The Protection of the Geographical Indications under TRIPS

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Abstract: The Agreement on Trade-Related Aspects of Intellectual Property Rights TRIPS has focused on the geographical indications GIs by adopting new provisions, in addition to those of Paris and Lisbon Treaties, to foster the objective protection and impose an additional protection of some indications because of their paramount role in the sustainable development. In this regard, GIs ensure quality, show the origin of goods, and have local and international economic vitality. Therefore, we decided to study how TRIPS covered them by tackling their concept and protection conditions.

Keywords: Geographical indications; TRIPS; additional protection; objective protection.

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Introduction:

TRIPS moved from a traditional institutional frame into an international commercial one although it, most of the time, refers parties to the traditional treaties, such as Paris Treaty for the Protection of Industrial Property Rights 1883. In addition, it classifies GIs among the industrial property rights because they are distinctive signs that help distinguish goods in markets and know the origin of the high-quality products. GIs has drawn much importance of TRIPS because of their role in identifying the origin and quality of products, what helps develop the national and international economies, establish a legal competition, and better market products.

Although TRIPS introduced a unified legal frame to protect GIs, reality raises many legal issues regarding their concept and how to distinguish them from the other similar rights, such as the appellation of origin. In addition, we find issues regarding the protection mechanisms, the developing states' response to the requirements of international commitment in the field, and the difficulty of documenting GIs and determining quality.

Problematic:

Based on what was said, we raise the following problematic, **"**Could TRIPS add sufficient protection to GIs?" To answer the question, we use the analytical method to analyse TRIPS legal texts and divide the study into the following chapters:

- Chapter one: The concept of the geographical indications.
- Chapter two: The conditions that must be met by the geographical indications for protection.

Chapter one: The Concept of the Geographical Indications.

GIs are an important tool to show the consumers the geographical origin of products that have distinct features. They have gained wide reputation. Although they are similar to the rest of industrial property rights, they have distinct features that differ than those rights, as we shall discuss.

Section one: Definition of the Geographical Indications and the Distinction from the Similar Names:

We shall discuss the definition of GIs and distinguish them from the similar geographical indications to better understand them.

First: Definition of the Geographical Indications:

We, first, provide the jurisprudent definition and, then, move to the definition mentioned in TRIPS.

1. Jurisprudent Definition:

GIs have different jurisprudent definitions, such as: - "GIs" is the geographical name given to products based on the agriculture or manufacture place. The products draw their

features that distinguish them from similar products from the geographical conditions, such as the soil, the sun, the climate, or manufacture traditions in a given territory[1].

- "GIs" is the label put on a given product to show it comes from a given geographical area that has given features or reputation. To register a trademark, the products must be continuously produced with knowledge of the requestor of registration in the geographical region that has a given reputation[2].

- Besides, they are defined as the indications that aim at identifying the geographical environment and the territory of producing given goods, and at attributing the goods' quality, reputation, and specifications to a geographical origin that has given features and natural and human factors. The strong relation between the goods and their manufactory territory is an attraction point that pushes consumers to choose goods[3].

These definitions agree that GIs provide information on the territory of producing goods; the territory has features and qualities that give a good reputation to goods. Thus, we confirm the strong relation between goods and their geographical territories. In this regard, GIs are a strong economic attraction tool that grants goods national and international fame and status, and that fosters consumers' trust in goods thanks to their geographical origins and the human and natural factors intervening in production.

2. Definition of the Geographical Indications according to TRIPS:

TRIPS Agreement is applied in its broad sense to cover patents, models, and data on the goods' source and appellation of origin, and to ban illicit competition. Although TRIPS regulated the source and appellation of origin, it defined neither them nor GIs. Article 22 of TRIPS defines GIs as indications which identify a good as originating in the territory of a Member or a region or locality in that territory, where a given quality, reputation, or other characteristics of the good is essentially attributable to its geographical origin. TRIPS gave a wide definition of GIs because it protects them, mainly those related to wines because of their economic importance and of their wide reputation in the European states. It considers reputation as one of the main characteristics. The main role of GIs is identifying the origin of the good, and the reputation, thereby. According to TRIPS, GIs exceed the names of locations to cover all indications that show the consumer the origin of the good and the state where it was made, as long as the good's quality, reputation, fame, or characteristics are related to the geographical origin.

