Protection of GIs in the EU

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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’
<table>
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<th>PGI</th>
<th>PDO</th>
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<td><strong>Name</strong></td>
<td>Identifies a product as originating in a specific place, region or (*exceptional for wines) country</td>
<td>Identifies a product as originating in a specific place, region or, exceptionally, a country</td>
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| **Link: product / geographical area** | • **Quality, reputation** or other characteristic  
• **Essentially attributable** to its geographical origin | • **Quality or characteristics**  
• **Essentially or exclusively due to** its geographical origin  
• Including **natural and human factors** |
| **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

- Wines (1608)
- Agro-food (1481)
- Spirits (242)
- Aromatised wines (5)

EU / Non EU
- EU: 3645
- Non EU: 69

Applications / Registrations
- Total: 3714
- EU: 3336

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

• **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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