

Geographical Indications and Trademark Conflicts: A Comparative Study of Legal Protection and Judicial Enforcement

Zeyad Tareq Al-Rawe^{1*}, Khaled Abdelfatah Mohamed Khalil², Sahar Abdelsttar Emam Aly³, Abdelraouf Hassan Abouelhadid⁴, Moustafa Aboumandour Mousa Eisa⁵

¹College of Law Sohar University, Oman

^{2,5}College of Law, Sultan Qaboos University, Oman

³College of Law, University of Sadat City (USC), Egypt

⁴College of Law, University of Minnesota, Egypt

*Corresponding Author : ZRawe@su.edu.om

| Received: 11-01-2026 || Revised: 27-04-2026 || Accepted: 07-07-2026 || Published On: 14-07-2026

Abstract: Geographical indications (GIs) have become an essential component of the international intellectual property regime, protecting products whose quality, reputation, and commercial value are intrinsically linked to their geographical origin. Nevertheless, conflicts between geographical indications and trademarks continue to create legal uncertainty because of divergent national approaches to ownership, priority, coexistence, and enforcement. This study aims to examine the legal relationship between geographical indications and trademarks comparatively, evaluate the effectiveness of judicial enforcement in resolving such conflicts, and develop an integrated legal protection framework to strengthen the economic competitiveness of GI products in international markets. The research adopts a normative legal methodology with a comparative law approach, analysing international legal instruments, including the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and the Geneva Act of the Lisbon Agreement, together with national legislation and landmark judicial decisions from the European Union, the United States, and selected Arab jurisdictions. The findings demonstrate that the effectiveness of GI protection depends not only on substantive legal provisions but also on the consistency of judicial enforcement and the institutional commitment to preserving the distinctiveness of geographical names. Comparative case analysis further reveals that effective judicial protection strengthens market exclusivity, enhances consumer confidence, and improves product competitiveness, whereas inconsistent enforcement facilitates the genericization of geographical names and diminishes the commercial value of geographical indications. The study concludes that balancing trademark rights and protection of geographical indications requires harmonized legal standards, coherent judicial interpretation, and stronger institutional coordination to prevent consumer confusion while safeguarding legitimate commercial interests. This research contributes to the advancement of comparative intellectual property scholarship by proposing an integrated framework for

judicial enforcement that enhances legal certainty, promotes fair competition, preserves product authenticity, and supports the sustainable global competitiveness of geographical indication products.

Keywords: Economic Competitiveness; Geographical Indications; Intellectual Property Law; International Trade; Judicial Protection.

INTRODUCTION

Geographical indications (GIS) are unique marks that denote goods as belonging to a particular geographical locale and indicate that the product has a quality, fame, or feature fundamentally due to the place. Such a legal status has increasingly played a significant role in intellectual property rights regimes across the globe, has significantly contributed to the protection of cultural heritage and product authenticity, and has increased the economic prospects of producers associated with local customs.¹ Legal safeguarding of GIs has been widely recognized as an important mechanism under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), which establishes that members of the World Trade Organization (WTO) must provide legal protection to eliminate the misleading use and unfair competition of GI names.² Nonetheless, studies indicate that the TRIPS system has produced disproportionate outcomes, as it allows significant national discretion in achieving legal protection, resulting in a patchwork of effectiveness across jurisdictions.³ The lack of a unified global enforcement mechanism worsens this issue, as even with the adoption of instruments such as the Lisbon Agreement and its Geneva Act, which offer international registration options, they have uneven adoption.

Recent studies underscore the growing global significance of GIs as legal and economic tools. For example, a comprehensive exploration of the *Geneva Act of the Lisbon Agreement* reveals the potential of international registration to enhance GI recognition and protection beyond traditional local mechanisms, yet notes

¹ Triyono Adi Saputro et al., 'Geographical Indications and Maqāṣid Al-Sharī'ah: Realizing Intellectual Property as an Instrument of Economic Justice', *Al-Muamalat* 12, no. 2 (November 2025): 339–358, <https://doi.org/10.15575/am.v12i2.51236>.

² Regarding Confusion and Ambiguity in Geographical Indication Marks., No. 4567 of 89.

³ Zeinab Parsinezhad and Hadi Naeimi, 'Legal Protection of Geographical Indications and the Vacuum of International Agreements in Iranian Law', *Passagens Revista Internacional de História Política e Cultura Jurídica* 14, no. 3 (October 2022): 518–530, <https://doi.org/10.15175/1984-2503-202214307>.

persistent legal and procedural barriers to its effective use.⁴ Similarly, empirical reviews of GI legal frameworks in East Africa highlight how inconsistent regulatory and policy approaches across partner states create obstacles to cross-border protection and market expansion, despite GIs' potential contribution to regional trade integration.⁵ Research on EU trade agreements shows that newer "TRIPS-plus" provisions extend GI protection through bilateral instruments, reflecting a global shift toward more rigorous standards but also raising concerns about equity and access for developing economies.⁶ Moreover, case-based studies, such as those on protection strategies for Kyela Rice, demonstrate that local GI legal instruments vary in scope and effectiveness, underscoring the need for clearer guidelines and harmonized systems.⁷ These recent scholarly contributions affirm that GI protection is no longer a niche intellectual property topic but is central to legal, economic, and trade policy debates.

Although such a body of literature exists, there are still some gaps. The majority of research on this problem focuses on specific regions (the EU or Africa) or on economic implications, without adequately examining the legal processes and judicial inferences that determine the practical effectiveness of GI protection, especially comparatively. In addition, very few analyses have rigorously examined how emerging components of the Geneva Act interact with national civil and criminal enforcement systems to shape competitive outcomes for producers in international markets. Furthermore, there is limited research on how varying interpretations of GI legal norms, including conflicts between GI rights and prior trademarks, affect the competitive value and market pricing of GI products. The urgency of this research emerges from the intersection of these limitations with global economic challenges. With competition in international markets increasing, and small producers depending on GI branding to obtain higher prices and maintain rural livelihoods, the lack of consistent, solid legal protection may compromise access to markets and the encouragement of innovation. A detailed comparative study that incorporates legal doctrine, treaty

⁴ Ananthu S. Hari, 'Geographical Indications and Community Empowerment in Asia: Navigating International Legal, Institutional and Trade Asymmetries', *International Social Science Journal*, ahead of print, 2026, <https://doi.org/10.1111/issj.70038>.

