DOI: 10.31648/sp.11922

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Developments in international treaties and European law in the area of regulation of geographical indications of products and tensions between the European and Anglo-Saxon approaches to their protection

Introduction

The legal regulation of geographical indications falls within the scope of the right to designate ie. it is part of industrial rights and a wider system of intellectual property rights.

Although geographical indications (hereinafter referred to as GIs)[1] such as Champagne, Roquefort, Suska sechlońska, Parmigiano Reggiano, Olomoucké tvarůžky, Oscypek and Rioja wine have similar informational value and importance both to consumers and producers as trademarks, the legal protection of geographical indication internationally falls far short of the level of trademarks. The economic value of geographical indications and trademarks depends on their protection against the imitation and misuse not only in the country of origin, but especially in the markets where the products marked in such a way are exported. Unfortunately, the regulation of geographical indication and therefore also the protection on an international level did not have the same historical development as in the case of

[1] The acronym GIs is used in this text as a common term covering all types of geographical indications.

trademarks. While trademarks are covered by relatively homogeneous legal regulation, enshrined in international treaties, and they also have a register of international trademarks maintained by the World Intellectual Property Organization (WIPO), the geographical indications so far have had only a limited extent to this, although the EU countries in particular have sought to achieve this possibility of international registration under the TRIPS Agreement over the past twenty years. Slight progress was finally made by the so-called Geneva Act of the Lisbon Agreement, which was negotiated in 2015 and entered into force on February 26th 2020.

The main goal of this article is therefore to evaluate the Geneva Act as an attempt to bridge the conflict together with the direction of the new European legislation implemented by Regulations 2024/1143 and 2023/2411. The historical-legal and theoretical-legal methods were used in the research.

Development of GIs' protection on an international scale

The first universal treaty to protect most industrial property rights, which for the first time enshrined also the protection of geographical indications on an international level, was The Paris Convention for the Protection of Industrial Property, signed in Paris, France, on 20th March 1883. The protection of geographical indications was mentioned in Article 1(2): "The protection of industrial property has as its object patents, utility models, industrial designs, trademarks, service marks, trade names, indications of source or appellations of origin, and the repression of unfair competition"[2].

Article 9 provides for measures against goods unlawfully bearing a trademark or trade name consisting of seizure of this product if the seizure option is part of the country's legal order. According to Article 10 the same rules as in Article 9 should apply also in cases of direct or indirect use of a false indication of the source of the goods or the identity of the producer, manufacturer, or merchant.

However, the Paris Convention for the Protection of Industrial Property does not in fact contain the definition of a designation as an indication of the geographical origin of the goods, nor is there an explicit form of protection, the Convention serves rather for suppressing of unfair competition in these areas[3].

Another international treaty unifying regulation and protection of geographical indications was the Madrid Agreement for the Repression of False

[2] Paris Convention for the Protection of Industrial Property, *World Intellectual Property Organization,* https://www.wipo.int/treaties/en/ip/paris/ (accessed: 7.10.2025).

[3] D. Giovannucci, T. Josling, *Guide to geographical indications: linking products and their origins*, Geneva 2009, p. 44.

or Deceptive Indications of Source on Goods of April 1891. The Agreement contains provisions of seizing all goods bearing a false or deceptive indication by one of the countries to which the Agreement applies, or a place situated therein, is directly or indirectly indicated as being the country or place of origin. Seizure shall also be effected in the country where the false or deceptive indication of source has been applied, or into which the goods bearing the false or deceptive indication have been imported (Article 1 of the abovementioned Agreement).

However, the authorities shall not be bound to effect seizure in the case of transit. The agreement allows the vendors to indicate their name and address on the products coming from countries other than the country of sale, on condition that this information will be accompanied by an exact and clear indication of the country or place of processing or production or any other information sufficient so as to avoid any mistake about the true origin of the product. The decision whether the indication is the designation of origin of a product or only a name of generic character remain within the jurisdiction of a Member State court. This provision does not concern the designations of wine products where it is decisive whether the appellation enjoys protection as an appellation of origin in the country of origin. Unfortunately, the impact of the Madrid Agreement has been limited, as only 36 states have ratified this agreement[4].

Lisbon Agreement for the Protection of Appellations of Origin and their International Registration of October 1958, facilitated the international protection of designations of origin, as Article 2 for the first time defined the appellation of origin (AO) as "(…) the geographical denomination of a country, region, or locality, which serves to designate a product originating therein, the quality or characteristics of which are due exclusively or essentially to the geographical environment, including natural and human factors".

