

Adieu, terroir – the global evolution of geographical indications law into a *sui generis* certification mark law

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The law of appellations of origin (*appellations d'origine controle*) was built on the mysterious, but intuitively appealing idea of *terroir* - that a *particular geography* produces specific product characteristics that cannot be easily imitated elsewhere. The *terroir* made each product protected by an appellation – and later a geographical indication – unique, even if consumers could not always tell the difference. Of course, this *implicitly* supported thinking that some places and some products were *inherently* better than other places and other products.

When a framework for protection of geographical indications (GIs) was built into the 1994 TRIPS Agreement, the notion of *terroir* was still present, but was already fading. As GI proponents have advocated for *sui generis* GI laws globally, they have sought to generalize the appeal of such laws, moving GI law further and further away from a *terroir* foundation and ever closer to certification mark law, albeit a kind of certification mark law in which the state plays a significant regulatory and often managerial role. Nowhere is this conceptual shift more evident than in the move to protect artisanal works and handicrafts with GI law.

The paper explores both the indicia and reasons for this conceptual evolution, discussing provisions of the 2015 Geneva Act of the Lisbon Agreement, the 2023 EU Regulation on the protection of GIs for crafts and industrial products, and different bilateral agreements for the protection of GIs. Overall the global shift is one in which GI law is becoming less mysterious, less elitist, more egalitarian, and, strangely, a sort of “neighboring right” to trademark law.

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