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The Lisbon Agreement and the Importance of Protecting Appellations of Origin

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Abstract

This article examines the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration as a distinct international legal framework within intellectual property law. Employing a doctrinal and comparative legal methodology, the study analyzes the normative structure of the Lisbon system, its registration mechanism, the principle of perpetual protection, and the legal grounds for termination of international registration. Particular attention is paid to the interaction between the Lisbon Agreement and other international legal regimes governing geographical indications, including trademark-based protection models and the TRIPS framework.

The article argues that, despite its limited membership, the Lisbon Agreement constitutes an autonomous and high-threshold protection regime rather than a merely supplementary instrument to trademark systems. Its relatively restricted global adoption is explained not by normative weakness, but by its strict conceptual requirements and complex coexistence with dominant intellectual property frameworks. The study concludes that the Lisbon system remains especially valuable for states seeking strong and durable protection of appellations of origin closely linked to territorial identity, traditional knowledge, and cultural heritage.

Keywords: Geographical indications; appellations of origin; Lisbon Agreement; international registration; intellectual property law

Introduction

Geographical and climatic conditions, folk traditions, and hereditary knowledge significantly impact the quality and specific characteristics of certain products. In the interest of consumers, an effective method has been established to identify such products and indicate the place of origin of the goods. This practice has been developed and strengthened over the centuries, and certain names are now internationally recognized (Rangnekar, 2004).

In today's economic environment, products with geographical indications play an important role in the local and international markets, where their demand is constantly growing (Bramley & Kirsten, 2007). However, with time, their reputation does not decrease but rather strengthens and expands (Vandecandelaere, Teysier, Barjolle, & Jeanneaux, 2018). Such products include well-known examples such as cognac, champagne, port wine, and Ceylon tea. The high commercial interest in such goods makes the need for the protection of geographical indications even more urgent at the international level (Josling, 2006).

Georgia, as a country producing many geographically recognized products, attaches special importance to the legal protection of such designations. Their protection is a powerful tool through which it is possible to increase the competitiveness of locally produced products and position them in the international market (Belletti & Marescotti, 2002). However, this process is accompanied by legal challenges that require the creation and use of special international mechanisms.

The World Intellectual Property Organization (WIPO) is actively discussing the issue of protecting geographical indications and is taking important steps in this direction. The European Union has also paid special attention to strengthening the protection of geographical indications and improving their legal regulation. To date, several international agreements have been adopted in this direction, which regulate issues related to geographical indications.

One of the most important international mechanisms that ensures the protection of geographical indications is the *“Lisbon Agreement for the Protection of Appellations of Origin and their International Registration”*. This multilateral agreement was concluded in Lisbon in 1958, which is why it is often known as the *“Lisbon Agreement”*. As of 2024, the Lisbon System facilitates the international protection of appellations of origin and geographical indications in 44 Contracting Parties, covering 73 countries; Georgia became a party to the Lisbon Agreement in 2004 (World Intellectual Property Organization [WIPO], n.d.; WIPO, 2004).

It is essential to note that the perception of the Lisbon system as a 'closed club' has shifted significantly with the adoption of the Geneva Act (2015). This modernization of the treaty fundamentally transformed its scope by extending protection not only to Appellations of Origin (AOs) but also to Geographical Indications (GIs). More importantly, the Geneva Act allowed intergovernmental organizations, such as the European Union, to become contracting parties. This structural evolution effectively addresses the historical criticism regarding limited membership and repositions the Lisbon system as a dynamic and expanding framework within the global intellectual property architecture.

Under the Lisbon Agreement, geographical indications are protected based on international registration. The countries party to the treaty are obliged to recognize the validity of such registration in their territory, as a result of which the names registered in the international register have full legal force in each signatory country (Sakpatenti, n.d.). The registration process itself is not complicated, although states are given a certain period to decide on the recognition of the registration of a particular name.