Next in Article 3 it defines the scope of protection: "Protection shall be ensured against any usurpation or imitation, even if the true origin of the product is indicated or if the appellation is used in translated form or accompanied by terms such as »kind«, »type«, »make«, »imitation« or the like". Article 6 provided that the appellation of origin, as such protected in one member country, will not be able to become generic in another member country.

Unfortunately, so far, only 44 states and groups (Members of the Lisbon Union Assembly, online)[5], have acceded to the Lisabon agreement (after Geneva Act) which also means, inter alia, the degree of harmonization of the protection of designations of origin is very low at international level. Moreover,

[4] World Intellectual Property Organization, *Madrid Agreement Concerning the International Registration of Marks*, https://www.wipo.int/treaties/en/registration/madrid/ (accessed: 7.10.2025).

[5] https://www.wipo.int/export/sites/www/treaties/en/docs/pdf/lisbon.pdf (accessed: 18.08.2025).

the signatories are not the most important international traders such as United States, Japan, China or Canada. Nevertheless, the importance of the Lisbon Agreement for the signatory countries, among them the Czech Republic, lies in the registration of the appellation which can hardly be later labelled as a generic name. The Czech Republic has been a signatory country of the Lisbon agreement since 1966[6].

In order to protect appellation of origin in other States (signatories of the Lisbon Agreement) a single registration system was created, the so-called Lisbon system, which is managed by WIPO and forms a sort of counterpart of the Madrid system used for registration of international trademarks. The condition for registration was the existing protection of the appellation of origin of the products in its own country of origin. The disadvantage of this system was that it only applied to appellations of origin.

As an important milestone of the development of the Geographical indications protection in international treaties, it is necessary to mention The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) of 1994, which is part of the Agreement establishing the World Trade Organization (WTO). The agreement is of major importance both for the law of geographical indications, and for protection of other objects of intellectual property on an international scale.

The TRIPS Agreement provides a basic international regulatory framework for geographical indications and provides access to international dispute resolution. It provides two levels of protection of geographical indications, a higher level for wines and spirits and a lower level for other products. The basic feature of this agreement is that it provides consumers with protection against the misleading marketing, on the other hand it provides only slight protection for products other than wine and spirits. It serves as a platform to solve disputes among WTO members concerning geographical indications, which may involve insufficient implementation of legislation to protect these designations in national law.

The disadvantage of the agreement, at least from the European point of view, is the identification of two types of protection of geographical indications, a higher level for wines and spirits and a lower level for other products. The agreement does not create any direct international protection of geographical indications, such as the Lisbon Agreement, the designation must be protected at national level[7] and the TRIPS State only have to allow for national protection proceedings.

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[6] World Intellectual Property Organization, *Lisbon Agreement for the Protection of Appellations of Origin and Their International Registration: contracting parties/signatories – Lisbon Agreement Czech Republic*, https://www.wipo.int/wipolex/en/treaties/parties/remarks/CZ/10 (accessed: 7.10.2025).

[7] See: Judgment of the Court (Fifth Chamber) dated March 4, 1999, case No. C-87/97, *Consorzio per la tutela del formaggio Gorgonzola v. Käserei Champignon Hofmeister GmbH & Co. KG*

The TRIPS Agreement is binding to all WTO members. In contrast to the Madrid and Lisbon Agreements, in this case the protection of geographical indications has truly a global scope. Another undoubted advantage of this agreement is the fact that, under TRIPS, the provision of protection for geographical indications is not tied to previous formal registration.

Legal protection of geographical indication is different in different countries, but the TRIPS Agreement provides certain unifying protection standards, contained in Part II Articles 22, 23 and 24 of the TRIPS Agreement.

Article 22 of the TRIPS Agreement provides that geographical indications are indications which identify a goods as originating in the territory of a member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the goods is essentially attributable to its geographical origin. Member states should prevent the use of any means in the designation or presentation of a goods that indicates or suggests that the goods in question originate in a geographical area other than the true place of origin, refuse or invalidate the registration of a trademark which contains or consists of a geographical indication with respect to goods not originating in the territory indicated, if use of the indication in the trademark for such goods in that Member is of such a nature as to mislead the public as to the true place of origin.

