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From:	Presidency
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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on geographical indication protection for craft and industrial products and amending Regulations (EU) 2017/1001 and (EU) 2019/1753 of the European Parliament and of the Council and Council Decision (EU) 2019/1754 - Presidency revised text

Delegations will find in the Annex a Presidency revised text of the above-mentioned proposal.

The Presidency revised text draws on discussions at the Working Party on Intellectual Property on 6 October 2022, and takes into account delegations' comments and suggestions received thereafter (circulated in WK 13905/2022).

The revised text will be presented for discussion at the Working Party on 26 October 2022.

In the revised text, all changes in relation to the Commission proposal are marked in **bold** **underlined** or ~~strikethrough~~.

In addition, any substantive changes compared to the previous text (doc. 12855/22 and WK 12733/2022) are marked up in greyscale.

Overview of main changes:

- Subject matter/scope (Article 1(a); recital 3)
- Applicant (Article 6(3b); new recital 11b)
- Domain names (Articles 31(1), 35(3), 41, 61(2); recitals 26 and 33)
- Homonymous names (Article 38)
- Relationship between GIs and trade marks (Article 39; recital 31)
- Opposition (Articles 13(3) and 22)
- Cancellation of registration (Article 29(1))
- Entry of 3rd country GIs in the Union register (Article 34a(4) and (4a))
- Verification of compliance by competent authority or 3rd party (new Article 46a; recital 47a)
- Penalties (Article 56)
- Single Point of Contact (Article 15(6); recital 18a)
- Application in time (Articles 15(1), 68(2), 70; recital 62)
- Member States reporting and information obligations (Articles 11(5) and 68(1))
- Awareness-raising activities of the Office (recital 36)
- Reference to the EU Observatory (recital 47c)
- Subsidiarity and proportionality (new recital 62c)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
on geographical indication protection for craft and industrial products and amending
Regulations (EU) 2017/1001 and (EU) 2019/1753 of the European Parliament and of the
Council and Council Decision (EU) 2019/1754

(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 **the first subparagraph of** Article 118(1), as well as 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 Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

Whereas:

¹ OJ C [...], [...], p. [...].

² OJ C [...], [...], p. [...].

- (1) On 10 November 2020, the Council adopted conclusions³ on intellectual property policy indicating that it was ready to consider the introduction of a system for specific **geographical indication** protection of non-agricultural products, based on 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, based on an impact assessment, whether to propose a Union system of geographical indications (GIs) protection for non-agricultural products.

(2a) (moved from recital (6)) In order for the Union to be able to exercise fully its exclusive competence in relation to the common commercial policy of the Union, and in full compliance with its commitments under the Agreement on the Trade-Related Aspects of Intellectual Property Rights (TRIPS) of the World Trade Organization, On 26 November 2019, the Union acceded to the 2015 Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications⁴ (‘the Geneva Act’), which is administered by the World Intellectual Property Organization (WIPO). The Geneva Act offers a means to obtain protection of geographical indications, regardless of the nature of the goods to which they apply, and therefore includes handicrafts and industrial products. In order to comply fully with these international obligations, ensuring uniform recognition and protection throughout the Union for geographical indications for craft and industrial products is therefore a priority for the Union.

³ Council conclusions on intellectual property policy and the revision of the industrial designs system in the Union, 10 November 2020 (**OJ C 379 I, 10.11.2020, p. 1**).

⁴ OJ L 271, 24.10.2019, p. 15.

- (3) For many years, geographical indication protection has been established at Union level for wines⁵, spirit drinks⁶, aromatised wines⁷, ~~as defined at Union level~~, as well as agricultural products and foodstuffs⁸, ~~as protected at Union level~~. It is appropriate to provide Union-wide geographical indication protection in respect of products falling outside the scope of existing regulations, while ensuring convergence, and aiming at encompassing a large variety of craft and industrial products, such as natural stones, woodwork, jewellery, textiles, lace, cutlery, glass, and porcelain, hides and skins, cork, and raw cotton, raw flax and raw hemp.

⁵ **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).**

⁶ 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).

⁷ ~~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).~~ **Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91 (OJ L 84, 20.3.2014, p. 14). Geographical indication protection in relation to aromatised wines was repealed by Regulation (EU) 2021/2117 of the European Parliament and of the Council of 2 December 2021, amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union (OJ L 435, 6.12.2021, p. 262).**

⁸ 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).

- (4) Several Member States have national regimes for the protection of national geographical indications for craft and industrial products. These regimes differ in terms of protection, administration and fees, and do not offer protection beyond the national territory. Other Member States do not provide for geographical indication protection at national level for such products. That complex landscape of various protection regimes at Member States level may result in increased costs and legal uncertainty for producers and be a disincentive to investment in ~~the~~ traditional crafts in the Union.
- (4a)** *(moved from recital (7))* Making geographically linked products is often based on local know-how and follows 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 of the traditional craft professions. Specific geographical indication protection is ~~acknowledged~~ **recognised**, so as to safeguard and develop cultural heritage both in the agricultural and the craft and industrial areas. Efficient procedures should **thus** be established for the registration of Union geographical indications protecting the names of craft and industrial products, which take into account regional and local specificities. The geographical indication system for craft and industrial products should ensure that ~~the~~ production and marketing traditions are maintained and enhanced.
- (5) ~~Unitary~~ **Uniform** protection throughout the Union for ~~this~~ intellectual property rights related to geographical indications ~~can~~ **could** contribute to incentives for **incentivise** the production of quality products, the wide availability of such products for consumers and the creation of valuable and sustainable jobs, ~~including~~ **notably** in rural and less-developed regions. ~~In particular,~~ in view of the potential of geographical indications to contribute to sustainable and highly skilled jobs in rural and less developed regions, producers should aim ~~at~~ **to create** a substantial proportion of the value of the product designated by a geographical indication within the defined geographical area.

- (6) *(moved to recital (2a))*
- (7) *(moved to recital (4a))*
- (8) It is therefore necessary, ~~to~~ firstly, **to** ensure fair competition for producers of craft and industrial products in the internal market; secondly, ~~to guarantee~~ **ensure** the availability to consumers of reliable information pertaining to such products; thirdly, **to** safeguard and develop cultural heritage and traditional know-how; fourthly, **to** ensure an efficient registration of geographical indications for craft and industrial products, **at** both for the Union and at international level; fifthly, **to** provide for an effective enforcement **controls** of intellectual property rights **geographical indications for craft and industrial products** throughout the **internal market** Union and, **including** in electronic commerce within the ~~internal market~~; and lastly, ensure the **to establish a** link with the international registration and protection system based on the Geneva Act.
- (9) ~~To provide for a full coverage of craft and industrial products eligible for GI protection (i.e. those having characteristics, attributes or reputation linked to their place of production or manufacturing), the scope of this Regulation needs to be determined in line with the relevant international framework, namely, the World Trade Organization. Hence, the use of the Combined Nomenclature should be established through direct reference to Annex I to Council Regulation No 2658/87⁹. This approach ensures coherence with the scope of the revised GI Regulation for agricultural products, foodstuff, wine and spirits. (deleted)~~
- (10) *(moved to recital (62a))*
- (11) *(moved to recital (62b))*

⁹ ~~Council Regulation (EEC) No 2685/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff Regulation (OJ L 256, 7.9.1987 p. 1).~~

- (11a) Geographical indications for craft and industrial products, which have characteristics, attributes or a reputation linked to their place of production or manufacturing, are a collective right accessible to be used by all eligible producers in a designated area willing to adhere to a product specification, and 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.**
- (11b) Applications for registration of geographical indications should therefore be submitted by producer groups. By way of exception, a local or regional authority or a private entity designated by a Member State may be an applicant producer group if it is not feasible for the producers to form a group, for example, due to their number, geographical location or organisational characteristics. In such cases, the application for registration of a geographical indication should state these reasons for such designation.**
- (11c) The system of geographical indications aims at enabling consumers to make more informed purchasing choices and, in this context, labelling and advertising helps them to identify correctly quality products on the market. Geographical indications, as an intellectual property right, help operators and companies to valorise their intangible assets. To avoid creating unfair conditions of competition and to sustain the internal market, any producer, including a third-country producer, should be able to use a registered name and to market products designated as geographical indications throughout the Union and in electronic commerce, provided that the product concerned complies with the requirements of the relevant specification and that the producer is subject to a system of controls.**

(11bd) A product is eligible for protection as a geographical indication if it complies with three cumulative criteria: the product should be rooted in or have its origin in a specific place, region, locality or country; at least one of the production steps should take place in this geographical area; and the given quality, reputation or other characteristic of the product is essentially attributable to this geographical origin. To fulfil these criteria, it needs to be demonstrated that the geographical origin is an essential factor in the quality, reputation or other characteristic of the product. These criteria are in line with the requirements for geographical indications as set out in the Geneva Act and in Union legislation on the protection of geographical indications for agricultural products, foodstuff, wine and spirits. However, products that are contrary to public policy should be excluded from being the subject of a ‘protected geographical indication’. The necessity to apply the 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 and the relevant case law of the Court of the Justice of the European Union.

(12) [Where applicable, the information included in the single document ~~shall~~ **should** be made available through the Digital Product Passport as set out by the Regulation .../... establishing a framework for ecodesign requirements for sustainable products and repealing Directive 2009/125/EC¹⁰.]

(13) *(moved to recital (54a))*

¹⁰ **[COM(2022)142 final of 30.3.2022.]**

- (14) To qualify for **obtain** protection in the Member States, geographical indications should be registered only at Union level **only**. However, with effect from the date of application for such registration at Union level, Member States should be able to grant temporary protection at national level without affecting the internal market of the Union or international trade. *(deleted sentence integrated into recital 19a)* **The standard procedure for an application for registration of a geographical indication under this Regulation should comprise two phases: Member States should be responsible for the first phase and the European Union Intellectual Property Office ('the Office') should be responsible for the second phase. Where a Member State has been granted a derogation from the standard procedure, it should be possible for an applicant from that Member State to submit an application for registration directly to the Office.** The protection afforded by this Regulation upon registration should be equally available to geographical indications of third countries that meet the corresponding criteria and that are protected in their country of origin. The Office should carry out the corresponding procedures for geographical indications originating in third countries.
- (15) The procedures for registration, amendments to the product specification and cancellation of the registration in respect of geographical indications originating in the Union ~~under this Regulation~~ should be carried out by the Member States and the Office. The Member States and the Office should **respectively** be responsible for **the** distinct stages of ~~the~~ **those** procedures. Member States should be responsible for the first-stage **phase (i.e. the national phase)**, which consists of receiving the application from the applicants, assessing it, running the national opposition procedure; and, following the positive results of the assessment **completion of the first phase**, submitting the ~~Union~~ application to the Office **to launch the second phase. Member States should establish the detailed procedural arrangements for the national phase, which may include consultations between the applicant and national opponents, as well as the submission by the applicant of a report on the outcome of these consultations, and of any changes made to the application.** The Office should be responsible for examining the applications in the second-stage **phase** of the procedure **(i.e. the Union phase)**, running the worldwide opposition procedure and ~~taking a decision on~~ granting or refusing the protection to the geographical indication. The Office should also carry out the corresponding procedures for geographical indications originating in third countries, ~~without prejudice to the direct registration procedure.~~

- (16) In order to facilitate the management of ~~GI~~ **geographical indication** applications by national authorities, it should be possible for two or more Member States to: (i) cooperate in ~~the management of~~ the national phase of the procedures, including those procedures for ~~registration~~, examination, national opposition, submission of the ~~Union~~ application to the Office, amendments to the product specification and cancellation of the registration;² and (ii) decide that one of them manages these procedures also on behalf of the other Member State or Member States concerned. In those cases, ~~all the~~ **these** Member States ~~concerned~~ should, **without delay**, inform the Commission **accordingly** ~~without delay~~, providing the necessary information.
- (17) **Under certain circumstances**, ~~it is~~ **should be** possible for ~~certain~~ Member States to obtain a derogation from the Member States' obligation to designate a national authority in respect of geographical indications for craft and industrial products to ~~take charge of~~ **run the national phase of** the procedures for registration, **including** national opposition, amendments to the product specification and cancellation of the registration ~~under certain circumstances specified in this Regulation~~. That derogation, ~~that should take the form of a Commission Decision~~, **should** take into account the fact that certain Member States do not have a specific national system for the ~~management~~ **protection** of geographical indications for craft and industrial products, ~~and~~ that the local interest in these countries to protect ~~these~~ geographical indications is minimal, **and that**, ~~Under~~ these circumstances, it would not be justified to oblige the ~~respective~~ Member State **in question** to set up ~~an~~ **all the** infrastructure **needed**, ~~employ the necessary personnel and purchase facilities for the management of these geographical indications~~. It is **would be** more effective **efficient** and economical **cost-effective** to provide an alternative ~~procedure~~ **path** for the producer groups from these Member States to protect their products, ~~by a geographical indication~~. The **namely a** 'direct registration procedure' **with the Office**. ~~This alternative has~~ **would also yield** cost advantages ~~reaped by~~ **for** Member States. *(remaining sentences of recital 17 moved to recitals 18a and 18b)*

- (18) The Commission, after reviewing the information provided by the Member State, should adopt a ~~Commission Decision~~ decision establishing the right of the Member State to opt for the exceptional direct registration procedure. The Commission, when examining a request for a derogation, should assess all relevant circumstances, including for instance the number of existing protected products, the number of potentially interested producers and producer groups in the respective Member State, the size of the population of the respective Member State, information on sales, manufacturing capacities, markets for the products in question, and other data that the Member State considers as relevant information to demonstrate low interest at national level. Information gathered via a public consultation, a market survey, market analysis, or letters from relevant professional chambers or from any other relevant official instances may for instance be used by the Commission to take a decision. Accordingly, ~~the~~ The Commission should retain the right to modify ~~and~~ or to withdraw a ~~Decision~~ decision allowing a Member State to opt for the 'direct registration procedure', should the conditions ~~not~~ cease to be met by the Member State concerned. This ~~is~~, for example, would be the case should the number of direct applications submitted by applicants from that Member State exceed, in a recurrent manner over time, the original number estimated by that Member State ~~in a recurrent manner over time~~.
- (18a)** *(moved from recital (17))* Pursuant to this derogation, procedures for registration, amendments to the product specification and cancellation should be managed directly by the Office. In this regard, the Office should receive the ~~effective~~ assistance of the administrative authorities of ~~that~~ the Member State concerned when ~~required~~ needed by the Office, through designation of a national single point of contact ~~point~~, as regards, in particular, aspects related to the examination of the application. The single point of contact should be a natural person with have the necessary expertise and local knowledge on geographical indications. The single point of contact, when assisting the Office, may consult other experts with product- and/or sector-specific knowledge. ~~In those cases, the Office should be entitled to charge a registration fee, considering that this procedure generates more work for the Office than the management of Union applications. (deleted final sentence moved to recital 57a)~~

- (18b)** *(moved from recital (17))* However, the application of the ‘direct registration procedure’ should not exempt Member States from the obligation to designate a competent authority for the controls and enforcement and to take the necessary actions to enforce the rights set out in this Regulation.
- (19) To ensure ~~coherent~~ **consistent** decision-making as regards applications for protection and judicial challenges against them, submitted in the national procedure, the Office should be informed in a timely and regular manner ~~when~~ **of** procedures are launched before national courts or other bodies concerning an application for registration forwarded **submitted** by the **competent authority of a** Member State to the Office, and of their final results. For the same reason, ~~where a Member State considers that a national decision on which the application for protection is based is likely to be invalidated as a result of national judicial proceedings, it should inform the Office of that assessment~~ **the competent authority should keep the Office informed of any national administrative and judicial proceedings against the said competent authority’s decision that may affect the registration of a geographical indication**. ~~If the Member State requests the suspension of the examination of an application at Union level, the Office should be exempted from the obligation to meet the deadline for examination established therein. In order to protect the applicant from vexatious legal actions, and to preserve the applicant’s right to secure the protection of a name within a reasonable time, the exemption should be limited to cases in which the application for registration has been invalidated at national level by an immediately applicable but not final judicial decision or in which the Member State considers that the action to challenge the validity of the application is based on valid grounds.~~
- (19a) With effect from the date of the submission of an application by a Member State for registration at Union level, Member States should be able to grant temporary protection to a geographical indication at national level prior to the completion of the Union phase, without affecting the internal market or the Union’s trade policy. Temporary national protection is not possible in the event of direct registration.**

- (20) To allow operators, whose interests are affected by the registration of a name geographical indication, to continue to use that the name of the geographical indication for a limited period of time, ~~while contravening the protection regime,~~ specific derogations for the use of the such names in the form of for transitional periods should be granted by the Office. Such transitional periods can also be allowed in order to overcome temporary difficulties, ~~and~~ 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 trademarks, names, ~~which~~ that would otherwise contravene the protection of a geographical indication, may continue to be used under certain conditions and for a transitional period.
- (21) The Commission should, in duly justified cases, have the right to take over from the Office the power to decide ~~concerning~~ on individual applications for registration, on amendments to the product specification or on cancellation. Any Member State or the Office may request the Commission to exercise this prerogative. The Commission may also act on its own initiative. The Office should in any event remain responsible for the examination of the file, the opposition procedure, ~~when needed,~~ and, based on technical considerations, it shall ~~submit a proposal~~ provide a draft for an implementing act to the Commission. ~~Any Member State or the Office may request the Commission to exercise this prerogative. The Commission may also act on its own initiative.~~
- (21a)** *(moved from recital (24))* For the optimal functioning of the internal market, it is important that producers and other operators concerned, authorities and consumers ~~may~~ have quickly and easily ~~have~~ access to the relevant information concerning ~~a registered protected~~ geographical indications.
- (22) To ensure transparency and uniformity across Member States, it is necessary to establish ~~and maintain~~ an electronic Union register of geographical indications for craft and industrial products (‘the Union register’). ~~The register should be an electronic database stored within an information system, and should be~~ that is accessible to the public. The Union register of geographical indications for craft and industrial products should be developed, kept and maintained by the Office, ~~and also the personnel for its operation should be provided by the~~ Office.