⁵ Saudin Mwakaje, 'Protection of Geographical Indications and Cross-border Trade: A Survey of Legal and Regulatory Frameworks in East Africa', *The Journal of World Intellectual Property* 25, no. 1 (2021), <https://doi.org/10.1111/jwip.12204>.

⁶ Federica Velli and Luca Pantaleo, 'The Protection of GIs in EU Bilateral Instruments: Some Reflection in Light of the EU-MERCOSUR Trade Deal', *European Papers - A Journal on Law and Integration* 2022 7, no. 3 (2023): 14711487, text/html,PDF, <https://doi.org/10.15166/2499-8249/627>.

⁷ Adrian F. Ndunguru and Elia Mwanga, 'Institutional Framework for Protection of Geographical Indications in Tanzania: Examining the Challenges and Way Forward towards Effective Protection of Geographical Indications in the Country', *International Journal of Business, Management and Economics* 4, no. 1 (2023): 73–87, <https://doi.org/10.47747/ijbme.v4i1.1080>.

interpretation, and judicial practice will thus help illuminate how legal systems can be modified to accommodate GI competitiveness better.

This paper will fill these gaps by assessing how various legal systems, national and international, can be tailored to provide continuous, consistent, and enforceable protection of geographical indicators and, in the process, improve economic competitiveness in global commerce. In particular, the study will examine the interaction of treaty mechanisms, such as the Geneva Act, with national GI protection regimes, the adjudication of conflicts between GI rights and trademarks, and the effects of these legal procedures on the market performance of GI-related products. Using this comparative prism, the paper will identify new implications for the scientific and practical value of enhancing legal regimes to bolster the value and competitiveness of GI products. This study seeks to answer several key questions concerning the legal protection of geographical indications (GIs). It examines how international instruments, particularly the TRIPS Agreement and the Geneva Act of the Lisbon Agreement, regulate and protect GIs, and how national legal systems differ in their approaches to GI protection. The research further explores the resolution of conflicts between geographical indications and trademarks across different jurisdictions and analyses the role of courts in enforcing GI rights and preventing unfair competition. In addition, it investigates the impact of GI protection on the commercial value and competitiveness of products in domestic and international markets. Finally, the study considers how international agreements, domestic legislation, and judicial practices can be better integrated to achieve more effective and consistent protection of geographical indications worldwide.

METHOD

This study employs a comparative doctrinal legal research design with a qualitative orientation. The doctrinal approach is appropriate because the research examines treaties, statutes, and judicial decisions to understand how different jurisdictions interpret and enforce geographical indications (GIs). A comparative lens is used to highlight similarities and differences across systems, including the European Union, the United States, and selected Arab jurisdictions. This design was chosen because it allows for a nuanced analysis of legal frameworks and judicial enforcement that quantitative or purely empirical methods cannot adequately capture.⁸ The data are drawn from both primary sources, including international agreements such as the TRIPS Agreement and the Geneva Act of the Lisbon Agreement, as well as national legislation and case law, and secondary sources such as academic literature, reports

⁸ Tarek El Sayed Mahmod et al., 'Regulatory Gaps in Digital Witness Protection for Cybercrime: Integrating International Standards, Egyptian Law, and Islamic Jurisprudence', *Al-Istinbath: Jurnal Hukum Islam* 11, no. 1 (April 2026): 158–192, <https://doi.org/10.29240/jhi.v11i1.16326>.

from WIPO and the WTO, and comparative legal studies. Data collection relies on documentary analysis and literature review, with selected landmark cases used to illustrate judicial enforcement practices.

Analysis is conducted through comparative legal interpretation, examining how courts and legislatures apply GI provisions in light of international obligations. Findings are organised thematically around issues such as trademark conflicts, judicial enforcement, and economic impact. To ensure credibility and reliability, the study employs triangulation by cross-checking treaties, national laws, and case law, alongside peer review and source verification.⁹ In jurisdictions where Sharia principles intersect with intellectual property law, the study applies doctrinal analysis of Islamic legal sources and contemporary interpretations to assess how these traditions interact with international and national frameworks. By integrating doctrinal, comparative, and qualitative methods, the research design ensures a robust and replicable process that provides readers with a clear understanding of how GIs are legally protected and judicially enforced across different systems.

RESULTS AND DISCUSSION

The Legal Framework of Geographical Indications

The geographical indications legal regime is a special model of intellectual property law, especially the industrial property law. It is not like other types of intellectual property; it does not secure a pure intellectual innovation, but it secures a material and moral relation of a product to the land.¹⁰ Geographical indicators are a significant legal tool for safeguarding products with unique attributes associated with a particular area. This approach contributes to improving product quality and promoting the local economy. Accordingly, it is necessary to define geographical indications and establish the boundaries that distinguish them from other legal concepts and terms.

The term *geographical indications* sometimes raises considerable doctrinal and legal debate regarding the formulation of a comprehensive and precise definition. This may lead to conceptual overlap with other legal terms, creating ambiguity within the legal sphere. Accordingly, this section examines the definition of geographical indications and distinguishes them from related concepts. Geographical indications of origin are used to link a product's quality and other characteristics to a specific geographical area. This linkage, particularly when the product differs from similar products, enables

⁹ Salah Eldin Ragab Semida et al., 'From Remedial to Preventive Justice: A Contemporary Reframing of Civil Liability in Islamic and Comparative Law', *MILRev: Metro Islamic Law Review* 5, no. 1 (May 2026): 722–752, <https://doi.org/10.32332/milrev.v5i1.13126>.

