



European Communities Trade Mark Association

***REPORT ON THE***  
**Worldwide Symposium on Geographical Indications**

Parma (Italy), June 27 to 29, 2005

The Italian city of Parma, known worldwide as the home of the two designations of origin PARMIGIANO REGGIANO cheese and PROSCIUTTO DI PARMA (Parma Ham) and which has recently become the seat of EFSA (European Food Safety Authority), gave hospitality from 27 to 29 June 2005 to a worldwide Symposium on Geographical Indications, jointly organized by the Italian Ministry of Productive Activities, under the patronage of the Italian Ministry of Foreign Affairs, and WIPO.

Distinguished representatives of multilateral trade organizations and public institutions, as well as international experts on Geographical Indications (GIs), focused their attention on the future of GIs and possible measures to be adopted on an international level to implement and guarantee easier access to a wider protection for GIs.

On the first day of the Symposium, Mrs. Thu-Lang Tran Wasescha (WTO Counsellor) brought the Symposium's attention to the international debate on the proposal for the extension of the GI protection provided for by Article 23 of the TRIPS Agreement, at present granted only to wines and spirits, to other products. This topic will be part of the agenda of the ongoing work regarding GIs in the WTO.

Mr. Stefano Tedeschi, President of Parma Ham Consortium, underlined that there are countries where trade mark applications for the registration of the name "Parma Ham" as a collective or certification mark are constantly refused on the basis that a geographical name is descriptive and generic, while at the same time you cannot obtain GI protection in these countries because there is not a GI registration system. Moreover, he asked for an extension of the WIPO arbitration system to GIs, which is presently only provided for disputes over domain names and registered trade marks.

From a commercial point of view, Mr. Tony Battaglione (Director of Winemakers' Federation of Australia) in his speech pointed out that GIs are no "silver bullet" in gaining a market advantage and that the Australian consumer has quickly become saturated in the face of the burgeoning number of GIs.

The first day of the Symposium was also devoted to some case histories that stressed the role played by GIs in the development of non-food product industries, such as Iranian carpets, German Solingen cutlery and Mexican Talavera ceramics.

The second day opened with the presentations of the main features of the GI regulation regimes adopted by Georgia, India, and also Jamaica, where the Geographical Indications Act was promulgated in 2004 only.

In the second session of the day, dedicated to the relationships between trade marks and GIs, Dr. Alexander von Mühlendahl, Vice-President of OHIM, gave an overview of the internal (TM vs. TM and GI vs. GI) and external (TM vs. GI, GI vs. TM) conflicts that may arise between trade marks and GIs and of the criteria that should be applied to resolve said conflicts according to the IP principles set forth in the Community regulations and to the relevant case law. Mr. Alexander Anton, representing the German Dairy Association, and Mr. Charles Goemaere (Comité Interprofessionnel du Vin de Champagne) gave their viewpoint on the hot issue of generic geographical indications and the session was concluded with a sparkling debate involving the audience, in particular over the FETA cheese case.

The following morning's session dealt with the analysis of the existing systems of protection for GIs. Mr. Matthijs Geuze of WIPO, described and compared the Lisbon and Madrid international registration systems, pointing out that the creation of a link between the two systems might solve the problem of the GIs' notification and registration system pursuant to Article 23.4 of the TRIPS Agreement. He was followed by Mr. David Thual of the non-governmental organization ORIGIN (Organisation for an International Geographical Indications Network), who explained in his presentation that protecting GIs via trade mark systems is a mission almost impossible and in any event would be inadequate. In fact, according to ORIGIN's analysis, trade marks and GIs, although complementary, are different legal concepts, express different interests and therefore need to be treated in different ways. A different approach to this issue was expressed by Mr. Burkhardt Goebel, Chair of the INTA Committee on GIs, the presentation of which emphasized the feasibility of a "Madrid-type" system where GIs would be treated in the same way as trade marks and other IP rights and where conflicts might be resolved on the basis of the established intellectual property principles of territoriality, exclusivity and priority.

Mr. Ernesto Rubio, Assistant Director General of WIPO, chaired the final session of the Symposium which was dedicated to the exchange of opinions and proposals given by the United States, Australia, the European Union, Switzerland, Kenya and Paraguay to move forward and break the current deadlock in the negotiations on the protection of GIs. The debate was very interesting and confirmed in particular the well-known divergences between the positions of the United States (represented by Mrs. Lynne Beresford of USPTO) and Australia (represented by Ambassador Mr. David Spencer) and the position of the European Union (represented by Mr. Antonio Berenguer, Directorate-General Trade of the European Commission).

The various presentations are available on the website of WIPO at:

[http://www.wipo.int/meetings/2005/geo\\_pmf/en/wipo\\_geo\\_pmf\\_05\\_inf\\_1\\_prov.html](http://www.wipo.int/meetings/2005/geo_pmf/en/wipo_geo_pmf_05_inf_1_prov.html).

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