



EU regulation on GI protection for craft and industrial products

IP KEY SEA II - Conference on Geographical Indications in the EU and Southeast Asia

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Sectors most interested in CIGI products

- ✓ **Ceramics, pottery, porcelain**
- ✓ **Glassware**
- ✓ **Leather**
- ✓ **Marble, stone, granite**
- ✓ **Metalware, cutlery**
- ✓ **Jewellery**
- ✓ **Furniture**
- ✓ **Watches and clocks**
- ✓ **Laces, embroidery**
- ✓ **Textiles, tapestry**
- ✓ **Clothes, footwear, headwear**
- ✓ **Musical instruments**

1. Scope

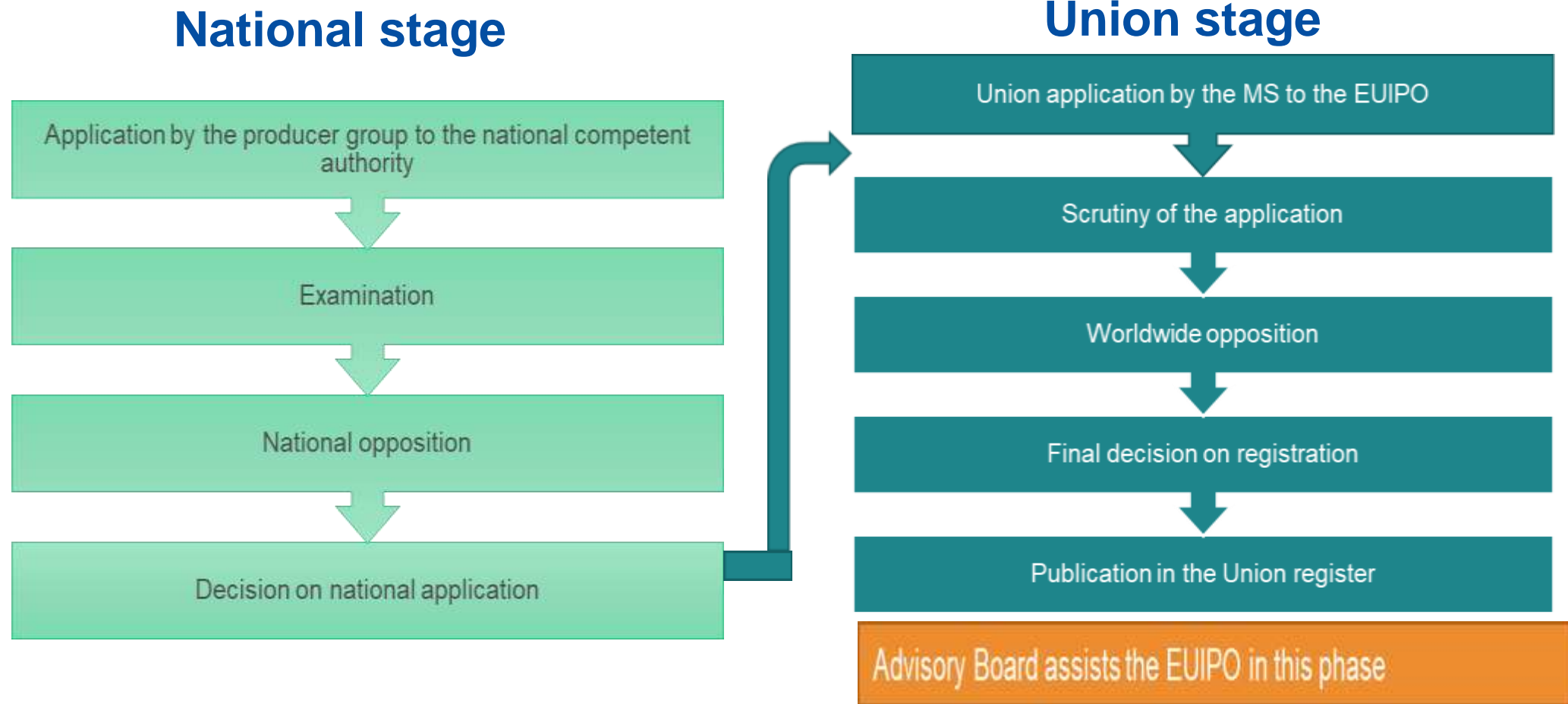
- ✓ limited to **'craft and industrial'** products
- ✓ **Everything that is NOT covered** by AGRI GIs can become a CIGI
- ✓ The **type of product** will be indicated in the union register
- ✓ Some **borderline cases**: AGRI regulation, Annex 1: cochineal, essential oils, hides, skins, fur-skins, cork, raw silk, wool, animal hair, raw cotton, carded, combed, raw flax, raw hemp

