

STATEMENT BY SWITZERLAND

The following statement made by Switzerland on behalf of the Friends of Geographical Indications at the Trade Negotiations Committee meeting on 30 June 2004 under Item 2, is being circulated to Members at the request of that delegation.

JOINT STATEMENT BY THE GI-FRIENDS GROUP

I am pleased to issue the following statement on behalf of the Friends of Geographical Indications that are more than 50 Members of the WTO.

Today's statement builds on the one made by Kenya on behalf of the GI-Friends group at the last TNC meeting of 21st of April. In the Group's statement, I would like to (1) recall the commitments WTO Members took in Doha with regard to extension of the protection of geographical indications provided by Article 23 of the TRIPS Agreement to products other than wines and spirits (hereinafter 'GI-extension') (2) refer to the goal of 'GI-extension' and why it holds opportunities and benefits for all WTO Members alike, with particular respect for developing countries, and finally (3) reiterate what action WTO Members need to take at this stage of the negotiation process.

I. 'GI-EXTENSION' IN THE DOHA ROUND

Ministers in Doha and WTO Members in subsequent TNC meetings¹ declared that they attach the utmost importance to the issue of 'GI-extension' and that negotiations on 'GI-extension' shall be an integral part of the Work Programme they established for the Doha Round. To date, however, no progress has been made.

The members of the GI-Friendsgroup consider 'GI-extension' to be an essential element of a balanced outcome of the Doha Round. At a crucial time in the Doha Round, when important decisions in other fields of negotiations await adoption, a clear signal must be given that GI extension will be part of the overall results of the negotiations.

¹ TN/C/1.

II. THE GOAL OF 'GI-EXTENSION'

The additional protection which the TRIPS Agreement currently reserves for geographical indications for wines and spirits ensures that such geographical indications are only used for wines and spirits which actually originate from the place indicated by the GI, thereby guaranteeing that only the genuine product reaches the end consumer with the GI attached. This is the very purpose of geographical indications and such level of protection should apply to all geographical indications, irrespective of the nature of the product which they designate.

Only with this more effective level of protection at their disposal will also producers of tea, coffee, rice, silk, cotton, fruits, spices, tobacco, handicrafts, watches, carpets and any other product be able to prevent the usurpation of their geographical indications and the free-riding on the reputation and quality of their products. Nevertheless, in the current situation, geographical indications of products other than wines and spirits can be usurped and free-ridden upon by products not having the respective origin or quality. Thus, by such illegitimate use, they risk to become generic, to lose all their economic potential and economic value and to deceive consumers.

III. STRIKING THE RIGHT BALANCE

'GI-extension' strikes the right balance between WTO Members as it will, on the one hand, create a level playing field and equal opportunities for the use of geographical indications for all WTO Members (beyond those producing wines and spirits) for all their genuine products which have a specific geographical origin to which a specific quality, reputation or other characteristic is linked.

On the other hand, concerns of some WTO Members about the effects of 'GI-extension' in relation to a maybe wrong but long established and good faith past uses of GIs for products without the respective origin are taken into account: the exceptions from protection as provided today by the TRIPS Agreement in relation to the additional protection shall also apply to 'GI-extension'. This is the balance that was struck for wines and spirits at the end of the Uruguay Round. The regime for wines and spirits has worked well and there is no reason why it shouldn't for other products.

IV. OPPORTUNITIES AND BENEFITS OF 'GI-EXTENSION' FOR ALL MEMBERS

That 'GI-extension' holds a great potential for all WTO Members has been impressively shown by producers of GI-products from all over the world urging the WTO at its recent public symposium to make progress on 'GI-extension' with the motto "let's preserve localisation within globalization". Producers and speakers from a wide range of WTO Members such as China, France, Guatemala, India, Italy, Kenya, Morocco, the United States and Switzerland came to Geneva to attend the Symposium and to explain why they depend on a more effective protection of GIs for their products by WTO law to make a better living.

The benefits of 'GI-extension' and better protection of geographical indications resulting from it will foster sustainable development of local rural communities, employment in decentralised regions, support the establishment of other economic activities such as tourism, preserve traditional knowledge and biodiversity. In a time of liberalization in these sectors, 'extension' will help make geographical indications a valuable tool for the marketing and promotion of quality products and will thus offer new market opportunities.

IV. CONCLUSION

Given the mandate of Ministers in the Doha Declaration and the widespread interest of WTO members in obtaining a better protection of GIs also for products other than wines and spirits, it is crucial for the GI-Friends group that 'extension' is part of the outcome of the Doha Round and, 'extension' being an implementation issue according to para. 12 and 18 of the Doha Ministerial Declaration, that this is appropriately reflected in the package we are supposed to adopt by the end of July.
