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**WK 6212/2023 INIT**

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## **NOTE**

From:	Presidency
To:	Delegations
N° prev. doc.:	WK 5249/2023, ST 9221/23
N° Cion doc.:	ST 8205 2022 INIT
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 note on the provisional agreement reached in trilogue negotiations

At the IP Attachés meeting on 12 May 2023, the Presidency will inform delegations about the compromise text of the CIGIs Regulation provisionally agreed in the negotiations with the EP at the political trilogue on 2 May, and at the subsequent technical meetings on 3, 4 and 5 May.

This compromise text is set out in the 4th column of doc. 9221/23. For ease of delegations, an informal comparison between the text of the Council General Approach and the provisionally agreed compromise text is set out in Annex II to this note.

Delegations will be invited to analyse this compromise text, as a package, with a view to Council reaching a first-reading agreement with the EP on the proposal.

2022/0115 (COD)

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**

(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, 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 Committee<sup>1</sup>,  
Having regard to the opinion of the Committee of the Regions<sup>2</sup>,  
Acting in accordance with the ordinary legislative procedure,  
Whereas:

- (1) On 10 November 2020, the Council adopted conclusions<sup>3</sup> 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.

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<sup>1</sup> OJ C [...], [...], p. [...].

<sup>2</sup> OJ C [...], [...], p. [...].

<sup>3</sup> 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).

- (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 indication protection for non-agricultural products.

**(2a) In its Resolution of 11 November 2021 on an intellectual property action plan to support the EU’s recovery and resilience, Parliament highlighted that recognition of geographical indications for non-agricultural products is relevant for the priorities of EU programmes currently in development, citing the fact that Parliament is supporting the Commission in its initiative to establish, based on a thorough impact assessment, an effective and transparent EU-level protection of geographical indications for non-agricultural products, in order to align with, inter alia, the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications which includes the option to protect geographical indications for both agricultural and non-agricultural products.**

- (2b)** 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 Indications<sup>4</sup> (‘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 craft 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) For many years, geographical indication protection has been established at Union level for wines<sup>5</sup>, spirit drinks<sup>6</sup>, aromatised wines<sup>7</sup>, as well as agricultural products and

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<sup>4</sup> OJ L 271, 24.10.2019, p. 15.

<sup>5</sup> 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

foodstuffs<sup>8</sup>. 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, porcelain, ~~hides and skins and raw cotton~~ **and hides and skins. The introduction of this kind of protection system would bring benefits for consumers, by facilitating knowledge of the authenticity of products, have a positive economic impact on micro-enterprises and small and medium enterprises (SMEs) by encouraging competitiveness, and have a general impact on employment, development and tourism in rural and less developed areas. Furthermore, such a system of protection of geographical indication for craft and industrial products would also facilitate access to third country markets through trade agreements with the Union and would unleash their full potential.**

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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).

<sup>6</sup> 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).

<sup>7</sup> 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).

<sup>8</sup> 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 fragmented and complex landscape of various protection regimes at Member State level may result in increased costs and legal uncertainty for producers and be a disincentive to investment in traditional crafts in the Union. Harmonised protection at Union level is essential for creating the legal certainty necessary for all players, and for preventing violations of intellectual property rights of manufactured and artisanal products, so that the Union can better protect its interests, including at international level.
- (4a) 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 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 production and marketing traditions are maintained and enhanced.
- (5) Uniform protection throughout the Union for ~~this~~the intellectual property right ~~could incentivise~~rights related to geographical indications can contribute to incentives for the production of quality products, to fight against product counterfeiting, the wide availability of such products for consumers and the creation of valuable and sustainable jobs, ~~notably~~ including in rural and less-developed regions-, which would help counter depopulation trends. 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 ~~to create~~at creating a substantial proportion of the value of the product designated by a geographical indication within the defined geographical area. The requirements that the given quality, reputation or other characteristic of a product should be essentially attributable to its

**geographical origin as referred to in Article 5, point b) and that the product originates in a specific place as referred to in Article 5, point a), reinforce the understanding that a substantial proportion of the value of the product designated by the geographical indication is created inside the given geographical area. This should ensure that only products having a strong link to the geographical area can benefit from geographical indication protection.**

(6) [No text]

(7) [No text]

(8) It is therefore necessary, firstly, to ensure fair competition for producers of craft and industrial products in the internal market; secondly, to 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 efficient registration of geographical indications for craft and industrial products, at both Union and international level; fifthly, to provide for effective controls **and enforcement** of geographical indications for craft and industrial products throughout the internal market, including in electronic commerce; and lastly, to establish a link with the international registration and protection system based on the Geneva Act.

