EUROPEAN UNION

THE EUROPEAN PARLIAMENT **THE COUNCIL**

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REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE PROTECTION OF GEOGRAPHICAL INDICATIONS FOR CRAFT AND INDUSTRIAL PRODUCTS AND AMENDING REGULATIONS (EU) 2017/1001 AND (EU) 2019/1753

REGULATION (EU) 2023/…
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 18 October 2023

on the protection of geographical indications for craft and industrial products and amending Regulations (EU) 2017/1001 and (EU) 2019/1753

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 118, first paragraph and Article 207(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[1],

Having regard to the opinion of the Committee of the Regions[2],

Acting in accordance with the ordinary legislative procedure[3],

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1 OJ C 486, 21.12.2022, p. 129.
2 OJ C 498, 30.12.2022, p. 57.
3 Position of the European Parliament of 12 September 2023 (not yet published in the Official Journal) and decision of the Council of 9 October 2023.

Whereas:

(1) On 10 November 2020, the Council adopted conclusions on intellectual property policy indicating that it was ready to consider the introduction of a system for specific protection of geographical indications for non-agricultural products, on the basis of a thorough impact assessment of its potential costs and benefits.

(2) In its Communication of 25 November 2020 entitled 'Making the most of the EU's innovative potential – An intellectual property action plan to support the EU's recovery and resilience', the Commission committed itself to considering, on the basis of an impact assessment, whether to propose a Union protection system for non-agricultural geographical indications.

(3) In its Resolution of 11 November 2021 on an intellectual property action plan to support the EU's recovery and resilience, the European Parliament highlighted the fact that the recognition of geographical indications for non-agricultural products is relevant for the priorities of the Union programmes currently in development, underlining its support for the Commission's initiative to establish, on the basis of a thorough impact assessment, effective and transparent protection at Union level for geographical indications for non-agricultural products, in order to align with, inter alia, the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications[1] ('the Geneva Act') which provides for the possibility of protecting geographical indications for both agricultural and non-agricultural products.

[1] OJ L 271, 24.10.2019, p. 15.

(4) In order for the Union to be able to exercise fully its exclusive competence in relation to the common commercial policy, and in full compliance with its commitments under the Agreement on Trade-Related Aspects of Intellectual Property Rights ('TRIPS Agreement') of the World Trade Organization (WTO), on 26 November 2019, in accordance with Council Decision (EU) 2019/1754[1], the Union acceded to the Geneva Act, which is administered by the World Intellectual Property Organization (WIPO). The Geneva Act offers a means of obtaining protection for geographical indications, regardless of the nature of the goods to which they apply, and therefore includes craft and industrial products. In order to fully comply with those international obligations, ensuring that there is uniform recognition and protection throughout the Union for geographical indications for craft and industrial products is a priority for the Union.

[1] Council Decision (EU) 2019/1754 of 7 October 2019 on the accession of the European Union to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (OJ L 271, 24.10.2019, p. 12).

(5) For many years, protection of geographical indications has been established at Union level for wines[1] and spirit drinks[2], as well as agricultural products and foodstuffs, including aromatised wines[3]. It is appropriate to provide Union protection for geographical indications for products falling outside the scope of existing Union law, while ensuring convergence. That protection should be aimed at encompassing a large variety of craft and industrial products, such as natural stones, woodwork, jewellery, textiles, lace, cutlery, glass, porcelain, and hides and skins. The introduction of such a system for the protection of geographical indications for craft and industrial products would bring benefits for consumers, by improving awareness in relation to the authenticity of products. It would also have a positive economic impact on micro- and small and medium-sized enterprises (MSMEs) by strengthening competitiveness, and it would have a general positive impact on employment, development and tourism in rural and less-developed regions. Furthermore, such a system would also facilitate access to third-country markets through trade agreements with the Union and would achieve the full potential of geographical indications for craft and industrial products.

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1 Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

2 Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008 (OJ L 130, 17.5.2019, p. 1).

3 Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

(6) Several Member States have national systems for the protection of geographical indications for craft and industrial products. Those systems differ in terms of the scope of protection, administration and fees, and do not offer protection beyond the national territory. Other Member States do not provide for the protection of geographical indications for craft and industrial products at national level. That fragmented and complex landscape of various protection systems at Member State level might result in increased costs and legal uncertainty for producers and be a disincentive to invest in traditional crafts in the Union. The existence of a harmonised Union protection system is essential for creating the legal certainty necessary for all stakeholders, and for preventing infringements of intellectual property rights in relation to craft and industrial products, thereby allowing the Union to better protect its interests, including at international level.

(7) Making products which are strongly linked to a specific geographical area often depends on local know-how and is often based on the use of local production methods that are rooted in the cultural and social heritage of the home region of such products. Efficient intellectual property protection has the potential to contribute to increased profitability and attractiveness for traditional craft professions. Specific protection of geographical indications is recognised so as to safeguard and develop cultural heritage in the agricultural and craft and industrial sectors. Therefore, efficient procedures should be established for the registration at Union level of geographical indications for craft and industrial products, which take into account local and regional specificities. The system for the protection of geographical indications for craft and industrial products provided for in this Regulation should ensure that production and marketing traditions are maintained and enhanced.

(8) Uniform protection throughout the Union for intellectual property rights related to geographical indications can create incentives for the production of quality products, contribute to the fight against counterfeiting, ensure the wide availability of quality products for consumers and contribute to the creation of valuable and sustainable jobs, including in rural and less-developed regions, which would help counter depopulation trends. In particular, in view of the potential of such protection to contribute to the creation of sustainable and highly skilled jobs in rural and less-developed regions, producers should aim at creating a substantial proportion of the value of the product designated by a geographical indication within the defined geographical area. The requirements that a given quality, reputation or other characteristic of a product is to be essentially attributable to its geographical origin and that the product is to originate in a defined geographical area, as established in this Regulation, reinforce the understanding that a substantial proportion of the value of the product designated by the geographical indication is to be created inside the given geographical area. Those requirements should ensure that only products with a strong link to the geographical area can benefit from the protection provided for in this Regulation.

(9) It is therefore necessary to ensure fair competition for producers of craft and industrial products in the internal market; to ensure that reliable information pertaining to such products is available to consumers; to safeguard and develop cultural heritage and traditional know-how; to ensure that geographical indications for craft and industrial products are registered efficiently, at both Union and international level; to provide for effective controls and enforcement in relation to geographical indications for craft and industrial products throughout the internal market, including in electronic commerce; and to establish a link with the international registration and protection system based on the Geneva Act.

(10) The tasks assigned by this Regulation to Member State authorities, the Commission and the European Union Intellectual Property Office established by Regulation (EU) 2017/1001 of the European Parliament and of the Council[1] ('the Office') could require the processing of personal data, in particular where it is necessary to identify applicants in procedures for registration, amendment of the product specification or cancellation of the registration, opponents, or beneficiaries of a transitional period granted by way of derogation from the protection of a registered geographical indication. Processing of such personal data is therefore necessary for the performance of a task carried out in the public interest. Any processing and making public of personal data received in the course of the procedures under this Regulation, for example for the purposes of registration, including opposition, amendment of the product specification, cancellation of the registration, controls and the granting of a transitional period, should respect fundamental rights, including the right to respect for private and family life and the right to protection of personal data under Articles 7 and 8 of the Charter of Fundamental Rights of the European Union ('the Charter'). In that context, Regulation (EU) 2016/679 of the European Parliament and of the Council[2] and Directive 2002/58/EC of the European Parliament and of the Council[3] place certain obligations on Member States, while Regulation (EU) 2018/1725 of the European Parliament and of the Council[4] places certain obligations on the Commission and the Office. Where the Commission and the Office jointly determine the purposes and means of the data processing, they should be considered joint controllers.

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1 Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark (OJ L 154, 16.6.2017, p. 1).

2 Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1).

3 Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).

4 Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

(11) Geographical indications for craft and industrial products which have a given quality, reputation or other characteristic linked to their place of production, confer a collective right that can be exercised by all eligible producers in a defined geographical area that are willing to adhere to a product specification, in accordance with this Regulation. Producers acting collectively have more market power than individual producers and can make use of synergies when managing their geographical indications. Geographical indications reward producers for their efforts to produce a diverse range of quality products. Applications for registration of geographical indications should therefore be submitted by producer groups.

(12) In certain geographical areas there might only be one producer willing to submit an application for the registration of a name as a geographical indication. Therefore, it should also be possible for a single producer to be considered an applicant. However, a single producer should not be allowed to define the geographical area by reference to its own land or workshop. The geographical area should always refer to a particular part of a territory and not to private property boundaries.

(13) It should also be possible for a local or regional authority designated by a Member State or a private entity designated by a Member State to be an applicant. In such cases, the application should state the reasons for such designation.

(14) In addition, a local or regional entity of the Member State from where the respective producer group or single producer originates should be allowed to provide assistance to that producer group or single producer in the preparation of the application and in the first phase of the registration procedure. The assistance could include advice and the sharing of documents, contacts and information.

(15) The system for the protection of geographical indications for craft and industrial products laid down in this Regulation is aimed at enabling consumers to make more informed purchasing choices and, in this context, labelling and advertising help consumers to identify quality products on the market correctly. Intellectual property rights related to geographical indications help operators and companies to valorise their intangible assets. To avoid creating unfair competition and to uphold the internal market, any producer, including a third-country producer, should be able to use a registered geographical indication and to market products designated by such a geographical indication throughout the Union, including in electronic commerce, provided that the product concerned complies with the corresponding product specification and that the producer is subject to controls.

(16) A name of a product should be eligible for protection as a geographical indication if the product complies with three cumulative requirements: the product should be rooted in or originate in a specific place, region or country; a given quality, the reputation or other characteristic of the product should be essentially attributable to its geographical origin; and at least one of the production steps should take place in that geographical area. To fulfil those requirements, it needs to be demonstrated that the geographical origin is an essential factor for the given quality, reputation or other characteristic of the product. Those requirements are in line with the requirements for geographical indications as set out in the Geneva Act and in the Union legislation on the protection of geographical indications for agricultural products, foodstuffs, wines and spirit drinks. However, products that are contrary to public policy should not be the subject of a protected geographical indication. The need to apply that public policy exception should be assessed on a case-by-case basis, and the exception should be applied in accordance with the Treaty on the Functioning of the European Union (TFEU) and the relevant case law of the Court of Justice of the European Union.

(17) The production step or production steps indicated in the product specification are those which confer a given quality, reputation or other characteristic on the product. Human or natural factors, or a combination of those factors, determine if a production step is relevant for it to be included in the product specification. Products primarily produced outside the given geographical area and only transported there for packaging or for a production step that could be carried out elsewhere without entailing a significant difference in the given quality, reputation or other characteristic of the product, should not qualify for protection. That principle would make it possible to prevent low-quality products without unique characteristics and produced almost entirely outside the given geographical area from being sold as products designated by a geographical indication.

(18) MSMEs often have limited resources to deal with administrative tasks. The competent authority of the Member State from where the applicant originates should endeavour to assist, at the request of the applicant, in the preparation of the single document provided for in this Regulation, in line with its administrative practice. Where a Member State decides to use the direct registration procedure provided for in this Regulation ('direct registration procedure'), the Office, in close cooperation with the single point of contact of the Member State concerned, should endeavour to provide assistance with the single document. Any assistance provided by the authorities or the Office should be without prejudice to the applicant remaining responsible for the single document.

(19) To obtain protection as geographical indications, names should be registered at Union level only. The standard procedure for the registration of a geographical indication under this Regulation should comprise two phases. Member States should be responsible for the first phase ('national phase') and the Office should be responsible for the second phase ('Union phase'). Where a Member State has been granted a derogation from that standard procedure, it should be possible for an applicant from that Member State to submit an application directly to the Office through the direct registration procedure. The protection granted under this Regulation upon registration should be equally available to geographical indications for products originating in third countries ('third-country geographical indications') that fulfil the corresponding requirements and that are protected in the third country of origin. The Office should carry out the corresponding procedures for third-country geographical indications.

(20) Member States should provide for efficient, predictable and expeditious administrative procedures. Information about those procedures, including any applicable deadlines and the overall length of the procedures, should be publicly available. The Member States, the Commission and the Office should cooperate within the Advisory Board, established pursuant to this Regulation ('the Advisory Board'), to share best practices with a view to promoting the efficiency of those procedures.

(21) The procedures for registration, including opposition, amendment of the product specification, cancellation of the registration and appeal in respect of geographical indications originating in the Union should be carried out by the Member States and the Office and those procedures should fulfil transparency requirements. The Member States and the Office respectively should be responsible for the distinct phases of those procedures. Member States should be responsible for the national phase, which consists of receiving the application from the applicant, examining it, managing the national opposition procedure and, following the positive completion of the national phase, submitting the application to the Office to launch the Union phase. Member States should establish the detailed procedural arrangements for the national phase. Those arrangements should include consultations between the applicant and any national opponents, as well as the submission by the applicant of a report on the outcome of those consultations, and on any modifications made to the application. Moreover, the admissibility of the opposition and the reasons for refusing registration in the national phase should be aligned with those in the Union phase. The Office should be responsible for examining applications in the Union phase, managing the opposition procedure and granting or refusing registration. The Office should also carry out the corresponding procedures for third-country geographical indications.

(22) The Office should encourage parties to make use of alternative dispute resolution, such as mediation, with a view to reaching a friendly settlement. To that end, the Office should offer the parties the opportunity to make use of those services in the procedures available at Union level. The Office should provide those services itself, but the parties should also have the possibility of making use of other mediation services.

(23) In order to facilitate the management by competent authorities of applications, it should be possible for two or more Member States to cooperate in the national phase of the procedures, including with regard to examination, national opposition, submission of applications to the Office, amendment of the product specification and cancellation of the registration; and to decide that one of them is to manage the procedures on behalf of the other Member State or Member States concerned. In those cases, those Member States should, without delay, inform the Commission accordingly and provide information on the main parameters of the cooperation.

(24) Under certain circumstances, it should be possible for Member States to obtain a derogation from the obligation to designate a national competent authority to be responsible for the national phase of the procedures for registration, including national opposition, amendment of the product specification and cancellation of the registration. That derogation should take into account the fact that certain Member States do not have a specific national system for the protection of geographical indications for craft and industrial products, that the local interest in those Member States to protect geographical indications is minimal, and that, under those circumstances, it would not be justified to oblige them to set up all the infrastructure needed for such a system. It would be more efficient and cost-effective to provide for an alternative path for producer groups from those Member States to protect their products, namely a direct registration procedure with the Office. That alternative would also yield cost advantages for Member States.

(25) The Commission should, after examining the information provided by a Member State, adopt a decision on the request for a derogation by that Member State allowing it to make use of the direct registration procedure. When examining the request, the Commission should assess all relevant circumstances, such as the number of existing protected names of products, the number of potentially interested producers and producer groups in the Member State concerned, the size of the population of the Member State concerned, the volume of sales, the manufacturing capacities and the markets for the products in question, and other information that the Member State considers to be relevant as evidence of a low level of interest at national level. It should be possible for the Commission to also use, for example, information gathered via a public consultation, a market survey or analysis, or letters from relevant professional chambers or from any other relevant official instances, to take a decision. The Commission should retain the right to amend or to rescind a decision allowing a Member State to make use of the direct registration procedure, where conditions cease to be met by the Member State concerned. This, for example, would be the case if the number of direct applications submitted by applicants from that Member State were to exceed the original estimate by that Member State in a recurrent manner over time.

(26) Pursuant to such derogation, procedures for registration, amendment of the product specification and cancellation of the registration should be managed directly by the Office. In that regard, the Office should receive assistance from the administrative authorities of the Member State concerned when needed, through an appointed single point of contact, as regards, in particular, the examination of the application. The single point of contact should have the necessary expertise and local knowledge on geographical indications. In order to assist the Office, the single point of contact should be allowed to consult experts with product- or sector-specific knowledge.

(27) The application of the direct registration procedure should not exempt Member States from the obligation to designate a competent authority for carrying out controls and to take the necessary action to enforce the rights set out in this Regulation.

