

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 Viktoriya Sopilnyak Carlos Henrique Fróes Volker Schoene Nami Togawa Rudolph Hofmann Tehemtan N. Daruwalla Yunchen Li	(Mexico) (Ukraine) (Brazil) (Germany) (Japan) (United States of America) (India) (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 relative to the multilateral agreements on the matter are 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 at TRIPs level the situation is currently at a standstill, the WIPO work for revision of the Lisbon system is proceeding and should soon be concluded.

Again at international level there could be interesting developments in the field of GIs in the Free Trade Agreement between the US and the EU, talks on which started in 2013.

There have been two important new issues in the European Union: the adoption of the new EU Regulation no. 1151/2012 on quality schemes for agricultural products and foodstuffs, which has replaced the previous regulations on protected designations of origin, protected geographical indications and traditional specialities guaranteed; and the publication of a Study commissioned by the EU on the protection of GIs of non-agricultural products, which could prelude EU initiatives to introduce GI protection for these goods too.

There has been some interesting news concerning the protection of foreign GIs in China where, in 2012, the Chinese Trademark Office approved the protection of the GIs "Champagne" and "Bordeaux" for wines and the GI "Provolone Valpadana" for cheese and granted their registration as collective trademarks.

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 Congress of Seoul in October 2012 and then periodically kept in touch by means of conference calls and exchange by e-mail of reports, documents and opinions.

- For what concerns organizational matters and manning, the Committee 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 a number of National Groups have been contacted by the Bureau, and this has led to the appointment of new Members and enlargement of the Committee. Its present size seems to be in line with the tasks to be undertaken.

- 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 working sessions held in Geneva in December 2012 and April-May 2013. Following participation in these sessions Reports were drawn up and submitted to the Bureau and then published on the AIPPI website. In particular, upon the occasion of the Sixth Session held in Geneva from December 3 to 7, 2012, AIPPI was represented by Giulio Sironi. During the session the participants expressed their preference for the adoption of an act revising the Lisbon Agreement, in the form of a single new instrument covering both appellations of origin and geographical indications and providing for a high and single level of protection for both. The discussion then concentrated above all on the effects of registration and the scope of protection to be accorded upon the basis of the revised agreement. The Seventh Session was held in Geneva between 29 April and 3 May 2013 and AIPPI was represented by Volker Schoene. Numerous, different topics were discussed, including the general definitions of the Agreement, the problems of prior rights and co-existence, the question of generic terms, the possible introduction into the revised agreement of a discipline of acquiescence, and the scope of protection accorded. The session concluded with the proposal to convene a diplomatic conference for the adoption of a revised Lisbon Agreement in 2015.

- Upon the occasion of the WIPO Worldwide Symposium on Geographical Indications held in Bangkok between 27 and 29 March 2013, AIPPI was represented by Tom Reid, who then drew up a Report submitted to the Bureau which is also to be published on the AIPPI website. The principal aim of the Symposium was to update participants on the main questions and developments in matters of appellations of origin and geographical indications. There were presentations from speakers representing both law and policy organizations and producer organizations. Ample space was then dedicated to informing participants about the work for revision of the Lisbon Agreement.

- During 2013 the SC Q220 has drawn up two Reports submitted to the Bureau concerning the principal new issues at EU level. The first Report concerns the new EU Regulation no. 1151/2012 on the quality schemes for agricultural products and foodstuffs. The Report lists the main new contents of the Regulation and concludes that no particular initiatives on the part of AIPPI seem to be required in their regard, it being understood that the Committee will continue to monitor any developments. The second Report concerns the EU Study on GI protection for non-agricultural products. The Report summarizes the salient parts of the Study, concentrating above all on the conclusions in which it was suggested that an EU Regulation be adopted which would also protect the GIs of these products, creating a new unitary title of protection for them across the EU. Given that, following this suggestion, the EU bodies seem minded to launch a debate on such extension of GI protection, our Committee stated that it would be advisable for AIPPI to contact the EU bodies so as to be informed in good time of the planned initiatives in this regard and to be able to organize its participation in the initiatives.

- Upon the occasion of the Congress of Seoul the Chair of SC Q220 had a brief discussion with the Chair of Committee Q94 – WTO/TRIPs regarding possible cooperation in relation to the planned revision of the TRIPs in GI matters. Given that this revision is currently at a standstill, this cooperation will once again be discussed when there are any new developments.

- 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. The questionnaire could serve as the first step towards adoption of a resolution in GI matters and possibly drawing up comments and drafting suggestions to submit to WIPO in the course of the work for revision of the Lisbon system, or, more generally speaking, to national or international organizations which may launch initiatives in this field.

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, possibly preparing Reports on the most significant aspects. Moreover, as was posited at the Congress of Seoul, the Committee intends to prepare a comprehensive report on the current status of the case-law of the European Court of Justice in matters of GIs. Particular attention will also be paid to the talks on the Free Trade Agreement between the EU and the US.

Report written by:

Giulio E. Sironi, Chair Q220
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