

# International GI protection: Trends and challenges



# Summary

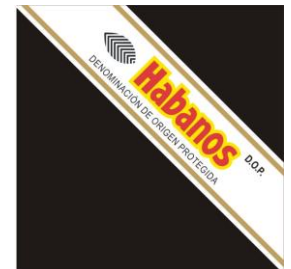
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- I. oriGIn – the global alliance of GIs
- II. International convergence towards robust GI protection
- III. Internet: Opportunities and challenges for GIs



# I. oriGIn

## the global alliance of GIs



## II. International convergence towards robust GI protection

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# a. The international GIs registry: The WIPO Geneva Act of the Lisbon Agreement

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# The WIPO Geneva Act

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- It covers currently 38 jurisdictions
- Raising interest by WIPO Member States
- Need to inform groups about the “articulation” Lisbon Agreement / Geneva Act (legal certainty)
- Overall need to devote more resources to explain the “Lisbon system” to Member States

## b. Bilateral agreements covering GIs

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- There are at least 200 of such treaties (GI Agreements, FTA, cooperation agreements, ...)
- Need to improve the coordination States / groups in establishing and updating GI lists, dealing with opposition procedures, ...

## c. Evocation

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# Protection against evocations: Legal bases in the EU

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- Article 13(1)(b) of Regulation (EU) No 1151/2012
- Article 103(2)(b) of Regulation (EU) No 1308/2013
- Article 21(2)(b) of Regulation (EU) No 2019/787

# Evocation in the case law

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- Might be established even where there is no likelihood of confusion for consumers
- Might be established through explicit or implicit references
- Might be established through “conceptual” proximity

# Evocation in the case law



- Might be established through the use of figurative elements
- Might be established through the external appearance of products which names are protected
- Might be established with respect to signs used on non-comparable products and services, if they exploits the reputation of protected names

# III. Internet: Opportunities and challenges for GIs

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# Online marketplace platforms

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- Alibaba
- JD.com
- Pinduoduo
- Amazon (Whole Foods)
- Walmart
- eBay





# Exemples

Recevez-vous gratuitement maintenant! | Inscrivez-vous

Produits Fournisseurs


champagne type espagnol Recherche de produits

Nourriture & Boissons Vin Equipement de production de boisson Vin à fruit

Accueil > Nourriture & Boissons > Boissons alcoolisées > Vin (20685)

## Vin cave Champagne de type espagnol

par SEA LAND TRADERS INTERNATIONAL SL



Prix de Fob: EUR2.4 - 2.6  
[Obtenir le Dernier Prix](#)

Port: Spanish

[Contacter immédiatement](#)  
Envoyer un Message à ce Fournisseur

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### Détails sur le produit

Langue: Français **English**

#### Détails rapides

Type de produit:	vin	Type:	Scintillement
Goût:	Sec	Point d'origine:	L'Espagne
Nom de marque:	La Palau	Emballage:	Bouteille
Type:	Vin blanc		


#### Spécifications

La meilleure qualité au meilleur prix

Blanc de PRODUIT, Rose, vin cave sec et Brut de Semy (Champagne espagnole) alc de 11.5% vol.  
La fermentation de PROCÉDÉ de FABRICATION de VIN a lieu dans la bouteille  
ORIGINE Espagne  
NOTES d'ÉCHANTILLON miroitant et régénérant  
Idéal de GASTRONOMIE pour accompagner des plats, des ragoûts, des tapas, des pâtes, des pâtisseries, le pâté, le riz, des poissons et des fruits de mer de viande rouge  
Le meilleur de RECOMMANDATIONS de PORTION a servi effrayant  
Boîtes de Bouteille-carton du PAQUET 6. Bouteille traditionnelle légère de Champagne de 0.75l

# Examples

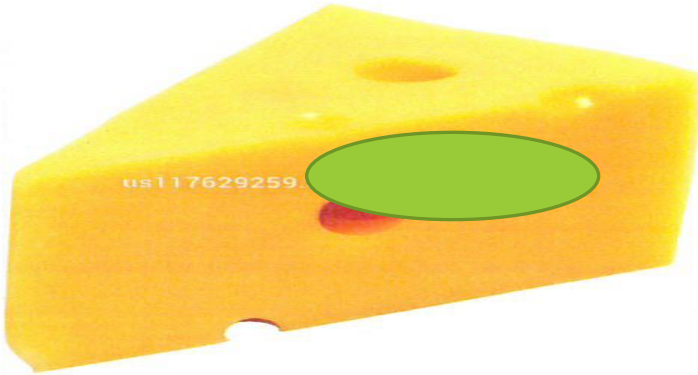
## — Parmigiano Reggiano Italian Parmesan Cheese - Buy Italian Cheese Proc —

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Products ▾ What are you looking for...