Article 23 of the TRIPS for wines and spirits, which in fact form the biggest group of the registered geographical indications, offers protection for these designations without the need to prove unfair competition or misleading advertisement – for example the name "Parmesan produced in the USA" is not considered by court to be a violation of geographical indication Parmigiano Reggiano according to TRIPS, while "Cognac" produced outside the Cognac region is a breach of the TRIPS Agreement, even in those cases where the true origin of the product is indicated[8]. The use of so-called delocalisation clauses is therefore inadmissible for wine and spirits.

Finally, it should be noted that countries are beside the multilateral international agreements participating on regional or bilateral agreements to facilitate the protection or, where appropriate, to obtain preferential market access for their products bearing geographical indications.

Regional international treaties were concluded between states in a particular region, for example NAFTA[9] (North American Free Trade Agreement) or EU Member States.

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and Eduard Bracharz GmbH, par. 18 which states that the national protection shall stop when the GI is registred on th EU level.

[8] D. Giovannucci, T. Josling, op. cit., p. 42.

[9] The North American Free Trade Agreement (NAFTA) is an agreement signed by the governments of Canada, Mexico and the United States, creating a tripartite business block in North America. The agreement is effective from 1 January 1994 and, among other things, it protects the names of Bourbon whiskey, Canadien whiskey and Mexico Tequila.

Several bilateral agreements on Geographical Indications governing the import and export of wine have been concluded by the European Union, for example with Mexico, Canada, Australia, South Africa, Chile and the USA[10].

Geneva Act of the Lisbon Agreement

Another initiative in international agreements has been the revision of the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration by the so-called Geneva Act in 2015. The Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (hereinafter the Geneva Act) reflected the development of the protection of geographical indications in previous decades and included some fundamental changes in the field of international protection of geographical indications.

The Geneva Act is a multilateral international convention administered by WIPO, which revised the Lisbon Agreement on the Protection for Appellation of Origin and their International Registration.

It creates the possibility of simple and cheap (one set of fees) international registration of a geographical indication at WIPO, which will lead to protection in all member countries of the Geneva Act. This is a system similar to the international registration of a trademark through the so-called Madrid system, also administered by WIPO.

Another significant change brought about by the Geneva Act is that the Lisbon Agreement applies only to appellations of origin, while the Geneva Act extends protection to a geographical indications. Geographical indications are less restrictive than the appellations of origin. The connection between the geographical origin of the product and its quality is looser than that of the Appellation of Origin.

The weaker or looser link between the defined territory and the designated product is that while for the appellation of origin the production, processing and preparation of such goods must take place in the defined area, for a geographical indication it is sufficient that only some stages of production (production, processing or preparation) of the food or agricultural product took place in the defined territory. This new adaptation in the Geneva Act considers the fact that a number of States have in their national law only the legal regulation of geographical indications[11].

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[10] European Commission, *Bilateral and free trade agreements*, https://agriculture.ec.europa.eu/farming/crop-productions-and-plant-based-products/wine/bilateral-and-free-trade-agreements_en (accessed: 8.10.2025).

[11] World Intellectual Property Organization, *Main Provisions and Benefits of the Geneva Act of the Lisbon Agreement*, p. 3, first published: 2018, https://www.wipo.int/edocs/pubdocs/en/wipo_lisbon_flyer.pdf (accessed: 6.10.2025).

A fundamental change brought about by the Geneva Act is that acceding states are not required to have sui generis protection for appellations of origin and geographical indications, they may use their own different systems, usually collective or certification trademarks.

Regarding the definition of the place of origin of the product, the Geneva Act use practically the same definition as the Lisbon Agreement, the novelty is only the introduction of trans-border regions, an area that can interfere with the territory of several states (Article 2, Geneva Act).

Another innovation of the Lisbon Agreement is the establishment of the possibility that not only individual states, but also intergovernmental organizations, may become parties to the Geneva Act (Article 28, Geneva Act). These may be countries which are party to the Paris Convention or the World Intellectual Property Organization whose legislation is in line with the relevant provisions of the Paris Convention or international organizations such as the African OAPI or the European Union.

The procedural rules for the international registration of geographical indications have not been changed by the Geneva Act.

Application to international registration is filled by the national authority responsible for the protection of intellectual property rights at WIPO. After the application is received by WIPO, the designation is internationally registered and notified to the contracting states that have right to refuse the protection for the registered designation within one year after the registration. The declaration of refusal must be followed by the reason why the country refuses the protection on its territory. Upon expiry of the one-year period, the designation is protected in all contracting states which have not refused protection. An international registration is valid for an unlimited period, provided that the corresponding appellation of origin/geographical indication is also protected in the country of origin.

