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## Legal and economic issues of geographical indications for agricultural products in Poland and Ukraine

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► **Abstract.** Geographical indications are beginning to make an important place in the agri-food products market, as they ensure the recognition of products on the world market, therefore the issues of ensuring their protection and effective use are relevant. The main goal of the study was to conduct a comparative statistical analysis of legal and economic issues of geographical indications of food products in the agricultural sector of Poland and Ukraine. The research used the methods of descriptive statistics, the method of comparative analysis, the graphic method, the monographic approach, and the abstract-logical method. The structure of agricultural market output of European Union countries, Poland, and Ukraine was investigated. It was established that Ukraine is dominated by the export of plant products, while Poland and the European Union countries focus on goods with added value. An analysis of geographical indications in force by product category and geographical indications in force by legal means was carried out. Geographical indications registered in Poland and Ukraine for specific types of products were examined. It was established that fresh fruits, vegetables, and cereals predominate among the categories of registered geographical indications in Poland, while wine and mineral water are the most common groups of geographical indications registered in Ukraine. The approaches to the interpretation of the category of geographical indication in the European Union, Poland and Ukraine in accordance with the norms of the current legal acts have been analysed, and the main differences have been established. An analysis of the main common and different approaches to the regulation of geographical indications in the European Union, Poland and Ukraine in accordance with the regulatory framework was carried out. It has been established that in Poland there are different registration procedures and authorities for goods of industrial property and separately for agricultural goods. In the European Union, there is a separate regulation on geographical indications of alcohol. In Ukraine, there is a separate procedure for the registration of only alcoholic beverages, and there is no separate procedure for agricultural products. The results of the study are of practical importance for regulatory bodies of Ukraine in the direction of innovation development and expansion of intellectual property protection procedures in the agricultural sector

► **Keywords:** intellectual property; European integration; international trade; regulations; sustainable development

### ► Introduction

In the conditions of today's globalization processes, geographic indicators of various goods have become an indispensable attribute of sustainable development. The formation of a brand-oriented global economy is an evolutionary process that requires management in order to

increase its effectiveness. G. Studinska (2020) emphasises that branding, in turn, significantly strengthens the scope and deepens the consequences of the impact of globalisation, both economic and political, cultural, social processes on the planet, because the development of brands of

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goods and services involves maximising promotion on the world market of goods and services, which is provided by technical, technological, creative, marketing advantages of the respective producers. However, the author does not focus his attention on the role of brands in Ukraine in the context of the globalisation of trade.

A number of Ukrainian scientists researched and described in detail the brand strategy in the management of enterprises using the example of the border region, carried out an analysis of the management of European integration business processes at enterprises and ensuring their competitiveness on the basis of branding technologies (Vdovichen, 2023). However, this work does not reveal problematic issues of Ukraine's European integration in the field of geographical indications and the development of a common agrarian policy.

I. Bezhenar (2024) in scientific work analyse challenges and opportunities for the development of agro-food products and the creation of brands. The author reveals in detail the peculiarities of Ukrainian GI, however, there is no comparative analysis of the legal framework of Ukraine and EU countries.

I. Martyniuk (2024) in research concentrates its attention on the peculiarities of legal protection of geographical indications and trademarks, their differences. However, the researcher does not focus his attention on European integration processes, but concentrates only on the regulatory and legal field of Ukraine.

To join the EU, countries must adopt EU legislation. The European Commission's report on Ukraine determined that Ukraine is a "moderately prepared" country in the field of agri-food safety, phytosanitary and veterinary norms and standards (Ukrainian agriculture..., 2024). In the context of this problem, N. Stoliarchuk *et al.* (2021) emphasises the importance of analysing the factors of agricultural production and finding new ways and opportunities to increase farmers' incomes and increase labour productivity in accordance with the UN Sustainable Development Goals (SDGs). However, this article does not specifically address the role of GI.