- (23) 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 throughout the Union can also stem from ~~those~~ **such** agreements, irrespective of the international registrations provided **for** under the Geneva Act ~~of the Lisbon Agreement on Appellations of Origin and Geographical Indications or the application and~~ **of the** registration system set out in this Regulation. ~~In order to facilitate the provision to the public of information about the g~~**Geographical indications** protected in the Union ~~either by virtue of the international registrations provided under the Geneva Act or by virtue of the~~ **under** international agreements with the Union's trade partners; **should be entered in the Union register in order to facilitate the provision of information to the public** and, in particular, to ensure protection and control of the use to which those geographical indications are put, ~~those geographical indications should be entered in the Union register of geographical indications for craft and industrial products.~~
- (24) *(moved to recital (21a))*
- (25) ~~It is necessary to ensure that parties that are~~ **Any party adversely** affected by ~~a~~ decisions made by **of** the Office ~~are protected by the law~~ **should have the right to appeal**. ~~To that end, provision should be made to allow for an appeal of decisions of the Office, taken in proceedings under this Regulation, before an appeal body~~ **before the Boards of Appeal** of the Office. ~~A Boards of Appeal of the Office should decide on the appeal.~~ Decisions of the Boards of Appeal should, in turn, be amenable to actions **are, in turn, subject to judicial remedy** before the General Court **of the European Union**, which has jurisdiction to annul or to alter the contested decision.

- (26) The Office should establish an information and alert system against the abusive use of craft and industrial geographical indications in the domain name system. This system should inform applicants, on the one hand, about the availability of the geographical indication as a domain name and, on the other hand, provide them with information once a domain name that is conflicting with their geographical indication is registered **in a domain name registry**. Receiving such alerts would allow producers to take appropriate action more quickly and effectively. Registries of country-code top-level domain names, established in the Union, should provide the Office with ~~all~~ the information and data in their possession necessary to run the system as a task carried out in public interest, namely information on the availability of the geographical indication as a domain name and, as far as the alerts are concerned, the particulars of **a** conflicting domain names, **and** the dates of its application and registration. The information and data should be provided in a machine-readable format. Making the information and data available to the Office is proportionate, as it serves the legitimate purpose of ensuring better protection and enforcement of geographical indications as intellectual property in the online environment. ~~This is even more so as regarding the alerts~~ **In this context**, the transfer of domain name registration data **regarding alerts** is explicitly limited to those domain names that are identical ~~or similar~~ and therefore potentially capable of infringing the geographical indication concerned.

- (27) ~~It is necessary to establish an~~ **An** Advisory Board, ~~which is a pool of experts, composed of representatives~~ **experts** from Member States and the Commission, **should be established**. ~~The purpose of the Advisory Board is to provide the necessary local knowledge and expertise concerning certain products and knowledge about the local circumstances that may influence the outcome of the procedures laid down in this Regulation. In order to support the Office on~~ **in** its assessment of individual applications at any stage of the examination, opposition, appeal or other procedures with specific technical knowledge, the Geographical Indications Division or the Boards of Appeal, at its own initiative or at the request of the Commission, should have the possibility to consult the Advisory Board. The consultation, when necessary, should also include a general opinion on assessing quality criteria, establishing **the reputation and renown of the geographical indication**, determining **the** generic nature of a name **of the geographical indication**, and assessing ~~fair competition in commercial transactions and~~ the risk of confusing consumers. The opinion of the Advisory Board should not be binding. The appointment procedure of the experts and the operation of the Advisory Board should be specified in the rules of procedure of the Advisory Board, ~~approved~~ **adopted** by the Management Board.
- (28) Protection should be granted to ~~names~~ **geographical indications, included entered** in the Union register ~~of geographical indications for craft and industrial products,~~ 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 products protected by geographical indications, account should be taken of all relevant factors. Those factors should include: whether the products have common objective characteristics, such as method of production, physical appearance or use of the same raw material; under which circumstances the products are utilised from the point of view of the relevant public; whether they are frequently distributed through the same channels; and whether they are subject to similar marketing rules.**
(remaining parts of recital (28) moved to recital (28a))

- (28a)** *(moved from recital (28))* In order to strengthen geographical indication protection and to combat counterfeiting more effectively ~~counterfeiting~~, the protection of geographical indications should also apply to domain names on the internet. ~~Concerning the protection of geographical indications, it~~ It is also important to have due regard to the Agreement on Trade-Related Aspects of Intellectual Property Rights, and in particular Articles 22 and 23 thereof, and to the General Agreement on Tariffs and Trade, including Article V thereof, on freedom of transit, which ~~were~~ was approved by Council Decision 94/800/EC¹¹. Within ~~such~~ that legal framework, ~~in order to strengthen geographical indication protection and 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.~~
- (29) ~~Clarity is required on~~ It should be ensured that the use of a geographical indication in the ~~sale~~ name of a manufactured product ~~– that contains, as a part or a component, of which the product designated by the geographical indication is a part or component. It should be ensured that such use –~~ is made in accordance with fair commercial practices and does not weaken, ~~does not~~ or dilute, ~~nor is not~~ detrimental to the reputation of, the product designated by the geographical indication. The consent of the producers group or the individual producer of the geographical indication concerned should be required to allow such use.
- (30) 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. Homonymous names that are liable to mislead the consumer as to the true identity or geographical origin of the product should not be registered as a geographical indication.

¹¹ 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).

- (31) *(first sentence moved from deleted recital (34))* The relationship between trade marks and geographical indications should ~~also~~ be clarified in relation to criteria for the rejection of trade mark applications, the invalidation of trade marks and the coexistence between trade marks and geographical indications. The protection of geographical indications needs to **be balanced** ~~d~~ **with** **against** the protection of ~~homonymous names registered as geographical indications as well as renowned trademarks~~ **with a reputation and of well-known marks of well-known character**, ~~registered or unregistered~~, in particular in light of the fundamental right to property as set out in Article 17 of the Charter of Fundamental Rights of the European Union, as well as 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 been transferred to Union protection in accordance with this Regulation, and any priority claimed in a trade mark application, shall be taken into account.**
- (32) Producer groups play an essential role in the application process for the registration of geographical indications, as well as in ~~the amendments~~ **of** **to product** specifications and **in** cancellation requests. They should be equipped with the necessary means to ~~better~~ identify and market **better** the specific characteristics of their products. The role of ~~the~~ producer groups ~~should therefore be clarified~~ **specified**.
- (32a) [In this Regulation, a person holding a right should be understood as implies having a legitimate interest relating to the subject matter of this right.]**

- (33) The relationship between internet domain names and geographical indications should be clarified as regards the scope of the application of ~~the remedy measures~~ **remedies**, the recognition of geographical indications in dispute resolution, and the fair use of domain names. Persons having a legitimate interest **in a registered geographical indication** should be ~~empowered~~ **entitled** to request ~~for the revocation or the transfer of the domain name in case~~ **where** the conflicting domain name has been registered by its holder without rights or **a** legitimate interest in the geographical indication, or if it has been registered ~~– or is being used – in bad faith and or~~ its use contravenes the protection of a geographical indication. Alternative dispute resolution procedures should not prejudice the possibility of bringing domain name disputes before a national court.
- (34) *(moved to recital (31))*
- (35) In order to avoid creating unfair conditions for competition, any producer, including a third-country producer, should be able to use a registered geographical indication, provided that the product concerned complies with the requirements of the relevant product specification, ~~or single document or equivalent to the latter i.e. a complete summary of the product specification. The system set up by the Member States should also guarantee that producers complying with the rules are covered by the verification of compliance of the product specification.~~
- (36) ~~As it is the first time that an~~ **the** Union-wide geographical indication protection system for craft and industrial product **as provided for in this Regulation is new** ~~is implemented~~, it is important to raise awareness **about this initiative** among consumers, producers, ~~– especially MSMEs~~ **micro, small or and medium-sized enterprises –** and public authorities at ~~national, regional and local,~~ **regional, national and international** level ~~about the initiative.~~
To this end, promotional activities should be carried out on a regular basis by the Office to raise awareness.

- (37) The **Union** symbols, indications and abbreviations identifying a 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 qualities of products.
- (38) The use of Union symbols and indications on the packaging of craft and industrial products designated by a geographical indication should be recommended in order to make this category of products, and the guarantees attached to them, better known to consumers and to permit easier identification of these products on the market, thereby facilitating checks. The use of such symbols or indications should remain voluntary for third-country geographical indications.
- (39) For the sake of clarity for consumers and to maximise coherence with the revised Regulation **the Union's rules** for protection of geographical indications for agricultural products, foodstuff, wine and spirits, the Union symbol used on the packaging of craft and industrial products designated by a geographical indication should be identical to the one used on the packaging of agricultural products and foodstuffs, wines and spirit drinks designated by a geographical indication established under Commission Delegated Regulation (EU) 664/2014¹².
- (40) 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 verification and controls **mechanisms**, including the producer's due diligence **obligations of responsibilities for producers**.

¹² 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).

- (41) In order to ~~guarantee~~ **ensure** consumers of **trust in** the specific characteristics of craft and industrial products protected by geographical indications, 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 put on the market. ~~Member States should be free to establish a third-party verification system operated by the competent authorities, and the product certification bodies, to which those authorities delegate certain official control tasks or a verification system based on a producer's self-declaration.~~ **For the purposes of control, Member States should designate competent authorities for verification of compliance and monitoring.** *(following sentence moved from recital (18b) of doc. 12855/22, recital (17) of original proposal)* The competent authority ~~maintained or~~ designated for the management of the geographical indications **national phase** and the competent authority designated for the controls ~~and enforcement~~ may differ, when a Member State so decides. **Member States should be free to delegate certain control tasks to product certification bodies or natural persons.** *(final sentence moved to beginning of recital (44))*
- (42) *(moved to new recital (46a))*
- (43) *(moved to new recital (47a))*
- (44) *(first sentence is moved from end of recital (41))* The self-declaration should be submitted **by the producer** to the competent authorities **responsible for verifying** ~~assuring~~ conformity with the product specification. ~~Member States should have the possibility to allow producers to fulfil their obligation to perform due diligence by submitting a self-declaration to the competent authorities every three years, demonstrating~~ **To demonstrate their continued compliance, such self-declaration should be submitted every three years.** Producers should be required to ~~renew their~~ **submit an updated** self-declaration immediately ~~where~~ **when** there is an amendment to the product specification ~~or a change in~~ **a way that** affecting the concerned product **concerned**. ~~The use of self-declaration should not prevent producers from having their conformity fully or partially certified by eligible third parties. A third-party certification should be able to supplement a self-declaration but not replace it.~~ **Verification based on self-declaration does not prevent producers from having their conformity fully or partially verified by eligible third parties. Such third-party verification can supplement a self-declaration, but not replace it.**

- (45) The self-declaration should provide the competent authorities with all necessary information ~~on~~ **regarding** the product and ~~on~~ 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 laid down in Annex. ~~It is important to ensure that the self-declaration is filled in truthfully and accurately. Therefore, the~~ **The** producer should take full responsibility ~~for~~ **that** the information provided in the self-declaration **is correct**, and should be able to provide the necessary evidence to allow for the verification of that information.
- (46) ~~Where a self-declaration certification procedure for the verification of compliance is in place, the competent authorities should carry out random controls.~~ **Upon receipt of the self-declaration, competent authorities 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. If the result of the check of the self-declaration is positive, the authority should issue, or renew, an official certificate of authorisation to produce the product designated by the geographical indication.**
- (46a)** *(moved from recital (42))* To ~~guarantee~~ **ensure** compliance with the product specification after the product has been put on the market **and also to check the correctness of the information provided in the self-declaration, the** competent authorities should, **with appropriate frequency,** perform official controls in the marketplace **conformity checks, based** on a risk analysis and ~~with appropriate frequency considering the likelihood~~ **taking into account the risk** of non-compliances, including fraudulent or deceptive practices.
- (47) In the event of non-compliance with the product specification, the competent authorities should take appropriate measures to ensure that the producers concerned remedy the situation and to prevent further non-compliances. ~~In addition, Member States should provide for a set of effective, proportionate and dissuasive penalties aimed at deterring possible fraudulent behaviour by producers.~~

(47a) As an alternative to the verification procedure based on self-declaration,

Member States may 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.

(47b) (moved from recital (43)) Enforcement **Monitoring the use** of geographical indications in the market~~place~~ 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 ~~illegal users~~ **of persons infringing** those geographical indications are prevented from selling their **such** products. Therefore, ~~apart from controls concerning the producers,~~ Member States should **monitor the market for the detection of any misuse of geographical indications, and carry out controls based on a risk analysis. If necessary, competent authorities should be free to delegate to certification bodies or natural persons certain control tasks related to checking the origin, or the production process, of the product concerned.** ~~also~~ **In the event of a detected misuse of the geographical indication, the competent authority should** take appropriate administrative and judicial steps to prevent or stop the use of names on products or services that contravene the protected geographical indications, where such products are produced, **or** marketed, or such services are marketed, in their territory. **To this end, Member States should designate competent authorities to monitor the market, which may be the same as the authorities designated for the verification of compliance with the product specification.**

(47c) ~~For the purposes of enforcing geographical indications, In any event, the~~ measures, procedures and remedies set out in Directive 2004/48/EC¹³ of the European Parliament and of the Council are ~~available, as they are~~ applicable to any infringement of intellectual property rights, **including geographical indications. At the same time, Regulation (EU) No 608/2013¹⁴ of the European Parliament and of the Council sets out the conditions and procedures for action by the customs authorities where goods suspected of infringing an intellectual property right, including geographical indications, are, or should have been, subject to customs supervision or customs control within the customs territory of the Union. Likewise, Regulation (EU) No 386/2012¹⁵ of the European Parliament and of the Council 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.**

(47bd) *(moved from recital (54))* For the optimal functioning of the internal market, it is important that producers **can** quickly and easily demonstrate ~~in several contexts~~ that they are authorised to use a ~~protected name~~ **that is protected as a geographical indication**, ~~such as at~~ **for example in the context of** customs controls, ~~or~~ market inspections, ~~or on demand by trade operators~~ **at the request of business partners or consumers**. To this end, an official certificate, ~~or other proof of certification, of entitlement~~ **of authorisation** to produce the product designated by the geographical indication ~~should be~~ put at the disposal of the producer **should be used**.

¹³ 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)**.

¹⁴ **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).**

¹⁵ **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, 16.5.2015, p. 1).**

- (48) *(moved to new recital 57c)*
- (49) *(covered by recital (41))* To ensure impartiality and effectiveness, the competent authorities designated to perform the verification of the compliance with the product specification should meet a number of operational criteria. To facilitate the task of controls and to make the system more effective competent authorities should be able to delegate competences regarding the performance of specific control tasks to a legal person which certifies that products designated by geographical indications comply with the product specification ('product certification body'). A delegation of such competences to natural persons should also be envisaged. **Since the control system laid down in this Regulation follows a public-private approach, producers themselves should also contribute to the protection of geographical indication by fulfilling due diligence responsibilities. They should perform compliance checks with the product specification, accompanied, as applicable, by internal compliance checks managed and organised by the producer groups. 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 any non-compliance or possible infringements to the competent authorities.**
- (50) Information on the competent authorities, and on product certification bodies **and natural persons to which certain control tasks have been delegated,** should be made public by Member States and the Office to ensure the transparency and allow interested parties to contact them.

- (51) 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 765/2008¹⁶ of the European Parliament and of the Council. ~~Natural persons should have the expertise, equipment and infrastructure required to perform those official control tasks delegated to them; they should be suitably qualified and experienced, and act impartially and free from any conflict of interest as regards the exercise of those official control tasks delegated to them.~~ Product certification bodies established outside the Union should demonstrate their compatibility with Union or internationally recognised standards based on 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 and infrastructure required to perform those control tasks delegated to them; they should be suitably qualified and experienced, and act impartially and free from any conflict of interest as regards the exercise of those control tasks delegated to them.**

¹⁶ 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).

(52) In order to strengthen geographical indication protection and to combat counterfeiting more effectively, the protection of geographical indications should apply to both, the offline and online environment, including domain names on the internet. Intermediary services, in particular online platforms, ~~have become~~ **are** increasingly ~~being~~ used for the sale of products, including those designated by geographical indications, ~~and in some cases online platforms might represent an important space as regards preventing fraud.~~ In this regard, information related to the advertising, promotion and sale of goods that contravenes the protection of geographical indications provided for in ~~Article 35~~ **this Regulation**, should be considered illegal content within the meaning of Article 2(g) of Regulation (EU) No ~~xxxx/2022/[...]~~¹⁷ of the European Parliament and of the Council and be subject of obligations and measures under that Regulation.

(52a) Member States should provide for effective, proportionate and dissuasive penalties aimed at deterring possible fraudulent behaviour by producers of products designating a geographical indication and persons infringing the geographical indication.

(53) Taking into account that **the production steps of** a product designated by ~~the~~ **a** geographical indication **might take place in more than one Member State, and taking into account 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** effective controls ~~and its practicalities should be laid down.~~

(54) *(moved to new recital (47b))* ~~For the optimal functioning of the internal market, it is important that producers can quickly and easily demonstrate in several contexts that they are authorised to use a protected name, such as at for example in the context of customs controls, or market inspections, or on demand by trade operators at the request of business partners or consumers. To this end, an official certificate, or other proof of certification, of entitlement to produce the product designated by the geographical indication should be put at the disposal of the producer.~~

¹⁷ Regulation (EU) 2022/[...] of the European Parliament and of the Council on a Single Market For Digital Services (DSA) and amending Directive 2000/31/EC (OJ L [...], [...].[...].2022, p. [...]).