In October 2019, the Council of the EU adopted a decision approving the accession of the EU to the Geneva Act, as well as a regulation governing the functioning of the EU as a member of this Treaty.

This is Regulation (EU) 2019/1753 of the European Parliament and of the Council of 23 October 2019 on the action of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (hereinafter: the Regulation). The EU's accession to the Geneva Act has enabled the international registration of appellations of origin and geographical indications protected at EU level.

The regulation also includes transitional provisions concerning appellation of origin from seven EU Member States, which was already registered under the Lisbon Agreement, it was Bulgaria, France, Italy, Portugal, Slovakia Czech Republic and Hungary[12]. The Geneva Act came into force on 26 February 2020.

[12] G. Miribund, *Changes happen slowly – some comments on geographical indications between the Geneva Act and Regulation 2019/1753 2020*, „European Food and Feed Law Review" 2020, Vol. 15, No. 1, p. 28.

The system operated according to the rules whereby individual Member States were able to accede to the Geneva Act together with the EU. This allows them to benefit from the voting right within the union which govern the treaty. The Geneva Act provides that contracting parties that are intergovernmental organizations, such as the EU, have number of votes equal to the number of its Member States which are party to it. Member States which are contracting parties to the Lisbon Agreement, remained as such to ensure the continuity of their rights and obligations. Overall, the EU accession to the Geneva Act paves the way to the establishment of an international GIs registry.

The conflict between "old" and "new" states

The neuralgic point of the discussions on the legal regulation of geographical indications on an international level is always their relationship to the earlier trademarks. The confusion of these rights to designation consists of the fact that the trademark may contain words which are also geographical indications. The Geneva Act deals with the relationship between the geographical indication and the earlier trademark in Article 13 on the basis of the coexistence of the two marks: "(1) [Prior Trademark Rights] The provisions of this Act shall not prejudice a prior trademark applied for or registered in good faith, or acquired through use in good faith, in a Contracting Party. Where the law of a Contracting Party provides a limited exception to the rights conferred by a trademark to the effect that such a prior trademark in certain circumstances may not entitle its owner to prevent a registered appellation of origin or geographical indication from being granted protection or used in that Contracting Party, protection of the registered appellation of origin or geographical indication shall not limit the rights conferred by that trademark in any other way".

It can be noted that the adoption of the Geneva Act is the result of many years of efforts by the EU at the WTO platform, which, through negotiations within the TRIPS Agreement, sought to extend the higher level of protection under Article 23 of TRIPS to products beyond wines and spirits, including the creation of an international registry of geographical indications. The EU's efforts to extend the protection of geographical indications to products other than wine and spirits has faced constant resistance from the "new world" states, especially the USA, Australia and Canada. As a result, the extension of protection was achieved through negotiations within WIPO with the adoption of the Geneva Act to the Lisbon Agreement.

The EU's efforts were motivated by the prospect of better export conditions for food products with appellation and the extent of protection against imitation. Developing countries then have similar motivation, especially

regarding the protection of traditional products which they seek to promote on international level, and they also consider the different levels of protection for wines and spirits and other products as discriminatory.

Opponents of the extension of protection argue by increasing costs for both consumers and manufacturers, as well as disadvantages for developing countries that would have to invest in the introduction and protection of geographical indications. In fact, developing countries, despite the initial costs, finally benefit from introducing geographical indications, as shown in the case of Indian Basmati Rice, whose name was registered by the American company RiceTec at the United States Patent and Trademark Office (USPTO) in 1997 for aromatized rice grown outside Basmati region in India. The consequence of this registration was a serious problem for the Indian producers of Basmati rice on the United States, Europe, Middle East and West Asia markets. Following the intense pressure from the Indian government, the USPTO eventually narrowed the granted protection of RiceTec rice, which did not harm India's exports of Basmati rice[13]. Similarly, RiceTec sought to register the 'Kasmati' trademark in the United Kingdom and marketed the rice packed with the phrase 'Indian Basmati Rice Style'. Following pressure from the Indian Government, the company has decided to withdraw the registration request[14].