In Ukraine, the process of adapting national legislation to EU requirements in the field of innovation and intellectual property was started decades ago. According to D. Rdzanek (2021) research considering the territorial, climatic and historical proximity of Poland and Ukraine, as well as the important role of the agricultural industry in both countries, the successful experience of Poland in the direction of European integration can be an example for Ukraine. In the study, the author examines the implementation of the Common Agricultural Policy mechanisms of the European Union in Poland in the context of the European integration of Ukraine. However, GI are not specifically considered in this article. A number of Ukrainian scientists in a collective monogamy consider general approaches to the European integration of the agricultural sector of Ukraine to the EU, especially in terms of land reform, development of rural areas and the use of subsidies for farmers, but the authors do not consider the direction of innovation and intellectual property (Wigier & Kowalski, 2018).

However, despite the significant attention of scholars to geographical indications and branding in the context

of European integration and sustainable development, their role in Ukraine is insufficiently researched. This determined the actual purpose of the study, which consists in study the regulatory and legal field of Ukraine, Poland, and the EU in the context of GI, their statistical analysis and providing recommendations for improving the Ukrainian legislation in the part of the European integration processes of GI. The main tasks of the research are to carry out a detailed analysis of registered geographical indications of Poland and Ukraine by product categories and territory; analyse the approaches to the interpretation of the geographical indication category in the EU, Poland and Ukraine; to conduct a comparative analysis of legislative acts of the EU, Poland and Ukraine regarding the registration and use of GI agricultural products.

### ► Materials and methods

The research was carried out based on the National Scientific Centre "Institute of Agrarian Economics" in Kyiv, Ukraine and the Adam Mickiewicz University in Poznań, Poland in 2023. Statistical data for the years 2019-2023 were taken for the study. The information base of the research is made up of current legal acts of Ukraine and Poland, EU Regulations, scientific publications of scientists, materials from Internet resources, own author's research and observations, other market information. To obtain data about GI registration in the EU according to EU procedures was used: Official website of the European Commission Statistics (n.d.), Official website of the World Intellectual Property Organization (n.d.) and eAmbrosia – the EU geographical indications register (n.d.). To obtain information on the protection of GI according to the national procedures of Ukraine was used the Official website of the State Statistics Service of Ukraine (n.d.) and Information from the State Register of Ukraine of place names and geographical indications of goods and rights to use registered qualified designations of origin of goods (n.d.). To obtain information on the protection of GI according to the national procedures of Poland was used Official website of the Statistics Poland (n.d.).

To compare the situation in Ukraine and Poland, various statistical methods were used, which allow detailed analysis and interpretation of data. The main research methods were descriptive statistics, which helped to get a general idea of the situation in both countries, in particular through such indicators as average values and frequency distributions. Index analysis was also used. The method of comparative analysis was used to determine the differences in the regulation of geographical indications in Poland and Ukraine. The graphic method was used to visualise the results of the analysis of the structure of the agricultural market of EU countries, Poland and Ukraine, as well as for geographical indications registered in Poland and Ukraine by types of products. The methods of descriptive statistics, namely the grouping of data and percentage indicators, were applied in the analysis of current geographical indications by product categories and by in force by legal means. The monographic approach made it possible to determine the difference in the registration systems of geographical indications between Poland and Ukraine. For this purpose, the regulatory legal acts of the EU, Poland and Ukraine in the field of registration of

geographical indications were analysed. The abstract-logical method was used to generalise the provisions considered in the scientific works of various authors and normative-legal documents and compare them with the goals of the Common Agrarian Policy. This made it possible to determine whether the European integration processes of Ukraine in the field of geographical indications correspond to the general plan of European integration and the Common Agrarian Policy.

### ► Results and Discussion

In May 2024, the Parliament of European Union adopted a new regulation on GI specifically for agricultural goods and alcoholic products (Regulation No. 2024/1143..., 2024). This legally correct act should contribute to the development of agricultural trade, the development territories in the village area, the achievement of the declared goals of sustainable development, the defence of the rights of producers, the protection of product quality, and it also combines all the procedures that were previously in many different documents. The new principles should simplify the procedure for registering GI. According to the regulation, the role of the Intellectual Property Office of the European Union will increase. Also, the new law is aimed at supporting the production of traditional and original, craft and organic agricultural goods, which in turn requires better protection of such GI and control over counterfeits. This is an important step in maintaining product quality and developing regional GIs.

