WIPO

EU Scheme for Geographical indication protection for craft and industrial products

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EU GI scheme for craft and industrial products

‘Indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin’

(WTO TRIPS Art.22, WIPO Geneva Act Art.2(1)(ii))
Commission Proposal: Objectives

Establishing a directly applicable geographical indication (GI) protection for craft and industrial (CI) products at Union level

Empowering producers:
• Union-wide protection against counterfeiting and other illegal uses
• Incentive to invest in these products

Benefits for consumers: Improved trust and visibility of CI products on the market

Benefits for regions: tourism, retain qualified local workforce, safeguard cultural heritage

Empowering micro and SMEs
Commission Proposal: Basic features

1. Balanced criteria for protection as to territorial link
2. Two-stage registration procedure
3. EUIPO as EU authority in charge
4. Flexibility in control and enforcement
5. EU system to replace national GI rights

Stakeholder views:
68% of respondents* support most preferred policy option
The two-stages of the registration procedure

**National stage**
- Application by the producer group to the national competent authority
- Examination
- National opposition
- Decision on national application

**Union stage**
- Union application by the MS to the EUIPO
- Scrutiny of the application
- Worldwide opposition
- Final decision on registration
- Publication in the Union register

Advisory Board assists the EUIPO in this phase
Two exceptions to the standard registration process

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.

Commission takes the GI 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.**
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
Title IV - 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

Deterrent system of fines
Any question?
Economic context

- 80% of GI products are made by small and micro enterprises
- Located in less developed regions: 75% of the regions with GI products have either GDP per capita or unemployment rate below the EU average
- GI products are located in the regions with significantly higher vulnerability in the tourism sectors when compared to regions without geographically rooted products

Note: The picture maps 300 craft and industrial products identified in VVA et al. (2020) into NUTS3 regions.
Title V – GIs entered in the International register


• To adjust existing rules to the new EU CI GI scheme e.g. there is currently no provision to clarify that unlike in the case of agricultural GIs, it is the EUIPO that plays the role of competent authority under the Lisbon system. Similarly, provisions need to ensure that international applications relating to CI products can be filed and processed by the EU’s competent authority.

• Amendments introduced in the Trade Mark Regulation (EU) 2017/1001: tasks conferred to the EUIPO for the administration and promotion of CI geographical indications, or to establish a domain name information and alert system for EU trade marks replicating the alert system established for CI GIs.
Protection for non-EU countries CIGIs

**Preconditions**
- Protection in country of origin
- Corresponding criteria

via
- Application with EUIPO
  - Examination incl. worldwide opposition
  - Refused
  - Registration
  - (EUIPO) Record in the Union register
- International agreement
  - EU party (GA, other)
  - Mutual protection of CIGIs