The EU and developing countries argue that different level of protection provide help to the competitors that do not belong to the geographical area of the Protected Geographical Indication to "parasite" on reputation of the products, while legitimate rights holders of the geographical indication cannot defend themselves against such abuse if the unauthorized producer mentions the true origin of the product[15]. Other arguments for introducing the same level of protection for geographical indications for all products is the defence against genericization and that illegitimate manufacturers illegally occupy the market share that should belong to the legitimate holders of rights to geographical indication. Furthermore, it cannot be overlooked that the rightful holder, if pursuing an action under Article 22, bears a comparatively burdensome burden of proof to prove the deception of the consumer (or the public) and unfair competition[16].

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[13] See also: Judgment of the General Court (Third Chamber) dated October 6, 2021, case No. T-342/20.

[14] E. Thévenod-Mottet, D. Marie-Vivien, *Legal debates on geographical indications*, [in:] E. Barham, B. Syllvander (eds.), *Labels of origin for food, local development, global recognition*, CAB International, 2011, p. 25.

[15] D. Banerjee, M. Majumdar, *In the mood to compromise? Extended protection of geographic indications under TRIPS Article 23*, „Intellectual Property Law and Practice" 2011, Vol. 6(9), p. 659.

[16] Ibidem, p. 660.

Reform of European legal regulation of geographical indications in 2024

The European regulation of geographical indications as we know it, i.e. the sui generis system, can be dated back to the entry into force of Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs[17]. This regulation introduced a system specific to Europe, which distinguishes between PDO (Protected Designation of Origin) and PGI (Protected Geographical Indication). PDO is a stricter regime, where all phases of the production process, i.e. production, processing, preparation, must take place in a defined area. In contrast, PGI is more liberal for the producer, it is sufficient if at least one phase takes place in a defined area. A clear trend in the European GIs system can be traced, namely the inclination of the sui generis regime towards PGI compared to PDO[18]. Regulation (EEC) No. 2081/92 introduced a practically unlimited level of protection for GIs, which has lasted to this day, although of course other regulations have been introduced in the meantime, responding to the requirements, in particular to the objectives of the Common Agricultural Policy at that time[19]. As Annette Kur, who is critical of such unlimited protection of Gis, points out: "In spite of the lower threshold thus established, PGIs enjoy the same protection as PDOs, thereby devaluing the original link between requirements and scope of the exclusive right"[20].

The European law on geographical indications, i.e. the sui generis right, has a unique position in the intellectual property law system. The basis of the specific position is the concept of terroir, which gives products unique characteristics[21]. The European Commission will not accept a generic designation for registration, however, once registration has taken place, the generalization of such a designation is excluded.

The CJEU also promotes an above-standard level of protection in its decisions, as can be illustrated by the dispute regarding the appearance of

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[17] A. Zappalaglio, *A short history of the relationship between EU agricultural Gis and the Common Agricultural Policy: from the beginning to Regulation 2024/1143. In the future of geographical indications European and global perspectives*, Northampton 2025, p. 60.

[18] B. Calabrese, *„Designating" the future of geographical indications*, „Journal of Intellectual Property Law & Practice" 2024, Vol. 19, No. 9.

[19] A. Zappalaglio, op. cit., p. 60 (cased). It concerned Regulation 510/2006 and Regulation 1151/2012, regarding agricultural products and food, and other regulations separately governing wines and spirits.

[20] A. Kur, *No strings attached to GIs? About a blind spot in the (academic) discourse on limitations and fundamental rights*, p. 89, https://link.springer.com/article/10.1007/s40319-022-01273-9 (accessed: 6.10.2025).

[21] Ibidem, p. 81.

Morbier cheese, specifically the lines caused by a layer of ash, where the CJEU supported the holder of the right to the geographical indication Morbier in its decision[22], while the dispute concerned the appearance and not the name of the cheese.

In 2024, a reform of the European regulation on geographical indications was carried out, which unified the protection regimes for wine, spirits and agricultural products and foodstuffs, which had previously been regulated in separate regulations[23], and at the same time introduced a new system of protection for geographical indications of craft and industrial products[24]. This new unified regime for wine, spirits and agricultural products establishes a single form of GIs, which is essentially the same as the PGI, as is the regulation governing industrial and craft products[25].