- (55) The action of the Union following its accession to the Geneva Act is governed by Regulation (EU) 2019/1753¹⁸ of the European Parliament and of the Council. Certain provisions of that Regulation should be amended to ensure coherence with the introduction of geographical indication protection for craft and industrial products at the Union level, in accordance with this Regulation. In this context, the Office should play the role of 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 regulations on the EU's Union's protection schemes for agricultural geographical indications should be aligned with this Regulation.
- (56) **Likewise, to ensure coherence with this Regulation,** Regulation (EU) 2017/1001¹⁹ of the European Parliament and of the Council should be amended. ~~Article 151 of that Regulation sets out the tasks of the Office. The administration and promotion of geographical indications, in particular the~~ **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 that Regulation. ~~In addition, in order to ensure coherence with this Regulation~~ **Furthermore**, a provision on the establishment of a domain name information and alert system for EU trade marks should also be ~~inserted in~~ **introduced into** that Regulation.

¹⁸ 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).

¹⁹ 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).

- (57) For the tasks conferred on the Office under this Regulation, the languages of the Office should be all the official languages of the Union. **With respect to applications for registration, amendments to product specifications and cancellation procedures submitted from third countries,** ~~the Office may~~ **should** accept verified translations, into one of the official languages of the Union, of documents and information ~~with respect to applications for registration, amendment for product specification and cancellation procedures submitted from third countries.~~ The Office may, if appropriate, use verified machine translations.
- (57a)** *(moved from recital (13); was recital 54a in doc. 12855/22)* Member States should have the possibility to charge a registration fee to cover their costs of managing the geographical indication system for craft and industrial products. Member States ~~should~~ **may** charge lower fees for micro, small or medium-sized enterprises (MSMEs). The Office should not charge a fee for the management of the Union **for** applications ~~process~~ **submitted by competent authorities of the Member States after the completion of the national phase of the procedure.** *(following sentence partly moved from recital 17)* However, the Office should ~~have the possibility to charge a fee for the~~ **procedures relating to** direct registration, **considering that this procedure generates more work for the Office than the processing of applications already examined in the national phase. The Office should also charge fees for third-country applications and appeals.** ~~In that case, the~~ The fees charged by the Office should be laid down by an **Commission** implementing act, ~~in accordance with Regulation (EU) No 182/2011²⁰ of the European Parliament and of the Council.~~

²⁰ 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).

(57b) *(first sentence moved from recital 58)* The necessary set-up costs of the IT system that is envisaged under this Regulation – namely the digital system for applications, the Union register, the digital portal and the domain name information and alert system – should be financed from the Office’s accumulated budgetary surplus. *(second sentence moved from deleted recital 54a)* The running costs arising from the tasks entrusted to the Office by this Regulation should be covered by the operational budget of the Office.

(57c) *(moved from recital 48)* ~~Control and verification fees or charges should cover, but not exceed, the costs, including overhead costs, incurred by the competent authorities to that performs official controls. Overhead costs could include the costs of the organisation and support necessary for planning and carrying out the official controls, and where applicable, the use of certification bodies or natural persons. Such costs should be calculated on the basis of each individual official control or on the basis of all official controls performed over a given period of time. Where fees or charges are applied on the basis of the actual cost of individual official controls, producers with a good record of compliance should bear lower overall charges than non-compliant ones, as such producers with a good record of compliance should be subject to less frequent official controls. In order to promote compliance with Union legislation by all producers irrespective of the method (based on actual costs or on a flat rate) that each Member State has chosen for the calculation of the fees or charges, where fees or charges are calculated on the basis of overall costs incurred by the competent authorities over a given period of time, and imposed on all producers irrespective of whether they are subject to an official control during the reference period, those fees or charges should be calculated so as to reward producers with a consistently good record of compliance. No fee should be charged for the submission of the self-declaration and its processing.~~

- (58) *(previous first sentence of this recital moved to the beginning of new recital 57b)* The digital system should include a front and back office and allow for smooth connection, interface with and integration to IT systems of national authorities, the Union ~~GI~~ register of geographical indications for craft and industrial products and the WIPO IT system of the ~~World Intellectual Property Office~~ for the protection through administration of the Geneva Act of the Lisbon Agreement. The Union register of geographical indications designed by the Office for craft and industrial products should be similar in appearance and have at least ~~those~~ the same functionalities to ~~as~~ the Union Rregister of geographical indications for wines, foodstuff and agricultural products.
- (58a)** *(moved from recital (60))* In order to amend or supplement certain non-essential elements of this Regulation, the power to adopt acts, in accordance with Article 290 of the Treaty on the Functioning of the European Union, should be delegated to the Commission in respect of: **(i) specifying the requirements in relation to documentation accompanying the application for registration; or (ii) listing additional items of the accompanying documentation for the application for registration; (iii) specifying the criteria for the direct registration procedure; (iv) defining procedures and conditions applicable to the preparation and submission of Union applications for registration at the Union phase; (iii) rules on entrusting the Office to operate the Union register of geographical indications for craft and industrial products; (v) the formal content of the notice of appeal; and the procedure for the filing and the examination of an appeal; (vi) as well as the formal content and the form of the Boards of Appeal's decisions; and (vii) modifications to the information and requirements of in relation to the self-declaration in the form set out in Annex 1; and the ~~technical assistance of the Office~~. 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-Making²¹. 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.**

²¹ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

- (59) 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 ~~which~~ **that** limit the information contained in the product specification, where such a limitation is necessary to avoid excessively voluminous applications for registration; (ii) laying down rules on the form of the product specification; ~~(iii) specifying the format and online presentation of the relevant single document;~~ (iv) specifying the format and online presentation of the accompanying documentation; (v) determining the amounts of the fees and the ways in which they are to be paid; (vi) ~~specifying further details on the criteria to lodge direct applications and~~ **laying down detailed rules** on the procedures for the preparation and submission of ~~the~~ direct applications; (vii) specifying the procedures, and criteria for preparation and submission of ~~the~~ applications **for registration at the Union phase**, and their form and presentation, in order to facilitate the application process, including for applications concerning more than one national territory; (viii) laying down ~~the necessary rules to provide for~~ **on** the submission of official comments by national authorities and persons with a legitimate interest ~~in order to facilitate the official submission of comments and to improve management of the opposition process~~ **and specifying the format and online presentation of the notice of comments**; (ix) ~~specifying the format and online presentation of oppositions and any comments procedure~~ **setting out the procedures applicable to situations where the Commission may take over an application for registration from the Office**; (x) specifying rules on the protection of the geographical indication; (xi) deciding on the protection of geographical indications pertaining to products of third countries that are protected in the Union under an international agreement **– other than under the Geneva Act –** to which the Union is a contracting party; (xii) ~~specifying the content~~ **setting out the IT architecture** and presentation of the Union register ~~of geographical indications~~; (xiii) specifying the format and online presentation of extracts from the Union register ~~of geographical indications for craft and industrial products~~; (xiv) laying down detailed rules on procedures, form and presentation of an amendment application for ~~Union~~ **substantial** amendment and on procedures, form and communication of ~~standard~~ **non-substantial** amendments to the Office; (xv) laying down detailed rules on procedures and form of the cancellation process, as well as on the presentation of the requests;

(xvi) setting out the technical characteristics of the Union symbol and indications as well as the rules of their use on the products marketed under a registered geographical indication, including rules concerning the appropriate linguistic versions to be used; **and** (xvii) specifying the nature and the type of the information to be exchanged and the methods for exchanging information ~~under mutual assistance~~ **for the purposes of controls and enforcement**. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council²².

(60) *(moved to recital (58a))*

(61) The current protection of geographical indications at national level is based on various regulatory approaches. Having two parallel systems at Union and national levels ~~might carry~~ **carries** the risk of confusing consumers and producers. The replacement of national specific geographical indication protection systems by ~~the a~~ **a** Union-wide regulatory framework ~~will~~ **would** create legal certainty, reduce administrative burden for national authorities, ensure fair competition between the producers of the products bearing such indications as well as predictable and relatively low costs, and enhance the credibility of the products in ~~the~~ consumers' eyes. To this end, the national specific protection for geographical indications for craft and industrial products ~~will~~ **should** cease to exist ~~one year~~ **twelve months** after the ~~entry into force~~ **date of application** of this Regulation. The protection may be extended in time until the registration process is finalised for those national ~~GIs~~ **geographical indications** identified by interested Member States. Some Member States, **namely 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 and protected geographical indications for craft and industrial products originating from third countries ~~under that Agreement~~. Regulation (EU) 2019/1753 should therefore be amended so as to allow for the continued protection of those geographical indications for craft and industrial products.

²² **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).

- (62) Since **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 registration system (including **the** IT system, setting up and managing the Union register of ~~geographical indications for craft and industrial products~~, **and the EU Union** alert system against the abusive use of geographical indications for craft and industrial products in the **online environment** ~~internet, etc.~~), this Regulation should start to apply ~~[XX] months following the date of its entry into force~~ **from [OJ: the first day of the nineteenth twentyfifth month after the entry into force of this Regulation]**.
- (62a)** *(moved from recital (10))* This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter **of Fundamental Rights of the European Union ('the Charter')**. Accordingly, the Regulation should be interpreted and applied in accordance with those rights and principles including the right to protection of personal data, the freedom to conduct a business and the right to property, including intellectual property.
- (62b)** *(moved from recital (11))* The tasks assigned by this Regulation to Member States²³ authorities, the Commission and the European Union Intellectual Property Office, ~~hereinafter~~ **('the Office')**, may require the processing of personal data, in particular where this is needed to identify applicants in a registration amendment or cancellation procedure, opponents in an opposition procedure or beneficiaries of transitional period granted to derogate from the protection of a registered name.²⁴ Processing of such personal data is therefore necessary for the performance of a task carried out in the public interest. Any processing of personal data under this Regulation 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. **In that context,** ~~and~~ it is essential that Member States comply with Regulation (EU) 2016/679²³ of the European Parliament and of the Council and Directive 2002/58/EC²⁴ **of the European Parliament and of the Council,**

²³ 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).

²⁴ 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).

and **that** the Commission and the Office **comply** with Regulation (EU) 2018/1725²⁵ of the European Parliament and of the Council. **Where the Commission and the Office jointly determine the purposes and means of the data processing, they should be considered joint controllers.**

(62c) Since the objectives of this Regulation, namely the creation of uniform 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.

(63) 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**,

HAVE ADOPTED THIS REGULATION:

²⁵ 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).

TITLE I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation lays down rules on:

- (a) the registration, protection, **and** control ~~and enforcement~~ of certain names that identify craft and industrial products with given quality, reputation or other characteristics linked to their geographical origin, and;
- (b) geographical indications entered in the international register established under the international registration and protection system based on 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

Scope

1. This Regulation applies to craft and industrial products ~~listed under the combined nomenclature set out in Annex I to Council Regulation (EEC) No 2658/87²⁶.~~
2. This Regulation does not apply to spirit drinks as referred to in Regulation (EU) 2019/787²⁷ of the European Parliament and of the Council, to wines as defined in referred to in Regulation (EU) No 1308/2013²⁸ of the European Parliament and of the Council, ~~nor~~ or to agricultural products and foodstuffs as ~~protected by~~ referred to in Regulation (EU) No 1151/2012²⁹ of the European Parliament and of the Council.
3. Registrations and protection of geographical indications are without prejudice to the obligation of producers to comply with other Union rules, in particular relating to the placing of products on the market ~~and, in particular, to~~ product labelling requirements, ~~to~~ product safety, consumer protection and market surveillance.
4. ~~The geographical indications system laid down in this Regulation shall apply notwithstanding Directive (EU) No 2015/1535³⁰ of the European Parliament and of the Council~~ shall not apply to the geographical indications protected under this Regulation.

²⁶ ~~Council Regulation (EEC) No 2685/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff Regulation (OJ L 256, 7.9.1987 p.1).~~

²⁷ 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).

²⁸ 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).

²⁹ 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).

³⁰ 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).

Article 3
Definitions

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

- (a) 'craft **and industrial** products' means products:
- (i)** produced either totally by hand, ~~or~~ with the aid of manual tools, or by mechanical means, whenever the direct manual contribution is the most important component of the finished product; **or**
 - (ii)** ~~'industrial products' means products~~ produced in a standardised way, typically on mass scale and through the use of machines;
- (aa)** *(moved from point (g))* 'producer' means an operator engaged in any production step of a **craft and industrial** product the name of which is protected as a geographical indication, including processing activities, covered by the product specification;
- (b) *(moved to new indent (ii) of point (a))*
- (c) 'combined nomenclature' means combined nomenclature as established in Article 1 of Regulation (EEC) No 2658/87; *(deleted)*
- (d) 'producer group' means any association, irrespective of its legal form, mainly composed of producers or processors working with the same product;
- (e) 'production step' means any stage of production, **including** processing, **obtaining, extracting, cutting** or preparation, up to the point, where the product is in a form to be placed on the internal market;
- (f) 'traditional' and 'tradition', when associated with a product originating in a geographical area, means proven historical usage by producers in a community for a period that allows transmission between generations;
- (g) *(moved to point (aa))*

- (h) ‘generic terms’ means:
- (i) the names of products which, although relating to the place, region or country where the product was originally produced or marketed, have become the common name of a product in the Union;~~or~~
 - (ii) a ~~common~~ term **common within the Union, which is** descriptive of the type of product; **or of the** product attributes;~~;~~ or
 - (iii)** other terms that do not refer to a specific product;
- (i) ‘product certification body’ means ~~a legal person~~ **a body, irrespective of its legal form,** which **is entrusted to** certify that products designated by geographical indications comply with the product specification, ~~whether in performance of a delegated official control task or any other mandate;~~
- (j) ‘self-declaration’ means a document in which a producer, ~~or an authorised representative,~~ indicates on his or her 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;~~;~~
- (ja) ‘the Office’ means the European Union Intellectual Property Office as defined under Regulation (EU) 2017/1001;**
- (k) ‘notice of comment’ means a written observation lodged with the ~~European Union Intellectual Property Office~~ (‘the Office’) indicating ~~at~~ inaccuracies in the application without triggering the opposition procedure;~~;~~
- (l) ‘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 characteristics linked to their geographical origin, with the exception of trade marks.**

Article 4

Data protection

(moved to Article 62b)

Article 5

Requirements for a geographical indication

- 1.** For the name of a craft and industrial product to qualify for ‘geographical indication’ protection, the product shall comply with the following requirements:
 - (a) ~~T~~he product originates in a specific place, region or country;
 - (b) ~~I~~its 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 are excluded from being the subject of a protected geographical indication protection.**

TITLE II

REGISTRATION OF GEOGRAPHICAL INDICATIONS

Chapter 1

General Provisions

Article 6

Applicant

1. Applications for the registration of geographical indications shall ~~only~~ be submitted by a producer group of a product ('applicant producer group'), the name of which is proposed for registration. ~~Regional or local public entities may help in the preparation of the application and in the related procedure.~~
2. ~~An authority designated by a Member State may be deemed to be an applicant producer group for the purposes of this Title, if it is not feasible for the producers concerned to form a group by reason of their number, geographical location or organisational characteristics. Where such representation takes place, the application referred to in Article 11(3) shall state these reasons for such representation. (deleted/idea moved to paragraphs 3a and 3b)~~
3. **By way of derogation from paragraph 1, A** ~~a~~ single producer may ~~be deemed to be an applicant producer group for the purposes of this Title,~~ where both of the following conditions are fulfilled:
 - (a) the person concerned is the only producer willing to submit an application for the registration of a geographical indication;
 - (b) the geographical area concerned is defined by natural features without reference to property boundaries and has characteristics ~~which~~ **that** differ appreciably from those of neighbouring areas, or the characteristics of the product are different from ~~those~~ **the characteristics of products** produced in neighbouring areas.

- 3a. Upon request by the producer group or the single producer, a public or private entity may assist in the preparation of the application and in the related procedure.**
- 3b. A local or regional authority, other than any of the authorities referred to in Articles 11(1) and 45(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. The application referred to in Article 6(a) shall state the reasons for such designation.**
4. In the case of a geographical indication that designates a cross-border geographical area, **several producer groups 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 ~~from either Member State. When the cross-border geographical area concerns a Member State and a third country, they may lodge a joint application for registration with the national authority of the Member State concerned. When the cross-border geographical area concerns several third countries, several producer groups may lodge a joint application with the Office.~~

(new) Article 6a

Application

(moved from Article 11(3)) Applications **The application for registration of a geographical indication** shall comprise:

- (a) the product specification referred to in Article 7;
- (b) the single document referred to in Article 8; **and**
- (c) the accompanying documentation referred to in Article 9.

Article 7

Product specification

1. **In order for the name of a**~~Craft~~ **craft and/or** industrial products ~~the names of which are to be registered~~ **protected** as a geographical indication, **the product** shall comply with ~~a~~ **the** product specification, which shall include ~~at least~~:
- (a) the name to be protected as **a** geographical indication, which may be either a geographical name of the place of production of a specific product, or a name used in trade or in common language to describe the specific product in the defined geographical area;
 - (b) a description of the product, including, ~~if~~ **where** appropriate, the raw materials;
 - (c) the specification of the defined geographical area creating the link referred to in point (g);
 - (d) evidence that the product originates, **and that at least one of the production steps takes place,** in the defined geographical area **as** specified in Article 5**(1)**, points **(a)** **and** (c);
 - (e) a description of the method of producing ~~or obtaining~~ the product and, where appropriate, the traditional methods and specific practices used;
 - (f) information concerning packaging, where the applicant ~~producer group~~ so determines and **where the packaging has to take place in the defined geographical area, in which case the applicant shall** gives sufficient product-specific justification as to why the packaging must take place in ~~the defined geographical~~ **that** area ~~to safeguard quality, to ensure the origin or to ensure control, taking into account Union law, in particular that on the free movement of goods and the free movement of services;~~

(g) details establishing the link between a given quality, the reputation or other characteristic of the product and the geographical origin as referred to in Article 5(1), point (b);

(h) any specific labelling rule for the product in question;

(ha) indication and specific provisions for the verification of compliance 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 geographical indication originates;

(i) other ~~applicable~~ requirements where provided for by Member States or by a producer group, ~~if~~ **as** applicable, having regard to the fact that such requirements must be objective, non-discriminatory and compatible with **national and** Union law.

