



Food and Agriculture  
Organization of the  
United Nations



**The International Treaty**  
ON PLANT GENETIC RESOURCES  
FOR FOOD AND AGRICULTURE

**Views, Experiences and Best Practices as an example of possible options for  
the national implementation of Article 9 of the International Treaty**

*Note by the Secretary*

*At its [second meeting](#) of the Ad hoc Technical Expert Group on Farmers' Rights (AHTEG), the Expert Group agreed on a revised version of the [template](#) for collecting information on examples of national measures, best practices and lessons learned from the realization of Farmers' Rights*

*This document presents the updated information on best practices and measures of implementing Article 9 of the International Treaty submitted by Switzerland on 31 July 2019.*

*The submission is presented in the form and language in which it was received.*



## Template for submission of

### Measures, Best Practices and Lessons Learned from the Realization of Farmers' Rights as set out in Article 9 of the International Treaty

#### Basic information

- Title of measure/practice

*National IPR tools and measures supporting Article 9 of the ITPGRFA : geographical indications, trademarks and the new "swissness" regulation*

- Date of submission  
31.07.2019

- Name(s) of country/countries in which the measure/practice is taking place  
Switzerland

- Responsible institution/organization (name, address, website (if applicable), e-mail address, telephone number(s) and contact person)

Federal Office of Agriculture (FOAG)

Federal Institute of Intellectual Property (IPI)

- Type of institution/organization (categories)  
Government

- Collaborating/supporting institutions/organizations/actors, if applicable (name, address, website (if applicable), e-mail address, telephone number(s))

#### Description of the examples

##### Mandatory information:<sup>1</sup>

- Short summary to be put in the inventory (max. 200 words) including:
  - Implementing entity and partners
  - Start year
  - Objective(s)
  - Summary of core components
  - Key outcomes
  - Lessons learned (if applicable)

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<sup>1</sup> This mandatory information is required in order for the measure/practice to be included in the Inventory.



In Switzerland, a number of intellectual property right tools and measures are mutually supportive to Article 9 of the Treaty. Among the tools that offer protection for farmers' products based on genetic resources are geographical indications, trademarks, as well as the new "swissness" legislation.

The Federal Office for Agriculture (FOAG) is the leading entity for geographical indications for agricultural products, and the Federal Institute of Intellectual Property (IPI) is responsible for trademarks and the "swissness" legislation. The system for registration of geographical indications is in place since 1997 and is contained in the Federal Act on Agriculture. The Trade Mark Protection Act dates from 1992 and the "swissness" legislation is in place since 2017. The latter establishes rules in the Trade Mark Protection Act concerning the conditions under which a product or service may be labelled as being Swiss. In particular, it strengthens the protection for the 'Made in Switzerland' designation and the Swiss cross. It provides clear rules for use of the Swiss indication of source when used for marketing purposes, which in turn contributes to preventing any wrongful use of the "Swiss Made" brand. This set of measures ensures the long-term value of the product developed from specific regional PGRFA, through fostering public awareness and recognition of farmers' effort to use and maintain these PGRFA, in the sense of Art.9 of the Treaty.

- Brief history (including starting year), as appropriate
- Core components of the measure/practice (max 200 words)

The term Swissness refers to the designation "Swiss" as an indication of the geographical origin of goods and services. This designation can appear in different variants such as Swiss Made, Made in Switzerland, of Switzerland, Swiss Quality or other indications and illustrations referring to Switzerland, such as the Swiss cross. The Swissness legislation encompasses amendments to the Trade Mark Protection Act (TmPA) and a total revision of the Coat of Arms Protection Act (CAPA). The Trade Mark Protection Act lays down clear rules about the geographical origin of goods and services, while the Coat of Arms Protection Act regulates the use of the Swiss cross. Both laws are further clarified in four implementing ordinances. The aim of the new regulations is to improve protection of the geographical indication "Switzerland" and the Swiss cross domestically – as well as with a view to legally enforcing their use both home and abroad.

- Description of the context and the history of the measure/practice is taking place (political, legal and economic framework conditions for the measure/practice) (max 200 words)
- To which provision(s) of Article 9 of the International Treaty does this measure relate
  - Art. 9.1
  - Art. 9.2a
  - Art. 9.2b



Art. 9.2c

Art. 9.3

**Other information, if applicable**

- Please indicate which category of the Inventory is most relevant for the proposed measure, and which other categories are also relevant (if any):

No.	Category	Most relevant <sup>2</sup>	Also relevant <sup>3</sup>
1	Recognition of local and indigenous communities', farmers' contributions to conservation and sustainable use of PGRFA, such as awards and recognition of custodian/guardian farmers		x
2	Financial contributions to support farmers conservation and sustainable use of PGRFA such as contributions to benefit-sharing funds		
3	Approaches to encourage income-generating activities to support farmers' conservation and sustainable use of PGRFA		x
4	Catalogues, registries and other forms of documentation of PGRFA and protection of traditional knowledge		x
5	In-situ/on-farm conservation and management of PGRFA, such as social and cultural measures, community biodiversity management and conservation sites		
6	Facilitation of farmers' access to a diversity of PGRFA through community seed banks <sup>4</sup> , seed networks and other measures improving farmers' choices of a wider diversity of PGRFA.		
7	Participatory approaches to research on PGRFA, including characterization and evaluation, participatory plant breeding and variety selection		x
8	Farmers' participation in decision-making at local, national and sub-regional, regional and international levels		
9	Training, capacity development and public awareness creation		x
10	Legal measures for the implementation of Farmers' Rights, such as legislative measures related to PGRFA.	x	
11	Other measures / practices		

<sup>2</sup> Please select only one category that is most relevant, under which the measure will be listed.

<sup>3</sup> Please select one or several categories that may also be relevant (if applicable).

<sup>4</sup> Including seed houses.



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- In case you selected ‘other measures’, would you like to suggest a description of this measure, e.g. as a possible new category? \_\_\_\_\_
- Objective(s)
- Target group(s) and numbers of involved and affected farmers<sup>5</sup>

- Location(s) and geographical outreach

Switzerland

- Resources used for implementation of the measure/practice
- How has the measure/practice affected the conservation and sustainable use of plant genetic resources for food and agriculture?
- Please describe the achievements of the measure/ practice so far (including quantification) (max 200 words)
- Other national level instruments that are linked to the measure/practice
- Are you aware of any other international agreements or programs that are relevant for this measure/practice?
- Other issues you wish to address, that have not yet been covered, to describe the measure/practice

### Lessons learned

- Describe lessons learned which may be relevant for others who wish to do the same or similar measures/practices (max 250 words).
- What challenges encountered along the way (if applicable) (max 200 words)
- What would you consider conditions for success, if others should seek to carry out such a measure or organize such an activity? (max 100 words)

### Further information

- Link(s) to further information about the measure/practice

Geographical indications :

<https://www.blw.admin.ch/blw/fr/home/instrumente/kennzeichnung/ursprungsbezeichnungen-und-geografische-angaben.html>

Swissness :

<https://www.ige.ch/en/law-and-policy/national-ip-law/indications-of-source/swiss-indications-of-source/swissness.html>

Trademarks :

<https://www.swissreg.ch/srclient/faces/jsp/start.jsp>

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<sup>5</sup> Any classification, e.g. of the types of farmer addressed, may be country-specific.