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THE LISBON SYSTEM WORKSHOP

FOTOGRAFIAS: JOÃO FERRAND

Practical Experience

● Lisbon agreement:

- A step forward (Paris or Madrid)
- A great achievement
 - Protection – high level of protection (but not enough)
 - Registration system (the first at the international level – a model to follow)
 - Autonomy – an intellectual property right

● Lisbon is not enough

- Only appellations of origin
- Few members

Subject-matter

- Appellations of origin
 - Port appellation of origin
 - 1756 (demarcation, specification, control)
 - French “baptism”
- Geographical indications
 - European Union
 - TRIPS agreement
 - WIPO proposals

Level of protection

- ⦿ In respect of goods of the “same kind”, “comparable products”, or “identical or similar products”
- ⦿ Protection (legal functions of those IPR):
 - Identical or similar signs (usurpation, imitation, evocation, translation, true origin indicated, corrective terms)
 - Identical or similar products
 - Confusion as to geographical origin or as to quality or characteristics of the product or
 - Risk of dilution, takes unfair advantage of, or is detrimental to, the distinctive character or its reputation

National protection

- Appellations of origin or geographical indications must be protected at the national level
- Any system should be recognized
- Other legal systems
- Protected as autonomous industrial property rights

Conclusion

- Geographical indications and appellations of origin
- High level of protection (as any other trade distinctive sign)
- Registration system (transparency and safety)
- Wider membership (GI are recognized worldwide)
- Possibility of accession by international organizations
- National protection (any system)
- Enforcement – at the national level
- Other IPR – symbols (world of symbols)