

Think globally, act bilaterally: the international stakes of the protection of geographical indications

The recent conclusion of the CETA (Comprehensive Economic and Trade Agreement) between the EU and Canada, with quite complex and innovative provisions on geographical indications (GIs), as well as the on-going negotiation of the TTIP (Transatlantic Trade and Investment Partnership) between the EU and the USA, on the basis of a high level of European requirement on the protection of GIs illustrate a major turn in the handling of that long-lasting and highly disputed topic at the international level: even the leaders of the two irreconcilable camps are now considering the option of directly addressing their problems of GIs within the same bilateral frameworks they also use with third countries.

Since the Stresa Convention was concluded between some European countries in 1951 in order to regulate the use of geographical denominations for cheeses and protect some of them as appellations of origin, the countries wishing to protect their GIs claimed for the establishment of an international system of registration of GIs. As it soon appeared that the Lisbon Agreement on the protection and registration of appellations of origin, concluded in 1958 within the framework of the Paris Union, would not attract numerous countries, the same like-minded European countries concluded bilateral agreements on the matter in the 1960s and 1970s. Then, after some attempts to address the question within the framework of the WIPO, the TRIPS Agreement was the first inclusive international framework to provide a standard of protection for GIs, in 1995, in 160 countries. Hence, since the end of the 1990s, the international negotiations foreseen by the TRIPS Agreement in order to enhance the protection of GIs and establish a multilateral register are blocked. In the meantime, numerous countries established a national sui generis system of registration for GIs, which allows the registration of foreign GIs. But, even if this possibility was and is still used by some powerful GIs interprofessional bodies, the practice of signing bilateral or plurilateral agreements between countries to ensure the reciprocal protection

of GIs has significantly increased worldwide in recent years. Examples to be mentioned are [EU-Korea Free Trade agreement](#), [EU-Singapore Free Trade Agreement](#), [Trade Agreement between the EU and Colombia and Peru](#), [Comprehensive Association Agreement between the EU and Central America](#), [Deep and Comprehensive Free Trade Agreement between the EU and Ukraine](#).

In this paper, we first analyze the corpus of bilateral agreements, including the old ones and the recent ones, whether they are agreements only dealing with GIs or free-trade agreements with provisions on GIs, in order to distinguish different patterns as to their scopes, mechanisms and effects. Then we focus our research on the questions raised by the development of these bilateral agreements in relation to the international dimension of the matter and the national systems of protection for GIs. Does a bilateral agreement for the protection of GIs require that the national systems of the parties be equivalent? How can the link between a product and its geographical area be assessed out of the country of origin: Is the link with the origin of a GI covered by a bilateral agreement evaluated in the foreign country in the same way as if it would seek protection according to the regular national registration procedure? How can the State represent the interest of the producers for the protection of their GI abroad: How can a State do a selection between its domestic GIs in order to provide a shorter list for the conclusion of a bilateral agreement? How can a country with few GIs negotiate with the EU having thousands of GIs? In conclusion, we discuss the current trend of bilateral agreements in relation to the principle of multilateral protection of GIs under the TRIPS Agreement and the Lisbon system as well as to the principal of national registration of foreign GIs. Such a trend also contributes to characterize GIs as a specific intellectual property right,