RESOLUTION OIV-ECO 656-2021

UPDATE OF THE DEFINITIONS OF GEOGRAPHICAL INDICATION AND APPELLATION OF ORIGIN

WARNING : This resolution repeals the following resolution :
- *ECO 2/1992*

THE GENERAL ASSEMBLY

CONSIDERING that the Agreement of 3rd April 2001, establishing the International Organisation of Vine and Wine, stipulates that one of the attributes of the OIV is to submit to its members all proposals relating to the protection of geographical indications, especially vine and wine growing areas and the related appellations of origin, whether designated by geographical names or not, insofar as they do not call into questions international agreements relating to trade and intellectual property,

CONSIDERING the increasing importance of the use of geographical denominations, an element of national heritage, in the designation of wines and spirit beverages of viticultural origin, as well as right for Members to protect such names in line with international agreements,

CONSIDERING that, within the meaning of the Paris Convention[1] , indications of source or appellations of origin are objects of industrial property and have a right to the same international protection, especially regarding unfair competition rules,

CONSIDERING the provisions of the resolution ECO 2/92 defining the notions of Recognized Geographical Indication (RGI) and Recognized Appellation of Origin (RAO),

CONSIDERING the resolution ECO 3/99 defining the meaning of homonymy and establishing recommendations for OIV member states for setting up differentiation rules for homonymous names.

CONSIDERING the decision of Executive Committee of April 2017 regarding the necessity to update the International Standard for Wine Labelling, in particular in view of the international agreements in the field of intellectual property and trade[2] on the following points: definition of Recognised Geographical Indication and Recognised Appellation of Origin and the relating provision for labelling of these attributes,

DECIDES to:

Withdraw the resolution ECO 2/92 defining the notions of Recognized Geographical

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Secretary of the General Assembly
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Indication (RGI) and Recognized Appellation of Origin (RAO)

Adopt the following definitions:

Geographical indication is any denomination protected by the competent authorities of the country of origin, which identifies a wine or spirit beverage as originating in a specific geographical area, where a given quality, reputation or other characteristic of the wine or spirit beverage is essentially attributable to its geographical origin[3] .

As far as wine is concerned, the protection of the geographical indication:

- is subject to at least 85% grapes being harvested in the specific geographical area.

As far as spirit beverages of a vitivinicultural origin are concerned, the protection of the geographical indication:

- is subordinate to the fact that the decisive phase of production being carried out in the country, region, place or defined area.

OIV: Recognised Geographic Indication [ECO 2/92]
It is the name of the country, the region or the place used in the designation of a product originating from this country, region, place or area defined to this end under this name and recognised by the competent authorities of the country concerned.
As far as wine is concerned, the recognition of this name:
• is linked to a quality and/or to a characteristic of the product attributed to the geographic milieu including natural or human factors; and
• is subordinate to the grapes being harvested in the country, region, place or defined area.
As far as spirits of a vitivinicultural origin are concerned, the recognition of this name:
• is linked to a quality and/or a characteristic that the product acquires as a result of a decisive phase of its production; and
• is subordinate to this decisive phase being carried out in the country, region, place or defined area.

WTO, TRIPS Agreement, article 22 (1994): Geographical indications are indications which identify a good 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 good is essentially attributable to its geographical origin.

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WIPO, Geneva act of the Lisbon agreement, article 2 (1) (ii), 2015) [geographical indications are] any indication protected in the Contracting Party of Origin consisting of or containing the name of a geographical area, or another indication known as referring to such area, which identifies a good as originating in that geographical area, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.

Those Members who recognise the term appellation of origin could consider the following definition:

Appellation of Origin is any denomination recognised and protected by the competent authorities in the Country of origin, consisting of or containing the name of a geographical area, or another denomination known as referring to such area, which serves to designate a wine or spirit beverage as originating in that geographical area, where the quality or characteristics of the wine or spirit beverage are due exclusively or essentially to the geographical environment, including natural and human factors, and which has given the wine or spirit beverage its reputation[4].

The protection of the appellation of origin is subordinate to the harvest as well as its transformation into wine in the region or defined area.

Recognised Appellation of Origin [AG 6/83-ECO modified by ECO 2/92]
It is the name of the country, region or the place used in the designation of a product originating from this country, region, place or area as defined to this end, under this name and recognised by the competent authorities of the country concerned.
As far as wine and spirit beverages from a vitivinicultural origin are concerned, the recognised appellation of origin:
• refers to a product whose quality or characteristics are due exclusively or essentially to the geographic milieu, including natural and human factors, and
• is subordinate to the harvest as well as its transformation in the country, region, place or defined area.

WIPO, Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (2015, article 2.1.i] any denomination protected in the Contracting Party of Origin consisting of or containing the name of a geographical area, or another denomination known as referring to such area, which serves to designate a good as originating in that geographical area, where the quality or characteristics of the good are due exclusively or essentially to the geographical environment, including natural and human factors, and which has given the good its reputation.

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[1] Paris Convention for the Protection of Indsutrial Property of March 20 1883, as revised at Brussels on December 14, 1900, at Washington on June 2, 1911, at The Hague on November 6, 1925, at London on June 2, 1934, at Lisbon on October 31, 1958, and at Stockholm on July 14, 1967, and as amended on September 28, 1979.

[2] the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement - Annex 1C of the Marrakesh Agreement Establishing the World Trade Organisation)
Lisbon Agreement for the Protection of Appellations of Origin and their International Registration and Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (WIPO);

[3] Articles 22.1 and 23.1 of the TRIPS Agreement

[4] Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (2015, article 2.1.i)

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