

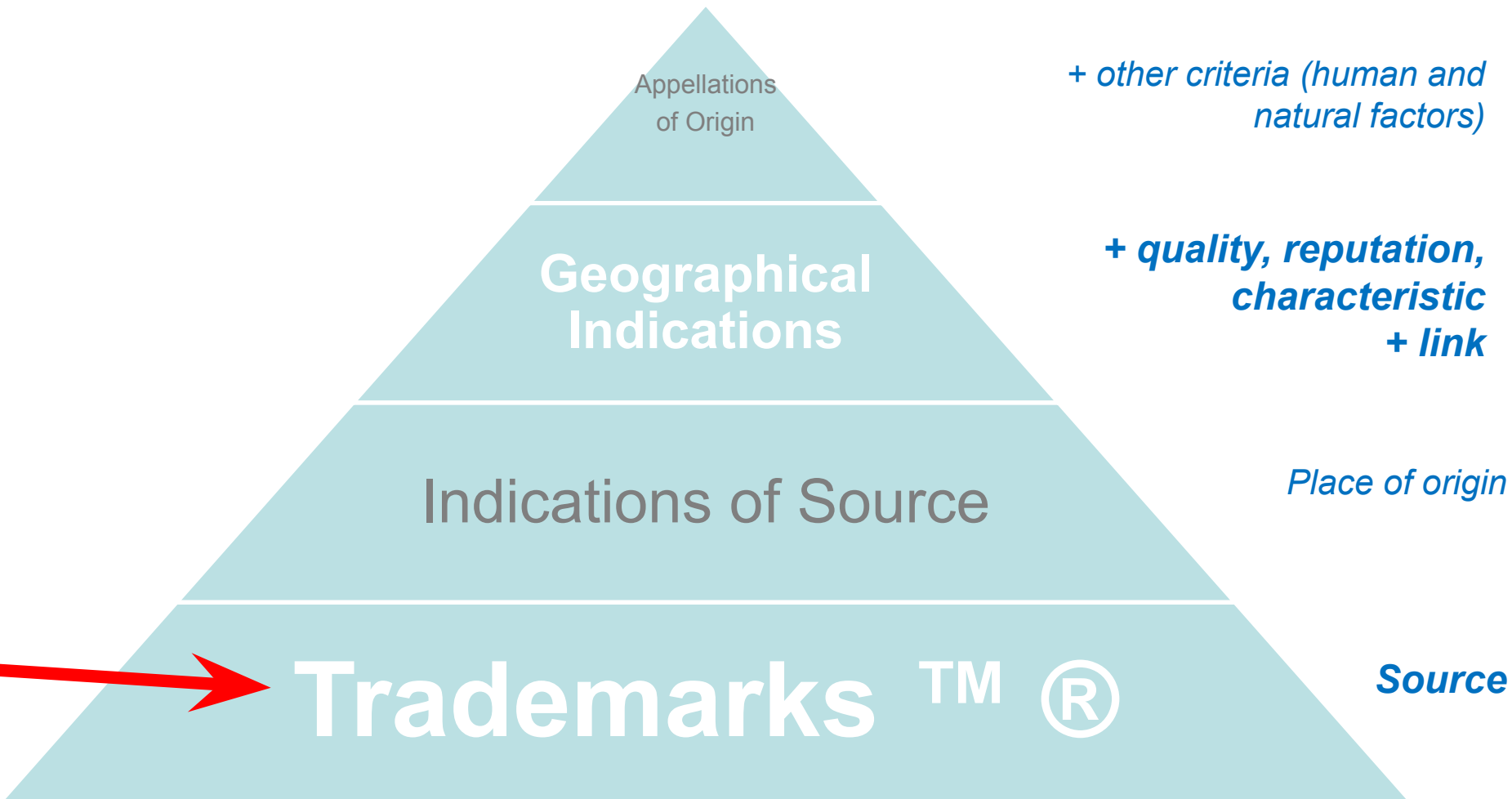


Introduction to Geographical Indications (GIs)