Second: Distinction between the Geographical Indications and Similar Names:

The expression "geographical indications" is similar to other expressions and terms. Therefore, we shall provide explanations and clarifications.

[1] Mohamed Hasni Abbas, the industrial property and the commercial location, Arab renaissance house, Cairo, p. 31.
[2] Ben Hammoud Said Ben Abd Allah al Maachari, the industrial property rights, new university house, Amman, 2015, p. 254.
[3] Mohamed Mohcin Ibrahim al-Najjar, the legal regulation of the commercial and industrial property items in the light of TRIPS and the intellectual property law No° 82 of 2002, University Publications House, Cairo, 2015, p. 113.

1. The Geographical Indication and the Statement of Origin:

The statement of origin is a sign that shows that a good is imported from a given state or region, or that shows the production state[4]. Besides, it may show the region where the good is packaged, exported, or traded. It is the custom territory from where the goods and products come, and does not reflect the degree of quality, unlike GIs, which reflect the quality the region is known for.

2. The Geographical Indication and the Appellation of Origin:

The appellation of origin was mentioned in amended[5] TRIPS of 1883[6] without a definition. However, Lisbon Agreement defines it in Article 2(1), stating that "In this Agreement, 'appellation of origin' means the geographical denominations of a country, region, or locality, which serves to designate a product originating therein, the quality of characteristics of which are due exclusively or essentially to the geographical environment, including natural and human factors."[7] In addition, Article 01 of Geneva Act defines it as any denomination protected in the Contracting Party of Origin…which serves to designate a good as originating in that geographical area, where the quality or characteristics of the good are due exclusively or essentially to the geographical environment, including natural and human factors."[8]

These definitions show that GIs are similar to the appellation of origin, as both need a nexus between the product and the locality of origin, and both show the geographical origin of the product and its origin-related characteristics. However, the two expressions differ in some points, as the appellation of origin requires a strong relation between the product and the geographical region unlike GIs where the reputation is drawn from the geographical origin[9]. In addition, GIs do not rely on the geographical names as in the appellation of origin; rather, they include words, signs, and even pictures. Thus, the expression GIs is wider than the appellation of origin, as any appellation of origin is a geographical indication, but not any geographical indication is an appellation of origin.

3. GIs and the Trademark:

Articles 15 to 21 of the second Chapter of TRIPS regulated trademarks and defined stating "any sign, or any combination of signs, capable of distinguishing the goods or services of the one undertaking them from those of other undertakings, shall be capable of constituting a trademark. Signs include words (names), letters, numerals, figurative elements (logos), and combination of colours" Thus, TRIPS defined the trademark by giving examples and providing that the trademarks be unique and legitimate.

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[4] Farha Ziraoui Salah, the complete in the Algerian commercial law, intellectual rights, industrial and commercial property rights, literary and artistic property rights, Ibn Khaldoun house for publication and distribution, Algiers, 2006, p. 538.

[5] Order 66-48 of 25 February 1966 on Algeria joining Paris Union for Protection of the Industrial Property, official gazette 16 of 25 February 1966.

[6] Order 75-2 of 09 January 1975 on ratification of TRIPS and its amendments, official gazette 10 of 04 February 1975.

[7] Lisbon Agreement on the protection and international registration of appellations of origin, was signed on 31 October 1958, came into force in 1966, and was amended in 1976, 1979, and 2015. Algeria joined it by Order 72-10 of 22 March 1972, official gazette 32 of 21 April 1972.

[8] Geneva Act on the appellation of origin and the geographical indications was adopted in May 2015.