(9) [No text]

**(10) [was Recital 62a in GA]** This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. Accordingly, this 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.

**(11) [was Recital 62b in GA]** The tasks assigned by this Regulation to Member State authorities, the Commission and 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. Processing of such personal data is therefore necessary for the performance of a task carried out in the public interest. **Any processing and making public of personal data received in the course of the procedures under this**

**Regulation, like for example for registration, approval of amendments, cancellation, opposition, granting of transitional period and control, 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, Regulation (EU) 2016/679<sup>9</sup> of the European Parliament and of the Council and Directive 2002/58/EC<sup>10</sup> of the European Parliament and of the Council place certain obligations on Member States, while Regulation (EU) 2018/1725<sup>11</sup> of the European Parliament and of the Council places certain obligations on the Commission and the Office.** Where the Commission and the Office jointly determine the purposes and means of the data processing, they should be considered joint controllers.

- (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, 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~~ **However**, a local or regional authority or a private entity designated by a Member State may be an applicant ~~if it is not feasible for the producers to form a group, for example, due to their number, geographical location~~

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<sup>9</sup> **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).**

<sup>10</sup> **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).**

<sup>11</sup> **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).**

~~or organisational characteristics.~~ In such cases, the application for registration of a geographical indication should state ~~these~~the reasons for such designation.

**(11ba) Recognising that in certain geographical areas there is only one producer who wants to submit an application for the registration of a name as geographical indication, the possibility for a single producer to be considered an applicant should be ensured. However, a single producer should not be allowed to define the geographical area by reference to its own land or workshop; the geographical area should always refer to a particular part of the territory and not to private property boundaries.**

(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.

(11d) A **name of 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 Justice of the European Union.

**(11e) The production step or productions steps indicated in the product specification are those which give the given quality, reputation, or other characteristic of the product. Human or natural factors, or the combination of these factors determine if a production step is relevant to be included in the product specifications. Products primarily produced outside the given geographical area and only transported there for packaging or for a production step that could be done elsewhere without causing significant difference in the quality, reputation, or other characteristic of the product, should not qualify for protection as geographical indications. This would allow to prevent that low-quality products without unique characteristics, produced almost entirely outside the given geographical area are sold as geographical indications.**

~~(12) [Where applicable, the information included in the single document should be made available through the Digital Product Passport as set out by Regulation .../... establishing a framework for ecodesign requirements for sustainable products and repealing Directive 2009/125/EC<sup>9</sup>.]~~

**(12a) Micro, small and medium-sized enterprises (MSMEs) often have limited resources to deal with administrative tasks. The competent authority of the Member State from where the producer group originates should endeavour to assist in the preparation of the single document in line with its administrative practice, at the request of the applicant. Where a Member State decides to use the direct registration procedure, the Office, in close cooperation with the single point of contact, should endeavour to provide assistance with the single document. Any assistance provided by the authorities or the Office would be without prejudice to the applicant remaining responsible for the single document.**

(13) [No text]

(14) To obtain protection, geographical indications should be registered at Union level only. The standard procedure for an application for registration of a geographical indication under this Regulation should comprise two phases: Member States should

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<sup>9</sup> [Final wording of this recital subject to outcome of negotiations on COM(2022)142 final of 30.3.2022.]

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.

**(14a) Member States should provide for efficient, predictable and expeditious administrative procedures. These procedures, including any applicable timelines, should be publicly available. The Commission, the Office and the Member States should cooperate within the Advisory Board to share best practice with a view to promoting the efficiency of procedures.**

(15) The procedures for **examination, opposition,** registration, amendments to the product specification—~~and~~, cancellation of the registration **and appeals** in respect of geographical indications originating in the Union should be carried out by the Member States and the Office- **and this procedure should respond to the transparency requirements.** The Member States and the Office should respectively be responsible for the distinct stages of those procedures. Member States should be responsible for the first 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 completion of the first phase, submitting the application to the Office to launch the second phase. Member States should establish the detailed procedural arrangements for the national phase, which ~~may~~**should** 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. **Moreover, the admissibility of the opposition and the reasons for denying registration of a geographical indication should be aligned with those at the Union stage.** The Office should be responsible for examining the applications in the second phase of the procedure (i.e. the Union phase), running the opposition procedure and 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.

