



Council of the  
European Union

Brussels, 15 June 2021  
(OR. en)

9381/21  
ADD 1

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**'I/A' ITEM NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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Subject: Council conclusions on intellectual property policy  
- Approval  
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**STATEMENT OF BULGARIA, THE CZECH REPUBLIC, FRANCE, GERMANY,  
HUNGARY, ITALY, POLAND AND SLOVAKIA**

We support the creation of a protection system of geographical indications (hereafter 'GIs') for non-agricultural products based on a *sui generis* intellectual property right at EU level. We underline that by its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (hereafter 'Geneva Act'), the EU undertook the obligation of establishing such a protection system. The commitment to protect GIs, regardless of whether agricultural or non-agricultural products are concerned, undoubtedly results from Article 9 of the Geneva Act. Thus, the question of whether a system for non-agricultural products is to be established, has already been answered and the focus should now be placed on the question of "how".

Despite the fact that the EU is a member of the Lisbon system for the international registration of appellations of origin and GIs, it is currently not possible for EU producers to protect their non-agricultural GIs under the Geneva Act. Additionally, the continuous fragmentation of legal protection of non-agricultural GIs within the EU may have implications for the functioning of the European Single Market, for European and regional competitiveness and for EU trade relations with third countries.

We are convinced that the introduction of an EU-wide *sui generis* GI protection for non-agricultural products would have an overall positive effect on trade, employment, SMEs and rural development. Moreover, it can powerfully advance commercial and economic interests while fostering local values such as culture and tradition. It would be a boost for tourism in the producers' regions, thus also playing an important role in the recovery after the COVID-19 pandemic. Such a harmonized system would increase the uniqueness and attractiveness of the protected products by guaranteeing their quality and effective protection against losses caused by counterfeiting and imitations, including within EU trade agreements.

We recall that the European Parliament is also of the view<sup>1</sup> that it would be highly recommended for the EU to adopt legislation on non-agricultural GIs in order to fully exploit the positive economic effects of protecting the distinctiveness and quality of such products.

For these reasons, we call on the Commission to submit a legislative proposal to that effect in line with the timeline set out in the Commission's Intellectual Property Action Plan.

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<sup>1</sup> European Parliament resolution of 6 October 2015 on the possible extension of geographical indication protection of the European Union to non-agricultural products (2015/2053(INI)), point 7; and European Parliament resolution of 25 March 2021 on establishing an EU strategy for sustainable tourism (2020/2038(INI)), point 64