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- The basics:
 - trademarks/indications of source
 - what is a GI and why they are protected
 - examples of GIs
- The international legal framework:
 - the Paris Convention
 - the TRIPS Agreement
- Further ccTLD-related information:
 - WIPO survey: GIs in ccTLD ADR policies
 - WIPO ccTLD ADR services



Trademarks

- A trademark is a **sign (word and/or design)** capable of **distinguishing the goods or services** of one enterprise **from those of others**



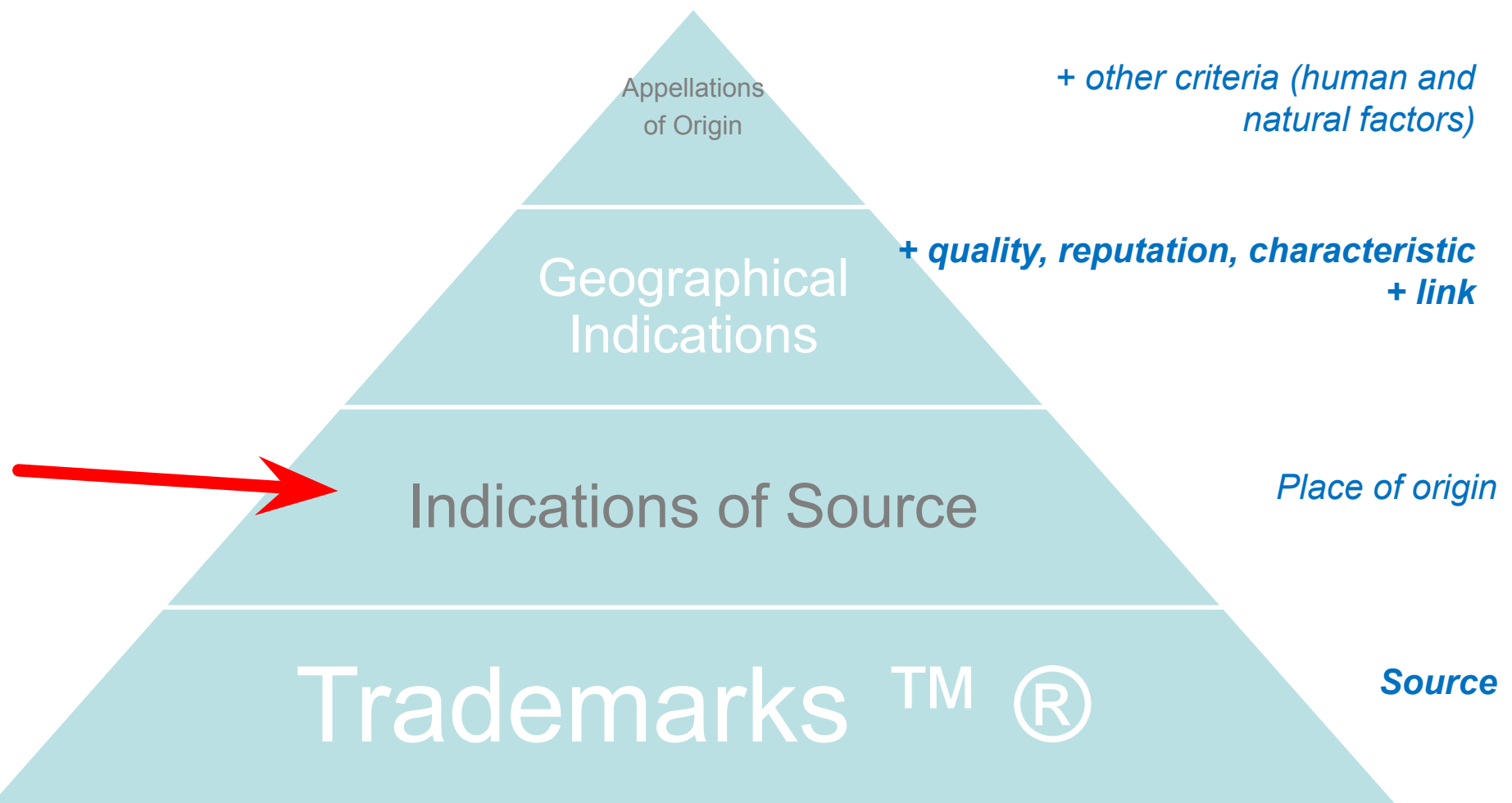




Branded IN Memory

The **Starbucks** Logo Drawn From Memory by More Than 150 People

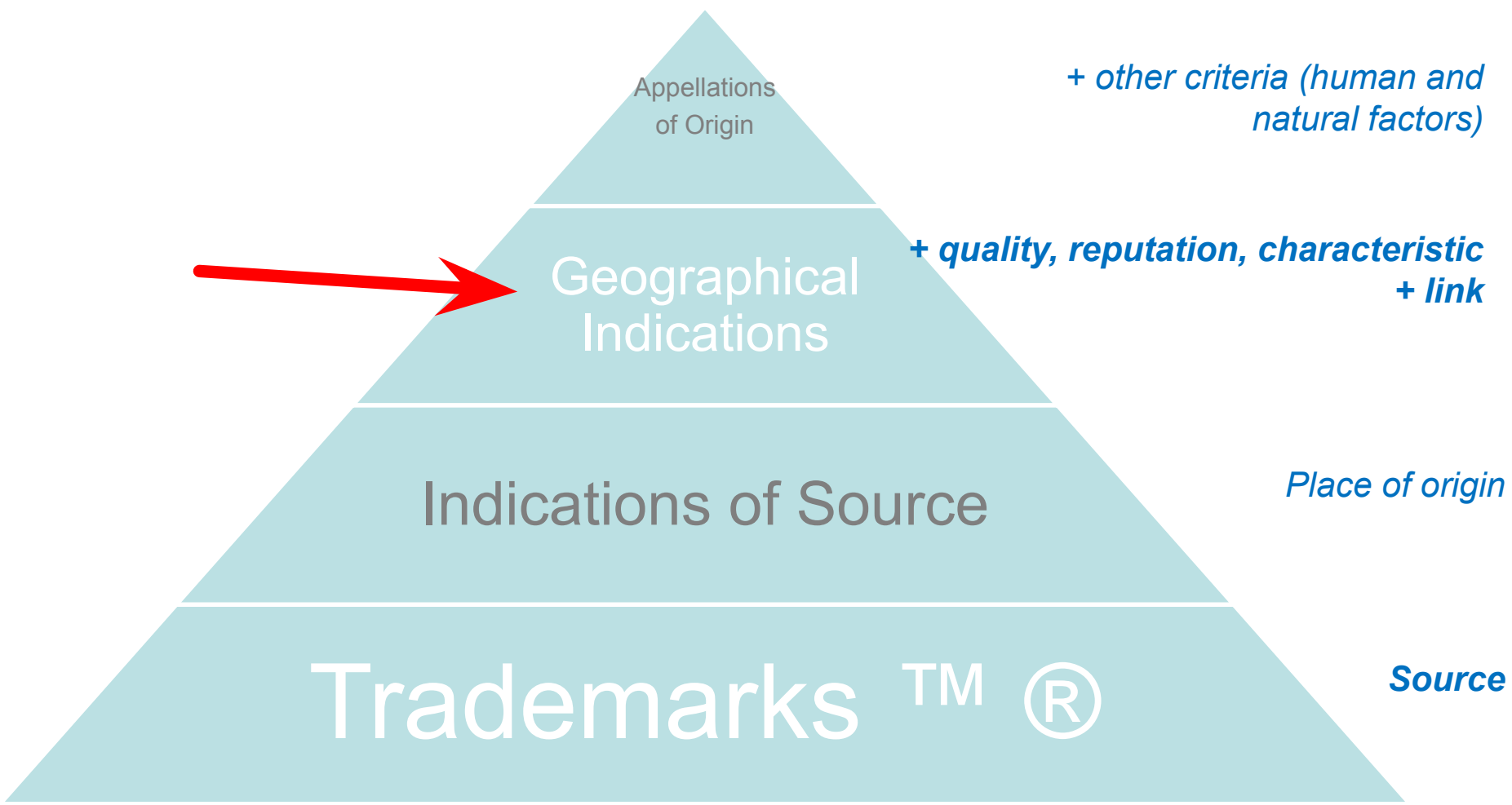




Indications of source:

a designation accompanying a product indicating its **place of origin**





What is a Geographical Indication?

- Like a trademark, an **indication of source**:
 - identifying a good as originating in a place
 - where a given **quality, reputation, or other characteristic** of the good is essentially **attributable to its geographical origin**

(for collective use)

More info: www.wipo.int/geo_indications/en/index.html

Common types of GIs

- Food
 - Cheese
 - Fruits
 - Meat
 - Oils
 - Vegetables

- Beverages

- Wine

Virtual exhibition on wine wipo.int/library/en/gi-exhibition.html

- Beer
 - Spirits
 - Coffee

Geographical Indications



**Federación Nacional de
Cafeteros de Colombia**



WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

Why?

Producers:

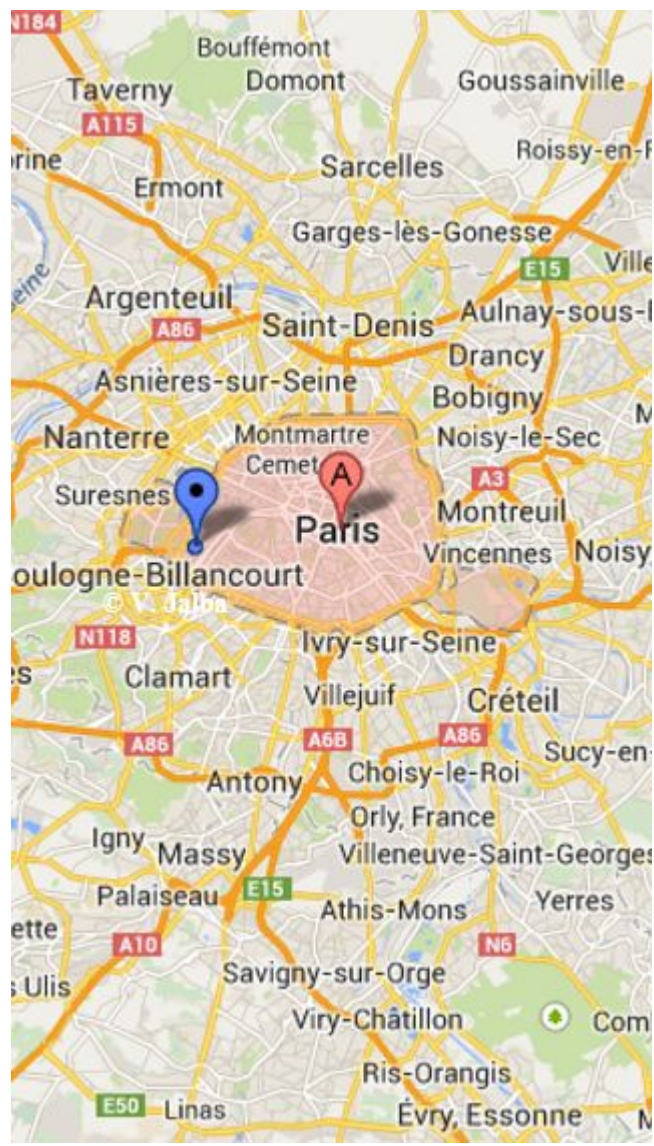
- To **protect** the intangible value in a product's **reputation**
- To **prevent unauthorized use**
 - (also as a trademark or generic term)
- To **prevent unfair competition**
- To **prevent misleading the public**
- To **differentiate** products in a competitive market