**(15a) For the purpose of reaching a friendly settlement, the Office should encourage parties to make use of alternative dispute resolution, such as mediation. To this end, the Office should offer parties the opportunity to make use of those services in the procedures available at Union level. The Office should provide those services itself, but parties may also make use of other mediation services.**

**(15b) In order to help in the preparation of the application and in the related procedure within the first phase of the application, a regional or local entity of the Member State where the producer group or the single producer originates should be allowed to provide assistance to that producer group or single producer. The assistance could include advice, sharing of documents, contacts and information.**

(16) In order to facilitate the management of geographical indication applications by ~~national~~ **competent** authorities, it should be possible for two or more Member States to: (i) cooperate in the national phase of the procedures, including those procedures for examination, national opposition, submission of the application to the Office, amendments to the product specification and cancellation of the registration; 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, these Member States should, without delay, inform the Commission accordingly, **providing the main parameters of the cooperation.**

(17) Under certain circumstances, it should be possible for Member States to obtain a derogation from the obligation to designate a national **competent** authority in respect of geographical indications for craft and industrial products to run the national phase of the procedures for registration, including national opposition, amendments to the product specification and cancellation of the registration. That derogation should take into account the fact that certain Member States do not have a specific national system for the protection of geographical indications for craft and industrial products, that the local interest in these countries to protect geographical indications is minimal, and that, under these circumstances, it would not be justified to oblige the Member State in question to set up all the infrastructure needed. It would be more efficient and cost-

effective to provide an alternative path for producer groups from these Member States to protect their products, namely a ‘direct registration procedure’ with the Office. This alternative would also yield cost advantages for Member States.

- (18) The Commission, after reviewing the information provided by the Member State, should adopt a 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 **names of** 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. The Commission should retain the right to modify or to withdraw a decision allowing a Member State to opt for the direct registration procedure, should the conditions cease to be met by the Member State concerned. This, 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.
- (18a) 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 assistance of the administrative authorities of the Member State concerned when needed by the Office, through designation of a national single point of contact, as regards, in particular, aspects related to the examination of the application. The single point of contact should 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.
- (18b) However, the application of the direct registration procedure should not exempt Member States from the obligation to designate a competent authority for controls and to take the necessary action to enforce the rights set out in this Regulation.

- (19) To ensure **efficient and** consistent decision-making as regards applications for protection, the **competent authority should inform the** Office ~~should be informed in a timely and regular manner~~ **without undue delay** of procedures launched before national courts or other bodies concerning an application for registration submitted by the competent authority of a Member State to the Office, and of their final results. For the same reason, 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.
- (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 geographical indication, to continue to use the name of the geographical indication for a limited period of time, specific derogations for the use of such names for transitional periods should be granted by the Office. Such transitional periods can also be allowed in order to overcome temporary difficulties, with the long-term objective of ensuring that all producers comply with the product specification. Without prejudice to the rules governing conflicts between geographical indications and trademarks, names 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~~ **certain specific** cases, have the right to take over from the Office the power to decide 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, and, based on technical considerations, it should provide a draft for an implementing act to the Commission.
- (21a) For the optimal functioning of the internal market, it is important that producers and other operators concerned, authorities and consumers have quick and easy access to relevant information concerning geographical indications.

- (22) To **avoid fragmentation and** ensure transparency and uniformity across Member States, it is necessary to establish an electronic Union register of geographical indications for craft and industrial products ('the Union register'), **which should be easily** accessible to the public, **in machine-readable formats**. The Union register should be developed, kept and maintained by the Office, and the personnel for its operation should be provided by the Office, **while considering the use of existing databases in order to avoid unnecessary administrative burden**.
- (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 such agreements, irrespective of the international registrations provided for under the Geneva Act and of the registration system set out in this Regulation. Geographical indications protected in the Union by virtue of the international registrations under the Geneva Act or under international agreements with the Union's trade partners ~~should~~ **may** be entered in the Union register in order to facilitate the provision of information to the public, **to increase transparency to the benefit of consumers** and, in particular, to ensure protection and control of the use to which those geographical indications are put. **In such cases, the names should be entered in the register as protected geographical indications**.
- (24) No text
- (25) Any party adversely affected by a decision of the Office should have the right of appeal before the Boards of Appeal of the Office. Decisions of the Boards of Appeal 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 Commission should carry out an evaluation on the feasibility of an information and alert system against the abusive use of craft and industrial geographical indications in the domain name system, and submit a report on its main findings to the European Parliament and to the Council. Based on the outcome of this evaluation, the Commission should, when necessary, come up with a proposal in order to establish such a system.**
- (27) An Advisory Board, composed of experts from Member States and the Commission, should be established to provide the necessary knowledge and expertise concerning

