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Geographical Indications Between the *Old World* and the *New World*, and the Impact of Migration

The article focuses on the use of European geographical names in certain countries of the so-called ‘New World’ (i.e. nations reached in the past by waves of European migration) and the impact of such migration on the debate around the protection of geographical indications (GIs). Specifically, the article analyses four GI case studies – ‘Prosecco’, ‘Budweiser’, ‘Rioja’ and ‘Parmesan’ – which highlight the role of migration in this context and how countries of the New World (e.g. US, Canada, Australia, etc.) emphasise this role to argue that several European geographical names of food and wine products are just the generic terms for the products themselves. The ‘migration’ factor however is downplayed by the EU (i.e. the Old World), which stresses that European GIs still have a distinctive function linked to the geographical origin of the underlying product and should be protected in Europe and beyond.

I. Introduction

This article¹ focuses on the use of European geographical names in certain countries of the ‘New World’ (i.e. nations reached in the past by waves of European migration) and the impact of such migration on the debate around the protection of geographical indications (GIs). Specifically, the paper analyses four GI case studies which highlight the role of migration in this context and how countries of the New World (e.g. US, Canada, Australia) emphasise this role to argue that several European geographical names of food and wine products are just the generic terms of the products themselves. Those states are in fact nations built by immigrants who brought their culture to the New World. When Europeans emigrated to other countries – it is noted – some of them continued to produce the cheese, wine, and spirits they had traditionally made in Europe. They essentially ‘brought’ with them both the methods of making the products and their geographical names to their new homes and used them in good faith. The ‘migration’ factor is, however, downplayed by the EU, which stresses that European GIs still have a distinctive function linked to the geographical origin of the underlying product and should be protected in Europe and beyond.

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1. This article presents a revised version of the paper that was originally presented at the 14th Annual Workshop of the International Society for the History and Theory of Intellectual Property (ISHITIP), held at Tel Aviv University on 20–21 June 2023 (Israel). We are grateful to the workshop participants for their valuable comments and engaging discussions during the conference. Special thanks go to Dotan Ofir for serving as the paper’s commentator and providing helpful insights. This article represents the collaborative efforts of all authors, who are listed in alphabetical order. Each author contributed equally to this work, and the order of authorship does not imply any differences in their individual contributions.

The article is structured as follows. Section II briefly highlights the GIs protection regime within the EU (which here represents the Old World) and beyond. Section III explores the differences between such regimes and how geographical names are protected in countries such as the US, Canada, Australia, and Chile (New World). It also mentions how the EU is trying to use free trade agreements to export its (notoriously strong) regime of GI protection to other areas of the planet. Section IV constitutes the heart of the article as it analyses the four case studies in question which highlight the tension between the systems of GIs protection in the Old World and those in the New World: ‘Prosecco’, ‘Budweiser’, ‘Rioja’ and ‘Parmesan’. Section V concludes.

II. GI Protection within the EU and Beyond

The agricultural and food product quality policy was developed in what is now the EU¹ with the intention of being one of the instruments of the Common Agricultural Policy (CAP) and helping reduce overproduction, increase farmers’ incomes and preserve rural communities.² There is no doubt that GIs protection, primarily focused on the concept of *terroir* (which can be defined as an ecosystem characterised by several factors including local climatic conditions, geography and topography), is one of the most important titles in the variegated mosaic of EU laws which promote

1. See ‘The future of rural society. Commission communication transmitted to the Council and to the European Parliament, COM(88) 598 final, 28 July 1988, Bulletin of the European Communities, Supplement 4/88’ [EU Commission – COM Document]. For ease of reference, in the article we will often also use the acronym EU when referring to its predecessor, i.e. the European Community.

2. See Alessandra di Luzzo, ‘Le Denominazioni di Origine Protette (DOP) e le Indicazioni Geografiche Protette (IGP)’ in Paolo Borghi and others (eds), *Trattato di diritto alimentare italiano e dell’Unione europea* (Giuffrè 2021) 431.

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