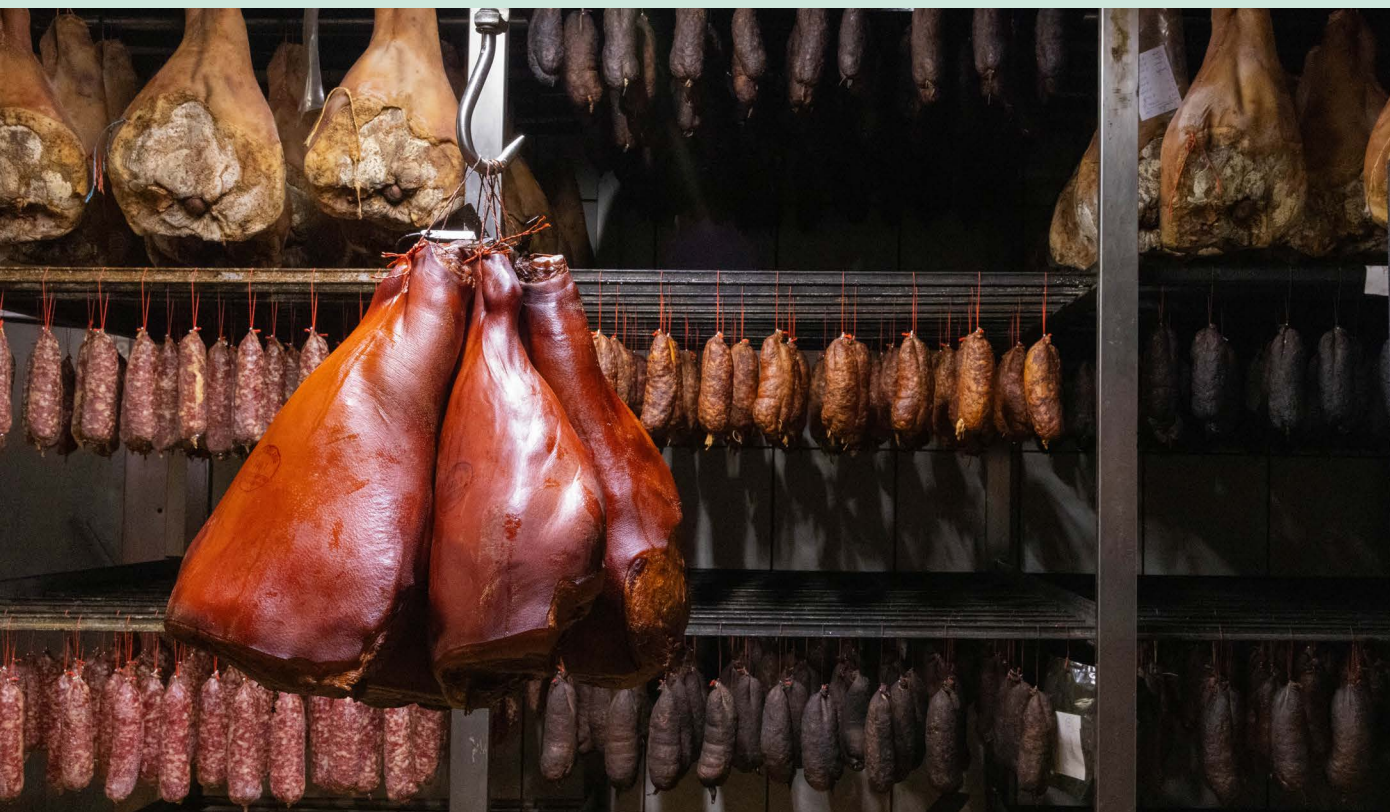




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Module 4

How to register a denomination as a GI



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Swiss Federal Institute
of Intellectual Property



Schweizerische Eidgenossenschaft
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A denomination can be registered as a GI if it refers to a product that derives its quality, characteristics and/or reputation from its geographical origin, and if the denomination in question identifies the product as coming from a certain region. This is a relatively common occurrence, which predates any recognition of a GI. Inventories of such products have been drawn up in a large number of countries, mainly from a heritage point of view. Inventories of culinary heritage, in particular, include many such associations between a specific product and its geographical name. However, the association may be vague or complex or created by the inventory itself, particularly when the market for the product is essentially informal and/ or very local.