Modern EU policy has begun to consider in detail the role of GI in the economic development of small enterprises at the local level and in cooperative associations. According to A. Suchon (2022), the current trajectory of agricultural cooperatives aligns with EU policy developments. This is linked to various factors such as enhancing the competitiveness of agricultural producers, safeguarding regional products, fostering the social economy, addressing energy and environmental concerns, and promoting processing activities. This view is true, but the relationship between geographical indications, agricultural cooperatives and the Common Agricultural Policy would be worth looking into in more detail.

D. Curzi & M. Huysmans (2022) in scientific work concentrates on the fight against the imitation of the origin of goods. For products that are at the stage of registration or for original products with an indication of the source of goods fighting imitations of their product, the period of protection and extension of the protection of GI may be longer than usual. It is also recommended to indicate the list of GIs in trade agreements, which will contribute to more efficient and transparent exports between countries. This research is quite relevant, but the authors also do not take into account the regulatory and economic aspects of the Common Agrarian Policy.

According to L. Faria-Silva & K.G. Baião (2023) the protection of products of intellectual activity contributes to the greening of production, the development of new technologies that are safe for food products, which in turn meet global standards. Therefore, innovations have a main role in the development of world trade. This statement is not so relevant, since the manufactured products must be ecological and meet product quality standards, regardless

of whether the enterprise uses GI. According to I. Bezhebnar & L. Malik (2015), F. Sgroi *et al.* (2022), manufacturers who are committed to a long-term export strategy must have a registered GI in their business. This creation is true, but the authors should also focus on European integration processes and common agricultural policy.

S. Stranieri *et al.* (2023) proves that an important direction of registration of geographical indications is also the promotion of innovative products in regions with a low level of economy. The authors suggest that GIs primarily foster the creation of a competitive environment but do not necessarily drive the adoption of innovative technological processes. According to a study by P. Vimalnath *et al.* (2023), when creating a business development strategy, companies are increasingly based on the principles of sharing intellectual property, connecting them to the SDGs. The opinion of the author is correct; however, he considers the strategy of intellectual property as a whole, without paying enough attention to GI.

P. Swagemakers *et al.* (2021) in the studies suggest that the quality of agri-food products and the advancement of farm sustainability are closely linked to brand development. The food system relies on the interconnectedness of small producers, the retail network, and consumers. This statement is partly true, as the authors reveal the relationship between brands and sustainable development of agricultural practices, but do not reveal the essence of regulatory and legal regulation.

D. Salpina & F. Pagliacci (2022) states that the name of the GI is always associated with the geographical place of production of the product. However, there are already fears among scientists that climate change will bring about a change in the usual geographical location of the cultivation of agro-food products. This is especially relevant for the cultivation of vineyards and the production of wine and related alcoholic beverages. The authors conducted a rather interesting and significant study that reflects the role of climate change in the spread of local GIs, this study is quite relevant and share the opinion of the researchers.

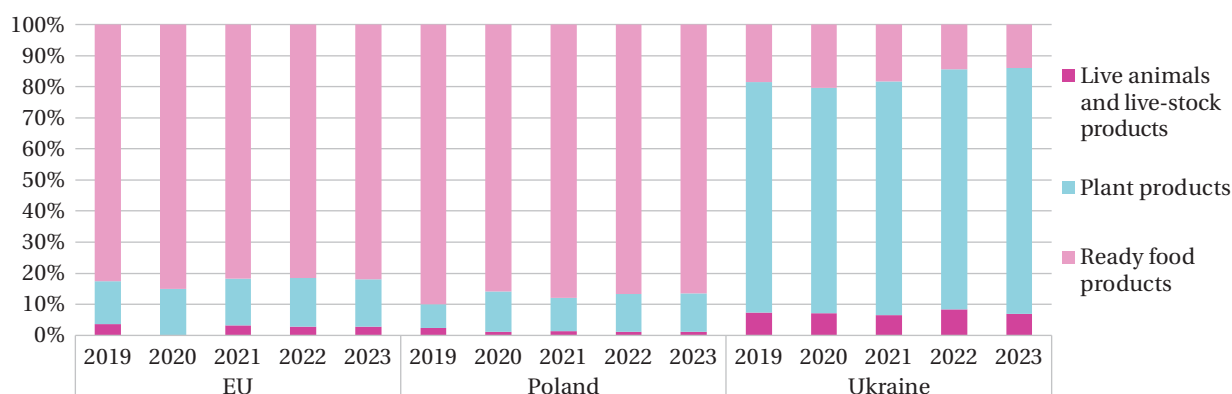
O. Peredriy *et al.* (2024) determines advantages and disadvantages in the process of registration and use of GI in Ukraine and the EU. The opinion of the authors is relevant; however, the author does not focus his attention specifically on the legal and procedural aspects of GI registration. T. Chernukha & A. Hovorovska (2021) on the example of the Ukrainian registered GI "Melitopol cherry", they conduct the effectiveness of the use of local GIs and describe the strategy of effective use of GIs in the area. This research is quite thorough and relevant; however, the study is related to the analysis of indicators at the local level and does not include export strategies and European integration needs. K. Poetschki *et al.* (2021) analyse the impact of local GIs on the efficiency of local farmers in the EU, but the main products are wine and olives. The impact of GI on the activities of farms was assessed quite positively. This publication is also very relevant, but the authors did not assess the relationship between the effectiveness of GI application at the local level and EU policy.

