



# Protection of GIs in the EU

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- 1. Overview of the EU's GI system**
  - 2. Concepts**
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## 1. Overview of the EU's GI system

- *Sui generis* unitary system
- Governed by EU Regulations
- Effects in the 27 member countries



### EU Regulations:

- Concepts and requirements
- Scope of protection
- Registration process
- Control schemes

### National legislations:

- Actions against infringement
- Ownership of the GI
- Management of the GI

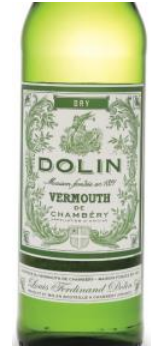


## Product approach

- *Wines* (Regulation 1308/2013)
- *Aromatised wines* (Regulation 251/2014)
- *Spirit drinks* (Regulation 2019/787)
- *Agricultural products and foodstuffs*  
(Regulation 1151/2012)

### Possible extension to non-agricultural products.

- EU Parliament Resolution of 6 Oct. 2015 requesting legislation
- Study of 20 Feb. 2020: «Economic aspects of GI protection at EU level for non-agricultural products»





## 2. Concepts

### ‘Wines’ and ‘Agricultural products and foodstuffs’



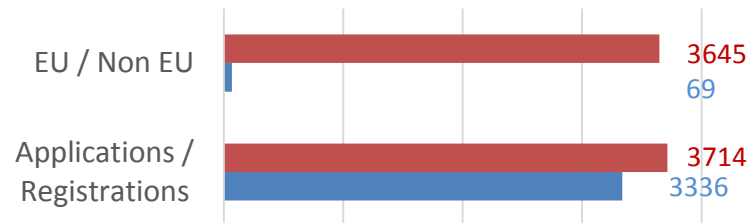
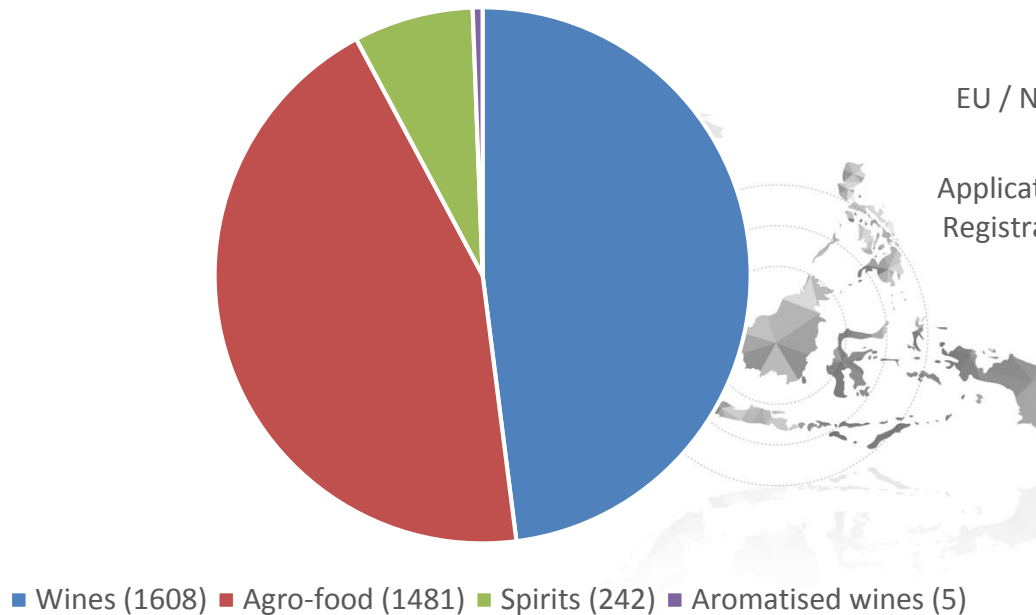
### ‘Aromatised wines’ and ‘Spirit drinks’



	PGI 	PDO 
Name	Identifies a product as originating in a specific place, region or (*exceptional for wines) country	Identifies a product as originating in a specific place, region or, exceptionally, a country
Link: product / geographical area	<ul style="list-style-type: none"> <li>• <b>Quality, reputation</b> or other <b>characteristic</b></li> <li>• <b>Essentially attributable</b> to its geographical origin</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Quality or characteristics</b></li> <li>• <b>Essentially or exclusively due to</b> its geographical origin</li> <li>• Including <b>natural and human factors</b></li> </ul>
Production steps	At least one in the geographical area	All in the geographical area
Grapes (only for wines)	At least 85% from the geographical area	100% from the geographical area