An example for such an inventory (from Switzerland) can be found here (in German/ French/ Italian): <https://www.patrimoineculinaire.ch/INVENTAIRE>

Another example can be found in the FAO methodology «Identification of origin-linked products and their potential for development» (2012) on pages 12–19 (in English): <https://openknowledge.fao.org/server/api/core/bitstreams/fbd2445c-c6f2-48ae-ae15-405690917824/content>

A geographical name or a traditional denomination pertains to the public domain. Therefore, its use is free for anyone, unless that use amounts to unfair competition and/ or misleads consumers, in particular regarding the quality or geographical source of the goods.

Recognising a geographical name or a traditional denomination as a GI involves granting a special status to that denomination so that its use is conditional on compliance with a set of rules and limited to a defined geographical area. Except in the few jurisdictions which do not have a sui generis system of recognition and protection of GIs yet (e.g. US, Australia), getting such an exclusive right is generally not possible with a trade mark.



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Jambon de la Borne ham has been entered as a PAO in the PAO-PGI register in 2021.

As a first step, it should be evaluated what IP rights can actually be protected under the legal system of the country in question. If GIs can be protected as such, it should be verified whether a GI is the right tool for the product in question or whether another IP tool would be more appropriate. In any case, the producers and processors interested in registering a denomination need to go through the following process, which can take from several months to several years:

1. Evaluate and decide on the appropriate IP tool(s)
2. If a GI is suitable, form an *ad hoc* GI working committee
3. Draft a book of specifications / product specifications
4. Form and legalise the GI management organisation
5. Set up a quality control and certification system
6. Submit the GI application to the national authorities
7. Publication for opposition / dealing with opposition
8. Evaluate the possibility and need for protection in other markets

We will have a look at these steps in greater detail.

1. Evaluate and decide on the appropriate IP tool(s)

Not every denomination can be protected as a GI. There must be a specific product that is not a commodity and, ideally, a geographical name or a traditional denomination used in trade to designate that product.

If the product is not so specific or well-reputed, or if a broad range of different products is to be covered, a collective or certification mark could be an appropriate IP tool. But in most cases, it will be a combined trade mark, meaning a combination between a geographical name and other verbal or graphical elements, which will not grant an exclusive right to use the geographical name itself. Moreover, in many countries, limitations apply as far as geographical origin is concerned. For example, in the European Union (EU), a certification mark cannot be used to distinguish goods based on their geographical origin.

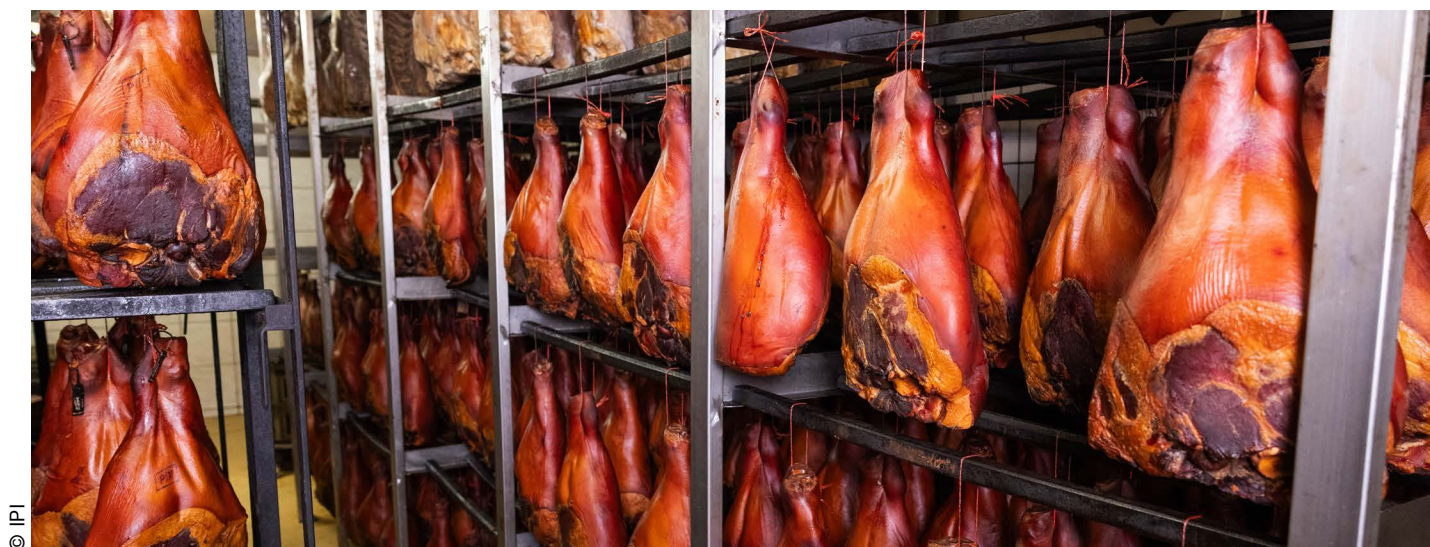
In most IP systems the following categories of distinctive signs can be registered and protected:

- **Individual trade mark:** A single company or person is the owner and no one else may use it. Therefore, it is very rare that an individual trade mark would confer such an exclusive right over a geographical or traditional name, as such names belong to the public domain. It can happen only in a very few cases where there is only one producer of a specific good.
- **Collective mark:** Owned by an association or producers or companies, it distinguishes their goods from those of businesses that are not members of the association. It is often used to indicate that the products of the association's members share certain characteristics, possibly the geographical origin of the goods. A collective mark only identifies and distinguishes the members' goods from those of non-members. There is not necessarily any quality standard involved and the criteria of membership is defined by the association. For the reasons mentioned above, it is unlikely that a geographical name or denomination is monopolised by a trade mark owner, even if it is an association.
- **Certification mark:** It can be owned by a company, a public entity or an association. The standards that it represents must be verified and the producers certified. A certification mark offers a set of guarantees to buyers / consumers regarding the qualities and characteristics of a good or service, but these qualities are not necessarily related to a specific geographical origin. In a few countries where there is no *sui generis* GI scheme, certification marks are the only way to get an IP registration for a geographical name or traditional denomination.

- If a product has clear links to its origin, if it displays a specific quality due to its origin and is a traditional authentic local product, and if its producers want to engage in a collective market strategy (see the six criteria mentioned above), **the GI is an appropriate tool.**

The GI is the most ambitious of the aforementioned IP tools, so it is worth looking at the pre-conditions more closely. Before starting a GI initiative, we would recommend going through the following, more detailed checklist to identify whether a GI is indeed a suitable tool to protect and promote the product in question (further detailed in Module 5):

1. The product has specific characteristics, a good reputation, a high quality and close links to a specific geographical region.
2. There is a specific geographical area where the product is historically produced (exact geographical area needs to be agreed by consensus later).
3. There are common quality standards, ingredients and methods for the production of the product (exact rules to be agreed by consensus later).
4. The value chain is organised in cooperatives, companies, producers, processors and exporters or has similar existing structures (composition of the GI management organisation to be agreed by consensus later).
5. There is a legal system in which a GI can be registered and the law enforced, including a control / certification system.
6. There is a common interest by producers and processors in that region to certify their product as a GI (a clear majority of them should agree to engage in this collective market strategy).



There are clear regulations governing meat production and processing that set Jambon de la Borne apart.

If one or more of these pre-conditions are not met, other IP rights should be considered. In fact, criteria 1, 2, 3 and 5 automatically exclude most of the products that are commonly available in supermarkets. If such products come from several different manufacturers with some degree of organisation, an alternative to the GI would be a certification mark or a collective trade mark.

In any case, trade marks complement GIs. For example, holders of an individual trade mark can still maintain their individual trade mark if they become a member of a GI management organisation. Producers can use their individual trade mark along with GI certification, as the GI is a pre-competitive

tool and there is still room for competition among the members of the same GI. GI management organisations also own trade marks in many cases, either to obtain some protection on markets where the GI is not registered or cannot be registered, or to protect their own logo or traceability signs, which may include the GI itself.

Additionally, one type of protection can follow another. An example for this is the protection of Ywangan Coffee in Myanmar, which was supported by the Swiss PartnershIP Programme. The producers' ultimate intention is to protect Ywangan Coffee as a GI, but since there is no GI system in place yet in Myanmar, the producers opted for a collective trade mark, with the aim of registering Ywangan Coffee as a GI whenever the IP system in Myanmar offers a *sui generis* GI scheme.

2. Form an *ad hoc* GI working committee

Producers who have gone through the above-mentioned process and decided that GI is a suitable IP tool for their purposes are ready for the next step: forming an *ad hoc* GI working committee. This committee represents the different value chain actors and acts as the focal point to move the GI registration forward. The GI working committee is an informal group and does not need to be registered as an association or similar. Usually, it consists of particularly motivated and interested individuals, ideally with producers or processors in the lead and the government in a supporting, facilitating role.



