Council of the European Union

Brussels, 19 November 2026
(OR. en)

16040/26

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AGRISTR 54
AGRIORG 136
AGRILEG 274

NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	AOB item for the meeting of the "Agriculture and Fisheries" Council on 23 November 2026: Geographical indications' protection in third countries' markets - Information from Italy, supported by Bulgaria, Czechia, Cyprus, France, Greece, Hungary, Poland, Portugal, Slovenia and Spain

Italy wishes to draw attention to the current risk to the stability of the international system of geographical indications (GIs), which faces a series of interconnected challenges that require closer monitoring and a coherent and coordinated response from the European Union and its member states.

In the US, the ongoing Farm Bill revision wants to legalise the *status* of GIs originated in EU Member States and outside as 'common names', whose use would be permitted for everyone under the law. *Agreements on Reciprocal Trade* – ARTs – are signed by US with Argentina, Bangladesh, Cambodia, Ecuador, El Salvador, Guatemala, Indonesia, Jordan, Malaysia, and Taiwan so far, or the negotiations are still ongoing (for instance, India), unilaterally defining 'common names' EU Member States flagship GIs in third countries, definitively compromising their protection, creating a dangerous precedent and interfering with EU Agreements (for instance, Argentina vs MERCOSUR) or with ongoing EU negotiations (Thailand, Malaysia, India).

In that respect, *Safeguarding American Food and Export Trade Yields Act of 2025 to secure foreign markets for goods using common names.* is another legal initiative by which US may continue to sign ARTs, unilaterally defining 'common names', listed terms attached to those agreements. Furthermore, the ICANN call for assigning new "*generic" Top-Level Domains – gTLDs* in Internet (.asiago, .gorgonzola, .champagne, .porto, .budweiser, .cava, .tokaj, etc.) also negatively jeopardises the online GI protection. The future could prove even worse and more damaging, should new gTLDs be assigned or further ARTs be concluded with other third countries.

Similarly, at WIPO level, the multilateral registration system for geographical indications established by the Lisbon System — whose most recent pillar is the 2015 Geneva Act — is being undermined. The European Union has been a Contracting Party since 26 February 2020, with effect for all Member States; seven Member States are also parties in their own capacity - Bulgaria, Czechia, France, Hungary, Italy, Portugal and Slovakia - and there are currently 29 Contracting Parties.

At WIPO's Regional Seminar on Geographical Indications, held in Makati City, Manila, on 28-29 October 2026, to which the European Commission was invited as a speaker, the US authorities (USPTO and USTR) and industry lobbies asserted a 'right to use common names' that are protected as GIs in the EU and in many third countries; a claim difficult to reconcile with Article 3 of WIPO's founding Convention, which commits the Organisation to 'promote the protection of intellectual property throughout the world'.

All of this gives rise to great concern and deep unease. Each action briefly described is part of a strategy, based on trivializing GIs through their abuse as common names, alongside attempts to seek legitimacy for this practice via national laws, new gTLDs assigning, ARTs and WIPO seminars cycle, following the scheme adopted in Philippines.

Against this background, **the European Union and its Member States should consider strengthening their coordination and developing a comprehensive political strategy** for the international protection and promotion of geographical indications. Such a strategy could combine effective legal protection with awareness-raising, technical cooperation and capacity-building activities, while promoting geographical indications **as intellectual property rights capable of protecting product names, enhancing local production and contributing to the sustainable development of territories**. This approach could also foster a wider understanding and appropriate implementation of the GI concept in third countries.