



**RÉPUBLIQUE
FRANÇAISE**

*Liberté
Égalité
Fraternité*



INSTITUT NATIONAL
DE L'ORIGINE ET DE
LA QUALITÉ

INTERNATIONAL ENCOUNTER ON GEOGRAPHICAL INDICATIONS AND COLLECTIVE TRADEMARKS

BRAZIL

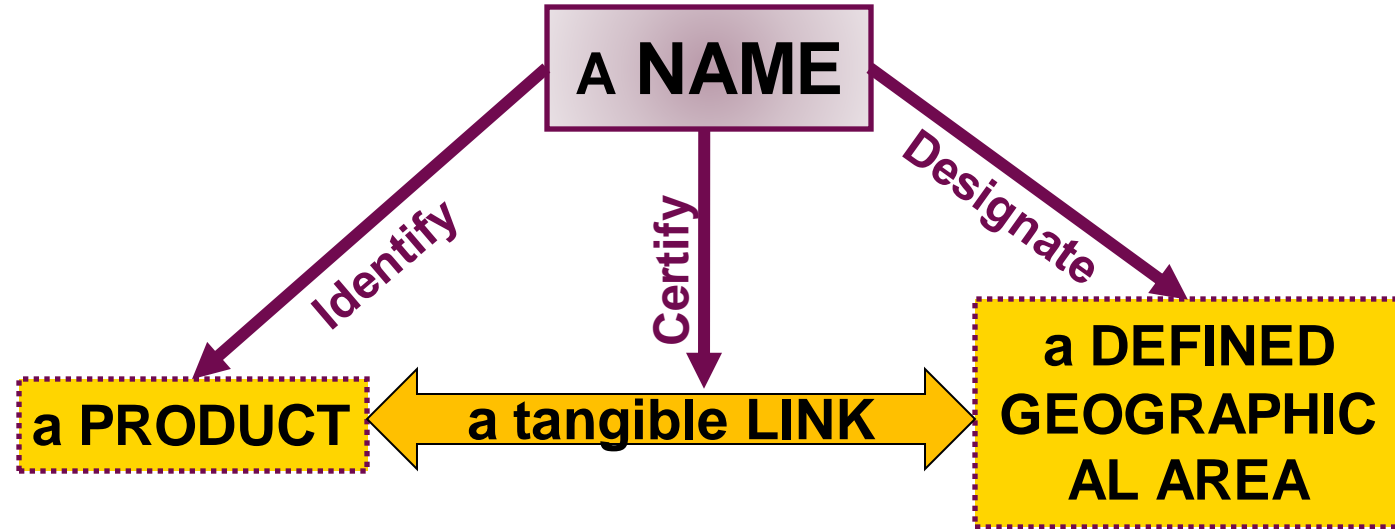
A FRENCH AND EUROPEAN INSIGHT



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What is a Geographical Indication (GI) ?

Main characteristics:



with organoleptic specificities



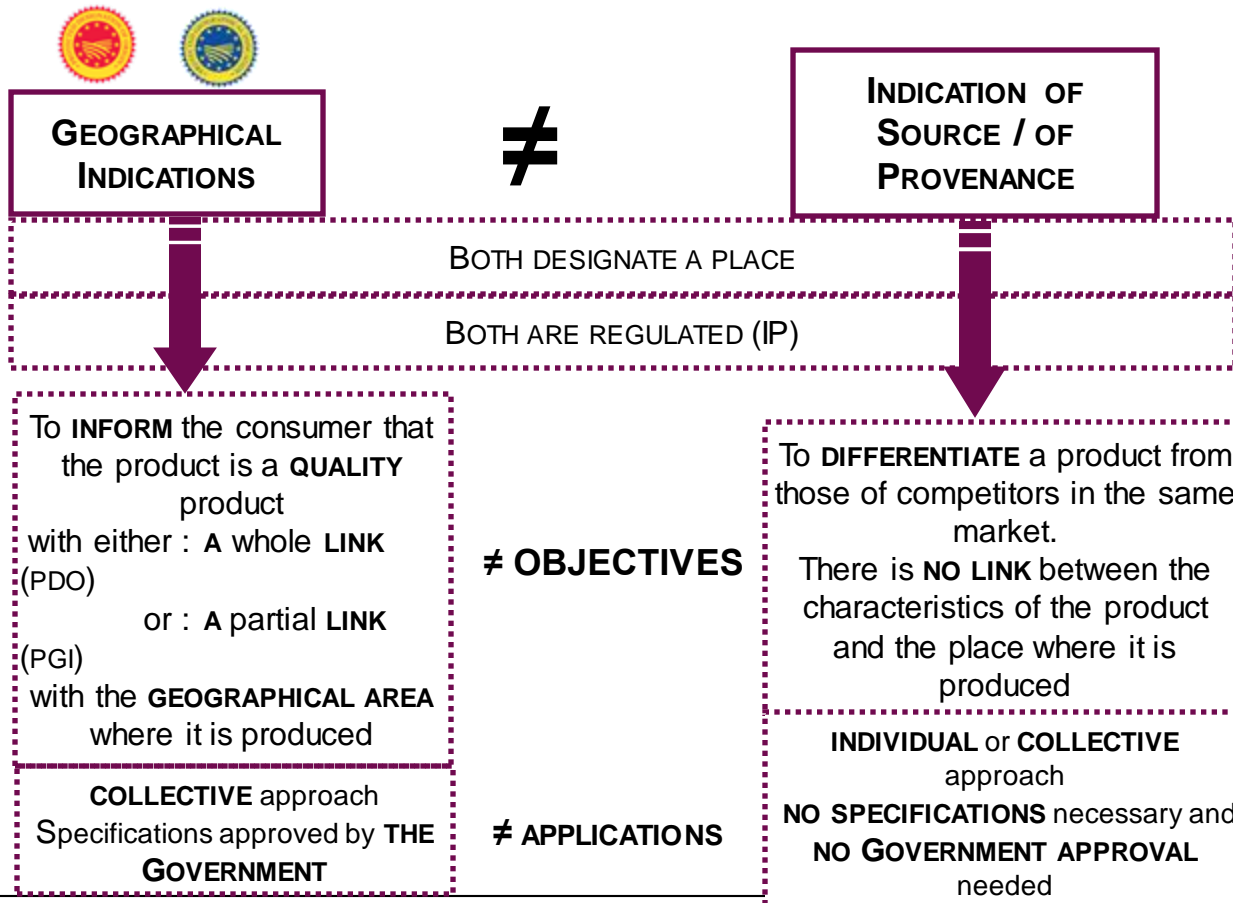
PDO



PGI

with defined boundaries

Do not confuse...



PDO



**PROTECTED DESIGNATION
OF ORIGIN**

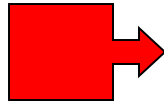
PGI



**PROTECTED GEOGRAPHICAL
INDICATION**

COMMON CHARACTERISTICS

- the **name of a region**, a specific place or, in exceptional cases, a country, **used to describe** a product **originating** in that region, specific place or country,



DIFFERENCE : THE LINK TO THE ORIGIN

Product must be produced **and** processed **and** prepared in the geographical area.

Quality or characteristics essentially due to a particular geographical environment with its inherent **natural and human factors**

- **Product must** be produced **or** processed **or** prepared in the geographical area
 - Specific quality or reputation or other characteristics attributable to that area
-

The GI: The guarantee of three public policies



Various benefits of geographical indications

Producers :

- added value in terms of price
- Protection against misuses of the name and unfair competition
- Encouragement of the diversification of products on the market

Consumers :

- more detailed information on the origin and quality of the product (place of origin, specific features linked to geographical origin ...)
- Authenticity and safety through controls
- Benefit from a wider range of choice
- Traceability of the product

Economy of the country :

- development of rural economy (maintain people in agricultural areas / tool against rural depopulation and promotion of tourism (eg : wine trailers)
- contribute to the protection of environment
- contribute to avoid standardization of food products on the market

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What are the authorities and bodies implied in the GI process ?

Relations between EU Commission and Member States (MS) of the EU

→ The EU Commission has an exclusive competence for GI of all MS

MS have regular contacts with the EU Commission for:

- Recognition of new GI within a unique register at the European level
- Modification of existing GI
- Indirect participation to EU and Third Countries negotiations for bilateral agreements

Competent Authorities involved with GI in France

→ **MINISTRY OF AGRICULTURE and FOOD :**

In charge of the definition and implementation of the policy dealing with Geographical Indications

→ **MINISTRY OF ECONOMY**

- Industrial property Office (INPI) :

In charge of GI for non-agricultural products

-Fraud Authorities (DGCCRF) :

In charge of controls on the market (protection of consumers against deception and Food Frauds)

-Customs Authorities (DGDDI) :

In charge of the controls of goods originating from third countries accessing the EU market



INAO's missions



- **Public Body under the Supervision of Ministry of Agriculture, created in 1935, which is in charge of various assignments :**
- **Examination and Recognition of new GI products**
- **Modification of existing GI specification**
- **Supervision of controls: INAO is the competent control authority in France as regards as the EU Law**
- **Protection of GI in France and abroad**



Procedure of recognition

Application by a group of producers (DMB)
drafting of a product specification and application for recognition



INAO

checking, national procedure of opposition then proposal



GOVERNMENT

decision of recognition and forwarding to the UE



EUROPEAN COMMISSION

*formal examination + publication and european procedure of opposition
(2 months for wine), then registration within a unified register*