However, disputes may arise regarding the legal use of a specific geographical name. For example, the Czech Republic and Germany have equal claims to the name of the beer "*Budweiser*". An even more complex legal situation arises when a geographical indication becomes a generic term as a result of widespread use in one country. Such a situation affected cognac and champagne, whose names are considered generic names in some countries. The French government has made great efforts to maintain the protected status of these names, although in some countries, the solution to the problem remains a challenge (Dzamukashvili, 2006). According to WIPO statistics, AOs and GIs in force via the Lisbon System increased from 817 in 2009 to 1,085 in 2023 (WIPO, 2024). Such well-known appellations of origin from Georgia have been added to the register, such as Khvanchkara, Borjomi, and others. These registrations not only contribute to strengthening the national economy but also ensure international legal protection of Georgian products, which is critically important for their branding and competitiveness (World Intellectual Property Organization, n.d.).

Against this background, the present article seeks to address the following research question: to what extent does the Lisbon Agreement provide an effective and autonomous system for the international protection of appellations of origin, distinct from trademark-based intellectual property regimes? In addition, the study examines how the Lisbon system interacts with other international legal instruments governing geographical indications, particularly in situations of normative overlap and potential conflict with trademark protection.

Methodology / Research Approach

This article employs a doctrinal legal research methodology, based on the systematic and interpretative analysis of international legal instruments governing the protection of appellations of origin. The study focuses primarily on the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, examining its normative structure, legal concepts, and enforcement mechanisms through textual, teleological, and contextual interpretation.

The research is purely normative and does not rely on empirical data collection, focusing instead on doctrinal interpretation and comparative legal analysis.

In addition, the research adopts a comparative legal approach by situating the Lisbon system within the broader framework of international intellectual property law, particularly in relation to the Paris Convention, the Madrid Agreement, and trademark-based protection models. Selected practical examples and doctrinal positions are used to assess the effectiveness, limitations, and autonomy of the Lisbon Agreement as a distinct international protection regime for appellations of origin.

The normative structure of the Lisbon Agreement and its legal regulation

Following the general overview above, it is important to consider the main legal provisions of the Lisbon Agreement. The Lisbon Agreement includes substantive and procedural provisions, which are set out in Articles 2 and 8, as well as administrative mechanisms, which will receive relatively less attention in this discussion.

In the first article of the treaty, a special legal union is established, which unites the states party to the Lisbon Agreement and defines the main purpose of the treaty - the protection of appellations of origin of goods in the territory of all the states' parties (Lisbon Agreement, art. 1). For this purpose, the creation of an international register is envisaged, where all geographical names that enjoy protection in the country of origin are registered.

Article 2 defines the concept of “*appellation of origin*”. According to it, this term refers to the geographical name of a country, region, or locality, which is used to identify products originating there (Lisbon Agreement, art. 2). In addition, the unique characteristics of products bearing such a designation must be wholly or essentially due to the geographical environment of the given territory, which includes both natural factors (climate, soil composition, water resources) and human factors (traditional production methods, cultural practices, specialized knowledge).

Appellation of origin, as defined by the Lisbon Agreement, provides for certain essential requirements that must be met to ensure the legal

protection of a geographical indication. In particular, such protection can only be obtained if the indication meets the following criteria:

1. **Geographical designation principle** – the name must represent a specific geographical entity, such as, for example, the Caspian Sea. Based on this rule, any other designation that does not reflect a territorial connection cannot be registered as an appellation of origin. For example, the Statue of Liberty cannot be considered a place of origin and, therefore, cannot benefit from the protection mechanisms of the Lisbon Agreement.
2. **The function of marking goods** – a geographical indication should be used to designate goods originating exclusively in the territory of the country, region, or locality whose name is reflected in the indication. This means that the indication should be associated with a specific economic and geographical entity.
3. **Reliance on natural and human factors** – the characteristics of the goods must be determined by the natural and cultural-historical environment that is characteristic of the territory in question. Based on this criterion, a geographical indication is not protected if the unique characteristics of the goods are determined solely by natural factors (Lisbon Agreement, 1958, art. 2).

The need to link geographical indications and traditional production

Based on the above principles, it is possible to consider several practical examples. For example, NABEGHLAVI as a mineral water name cannot receive the status of a designation of origin under the Lisbon Agreement since its characteristics are determined only by natural factors – hydrogeological conditions, mineral composition, and natural origin of water. It does not fix the human factor that is necessary for the protection of a designation of origin. On the other hand, the designation of the origin of wine will be protected under the Lisbon Agreement since its characteristics and international reputation are determined by both natural (climate, soil, microclimate) and human factors (traditional technologies, viticulture experience, local production methods). For example, “Nafareuli” can be protected as a designation of origin because:

- Grapes grown only in this geographical area, due to its characteristic microclimatic conditions, create a unique wine profile;
- Winemaking uses traditional methods developed in this region, which give the final product its special characteristics.

