

Declaration of Guadalajara

29 September 2011

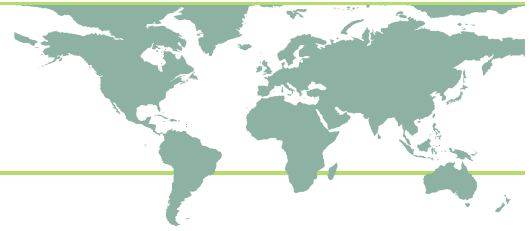
The members of the Organization for an International Geographical Indications Network – oriGIn – convened in Guadalajara (Mexico) for its fifth General Assembly, on behalf of the producers of geographical indications (hereinafter GIs) from all continents represented by their respective groups, agreed to adopt the following Declaration:

Aware of the significant and positive impact that GIs have on rural communities around the world, of their importance to achieve sustainability, of the growing costs for groups related to the registration and enforcement of GIs in foreign jurisdictions and of the increasing phenomenon of imitations and usurpations affecting origin products, we believe that the time is ripe to finalize a compilation of all GIs currently protected in the world, including basic information such as the site of the communities concerned. oriGIn intends to lead this project to its completion and, in this respect, welcomes contributions from all interested parties (Governmental authorities, GI producers, International Organizations, NGOs, Trademark Offices, law firms, universities, foundations, etc.) which might wish to join forces and work with us to finalize this important endeavour. Such a compilation will represent an invaluable source of information for producers, consumers, academic researchers, trademark offices and public authorities in charge of GIs around the world.

In spite of the growing unfair use of GIs on the internet, such as the case of GIs used by illegitimate parties in generic top-level domains (gTLDs), we regret to note that the Uniform Domain Name Dispute Resolution Policy (UDRP) - first adopted by the Internet Corporation for Assigned Names and Numbers (ICANN) in August 1999 - has failed to evolve and take into account the new scenarios in cyberspace. While the worldwide internet penetration is skyrocketing and consumers are using the internet more and more in their search for quality products, the ICANN rules concerning the abuse of IPRs in domain names (“cybersquatting”) are still limited to trademarks and do not cover GIs. In light of this, we call upon the ICANN and the World Intellectual Property Organization (WIPO) to put an end to such unreasonable discrimination, which is detrimental to both GI producers, whose reputation is tarnished, and consumers, who are misled. We believe the current UDRP should be modified in order to fully protect GIs. Moreover, the overall ICANN process to allow requests for the establishment of new gTLDs, including the ones reproducing GIs, poses a serious risk to legitimate GI producers by opening the door to potentially hundreds of new internet domains. As this has the potential to provide fresh opportunities for “cybersquatters”, we call upon ICANN to make sure adequate instruments are provided for GI beneficiaries to prevent the requests and the registrations of gTLDs that reproduce GIs by illegitimate parties.

Over the last few years GIs demonstrated their global nature once more. While several advancements for producers in developing countries were registered, both in terms of names registered and benefits for local communities, a huge potential still remained unexploited, especially in Africa. We therefore stress the need for strengthening GI-related technical assistance projects so that producers in Africa might reap the full benefits of local origin products and we call upon international donors to provide for targeted GI-components in development projects.

Aware that the so-called “voluntary standards” – which are used to provide consumers with information concerning certain qualities of their products as well as how they are produced – are proliferating in



international trade, we call for better coordination between public authorities and other interested stakeholders in order to promote a coherent international approach to this issue and facilitate the regular flow of information to producers and consumers worldwide. In order to avoid imposing on producers standards that may or may not fit their interests and those of their communities, it is necessary to involve legitimate producers' organizations in the elaboration of voluntary standards.