



## INFORMATION NOTE

Geneva

21 July 2008

### Explanation of the draft “modalities” on GIs extension and the multilateral Register

Concerning GIs (extension and the multilateral Register), the draft “modalities” for TRIPs-related issues submitted to the WTO by some 108 Member States on 21 July 2008 provide the following:

- Extension of the protection of Article 23 of TRIPs to all GI products beyond wines and spirits (including the extension of the Register);
- A multilateral Register binding for all WTO members;
- Voluntary notification of GIs by WTO Members, with no opposition;
- Significant legal effects arising out of the Register (applicable to all Members): this text represents an equilibrated compromise between the respect of the national sovereignty of each Member (the final decision concerning the protection of a given GI within its territory remains in the hands of national authorities) and the needs of producers to facilitate the enforcement of their legitimate rights in foreign jurisdictions. As a result, the Register represents a reliable source of information for trademark offices, institutions in charge of GIs and national tribunal, in line with each country’s internal registration rules.

In this context, please note that a clear majority of WTO members (some 2/3 of the overall membership) currently supports the enhancement of the international regime for GI protection.