¹⁰ Omar Almahzoumi and Yasar Alhuniati, 'Peacekeeping in International Law and Intervention in Internal Affairs', in *Frontiers of Human Centricity in the Artificial Intelligence-Driven Society 5.0* (Springer, Cham, 2024), 621–634, https://doi.org/10.1007/978-3-031-73545-5_52; Abdul Mujib, 'The Failure of Indonesian E-Commerce Law in Adapting to Digital Economy', *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 25, no. 2 (December 2025): 213–30, <https://doi.org/10.18326/ijtihad.v25i2.213-230>.

producers of such goods to distinguish their products and apply specific marketing strategies¹¹. Geographical indications are considered among the oldest forms of distinctive marks, established to differentiate products that possess particular quality attributes resulting from environmental factors, manufacturing methods, or specialised production skills.¹²

However, in-depth academic research and analysis concerning geographical indications have been relatively limited. The existing definitions of geographical indications contained in international agreements have generally been widely accepted without detailed interpretation or specialised explanation. Nevertheless, one legal scholar provided a comprehensive definition, stating that *a geographical indication refers to the identification of a product originating from a specific region or territory within a member state of the World Trade Organization or a state that maintains reciprocal treatment with Egypt. Moreover, the quality, reputation, and distinctive characteristics of the product must primarily derive from its geographical origin in order to influence its promotion.*¹³ This definition highlights the characteristics of geographical indications and their role in determining the quality and attributes of the products they designate.

On the other hand, another scholar defined geographical indications as names assigned to products to distinguish them from others by indicating their quality and origin to the public. It is noteworthy that this definition links geographical indications to trademarks in terms of their role in distinguishing goods. Nevertheless, such a definition may blur the distinction between geographical indications and trademarks, since the primary function of a trademark is to distinguish products by their commercial identity rather than their geographical origin. Furthermore, the definition does not specify the types of products that may bear a geographical indication. A geographical indication is also defined as *an indication identifying a good as originating from a specific territory, where the quality, reputation, or other characteristics of the good are essentially attributable to its geographical origin*¹⁴. Although this definition is simple and concise, it does not specify the types of products that may carry a geographical indication.

Examples of geographical indications in relation to goods include references to the geographical source, also known as a certificate of origin, such as the use of the phrase “Egyptian cotton” for cotton products, “Brazilian coffee” for certain types of coffee,

¹¹ Jengisbaevich Jumambetov Rasul, ‘Legal Protection of Geographical Indications’, *International Journal of Artificial Intelligence*, 13 December 2025.

¹² Triyono Adi Saputro et al., ‘The Urgency of Using Al-Milk an-Naqiṣ in Geographical Indications: An Ideal Preservation for Intellectual Property in Indonesia’, *JURIS (Jurnal Ilmiah Syariah)* 23, no. 2 (September 2024): 269–279, <https://doi.org/10.31958/juris.v23i2.12227>.

¹³ Qalyubi Samiha, *Industrial Property*, 10th edn (Cairo, Egypt: Dar Al-Nahda Al-Arabiya, 2016), <https://www.daralnahda.com/book/33305>

¹⁴ Samiha; Rianda Dirkareshza and Anni Alvionita Simanjuntak, ‘Comparative Study of State Jurisdiction: The Protection Towards Geographical Indication at Indonesia, the EU and US’, *Audito Comparative Law Journal (ACLJ)* 4, no. 2 (May 2023): 96–107, <https://doi.org/10.22219/acjl.v4i2.26434>.

or “Indian rice” for varieties of rice. In the case of wines and spirits, examples include “Scotch whisky” and “French Champagne,” the latter referring to the town of Champagne in France. The importance of geographical indications was highlighted in the European Commission's 20 May 2020 statement, “Farm to Fork Strategy for a Fair, Healthy and Environmentally-Friendly Food System,” which called for a transition to sustainable food systems and for strengthening the legislative framework for geographical indications while incorporating specific sustainability standards.¹⁵ In that statement, the Commission committed itself to strengthening the position of producers of products bearing geographical indications, as well as their associations and producer organisations within the food supply chain. Particular attention should be given to small-scale producers, especially those who preserve traditional skills and knowledge.¹⁶ Accordingly, on 11 April 2024, the European Parliament adopted legislation on geographical indications for wines, spirits, and agricultural products, as well as traditional specialities and guaranteed and optional quality terms for agricultural products. This legislation amended Regulations (EU) No. 1308/2013, (EU) 2019/787, and (EU) 2019/1753, and repealed Regulation (EU) No. 1151/2012.

Second: Distinguishing Geographical Indications from Other Concepts. The distinction between geographical indications and intellectual property rights is evident. While intellectual property rights encompass both economic and moral aspects, such as patents and copyright, geographical indications lack this dual nature. Unlike intellectual property rights, which arise from intellectual or creative efforts, geographical indications are not the product of intellectual endeavour. Intellectual property rights are associated with intangible values derived from intellectual or creative work, enabling the owner to use and claim such work and to benefit from its fruits.¹⁷ Geographical indications also differ from personal rights, which involve legal relationships between creditors and debtors. Within such relationships, the creditor seeks the transfer of a real right, the performance of a specific act, or the abstention from performing it¹⁸. Personal rights concern interactions between individuals, whereas real rights allow the direct enjoyment of a legally recognized material object, granting the holder the ability to perform certain acts that derive benefits from it. Geographical indications, however, do not conform to this legal nature.

¹⁵ Jumambetov Rasul, ‘Legal Protection of Geographical Indications’.

¹⁶ ‘Regulation - EU - 2024/1143 - EN - EUR-Lex’, 2024, <https://eur-lex.europa.eu/legal-content/>.

¹⁷ Khaled Alzubaidi et al., ‘The Case of Contradiction Between Preserving Public Order and Observing Individuals’ Rights and Freedoms in French Administrative Law’, in *Frontiers of Human Centricity in the Artificial Intelligence-Driven Society 5.0* (Springer, Cham, 2024), 683–691, https://doi.org/10.1007/978-3-031-73545-5_57.

¹⁸ Alzubaidi et al.