[9] Imad Chermat & Leila Guettaf, the geographical indications as a tool for local development, journal of finance, investment, and social development, University of Farhat Abbas in Setif, Vol. 08, ssue 01, June 2023, p. 178

The GI differs than the trademark in the fact that a trademark is a sign or symbol used by the manufacturer, the trader, or the service provider to distinguish their goods or services from the others' with no insurance of their quality or specifications. On the other hand, GIs are used only on goods with a given quality attributed from the geographical origin. They take the name of that territory most of the time despite the possibility of including other items, such as colours, names, letters, words, or other signs. In addition, the trademark is a distinguishable and legitimate name, drawings, or letters chosen and exclusively used by the owner for the period legally determined, unlike the GI that is collectively owned.

4. GI and the Trade data:

The trade data are clarifications to be directly or indirectly included in goods to provide more information on their characteristics and foster the legitimate competition between producers, protect the consumers, and allow for taking informed decisions to buy the product or other similar ones. On the other hand, GIs aim at informing consumers about the geographical origin and the characteristics and features related to that origin. Thus, GIs are one of the trade data included in the product.

Moreover, as previously mentioned, GIs are signs, words, geographical names, letters, or colours usually used to inform the consumer about the product's geographical origin, its characteristics, and its features while the trade data are information that must be written on produced or imported goods in a way that they cannot be taken off. These data include the number of goods, weight, price, manufactory date, expiry date, etc. GIs allow the producers who registered them at the competent bodies to enjoy exclusive collective rights to use them because they are one of the industrial commercial rights, unlike the trade data that cannot be monopolized or exclusively used. In this regard, all traders and producers can use the trade data on their products without violating others' rights[10].

Section two: the Characteristics and Importance of GIs:

GIs gain their importance from different characteristics:

First: the Characteristics of the Geographical Indications:

1. The Geographical Indication is a Scare Intellectual Property Right:

GIs are intellectual property rights and part of the industrial property rights. They are the outcome of huge human and economic investments that reflect the natural characteristics of the geographical origin, such as the soil, and the human characteristics, such as the traditions that affect the quality of the product. Therefore, they are less than the industrial property rights, such as the signs[11].

[10] Mohamed Abd al Maqsoud Ghanem, the legal system of GIs, journal of the Faculty of Laws for Legal and Economic Researches, issue 01, 2019, Faculty of Laws, University of Alexandria, p. 1497.
[11] Al Lahbi Hamid Mohamed Ali, the legal protection of the intellectual property rights in the light of WTO, Vol. 01, the national centre for legal publications, Egypt, p. 246.

2. The Right to Geographical Indication is a Territorial Right:

The right to GIs is territorial, meaning it applies to the state or territory where the right was given.

3. The Product's belonging to a given Geographical Region:

GIs express a strong relation between the product and the geographical region of origin. It affects the quality and taste of the product due to natural, climatic, and human factors that distinguish the region. Such factors distinguish the product from similar products in other regions.

Second: The Importance of GIs:

GIs are intangible assets protected by the industrial property laws. Their importance manifests in:

1. The Social aspect:

They are so vital for social development in the manufactory territories because they foster the protection of the local goods and the consumers' trust. The reputation of a given product with GI of a given geographical territory known for given characteristics attracts consumers, increases demand, fosters sustainable development, protects the national territory, stabilizes the region, and provides a source of income.

2. The Economic Aspect:

GIs are an efficient marketing tool that allows goods to enter international markets, boost the international trade, increase exports and GDP, provide a competitive advantage for small and middle-sized companies, ensure goods quality, increase their economic value, and open new markets that need skilled labour force.

3. The Strategic Aspect:

GIs positively affect many economic sectors, such as agriculture, tourism, and environment by providing job opportunities and fostering the economic development of the states[12].

Chapter two: The Conditions that must be met by the Geographical Indications for Protection

In order for GIs to have a legal protection, some objective and formal conditions must be met at the administrative organizations assigned with the registration of the industrial property to get an administrative certificate that gives force to the protection.