Ch. Beaucillon (2023) in the study analyses the EU's policy on world trade, analysing the Concept of Strategic Autonomy, which is the basis of the European Parliament. However, the paper does not examine the impact of this

theory on the Common Agricultural Policy and trade in agricultural goods.

GI help producers of agri-food products to distinguish their products both on the domestic and foreign markets, as well as to protect their products from counterfeiting. The quality of manufactured goods is important both for the food security of each country and for the food security of the world. Poland and Ukraine have a similar climate, a large area of agricultural land, and both are significant producers and exporters of agricultural

products. In 2021, Ukraine exported about 40% of sunflower oil from the world export volume, more than 10% of corn and about 10% of barley, as well as about 10% of wheat and rapeseed from the world export (Matvieiev, 2023). This analysis is quite relevant, as it confirms the importance of Ukraine in the EU agro-food market. Figure 1 presents the results of analysis of the export of agri-food products by the EU countries, Poland and Ukraine, namely: live animals and live-stock products, plant products, ready food products.



**Figure 1.** Structure of agricultural market output of EU Countries, Poland and Ukraine thousands USD

**Source:** author's research on the basis by data of the Official website of the European Commission Statistics (n.d.); Official website of the State Statistics Service of Ukraine (n.d.) and Official website of the Statistics Poland (n.d.)

Ukraine is dominated by the export of plant products, and in Poland and the EU countries, agro-food products, i.e. goods with added value (Smolii & Mostoviak). Accordingly, this affects the need for the number of geographical indications, which is higher for commercial

products. The Table 1 analyse the number of registered Geographical indications in force by product category in Poland and Ukraine as of 2023 based on data The World Intellectual Property Organization (WIPO) from various procedures.

**Table 1.** Geographical indications in force by product category, as of December 2023

| product                              | Poland |      | Ukraine |      |
|--------------------------------------|--------|------|---------|------|
|                                      | pcs    | %    | pcs     | %    |
| Agricultural products and foodstuffs | 1,909  | 36.9 | 833     | 26.7 |
| Handicrafts                          | 1      | 0    | 2       | 0.1  |
| Wines and spirits                    | 3,267  | 63.1 | 2,289   | 73.3 |

**Source:** compiled by the authors based on the Official website of the World Intellectual Property Organization (n.d.)

Among the categories of geographical indications both in Poland and in Ukraine, wines and spirits prevail. Agro-food products are on the second position. The

Table 2 analyse the number of registered Geographical indications in force by legal means in Poland and Ukraine as of 2023 based on data The WIPO from various procedures.

