

## ANALYSIS OF EU-VIETNAM TRADE AGREEMENT

The trade agreement between the European Union and Vietnam, signed on 30 June 2019, after obtaining the consent of the European Parliament's Committee on International Trade (INTA), was finally approved by the European Parliament during its February plenary session in Strasbourg. It will enter into force after approval by the Council.

Chapter 12 of the agreement covers intellectual property rights, providing for the protection of **169 EU Geographical Indications (GIs) in Vietnam** and 39 Vietnamese GIs in the EU. The protected GIs are listed in Annex 12-A to the Agreement. This list may be amended following the entry into force of the Agreement, allowing the inclusion of **those GIs that will be registered in the EU after the signature of the Agreement**.

Under the Agreement, the Parties undertake to protect GIs against the use of any means which is likely to mislead the consumer as to the geographical origin or nature of the goods and in cases where the true origin of the product is indicated or the geographical indication is used in translation or accompanied by expressions such as 'kind', 'type', 'style', 'imitation' or similar.

### EXCEPTIONS

The protection of certain EU GIs will be subject to certain restrictions:

1. The protection of “Asiago”, “Fontina” and “Gorgonzola” shall not prevent the use of these indications in the territory of Viet Nam by any persons, including their successors, who have made commercial use in good faith of these indications with regards to the same category of products (cheeses) before 1 January 2017.
2. The protection of the geographical indication “Feta” shall not prevent the use of this indication on the territory of Vietnam by any persons, including their successors, who made genuine commercial use of this indication in relation to the same category of products (cheese made from sheep's milk or from sheep and goat's milk) before 1 January 2017.
3. “Champagne” will be fully protected after a transitional period of 10 years, during which all uses incompatible with the protection of GIs will be eliminated, including translations and transliterations into Vietnamese characters.

### RELATION WITH TRADEMARKS

Where a trademark has been applied for or registered in good faith, or where rights to a trademark have been acquired through use in good faith in one of the Contracting Parties before the entry into force of the Agreement, it may continue to be protected, used and renewed notwithstanding the protection of the geographical indication, provided that no grounds for its invalidity or revocation exist in the national trademark law of the Party concerned.

### USEFUL LINKS

[EU-Vietnam Trade Agreement – DG Trade website](#)

[Chapter 12 of the Trade Agreement – Intellectual Property Rights](#)

[Annex 12-A \(list of GIs protected\)](#)

**For more information, please contact:**

Giulia Scaglioni, **Policy officer**, [policyofficer@arepoquality.eu](mailto:policyofficer@arepoquality.eu)

Francesca Alampi, **Policy officer**, [info@arepoquality.eu](mailto:info@arepoquality.eu)