


OFFICE FOR HARMONIZATION
IN THE INTERNAL MARKET
TRADE MARKS AND DESIGN

The Trademark Law Reform and its impact on PDO / PGI

Oscar MONDEJAR; OHIM
International Conference 'Geographical Indications in the XXI Century'
Bordeaux, 21 May 2013


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Alicante



BEAUTIFUL, MEDITERRANEAN, UNIQUE

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OFFICE FOR HARMONIZATION
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City of Business

4th province of Spain / €35.000 Million in 2011 / 129.728 Companies
With the 4th largest GDP / SMEs 96.1% / Exports € 3.500 Million/year




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City of OHIM

OHIM-Agency of the EU / 100 000 CTMs and 80 000 RCDs/year / The EU Observatory on Infringements of IP rights
Employees from 27 EU Members States / 1000 IP Professionals working ... For you







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- (1) Background;
- (2) Current legal framework;
- (3) Proposal for a CTM Regulation

Background 


Links between CTMs and PDOs/PGIs:

- PDO/PGI as an element of a CTM;
- PDO/PGI protected as a CTM

Current legal framework 

Current legal framework:


- CTMs protected under CTM Regulation No 207/2009;
- PDOs/PGIs protected under EU Legislation and International Agreements;

Current legal framework 

Specific provisions in the existing CTM Regulation:

- PDO/PGI as an absolute ground for refusal;
- PDO/PGI as a relative ground for refusal;
- Community collective trade marks

Specific provisions about relationships PDOs/PGIs and trade marks in other EU legislation

Current legal framework 

Specific issues raised about current CTM Regulation:

- Reference to other EU Regulations only for agricultural products, not for wines/spirits;
- No explicit reference to traditional terms;
- No explicit reference to PDO/PGI as an earlier right in oppositions

OHIM's revised practice seeks alignment with other EU Regulations

Proposal for an amended CTM Regulation. Specific provisions on PDO/PGI and CTMs

a) PDO/PGI as an absolute ground for refusal:

- Explicit reference to Union legislation and International Agreements;
- Inclusion of traditional terms and specialities;
- CTM examination will follow criteria set out in EU legislation on PDO/PGI;



b) PDO/PGI as a relative ground for refusal:

- **Explicit reference to Union legislation and international agreements**

c) Inclusion of 'certification marks'




Thank you for your attention




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