

Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications: action of the Union following its accession to the Act

2018/0189(COD) - 27/07/2018 - Legislative proposal

PURPOSE: to establish a legal framework guaranteeing the effective participation of the Union in the World Intellectual Property Organisation (WIPO) Lisbon Union once the Union becomes a Contracting Party to the Geneva Act on appellations of origin and geographical indications.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: this proposal is related to the Commission [proposal](#) for a Council Decision on the Union's accession to the Geneva Act of the Lisbon Agreement on appellations of origin and geographical indications.

The Geneva Act protects appellations of origin, including ‘designations of origin’ as defined by [Regulation \(EU\) No 1151/2012](#) of the European Parliament and of the Council and [Regulation \(EU\) No 1308/2013](#) of the European Parliament and of the Council, and geographical indications, which are henceforth both referred to as ‘geographical indications’.

In order for the Union to be fully able to **exercise its exclusive competence in relation to its common commercial policy**, it will become a contracting party to the Geneva Act of the Lisbon Agreement on appellations of origin and geographical indications (‘the Geneva Act’). The contracting parties to the Geneva Act are members of a Special Union created by the Lisbon Agreement for the protection of appellations of origin and their international registration (‘Special Union’). The Union is to be represented by the Commission in the Special Union.

It is necessary to establish a **legal framework for the action of the European Union** following its accession to the Geneva Act of the Lisbon Agreement on designations of origin and geographical indications. The proposal is consistent with the EU's general policy to promote and enhance the protection of geographical indications through bilateral, regional and multilateral agreements.

IMPACT ASSESSMENT: the Commission has not carried out an impact assessment. It stresses, however, there would be a **number of advantages in case of EU membership:**

- it would ensure that current and future GIs registered at EU level but not registered by the seven EU Member States in the Lisbon Union could become eligible for protection in the Lisbon system;
- EU GIs could in principle gain rapid, high level, indefinite protection in all current and future parties to the Geneva Act;
- it would help rural stakeholders protect at global level what is valuable at local level, thus countervailing the usual globalisation trend toward uniform commodity standards and downward pressure on agricultural product prices;

- from an administrative point of view, the Geneva Act provides a single set of rules for obtaining protection in all members and therefore a simpler and more efficient mechanism compared to the current EU practice of dealing with a variety of local procedures through bilateral agreements;
- for businesses, EU accession will entail no additional adjustment, compliance or transaction costs or administrative burdens other than potential individual examination fees which Lisbon Members may apply but which will be diminished by the savings resulting from the international procedure.

CONTENT: the proposal **establishes rules allowing the Union to fully exercise all its rights and obligations following its accession to the Geneva Act.**

The main elements of the proposal are as follows:

International registration of geographical indications following accession: following the accession of the Union to the Geneva Act, the Commission should as a first step file with the International Bureau of the World Intellectual Property Organization ('the International Bureau') an application for registration of a list of geographical indications originating and protected in the territory of the Union in their register ('the International Register').

This list should be established in close consultation with the Member States, following this established practice and methodology which is used for some of the bilateral international agreements on Geographical indications which the EU has concluded (taking into account production value and export value, protection under other agreements as well as current or potential misuse in the third countries concerned, and balance between Member States), taking into account the scope of Geographical indications registered by third country Lisbon members.

Subsequent international registration of geographical indications of the Union: following the accession of the Union to the Geneva Act, applications for international registration of additional protected geographical indications registered in the Union would be possible on the initiative of the Commission or at the request of a Member State or producer group concerned.

Examination of geographical indications of third countries entered in the International Register: the proposal establishes appropriate procedures should be established in order for the Commission to assess geographical indications originating in the contracting parties to the Geneva Act which are not Member States ('third Contracting Parties') and registered in the International Register, in order to provide for a procedure to decide on protection in the Union and to cancel such protection, where relevant.

Enforcement by the Union of the protection of geographical indications originating in third Contracting Parties and registered in the International Register should be done in accordance with Chapter III of the Geneva Act, which requires each Contracting Party to make available effective legal remedies for the protection of registered geographical indications and provide that legal proceedings for ensuring their protection may be brought by a public authority or by any interested party, whether a natural person or a legal entity and whether public or private, depending on its legal system and practice.

Transitional protection: seven Member States are members of the Special Union and as such have accepted the protection of the geographical indications of third Contracting parties. In order to provide for them the means to fulfil their international obligations assumed before the accession of the Union to the Geneva Act, a transitional arrangement should be provided which should produce effects at national level only, and have no effect on intra-Union or international trade.

Fees: the fees to be paid under the Geneva Act, and specified in the Common Regulations, for the filing an application with the International Bureau for the international registration of a geographical indication and for the supply of extracts, attestations or other information concerning the contents of that registration should be borne by the Member State from which the geographical indication originates.

