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Module 2

The legal basis for geographical indications in Switzerland



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Swiss Federal Institute
of Intellectual Property



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Foreword

Legislation and the system for protecting geographical indications (GIs) in Switzerland have developed gradually, in line with the country's federal structure. The term "geographical indication" is understood here as "a sign that shows the geographical origin of a product, applicable to products that have specific characteristics due to their geographical origin and that have a strong reputation based on this origin."



1 Concepts and legislation

1.1 Indications of source

Historically, Switzerland focused initially on *indications of source* in its own legislation and in international frameworks. Indications of source are any sign indicating the geographical origin of a good, without implying a specific quality, characteristic or reputation of that good in relation to its geographical origin. They are protected under the Paris Convention for the Protection of Industrial Property of 1883, which is a cornerstone of international intellectual property law. Switzerland was among the first contracting parties to the Paris Convention.

Switzerland adopted the Federal Act on the Protection of Trade Marks, Appellations of Origin of Goods and Industrial Decorations in 1890. Before that, trade mark protection was largely handled at the cantonal level, which was inefficient. The 1890 law was eventually replaced by the Federal Act on the Protection of Trade Marks and Indications of Source (TmPA) of 1993, which is currently in force and governs the use of trade marks and the “Swiss Made” label.

Both the international framework (the Paris Convention, which has been revised and extended several times, and the Madrid Agreement on the Repression of False or Deceptive Indications of Source, adopted in 1891) and Swiss legislation have developed over time.

1.2 GIs for wines

GIs first appeared in Switzerland in the wine sector, as in other European countries. They took the form of appellations of origin, which are a type of geographical indication which has particularly strong links with the geographical origin of the product. During a crisis in the industry at the end of the 1980s, the main wine-producing cantons introduced legislation on controlled appellations of origin, primarily to control volumes in relation to quality. To date, the cantons retain the authority to define the geographical indications for wines in their territory in their cantonal legislation, in accordance with the national provisions set out in Article 63 of the Agriculture Act (AgricA) and the Ordinance on Wine. The role of the relevant national authority, the Federal Office for Agriculture (FOAG), is limited to maintaining the list of controlled appellations of origin submitted by the cantons. Controls are the joint responsibility of the federal and cantonal authorities: a cantonal control system operates for grape production (Art. 64 AgricA), and an independent body (Swiss Wine Trade Inspection) controls the wines under the supervision of the federal authority.

For historical reasons, appellations of origin for wines remain a distinct area, regulated directly in cantonal legislation and without a federal registration system. This situation is similar to that which prevailed in the European Union (EU) until the adoption of a single regulation covering GIs for agricultural products, foodstuffs, wines and spirits in 2024. In many other countries, GIs for wines and spirits are still recognised and protected under specific legislation too. Such differentiated treatment can also be seen in the World Trade Organization's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), which grants a higher level of protection to GIs for wines and spirits only.

Switzerland has 63 appellations of origin for wines defined by the cantons (situation at the end of 2025), of which 23 are in the canton of Geneva and 10 in the canton of Vaud; the remaining 24 cantons account for only 30 appellations of origin. A national list of appellations of origin for wines is maintained by the FOAG (<https://www.blw.admin.ch/dam/fr/sd-web/bQQd5jj01lvw/2856a629-aaf1-4279-a28a-c28213ef06a5.pdf>).



The Lavaux Vineyard Terraces near Cully by Lake Geneva.



In 2026, 41 PAOs and PGIs were registered for agri-food products. Most of these were cheese and meat products.

1.3 GIs for agricultural products and processed agricultural products

When it became evident in the 1990s that Switzerland would not join the EU, it was equally clear that Swiss GI beneficiaries could not rely on the EU system of registration and protection of GIs for agri-food products, which was set up in 1992. Nevertheless, Swiss stakeholders wanted an adequate system of protection for their GIs given the liberalisation of agriculture and related sectors, in particular the cheese sector. This led to the adoption in 1997 of new legislation very similar to the EU scheme. Because the request came from the agricultural and dairy sectors and was dealt with in the framework of a revision of the Agriculture Act, the new system was anchored in that Act (rather than in the Trade Mark Protection Act, TmPA) and limited to agricultural products and processed agricultural products, including spirits but not wines. The FOAG is therefore in charge of the registration of protected appellations of origin (PAOs) and protected geographical indications (PGIs) for agricultural and processed agricultural products. Products from fisheries, aquaculture, forestry, apiculture and, more recently, silviculture are also covered by this legislation.

