

Short Bio

David Lametti is Associate Professor of Law, Faculty of Law, McGill University and a member of the Institute of Comparative Law. He is a founding Member of the Centre for Intellectual Property Policy (CIPP), and currently its Director. David Lametti received an LL.M. from the Yale Law School in 1991, and a doctorate in law at Oxford University in 1999. He teaches and writes in the areas of Civil and Common law property, intellectual property and property theory. His work to date has attempted to understand the parameters of traditional and intellectual resources in analytic terms, linking them to their underlying justifications and ethical goals.

Trademarks and Beyond: The Terror of Terroir

Abstract

The notion of *terroir*, and the idea of quality which is invariably attached to it, plays a pivotal role in explaining why we should protect indications as to the place of origin of foodstuffs. But it presents also a dark side which must be taken into account. The line between protecting *terroir* and creating a monopoly on behalf of few producers is a thin one. Law should offer some protection also to producers who use a term in a legitimate fashion, even if they operate outside the area to which that term refers and in so far as they indicate the true place of origin of what they produce. The traditional trademark doctrine of confusion should represent the benchmark against which granting or denying exclusive protection to geographical indications.