2. The Commission may adopt implementing acts laying down rules, ~~which~~ **that** limit the information contained in the product specification referred to in paragraph 1, where such a limitation is necessary to avoid excessively voluminous applications for registration and rules on the form of the product specification. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 65(2).

Article 8

Single document

1. The single document shall be drawn up by using the form set out in Annex 2 and shall comprise:
 - (a) the following main points of the product specification:
 - (i) the name that is requested to be protected as a geographical indication;
 - (ii) a description of the product, including, where appropriate, ~~specific rules concerning~~ the raw materials and information concerning the packaging and labelling;
 - (iii) a concise definition of the geographical area;
 - (b) a description of the link between the product and the geographical origin referred to in Article 7(1), point (g), including, where appropriate, the specific elements of the product description or production method justifying that link.
2. ~~The Commission may adopt implementing acts setting out the format and online presentation of the single document provided for in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 65(2).~~
(deleted – format/presentation of single document to be finalised in Annex II)

Article 9

Documentation accompanying the application for registration

1. The documentation accompanying the application for registration ('accompanying documentation') shall comprise:
 - (a) *(moved to point (ca))*
 - (b) the name and contact details of the applicant ~~producer group~~;
 - (c) the name and contact details of the competent authority **referred to in Article 45(1)** and/or, **if applicable, of the** product certification body **or natural person** verifying compliance with the provisions of the product specification **referred to in Articles ~~46(6)(b), 46a(1)(b) and 46b(b)~~**;
 - (ca)** information concerning any proposed limitations on the use or protection of the geographical indication, as well as any transitional measures proposed by the applicant ~~producer group~~ or by the national authorities **competent authority**, notably following the national examination and opposition procedure;
 - (d) a statement as to whether the applicant wants to receive domain name alerts within the meaning of Article 31;
 - (e) any other information deemed appropriate by the Member State; or by the applicant.
2. The Commission shall be empowered to adopt delegated acts supplementing this Regulation ~~by provisions clarifying~~ **specifying** the requirements **set out in paragraph 1** or ~~listing additional items of the accompanying documentation to be supplied~~ *(deleted words moved to paragraph 2a)*.
 - 2a.** **The Commission shall be empowered to adopt delegated acts amending this Regulation** listing additional items of the accompanying documentation to be supplied.
3. The Commission may adopt implementing acts defining 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 65(2).

Article 10

Registration fees

(moved to Article 62a)

PUBLIC

Chapter 2

National ~~stage~~phase of the registration

Article 11

Designation of competent authority and procedure for the national application phase of registration

1. Without prejudice to paragraph 4 of this Article and to Article 15, each Member State shall ~~maintain or designate~~ a competent authority for ~~the management of~~ the national phase of the registration and other procedures for of geographical indications for craft and industrial products. **That competent authority shall also be responsible for the national phase of the procedures regarding any amendments to the product specification or regarding the cancellation of the registration.**
2. Without prejudice to paragraph 4 of this Article and to Article 15a(1), an application for registration of a geographical indication **of a product** originating in the Union shall be addressed to the competent ~~authorities~~ **authority** of the Member State in which the product concerned originates.
3. *(moved to Article 6a)*
4. Two or more Member States may agree that the competent authority of one Member State is in charge of the national phase of the registration and other procedures **referred to in paragraph 1**, including the submission of the ~~Union~~ application to the Office, also on behalf of the other Member State~~s~~, or Member States.
- (5) **(moved from Article 68(3))** Member States shall inform the Commission **and the Office** by ~~[six months after the date of the entry into force~~ **application of this Regulation]** **of the names and addresses of the designated competent authorities, and keep that information updated. They shall inform the Commission and the Office, by the same date,** if they decide to cooperate with each other **on a permanent basis** ~~for the management of the national procedures foreseen in Chapter II of Title II~~ **in relation to the processing of applications,** as laid down **provided for** in ~~Article 6~~ **paragraph (4).**

Article 12

Examination by ~~the competent authorities~~ authority

- 1.** The competent authority shall examine the application ~~and shall check that the product to~~ **verify that it** complies with the requirements ~~for geographical indications referred to in~~ Article 5 and **6, and that the application** provides the necessary information for registration, ~~as~~ referred to in Articles 7, 8 and 9.
- 2.** **Where the competent authority finds that the application is incomplete, it shall give the applicant the possibility to correct or complete the application within a set time limit.**
- 3.** **Where, following the examination of the application, the competent authority finds that the application does not fulfill the requirements or provide the necessary information for registration, it shall reject the application. Otherwise, it shall proceed to the national opposition procedure referred to in Article 13.**

Article 13

National opposition procedure

- 1.** ~~After the conclusion of the examination referred to in Article 12,~~ **Following the examination referred to in Article 12(1),** the competent authority shall conduct a national opposition procedure. That procedure shall ~~ensure~~ **provide for the** publication of the application and ~~provide~~ for a period of at least ~~60 days~~ **two months** from the date of publication within which any person having a legitimate interest and established or resident ~~on~~ **in** the territory of the Member State in charge of the national phase of the registration or ~~of~~ **in** the Member States in which the product concerned originates ('national opponent') may lodge an opposition to the application with the competent authority ~~of the~~ Member State in charge of the national phase of the registration.

2. The competent authority shall establish the detailed arrangements ~~of~~ **for** the opposition procedure. Those ~~detailed~~ arrangements may include criteria for the admissibility of an ~~opposition~~, a period of consultation between the applicant and each national opponent, **with a view to a friendly settlement. The outcome of such consultations, including any possible changes to the application agreed, shall be communicated to the competent authority by the applicant**, and submission of a report from the applicant on the outcome of the consultations including any changes the applicant has made to the application.
3. **An opposition lodged shall be admissible only if it is based on one or more of the following grounds for opposition:**
- (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 Articles 37, and 38 or Article 39(1); or**
 - (c) **the registration of the proposed geographical indication would jeopardise the existence of an identical or similar ~~name-geographical indication~~ or of a trade mark, or the existence of products ~~which~~ that have been legally on the market for at least five years preceding the date of the publication provided for in paragraph 1.**

Article 14

Decision on ~~at the~~ national application phase

1. ~~If **Where**~~ the competent authority, after the examination of the application and the assessment of the results of ~~any **the** oppositions received **procedure**, and **including**, **where applicable**~~, any changes to the application agreed with the applicant, finds that the requirements of this Regulation are met, it shall take a favourable decision and ~~lodge a **submit the** Union application for registration,~~ in accordance with Article 17 **18(1), to the Office. Otherwise, it shall reject the application.**
2. The competent authority shall ~~ensure that~~ **make** its decision **public**, ~~is made public and that any person having a legitimate interest has an opportunity to lodge an appeal. The competent authority shall ensure that.~~ **It shall publish electronically** the product specification on which its favourable decision is based ~~is published, and shall provide electronic access to the product specification.~~
3. **The applicant and any other party to the opposition procedure shall have the right to lodge an appeal against the decision taken under paragraph 1.**

(new) Article 14a

Temporary national protection

(ex Article 16)

1. A Member State may, on a temporary basis, grant transitional protection to ~~the~~ **a** geographical indications at national level, with effect from the date on which an application for registration is ~~lodged with~~ **submitted to** the Office.
2. The temporary national protection shall cease on the date on which either a decision on the application for registration 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 at national level only, and they shall have no effect on the internal market of the Union or international trade.

Chapter 2a

Derogation from the national phase of registration

Article 15

~~Direct registration~~ Derogation from the national phase

1. By way of derogation from Article 11, the Commission shall be empowered to exempt a Member State from the obligation to designate a competent authority ~~in accordance with Article 11(1) and to handle the management of the~~ **process** applications of **for** geographical indications for craft and industrial products at national level, if the Member State, by ~~six~~ **twelve** months ~~from before the date of entry into force~~ **application of this Regulation**³¹, provides the Commission with evidence ~~that~~ show**ings** that the following conditions are met:
 - (a) the Member State concerned does not have ~~a national *sui generis* system in place for the management of geographical indications for craft and industrial products~~ **specific protection for geographical indications for craft and industrial products**; and
 - (b) the Member State concerned submits a request for ~~an opt-out~~ **derogation** accompanied by an assessment to the Commission demonstrating that the local interest for protecting craft and industrial products by a geographical indication is low.
2. The Commission may request further information from the Member State before adopting a ~~Commission Decision~~ **Decision** on the derogation referred in paragraph 1.
3. *(moved to Article 15a(1))*

³¹ *(Date to be read in conjunction with Articles 68(2) and 70.)*

4. A Member State that has ~~applied~~ **been granted** the derogation in accordance with paragraph 1, may ~~decide to~~ withdraw its opt-out and designate a competent authority for ~~the management of the applications~~ **the national phase of the registration** of geographical indications for craft and industrial products. Such ~~decision~~ **withdrawal** shall not affect any ongoing registration procedures. The Member State shall inform ~~in writing~~ the Commission **in writing** of its decision to withdraw the opt-out.
5. If the number of direct applications submitted by applicants from a Member State that has opted out substantially exceeds the estimate given in the assessment submitted by the Member State pursuant to paragraph 1, the Commission may withdraw ~~its decision referred to in paragraph 2~~ **the derogation granted in accordance with paragraph 1**.
6. ~~The~~ **Any** Member State **granted a derogation pursuant to paragraph 1** shall provide the Commission and the Office with the details of a **appoint an independent and impartial a single** point of contact, **which is** independent from the applicant **and is impartial**, for any technical issues relating to the product and the application, **and shall provide the Commission and the Office with the relevant contact details**.
7. *(moved to Article 15a(4))*
8. *(moved to Article 15a(5))*
9. *(moved to Article 15a(6))*
10. ~~Registration fees may be applicable and paid to the Office. Such fees shall be laid down according to the procedure referred to in Article 10(5). (covered by paragraphs (4)(a) and (5) of Article 62a)~~
11. *(moved to Article 15a(2))*
12. ~~For the applications seeking direct registration, consulting the Advisory Board referred to in Article 33 shall be required. (deleted)~~
13. *(moved to Article 15a(3))*

14. *(moved to Article 15a(7))*
15. Member States applying the procedure set out in this Article shall not be exempted from the obligations laid down in Articles[44a to 58] ~~as regards checks and enforcement.~~
16. *(moved to Article 15a(9))*

(new) Article 15a

Direct registration

- 1.** *(moved from Article 15(3))* ~~When~~ **Where** a Member State ~~makes use of~~ **has been granted** the derogation in accordance with paragraph **Article 15(1)**, the ~~any~~ application from a ~~producer group~~ **an applicant** of that Member State for registration, cancellation or amendment ~~of~~ **to** the product specification of a geographical indication **of a product** originating in the Union shall be addressed **by the applicant** directly to the Office.
- 2.** *(moved from Article 15(11))* ~~Articles 6 to 9, Articles 11 to 14 and Articles 16 to 30~~ **Article 12, Article 14(2), and Articles 19 and 21 to 30** shall apply, **mutatis mutandis**, to the direct registration procedure referred to in this Article ~~mutatis mutandis~~, with the exception of any examination periods referred to in Article 19(23) ~~and the obligation to conduct a national opposition procedure referred to in Article 13, which shall not apply.~~
- 3.** *(moved from Article 15(13))* In the direct registration procedure, any person having a legitimate interest, **including national opponents as referred to in Article 13(1)**, may lodge an opposition with the Office in accordance with Article 21.
- 4.** *(moved from Article 15(7))* The Office shall communicate with both the applicant and the **single** point of contact referred to in paragraph **Article 15(6)** on any technical issues relating to the application.
- 5.** *(moved from Article 15(8))* Upon request by the Office, within ~~60 days~~ **two months** from such request, the Member State, through the **single point of** contact ~~point~~, shall provide assistance in particular for the examination process. Upon request by the Member State, the time limit may be extended by ~~60 days~~ **two months**. Such assistance shall include examining certain specific aspects of the applications lodged by the applicant with the Office, verifying certain information in the applications, issuing declarations concerning

such information and replying to other requests for clarifications made by the Office in relation to the applications.

6. *(moved from Article 15(9))* If the Member State, through the **single point of** contact-point, does not provide assistance within the time limit referred to in paragraph-8 **5**, **the registration procedure shall be suspended for up to six months and the Office shall inform the Member State concerned. If the above-mentioned assistance is not provided within this six-month period, the Geographical Indication Division referred to in Article 32 shall consult the Advisory Board referred to in Article 33 before taking a final decision on** the application shall be deemed not to be filed.
7. *(moved from Article 15(14))* This ~~a~~Article shall not apply to applications for registration **of a geographical indication concerning a product from originating in a** third countries.
8. **Drawing on experience gained in the application of this Regulation, the Commission shall be empowered to adopt delegated acts specifying the criteria for the direct registration procedure.**
9. *(moved from Article 15(16))* The Commission may adopt implementing acts ~~setting out further details on the criteria for the application of direct registration and~~ **laying down detailed rules** on the procedures for the preparation and submission of the direct applications. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 65(2).

Article 16

Temporary national protection

(moved to Article 14a)

Chapter 3

Union-stage phase of the registration

SECTION 1

PROCEDURES AT THE UNION-STAGE LEVEL

Article 17

Union phase of the application

Procedures at Union level cover:

- (a) the Union phase of an application submitted by the competent authority of a Member State after a favourable decision has been taken on the application at the national phase in accordance with Article 14(1);
- (b) the processing of a direct application submitted in accordance with Article 15a; or
- (c) the processing of applications for a geographical indication concerning products originating in a third country, 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.

~~1.~~ *(incorporated into Article 18(1))*

~~2.~~ *(moved to Article 18(3))*

~~3.~~ *(moved to Article 18(2a))*

~~4.~~ *(moved to Article 18(2b))*

~~5.~~ *(moved to Article 18(2c))*

~~6.~~ *(moved to Article 18(3a))*

Article 18

Submission of the application to the Union-application phase

1. ~~A Union~~ **In cases referred to in Article 17(a), an** application for the registration of a geographical indication **concerning a product originating in the Union,** ~~including the direct registration referred to in Article 15, shall be submitted to the Office electronically, through a digital system by the competent authority of the Member State or where Article 15 applies, by the producer group concerned. (direct registration moved to paragraph 1a; electronic submission moved to paragraph 2d; sentence on digital system moved to Article 64(2))~~

(Moved from Article 17(1)) ~~For geographical indications concerning products originating in the Union, the Union application for registration submitted by a Member State to the Office,~~ **The application** shall comprise:

- (a) the single document referred to in Article 8;
- (b) the accompanying documentation referred to in Article 9;
- (c) declaration by the Member State to which the application was initially addressed, confirming that the application meets the conditions for registration under this Regulation;
- (d) ~~the electronic publication reference of the product specification referred to in~~ **as published in accordance with** Article ~~7~~ **14(2)**.

- 1a. An application for direct registration pursuant to Article 15a, as referred to in Article 17(b), shall be submitted to the Office by the applicant and shall comprise the documents listed in Article 6a.**

2. **In cases referred to in Article 17(c),** ~~Where the~~ **an** application for registration ~~relates to~~ **of a geographical area indication concerning a product originating** in a third-country ~~the application~~ shall be submitted to the Office; either directly by the applicant ~~producer group~~ or by the competent authority of the third-country concerned, **whichever the third country allows**. *(second sentence of Article 18(2) deleted – covered by Article 64(2), in conjunction with Article 17(c))* The applicant ~~producer group~~ and the competent ~~authorities~~ **authority** of the third-country concerned shall be considered ~~a~~ **to be** ~~partyies~~ to the procedure.
- 2a.** *(moved from Article 17(3))* ~~For geographical indications concerning products originating in a third country or countries, the~~ **An** application for registration is submitted to the Office **pursuant to paragraph 2**, such application for registration shall comprise:
- (a) the product specification referred to in Article 7 ~~together with its publication reference~~;
 - (b) the single document referred to in Article 8;
 - (c) the accompanying documentation referred to in Article 9;
 - (d) legal proof of protection of the geographical indication in its country of origin;
 - (e) a power of attorney where the applicant is represented by an agent.
- 2b.** *(moved from Article 17(4))* A joint application for registration **as** referred to in Article 6(4) shall be submitted to the Office by **the competent authority of** one of the Member States concerned or, **where the cross-border area concerns only third countries**, by the applicant ~~producer group~~ in a third-country, directly or by the competent authority of that third-country. If the cross-border area concerns ~~any~~ Member State and a third-country, the joint application shall be submitted by **the competent authority of** the Member State concerned.

- 2c.** *(moved from Article 17(5))* ~~The **A**~~ joint application **as** referred to in Article 6(4) shall include, ~~where relevant~~ **as applicable**, the documents listed in paragraphs 1, **1a** and **2a** of this Article, from the Member States or third countries concerned. The related national **phase of the** ~~procedure for application, the examination and opposition procedure~~ referred to in Articles 11, 12 and 13 shall be ~~carried out~~ **conducted** in all the Member States ~~and third countries concerned,~~ **except where Article 11(4) applies.**
- 2d.** *(moved from Article 18(1))* ~~The~~ application shall be submitted electronically, **using the** digital system **of the Office referred to in Article 64.**
3. Upon submission **of the application**, the Office shall ~~publish the Union application~~ **make it public** in the Union register of geographical indications for craft and industrial products **(‘the Union register’)** **referred to in Article 34a.** The ~~electronic publication~~ **product specification** referred to in paragraph 1, point (d); shall be kept ~~up to date~~ **updated.** *(last sentence moved from Article 17(2))*
- 3a.** *(moved from Article 17(6))* The Commission shall be empowered to adopt delegated acts defining procedures and conditions applicable to the preparation and submission of ~~Union~~ applications for registration **at the Union phase.**
- 3b.** *(moved from Article 17(7))* The Commission may adopt implementing acts laying down detailed rules on procedures, the form and presentation of ~~Union~~ applications for registration **at the Union phase**, including for applications concerning more than one national territory. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 65(2).