The Swiss legislation for PGIs and PAOs for agricultural and processed agricultural products is very similar to the EU framework and has been modified several times since 1997 to align with changes introduced in EU legislation.

1.4. GIs for non agri-food products

GIs (including appellations of origin) historically developed in Southern European countries, with a key milestone being the legal formalisation of the *appellation of origin* in France as early as 1919. This development initially focused on agri-food products – particularly wines, spirits and cheeses – reflecting a long-standing interest (dating back to antiquity) in products whose quality and reputation were linked to their geographical origin and which were traded on a large scale. This explains why the first regulations on appellations of origin were rooted in agricultural legislation.

As far back as antiquity and the Middle Ages, non-food artisanal or industrial products, as well as extractive products, were also renowned in connection with their geographical origin (for example Carrara marble, Toledo swords, Flemish cloth and Murano glass). As large-scale industrialisation continued in Europe in the first decades of the 20th century, these localised traditional productions attracted little attention and either disappeared or survived on a small scale. Nevertheless, a handful of products benefited from judicial recognition of appellations of origin (for example Vallauris pottery, Cholet cloth) in France as early as the 1930s, and there were similar developments in some Central and Eastern European countries in the 1950s and 1960s (for example Bohemian crystal, Herend porcelain, Slovak opal).

Not until the early 21st century did protection of GIs for non-agri-food products gain increasing importance, with the development of sui generis systems in new countries recognising GIs for such products (notably India, Thailand, Russia and Colombia) and growing interest in certain EU Member States. In France, for example, 24 non-agricultural GIs were registered between 2016 and 2025, including Bourgogne stone, Limoges porcelain and Aubusson tapestry.



Limoges porcelain, an example of a non-agricultural GI that has been protected since 2017.

Most national legislation up to the 1990s covered only agricultural and agri-food products (notably EU Regulation 2081/92 and, in Switzerland, the PAO/PGI Ordinance based on Article 16 AgricA). However, both the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration of 1958 (which Switzerland did not join) and the TRIPS Agreement of 1994 cover all product categories. In order to comply with their TRIPS obligations, a growing number of WTO Members have adopted sui generis GI legislation providing for a registration system open to all products.

As a result, Switzerland and the EU had two options: to adopt either a unified system for all GIs or an additional system to include products not covered by the existing framework. Switzerland chose the second option in 2013, as did the EU in 2023. GIs are thus the only intellectual property right governed by multiple instruments anchored in different bodies of legislation, depending in particular on the category of product. The direct protection of foreign GIs in annexes to bilateral agreements adds further legal complexity. A Swiss register of non-agricultural PAOs/PGIs was proposed in the 2007 preliminary bill on “Swissness”.

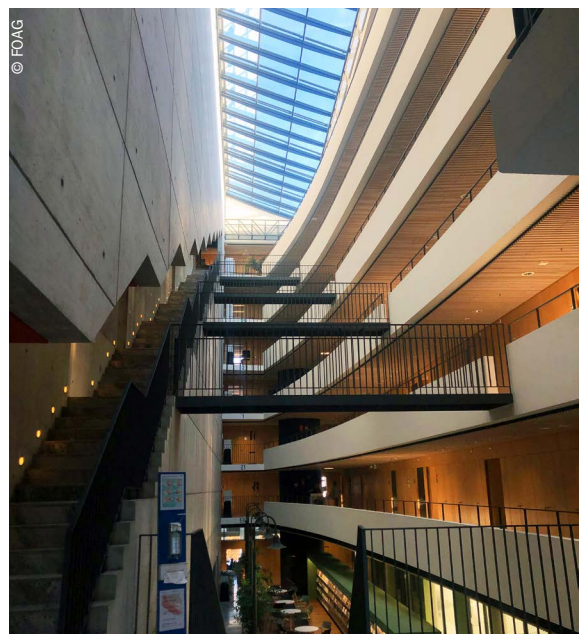
It was broadly supported in consultation, although several participants expressed doubts about its usefulness. These doubts proved justified, as the register has no entries to date. Modelled on Article 16 AgricA, Article 50b TmPA mandates the Federal Council to establish a new register of GIs for non-agricultural products (para. 1) and to set out in an ordinance the essential elements for registration (para. 2). It also lays down the principles of protection (paras. 4 and 8) and the relationship with trade marks (paras 5–7). These elements and the control procedures are set out in the PAO/PGI Ordinance for Non-Agricultural Products of 2 September 2015, in force since 1 January 2017.

