

Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications: action of the Union following its accession to the Act

2018/0189(COD) - 28/01/2019 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Legal Affairs adopted the report by Virginie ROZIÈRE (S&D, FR) on the proposal for a regulation of the European Parliament and of the Council on the action of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications.

on the proposal for a regulation of the European Parliament and of the Council on action by the European Union following its accession to the Geneva Act of the Lisbon Agreement on designations of origin and geographical indications.

As a reminder, the proposal aims to establish a legal framework ensuring the effective participation of the European Union in the Lisbon Union of the World Intellectual Property Organisation (WIPO) on the day it becomes a Contracting Party to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications.

The Lisbon Agreement for the Protection of Appellations of Origin and their International Registration is a 1958 treaty, which offers means of obtaining protection for appellations of origins in its Contracting Parties. The Agreement has currently twenty-eight Contracting Parties including seven Member States.

The committee recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the Commission's proposal as follows.

International registration of geographical indications following accession

Members suggested that the Commission submit to the WIPO International Bureau an application for entry in the International Register of a list of geographical indications originating in the Union and protected on its territory, in close cooperation with the Member States, trade associations and producers concerned.

The list of geographical indications adopted by the Commission by means of an implementing act should contain all of the European geographical indications, which have already been registered in the International Register by those Member States who were contracting parties of the Special Union before the accession of the Union to the Geneva Act.

By six months from the entry into force of this Regulation, an authority of a Member State, or an interested group of producers or a single producer using a geographical indication protected and registered in the Union, shall notify the Commission of the names of the geographical indications they wish to have included in the list of geographical indications.

The Commission should be able to object to the addition of a specific geographical indication in the list of geographical indications originating and protected in the territory of the Union and should justify its decision in that regard taking in account the export value of the geographical indication or its export potential or both and the special economic and regional importance of the geographical indication.

In addition, Parliament should be able to propose geographical indications for registration within the Lisbon Union.

The Commission should use a regular mechanism to consult Member States, trade associations and Union producers in order to establish an ongoing dialogue with relevant stakeholders.

Non-agricultural geographical indications

Members suggested setting up a procedure for for withdrawal of refusal of protection, especially in the case of further developments in Union law allowing non-agricultural geographical indications to be protected.

The Commission should present, as soon as possible, a legislative proposal to extend the protection granted to geographical indications under Union law to non-agricultural products. Non-agricultural geographical indications protected in the Member States should not be affected by the Regulation until such a system is put in place.

The report also emphasises that consideration should be given to ways in which the seven Member States of the European Union that are members of the Lisbon Union can continue to fully protect their non-agricultural geographical indications, in the context of a partial application of the Geneva Act.

Monitoring and review

The Commission shall monitor and assess the application of the Regulation over time. In carrying out this assessment, the Commission shall, *inter alia*, take into account (i) the number of geographical indications protected under Union law in relation to which notification has been received, with a justification for the choice of those notified indications, and the geographical indications protected under Union law which have been rejected by third parties; (ii) the evolution of the number of third countries participating in the Geneva Act and the action taken by the Commission to increase the number; and (iii) the number of non-agricultural geographical indications originating from third countries which have been rejected by the Commission.