



# The enforcement of Geographical Indications

## Where we stand and where we can go

Katarina KOMPARI | Lima | 29 March 2019

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Financiado por la Unión Europea  
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## THE EU RULES OF ENFORCEMENT OF GIs

### GI control system: a common framework for Member States

- ☐ **Controllers:** the designated Competent Authorities and authorised Control Bodies
- ☐ **Scope of protection:**
  - ☐ Before the market – On the market
  - ☐ Compliance with the technical specifications – Protection against any unlawful use of the registered name
- ☐ ***Ex officio* protection:** independently of prior claim - beyond the official plan of controls - for all GIs all across the EU



## THE EU ENFORCEMENT OF GIs IN PRACTICE

**A good enforcement largely depends on an equivalent level of protection ensured across the EU**

- ☐ The level of effectiveness in the Member States is diverse
- ☐ Different approaches in MSs to high quality food products for historical and traditional reasons
- ☐ Different economic weight of GI in MSs

Need to monitor...



## 2017 – THE EUIPO STUDY ON EU NATIONAL CONTROL SYSTEMS

### The scope:

- ☐ 4 product categories
- ☐ IP: strictly GI in the TRIPP definition
- ☐ infringements

### The structure:

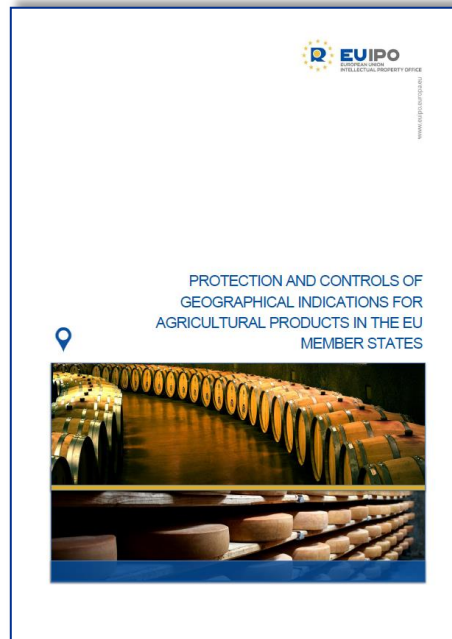
- ☐ Inventory of organisations and procedures
- ☐ Practical Guide: contact data for networking and information on legal redresses