The legal philosophy underpinning the Lisbon system is deeply rooted in the French concept of 'Terroir.' This doctrine posits that a product's identity is not merely a result of environmental conditions (soil, climate), but a

manifestation of 'collective intellectual property' where the 'human factor' (savoir-faire) acts as the transformative agent. This provides a rigorous legal justification for the differentiation between products: while a mineral water like 'Nabeghlavi' possesses exceptional natural qualities, its lack of a specific 'human creative intervention' in its production process places it outside the strict AO definition of the Lisbon Agreement. Conversely, 'Nafareuli' wine embodies the 'Terroir' principle because the traditional viticultural knowledge and specific local techniques are as vital to the product's essence as the soil itself.

In addition, a wine produced using the “Nafareuli” technology, which is made from grapes grown in another region, will not be able to receive this designation of origin. This once again emphasizes the interdependence of geographical indications, traditional production methods, and practices established in the region.

I. The problem of geographically impartial designations

If the name does not reflect a specific link between the product and the geographical area, it cannot be considered a designation of origin (Bramley & Kirsten, 2007). For example, “walnut jam made in Kaspi” is only a conventional designation of origin as it does not reflect the influence of specific geographical conditions on the uniqueness of the product. In such cases, the name cannot benefit from the legal protection mechanisms provided for by the Lisbon Agreement.

A prerequisite for the legal protection of a geographical indication is that the characteristics of the goods must be wholly or essentially due to the specific geographical environment, including a combination of natural and human factors (Law of Georgia on Appellations of Origin of Goods and Geographical Indications, 2011). This requirement reflects the principle that the unique qualities of the goods must be due to the territorial specificity that creates their special reputation.

If the geographical environment and human factors have only a secondary influence on the characteristics of the product, such a designation cannot be considered an appellation of origin (Law of Georgia on Appellations of Origin of Goods and Geographical Indications, 2011).

II. Different models of the influence of geographical and human factors

Geographical and human factors affect different types of products differently:

1. Products whose unique properties are determined solely by the geographical environment – this category includes natural resources such as mineral waters. Their uniqueness stems from the chemical composition of the soil, climate, geological conditions, and other

natural factors. For example, NABEGHLAVI would not qualify as an appellation of origin under the strict criteria of the Lisbon Agreement if its characteristics were determined solely by natural factors without the required human element.

2. Products whose quality is mainly determined by human factors – these are products created by hand and folk traditions, such as „*Svanetian salt*“, „*Kakhetian hat*“, etc. Since their specific properties mainly derive from socio-cultural practices rather than natural factors of the geographical environment, they cannot receive protection through designation of origin.
3. Products that depend on both natural and human factors at the same time – such products include, for example, „*Tushetian woolen hats*“, which are made from wool of Tushetian origin and at the same time are based on local traditional methods. In this case, if it is proven that the unique characteristics of the goods are related to both natural and human factors, their name can be considered an appellation of origin (Dzamukashvili, 2006).

III. Determination of the country of primary origin under the Lisbon Agreement

The Lisbon Agreement establishes that the country of origin of a good is considered to be the state whose name is used as an appellation of origin and which has given the said appellation a unique reputation.

If the name of the goods is associated with a specific region or geographical unit, then the country of origin is the state within whose territorial borders this region or area is located (Lisbon Agreement, 1958, art. 2(1))

IV. Scope and legal mechanisms for the protection of the Lisbon Agreement

1. Prohibition of direct appropriation of the appellation of origin. Under the Lisbon Agreement, the appellation of origin is subject to protection even when its use is not improper, but there are still relevant legal problems. In particular, both the direct appropriation of an appellation of origin and its unauthorized use in a similar form are prohibited.
2. Prohibition of the use of the name even when the origin of the product is correctly indicated. The Lisbon Agreement stipulates that the indication of the true origin of a product cannot be used alongside the designation of origin if this misleads the consumer. For example, „*Tsinandali wine*“ or „*Tsinandali wine*“ cannot be legally used, as this is contrary to the principle of protection of designations of origin.