Distinguishing Geographical Indications from Trademarks

Ownership of a trademark belongs to a single natural or legal person (an exclusive right), whereas a geographical indication constitutes a collective right belonging to all producers within the designated geographical area. In French legal doctrine, this is referred to as a right inherently attached to the origin.¹⁹ A trademark distinguishes one enterprise from another, whereas a geographical indication distinguishes one region from another.²⁰ Consequently, a geographical indication cannot be transferred or licensed independently of the land, unlike a trademark, which is considered movable property that may be disposed of through sale or pledge.²¹ Finally, a trademark may lose its value over time, particularly if the company or enterprise ceases to exist.²² By contrast, a geographical indication derives its strength from historical accumulation, reputation, and stable quality, which are not dependent on the continued existence of a particular person or entity.²³

Table 2. Distinction Between Geographical Indications and Trademarks

Criterion	Geographical Indications	Trademarks
Ownership	Collective right of producers in a specific region	Individual or corporate ownership
Function	Identifies geographical origin and associated quality	Identifies a commercial source
Transferability	Cannot be transferred independently of the geographical area	Can be assigned, licensed, or sold
Basis of Protection	Reputation and characteristics linked to origin	Distinctive commercial identity
Duration of Value	Depends on historical reputation and quality	Depends on continued commercial use

Source: Author's Interpretation

¹⁹ Lionel Bently and Brad Sherman, *Intellectual Property Law* (Oxford University Press; 2014), https://books.google.com/books/about/Intellectual_Property_Law.html?id=

²⁰ Iffaty Nasyiah, Ramadhita Ramadhita, and Khoirul Hidayah, ‘The Protection of Local Handicrafts Through the Geographical Indication By The Regional Government In East Java, Indonesia’, *Jurisdictie: Jurnal Hukum Dan Syariah* 13, no. 2 (2022): 162–187, <https://doi.org/10.18860/j.v13i2.18265>.

²¹ Rana Saad Shakar et al., ‘Integration of Genetic Resources and Intellectual Property Rights within Global and Islamic Legal Frameworks’, *Al-Istinbath: Jurnal Hukum Islam* 9, no. 1 (May 2024): 375–394, <https://doi.org/10.29240/jhi.v9i1.11269>.

²² Nina Nurani, Apriwandi Apriwandi, and Hafied Noor Bagja, ‘Intellectual Property Rights Law Reform Based on Maqāṣid Al-Sharī‘ah as a Model for Green Business-Based Creative Industry Protection to Support Sustainable Development’, *De Jure: Jurnal Hukum Dan Syar’iah* 18, no. 1 (February 2026): 1–32, <https://doi.org/10.18860/j-fsh.v18i1.40840>.

²³ Nasyiah, Ramadhita, and Hidayah, ‘The Protection of Local Handicrafts Through The Geographical Indication By The Regional Government In East Java, Indonesia’.

The Legal Position on Geographical Indications

The practice of identifying goods according to their place of origin dates back to ancient times. However, the term “*geographical indications*” did not receive international recognition until the nineteenth century. In the following section, the development of geographical indications within international agreements throughout history will be examined. From this perspective, the development of protection for geographical indications will be addressed through a review of the legal positions of relevant international agreements, compared with national legislation, as follows: First, **the development of the Protection of Geographical Indications in International Agreements.**

The concept of geographical indications first appeared in international agreements in 1883 within the Paris Convention for the Protection of Industrial Property, where it was referred to as “*appellations of origin*.” Article 1(2) of the Convention explicitly provides that the protection of industrial property includes various elements, such as patents, utility models, industrial designs, trademarks, service marks, trade names, indications of source, and appellations of origin. However, it should be noted that the Convention did not elaborate on the details of *appellations of origin* nor did it provide a clear definition of them. Rather, it merely acknowledged their inclusion within the scope of legal protection. Consequently, without a comprehensive understanding of the nature of appellations of origin, it becomes difficult to apply the aforementioned provision in a manner that clearly identifies and classifies them.

A solution to this persistent issue emerged in 1891 with the conclusion of the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods. Under this agreement, any products falsely claiming their origin, whether directly or indirectly by referring to a member state or a specific region within it, are subject to seizure upon importation into any of the contracting states. Moreover, the state from which the false indication of origin originated must take legal measures against such practices. In cases where no specific penalties exist for suppressing false indications of origin, the applicable laws governing trade names and trademarks shall apply. In 1958, the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration was concluded. This agreement provided a precise definition of *appellation of origin* as “the geographical name of a country, region, or locality used to designate a product originating therein”. However, this definition²⁴ focused primarily on identifying the product's geographical origin, without adequately considering other factors such as quality, type, or reputation.

Furthermore, the agreement required the appellation of origin to be a geographical name, thereby excluding symbols, signs, or other indicators from the protection provided under this agreement: First, Protection of Geographical Indications under

²⁴ Lisbon Agreement for the Protection of Appellations of Origin and Their International Registration (1958), <https://www.wipo.int/en/web/treaties/registration/lisbon/index>.

the TRIPS Agreement. The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) dedicates Section 3 (Articles 22–24) entirely to the protection of geographical indications. Article 23 of the agreement provides additional protection for geographical indications relating specifically to wines and spirits.²⁵ Second, Protection of Geographical Indications in the Geneva Act of the Lisbon Agreement (2025). The Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications defines a geographical indication as “an indication used on goods that have a specific geographical origin and possess qualities, a reputation, or characteristics essentially attributable to that origin”²⁶. For a sign to function as a geographical indication, it must identify a product as originating from a specific place.

Accordingly, product appellations or geographical indications under this agreement constitute powerful labelling tools designed to respond to the growing market demand for traditional products whose quality is linked to their origin. They help distinguish goods that originate from a specific geographical location and possess particular characteristics, or a reputation associated with that origin, from similar products available in the market. In many countries, goods bearing an appellation of origin or geographical indication account for a substantial share of exports and revenues. Therefore, they must be protected in as many markets as possible, both domestically and internationally. Like other intellectual property rights, appellations of origin and geographical indications possess a territorial dimension, meaning that their legal protection is limited to the jurisdiction(s) in which the right has been granted. Moreover, the diversity of legal systems and procedures at the national and regional levels often makes it difficult and costly for appellations of origin or geographical indications to secure legal recognition and adequate protection in other countries. Consequently, there is a need for an effective global solution, adaptable to all legal systems, whether national or regional, in the form of a shared international protection mechanism.

