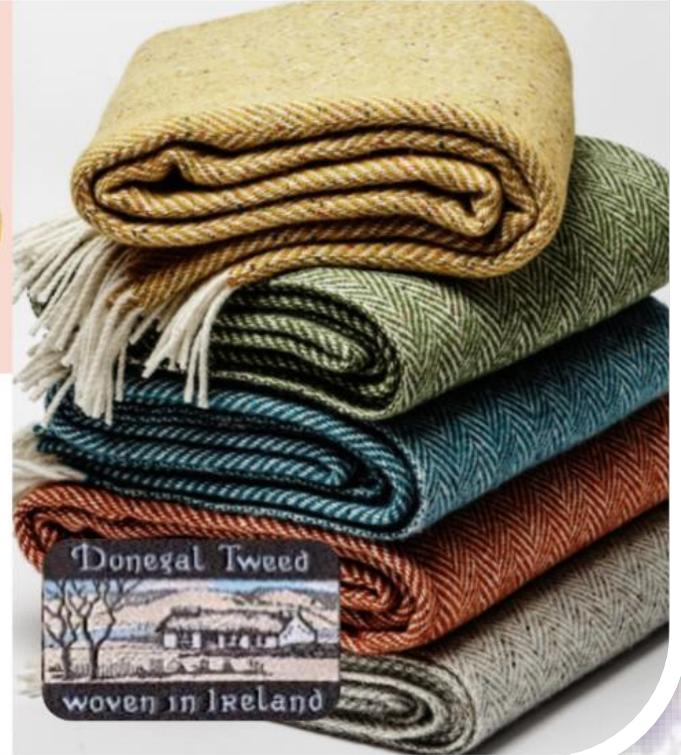
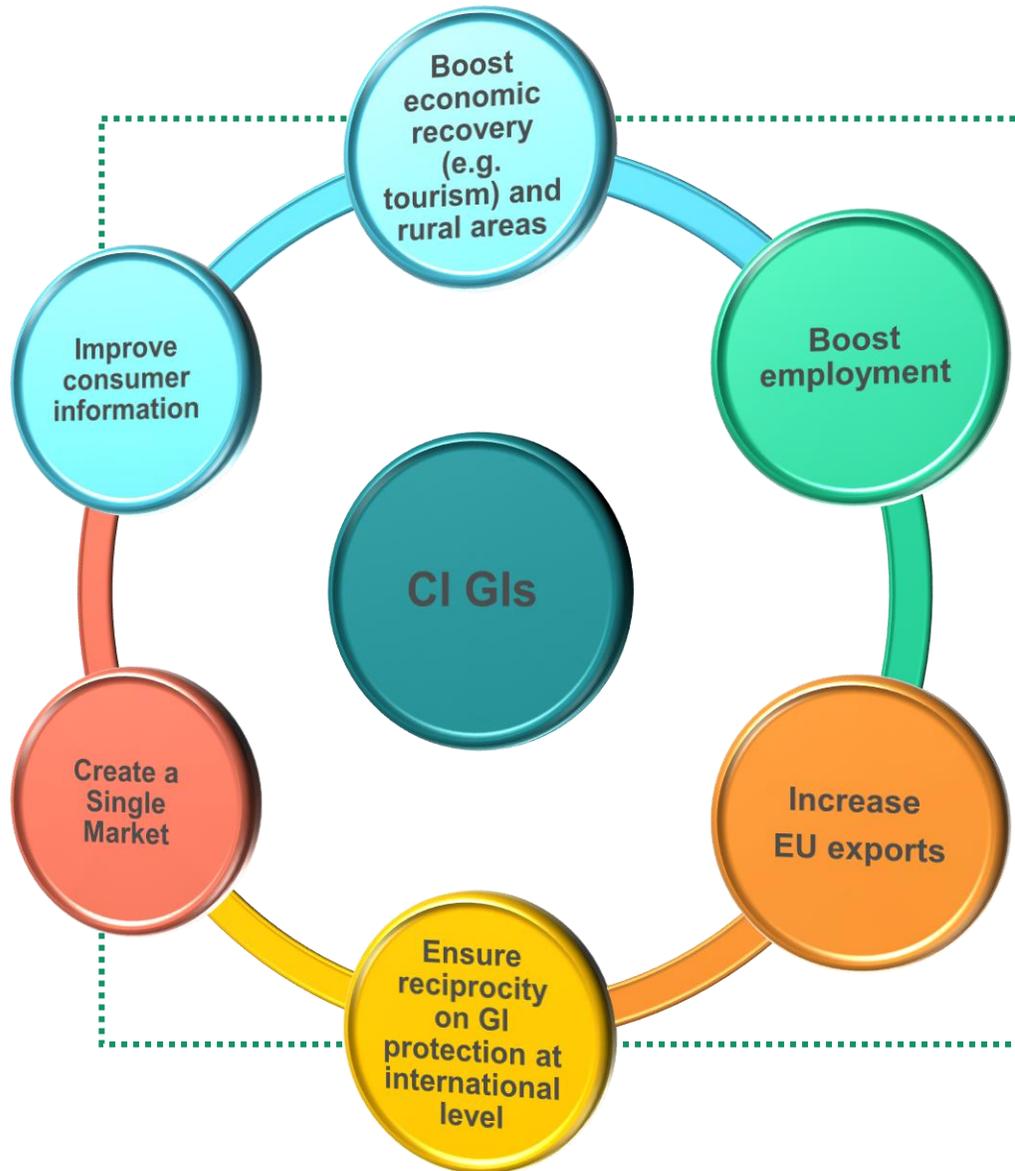


