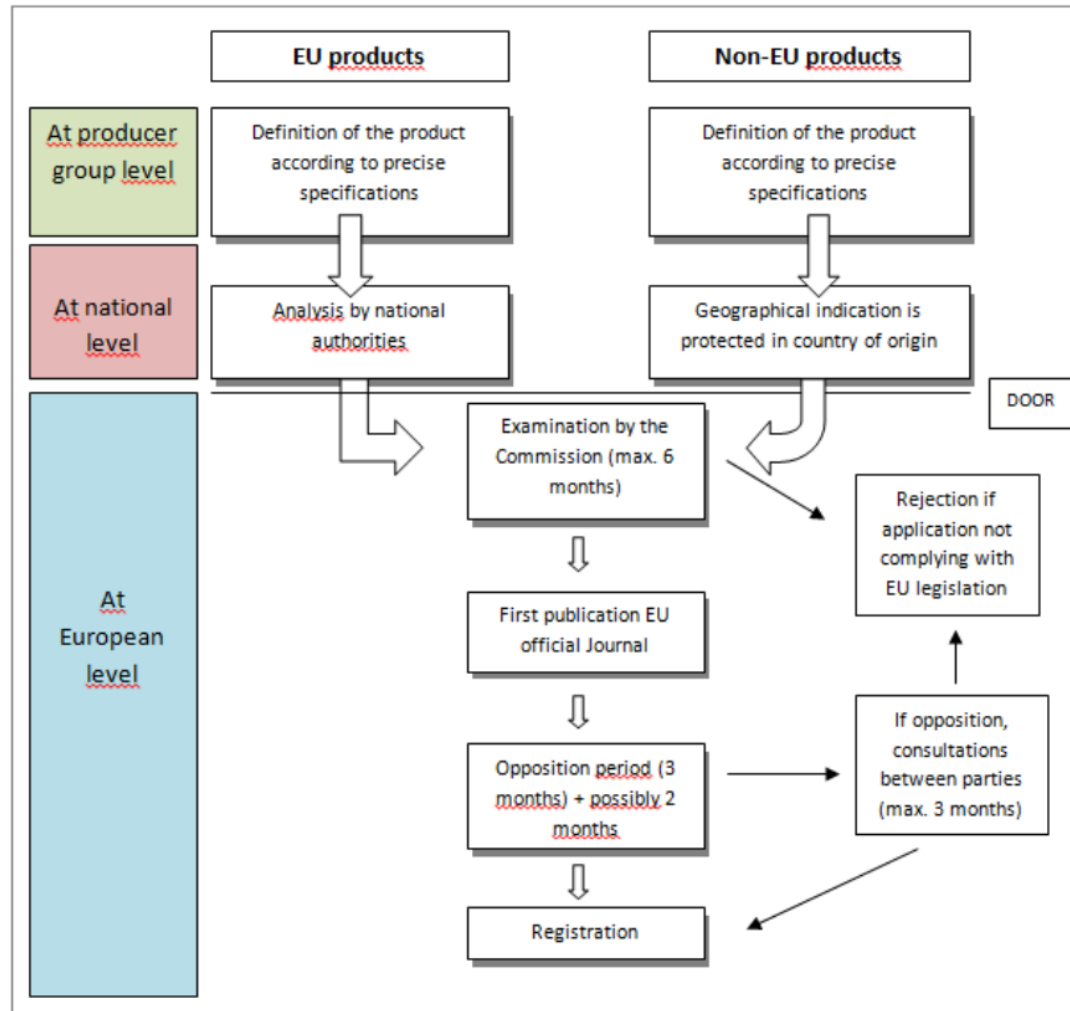


How to register a GI? 如何注册地理标志？

- **Initiative must come from producer(s)**
申请必须由生产者发起
- **Check at EU level incl. world-wide opposition**
检查是否存在异议（欧盟及世界范围内）
- **Registration at EU level**
于欧盟层面进行注册

Overview

Application procedure (agricultural products and foodstuffs)



Bilateral Agreements 双边协定



- **Negotiations through exchange of lists**
开展谈判，交换地理标志名单
- **Pre screening of potential conflicts (incl. prior users)
+ examination of documents**
筛出潜在矛盾（包括在先使用） + 检查相关文件
- **Green light. ➡ lists are annexed to the agreement**
获得批准 ➡ 地理标志名单成为协定附件

Protection of EU GIs through international trade agreements

欧盟地理标志受全球协定保护情况

Currently there are: 目前 :

