



Australia-European Union Free Trade Agreement

Use, protection and administration of geographical indications

Under the Australia-European Union Free Trade Agreement (A-EU FTA), Australia has agreed to protect a list of EU geographical indications (GIs) (see the list of EU GIs on the [DFAT website](#)). The list consists of 396 EU GIs – including 231 spirits and 165 agricultural goods (mostly dairy and smallgoods).



Many of these EU GI terms are not used by Australian producers in Australia. This means protecting these EU GIs will have minimal impact on Australian industry.



Australian Government

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dfat.gov.au/aeufta

What is a GI?

A GI is a term showing that a good comes from a specific place and has qualities or reputation essentially due to its origin. For example, *Champagne* for sparkling wine from the Champagne region of France.

Who can use a GI?

Any person who produces or sells a product that conforms with the GI's specification (or rules) can use the GI without having to seek permission from the GI authority. GI rules are usually published and will include the area where the product must be produced.

Will any industry support be provided to affected Australian industries?

The Australian Government will continue to work closely with affected industries on the implementation arrangements.

What is the level or standard of protection provided to EU GIs?

Generally, a GI term protected in Australia will be reserved for the exclusive commercial use of products that meet the GI rules of production (specifications), including that they are made in the recognised GI region.

For example, the GI *Camembert de Normandie* will only be able to be used to describe a product that meets that GI's specifications, including that it is produced in the French region of Normandy.

Protection extends to use of the GI even where:

- ▶ the true origin of the good is indicated – so a producer cannot label a product “Australian Camembert de Normandie”, or
- ▶ the term is accompanied by expressions such as “kind”, “type”, “style” “imitation”, etc – so a producer cannot label a product “Australian-style Camembert de Normandie”.
- ▶ the term is the GI being used in translation or transliteration.

What do you mean by use of the GI in translation or transliteration?

Use in translation only occurs when the translated words convey the meaning of the GI. For example, sherry vinegar is understood in Australia as a translation of the GI Vinagre de Jerez.

Transliteration is when the characters in a word are transferred from one writing system to another writing system. For example, the transliteration from Greek of Ελιά Καλαμάτας is Elia Kalamatas.

Does the standard of protection extend to evocation?

No. Protection of a GI in Australia will not extend to ‘evocation’ of the GI.

What Australian GIs are protected under the A-EU FTA?

A GI must first be protected in its country of origin before it can be protected in another jurisdiction. No existing Australian GIs were raised by stakeholders for inclusion in this agreement.

Will Australia or the EU be able to add new GIs?

Yes. The A-EU FTA includes a provision for the EU and Australia to put forward new GIs and seek protection of those GIs in the other party's market.

Once Australia establishes a new domestic GI system, applicants from Australia and other countries will be able to apply for protection of a new GI term in that system. Before a GI is protected in Australia, it will need to go through an Australian examination and objection process.

What about First Nations GIs?

As part of the Government's consultations, some First Nations groups expressed interest in using a new Australian GI system to protect First Nations' traditional products, such as bush foods.

The A-EU FTA includes a provision that expressly recognises the value of GIs that protect, preserve or promote the Indigenous knowledge of First Nations people. It commits both sides to give such GIs due consideration when amending the agreement to protect future Australian GIs.

What about prior trademarks?

Trademarks that have been applied for, registered or used before the A-EU FTA that use part or all of any GI term may continue to be used and renewed notwithstanding the protection of the GI.

Are there any exceptions to the protection of EU GIs?

Yes. Exceptions include where a person's name, address, or the name of that person's predecessor in business is used in the course of trade. For example, if a person's name is used on a label but is also a protected GI, they can continue to use their name.

Another exception is where the GI is a customary name of a plant variety such as 'Kalamata' or an animal breed.

Further exceptions include where a term contained in a multi-component GI is identical with the common name for the relevant good, including in translation or transliteration.

For example, pecorino is considered a common name for a type of cheese within the GI Pecorino Toscano. There are also exceptions where a word, translation or transliteration of a word contained in a GI is a common English word such as "mountain", "alps" or "river".

Clarifications

Australia has succeeded in providing certainty to Australian producers for three GIs where protection does not extend to the common name of goods produced in Australia. The common names that can continue to be used in Australia are:

GI	Australian common name
Kranjska Klobasa	Kransky/ kranski
Csabai kolbasz / Csabai vastagkolbasz	Csabai
Schwarzwaldler Schinken	Black forest ham

Australia has succeeded in providing certainty to Australian producers for three GIs where protection does not extend to the common plant variety name of goods produced in Australia. The plant variety names that can continue to be used, provided such use does not mislead consumers, are:

GI	Plant variety name
Elia Kalamatas	Kalamata
Kalamata	Kalamata
Zatecky chmel	Saaz hops

The list of plant names is not comprehensive, and there may be other plant names that can continue to be used despite a GI being protected.

Are there other treatments or clarifications for protected GIs?

Australian use of certain GI terms will remain unchanged, whereas the use of others will be phased out. In some cases, producers with an established history of making and labelling products with these terms will be grandfathered, enabling them to continue their use.

[What is 'grandfathering' for GIs?](#)

[What is phasing out?](#)

What will the new GI system look like? How can I register an Australian GI?

Australia is developing a new GI system which will also be available for the protection of Australian GIs. IP Australia will lead the development, implementation and administrative management of the new GI system.

For more information on the new GI system, please contact [IP Australia](#).