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



3. Derogation from the two-phase procedure

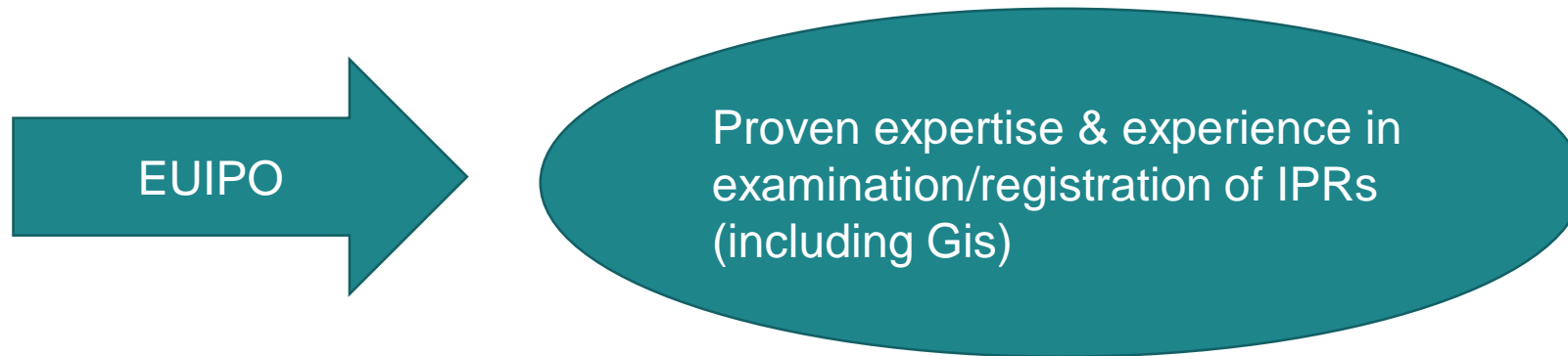
Direct Registration procedure

- **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, and;
 - 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.

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. GI rights and relationship between GIs & trademarks

GI right: as for AGRI GIs:

- **direct & indirect commercial use** vis-à-vis comparable products or detrimental to the reputation of the GI,
- **misuse** (style, type, method, translation, etc.), **imitation, evocation,**
- **any false or misleading information** as to the origin on packaging, in advertising,
- **goods in transit,**
- **misuse in domain names**

Relationship between GIs & trade marks: as for AGRI GIs

- **well-known mark, trade mark with reputation** – subsequent GI application
- **earlier good faith trade mark** – subsequent GI application
- **earlier GI** – subsequent trade mark application

6. Protection of third country GIs in the EU

Three options:

- **Applications submitted directly to the EUIPO;**
- **Bilateral or plurilateral free trade agreements** or other international agreements other than the Lisbon Agreement; or
- **Protection at multilateral level, via the WIPO Lisbon Agreement - Geneva Act**

Applications submitted directly to the EUIPO

Applications are submitted to the EUIPO:

- Directly by the **producer group** or
- By the **competent authority** of the third country

Content of the applications submitted directly to the EUIPO from third countries

- the **product specification**;
- the **single document**;
- the **accompanying documentation** (including contact details of the control body in the third country verifying compliance with the product specification);
- **legal proof of protection of the geographical indication** in the third country of origin;
- **proof of power of attorney** where the applicant is represented by an agent