3. Contracting Parties shall protect registered appellations of origin against any usurpation or imitation, even if the true origin of the product is stated, or if the appellation is used in translated form or accompanied by terms such as ‘kind,’ ‘type,’ ‘make,’ ‘imitation,’ or the like” (Lisbon Agreement, 1958, art. 3).

V. Other international legal instruments and additional protection of appellations of origin

The Lisbon Agreement does not exclude the protection of geographical indications through other international mechanisms. In particular, these names may be protected:

- Paris Convention for the Protection of Industrial Property (1883), which is one of the most important international documents in the field of industrial property protection (Lisbon Agreement).
- Madrid Agreement Concerning the International Registration of Marks (1891), which regulates the elimination of false or misleading indications on goods (Madrid Agreement).

Also, the Lisbon Agreement does not limit national legal protection mechanisms, which means the protection of appellations of origin through court decisions and administrative acts. If an appellation was already protected in a particular country before it was entered into the international register, its protection process continues within the framework of national legislation (Lisbon Agreement).

VI. Legal protection of an appellation of origin and restriction of its transformation into a generic concept

The Lisbon Agreement includes a specific provision that states that an appellation of origin cannot be recognized as a generic term if it is still protected in the country of origin, and this status has not been revoked. This provision ensures the continuity of protection of geographical names and reduces their legal depreciation, which often poses a challenge to other forms of intellectual property.

VII. Effect of the protection of an appellation of origin in time

In contrast to other industrial properties, protecting an appellation of origin has no time limit. Its protection remains valid in the territory of the countries of the Union as long as it is valid in the country of origin. This principle means that the legal status of an appellation of origin depends not on specific deadlines but on how durable its protection is in the country of origin.

VIII. Subjects initiating the protection of an appellation of origin

Under the Lisbon Agreement, private and public law entities can initiate cases related to the protection of geographical indications. This includes:

- Interested parties (entrepreneurs, cooperatives, local business associations),
- Public authorities (regulatory agencies, state bodies),
- A prosecutor who can protect the public interest.

The mechanisms for protecting geographical indications and the subjects initiating them are determined by national legislation, which may differ from country to country.

IX. Duration of international registration and conditions for its termination

Lifetime validity of international registration. Under the Lisbon Agreement, International registration does not need to be renewed and remains valid as long as the appellation of origin is protected in the country of origin. This mechanism further strengthens the stability and continuity of the protection of such an appellation (Lisbon Agreement, art. 7).

Two legal grounds for the cancellation of an international registration. Although registration is perpetual, it can only be terminated in two main cases:

1. If an appellation of origin ceases to be protected in the country of origin, including in situations where it loses its distinctiveness under national law, it means that it has lost its unique connection to a specific geographical area, and its use has become dominated by a generic meaning.
2. If the competent authority of the country of origin has requested the cancellation of the international registration, this decision may be made based on local legislation or an administrative act (Bramley & Kirsten, 2007).

X. Structure of the Lisbon Special Union and its relationship with other international legal mechanisms

The Special Union established by the Lisbon Agreement has its own Assembly and an independent budget. This Assembly is responsible for:

- Overseeing the implementation of the agreement,
- To improve the international legal framework for the regulation process,
- on the administration of international registrations received (Lisbon Agreement, art. 9).

The provisions of the Lisbon Agreement do not exclude or contradict protection under other international mechanisms. On the contrary, it may coexist with the following legal acts:

- Paris Convention for the Protection of Industrial Property – one of the fundamental international legal acts for the protection of industrial property,
- Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods (1891), which prohibits the use of false or deceptive indications of source on goods,
- National legislation – internal regulations of countries that may protect appellations of origin through court decisions and administrative acts (Dzamukashvili, 2006).

