Geographical Indications Guidelines
A GUIDE TO LABELLING WITH GEOGRAPHICAL INDICATIONS
Introduction

This guide has been developed to outline the rules of use governing country names and registered geographical indications on Australian wine labels. The description and presentation of wine covers labels, tags attached to bottles, protective wrappings, cartons and cases, commercial documents and any advertisements relating to the wine. These guidelines have been developed with reference to the Wine Australia Act 2013 and the EU-Australia Wine Agreement. This guide covers the following areas:

- Country Names .......................................................... 3
- Foreign Geographical Indications .................................. 6
- Australian Geographical Indications .............................. 7
- Adjectival Use of Geographical Indications ...................... 9
- Brand Names .............................................................. 10
- Pre-existing Trademarks ............................................ 11

Disclaimer:

The information in this document does not constitute legal advice. It represents Wine Australia’s interpretation of the Wine Australia Act 2013 and it is possible that a court could disagree with our interpretation. Anyone who relies on this document does so at their own risk.
Country Names

The use of a country name in a *true statement* would be permitted on Australian wine labels provided the name is not used to indicate the wine originated in a particular country when it did not.

Examples of acceptable references to country names:

**Regional Hero**

*2009*

*Barossa Valley*

— *Syrah* —

Our winemaker was born in Italy and migrated to Australia in 1980. The grapes for this wine were sourced from our family estate in the Barossa Valley.

PRODUCED BY OUR WINES, 123 STREET, ADELAIDE, SA, 5000

14.0% VOL, APPROX 8 STANDARD DRINKS, AUSTRALIAN WINE CONTAINS SULPHITES & MILK PRODUCTS L2009

**Landmark Australia**

*MARGARET RIVER*

*2009 Chardonnay*

This wine was fermented and matured in new and used French and American oak barrels for 12 months. It was fermented using a select *German* yeast strain.

PRODUCED BY OUR WINES, 123 STREET, ADELAIDE, SA, 5000

14.0% VOL, APPROX 8 STANDARD DRINKS, AUSTRALIAN WINE CONTAINS SULPHITES AND MILK PRODUCTS L2009

The reference to country names other than Australia in this context would be acceptable because they are not being used to indicate the origin of the wine.
Country Names

Wine Australia would, however, consider the following label to be unacceptable. The reference to a foreign country – Italy – in conjunction with a picture emblematic of Italy would in our view suggest that the wine was Italian when it was not. This is the case even though the true origin – Yarra Valley – is also included on the label.

The reference to Italy in this context would be unacceptable.
Country Names

The distinction between the following two labels depends on how closely the reference to the country name is linked to the wine itself rather than to a grape variety or the nationality of the winemaker, for example.

This Spanish grape variety has only recently been introduced to Australia. Tempranillo has found its niche in the rich, terra rossa soils and cool climate of Coonawarra.

2009 VERDELHO
ADELAIDE HILLS

This is from the Portuguese wine collection produced by Wine Australia Wines. Verdelho is noted for its early ripening characteristics and its raspberry and plum fruity undertones.

This reference to ‘Spanish’ would be acceptable. The reference to Portuguese in this context would not be acceptable.
Foreign Geographical Indications

The use of other countries’ registered geographical indications on wines not entitled to those names is not permissible in any context. Hence even (true) statements such as “our winemaker was born in Burgundy” are not permitted on Australian wine labels. Currently the only foreign geographical indications registered in Australia are European. Check the Wine Australia website for the list in Part I on the Register of Protected GI’s and Other Terms.

2009 Shiraz Grenache
Hunter Valley

This classic Rhone style blend of Shiraz and Grenache from the excellent 2009 vintage has produced a soft dry red with excellent length of flavour on the palate. Perfect for drinking as a young wine.

2009 Merlot
RIVERINA

Our winemaker completed several vintages in Bordeaux before arriving in Australia to start up a new winemaking venture. Our wines are crafted in the classic style using traditional winemaking techniques.

References to registered foreign Geographical Indications are not permissible.
Australian Geographical Indications

Similarly, the use of Australian registered *geographical indications* on wines not entitled to those names is **not permissible** (with the one specific exemption for addresses – see page 8). Statements such as “our winery is situated in McLaren Vale” when the particular wine in question is not from McLaren Vale are not permitted, even if true and even if supplemented by clarifying information. Check the Wine Australia [website](#) for a list of registered Australian GI’s.

References to Australian geographical indications are not permissible if the wine is not sourced from that region.
The Wine Australia Act provides a specific exemption where a registered GI is included in a winery’s address. Care should be taken, however, to ensure that the label address is not misleading as to the source of the wine. Registered geographical indications in label addresses can only be used if such use is both true and necessary.

The reference to Margaret River in the address is acceptable as it is a true and necessary part of the address.

This reference to Barossa Valley would not be acceptable as it not a necessary part of the physical address.
Adjectival Use of Geographical Indications

Protection of GI’s extends to adjectival use. For example, “Champenoise”, “Bordelais” and “Burgundian” are protected in the same way as “Champagne”, “Bordeaux”, and “Burgundy”. “South Eastern Australian”, “Barossan” and “Victorian” are other examples of adjectival use of GI’s.

Adjectival use of geographical indications is not permitted if the wine is not sourced from that region.
Brand Names

If a brand name (or business name) contains a registered geographical indication it can only be used on the label when the wine has been sourced from the relevant GI.

West Australian Wine Group
2009 Rutherglen Topaque

This Classic Rutherglen Topaque is made from the finest Muscadelle grapes. This fortified wine has rich honey flavours. Rutherglen fortified wines are internationally acclaimed.

PRODUCED BY WEST AUSTRALIAN WINE GROUP, 123 STREET, ADELAIDE, SA, 5000 14.0% VOL, APPROX 8 STANDARD DRINKS, AUSTRALIAN WINE CONTAINS SULPHITES & MILK PRODUCTS L2009

Clare Valley Estate
2009 Mornington Peninsula Pinot Noir

This wine was sourced from our vineyards in the Mornington Peninsula and bottled at our family estate. Pinot Noir is one of the world’s most versatile food wines.

PRODUCED BY CLARE VALLEY ESTATE, 123 STREET, ADELAIDE, SA, 5000 14.0% VOL, APPROX 8 STANDARD DRINKS, AUSTRALIAN WINE CONTAINS SULPHITES & MILK PRODUCTS L2009

These brand names would not be permissible as the wine has not been sourced from the regions referred to in the brand.
Pre-existing Trademarks

*Regulation 17A* of the Wine Australia Regulations allows for the co-existence of Australian geographical indications and trademarks which were registered by IP Australia prior to the registration of the geographical indication. Check the Wine Australia website for details on GI registration. A pre-existing trademark which includes a registered GI may continue to be used provided the true source of the grapes is clearly identified. Wine Australia’s view is that the GI would need to be *sufficiently specific* to ensure the label does not mislead as to the origin of the wine.

Acceptable when Mudgee Wine Co. is a *pre-existing* trademark and the source of the grapes is clearly identified.

South Eastern Australia is not considered sufficiently specific to mitigate the potentially misleading trademark – neither would Victoria be an acceptable alternative.