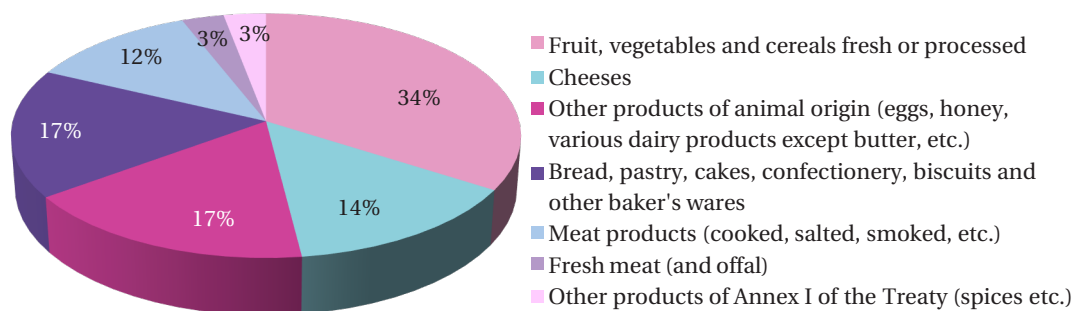
**Table 2.** Geographical indications in force by legal means, as of December 2023

| indications     | Poland |      | Ukraine |      |
|-----------------|--------|------|---------|------|
|                 | pcs    | %    | pcs     | %    |
| Agreements      | 1,779  | 34.4 | 3,091   | 98.9 |
| Sui generis     | 1      | 0    | 33      | 1.1  |
| Regional system | 3,396  | 65.6 | -       | -    |
| Lisbon system   | 1      | 0    | -       | -    |

**Source:** compiled by the authors based on the Official website of the World Intellectual Property Organization (n.d.)

Both in Poland and in Ukraine geographical indications are mainly registered and concluded of agreements. Almost no registration is carried out under the

Lisbon system. The Figure 2 shows the complete list of geographical indications of Poland as of 2024, registered in Poland.

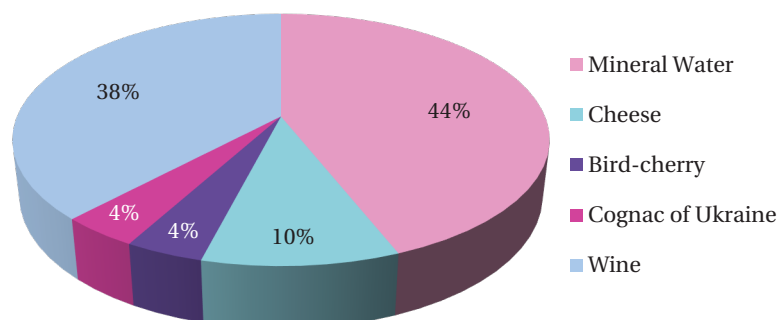


**Figure 2.** Polish geographical indications registered in Poland for the type of products

**Source:** compiled by the authors based on the EU geographical indications register (eAmbrosia) (n.d.)

Among the groups of commercial products for which geographical indications are registered in Poland, Fruit, vegetables and cereals fresh or processed prevails. The main region of origin of most geographical indications in Poland is the Malopolski region. The Figure 3 shows the complete list of geographical indications of Ukraine as of 2024, registered in Ukraine. Among the groups of commercial products for which geographical indications are registered in Ukraine is Wine and Mineral Water. The main region of origin of most geographical indications in Ukraine is Crimea. In addition to EU regulations, Poland also complies with national legislation in its economic activities. The regulation of activities related to geographical

indications is governed by the Law on Registration and Protection of Names of Places of Origin, GI, and Guaranteed Traditional Features for Agricultural Products, enacted on March 9, 2023 (Act of Poland..., 2023). This also includes agricultural products, food products and alcohol. In Ukraine, the main normative acts regulating the registration of geographical indications are the Law of Ukraine dated June 16, 1999 No. 752-XIV (Law of Ukraine No. 752-XIV..., 1999) and the Law of Ukraine dated December 1, 2022 No. 2800-IX (Law of Ukraine No. 2800-IX..., 2022). Consideration the rules of registration and safeguard of GI in Poland and Ukraine, as well as determine the differences and similarities of the procedures (Table 3).



**Figure 3.** Ukrainian geographical indications registered in Ukraine

**Source:** compiled by the authors based on the Information from the State Register of Ukraine of place names and geographical indications of goods and rights to use registered qualified designations of origin of goods (QDO) (n.d.)

