



ANTIGUA & BARBUDA
INTELLECTUAL PROPERTY AND
COMMERCE OFFICE

ABIPCO

ALL YOU NEED TO KNOW ABOUT...
**GEOGRAPHICAL
INDICATIONS**

What is a Geographical Indication?

A geographical indication (GI) is a term or sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin. (Geographical Indications Act 2003)

What is the Lisbon Treaty?

The Lisbon Agreement of 1958 is a treaty administered by the World Intellectual Property Organization (WIPO) that provides protection for appellations of origin (AO). AOs are a special kind of GI for products that have a particularly strong link with their place of origin. Antigua and Barbuda is currently not a member of the Lisbon Treaty.

How are geographical indications relevant to my business?

Geographical indications function as product differentiators on the market, by enabling consumers to distinguish between products with geographical origin-based characteristics and others without. Geographical indications are therefore key elements in developing collective brands for quality-bound-to-origin products.

For what type of products can geographical indications be used?

Geographical indications are typically used for agricultural products, foodstuffs, wine and spirit drinks, and handicrafts, but may also be used for industrial products.

For what type of products can geographical indications not be used?

The geographical indications which are not protected under the 2003 Act include terms or signs which are used for:

- Products which are immoral or against public order.
- Products which are no longer in use or no longer protected in the country of origin.
- Products which have become the common name in Antigua and Barbuda

for the goods or services which it identifies.

- (For Wines and Spirits) It has been used continuously for at least 10 years preceding 15 April 1994 or in good faith preceding that date.
- Products which are confusingly similar to a trade mark for which rights had been acquired before the geographical indication is protected in its country of origin.
- Products which are the names of a person or a predecessor in a particular business

(The Geographical Indications Act 2003, Section 6. (a), (b) and (c))

What are examples of Geographical Indications?

Examples of geographical indications include:

- Jamaican Jerk (from Jamaica)
- Roquefort Cheese (Roquefort des Corbières a village located in the south of France)
- Cuban Cigars (Rolled from tobacco leaves found throughout Cuba)
- Champagne (produced from grapes grown in the Champagne region of France)

What are the main ways of protecting geographical indications?

Protection is available through the sui generis systems. These are special laws on geographical indication protection.

How long does geographical indication protection last?

Registrations for geographical indications are not subject to a specific period of validity unless the registration is canceled.

Who can use a protected geographical indication?

The right to use a protected geographical indication belongs to producers in the geographical area defined, who comply with the specific conditions of production for the product.

What is the difference between a geographical indication and a trademark?

- Geographical indications identify a good as originating from a particular place. By contrast, a trademark identifies a good or service as originating from a particular company.
- A trademark often consists of a fanciful or arbitrary sign. In contrast, the name used as a geographical indication is usually predetermined by the name of a geographical area.
- A trademark can be assigned or licensed to anyone, anywhere in the world, because it is linked to a specific company and not to a particular place. In contrast, a geographical indication cannot be assigned or licensed to someone outside the area of origin or those not belonging to the group of authorized producers.

How is geographical indication protection enforced?

The owner of a geographical indication can bring civil proceedings against violators. Right holders should consult their legal advisers, before taking steps to defend their rights.

Criminally, any person who knowingly and with intent to deceive performs the acts referred to in Section 3 of the Act is liable to a fine of no more than fifty thousand dollars (\$50,000) or to imprisonment no more than three years. (Geographical Indications Act 2003, Section (7)).

For more information, please visit our website at: <https://abipco.gov.ag/>

References

https://abipco.gov.ag/wp-content/uploads/2017/07/Geographic_Indications_Act_2003.pdf

https://www.wipo.int/geo_indications/en/faq_geographicalindications.html

<https://internationalipcooperation.eu/en/caripi/learning>

<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:4423800>



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Who We Are

The Antigua and Barbuda Intellectual Property and Commerce Office was established under the Intellectual Property Office Act of 2003. ABIPCO is the national company and intellectual property registry for Antigua and Barbuda and is a department of the Ministry of Legal Affairs. ABIPCO is responsible for administering legislation, registering and keeping records in relation to Intellectual property, Companies, Business Names and Friendly Societies in Antigua and Barbuda.

Office Hours

Monday - Thursday: 8:00am- 4:30pm
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