

have established the link between the agricultural product or foodstuff and the geographical area indicated on the product. PGI and PDO describe an agricultural product or foodstuff originating in that region and possessing a quality or reputation which may be attributed to the geographical environment with its inherent natural and/or human factors. However, the link between the characteristics of the product and the area must be stronger in the case of geographic designations of origin than for geographic indications.

The proposed procedures provide that only a group, likely of producers, can file an application to obtain a PGI or PDO with the competent authority of a member state. If the claim is accepted at the national level, the indication would be sent to the other member states and to the Commission where it would then be published in the *Official Journal of the European Communities*. If no opposition were expressed within three months of the publication, the designation of the product would be entered into a "Registry of Protected Geographical Indications and Protected Designations of Origin", containing the names of the groups and the inspection bodies concerned. Under this system then, Community-wide protection can be obtained through the filing of a single application. The protected product would carry a label indicating PGI or PDO. In the event of disputes between member states, the Commission would play the role of arbitrator.

Under the draft proposal, protection in the EC could be extended to products from third countries to the extent that the indications meet the EC criteria and that equivalent protection is granted in third countries to EC indications. This may pose a problem for Canadian exporters because there is no specific protection of geographical indications in Canada. However, provisions in various federal statutes, including the Trade-marks Act, in common law and in the Quebec Civil Code offer some protection, primarily against use which is likely to deceive the public as to the true origin of the product.

#### Plant Breeders' Rights

In September 1990, the EC Commission submitted a proposal for a regulation on Community plant variety rights. Plant protection rights would be granted on the basis of distinctiveness, uniformity, stability and novelty of the variety. Should the proposal be adopted, a Community Plant Variety Office would be established to administer a system that would ensure that plant breeders can acquire, through a single decision, direct and uniform protection throughout the