



The Consorzio del Prosciutto di Parma strengthens the protection of the PDOs

Important judicial successes in Germany and Italy

The Consorzio del Prosciutto di Parma has recorded some important outcomes in a number of court cases in Germany and Italy regarding the protection of the PDO 'Prosciutto di Parma'. Defending the intellectual property represented by 'Prosciutto di Parma' PDO, especially against the undue use of this designation as well as the evocation thereof to the commercial advantage of meat products that are not 'Parma Ham'/'Parma Schinken', is an ongoing task of the consortium for protection both at national level and abroad, where the prestige enjoyed by Italy's Geographical Indications (GIs) frequently leads to speculative activities of exploitation of the reputation.

The disputes concerned various deli products, all bearing references and allusions to the PDO of Parma. The first dispute, which largely developed on German territory, was related to the use of the name 'Culatello di Parma' by a company located in the province of Parma for a pre-sliced cured pork-based product marketed in some EU countries. On a rather winding path, the dispute reached the highest levels of German Courts, that issued judgments favourable to the Consorzio and therefore to the protection of the PDO at all instances – first instance, appeal, and finally at the Federal Court of Justice of the Federal Republic of Germany –. The principle established by the German judges, in line with those laid down by the EU Court of Justice in similar cases under Article 13(1)(b) of Regulation (EU) No 1151/2012, is that 'Culatello di Parma' unlawfully exploits the reputation of the PDO, with the inclusion in its name of the toponym 'Parma', and seeks to gain a commercial advantage by evoking the name 'Prosciutto di Parma' for a foodstuff considered comparable to the product covered by the PDO.

In Italy, the disputes concerned two foodstuffs that look different from Parma Ham, but equally classified in the same product category and defined as well as meat products. A substantial number of packages of pancetta and salami, which respectively bore on the label, in the former case, a trademark and, in the latter case, a designation, both containing the word 'Parma', were seized by the competent authorities. Subsequently, the release of the products was granted by the competent authority belonging to the Ministry of Agriculture Food Sovereignty and Forest on condition that any reference even indirect to Prosciutto di Parma PDO be removed. The ensuing legal proceedings that were brought by the respective operators in order to challenge the above referred releases were particularly significant: the Italian administrative Court reaffirmed what had been stated by the German courts, namely that the protection of the PDO Prosciutto di Parma extends not only to the registered name as a whole, but also to the geographical element 'Parma' alone, also in cases where the production companies' plants are located in the same territory, in this case the province of Parma. Not only that, according to the principles of the EU Court of Justice, the Italian Court established that the evocation also exists between products of different types and appearance but nevertheless belonging to the same product category.

"The Consorzio del Prosciutto di Parma has welcomed the positive outcomes of the judicial proceedings that have taken place before the German and Italian courts with great satisfaction. These further strengthen the protection of our PDO against the frequent attempts of evocation it must face. The court actions have decisively reaffirmed the identity and distinctiveness of Prosciutto di Parma PDO and have led to a further enhancement of the protection of its own recognized rights," declares Alessandro Utini, President of the Consorzio del Prosciutto di Parma.

Stefano Fanti, Director of the Consorzio, also intervened: "These historic results represent a fundamental precedent for the protection of all Geographical Indications in the European Union and qualify even more significantly the safeguarding activities conducted by the Consorzio, in constant cooperation with the competent national (and EU) authorities, and also with the GIs association's support (oriGIn)".