**Table 3.** Approaches to the interpretation of the geographical indication category in the EU, Poland and Ukraine

| No. | Country | Regulation                                                                     | Interpretation                                                                                                                                                                                                                                                                                                                                            |
|-----|---------|--------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1   | EU      | Regulation (EU) 2024/1143 of 11 April 2024 (Regulation No. 2024/1143..., 2024) | <ul style="list-style-type: none"> <li>▶ the name;</li> <li>▶ product detailed characteristics;</li> <li>▶ indication of the area of production;</li> <li>▶ description of the technology;</li> <li>▶ characteristics of packaging, processing, storage and transportation of the product;</li> <li>▶ impact on sustainable development goals.</li> </ul> |
| 2   | Poland  | ACT of March 9, 2023 (Act of Poland..., 2023)                                  | <ul style="list-style-type: none"> <li>▶ agricultural product and foodstuff:</li> <li>▶ wine;</li> <li>▶ spirit drink</li> </ul>                                                                                                                                                                                                                          |
|     |         | ACT of 30 June 2000 (Act of Poland..., 2000)                                   | a verbal description that in a certain way indicates the name of the place, which allows you to determine that the product really comes from a given territory, and that the given quality properties of the product can only be when it originates from a given territory                                                                                |

Table 3, Continued

| No. | Country | Regulation                                                                                                                                               | Interpretation                                                                                                                                                                                                                                                                                                                                 |
|-----|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3   | Ukraine | Law of June 16, 1999 No. 752-XIV<br>(Law of Ukraine No. 752-XIV..., 1999)<br>Law of September 20, 2019 No 123-IX<br>(Law of Ukraine No. 123-IX..., 2019) | the name of the region where the product comes from, which imparts specific marketing and production characteristics to the product. This applies to the territory even if the goods underwent only one specific stage (for example, cultivation), and not the entire process of giving the product the properties of a product ready for sale |
|     |         | Law of December 1, 2022, No. 2800-IX<br>(Law of Ukraine No. 2800-IX..., 2022)                                                                            | the name that identifies the product and the territory of its origin, cultivation or processing, which gives this product these unsurpassed properties inherent only to this product                                                                                                                                                           |

**Source:** author's research on the basis of EU, Poland and Ukrainian laws

In Poland, there are two systems of providing geographic values. One for industrial property goods, the other for agricultural goods. They are regulated by different departments, different legal acts and submitted according to different applications. On June 23, 2022, a significant event in Ukraine's history occurred when the European Parliament passed a resolution granting Ukraine candidate status for membership in the EU

(EP resolution..., 2022). This means that Ukraine must switch to European standards in all areas, including the agricultural sector and intellectual and innovation function. A good example of European integration is the Republic of Poland, which, like Ukraine, was a post-Soviet country. Therefore, it is worth investigating the approaches of Polish integration into the European space (Table 4).

