

Conflicting agendas on GIs
What's happening in Asia?

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*The European Union and
the United States*

*Conflicting agendas on
Geographical Indications*

*What's happening in
Asia?*

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The Scramble for FTA Deals in Asia

- The EU
 - Korea (completed and entered into force 2011)
 - Singapore (concluded 2012)
 - Malaysia (commenced 2010)
 - Vietnam (commenced 2012)
 - Japan (expected to start 2013)
- The US
 - Korea (entered into force March 2012)
 - Trans-Pacific Partnership (negotiations started 2010)
 - #Australia, #New Zealand, #Canada, #Peru, #Chile, #Mexico, #Brunei, #Malaysia, #Vietnam

Incoherence between the TPP and TRIPS

- TRIPS

'Indications that identify a good as originating in the territory of a Party or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.'

- Example of TPP add on

'a sign or combination of signs (such as words, including geographical and personal names, as well as letters, numerals, figurative elements, and colors including single colors), in any form whatsoever, shall be eligible to be a GI.'

The problem of Generics

- A word is generic *'if it is the term customary in common language as the common name for the goods or services associated with the trademark or GI'*

- But there is no reference to in the territory of that Member as required in the TRIPS

- The TPP/EU conflict: the example of Feta

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GIs and Trademark

- Coexistence is the TRIPS and EU way
- Priority for Trademarks is the TPP way
- Is the TPP TRIPs consistent?
- Is the EU diminishing GIs in the way it negotiates?

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Is there any way forward?

- All GIs must be protected and not just some
- This means: All-in and not All-out with some in
- Accept some hard cases so as to bed-in acceptance of the GI concept as equal to the trademark concept
- The EU and the US to start TTIP negotiations (Trans Atlantic Trade and Investment Partnership): this is where we must end this conflict once and for all

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Thanks!

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