

*GEOGRAPHICAL COLLECTIVE
MARK AND TYPICAL
PRODUCTS*

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DINTEC

DINTEC is a company set up in June 1994 by UNIONCAMERE (Italian Union of Chambers of Commerce) and ENEA (Italian National Agency for New Technology, Energy and the Environment), for devising, designing and realising innovation, quality and certification activities, including training and consultancy.



DINTEC

In Italy over 3500 traditional products with geographical indication have been identified.

Most of them cannot be registered as PDO/PGI for the following reasons:

- the product is not famous
- incompatible special features
- small economic size of the production
- not bright market perspectives
- too high costs to bear

low motivation level of the producers



How to protect traditional products with geographical indication from counterfeits and imitations?

a) Reg. 92/2081

when they meet the conditions. Otherwise:

b) Dir. 89/104 art. 15



The experience of the Italian Chamber's system.

The main problems faced (I)

How to solve the possible interference between Reg. 92/2081 and Dir. 89/104?

The strict position of the European Commission (each time that a link between quality and origin is found, Reg. 92/2081 must be applied).

The opening of the European Court of Justice on the simple geographical indications of origin: the cases of the Torrone of Alicante and Warsteiner's Bier.

The PDO/PGI and the geographical collective marks operate on different levels.

In the geographical collective mark the direct relationship between qualitative features of the product and geographical area of production is not to be taken into consideration.



The experience of the Italian Chamber's system.

The main problems faced (II)

How to face the need to conform as much as possible to the European legislation?

In Italy the distinction between collective mark and certification mark is missing: the types of collective mark and guarantee or origin mark converge in the only category of the collective mark.

The rules of art. 65 of EEC Reg.40/94 relevant to the minimum content of the regulations governing the use of the geographical collective mark have been applied:

- opening of the organisation which is the proprietor of the mark to every interested operator without any discrimination
- specification of the conditions of membership of the association
- specification of the conditions of use of the mark



The experience of the Italian Chamber's system.

The main problems faced (III)

Who controls the products?

In Italy the association which is proprietor of the mark is allowed to carry out the controls.

The rule stating that the controls must be carried out by a third and independent body in accordance with the provision NI EN 45011 has been adopted.

The self-referencing solutions were rejected.



Some applications of the geographical collective mark to non food fields:

- the Shepherds of the Neapolitan crib
- the Marquetry of Sorrento
- the Marble of Carrara
- the Alabaster of Volterra

It is important to perceive the geographical collective mark not only as a defence of the best handicraft works, but also as a defence of the history, tradition and culture of a territory.