Article 19

Examination and publication for opposition

1. ~~The Office shall examine any~~ **In its examination of an** application for registration ~~that it receives~~ **received** under Article ~~17(1)~~ **18**. Such examination, ~~the Office~~ shall consist of a check that:
 - (a) there are no manifest errors;
 - (b) the information provided ~~in accordance with~~ **pursuant to** Article ~~17~~ **18(1), (1a) and (2a), as applicable**, is complete; and
 - (c) the single document is precise and technical in nature and in accordance with Article 8.
2. The examination **pursuant to paragraph 1 shall be carried by the Geographical Indication Division referred to in Article 32 and** shall take into account the outcome of the ~~preliminary~~ national procedure carried out by the Member State concerned, unless Article 15 ~~a is applied~~ **applies**.
3. The examination ~~carried out~~ pursuant to paragraph 1 shall ~~not exceed a period of 6~~ **be carried out within six** months. ~~Where~~ **In the event that** the examination period exceeds or is likely to exceed ~~6~~ **six** months, the Office shall inform the applicant **in writing** of the reasons for the delay ~~in writing~~.
4. The Office may seek supplementary information from the **competent authority of the** Member State concerned. If the application is lodged by ~~an producer group~~ **applicant** from a third ~~country~~ or by the competent authority of a third ~~country~~, such ~~producer group~~ **applicant** or competent authority shall **be required to** provide supplementary information, where requested ~~to do so~~ by the Office.

5. When the Office **Geographical Indication Division** consults the Advisory Board as referred to in Article 33, the applicant shall be notified thereof and the period referred to in paragraph ~~2~~ **3** of this Article 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** applications, to the ~~relevant producer group~~ **applicant** or competent authority that has submitted the ~~Union~~ application **to the Office**, ~~from where that application originates and request to complete or to correct the application within 60 days~~ **two months**. If the Member State, or, in case ~~the event~~ of ~~a~~ **third-country** applications, the ~~relevant producer group~~ **applicant** or competent authority **concerned**, does not complete **or correct** the application within the deadline, the application shall ~~be considered to be withdrawn, or if not corrected, it shall be rejected,~~ pursuant to Article 24(2). **Upon request, the time limit may be extended by two months.**
7. Where, based on the examination carried out pursuant to paragraph 1, 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, ~~of geographical indications for craft and industrial products the single document,~~ and ~~the reference to the electronic publication of product specification on the webpage of the Member State concerned.~~ The single document shall be published in the official languages of the Union.

Article 20

National eChallenge to an application against the decision at national phase

1. **The competent authority of the** Member States shall keep the Office informed of any national administrative and judicial proceedings **against that competent authority's decision** that may affect the registration of a geographical indication.
2. The Office shall be exempted from the obligation to meet the deadline to perform **for completing** the examination laid down in Article 19(2 **3**), and ~~to shall~~ inform the applicant of the reasons for the delay, where ~~it receives a communication from~~ **the competent authority of** a Member State, ~~concerning an application for registration in accordance with Article 14(1), which:~~
 - (a) informs the Office that the decision referred to in Article 14(1) has been invalidated at national level by an immediately applicable, but not 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 ~~and the Member State considers that those proceedings are based on valid grounds.~~
3. *(moved to paragraph 4a)*
4. ~~If~~ **When** the **administrative or** judicial decision referred to in paragraph 2 has ~~acquired the force of res judicata~~ **become final**, the **competent authority of the** Member State shall, ~~as necessary, withdraw or modify the application~~ **inform the Office accordingly**.
- 4a.** *(moved from paragraph 3)* 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 ~~original application has been restored or that the Member State withdraws its request~~ **reason** for the suspension **no longer exists**.

Article 21

Opposition and comments procedure

1. Within ~~3~~ **three** months from the date of publication of the single document and the ~~reference to the product specification referred to in Article 7 in the Union register of geographical indications for craft and industrial products,~~ an opponent may lodge an opposition or notice of comment with the Office. The applicant and the opponent shall be considered ~~a~~ **to be the parties** to the procedure.
2. An opponent may be the competent ~~authorities~~ **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 ~~that does not qualify as,~~ **except** a national opponent ~~pursuant to~~ **referred to in** Article 13(1).
3. The Office shall check the admissibility of the opposition, **in accordance with Article 22.**
(remaining part of this paragraph moved to paragraph 3a)
- 3a.** ~~If~~ **Where** the Office considers ~~that the opposition is~~ **to be** admissible, it shall, within ~~60 days~~ **two months** after the receipt of that opposition, invite the opponent and the applicant to engage in consultations for a reasonable period not exceeding ~~3~~ **three** months. At any time during that period, the Office may, at the request of either party, extend the time limit for the consultations by a maximum of ~~3~~ **three** months. The Office may offer mediation for the consultations between the applicant and the opponent pursuant to Article 170 of Regulation (EU) 2017/~~1001~~.
4. **During the consultation,** ~~t~~The applicant and the opponent shall provide each other ~~during the consultation~~ with the relevant information to assess whether the application for registration complies with the conditions set out in this Regulation.
5. The ~~Office~~ **Geographical Indication Division** may at any stage of the opposition procedure consult the Advisory Board ~~as referred to in Article 33,~~ in which case the parties shall be notified and the period referred to in paragraph ~~2~~ **3a** shall be suspended.

6. Within ~~4~~ **one** month from the end of the consultations referred to in paragraph ~~2~~ **3a**, the applicant ~~established in the third country or the competent authority of the Member State or of the third country from which the application for Union registration was lodged~~ shall notify the Office of the result **shall communicate the outcome** of the consultations **to the Office**, ~~whether an agreement was reached with one or all of the opponents, and of any consequent changes to the application made by that applicant. The opponent may also notify the Office of its position at the end of the consultations.~~
7. Where, following the end of the consultations, the data published in accordance with Article 19(~~6-7~~) have been modified, the Office shall carry out a new examination of the modified application. Where the application for registration 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 that paragraph~~ **Article 19(7)**.
8. The authorities and persons ~~that may act~~ **eligible to act** as an opponent may lodge, **with the Office**, a notice of comment **as defined in Article 3(k)** ~~with the Office~~. **Such notice shall not be based on the grounds for opposition referred to in Article 22.** The competent authority or person that lodged a notice of comment shall not be considered to be a party to the procedure.
9. The Office ~~may~~ **shall** share the notice of comment with the applicant ~~and the opponent~~.
10. In order to facilitate the ~~official submission of comments and to improve management of the opposition procedure~~, the Commission may adopt implementing acts laying down ~~the necessary rules to provide for~~ **on** the submission of such ~~official~~ comments and specifying the format and online presentation of ~~oppositions and any~~ **the notice of** comments ~~procedure~~. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 65(2). *(format/presentation of the reasoned statement of opposition will be finalised in Annex III)*

Article 22

Admissibility and grounds for opposition

1. An opposition lodged in accordance with Article 21 shall be admissible only if it contains a declaration that the application could infringe the conditions laid down in paragraph 2 of this Article and give justification in a reasoned statement of opposition drawn up in accordance with **all the information specified in** the form set out in Annex 3, **and if it is based on one or more of the following grounds for opposition:** An opposition that does not contain the reasoned statement of opposition shall be void.

Upon opposition, the name for which there has been an application for registration shall not be registered, if:

- (a) the proposed **requested** geographical indication does not comply with the requirements for protection laid down in this Regulation;
- (b) the registration of the proposed **requested** geographical indication would be contrary to Articles 37, **and** 38 or **Article 39(1); or**
- (c) the registration of the proposed **requested** geographical indication would jeopardise the existence of, an entirely, or partly identical **or similar** name **geographical indication** or of a trade mark, or the existence of products which **that** have been legally on the market for at least 5 years preceding the date of the publication **of the application** provided for in Article 18(3).

2. *(moved to paragraph 1)*

3. The admissibility **of** and the grounds **of** for an opposition shall be assessed by the Office in relation to the territory of the Union. **An opposition that is not admissible in accordance with paragraph 1 shall be rejected.**

Article 23

Transitional period for the use of a geographical indications

1. Without prejudice to Article ~~42~~ **39(3) to (7)**, at the time of registration **of the geographical indication**, the Office may decide to grant a transitional period of up to ~~5~~ **five** years to enable, for products originating in a Member State or a third ~~country~~, the designation of which consists of or contains a name that contravenes Article 35, the continued use of ~~that~~ **the** designation, under which they were marketed, provided that an admissible ~~and~~ **grounded** opposition, under Article 13 or Article 21, to the application for registration of the geographical indication whose protection is contravened ~~shows~~ **has shown** that:
 - (a) the registration of the geographical indication would jeopardise the existence of ~~the~~ **entirely or partially an identical or similar** name in the product designation; **or**
 - (b) such products have been legally marketed with that name in the product designation in the territory concerned for at least 5 years preceding the date of the publication **of the application** provided for in Article 18(3).
2. The Office may decide to extend the transitional period granted under paragraph 1 up to 15 years, or allowing continued use for up to 15 years, provided it is additionally shown that:
 - (a) the name in the designation referred to in paragraph 1 has been in legal use consistently and fairly for at least 25 years before the application for registration of the concerned geographical indication was submitted to the Office;
 - (b) the purpose of using the name in the designation referred to in paragraph ~~(1)~~ has not, at any time, been to profit from the reputation of the name of the product that has been registered as geographical indication; and
 - (c) the consumer has not been or could not have been misled as to the true origin of the product.

3. The decision granting a transitional period referred to in paragraph 1 shall be published in the Union register of geographical indications for craft and industrial products.
4. When using a designation referred to in paragraph 1, the indication of the country of origin shall clearly and visibly appear on the labelling.
5. ~~To overcome temporary difficulties with~~ **With a view to** the long-term objective of ensuring that all producers of a product ~~designated under~~ **protected by** a geographical indication in the area concerned comply with the related product specification, a Member State may grant a transitional period for compliance, of up to ~~10~~ **ten** years, with **taking** effect from the date on which the application is lodged with the Office, provided that the operators concerned have legally marketed the products in question, using the names concerned continuously for at least ~~5~~ **five** years preceding the lodging of the application to the **competent authorities** ~~authority~~ of that Member State and have referred to that fact in the national opposition procedure referred to in Article 13.
6. Paragraph 5, **with the exception of the need to have raised the use of the name in the national opposition procedure**, shall apply, *mutatis mutandis*, to a geographical indication referring to a geographical area situated in a third-country, ~~with the exception of the opposition procedure~~.

Article 24

Decisions ~~by~~ of the Office on the application for registration

1. ~~After completion of the opposition and notice of comments procedure, the Office shall finalise its examination, taking into account any provisional periods, the outcome of any opposition procedure, any notice of comments received and any other matters that come to light in the course of the examination that may give rise to a change in the single document. (deleted)~~
2. Where, on the basis of the information available to the Office from the examination carried out pursuant to Article 19, the Office considers that any of the requirements referred to in that Article is not fulfilled, it shall ~~adopt a decision rejecting~~ the application for registration.

3. Where ~~the application meets the requirements laid down in Article 17 and~~ **on the basis of the information available to the Office from the examination carried out pursuant to Article 19,** the Office **considers that the requirements of this Regulation are met and** ~~receives no admissible and grounded opposition~~ **is received,** the Office shall adopt a decision registering the name **geographical indication**.
4. Where the Office receives an admissible ~~and grounded~~ opposition, and following the consultations referred to in Article 21(3a) an agreement has been reached, the Office, after checking that the agreement complies with Union law, shall ~~adopt a decision registering the name~~ **geographical indication**. If necessary, in case ~~the event~~ of standard **non-substantial** amendments referred to in Article 28(2), point (b), the Office shall ~~adopt a decision amending the information published pursuant to Article 19(6-7).~~
5. Where an admissible ~~and grounded~~ opposition ~~had~~ **has** been received, but no agreement has been reached following the consultations referred to in Article 21(3a), the Office shall **examine whether the opposition is well-founded. Based on this assessment, the Office shall either** ~~adopt a decision on registration~~ **reject the opposition and register the name protected as a geographical indication name, or reject the application.**
6. Decisions **of the Office** on registration made pursuant to paragraphs 3 to 5 ~~adopted by the Office shall provide, where appropriate, specify for any conditions applicable to the registration and,~~ **in the event of any necessary amendments that are non-substantial,** ~~for the republication~~ **republish,** for information purposes, ~~of the information~~ **already** published ~~for opposition~~ **in the Union register** pursuant to Article 19(7) ~~in the Union register of geographical indications, in case of any necessary amendments that are not substantial.~~
7. Decisions adopted by the Office shall be published in the Union register ~~of geographical indications for craft and industrial products in all the official languages of the Union. The reference to the name of the product, class of the product, indications of the country or countries of origin and the reference to the decision published in the Union register of geographical indications for craft and industrial products shall be published~~ **in the official languages of the Union** in the *Official Journal of the European Union*.

Article 25

Decision ~~by~~ of the Commission

1. Concerning applications for registration referred to in Article 17, the Commission may take over from the Office, at any time before the end of the procedure, on its own initiative, ~~on the initiative of a~~ **or at the request of the competent authority of a** Member State or **of** the Office, the power to decide on the application for registration of ~~the proposed a~~ geographical indication where such ~~decision~~ **registration of the requested geographical indication** ~~may jeopardise the~~ **might be contrary to** public interest **policy**, or **its registration or rejection might jeopardise** the Union's trade or external relations. *(last two sentences of this paragraph moved to paragraph 1a and 1b)*
- 1a. Where, pursuant to paragraph 1 the Commission has taken over the procedure,** ~~The~~ **the** Office shall ~~submit a proposal to~~ **provide** the Commission **with a draft** for ~~a~~ **the** decision pursuant to **referred to in paragraphs 2 to 6 of** Article 24(2) to 24(6).
- 1b.** The Commission shall adopt **any decision to take over the procedure, as referred to in paragraph 1, and** ~~the final act~~ **any decisions** on the application for registration, **as referred to in paragraph 1a, by means of an implementing act. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 65(2) and shall be published in the Union register referred to in Article 34a.**
- 1c.** ~~This p~~ **Paragraphs 1, 1a and 1ba** shall apply, *mutatis mutandis*, to the cancellation **of a geographical indication** and ~~the~~ **any** amendment ~~of~~ **to** the product specification.
- 1d.** *(moved from paragraph 3)* **For the purposes of paragraph 1, 1a and 1b,** ~~t~~ **The** Office shall ensure that the Commission has access, **through the digital system referred to in Article 64,** to ~~the~~ documents concerning ~~the~~ applications for registration, any amendments ~~of~~ **to** the product specification and cancellations ~~through the digital system referred to in Article 18(1) and Article 26(1).~~

2. ~~In situations referred to in paragraph 1 of this Article, t~~**The Commission shall adopt implementing acts on setting out the procedures applicable to the situations referred to in paragraph 1**~~protection of the geographical indication. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 65(2) and shall be published in the Official Journal of the European Union and in the Union register of geographical indications for craft and industrial products.~~
3. *(moved to paragraph 1d)*

Article 26

~~**The Union register of geographical indications for craft and industrial products**~~

(moved to Article 34a)

Article 27

~~**Extracts from the Union register of geographical indications for craft and industrial products**~~

(moved to Article 34b)

Article 28

Amendments to a product specification

1. **The applicant in whose name the geographical indication has been registered, or A**
producer group **or producer** having a legitimate interest, may apply for **request** the
approval of an amendment to the product specification of a registered geographical
indication.
2. Amendments to a product specification shall be classified into two categories:
 - (a) ~~Union~~ **substantial** amendments **as referred to in paragraph 3**, requiring an
opposition procedure at the Union level;³ and
 - (b) ~~standard~~ **non-substantial** amendments, to be dealt with at Member State or third-
country level.
3. An amendment shall be considered a ~~Union~~ **substantial** amendment if it concerns a
revision of the single document and if any of the following conditions are met:
 - (a) the amendment includes a change in the name **of the geographical indication**, or in
the use of the name;³
 - (b) the amendment risks ~~voiding~~ **undermining** the link to the geographical area referred
to in the single document;³ **or**
 - (c) the amendment entails further restrictions on the marketing of the product.
4. **In the examination of substantial amendments, the steps of the national and Union
phase as set out in Articles 6, 12 to 15, and Articles 19 to 25 shall apply mutatis
mutandis. Decisions on** ~~Union~~ **substantial** amendments shall be ~~approved~~ **taken** by the
Office or, where Article 25 applies, the Commission. ~~The approval procedure shall follow
mutatis mutandis the procedure and publication requirements laid down in Articles 6 to 25.~~

5. Any ~~other~~ amendment to the product specification of a registered geographical indication, that is not a Union amendment in accordance with other than those referred to in paragraph 3, shall be considered as a standard a non-substantial amendment, which shall fall within the competence of the Member States or third countries in whose territory the product originates. Non-substantial amendments, once approved, shall be communicated to the Office. Where Article 15a applies, non-substantial amendments shall be approved by the Office.
6. ~~Applications~~ Requests for amendments referred to in paragraph 2 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 laws on the protection of geographical indications in force in that third-country.
7. ~~If an application for a Union~~ Where a request for a substantial amendment concerning a geographical indication of a Member State also relates to standard non-substantial amendments, ~~the Office shall examine only the Union~~ substantial amendments only shall be examined by the Office, in accordance with paragraph 4. ~~Any standard amendments shall be deemed as not having been submitted. The examination of such applications shall focus on the proposed Union amendments. (last sentence moved to paragraph 7a)~~
- 7a. *(moved from paragraph 7)* 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 specifications.
8. ~~Standard amendments shall be approved by Member States or third countries in whose territory the geographical area of the product concerned is located. Such amendments shall be communicated to the Office. Where Article 25 applies, the Office shall approve the standard amendments. The Office shall make those~~ Substantial and non-substantial amendments, once approved, shall be made public by the Office in the Union register of geographical indications for craft and industrial products.

9. The Commission may adopt implementing acts laying down detailed rules on procedures, form and presentation of an amendment application for ~~Union~~ **substantial** amendment and on procedures, form and communication of ~~standard~~ **non-substantial** amendments to the Office. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 65(2).