2 Relevant institutions and actors

2.1. Federal authorities in charge of the registration of GIs

The Federal Office for Agriculture (FOAG) is in charge of the register of PAOs and PGIs for agricultural products. The FOAG has general powers with regard to GIs for agricultural products, including wines, whereas the definition of wine GIs lies with the cantons. The FOAG may financially support actions taken by beneficiary organisations of agricultural PAOs, PGIs and wine GIs to obtain or enforce protection abroad (Art. 16b AgricA).

The Swiss Federal Institute of Intellectual Property (IPI) is in charge of the register of PAOs and PGIs for non-agricultural products. The IPI has general powers with regard to all GIs at international level, including work related to the Lisbon System, and it cooperates with the FOAG to help Swiss GI beneficiaries to enforce protection abroad. The IPI is also responsible for registering trade marks, and it thus takes decisions as the first instance on potential conflicts between trade mark applications and GIs.



The interior of the FOAG building.

2.2. Cantons

In the field of wine GIs, the cantons (administrative subdivisions of the Swiss Confederation) play a major role by setting out definitions in their laws of appellations of origin and traditional designations in their territory. Federal legislation provides only a very general framework, allowing cantons to set out more detailed requirements. Most appellations of origin are essentially based on cantonal boundaries and do not include many additional requirements.

Several cantons significantly support GI initiatives in their territory, for example by funding the secretariats of GI organisations or by co-financing promotional activities. In Switzerland, the authorities in charge of combating food fraud are the cantonal authorities, which operate autonomously but coordinate their work through a national association of cantonal chemists.

2.3. GI management organisations

Under Swiss legislation, it is not mandatory to have an organisation representing GI beneficiaries once a PAO or PGI is registered, because there is no single “owner” of the IP right. In practice, however, all PAOs and PGIs continue to be managed by an organisation representing the beneficiaries after registration. Such organisations offer important benefits to their members, for example collective certification contracts, lobbying of the authorities, collective promotion and sometimes regulation of production volumes.

Even if all the GI beneficiaries (for example, all producers of a PGI sausage) belong to a broader sectoral organisation, a dedicated association is usually created to bring together the users of a single GI and to represent their specific interests.

2.4. Certification and inspection bodies

There are two main private certification bodies that operate in the field of PAOs and PGIs, alongside inspection bodies that mostly work in agriculture in connection with public subsidy requirements, animal welfare legislation and private quality schemes. To reduce certification costs, the general principle is to add GI controls to the existing inspection schemes already implemented by these bodies, where possible.

2.5. The Swiss PDO-PGI Association

The Swiss PDO-PGI Association (www.aop-igp.ch/en) brings together most registered agricultural PAOs and PGIs, but not wine GIs. Its main tasks are to represent the interests of GI beneficiaries vis-à-vis the authorities and Parliament, and to organise and implement the collective promotion of PAOs and PGIs, with a focus on explaining the concept to consumers. The association coordinates communication campaigns, provides information material to organisations, schools and institutions, organises joint trade fair attendance and undertakes public relations activities. A significant amount of its promotional activities are co-funded by the Swiss Confederation as agricultural sales promotion measures.

2.6. Producer groups and GI beneficiaries' associations

Producer groups and beneficiaries' associations are central actors in the Swiss GI system, as only a representative group of producers and/or processors can apply for registration of a PAO or PGI. These groups must demonstrate that they represent at least half of the product's volume and a minimum percentage of producers, processors and refiners, and that they operate on democratic principles (Arts. 6–7 PAO/PGI Ordinance).

