



EU regulation on GI protection for craft and industrial products

Laszlo Adam Vass, Intangible Economy Unit, DG GROW

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Protection of third country GIs in the EU

Three options:

- **Applications submitted directly to the EUIPO;**
- **Bilateral or multilateral free trade agreements** or other international agreements other than the Lisbon Agreement; or
- **Via Geneva Act** of the Lisbon Agreement

Applications submitted directly to the EUIPO

Applications may be submitted to the EUIPO:

- Directly by the **producer group**; or
- By the **competent authority** of the third country

Content of the applications submitted directly to the EUIPO from third countries

- the **product specification**;
- the **single document**;
- the **accompanying documentation** (including contact details of the control body in the third country verifying compliance with the product specification);
- **legal proof of protection of the geographical indication** in the third country of origin;
- **proof of power of attorney** where the applicant is represented by an agent

Protection through trade agreements

- The **new regulation does not cover** protection through trade agreements, and economic partnership agreements
- **GIs in the annexes of trade agreements are protected through the trade agreement**
- **No registration is needed** through the new regulation for these GIs
- These GIs **may be entered in the Union Register** (depends on the agreement between the EU and the trading partner)
- GIs in the Union Register **are entitled to use the EU GI logo**
- **EC negotiates**, the **EUIPO assists the EC** (e.g. examining the GIs)

Protection through the Lisbon System (Geneva Act)

- GIs protected in member countries of the Lisbon System **has easy access to be protected in the EU**
- **Regulation (EU) 2019/1753** regulates the main elements of the procedure
- **Not automatic** protection
- **EUIPO is the competent authority** for CIGIs (for agri products it is the EC)
- These GIs **may be entered in the Union Register**
- GIs in the Union Register are entitled to **use the EU GI logo**

Assessment under Geneva Act: name assessment (rule 5.2)

Protection refused if the name:

- is generic in the EU
- is (wholly or partial) homonymous with a name registered in the EU, unless distinction in use and presentation
- is accurate on origin but the homonymous name misleads the consumer
- conflicts with variety or breed

Assessment under Geneva Act: name assessment (rule 5.2)

Other checks on the name:

- common or generic term in a compound name not protected
- same linguistic versions registered in the country of origin (no names to increase international appeal)
- transliteration if not in Latin script
- protection of translations not admitted in Geneva applications

Assessment under Geneva Act: conflict with trademark (rule 5.2)

Conflict GI v. Trade Marks (Art.10 R.2019/1753)

General rule: TM validity not prejudiced

Specific rule 1: GI may not be protected if conflicts with well reputed TM

Specific rule 2: coexistence between the Geneva GI and the conflicting TM applied for before the WIPO notification of the GI to COM

Control and Enforcement

Producer Control: Compliance of the products with the product specification

Member States choose

3rd party certification procedure

- Competent authorities or accredited product certification bodies check compliance:
 - before the product is put on the market (verification)
 - in the marketplace based on risk analysis (monitoring)
- Stronger enforcement system already in place for agricultural products under the existing GI scheme

Self-declaration certification procedure

- the producers declare the conformity by submitting a self-declaration to the competent authority:
 - before the product is put on the market
 - self-declaration to be renewed every three years
 - random checks carried out by competent authorities
- Lighter enforcement system, tailored for CIGI producers, less costly

Misuse control: Member States prevent and stop any other misuses of GIs within their territory

Penalties

Control of third country GIs

- **Verification of compliance** carried out by:
 - a **competent authority** designated by the third country; or
 - one or more **product certification bodies**
- The competent authorities of the **Member States can apply the same control actions** in the territory of the EU vis a vis third country GIs as vis a vis EU GIs
- **EU border measures regulation** and **IPRED** will apply to CIGIs too (suspicious shipments may be detained, seized, destroyed)

Thank you for your attention!