A Single Requirement for the International Registration of Appellations of Origin or Geographical Indications

Eligibility for international protection under the Lisbon System requires that appellations of origin and geographical indications be protected in their contracting country of origin through legislative provisions, administrative measures, judicial decisions, or any form of registration. The Lisbon System allows considerable flexibility regarding the formal framework of such protection at the national or regional level, depending on the applicable local legislation in the contracting party of origin.²⁷

²⁵ Samiha, *Industrial Property*.

²⁶ Lisbon Agreement for the Protection of Appellations of Origin and Their International Registration.

²⁷ Ibrahim Ali Hammadi et al., ‘Compensation for Loss of Opportunity in Electronic Transactions: A Comparative Analytical Study in Light of Contemporary Digital Developments’,

For example, local protection may be ensured through special systems, trademark systems, specific decrees, labelling laws, or unfair competition laws. Strong, International, and Indefinite Protection without the Need for Renewal. Unlike other global intellectual property registration systems, the main advantage of the Lisbon System is that it clearly establishes the minimum level of protection granted to internationally registered appellations of origin and geographical indications. Contracting parties are obliged to protect such registered appellations and indications within their territories against any usurpation or imitation, even when the true origin of the product is indicated, or when the appellation or indication is translated or accompanied by terms such as “*type*,” “*style*,” “*kind*,” “*imitation*,” or similar expressions.²⁸

The Lisbon System also protects registered appellations of origin and geographical indications from any other practices that may mislead consumers regarding the true origin or nature of goods. Once registered under the Lisbon System, appellations of origin and geographical indications cannot be considered generic terms designating a type of product in contracting parties that have not refused their protection. The basis of this protection lies in a single, legally binding international register of appellations of origin and geographical indications, enforceable across multiple jurisdictions. This makes protection particularly effective and significantly reduces the burden of proof when operators seek to enforce their appellations of origin or geographical indications abroad.

Table 1. Comparative Development of International Protection of Geographical Indications

Instrument	Year	Main Contribution	Limitation
Paris Convention	1883	Recognized indications of source and appellations of origin within industrial property protection	No clear definition of geographical indications
Madrid Agreement	1891	Suppressed false or deceptive indications of source	Focused mainly on preventing false origin claims
Lisbon Agreement	1958	Introduced international registration of appellations of origin	Limited to geographical names

Nusantara: Journal of Law Studies 5, no. 2 (July 2026): 966–991, <https://doi.org/10.66325/nusantaralaw.v5i2.324>.

²⁸ wipo, ‘Geographical Indications’, [geographical-indications](https://www.wipo.int/en/web/geographical-indications), 2022, <https://www.wipo.int/en/web/geographical-indications>.

TRIPS Agreement	1994	Established minimum standards for GI protection worldwide	Enhanced protection mainly for wines and spirits
Geneva Act of the Lisbon Agreement	2015 (effective internationally thereafter)	Expanded protection to geographical indications and appellations of origin	Requires national recognition before international registration

Source: Author's Interpretation

Judicial Protection of Geographical Indications and Their Economic Implications

The judiciary is regarded as the true guardian of geographical indications. Without judicial mechanisms that ensure their protection and prevent imitation or misuse, legal provisions remain merely ink on paper.²⁹ Courts therefore play a pivotal role in shaping the concept of competitiveness through judicial rulings that prevent geographical piracy and reinforce the market value associated with origin. The types of infringement on geographical indications are diverse, ranging from direct copying to the use of misleading words such as 'style,' 'type,' or similar terms that imply a connection to a registered geographical origin. First: Protection by the Court of Justice of the European Union against Infringement of Geographical Indications. The Court of Justice of the European Union in the case of Germany and Denmark v. decided one of the most important principles of judicial law relating to geographical indications.

The issue was over the name “Feta.” White cheese was made by Danish and German firms and exported as Feta, leading to claims that the name had become generic. The court rejected this argument and held that Feta is a geographical indication used only in Greece, as its quality is intrinsically linked to Greek pasture conditions and climate. The ruling barred the use of the designation by any producer outside Greece's geographical boundaries, even with other phrases such as “Made in Denmark.” The court believed that the name, in itself, constituted a non-material infringement, taking advantage of the reputation of the geographical indication's origin.

In recent years, the court has issued several judgments that significantly reshaped the protection of geographical indications. The judicial approach has evolved from protecting merely the name to protecting the visual appearance and reputational image associated with the product³⁰. Among these rulings are the following: first, the

²⁹ Nibrosu Rohid et al., ‘Reconstructing the Legal Enforcement Framework for Digital Activism in an Era of Technological Disruption’, *Nusantara: Journal of Law Studies* 5, no. 2 (July 2026): 881–901, <https://doi.org/10.66325/nusantaralaw.v5i2.236>.

³⁰ EUIPO, *Indicazioni Di Geografiche e Denominazioni Di Origine Protette, Banca Dati EUIPO*, 2020, <https://www.sib.it/en/flash-news/italiano-indicazioni-geografiche-e-denominazioni-di-origine-la-nuova-banca-dati-euipo/>.

recent CJEU judgment (Case C-341/24, September 2025). The court ruled that well-known trademarks registered prior to the registration of a geographical indication do not grant retroactive protection against the registration of that geographical indication, as illustrated in the case of *Vin Salaparuta*. Consequently, a registered geographical origin remains protected even where a previously famous trademark bears the same name, provided that no request for cancellation was submitted within the legally prescribed period.³¹ Second, The Morbier Cheese Case (2020). In *Syndicat interprofessionnel du fromage Morbier v. Société Fromagère du Livradois* (Morbier Cheese Case), the court expanded the scope of protection to include the external appearance of the product. A French company produced cheese not protected by law but added a distinctive black line made of vegetable carbon or charcoal in the middle, imitating the traditional visual appearance of *Morbier* cheese, which is protected as a geographical indication.

