Worldwide Symposium on Geographical Indications: Challenges and Opportunities

PROTECTION OF GI IN UE AND ON THE INTERNET:
THE ITALIAN EXPERIENCE
ANGELA SAVINO
Carrying out Official Controls according to (EC) Reg. No. 882/2004 (by means of Inspections, Chemical Analyses and, if the case, working as Police under the coordination of a Public Prosecutor).

Food fraud contact point between EU and Member states for Health alerts

Issuing fines or other sanctions as result of inspection or analyses findings

Supervising and authorizing the activities of the private or public control bodies for certificating foodstuffs as PDO, PGI and Organic.

**Two word about ICQRF**
The development of e-commerce;
The e-commerce legal framework;
The notion of Hosting provider
Cooperation with Ebay, Alibaba and Amazon
Final considerations
GI and web: ICQRF tools for protection

“EX OFFICIO” protection
(EU) Reg. No. 1151/2012

“OWNER”
of Italian protected names (Prosecco, Parmigiano Reggiano etc...)

Liaison body
(wine Products)
(EU) Reg. No. 555/2008

MOU WITH EBAY

WEB TOOLS

MOU WITH ALIBABA

COOPERATION WITH AMAZON
Global Online Hosting Providers
THE MAIN PLAYERS

ebay

there is a specific agreement for the protection of G.I. on agri-food and wine sector

Alibaba.com

there is a specific agreement for the protection of G.I. on agri-food and wine sector

amazon

Amazon Europe cooperates on blocking irregular listings with products evoking or misusing protected names of Italian wines
US Digital Millennium Copyright Act 1998 a United States Law that implements two 1996 treaties of the World Intellectual Property Organizanion (WIPO);


- «Trade Dispute Rules» used by Alibaba Group
Online Hosting Providers

- Provides hospitality to websites on their web servers
- Establishes a link between the seller and the buyer
- Third party sellers can offer items via the online host independently
- Limited liability
- Notice and take down

- No general obligation to monitor the information
- No general obligation to seek illegal activity
- **No liability for the illegal activity**, or information placed on its systems by a user, as long as the online host does not have "actual knowledge" of the activity or information
- upon obtaining such knowledge, the online hosting providers must **act expeditiously to remove or to disable access to the information**
The process

• Intellectual property rights report any infringements

• As owner it notifies to the hosting provider an infringement to his rights

• Online host warms the seller who has the opportunity to carry out a counter-notification to inquire about claim details or to refuse the claim

In case of a counter-notification:

• Resolve the issue
• Judicial litigation

The online service provider is also required to appropriately respond to "repeat infringers", including termination of online accounts
The Italian web experience

MoU with e-commerce players

Cooperation with

eBay

Alibaba.com

Amazon
Memorandum for the protection of Italian GIs on the web through the Program Verified Rights Owner (VeRO) to enable IPRs’ owners (such as copyright, trademarks or patents) to notify to Ebay any listing/advertising encroaching on Intellectual property rights;
How does it work?

Notification of Infringment Form

IPRs Owner: Mipaaf
Cod: 6.1
SPECIAL CODE FOR INFRINGEMENTS OF ITALIANS’ GI

Ebay item number:
-----Message original-----

From: verO@ebay.co.uk [mailto:verO@ebay.co.uk]
Sent: March 15, 2010 21:40
To: ICQRF Capo Dipartimento
Subject: VeRO Program -- eBay Listing Removed

Thank you for contacting us.

We are pleased to inform you that the following listing(s) you reported have been removed from eBay in response to the Notice of Claimed Infringement you recently sent:

bmx9kltd
233932201232

We have notified the seller and all participating bidders that the listing(s) has been removed due to your request.

If the Notice of Claimed Infringement contained items that are not listed above you will receive a separate email communication about those items. These notices may arrive at different times (over a period of up to several hours) as items for different sellers are processed separately.

If you should have any questions or concerns regarding this matter, please do not hesitate to contact us again.

