

“Teruel Declaration” (Teruel, 26 June 2009)

The members of OriGIn – the Organization for an International Geographical Indications Network – meeting in Teruel for its fourth General Assembly, agree, on behalf of millions of producers from all over the world, to adopt the following Declaration:

By providing jobs for millions of individuals around the world, helping preserve the environment and ensuring that the globalization of markets does not encroach on the diversity, quality and tradition of origin products, Geographical Indications (GIs) play a vital role in our economies and societies. Producers, both from developing and developed countries, increasingly rely on GIs for the sustainable development of their communities.

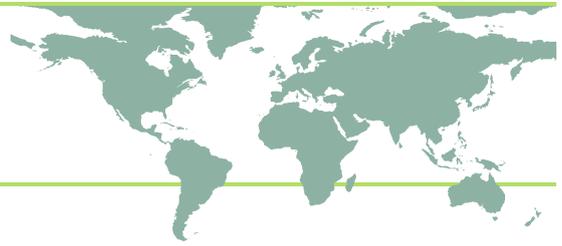
Existing multilateral rules on GIs, however, have hitherto proved not to be fit to prevent abuse and misleading marketing techniques, which unduly reduce producers’ market shares and tarnish the reputation of GIs. Without reforming the major international instruments regulating the field, the very GI concept will be at stake.

The World Trade Organization (WTO) Doha Development Round

After years of intense negotiations within the WTO Doha Development Round, we welcome the “Draft Modalities for TRIPS-Related Issues” (Majority Proposal) which were tabled by a very large majority of WTO Members in July 2008. This document provides for the extension to all products of the protection conferred by Article 23 of TRIPS, as well as the establishment of a multilateral Register for all GIs.

We do believe that, by extending the balanced protection currently enjoyed by wines and spirits to all GIs, an evident and unjustifiable discrimination among products would be removed. The “GI Extension” would increase the certainty of the international legal framework and provide all GI producers with the legal means to prevent the misuse of their GIs in foreign jurisdictions, while contributing to sustainable development of local communities and better consumer protection. On the other hand, we believe the negotiations shall meet the ambition to set up a Register which will truly facilitate the protection of GIs. The multilateral Register as proposed in the Majority Proposal, open to all Members and to be taken into account by all, would fulfill the very nature of the WTO. Moreover, it would represent an invaluable source of information for domestic authorities when taking decisions regarding the registration and the protection of trademarks and GIs. We consider a Register not affecting the ability of domestic authorities to decide on GI protection should be acceptable to all Members.

We do believe that the Majority Proposal represents a historical chance to reach a milestone agreement on intellectual property within the WTO. We encourage trade negotiators and policy-makers to look at the Majority Proposal as an opportunity and take into consideration the fact that it represents a balanced compromise among various positions and legal traditions. Any outcome which would not truly facilitate the protection of GIs would undermine the socio-economic potential arising out of origin products and put at risk the development opportunities of millions of producers around the world. In the spirit of the “Doha Development Agenda”, OriGIn fully supports the “Draft Modalities for TRIPS-Related Issues”.



Other international initiatives

We think that the Lisbon Agreement on the Protection of Appellations of Origin and their International Registration (Lisbon Agreement) is a key instrument to facilitate the international protection of appellations of origin. Enlarging the number of contracting parties would greatly increase the Agreement's effectiveness. Moreover, we envisage the opportunity to further clarify the definition of "appellations of origin", as provided for by the Lisbon Agreement. We do share the view that for a product to be defined as an appellation of origin, either its quality or its characteristics have to be linked to the territory.

We take note with interest of the Jamaican proposal put forward at WIPO aimed to ensure protection for country names at the international level.

Moreover, we do believe that GIs shall be fully included in the scope of application of the Agreement on Counterfeiting and Trade-Related Aspects (ACTA).

Finally, we call on multilateral organizations dealing with GIs to better reflect the point of view of producers in their technical cooperation and dissemination activities. Since its establishment, OriGIn has adopted a pragmatic approach, focusing on the socio-economic benefits arising from GIs as well as on the level playing field producers need to do business in such a specific sector. We do believe that, any truly global and impartial discussion on the role of GIs in sustainable development cannot leave aside the perspective of the Organization representing GIs producers from all over the world.