



SCHOOL OF LAW
TEXAS A&M UNIVERSITY

Texas A&M University School of Law
Texas A&M Law Scholarship

Faculty Scholarship

3-2021

Geographical Indications: new perspectives and recent developments

Irene Calboli

Follow this and additional works at: <https://scholarship.law.tamu.edu/facscholar>



Part of the [Intellectual Property Law Commons](#)

Editorial

Geographical Indications: new perspectives and recent developments

Irene Calboli*

Not even three decades ago, Geographical Indications (GIs) were a niche subject. Scholarship on the topic was rare, in particular, in the English-speaking world. Then, after the adoption of the TRIPS Agreement, the role of GIs started to become increasingly more prominent at the multilateral level, as well as part of free trade agreements' negotiations and national policies. This translated to a growing body of scholarship that included not only authors from Europe, the continent from which GIs originate, but also from other countries and the global South. In the past ten years, attention to GIs has continued to grow and the legal treatment of GIs has become a fundamental part of policy discussions on economic and social development both nationally and internationally. Today, the field attracts distinguished scholars from every continent and different disciplines. In brief, GIs have become a primary area of Intellectual Property Law.

This special issue of the *Journal of Intellectual Property Law & Practice* (JIPLP), co-edited with Eleonora Rosati (JIPLP Editor) and Sarah Harris (JIPLP Managing Editor) celebrates the importance of GI research and features several papers by leading academics and emerging scholars in the field, as well as practitioners. True to the fact that GIs are now a global phenomenon, the authors of these papers hail from every continent—from Europe to Asia-Pacific to the Americas and Africa. Their papers bring a variety of different national and regional perspectives to the debate and provide the readers with an in-depth analysis of some of the most significant developments and challenges in this area.

In particular, the issue addresses three interconnected themes regarding GIs.

The first theme is the importance of GIs as a legal instrument to promote economic and social developments, both in developed and developing countries. This is a traditional theme in the academic literature on GIs. However, the papers published in this issue illustrate new case studies and real-life examples of GI stories. In some instances, they highlight the challenges that farmers and

local communities face in managing GIs and the complexity of marketing products in local and global markets. With examples from Central and South America to Australia to Ghana and Cameroon and to Europe, readers will be immersed in the details that make every GI story unique. Readers will also learn how national laws and regulations can be used to fill the existing gaps in protection. A topic of growing importance, some of the papers also address the positive impact of GIs on the environment, and thus on sustainable development. In addition, readers can see how countries are quickly learning the potential of 'country branding' through the protection of country names.

The second theme is the expansion of the GI protection both geographically and in scope. This includes the adoption of GI laws in new countries, the expansion of GI protection beyond agricultural products, and the expansion of the interpretation of the concept of evocation as a ground for infringement. In particular, several countries have adopted new laws on GIs or revised their previous legislations in recent years. Readers will have the opportunity to review the laws adopted by Russia and Turkey for example, and the influence of European laws on these legislations. Readers will also learn about the protection of non-agricultural products in Indonesia and Kenya, and the proposals to extend the protection of GIs beyond agricultural products in the EU. In addition, readers will review the latest European cases on the extension of GI protection based on the concept of evocation, including the quite controversial case on the visual appearance of the Morbier cheese. Throughout their papers, authors will show a multiplicity of facts, theories and perspectives on these topics, which echo the historical debate on GIs and their contested origin.

The third and last theme includes the exploration of new frontiers in legal topics related to research on GIs. In particular, these new frontiers include the growing debate on the actual geographical boundaries of GIs, for example, the changes of a geographical area as part of GI

* Professor of Law, Texas A&M University School of Law. E-mail: Irene.Calboli@gmail.com

specification, or the possibility to share a GI between two or more countries. As many of the heated controversies in this area focus on GIs from areas located at the crossroads between two or more jurisdictions, the concept of 'shared GIs' could represent an important, and sensible, way to resolve several of these controversies. Another interesting question is the role of digital trade and digital markets in the legal regulation of GIs across multiple jurisdictions. This question is relevant beyond the traditional controversy between the protection of domain names and GIs, which remains one of the unresolved issues due to national differences in protection, and national variations in what terms are considered generic.

In summary, throughout the pages of this special issue, readers can see that long gone is the time when GI

protection was primarily for European 'wines and cheeses'. Today, GIs facilitate the worldwide trade of coffees, teas, rice, spices, textiles and a variety of handicrafts both in the brick-and-mortar world and in cyberspace. Each GI carries a story, and several of these stories will be discovered through the pages of this issue, which hopefully can be useful to a variety of stakeholders, including academics, policy makers, practitioners and representatives of GI associations. We now toast to this publication with a glass of (choose your favourite GI) wine or preferred beverage. May readers enjoy the JIPLP special issue and find much food and drinks for thought!