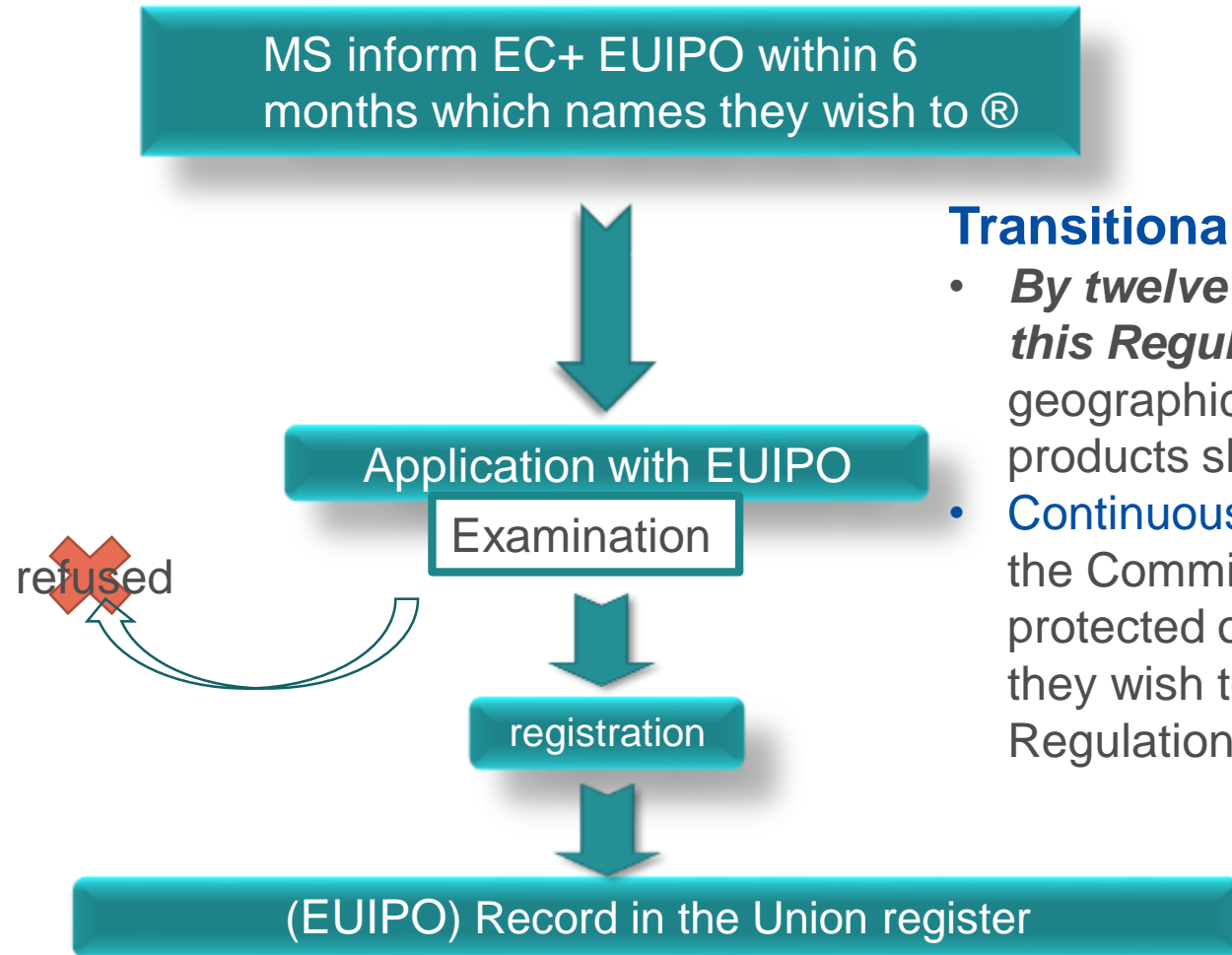
Protection through trade agreements

- The **new regulation does not cover** the protection through trade agreements, economic partnership agreements
- **GIs in the annexes of trade agreements are protected through the trade agreement**
- **No registration is needed** through the new regulation for these GIs
- These GIs **may be entered in the Union Register** (depends on the agreement between the EU and the trading partner)
- GIs in the Union Register **are entitled to use the EU GI logo**
- **EC negotiates, the EUIPO just assists the EC** (e.g. examining the GIs)

Protection the Lisbon System (Geneva Act)

- GIs protected in member countries of the Lisbon system **has easy access to be protected in the EU**
- **Regulation (EU) 2019/1753** regulates the main éléments of the procedure
- **Not automatic** protection
- **EUIPO is the competent authority** for CIGIs (for agri products it is the EC)
- These GIs **may be entered in the Union Register**
- GIs in the Union Register are entitled to **use the EU GI logo**

7. Transitional registration procedure



Transitional and final provisions

- ***By twelve months after the date of application of this Regulation***, national specific protection for geographical indications for craft and industrial products shall cease to exist.
- **Continuous protection:** Member States should inform the Commission and the Office which of their legally protected or which of their names established by usage they wish to register and protect pursuant to this Regulation.

8. Fees

National phase

- Member States may charge fees
- SMEs taking into account



Union phase

- No fees

Direct registration

- EUIPO shall charge fees
- Fees defined in implementing acts

9. Control and Enforcement

Producer Control: Compliance of the products with the product specification

Member States choose

3rd 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

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 misuses of GIs within their territory

Penalties

Next steps

- Entry into application: 1 December 2025
- Implementing and delegated acts
- Communication and promotion campaign
- International negotiations
- Implementation by the producer groups and regions

Thank you for your attention!