Despite its coherent normative structure and strong protection standards, the Lisbon Agreement has remained a relatively limited international mechanism in terms of membership and practical global impact. Recent scholarship has emphasized that the limited global reach of sui generis geographical indication regimes is closely linked to their structural tension with trademark-based protection systems. In particular, the expansion of trademark law and its commercial flexibility often marginalizes high-threshold systems of appellations of origin, such as the Lisbon Agreement, despite their strong normative foundations (Gangjee, 2019). This tension is further reinforced at the international level, where the dominance of the TRIPS framework has contributed to normative fragmentation and uneven state participation in specialized protection mechanisms for appellations of origin (World Intellectual Property Organization, 2020). One of the primary reasons for this limitation lies in the restrictive definition of appellations of origin, which requires a strict link between product characteristics and both natural and human factors. While this approach ensures a high level of protection, it simultaneously excludes many geographical indications that could otherwise benefit from international recognition.

Another structural limitation of the Lisbon system is its complex interaction with trademark-based protection regimes. In many jurisdictions, trademarks enjoy broader commercial flexibility and stronger enforcement mechanisms, which often leads states to prioritize trademark systems over appellations of origin. Conflicts between appellations of origin and prior trademarks—such as disputes surrounding names like “Budweiser”—demonstrate the practical difficulties of ensuring coexistence between these regimes.

Furthermore, the Lisbon Agreement operates independently from the TRIPS Agreement, which has become the dominant global framework for the protection of geographical indications. As a result, states that rely primarily

on TRIPS-based or sui generis national systems often perceive limited added value in acceding to the Lisbon system. This normative fragmentation contributes to the relatively low number of contracting parties and restricts the global reach of the Lisbon Agreement.

Nevertheless, the Lisbon system maintains a distinct legal advantage by offering perpetual protection and a centralized international registration mechanism.

These features preserve its relevance as an autonomous protection model, particularly for countries seeking strong and durable legal safeguards for products closely linked to territorial identity and traditional production methods.

Judicial practice further illustrates the structural tension between appellations of origin and trademark-based protection systems. In a series of disputes between Budějovický Budvar and Anheuser-Busch, the Court of Justice of the European Union emphasized the difficulty of reconciling protected geographical names with earlier registered trademarks, particularly where both enjoy legal protection under different normative regimes (Budějovický Budvar v. Anheuser-Busch, C-216/01; C-245/02). Similar conflicts have also been observed in the United States judicial practice, where trademark-oriented approaches have traditionally prevailed, highlighting the challenges of ensuring coherent coexistence between geographical indications and trademark rights at the international level.

Conclusion

The Lisbon Agreement presents a coherent and advanced legal framework for the international protection of appellations of origin. It establishes a system of registration that ensures durability, cross-border recognition, and integration with existing legal orders. One of its defining characteristics is the principle of legal continuity, whereby protection remains effective as long as it is valid in the country of origin. In addition, the Agreement provides for automatic recognition among contracting states, subject to a one-year refusal period, thereby strengthening the enforceability of appellations of origin at the international level.

Importantly, the Agreement operates within a multilateral legal framework, complementing other instruments, such as the Paris Convention and the Madrid Agreement. This coexistence fosters legal certainty and enables flexibility within national legal systems. By formalizing protection through registration, the Lisbon system reduces the risk of misappropriation and contributes to the global recognition of products linked to specific geographic origins.

In the context of globalization and expanding international trade, the Lisbon Agreement plays a critical role in safeguarding traditional knowledge,

cultural heritage, and the economic interests of local producers. Its legal structure and operational mechanisms serve not only to preserve identity-linked goods but also to promote sustainable development and fair competition in the international market.

The originality of this article lies in its systematic legal assessment of the Lisbon Agreement as an autonomous international protection regime for appellations of origin, rather than merely a supplementary mechanism within trademark-based intellectual property systems. By critically examining both the normative strengths and structural limitations of the Lisbon system, the study demonstrates that its relatively limited global adoption is not a consequence of normative weakness, but rather of its high protection threshold and its complex interaction with dominant intellectual property frameworks, particularly trademark law and the TRIPS Agreement.

From a policy perspective, the findings suggest that the Lisbon Agreement remains especially valuable for states seeking strong, perpetual, and territorially grounded protection for products closely linked to cultural heritage and traditional production. At the same time, the analysis highlights the need for greater normative coordination between international protection regimes in order to enhance legal certainty and global effectiveness in the protection of appellations of origin.

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