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Subject:	ANNEX to the Recommendation for a COUNCIL DECISION authorising the opening of negotiations on an agreement between the European Union and Mongolia on geographical indications

Delegations will find attached document COM(2020) 697 final/2 - ANNEX.

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Brussels, 25.1.2021  
COM(2020) 697 final/2

ANNEX

COM(2020) 697 final of 12.11.2020 downgraded on 25.1.2021

**ANNEX**

**to the**

**Recommendation for a COUNCIL DECISION**

**authorising the opening of negotiations on an agreement between the European Union  
and Mongolia on geographical indications**



## **ANNEX**

### **DIRECTIVES FOR THE NEGOTIATION OF AN AGREEMENT BETWEEN the European Union and Mongolia on geographical indications**

#### **A. NATURE AND SCOPE OF THE AGREEMENT**

The Agreement should exclusively contain provisions on geographical indications for agricultural products and foodstuffs, wines, spirits and aromatized wines.

#### **B. PROPOSED CONTENT OF THE AGREEMENT**

The Agreement should complement and build upon the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), going beyond current rules of the TRIPS aiming at ensuring a higher as well as adequate and effective level of protection and enforcement of geographical indications (GI) rights. The Agreement should seek to improve the effectiveness of enforcement of GI rights, including in the digital environment and at the border (including on exports).

The Agreement should set up appropriate cooperation mechanisms between the Parties to support its implementation, as well as a regular dialogue on GIs to promote exchange of information on respective legislative progress, exchange of experience on enforcement and consultation in relation to third countries.

The Agreement should provide direct protection and effective recognition through the agreement of a list of GIs (wines, spirits, agricultural products and foodstuffs), at a high level of protection building upon Article 23 of TRIPS, including against evocation, enhanced enforcement (including administrative measures), co-existence with bona fide prior trade marks, protection against subsequent genericness, and provisions on adding new GIs. Issues concerning individual prior rights, for example related to plant varieties, trade marks, generic or other legitimate prior uses, should be addressed with the aim of solving existing conflicts in a fair and satisfactory manner.

All GIs listed in the Agreement should be effectively protected as of the date of entry into force of the Agreement.

#### **Institutional provision**

The Agreement should set up a Joint Committee to monitor the implementation of the Agreement.

#### **Authentic languages**

The Agreement, which should be equally authentic in all official EU languages, should include a language clause to that effect.