

La calidad diferenciada agroalimentaria: Indicaciones Geográficas. Nuevos retos

México DF, 2 y 3 de diciembre de 2019



PROCEEDINGS FOR
COMPLAINTS OF MISUSES OF
PROTECTED NAMES IN AMAZON
AND E-BAY

Report about misuse of protected names on Amazon and eBay

The Ministry of Agriculture, Fisheries and Food (MAPA) receives a misuse case of a protected name such as PDO or PGI on the Amazon or eBay platform through one of the following reports:

- Report from competent authorities
- Report from consumers
- Report from management bodies of the PDO / PGI

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Amazon's Procedure

A statement is written and signed by the Deputy General Director for Quality Schemes (PDO / PGI) of MAPA with the following content:

1. Product in which the misuse has been detected (For example: Guijuelo term in hams not covered by the Guijuelo PDO).
2. Whenever the misuse is on the product label or is on line product advertisement.
3. Copy of websites links where the misuse is detected.
4. Identification of the company which sells the product.
5. Registration in the community register of the name of the PDO / PGI with its corresponding registration regulations published in the OJEU

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6. Transcription of Article 13 of Regulation (EU) nº 1151/2012 that establishes the protection of the registered name.

7. Explanation of the labelling specific elements that must be contained in the products covered by the PDO / PGI, according to the EU regulation and their product specification.

8. Justification of why the products that are sold through e-commerce are not compliance with the PDO / PGI requirements.

9. Who has made the report.

10. The name of the holder of the right. (MAPA in accordance with Law 6/2015).

11. Identification of the claimed intellectual property right (Articles 1 and 11 of Regulation (EU) nº 1151/2012):

- Art. 1 of R (EU) 1151/2012 is cited: PDO / PGI are an intellectual property right.

- Art.11 of R (EU) 1151/2012 is cited: the PDOs / PGIs registration

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12. The DOOR link where PDO / PGI is registered is included.

13. The URL is included.

https://www.amazon.es/Paleta-Jamón-Serrano-Guijuelo-curación/dp/B07869GWZS/ref=sr_1_154?ie=UTF8&qid=1522654723&sr=8-154&keywords=guijuelo

14. Amazon identification, called ASIN, for that product is included. For example: [B07869GWZS](#)

15. Declaration that everything above reported is accurate.

16. The statement is signed.

17. The **statement** is sent by email to the Amazon Fraud Unit:
'eu-authority-takedown@amazon.com'

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- Experience: Very Positive
- In two days time the website where the non-compliance has been identified is blocked by the platform.
- To unblock the website, the operator must contact the MAPA and demonstrate that the misuse has been solved. Then, MAPA will ask Amazon for the website unblocking.
- Amazon acts according to every country legislation. The experience is very good in EU, but when the product is in a third country website, its legislation does not protect the European GI and the platform does not act.

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eBay's Procedure

First of all, we will contact eBay in order to send cases of misuse on its own platform.

Ebay has the Vero program to send reports of misuse products sold on its platform.

It is necessary to register as an authorized contact in the Vero program as the holder of the intellectual property rights



Documento
Adobe Acrobat

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It is necessary to fill in an infraction claim notice form that contains:

1. Intellectual Property holder (MAPA)
2. Information about the person who signs the report form (e-mail, telephone number, company, address and website).

3. Misuse code number:

1.1 Label misuse

1.2 Website product advertisement misuse

4. PDO/PGI name unduly used



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⌘ <https://www.ebay.es/itm/Jamon-Iberico-de-bellota-Vallterra-Guijuelo-8-kg-Ham-Schinken-Presunto-jambon/282741590395?hash=item41d4b6497b:g:6BYAAOSwyYF>

6. In addition, a statement like Amazon one is done.

7. Finally, Spain will send the statement and infraction claim notice form to the following address: vero@es.ebay.com