(28) To ensure efficient and consistent decision-making as regards applications, the competent authority of a Member State should inform the Office without undue delay of any proceedings before a national court or another body concerning an application submitted by that competent authority to the Office, and of the final outcome of such proceedings. For the same reason, the competent authority should keep the Office informed of any national administrative and judicial proceedings against the decision of the competent authority that could affect the registration of a geographical indication.

(29) As from the date of the submission of an application by a Member State to the Office, Member States should be able to grant temporary national protection to a geographical indication prior to the completion of the Union phase, provided that the internal market or the Union's trade policy are not affected. Temporary national protection should not be granted in the event of direct registration.

(30) To allow operators whose interests are affected by the registration of a geographical indication to continue to use the registered name for a limited period of time, a specific derogation for the use of such a name for a transitional period should be granted by the Office. Such a transitional period could also be allowed in order to overcome temporary difficulties, with the long-term objective of ensuring that all producers comply with the product specification. Without prejudice to the rules governing conflicts between geographical indications and trade marks, it should be possible to continue to use names that would otherwise contravene the protection of a geographical indication, under certain conditions and for a transitional period.

(31) The Commission should, in certain specific cases, be able to take over from the Office the power to decide on individual applications, on requests for amendment of the product specification or on requests for cancellation. Any Member State or the Office should be able to request that the Commission exercise that prerogative. The Commission should also be able to act on its own initiative. The Office should, in any event, remain responsible for the examination of the file and the opposition, and, based on technical considerations, should prepare a draft implementing act for the Commission.

(32) For the proper functioning of the internal market, it is important that producers and other operators concerned, as well as authorities and consumers, have quick and easy access to relevant information concerning geographical indications.

(33) To avoid fragmentation of the internal market and to ensure transparency and uniformity across the Union, it is necessary to establish an electronic Union register of geographical indications for craft and industrial products ('the Union register'), which should be easily accessible to the public in a machine-readable format. The Union register should be established and maintained by the Office and the personnel for its operation should be provided by the Office. The possibility of using existing databases should be considered in order to avoid creating an unnecessary administrative burden.

(34) The Union negotiates international agreements, including those concerning the protection of geographical indications, with its trade partners. Protection of geographical indications for craft and industrial products in the Union can also stem from such agreements, irrespective of the international registration provided for under the Geneva Act and of the registration system set out in this Regulation. It should be possible to enter in the Union register geographical indications protected in the Union by virtue of an international registration under the Geneva Act or under international agreements with Union trade partners, in order to facilitate the provision of information to the public, to increase transparency for the benefit of consumers and, in particular, to ensure protection and control of the use to which those geographical indications are put. In such cases, the respective names should be entered in the Union register as protected geographical indications.

(35) Any party adversely affected by a decision of the Office should have the right of appeal before the Boards of Appeal of the Office ('the Boards of Appeal'). Decisions of the Boards of Appeal should, in turn, be amenable to actions before the General Court, which has jurisdiction to annul or to alter the contested decision.

(36) An Advisory Board composed of experts from Member States and the Commission should be established to provide the necessary knowledge and expertise concerning certain products, sectors and local circumstances that could influence the outcome of the procedures under this Regulation. In order to obtain the specific technical knowledge necessary for the examination of individual applications at any stage of the procedures for registration, including opposition, appeal or other procedures, the Geographical Indications Division of the Office or the Boards of Appeal, on their own initiative or at the request of the Commission, should have the possibility of consulting the Advisory Board. That consultation, where necessary, should also include a general opinion on assessing quality criteria, establishing the reputation of a product, determining the generic nature of a name, and assessing the risk of confusing consumers. The opinion of the Advisory Board should not be binding. The Advisory Board should invite, where appropriate, experts in the product category concerned, including representatives of regions and academia. The procedure for appointing the experts and the operation of the Advisory Board should be specified in the rules of procedure of the Advisory Board, adopted by the Management Board.

(37) Protection should be granted to geographical indications entered in the Union register, to ensure that they are used fairly and in order to prevent practices liable to mislead consumers, in particular as regards comparable products. To establish whether products are comparable to a product protected by a geographical indication, account should be taken of all relevant factors. Those factors should include: whether the products have common objective characteristics, such as the production method, physical appearance or use of the same raw material; under which circumstances the products are utilised from the point of view of the relevant market segment; whether the products are frequently distributed through the same channels; and whether they are subject to similar marketing rules.

(38) In order to strengthen the protection of geographical indications for craft and industrial products and to combat counterfeiting effectively, the protection under this Regulation should also apply to domain names on the internet. It is also important to have due regard to the TRIPS Agreement, and in particular Articles 22 and 23 thereof, and to the General Agreement on Tariffs and Trade, which was concluded, on behalf of the Union, by virtue of Council Decision 94/800/EC[1], including Article V of that Agreement on the freedom of transit. Within that legal framework, to combat counterfeiting more effectively, such protection should also apply with regard to goods entering the customs territory of the Union without being released for free circulation, and placed under special customs procedures such as those relating to transit, storage, specific use or processing.

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1 Council Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the agreements reached in the Uruguay Round multilateral negotiations (1986-1994) (OJ L 336, 23.12.1994, p. 1).

(39) It should be ensured that the use of a geographical indication in the name of a manufactured product that contains or incorporates, as a part or a component, the product designated by the geographical indication is made in accordance with fair commercial practices and does not exploit, weaken, dilute, or is not detrimental to, the reputation of the geographical indication. The consent of the producer group or the individual producer of the product designated by the geographical indication should be required for such use.

(40) Generic terms that are similar to, or form part of, a name or term that is protected by a geographical indication should retain their generic status.

(41) Homonymous names ('homonyms') are names that are spelt or pronounced in the same way, but refer to different geographical areas. A name which is wholly or partly homonymous with a geographical indication already registered or applied for, should not be registered, unless certain circumstances justify its protection, considering the need for equal treatment of producers and the need for consumers not to be misled as to the true geographical origin of the product. Homonyms that are liable to mislead consumers as to the true identity or geographical origin of the product should not be registered as a geographical indication.

(42) While trade marks and geographical indications differ in nature and purpose, the relationship between them should be clarified in relation to criteria for the rejection of trade mark applications, the invalidation of trade marks and the coexistence of trade marks and geographical indications. The protection of geographical indications needs to be balanced against the protection of trade marks with a reputation and of well-known marks, in particular in light of the fundamental right to property as set out in Article 17 of the Charter, as well as the obligations resulting from international law. When assessing the relationship between a geographical indication and a trade mark, any continuity of the protection of a geographical indication established by registration or usage in a Member State, where the geographical indication has become subject to Union protection in accordance with this Regulation, and any priority claimed in relation to a trade mark application, should be taken into account.

(43) Producer groups play an essential role in the application process for the registration of geographical indications, as well as in procedures for amendment of the product specification and for cancellation of the registration. They should be equipped with the necessary means to identify and market better the specific characteristics of their products. The role of producer groups should therefore be specified.

(44) Country-code top-level domain name registries established in the Union offering alternative dispute resolution procedures to settle disputes relating to the registration of domain names should ensure that such procedures also cover geographical indications. Following an appropriate alternative dispute resolution procedure or judicial procedure, it should be possible for country-code top-level domain name registries established in the Union to revoke or transfer a domain name registered under a country-code top-level domain to the relevant producer group, where the domain name registration contravenes the protection of a geographical indication, where the domain name is being used in bad faith, or where the domain name has been registered by its holder without that holder having a right to or a legitimate interest in the geographical indication.

(45) The Commission should evaluate the feasibility of establishing an information and alert system against the abusive use of craft and industrial geographical indications within the domain name system, and submit to the European Parliament and to the Council a report on its main findings. Based on the outcome of that evaluation, the Commission should, where necessary, present a legislative proposal in order to establish such a system.

(46) As the Union system for the protection of geographical indications for craft and industrial products as provided for in this Regulation is new, it is important to raise awareness about this initiative among consumers, producers, especially MSMEs, and public authorities at local, regional, national and international level. To that end, the Member States, the Commission, the Office and the relevant stakeholders should be encouraged to carry out promotional activities on a regular basis to raise awareness.

(47) The Union symbol, indication and abbreviation identifying registered geographical indications, and the rights therein pertaining to the Union, should be protected in the Union as well as in third countries, with the aim of ensuring that they are used on genuine products and that consumers are not misled as to the characteristics of products.

(48) The use of the Union symbol, indication and abbreviation on the packaging of craft and industrial products designated by a geographical indication should be recommended, also on online sales websites, in order to make those products, and the guarantees attached to them, better known to consumers and to allow for easier identification of those products on the market, thereby facilitating checks. The use of the Union symbol, indication and abbreviation should remain voluntary for third-country geographical indications.

(49) For the sake of clarity for consumers and to maximise coherence with regard to Union legislation for the protection of geographical indications for agricultural products, foodstuffs, wines and spirit drinks, the Union symbol used on the packaging of craft and industrial products designated by a geographical indication should be identical to that established under Commission Delegated Regulation (EU) No 664/2014[1] and used on the packaging of agricultural products and foodstuffs, wines and spirit drinks designated by a geographical indication.

[1] Commission Delegated Regulation (EU) No 664/2014 of 18 December 2013 supplementing Regulation (EU) No 1151/2012 of the European Parliament and of the Council with regard to the establishment of the Union symbols for protected designations of origin, protected geographical indications and traditional specialities guaranteed and with regard to certain rules on sourcing, certain procedural rules and certain additional transitional rules (OJ L 179, 19.6.2014, p. 17).

(50) The added value of geographical indications is based on consumer trust. Such trust can only be well-founded if the registration of geographical indications is accompanied by effective and efficient verification and control mechanisms. Consumers should be able to expect that any geographical indication is covered by robust verification and control systems, regardless of whether the products originate in the Union or a third country.

(51) In order to ensure that there is consumer trust in the specific characteristics of craft and industrial products designated by a geographical indication, producers should be subject to a system based on a producer's self-declaration that verifies compliance with the product specification before and after the product is placed on the market. For the purposes of controls, each Member State should designate competent authorities for the verification of compliance and monitoring. It should be possible to have one competent authority designated for the national phase and a different competent authority designated for the controls, should a Member State so decide. The respective competent authority should be allowed to delegate certain control tasks to product certification bodies or natural persons.

(52) The self-declaration should be submitted by the producer to the competent authority responsible for verifying compliance with the product specification. To demonstrate continuous compliance, such self-declaration should be submitted every three years. Producers should be required to submit an updated self-declaration immediately when there is an amendment to the product specification of a kind that has an effect on the product concerned. Verification based on self-declaration should not prevent producers from having compliance of their products with the product specification verified by third parties. It should be possible for such third-party verification to supplement a self-declaration, but not to replace it.

(53) The self-declaration should provide the competent authority with all necessary information regarding the product, in order for the authority to check its compliance with the product specification. To ensure that the information provided in the self-declaration is comprehensive, a harmonised structure for such declarations should be set out. The producer should take full responsibility for ensuring that the information provided in the self-declaration is complete, consistent and accurate, and should be able to provide, without affecting protection of know-how and trade secrets, the necessary evidence to allow for the verification of that information.

(54) Upon receipt of the self-declaration, the competent authority should conduct an examination of the self-declaration that includes at least a check of the completeness and consistency of the self-declaration. Obvious inconsistencies should be clarified and missing information should be requested from the producer. Where the competent authority is satisfied that the information provided in the self-declaration is complete and consistent and it has no other reservations concerning compliance, the competent authority should issue, or renew, an official certificate of authorisation to produce the product designated by the geographical indication.

(55) To ensure compliance with the product specification and to check the accuracy of the information provided in the self-declaration, the competent authority should, with appropriate frequency, perform conformity checks in the market, including in electronic commerce, based on a risk analysis and taking into account the risk of non-compliance, including fraudulent or deceptive practices.

(56) In the event of non-compliance with the product specification, the competent authority should take appropriate measures to ensure that the producers concerned remedy the situation and to prevent further non-compliance.

(57) As an alternative to the verification procedure based on self-declaration, Member States should be allowed to provide for a verification procedure based on verification of compliance by a competent authority or a designated third party. Such verification procedure should include controls of compliance with the product specification both before and after the product has been placed on the market. The competent authority should be allowed to delegate, where necessary, to product certification bodies or natural persons certain control tasks related to checking the geographical origin, or the production process, of the product concerned.

(58) European standards (EN standards) developed by the European Committee for Standardization (CEN) and international standards developed by the International Organization for Standardization (ISO) should be used for the accreditation of product certification bodies as well as by those bodies for their operations. The accreditation of those bodies should take place in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council[1]. Product certification bodies established outside the Union should demonstrate that they comply with Union or internationally recognised standards by means of a certificate issued by a body that is a recognised signatory of a multilateral recognition agreement under the auspices of the International Accreditation Forum (IAF) or a member of the International Laboratory Accreditation Cooperation (ILAC). Natural persons should have the expertise, equipment, infrastructure and resources required to perform the control tasks delegated to them. They should be suitably qualified and experienced, act impartially and be free from any conflict of interest as regards the performance of the control tasks delegated to them.

(59) Information on competent authorities, and on product certification bodies and natural persons to which control tasks have been delegated, should be made public by Member States and the Office to ensure transparency and to allow interested parties to contact them.

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[1] Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).

(60) Monitoring the use of geographical indications in the market is important to prevent fraudulent and deceptive practices, thus ensuring that the producers of products designated by a geographical indication are properly rewarded for the added value of their products bearing a geographical indication and that persons infringing the rights conferred by a geographical indication are prevented from selling non-compliant products. Therefore, Member States should designate competent authorities to monitor the market in order to detect any misuse of geographical indications, and to carry out controls based on a risk analysis. In the event of a detected misuse of a geographical indication, the relevant competent authority should take appropriate administrative and judicial steps to prevent or stop the use of names of products or services that contravene the protection of a registered geographical indication, where such products are produced or marketed, or such services are provided or marketed, in their territory. It should be possible for those authorities to be the same as the authorities designated for the verification of compliance with the product specification. It should be possible for such monitoring to be undertaken by authorities carrying out product controls or controls in the market in another context, for example customs controls, market surveillance or law enforcement.

(61) The measures, procedures and remedies set out in Directive 2004/48/EC of the European Parliament and of the Council[1] are applicable to any infringement of intellectual property rights, including rights related to geographical indications. In addition, Regulation (EU) No 608/2013 of the European Parliament and of the Council[2] sets out the conditions and procedures for action by the customs authorities where goods suspected of infringing an intellectual property right, including a right related to geographical indications, are, or should have been, subject to customs supervision or customs controls within the customs territory of the Union. Likewise, Regulation (EU) No 386/2012 of the European Parliament and of the Council[3] sets out tasks and activities of the Office related to the enforcement of intellectual property rights, including fostering cooperation with and between relevant Member State authorities.

(62) For the proper functioning of the internal market, it is important that producers can quickly and easily demonstrate that they are authorised to use a name that is protected as a geographical indication, for example in the context of customs controls or market inspections, or at the request of business partners or consumers. To that end, they should use an official certificate of authorisation to produce the product designated by a geographical indication put at their disposal.

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1 Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights (OJ L 157, 30.4.2004, p. 45).

2 Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003 (OJ L 181, 29.6.2013, p. 15).

3 Regulation (EU) No 386/2012 of the European Parliament and of the Council of 19 April 2012 on entrusting the Office for Harmonization in the Internal Market (Trade Marks and Designs) with tasks related to the enforcement of intellectual property rights, including the assembling of public and private-sector representatives as a European Observatory on Infringements of Intellectual Property Rights (OJ L 129, 16.5.2012, p. 1).

(63) Since the control system laid down in this Regulation follows a public-private approach, producers themselves should also contribute to the protection of geographical indications. They should perform compliance checks to verify the compliance of the product with the product specification, accompanied, as applicable, by internal compliance checks managed and organised by the relevant producer group. In addition, producers should be encouraged to support public authorities in monitoring the use of geographical indications in the market. Producers should also be encouraged to notify to the competent authorities any cases of non-compliance or possible infringements.

