

IPKEY Seminar IP KEY 研讨会 Registration of GIs in the EU 在欧盟注册地理标志

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Definition of Geographical Indication 地理标志的定义



- GI is a **name** [not a product]
- 地理标志是**名称**【不是产品】
- It defines a product having '**qualities**'
- 界定具备“**品质**”的产品
- Which are linked to a **geographical area**
- 与**地理区域**存在联系



How are GI regulated? 如何监管地理标志?

- **WTO** TRIPS agreement as framework (no register, bilateral agreements)
- **世贸组织**: 《与贸易有关的知识产权协定》作为框架 (无注册, 双边协定)
- **WIPO**: Geneva Act of the Lisbon agreement (multilateral)
- **世界知识产权组织**: 《里斯本协定日内瓦文本》 (多边)
- **EU**: Four sets of rules for food, wine, spirit drinks & aromatised wines
- **欧盟**: 针对食品、葡萄酒、烈酒和加味葡萄酒制定了四套规则
- Exclusive EU systems as regards the 4 sectors
- 针对这四个行业建立专属欧盟制度
- Member States deal with other products
- 成员国处理其他产品

EU schemes 欧盟计划

Agri products and food - Regulation (EU) No 1151/2012
农产品和食品 — 1151/2012号(EU)条例

Wines – Regulation (EC) No 1308/2013
葡萄酒 — 1308/2013号(EC)条例

Spirits – Regulation (EU) 2019/787
烈酒 — 2019/789号(EU)条例

Aromatised wines – Regulation (EU) No 251/2014
加味葡萄酒 — 251/2014号(EU)条例



Agriculture
and Rural
Development



Intellectual property protection 知识产权保护

- Protection of the **name** not of the product. It is an **Intellectual Property Right (IPR) not a Label scheme.**
- 保护**名称**而非产品。地理标志是**知识产权 (IPR)**，**而非产品“标签”体系。**
- Valuable **IPR**. Applies to **any operator** within the geographical area respecting product specification. **Collective open IPR.**
- 有价值的**知识产权**。适用于地理区域内遵循产品规范的**任何经营者**。**开放型集体知识产权。**
- Protection **unlimited in time**. Against any **misuse, imitation or evocation** and any other practice liable to mislead the consumer. **Strong protection.**
- **无限保护期**。打击滥用、模仿、引起联想、误导消费者的任何其他做法。**强效保护。**



IPR protection: Balancing rights

知识产权保护：平衡权利

- **Trade marks earlier in time**
在先商标
Either prevent registration or
apply coexistence 防止注册或者允许共存
- **Plant varieties/
animal breeds 植物品种/动物
品种**
Either prevent registration or
apply coexistence 防止注册或允许共存
- **Homonymous to registered
names 与已注册名称相同**
Either prevent registration or
apply coexistence 防止注册或允许共存



Registered and protected 已注册和受保护

3445 GIs in the EU registers – eAmbrosia (31.08.2021)

欧盟注册簿 (eAmbrosia) 中有3445个地理标志 (2021年8月31日)

- Food 食品 : 1563
- Wines 葡萄酒 : 1623
- Spirits 烈酒 : 254
- Aromatised wines 加味葡萄酒 : 5

1721 3C GIs protected by agreements*

根据协议保护1721个3C地理标志

- *GView*: <https://www.tmdn.org/giview>

* 100 Chines GIs are protected by a bilateral agreement and listed in the EU register eAmbrosia

* 根据双边协议，纳入欧盟注册簿eAmbrosia的100个中国地理标志受到保护。



Next steps in the EU 欧盟的下一步行动

Revision of the EU geographical indications (GIs) systems in agricultural products and foodstuffs, wines and spirit drinks

农产品、食品、葡萄酒和烈酒领域欧盟地理标志制度的修订

Contents: 内容 :