certain products, **sectors** and local circumstances that may influence the outcome of the procedures laid down in this Regulation. In order to support the Office 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 of the geographical indication, determining the generic nature of a name of the geographical indication, and assessing the risk of confusing consumers. The opinion of the Advisory Board should not be binding. **The Advisory Board should invite, when appropriate, experts in the field of the product category concerned, including from regions and academia.** 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, adopted by the Management Board.

- (28) Protection should be granted to geographical indications entered in the Union register, to ensure that they are used fairly and in order to prevent practices liable to mislead consumers, in particular as regards comparable products. To establish whether products are comparable to 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.
- (28a) In order to strengthen geographical indication protection and to combat counterfeiting effectively, the protection of geographical indications should also apply to domain names on the internet. 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 was approved by Council Decision

94/800/EC<sup>102</sup>. Within that legal framework, to combat counterfeiting more effectively, such protection should also apply with regard to goods entering the customs territory of the Union without being released for free circulation, and placed under special customs procedures such as those relating to transit, storage, specific use or processing.

- (29) It should be ensured that the use of a geographical indication in the name of a manufactured product – that contains or integrates, as a part or a component, the product designated by the geographical indication.— is made in accordance with fair commercial practices and does not exploit, weaken or dilute, nor is detrimental to the reputation of, the product designated by the geographical indication. The consent of the producer 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~~ ('homonyms')

**(30a) Homonymous names ('homonyms') are spelled or pronounced in the same way, but refer to different geographical areas. A name which is wholly or partly homonymous with a geographical indication registered or applied for earlier, should not be registered, unless certain circumstances make its protection justified, considering the need for equal treatment of the producers and the need for consumers not to be misled as to the true origin of the products. Homonyms** 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.

- (31) **Though different in nature and purpose, the** relationship between trade marks and geographical indications should be clarified in relation to criteria for the rejection of trade mark applications, the invalidation of trade marks and coexistence between trade marks and geographical indications. The protection of geographical indications needs to be balanced against the protection of trademarks with a reputation and of well-known marks, in particular in light of the fundamental right to property as set out in

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<sup>102</sup> 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).



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 amendments to product specifications and in cancellation requests. They should be equipped with the necessary means to identify and market better the specific characteristics of their products. The role of producer groups should therefore be specified.
- (33) Country-code top-level domain name registries established in the Union and offering alternative dispute resolution procedures to solve disputes relating to the registration of domain names should ~~be encouraged to~~ ensure that such procedures also cover geographical indications. Following an appropriate alternative dispute resolution procedure or judicial procedure, country-code top-level domain name registries established in the Union may revoke or transfer a domain name registered under a country-code top-level domain **to the relevant producer group**, where a domain name registration contravenes the protection of ~~a~~ geographical indication, or the domain name is being used in bad faith, or it has been registered by its holder without having a right or a legitimate interest in the geographical indication.
- (34) [No text]
- ~~(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.~~
- (36) As the Union-wide geographical indication protection system for craft and industrial product as provided for in this Regulation is new, it is important to raise awareness about this initiative among consumers, producers – especially micro, small and medium-sized enterprises – and public authorities at local, regional, national and international level. To this end, **the Commission, Member States, the Office and**

**relevant stakeholders are encouraged to carry out** promotional activities ~~should be carried out~~ on a regular basis ~~by the Office~~ to raise awareness.

- (37) The Union symbols, indications and abbreviations identifying registered geographical indications, and the rights therein pertaining to the Union, should be protected in the Union as well as in third countries, with the aim of ensuring that they are used on genuine products and that consumers are not misled as to the 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, **also on online sales websites,** 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 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) 664/2014<sup>143</sup>.
- (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 control mechanisms, including due diligence responsibilities for producers~~ **and efficient verification and control mechanisms. Citizens and consumers should expect that any geographical indication is covered by robust verification and control systems, regardless of whether the products originate from the Union or a third country.**

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<sup>143</sup> 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).

