



Recognition of GIs and Enforcement

*San José, Costa Rica
5-6 December 2019*



Recognition and Enforcement of GIs in the EU

1. Procedures for the recognition of GIs

- a) International Agreements
- b) Direct Registration

2. Protection of GIs / Enforcement

Procedures for the recognition of GIs

a) International Agreements

EU – Central America Association Agreement



Article 247 - Addition of New Geographical Indications

1. The Parties agree on the **possibility of adding additional geographical indications for wines, spirits, agricultural products and foodstuffs** to be protected on the basis of the rules and procedures established in this Title, as applicable.

Such geographical indications, following their successful examination by the competent national or regional authorities, shall be included in Annex XVIII (Protected Geographical Indications) in accordance with the relevant rules and procedures for the Association Council.

2. **The date of application for protection** shall be the date of the transmission of a request to the other Party to protect a geographical indication provided that the **formal requirements** for such applications are fulfilled.

Article 242 – General Provisions

2. ... geographical indications are indications which identify a good as originating in the territory of a Party, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.

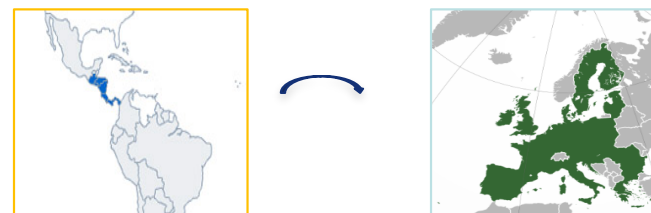
Article 244 – System of protection

1. The Parties shall maintain or have established **systems** ... by the entry into force...
register, administrative process verifying, product specifications, control provisions, right of use, public opposition, ...

Procedures for the recognition of GIs

a) International Agreements

EU – Central America Association Agreement



In the EU:

- **Examination**

(internal examination, consultation of EU Member States' Intellectual Property Offices and EUIPO)

- **Publication for opposition EU's Official Journal**

No fees required, no power of attorney/legal representative for GIs from Central America

Procedures for the recognition of GIs

a) International Agreements

EU – Central America Association Agreement

Discussion on a common procedure for the recognition of new GIs

- **Minimum set of documents (summary specifications, reference proof of protection, ...)**
- **Exchange of information**
- **Requirements**
- **Timing**





Procedures for the recognition of GIs

b) Direct registration

Regulation (EU) No 1151/2012

Producer groups Art. 49, R. (EU) No 1151/2012)

Product specification (name, description, geographical area, method for obtaining, link, authorities for control, labelling, ...) – Art. 7, R. (EU) No 1151/2012)

Single document (main points of the product specification incl. link description) – Art. 8, R. (EU) No 1151/2012)

Application of registration to EU Member State (scrutiny incl. national opposition process) – Art. 49, R. (EU) No 1151/2012)

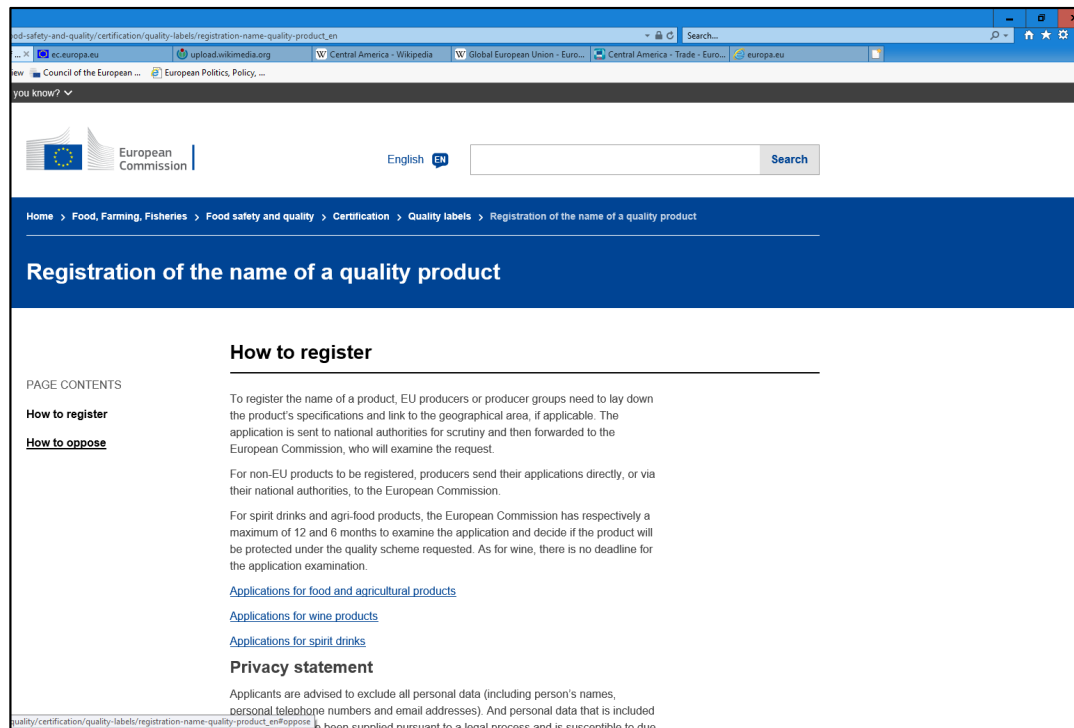
EU Member State to the European Commission (scrutiny incl. EU opposition process) – Art. 49, 50, R. (EU) No 1151/2012)