Article 29

Cancellation of the registration

1. ~~The Office may, on its own initiative or on a duly substantiated request by a Member State, a third country or any natural or legal person having a legitimate interest, decide to cancel the registration of a geographical indication.~~ **A registered geographical indication may be cancelled in the following cases, where:**
- (a) ~~where~~ compliance with the requirements for the product specification can no longer be ensured; ~~or~~
 - (b) ~~where~~ no product has been placed on the market under the geographical indication for ~~at least~~ a consecutive period of **at least seven** 7 years; ~~or~~
 - (c) **it was registered in breach of Article 38(1) or 39(1).**
2. ~~The Office may, at the request of the producer group of the product marketed under the registered name, decide to cancel the corresponding registration.~~ **A geographical indication may also be cancelled at the request of the applicant in whose name the geographical indication has been registered.**
- 2a. A request for cancellation pursuant to paragraph 1 may be submitted by the competent authority of a Member State, a third country or a natural or legal person having a legitimate interest.**

- 2b. The Commission or the Office may initiate a cancellation procedure on its own initiative, on the basis of the grounds set out in paragraph 1.**
3. **The steps of the national and Union phase as set out in Articles 6, 12 to 14, 15a, and Articles 19 to 25 shall apply, *mutatis mutandis*, to the cancellation procedure to the cancellation procedure.**
4. Before deciding to cancel the registration of a geographical indication, the Office shall consult the competent authority of the Member State **concerned and, in the cases referred to in paragraphs 2a and 2b, inform the applicant in whose name the geographical indication has been registered. These consultation and information obligations shall apply, *mutatis mutandis*, to third-country geographical indications** the competent authorities of the third country or, where possible, the third country producer group which had applied for the registration of the geographical indication concerned, unless the cancellation is directly requested by the original applicants. If the geographical indication was registered pursuant to Article 15a, the Office **Geographical Indication Division** ~~shall~~ **may** consult the Advisory Board referred to in Article 33 **and the single point of contact referred to in Article 15(6) of the Member State concerned.**
- 4a. The Union register shall be updated accordingly when a geographical indication is cancelled.**
- 4b. 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.**
5. The Commission ~~may~~ **shall** adopt implementing acts laying down detailed rules on procedures and form of the cancellation process, as well as on the presentation of the requests referred to in paragraphs 1 and 2 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 65(2).

Article 30

Appeal

1. Any party to a procedure regulated in this Regulation that is adversely affected by ~~the a~~ decision taken by the Office in that procedure may lodge an appeal to the Boards of Appeal referred to in Article 34 against the decision. *(second and third sentences moved to paragraph 1a)* Member States shall ~~also~~ have the right to join the appeal procedure.
- 1a.** *(moved from paragraph 1)* The filing of the appeal shall have suspensive effect. ~~The appealed~~ A decisions of the Office that has not been contested shall take effect only as from the on the day following the date of ~~expiration~~ expiry of the appeal period referred to in paragraph 3.
2. A decision ~~which~~ that does not terminate proceedings as regards one of the parties shall only be appealed together with the final decision.
3. ~~Notice~~ The notice of appeal shall be filed in writing ~~at~~ with the Office within ~~2~~ two months of the date of publication of the decision. The notice shall be deemed to ~~be~~ have been filed only when the fee for appeal has been paid. In ~~case~~ the event of an appeal, a written statement setting out the grounds of appeal shall be filed within ~~4~~ four months of the date of publication of the decision.
4. ~~The Boards of Appeal shall examine whether the appeal is admissible. (deleted/covered by paragraph 5)~~
5. Following an examination of admissibility of the appeal, the Boards of Appeal shall decide on the merits of the appeal. The Boards of Appeal shall either exercise any power within the competence of the ~~g~~Geographical ~~i~~Indications ~~d~~Division referred to in Article 32, which was responsible for the contested decision ~~appealed~~, or remit the case to that ~~g~~Geographical ~~i~~Indications ~~d~~Division ~~for further prosecution~~. The Boards of Appeal may, on ~~its~~ their own initiative or upon the written, reasoned request of a party, consult the Advisory Board as referred to in Article 33. The Office may offer mediation services pursuant to Article 170 of Regulation (EU) 2017/1001, with a view of assisting the parties reach an amicable settlement.

6. Actions may be brought before the General Court **of the European Union** against decisions of the Boards of Appeal in relation to appeals, within two months of the date of ~~publication~~**notification** of the decision of the Boards of Appeal, on grounds of infringement of an essential procedural requirement, infringement of the ~~TFEU~~ **Treaty on the Functioning of the European Union**, infringement of this Regulation or of any rule of law relating to their application or misuse of power. The action shall be open to any party to **the** proceedings before the Boards of Appeal adversely affected by its 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 ~~only as from~~ **on the day following** the date of expiry of the ~~appeal~~ period **referred to in paragraph 6** or, if an action has been brought before the General Court within that period, as from the date **following the day** of dismissal of such action or **of dismissal** of any appeal filed with the Court of Justice **of the European Union** 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 66 to~~ supplement**ing** this Regulation by specifying:
- (a) the content of the notice of appeal referred to in paragraph 3 and the procedure for the filing and the examination of an appeal; and
 - (b) the content and the form of the Boards of Appeal's decisions as referred to in paragraph 5.

Article 31

Establishment of a domain name information and alert system

1. For domain names registered under a country-code top-level domain name, **that is** administered or managed by a registry established in the Union, the Office shall provide a domain name information and alert system. Upon submission of an application for a geographical indication **to the Office**, the information and alert system shall inform applicants for a geographical indication
 - (a) about the availability of their geographical indication as a domain name **(‘domain name information’)**, and
 - (b) on an optional basis, **about the registration of** ~~once~~ a domain name containing an identical ~~or similar~~ name with their geographical indication ~~is registered~~ (‘domain name alerts’).
2. For the purposes of paragraph 1, country-code top-level domain name registries, established in the Union, shall provide the Office with ~~all~~ information and data in their possession necessary to run the domain name information and alert system.
3. **Paragraph 1 is without prejudice to the possibility for the Office to extend the domain name information and alert system to other top-level domain names administered and managed by a registry established in the Union, in particular generic top-level domain names. In this case, paragraph 2 shall apply, *mutatis mutandis*, to the relevant top-level domain name registries.**

SECTION 2

ORGANISATION AND TASKS OF THE OFFICE ~~IN RELATION TO THE GEOGRAPHICAL INDICATIONS~~

Article 32

Geographical Indications Division for craft and industrial products

1. A Geographical Indications Division for craft and industrial products (**‘the Geographical Indications Division’**), as a department of ~~shall be established within~~ the Office, **That Division** shall be responsible for taking decisions ~~on behalf of the Office~~ in relation to:
 - (a) an application for registration of a geographical indication;
 - (b) an application for amendment ~~of~~ **to** a geographical indication;
 - (c) an opposition to an application to register or amend a geographical indication;
 - (d) entries in the Union register ~~of geographical indication for craft and industrial products~~;
 - (e) requests for cancellation of a geographical indication.
2. ~~Opposition and cancellation decisions shall be taken by a panel of three members. At least one member shall be legally qualified. All other decisions of paragraph 1 shall be taken by a single member. (deleted)~~

Article 33

Geographical Indications Advisory Board

1. An Advisory Board ~~is~~ **shall be** set up to deliver an opinion where provided for in this Regulation.
2. The Geographical Indications Division and the Boards of Appeal as referred to in Article 32 and 34 may, and, at the request of the Commission shall, consult the Advisory Board **on questions** concerning ~~an individual~~ applications at any stage of the examination, opposition or ~~the~~ appeal procedure as referred to in Articles 19, 21, **22, 24, 28, 29** and 30. **The Advisory Board may also be consulted** as well as concerning the following **on horizontal** matters, **such as**:
 - (a) the assessment of the quality criteria;
 - (b) the establishment of reputation and renown **of the geographical indication**;
 - (c) the determination of the generic nature of the name **of the geographical indication**;
 - (d) ~~the assessment of fair competition in commercial transactions and~~ the risk of confusing consumers in cases of conflict between geographical indications and trade marks, homonyms or existing products ~~which~~ **that** are legally marketed.
3. The Geographical Indications Division **referred to in Article 32** and, **as applicable**, the Boards of Appeal **referred in Article 34**, ~~shall~~ **may** consult the Advisory Board concerning the possible registration of ~~all individual~~ applications submitted through the direct registration procedure referred to in Article 15**a**.
4. The opinions of the Advisory Board shall not be binding on the Geographical Indications Division and the Boards of Appeal.

5. The Advisory Board shall be composed of one representative of each Member State and one representatives of the Commission and their respective alternates.
6. The opinion of the Advisory Board shall be delivered in a panel of three members.
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 procedures as approved by the Management Board **instituted by Article 153 of Regulation (EU) 2017/1001**, and shall be made public.
9. The mandates of members of the Advisory Board shall be up to ~~5~~ **five** years. Those mandates may be renewable.
10. The Office shall provide the logistic support necessary for the Advisory Board and provide a secretariat for its meetings.

Article 34

Boards of Appeal

~~In addition to the powers conferred upon it by Article 165 of Regulation (EU) 2017/1001, the~~ **The** Boards of Appeal instituted by ~~that~~ **Article 165 of Regulation (EU) 2017/1001** shall be responsible for deciding on appeals ~~from~~ **against** decisions of the Geographical Indications Division as regards ~~their decisions concerning geographical indications subject to Article 28 of~~ **adopted by the Office under** this Regulation.

(new) Article 34a

The Union register of geographical indications for craft and industrial products

(ex Article 26)

1. A publicly accessible electronic Union register of geographical indications for craft and industrial products shall be developed, kept and maintained by the Office for the management of geographical indications for craft and industrial products.
2. Each geographical indication of craft and industrial products shall be identified in the **The** Union register of geographical indications for craft and industrial products as a 'protected geographical indication'. **shall contain the entries referred to in this Regulation.**
3. Upon the entry into force of a decision registering a protected geographical indication **in accordance with Article 24 or 25**, the Office shall ~~record~~ **enter** the following data in the Union register of geographical indications for craft and industrial products:
 - (a) the registered name of the product **geographical indication registered as a 'protected geographical indication'**;
 - (b) the class of the product **type**;
 - (ba) the name of the applicant in whose name the geographical indication is registered;**
 - (c) the reference to the ~~legal instrument~~ **act** registering the name **of the geographical indication**;
 - (d) ~~indication of the country or countries of origin~~ **of the geographical indication.**

4. Geographical indications concerning **craft and industrial** products from third countries that are protected in the Union under an international agreement to which the Union is a contracting party **the Geneva Act shall be registered by means of an implementing act by the Commission following a decision in accordance with Article 7 of Regulation (EU) 2019/1753, and** shall be entered in the Union register of geographical indications for craft and industrial products. *(Second sentence moved to paragraph 4a)*
- 4a.** *(Moved from paragraph 4)* Geographical indications ~~other than those~~ **concerning craft and industrial products from third countries that are** protected in the Union **under another international agreement – other than the Geneva Act – to which the Union is a contracting party,** pursuant to Article 7 Regulation (EU) 2019/1753, shall be ~~registered by means~~ **be entered in the Union register on the basis** of implementing acts adopted by the Commission in accordance with the examination procedure referred to in Article 65(2), **and shall be entered in the Union register.**
5. Each geographical indication shall be entered in the Union register of geographical indications for craft and industrial products in its original script. Where the original script is not in 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 of geographical indications for craft and industrial products and shall have equal status.
6. The Commission shall make public and regularly update both the list of the international agreements referred to in paragraph 2 **4a** and the list of geographical indications protected under those agreements.
7. The Office shall retain 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 case **the event** of cancellation for ~~10~~ **ten** years thereafter.

7a. The running costs of the register shall be covered by the Office's operational budget.

8. The Commission ~~may~~ **shall** adopt implementing acts defining the content ~~setting out the~~ **IT architecture** and presentation of the Union register of geographical indications for craft and industrial products. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 65(2).

(new) Article 34b

Extracts from the Union register of geographical indications for craft and industrial products

(moved from Article 27)

1. The Office shall ensure that any person ~~is able~~ **has the possibility** to download ~~an official extract from the Union register of geographical indications for craft and industrial products~~ **an official extract** that provides proof of registration of the geographical indication, and the relevant data including the date of application for the registration of the geographical indication or other priority date. The official extract may be used as an authentic certificate ~~in legal proceedings, in a court of law, in a court of arbitration or similar body.~~
2. ~~The applicant producer group or where Article 6(3) applies, the single producer shall be identified as the holder of the registration in the Union register of geographical indications for craft and industrial products and in the official extract referred to in paragraph (1) of this Article. (deleted)~~
3. The Commission ~~may~~ **shall** adopt implementing acts defining the format and online presentation of extracts from the Union register of geographical indications for craft and industrial products. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 65(2).

(new) Article 34c

Technical assistance of the Office support

(moved from Article 62)

Upon request by the ~~The Commission,~~ **the Office shall carry out** ~~shall be empowered to adopt delegated acts supplementing this Regulation by rules on entrusting the Office with the examination of, and other related administrative tasks pertaining to, concerning third-country geographical indications for craft and industrial products, other than geographical indications under the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications,~~

- (a)** ~~protected or~~ proposed for protection pursuant to international negotiations or **under an** international agreements **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.**

TITLE III

PROTECTION OF GEOGRAPHICAL INDICATIONS

Article 35

Protection of geographical indications

1. Geographical indications entered in the Union register of geographical indications for craft and industrial products 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 identical or similar **comparable** to the products ~~registered~~ **protected** under that ~~by the~~ geographical indication, or where use of the name exploits, weakens, dilutes, or is detrimental to the reputation of, the protected geographical indication;
 - (b) any misuse, imitation or evocation, 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’, ‘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 ~~websites~~ **online** **interfaces** relating to the products, ~~and~~ **as well as** the packing of the products in a container liable to convey a false impression as to their origin;
 - (d) any other practice liable to mislead the consumer as to the true origin of the products.

2. For the purposes of paragraph 1, point (b), the evocation of a geographical indication shall be deemed to arise, in particular, where a term, sign, or other labelling or packaging device presents a **sufficiently** direct and clear link with the product covered by the registered geographical indication in the mind of the **average European consumer who is** reasonably **well-informed and reasonably observant and** circumspect consumer, ~~thereby exploiting, weakening, diluting or being detrimental to the reputation of the registered name.~~
3. ~~Paragraph 1 shall also apply to a domain name containing or consisting of the registered geographical indication.~~ **The protection of geographical indications shall also apply to any use of a domain name that is in breach of paragraph 1.**
4. The protection referred to in paragraph 1 shall also apply to:
- (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 all third parties from bringing goods, in the course of trade, into the Union without being released for free circulation there, where such goods, including packaging, come from third countries and are contrary to paragraph 1.
6. Geographical indications protected under this Regulation shall not become generic within the Union.
7. Where a geographical indication is a compound name which contains a term which is considered to be generic, the use of that term shall not constitute a conduct referred to in paragraph 1, points (a) and (b).

Article 36

Parts or components in manufactured products

1. Article 35 is without prejudice to the use of a geographical indication by producers, in conformity with Article 43, to indicate that a manufactured product contains, 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. The geographical indication designating a product's part or component shall not be used in the sales designation of the manufactured product, ~~except in cases of agreement with a producer group or, in situations referred to in Article 6(3), a single producer~~ **where the applicant in whose name the geographical indication has been registered has given its agreement to such use.**

Article 37

Generic terms

1. **A** Generic terms shall not be registered as a geographical indication.
2. To establish whether or not a term has become 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 legal acts.

Article 38

Homonymous ~~geographical indications~~ names

1. A geographical indication that has been applied for after a wholly or partly homonymous ~~geographical indication~~ had **name has** been applied for or protected **as a geographical indication** in the Union shall not be registered, unless there is sufficient distinction in practice between the conditions of local and traditional usage and the presentation of the two homonymous ~~indications~~ **names**, taking into account the need to ensure equitable treatment of the producers concerned and **the need to ensure** that consumers are not misled as to the true identity or geographical origin of the products.
2. A wholly or partly homonymous name ~~which~~ **that is liable to** misleads the consumer into believing that products come from another territory shall not be registered even if the name for the actual territory, region or place of origin of the products in question is accurate.
3. For the purpose of this Article, a geographical indication applied for or protected in the Union refers to:
 - (a) ~~geographical indications that are entered in the Union register of geographical indications for craft and industrial products;~~
 - (b) geographical indications that have been applied for, provided that they are subsequently entered in the Union register ~~of geographical indications for craft and industrial products;~~
 - (c) appellations of origin and geographical indications protected in the Union pursuant to ~~the~~ Regulation (EU) 2019/1753³²; 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.

³² 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. 1–14).

4. The Office shall ~~cancel~~ **remove from the Union register** the, pursuant to Article **29(1)(c)**, any geographical indications **that has been** registered in breach of paragraphs 1 and 2, **after having informed the applicant in whose name the geographical indication has been registered**.

Article 39

Relationship between geographical indications and Trade marks
(integrates most of former Article 42)

1. ~~A~~ **An application for the registration of** name shall not be registered as a geographical indication **shall be rejected** where, in the light of a trade mark's **with a** reputation ~~and or~~ **renown** **of a mark of well-known mark character**, registration of the name proposed as a geographical indication ~~could~~ **would be liable to** mislead the consumer as to the true identity of the product.
2. **The Office shall** ~~remove from the Union register~~ **cancel, pursuant to Article 29(1)(c), any geographical indication that has been registered in breach of paragraph 1, after having informed the applicant in whose name the geographical indication has been registered**.
3. (moved from Article 42(1)) **An application for** ~~The~~ registration of a trade mark, the use of which would contravene Article 35, shall be rejected if the **this** application for registration of the trade mark is submitted after the date of submission to the Office of **on which** the application for the registration of the geographical indication **has been submitted to the Office**.
4. (moved from Article 42(2)) The Office and, ~~when~~ **as** applicable, the **national** competent ~~national~~ authorities shall, **upon request**, invalidate trade marks registered in breach of paragraph 1 **3**.