### The methodology:

- ☐ data collection from Member States
- ☐ open sources and field research

### Respondents:

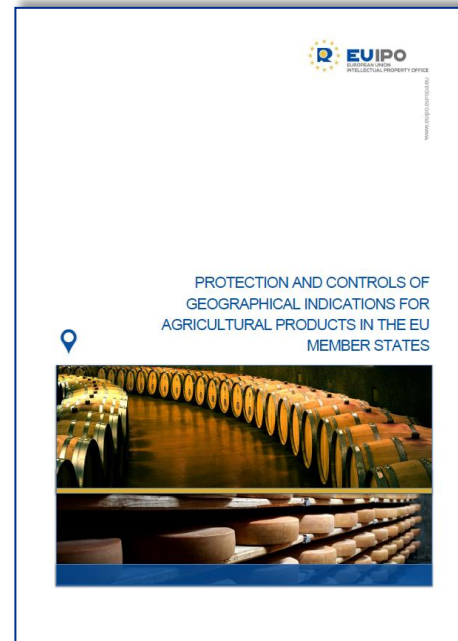
- ☐ 23/28



## 2017 – THE EUIPO STUDY ON EU NATIONAL CONTROL SYSTEMS

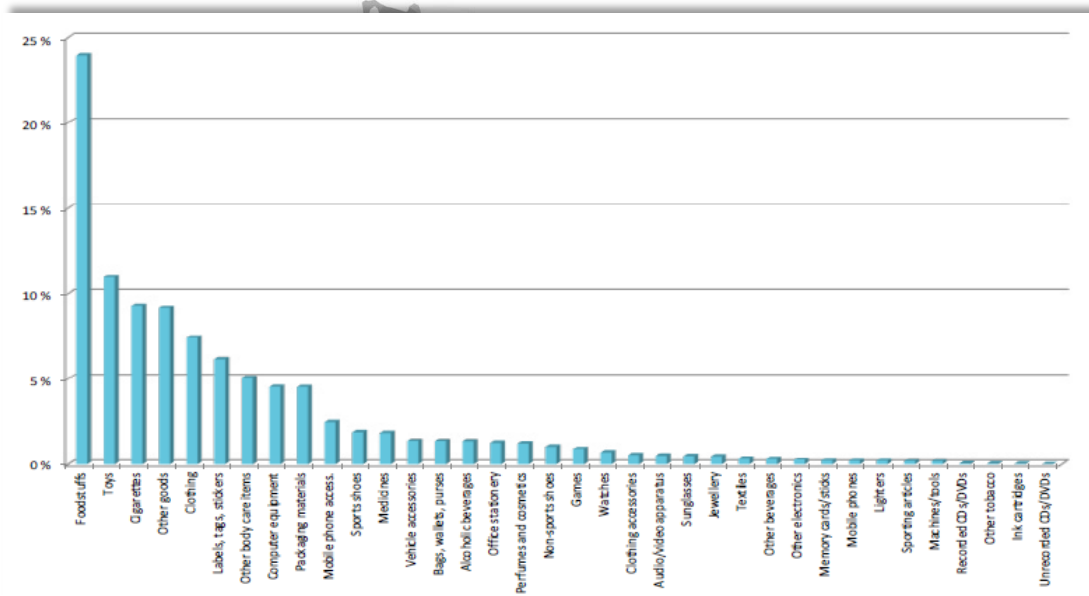
### The picture is in black and white:

- ☐ Uneven response: lack of interest in the survey or lack of engagement?
- ☐ Procedures and resources not always specifically for GI - general food controls apply
- ☐ **Ex officio protection** would need more...:
  - Italy, France, Germany, Spain, Latvia, Croatia, Poland, Romania, Hungary
  - Italy best practices:
    - central c.a. ICQRF legally designated for ex officio measures
    - MoUs with e-commerce platforms eBay, Alibaba and Amazon
- ☐ What is the real involvement of law enforcement authorities (Police and Customs) on GIs?



## ENFORCEMENT OF GI IN INTERNATIONAL TRADE

❑ Fake food products in international trade is a reality



Source: DG TAXUD Report on EU customs enforcement of IPR – results at the EU border 2017

## ENFORCEMENT OF GI IN INTERNATIONAL TRADE

26 January 2017: The Italian Prosecutor Office of Reggio Calabria (Anti-Mafia District Directorate) announces an operation (including collaboration of Italian Customs) against Organized Criminal Group with basis in Italy and connections with the USA

