

HOW ARE THE GEOGRAPHIC INDICATIONS PROTECTED?

Geographical Indications are protected through national legislations and by means of the laws against unfair competition, by consumer protection, by the protection of the marks of certification or by special laws for the protection of the Geographical Indications or the denominations of origin.

Unauthorized parties should not use the Geographical Indication if the Indications use can lead to error in relation to the true origin of the product. The applicable sanctions goes from legal demands that prohibit the unauthorized use, to extreme cases such as payment for damages and fines.

WHEN ARE THE GEOGRAPHICAL INDICATIONS USED?

Various treaties administered by the World Copyright Organization (OMPI) stipulate the protection of the Geographical Indications, especially the Covenant of Paris for the Protection of the patent rights of 1883, and the Arrangement of Lisbon relating to the Protection of the Denominations of Origin and their International Registration. Likewise, articles 22 to 24 of the Agreement on Copyright Aspects related to Trade in agreement to the (ADPIC) are in charge of the international protection of the Geographical Indications in the framework of the World Trade Organization (WTO).



WHAT IS GEOGRAPHICAL INDICATION?

This is a sign utilized for products that have a specific geographical origin and possess qualities or a derived reputation that is influenced by their place of origin. A Geographical Indication (GI) generally consists of the name of the place of origin of the product (s). Typical examples are the agricultural products that possess qualities that are by-products of their place of production, arising from specific local factors such as the climate and the land. The fact that a sign performs the function of Geographical Indication is dependent on the national legislation and of the perception that consumers have of that sign.

WHEN ARE THE GEOGRAPHICAL INDICATIONS USED?

The sign of Geographical Indications can be used for an extensive range of agricultural products as, for example, "Tuscan" for the olive oil produced in that Italian region (geographical indication protected, for example, in Italy, by virtue of the Law N° 169 of February 5, 1992), or "Roquefort" for the cheese produced in France (Geographical indication protected, for example, in the European Union, by virtue of the Regulation EC N° 2081/92, and The United States, by virtue of the registration of the mark of certification US N° 571.798).

Besides, the Geographical Indications can be used for other products, emphasizing specific qualities that can be as a result of human factors of their place of origin, such as some know-how and traditions specific to production. The place of origin can be a town or a city, a region or a country. An example is the term "Switzerland" or "Swiss", considered as geographical indication in numerous countries for products manufactured in Switzerland and, particularly, for clocks.

WHAT IS A DENOMINATION OF ORIGIN?

A Denomination of Origin is a special type of Geographical Indication that applies to products that possess a specific quality, an exclusive by-product or essentially from the geographical medium in which they are derived. The concept of Geographical Indication includes the Denominations of Origin.

WHAT ARE THE FUNCTIONS OF A GEOGRAPHIC INDICATION?

Since a Geographical Indication refers to a place or region of production that determines the specific qualities of the native product, it is important that the qualities and the reputation of the product be attributable to that place of production. Because these specific qualities depend on the place of production, it is reasonable to speak of a specific "link" between the products and its place of original production.

WHY IS IT NECESSARY TO PROTECT A GEOGRAPHICAL INDICATION?

The consumers perceive the Geographical Indications as indicators of the origin and of the quality of the products. Many Geographical Indications have acquired a reputation that, if it is not protected, could be devaluated by dishonest businesses. The dishonest use of Geographical Indications by unauthorized third parties is damaging for the consumers and the legitimate producers. It leads to deceit to the consumers, who is believed to be buying a genuine product with specific characteristics and qualities, when in reality it is an imitation without value. It also damages the producers, resulting in an important lost of part of their profits as well as a reduction in the reputation of their products.

WHAT IS THE DIFFERENCE BETWEEN A GEOGRAPHIC INDICATION AND A MARK?

A Geographical Indication indicates to the consumers that a product is from a certain place and possesses certain derived characteristics of which is peculiar to that place of production. That GI can be used for all the producers that produce their products in the place appointed by the Geographical Indication and whose products share the typical qualities of that place of origin.

On the other hand, a mark (that can be a sign or a name) is used for the businesses to distinguish its own goods and services from those of its competitors. The mark is exclusive; confers to its holder the right to prevent third parties the use of these marks.