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The first step that the *ad hoc* GI working committee or future GI management organisation needs to take is to verify the conditions and regulations with the competent authority of the country where the GI product is to be registered (which needs to be the country of origin of the GI). The *ad hoc* committee then has the following crucial tasks:

- Coordinate with all the producer and processor groups and other stakeholders with an interest (or a potential interest) in the GI initiative.
- Motivate a clear majority of producers and processors to engage in a collective market strategy based on common rules of production (GI specifications).
- Facilitate the drafting of the book of specifications, the performance of studies / laboratory tests that might be required to justify claims of specificity, and providing any other documents requested by the authorities.
- Act as a focal point for the authorities and coordinate the submission of the application documents to the authorities, as well as answer any questions on behalf of the producers.

The initiative to protect Jambon de la Borne came from the producers themselves.

3. Draft the book of specifications / product specifications

Product specifications (which may be called «book of specifications» or have any similar name) need to be drafted in accordance with national law. As a general rule, all administrations that recognise GIs require a product specification document that essentially contains the name of the product, the organisation that will manage it once registered, a justification for the specificity of the product, the rules of production, and the geographical area concerned. A book of specifications usually contains the following information/ sections:

- General information and formalities (product name, entity applying for protection, etc.)
- A justification for GI protection
- An exact delimitation of the geographical boundaries (the «GI area»)
- A description of the product qualities and characteristics, especially the ones that make the GI product distinct from similar products
- A code of practice / a set of rules on how the GI product must be produced
- A description of the GI management organisation and its responsibilities
- A control and certification mechanism

The code of practice in a book of specifications should contain all relevant rules of production that have a direct impact on the final quality and specificity of a product and that can be measured. These should be formulated as minimums and maximums that are essential for the specificity of the GI product and are met by all producers. For example, the temperature for heating milk or curd to produce cheese has a strong influence on the final product, and is generally set as an interval. For example, the curd for processing Gruyère PDO must be heated to between 54 °C and 59 °C.

Conversely, ingredients, practices and instructions that have no impact on the specific quality and/or are not measurable should not be included as rules, as every rule in the code of practice needs to be controlled and verified. Including factors that have no impact or that cannot be measured could be costly and onerous, as well as imposing unnecessary restrictions on the producers.



Only pigs of two specific breeds, born within a defined geographical area, are used to produce Jambon de la Borne.

Examples:

In the European Union, applicants must follow the structure of the «single document» provided by the Directorate-General for Agriculture and Rural Development (DG AGRI) of the European Commission:

https://www.ige.ch/fileadmin/user_upload/recht/entwicklungszusammenarbeit/GI-Schulungsunterlagen/01_DG_AGRI_Application.pdf

The DG Agri has also produced guidelines for applicants on how to fill in such single documents / product specifications.

Guide to applicants: How to complete the single document

https://www.ige.ch/fileadmin/user_upload/recht/entwicklungszusammenarbeit/GI-Schulungsunterlagen/02_DG_AGRI_Guidelines_Application.pdf

How to draft geographical indication specifications?

https://www.ige.ch/fileadmin/user_upload/recht/entwicklungszusammenarbeit/GI-Schulungsunterlagen/03_DG_AGRI_HowToDraftGISpecifications.pdf

The EUIPO manages the registration of non-agrifood GIs in the European Union: <https://www.euipo.europa.eu/en/gi-hub/ci-regulation>

In Switzerland, the template for the book of specifications to register a GI looks like this (only available in German, French, and Italian):

French: https://www.ige.ch/fileadmin/user_upload/recht/entwicklungszusammenarbeit/GI-Schulungsunterlagen/04_BookOfSpecifications_FR.docx

German: https://www.ige.ch/fileadmin/user_upload/recht/entwicklungszusammenarbeit/GI-Schulungsunterlagen/05_BookOfSpecifications_GE.docx



To summarise the Swiss structure for the book of specifications, the main aspects that need to be regulated, defined or specified, are the following:

- **Section 1:** General information
 - Name of the GI and category of protection (registered as a protected designation of origin (PDO) or protected geographical indication (PGI))
 - Geographical area (GI area)
- **Section 2:** Product description
 - Physical characteristics
 - Chemical characteristics
 - Organoleptic characteristics
- **Section 3:** Description of production and method of production (depending on the product)
 - Ingredients and raw material (milk, meat, etc.)
 - Production
 - Post-production phases (maturing/drying/salting/harvesting etc.)
- **Section 4:** Minimum inspection requirements
 - Quality criteria
 - Taxation criteria
 - Classification criteria
- **Section 5:** Labelling and certification
 - Traceability
 - Labelling requirements
 - Certification body

As mentioned, the exact structure of the template for registering a product as a GI may vary, depending on the legal system of a country.

