

2017 AIPPI World Congress - Sydney
Adopted Resolution
October 17, 2017

Resolution

Requirements for protection of geographical indications and appellations of origin

Background:

- 1) This Resolution concerns several aspects of the protection of geographical indications (**GIs**) and appellations of origin (**AOs**)¹.
- 2) The definition of GIs and AOs, the process for their registration, their scope of protection and several other aspects thereof are current and important topics, in relation to which harmonisation is desirable.
- 3) This Resolution does not deal with the relationship between GIs/AOs and trademarks and domain names.
- 4) 28 Reports were received from AIPPI's National and Regional Groups and Independent Members providing detailed information and analysis regarding national and regional laws relating to this Resolution. These Reports were reviewed by the Reporter General Team of AIPPI and distilled into a Summary Report (see below links).
- 5) At the AIPPI World Congress in Sydney in October 2017, the subject matter of this Resolution was discussed in a full Plenary Session, following which the

¹ The difference between GIs and AOs is explained by WIPO in the following terms:
"Appellations of origin are a special kind of geographical indication (GI). GIs and AOs require a qualitative link between the product to which they refer and its place of origin. Both inform consumers about a product's geographical origin and a quality or characteristic of the product linked to its place of origin. The basic difference between the two concepts is that the link with the place of origin must be stronger in the case of an AO. The quality or characteristics of a product protected as an AO must result *exclusively* or *essentially* from its geographical origin. This generally means that the raw materials should be sourced in the place of origin and that the processing of the product should also take place there. In the case of GIs, a single criterion attributable to geographical origin is sufficient – be it a quality or other characteristic of the product – or even just its reputation." (see http://www.wipo.int/geo_indications/en/faq_geographicalindications.html)

present Resolution was adopted by the Executive Committee of AIPPI².

AIPPI resolves that:

- 1) There should be harmonized definitions of GIs and AOs.
- 2) A GI should be defined as an indication which identifies a good as originating in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.
- 3) An AO should be defined as a particular type of GI, being a geographical denomination of a country, region or locality, which serves to designate a product originating therein, the quality or other characteristics of which are due exclusively or essentially to the geographical environment, including natural and human factors.
- 4) There should be a registration procedure which has the effect of protecting GIs and AOs, including at least the following features:
 - a) a detailed application requesting protection for a GI or AO (as the case may be), which should at least contain:
 - i) identification of the applicant and its legal standing;
 - ii) identification of the type of product to be protected;
 - iii) the specific name of the product to be protected;
 - iv) the geographical area of origin;
 - v) demonstration of the link between the product's characteristics and the geographical area;
 - vi) a description of the manufacturing process;
 - vii) any regulations on the use of the GI or AO, including any controls on such use; and
 - viii) the producers allowed to use the GI or AO;
 - b) substantive examination of the application by an independent public authority;
 - c) publication of the application;
 - d) the possibility for third parties to oppose the registration; and

² Nothing in the present Resolution deviates from or supersedes AIPPI's Resolution on Q191 – "Relationship between trademarks and geographical indications" (Gothenburg, 2006), except for the issue of registration of GIs/AOs.

- e) a decision on registration.
- 5) GIs/AOs should be protected against at least:
- a) any use of the GI/AO for a product, where that use is misleading or deceiving for consumers as to the origin or the characteristics of the product;
 - b) any conduct which harms or unduly exploits or takes advantage of the reputation of the GI/AO.
- 6) Domestic and foreign GIs/AOs should be protected on an equal basis.
- 7) In the event of violation of rights in relation to a GI/AO, the following should have legal standing to protect the GI/AO:
- a) the owner or right holder of the GI/AO;
 - b) any person authorised to use the GI/AO provided that the person obtains prior authorisation from the owner or right holder of the GI/AO;
 - c) groups, consortiums, organizations, associations and/or managing entities administering the GI/AO and representing the interests of the producers of the relevant products; and
 - d) public authorities, either at the governmental or local levels.
- 8) In the event of violation of rights in relation to a GI/AO, at least the following remedies should be available:
- a) an injunction; and
 - b) monetary compensation.
- 9) Grounds of refusal of an application for, or invalidity or other loss of rights in relation to, a GI/AO should include at least:
- a) the fact that the indication does not qualify as a GI/AO and/or the conditions for protection do not exist or subsequently cease;
 - b) the indication being or becoming generic;
 - c) non-use of the GI/AO for a specified number of years; and
 - d) the fact that the indication is or the GI/AO subsequently becomes liable to mislead the public.

Links:

- Questionnaire
http://aippi.org/wp-content/uploads/2017/06/Questionnaire_Geographical_Indications_Resolution_Sydney_2017.pdf
- Summary Report
http://aippi.org/wp-content/uploads/2017/08/SummaryReport_SC_GIs_Resolution_Sydney2017_final_160817.pdf
- Reports of National and Regional Groups and Independent Members
http://aippi.org/committee/?committee_type%5B0%5D=19&status=Active&search_post_type=committee