

Mr. João MIRANDA DE SOUSA
Director of General Affairs and External Relations Department
Office for the Harmonization in the Internal Market (OHIM)
Avenida Europa, s/n
E-03008 Alicante
Spain

Geneva, 2 July 2008

Re: trade mark applications containing geographical indications

Dear Director João MIRANDA DE SOUSA,

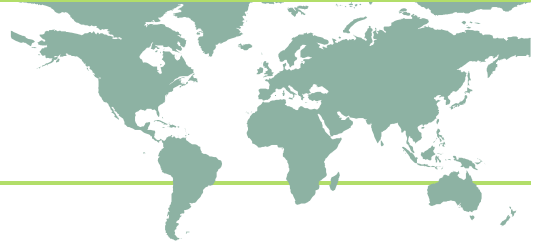
The Organization for an International Geographical Indications Network – OriGIn – is a worldwide network of Geographical Indications' producers representing some 80 organisations and more than two-million producers. OriGIn supports its members in their efforts to ensure the protection and enforcement of their geographical names in the world market.

Origin-based producers use Geographical Indications to protect their geographical names within the European Union common market. With regard to this point, 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, as well as 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], protects Geographical Indications against any registration as trade marks by non authorized third parties.

With this respect, OriGIn welcomes OHIM's initiative to create a database containing the list of Geographical Indications protected within the EU and is readily available to cooperate with OHIM to make sure that all Geographical Indication that have been recognized by the EU are included in the list.

Nevertheless, we are concerned with the practice of the Office consisting in accepting trademark applications containing protected geographical names, ignoring and breaching the rights of Geographical Indications' holders conferred by the above mentioned EU legislation. Such a practice obliges Geographical Indication's holders to oppose any trademark identical or confusingly similar to their protected names, with major implications in terms of financial resources and time.

We are of the opinion that not refusing trademark applications containing not only geographical names but also protected Geographical Indications constitutes an undue and unwarranted burden for the trademark system and in particular for those entities holding legitimate rights over those Geographical Indications. This makes the efforts of Geographical Indication's holders to enforce their rights unnecessary expensive, and more and more difficult to be sustained. Moreover, we believe that EU



consumers do not benefit from the current situation. In fact, the current practice provides incentives for bad faith registrations and use of trademarks containing geographical names, thus misleading consumers as to the true origin of certain products.

On behalf of our membership from all over the world, we respectfully request you to look into this problem so that the EU system of Geographical Indications, as well as the one of trademarks, can achieve a higher level of efficiency for the benefit of both its users and the public at large. This is particularly urgent in light of the fact that the above-mentioned legislation contains several dispositions (i.e. art. 14.1 EC Regulation 510/2006) to be directly applied by the Industrial Property Offices in Europe in order to avoid registration of trademarks imitating geographical indications.

I remain at your disposal for any further information.

Yours sincerely,

Luis Fernando Samper
President, OriGIn