- 5.** *(moved from Article 42(4))* Without prejudice to paragraph ~~2~~ **4** of this Article, a trade mark, the use of which contravenes Article 35, which has been applied for, registered, or established by use in good faith within the territory of the Union, if that possibility is provided for by the legislation concerned, 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 ~~a~~ **the** geographical indication, provided that no grounds for invalidity or revocation of the trade mark exist under Directive (EU) 2015/2436³³ of the European Parliament and of the Council or Regulation (EU) 2017/1001. In such cases, the use of the geographical indication and that of the relevant trade mark shall be permitted.
- 6.** *(moved from Article 42(5))* Guarantee or certification marks referred to in Article 28(4) of Directive (EU) 2015/2436 and collective marks referred to in Article 29(3) of that Directive may be used on labels **and packaging devices**, together with the geographical indication.

³³ 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 40

Producer groups

1. ~~Member States shall verify that the producer~~ **Producer groups shall** operates in a transparent, **open** and democratic **non-discriminatory** manner, and that **allowing** all producers of the product designated by the geographical indication ~~to enjoy right of membership in~~ **join** the group **at any point in time**. Member States may provide that public officials **bodies**, and other stakeholders such as consumer groups, retailers and suppliers, **may** also participate in the work of the producer group.
2. A producer group may, in particular, exercise the following powers and ~~responsibilities~~ **tasks**:
 - (a) develop **and amend** the product specification and ~~manage~~ **set up** internal controls **compliance checks** that ensure compliance of production steps **with the product specification** of **the** product designated by the geographical indication ~~with that specification~~;
 - (b) take legal action to ensure the protection of the geographical indication and of ~~the~~ **any other** intellectual property rights that ~~are~~ **is** directly connected with ~~it~~ **the product**;
 - (c) agree sustainability undertakings, whether or not included in the product specification or as a separate initiative, ~~including arrangements for verification of compliance with these undertakings and assuring adequate publicity for them in particular in an information system provided by the Commission~~;

- (d) take action to improve the performance of the geographical indication, including:
- (i) development, organisation and conduct of collective marketing and advertising campaigns;
 - (ii) dissemination of information and promotion activities aiming at communicating **to consumers** the attributes of the product designated by a geographical indication ~~to consumers~~;
 - (iii) carrying out analyses into the economic performance, sustainability of production, technical characteristics of the product designated by the geographical indication;
 - (iv) dissemination of information on the geographical indication and the relevant Union symbol; and
 - (v) providing advice and training to current and future producers, ~~including on gender mainstreaming and equality; and~~
- (e) combat counterfeiting and suspected fraudulent uses ~~on~~ **in** the internal market of a geographical indication that is not in compliance with the product specification by monitoring the use of the geographical indication across the internal market and ~~on~~ **in** third-country² markets where the geographical indications are protected, including on the internet **online interfaces**, and, as necessary, **by** informing enforcement authorities ~~using confidential systems available~~.

Article 41

Protection of geographical indication ~~rights~~ in domain names

1. **Following an appropriate alternative dispute resolution procedure or judicial procedure,** ~~C~~country-code top-level domain name registries established in the Union ~~may~~ **shall**, upon request of a natural or legal person having a legitimate interest ~~or rights~~, revoke ~~or transfer a~~ **registered** domain name registered under such country-code top-level domain **or, where appropriate, transfer it** to the producer group, **or the single producer**, of the products ~~with~~ **designated by** the geographical indication concerned, **if such domain name:**
 - (a) **contravenes Article 35(1); or**
 - (b) **consists of or contains a registered geographical indication and where one of the following applies:**
 - (i) **the domain name has been registered by its holder without having a right, or a legitimate interest, in the geographical indication ~~or if the domain name has been registered or is being used in bad faith, and its use contravenes Article 35,~~ following an** ~~The registries shall act following an~~ appropriate alternative ~~dispute resolution procedure or judicial procedure,~~ if such domain name has been registered by its holder without rights or legitimate interest in the geographical indication or if it has been registered or is being used in bad faith and its use contravenes Article 35; **or**
 - (ii) **the domain name has been registered or is being used in bad faith.**
2. Country-code ~~t~~Top-level domain name registries established in the Union shall ensure that any alternative dispute resolution procedure established to solve disputes relating to the registration of domain names referred to in paragraph 1, ~~shall~~ **recognises** geographical indications ~~as rights that may prevent a domain name from being registered or used in bad faith.~~

Article 42

Conflicting trade marks

(deleted - moved to Article 39, except for Article 42(3), which has been integrated into Article 67(2a) and recital (31))

Article 43

Right to use

1. A registered geographical indication may be used by any producer ~~marketing of~~ a product ~~conforming to~~ **which is in conformity with** the corresponding product specification ~~or to a single document or an equivalent to the latter.~~
2. ~~Member States shall ensure that any producer complying with the rules set out in this Title is entitled to be covered by the verification of compliance established pursuant to Article 46. Member States may charge a fee to cover their costs of managing the controls system. (deleted)~~

Article 44

Union symbol, indication, abbreviation

1. The Union symbol established for ‘protected geographical indications’ under Commission Delegated Regulation (EU) 664/2014³⁴ shall be applicable to geographical indications for craft and industrial products.
2. ~~In the case of~~ **For** craft and industrial products originating in the Union that are marketed under a geographical indication, the Union symbol referred to in paragraph 1 may appear on the labelling and advertising 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 of craft and industrial products.
4. Indications, abbreviations and Union symbols may be used in the labelling and advertising materials of manufactured products when the geographical indication refers to a part or component thereof. In that case, the indication, abbreviation or Union symbol shall be placed next to the name of the part or component that is clearly identified as a part or component. The Union symbol shall not be placed in a manner that suggests to the consumer that **it is** the manufactured product, rather than the part or component; ~~that is the object of registration~~ **protected as a geographical indication**.
5. After the submission of ~~an Union~~ application for the registration of a geographical indication **at Union level**, producers may indicate on the labelling, and in the presentation, of the product that an application has been filed in ~~compliance~~ **accordance** with Union law.

³⁴ 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 specialties 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).

6. The Union symbol indicating the protected geographical indication and the Union indication ‘protected geographical indication’ and the abbreviation ‘PGI’ as relevant, may appear on the labelling only after the publication of the decision on registration in accordance with Articles 24(7) and ~~or~~ 25(2), as applicable.
7. Where an application is rejected, any products labelled in accordance with paragraph 4 ~~5~~ may be marketed until the stocks are exhausted.
8. The following may also appear on the labelling:
- (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 of origin is located.
9. The Union symbol associated with a geographical indication entered in the Union ~~Register of geographical indications for craft and industrial products designating a~~ craft and industrial product originating in ~~a third country~~ a third country, may appear on the ~~product~~ labelling and advertising material of the product, in which case the symbol shall be used in conformity with paragraph 2.
10. 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 appropriate linguistic versions to be used. These implementing acts shall be adopted in accordance with the examination procedure referred to in Article 65(2).

TITLE IV

~~CONTROLS AND ENFORCEMENT~~

(new) Article 44a

Scope

- 1. This Title covers controls of geographical indications of for craft and industrial products.**
- 2. (partly taken from Article 45(1))** ~~Member States shall designate the competent authorities responsible for official controls to verify compliance with this Regulation. Those controls~~ **Controls** shall include the following:
 - (a) verification that a product designated by a geographical indication ~~has been produced in conformity~~ **is in compliance** with the corresponding product specification;
 - (b) monitoring of the use of geographical indications in the marketplace.

Article 45

Designation of competent authorities

1. Member States shall designate ~~the~~ **one or more** competent authorities responsible for ~~official~~ **the** controls **provided for in this Title** ~~to verify compliance with this Regulation.~~
2. ~~Competent~~ **The competent** authorities referred to in paragraph 1 shall be objective and impartial, and shall have at their disposal the qualified staff and resources necessary to carry out their functions.

Article 46

Verification of compliance with the product specifications by self-declaration

(previous Article 46 replaced by text below; includes elements incorporated from Article 43(1); ex Articles 49 and 58(1); previous Article 46(4)+(5) is moved to new Article 46a)

- 1.** A registered geographical indication may be used by any producer marketing ~~of~~ a product conforming to ~~which that is in conformity with~~ the corresponding product specification or to the single document of an equivalent to the latter.
- 2.** **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 form set out in Annex 1 and shall contain the information and requirements specified in that Annex.**
- 3.** **Prior to placing the product on the market, producers shall submit a self-declaration to the competent authority referred to in Article 45(1). Once the product is on the market, producers shall submit a renewed self-declaration once every three years to demonstrate continued compliance with the product specification. Where the product specification is amended in a way that affects the concerned product concerned, the self-declaration shall be renewed without delay.**
- 4.** *(incorporates elements of former Article 58(1))* **The competent authority shall check, at least, that the information provided in a self-declaration is complete and consistent. If the result of the check is positive, the competent authority shall issue, or renew, a certificate of authorisation to use the geographical indication for the product concerned. In the event of obvious errors and inconsistencies in the self-declaration, the producer shall be given the possibility to complete or correct the self-declaration.**

- 5. Verification based on self-declaration does not prevent producers from having conformity of the product fully or partially verified by product certification bodies or natural persons. Such verification can supplement, but not replace, a self-declaration.**
- 6. To check conformity of the product covered by the self-declaration, controls, that which can take place before and after the product has been put on the market, shall be carried out, based on a risk analysis and, if available, notifications by interested producers of products designated by geographical indications, by:**
- (a) the competent authority; or**
 - (b) one or more ~~delegated~~ product certification bodies ~~including~~ **or** natural persons to which responsibilities have been delegated in accordance with Article 50.
- 7. In the event of detected non-compliance, the competent authority shall take the necessary measures to remedy the situation.**
- 8. (taken from Article 49(1)) The Commission shall be empowered to adopt delegated acts in accordance with Article 66, amending to amend this Regulation and introducing introduce, where relevant, modifications to the information and requirements specified in the form set out in Annex 1.**
- 9. (deleted, since it is covered by new point (ha) of Article 7(1))**

(new) Article 46a

Verification of compliance by a competent authority or a designated third party

- 1. As an alternative to the procedure set out in Article 46, Member States may provide for the verification of compliance with the product specification, by means of controls, to be carried out before and after the product has been put on the market. Such controls shall be carried out by:**
 - (a) one or more competent authorities referred to in Article 45(1); or**
 - (b) one or more product certification bodies or natural persons to which responsibilities have been delegated in accordance with Article 50.**
- 2. Where the result of the control carried out prior to placing the product on the market demonstrates 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 put on the market shall be based on a risk analysis and, if available, on notifications by interested producers of products designated by geographical indications. Where the result of such controls confirms compliance of the product with the product specification, the competent authority shall renew the certificate of authorisation.**
- 4. In the event of detected non-compliance, the competent authority shall take the necessary measures to remedy the situation.**

(new) Article 46b (previous Article 46a)

Verification of compliance of products originating in a third country

(moved from Article 46(4) and (5))

- 1.** In respect of geographical indications that designate products originating in a third country, ~~the verification of compliance with the~~ **product specifications specification** before placing the product on the market shall be carried out by:
 - (a) ~~a public~~ competent authority designated by the third country; or
 - (b) one or more product certification bodies.
- 2.** ~~(first sentence deleted, since it is covered by new point (ha) of Article 7(1)) If the relevant production step takes place in the Union, the producers shall be notified to the competent authorities of the Member State where the production step takes place and be subject to verification as a producer of the product designated by a geographical indication.~~

(new) Article 46c (previous Article 46b)

Monitoring of the use of geographical indications in the market

(elements incorporated from ex Article 48)

- 1.** **The authorities referred to in Article 45(1) shall monitor the use of a geographical indication in the market, irrespective of whether the product** is in storage, transit, distribution, or offered for sale at wholesale or retail level, including in electronic commerce.
- 2.** **To that end, those authorities** shall carry out controls, based on risk analysis and, **if available,** notifications of **by** interested producers of products designated by geographical indications. **If 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, operated or marketed in their territory and that contravene the protection of geographical indications provided for in Articles 35 and 36.

Article 47

Due diligence-~~obligations~~ responsibilities of the producers

- 1.** Producers using the geographical indication shall ensure the continuous compliance of the use of the name and symbol in the marketplace their products with the relevant product specification. *(second sentence and its sub-points moved to new paragraph 2)*
- 2.** **In order to prevent misuse of geographical indications in the market, producers** They may:
 - (a) monitor the commercial use of the geographical indication in the marketplace; and
 - (b) *(deleted)*
 - (c) take action to ensure adequate legal protection of the geographical indication, including, where appropriate, informing by notifying the competent authorities as referred to in Article 45(1), **in accordance with Articles 46(6), 46a(3) and 46c(2).**

Article 48

Controls and enforcement of geographical indications rights in the marketplace

(deleted – most elements of paragraphs 1, 2 and 3 moved to Article 46c; paragraph 4 moved to Article 57(3))

Article 49

Self-declaration certification procedure

(deleted – some elements moved to Article 46)

Article 50

Delegation by the competent authorities of official certain control tasks

1. ~~The~~ Competent authorities may delegate official certain control tasks related to products that are subject to the controls referred to in Articles 46(6), 46a(2), 46a(3) and 46c(2) to one or more product certification bodies including natural persons.
 - 1a.** The competent authority shall ensure that the ~~delegated~~ product certification body or natural persons, to which ~~such~~ the control tasks referred to in paragraph 1 have been are delegated, have the powers needed to ~~effectively~~ perform these tasks effectively.
2. The delegation of official certain control tasks shall be in writing and ~~shall comply with~~ subject to the following conditions:
 - (a) the delegation is to contain a precise description of the ~~official~~ control tasks that the delegated body or the natural person may perform, and the conditions under which it may perform those tasks;
 - (b) the delegated product certification body:
 - (i) is to have the expertise, equipment and infrastructure required to perform the ~~official~~ control tasks delegated to it;
 - (ii) is to have a sufficient number of suitably qualified and experienced staff; **and**
 - (iii) is to be impartial and free from any conflict of interest and, in particular, **it** is not to be in a situation ~~which~~ **that** may, directly or indirectly, affect the impartiality of its professional conduct as regards the performance of those control tasks delegated to it; ~~and~~
 - (iv) ~~is to have sufficient powers to perform the official control tasks delegated to it; and (deleted/covered by paragraph 1)~~

- (c) where the ~~official~~ control tasks are delegated to natural persons, those natural persons:
 - (i) are to have the expertise, equipment and infrastructure required to perform those ~~official~~ control tasks delegated to them;
 - (ii) are to be suitably qualified and experienced; **and**
 - (iii) are to act impartially and are to be free from any conflict of interest as regards the exercise of those ~~official~~ control tasks delegated to them; ~~and~~
- (d) there are to be arrangements in place ensuring efficient and effective coordination between the delegating competent authorities and the ~~delegated~~ product certification bodies, ~~including~~ **or** natural persons.

Article 51

Obligations of ~~the~~ delegated product certification bodies and natural persons

The product certification bodies or natural persons, to which ~~official~~ certain control tasks have been delegated in accordance with Article 50, shall:

- (a) communicate the outcome of the ~~official~~ controls and related activities performed by them 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 the ~~official~~ controls indicate non-compliance or point to the likelihood of non-compliance, unless specific arrangements as established between the competent authority and the ~~delegated~~ product certification body or the natural person concerned provides otherwise; and
- (c) ~~give~~ **cooperate with and provide assistance** to the competent authorities, **and give those authorities** access to their premises and facilities, ~~cooperate and provide assistance to~~ **documentation related to their delegated tasks.**

Article 52

Obligations of the delegating competent authorities

1. Competent authorities that have delegated certain official control tasks to product certification bodies or natural persons, in accordance with Article 50, shall:
 - ~~(a)~~ ~~organise audits or inspections of such bodies or persons, as necessary;~~
 - ~~(b)~~ fully or partly withdraw the delegation without delay, where:
 - ~~(i)~~ **(a)** there is evidence that such a ~~delegated~~ product certification body or natural person is failing to perform properly the tasks delegated to it;
 - ~~(ii)~~ **(b)** the ~~delegated~~ product certification body or natural person fails to take appropriate and timely action to remedy the identified shortcomings; or
 - ~~(iii)~~ **(c)** the independence or impartiality of the ~~delegated~~ product certification body or natural person has been compromised.
- 1a.** *(moved from end of paragraph 1)* The competent authorities may also withdraw the delegation ~~also~~ for reasons other ~~reasons~~ than those referred to in this Regulation **paragraph 1**.
2. *(first sentence moved to paragraph 1)* ~~The competent authorities may also withdraw the delegation for reasons other than those referred to in this Regulation.~~ **The competent authorities may** organise audits or inspections of product certification bodies or natural persons **at any time,** as necessary. *(second sentence takes over initial paragraph 1(a))*

Article 53

Public information on competent authorities and product certification bodies

1. Member States shall make public the names and addresses of the designated competent authorities, referred to in Article 45(1), and delegated product certification bodies including and natural persons referred to in Article 46(3-6)(b) and 46a(1)(b) and keep that information up to date updated.
2. In relation to third countries, ~~the~~ Office shall make public, where available, the names and addresses of the competent authorities and product certification bodies referred to in Article ~~46(4)~~ 46b(1) and update that information periodically.
3. The Office ~~may~~ shall establish a digital portal where the names and addresses of the competent authorities and ~~delegated product certification bodies including and~~ natural persons referred to in paragraphs 1 and 2 are made public.

Article 54

Accreditation of product certification bodies

1. The product certification bodies referred to in Article ~~46 (3), point (b) and Article 46 (4), point (b)~~ 50 shall comply with and be accredited, depending on their activities, in accordance with the following standards:
 - (a) European standard EN ISO/IEC 17065:2012 ‘Conformity assessment — Requirements for bodies certifying products, processes and services’, ~~including~~ European standard ISO/IEC 17020:2012 ‘Conformity assessment — Requirements for the operation of various types of bodies performing inspection’; ~~or~~ and EN ISO/IEC 17025 for testing and calibration laboratories, including any revisions or amended versions of those standards; or
 - (b) other suitable, internationally recognised standards, ~~including any revisions or amended versions of the European Standards referred to in point (a).~~

2. Accreditation referred to in paragraph 1 shall be performed by an accreditation body,³⁵ that is a member of the European **cooperation for** Accreditation, or, **for third-country product certification bodies**, by ~~an~~ a recognised accreditation body outside the Union that is a member of International Accreditation Forum or International Laboratory Accreditation Cooperation.