The court ruled that protection does not extend solely to preventing the use of the name but also covers visual characteristics that may mislead consumers. The legal principle established in this judgment is the prohibition of imitating the visual appearance of a geographically protected product³². The court concluded that European Union law must be interpreted as prohibiting the imitation of the shape or distinctive appearance of a product covered by a protected designation where such imitation may lead consumers to believe that the product is so covered. This ruling strengthened competitiveness by preventing imitating companies from exploiting the visual identity of authentic products. Third, The Champagne Sorbet Case (2019–2020). This case addressed the use of a geographical indication as an ingredient in another product. The dispute arose when the company ALDI marketed a frozen dessert labelled Champagne Sorbet, claiming it contained a small amount of the protected beverage Champagne.

The court established a strict standard, allowing the use of the name only if the geographical ingredient confers an essential characteristic on the final product, such as taste or aroma.³³ The ruling demonstrates that European courts do not merely grant protection to geographical indications themselves; they also prohibit the exploitation of a geographical indication's reputation as an ingredient in promoting a final product unless the ingredient has a substantial and perceptible influence on the product.³⁴ This

³¹ Case C-490/19 *Syndicat Interprofessionnel Du Fromage Vin Salaparuta*, ECLI: EU-C.-341 (Court of Justice of the European Union 2025).

³² *Case C-490/19 Syndicat interprofessionnel du fromage Vin Salaparuta*.

³³ Benjamin Fontaine and Stefan Martin, *Limitation Theory after the General Court's Nero Champagne Judgment: Survival in a Weakened Form—from Immunity to Presumption*, 2025, <https://dx.doi.org/10.1093/jiplp/jpaf070>.

³⁴ Mahmood Alaloosh, Ali Shaker Mahmood, and Sabir Hussien Eliwy, 'Securing Digital Trade: A Techno-Legal Analysis of E-Commerce Safeguards in Iraq's Regulation No. 4/2025', *Nusantara: Journal of Law Studies* 5, no. 1 (February 2026): 44–60, <https://doi.org/10.5281/zenodo.18452737>.

approach protects the competitive strength of the original product and prevents its reputation from being diluted by low-value consumer goods.³⁵ *Frist, The Tortas de Aceite Case* (2021). In *Fundación Consejo Regulador de la Indicación Geográfica Protegida Tortas de Aceite de Castilleja de la Cuesta v. Germany* (Tortas de Aceite Case), the dispute concerned the use of the designation “Tortas de Aceite” (oil cakes) produced in the region of Seville, Spain.³⁶ The court held that terms describing the general nature of a product, such as *oil*, *bread*, or *cheese*, cannot be exclusively protected. However, when such terms are associated with traditional manufacturing methods in a specific region, they may acquire protection as geographical indications. In this ruling, the court distinguished between a general descriptive term and an acquired geographical identity derived from historical reputation.³⁷

Second, Judgment of the Italian Supreme Court (No. 10350 of 2024). The Supreme Court of Cassation (Italy) issued an important decision concerning the protection of geographical indications. The court ruled that generic geographical terms cannot benefit from absolute protection as geographical indications, even when forming part of a compound name such as *Aceto Balsamico*, unless they create a clear association in the consumer’s mind with a specific geographical origin³⁸. This decision confirms that protection does not grant a monopoly over common terms but applies only to expressions that genuinely evoke a protected geographical origin.

Protection of Geographical Indications by Arab Courts through Unfair Competition Actions

In many Arab legal systems, unfair competition actions play a vital role in protecting geographical indications that have not yet been registered as collective marks: first, Judgments of the Court of Cassation of Egypt. The court has, in several rulings, affirmed that infringement of a trade name or geographical indication that causes confusion among consumers constitutes a tortious act giving rise to compensation. The judgments establish that the use of a geographical indication by a person who does not belong to the relevant geographical region amounts to consumer

³⁵ Bonadio Enrico and Weissenberger Natalie, ‘Can Pringles Use the Name Prosecco on Their Packages? Some Reflections on Why Such Use Might Be Lawful’, Kluwer Trademark Blog, 24 October 2019, <https://legalblogs.wolterskluwer.com/trademark-blog/can-pringles-use-the-name-prosecco-on-their-packages-some-reflections-on-why-such-use-might-be-lawful/>.

³⁶ ‘EUR-Lex - 62016TJ0828 - EN - EUR-Lex’, accessed 16 March 2026, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:62016TJ0828>.

³⁷ Andrea Zappalaglio, ‘Anatomy of Traditional Specialities Guaranteed: Analysis of the Functioning, Limitations and (Possible) Future of the Forgotten EU Quality Scheme’, *GRUR International* 71, no. 12 (2022): 1147–1161, <https://doi.org/10.1093/grurint/ikac091>.

³⁸ Civil Section 1, Ord. No. 10350/2024 (Corte Suprema di Cassazione), accessed 13 March 2026, https://www.cortedicassazione.it/it/prima_sezione_civile.page.

deception and a compensable civil wrong.³⁹ For example, the use of the term Egyptian Cotton on textiles made from blended or foreign cotton has been considered misleading to consumers and an act of unfair competition against authentic producers. In such cases, the judiciary protects the reputation associated with the origin as an economic right belonging to local producers.⁴⁰

Second, Judgments of Saudi commercial courts. Saudi courts have applied the principles of unfair competition to cases involving the misuse of geographical names associated with well-known products, such as certain types of honey or dates, when applied to goods of unknown origin. Through such decisions, the Saudi judiciary protects the commercial reputation of national products.⁴¹ Third, Judgments of Moroccan courts. Moroccan judicial practice has also provided notable protection for the designation associated with Argan Oil. Courts have intervened to prevent foreign companies from registering the term *Argan* as a private trademark, considering it a collective property of the inhabitants of the region under the geographical indication system⁴².