**Table 4.** Differences in the regulation of geographical indications in Poland and Ukraine

| No. | Country                                                        | Poland                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Ukraine                                                                                                                                                                                                                                                                    |
|-----|----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1   | Registration procedure                                         | The procedures are conducted in two stages: the first must be registered within the territory of the member state, and the second at the European Commission level. The relevant authorities are obliged to check the application and give it to the European Commission. To sell goods in another country, it is necessary to register a geographical indication in that country (Association Agreement..., 2014; Regulation No. 2019/1753..., 2019; Regulation No. 1308/2013..., 2013). | Procedures for registration of names as protected geographical indications take place in one stage, by submitting an application to the relevant body of Ukraine. To sell goods in another country, it is necessary to register a geographical indication in that country. |
| 2.  | Registration for different groups of goods                     | National law of March 9, 2023 (Act of Poland..., 2023), Industrial Property Law of 30 June 2000 (Act of Poland..., 2000) as well as Regulation (EU) 2024/1143 of 11 April 2024 (Regulation No. 024/1143..., 2024), Regulation of the European Parliament No. 2017/625 (Regulation No. 2017/625..., 2017).                                                                                                                                                                                 | For alcoholic beverages: The law of Ukraine from December 1, 2022, No. 2800-IX (Law of Ukraine No. 2800-IX..., 2022).<br>For all other goods (both industrial and agricultural): The law of Ukraine dated June 16, 1999 No. 752-XIV (Law of Ukraine No. 752-XIV..., 1999). |
| 3   | Responsible institution                                        | <ul style="list-style-type: none"> <li>► EUIPO</li> <li>► WIPO</li> <li>► Patent Office of the Republic of Poland</li> <li>► Ministry of Agriculture and Rural Development</li> <li>► European Commission through the Ministry of Agriculture and Rural Development</li> </ul>                                                                                                                                                                                                            | <ul style="list-style-type: none"> <li>► The National Intellectual Property Authority (NIPO), whose functions are performed by the state organization UKRNOIVI</li> <li>► EUIPO</li> <li>► WIPO</li> </ul>                                                                 |
| 4   | Security document                                              | Certificate (Regulation No. 2024/1143..., 2024; Act of Poland..., 2023)                                                                                                                                                                                                                                                                                                                                                                                                                   | Certificate (Law of Ukraine No. 752-XIV..., 1999)                                                                                                                                                                                                                          |
| 5   | The validity period of the geographical indication certificate | not limited<br>(Regulation No. 2024/1143..., 2024; Act of Poland..., 2023)                                                                                                                                                                                                                                                                                                                                                                                                                | 10 years<br>(Law of Ukraine No. 752-XIV..., 1999)                                                                                                                                                                                                                          |

Table 4, Continued

| No. | Country                                         | Poland                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Ukraine                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----|-------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6   | Requirements for the protection                 | <ul style="list-style-type: none"> <li>▶ the name of the GI subject to protection;</li> <li>▶ detailed characteristics of the product itself;</li> <li>▶ indication of the territory of goods and evidence of the originality of its origin;               <ul style="list-style-type: none"> <li>▶ the technology of obtaining or manufacturing the product;</li> </ul> </li> <li>▶ characteristics of packaging, processing, storage and transportation of the product.</li> </ul> <p>Also, an important element of the product description is sustainability of the GI products. (Regulation No. 2024/1143..., 2024; Act of Poland..., 2023).</p> | <p>The name of a historical territory can be a GI name if the ingredients of the product originate from that territory, even if the finished product is already produced in another region. However, this applies only to the breeding of farm animals and their products (Law of Ukraine No. 752-XIV..., 1999).</p>                                                                                                                                                                                                 |
| 7.  | The right to register a geographical indication | <p>Only a certain group of producers can register a GI in a certain territory. Producers can exist in the form of a cooperative, joint organization, association. In some cases, security must be confirmed by the local authorities.</p> <p>If the producers come from a cross-border territory, such an application can be submitted by groups of producers from different countries (Regulation No. 2024/1143..., 2024; Act of Poland..., 2023; Regulation No. 2019/787..., 2019).</p>                                                                                                                                                            | <p>A GI can be registered by a group of producers and a feature of the product, its specific qualities are determined by this place.</p> <p>A GI can also be registered by one natural person or one manufacturer. This is possible if he is the only producer in a given geographical area and the territory itself is significantly different from other geographical areas, which determines the features of the finished product (Law of Ukraine No. 752-XIV..., 1999; Law of Ukraine No. 2800-IX..., 2022).</p> |

**Source:** author's research on the basis of EU, Poland and Ukrainian laws (n.d.)

Ukraine's adoption of the Association Agreement requires the country to improve its requirements for the protection, registration and implementation of rights for all intellectual property objects, including geographical indications. Ukraine, as a constitutional country of the European space, is open to international cooperation in accordance with the requirements of foreign policy. However, this cooperation should be based on equality, not disrupt the core principles of the state's internal policies, and should proceed on mutually beneficial terms. In order to guarantee the safety of inventive activity within the framework of foreign economic activity, in 2020 Ukraine adopted the Law No. 816-IX dated July 21, 2020 (Law of Ukraine No. 816-IX..., 2020). And already in 2023, a corresponding Memorandum was signed between Ukraine and the European institution EUIPO in the field of innovation (EU-Ukraine cooperation..., 2023).

