

## INTERLEGES AWARD 2009

in memory of Stephen Rayner supported by OriGIn

## GEOGRAPHICAL INDICATIONS AND TRADEMARKS: SINERGIES AND CONFLICTS

### BRIEF GUIDANCE NOTE TO PARTICIPANTS

Although participants are free to structure their papers as they think fit, we offer the following brief guidance of the issues at stake, as Interleges and OriGIn see them.

### TOPIC- GEOGRAPHICAL INDICATIONS AND TRADEMARKS: SINERGIES AND CONFLICTS

Geographical indications (GIs) commonly refer to products whose unique reputations and characteristics depend on their area of origin. GIs are protected under a number of intellectual property treaties and conventions (multilateral, regional and bilateral). The worldwide protection of geographical indications is at the heart of the current Doha round WTO negotiations.

At the national level, several countries have chosen specific systems for protecting GIs (commonly referred as *sui generis systems*). Others use existing legal tools such as trademark laws and unfair competition rules to protect and deal with geographical indications.

Historically, there have been frequent attempts by competitors – especially far away from the place of origin – to exploit the reputation attached to geographical indications and/or to products bearing distinguishing characteristics of the area of origin. Such exploitation may lead to “generalisation” of the affected geographical indication and in other circumstances to appropriation of the affected geographical indication as a trademark by a party not producing in the place of origin.

Trademarks can also supplement geographical indications: first of all as collective trademarks, but also as individual trademarks containing (elements of) the geographical indication, registered by parties producing in the place of origin or associations or *consortia* of producers.

Applicants should address at least the following issues, but are free also to address other issues they consider of relevance to the overall topic:-

1. What is and has historically been the purpose of protecting geographical indications?
2. Which systems have proved to be the most efficient in protecting geographical indications?
3. Advantages and disadvantages of protecting geographical indications via a trademark system vis-à-vis protecting them via a *sui generis* system
4. In what way can a trademark and/or the trademark system protect or supplement the protection of a geographical indication (historically, *de jure condito and de jure condendo*)?
5. In what way can a trademark affect negatively or destroy a geographical indication?
6. How does generalisation affect trademarks and geographical indications respectively?
7. Are current international rules (TRIPs, Lisbon Agreement etc.) appropriate to fully protect and enforce GIs? What are the current issues within the Doha Development Round?

## SPECIFICATIONS

1. Eligible applicants are undergraduate law students and graduated law trainees from any and all jurisdictions. Graduated trainees are eligible only if they provide evidence that they graduated from their first degree AFTER 1<sup>st</sup> January 2004, and that they are not registered as lawyers, advocates, attorneys, judges, notaries, academics within the relevant lawyer's association, bar, law school or university. Current trainees and trainees after January 1<sup>st</sup> 2004 in any Interleges member firms, Interleges approved correspondents or relatives of lawyers practising in Interleges member firms or Interleges approved correspondents are not eligible. Relatives of the judges and advisors to the competition are also not eligible. Trainees or lawyers cooperating or having cooperated after January 1<sup>st</sup> 2004 with OriGIn are not eligible.

2. The essay shall not exceed 5,000 words and it must be written in English.

3. The essay should arrive at the following address on or before Friday 13 March 2009:

**Interleges c/o Annalisa Gordon, Interleges Administrator, 37 Charleville Road, London W14 9JJ, United Kingdom.**

A copy must also be sent by e-mail to **administrator@interleges.com**.

4. The essay must be signed and shall contain the following signed statement:

*"The applicant certifies that this essay is an original piece of scholarly work. The applicant has properly cited all sources and quotations. The applicant grants any and all copyright attached to his or her essay to Interleges and acknowledges that Interleges is authorised to publish this essay and/or make any use thereof at its entire discretion".*

5. The applicant shall provide written evidence of his or her eligibility to participate in the competition (status of law student or trainee as above specified, etc.). The applicant shall also attach a copy of his or her passport and full contact details, including a telephone number and an e-mail address.

6. Prize money shall be: € 4,000.00

7. The winner of the contest shall be reimbursed for reasonable travel expenses to and from London to attend the final dinner of the Interleges Annual General Meeting on Saturday 23 May 2009 to receive the award. Interleges shall also bear the cost of the winner's accommodation at the hotel hosting the AGM.

8. The winner will be offered a 3-month internship at OriGIn, Geneva.

9. The jury shall be entitled to conduct interviews with applicants either directly or through the Interleges member firm located nearest the applicant. In the event that members of the jury are divided, the Interleges President shall have a casting vote.

10. The winner of the award shall be notified by 10 April 2009.