Section one: The Conditions that must be met in the Geographical Indications:

TRIPS did not identify the objective conditions of GIs to get legal protection. However, we can deduce them from Article 22(1).

[12] Imad Chermat & Leila Qettaf, op. cit., p. 17.

1. The Objective Conditions of the Geographical Conditions:

According to the definition in Article 22, the conditions are:

1. The Indication must identify a Given Product in a Member State:

TRIPS states that GIs do not have to geographical appellations; rather, they may be any indication that attributes a product to its origin. Moreover, the indication may be put on agricultural, natural, industrial, craft, or food products. In addition, the locality of origin, not of registration, must be a Member State because the locality of origin is the place of agriculture while the locality of registration is the place where protection is requested.

2. The Indication must Link Products with their Geographical Origin:

To protect a GI of a given product, the product must meet certain standards and the degree of its quality must not be found in another region inside that state. TRIPS states that to link a product with its geographical origin, it is enough to meet one tie, either the quality, reputation, or any other characteristic specific to the locality of origin. In addition, TRIPS did not condition that the product with GIs be exclusively agricultural; rather, the product may be natural, agricultural, industrial, traditional, or food. In this context, services are excluded because they cannot be delivered under GIs[13].

Second: The Formal Procedures:

The formal procedures to protect GIs differ from one state to another, as some states enacted specific laws to regulate them while other states regulated them by the collective trademarks laws, commercial laws, or consumer protection laws. In addition, other states, including Algeria, did not regulate them despite their definition in the Executive Decree 13-260[14]. According to the Decree, the Algerian legislator has to enact laws that regulate GIs like the appellation of origin and other rights so that the National Institute for Industrial Property can register it and protect the rights of the protection requestor who may be a representative a group of producers, producers themselves, or local governmental organizations.

In addition, it is possible to register the request internationally, as Geneva Act empowers Lisbon Agreement of 2015 to ensure a practical and efficient solution to allow the depositor to make one registration in return for one set of fees. In addition, Geneva Act allows some international governmental organizations to join it; this fosters the comprehensive nature of the international protection system. Lisbon Treaty 1958 was reviewed to introduce improvements on its provisions, increase membership, and attract more members by allowing the international governmental organizations to take part in the Act. In this regard, Lisbon Treaty and Geneva Act make, together, Lisbon System that provides an efficient and comprehensive international protection for the names of goods whose quality is linked to a given origin.

[13] Ait Teffani Hafidha, the legal system to protect the industrial property under TRIPS, PhD thesis in laws, University of Mouloud Maameri, Faculty of Laws and Political Sciences, Tizi Ouzou, 2018-2019.

[14] Article 03 of the Executive Decree 13-260 of 07 July 2013 that determines the system and quality of agricultural products or products with an agricultural origin, official gazette 36, provides that GI is an appellation to define a product as coming from a territory if it is possible to attribute the quality, reputation, or other characteristics of this product to the geographical origin. Besides, the production, transformation, or preparation must be made in the determined geographical space in accordance to the book of conditions of the geographical appellation.

Article 09 of Geneva Act provides that each contracting member has to ensure protection of the appellations of origins and GIs registered on its lands under its laws and in accordance with the provisions of that Act, taking into account any refusal, abolition, or rejection that may come into force on its lands, and that the contracting parties that do not distinguish between the appellations of origin and GIs in their domestic or territorial laws do not have to include that distinction in their domestic or territorial laws.

Furthermore, the contracting parties must enact efficient penalties to protect the registered appellations of origins and GIs. In this context, any public authority or given party, be them natural or moral persons, public or private, may ask for legal measures to ensure their protection in accordance with the law and the legal practices of the contracting party.

Geneva Act allowed the contracting parties to choose the laws that ensure the protection, as long as these laws meet the Act's objective requirements. Besides, the provisions of Geneva Act should not, in any case, affect any other protection granted by the contracting party to a registered appellation of origin or GI by a national law or other international checks. Moreover, the implementation of the Act's provisions shall neither raise obligations for the contracting parties towards each other nor violate rights ensured by other international checks.