Consumers:

Offline, and online:

- To know the quality, reputation, and origin of the product
 - To know what/who's product you are buying
 - To know who to hold accountable

Paris, France



Texas, USA



International legal framework

Five **multilateral** treaties applicable to GIs:

WIPO: **Paris** Convention for the Protection of Industrial Property (1883) (179 signatories) (Art. 1)

Madrid Agreement on the Repression of Deceptive Indications of Source on False or Goods (1891)

Lisbon Agreement for the Protection of *Appellations of Origin* and their International Registration (1958) (27 signatories)

Madrid Agreement and Protocol for the international registration of marks (1891 and 1989)

WTO: **TRIPS** Agreement (1994) (158 signatories) (Art. 22) [*enhanced protection for wines & spirits (Art. 23)*]

Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications

Thirty-Ninth Session
Geneva, April 23 to 26, 2018

**SURVEY OF THE EXISTING STATE OF PLAY OF GEOGRAPHICAL INDICATIONS,
COUNTRY NAMES, AND OTHER GEOGRAPHICAL TERMS IN THE DOMAIN NAME
SYSTEM (DNS)**

INTRODUCTION

1. At the thirty-eighth session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), held from October 30 to November 2, 2017, the SCT adopted its Workplan on Geographical Indications, as reflected in the Summary by the Chair of the SCT (see the Annex to document SCT/38/5).
2. In accordance with the Workplan on Geographical Indications, the Chair of the SCT requested the Secretariat "to describe the existing state of play of geographical indications, country names, and other geographical terms in the Domain Name System (DNS), with a view to further discussions on the matter by the SCT".
3. Accordingly, the Secretariat prepared the present Survey document and the accompanying Annex. The document consists of two parts. The first part of the document surveys the existing state of play of geographical indications, country names, and other geographical terms in generic Top Level Domains (gTLDs), while the second part does so for country code Top Level Domains (ccTLDs). The Annex contains more specific information on ccTLD registration terms and dispute resolution policies with respect to the surveyed identifiers. For easy reading and reference, a Table of Contents is included.

ccTLD/ Short Name	Covered by Registration Terms	Relevant Registration Agreement Text	Covered by ADR Policy	Relevant Dispute Resolution Policy Text
		<p>the .hu public domain</p> <p>a) the <u>local municipality</u> only is entitled to choose a domain name identical with the name of settlement belonging to the municipality</p> <p>b) the official representation only of the particular <u>country</u> is entitled to choose a domain name identical with <u>the name of the particular country (in Hungarian, English and the own language of the country)</u> [...]</p>		<p>to the Applicant</p> <p>a) if</p> <p>aa) the domain name is identical or confusingly similar to a name in respect of which a protection is recognized or established by national and/or Community law in favor of the Dispute Applicant; or</p> <p>ab) the domain name is identical or confusingly similar to a name in respect of which a right to use is recognized or established by national and/or Community law in favor of the Dispute Applicant,</p> <p>b) and if</p> <p>ba) the domain name has been applied for by the Applyee without rights or legitimate interest in the name; or</p> <p>bb) the domain name has been applied for or is being used by the Applyee in bad faith.</p>
<u>.IE</u> Ireland	n/a	<p>Registration and Naming in the .IE Namespace</p> <p>www.iedr.ie/uploads/IEDR-RegistrationNaming-.IE-Namespace.pdf</p> <p>3.1.2.2. Rules on what constitutes a "valid" domain name are as follows:</p> <p>vi. The proposed domain name must not contravene the geographical name regulation, which requires that no domain name may consist of <u>Irish geographical name(s), word(s) or description(s), or a combination of such</u>, followed by .ie, which in the view of the IEDR would be likely to be misleading if registered in the name of the applicant, or if registered, would be likely to infer or to imply that the (future) domain holder had exclusive, or certain, rights emanating from such a domain name.</p>	<p>"Geographical indications"</p> <p>"Protected identifier in which the Complainant has rights"</p>	<p>Dispute Resolution Policy</p> <p>www.iedr.ie/dispute-resolution/</p> <p>1. Mandatory Administrative Proceeding</p> <p>1.1. The Registrant agrees to submit to a mandatory administrative proceeding ... for .ie Domain Name Registrations in the event a Complainant claims that:</p> <p>1.1.1. a domain name is identical or misleadingly similar to a <u>protected identifier in which the Complainant has rights</u>; and</p> <p>1.1.2. the Registrant has no rights in law or legitimate interests in respect of a domain name; and</p> <p>1.1.3. a domain name has been registered or is being used in bad faith.</p> <p>1.3. Protected identifiers for the purpose of this</p>