(64) In order to strengthen the protection of geographical indications for craft and industrial products and to combat counterfeiting more effectively, the protection under this Regulation should apply to both the offline and online environment, including domain names on the internet. Intermediary services, in particular online platforms, are increasingly being used for the sale of products, including products designated by a geographical indication. In this regard, information related to the advertising, promotion and sale of goods that contravenes the protection of geographical indications provided for in this Regulation should be considered illegal content within the meaning of Article 3, point (h), of Regulation (EU) 2022/2065 of the European Parliament and of the Council[1] and should be subject to the obligations and measures under that Regulation.

[1] Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1).

(65) Member States should provide for effective, proportionate and dissuasive penalties aimed at deterring possible fraudulent behaviour by producers of products designated by a geographical indication, and persons from infringing geographical indications.

(66) Given that the production steps of a product designated by a geographical indication might take place in more than one Member State, and that products produced in one Member State might be sold in another Member State, administrative assistance and cooperation between Member States should be ensured to allow for efficient and effective controls and enforcement.

(67) The action of the Union following its accession to the Geneva Act is governed by Regulation (EU) 2019/1753 of the European Parliament and of the Council[1]. Certain provisions of that Regulation should be amended to ensure coherence in relation to the establishment of a Union system for the protection of geographical indications for craft and industrial products, in accordance with this Regulation. In this context, the Office should act as the Union's competent authority in respect of geographical indications for craft and industrial products under the Geneva Act. Provisions of Regulation (EU) 2019/1753 applicable to geographical indications falling outside the scope of the Union law governing the system for the protection of geographical indications for agricultural products should, therefore, be amended so that they are aligned with this Regulation.

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[1] Regulation (EU) 2019/1753 of the European Parliament and of the Council of 23 October 2019 on the action of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (OJ L 271, 24.10.2019, p. 1).

(68) Likewise, to ensure coherence in relation to this Regulation, Regulation (EU) 2017/1001 should be amended. The tasks conferred on the Office under this Regulation as regards the administration and promotion of geographical indications should be added to the list of the tasks of the Office set out in Article 151 of Regulation (EU) 2017/1001.

(69) For the tasks conferred on the Office under this Regulation, the languages of the Office should be all the official languages of the Union. In respect of applications, requests for amendment of the product specification and requests for cancellation submitted by third-country applicants, the Office should accept certified translations, into one of the official languages of the Union, of documents and information. The Office should have the possibility of using, where appropriate, verified machine translations.

(70) Member States should have the possibility of charging a fee to cover the costs of managing the system for the protection of geographical indications for craft and industrial products. In that context, Member States should take into account the situation of MSMEs. The Office should not charge a fee for applications submitted by competent authorities of the Member States after the completion of the national phase of the registration procedure. However, the Office should charge a fee for the direct registration procedure, considering that that procedure generates more work for the Office than the processing of applications that have already been examined in the national phase. The Office should also charge fees for procedures under this Regulation concerning third-country geographical indications and for appeals.

(71) Control and verification fees or charges should cover, but not exceed, the costs, including overhead costs, incurred by the competent authorities that perform controls. Overhead costs could include the costs of the organisation and support necessary for planning and carrying out controls, and where applicable, the use of product certification bodies or natural persons. No fee should be charged for the submission of the self-declaration and its processing.

(72) The necessary set-up costs of the IT system that is envisaged under this Regulation – namely the digital system for the electronic submission of applications to the Office, the Union register, and the digital portal – should be financed from the Office's accumulated budgetary surplus. The running costs arising from the tasks entrusted to the Office by this Regulation should be covered by the operational budget of the Office.

(73) The digital system for the electronic submission of applications to the Office should include a front and back office and allow for smooth connection, interfacing with and integration to IT systems of national authorities, the Union register and the WIPO IT system for the administration of the Geneva Act. The Union register should be similar in appearance and have at least the same functionalities as the Union register of geographical indications for wines, foodstuffs and agricultural products.

(74) In order to amend or supplement certain non-essential elements of this Regulation, the power to adopt acts, in accordance with Article 290 TFEU, should be delegated to the Commission in respect of: (i) specifying further the requirements in relation to documentation accompanying the application; (ii) listing additional items for the accompanying documentation that is to be submitted; (iii) specifying the criteria for the direct registration procedure; (iv) setting out the procedures and conditions applicable to the preparation and submission of applications to the Office; (v) specifying the content of the notice of appeal and the procedure for the submission and the examination of an appeal; (vi) specifying the content and the form of the decisions of the Boards of Appeal; and (vii) modifying the information and requirements in relation to the standard form for the self-declaration. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

[1] OJ L 123, 12.5.2016, p. 1.

(75) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards: (i) laying down rules that limit the information contained in the product specification, where such a limitation is necessary to avoid excessively voluminous applications; (ii) laying down rules on the form of the product specification; (iii) specifying the format and online presentation of the accompanying documentation; (iv) laying down detailed rules on the procedures for the preparation and submission of direct applications; (v) laying down detailed rules on the procedures for and the form and presentation of applications to the Office, including in relation to applications concerning more than one national territory; (vi) laying down rules on the submission of the opposition and specifying the format and the online presentation of the reasoned statement of opposition; (vii) laying down rules on the submission of the notice of comments and specifying its format and online presentation; (viii) decisions and procedures in cases where the Commission takes over from the Office the power to decide on an application; (ix) laying down detailed rules on, the procedure for, and form and presentation of a request for a Union amendment to the product specification and on the procedure for, and form of, standard amendments and the communication of such amendments to the Office; (x) laying down detailed rules on the procedures for and form of cancellation, as well as on the presentation of the requests for cancellation; (xi) setting out the IT architecture for and presentation of the Union register; (xii) specifying the format and online presentation of extracts from the Union register; (xiii) specifying the technical characteristics of the Union symbol and indication as well as the rules of their use on the products marketed under a registered geographical indication, including rules concerning the linguistic versions to be used; (xiv) specifying the nature and the type of the information to be exchanged and the methods for exchanging information for the purposes of controls; and (xv) determining the amounts of the fees to be charged by the Office and the ways in which they are to be paid or, in the case of the fee for appeals before the Boards of Appeal, reimbursed. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[1].

[1] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

(76) The current protection of geographical indications at national level is based on various regulatory approaches. Having two parallel systems at Union and national levels carries the risk of confusing consumers and producers. The replacement of national systems for the protection of geographical indications for craft and industrial products by a Union regulatory framework would create legal certainty, reduce the administrative burden for national authorities, ensure fair competition between the producers of products designated by such geographical indications as well as predictable and relatively low costs, and enhance the credibility of the products in consumers' eyes. To that end, the national systems for the protection of geographical indications for craft and industrial products should cease to exist twelve months after the date of application of this Regulation. It should be possible to extend in time the protection granted under those national systems until the conclusion of the registration of the national geographical indications identified by the Member States concerned. Some Member States, in particular those that are party to the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, have registered, under that Agreement, geographical indications for craft and industrial products. They have also granted protection, under that Agreement, to third-country geographical indications. Regulation (EU) 2019/1753 should therefore be amended to allow for the continued protection of those geographical indications.

(77) Given that a period of time is required to ensure that the framework for the proper functioning of this Regulation is in place to create a Union and international system for the protection of geographical indications for craft and industrial products, this Regulation should start to apply following the expiry of a reasonable period after its adoption. However, certain provisions in relation to the derogation from the national phase, the Advisory Board, the setting up of the IT system and the delegation of powers to the Commission should apply from the entry into force of this Regulation.

(78) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter. Therefore, this Regulation should be interpreted and applied in accordance with those rights and principles, including the right to the protection of personal data, the freedom to conduct a business and the right to property, including intellectual property.

(79) Since the objective of this Regulation, namely the creation of a Union system for the protection of geographical indications for craft and industrial products, cannot be sufficiently achieved by the Member States, but can rather, by reason of the scale and effects of this Regulation, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

(80) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on 2 June 2022[1],

HAVE ADOPTED THIS REGULATION:

[1] OJ C 258, 5.7.2022, p. 5.

TITLE I
GENERAL PROVISIONS

Article 1

Subject matter

This Regulation lays down rules on:

(a) registration and protection of, and controls in relation to, geographical indications designating craft and industrial products with a given quality, reputation or other characteristic linked to their geographical origin; and

(b) geographical indications entered in the international register established under the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications ('the Geneva Act') administered by the World Intellectual Property Organization (WIPO).

Article 2

Objectives

This Regulation establishes a Union system for the protection of geographical indications for craft and industrial products, in particular by laying down provisions relating to:

(a) the necessary tasks, rights and responsibilities for producers to manage geographical indications, including in response to societal demands for sustainable products;

(b) simple and efficient registration of geographical indications, taking into account the appropriate protection of intellectual property rights;

(c) the generation of added value by contributing to fair competition in the market;

(d) reliable information and a guarantee of authenticity of products designated by a geographical indication for the consumer;

(e) effective controls and enforcement in relation to geographical indications for craft and industrial products and the marketing of craft and industrial products throughout the Union, including in electronic commerce, whilst ensuring the integrity of the internal market;

(f) local economic development that contributes to the protection of know-how and of common heritage.

Article 3

Scope

1. This Regulation applies to craft and industrial products.

2. This Regulation does not apply to agricultural products or foodstuffs as referred to in Regulation (EU) No 1151/2012, to wines as referred to in Regulation (EU) No 1308/2013 or to spirit drinks as referred to in Regulation (EU) 2019/787.

3. Registration and protection of geographical indications under this Regulation are without prejudice to the obligation of producers to comply with Union law, in particular relating to the placing of products on the market, product labelling, product safety, consumer protection and market surveillance.

4. Directive (EU) 2015/1535 of the European Parliament and of the Council[1] does not apply to geographical indications protected under this Regulation.

Article 4

Definitions

For the purposes of this Regulation, the following definitions apply:

(1) 'craft and industrial products' means products:

(a) produced either entirely by hand or with the aid of manual or digital tools, or by mechanical means, whenever the manual contribution is an important component of the finished product; or

(b) produced in a standardised way, including serial production and by using machines;

[1] Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).

(2) ‘producer’ means an operator engaged in one or more production steps for craft and industrial products;

(3) ‘producer group’ means any association, irrespective of its legal form, mainly composed of producers working with the same product;

(4) ‘production step’ means any stage of production, including manufacturing, processing, obtaining, extracting, cutting or preparation, up to the point where the product is in a form such that it can be placed on the market;

(5) ‘traditional’, in relation to a product originating in a geographical area, means there is proven historical usage by producers in a community for a period that allows transmission between generations;

(6) ‘generic term’ means:

(a) a name of a product which, although relating to the place, region or country where the product was originally produced or marketed, has become the common name of the product in the Union;

(b) a common term in the Union which is descriptive of the type of product or of the product attributes; or

(c) a term that does not refer to a specific product;

(7) ‘product certification body’ means a body, irrespective of its legal form, which is entrusted with the task of certifying that products designated by a geographical indication comply with the product specification;

(8) ‘self-declaration’ means a document in a harmonised form, as set out in Annex I, in which producers, which can be represented by an authorised representative, indicate on their sole responsibility that the product is compliant with the corresponding product specification and that all necessary controls and checks for the proper determination of conformity have been carried out in order to demonstrate the lawful use of the geographical indication to the competent authorities of Member States;

(9) ‘the Office’ means the European Union Intellectual Property Office established by Regulation (EU) 2017/1001;

(10) ‘notice of comments’ means a written observation lodged with the Office indicating inaccuracies in the application without triggering an opposition procedure;

(11) ‘national specific protection for geographical indications for craft and industrial products’ means an intellectual property title under national, regional or local law specifically protecting names that identify craft and industrial products with a given quality, reputation or other characteristic linked to their geographical origin, with the exception of trade marks.

Article 5

Data protection

1. The Commission and the Office shall be considered controllers within the meaning of Article 3, point (8), of Regulation (EU) 2018/1725 in relation to the processing of personal data in the procedures for which they are competent in accordance with this Regulation.

2. The competent authorities of Member States shall be considered controllers within the meaning of Article 4, point (7), of Regulation (EU) 2016/679 in relation to the processing of personal data in the procedures for which they are competent in accordance with this Regulation.

Article 6

Requirements for a geographical indication

1. In order for the name of a craft or industrial product to qualify for protection as a geographical indication, the product shall comply with the following requirements:

   (a) the product originates in a specific place, region or country;

   (b) the product's given quality, reputation or other characteristic is essentially attributable to its geographical origin; and

   (c) at least one of the production steps of the product takes place in the defined geographical area.

2. Products that are contrary to public policy shall be excluded from geographical indication protection.

TITLE II
REGISTRATION OF GEOGRAPHICAL INDICATIONS

Chapter 1
General provisions

Article 7

Registration procedure

1. The registration procedure shall comprise two phases. The first phase shall take place at national level in accordance with Articles 12 to 16. The second phase shall take place at Union level in accordance with Articles 21 to 30.

2. By way of derogation from paragraph 1 of this Article, Member States may request a derogation, in accordance with Article 19, from the national phase of the registration procedure. In such cases, applications for registration shall be submitted directly to the Office.

3. Any administrative burden associated with the registration procedure shall be kept to a minimum.

Article 8

Applicant

1. An application for the registration of a geographical indication ('application') shall be submitted by a producer group.

2. By way of derogation from paragraph 1, a single producer shall be deemed to be an applicant where the following conditions are fulfilled:

   (a) the person concerned is the only producer willing to submit an application; and

   (b) the geographical area concerned is defined by a particular part of a territory without reference to property boundaries and has characteristics that differ appreciably from those of neighbouring geographical areas, or the characteristics of the product are different from the characteristics of products produced in neighbouring geographical areas.

3. Local or regional entities of the Member State from where the producer group or the single producer originates shall be allowed to provide assistance in the preparation of the application and in the related procedure.

4. A local or regional authority, other than the authorities referred to in Article 12(1) and Article 50(1), designated by a Member State, or a private entity designated by a Member State, may be deemed to be an applicant within the meaning of paragraph 1 of this Article. The application shall state the reasons for such designation.

5. In the case of a product that originates in a cross-border geographical area, several applicants from different Member States, from Member States and third countries, or from third countries may lodge a joint application for the registration of a geographical indication for such a product.

Article 9

Product specification

1. In order for the name of a craft or industrial product to be protected as a geographical indication, the product shall comply with the product specification demonstrating that all the requirements of Article 6(1) are met. The product specification shall be objective and non-discriminatory and shall indicate the production steps taking place in the defined geographical area.

The product specification shall include the following:

(a) the name to be protected as a geographical indication, which may be a geographical name of the place of production of the product, or a name used in the course of trade or in common language to describe or to refer to the product in the defined geographical area;

(b) the type of product;

(c) a description of the product, including, where appropriate, of the raw materials;

(d) the specification of the defined geographical area as referred to in Article 6(1), point (a), and information establishing the link between the geographical area and a given quality, the reputation or other characteristic of the product as referred to in Article 6(1), point (b);

(e) evidence that the product originates in the defined geographical area specified in Article 6(1), points (a) and (c), including by stating the production steps that take place in the defined geographical area;

(f) a description of the production methods and, where appropriate, the traditional methods and specific practices used;

(g) information concerning packaging, where the applicant determines that the packaging has to take place in the defined geographical area, in which case the applicant shall give a sufficient product-specific justification as to why the packaging has to take place in that area;

(h) any specific labelling rule for the product;

(i) an indication of any individual production step that is carried out by one or more producers in a Member State or third country other than the Member State or third country in which the name of the product originates, and of any specific provisions for the verification of compliance in that regard;

(j) other requirements provided for by Member States or by a producer group, as applicable, on condition that such requirements are objective, non-discriminatory and compatible with Union and national law.

2. The Commission may adopt implementing acts laying down rules that limit the information contained in the product specification referred to in paragraph 1 of this Article, where such a limitation is necessary to avoid excessively voluminous applications, and laying down rules on the form of the product specification. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 68(2).

Article 10

Single document

1. The single document comprised in the application in accordance with Article 13(2), point (b), shall be drawn up by using the standard form set out in Annex II. It shall comprise the following information:

(a) the name to be protected as a geographical indication;

(b) the type of product;

(c) a description of the product, including, where appropriate, information concerning packaging and labelling,

(d) a concise definition of the geographical area;

(e) a description of the link between the product and the defined geographical area referred to in Article 6(1), including, where appropriate, the specific elements of the product description or the production method justifying that link.

