

Report Q220

Geographical Indications

Names and Functions of Committee Members

Chair	Giulio E. Sironi	(Italy)
Co-Chair	Graciela Perez de Inzaurraga	(Argentina)
Secretary	Tom Reid	(Australia)
Members	Laura Collada Volker Schoene Nami Togawa Rudolph Hofmann Yunchen Li	(Mexico) (Germany) (Japan) (United States of America) (China)
Responsible Reporter	Anne Marie Verschuur	(The Netherlands)

1. Annual Report of Special Committee Q220 – Geographical Indications

by Giulio E. Sironi

2. Summary

2.1. Current and future issues.

The main tasks of SC Q220 are to monitor developments in the field of geographical indications (GIs) at international and domestic levels; to prepare position statements on GIs on behalf of AIPPI; to represent AIPPI at international fora – in particular, at the moment, the WIPO sessions for revision of the Lisbon system - and to present AIPPI's standpoints on relevant issues during meetings and sessions at these fora. Other activities of the Committee include preparing, whenever opportune, questionnaires and resolutions and drafting papers for AIPPI publications on matters of interest.

2.2. Deadline for any action

There are currently no deadlines.

2.3. Action recommended

No particular action to recommend at present.

3. Introduction

In the field of GIs, the issues of principal interest relate to the multilateral agreements. The period to which this report refers includes the on-going work for revision of the Lisbon system at WIPO and the proposal for modification of the provisions on GIs in the TRIPs. While there is no important news for what concerns the TRIPs, the work at WIPO for revision of the Lisbon system has been proceeding quite rapidly and should conclude in October 2014. A diplomatic conference is expected to convene in 2015 for adoption of a revised agreement.

Again at international level, there have been developments in negotiations, on the one side, between the US and the EU on the free trade agreement named Transatlantic Trade and Investment Partnership (TTIP); and, on the other, between various States of the Pacific Area interested in the Trans Pacific Partnership (TTP). Both planned agreements are expected to contain provisions on geographical indications.

Within the EU the steps taken to set up a system of protection for GIs of non-agricultural products are of particular interest. These led in July 2014 to the launch of consultations regarding a Green Paper.

There is important news in Japan where a new law was enacted on 18 June 2014 for the protection of GIs that will come into force by the end of June 2015.

A particular situation has been reported regarding standard practice in Argentina, where the government office charged to approve the GIs of agricultural products tends not to take decisions on requests for approvals of foreign GIs (leaving the relative proceedings pending), even though the law provides for such approvals, and grants registrations only for local GIs.

The Committee follows all these developments and attempts to have increasingly broad coverage of new issues within its area of competence.

4. Report of Committee's activities

- In the period covered by this Report the Members of SC Q220 met face to face during the ExCo of Helsinki in September 2013 and then regularly kept in touch through exchange by e-mail of reports, documents and opinions.

- The Committee has, unfortunately, lost an important member in the person of Professor Daruwalla, whom the Committee would like to commemorate here. Another two members of the Committee have been released from their functions. The Committee is striving to broaden its composition and has proceeded with its initiative to have new Members from different jurisdictions appointed in order to gain broader coverage of regional and domestic developments. Upon the suggestion of the Committee the Bureau has contacted a number of National Groups, and hopefully new members should be appointed.

- For what concerns substantial activities the Committee has continued to follow and monitor the WIPO work for revision of the Lisbon system and represented AIPPI at the ninth working session held in Geneva in June 2014. Giulio E. Sironi represented AIPPI at this session. Following participation in this session a report was prepared and submitted to the Bureau. During the session, the participants concentrated on examining the provisions of a draft revised Lisbon Agreement and draft Regulations. Their examination led to a list of pending issues being identified and these issues will again be submitted to the working group in its next session. Among these pending issues there are numerous questions relating to entitlement to file an application, fees, scope of protection, the possibility of GIs acquiring a generic character, grounds for invalidation, and relations with prior trademark rights and other rights. It was decided the working group at the next session will dedicate itself to prepare the texts of the draft revised Agreement, draft Regulations for the diplomatic conference, and reduce the number of pending issues without re-opening discussions on points which have already been resolved.

- Mr. Sironi also represented AIPPI for what concerns GIs at the WIPO Thirty-First session of the Standing Committee on the Law of Trademarks, Industrial Design and Geographical Indications held in Geneva in March 2014. With regard to GIs, discussion focussed on a proposal presented by the US Delegation to prepare a current survey of existing national geographical indication regimes and on a proposal relating to the protection of geographical indications and country names in the domain name system. Given that no agreement was reached on either of these proposals the SCT will revert to them at its next session. A report on the SCT sessions was drawn up and submitted to the Bureau.

- Within the SC Q220 Ms. Nami Togawa prepared a report on the new Japanese Law on geographical indications, which was submitted to the Bureau. The report illustrates the main new aspects introduced especially with regard to the procedure for registering GIs and the scope of protection of the registered GIs.

- The Committee is still working on the project of a questionnaire to submit to the National Groups in order to obtain information on developments in their countries in the last few years, at the level of both legislation and case-law, which are worthy of note for GIs.

5. Recommendations

The main activities and projects of the SC Q220 have been indicated in point 4. Apart from going on with such activities and projects, in the following year the Committee proposes to continue to follow also local developments in the GI sector, continuing to prepare Reports on the most significant aspects.

The Committee will continue to follow – reporting on any points of interest – the negotiations relating to the TTIP between the EU and the US and to the TTP between the Pacific Area States.

The Committee will also monitor developments relating to the protection of non-agricultural GIs in the EU, assessing in particular whether it would be advisable for AIPPI to take up a position on some of the points under discussion.