- improving sustainable production under the schemes 根据相关计划加强可持续生产水平
- improving enforcement 提高执法水平
- empowering producer groups 赋能生产者团体
- reducing internet theft 减少互联网盗窃
- better tailoring schemes to producers in all EU regions 为全欧盟生产者量身定制实施计划
- reviewing ways to promote and protect the EUs' traditional foods 进一步促进和保护欧盟传统食品
- speeding up registration procedures. 加快注册流程

Planned for third quarter 2021 计划于2021年第3季度开展

EU Registration procedure

欧盟注册流程

Applications 申请

Producer group originates process 生产者团体启动流程

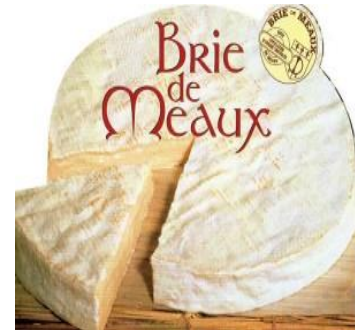
Product specification 产品规范

Summary document for publication (3-4 pages) 用于公示的摘要文件 (3-4页)

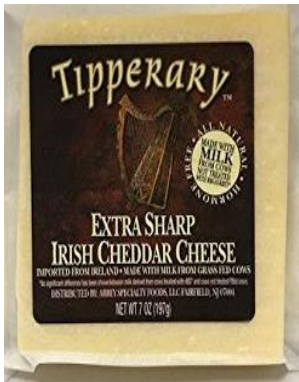
Control body 管理机构



Writing specifications 编写规范

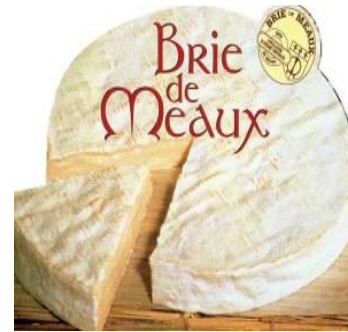


- name to be protected 待保护的名称
- description of the product 产品描述
- definition of the geographical area 地理区域的界定
- packaging, if needed 包装 (如需要)
- production method 生产方法
- details establishing the link 详述与地理区域的联系
- authorities or bodies verifying compliance 确认合规性的管理机关或机构
- any specific labelling rule 标签的具体规则



Writing single document 编写单个文件

- **faithfully summary of the specification**
如实概括产品规范:
- **main points of the specification (name, description, area, packaging, labelling)**
规范要点 (名称、描述、区域、包装、标签)
- **description of the causal link** 描述因果联系
- **published in the Official Journal and translated in all EU languages** 在官方公报公示并翻译为所有欧盟语言
- **facilitate controls on the market place**
为市场管控提供便利



Control Bodies 管理机构

Controls not to be performed by the applicant/producer. Controls must be done by a governmental body or by a certified control body 申请者/生产者不实施管理。管理必须由政府机构或经认证的管理机构开展

Public authority: government departments, agencies, regional authorities; please state that they do direct controls **公共机关:** 政府部门、机构、区域机关; 对直接管控作出声明

Certification body: controls by private control bodies acceptable, under certain conditions: **认证机构:** 满足特定条件后, 可允许社会机构实施管控
accredited according to/meet the requirements of the standard ISO/IEC 17065, and

根据ISO/IEC 17065标准通过认可, 并且

accredited by a national accreditation body outside the Union, in accordance with Regulation (EC) No 765/2008, or by an accreditation body outside the Union that is a signatory of a multilateral recognition arrangement under the auspices of the International Accreditation Forum (IAF)