- (41) In order to ensure consumer 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. For the purposes of control, Member States should designate competent authorities for verification of compliance and monitoring. The competent authority designated for the national phase and the competent authority designated for the controls 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.
- (42) [No text]
- (43) [No text]
- (44) The self-declaration should be submitted by the producer to the competent authority responsible for verifying conformity with the product specification. To demonstrate ~~continued~~**continuous** compliance, such self-declaration should be submitted every three years. Producers should be required to submit an updated self-declaration immediately when there is an amendment to the product specification in a way that affects the product concerned. Verification based on self-declaration does not prevent producers from having their conformity 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 authority with all necessary information regarding the product ~~and~~, **in order for the authority to check** its compliance with the product specification. To ensure that the information provided in the self-declaration is comprehensive, a harmonised structure for such declarations should be laid down. The producer should take full responsibility that the information provided in the self-declaration is correct **and accurate**, and should be able to provide, **without affecting protection of know-how and trade secrets**, the necessary evidence to allow for the verification of that information.
- (46) 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) To ensure compliance with the product specification and also to check the correctness of the information provided in the self-declaration, the competent authority should, with appropriate frequency, perform conformity checks **in the market, including in electronic commerce**, based on a risk analysis and taking into account the risk of non-compliance, including fraudulent or deceptive practices.
- (47) In the event of non-compliance with the product specification, the competent authority should take appropriate measures to ensure that the producers concerned remedy the situation and to prevent further non-compliance.
- (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) Monitoring the use of geographical indications in the market is important to prevent fraudulent and deceptive practices, thus ensuring that the producers of products designated by a geographical indication are properly rewarded for the added value of their products bearing a geographical indication and that persons infringing those geographical indications are prevented from selling such products. Therefore, 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~~ **production** process, of the product concerned. 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. Such monitoring may be undertaken by authorities carrying out product controls or controls

in the market in another context, for example customs control, market surveillance or law enforcement.

(47c) In any event, the measures, procedures and remedies set out in Directive 2004/48/EC<sup>124</sup> of the European Parliament and of the Council are applicable to any infringement of intellectual property rights, including geographical indications. At the same time, Regulation (EU) No 608/2013<sup>135</sup> 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 386/2012<sup>146</sup> 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.

(47d) For the optimal functioning of the internal market, it is important that producers can quickly and easily demonstrate that they are authorised to use a name that is protected as a geographical indication, for example in the context of customs controls or market inspections, or at the request of business partners or consumers. To this end, an official certificate of authorisation to produce the product designated by the geographical indication put at the disposal of the producer should be used.

(48) [No text]

(49) 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

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<sup>124</sup> 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).

<sup>135</sup> 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).

<sup>146</sup> 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).

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 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 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 765/2008<sup>157</sup> of the European Parliament and of the Council. 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.
- (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, are increasingly being used for the sale of

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<sup>157</sup> 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).

products, including those designated by geographical indications. In this regard, information related to the advertising, promotion and sale of goods that contravenes the protection of geographical indications provided for in this Regulation should be considered illegal content within the meaning of Article 3(h) of Regulation (EU) 2022/2065<sup>168</sup> 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 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 efficient and effective control ~~controls and enforcement~~.
- (54) [No text]
- (55) The action of the Union following its accession to the Geneva Act is governed by Regulation (EU) 2019/1753<sup>172</sup> 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 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 Union's protection schemes for agricultural geographical indications should be aligned with this Regulation.

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<sup>168</sup> Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services (DSA) and amending Directive 2000/31/EC (OJ L 277, 27.10.2022, p. 1).

<sup>172</sup> 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).

- (56) Likewise, to ensure coherence with this Regulation, Regulation (EU) 2017/1001<sup>1820</sup> of the European Parliament and of the Council should be amended. The tasks conferred on the Office under this Regulation as regards the administration and promotion of geographical indications should be added to the list of the tasks of the Office set out in Article 151 of that Regulation.
- (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 should accept verified translations, into one of the official languages of the Union, of documents and information. The Office may, if appropriate, use verified machine translations.
- (57a) Member States should have the possibility to charge a fee to cover their costs of managing the geographical indication system for craft and industrial products. Member States ~~may charge lower fees for~~ **should take into account the situation of** micro, small or medium-sized enterprises. The Office should not charge a fee for applications—submitted by competent authorities of the Member States after the completion of the national phase of the procedure. However, the Office should charge a fee for 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. The fees charged by the Office should be laid down by a Commission implementing act<sup>219</sup>.
- (57b) **[moved to Recital 58 -a]**
- (57c) Control **and verification** fees or charges should cover, but not exceed, the costs, including overhead costs, incurred by the competent authorities that perform controls. Overhead costs could include the costs of the organisation and support necessary for

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<sup>20</sup> 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).