After registration, these associations typically manage the product specification, adapt it when necessary, coordinate certification, and develop marketing and communication strategies for the GI. They often play a key role in local development by structuring the value chain, improving quality, and ensuring that value added is retained in the region of origin.



Raclette du Valais AOP cheese, Valais Trockenspeck IGP ham and Walliser Roggenbrot AOP bread

3 How to register a GI in Switzerland

As Switzerland currently only has GIs for agri-food products, the information provided below relates to that legislation in particular. Nevertheless, the provisions applicable to non-agricultural products are very similar.

3.1. Main requirements

Under Swiss legislation, appellations of origin and geographical indications can only be denominations (verbal signs). A protected denomination may be a geographical name alone, a combination of a common name and a geographical name, or a traditional denomination. A traditional denomination is a name which, although not being the name of a place or region, designates the geographical origin and characteristics of a good in the mind of the public. The denomination applied for must already be in use on the market but must not have become generic.

3.1.1. Applicant

The applicant must be a group made up of producers and/or processors that is representative of the product. For agricultural and processed agricultural products, a group is deemed representative where:

- its members produce, process or refine at least half of the product's volume;
- at least 60% of producers, 60% of processors and 60% of refiners of the product are members; and
- it is shown that the group operates according to democratic principles.

For an appellation of origin, the group must include producers from each stage of production, specifically for each product:

- those who produce the raw materials;
- those who process the product;
- those who refine it.

3.1.2. Content of the application

The registration application must include:

- the name of the applicant group and proof of its representativeness;
- the name to be registered;
- proof that the name is not generic;
- proof that the product comes from the geographical area concerned (historical records and traceability) and evidence of the link with the geographical environment or origin (typicity linked to the terroir);
- a description of authentic and consistently applied local methods, if any;
- the product specification;
- proof that the registration application was approved at a meeting of the representatives of the group;
- a summary of the above-mentioned information (Arts. 6–7 PAO/PGI Ordinance).

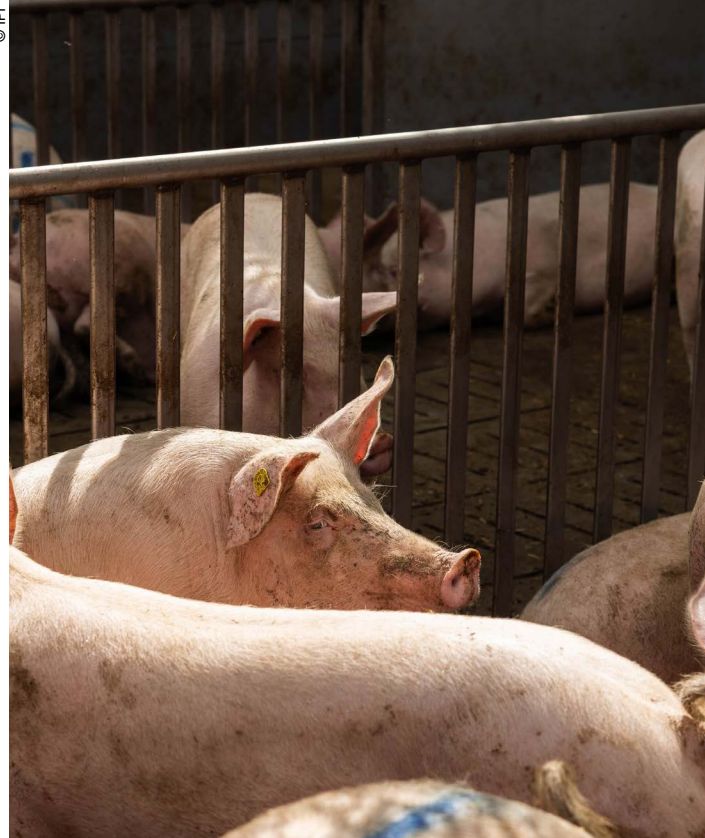
For agricultural PAOs or PGIs, the required and optional content of the specification is set out in Article 7 of the PAO/PGI Ordinance. The specification must include:

- the name of the product, including the appellation of origin or geographical indication;
- a definition of the geographical area;
- a description of the product including, in particular, its raw materials and principal physical, chemical, microbiological and organoleptic characteristics; for forestry products and processed forestry products, a description of the tree species and physical or other intrinsic characteristics;
- a description of the method of obtaining the product;
- the designation of one or more certification bodies and the minimum control requirements.

