

LIGUE INTERNATIONALE DU DROIT DE LA CONCURRENCE
INTERNATIONAL LEAGUE OF COMPETITION LAW
INTERNATIONALE LIGA FÜR WETTBEWERBSRECHT

WHAT RULES SHOULD GOVERN CLAIMS BY SUPPLIERS ABOUT THE NATIONAL OR GEOGRAPHIC ORIGIN OF THEIR GOODS?

RESOLUTIONS¹

Resolution 1

Many jurisdictions have implemented multiple mechanisms and systems that govern the use and protection of indications of origin (including geographical indications (GIs)) for goods and (in rare cases also) for services. The LIDC therefore recommends that those systems should not be played off one against the other. More attention should be paid to how to coordinate the different systems.

Resolution 2

Additional efforts should be undertaken to clarify and harmonize the requirements that have to be met when using indications that do not refer to one single geographical origin of a product or service but rather describe where certain developing or manufacturing steps took place (e.g. 'Designed in Sweden – Manufactured in Estonia').

Resolution 3

The LIDC recognises that proportionate mandatory labelling of origin serves certain public interest objectives. We recommend that such labelling should be clearly identified and efforts should be made to avoid conflicts between voluntary indication of origin labels (including GIs) and mandatory labelling of origin.

Resolution 4

It is necessary to ensure that the protection of GIs does not have unlawful anticompetitive effects which would result in undue trade barriers. With respect to GIs that are registered this may be achieved inter alia by paying more attention to the question of the manner in which the group of applicants is organized or ensuring that there is an objective basis for restricting use of those GIs (as opposed to a disguised restriction).

¹ The resolutions were adopted by the LIDC General Assembly, held in Geneva on 8 October 2016. International Rapporteur was Dr. Simon Holzer (Switzerland)

Resolution 5

In an increasingly service orientated world, rules for indications of geographical origin for services may play a more significant role. Therefore we recommend further reflection upon whether criteria ought to be established to validate the accuracy of such indications.

Resolution 6

Bearing in mind that GIs are considered to be intellectual property rights, we recommend that existing best practices and experiences with effective enforcement are more closely studied and more widely considered.