Geneva Act adopted flexible measures for the international registration of GIs, as paragraph 03 of Article 05 allowed the concerned parties, be them moral or natural persons, to submit the request themselves, not through the competent administration of the parties' states; the concerned parties are moral or natural persons legally allowed to use the appellation of origin or the GI, or natural or moral persons who enjoy legal basis in accordance with the law of the contracting party to confirm the rights of the benefiters or other rights related to the appellation of origin or GIs , as provided in paragraph 02 of Article 05.

Regarding the fees, Geneva Act adopted the individual fee in addition to the international registration fee. In this regard, paragraph 04 of Article 08 provides that all contracting parties may notify the general director by a declaration that the protection resulting from the international registration shall not have effect on his lands unless he pays the fees of the objective examination of the international registration. The amount of those individual fees is determined in the declaration and can be changed later; it must not exceed the amount required by the domestic or regional laws of the contracting party after discounting the costs of the international procedure.

In addition, Geneva Act involved guarantees to protect the rights of others, as every party whose interests are affected by the international registration of the appellation of origin or the GI may request the competent national authority of his state to notify about the refusal of the protection, and ensured the right of the national authority to issue the refusal notification regarding any international registration, in accordance with Article 15 of Geneva Act, which states "the competent authority of a contracting party may notify the international Bureau, within the period specified in the regulations, of the refusal of the effects of an international registration in its territory. The competent authority may issue this notification of refusal on its own initiative if its legislation so permits, or at the request of a specific party. The notification of refusal shall state the grounds on which the refusal is based. Furthermore, each contracting

party shall provide a reasonable opportunity for anyone whose interests would be affected by an international registration to request the competent authority to notify a refusal in respect of that international registration".

Paragraph 01 of Article 08 of Geneva Act provides that the international registrations have force for an undetermined deadline, taking into consideration that the protection of the registered appellation of origin of GI is not required if the appellation is not protected by the origin contracting party; thus, the competent authority in the origin contracting party has to request the abolition of the international registration.

Section two: Protection of GIs by TRIPS:

GIs protection was the main demand for the European negotiators in Uruguay Multilateral Commercial Negotiations under the general agreement of tariffs and trade. The EU and Switzerland were the main competing parties VS USA; the EU and Switzerland suggested a French style for Protection while USA preferred protecting GIs with certification and guarantee marks. Thus, TRIPS devoted a special section for GIs, and was the first multilateral treaty to discuss GIs independently from the intellectual property rights. Although TRIPS did not impose a given system to protect GIs because of the differences in the domestic laws, Articles 22, 23, and 24 obliged the Member States to respect some general and additional points when deciding protection in the national territory. We shall discuss them later after tackling the general principles of TRIPS.

First: The Main Principles of TRIPS:

TRIPS included many principles, which are in fact a restructuration of the principles of the 1st Paris Agreement 1883, to be protected by the member states, and called for amending the domestic laws according to them. In this context, Article 72 provides that member states may not submit any reservations regarding the Agreement provisions without approval of the other parties. Thus, we shall tackle the main principles of TRIPS, mainly the national treatment, the most-favoured-nation treatment, and the establishment of the minimum level of protection.

1. The National Treatment Principle:

TRIPS provided for the national treatment principle, meaning that each member treats the nationals of the other member states as provided by the Agreement, in accordance with the rights provided for in Paris Convention for the Protection of Industrial Property, the Berne Convention for the Protection of the Literary and Artistic Works, the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting, and the Treaty on Intellectual Property in Respect on Integrated Circuits. In this context, TRIPS considers the exceptions stated in those conventions.

This principle is applied on all the industrial property rights, mainly GIs, except the procedures provided for in the multilateral conventions held under the supervision of the World

Intellectual Property Organization on gaining and maintaining the intellectual property rights[15]. Article 03 of TRIPS provides that each member state grants foreigners from other member states a treatment equal to that of its own nationals regarding the protection of the intellectual property. Thus, the principle establishes equality between nationals of the member states[16].

