

GIs in International Trade – From Local To Global

John Clarke

Fellow Maastricht University

Fellow of the Royal Asiatic Society

**Former Director for International Affairs, European Commission & former Head of
the EU Delegation to the WTO and UN, Geneva**

From Europe To the World – The Spread of GIs

- 2010-2025 : GI's passed from being a European niche to a globally appreciated IPR
- EU prioritised GI development from around 2010
- And following the collapse of the Doha Round & the failure to agree a multilateral GI register, the EU inserted GI's into all its FTA negotiations
- Early FTAs - GIs the implicit exchange for agricultural concessions (Canada, Central America, South Africa, Andean Community)
- Later FTAs – Japan, Singapore, Mexico, Vietnam – GIs negotiated on their own merits. Several GI sceptic countries changed their positions, started to promote GIs and even set up sui generis régimes modelled on the EU.

Ever Increasing Level of GI Protection in the FTAs

- Adoption of a list of GIs, limited individual scrutiny
- No fees, light procedures
- Possibility to add more names in future
- Ex officio, administrative enforcement
- Phasing out of conflicting Trade Marks



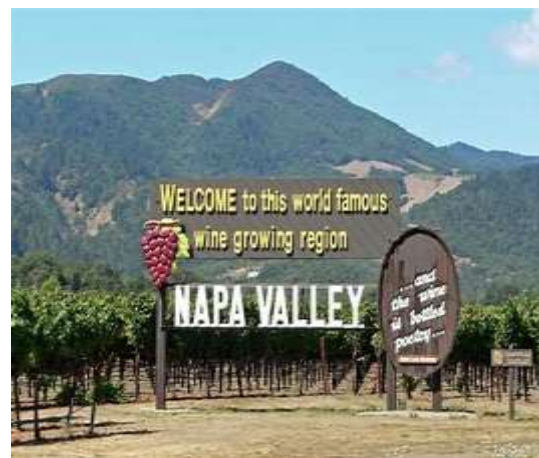
Self Standing GI Agreements

- **GI's increasingly being negotiated as self standing Agreements**
- **Internally Balanced**
- **EU-China concluded in 2021, EU-India agreement now being negotiated**
- **Most of the world see GIs as more than just an IPR – a tool to help rural areas, improve farmers' incomes and preserve heritage in a delocalising world**



Good Food is Good Business...Worldwide

- GI products typically command double the price of non-GI similar products (for wines 3x more...)
- 75+bn EUR sales of Europe's GI's in 2024.
- GI's represent 15% of Europe's agrifood exports and this is increasing
- A success story for European farmers and producers, in part due to the FTAs... mark of quality
- 44000 instances of GI protection in FTAs....



From FTAs... to the WIPO Geneva Act & To the EU's Craft and Industrial GI Regulation

- **Success in protecting GIs via FTAs created the consensus to conclude the WIPO Geneva Act in 2018 – a multilateral treaty on GI protection. A one stop shop.**
- **WIPO recognised that GI's are a development-friendly form of IPR and therefore a good way to encourage developing country members to develop IPR régimes**
- **Success in the FTAs also made possible the establishment of an EU wide régime for Craft and Industrial GIs – something had eluded the EU for years. Indian and Chinese demands for EU wide protection of their craft GIs helped get this Regulation across the line.**



Challenges Ahead?

- Food price Inflation and GIs... a risk of dilution of quality?
- USA-driven attempts to create a concept of universally generic names
- Sustainability – GIs are economic and socially sustainable, but are they *inherently* greener than non-GI products?
- GI producers should avoid seeking exemptions from sustainability claims or requirements



Thank You! And Follow Up...

Contact Details

- WhatsApp: **+32 498 950 048**
- Email: johnaclarke.eu@gmail.com
- LinkedIn/X: JohnAClarkeEU

