

Negotiators approve revision of the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration

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Signing the final Act at an official ceremony on 21 May 2015, delegates concluded the diplomatic conference and 10 days of intense negotiations to revise the Lisbon Agreement which provides for the protection and international registration of appellations of origin. In honour of the venue of the diplomatic conference, the now revised version of the Lisbon Agreement is called the *Geneva Act*. The diplomatic conference had been preceded by six years of expert work.

The Geneva Act extends the current Lisbon Agreement to cover also *geographical indications*: Appellations of origin and geographical indications both require a qualitative link between the product to which they refer and its place of origin. Both inform consumers about a product's geographical origin and a quality, characteristic or reputation (for geographical indications) of the product linked to its place of origin. The basic difference between the two terms is that the link with the place of origin is stronger in the case of an appellation of origin. The quality or characteristics of a product protected as an appellation of origin must result exclusively or essentially from its geographical origin. This generally means that the raw materials should be sourced in the place of origin and that the processing of the product should also happen there. In the case of geographical indications, a single criterion attributable to geographical origin is sufficient for the geographical indication to qualify as such, which may also be the specific reputation of the product. Moreover, the production of the raw materials and the development or processing of a geographical indication product do not necessarily have to take place entirely in the defined geographical area. Examples of appellations of origin respectively geographical indications are *Darjeeling Tea*, *Ceylon Tea*, *Basmati Rice*, *Thai Silk*, *Café de Colombia*, *Herend Porcelain*, *Champagne*, *Gruyère*, *Emmental cheese*, *Geneva watches*, *Bündnerfleisch*, *Swiss chocolate*, etc. Extending the scope of the Lisbon Agreement to geographical indications, the Geneva Act opens the international registration to many more specialty products, thereby facilitating the international protection in the countries which are contracting parties to the Lisbon Agreement. Joining the Lisbon Agreement thus becomes more attractive to countries which have not done so yet. The new Act will also be an incentive for producers to register their geographical indications and specialty products under the Lisbon system. Other important provisions of the Geneva Act concern e.g. the level of protection, the relationship with trade mark rights, national and international fees, possible adherence of international organisations to the Lisbon Union. Switzerland is not yet a Member of the Lisbon Agreement. In view of its potential future adherence to the Geneva Act, however, Switzerland participated both in the preparatory working group meetings and at the diplomatic conference as an observer, contributing actively to the negotiation process.

Contact/Questions

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