Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications: accession of the European Union

2018/0214(NLE) - 31/07/2018 - Document attached to the procedure

With this proposal for a Council decision, the Commission seeks to obtain the Council's authorisation concerning the accession of the European Union to the Geneva Act of the Lisbon Agreement on designations of origin and geographical indications.

Background

The Lisbon Agreement of 1958 for the Protection of Appellations of Origin and their International Registration is a treaty administered by the World Intellectual Property Organization (WIPO). Seven Member States of the Union are contracting parties to the Lisbon Agreement: Bulgaria (since 1975), Czech Republic (since 1993), Slovakia (since 1993), France (since 1966), Hungary (since 1967), Italy (since 1968) and Portugal (since 1966). On 20 May 2015, the Geneva Act revised the Lisbon Agreement. In particular, the Geneva Act expands the scope of the Special Union in order to extend the protection of appellations of origin of products to all geographical indications within the meaning of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights. The Geneva Act is compatible with this Agreement and with relevant Union legislation on the protection of designations of origin and geographical indications for agricultural products, and allows international organisations (such as the European Union) to become contracting parties.

The revised agreement outlines the terms, conditions and processes by which contracting parties may seek protection for registered appellations of origin and geographical indications, while allowing for appropriate safeguards and transitional periods for certain entities.

In order for the Union to properly exercise its exclusive competence for the Geneva Act of the Lisbon Agreement and its functions in the context of its exhaustive protection systems for agricultural geographical indications, the EU should become a contracting party.

Advantages of the agreement

According to the Commission, the accession of the European Union would:

- ensure that current and future GIs registered at EU level but not registered by the 7 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. The established multilateral register would increase the reputation of European GIs due to the wide geographic extent of protection under the Geneva Act;

- 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, provide 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;

- 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;

- not create additional costs or burdens on EU operators or EU Member States wanting to have GIs protected in the Lisbon system as compared to the status quo. On the contrary, it is expected to even result in a reduced level of these administrative costs and burdens;

- have positive effects for developing countries which consider joining the Geneva Act as their GIs could gain protection in the EU through the Lisbon system.

Overall, the advantages of EU accession to the Geneva Act of the Lisbon Agreement outweigh the disadvantages.