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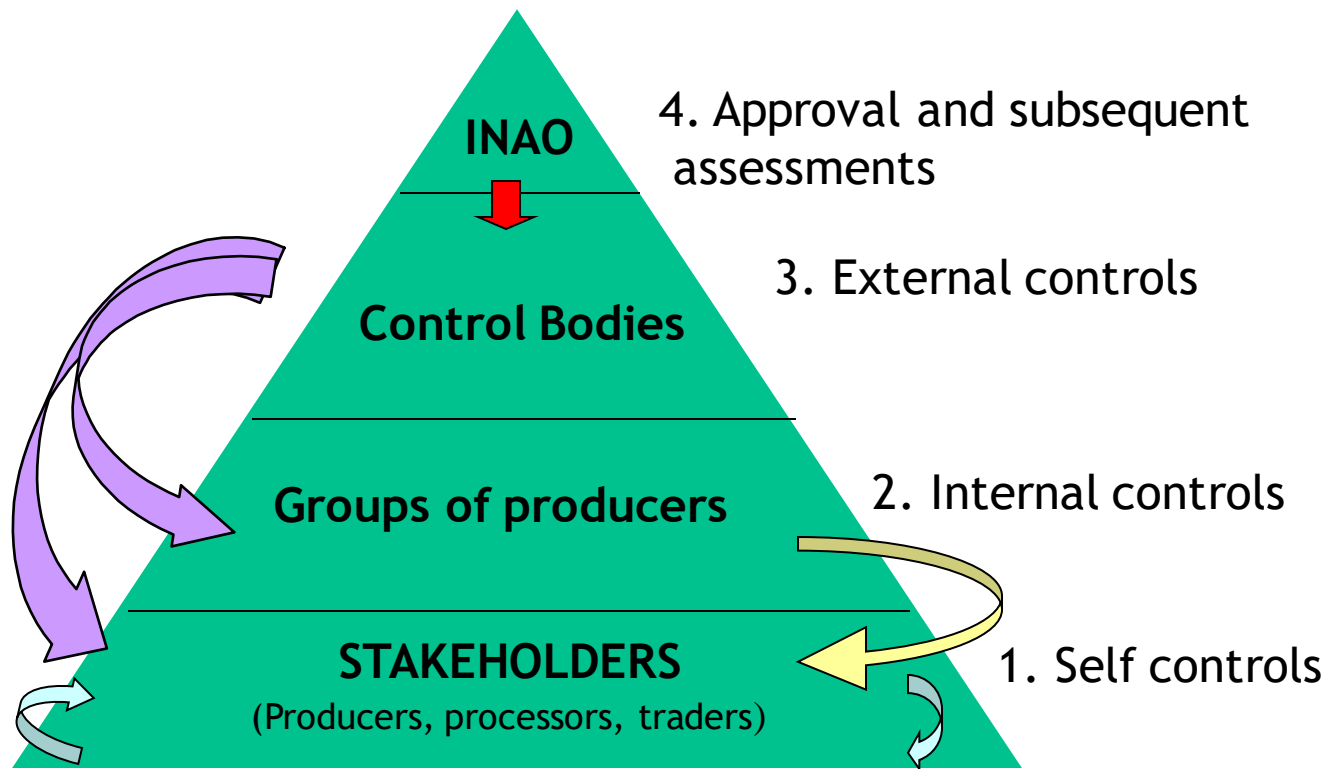
Control and Protection of GI

The implementation of controls in France

The importance of control :

- The **State guarantee**
 - The **confidence** of the consumers
 - The **protection** of the products and the producers
-

Organisation of controls in France



Legal Protection of GI

→ *Why do GI need protection ?*

- protection of consumers from false and misleading information
 - protection of producers from unfair competition
-

Protection of GI at the International level

- **Multilateral treaties**
(regarding Intellectual Property rights) :

- - Lisbon Agreement (1958)
- - Geneva Act (2015)
- - TRIPS Agreement (WTO) (1994)

- **Bilateral Agreements**

- Between EU and a third country
=> Goal = « TRIPS + »

- **Domestic legislation**

- - Unfair competition law
 - - Deception of consumers
-

Protection of GIs : the heart of the Law

Protection against :

- Any direct or indirect commercial use which exploits the reputation of the GI
 - Any misuse, imitation, evocation even if the true origin of the product is indicated, even if accompanied by expressions as « type », « kind », « sort », etc.
 - Any other false or misleading indication or practice which mislead the consumers about the true origin (presentation, description, packaging, labelling...)
 - Any translation, transliteration of the GI name
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Use for comparable products

Wine PDO Côtes de Provence

PDO Lentille verte du Puy

USA



GERMANY



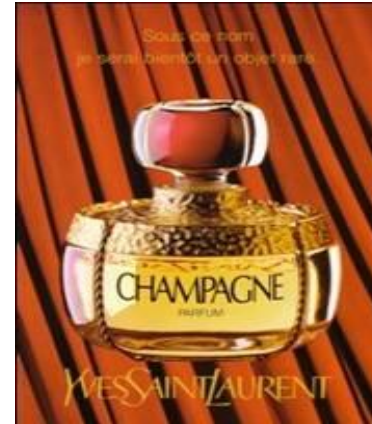
Weakening/dilution of notoriety by different products

Argentina



**Champagne for
biscuits**

France



**Champagne for a
Fragrance**

Thank you for your attention !

<https://www.inao.gouv.fr/>

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