<sup>21</sup> 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).



planning and carrying out controls, and where applicable, the use of certification bodies or natural persons. No fee should be charged for the submission of the self-declaration and its processing.

- (58) 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 register and the WIPO IT system for the administration of the Geneva Act. The Union register should be similar in appearance and have at least the same functionalities as the Union register of geographical indications for wines, foodstuff and agricultural products.

**(58 -a) [moved from GA Recital 57b]** The necessary set-up costs of the IT system that is envisaged under this Regulation - namely the digital system for applications, the Union register, and the digital portal - should be financed from the Office's accumulated budgetary surplus. The running costs arising from the tasks entrusted to the Office by this Regulation should be covered by the operational budget of the Office.

- (58a) 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; (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 applications for registration at the Union phase; (v) the content of the notice of appeal and the procedure for the filing and the examination of an appeal; (vi) the content and the form of the Boards of Appeal's decisions; and (vii) modifications to the information and requirements in relation to the self-declaration in the form set out in Annex I. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>202</sup>. In

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<sup>2022</sup> 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).

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.

- (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 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) ~~;~~ ~~(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)~~ ~~laying down~~ **(iv) laying down** detailed rules on the procedures for the preparation and submission of direct-applications; ~~(vii)~~ ~~specifying the~~ **(v) laying down detailed rules on** procedures, **the form** and criteria for preparation and submission **presentation** of applications for registration at the Union phase, and their form and presentation, in order to facilitate the application process **phase**, including for applications concerning more than one national territory; ~~(viii)~~ **vi** laying down rules on the submission of comments by national authorities and persons with a legitimate interest and **oppositions**, specifying the format and **the** online presentation of the **reasoned statement of opposition**; **(vii) laying down rules on the submission of such** notice of comments; ~~(ix)~~ **and specifying their format and online presentation**; **(viii)** 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)~~ ~~setting out the IT architecture and presentation of the Union register~~; ~~(xiii)~~ ~~specifying the format and online presentation of extracts from the Union register~~; ~~(xiv)~~ **ix** laying down detailed rules on procedures, form and presentation of an amendment application for **substantial Union** amendment and on procedures, form and communication of **non-substantial standard** amendments to the Office; ~~(xv)~~ **x** laying down detailed rules on procedures and form of the cancellation process, as well as on the presentation of the requests; ~~(xvi)~~ **xi** **setting out the IT architecture and**

**presentation of the Union register; (xii) defining the format and online presentation of extracts from the Union register; (xiii)** 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 ~~(xiv)~~ **(xiv)** specifying the nature and the type of the information to be exchanged and the methods for exchanging information for the purposes of controls-; **(xv) determining 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 powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>243</sup>.

(60) [No text]

(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 carries the risk of confusing consumers and producers. The replacement of national specific geographical indication protection systems by a Union-wide regulatory framework 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 consumers' eyes. To this end, the national specific protection for geographical indications for craft and industrial products should cease to exist twelve months after the date of application of this Regulation. The protection may be extended in time until the registration process is finalised for those national 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. Regulation (EU) 2019/1753 should therefore be amended so as to allow for

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<sup>243</sup> 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).

the continued protection of those geographical indications for craft and industrial products.

- (62) 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,~~ this Regulation should start to apply from [OJ: the first day of the twentyfifth month after the entry into force of this Regulation]. **Certain provisions in relation to the derogation from the national phase, the Advisory Board, the setting up of the IT system and the delegation of powers should apply as of the entry into force of the regulation.**

(62a) **[moved to recital 10]**

(62b) **[moved to recital 11]**

- (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:

## TITLE I

### GENERAL PROVISIONS

#### Article 1

#### Subject matter

This Regulation lays down rules on:

- (a) the registration, protection and control of 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 1a**

### **Objectives**

#### **1. This Regulation creates uniform protection of geographical indications for craft and industrial products, in particular by providing for:**

- (a) the necessary powers and responsibilities for the producers to manage the geographical indication concerned, including to respond to societal demands for sustainable products ;**
- (b) the generation of added value by contributing to fair competition in the marketing chain;**
- (c) reliable information and a guarantee of authenticity of such products for the consumer;**
- (d) simple and efficient registration of geographical indications, taking into account the appropriate protection of intellectual property rights;**
- (e) effective controls, enforcement and marketing of craft and industrial products throughout the Union, including in electronic commerce, whilst ensuring the integrity of the internal market;**
- (f) local economic development, which contributes to the protection of know-how and of common heritage.**

## **Article 2**

### **Scope**

- 1. This Regulation applies to craft and industrial products.

