

Newsletter No.

9

Swiss IP News We provide you with updates on new decisions, the relevant legislative process and other trends in the fields of intellectual property and unfair competition law from a Swiss perspective.



By **Sylvia Anthamatten**
MLaw, LL.M., Attorney at Law
Managing Associate
Telephone +41 58 658 55 90
sylvia.anthamatten@walderwyss.com



and **Elisha Odenheimer**
M.A. HSG in Law and Economics
Trainee Lawyer
Telephone +41 58 658 52 68
elisha.odenheimer@walderwyss.com

Swiss Producers to Benefit from Enhanced Protection of Geographical Indications at International Level

At its meeting of 18 August 2021, the Federal Council decided that the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications, available [here](#), and the implementing decrees, accessible [here](#), would enter into force on 1 December 2021. In future, Swiss producers will benefit from the possibility to register geographical indications in the territory of the contracting parties by using a simple procedure.

The following two categories of geographical indications are concerned: Protected Geographical Indications (PGI), e.g. "Bündnerfleisch", Walliser Rohschinken" or "Appenzeller Mostbröckli", and Protected Designations of Origin (PDO), e.g. "Emmentaler", "Gruyère" or "Abricotine". For PGI, the quality, appearance or another characteristic of the product must essentially derive from the specific geographical origin and one of the manufacturing steps must take place in such area. For a PDO, all manufacturing steps must take place in the specific region, hence, the link between the product's characteristics and its place of production must be particularly strong. If a name is protected either as a PGI or a PDO, it may only be used by producers of the respective geographic area if they comply with detailed specifications.

The contracting parties to the Geneva Act are obliged to protect the designations of origin and geographical indications of the products originating from other contracting parties in its territory. This will enable Swiss beneficiaries of PGI and PDO to obtain a certain level of protection on the territory of the contracting parties for an unlimited period of time.

The implementing ordinances specify the conditions for the international registration of Swiss geographical indications as well as the grounds for acceptance or refusal of the effectiveness of foreign international registrations in Switzerland (see Arts. 52p-52r Trademark Protection Ordinance, [here](#)). The international registration of Swiss geographical indications and the examination of foreign international registrations via the Swiss Federal Institute of Intellectual Property are free of charge.

The Walder Wyss Newsletter provides comments on new developments and significant issues of Swiss law. These comments are not intended to provide legal advice. Before taking action or relying on the comments and the information given, addressees of this Newsletter should seek specific advice on the matters which concern them.

© Walder Wyss Ltd., Zurich, 2021