# Geographical Indications for Craft and Industrial Products

## Proposal for a New EU Scheme



# Why is the European Commission's initiative important?



# Policy context

## European Commission

- Industrial Strategy Communication, 10 March 2020
- Intellectual Property (IP) Action Plan, 25 November 2020

## Repeated calls since 2015

- the European Parliament
- the European Economic and Social Committee and the Committee of the Regions

**Council Conclusions** on intellectual property policy (2020 and 2021) & letters from some Member States

**EU accession to the Geneva Act of the Lisbon Agreement** on Appellations of Origin and Geographical Indications in November 2019

# Basic features of the new EU CI GI scheme

1. EU system to replace national CI GI rights

2. Balanced criteria for protection

3. Two-stage registration procedure

4. EUIPO as EU authority in charge

5. Flexibility in control and enforcement

# 1. EU system to replace national CIGs

National sui generis GI rights in 16 EU Member States



**EU-level CIGI rights protected in the whole EU**

No coexistence with national regimes

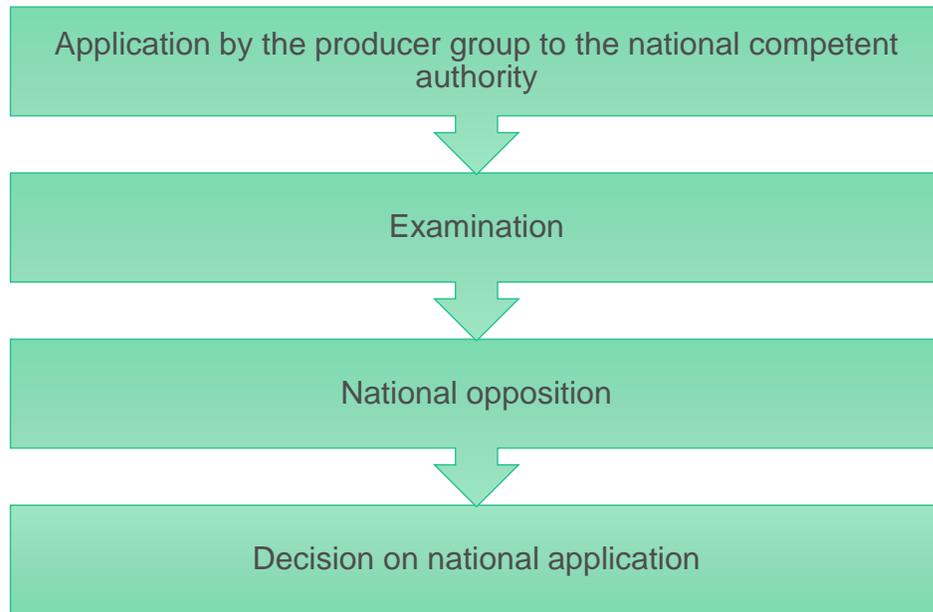
# 2. Balanced criteria for protection

Requirements are focused on **geographically rooted product quality**:

- ✓ Specific geographical origin (place/region/country)
- ✓ Quality/reputation/other characteristic **essentially** attributable to geographical origin
- ✓ **At least one production step** takes place at defined geographical area

### 3. Two-stage registration procedure

#### National phase



#### Union phase



# Relevant documents for registration

## Product specification

- Name, description of the product, geographical area, evidence that the product originates in that area, description of the method of production, information on packaging, details about the quality and the geographical origin, any specific labelling rule

## Single document

- Name, description of the product, including raw material and labelling where appropriate, geographical area

## Accompanying document

# Two exemptions to the regular registration procedure:

## Direct Registration procedure

- **No national application phase** - applications lodged directly with the EUIPO (EU level only). Commission may allow it only for those Member States that:
  - Have no system at national level in place to manage CI GIs
  - Show low national interest for CI GI protection
- Member States to assist EUIPO by nominating a point of contact for the registration procedure + a competent authority responsible for the control and enforcement of GIs.

## Commission takes the Decision

- The Commission may take over from the Office (EUIPO), at any time before the end of the procedure, the power to decide on a geographical indication application.
- When? Only exceptionally where such decision may jeopardise the **public interest** or the **Union's trade or external relations**.

# Fees

## National phase

- Member States may charge fees
- Preferential fees for SMEs



## Union phase

- No fees

## Direct registration

- EUIPO shall charge fees
- Fees defined in implementing acts

## 4. EUIPO as the EU authority in charge

The European Union Intellectual Property Office, based in Spain (Alicante), is **in charge of**:

- The **second (EU-level) stage** of the registration procedure
- The **role of Competent Authority** in WIPO's international registration system (Geneva Act of the Lisbon Agreement)



# 5. Flexibility in Control and Enforcement

Producer Control: Compliance of the products with the product specification



Member States choose



## 3<sup>rd</sup> party certification procedure

- Competent authorities or accredited product certification bodies check compliance:
  - before the product is put on the market (verification)
  - in the marketplace based on risk analysis (monitoring)
- Stronger enforcement system already in place for agricultural products under the existing GI scheme



Producers use Union PGI symbol



## Self-declaration certification procedure

- the producers declare the conformity by submitting a self-declaration to the competent authority:
  - before the product is put on the market
  - self-declaration to be renewed every three years
  - random checks carried out by competent authorities
- lighter enforcement system, tailored for CIGI producers, less costly



Misuse Control: Member States prevent and stop any other misuse of GIs within their territory

Deterrent system of fines

# CI GI Protection in the online environment

- Establishment of a domain name information and alert system
  - service provided by EUIPO and integrated in the CI GI registration process
  - applicants will be informed about the availability of their CI GI as a domain name under an EU country code top-level domain (ccTLD, such as .eu, .es etc.) and on an optional basis once a (potentially infringing) domain name identical or similar to their CI GI is registered (alerts)
  - enables the applicant to take the appropriate measures to enforce the CI GI
- Article on the protection of CIGIs in domain names
  - laying down conditions under which ccTLD-registries established in the Union shall revoke or transfer an infringing domain name to the producer group
  - ccTLD-registries established in the Union shall ensure that any alternative dispute resolution procedure recognizes CI GIs as rights able to prevent a domain name from being registered or used in bad faith
- Article on the protection of CI GIs as regards online intermediaries
  - building the bridge to the upcoming Digital Services Act (DSA) by allowing competent authorities to issue an order to act against illegal content distributed via online intermediaries that contravenes the CIGI protection

# Thank you very much!

