

ANALYSIS OF THE AGREEMENT ON COOPERATION ON, AND PROTECTION OF GEOGRAPHICAL INDICATIONS

Officially presented on 6 November 2019, this is the first trade agreement that the European Union has concluded with China. It should be adopted by the Council in a few weeks' time and also by the European Parliament by the summer to enter into force in autumn 2020.

The agreement provides for the **protection of 100 EU Geographical Indications (GIs) in China** and 100 Chinese in the EU. Four years after the entry into force of the agreement, **the scope of protection will be extended to an additional 175 GIs on both sides**. In addition, the text of the Agreement opens up the possibility of subsequently including additional products including geographical indications of handicrafts.

The GIs listed in the annex to the Agreement will benefit from protection against:

(a) the use of any means in the name or presentation of an object which indicates or suggests that the object in question originates in a geographical area other than its true place of origin, in such a way as to mislead the public as to the geographical origin of the object;

(b) any use of a GI identifying an identical or similar product not originating in the place indicated by the geographical indication in question, even where the true origin of the product is indicated or the GI is used in translation, transcription or transliteration, or accompanied by expressions such as 'kind', 'type', 'style', 'imitation' or similar;

(c) any use of a geographical indication identifying an identical or similar product not conforming to the specification for the protected name.

EXCEPTIONS

The text of the Agreement provides for exceptions to protection. Certain names corresponding to some EU GIs will have to face a phase-out period in China, in particular:

- **Feta:** for a transitional period of eight years after the entry into force of this Agreement, the protection of the geographical indication Feta shall not prevent the use of the term “Feta” in the territory of the People's Republic of China for cheese, provided that it can be demonstrated that the products in question were placed on the Chinese market before 3 June 2017, and that the products in question do not mislead the Chinese consumer by making their true geographical origin clearly visible and legible.
- **Asiago:** for a transitional period of six years after the entry into force of this Agreement, the protection of the geographical indication Asiago shall not prevent the use of the term “Asiago” in the territory of the People's Republic of China for cheese, provided that it can be demonstrated that the products in question were placed on the Chinese market before 3 June 2017, and that the products in question do not mislead the Chinese consumer by making their true geographical origin clearly visible and legible.
- **Pecorino Romano:** The protection of the Pecorino Romano geographical indication does not prevent the use of the term “romano” in the territory of the People's Republic of China for products other than cheese. For a transitional period of three years from the entry into force of the Agreement, the protection of the geographical indication Pecorino Romano shall not prevent the use of the term "Romano" in the territory of the People's Republic of China for cheese, provided that it can be demonstrated that the products concerned were placed on Chinese market before 3 June 2017 and that their actual geographical origin is clearly and legibly displayed.



RELATION WITH TRADEMARKS (ART. 6)

In line with WTO provisions, the Parties shall refuse *ex officio* or at the request of an interested party the registration (or invalidate the registration of) a trade mark consisting of a GI or its translation or transcription, for identical or similar goods not having such origin.

The Parties shall also refuse, at the request of an interested party, to register (or invalidate the registration of) a trademark for products identical or similar to the GI, indicating that the product in question originates in a geographical area other than its true place of origin.

These provisions are valid for all trade mark applications submitted after the entry into force of the Agreement and for the 175 GIs which will be granted protection four years after its entry into force.

USEFUL LINKS

[Text of the Agreement on cooperation on, and protection of Geographical Indications](#)

[List of EU GIs protected by the agreement](#)

For more information, please contact:

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