## 3714 PDOs / PGIs



Source: *eAmbrosia*

### 3. Registration process

#### **Characteristics:**

- Free of fees.
- Right acquired through registration.
- Open to third countries.
- Two stages: National and European. (For non-EU products: previous protection in the country of origin)

**Competent authority:** DG Agriculture and Rural Development of the European Commission

**Application dossier:** Product specification + Single document + Accompanying information.





## PRODUCT SPECIFICATION

- **Name** to be protected: previous use in trade or common language.
- **Description** of the product: Raw materials (if appropriate), physical, chemical, microbiological or organoleptic characteristics.
- Definition of the **geographical area**.
- **Method** of obtaining the product
- **Link**: Between the quality, characteristics or reputation and the geographical area.
- System of **verification** of compliance (traceability).
- **Body verifying compliance** with the provisions of the product specification
- **Labelling** rules



- **Product's specificity:**

- ✓ quality
- ✓ characteristic
- ✓ reputation

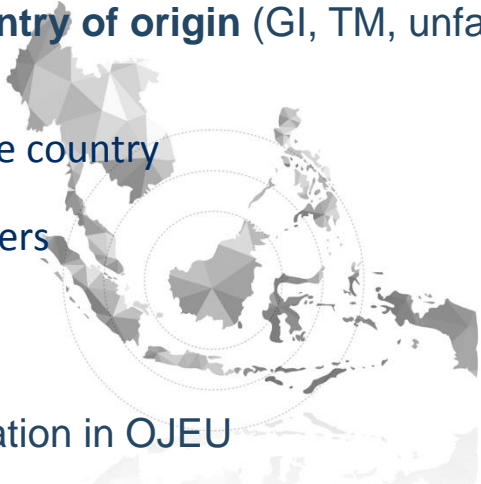
*Link*

- **Particular conditions of the geographical environment:**

- ✓ Natural factors: soil, climate, native variety...
- ✓ Human factors: know-how, traditional technics...



## Procedure for non-EU products

- Previous **protection in the country of origin** (GI, TM, unfair competition, labelling law...).
- **Applicant:** 
  - Authorities of the country
  - Group of producers
- **Examination by DGAgri:**
  - Conditions fulfilled → publication in OJEU
  - Conditions not fulfilled → rejection



- **Oppositions:** conditions not fulfilled; genericity of the name; conflict with (wholly or partially) homonymous PDO / PGI; reputed TM (liable to mislead the consumer as to the true identity of the product), etc.

**No opposition**



**Registration**

**Opposition**



**Consultations between the parties**



**If no agreement: Decision by EU Commission**



## After registration:

- PDO / PGI may be used by any operator marketing a product conforming to the corresponding Specification.
- Possibility to identify the product as PDO / PGI and use the EU official symbols.
- Obligation to verify compliance with the Specifications.
- PDO / PGI is not subject to renewals.
- *Ex officio* protection in the EU territory.



## Grounds for cancellation:

- Compliance with the Specifications is not ensured.
- Lack of use for at least 7 years.

## 4. Practical benefits

### For the producers

- Exclusivity over the name.
- Collective right (not reserved to one single producer, but to all producers in the area meeting the specifications).
- Protection to already existing products: existing know-how; no need for innovation or large investments.
- Differentiation: transforms generic products into differentiated products.
- Value premium: 2,23 times value of generic products\*; consumers willing to pay at least 10% extra\*\*
- *Ex officio* protection by public authorities.
- Etc.

\*Value of production of agricultural products and foodstuffs, wines, aromatised wines and spirits protected by a GI. European Commission, October 2012

\*\* Surveys carried out by the Commission, 1996 – 1999, among 16000 consumers

## For consumers

- Protects them against deceptive or false information.
- Guarantee on the origin, quality and authenticity of the product.
- Safety: controls at the production level and in the market.
- Prevents standardization of products, maintains tradition, wider choice to consumers.

## For society / local communities

- Prevents migration of the production: maintains / creates jobs and economic activity in the area, generates wealth, prevents depopulation of rural areas.
- Contributes to sustainable development and preservation of biodiversity.
- Visibility: attracts tourism.





# THANK YOU



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