The specification may also include:

- specific labelling details;
- a description of the product's distinctive form, if any;
- information concerning packaging, where the applicant group can prove that the product must be packaged in the defined geographical area in order to safeguard the quality of the product and ensure traceability or control.

The corresponding requirements for non-agricultural PAOs/PGIs are laid down in the 2017 PAO/PGI Ordinance for Non-Agricultural Products.



Pig breeding is a key stage in the production of Jambon de la Borne AOP ham.

3.2. Procedures

If the application for registration is approved, it is published together with the main elements of the specification in the Swiss Official Gazette of Commerce. The FOAG also notifies the public in a press release. Any objection to the registration may be addressed to the FOAG within three months of the publication date (Arts. 9–10 PAO/PGI Ordinance). Once any objections or appeals have been rejected, the registration of the PAO or PGI is also published in the Swiss Official Gazette of Commerce (Art. 12 PAO/PGI Ordinance). Anyone may consult the PAO/PGI register and request extracts from it (Art. 13 para. 3 PAO/PGI Ordinance), and the information contained in the register in accordance with Art. 13 para. 2 is published and made freely available on the FOAG website.



Rheintaler Ribelmais sweetcorn has entered the Swiss AOP register in 2000.

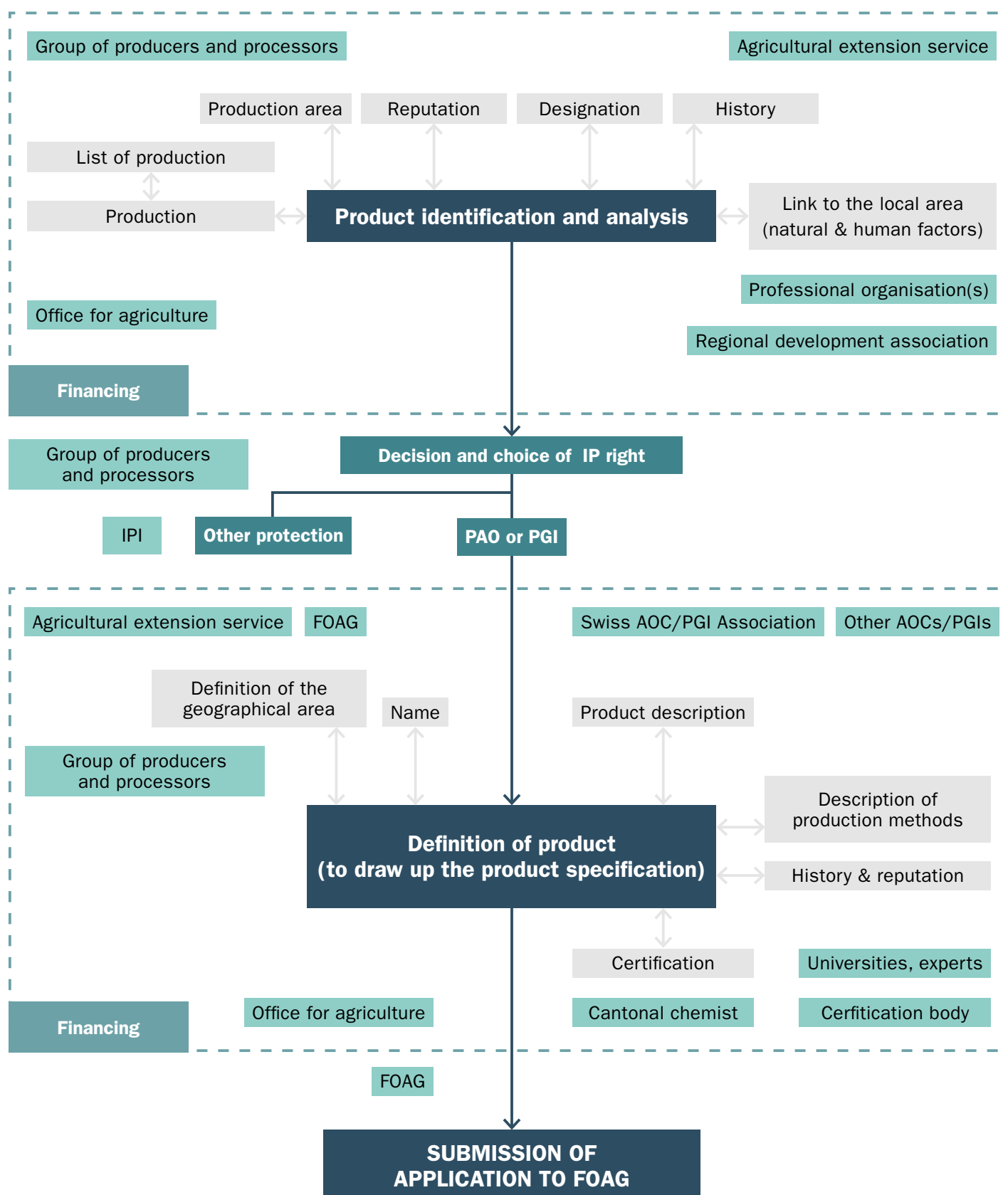
Registration may be opposed on the following grounds:

- the name does not satisfy the conditions set out in the relevant legislation, particularly where the name is generic;
- the group is not representative; or
- the proposed registration would jeopardise an entirely or partly homonymous trade mark or name that has been in use for a long time (Art. 10 PAO/PGI Ordinance and Art. 9 PAO/PGI Ordinance for Non-Agricultural Products).

The authority in charge of the register concerned decides whether or not an objection is valid (Art. 11 PAO/PGI Ordinance, and Art. 9 PAO/PGI Ordinance for Non-Agricultural Products). An appeal may be lodged against this authority's decision with the Federal Administrative Court and, as a last resort, with the Federal Supreme Court.

Once a Swiss denomination is registered as an appellation of origin or geographical indication in Switzerland, it can be registered in the Lisbon System (Geneva Act) in order to extend the protection.

3.3. Plan for drawing up a PAO/PGI application in Switzerland Presentation of the procedure and identification of the institutions / advisory organisations



4 How to enforce protection of GIs in Switzerland

4.1. Legal provisions for the enforcement of the protection of GIs

4.1.1. For indications of source and non-agricultural PAOs/PGIs (TmPA)

For all indications of source (including non-agricultural PAOs and PGIs), the possible remedies in civil law are as follows:

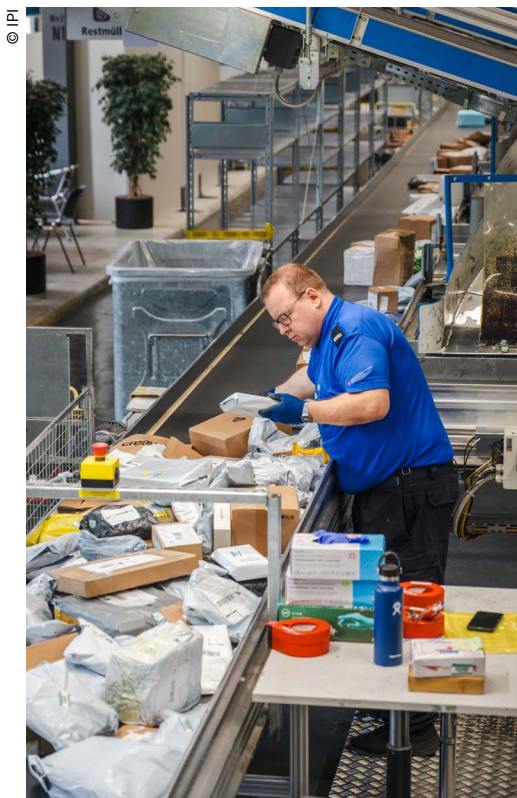
- declaratory action to establish a right or legal relationship (Art. 52 TmPA);
- actions to enforce performance (i.e. prohibition of an infringement or threat of infringement of a geographical indication), orders to desist, orders to reveal the source of objects illegally bearing an indication of source (Art. 55 TmPA);
- action for damages, etc. (Art. 55 TmPA);
- confiscation, destruction, etc. (Art. 57 TmPA);
- precautionary provisional measures (Art. 59 TmPA);
- publication of the judgment (Art. 60 TmPA).