Money laundering

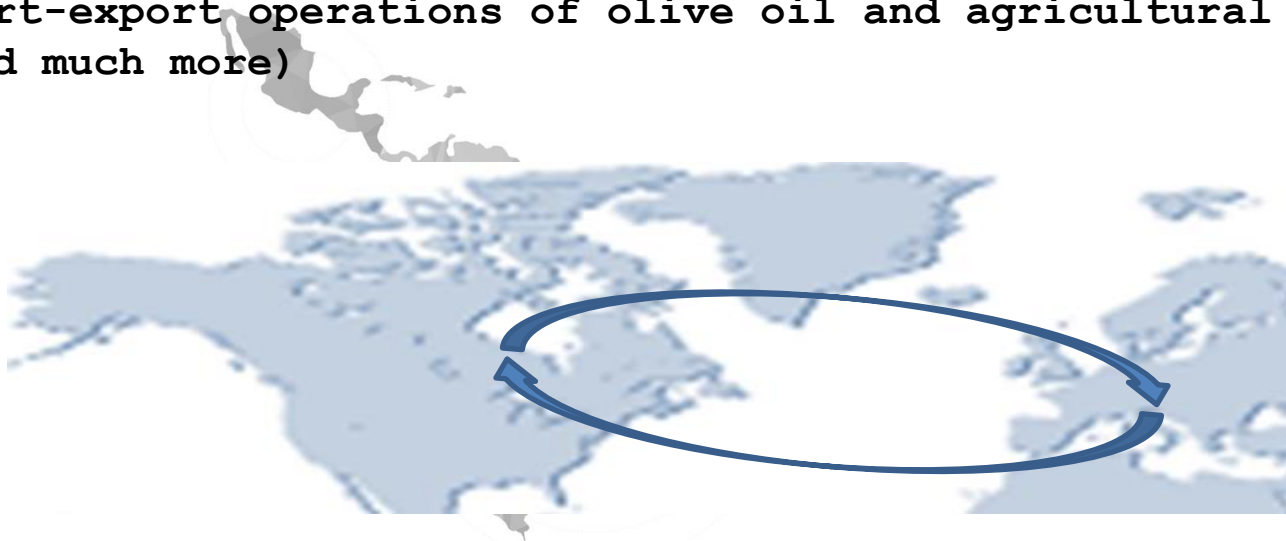
Drug trafficking

Agri-food counterfeiting



## ENFORCEMENT OF GI IN INTERNATIONAL TRADE

Illegal import-export operations of olive oil and agricultural products (and much more)



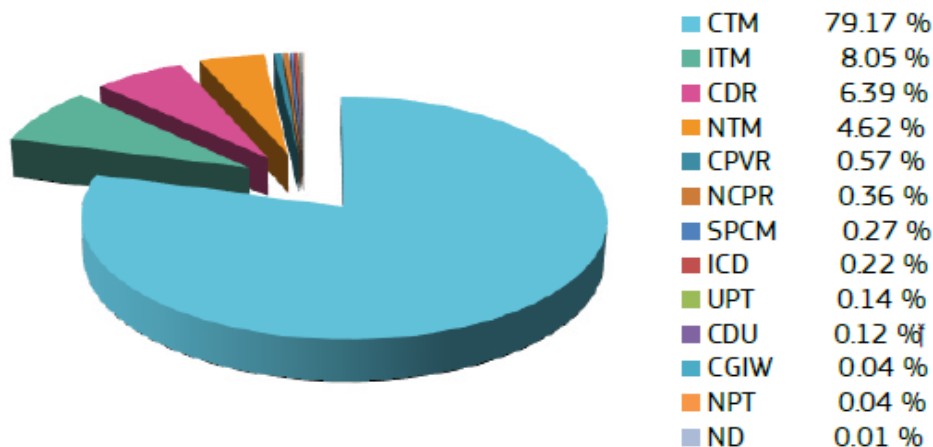
33 people arrested and € 40 millions seized



## THE ROLE OF CUSTOMS IN ENFORCEMENT OF GI

### Regulation (EU) No 608/2013 on Customs enforcement of IPR

- ❑ IPR holders proactive role: an «application for action» needed (AFA)
- ❑ IP rights in % of articles seized in 2017: **0,04% of GI**



Source: DG TAXUD Report on EU customs enforcement of IPR – results at the EU border 2017

## THE ENFORCEMENT DATABASE AND GIs

Free of charge, secure platform enabling real-time exchange of information between right holders and enforcement authorities

BUILT UPON TMview AND DesignView



**The EDB is a legal tool:**

its use by law enforcement authorities is founded on article 2(1) of Regulation EU 386/2012 establishing the mandate of the EU Observatory

# THE ENFORCEMENT DATABASE AND GIs

## Product Information

General Info

Identifier

shaver007

Category

Category

Product Specification

shaver

Upload main product image

Barcode

Search in the results:

▲ BARCODE

No data available in table

Showing 0 to 0 of 0 entries

Showing 10 entries

Dec 7, 2015

Jun 1, 2016

Always Include

Letter of guarantee

CN Tariff

[01012100] Pure-bred breeding animals

Declared value on the border

Declared value on the border (euros)