Geographical indications entered in the Union register of geographical indications are protected by Regulation (EU) 2024/1143 of the European Parliament and of the Council of 11 April 2024 on geographical indications for wine, spirit drinks and agricultural products in Article 26 against:

a) any direct or indirect commercial use of the geographical indication in respect of products not covered by the registration, where those products are comparable to the products registered under that name or where use of that geographical indication for any product or any service exploits, weakens, dilutes, or is detrimental to the reputation of, the protected name, including when those products are used as an ingredient;
b) any misuse, imitation or evocation, even if the true origin of the products or services is indicated or if the protected name is translated, transcribed or transliterated or accompanied by an expression such as 'style', 'type', 'method', 'as produced in', 'imitation', 'flavour', 'like' or similar, including when those products are used as an ingredient;
c) any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product that is used on the inner or outer packaging, on advertising material, in documents or information

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[22] Judgment of the Court (Fifth Chamber) dated December 17, 2020, case No. C-490/19, *Syndicat interprofessionnel de de´fense du fromage Morbier v. Société Fromagére du Livradois SAS*.

[23] Regulation (EU) 2024/1143 of the European Parliament and of the Council of 11 April 2024 on geographical indications for wine, spirit drinks and agricultural products, as well as traditional specialities guaranteed and optional quality terms for agricultural products, amending Regulations (EU) No. 1308/2013, (EU) 2019/787 and (EU) 2019/1753 and repealing Regulation (EU) No 1151/2012.

[24] Regulation (EU) 2023/2411 of the European Parliament and of the Council of 18 October 2023 on the protection of geographical indications for craft and industrial products and amending Regulations (EU) 2017/1001 and (EU) 2019/1753.

[25] B. Calabrese, *„Designating" the future…*, p. 693.

provided on online interfaces relating to the product concerned, and the packing of the product in a container liable to convey a false impression as to its origin;

d) any other practice liable to mislead the consumer as to the true origin of the product.

The already broad protection of GIs was further strengthened by the Regulation by protection against evocation in recital 35 of Council Regulation (EU), Explanatory Memorandum, COM(2023) 500, 2024 O.J. (L 20) 10, where "(…) on the established case-law of the Court of Justice of the European Union, evocation of a geographical indication may arise, in particular, where a link with the product designated by the registered geographical indication, including with reference to a term, sign, or other labelling or packaging device, is present in the mind of the average European consumer who is reasonably well-informed, observant and circumspect".

The protection of designations of origin and geographical indications should apply to all domain names accessible in the Union, regardless of the place of establishment of the relevant registers[26]. This is provided for in addition to recitals of the Explanatory Memorandum in Articles 35 and 42 of Regulation (EU) 2024/1143.

Another more detailed new regulation of geographical indication products concerns storage, transit, distribution or offering for sale, including e-commerce[27].

An important aspect of the new Regulation (EU) 2024/1143 is the emphasis on the sustainability of the EU food system. A reference to the European Green Deal[28] is made in recital 5 of the Explanatory Memorandum of the Regulation, which includes the creation of a fair, sustainable and healthier food system that is more environmentally friendly and accessible to all (from farmer to fork) among the policies aiming at transforming the Union economy for a sustainable future[29].

The Regulation highlights that GIs can play an important role in terms of sustainability, including the circular economy, which increases their heritage value and therefore strengthens their role in national and regional policies to meet the objectives of the European Green Deal[30]. Currently, the EU policy locates sui generis GIs as a component of the "Farm to Fork Strategy"[31].

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[26] Recitals 33, 45, 55, 75 Regulation (EU) 2024/1143.

[27] Article 42, 43 Regulation (EU) 2024/1143.

[28] European Commission, *The European Green Deal*, https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal_en (accessed: 6.10.2025).

[29] Recitals 2 of Regulation (EU) 2024/1143.

[30] Recitals 3 of Regulation (EU) 2024/1143.

[31] European Commission, *Farm to Fork Strategy For a fair, healthy and environmentally-friendly food system*, https://food.ec.europa.eu/system/files/2020-05/f2f_action-plan_2020_strategy-info_en.pdf, cited in: A. Zappalaglio, op. cit., p. 67.

A completely new feature of the Regulation is the possibility for the group of producers to agree on sustainable practices, which will then be mandatory to produce a GI-labelled product as part of the product specification. Such practices will aim to apply sustainability standards that are stricter than those set by Union or national law in terms of environmental, social or economic sustainability or animal welfare[32].

Article 8 of the Regulation introduces another innovation, namely the possibility of submitting a voluntary document to the Commission, a "sustainability report", which will then be published by the Commission. However, it can be agreed that the sustainability report represents an additional administrative burden for producers, which has no practical impact on the sale of GI-labelled products and is therefore likely to remain unused by producers[33].