The following are examples of books of specifications of registered GIs that may serve as references:

Book of specifications, Gruyère (cheese, Switzerland) – English translation

https://www.ige.ch/fileadmin/user_upload/recht/entwicklungszusammenarbeit/GI-Schulungsunterlagen/06_BookOfSpecifications_Gruyere.pdf

Book of specifications, Prosciutto di Parma (ham, Italy) – English translation

https://www.ige.ch/fileadmin/user_upload/recht/entwicklungszusammenarbeit/GI-Schulungsunterlagen/07_BookOfSpecifications_ProsciuttoDiParma.pdf

Book of specifications, Parmigiano Reggiano (cheese, Italy) – English translation

https://www.ige.ch/fileadmin/user_upload/recht/entwicklungszusammenarbeit/GI-Schulungsunterlagen/08_BookOfSpecifications_ParmigianoReggianoCheese.pdf

Book of specifications, Champagne (France) – in French

https://www.ige.ch/fileadmin/user_upload/recht/entwicklungszusammenarbeit/GI-Schulungsunterlagen/09_BookOfSpecifications_Champagne.pdf

Book of specifications, Café de Colombia (coffee, Colombia) – in Spanish

https://www.ige.ch/fileadmin/user_upload/recht/entwicklungszusammenarbeit/GI-Schulungsunterlagen/10_BookOfSpecifications_CafeDeColombia.pdf

Book of specifications, Café Villa Rica (coffee, Peru) – in Spanish

https://www.ige.ch/fileadmin/user_upload/recht/entwicklungszusammenarbeit/GI-Schulungsunterlagen/11_BookOfSpecifications_CafeVillaRica.pdf

Book of specifications, Kampot Pepper (Cambodia) registered in the EU and through the Lisbon system

https://www.ige.ch/fileadmin/user_upload/recht/entwicklungszusammenarbeit/GI-Schulungsunterlagen/12_BookOfSpecifications_KampotPepper.pdf

The European Commission administers a system (eAmbrosia) that lists all GIs (from EU and third countries) registered in the EU: <https://ec.europa.eu/agriculture/eambrosia/geographical-indications-register/?locale=en>. Each product has a register entry with a summary of the product specifications attached for reference. The database administered by the EUIPO, Glview, is even more comprehensive, as it also includes all the GIs protected through bilateral or multilateral agreements: <https://www.tmdn.org/giview/>

In Switzerland (Ministry of Agriculture), a similar list with the corresponding product specification documents exists (only in German, French and Italian) and can be found here: <https://www.blw.admin.ch/fr/aop-igp-appellations-dorigine-et-indications-geographiques>

The Organisation for an International GI Network (oriGIn) maintains a database of GIs registered around the world: <https://www.origin-gi.com/worldwide-gi-compilation/>

Drafting a book of specifications is not an easy task. The producers or the GI working committee need to lead every GI initiative, particularly in deciding on the rules of production, the definition of the geographical boundaries and the functioning of the GI management organisation. However, several external entities are usually needed to register a GI designation and, most importantly, to facilitate drafting of the product specifications:

1. Technical experts: Skilled specialists who understand GI product specifications and the product (or at least the product sector) in question. Even though the producers need to decide on the rules or the justification for protection, a technical expert is usually needed to systematise information and «ask the right questions» to the producers and facilitate the process of document preparation.
2. Laboratories: usually, some evidence for the claims of specificity is needed, such as soil composition, rainfall and sunshine data,



The specifications for PAO and PGI products are managed at the FOAG in Bern, Switzerland.

- temperature, statistics, historical evidence of production, organoleptic characteristics and the chemical composition of the product, and similar factors (depending on the product).
3. Market research institutes: companies specialised in conducting.
 4. Lawyers: legal professionals expert in drafting the book of specifications and any other legal document in conformity with national legislation and to defend the registration of the product in case of opposition.

Depending on the information requested by the GI system, these experts or laboratory services can be rather expensive. On the positive side, these expenses usually only occur once, as GI protection is generally unlimited in time and there are no yearly renewal fees. Therefore, it can be considered as a one-time effort to comply with rules and regulations to register a GI. However, if one puts requirements in the GI specifications regarding the chemical composition of the final product (e.g. percentage of salt, ratio of meat to fat), then the related chemical analyses have to be performed on a regular basis.

