



**WIPO | LISBON**

The International System  
of Appellations of Origin

# **The Planned Revision of the Lisbon Agreement**

- objective: a truly global registration system for the  
protection for AO and GI

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**Geneva**  
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# Working Group on the Development of the Lisbon System

**Established** in September 2008

**Double Mandate:**

## 1. Revision of the Lisbon Agreement

- Refinement and Modernization of the Legal Framework
- Accession Possibility for Intergovernmental Organizations (e.g., EU, OAPI)

## 2. Specify the Applicability of the Lisbon System to AO and other GI

**Objectives:**

- Attract New Members
- Increase the Number of International Registrations
- Preserve and Build on the Principles and Objectives of the Lisbon Agreement

# Lisbon Union: 28 Member States

## Africa (6)

**Algeria**  
**Burkina Faso**  
**Congo**  
**Gabon**  
**Togo**  
**Tunisia**

## Asia (3)

**Islamic Rep. of Iran**  
**Israel**  
**DPR of Korea**

## America (6)

**Costa Rica**  
**Cuba**  
**Haiti**  
**Mexico**  
**Nicaragua**  
**Peru**

## Europe (13)

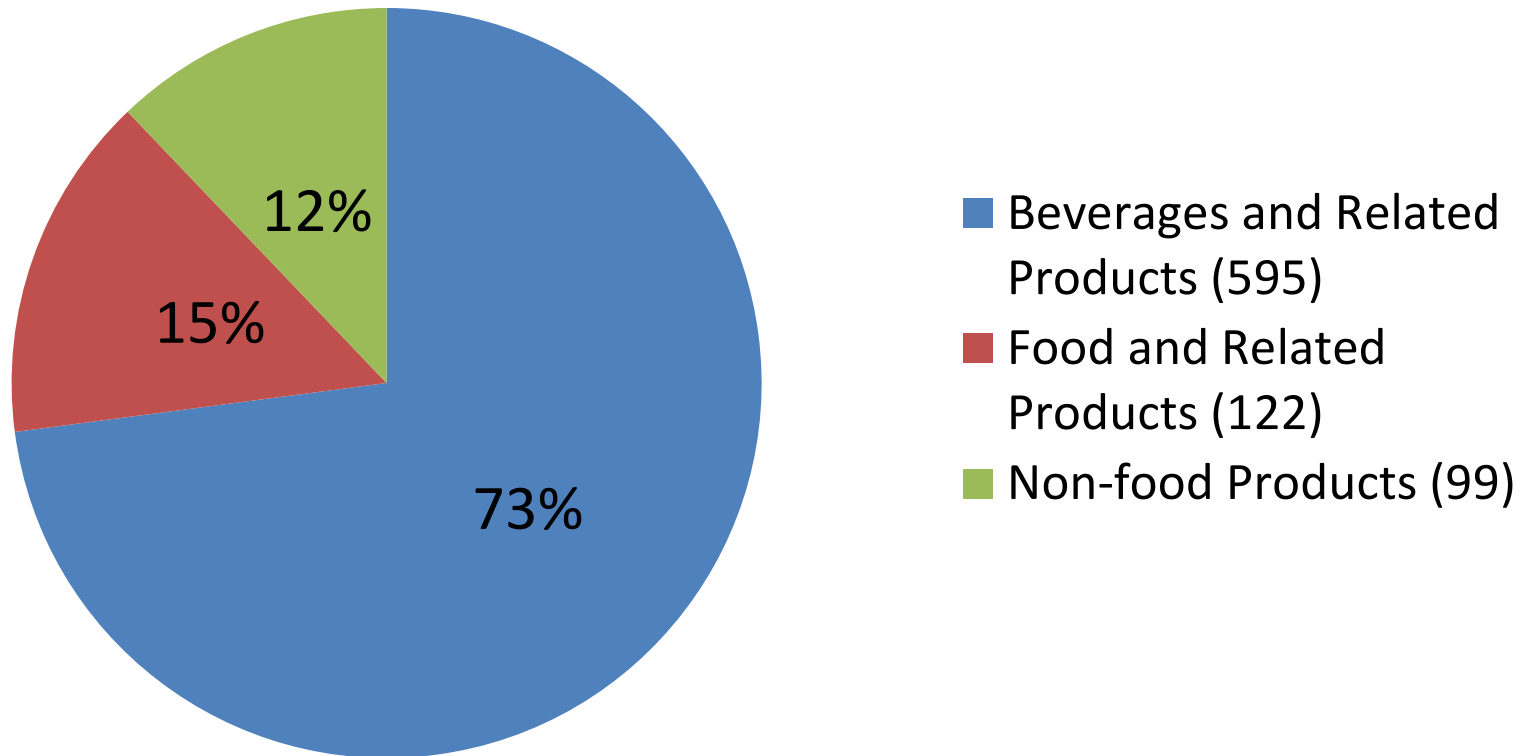
**Bosnia and Herzegovina**  
**Bulgaria**  
**Czech Rep.**  
**France**  
**Georgia**  
**Hungary**  
**Italy**  
**Moldova**  
**Montenegro**  
**Portugal**  
**Serbia**  
**Slovakia**  
**The FYR of Macedonia**