Average Market Value

0

Minimum quantity

Minimum required quantity for action

← Previous

Next →



## THE ENFORCEMENT DATABASE AND GIs

### Company Information

The screenshot displays the EDB Enforcement Database interface. At the top, the logo 'EDB Enforcement Database' is on the left, and the tagline 'A platform for IP right holders and enforcement authorities' is in the center. On the right, there are links for 'Language - English', 'Hello, nicole.semjevski', and 'Sign out'. Below the tagline is a navigation bar with links: 'Dashboard', 'Company Information' (highlighted), 'Product Portfolio', 'Application for Action', 'Suspicious Case Room', and 'Alerts for Customs and Police'. A secondary navigation bar contains 'Company Portfolio', 'Customs and Police Repository', 'Statistics', 'Help', 'User management', and 'ACRIS'. The main content area shows a breadcrumb trail 'Home > OBSERVATORY' and a section titled 'Company Information' with the subtitle 'Information about the company, contact points and IPR portfolio.' Below this is a list of seven items, each with an icon and a link: 'Product Portfolio' (truck icon), 'Company Details' (grid icon), 'Contact Points' (location pin icon), 'IPR Portfolio' (document icon), 'Additional Webpages' (document with magnifying glass icon), 'Selling Strategy' (euro coin icon), and 'Document Portfolio' (document with magnifying glass icon).

EDB  
Enforcement  
Database

A platform for IP right holders and enforcement authorities

Language - English  
Hello, nicole.semjevski  
Sign out

Dashboard Company Information Product Portfolio Application for Action Suspicious Case Room Alerts for Customs and Police

Company Portfolio Customs and Police Repository Statistics Help User management ACRIS

Home > OBSERVATORY

### Company Information

Information about the company, contact points and IPR portfolio.

- Product Portfolio
- Company Details
- Contact Points
- IPR Portfolio
- Additional Webpages
- Selling Strategy
- Document Portfolio



## THE ENFORCEMENT DATABASE AND GIs

### Electronic Application for action

#### Application for Action

Protect your rights on the border providing the custom authorities with the necessary information about your rights, contacts and products.

The Application for Action allows the applicant to request the customs authorities to take action with respect to goods suspected of infringing an intellectual property right.

Further details can be found in the [Manual for Application for Action](#) provided by DG TAXUD.

- 1 Select countries and languages
- 2 Select your IP Rights
- 3 Select your product
- 4 Review and send preAFA to COPIS

#### 2. Please select the IP Rights

If you have selected several countries (Union AFA), you can only include IPRs based on Union law applicable throughout the EU. The following table includes only the IPRs that are associated to your products in the [Product Portfolio](#). If there are no IPRs in the table, please relate your products to your IPRs.

☒ Select all my IPR portfolio

-- Previous 1 Next --					
SELECT	IPR NAME	REFERENCE	STATUS	TYPE	OFFICE
<input type="checkbox"/>	<input type="text" value="Ipr Name"/>	<input type="text" value="Reference"/>	<input type="text" value=""/>	<input type="text" value=""/>	<input type="text" value="Office"/>
<input checked="" type="checkbox"/>	Plant test	PlantTest1	Registered	Plant Variety	
Showing 1 to 1 of 1 entries					
Showing 25 entries					
-- Previous 1 Next --					
< Back Next >					



## USERS OF GI AND USERS OF EDB

EDB must be opened more for GI, but identifying “users” for credentials poses an issue

- ❑ For EDB: security policies require a link to the TM owner registered in TMViews
- ❑ How to adapt to the GI owners? Current databases? New ones?
- ❑ The starting point: linking access to EDB with legal entitlement to submit the AFA:
  - **the groups of producers**
  - the control authorities and bodies
  - the operators



## USERS OF GI AND USERS OF EDB

**A possible way forward would require collaboration between EUIPO/Observatory and the National Authority of the Member State governing the GIs system**

- ☐ The Ministry to provide EUIPO with a list of “certified” entities (groups of producers) and contact persons details for the purposes of enforcement
- ☐ The Ministry to ensure completeness and update of the list
- ☐ EUIPO to provide an account in EDB upon application by any listed group of producers
- ☐ Joint training on enforcement of GI and use of the EDB plus awareness campaigns





# THANK YOU



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