2. Where the applicant is a micro, small or medium-sized enterprise (MSME) or a producer group consisting only of MSMEs, the competent authority designated in accordance with Article 12(1) of the Member State from where the producer group or the single producer originates, shall endeavour to assist, at the request of the applicant and without prejudice to the decision on the application, in the preparation of the single document in line with its administrative practice.

In the case of cross-border applications, the competent authority of any of the Member States concerned shall be considered to be a competent authority within the meaning of the first subparagraph.

Where a Member State decides to use the direct registration procedure referred to in Article 20, the Office, in close cooperation with the single point of contact appointed pursuant to Article 19(5), shall endeavour to provide assistance to the applicant with the preparation of the single document.

Any assistance provided by authorities or by the Office under this paragraph shall be without prejudice to the responsibility of the applicant for the single document.

Article 11

Documentation accompanying the application

1. The documentation accompanying the application (‘accompanying documentation’) shall comprise:

   (a) the name and contact details of the applicant;

   (b) the name and contact details of the competent authority designated in accordance with Article 50(1) and, where applicable, of the product certification body or natural person verifying compliance with the product specification referred to in Article 51(5), point (b), Article 52(1), point (b), and Article 53, point (b);

   (c) information concerning any limitations on the use or protection of the geographical indication, as well as any transitional measures, proposed by the applicant or by the national competent authority, in particular following the examination by the national competent authority of the application and any opposition;

   (d) any other information considered appropriate by the Member State or the applicant.

2. The Commission is empowered to adopt delegated acts in accordance with Article 69 to supplement this Regulation by specifying further the requirements set out in paragraph 1 of this Article.

3. The Commission is empowered to adopt delegated acts in accordance with Article 69 to amend this Regulation by listing additional items for the accompanying documentation that is to be submitted.

4. The Commission may adopt implementing acts specifying the format and online presentation of the accompanying documentation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 68(2).

Chapter 2

National phase

SECTION 1

PROCEDURES AT NATIONAL LEVEL

Article 12

Designation of the competent authority

1. Without prejudice to paragraph 2 of this Article or to Article 19, each Member State shall designate a competent authority for the national phase of the procedure for the registration of geographical indications for craft and industrial products.

That competent authority shall also be responsible for the national phase of the procedures regarding amendment of the product specification or cancellation of the registration.

2. Two or more Member States may agree that the competent authority of one of those Member States is to be responsible for the national phase of the procedures referred to in paragraph 1, including the submission of the application to the Office, also on behalf of the other Member State or Member States.

3. Member States shall inform the Commission and the Office by … [OJ: please insert the date of application of this Regulation] of the names and addresses of the competent authorities designated under paragraph 1, and shall keep that information up to date. They shall inform the Commission and the Office, by the same date, where they decide to cooperate with each other on a permanent basis in relation to the national phase of the procedures, as provided for in paragraph 2.

Article 13

Submission of the application

1. Without prejudice to Article 12(2) and Article 20(1), an application for registration of a geographical indication of a product originating in the Union shall be submitted to the competent authority of the Member State in which the product originates.

2. The application shall comprise:

(a) the product specification referred to in Article 9;

(b) the single document referred to in Article 10; and

(c) the accompanying documentation referred to in Article 11.

3. The competent authority shall allow applicants to submit their applications electronically.

Article 14

Examination of the application by the competent authority

1. The competent authority shall examine the application through effective and transparent mechanisms to verify that it complies with the requirements referred to in Articles 6 and 8, and that it provides the necessary information referred to in Articles 9, 10 and 11.

2. Where the competent authority finds that the application is incomplete or incorrect, it shall give the applicant the possibility of completing or correcting that application within a set time limit.

3. Where, following the examination of the application, the competent authority finds that the application does not comply with the requirements referred to in Articles 6 and 8 or does not provide the necessary information, referred to in Articles 9, 10 and 11, it shall reject the application. Otherwise, it shall proceed with the national opposition procedure referred to in Article 15.

Article 15

National opposition procedure

1. Following the examination referred to in Article 14(1), the competent authority shall conduct a national opposition procedure. That procedure shall provide for the publication of the application and for a period of at least two months from the date of publication, within which any person having a legitimate interest and established or resident in the Member State in charge of the national phase of the registration or in the Member States in which the product concerned originates ('national opponent') may submit to the competent authority an opposition to the application. Member States shall establish the detailed arrangements for such opposition procedure.

2. Where the competent authority considers the opposition to be admissible, it shall, within two months of receipt of the opposition, invite the national opponent and the applicant to engage in consultations, for a reasonable period not exceeding three months, with a view to reaching a friendly settlement. At any time during that period, the competent authority may, at the joint request of the national opponent and the applicant, extend that period by a maximum of three months. The outcome of such consultations, including any agreed modifications to the application, shall be communicated to the competent authority by the applicant.

3. An opposition shall be based on one or more of the following grounds:

(a) the proposed geographical indication does not comply with the requirements for protection laid down in this Regulation;

(b) the registration of the proposed geographical indication would be contrary to Article 42 or 43, or Article 44(2); or

(c) the registration of the proposed geographical indication would jeopardise the existence of an identical or similar name used in the course of trade or of a trade mark, or the existence of products that have been legally on the market for at least five years preceding the date of the publication provided for in paragraph 1.

Article 16

National phase decision

1. Where the competent authority, after the examination of the application and the assessment of the outcome of the opposition procedure, including, where applicable, any agreed modifications to the application, finds that the requirements of this Regulation are met, it shall take a favourable decision without undue delay and submit the application, in accordance with Article 22(1), to the Office. Where the competent authority finds that the requirements of this Regulation are not met, it shall reject the application.

2. The competent authority shall make its decision publicly available. It shall publish electronically the product specification on which its favourable decision is based.

3. Any party having a legitimate interest shall have the right to lodge an appeal against the decision taken under paragraph 1.

Article 17

Efficiency of procedures

In relation to Articles 14, 15 and 16, Member States shall provide for efficient, predictable and expeditious administrative procedures. Information about those procedures, including any applicable deadlines and the overall length of the procedures, shall be publicly available. The Member States, the Commission and the Office shall cooperate within the Advisory Board established pursuant to Article 35 (‘the Advisory Board’) to share best practices with a view to promoting the efficiency of those procedures.

Article 18

Temporary national protection

1. A Member State may grant temporary national protection to a geographical indication, with effect from the date on which an application is submitted to the Office.

2. The temporary national protection shall cease on the date on which a decision on the application is adopted or the application is withdrawn.

3. Where a geographical indication is not registered under this Regulation, the consequences of the temporary national protection shall be the sole responsibility of the Member State concerned.

4. The measures taken by Member States in accordance with this Article shall produce effects only at national level. Such measures shall have no effect on the internal market or on international trade.

SECTION 2

DEROGATION AND DIRECT REGISTRATION

Article 19

Derogation from the national phase

1. The Commission shall be empowered to grant a Member State a derogation from the obligation, laid down in Section 1, to designate a competent authority and to process applications at national level, where the Member State, by … [OJ: please insert the date: twelve months before the date of application of this Regulation], provides the Commission with:

   (a) evidence showing that the Member State concerned does not have national specific protection for geographical indications for craft and industrial products; and

(b) a request for such a derogation accompanied by an assessment demonstrating that the local interest for protecting geographical indications for craft and industrial products is low.

2. The Commission may request further information from the Member State before adopting a decision on the derogation referred to in paragraph 1.

3. A Member State that has been granted a derogation in accordance with paragraph 1 may inform the Commission in writing that it has decided to no longer avail itself of that derogation and that it has decided to designate a competent authority for the purposes of the national phase of the registration procedure. Such decision of a Member State to cease to avail itself of the derogation shall not affect any ongoing registration procedures.

4. If the number of direct applications submitted in accordance with Article 20 by applicants from a Member State that has been granted a derogation in accordance with paragraph 1 of this Article substantially exceeds the estimate given in the assessment submitted by the Member State pursuant to that paragraph, the Commission may withdraw that derogation.

5. A Member State that has been granted a derogation in accordance with paragraph 1 shall appoint a single point of contact for any technical issues relating to products and applications and shall provide the Commission and the Office with its contact details. That single point of contact shall be independent of the applicants and impartial.

6. A Member State that has been granted a derogation in accordance with paragraph 1 of this Article shall not be exempted from the obligations laid down in Articles 49 to 62.

Article 20

Direct registration

1. Where a Member State has been granted a derogation in accordance with Article 19(1), any application ('direct application'), request for amendment of the product specification or request for cancellation submitted by an applicant of that Member State with regard to a product originating in the Union shall be submitted directly to the Office.

2. Article 14, Article 16(2), Article 23(1), (2) and (4) to (7) and Articles 25 to 33 shall apply, *mutatis mutandis*, to the direct registration procedure referred to in this Article.

3. In the direct registration procedure, any person having a legitimate interest, including national opponents, may lodge an opposition with the Office in accordance with Article 25.

4. The Office shall communicate with the applicant and the single point of contact referred to in Article 19(5) on any technical issues relating to the direct application.

5. Within two months of the submission of a request by the Office, the Member State, through the single point of contact, shall provide assistance, in particular in relation to the examination of the direct applications. At the request of the Member State, that time limit may be extended by two months. Such assistance shall include examining certain specific aspects of the direct applications lodged with the Office, verifying information in the direct applications, issuing declarations concerning such information and replying to other requests for clarification made by the Office in relation to such applications.

6. If the Member State, through the single point of contact, does not provide assistance within the time limit referred to in paragraph 5 of this Article, the registration procedure shall be suspended for up to six months. Where assistance is not provided within that period, the Geographical Indications Division for craft and industrial products established pursuant to Article 34 (‘the Geographical Indications Division’) shall consult the Advisory Board before taking a final decision on the direct application.

7. This Article shall not apply to applications for registration of geographical indications concerning products originating in a third country (‘third-country geographical indications’).

8. The Commission is empowered to adopt delegated acts in accordance with Article 69 to supplement this Regulation by specifying the criteria for the direct registration procedure.

9. The Commission may adopt implementing acts laying down detailed rules on the procedures for the preparation and submission of direct applications. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 68(2).

Chapter 3

Procedures at Union level and tasks of the Office

SECTION 1

PROCEDURES AT UNION LEVEL

Article 21

Registration

Registration procedures at Union level shall cover:

(a) the Union phase of the registration procedure in relation to an application submitted by the competent authority of a Member State after a favourable decision has been taken on the application at national level in accordance with Article 16(1);

(b) the registration procedure in relation to a direct application submitted in accordance with Article 20; and

(c) the registration procedure in relation to an application for registration of a third-country geographical indication, other than geographical indications protected in the Union under the Geneva Act or under any other international agreement to which the Union is a contracting party.

Article 22

Submission of applications to the Office

1. In cases referred to in Article 21, point (a), the application shall be submitted to the Office by the competent authority of the Member State concerned. In such cases, the application shall comprise:

   (a) the single document referred to in Article 10;

   (b) the accompanying documentation referred to in Article 11;

   (c) a declaration by the competent authority to which the application was initially submitted, confirming that the application meets the conditions for registration under this Regulation;

   (d) a reference to the product specification published electronically in accordance with Article 16(2).

2. In cases referred to in Article 21, point (b), a direct application shall be submitted to the Office by the applicant.

   In such cases, the application shall comprise:

   (a) the product specification referred to in Article 9;

(b) the single document referred to in Article 10;

(c) the accompanying documentation referred to in Article 11.

3. In cases referred to in Article 21, point (c), an application for registration of a third-country geographical indication shall be submitted to the Office either directly by the applicant or by the competent authority of the third country concerned, as applicable under the third country's law. The applicant and the competent authority of the third country concerned shall be considered to be parties to the registration procedure.

In such cases, the application shall comprise:

(a) the product specification referred to in Article 9;

(b) the single document referred to in Article 10;

(c) the accompanying documentation referred to in Article 11;

(d) legal proof of protection of the geographical indication in the third country of origin;

(e) proof of power of attorney where the applicant is represented by an agent.

4. Where a joint application is submitted in accordance with Article 8(5), the application to the Office shall be submitted by:

(a) the competent authority of one of the Member States concerned, where the cross-border geographical area is located in more than one Member State;

(b) the competent authority of the Member State concerned, where the cross-border geographical area is located in both a Member State and a third country;

(c) the third-country applicant, or by the competent authority of one of the third countries concerned, where the cross-border geographical area is located in more than one third country.

5. A joint application as referred to in Article 8(5) shall include, as applicable, the documents listed in paragraphs 1, 2 and 3 of this Article, from the Member States or third countries concerned. The related national phase of the registration procedure referred to in Articles 14, 15 and 16 shall be conducted in all Member States concerned, except where Article 12(2) applies.

6. Applications shall be submitted electronically, using the digital system for the electronic submission of applications to the Office referred to in Article 67.

7. After receipt of an application, the Office shall publish it in the Union register of geographical indications for craft and industrial products ('the Union register') referred to in Article 37. The product specification referred to in paragraph 1, point (d), of this Article shall be kept up to date.

8. The Commission is empowered to adopt delegated acts in accordance with Article 69 to supplement this Regulation by setting out procedures and conditions applicable to the preparation and submission of applications to the Office.

9. The Commission may adopt implementing acts laying down detailed rules on the procedures for, and the form and presentation of applications to the Office, including in relation to applications concerning more than one national territory. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 68(2).

Article 23

Examination of the application and publication for the purposes of opposition

1. An application submitted in accordance with Article 22 shall be examined by the Office, within the Geographical Indications Division. The Office shall check that:

   (a) there are no manifest errors;

   (b) the information provided pursuant to Article 22(1), (2) or (3), as applicable, is complete; and

   (c) the single document is precise and technical in nature and in accordance with Article 10.

2. The examination carried out pursuant to paragraph 1 of this Article shall take into account the outcome of the national phase of the registration procedure in the Member State concerned, except where Article 20 applies.

3. The examination referred to in paragraph 1 shall be carried out within six months of the receipt of the application. Where the examination period exceeds or is likely to exceed six months, the Office shall inform the applicant in writing of the reasons for the delay.

4. The Office may seek supplementary information from the competent authority of the Member State concerned. Where the application is submitted by an applicant from a third country or by the competent authority of a third country, that applicant or that competent authority shall provide supplementary information, where requested by the Office.

5. Where the Geographical Indications Division consults the Advisory Board, the applicant shall be notified thereof and the period referred to in paragraph 3 shall be suspended.

6. Where, based on the examination carried out pursuant to paragraph 1, the Office finds that the application is incomplete or incorrect, the Office shall send its observations to the competent authority of the Member State or, in the case of a third-country application, to the applicant or competent authority that has submitted the application to the Office, and request them to complete or correct the application within two months. The Office shall inform the applicant that the application will be rejected if it is not completed or corrected within the deadline.

   If the competent authority of the Member State concerned or, in the event of a third-country application, the applicant or competent authority concerned, does not complete or correct the application within the deadline, the application shall be rejected pursuant to Article 29(1).

7. Where, based on the examination carried out pursuant to paragraph 1 of this Article, the Office considers that the conditions laid down in this Regulation are fulfilled, it shall publish, for the purposes of opposition, in the Union register, the single document and the reference to the product specification published electronically in accordance with Article 16(2). The single document shall be published in all the official languages of the Union.

Article 24

Challenges to the national phase decision

1. The competent authority of a Member State shall without undue delay inform the Office of any national administrative or judicial proceedings against that competent authority's decision that could affect the registration of a geographical indication.

2. The Office shall be exempted from the obligation to meet the deadline for completing the examination set out in Article 23(3), and shall inform the applicant of the reasons for the delay, where the competent authority of a Member State:

   (a) informs the Office that the decision referred to in Article 16(1) has been invalidated at national level by an immediately applicable, but non-final, administrative or judicial decision; or

   (b) requests the Office to suspend the examination because national administrative or judicial proceedings have been initiated to challenge the validity of the application.

3. When the administrative or judicial decision referred to in paragraph 2, point (a), has become final, the competent authority of the Member State shall inform the Office accordingly.