2. This Regulation does not apply to spirit drinks as referred to in Regulation (EU) 2019/787<sup>254</sup> of the European Parliament and of the Council, to wines as referred to in Regulation (EU) No 1308/2013<sup>265</sup> of the European Parliament and of the Council, or to agricultural products and foodstuffs as referred to in Regulation (EU) No 1151/2012<sup>276</sup> of the European Parliament and of the Council.
3. Registration 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, product labelling requirements, product safety, consumer protection and market surveillance.
4. Directive (EU) No 2015/1535<sup>287</sup> of the European Parliament and of the Council shall not apply to geographical indications protected under this Regulation.

### 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 or digital tools, or by mechanical means, whenever the ~~direct~~ manual contribution is ~~the most~~ an

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<sup>254</sup> 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).

<sup>265</sup> 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).

<sup>276</sup> 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).

<sup>287</sup> 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).

- important component of the finished product; or
- (ii) produced in a standardised way, ~~typically on a mass scale~~ **including a serial production** and through the use of machines;
- (aa) ‘producer’ means an operator engaged in ~~any~~ **one or more** production ~~step~~ **steps** of a craft and industrial product;
- (b) [No text]
- (c) [No text]
- (d) ‘producer group’ means any association, irrespective of its legal form, **mainly** composed of producers working with the same product;
- (e) ‘production step’ means any stage of production, including **manufacturing**, processing, obtaining, extracting, cutting or preparation, up to the point where the product is in a form to be placed on the 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) [No text]
- (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;
  - (ii) a 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 body, irrespective of its legal form, which is entrusted to certify that products designated by geographical indications comply with the product specification;
- (j) ‘self-declaration’ means a document in ~~which a producer~~ **a harmonised format as set out in Annex I in which a producer, who can be represented by 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~~ **established by** Regulation (EU) 2017/1001;
- (k) 'notice of comment' means a written observation lodged with 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 **[Art. 62b in GA]**

##### Data protection

1. The Commission and the Office shall be considered controllers within the meaning of Article 3, point (8), of Regulation (EU) 2018/1725 **of the European Parliament and of the Council**<sup>28</sup> ('EUDPR') 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) 2016/679 **of the European Parliament and of the Council**<sup>29</sup> ('GDPR') in relation to the processing of personal data in the procedures for which they are competent in accordance with this Regulation.

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<sup>28</sup> **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).**

<sup>29</sup> **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.**



## 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) the product originates in a specific place, region or country;
  - (b) 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 geographical indication protection.

## TITLE II

### REGISTRATION OF GEOGRAPHICAL INDICATIONS

#### Chapter 1

#### General Provisions

#### Article 5a

#### Registration procedure

- 1. The registration procedure shall comprise two stages. The first stage shall take place at national level in accordance with Articles 11 to 16. The second stage shall take place at the level of the Office in accordance with Articles 17 to 31.**
- 2. By way of derogation from paragraph 1, Member States may, in accordance with Article 15, opt out of the national stage of the procedure referred to in paragraph 1 of this Article. In such case an application for registration shall be submitted directly to the Office.**
- 3. In order to facilitate the registration, any administrative burden associated with the procedures for registering geographical indications should be kept to a minimum.**

## Article 6

### Applicant

1. Applications for the registration of geographical indications shall be submitted by a producer group.
- ~~32.~~ By way of derogation from paragraph 1, a single producer ~~may~~ **shall be deemed to** be an applicant 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~~ **a particular part of the territory** without reference to property boundaries and has characteristics that differ appreciably from those of neighbouring areas, or the characteristics of the product are different from the characteristics of products produced in neighbouring areas.
- 3. Regional or local entities of the Member State where** ~~3a Upon request by the~~ producer group or the single producer, ~~a public or private entity may assist~~ **originates shall be allowed to provide assistance** in the preparation of the application and in the related procedure.
- ~~3b4.~~ 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 ~~6a~~ **11(3)** shall state the reasons for such designation.
- ~~45.~~ In the case of a geographical indication that designates a cross-border geographical area, several applicants, from different Member States, from Member States and third countries, or from third countries, may lodge a joint application for the registration of a geographical indication.