- **36 agreements in force** or **concluded** with GI chapters (e.g. **Vietnam, China, Japan, South Korea, Singapore, Mercosur, Mexico, Canada**) 已有**36份**生效或**缔结**的、含地理标志保护章节的协定 (如欧盟与越南、中国、日本、韩国、新加坡、南方共同市场、墨西哥、加拿大等)
- **14 negotiations ongoing** (e.g. Indonesia, New Zealand, Australia...) 另有**14份**协定处于协商进程 (如欧盟与印尼、新西兰、澳大利亚等)

In Bilateral Agreements the EU aims at: 欧盟签署双边协议的目标 :

- ✓ **"High level"** of Protection of GIs beyond TRIPS 高于TRIPS协定标准的**"高水平"**保护
- ✓ **Reciprocal** protection (GIs protected directly and indefinitely) **对等**保护 (对地理标志提供直接、永久性保护)
- ✓ **Co-existence** of GIs with prior TM registered in good faith 地理标志与善意注册的在先商标**共存**
- ✓ Ensuring **administrative enforcement** 确保**行政执法**的实施

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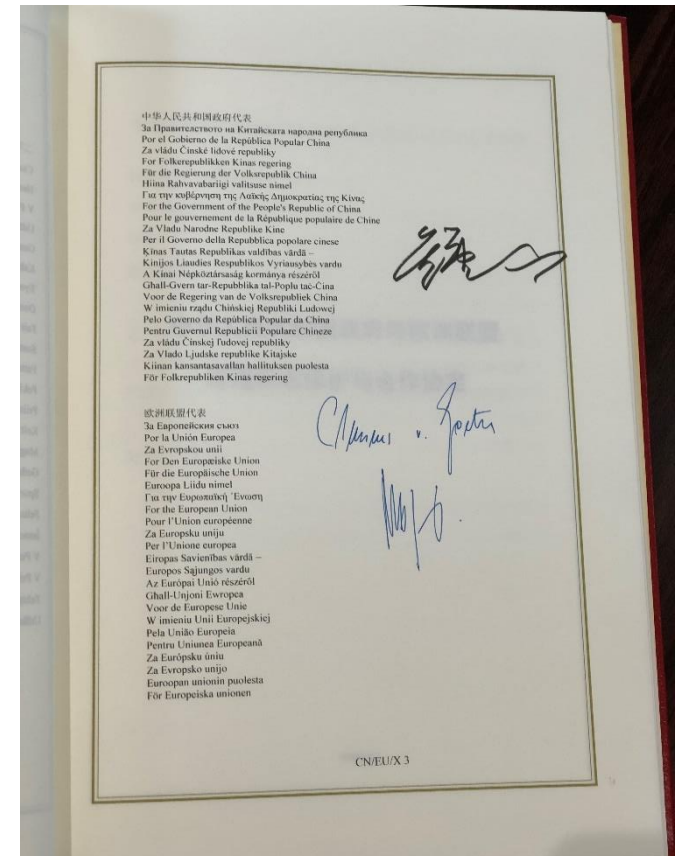
欧盟地理标志保护