4. Form and legalise the GI management organisation

At this point (ideally before or in parallel with registration), the GI management organisation needs to be formed and formalised in line with national law, usually as an association or similar. The GI management organisation needs to have articles of association, membership rules and procedures, an organisational chart, clear responsibilities for each division, a transparent decision-making process and a business plan. The articles of association of the GI management organisation need to define how the different categories of value chain actors are represented (producers, processors, refiners, traders, etc), how decisions are taken (by consensus vs. by majority), what the rules of membership and membership fees are (same fee for all members, or fee based on volume or annual sales, etc). They should also include a quality control and certification mechanism (control plan: who controls whom, how and when) and sanctions in case of non-conformity. It is advisable to take plenty of time to form the GI management organisation, as this body will be crucial for managing the GI product later on.

The most important criterion, however, is the representative nature of this group. In many legal systems, the application must be filed by a group representing the users of the GI. As an example, in Switzerland, the members of the GI applicant group must represent at least half of the volume of total production of the GI product. In addition, the application for the registration must be supported by more than 60% of operators who place the end product on the market in the case of a PGI and by more than 60% of operators implicated in one of the stages of production defined in the product specification in the case of a PDO.

The following aspects need to be defined by the GI management organisation:

- Articles of association of the GI management organisation
- Organisational structure and responsibilities
- Elections and decision-making processes
- Membership rules and fee

CARIPI, a project financed by the EU, published the following guidelines on the «Organisation of GI producer groups» as a reference: <https://internationalipcooperation.eu/sites/default/files/inline-images/elearning/PDF/session3.3.pdf>

Examples for the articles of association of GI management organisations: https://www.gruyere.com/fileadmin/documents/gruyere/pdf/Statuts/STATUTS_AD_du_04.11.2015_ENGLISH.pdf

5. Set up a control mechanism and certification system

As previously mentioned, the GI management organisation or the GI working committee should also set up a control and certification system while drafting the product specifications. This is to ensure that the requirements of the GI product specifications are met for all products placed on the market. Such a control allows for fair competition among the GI beneficiaries as well as maintaining consumers' trust regarding GI quality.

The controls may be carried out by the producers themselves (collective control in addition to self-checks), by public authorities (e.g. inspection bodies for agriculture and industry) or by a third party (inspection or certification body). Often, there is a combination of different public and private bodies, taking advantage of existing control schemes or collective organisations. Such a combination, usually based on contracts managed by a certification body, makes it possible to keep the costs at a reasonable level. The final quality testing of samples of GI products (organoleptic testing for foodstuffs) is generally performed by a panel of experts established and managed by the GI management organisation or a public authority, under the supervision of the certification body where relevant.



An inspector is checking the hygiene standards at a Gruyère cheese factory.

Conformity assessment bodies (inspection or certification bodies and laboratories) are accredited for their tasks, meaning their competence is recognised and regularly monitored by an accreditation body on the basis of international standards on inspection, laboratory analysis and certification.

In many countries, the GI management organisation or the GI working committee appoints the certification body (typically a private organisation), which will conduct (or delegate) the audits and certify the compliance of the GI products with its book of specifications. The certification body then prepares a proposal for accreditation, audit and certification. It drafts the control manual, audit and certification concept, necessary checklists, penalty rules and other documents, e.g. an ingredients calculation table. This phase is also an opportunity to fine-tune the GI specification so that it corresponds to reality and does not include useless items. The certification body will subsequently apply to the (national or foreign) accreditation body for accreditation of the new product standard, i.e. the GI specification in question.

The accreditation body in most legal systems is normally a governmental organisation. It examines the application submitted by the certification body and conducts audits before accreditation as well as regular annual audits and controls of the certification body. In turn, the accreditation body is typically monitored in annual audits by the national authority responsible for the registration of the GIs. In some legal systems, such as in Switzerland, the audit intervals are laid down in [GI laws and regulations](#).



Gruyère is produced in accordance with strict standards relating to origin and quality.

To find out more about inspection and certification regulations and procedures, please visit:
<https://www.aop-igp.ch/en/about-pdo-pgi/pdo-pgi-in-switzerland/inspection-and-certification>
https://internationalipcooperation.eu/en/caripi/learning/3.2.3_Organization_of_GI_controls

Examples of product certification, rules for labelling of certified products and model certificates can be found in the documents published by the Swiss certification body ProCert:
<https://procert.ch/en/downloads-18.html>

Verification and certification procedures are currently developing strongly everywhere in the world, with many technological and procedural innovations. Even small producers and developing countries can benefit from these innovations, thanks to affordable costs and the use of versatile tools (in particular, smartphones). Here are some examples of such developments:

- The application KOLTITRACE is a useful tool for the management organisation of Café Villa Rica DO (Peru) to register and certify all the producers who comply with the PDO regulations, to check the number of producers and production under the PDO, and to provide buyers with reliable traceability, including compatibility with the European Zero Deforestation Regulation (EUDR). <https://www.koltiva.com/post/coffee-traceability-gi-system-cafe-de-villa-rica>.
- Similarly, Arilje Raspberries PDO (Serbia) uses blockchain technology to improve traceability across its supply chain: <https://alliance-heu-project.eu/pilots/improved-traceability-through-blockchain-enabled-pdo-arilje-raspberries-food-supply-chain>

6. Submit the GI application to the national authorities

When all the documents are ready, the GI application is submitted to the relevant national authority, usually the IP office or the ministry of agriculture (for agri-food GIs). Application forms vary depending on the legal system. An example of the application under the Swiss system can be found here together with the relevant guidelines (both in French). The UK provides guidelines to protect a geographical food or drink name: <https://www.gov.uk/guidance/protect-a-geographical-food-or-drink-name-in-the-uk>

Most administrations have clear procedures for registering a GI – either they have a *sui generis* law that regulates GIs as a separate category or GIs can be protected under trade mark legislation, sometimes as collective marks or certification marks. In most legal systems, only representative producers' groups are eligible to file an application. However, in some countries, such as in Georgia and Colombia, the government can also submit a GI application.

A general overview of how to register a product as a GI can be found here:

- **WIPO** <https://www.wipo.int/en/web/geographical-indications/protection>
- **oriGIn** (Organisation for an International Geographical Indications Network) https://www.origin-gi.com/web_articles/legal-systems-to-protect-geographical-indications-en-gb-4/

Some examples of how to register GIs in specific countries/markets can be found here:

- **European Union** (*sui generis* GI law): https://agriculture.ec.europa.eu/farming/geographical-indications-and-quality-schemes/registration-name-gi-product_en
- **Switzerland** (*sui generis* GI law)
<https://www.blw.admin.ch/de/aop-igp-ursprungsbezeichnungen-und-geografische-angaben>
(Federal Office for Agriculture – for the registration of agricultural food GIs; information in German, French and Italian only)
<https://www.ige.ch/en/protecting-your-ip/indications-of-source/protecting-geographical-indications/protection-in-switzerland> (Swiss Federal Institute of Intellectual Property – IPI, for the registration of non-agricultural food GIs and non-food GIs)
- **United Kingdom** (*sui generis* GI law)
<https://www.gov.uk/guidance/protect-a-geographical-food-or-drink-name-in-the-uk> (Department for Environment, Food & Rural Affairs)
- **Colombia** (*sui generis* GI law)
<https://www.sic.gov.co/marcas/denominaciones-de-origen#bootstrap-fieldgroup-nav-item-durante-el-trmite-> (Superintendencia de Industria y Comercio SIC, in Spanish only)
- **Indonesia** (under the Law on Trademarks and GIs):
<https://www.dgip.go.id/menu-utama/indikasi-geografis/syarat-prosedur>
(Directorate General of Intellectual Property – DGIP)
- **Japan** (*sui generis* GI law)
https://www.maff.go.jp/e/policies/intel/gi_act/index.html
(Ministry of Agriculture, Forestry and Fisheries – MAFF)

- **China** (*sui generis* under the Law on Trademarks)
<https://english.cnipa.gov.cn/col/col3008/index.html>
(China National Intellectual Property Administration)
- **United States of America** (not possible to protect a GI as a *sui generis* IP title, only as a collective/certification mark)
<https://www.uspto.gov/ip-policy/trademark-policy/geographical-indications>
(United States Patent and Trademark Office – USPTO)

It needs to be mentioned that in some administrations (such as in the European Union, Switzerland, and Peru), the applicant needs to decide which sub-category of GI is more suitable for their product: protected geographical indications (PGI) or protected designations of origin (PDO). The exact definition may vary from country to country, but, as a general guideline, both the origin of ingredients and all the processing stages need to take place within the delimited geographical area for PDOs. For PGIs, either the production or the preparation process needs to take place within the delimited geographical area.

The differences between PDOs and PGIs in the European Union are described in greater detail here:
https://agriculture.ec.europa.eu/farming/geographical-indications-and-quality-schemes/geographical-indications-and-quality-schemes-explained_en

For Switzerland, the definitions of PDO (AOP) and PGI (IGP) are set out here:
<https://www.aop-igp.ch/en/about-pdo-pgi/definition-pdo-pgi> (Swiss PDO and PGI Association)



7. Publication for opposition / dealing with opposition

The opposition procedure is part of the process of an application examination. Typically, once an application is received, the relevant authority conducts an examination to verify that the application meets the formal and substantial conditions for registration under the law. The application is published once the authority considers it meets the requirements. This publication triggers an opposition period, typically at least one month, during which any person with a legitimate interest can lodge an opposition to the registration or submit observations. The specific rules and procedures for opposi-

tion, including criteria for admissibility and the opposition period vary under each national legal system. If, after assessing any oppositions received, the authority deems that the application meets the requirements, it issues a favourable decision. This decision, along with the corresponding product specifications, is then published by the authority, and the GI product is thus registered.