4. The exemption set out in paragraph 2 shall have effect until the Office is informed by the competent authority of the Member State that the reason for the suspension no longer exists.

Article 25

Opposition procedure at Union level

1. Within three months of the date of publication of the single document and the reference to the electronic publication of the product specification in the Union register provided for in Article 23(7), an opponent, as referred to in paragraph 2 of this Article, may lodge an opposition with the Office. The applicant and the opponent shall be considered to be the parties to the procedure.

2. An opponent may be the competent authority of a Member State or of a third country, or a natural or legal person having a legitimate interest and established or resident in a third country or in another Member State, except a national opponent referred to in Article 15(1).

3. The Office shall check the admissibility of the opposition in accordance with Article 26.

4. Where the Office considers the opposition to be admissible, it shall, within two months of receipt of the opposition, invite the opponent and the applicant to engage in consultations for a reasonable period not exceeding three months with a view to reaching a friendly settlement. At any time during that period, the Office may, at the joint request of the opponent and the applicant, extend that period by a maximum of three months. The Office shall offer alternative dispute resolution, such as mediation, for the consultations between the applicant and the opponent, as referred to in Article 170 of Regulation (EU) 2017/1001.

5. During the consultations referred to in paragraph 4, the applicant and the opponent shall provide each other with the information necessary to assess whether the application complies with the conditions set out in this Regulation.

6. The Geographical Indications Division may at any stage of the opposition procedure consult the Advisory Board, in which case the parties shall be notified and the period referred to in paragraph 4 shall be suspended.

7. Within one month of the end of the consultations referred to in paragraph 4, the applicant shall communicate the outcome of the consultations to the Office.

8. Where, following the consultations, the information published in accordance with Article 23(7) has been modified, the Office shall carry out a new examination of the modified application. Where the application has been modified in a substantial manner and the Office considers that the modified application meets the conditions for registration, it shall publish the modified application in accordance with Article 23(7).

9. The Commission may adopt implementing acts laying down rules on the submission of the opposition and specifying the format and the online presentation of the reasoned statement of opposition. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 68(2).

Article 26

Admissibility and grounds for opposition

1. An opposition lodged in accordance with Article 25 shall be admissible only if it contains all the information specified in the standard form for the reasoned statement of opposition set out in Annex III.

2. An opposition shall be based on one or more of the following grounds:

   (a) the proposed geographical indication does not comply with the requirements for protection laid down in this Regulation;

   (b) the registration of the proposed geographical indication would be contrary to Article 42 or 43, or Article 44(2); or

   (c) the registration of the proposed geographical indication would jeopardise the existence of an identical or similar name used in the course of trade or of a trade mark, or the existence of products that have been legally on the market for at least five years preceding the date of the publication of the application provided for in Article 22(7).

3. An opposition that is not admissible in accordance with paragraph 1 shall be rejected.

Article 27

Notice of comments procedure

1. Within three months of the date of publication of the single document and the reference to the product specification in the Union register, in accordance with Article 23(7), a competent authority of a Member State or of a third country, or a natural or legal person having a legitimate interest and established or resident in another Member State or in a third country, may lodge a notice of comments with the Office.

2. A notice of comments shall point out any inaccuracy or contain additional information in relation to the application, including possible infringement of other Union law. It shall not confer any rights on its author or trigger an opposition procedure. The notice of comments shall not be based on the grounds for opposition and the author of the notice of comments shall not be considered to be a party to the procedure.

3. The Office shall communicate the notice of comments to the applicant and shall take it into consideration when deciding on the application, except where the notice of comments is unclear or obviously incorrect.

4. The Commission may adopt implementing acts laying down rules on the submission of the notice of comments and specifying its format and online presentation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 68(2).

Article 28

Transitional periods for the use of a geographical indication

1. Without prejudice to Article 44, at the time of registration of the geographical indication, the Office may decide to grant a transitional period of up to five years to allow, for products originating in a Member State or a third country, the designation of which consists of or contains a name that is in breach of Article 40, the continued use of the designation under which they were marketed, provided that an admissible opposition, under Article 15 or 25, to the application for registration of the geographical indication of which the protection is contravened, has shown that:

   (a) the registration of the geographical indication would jeopardise the existence of an identical or similar name used in the course of trade for the purposes of product designation; or

   (b) such products have been legally marketed with that name for the purposes of product designation in the territory concerned for at least five years preceding the date of the publication of the application provided for in Article 22(7).

2. The Office may grant a transitional period of up to 15 years or may decide to extend the transitional period granted under paragraph 1 up to a total period of 15 years, provided it is additionally shown that:

(a) the name referred to in paragraph 1 has been in legal use consistently and fairly for at least 25 years before the application for the registration of the geographical indication concerned was submitted to the Office;

(b) the purpose of using the name referred to in paragraph 1 has not, at any time, been to profit from the reputation of the name that has been registered as a geographical indication; and

(c) the consumer has not been or could not have been misled as to the true geographical origin of the products.

3. Decisions granting or extending a transitional period, as referred to in paragraphs 1 and 2, shall be published in the Union register.

4. During the transitional period, when using a name referred to in paragraph 1, the indication of the country of origin shall clearly and visibly appear on the labelling and, where applicable, as part of the product description where the product is marketed on an online sales website.

5. With a view to achieving the long-term objective of ensuring that all producers of a product designated by a geographical indication in the geographical area concerned comply with the related product specification, a Member State may grant a transitional period for achieving compliance of up to ten years, taking effect from the date on which the application is submitted to the Office, provided that the operators concerned have legally marketed the product in question, using the name concerned continuously for at least five years preceding the lodging of the application to the competent authority of that Member State and have referred to that fact in the national opposition procedure referred to in Article 15.

6. Paragraph 5 shall apply, *mutatis mutandis*, to a geographical indication referring to a geographical area situated in a third country. The obligation to refer in the national opposition procedure to the continuous use as referred to in that paragraph shall not apply to geographical indications referring to a geographical area in a third country.

Article 29

Decision of the Office on the application

1. Where, on the basis of the information available to the Office from the examination carried out pursuant to Article 23, the Office considers that any of the requirements referred to in that Article is not fulfilled, it shall reject the application.

2. Where, on the basis of the information available to the Office from the examination carried out pursuant to Article 23, the Office considers that the requirements of this Regulation are met and no admissible opposition has been received, the Office shall register the geographical indication.

3. Where the Office has received an admissible opposition, and an agreement has been reached following the consultations referred to in Article 25(4), the Office, after checking that the agreement complies with the Union law, shall register the geographical indication. If necessary, in the event of non-substantive modifications to the information published pursuant to Article 23(7), the Office shall update that information.

4. Where the Office has received an admissible opposition, but no agreement has been reached following the consultations referred to in Article 25(4), the Office shall examine whether the opposition is well-founded. The Office shall assess the grounds for the opposition in relation to the territory of the Union. Based on that assessment, the Office shall either reject the opposition and register the name as a geographical indication, or reject the application.

5. Decisions of the Office in accordance with paragraphs 2, 3 and 4 of this Article shall, where appropriate, specify any conditions applicable to the registration and, in the event of non-substantive modifications, the Office shall republish, for information purposes, the information published pursuant to Article 23(7).

6. Decisions adopted by the Office shall be published in the Union register in all the official languages of the Union. A reference to the decision published in the Union register shall be published in all the official languages of the Union in the *Official Journal of the European Union*.

Article 30

Decision of the Commission on the application

1. In relation to applications referred to in Article 21, the Commission may take over from the Office, at any time before the end of the registration procedure, on its own initiative or at the request of the competent authority of a Member State or of the Office, the power to decide on the application where the registration of the proposed geographical indication might be contrary to public policy, or where such registration or the rejection of the application might jeopardise the Union's trade or external relations.

2. Where the Commission has taken over the procedure from the Office as referred to in paragraph 1 of this Article, the Office shall provide the Commission with a draft of the decision referred to in Article 29(1) to (5).

3. The Commission shall adopt any decisions referred to in paragraphs 1 and 2 of this Article, by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 68(2) and shall be published in the Union register.

4. Paragraphs 1, 2 and 3 shall apply, *mutatis mutandis*, to procedures for amendment of the product specification and for cancellation of the registration.

5. For the purposes of paragraphs 1, 2 and 3 of this Article, the Office shall ensure that the Commission has access, through the digital system for the electronic submission of applications to the Office referred to in Article 67, to documents concerning applications, requests for amendment of the product specification and requests for cancellation.

6. The Commission shall adopt implementing acts setting out the procedure applicable to the situations referred to in paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 68(2).

Article 31

Amendment of the product specification

1. The applicant in whose name a geographical indication has been registered, or a producer using a geographical indication in accordance with Article 47(1), may request the approval of an amendment to the product specification for that registered geographical indication.

2. Amendments to the product specification shall be classified into two categories:

   (a) Union amendments as referred to in paragraph 3, requiring an opposition procedure at Union level, and

(b) standard amendments examined at Member State or third-country level.

3. An amendment shall be considered a Union amendment where it requires a revision of the single document and where any of the following conditions are met:

(a) the amendment consists of a change in the name protected as a geographical indication, or in the use of that name;

(b) there is a risk that the amendment would undermine the link between the geographical area and the product as referred to in the single document; or

(c) the amendment entails restrictions on the marketing of the product.

4. In relation to a request for a Union amendment, the steps of the national and Union phase as set out in Articles 7, 8 and 14 to 30, shall apply *mutatis mutandis*. A decision on a request for a Union amendment shall be taken by the Office or, where Article 30 applies, by the Commission.

5. Any amendment to the product specification for a registered geographical indication, other than those referred to in paragraph 3, shall be considered to be a standard amendment and shall fall within the competence of the Member State or the third country in which the product originates. Standard amendments, once approved, shall be communicated to the Office by the relevant competent authority.

Where Article 20 applies, standard amendments shall be approved by the Office.

6. A standard amendment shall be considered temporary where it concerns a temporary change in the product specification resulting from the imposition of obligatory sanitary measures by the public authorities, from a natural disaster or from adverse weather conditions recognised by the competent authorities, or from a man-made disaster, such as a war, a threat of war or a terrorist attack.

7. A request for amendment submitted by the competent authority of a third country or by producers established in a third country shall contain proof that the requested amendment complies with the law on the protection of geographical indications in force in that third country.

8. Where a request for a Union amendment concerning a geographical indication designating a product originating in a Member State also relates to standard amendments, only the Union amendment shall be examined by the Office or the Commission in accordance with paragraph 4.

9. Where appropriate, the competent authority of the Member State concerned or the Office may invite the applicant in whose name the geographical indication has been registered to modify other elements of the product specification.

10. The Office shall publish Union and standard amendments, once approved, in the Union register.

11. The Commission may adopt implementing acts laying down detailed rules on the procedure for and form and presentation of a request for a Union amendment, and on the procedure for, and form of, standard amendments and the communication of such amendments to the Office. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 68(2).

Article 32

Cancellation

1. The registration of a geographical indication shall be cancelled where the geographical indication was registered contrary to Article 42(1), Article 43(1) or (2), or Article 44(2).

2. The registration of a geographical indication may be cancelled where:

   (a) compliance of the product with the product specification can no longer be ensured;

   (b) no product has been placed on the market under the geographical indication for a consecutive period of at least five years.

3. The registration of a geographical indication may also be cancelled at the request of the applicant in whose name the geographical indication is registered.

4. A request for cancellation pursuant to paragraphs 1 and 2 may be submitted by the competent authority of a Member State or of a third country, or by a natural or legal person having a legitimate interest.

5. The Commission or the Office may initiate a cancellation procedure on its own initiative, on the grounds set out in paragraph 2.

6. The steps of the national phase and the Union phase as set out in Articles 7, 8, 14, 15, 16 and 20 to 30 shall apply, *mutatis mutandis*, to the cancellation procedure.

7. Before deciding to cancel the registration of a geographical indication, the Office shall, in the cases referred to in paragraphs 4 and 5 of this Article, inform the applicant in whose name the geographical indication is registered. Before deciding to cancel the registration of a third-country geographical indication, the Office shall consult the competent authorities of the third country concerned. If the geographical indication was registered pursuant to Article 20, the Geographical Indications Division may consult the Advisory Board and the single point of contact of the Member State concerned.

8. When the registration of a geographical indication is cancelled, the Union register shall be updated accordingly.

9. This Article shall not apply to third-country geographical indications that are protected in the Union under the Geneva Act or under another international agreement to which the Union is a contracting party.

10. The Commission shall adopt implementing acts laying down detailed rules on the procedures for and form of cancellation, as well as on the presentation of the requests for cancellation referred to in paragraphs 1, 2 and 3 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 68(2).

Article 33

Appeal

1. Any party to a procedure provided for in this Regulation that is adversely affected by a decision taken by the Office in that procedure may submit an appeal to the Boards of Appeal, referred to in Article 36 (‘the Boards of Appeal’), against that decision. Member States shall have the right to join the appeal.

2. The appeal shall have suspensive effect. A decision of the Office that has not been contested shall take effect on the day following the date of expiry of the period referred to in paragraph 4, first subparagraph.

3. A decision that does not terminate proceedings as regards one of the parties shall only be appealed in the context of an appeal of the final decision.

4. The notice of appeal shall be submitted in writing to the Office within two months of the date of publication of the contested decision. The notice of appeal shall be considered to have been duly submitted only when the fee for appeal has been paid.

In the event of an appeal, a written statement setting out the grounds of appeal shall be submitted to the Office within four months of the date of publication of the contested decision.

5. Following an examination of the admissibility of the appeal, the Boards of Appeal shall decide on its merits. The Boards of Appeal shall either exercise any power within the competence of the Geographical Indications Division responsible for the contested decision, or remit the case to that Geographical Indications Division.

The Boards of Appeal may, on their own initiative or upon a written, reasoned request of a party, consult the Advisory Board.

The Office shall offer alternative dispute resolution, such as mediation services as referred to in Article 170 of Regulation (EU) 2017/1001, with a view to assisting the parties to reach a friendly settlement.

6. Actions may be brought before the General Court against decisions of the Boards of Appeal in relation to appeals, within two months of the date of notification of the decision of the Boards of Appeal, on the grounds of infringement of an essential procedural requirement, infringement of the Treaty on the Functioning of the European Union, infringement of this Regulation or of any rule of law relating to its application, or of misuse of power. The action shall be open to any party to the proceedings before the Boards of Appeal adversely affected by their decision and to any Member State. The General Court shall have jurisdiction to annul or to alter the contested decision.

7. The decisions of the Boards of Appeal shall take effect on the day following the date of expiry of the period referred to in paragraph 6 or, where an action has been brought before the General Court within that period, on the date following the date of dismissal of such action or of dismissal of any appeal filed with the Court of Justice against the decision of the General Court. The Office shall take the necessary measures to comply with the judgement of the General Court or, in the event of an appeal against that judgement, the Court of Justice.

8. The Commission is empowered to adopt delegated acts in accordance with Article 69 to supplement this Regulation by specifying:

   (a) the content of the notice of appeal referred to in paragraph 4 of this Article and the procedure for the submission and the examination of an appeal; and

   (b) the content and the form of the decisions of the Boards of Appeal as referred to in paragraph 5 of this Article.

SECTION 2

ORGANISATION AND TASKS OF THE OFFICE

Article 34

Geographical Indications Division for craft and industrial products

1. A Geographical Indications Division for craft and industrial products shall be established within the Office. That Geographical Indications Division shall be responsible for taking decisions in relation to:

   (a) an application for registration of a geographical indication;

   (b) a request for amendment of the product specification;

   (c) an opposition to an application or to a request for amendment of the product specification;

   (d) entries in the Union register;

   (e) a request for cancellation of the registration of a geographical indication.

2. Decisions on oppositions and requests for cancellation shall be taken by a panel of three members. At least one member shall be legally qualified. All other decisions under paragraph 1 shall be taken by a single member having appropriate qualifications.