Regarding the domestic laws, TRIPS principles are dealt with differently from one state to another according to their laws. In this context, the national treatment and the most-favoured-nation treatment are the two most principles that cannot be amended by any state regardless their conditions. Thus, the national treatment in general manifests in the national laws and the commitment to the conventions. The national treatment principle is applied only when the goods, product, services, or items concerned with intellectual property rights enter the market. Thus, any custom fees on imported goods are not necessarily a violation of the national treatment principle, even if fees are not imposed on the local products[17].

2. The Most-Favoured-Nation Treatment:

Article 04 of TRIPS provides for the most-favoured-nation treatment [18], which complements the national treatment principle and avoids gaps in the legal protection of the intellectual property rights that may result from the nature of relations between the member states despite the commitment to the national treatment principle; such situation would negatively affect the national treatment principle. Since 01st January 1996, TRIPS obliged all member states to respect the principle, which states that any member state should directly and with no return grant all the nationals of the member states the same privileges granted to the nationals of any other state, not only those granted after TRIPS has come into force. Thus, the member states, by this principle, have to establish equal treatment and privileges to the nationals of all member states, either regarding custom fees or taxes, except the priority cases established by regional regulations.

This principle has been first applied on the intellectual property, as no international agreement on the intellectual property has provided for it. TRIPS Agreement inspired the most-favoured-nation treatment from the General Agreement on Tariffs and Trade 1947, marking a clear contradiction with the literal meaning of the expression, as "the most-favoured-treatment nation" refers, in the Agreement, to the equal treatment of all member states. However, the principle does not prohibit members from imposing restrictions to regulate the international trade, as long as the restrictions are general, objective, and abstract and serve no particular states on the detriment on others. In this regard, we find some exceptions, particulary that the states are not obliged to respect the most-favoured-treatment nation principle if the privileges are granted by an international agreement on the judicial aid, Berne Convention 1971, or the Rome

[15] Samir Fernane Bali, the issues of commercial, industrial, and intellectual piracy, Vol. 01, Al Halabi legal publications, Beirut, 2001, p. 19.
[16] Mounir Mohamed al Djabhini, the marks and commercial names, university thought house, Alexandria, n.d., p. 36.
[17] Djalal Wafa Mohammadine, the legal protection of the industrial property according to TRIPS, new university house for publication, Egypt, 2001, p. 24.
[18] Article 04 of TRIPS states that any advantage, favour, privilege, or immunity granted by a Member to the nationals of any other country shall be accorded immediately and unconditionally to the nationals f all other members.

Convention for the Protection of Performers, Producers of Phonograms and Broadcasting, and if the treatment is governed by international conventions that have come into force before the enforcement of TRIPS Agreement.

3. The Establishment of the Minimum Level of Protection:

TRIPS Agreement introduced the minimum level of the protection of the intellectual property rights to be respected by the member states because the national treatment principle, which ensures equal treatment between the nationals of all the member states, is not enough to ensure an efficient protection of the intellectual property rights. In addition, the domestic laws of a given member state may be unable to reach the minimum level of the protection imposed by TRIPS Agreement; thus, the domestic laws must meet the requirements of the minimum level of protection provided for by TRIPS. Nevertheless, every member state can determine a higher level of protection in their domestic laws.

Second: the Protection Determined for GIs by TRIPS:

Articles 22, 23, and 24 of TRIPS identified the obligations of the member states and TRIPS Council, particularly the general protection and the additional protection.