(non-EU products to be registered, producers send their applications directly, or via their national authorities, to the European Commission.) – Art. 49, R. 1151/2012



Procedures for the recognition of GIs

b) Direct registration



https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels/registration-name-quality-product_en



[Home](#) > [Food, Farming, Fisheries](#) > [Food safety and quality](#) > [Certification](#) > [Quality labels](#) > [Quality products registers](#)

Quality products registers

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Registers


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Registers

The product names that have either applied to become a geographical indication (GI) or traditional specialty guaranteed (TSG), or that are now registered as a GI or TSG are listed on the following registers

- [food and agricultural products](#) (DOOR database)
- [wine](#) (eAmbrosia - the EU geographical indications register)
- [spirits](#) (e-spirit-drinks database)
- [aromatised wines](#) (36.3 KB - PDF)

 **New wine applications**
English (492.7 KB - PDF)

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Available languages (2) 

Related links

[Registration of the name of a quality product](#)

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https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification/quality-labels/quality-products-registers_en



Protection of GIs / Enforcement

EU GIs – controls / enforcement

■ ***EU Official Controls***

- EU Member States Competent Authorities – possibility to delegate to accredited control bodies

• ***Prior to placing on the market***

- Verification that a product complies with the corresponding product specification – any operator that uses the name is part of the control system

• ***Market Controls***

- Surveillance based on risk analysis

Scope

- Valuable intellectual property right (**collective right**)
- Protection against any:
 - **direct or indirect** use by comparable products or **exploitation of reputation**
 - **misuse, imitation or evocation** or any other **false or misleading indication** or any practice **misleading consumers**
- **Right to use:** applies to any operator within the geographical area respecting product specification
- **Protection unlimited in time** (but possibility of cancellation if compliance with the product specification is no longer ensured or product not in the market)



Feta – PDO (EL)



Radicchio Rosso di Treviso – PGI (IT)



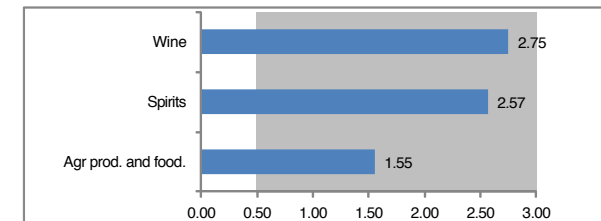
Bordeaux – PDO (FR)

Why?

Consumers – Producers – Society



GI premium



Frauds can occur





How?

A) Verification of compliance with the specification

to verify if operators fulfil all specific product's criteria described in the specification (only in the specification)

Shall be carried out by:

- one or more of the competent authorities and/or
- one or more of the control bodies... operating as a product certification body*

*accredited in accordance with ISO/ IEC 17065



How?

EU Member States Competent Authorities / Control Bodies

- National Control Plan (MANCP – Multi-annual Control Plans)
- Handbook – Guidelines
- Checklists – specific for each product

How?

B) Controls in the Market place

EU Legislation requires Member States to control GIs from all EU Member States + non EU countries placed on the market

- Risk based approach
- Mainly controls on the labelling / traceability

New EU Legislative Framework applicable in 2019 - Regulation EU (No) 2017/625:

- A new key element to **strengthen the fight against frauds** is the requirement for Competent Authorities to take into account the likelihood of fraudulent and deceptive behaviours when deciding the appropriate frequency of controls.
- **Integrated approach to import controls**
- **Strengthened mechanism** for administrative assistance and cooperation
- Possibility to apply penalties on fraudulent behaviours reflecting the **economic advantage...**

https://ec.europa.eu/food/safety/official_controls/legislation_en

How?

- **Audits on EU Member States controls carried out by the Commission**

Verification of national official controls carried out by the competent authority

- Reports on findings
- Recommendations to address identified shortcomings
- Follow up on the recommendations and corrective actions

https://ec.europa.eu/food/audits_analysis_en

Thank you!

*Miltiades Krimizis
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Unit in charge of international relations –
The Americas*

[https://ec.europa.eu/info/food-farming-fisheries/
food-safety-and-quality/certification_en](https://ec.europa.eu/info/food-farming-fisheries/food-safety-and-quality/certification_en)