Furthermore, Art. 51a TmPA provides that the user of an indication of source must prove that the indication is correct.

The criminal penalties (Art. 64 TmPA) are a custodial sentence not exceeding one year or a monetary penalty for whoever intentionally uses an inaccurate indication of source or a designation likely to be

confused with an inaccurate designation, or creates a risk of deception by using a name, address or trade mark. Where the offender is acting for commercial gain, the penalty is a custodial sentence not exceeding five years or a monetary penalty. The custodial sentence is combined with a monetary penalty.

Provision is also made for border measures: the Federal Customs Administration may notify the beneficiary of an indication of source or a trade or business association with the capacity to institute legal proceedings if there is reason to suspect the imminent importation or exportation of products to which the indication of source has been illegally affixed (Art. 70 TmPA). The beneficiary of the indication of source or the trade or business association (the applicant) may request that the goods be detained. The goods may be detained for a maximum of ten working days; in exceptional circumstances, the detention period may be extended by a maximum of ten working days. The applicant may request the destruction of the goods, which is carried out at the expense of the applicant and on the condition that the declarant, holder or owner of the goods has not objected to the destruction (Arts. 72c–72g TmPA).



Customs may detain suspicious goods.

4.1.2. Agricultural PAOs and PGIs and wine GIs (AgricA)

Anyone who makes unlawful use of agricultural appellations of origin and GIs will, upon complaint, receive a custodial sentence not exceeding one year or a monetary penalty. Where the offender is acting for commercial gain, he will be prosecuted ex officio; the penalty is a custodial sentence not exceeding five years or a monetary penalty (Art. 172 AgricA).

The judicial bodies (courts) are mainly responsible for proceedings. Prosecution falls to the cantons alone, and it is possible to appeal to the Federal Supreme Court against a final cantonal decision. Cantonal consumer protection bodies may take administrative action in relation to breaches of GI law in the area of food products.

4.1.3. Federal Act on Unfair Competition (UCA)

Civil provisions: anyone who is threatened with or sustains damage to their customer base, credit or professional reputation, or business or economic interests in general as a result of unfair competition may request the judge to prohibit it where imminent, to put an end to it where it still continues, or to declare it illegal where the trouble it has caused persists. In particular, they may request that a rectification be made or that the judgment be communicated to third parties or published. They may also ask for damages (Art. 9 UCA). Proceedings may also be instituted by customers whose economic interests are threatened or injured by an act of unfair competition, by trade or business associations with rules authorising them to protect the economic interests of their members, by organisations of national or regional importance with a statutory duty to protect consumers, and by the Confederation where it considers such action necessary to protect public interests (Art. 10 UCA). Criminal provisions: anyone that intentionally engages in unfair competition (for example, by providing inaccurate or misleading information on their goods or by taking measures liable to give rise to misunderstanding with respect to the goods) will, upon complaint, be liable to a custodial sentence not exceeding three years or a monetary penalty (Art. 23 UCA).



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4.2. Who has the right to enforce the protection of a GI?

Pursuant to Art. 52 TmPA, a declaratory action to establish a right or a legal relationship concerning an indication of source may be brought by anyone demonstrating a legal interest in such a declaration. Pursuant to Art. 55 TmPA, an action for the enforcement of performance (termination or prohibition of an act, etc.) may be brought by anyone suffering or at risk of suffering an infringement of their right to an indication of source.

The right to bring a declaratory action or an action for the enforcement of performance in relation to indications of source is also recognised by Art. 56 TmPA for:

- trade and business associations with rules and regulations authorising them to protect the economic interests of their members;
- organisations of national or regional importance with a statutory duty to protect consumers;
- the IPI, to the extent that indications such as “Switzerland”, “Swiss” or other symbols or indications referring to the geographical territory of the Swiss Confederation are used;
- the canton concerned, to the extent that its name or other symbols or indications referring to its geographical territory are used.

For agricultural PAOs/PGIs and wine GIs, producer groups and recognised GI beneficiary organisations normally take the lead in enforcement, often in cooperation with the FOAG, the IPI, the cantonal authorities and the Swiss Association of PAOs and PGIs, depending on the nature of the infringement.

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