From a procedural point of view, Regulation 2024/1143 streamlines and simplifies the procedures for examining applications for GI registration and monitoring compliance with the specification. European geographical indications for foodstuffs, agricultural products, spirits and wines are registered at the European Commission – the eAmbrosia register. The European Union Intellectual Property Office (EUIPO) is responsible for the management of craft and industrial products[34].

A positive feature introduced in Article 27 of Regulation 2024/1143[35] is the possibility that a geographical indication designating a product used as an ingredient in a processed product may be used in the name of the processed product or in its labelling or in advertising materials relating to the product, for example Champagne Sorbet[36].

In some aspects, the reform is criticized by, for example, Calabrese, who points out that it lacks namely the extension of GI protection of services[37].

Conclusion

It can be concluded, therefore, that on international level, four global international treaties include the regulation of geographical indications, two

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[32] Article 7 of Regulation (EU) 2024/1143.

[33] A. Zappalaglio, op. cit., p. 71.

[34] Regulation (EU) 2023/2411 of the European Parliament and of the Council of 18 October 2023 on the protection of geographical indications for craft and industrial products and amending Regulations (EU) 2017/1001 and (EU) 2019/1753.

[35] L. Dijkman, *Pairing sturgeon with champagne: towards's due cause exception in the law of geographical indications*, „IIC International Review of Intellectual Property and Competition Law" 2023, No. 54(8), p. 1233.

[36] Judgment of the Court (Second Chamber) dated December 20, 2017, case No. C-393/16, *Comité Interprofessionnel du Vin de Champagne v. Aldi Süd Dienstleistungs-GmbH & Co.OHG*.

[37] B. Calabrese, *The evolving protection of geographical indications against services: „brand" new world?*, „IIC – International Review of Intellectual Property and Competition Law" 2024, No. 55, p. 349.

of which, Madrid and Lisbon, have only limited significance due to the low number of signatory states.

Paris Convention and TRIPS, however, provide only minimum standards for the protection of individual rights of intellectual property, including geographical indications, they define only basic protection parameters, i.e. subjects of protection, rights to these subjects and the protection period. The content of the rules is entrusted to the signatory States, as it is stated in Article 1(1) of the TRIPS Agreement: "Members shall be free to determine the appropriate method of implementing the provisions of this Agreement within their own legal system and practice".

The European tradition of food, wine, and craft products has created several products linked to a particular place of origin that gives products a specific quality, appreciated and sought after by consumers. It is understandable that European manufacturers do not want to lose this competitive advantage. By mid-2025 a total of 1754 GIs of foods, 1656 wines and 265 spirits are protected in the EU[38]. Europe's effort to protect the geographical designations of traditional products was and still is in conflict with the attitude of the US and other "New World" states (Canada, Australia), particularly in the field of international agreements. The US does not have the legal protection of the GI and the geographical names of the products are protected as a certification or collective trademark. Several European geographical indications are regarded in US as generic names (e.g. parmesan, feta) and their use is detrimental to European producers.

The conflict between "old" and "new" states, in short, the conflict between Europe and the United States, has been the main motto of discussions on the further development of the protection of geographical indications in the last 25 years. While the activities of European countries aim to extend the higher level of protection under Article 23 of TRIPS to products other than wine and spirits, efforts to create an international register of geographical indications and to develop and improve standards for the protection of geographical indications under both regional and bilateral agreements, countries of the "New World" on the other hand understand the introduction of European rules on the protection of geographical indications as creating barriers to international trade and establishing a competitive advantage for traditional European products, especially wine and food.

The adoption of the Geneva Act of the Lisbon Agreement in 2015 is some progress in the EU's efforts to introduce greater international protection of GIs. A fundamental change that could be attractive to WIPO Member States

[38] European Commission, *EAmbrosia Union register of geographical indications. Bilateral and free trade agreements*, https://agriculture.ec.europa.eu/farming/crop-productions-and-plant-based-products/wine/bilateral-and-free-trade-agreements_en (accessed: 8.10.2025).

to accede to the Geneva Act is the disappearance of the distinction between appellation of origin and geographical indication when registering in the International Register. Entry into the International Register might become attractive even for states that have only geographical indication in their national law.

It can be concluded that the Geneva Act has not resolved the conflict between old and new states. Because, as the following text demonstrates, the EU maintains and strengthens the legal protection of GIs, the new EU regulations contain even stricter regulations than the previous regulations.

