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## **No protection of denominations «Absinthe», «Fée verte» and «La Bleue»**

### **Judgment B-4820/2012 of 8 August 2014:**

**The Federal Administrative Court (FAC) upheld the last eleven appeals from Switzerland, France and Germany against a decision rendered by the Federal Office for Agriculture (FOAG) on 14 August 2012 confirming registration of the denominations «Absinthe», «Fée verte» and «La Bleue» as protected geographical indications (PGI). According to the FAC, these three denominations must be considered as generic names and therefore cannot be reserved solely for producers in Val-de-Travers, as requested by the Association interprofessionnelle de l'Absinthe. This judgment prevents the denominations «Absinthe», «Fée verte» and «La Bleue» from being registered as PGI.**

On 25 March 2010, the FOAG admitted the request for registration of the denominations «Absinthe», «Fée verte» and «La Bleue» as PGI. On 14 August 2012, the FOAG rejected 42 objections filed against this decision. Twenty-one appeals against the FOAG's decision of 14 August 2012 were lodged with the FAC. Seven of these appeals were declared inadmissible for formal reasons. Three appeals were rejected by the FAC in its judgments given on 29 July 2013. The remaining eleven appeals have been upheld in a single judgment following a joinder of proceedings.

In its judgment, the FAC rules that the 2007 survey on which the Association interprofessionnelle de l'Absinthe had based most of its argumentation is flawed in several respects and that it shows that only a relatively small proportion of persons in Switzerland associates the denominations «Absinthe», «Fée verte» and «La Bleue» with Val-de-Travers, which is located in the Canton of Neuchâtel. Moreover, the FAC considers the denomination «Absinthe» to be a generic name, citing in particular dictionary definitions and usage of this denomination in legislation. In other words, the FAC feels that this denomination refers to a type of good, regardless of its origin, and not to a product originating specifically from Val-de-Travers. The FAC also rules that the Association interprofessionnelle de l'Absinthe, although required to do so, has failed to adequately demonstrate that the denominations «Fée verte» and «La Bleue» are not generic names. According to the FAC, there is no reason to justify reserving the denominations «Absinthe», «Fée verte» and «La Bleue» solely for producers in Val-de-Travers and therefore the FOAG's decision of 14 August 2012 confirming registration of these denominations as PGI must be annulled.

This judgment is subject to appeal before the Federal Supreme Court.

### **The Swiss Federal Administrative Court**

The Federal Administrative Court renders judgment in cases of appeal against decrees issued by Swiss federal authorities. In certain matters the court is also authorized to examine decisions rendered by cantonal authorities and issue judgments on complaints filed against cantonal decisions. Where the Federal Administrative Court is lower instance court, its judgments can be appealed before the Federal Supreme Court. Based in St. Gallen, the Federal Administrative Court accommodates five divisions and a General Secretariat. Approximately 75 judges and 320 members of staff constitute the largest Swiss federal court.

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