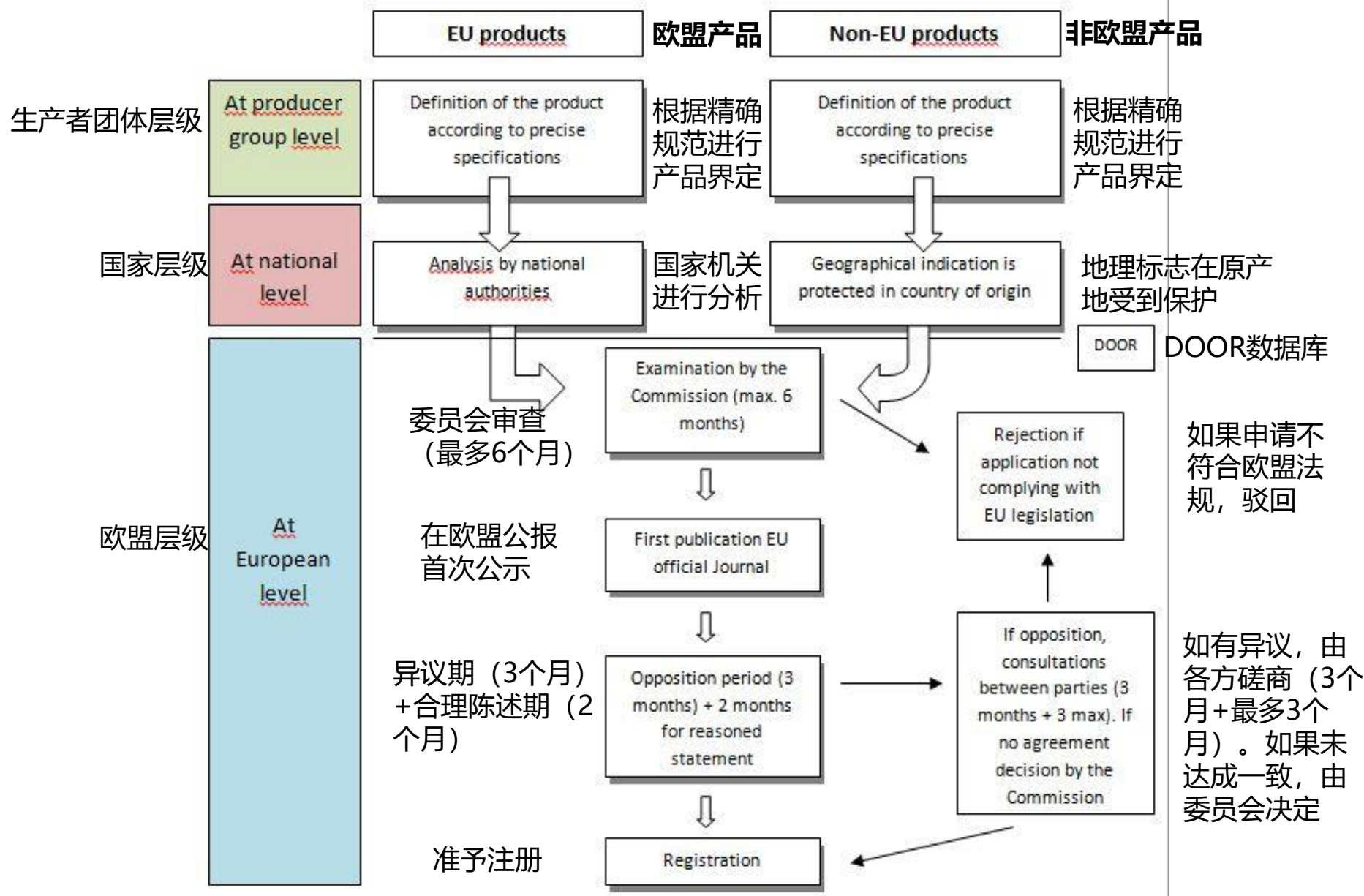
由欧盟境外的国家认可机构依据764/2008号(EC)条例予以认可, 或者由IAF* “多边认可安排” 签署方予以认可