Article 35

Advisory Board

1. An Advisory Board shall be established to deliver an opinion where provided for in this Regulation.

2. The Geographical Indications Division and the Boards of Appeal may, and at the request of the Commission shall, consult the Advisory Board on questions concerning an application at any stage of the procedures for registration, including opposition, appeal, amendment of the product specification and cancellation of the registration, as referred to in Articles 23, 25, 26, 29, 31, 32 and 33. The Advisory Board may also be consulted on horizontal matters, such as:

   (a) the assessment of the quality criteria;

   (b) the establishment of the reputation of a product;

   (c) the determination of the generic nature of a name;

   (d) the assessment of the link between a product's characteristics and its geographical origin;

   (e) the risk of confusing consumers in cases of conflict between geographical indications and trade marks, homonyms or names of existing products that are legally marketed.

3. The Geographical Indications Division and, where applicable, the Boards of Appeal may consult the Advisory Board concerning the possible registration as geographical indications of names that are the subject of direct applications as referred to in Article 20.

4. The opinions of the Advisory Board shall be delivered in a panel of three members and shall be non-binding.

5. The Advisory Board shall be composed of one representative of each Member State and one representative of the Commission, and their respective alternates. Where necessary, recognised experts in the field of geographical indications or in the product category concerned, including representatives of regions and academia, shall be invited to provide expertise to the Advisory Board.

6. The mandates of the members of the Advisory Board shall be of a duration of up to five years and may be renewed.

7. The Office shall make public the list of members of the Advisory Board on its website and shall keep that list up to date.

8. Procedures concerning the appointment of the members of the Advisory Board and its operation shall be specified in its rules of procedure as approved by the Management Board established under Article 153 of Regulation (EU) 2017/1001 and shall be made public. Members of the Advisory Board shall not have any conflict of interest.

9. The Office shall provide the logistic support necessary for the Advisory Board and provide a secretariat for its meetings.

Article 36

Boards of Appeal

The Boards of Appeal established under Article 165 of Regulation (EU) 2017/1001 shall be competent for deciding on appeals against the decisions adopted by the Office under this Regulation.

Article 37

Union register of geographical indications for craft and industrial products

1. An electronic Union register shall be established and maintained by the Office for the purposes of management of geographical indications for craft and industrial products. It shall be easily accessible to the public and in a machine-readable format.

2. Upon the taking effect of a decision registering a geographical indication in accordance with Article 29 or 30, the Office shall enter the following data in the Union register:

   (a) the name registered as a protected geographical indication (‘protected geographical indication’);

   (b) the type of product for which the geographical indication has been registered;

(c) the name of the applicant in whose name the geographical indication has been registered;

(d) the reference to the decision registering the geographical indication;

(e) the country or countries of origin of the product for which the geographical indication has been registered.

3. Third-country geographical indications that are protected in the Union under an international agreement to which the Union is a contracting party may be entered in the Union register, if the Commission so decides. In such case, the Commission shall adopt an implementing act, following which the geographical indications shall be entered in the Union register by the Office. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 68(2).

4. A geographical indication shall be entered in the Union register in its original script. Where the original script does not use Latin characters, the geographical indication shall be transcribed in Latin characters and both versions of the geographical indication shall be entered in the Union register and shall have equal status.

5. The Office shall keep the documentation related to the registration of a geographical indication in digital or paper form for the period of validity of the geographical indication, and, in the event of rejection of the application or cancellation of the registration, for 10 years after such rejection or cancellation.

6. The running costs of the Union register shall be covered by the Office's operational budget.

7. The Commission may adopt implementing acts setting out the IT architecture and presentation of the Union register. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 68(2).

Article 38

Extracts from the Union register

1. The Office shall ensure that any person is able to easily download from the Union register, in a machine-readable format and free of charge, an official extract that provides proof of registration of the geographical indication, and other relevant data, including the date of application or other date relevant for claiming priority. The official extract may be used as an authentic certificate.

2. The Commission shall adopt implementing acts specifying the format and online presentation of extracts from the Union register. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 68(2).

Article 39

Technical support

1. Upon request by the Commission, the Office shall carry out the examination of, and the administrative tasks pertaining to, third-country geographical indications:

   (a) protected or proposed for protection under an international agreement to which the Union is a party, other than the Geneva Act; or

   (b) proposed for protection under an international agreement under negotiation by the Union.

2. On the basis of information received from the Commission, the Office shall make public and, in the event of changes, update the list of the international agreements protecting geographical indications for craft and industrial products to which the Union is a contracting party, as well as the list of geographical indications protected under those agreements.

TITLE III
PROTECTION OF GEOGRAPHICAL INDICATIONS

Article 40

Protection of geographical indications

1. Geographical indications entered in the Union register shall be protected against:

(a) any direct or indirect commercial use of the geographical indication in respect of products not covered by the registration, where those products are comparable to the products covered by the registration or where the use of the name exploits, weakens, dilutes, or is detrimental to, the reputation of the protected geographical indication;

(b) any misuse, imitation or evocation of the name protected as a geographical indication, even if the true origin of the products or services is indicated or if the protected geographical indication is translated or accompanied by an expression such as ‘style’, ‘type’, ‘method’, ‘as produced in’, ‘imitation’, ‘flavour’, ‘fragrance’, ‘like’ or similar;

(c) any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product that is used on the inner or outer packaging, on advertising materials, in documents or information provided on online interfaces relating to the product, as well as the packing of the product in a container liable to convey a false impression as to its origin;

(d) any other practice liable to mislead the consumer as to the true origin of the product.

2. For the purposes of paragraph 1, point (b), the evocation of a geographical indication shall be deemed to arise, in particular, where a sufficiently direct and clear link with the product covered by the registered geographical indication is created in the mind of the average European consumer who is reasonably well-informed and reasonably observant and circumspect.

3. The protection of geographical indications shall also apply to any use of a domain name that is contrary to paragraph 1.

4. The protection of geographical indications shall also apply in respect of:

(a) goods entering the customs territory of the Union without being released for free circulation within that territory; and

(b) goods sold by means of distance selling, such as electronic commerce.

5. The producer group or any producer that is entitled to use the protected geographical indication shall be entitled to prevent third parties from bringing goods, in the course of trade, into the Union without being released for free circulation there, where such goods, including their packaging, come from third countries and are in breach of paragraph 1.

6. A geographical indication protected under this Regulation shall not become a generic term within the Union.

7. Where a geographical indication is a compound name which contains a generic term, the use of that term shall not constitute conduct referred to in paragraph 1, points (a) and (b).

Article 41

Parts or components in manufactured products

1. Article 40 shall be without prejudice to the use of a protected geographical indication by producers in conformity with Article 47 to indicate that a manufactured product contains or incorporates, as a part or component, a product designated by that geographical indication, provided that such use is made in accordance with honest commercial practices and does not exploit, weaken, dilute, or is not detrimental to, the reputation of the geographical indication.

2. A protected geographical indication designating a part or component of a manufactured product shall not be used in the sales designation of that product, except where the applicant in whose name the geographical indication has been registered has given its consent to such use.

Article 42

Generic terms

1. A generic term shall not be registered as a geographical indication.

2. To establish whether or not a term is generic, account shall be taken of all relevant factors, in particular:

(a) the existing situation in areas of consumption;

(b) the relevant Union or national law.

Article 43

Homonyms

1. An application submitted after a wholly or partly homonymous name has been applied for or protected as a geographical indication in the Union shall be rejected, unless there is a sufficient distinction in practice between the two homonymous names as regards their conditions of local and traditional usage and their presentation, taking into account the need to ensure that the producers concerned receive equitable treatment and the need to ensure that consumers are not misled as to the true identity or geographical origin of the products.

2. A name that is wholly or partly homonymous with a name applied for or protected as a geographical indication in the Union, and that is liable to mislead the consumer as to the true geographical origin of a product shall not be registered even if the name of the actual territory, region or place of origin of the product in question is accurate.

3. For the purposes of this Article, a name ‘applied for or protected as a geographical indication in the Union’ refers to:

(a) geographical indications entered in the Union register;

(b) geographical indications that have been applied for, provided that they are subsequently entered in the Union register;

(c) appellations of origin and geographical indications protected in the Union pursuant to Regulation (EU) 2019/1753; and

(d) geographical indications, names of origin and equivalent terms protected pursuant to an international agreement between the Union and one or more third countries.

Article 44

Relationship between geographical indications and trade marks

1. An application for the registration of a trade mark, the use of which would be contrary to Article 40, shall be rejected if it is submitted after the date on which the application for the registration of the geographical indication has been submitted to the Office. Where applicable, any priority claimed in the application for the registration of the trade mark shall be taken into account.

2. An application for the registration of a geographical indication shall be rejected where, in the light of a trade mark with a reputation or a well-known mark, the name proposed as a geographical indication would be liable to mislead the consumer as to the true identity of the product.

3. The Office and, where applicable, the national competent authorities shall, upon request, invalidate trade marks registered in breach of paragraph 1.

4. Without prejudice to paragraph 3 of this Article, a trade mark, the use of which is contrary to Article 40 of this Regulation, which has been applied for, registered, or established by use in good faith within the Union, if that possibility is provided for by the applicable law, before the date on which the application for registration of the geographical indication is submitted to the Office, may continue to be used and renewed notwithstanding the registration of the geographical indication, provided that no grounds for invalidity or revocation of the trade mark exist under Directive (EU) 2015/2436 of the European Parliament and of the Council[1] or Regulation (EU) 2017/1001. In such cases, the use of the geographical indication and of the relevant trade mark shall be permitted.

5. Guarantee or certification marks referred to in Article 28(4) of Directive (EU) 2015/2436 and in Article 83 of Regulation (EU) 2017/1001, and collective marks referred to in Article 29(3) of Directive (EU) 2015/2436 and in Article 74 of Regulation (EU) 2017/1001, may be used on labels and packaging, together with the geographical indication.

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[1] Directive (EU) 2015/2436 of the European Parliament and of the Council of 16 December 2015 to approximate the laws of the Member States relating to trade marks (OJ L 336, 23.12.2015, p. 1).

Article 45

Tasks of producer groups

1. Producer groups shall operate in a transparent, open and non-discriminatory manner and in a manner that allows all producers of the product designated by a geographical indication to join the producer group at any point in time.

   Member States may provide that public bodies, and other stakeholders such as consumer groups, retailers and suppliers, can also participate in the work of a producer group.

2. Producer groups shall ensure that producers within the group continuously comply with the corresponding product specification when using the protected geographical indication and Union symbol in the market. A producer group may, in particular, exercise the following rights and carry out the following tasks:

   (a) prepare and amend the product specification and set up internal compliance checks to ensure that the production steps are compliant with the product specification;

   (b) take legal action to ensure the protection of the geographical indication and of any other intellectual property right that is directly connected with the product;

   (c) agree to undertake commitments with regard to sustainability, whether or not included in the product specification or as a separate initiative;

(d) take measures to improve the performance of the geographical indication, including:

(i) designing, organising and carrying out collective marketing and advertising campaigns;

(ii) dissemination of information and undertaking promotional activities, for the purpose of communicating to consumers the attributes of the product designated by the geographical indication;

(iii) carrying out analyses of the economic performance, sustainability of production and technical characteristics of the product designated by the geographical indication;

(iv) dissemination of information on the geographical indication and the Union symbol; and

(v) providing advice and training to existing and future producers, including on gender mainstreaming and equality;

(e) combat counterfeiting and suspected fraudulent uses in the internal market of a geographical indication for a product that is not in compliance with the product specification, by monitoring the use of the geographical indication across the internal market and in third-country markets where that geographical indication is protected, including on online interfaces, and, where necessary, by informing enforcement authorities;

(f) develop activities to ensure that the product designated by the geographical indication is compliant with the product specification; and

(g) take any other action to ensure that the geographical indication benefits from adequate legal protection, including, where appropriate, by notifying the competent authorities, in accordance with Article 51(5), Article 52(3) and Article 54(2).

Article 46

Protection of geographical indication rights in domain names

Country-code top-level domain name registries established in the Union shall ensure that any alternative dispute resolution procedures for domain names recognise registered geographical indications as a right that can be invoked in those procedures.

Article 47

Right to use

1. A registered geographical indication may be used by any producer of a product that is compliant with the corresponding product specification.

2. Producers shall ensure that their products are compliant with the corresponding product specification.

Article 48

Union symbol, indication and abbreviation

1. The Union symbol established for ‘protected geographical indications’ under Delegated Regulation (EU) No 664/2014 shall be applicable to geographical indications for craft and industrial products.

2. For craft and industrial products originating in the Union that are marketed under a geographical indication, the Union symbol may appear on the labelling and advertising or communication material. The geographical indication shall be in the same field of vision as the Union symbol.

3. The abbreviation ‘PGI’ corresponding to the indication ‘protected geographical indication’ may appear on the labelling of products designated by a geographical indication for craft and industrial products.

4. The Union symbol, indication and abbreviation may be used on the labelling of and advertising or communication material for manufactured products where the geographical indication refers to a part or component thereof. In that case, the Union symbol, indication or abbreviation shall be placed next to the name of the part or component that is clearly identified as a part or component. The Union symbol, indication or abbreviation shall not be placed in a manner that suggests to the consumer that it is the name of the manufactured product as a whole, rather than the name of a part or component of the product, that is protected by the geographical indication.

5. The Union symbol, indication or abbreviation, as relevant, may appear on the labelling of a product and, where applicable, on advertising or communication material for the product, only after the publication of the decision for the registration of the geographical indication in accordance with Article 29(6) or Article 30(3), as applicable.

6. The following may also appear on the labelling of a product and, where applicable, on advertising or communication material for the product:

   (a) depictions of the geographical area of origin, as referred to in the product specification; and

   (b) text, graphics or symbols referring to the Member State or the region in which that geographical area is located.

7. The Union symbol associated with a third-country geographical indication entered in the Union register, may appear on the labelling of, and on advertising or communication material for, the product. In that case, paragraph 2 shall apply.

8. The Commission may adopt implementing acts specifying the technical characteristics of the Union symbol and indication as well as the rules concerning their use on the products marketed under a registered geographical indication, including rules concerning the linguistic versions to be used. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 68(2).

TITLE IV
CONTROLS AND ENFORCEMENT

Article 49

Scope

1. This Title covers controls in relation to geographical indications for craft and industrial products.

2. The controls referred to in paragraph 1 shall include the following:

   (a) verification that a product designated by a geographical indication is in compliance with the corresponding product specification;

   (b) monitoring of the use of geographical indications in the market, including in electronic commerce.

Article 50

Designation of competent authorities

1. Member States shall designate one or more competent authorities responsible for the controls provided for in this Title.

2. The competent authorities referred to in paragraph 1 shall be objective and impartial and act in a transparent manner. They shall have at their disposal qualified staff and the resources necessary to carry out their functions efficiently.

Article 51

Verification of compliance based on self-declaration

1. For a product designated by a geographical indication and originating in the Union, the verification of compliance with the corresponding product specification shall be carried out by means of a self-declaration. The self-declaration shall be made using the standard form set out in Annex I and shall contain the required information as specified in that Annex.

2. Prior to placing the product on the market, producers shall submit a self-declaration to the competent authority referred to in Article 50(1). Once the product is on the market, producers shall resubmit a self-declaration every three years to demonstrate continued compliance of the product with the product specification. Where the product specification is amended in a way that affects the product concerned, the self-declaration shall be updated without delay.

3. The competent authority shall check, at least, that the information provided in the self-declaration is complete and consistent. Where the competent authority is satisfied that the information provided in the self-declaration is complete and consistent and it has no other reservations concerning compliance, the competent authority shall issue a certificate of authorisation to use the geographical indication for the product concerned or renew the existing certificate. In the event of obvious errors or inconsistencies in the self-declaration, the producer shall be given the possibility of completing or correcting the self-declaration.

4. Verification based on self-declaration shall not prevent producers from having compliance of the product with the product specification verified by product certification bodies or natural persons.

5. For the purpose of verifying that the product covered by a self-declaration is compliant, controls, which can take place before and after the product has been placed on the market, shall be carried out, based on a risk analysis and, if available, on notifications by interested producers of products designated by the geographical indication, by:

   (a) the competent authority; or

   (b) one or more product certification bodies or natural persons to which control tasks have been delegated in accordance with Article 55.

6. In the event of non-compliance, the competent authority shall take the necessary measures to remedy the situation.

7. The Commission is empowered to adopt delegated acts in accordance with Article 69 to amend this Regulation by modifying, where relevant, the information and requirements in relation to the standard form set out in Annex I.

