

Charlie McCreevy, Commissioner for Internal Market and Services
European Commission
Directorate-General Internal Market and Services

B - 1049 Brussels
Belgium

Geneva, 24 August 2009

Re: Evaluation of the trade mark system in Europe and relation between PDOs/PGIs and National and Community trademarks

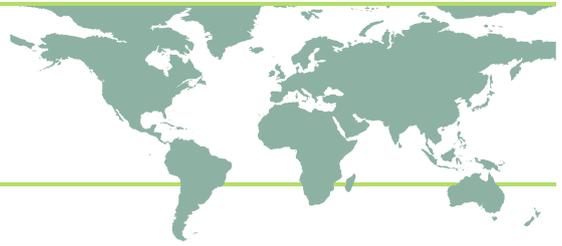
Dear Commissioner,

The Organization for an International Geographical Indications Network – OriGIn – is a worldwide network of Geographical Indications' producers representing some 85 organisations and more than two-million producers. OriGIn supports its members in their efforts to ensure the protection and enforcement of rights over geographical names in relevant jurisdictions.

OriGIn welcomes the study that the European Commission is about to launch to evaluate the overall functioning of the Community and national trade mark systems. Our members do believe this exercise represents an excellent opportunity to streamline the European legal framework and enhance the cooperation between the Office for the Harmonization in the Internal Market (OHIM) and National trademark offices.

OriGIn encourages the Commission to tackle - within the framework of this study - the key issue of the relation between Protected Designation of Origin (PDOs) and Protected Geographical Indications (PGIs) on the one hand, and national and Community trade marks on the other.

The relevant EU legislation [*the Council Regulation (EC) No 510/2006 of 20 March 2006 on the Protection of Geographical Indications and Designations of Origin for Agricultural Products and Foodstuffs, the Council Regulation (EC) No 479/2008 of 29 April 2008 on the Common Organization of the Market in Wine, the Parliament and the Council Regulation (EC) No 110/2008 of 15 January 2008 on the Definition, Description, Presentation, Labelling and the Protection of Geographical Indications of Spirit and the Council Regulation (EC) No 40/94, of 20 December 1993, on the Community Trade Mark*] provides a high degree of protection to PDOs/PGIs (as well as any imitation, evocation, etc., of such names) against any trademark registration that reproduces a PGI or PDO by third parties. While such legislation is to be directly applied by the European and National trade mark offices, in various circumstances our members had to face the challenge represented by a practice consisting in accepting trademarks' applications containing PDOs/PGIs. Such a practice generates the burden to legitimate PGI/PDO producer associations to oppose any trademark identical, confusingly similar or that includes protected geographical names, with major implications in terms of financial resources and time. Moreover, we believe that EU consumers do not benefit from the current situation. In fact, the above-mentioned practice provides incentives for bad faith registrations and use of trade marks containing geographical names, thus misleading



consumers as to the true origin of products, creating a private right that may be in contradiction to the respective PGI/PDO user authorization system.

On behalf of our membership from all over the world, we encourage the Commission to look into this issue within the framework of the forthcoming study on the functioning of the Community and National trademark systems. We believe this topic to be essential to achieve a higher level of efficiency and coordination for the benefit of both users and the public at large.

I remain at your disposal for any further information.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ramón González Figueroa'.

Mr. Ramón González Figueroa
President, OriGIn