2. EU – China GIs agreement and next steps

中欧地理标志协定和下一步工作

EU-CHINA GIs agreement : result of a long cooperation

中欧地理标志协定：长期合作的成果



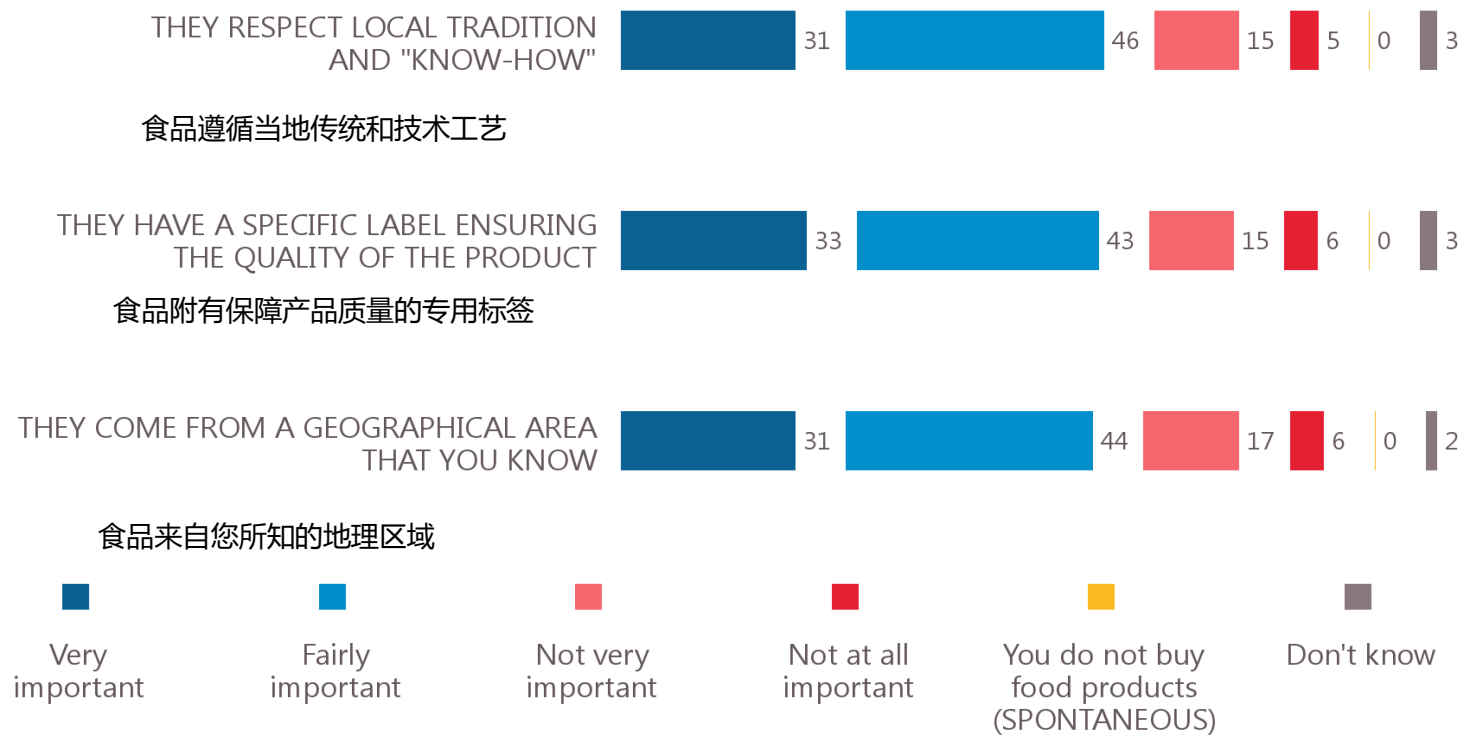


Use of logos 专用标志的使用



QC13 How important or not are the following factors in your decision to buy food products?
(% - EU)

QC13: 在您的食品购买决策中，以下因素的重要度如何？（%-欧盟）



Second list - new GIs protected

第二份清单：获保护的新地理标志



EU-CN GI agreement: not the end of the story Implementation still to come

《中欧地理标志协定》：不是故事的终结，尚待实施

Art.1: scope

第1条：范围

Art.2: established GIs

第2条：知名地理标志

Art.3: addition of GIs

第3条：地理标志的增加

Art.4: scope of protection of GIs

第4条：地理标志的保护范围

Art.5: right of use of GIs

第5条：地理标志的使用权

Art.6: relationship with trademarks

第6条：关联商标

Art.7: enforcement of protection

第7条：保护的实施

Art.8: general rules

第8条：一般规则

Art.9: exchange of information

第9条：信息交流

Art.10: joint committee

第10条：联合委员会

Art.11: cooperation

第11条：合作

Art.12: territorial scope

第12条：领域范围

Art.13: authentic texts

第13条：正本

Art.14: entry into force

第14条：生效



EU-CN GI agreement: not the end of the story Implementation still to come 《中欧地理标志协定》：不是故事的终结，尚待实施

- **Article 2 + Annexes 3 and 4: 100 CN GIs + 96 EU GIs** to be protected at entry into force

第2条+附件3和4：100个中国地理标志+100个欧盟地理标志在协定生效时**立即**获得保护。

- **Article 3 + Annexes 5 and 6: 175 CN GIs + 175 EU GIs** to be protected during the first 4 years after entry into force (once examination procedure completed) – more additions possible

第3条+附件5和6：175个中国地理标志和175个欧盟地理标志将在协定生效后的头4年内获得保护（前提是完成审查程序）——可能会有增添。



EU-CN GI agreement: not the end of the story Implementation still to come 《中欧地理标志协定》：不是故事的终结，尚待实施

- **Article 4: high level of protection** against any use on similar product not originating in the place indicated by the GI or not compliant with the GI specifications

第4条：高水平保护，防止非原产于地理标志所示地点或不符合地理标志规格类似产品的使用

- **Article 7: enforcement of protection** by authorities

第7条：相关主管部门负责实施保护

- **Article 10: Joint Committee to monitor implementation**

第10条：联合委员会将监督执行情况

- **Article 11: cooperation on enforcement**

第11条：执法合作