Article 52

Verification of compliance by a competent authority or by product certification bodies or natural persons

1. As an alternative to the procedure set out in Article 51, Member States may provide for the verification of compliance of the product with the corresponding product specification by means of controls, carried out before and after the product has been placed on the market, by:

   (a) one or more competent authorities referred to in Article 50(1); or

   (b) one or more product certification bodies or natural persons to which control tasks have been delegated in accordance with Article 55.

2. Where controls carried out before placing the product on the market demonstrate compliance of the product with the product specification, the competent authority shall issue a certificate of authorisation to use the geographical indication for the product concerned.

3. Controls carried out after the product has been placed on the market shall be based on a risk analysis and, if available, on notifications by interested producers of products designated by a geographical indication. Where such controls demonstrate compliance of the product with the product specification, the competent authority shall renew the certificate of authorisation.

4. In the event of non-compliance, the competent authority shall take the necessary measures to remedy the situation.

Article 53

Verification of compliance of products originating in a third country

In respect of third-country geographical indications, verification of compliance with the corresponding product specification before placing the product on the market shall be carried out by:

(a) a competent authority designated by the third country; or

(b) one or more product certification bodies.

Article 54

Monitoring of the use of geographical indications in the market

1. The competent authorities referred to in Article 50(1) shall monitor the use of geographical indications in the market, irrespective of whether the products concerned are in storage or transit, or being distributed or offered for sale at wholesale or retail level, including in electronic commerce.

2. For the purposes referred to in paragraph 1 of this Article, the competent authorities referred to in Article 50(1) shall carry out controls, based on a risk analysis and, if available, on notifications by interested producers of products designated by a geographical indication. Where necessary, those authorities shall take appropriate administrative and judicial steps to prevent or stop the use of names on products or services that are produced, provided or marketed in their territory and that contravene the protection of geographical indications provided for in Articles 40 and 41.

Article 55

Delegation of control tasks

1. Competent authorities may delegate the control tasks referred to in Article 51(5), Article 52(2) and (3) and Article 54(2) to one or more product certification bodies or natural persons.

2. The delegating competent authority shall ensure that the product certification body or the natural person to which the control tasks referred to in paragraph 1 are delegated have the powers necessary to perform those tasks effectively.

3. The delegation of control tasks shall be in writing and subject to the following conditions:

(a) the delegation contains a precise description of the control tasks delegated to the product certification body or the natural person, and the conditions under which it may perform those tasks;

(b) where the control tasks are delegated to product certification bodies, those product certification bodies:

(i) have at their disposal the expertise, equipment, infrastructure and resources required to efficiently perform the delegated control tasks;

(ii) have a sufficient number of suitably qualified and experienced staff; and

(iii) act in a transparent manner and are impartial and free from any conflict of interest; in particular, the impartiality of their conduct shall not be at risk of being directly or indirectly affected as regards the performance of the delegated control tasks;

(c) where the control tasks are delegated to natural persons, those natural persons:

(i) have at their disposal the expertise, equipment, infrastructure and resources required to efficiently perform the delegated control tasks;

(ii) are suitably qualified and experienced; and

(iii) act in a transparent manner and are impartial and free from any conflict of interest as regards the performance of the delegated control tasks;

(d) there are arrangements in place to ensure that there is efficient and effective coordination between the delegating competent authorities and the product certification bodies or natural persons.

Article 56

Obligations of product certification bodies and natural persons

The product certification bodies or natural persons to which control tasks have been delegated in accordance with Article 55 shall:

(a) communicate the outcome of controls and related activities to the delegating competent authorities on a regular basis and whenever those authorities so request;

(b) immediately inform the delegating competent authorities whenever the outcome of controls indicates non-compliance or points to the likelihood of non-compliance, unless specific arrangements, as established between the delegating competent authorities and the product certification body or the natural person concerned, provide otherwise; and

(c) cooperate with and provide assistance to the delegating competent authorities, and give those authorities access to their premises and to documentation related to the delegated control tasks.

Article 57

Obligations of the delegating competent authorities

1. Competent authorities that have delegated control tasks to product certification bodies or natural persons, in accordance with Article 55, shall fully or partly revoke the delegation without delay where:

   (a) there is evidence that the product certification body or natural person is failing to perform the delegated control tasks properly;

   (b) the product certification body or natural person fails to take appropriate and timely action to remedy the identified shortcomings; or

   (c) the independence or impartiality of the product certification body or natural person has been compromised.

2. The delegating competent authorities may also revoke the delegation for reasons other than those referred to in paragraph 1.

3. The delegating competent authorities may organise audits or inspections of product certification bodies or natural persons at any time, where necessary.

Article 58

Public information on competent authorities, product certification bodies and natural persons

1. Member States shall make public the names and contact details of the competent authorities, designated pursuant to Article 50(1), and of the product certification bodies and natural persons, referred to in Article 51(5), point (b), and Article 52(1), point (b), and update that information when changes occur.

2. In relation to third countries, the Office shall make public, where available, the names and contact details of the competent authorities and product certification bodies referred to in Article 53 and update that information when changes occur.

3. The Office shall establish a digital portal where the names and contact details of the competent authorities and product certification bodies and natural persons referred to in paragraphs 1 and 2 are made public.

Article 59

Accreditation of product certification bodies

1. The product certification bodies referred to in Article 55 shall comply with and be accredited, depending on their activities, in accordance with the following standards:

   (a) European standard EN ISO/IEC 17065 ‘Conformity assessment – Requirements for bodies certifying products, processes and services’, European standard EN ISO/IEC 17020 ‘Conformity assessment – Requirements for the operation of various types of bodies performing inspection’ and European standard EN ISO/IEC 17025 ‘General requirements for the competence of testing and calibration laboratories’, including any revisions or amended versions of those standards; or

   (b) other suitable, internationally recognised standards.

2. Accreditation referred to in paragraph 1 of this Article shall be performed by an accreditation body, recognised in accordance with Regulation (EC) No 765/2008, that is a member of the European co-operation for Accreditation, or, for third-country product certification bodies, by a recognised accreditation body outside the Union that is a member of the International Accreditation Forum (IAF) or the International Laboratory Accreditation Cooperation (ILAC).

Article 60

Orders to act against illegal content online

1. Any information related to the advertising, promotion and sale of products to which persons established in the Union have access that contravenes the protection of geographical indications provided for in Articles 40 and 41 of this Regulation shall be considered to be illegal content within the meaning of Article 3, point (h), of Regulation (EU) 2022/2065.

2. Relevant national judicial or administrative authorities of the Member States may, in accordance with Article 9 of Regulation (EU) 2022/2065, issue an order to act against one or more specific items of illegal content, as referred to in paragraph 1 of this Article.

Article 61

Penalties

Member States shall lay down rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, by … [OJ: please insert the date of application of this Regulation], notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

Article 62

Mutual assistance and cooperation

1. Member States shall assist each other for the purposes of carrying out controls and enforcement in relation to geographical indications protected under this Regulation.

   Administrative assistance may include, where appropriate and by agreement between the competent authorities concerned, participation by the competent authorities of a Member State in on-the-spot checks carried out by the competent authorities of another Member State.

2. In the event of a possible infringement of a geographical indication, a Member State shall take measures to facilitate the transmission from its law enforcement and judicial authorities to the competent authorities referred to in Article 50(1) of information on such possible infringement.

3. The authorities in charge of the monitoring, as referred to in Article 54, in the Member States shall cooperate, as appropriate and in accordance with paragraph 1 of this Article, with other relevant authorities, departments, agencies and bodies, including police authorities, anti-counterfeiting agencies, customs authorities, intellectual property offices, market surveillance and consumer protection authorities and retail inspectors.

4. The Commission may adopt implementing acts specifying the nature and the type of the information to be exchanged and the methods for exchanging information for the purposes of controls under this Title. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 68(2).

TITLE V
AMENDMENTS TO OTHER ACTS

Article 63

Amendments to Regulation (EU) 2017/1001

Regulation (EU) 2017/1001 is amended as follows:

(1) In Article 151(1), the following point is inserted:

‘(ba) administration and promotion of geographical indications for craft and industrial products, in particular the tasks conferred on it under Regulation (EU) …/… of the European Parliament and of the Council[*+] and promotion of the system for the protection of those geographical indications.

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[*] Regulation (EU) …/… of the European Parliament and of the Council of … on the protection of geographical indications for craft and industrial products and amending Regulations (EU) 2017/1001 and (EU) 2019/1753 (OJ …).’;

(2) In Article 153(1), the following point is added:

‘(n) adopting the rules of procedure of the Advisory Board referred to in Article 35(8) of Regulation (EU) …/…[++].’;

[+] OJ: please insert in the text the number of this Regulation, and insert the number, the date and the OJ reference in the corresponding footnote.

[++] OJ: please insert in the text the number of this Regulation.

(3) In Article 170, paragraph 2 is replaced by the following:

‘2. Any natural or legal person may use the Centre’s services on a voluntary basis with the aim of reaching a friendly settlement of disputes, based on this Regulation, Regulation (EC) No 6/2002 or Regulation (EU) …/…[+], by mutual agreement.’.

Article 64

Amendments to Regulation (EU) 2019/1753

Regulation (EU) 2019/1753 is amended as follows:

(1) Article 1 is amended as follows:

(a) paragraph 2 is replaced by the following:

‘2. For the purposes of this Regulation, the term “geographical indications” covers appellations of origin within the meaning of the Geneva Act, including designations of origin within the meaning of Regulations (EU) No 1151/2012 and (EU) No 1308/2013, as well as geographical indications within the meaning of Regulations (EU) No 1151/2012, (EU) No 1308/2013, (EU) 2019/787 and (EU) …/…[++] of the European Parliament and of the Council[*]. In respect of appellations of origin relating to craft and industrial products which are the subject of an international registration, protection in the Union shall be construed as specified in Articles 6 and 40 of Regulation (EU) …/…[+].

[+] OJ: please insert in the text the number of this Regulation.

[++] OJ: please insert in the text the number of this Regulation, and insert the number, the date and the OJ reference in the corresponding footnote.

* Regulation (EU) …/… of the European Parliament and of the Council of … on the protection of geographical indications for craft and industrial products and amending Regulations (EU) 2017/1001 and (EU) 2019/1753 (OJ…).';

(b) the following paragraph is added:

'3. For the purposes of this Regulation, "the Office" means the European Union Intellectual Property Office, established under Article 2 of Regulation (EU) 2017/1001 of the European Parliament and of the Council*.

* Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark (OJ L 154, 16.6.2017, p. 1).';

(2) Article 2 is amended as follows:

(a) paragraphs 1 and 2 are replaced by the following:

'1. Upon the accession of the Union to the Geneva Act and thereafter on a regular basis, the Commission or the Office shall, in their respective capacity as Competent Authority within the meaning of Article 3 of the Geneva Act as specified in Article 4(1) of Decision (EU) 2019/1754, file applications for the international registration of geographical indications protected and registered under Union law and pertaining to products originating in the Union pursuant to Article 5(1) and (2) of the Geneva Act with the International Bureau of the World Intellectual Property Organization ("the International Bureau").

2. For the purposes of paragraph 1, Member States may request the Commission or, in respect of geographical indications for craft and industrial products, the Office, to register in the International Register geographical indications that originate in the territory of a Member State and that are registered and protected under Union law. Such requests shall be based on:

(a) a request by a natural person or legal entity as referred to in point (ii) of Article 5(2) of the Geneva Act or by a beneficiary as defined in point (xvii) of Article 1 of the Geneva Act; or

(b) their own initiative.';

(b) the following paragraph is added:

'4. In respect of requests to register geographical indications for craft and industrial products in the International Register, the Office shall, in its capacity as Competent Authority within the meaning of Article 3 of the Geneva Act as specified in Article 4(1) of Decision (EU) 2019/1754, proceed on the basis of the decision on granting protection in accordance with Articles 21 to 37 of Regulation (EU) …/…[+].';

(3) In Article 3, the following paragraph is added:

'4. In respect of geographical indications for craft and industrial products, the Office shall request the International Bureau to cancel a registration in the International Register of a geographical indication originating in a Member State in any of the circumstances referred to in paragraph 1.';

[+] OJ: please insert the number of this Regulation.

(4) In Article 4, paragraph 1 is replaced by the following:

‘1. The Commission or, in respect of geographical indications for craft and industrial products, the Office shall publish any international registration notified by the International Bureau pursuant to Article 6(4) of the Geneva Act, which concerns a geographical indication registered in the International Register in respect of which the Contracting Party of Origin, as defined in point (xv) of Article 1 of the Geneva Act, is not a Member State.’;

(5) In Article 5, paragraph 1 is replaced by the following:

‘1. The Commission or, in respect of geographical indications for craft and industrial products, the Office shall assess any international registration notified by the International Bureau pursuant to Article 6(4) of the Geneva Act concerning a geographical indication registered in the International Register and in respect of which the Contracting Party of Origin, as defined in point (xv) of Article 1 of the Geneva Act, is not a Member State, in order to determine whether it includes the mandatory contents laid down in Rule 5(2) of the Common Regulations under the Lisbon Agreement and the Geneva Act (the “Common Regulations”), and the particulars concerning the quality, reputation or characteristics as laid down in Rule 5(3) of the Common Regulations.’;

(6) Article 6 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. Within four months of the date of publication of the international registration in accordance with Article 4, the competent authorities of a Member State or of a third country other than the Contracting Party of Origin as defined in point (xv) of Article 1 of the Geneva Act, or a natural or legal person having a legitimate interest and established in the Union or in a third country other than the Contracting Party of Origin, may lodge an opposition with the Commission or, in respect of geographical indications for craft and industrial products, the Office. The opposition shall be in one of the official languages of the Union.’;

(b) in paragraph 2, point (e) is deleted;

(c) paragraph 3 is replaced by the following:

‘3. The grounds for opposition set out in paragraph 2 shall be assessed by the Commission or, in respect of geographical indications for craft and industrial products, the Office, in relation to the territory of the Union or part thereof.’;

(7) Article 7 is amended as follows:

(a) paragraphs 1 and 2 are replaced by the following:

‘1. Where, based on the assessment carried out pursuant to Article 5, the conditions laid down in that Article are fulfilled and no opposition or no admissible opposition has been received, the Commission shall, as appropriate, by means of an implementing act, reject any inadmissible opposition and decide to grant protection of the geographical indication. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 15(2). In respect of geographical indications for craft and industrial products, the Office shall reject any inadmissible opposition and decide to grant protection of the geographical indication.

2. Where, based on the assessment carried out pursuant to Article 5, the conditions laid down in that Article are not fulfilled or an admissible opposition as set out in Article 6(2) has been received, the Commission shall, by means of an implementing act, decide whether to grant protection of a geographical indication registered in the International Register. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 15(2). In respect of geographical indications for craft and industrial products, the decision whether to grant protection shall be adopted by the Office or, in cases referred to in Article 30 of Regulation (EU) …/…[+], by the Commission. Where the decision to grant protection is adopted by the Commission it shall do so by means of an implementing act adopted in accordance with the examination procedure referred to in Article 15(2) of this Regulation.';

(b) paragraphs 4 and 5 are replaced by the following:

'4. In accordance with Article 15(1) of the Geneva Act, the Commission or, in respect of geographical indications for craft and industrial products, the Office shall notify the International Bureau of the refusal of the effects of the international registration concerned in the territory of the Union, within twelve months of the receipt of the notification of international registration in accordance with Article 6(4) of the Geneva Act.

[+] OJ: please insert the number of this Regulation.

5. The Commission may, on its own initiative or following a duly substantiated request by a Member State, a third country or a natural or legal person having a legitimate interest, withdraw, in whole or in part, by means of an implementing act, a refusal previously notified to the International Bureau. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 15(2).

Where a refusal has been notified by the Office to the International Bureau in respect of the protection of geographical indications, the Office may, on its own initiative or following a duly substantiated request by a Member State, a third country or a natural or legal person having a legitimate interest, withdraw, in whole or in part, that refusal.