About 339 results: Cheese (160)  
Home>Products>Food & Beverage>Dairy>Cheese(4351)



us117629259

[See larger image](#)

### Parmigiano Reggiano Italian Parmesan cheese

FOB Price: [Get Latest Price](#)

Min.Order Quantity: 26 Ton/Tons

Supply Ability: 5000 Ton/Tons per Month

Port: Turkey

Payment Terms: T/T

[Contact Supplier](#)

[Leave Messages](#)

[Add to Inquiry Cart](#) [Add to My Favorites](#)

**Product Details**

**Company Profile**

[Report Suspicious](#)

**Quick Details**

Product Type:	Cheese	Type:	Hard Cheese	Cheese Type:	Parmigiano Reggiano
Processing Type:	Raw	Origin:	Cattle	Packaging:	Box, Bulk, Sachet
Shape:	Block	Fat Content (%):	28.4	Shelf Life:	2years
Weight (kg):	30	Place of Origin:	Italy		

# Internet domain names (www.origin-gi.com)

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- “www.” (world wide web)
- First level domain after the dot: “.com” (gTLDs) or “.cn” (ccTLDs)
- Second level domain: “origin-gi” (first come, first served principle)



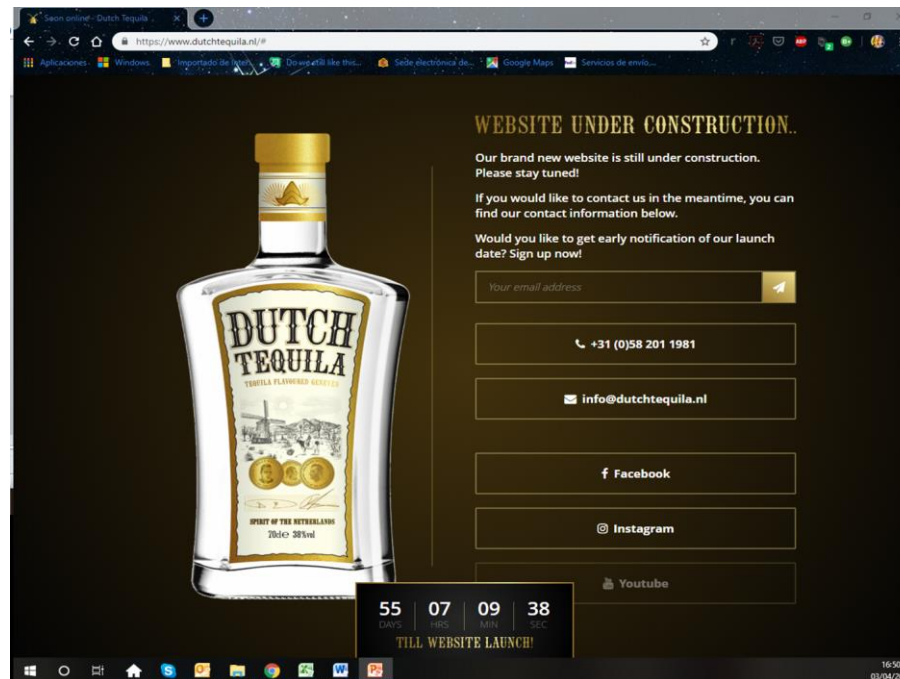
# Internet domain names



- Traditional gTLDs (.com, .coop, .info, .org, .pro, ...) until 2012
- More than 1.000 gTLDs (.bank, .food., .wine, .coffee, .organic, ...) were authorized by ICANN in 2012
- This increased dramatically the risks of “cybersquatting”

# “Cybersquatting”

Conflict between a registered second level domain in a given gTLD or ccTLD and an IP right (GI or TM)





# Dispute resolution in gTLDs: UDRP

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- Uniform Dispute Resolution Policy: finalized within ICANN & implemented by centers around the world (including the WIPO one)
- Rule 3.b.vii (TM is the only valid title to active the UDRP)
- CIVC v. Steven Vickers (WIPO Case, No. DCO2011-0026)

# Dispute resolution in ccTLDs

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- Every ccTLD has its own policy
- A growing number of them consider GIs a valid title to activate curative mechanisms (EU GI review)



# Many thanks for your attention!

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