Once a GI is registered, it remains valid. There is no need for renewal, except in very few systems, such as [Malaysia](#). The registration may only be cancelled if the product subsequently fails to comply with the book of specifications or, in some legal systems such as that of the EU, if the protected denomination is not used or if the product remains off the market for seven consecutive years.

8. Evaluate protection options and the need for protection in other markets

GI protection first applies only to the market of the country of origin, where the denomination has been registered, and no automatic international recognition is provided. Therefore, after successfully protecting a GI in the country of origin, the producers may consider protecting the denomination in foreign markets as well, especially if the GI product is also exported. As it may be too complicated and expensive to protect a GI in every market, priority should be given to markets to which the product is exported and which recognise GIs, for example the EU, Switzerland and Japan.

There are basically three ways to protect a GI in foreign markets (for more details please refer to Module 3):

1. Individual registration under a national system (either as a sui generis GI or as a trade mark). This is carried out in line with the requirements of each national system, as explained above.
2. Protection under a bilateral agreement between two (or more) countries (e.g. a free trade agreement). In this case, each GI is registered in its country of origin and in line with its national legal system. Following the conclusion of a bilateral agreement, the GIs registered in each of the countries are protected in both countries.
3. Protection via the Lisbon System is explained in Module 3. In brief, the registration process can begin with national recognition of the GI in the applicant's home country. If the country in question is a contracting party of the Lisbon Agreement or the Geneva Act of the Lisbon Agreement, this GI can be submitted for international registration in the Lisbon System and thus get protection in all contracting parties. For more information on the Lisbon System, see <https://www.wipo.int/en/web/lisbon-system/>

How to register a GI in the European Union

Depending on the GI product, GI registration in the EU is managed either by the Directorate-General for Agriculture and Rural Development of the European Commission – for agricultural products, wines and spirits – or by the European Union Intellectual Property Office (EUIPO) – for craft and industrial products. The application undergoes a thorough examination by the relevant EU body. Publication of the application triggers an opposition period. After this, a final decision on registration is taken and the GI can be registered in the EU.

The protection level conferred by the recent EU Regulations (2024/1143 and 2023/2411) is the highest and the most extensive so far of all national or international systems. The robust control system and enforcement mechanisms which are in place in the EU are crucial to its success. National authorities in each EU country are responsible for protecting registered names within their territories and preventing their unlawful use. Producer groups can also request anti-counterfeiting and cus-



The name 'Café de Colombia' is protected as a GI in Switzerland and the European Union.

toms authorities to combat infringements. Moreover, the [IP Enforcement Portal \(IPEP\)](#), a platform managed by the EUIPO, facilitates communication and exchanges of information between authorities and producer groups on IP enforcement.

Furthermore, the EU provides access to several databases and resources that provide information on GIs. eAmbrosia is the database for agricultural product, wine and spirit GIs. It is managed by the European Commission, but the EUIPO will maintain a unified register in the future. GIview is also a comprehensive database containing registered GI data, promotional information and links to the IPEP. Following the 2023 Regulation on Crafts and Industrial Products, a «Union GI Register» for all GIs protected in the EU will be created and maintained by the EUIPO. The GIportal will also be the digital platform for filing applications for craft and industrial products and will also be managed by the EUIPO.

Non-EU GIs can also be registered in the EU: the group of producers can submit an application directly or via the authorities of the third country concerned. In view of the EU's accession to the Geneva Act of the Lisbon Agreement in 2019, GIs from any other member state of the Geneva Act can also enjoy protection in the EU.

Once a non-EU GI is registered in the EU, it has the same level of protection as EU GIs, including permission to use the EU official symbols for GIs. Such permission may also be conferred via a bilateral agreement (e.g. the agreement between the EU and China).

How to register a GI in Switzerland

The process for registering a GI in Switzerland is very similar to the process in the EU. Depending on the type of the product, an application must be submitted either to the Federal Office for Agriculture (agricultural products) or to the Swiss Federal Institute of Intellectual Property (non-agricultural products).

For more detailed information about protecting a product as a GI in Switzerland, please refer to Module 2.

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