Given the low number of signatory states of the Geneva Act of the Lisbon Treaty to date, it can be stated that the doubts expressed by Gervais and Slider, p. 42[39], have been fulfilled: "The bridge between Lisbon and the common law system has not been built by the Geneva Act. Some useful foundations were laid, but much remains to be done. The bridge, if it is ever built, will not be the result of a normative meeting of the minds. It will be made of trade bricks, such as those that the TTIP is hoping to lay".

However, the TTIP negotiations have been suspended for a long time and there is no indication that they could be resumed. Geographical indications were one of the most sensitive points in the negotiations.

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[39] D.J. Gervais, M. Slider, *The Geneva Act of the Lisbon Agreement: controversial negotiations and controversial results*, „Ius Gentium: Comparative Perspectives on Law and Justice" 2017, Vol. 58, p. 42.

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Summary

The development of international treaties and European law in the regulation of geographical indications of products, and the tensions between the European and Anglo-Saxon approaches to their protection

Keywords: law, geographical indications, international treaties, Geneva Act, Regulation (EU) 2024/1143, Regulation (EU) 2023/2411.

The aim of the article is, based on a summary of the development of legal regulation of geographical indications at the international level, to draw attention to the problem of inconsistent legal regulation of geographical indications in different countries and the resulting problems for authorised holders of these indications. The article clarifies the specific nature of this intellectual property right and the continuous conflict between the states of the old (EU) and the new world (USA, Canada, Australia). A contradiction between the European system of protection of geographical indications *sui generis* and Common Law protection through certification and collective trademarks is identified. The EU and developing countries argue that a different level of protection will allow competitors who do not fall within the geographical area of the protected geographical indication to 'parasitise' on the reputation of the products, while the rightful holders of GI rights cannot defend themselves against such abuse if the unauthorised producer indicates the true origin of the product. An evaluation of the Geneva Act as an attempt to bridge the conflict is carried out. The Geneva Act improves and simplifies the international registration procedure not only for designations of origin, but also for geographical indications in countries that are not members of the Geneva Act. In conclusion, the direction of the new European legislation implemented by Regulations 2024/1143 and 2023/2411 is analysed, and the "intransigence" of European states to remain in the *sui generis* system based on practically unlimited protection of geographical indications is stated. The historical-legal and theoretical-legal methods were used in the research.

Streszczenie

Rozwój traktatów międzynarodowych i prawa europejskiego w obszarze regulacji oznaczeń geograficznych produktów oraz napięcia między europejskim i anglosaskim podejściem do ich ochrony

Słowa kluczowe: prawo, oznaczenia geograficzne, traktaty międzynarodowe, akt genewski, rozporządzenie (UE) 2024/1143, rozporządzenie (UE) 2023/2411.

Opierając się na rozwoju regulacji prawnej oznaczeń geograficznych na poziomie międzynarodowym, celem artykułu jest zwrócenie uwagi na problem niespójnej regulacji prawnej oznaczeń geograficznych w różnych krajach i wynikających z tego problemów dla uprawnionych posiadaczy tych oznaczeń. W artykule wyjaśniono specyfikę prawa własności intelektualnej oraz ciągły konflikt między państwami starego (UE) i nowego świata (USA, Kanada, Australia). Wskazuje się na sprzeczność między europejskim systemem ochrony oznaczeń geograficznych *sui generis* a ochroną Common Law poprzez certyfikację i wspólne znaki towarowe. Unia i kraje rozwijające się twierdzą, że inny poziom ochrony pozwoli konkurentom, którzy nie mieszczą się w obszarze geograficznym chronionego oznaczenia geograficznego, na „pasożytowanie" na renomie produktów, podczas gdy prawowici posiadacze praw do oznaczeń geograficznych nie mogą bronić się przed takimi nadużyciami, jeśli nieupoważniony producent wskaże prawdziwe pochodzenie produktu. W artykule dokonano analizy aktu genewskiego, będącego próbą zażegnania konfliktu. Akt ten usprawnia i upraszcza procedurę rejestracji międzynarodowej nie tylko w odniesieniu do nazw pochodzenia, ale również oznaczeń geograficznych w krajach, które nie są członkami aktu genewskiego. Przeanalizowano także kierunek nowego prawodawstwa europejskiego implementowanego rozporządzeniami 2024/1143 i 2023/2411 oraz stwierdzono nieprzejednane stanowisko państw europejskich wobec pozostania w systemie *sui generis*, opartym na praktycznie nieograniczonej ochronie oznaczeń geograficznych. W badaniach wykorzystano metody historyczno-prawną i teoretyczno-prawną.