The Commission or, in respect of geographical indications for craft and industrial products, the Office shall notify the International Bureau of such withdrawal without delay.';

(8) In Article 8(1) the following subparagraph is added:

'In respect of geographical indications for craft and industrial products, the first subparagraph shall apply *mutatis mutandis* to the decisions of the Office.';

(9) Article 9 is replaced by the following:

‘*Article 9*

Invalidation of the effects in the Union of a third-country geographical indication registered in the International Register

1. The Commission or, in respect of geographical indications for craft and industrial products, the Office may, on its own initiative or following a duly substantiated request by a Member State, a third country or a natural or legal person having a legitimate interest, invalidate, in whole or in part the effects of protection in the Union of a geographical indication, in one or more of the following circumstances:

   (a) the geographical indication is no longer protected in the Contracting Party of Origin;

   (b) the geographical indication is no longer registered in the International Register;

   (c) there is no longer compliance with the mandatory contents laid down in Rule 5(2) of the Common Regulations or with the particulars concerning the quality, reputation or characteristics as laid down in Rule 5(3) of the Common Regulations.

2. The Commission shall adopt implementing acts for the purpose of paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2) of this Regulation and only after the natural persons or legal entities as referred to in point (ii) of Article 5(2) of the Geneva Act or the beneficiaries as defined in point (xvii) of Article 1 of the Geneva Act have been given an opportunity to defend their rights.

3. Where the invalidation is no longer subject to appeal, the Commission, or in respect of geographical indications for craft and industrial products, the Office shall notify the International Bureau without delay of the invalidation of the effects in the territory of the Union of the international registration of the geographical indication in accordance with point (a) or (c) of paragraph 1.';

(10) In Article 11, paragraph 3 is replaced by the following:

'3. In respect of an appellation of origin originating in a Member State which is party to the Lisbon Agreement, for a product falling within the scope of Regulation (EU) …/…[+], but not yet protected under that Regulation, the Member State concerned shall, on the basis of a request by a natural person or legal entity referred to in point (ii) of Article 5(2) of the Geneva Act or a beneficiary as defined in point (xvii) of Article 1 of the Geneva Act, or on its own initiative, choose to request either:

(a) the registration of that appellation of origin under Regulation (EU) …/…[+]; or

[+] OJ: please insert the number of this Regulation.

(b) the cancellation of the registration of that appellation of origin in the International Register.

The Member State concerned shall notify the Office of its choice pursuant to the first subparagraph of this paragraph, and lodge the respective request by … [OJ: please insert the date: twelve months from the date of entry into force of this Regulation]. The registration procedure provided for in Article 70 (4) of Regulation (EU) …/…[+] shall apply *mutatis mutandis*.

In the case referred to in the first subparagraph, point (a), of this paragraph, the Member State concerned shall request the international registration of that appellation of origin under the Geneva Act, if that Member State has ratified or acceded to the Geneva Act pursuant to the authorisation referred to in Article 3 of Decision (EU) 2019/1754, within twelve months of the date of registration of the geographical indication under Regulation (EU) …/…[+].

The Member State concerned shall, in coordination with the Office, verify with the International Bureau whether there are any modifications to be made under Rule 7(4) of the Common Regulations for the purpose of the registration under the Geneva Act. The Office shall authorise the Member State concerned to provide for the necessary modifications and to notify the International Bureau.

[+] OJ: please insert the number of this Regulation.

If the registration under Regulation (EU) …/…[+] is refused and the related administrative and judicial remedies have been exhausted, or if the request for registration under the Geneva Act has not been made pursuant to the third subparagraph of this paragraph, the Member State concerned shall, without delay, request the cancellation of the registration of that appellation of origin in the International Register.';

(11) in Article 15(1) the following point is added:

'(e) for craft and industrial products falling within the scope of Regulation (EU) …/…[+], by the Committee for Craft and Industrial Geographical Indications established by Article 68 of that Regulation.'.

[+] OJ: please insert the number of this Regulation.

TITLE VI
FEES

Article 65
Fees

1. Member States may charge fees to cover the costs of the national phase of the procedures provided for in this Regulation, in particular the costs incurred in the processing of applications, oppositions, requests for amendment of the product specification, requests for cancellation and appeals.

2. Member States may charge fees or impose charges to cover the costs of controls carried out pursuant to Title IV of this Regulation.

3. The Office shall charge a fee in respect of:

   (a) the direct registration procedure, as referred to in Article 20;

   (b) the procedure concerning third-country geographical indications, referred to in Article 21, point (c); and

   (c) appeals before the Boards of Appeal, as referred to in Article 33.

4. The Office may charge a fee in respect of requests for amendment of the product specification and in respect of requests for cancellation, where the geographical indication was registered pursuant to one of the procedures referred to in point (a) or (b) of paragraph 3.

5. Any fees charged under this Regulation shall be reasonable, proportionate and shall take into account the situation of MSMEs in order to foster the competitiveness of producers. Those fees shall not exceed the costs incurred for performing the tasks under this Regulation.

6. The Commission shall adopt implementing acts to determine the amounts of the fees to be charged by the Office and the ways in which they are to be paid or, in the case of the fee for appeals before the Boards of Appeal, reimbursed. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 68(2).

TITLE VII
SUPPLEMENTARY PROVISIONS

Article 66

Procedural languages

1. All documents and information sent to the Office in respect of the procedures under this Regulation shall be in one of the official languages of the Union.

2. For the tasks conferred on the Office under this Regulation, the languages of the Office shall be all the official languages of the Union in accordance with Regulation No 1[1].

Article 67

IT system

1. The Office shall establish and maintain the digital system for the electronic submission of applications to the Office, the Union register referred to in Article 37, and the digital portal referred to in Article 58(3).

[1] Regulation No 1 determining the languages to be used by the European Economic Community (OJ 17, 6.10.1958, p. 385).

2. The digital system for the electronic submission of applications to the Office shall be available in all the official languages of the Union. It shall be easily accessible to the public, in a machine-readable and commonly used format, and shall be used for the submission of applications to the Office pursuant to Article 21. In addition, that digital system shall have the capacity to be used by the Member States at the national phase of the registration procedure.

Article 68

Committee procedure

1. The Commission shall be assisted by the Committee for Craft and Industrial Geographical Indications. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 69

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Articles 11, 20, 22, 33 and 51 shall be conferred on the Commission for a period of seven years from … [OJ: please insert the date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the seven-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Articles 11, 20, 22, 33 and 51 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect on the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 11, 20, 22, 33 or 51 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

TITLE VIII
TRANSITIONAL AND FINAL PROVISIONS

Article 70

Existing names and transitional protection

1. By … [OJ: please enter the date: 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, and pending applications shall be considered not to have been submitted, unless a request pursuant to paragraph 2 is made.

2. By … [OJ: please enter the date: twelve months after the date of application of this Regulation], interested Member States shall inform the Commission and the Office which of their legally protected names or, in the Member States where there is no protection system, which of their names established by usage, they wish to register and protect pursuant to this Regulation.

3. On the basis of a request made pursuant to paragraph 2, national protection may be extended in time by the Member State concerned until the registration procedure pursuant to paragraph 4 has been completed and the decision has become final. Where Union protection is granted, the day on which the Member State concerned has informed the Commission and the Office, in accordance with paragraph 2, shall be deemed to be the first day of protection under this Regulation.

4. Names of which the Commission is informed pursuant to paragraph 2 of this Article and which comply with Articles 3, 6, 9 and 10 shall be registered by the Office, or, in the cases referred to in Article 30, by the Commission, in accordance with the procedure laid down in Articles 22 to 30. Articles 25, 26 and 27 shall not apply. However, generic terms shall not be registered.

Article 71

Member States' reporting obligations

1. Member States shall report to the Commission by … [OJ: please enter the date: four years after the date of application of this Regulation], and every five years thereafter, on:

(a) the strategy concerning and results of all controls carried out to verify compliance with the requirements related to the system for the protection of geographical indications for craft and industrial products established by this Regulation, as referred to in Title IV;

(b) verification of compliance based on self-declaration as referred to in Article 51;

(c) verification of compliance by a competent authority or a product certification body or natural person as referred to in Article 52;

(d) monitoring of the use of geographical indications for craft and industrial products in the market as referred to in Article 54;

(e) continuous compliance as referred to in Article 45(2); and

(f) illegal content on online interfaces as referred to in Article 60.

2. Member States concerned shall provide the Commission by … [OJ: please enter the date: twelve months before the date of application of this Regulation] with the information required under Article 19 in order to derogate from the standard registration procedure. On the basis of the information received, the Commission shall adopt a decision on the request of the Member State concerned to derogate from the standard registration procedure and to not designate a national authority for the processing of applications, requests for amendment of the product specification and requests for cancellation as required by Article 12(1).

Article 72

Review

1. By … [OJ: please enter the date: five years after the date of application of this Regulation], and every five years thereafter, the Commission shall draw up a report on the implementation of this Regulation, accompanied by a legislative proposal for its revision, where appropriate. That report shall assess, in particular, to what extent the value of the craft and industrial products designated by a geographical indication is created within the defined geographical area or elsewhere.

2. By … [OJ: please enter the date: 18 months after the date of application of this Regulation] the Commission shall carry out an evaluation of the feasibility of an information and alert system against the abusive use of geographical indications for craft and industrial products in the domain name system, and submit a report with its main findings to the European Parliament and the Council. That report shall be accompanied by a legislative proposal, where appropriate.

Article 73

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from … [OJ: the first day of the twenty-fifth month after the date of entry into force of this Regulation]. However, Article 19(1) and (2), Article 35(1) Article 37(7), Articles 67, 68 and 69, and Article 71(2) shall apply from … [OJ: the date of entry into force of this Regulation].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg,

For the European Parliament	*For the Council*
The President	*The President*

ANNEX I

STANDARD FORM FOR THE SELF-DECLARATION REFERRED TO IN ARTICLE 51

Self-declaration referred to in Article 51 of Regulation (EU) …/… of the European Parliament and of the Council[1+]

1. Name and address of the producer: …

   [Insert the name and address of the operator (company or individual producer) as well as, where applicable, the name and address of the authorised representative of the company or producer that signs the self-declaration on behalf of the company or producer]

2. Producer group: …

   [If applicable, insert the name and address of the producer group of which the producer is a member]

3. Name and type of the product: …

   [Insert the name with all attributes under which the product designated by the geographical indication is marketed or is envisaged to be marketed and the type of goods to which the product belongs]

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1 Regulation (EU) …/… of the European Parliament and of the Council of … on the protection of geographical indications for craft and industrial products and amending Regulations (EU) 2017/1001 and (EU) 2019/1753 (OJ L …).

\+ OJ: please insert the number of this Regulation in the text as well as the number and date and the OJ reference in the footnote.

4. Status of the product: …

[Specify whether the product is already on the market]

5. Production sites: …

[Insert all production sites, with their address and contact details, and activities (production steps pursuant to the product specification) carried out there]

6. Name, number and registration date of the geographical indication: …

[This requirement can be met by attaching to the self-declaration the corresponding electronic extract from the register]

7. Single document: …

[Insert the information from the single document: the name and description of the product, including, where appropriate, information concerning the packaging and labelling, including the possible use of the Union symbol for protected geographical indications, and a concise definition of the geographical area]

8. Description of the measures undertaken by the producer to ensure that the product complies with the product specification: …

[Insert all measures (controls and checks) undertaken by the producer itself, the producer group or a third party since the last self-declaration was submitted, together with a summary of each measure in the table below]

Control point[1]	Reference value[2] (Tests)	Autocontrol (AC) Internal Control (IC) or External Control (EC)[3]	Frequency[4]	Person responsible for the control	Control method	Reference document

9. Additional information: …

[Insert any further information considered relevant for the assessment as to whether the product complies with the product specification, e.g. samples of the label if there are labelling rules in the product specification]

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1 Control point: the checkpoint step or steps within the production process where the control measure is applied.

2 Target reference value, if any, to be met at the control point.

3 AC: control performed by the producer itself; IC: control performed by the producer group; EC: control performed by a product certification body or natural person.

4 Frequency: the time interval at which the control is performed.

10. Declaration of compliance with the requirements of the product specification:

I herewith declare that the above-mentioned product, including its characteristics and components, complies with the corresponding product specification. All necessary controls and checks for the proper determination of conformity have been carried out.

I am aware that, in the event of making a false statement, penalties may be imposed.

Signed for and on behalf of:

(place and date):

(name, function) (signature):

ANNEX II

STANDARD FORM FOR THE SINGLE DOCUMENT REFERRED TO IN ARTICLE 10

Single document referred to in Article 10 of Regulation (EU) …/… of the European Parliament and of the Council[1+]

[Insert name, as in point 1:] '…'

EU Number: [for EU use only]

1. Name(s) [of the proposed geographical indication] …

   [Insert the name to be protected as a geographical indication or, in the case of a request for amendment of the product specification, the registered name]

2. Member State or third country …

3. Description of the product

3.1. Type of product …

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1 Regulation (EU) …/… of the European Parliament and of the Council of … on the protection of geographical indications for craft and industrial products and amending Regulations (EU) 2017/1001 and (EU) 2019/1753 (OJ L …).

\+ OJ: please insert the number of this Regulation in the text as well as the number and date and the OJ reference in the footnote.

3.2. Description of the product designated by the name under point 1 …

[To identify the product, use definitions and standards commonly used for that product. In the description of the product, focus on its specificity, using measurement units and common or technical terms of comparison, without including technical characteristics inherent to all products of that type or mandatory legal requirements applicable to all products of that type]

3.3. Specific production steps that must take place in the defined geographical area …

[Provide justifications for any restrictions or derogations]

3.4. Specific rules concerning the packaging of the product designated by the name under point 1 …

[If applicable, provide product-specific justifications for any restrictions]

3.5. Specific rules concerning the labelling of the product designated by the name under point 1 …

[If applicable, provide justifications for any restrictions]

4. Concise definition of the geographical area …

[Where appropriate, insert a map of the geographical area]

5. Link with the geographical area …

[Indicate the link between the geographical area and the given quality, reputation or other characteristic of the product.

To that end, indicate the factors on which the link is based, including, where appropriate, elements of the product description or production method justifying the link]

Reference to the publication of the product specification (to be added by the competent authority or the Office, once available)

ANNEX III

STANDARD FORM FOR THE REASONED STATEMENT OF OPPOSITION REFERRED TO IN ARTICLE 26

Reasoned statement of opposition referred to in Article 26 of Regulation (EU) …/… of the European Parliament and of the Council[1+]

1. Name of the product: …

   [as entered in the Union register]

2. Number: …

   [as entered in the Union register]

   Date of publication of the single document and the reference to the electronic publication of the product specification in the Union register provided for in Article 23(7) of Regulation (EU) …/…[++]: …

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1 Regulation (EU) …/… of the European Parliament and of the Council of … on the protection of geographical indications for craft and industrial products and amending Regulations (EU) 2017/1001 and (EU) 2019/1753 (OJ L …).

\+ OJ: please insert the number of this Regulation in the text as well as the number and date and the OJ reference in the footnote.

++ OJ: please insert the number of this Regulation in the text.

3. Contact details

Contact person:	Title: …	Name: …

Natural or legal person/organisation/competent authority: …

Address: …

Telephone number: …

e-mail address: …

4. Grounds for the opposition:

Non-compliance with specific requirements for protection laid down in Regulation (EU) …/…[+].

The proposed geographical indication would be contrary to:

– Article 42 of Regulation (EU) …/…[+];

– Article 43 of Regulation (EU) …/…[+]; or

– Article 44(2) of Regulation (EU) …/…[+].

[+] OJ: please insert the number of this Regulation in the text.

The proposed geographical indication would jeopardise the existence of an identical or similar name used in the course of trade or of a trade mark, or the existence of products that have been legally on the market for at least five years preceding the date of the publication of the application provided for in Article 22(7) of Regulation (EU) …/…[+].

5. Details in support of the opposition

[Provide duly substantiated reasons and a justification for the opposition, including a statement explaining the legitimate interest of the opponent, unless the opposition is lodged by a national authority, in which case no statement of legitimate interest is required.]

(place and date):

(name, function) (signature):

[+] OJ: please insert the number of this Regulation in the text.