



European Communities Trade Mark Association

PRESS RELEASE

On the occasion of the

Diplomatic Conference for the Adoption of a new Act of the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration

Geneva, May 2015

As part of its task to promote the development and improvement of trade mark law and other forms of intellectual property, in particular in the European Union, ECTA has followed with great attention the initiatives of WIPO aiming at revising the Lisbon Agreement.

ECTA has attended most of sessions of the Working Group on the Development of the Lisbon System, since 2009, and is also represented at the Diplomatic Conference.

In its current form, and with only 28 members, the Lisbon system is not sufficiently attractive and needs to be revised. Its provisions should be more aligned with those of TRIPS, and should reflect the growing importance of bilateral treaties adopted in this field. Therefore, ECTA strongly supports the revision of the Lisbon Agreement.

In particular, ECTA welcomes:

- The modification of the current treaty, in lieu on the adoption for a separate protocol;
- The introduction of a dual regime of appellations of origin and geographical indications. This is consistent with the EU regulations in the foodstuff and wine sectors;



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- The inclusion of the possibility for intergovernmental organizations to adhere to the treaty. This will open the accession to the EU, and will simplify the protection of geographical indications with its trade partners;

- The adoption of a significant level of protection for appellations of geographical indications, which would extend to misuse, imitation or evocation, as well as to the use of the protected term in a form which would be detrimental to, or exploit unduly, its reputation. This form of protection would be consistent with the corresponding EU regulations;

Besides, ECTA follows with specific interest the negotiations on controversial issues, including on genericness and conflicts with prior trade marks.

- With respect to the fact that registered appellations of origins and geographical indications cannot become generic, some limitations could be allowed, and the proposal regarding “dormant” registrations is an interesting one: i.e. when a given term is not used in a member state by the producer’s association, and is being progressively used in good faith by third parties, without any preventive action being taken.

- With respect to conflicts with prior trade marks, ECTA has always advocated for a more balanced relationship, and will closely monitor the outcome of the negotiations.

For further details, please contact the ECTA secretariat, ecta@ecta.org.