# 947 registrations – 842 in force

■ France	509	■ Tunisia	7
■ Czech Rep.	76	■ Slovakia	7
■ Italy	57	■ DPR of Korea	6
■ Bulgaria	51	■ Iran (Islamic Rep. of)	6
■ Georgia	28	■ The former Yugoslav Rep. of Macedonia	4
■ Hungary	28	■ Serbia	3
■ Cuba	19	■ Montenegro	2
■ Mexico	14	■ Costa Rica	1
■ Peru	8	■ Israel	1
■ Algeria	7	■ Rep. of Moldova	1
■ Portugal	7		

Total registered since 1995: 214  
- of which since 2003: 99

# Lisbon Registrations by Products



# Subject-Matter of Protection (GIs and AOs)

## Indication of a Connection between Characteristics of Products and their Geographical Origin

- Informs consumers of the uniqueness of the products derived from this connection (**typicality**)
- Represents the collective goodwill derived from this uniqueness (**reputation**)
- **Value-added**

# Draft Revised Lisbon Agreement

## Main Provisions

- Subject-matter; Geographical areas of origin
- Procedures and Fees (application, registration, refusal, renunciation, modification, invalidation)
- Content of Protection
- Prior rights and Prior use
- Accession criteria for Intergovernmental Organizations (e.g., EU, OAPI)

# Draft Revised Lisbon Agreement

- Definitions
  - ✓ direct or indirect reference to a geographical area
- AO or GI of a trans-border geographical area



# Treaty will apply to Denominations and Indications Protected in the Contracting Party of Origin

## AO

- Protected Denomination
- Known as Referring to a Geographical Area
- Designating a Good as Originating Therein
- Quality or Characteristics
- Reputation
- **Due to the Geographical Environment (Natural Factors/ Human Factors)**

## GI

- Protected Indication
- Known as Referring to a Geographical Area
- Identifying a Good as Originating Therein
- Quality, Reputation or Other Characteristic
- **Attributable to its Geographical Origin**

# Draft Revised Lisbon Agreement

- Procedures
  - filing of applications by right holders
- Fees

## Effect of international registration

- **Lisbon**: extension of protection to other Lisbon members (one fee)
- **Madrid**: extension of protection to other Madrid members, as designated (fees)
- **Lisbon**: indefinite (in principle)
- **Madrid**: renewable every 10 years (fees)
  
- **Revised Lisbon**: individual and renewal fees?

### Except in a member that ...

- issued a refusal (within the prescribed time-limit), or
- invalidated the effect of the international registration in its territory
  - **Revised Lisbon**: limitation grounds for invalidation?

# Grounds of refusal under Lisbon

- ❑ Any member has the **right to refuse** protection on its territory
- ❑ Refusals can be based on “**any situation of fact or law** that would prevent the grant of protection on the whole or part of the territory of the Lisbon Union”



## STEM

Lisbon System  
 Implementation  
 Exam Review

The International  
 Appellations of



1 of 1

**(1) PILSEN PILS / PILSENER / PILSNER / PLZEŇ**

Number	1
Date	22.11.1967
Holder	The organisations that produce, in this region, the said products
Appellation	<b>PILSEN PILS  PILSENER  PILSNER  PLZEŇ</b>
Publication	N° 1 : 03/1968
Country of Origin	CZ
Nice Classification	32
Product	Beer
Area of Production	City of Plzeň (Pilsen)
Refusal	<a href="#">FR</a> - 10.04.1969 <a href="#">ME</a> - 17.05.2000 <a href="#">RS</a> - 17.05.2000 <a href="#">PE</a> - 16.06.2006 <a href="#">IR</a> - 10.12.2007 <a href="#">MK</a> - 30.09.2011 <a href="#">BA</a> - 19.06.2014
Withdrawal	<a href="#">MX</a> - 22.05.1980 (Date of the initial refusal: 11.06.1969)
Legal basis	Executive Order N° 12.594/66-01/31 of November 3, 1966 of the Ministry of Food Processing Industry
Notification Article 5(2):	No longer applicable
Notification Article 14:	Currently not applicable

# Draft Revised Lisbon Agreement

- Content of protection
  - ✓ form and terminology may not be used to deny protection, if substantive criteria definition met

# Terminology

- Distinctive Signs for **Individual** Use
  - Trademarks (goods & services)
  
- Distinctive Signs for **Collective** Use
  - Collective marks
  - Certification marks
  - Geographical indications
  - Appellations of origin
  - Indications of source

# Existing Means of Protection

- **Laws Focusing on Business Practices**
- **Sui Generis Legislation**
  - concerning specifically defined characteristics of the product or methods of their production
- **Trademark Law**
- **Other Special Protection**



# Draft Revised Lisbon Agreement

- Protection against use in respect of goods of the same kind as those to which the AO or GI applies
  - ✓ not originating in the geographical area of origin or not complying with any other applicable requirements
  - ✓ even if the AO or GI used with minor differences, etc.
- Various proposals for a reputation-based protection
- Safeguards for prior trademarks and some other rights
- **Revised Lisbon**: phasing-out prior use that is not used as a ground for refusal, unless the use is covered by a safeguarded right?

# Prospects

- Results 9th Session of the WG: June 23 to 27, 2014  
([http://www.wipo.int/meetings/en/details.jsp?meeting\\_id=32429](http://www.wipo.int/meetings/en/details.jsp?meeting_id=32429))
  - 10th Session of the WG: October 27 to 31, 2014
  - Preparatory Committee: October 30 and 31, 2014
  
- Diplomatic Conference: Spring of 2015

**THANK YOU**

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