Europe aims to establish clear regulations regarding the use of GI names. According to several legal acts adopted within the EU and in countries like Ukraine, it will be prohibited to use certain GI names without proper authorization starting in 2026: "champagne", "cognac", "feta", "parmesan", "roquefort" (Association Agreement..., 2014). This is a key principle in the operation of the European market regarding intellectual property and the protection of the original producer. Ukraine, seeking to integrate into the European space, is currently trying to harmonise national legislation with EU requirements as much as possible. Significant progress has been achieved in this direction as of today.

At the same time, in order to improve the quality of agro-food products and strengthen international trade, more attention should be paid to the criteria for agricultural products and goods. The digitization of applications, registers and reporting information on registered geographical indications also needs improvement.

### ► Conclusions

GI contribute positively to the economic growth of farms and the nation overall. Exports of Ukraine to EU countries have increased in recent years, including thanks to the increase in the number of registered GIs. Among the categories registered GI of Poland, Fruit, vegetables and cereals fresh prevail. In Ukraine, among the groups of registered GI, wine and mineral water predominate. Registration procedures in both countries are also different. Poland must first register the product in its country according to the national procedure, and then in the EU. If Poland intends to sell its products outside the EU, it must register them in each non-EU country it exports to. In Poland, there are different procedures and registration bodies for goods of industrial property and separately for agricultural goods. In the EU, there is a separate regulation on geographical indications for alcohol. In Ukraine, there is the same registration procedure only for alcoholic beverages, as for agricultural products, there is no separate procedure. Ukraine currently registers geographic indications for goods according to the national procedure, and for export needs, it must register according to the procedure of the country of export. Having compared the acts of the EU, Poland and Ukraine in the

field of GIs, can state that Ukraine has implemented many reforms and brought the legislation in the field of geographical indications as close as possible to EU requirements. The future research prospects involve adapting the EU's Common Agricultural Policy to meet current demands in the field of geographical indications, while considering the specific characteristics of the associated EU member states.

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### ►Conflict of interest

None.

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## Правові та економічні питання географічних зазначень сільськогосподарської продукції в Польщі та Україні

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► **Анотація.** Географічні зазначення починають відігравати важливу роль у торгівлі агропродовольчою продукцією, оскільки забезпечують впізнаваність продукції на світовому ринку, тому питання забезпечення їх охорони та ефективного використання є актуальними. Основною метою статті було провести статистично-порівняльний аналіз правових та економічних питань географічних зазначень харчових продуктів в аграрному секторі Польщі та України. У дослідженні використовувалися методи описової статистики, метод порівняльного аналізу, графічний метод, монографічний підхід, абстрактно-логічний метод. Досліджено структуру продукції сільськогосподарського ринку країн Євросоюзу, Польщі та України, встановлено, що в Україні переважає експорт продукції рослинництва, а в Польщі та країнах Євросоюзу – товарів з доданою вартістю. Проведено аналіз чинних географічних зазначень за категоріями товарів та географічних зазначень, чинних законодавчо. Було досліджено географічні зазначення, зареєстровані в Польщі та Україні для типу продуктів, і встановлено, що серед категорій зареєстрованих географічних зазначень в Польщі переважають свіжі фрукти, овочі та злаки, а серед груп географічних індикацій, зареєстрованих в Україні, переважають вино та мінеральна вода. Проаналізовано підходи до тлумачення категорії географічного зазначення в Євросоюзі, Польщі та Україні відповідно до норм чинних нормативно-правових актів та встановлено основні відмінності. Проведено аналіз основних спільних та відмінних підходів до регулювання географічних зазначень в Євросоюзі, Польщі та Україні відповідно до нормативно-правової бази. Встановлено, що в Польщі існують різні процедури та органи реєстрації для товарів промислової власності та окремо для сільськогосподарських товарів. В Євросоюзі існує окремий регламент щодо географічних зазначень алкоголю. В Україні існує окремий порядок реєстрації лише алкогольних напоїв, а для сільськогосподарської продукції немає. Результати дослідження мають практичне значення для регуляторних органів України у напрямку розвитку інновацій та розширення процедур захисту інтелектуальної власності в агросфері

► **Ключові слова:** інтелектуальна власність; європейська інтеграція; міжнародна торгівля; регулювання; сталий розвиток