Protection of Geographical Indications in the United States through the System of Collective and Certification Marks

The United States follows the Anglo-Saxon legal tradition, which differs fundamentally from the European (continental) model. Under this system, geographical indications are not protected as independent intellectual property rights; instead, they are incorporated into the trademark system, particularly through certification marks.⁴³

1. The Gruyère Cheese Case (2023). This judgment is considered one of the most significant recent cases in the United States, and it came as a shock to European producers. The facts of the case can be summarised as follows: associations of Gruyère cheese producers in Switzerland and France filed a lawsuit seeking to prevent American companies from using the name “Gruyère” for a type of cheese manufactured in the United States. The decision of the Federal Court of Appeals

³⁹ Appeal No. 8121 of Judicial Year 81, Appeals Nos. 9560 and 9627 of Judicial Year 82 (Egyptian Court of Cassation), accessed 16 March 2026, <https://www.wipo.int/wipolex/ar/text/585757>.

⁴⁰ Ayed Sultan Marzouq Al-Buqmi, *Infringements on Trademarks and Methods of Their Protection: A Comparative Study*. (Faculty of Sharia and Law in Damanhur, Al-Azhar University), October 2025.

⁴¹ Case No. 4470263956 (Saudi Commercial Court AH 1444).

⁴² ‘Marque et nom commercial : primauté du principe de spécialité sur l’antériorité du nom commercial (CA. com. Casablanca 2018)’, *Jurisprudence*, 2018, <https://www.jurisprudence.ma/decision/marque-et-nom-commercial-primaute-du-principe-de-specialite-sur-lanteriorite-du-nom-commercial-ca-com-casablanca-2018/>.

⁴³ Irene Calboli and Jane C. Ginsburg, ‘The Cambridge Handbook of International and Comparative Trademark Law’, Cambridge Core, Cambridge University Press, September 2020, <https://doi.org/10.1017/9781108399456>.

(Fourth Circuit)⁴⁴ rejected protection of the name, holding that the term had become a generic designation in the United States for a type of cheese rather than an indication of its geographical origin.

In another dispute, the company Doctor’s Best marketed food products bearing a mark like “Nature’s” on products manufactured in California but marketed and sold exclusively in foreign markets in Asia. The U.S. court held that trademark infringement provisions do not apply extraterritorially outside the United States when the alleged infringement occurs solely in a foreign market, even if the product itself is manufactured within the United States. Thus, the plaintiff can only be granted damages for both acts that happened in domestic commerce in the United States, but not for acts that happened outside the United States.⁴⁵ This judgment illustrates how the Anglo-Saxon legal system handles geographical terms and commercial designations: the assessment of deceit and the possibility of confusion are usually based on the location of the sale, not on the name per se.⁴⁶ There is no separate protection for geographical indications; they are considered within the broader sphere of trademark law and unfair competition.

Table 3. Comparative Judicial Approaches to Geographical Indications

Case	Jurisdiction	Legal Issue	Judicial Outcome	Competitive Impact
Feta Cheese Case (2005)	European Union	Whether "Feta" became a generic term	Protected as a GI exclusive to Greece	Preserved market exclusivity
Morbier Cheese Case (2020)	European Union	Imitation of product appearance	Visual imitation prohibited	Strengthened product identity
Champagne Sorbet Case (2020)	European Union	Use of GI as an ingredient name	Allowed only when the GI ingredient gives essential characteristics	Protected reputation from dilution
Darjeeling Tea Case (2002)	United States	Recognition as a	Protection granted	Maintained premium market value

⁴⁴ ‘Interprofession Du Gruyere v. Dairy Export Council (2023) | FindLaw’, 2023, <https://caselaw.findlaw.com/court/us-4th-circuit/2191786.html>.

⁴⁵ No. 24-2719 (United States Court Of Appeals For The Ninth Circuit), <https://cdn.ca9.uscourts.gov/datastore/opinions/2025/07/15/24-2719.pdf>.

⁴⁶ Ismawati and Suud Sarim Karimullah, ‘Consumer Protection in the Digital Era: An Analysis of Consumer Protection in E-Commerce’, *Nusantara: Journal of Law Studies* 3, no. 02 (December 2024): 68–80, <https://doi.org/10.5281/zenodo.17376951>.

		certification mark		
Gruyère Cheese Case (2023)	United States	Whether the name became generic	Protection denied	Reduced exclusivity and competitiveness

Source: Author's Interpretation

Judicial decisions directly influence the market positioning of products worldwide. A judicial ruling functions as a legal guarantee of quality, thereby increasing consumer confidence. The impact of such rulings can be explained as follows: First, Confronting Generic Names. Courts face a significant challenge in preventing geographical indications from becoming generic names. While the U.S. judiciary, in the *Interprofession du Gruyère v. U.S. Dairy Export Council (Gruyère Cheese Case)* (2023), refused to protect the name because it had become a generic description of a type of cheese, European and Arab courts tend to adopt a stricter approach to prevent such economic erosion.

Judicial protection, in this respect, can be seen as a competitive shield that prevents the misuse or dilution of key national names; in international markets, foreign countries may continue to use them economically.⁴⁷ Second: Compensation and Unfair Competition. As mentioned earlier, the judiciary's role is not only to prohibit illegal use but also to determine the amount of financial compensation based on the extent of the harm inflicted on the territory as a whole. A violation of a geographical indication is a violation of a joint recognition. The listed judicial choices to grant the payment are part of reinvesting recovered funds to enhance the quality of local manufacturing and the ability to compete internationally.⁴⁸ Third: A Comparative Study Between the Darjeeling Tea Case and the Gruyère Cheese Case before U.S. Courts. The significance of judicial approaches in Anglo-Saxon legal systems becomes particularly evident when comparing two contrasting U.S. court judgments. These cases illustrate the profound impact of legal strategy on economic competitiveness.

The comparative analysis of international case law demonstrates that the economic competitiveness of geographical indications depends not only on statutory recognition but also on consistent judicial enforcement. A notable example of successful protection is the Darjeeling Tea case decided in 2002, in which the Tea Board of India obtained a favorable judgment against *The Republic of Tea*. The United States courts recognized Darjeeling Tea as a certification mark,

⁴⁷ Bushra Khaled Turki Al-Mawla, 'Protection of Geographical Indications from Unfair Competition A Comparative Legal Study', *Tikrit University Journal For Rights*, 2024.

