

## V Public Consultation Geographical indications

Within in the context of the modernization of the Free Trade Agreement between Chile and the European Free Trade Association EFTA (EFTA), made up of Iceland, Norway, Switzerland and the Principality of Liechtenstein.

### 1. Background:

From 2016 to date, the Institution has conducted a total of four (4) citizen consultations on Geographical Indications (GI), which are set out below:

- (a) 2016, Association Agreement between Chile and the European Union, regarding GIs related to Wines and Spirits and Flavored Drinks.
- (b) 2017, Association Agreement between Chile and the European Union on GIs related to Wines and Spirits.
- (c) 2019, Modernization of the Association Agreement between Chile and the European Union, in the area of GIs related to foodstuffs.
- (d) 2021, Modernization of the Association Agreement between Chile and the European Union, in the area of GIs related to foodstuffs.

### 2. Matter to be submitted for public consultation:

The subject matter submitted for public consultation refers to the list of Geographical Indications (GI) and Appellations of Origin (AO) for products corresponding to the following categories:

- Handicrafts
- Wines and spirits.
- Agri-food products

presented by Switzerland and Liechtenstein, within the framework of the process of modernization of the Free Trade Agreement between Chile and the European Free Trade Association (EFTA), formed by Iceland, Norway, Switzerland and the Principality of Liechtenstein.

### 3. Summary of the matter to be consulted:

Within the context of the modernization process of the Free Trade Agreement between Chile and the European Free Trade Association EFTA (EFTA, in English), composed of Iceland, Norway, Switzerland and the Principality of Liechtenstein, the latter two countries have submitted a



negotiation proposal on Geographical Indications and Appellations of Origin, in which they requested Chile to recognize a list of geographical indications.

Geographical indications and appellations of origin identify a product as originating in the country or in a region or locality of the national territory, when the quality, reputation or other characteristic of the product is essentially attributable to its geographical origin. However, the appellation of origin also takes into account other natural and human factors that influence the characterization of the product.

This proposal includes a list of 117 Geographical Indications and Appellations of Origin, in the categories of handicrafts, agri-food products, and wines and spirits, as well as a standard of protection that prevents the use of a geographical indication in respect of products that do not originate in the place designated by the geographical indication in question, even when the true origin of the product is indicated or the geographical indication is used in translation or accompanied by expressions such as "kind", "type", "style", "imitation" or other similar expressions.

It should be noted that in this process, Chile has presented Switzerland and Liechtenstein with a list of 157 geographical indications, which includes all the geographical indications recognized in our country, in the categories of handicrafts, agri-food products, and wines and spirits.

#### 4. Reasons or grounds for submitting this matter to the consideration of the public.

In compliance with the principle of transparency and in accordance with the Exempt Resolution J-10 of January 20, 2023, On Participation of Individuals and Organizations in the Scope of Competition of the Undersecretariat of Foreign Economic Affairs (SUBREI), the list of geographical indications submitted by Switzerland and Liechtenstein in the framework of the modernization process of the Free Trade Agreement between Chile and the European Free Trade Association EFTA (EFTA), consisting of Iceland, Norway, Switzerland and the Principality of Liechtenstein, is hereby disclosed for public consultation.

## 5. Purpose of this public consultation.

Any party that may be interested in informing whether any of the geographical indications contained in the aforementioned list could affect its commercial interests, is requested to submit the background information it deems necessary to be taken into account in the negotiation process with Switzerland and Liechtenstein, objections that must be based on pre-existing rights or facts, such as: (a) the recognition of the geographical indication could affect the marketing of products; (b) the recognition of the geographical indication would cause confusion with a pre-existing, pending or registered trademark; (c) the geographical indication is a generic term or of common use with respect to the type of products it identifies, or corresponds to an animal breed or plant variety, among other grounds. The translations included in the list are merely referential and have no legal value.

It is important to note that the recognition of the list, the terms contained therein as well as the level of protection are matters that are part of the negotiation process whose outcome is not prejudged by this consultation, which in no way constitutes a recognition or protection of the terms of geographical indications proposed by Switzerland and Liechtenstein.

The opinions should be addressed to SUBREI, through its institutional website, where all the information related to it will be published, within 30 calendar days from the date of opening of the opinion web form.

## 6. Annex to the public consultation:

The list of geographical indications submitted by Switzerland and Liechtenstein in the framework of the negotiation process will be published on the website.

## 7. Timetable:

Deadline to participate: Between 06-04-2023 and 08-05-2023 (until 6:00PM.)

Final report publication: Until 11-08-2023.

## 8. Dissemination channels and instances:

At least the following dissemination channels and instances shall be considered for the outreach of this process:

- a) SUBREI social networks.
- b) SUBREI website.
- c) Official Gazette.
- d) Civil Society Council.
- e) Mirror Committee of the National Contact Point.
- f) Inclusive Trade Network.
- g) National Trade Facilitation Committee.
- h) Intellectual Property Board.

Additionally, collaboration in the dissemination will be requested from other public institutions such as ProChile, Ministry of Agriculture, Ministry of Social Development, Ministry General Secretariat of Government.