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HOW DOES AUSTRALIA REGULATE THE USE OF GEOGRAPHICAL INDICATION FOR PRODUCTS OTHER THAN WINES AND SPIRITS?

MIRANDA RISANG AYU

Abstract

This paper explores the approaches taken by Australia to regulate the use of geographical indication for products other than wines and spirits in line with the general geographical indication protection provided in art 22 of the Agreement on the Trade-Related Aspects of Intellectual Property Rights 1995 (TRIPS Agreement). In terms of the TRIPS Agreement, a geographical indication is an Intellectual Property Right that regulates the mark of a product whose quality and character can be essentially attributed to its place of origin.

In Australia only the use of geographical indication for wines and spirits is explicitly regulated (via the Australian Wine and Brandy Corporation Act 1980). This paper demonstrates that Australia does in fact also regulate the use of geographical indication for products other than wines and spirits. The legal framework in the United States of America, which parallels that in Australia in some respects, is also referred to in the course of this review.

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