⁴⁸ San Tay Pek, 'Legal Protection of Geographical Indications as a Means to Foster Social and Economic Development in Malaysia (Chapter 12) -', in *Geographical Indications at the Crossroads of Trade, Development, and Culture* (Cambridge University Press, 2017), 281-304 , <https://www.cambridge.org/core/books/geographical-indications-at-the-crossroads-of-trade-development-and-culture/legal-protection-of-geographical-indications-as-a-means-to-foster-social-and-economic-development-in-malaysia/E1794720BCC4F635287676DC55E3AFDC>.

thereby preventing the misuse of the geographical name and preserving its identity as a product originating exclusively from the Darjeeling region. This judicial recognition safeguarded the product's premium market position in the United States, allowing Darjeeling tea to maintain its reputation as a luxury commodity distinguished by its unique geographical origin and quality. The case illustrates how effective legal protection can strengthen market exclusivity, enhance consumer confidence, and sustain the economic value associated with geographical indications.⁴⁹

In contrast, the Gruyère Cheese case decided by the United States Court of Appeals for the Fourth Circuit in 2023 demonstrates the consequences of inadequate protection. The court concluded that the term *Gruyère* had become generic in the United States and therefore was no longer eligible for geographical indication protection. This outcome resulted largely from European producers' prolonged failure to consistently enforce their rights against unauthorized use, allowing the name to evolve into a common designation for a type of cheese rather than a sign of its geographical origin. A comparison of these two landmark decisions clearly shows that the competitive advantage conferred by a geographical indication is not a permanent legal entitlement but a dynamic asset that must be continuously defended through proactive legal action.⁵⁰ Whereas the Darjeeling Tea judgment effectively served as an economic foundation for preserving the product's premium status in the U.S. market, the Gruyère Cheese ruling significantly diminished the commercial distinctiveness of the name by removing its exclusive geographical association. These contrasting outcomes underscore that the long-term competitiveness of geographical indications depends not only on legal frameworks but also on sustained vigilance, strategic enforcement, and producers' active commitment to protecting the reputation and exclusivity of their geographical products.

CONCLUSION

This study demonstrates that artificial intelligence (AI) has become a transformative instrument in public administration and governance, offering substantial opportunities to improve administrative efficiency, enhance the quality of public service delivery, and strengthen evidence-based decision-making. The findings indicate that AI-driven technologies enable governments to optimize resource management, automate routine administrative processes, and respond more effectively

⁴⁹ 'The Darjeeling Distinction: Labor and Justice on Fair-Trade Tea Plantations in India 9780520957602 - DOKUMEN.PUB', 2025, <https://dokumen.pub/the-darjeeling-distinction-labor-and-justice-on-fair-trade-tea-plantations-in-india-9780520957602.html>.

⁵⁰ 'U.S. Court Says French, Swiss Groups Cannot Restrict "gruyere" Cheese Label', Reuters, usa, 2023, <https://www.reuters.com/legal/us-court-says-french-swiss-groups-cannot-restrict-gruyere-cheese-label-2023-03-03/>.

to citizens' needs through data-informed governance. However, the successful integration of AI into public administration depends not only on technological capacity but also on the establishment of robust legal, ethical, and institutional frameworks that ensure transparency, accountability, data protection, and respect for fundamental rights. By synthesizing contemporary literature on AI-enabled governance, this study advances digital governance scholarship by emphasizing that responsible AI adoption should balance technological innovation with democratic values and public trust. Nevertheless, this study is limited by its conceptual and literature-based approach, which does not empirically examine AI implementation across specific governmental institutions or policy sectors. Future research should therefore undertake comparative empirical studies to evaluate the effectiveness of AI applications in different administrative contexts, assess the impact of varying regulatory and governance models across jurisdictions, and measure the long-term implications of AI on public sector performance, institutional accountability, and citizen participation. Such research would provide stronger evidence for developing adaptive governance frameworks that support the sustainable, ethical, and human-centered integration of AI into contemporary public administration.

ACKNOWLEDGEMENT

The authors express their sincere gratitude to their respective institutions for the academic, institutional, and research support provided throughout the preparation and completion of this study. Special appreciation is extended to the College of Law, Sohar University (Oman); the College of Law, Sultan Qaboos University (Oman); the College of Law, University of Sadat City (Egypt); and the College of Law, University of Minnesota, Egypt, for fostering a supportive academic environment that contributed to the successful completion of this research. The authors also acknowledge the valuable encouragement, professional collaboration, and institutional resources provided by their respective affiliations, which have significantly enhanced the quality and scholarly contribution of this study.

AUTHOR CONTRIBUTIONS STATEMENT

All authors contributed substantially to the conception, design, execution, and completion of this study. Zeyad Tareq Al-Rawe led the conceptualization of the research, developed the methodology, conducted the principal legal analysis, prepared the original manuscript draft, and supervised the overall research process. Khaled Abdelfatah Mohamed Khalil contributed to the methodological framework, validated the legal analysis, and critically reviewed and revised the manuscript. Sahar Abdelsttar Emam Aly was responsible for data collection, comparative legal analysis, case-law examination, and the organization of research findings. Abdelraouf Hassan Abouelhadid contributed to resource acquisition, validation of the research findings, project administration, and critical manuscript review. Moustafa Aboumandour Mousa Eisa participated in the formal analysis, refined and edited the manuscript,

provided academic supervision, and approved the final version for publication. All authors have read and approved the final manuscript and agree to be accountable for the accuracy and integrity of all aspects of the work.

AI USAGE STATEMENT

The authors declare that generative artificial intelligence (AI) tools were used solely to assist with language editing, grammar refinement, and improvements in the clarity and readability of the manuscript. AI was not used to generate, interpret, or analyze the research data, to formulate the study's findings, or to draw conclusions. All intellectual content, legal analysis, interpretations, and final editorial decisions remain the sole responsibility of the authors, who have carefully reviewed and verified the accuracy and integrity of the manuscript prior to submission.

CONFLICT OF INTEREST

The authors declare that they have no known financial, professional, institutional, or personal conflicts of interest that could have influenced the research, authorship, or publication of this manuscript. The research was conducted independently, and all interpretations, analyses, and conclusions presented in this article are solely those of the authors.

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