

Sustainability, fight against counterfeiting, opportunities in research and legal careers: GIs for young generations and students

OriGIn Webinar - 3 June 2021

Why is it interesting and attractive to work in a law firm or as legal consultant dealing with GIs issues?

International legislation on GIs



- Paris Convention for the Protection of Industrial Property of March 20, 1883
- International Convention on the use of appellations of origin and denominations of cheeses (Stresa Convention) of June 1, 1951
- Lisbon Agreement for the Protection of Appellations of Origin and their International Registration of October 31, 1958
 - 30 contracting parties
- Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (20 May 2015)
 - entered into force on 26 February 2020
 - 8 contracting parties
- Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPs) of 15 April 1994
- FTAs Agreements (including GI protection) or GIs bilateral agreements between EU and third countries
 - In force (ratified or provisionally applied)
e.g.:
 - Canada; Central America; China; Japan;
 - “Colombia, Peru and Ecuador”;
 - Agreements concluded “in principle”
e.g.: Mexico, Mercosur, etc.
 - Under negotiations
e.g.: Australia, New Zealand; etc.

EU legislation on GIs

- Reg. (Eu) No 1151/12: PDO and PGI for agricultural products and foodstuffs
- Reg. (Eu) No 1308/13 establishing a common organisation of the markets in agricultural products: PDO and PGI for wines
- Reg. (Eu) No 110/08: geographical indications of spirit drinks
- Reg. (Eu) No 251/14: geographical indications of aromatised wine products

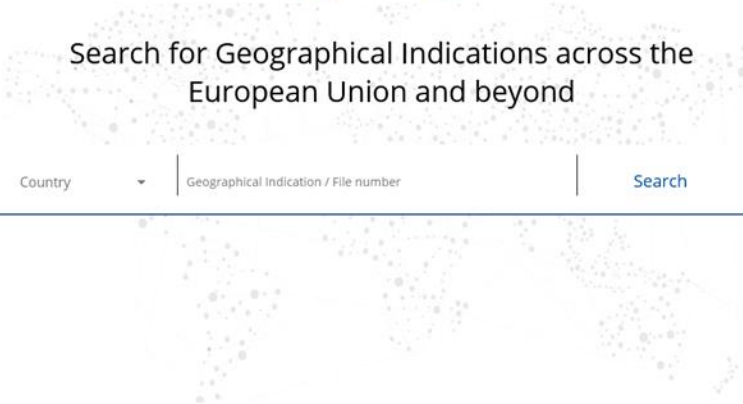
Giview


Giview English ▾




 

Search for Geographical Indications across the European Union and beyond

Country ▾ | Geographical Indication / File number | Search



 Latest GI updates

Pouilly-Fuissé PDO-FR-A0653	Cérons PDO-FR-A0668	Romagna PDO-IT-A0507
Type Wine	Type Wine	Type Wine
Category Wine	Category Wine	Category Wine
		
Country France	Country France	Country Italy
Status Registered	Status Registered	Status Registered
Priority date 18/09/1973	Priority date 18/09/1973	Priority date 13/12/2011
View GI ID card »	View GI ID card »	View GI ID card »

<https://www.tmdn.org/giview/>

Two of the most renowned Italian GIs

«Parmigiano Reggiano» PDO



«Prosciutto di Parma» PDO



Groups

- **Reg. (Eu) No 1151/12**

- **Group** means any association, irrespective of its legal form, mainly composed of producers or processors working with the same product (art. 3);
- Among other aims, a group is entitled to:
 - ✓ contribute to ensuring that the quality, reputation and authenticity of their products are guaranteed on the market by monitoring the use of the name in trade and, if necessary, by informing competent authorities;
 - ✓ take action to ensure adequate legal protection of the protected designation of origin or protected geographical indication and of the intellectual property rights that are directly connected with them (art. 45).
- In Italy, there are the **Consortia for the protection of PDO and PGI**, ‘Consorti di tutela di DOP e IGP’, which are established under Article 2602 of the Civil Code and Recognized by the Italian Ministry of Agricultural Food and Forestry policies.

GIs legal world

1. Legal advice (main activity) to the Groups

- Activity related to the producers entitled to use the GI
- Activity related to GI protection

2. Litigations

- National courts
- Court of Justice of the European Union

3. Conflicts between trademarks and GIs

- National offices
- EUIPO
- WIPO

GIs legal world

- Main legal activities dealing with GI issues:
 - Activity related to the GI product and producers entitled to use the GI
 - ❖ Application for registration of PDO and PGI names;
 - ❖ Application for approval of an amendment to a product specification for PDO or PGI;
 - ❖ Application for registration of PDO and PGI as GIs in third countries;
 - ❖ Application for registration of PDO and PGI as certification or collective trademarks in third countries;
 - ❖ Matters regarding labelling of products bearing protected names (legal advice; guidelines; etc..)
 - ❖ Other matters related to GI products (e.g.. food safety, official controls, etc.)

GIs legal world

- Main legal activities dealing with GI issues:
 - Activity related to GI protection
 - ❖ Protection and enforcement of GIs in Italy and in other countries through different legislations and legal instruments;
 - ❖ Legal advice as concerns the FTAs Agreements (including GI protection) or GIs bilateral agreements between EU and third countries
 - ❖ Opposition/third parties observations against conflicting trademarks.

GIs legal world

- Our experience
 - Most (or almost all) of our activity is dedicated to GIs issues
- Activity dedicated to GI issues in our experience
 - We have noted that litigation on GIs issues has been increased in the recent years; this concerns, especially:
 - ✓ protection and enforcement, including in the EU;
 - ✓ amendments to a product specification (oppositions by third parties);
 - ✓ conflicting trademarks, including in third countries;

Fields of law related to Geographical Indications

- GIs involve different fields of law, namely:
 - Intellectual property
 - EU legislation
 - International law
 - Food law
 - Civil law
 - Law against unfair competition
 - Competition law
 - Administrative law
 - Criminal law

Importance of learning languages

- Professional relationship with IP law firms/professionals worldwide
 - Dealing with European union and international legislation
 - Cases before the Court of Justice of the European Union
 - Cases before national courts of other countries
 - Administrative cases before the Competent national Authorities
 - Administrative proceedings related to trademarks before EUIPO and third countries Trademark Offices
- EN – ES – FR – DE and ... IT 😊

Relevant databases

Relevant institutional websites in order to approach GIs world

- https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels_en
- <https://www.tmdn.org/giview/>
- https://ec.europa.eu/info/business-economy-euro/trade-non-eu-countries/trade-agreements_en
- <https://www.wipo.int/treaties/en/registration/lisbon/>

Aims for GIs lawyers/legal consultants

- A GI lawyer/legal consultant believes in:
 - helping producers and farmers of products with identifiable specific characteristics or reputation linked to their geographical origin;
 - defending fair competition;
 - defending the interests of consumers;
 - achieving a personal and professional growth, including professional relationship and experiences at international level

***Many thanks for your
attention!***

Giorgio Bocedi