Article 55

Orders to act against illegal content on online interfaces

Where provided for by national law and in compliance with Union law, ~~competent~~ relevant **national judicial or administrative** authorities of the Member States may issue an order to act, as referred to in Article 8 of Regulation (EU) 2022/[...]³⁶, against illegal content that contravenes the **protection of geographical indications provided for in** Articles **35 and 36** of this Regulation.

Article 56

Penalties

Member States shall lay down ~~the~~ rules on penalties applicable to non-compliance with, and 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 the ~~entry into force~~ **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.

³⁵ **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).**

³⁶ Regulation (EU) 2022/[...] of the European Parliament and of the Council on a Single Market For Digital Services (DSA) and amending Directive 2000/31/EC (OJ L [...], [...]. [...].2022, p. [...]).

Article 57

Mutual assistance and resources

1. Member States shall assist each other for the purposes of carrying out the controls ~~and enforcement~~ provided for in this Title.
2. *(initial paragraph 2 becomes new paragraph 4; initial paragraph 3 becomes paragraph 2)* 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 that the competent authorities of another Member State perform.
3. *(initial paragraph 3 becomes new paragraph 2; initial paragraph 4 becomes the first sentence below; initial Article 48(4) becomes the 2nd sentence below)* In case **the event** of a possible violation of ~~the protection conferred to~~ a geographical indication, a Member States shall take measures to facilitate the transmission, from law enforcement ~~authorities, public prosecutors~~ and judicial authorities within the Member State, to the competent authorities referred **to** in Article 45(1), of information on such possible violation. The authority ~~ies designated~~ **in charge of the monitoring in the Member States, shall**, in accordance with paragraph 1 ~~shall coordinate enforcement of geographical indications among~~ **cooperate, as appropriate, with** relevant departments, agencies and bodies, including police, anti-counterfeiting agencies, customs, intellectual property offices, market surveillance and consumer protection authorities and retail inspectors.
4. *(initial paragraph 4 incorporated into paragraph 3; initial paragraph 2 becomes new paragraph 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 ~~and enforcement~~ under this Title. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 65(2).

Article 58

Certificates of authorisation to produce

(article deleted; paragraph 1 incorporated into Article 46(4); elements of paragraph 2 incorporated into recital (47b))

TITLE V

**GEOGRAPHICAL INDICATIONS ENTERED IN THE
INTERNATIONAL REGISTER AND AMENDMENTS TO OTHER
ACTS**

Article 59

Amendments to Council Decision (EU) 2019/1754

(The Commission will present in due course a separate proposal for a Council Decision amending Council Decision (EU) 2019/1754)

~~In Article 4(1) of Council Decision (EU) 2019/1754³⁷ the following subparagraph is added:~~

~~‘In respect of geographical indications protecting craft and industrial products within the meaning of Regulation (EU) 2022/... of the European Parliament and of the Council of ... concerning geographical indication protection for craft and industrial products, the European Intellectual Property Office shall be designated as the Competent Authority referred to in Article 3 of the Geneva Act, and be responsible for the administration of the Geneva Act in the territory of the Union and for notifications and communications with the International Bureau of the WIPO under the Geneva Act and the Common Regulations.’~~

³⁷ ~~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).~~

Article 60
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) No 251/2014~~, (EU) 2019/787 and Regulation (EU) ~~2022...~~/... of the European Parliament and of the Council of ... concerning geographical indication protection for craft and industrial products [this Regulation]. In respect of appellations of origin relating to craft and industrial products which are subject to an international registration, protection in the EU shall be construed as specified in Articles 5 and 35 of that Regulation.’;

(b) the following paragraph 3 is added:

‘3. For the purposes of this Regulation, “the Office” means the European Union Intellectual Property Office, as defined under Regulation (EU) 2017/1001.’;

(2) Article 2 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘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 Council 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 ~~Article (2)~~ of the Geneva Act with the International Bureau of the World Intellectual Property Organization (‘the International Bureau’).’;

(b) in paragraph 2, the first sentence is replaced by the following:

‘For the purposes of paragraph 1, Member States may request the Commission or, in respect of geographical indications protecting craft and industrial products (“craft and industrial geographical indications”), the Office, to register in the International Register geographical indications that originate in the territory of Member States and that are protected and registered under Union law;’;

(c) the following paragraph 4 is added:

‘4. In respect of requests to register craft and industrial geographical indications in the International Register, the Office shall, in its capacity ~~of~~ **as** Competent Authority ~~referred to in~~ **within the meaning of** Article 3 of the Geneva Act as specified in Article 4(1) of Council Decision (EU) 2019/1754, proceed on the basis of ~~its own~~ **the** decision on granting protection in accordance with the procedure referred to in Articles 17 to 34 of Regulation (EU) 2022.../...’ **[this Regulation]**;

(3) In Article 3, the following paragraph 4 is added:

‘4. In respect of craft and industrial geographical indications, the Office shall request the International Bureau to cancel a registration in the International Register of a geographical indication originating in a Member State if the circumstances of paragraph 1 are fulfilled.’;

(4) Article 4 is replaced by the following:

‘Article 4

Publication of third-country geographical indications registered in the International Register

1. The Commission or, in respect of craft and industrial geographical indications, the Office shall publish any international registration notified by the International Bureau pursuant to Article 6(4) of the Geneva Act, which concerns geographical indications 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.

2. The international registration referred to in paragraph 1 shall be published in the C series of the *Official Journal of the European Union*; ~~or~~, in respect of international registrations relating to craft ~~of~~ and industrial geographical indications, the registration shall be published by the Office. The publication shall include a reference to the product type and country of origin.’;

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

‘1. The Commission or, in respect of craft and industrial geographical indications, the Office shall assess any international registration notified by the International Bureau pursuant to Article 6(4) of the Geneva Act concerning the geographical indications 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 from 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 craft and industrial geographical indications, 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 craft and industrial geographical indications, the Office, in relation to the territory of the Union or part thereof.’;

(7) Article 7 is amended as follows:

(a) in paragraph 1, the following sentence is added:

‘In respect of craft and industrial geographical indications, the Office shall reject any inadmissible opposition and decide to grant protection of the geographical indication.’;

(b) in paragraph 2, the last sentence is replaced by the following:

‘In respect of craft and industrial geographical indications, the decision whether to grant protection shall be adopted by the Office, or, in cases referred to in Article 25 of Regulation (EU) 2022.../... **[this Regulation]**, by the Commission, **in respect of which** the related implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).’;

(c) paragraph 4 is replaced by the following:

‘4. In accordance with Article 15(1) of the Geneva Act, the Commission or, in respect of craft and industrial geographical indications, 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 ~~one year~~ **twelve months** from the receipt of the notification of international registration in accordance with Article 6(4) of the Geneva Act, ~~or, in the cases referred to in the first paragraph of Article 5 of Decision (EU) 2019/1754, within two years from the receipt of that notification]~~.’;

(d) in paragraph 5 **is replaced by**, the last sentence is deleted,;

‘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).

(e) ~~the following paragraphs 5a and 5b are added:~~

~~‘5a.~~In respect of craft and industrial geographical indications concerning the protection of which a previous refusal has been notified by the Office, 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, a refusal previously notified to the International Bureau.;

~~5b.~~The Commission or, in respect of craft and industrial geographical indications, the Office shall notify the International Bureau of such withdrawal without delay.’;

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

‘In respect of craft and industrial geographical indications, the same shall apply to the decision of the Office.’;

- (9) Article 9 is replaced by the following:

Article 9

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

1. The Commission or, in respect of craft and industrial 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, 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) 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 is no longer ensured.

2. The Commission shall adopt implementing acts for the purpose of paragraph 1. The implementing acts in question shall be adopted in accordance with the examination procedure referred to in Article 15(2) 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 craft and industrial indications, 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 each 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) 2022.../... [this Regulation], 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) 2022.../... [this Regulation]; or
- (b) the cancellation of the registration of that appellation of origin in the International Register.

The Member State concerned shall notify the Office of the choice referred to in the first subparagraph, and lodge the respective request ~~within one year following the adoption of Regulation (EU) 2022/...~~ **by ... [note to OJ: please set the date twelve months from the date of entry into force of Regulation (EU) .../... (this Regulation)]**. The registration procedure foreseen in Article 67 (3) of Regulation (EU) 2022.../... applies *mutatis mutandis*.

In the situations referred to in point (a) of the first subparagraph, 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 ~~six months~~ **twelve months** from the date of registration of the geographical indication under Regulation (EU) 2022.../... [this Regulation].

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 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.

If the request for registration under Regulation (EU) 2022.../... **[this Regulation]** is refused and 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 (e) is added:

‘(e) for craft and industrial products falling within the scope of Article 2(1) of Regulation (EU) 2022.../... **[this Regulation]**, by the Craft and Industrial Geographical Indication Committee established by Article 65 of that Regulation.’;

Article 61

Amendments to Regulation (EU) 2017/1001

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

(1) in Article 151(1), the following point (ba) is inserted after point (b):

‘(ba) administration and promotion of geographical indications **for craft and industrial products**, in particular the tasks conferred on it under ~~the~~ Regulation (EU) No 2022.../... **[this Regulation]** of the European Parliament and of the Council and promotion of the geographical indications system.’;

(1a) in Article 153(1), the following point (n) is added:

‘(n) adopting rules of procedure of the Advisory Board referred to in Article 33(8) of Regulation .../... [this Regulation]’;

(1b) 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 .../... [this Regulation], by mutual agreement.’;

(2) the following Article 170a is inserted:

‘Article 170a

Establishment of a domain name information and alert system

1. For domain names registered under a country-code top-level domain name, administered or managed by a registry established in the Union, the Office shall provide a domain name information and alert system. Upon submission of an application for an EU trade mark, that information and alert system shall inform applicants for an EU trade mark about the availability of their mark as a domain name, and applicants for and proprietors of an EU trade mark on an optional basis once a domain name containing an identical or similar name with their mark is registered ~~(domain name alerts)~~.

2. For the purpose of paragraph 1, country-code top-level domain name registries, established in the Union, shall provide the Office with all information and data in their possession necessary to run the domain name information and alert system.

3. Paragraph 1 is without prejudice to the possibility for the Office to extend the domain name information and alert system to other top-level domain names administered and managed by a registry established in the Union, in particular generic top-level domain names. In this case, paragraph 2 shall apply, *mutatis mutandis*, to the relevant top-level domain name registries.’

TITLE VI

~~TECHNICAL ASSISTANCE FEES~~

Article 62

Technical assistance of the Office support
(moved to Article 34c)

(new) Article 62a

Registration fees
(moved from Article 10)

1. Member States may charge ~~a fee~~s to cover the costs of ~~managing~~ the **national phase of the** geographical indication system for craft and industrial products provided for in this Regulation, ~~including~~ **notably** those **costs** incurred in ~~the~~ processing **of** applications, ~~statements~~ **notice** of opposition, applications for amendments, requests for cancellations **and appeals**.
- 1a.** *(moved from Article 48(5))* Member States may collect fees or charges to cover the costs of ~~official controls in the marketplace~~ **conducted pursuant to Title IV of this Regulation**.
2. *(moved to paragraph 5a)*
3. ~~The Office shall not charge any fee for any procedure under this Regulation.~~*(deleted)*

4. ~~By way of derogation to paragraph 3 of this Article, the~~ **The** Office shall charge a fee **for:**
- (a)** ~~in the direct registration procedure,~~ **as** referred to in Article 15**a**;
 - (b)** ~~in the procedure~~ **concerning products originating in a third country or third countries, as** referred to in Article 17(3)**c**; and
 - (c)** ~~for the appeals before the Boards of Appeal,~~ **as** referred to in Article 30.
- 4a.** ~~Fees may be charged also~~ **The Office may charge a fee** for the **requests for an** amendment ~~of to~~ the product specification and **for requests for** cancellation **of the** **geographical indication**, ~~if the procedure concerns a~~ **where the** name that was registered under **pursuant to one of the procedures referred to** Article 15 or Article 17(3) **in point (a) or (b) of this paragraph 4.**
5. The Commission shall adopt implementing acts to determine the amounts of the fees 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 65(2).
- 5a.** *(moved from paragraph 2)* ~~Where a Member State charges a fee, the level of the~~ **Any** fees **charged pursuant to this Title** shall be reasonable, foster the competitiveness of the producers of the geographical indications and ~~shall~~ **may** take into account the **specific** situation of micro, small and medium-sized enterprises.

TITLE VII

SUPPLEMENTARY PROVISIONS

(new) Article 62b

Data protection (moved from Article 4)

1. The Commission and the Office shall be considered controllers within the meaning of Article 3, point (9-8), of Regulation (EU) 2018/1725³⁸ ~~of the European Parliament and of the Council~~ in relation to the processing of personal data in the procedure it is competent for 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) 2016/679³⁹ ~~of the European Parliament and of the Council~~ in relation to the processing of personal data in the procedures for which they are competent in accordance with this Regulation.

Article 63

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 1⁴⁰.

³⁸ 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).

³⁹ 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. 1–88.

⁴⁰ Council Regulation No 1 determining the languages to be used by the European Economic Community (OJ 17, 6.10.1958, p. 385).

Article 64

IT system

- 1.** The digital system referred to in Article 18(4 **2d**), and the Union register of geographical indications for craft and industrial products referred to in Article 26 **34a**, **the digital portal referred to in Article 53(3), and the domain name information and alert system referred to in Article 31(1)** shall be developed, kept and maintained by the Office.
- 2.** *(moved from Article 18(1))* The digital system shall **be used for applications pursuant to Article 17, but shall also** have the capacity to allow the submission of applications to competent authorities of a Member State, and to be used by the Member State in its **at the national phase of the registration procedure for applications pursuant to Article 11(2)**.

Article 65

Committee procedure

- 1.** The Commission shall be assisted by the **Committee for** Craft and Industrial Geographical Indications Committee **(‘the Committee’)**. 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 66

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 **9, 15a, 18, 29, 30, and 49 and 62** shall be conferred on the Commission for a period of seven years from [*OJ: 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 **9, 15a, 18, 29, 30, and 49 and 62** 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 the Articles **9, 15a, 18, 29, 30 and, 49 or 62** 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 67

Transitional Geographical Indication protection

1. **By [twelve months after the date of application of this Regulation], national specific protection for geographical indications for craft and industrial products shall cease to exist, and pending applications shall be considered not to have been filed by [one year after the date of entry into force of this Regulation], unless a request pursuant to paragraph 2 is made.**
2. By [~~six months~~ **twelve months** after the date of entry into force **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.
 - 2a. **On the basis of a request pursuant to paragraph 2, national protection may be extended in time by the Member State concerned until the registration procedure pursuant to paragraph 3 is finalised and the decision has become final. Where Union protection is granted, the day on which the Member States have informed the Office and the Commission in accordance with paragraph 2, shall be deemed the first day of protection under this Regulation.**
3. ~~In accordance with the procedure laid down in Articles 17 to 25, Names referred to in paragraph 2, which that comply with Articles 2, 5, 7 and 8, shall be registered by the Office, or, in the cases referred to in Article 25, by the Commission, in accordance with the procedure laid down in Articles 17 to 25~~ shall register the names referred to in paragraph 2 of this Article, which comply with Articles 2, 5, 7 and 8. Articles 21 and 22 shall not apply. However, generic terms shall not be registered.
4. *(merged into paragraph 1)*

Article 68

Member States reporting obligation

1. Member States or their national authorities shall report every four years to the Commission **by [four years after the date of application of this Regulation], and every five years thereafter,** ~~on:~~ the strategy and results of all the geographical indication controls carried out to verify compliance with the legal requirements related to the protection scheme established by this Regulation ~~and of the enforcement of geographical indications for craft and industrial products in the market place including online as referred to in Article 45 on designation of competent authority;~~ **Article 46 on verification of compliance with the product specifications by self-declaration as referred to in Article 46;** **on verification of compliance by a competent authority or a designated third party as referred to in Article 46a, if applicable;** **on monitoring of the use of geographical indications for craft and industrial products in the market as referred to in Article 46c;** ~~Article 47 on due diligence as referred to in Article 47;~~ **Article 48 on enforcement of geographical indications in the marketplace, and Article 55 on online platforms** **illegal content on online interfaces as referred to in Article 55**.
2. Eligible Member States shall provide the Commission by [~~six~~ **twelve** months ~~after~~ **before** the date of entry into force **application** of this Regulation]⁴¹ with the information requested in **required under** Article 15 in order to opt for the 'direct registration' procedure. On the basis of the information received, the Commission shall adopt a ~~Decision on the right request~~ **request** of the concerned Member State to opt for the 'direct registration' procedure **as referred to in Article 15a** and hence, to not designate a national authority for the ~~management at national level of the procedures for the~~ **processing of** applications, amendments of the product specification and cancellation ~~as referred to in Article 15~~ **required by Article 11(1)**.
3. ~~(moved to new paragraph 5 of Article 11)~~

⁴¹ (Date to be read in conjunction with Article 15(1) and Article 70.)

Article 69

Review clause

By [*five years after the date of ~~entry into force~~ application of this Regulation*], **and every five years thereafter**, the Commission shall draw up a report on the implementation of this Regulation, accompanied by any proposals for revision that it may deem appropriate.

Article 70

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 [~~1 January 2024~~ **the first day of the nineteenth twentyfifth month after the entry into force of this Regulation**], except Article 15(1) and (2), Article 34a(8), and Articles **64 to 66**, which shall apply as of the date of **the entry into force**.

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

Done at ~~Brussels~~ **...**,

For the European Parliament
The President

For the Council
The President