1. The General Protection of the Geographical Indications:

Article 24 of TRIPS introduced a set of general obligations to the Member States and to TRIPS Council.

a. The Obligations of the Member States:

TRIPS obliges the Member States of WTO to respect many points and take measures that foster the legal protection of GIs, as follows:

b. Banning the Use of Misleading Geographical Indications:

Article 2 (a) of TRIPS obliges the Member States to provide the legal tools that allow the Member States to ban the use of any tools that mislead consumers regarding the real origin of products, such as naming the product with another origin than the real one and presenting it to the consumers in a way that alludes it had been produced in a given territory than the real. Thus, the producers who legally use GIs can use them exclusively and ban any other party from using them or using any tool that misleads the consumers. In addition, each Member State must provide the legal tools that may ban using GIs for any illegal competition, as stated in Article 10 Bis of Paris Agreement of 1883.

c. Refusing to Register Trademarks that may Mislead the Consumers Regarding the Origin:

TRIPS added that the domestic laws of every Member State must include provisions that allow the domestic competent parties to automatically, or upon request, refuse registering a given trademark that includes any GI of a product that was not produced in the territory shown by the trademark so as not to mislead the consumers[19]. Besides, these obligations must be applied when deciding the national protection of GIs, mainly banning the use of misleading GIs

[19] Paragraph 03 of Article 22 of TRIPS.

because they give false information on the territory of origin[20]. This case takes place when any party uses a real GI in a product that was produced in another territory than the one shown by GI[21].

d. Commitment to not Reducing the Decided Protection:

When enforcing the provisions of the 3rd Section of TRIPS on GIs, including those of wines, WTO Member States must not reduce the protection that had been decided before TRIPS came into force on their lands; i.e., the Member States that had approved wider protection than that decided by TRIPS must not reduce it. In addition, the Member States must not consider the appellation of origin that is registered in the state of origin a general or common appellation as long as it is still registered in it. Therefore, the ruling about not reducing the protection decided by the domestic laws if it exceeds that decided by TRIPS consolidates the protection of GIs and preserves the rights gained before TRIPS.

2. The Obligations of TRIPS Council:

Article 24 (2) of TRIPS identifies these obligations, as follows: "The Council for TRIPS shall keep under review the application of the provisions of this Section; the first such review shall take place within two years of the entry into force of WTO Agreement. Any matter affecting the compliance with the obligations under these provisions may be drawn to the attention of the Council, which at the request of a Member, shall consult with any Member or Members in respect of such matter of which it has not been possible to find a satisfactory solution through. The Council shall take such action as may be agreed to facilitate the operation and further the objectives of this Section."

Second: The Additional Protection of the Geographical Indications:

TRIPS urged the Member States to provide a minimum limit of intellectual property rights and left the Member States free to increase the limit in their domestic laws, in negotiations, or in any other agreements. In this regard, it decided a general protection for all GIs and additional protection for GIs on wines. In addition, TRIPS obliged member states to start negotiations to provide a wider protection than that it provides for wines and beverages[22]. This confirms the economic and commercial concept of TRIPS because wines trade has high commercial and economic importance for the producing states, mainly the European. To foster the protection of GIs of wines and beverages, TRIPS allowed the Member States to negotiate to establish an international system for notification about such indications that meet the national conditions of protection. Such system applies only to the States that accept negotiations and take part in making the system.

Conclusion:

To protect GIs internationally, TRIPS introduced a common legal frame that shows the meaning of GIs and the limits of protection. In addition, it obliges the Member States to provide objective protection to all GIs, and attributed a special protection to wines and alcoholic beverages. In this regard, the Member States must take the necessary measures to ban any misleading use of GIs that show the origin or quality of product. These aims cannot be

[20] Paragraph 04 of Article 02 of TRIPS.
[21] Ait Teffani Hafidha, op. cit., p. 42.
[22] Article 24-01 of TRIPS

efficiently achieved unless national and international cooperation is achieved. Based on what was said, we recommend:

- Developing the domestic laws of GIs in the developing states to go with the minimum limits of TRIPs and the developed states. We recommend that the Algerian legislator enacts a law that regulates GIs and amends Order 76-65 on the appellation of origin.
- Unifying the international standards to identify the product's quality and characteristics.
- Raising consumers and producers' awareness and encouraging them to register and protect GIs.