VeRO Program
eBay Trust & Safety
Cheesekit «Parmesan» – «Feta»

Listing removed
Parmesan Asiago & Romano

Listing removed

ebay
Vegan products evoking and misusing the PDO “Parmigiano Reggiano”: commercialization stopped
Gorgonzola blue cheese

Listing removed
Pecorino sardo

Listing removed

Cheese made in Belgium and marketed in Luxembourg evoking the PDO “Pecorino Sardo”
Prosciutto San Daniele DOP geschnitten

CHF 16.70 *

Stop to trade of raw ham in Switzerland misusing the PDO “Prosciutto di San Daniele”
Winekit BAROLO

Listing removed
Wine kits: enforcement activity against the unlawful marketing of “wine kits” that evoking/usurping the Italian wine excellences in Europe and in third countries.
Prosecco in can

Listing removed
Memorandum for the protection of Italian GIs on the web through the Alibaba Protection platform (ALIPROTECT) to enable IPRs’ owners to notify to Alibaba any listing encroaching on Intellectual Property Rights.
web control on the platforms of ALIBABA Group

www.taobao.com
www.tmall.com
www.aliexpress.com
www.1688.com
Registered names:

Asiago

Gorgonzola

A.B.M.

Prosecco

Parmigiano Reggiano
Submitting listings

We research illegal listing...
We provide reasonable and adequate reasons.

Upload proof of infringement
“Parmigiano Reggiano Italian cheese”
Balsamic vinegar Modena

Before

After
质检总局关于批准对帕尔玛火腿（Prosciutto di Parma）实施地理标志产品保护的公告
（2012年第137号）

2012年第137号
质检总局关于批准对帕尔玛火腿（Prosciutto di Parma）实施地理标志产品保护的公告

根据2005年9月3日签署的《中华人民共和国国家质量监督检验检疫总局与欧洲委员会贸易总司关于地理标志的谅解备忘录》，经欧盟委员会推荐，由意大利帕尔玛火腿生产商提出的帕尔玛火腿在中华人民共和国境内注册地理标志保护产品的申请，经国家质检总局参照《地理标志产品保护规定》组织专家技术审查合格，现批准自即日起在中华人民共和国境内对帕尔玛火腿（Prosciutto di Parma）实施地理标志产品保护。

附件：帕尔玛火腿（Prosciutto di Parma）质量技术要求
Parmesan is translated into Chinese in different ways...

帕马森 (Pà mǎ sēn) whose meanings correspond to:
帕 handkerchief 马 horse 森 forest

巴马臣 (pā mǎ chén) literally means:
巴 pakistan 马 horse 臣 minister

帕玛森 (Pà mǎ sēn) literally means:
帕 handkerchief 玛 mother 森 forest
The Italian Ministry of Agriculture has been sending to the AMAZON legal Department many reports relating to illegal listings/advertising detected on the European AMAZON’s platforms.
Parmesan Grated cheese “Italian Style”

Listing removed
## ICQRF Results

### Italian GI protection a focus on the Web

<table>
<thead>
<tr>
<th>REPORT</th>
<th>No.</th>
<th>G.I.</th>
</tr>
</thead>
<tbody>
<tr>
<td>eBay</td>
<td>544</td>
<td></td>
</tr>
<tr>
<td>Alibaba.com</td>
<td>115</td>
<td>Aceto balsamico di Modena, Prosecco, Pecorino Romano, Gorgonzola, Asiago, Parmigiano Reggiano</td>
</tr>
<tr>
<td>Amazon</td>
<td>168</td>
<td>Asiago, Prosecco, Gorgonzola, Parmigiano Reggiano, Aceto balsamico di Modena</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>827</td>
<td></td>
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<tr>
<td><strong>% OF SUCCESS</strong></td>
<td>99%</td>
<td></td>
</tr>
</tbody>
</table>
Today, the Internet is an «ordinary market place»;

Protection of consumers on the web needs new tools and new administrative approaches;

MoU and co-operations between MIPAAF/ALIBABA-EBAY-AMAZON have been proving that GIs’ Protection on the web is possible.....
Thank you!

CONTACTS

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