11 of 83 ccTLDs surveyed provide **ADR for GIs**

[8 were unclear; some cover local/national place names]

ccTLD/ Short Name	Covered by Registration Terms	Relevant Registration Agreement Text	Covered by ADR Policy	Relevant Dispute Resolution Policy Text
		<p><i>NOTE: as of December 20th 2016, this rule [is] no longer [] in effect. Accordingly, there [is] no restriction on applying to register a .ie domain that corresponds to an Irish geographic place name from this date.</i></p>		<p>Policy are:</p> <p>1.3.1. Trade and service marks protected in the island of Ireland.</p> <p>1.3.2. Personal names (including pseudonyms) in which the Complainant has acquired a reputation in the island of Ireland.</p> <p>1.3.3. <u>Geographical indications</u> that can prima facie be protected in the island of Ireland.</p> <p>Geographical indications are, for the purposes of this Policy, indications which identify a good as originating in a territory, region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin. A Complainant is deemed to have rights in a geographical indication for the purposes of this Policy, if it has standing to bring an action based on the alleged infringement of the geographical indication before the courts of Ireland.</p>

Domain Name Dispute Resolution Service for Country Code Top Level Domains (ccTLDs)

Since the launch of the [WIPO ccTLD Program](#) in 2000, WIPO has provided advice to many ccTLDs with a view to establishing registration conditions and dispute resolution procedures that conform with international standards of intellectual property protection while taking into account the particular circumstances and needs of the individual ccTLD.

The WIPO Center provides domain name dispute resolution services for the ccTLDs listed in the below table. Each such ccTLD page includes links to a range of relevant resources including for case filings.

Where a ccTLD has adopted the UDRP, those domain names may be consolidated with gTLD and other ccTLD domain names against a single registrant in a single UDRP complaint.

ccTLDs adopting the UDRP include .ag, .ai, .as, .bm, .bs, .bz, .cc, .cd, .co, .cy, .dj, .ec, .fj, .fm, .gd, .gl, .ki, .la, .lc, .md, .me, .mw, .nr, .nu, .pa, .pk, .pn, .pr, .pw, .ro, .sa, .sc, .sl, .sn, .so, .tj, .tt, .tv, .ug, .ve, .vg, and .ws.

() Those ccTLDs which use a variation of the UDRP are marked below with an asterisk.*

► [More general ccTLD information](#)

ccTLDs for which the WIPO Center provides dispute resolution services

A	B
.AC (Ascension Island) (*) .AE and دولة الامارات (United Arab Emirates) (*) .AG (Antigua and Barbuda) .AI (Anguilla) .AO (Angola) (*) .AS (American Samoa) .AU (Australia) (*)	.BH and البحرين (Bahrain) (*) .BM (Bermuda) .BO (Bolivia (Plurinational State of)) (*) .BR (Brazil) (*) .BS (Bahamas) .BZ (Belize)
C	D
.CC (Cocos Islands) .CD (Democratic Republic of the Congo) .CH (Switzerland) (*) .CN and 中国 (China) (*) .CO (Colombia)	.DJ (Djibouti) .DO (Dominican Republic) (*)



FEATURED

Guide to WIPO's services for country code top-level domain registries

[Guide](#)

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WIPO-administered
ccTLDs provide **ADR**
for GIs