



**Czech Presidency High Level Conference  
on the Future of Quality Policy  
of Agricultural Products and Foodstuff**

*PDOs/PGIs: The point of view of GI producers -  
oriGIn*

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## Summary

- I. Optimizing/clarifying the EU system of GI protection
- II. GIs and trademarks
- III. Strengthening the role of GI producers' groups
- IV. Additional criteria to grant protection
- V. GI protection: the international dimension

# I. Optimizing/clarifying the EU system of GI protection

## a. “Ex officio”

*The true nature of PDOs/PGIs +  
limited financial resources of several producers*



*Crucial role of “ex officio protection“ for the EU GI system:*

- Urgent need to clarify the rules concerning the *ex officio* protection in the Regulation 510/2006 (following the ECJ ruling in the “Parmesan case”)
- Procedures for its concrete implementation by national authorities in Member States

## I. Optimizing/clarifying

- **b. Reg. 510/2006:** Exhaustive list of products covered by protection is not effective:

Alternative: *An indicative list + a general definition of the concept of GIs (case-by-case evaluation by the Commission and no need of subsequent legislative interventions)*

- **c. Harmonization of the 3 EU systems (Single Register):** simplification + coherence

## II. GIs and trademarks

### *Preliminary considerations:*

- Trademarks provide geographical names with a different kind of protection (in terms of costs of registration, extent of protection, enforcement, etc.) compared to PDOs/PGIs
- The EU *sui generis* system (Reg. 510/06, Reg. 479/2008 and Reg. 110/2008) better fits the interests of GI producers

## II. GIs and trademarks

**Trademarks' registration of geographical names are useful to get protection in countries outside the EU:**

- a) Through a national registration (e. g.: certification marks in the US)
- b) Or through an international registration via the Madrid System (WIPO)

## II. GIs and trademarks

- Several trademarks' applications identical or confusingly similar to PDOs/PGIs have been registered all around Europe by non-authorized entities
- Need to clarify the application of art. 13 and 14 of the EC Reg. 510/06 (+ art. 44 and 45 of the Reg. 479/2008 and art. 16 and 23 of Reg. 110/2008) to national trademark offices and OHIM

### III. Strengthening the role of GI producers' associations

- Management of production volumes
- Promotion of PDOs-PGIs
- “Packaging in the area of production” (“conditionnement dans la zone géographique”)
- Measures to ensure that the name of the PDO/PGI is used in a correct manner in the sales denomination of processed products/prepared foods

### III. Strengthening the role of GI producers

*Proposed criteria:*

- I. The GI ingredient is the only one of its category
- II. The company that uses the GI ingredient must be able to prove the origin of the GI
- III. GI producers' group must authorise the use of its protected name in the sales denomination of processed product and controls are carried out to ensure enforcement

## IV. Additional criteria to grant protection

### a. Stricter criteria for PGI to stress the link with geographical area

- Current distinction between PDOs and PGIs should be kept
- The existing “*two-tier system*” well reflects the needs of the various producers in Europe (some lacking the raw materials in the production area)
- The “differentiation” recently achieved through the 2 logos is a positive step: need to promote the logos among consumers

## IV. Additional criteria to grant protection

### b. Sustainability as part of the specification

- Sustainability cannot be introduced without encroaching into the GI concept itself
- GIs (like trademarks, patents, copyright, etc.) are IPRs and therefore human rights (the right of benefit from the result of human ingenuity and intellect)
- When the definition of PDO or PGI is met (the rationale is that the product must be linked to the “terroir”), then the rights should be conferred
- Such limitation would hurt the small producers in Europe, which are so important for local development and for the preservation of the environment and ancient “savoir-faire”

## V. GIs protection: the international dimension

*Main problems for producers seeking protection outside the EU are encountered in countries that protect geographical names through trademarks:*

- Geographical names considered generic
- An earlier registration (trademark) is in force

## V. GIs protection: the international dimension

### *Solutions:*

- Strengthening WTO rules (“GI extension” + establishment of a truly multilateral Register, opened to all products and producing meaningful legal effects) + technical assistance to third countries
- Signature of regional and bilateral agreements with “strategic countries” (consultation with GI producers)
- GIs included in the scope of application of the Anti-Counterfeiting Trade Agreement: ACTA
- Flexibility in accepting third countries GI in the EU Register



Many thanks for your attention!  
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