* IAF = 国际认可论坛

Procedure 流程

- **Submission by a producer group 生产者团体提交资料**
- **First check at MS/country of origin level including national opposition (MS) 在成员国/原产地层级进行首次审查, 包括对全国范围内 (成员国) 异议的审查**
- **Then check at EU level including world-wide opposition 在欧盟层级进行审查, 包括对全球范围内异议的审查**
- **Registration at EU level 在欧盟层级准予注册**





EU GI types and logos 欧盟地理标志类型和徽标

When requirements are met and the name is registered as a GI by the European Commission, the product can legitimately be marked with the quality logos seen below 满足要求的名称由欧委会注册为地理标志，产品可合法附带下列质量徽标

PDO

Protected Designation of Origin (**food** & **wine**) 受保护的原产地名称 (**食品**和**葡萄酒**)



PGI

Protected Geographical Indication (**food** & **wine**) 受保护的地理标志 (**食品**和**葡萄酒**)



GI

Geographical Indication (**spirits** & **aromatised wines**) 地理标志 (**烈酒**和**加味葡萄酒**)



**Geographical
Indications
(GIs)**
地理标志(GI)



PDO Definition

PDO的定义



PDO 受保护的原产地名称:

Name which identifies a product whose qualities or characteristics are due to the geographical environment (natural and human factors) 为识别质量或特征源自某地理环境（包括自然和人为要素）的产品而设定的名称

Food: Raw materials and all stages of production take place in the geographical area. 食品: 原材料和所有生产阶段均发生在地理区域

Wines: Grapes and all stages of production take place in the geographical area. *Vitis vinifera* vine variety only. 葡萄酒: 葡萄和所有生产阶段发生在地理区域。仅允许使用欧亚种葡萄。



PGI Definition PGI的定义

PGI 受保护的地理标志:

Name identifies a product possessing a specific quality, characteristics or reputation attributable to its geographical origin. 为识别具备归因于地理来源的特定品质、特征或声誉的产品而设定的名称。

Food: No geo restriction for raw materials. One production stage in the area 食品: 对原材料无地理限制。至少一个生产阶段位于该区域。

Wine: 85% grape from the area. Production in the area. *Vitis vinifera* cross allowed. 葡萄酒: 85%的葡萄来自该区域。在该区域生产。允许使用欧亚种杂交葡萄。



GI Definition GI的定义

GI SPIRIT DRINKS: 烈酒地理标志 :

Name identifies a spirit drink possessing a specific quality, characteristics or reputation is essentially attributable to its geographical origin. No raw materials restrictions 为识别具备主要归因于地理来源的具体品质、特征或声誉的烈酒而设定的名称。无原材料限制。



GI AROMATISED WINES 加味葡萄酒地理标志 :

Name identifies an aromatised wine possessing a specific quality, characteristics or reputation essentially attributable to its geographical origin. No raw materials restrictions. 为识别具备主要归因于地理来源的具体品质、特征或声誉的加味葡萄酒而设定的名称。无原材料限制。



Official controls 官方管理机制

By EU Member States 欧盟成员国

- **Product compliance with the corresponding specification 产品符合对应规范**
 - Before placing the product on the market 产品投放市场之前
- **Use of the name in the marketplace 名称在市场的使用情况**
 - Checks based on a *risk analysis* 基于风险分析开展检查

By the European Commission 欧委会

- **Audits by the Commission services 委员会机构开展审核**

食品与兽医办公室
健康与消费者总司
爱尔兰农庄

The Food and Veterinary Office
DG Health and Consumers
Grange Ireland



Cancellation 撤销

GI registration at EU level may be cancelled 欧盟层级的地理标志注册可撤销

- when compliance with the product specifications is no longer ensured 不再确保符合产品规范时
- when no product has been placed on the market under the registered name for at least seven consecutive years 至少连续七年未使用已注册名称在市场投放产品

The European Commission will take the final decision on cancelling or not the registration 欧委会作出撤销或不予注册的最终决定