

# ***Non-agricultural Geographical Indications – Enhancing and Protecting EU Know-how***

1 Oktober 2015  
Brussels

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# ***Presentation of the Brand***

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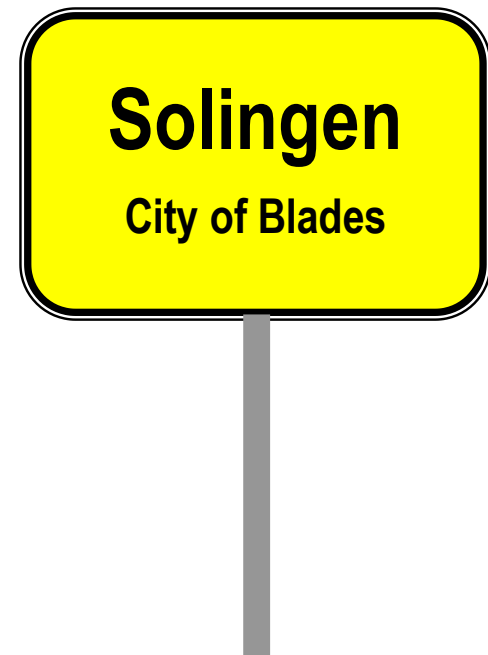
# Solingen

## ***Ludger Benda***

**Chamber of Industry and Commerce  
Wuppertal-Solingen-Remscheid**

# ***"Solingen" is ...***

- the name of a city in Germany
- an indication of origin
- a quality mark



# ***Development of the Cutting Industry***

- Since the 13th century:
  - production and distribution of swords, daggers etc. to other countries
- 1571:
  - "Me fecit Solingen"
- after 1648:
  - gradual changing of the product range

# ***Cutting Industry of Today***

- companies: 250
- workers: 4,000
- Sales volume: +/- 600 Mio. €
- export quota: 50 - 60 percent

# *Typical "Solingen"-Products: Householdknives*



# *Typical "Solingen"-Products: Knives of other Kind*



# ***Typical "Solingen"-Products: Scissors***





# ***Typical "Solingen"-Products: Manicure and Pedicure Articles***



# Typical "Solingen"-Products: Razors



# ***Typical "Solingen"-Products: Flatware***



# ***Typical "Solingen"-Products: Sabres and Daggers***



# ***Problems of Piracy***

- Cases of misuse documented since the end of the 19<sup>th</sup> century
- dramatical increase in the 1<sup>st</sup> decade of the 21<sup>st</sup> century
- since about 2008 - 2010 remarkable decline of misuse

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# ***Protection of "Solingen"***

- in Germany:  
Decree for the Protection of the Name Solingen:
  - manufacturing within the industrial area of Solingen
  - conformance with a certain quality standard
- in the EU:
  - 2003: community trademark (collective mark)
- in other countries:
  - registration of trademarks, collective or certification marks
  - bilateral agreements/international agreements (e.g. TRIPS) in connection with national regulations against unfair competition

# ***Prosecution***

- application for actions by the customs authorities
- objections against trademark registrations by unauthorized persons
- civil actions
  - cease and desist letter/demand of discontinuance
  - if necessary: filing a lawsuit
  - problem: expensive actions and uncertain outcome
- in serious cases:
  - complaint to the public prosecutor

# ***Disadvantages***

- Solingen-decree only provides national protection.
- The collective mark is subject to the trademark legislation, which is not suitable to the characteristic of GI, e. g. in matters of:
  - registration requirements, defence against attacks
  - expiring period
  - only the holder is authorized to claim rights
  - prosecution under various national rules
- No particular recognition as GI



# ***Advantages of GI-Harmonisation***

- more legal certainty by harmonised level of protection
  - transparency because of a common register
  - better recognition as GI, thus:
    - stronger confidence by consumers and dealers
    - better prosecution in other countries
  - separation from trademark legislation
  - identification of the manufacturers of the region
  - preservation of the traditional regional products
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# ***Our Requests***

- harmonised EU-system/European register (comparable to Agri-GI)
- no cancellation of the Solingen-decree without substitution (preservation or adoption of the previous national protection)
- possibility to define a quality standard
- only one registration per region/product
- no limited period of registration, but cancellation in case of lack of requirements
- basis for application for actions by the customs authorities