## ~~Article 6a~~

### ~~Application~~

**[moved to Article 11(3)]**

## Article 7

### Product specification

1. In order for the name of a craft or industrial product to be protected as a geographical indication, the product shall comply with the product specification, ~~which shall include~~ **in order to prove that the requirements of Article 5(1)(a), (b) and (c) are met. To that end, the product specifications shall be objective and non-discriminatory and shall indicate the production steps taking place in the defined geographical area. The product specification shall include the following:**
  - (a) the name to be protected as a geographical indication, which may be 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 **or to refer to** the specific product in the defined geographical area;  
**(aa) the type of product;**
  - (b) a description of the product, including, where appropriate, the raw materials;
  - (c) the specification of the defined geographical area ~~creating the link referred to in point (a)~~ **as referred to in Article 5(1) point (a), and details establishing the link between the geographical area and a given quality, the reputation or other characteristic of the product as referred to in Article 5(1) point (b);**
  - (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); **including by indicating the production steps taking place in the defined geographical area;**
  - (e) a description of the method of producing the product and, where appropriate, the traditional methods and specific practices used;
  - (f) information concerning packaging, where the applicant so determines and where the packaging has to take place in the defined geographical area, in which case the applicant shall give sufficient product-specific justification as to why the packaging must take place in that area;

- ~~(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, 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 requirements provided for by Member States or by a producer group, 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 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 II and **shall** comprise **the following information**:
- (a) ~~the following main points of the product specification:~~
    - ~~(i) the name that is requested to be protected as a geographical indication;~~
    - ~~(ii) the type of product;~~
    - (b)** a description of the product, including, where appropriate, ~~the raw materials and information concerning the packaging and labelling;~~
    - ~~(iii) a concise definition of the geographical area;~~

(~~b~~**d**) a description of the link between the product and the geographical origin referred to in Article 7(1), point (~~g~~**c**), including, where appropriate, the specific elements of the product description or production method justifying that link.

**1a. Where the applicant is a micro, small or medium-sized enterprise (MSME) or is a producer group consisting only of MSMEs, the competent authority of the Member State from where the producer group or the single producer originates, shall endeavour, without prejudice to the decision on the application, to assist in the preparation of the single document in line with its administrative practice, at the request of the applicant. In the case of cross-border applications, any of the competent authorities concerned provides the respective assistance. Where a Member State decides to use the direct registration procedure referred to in Article 15a, the Office, in close cooperation with the single point of contact, shall endeavour to provide assistance with the single document. Any assistance provided by the authorities or the Office is without prejudice to the applicant remaining responsible for the single document.**

2. [No text]

## Article 9

### Documentation accompanying the application for registration

1. The documentation accompanying the application for registration ('accompanying documentation') shall comprise:
  - (a) [No text]
  - (b) the name and contact details of the applicant;
  - (c) the name and contact details of the competent authority referred to in Article ~~[45(1)]~~ and, if applicable, of the product certification body or natural person verifying compliance with 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 or by the national competent authority, notably following the national examination and opposition procedure;

- (d) [No text]
  - (e) any other information deemed appropriate by the Member State or the applicant.
- 2. The Commission shall be empowered to adopt delegated acts supplementing this Regulation specifying the requirements set out in paragraph 1.
  - 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

[No text]

## Chapter 2

### National phase of registration

## Article 11

Designation of competent authority and ~~procedure for the national phase of registration~~ **procedures**

- 1. Without prejudice to paragraph 4 of this Article and to Article 15, each Member State shall designate a competent authority for the national phase of registration 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 authority of the Member State in which the product concerned originates.

**3. [moved from GA Art. 6a]** 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.

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

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 application to the Office, also on behalf of the other Member State or Member States.

**54a.** Member States shall inform the Commission and the Office by *[the date of 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 in relation to the processing of applications, as provided for in paragraph (4).

## Article 12

### Examination by the competent authority

1. The competent authority shall examine the application **through effective and transparent mechanisms** to verify that it complies with the requirements referred to in 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 **or incorrect**, it shall give the applicant the possibility to ~~correct or complete~~ **or correct** 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~~ **or fulfill the requirements 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. Following the examination referred to in Article 12(1), the competent authority shall conduct a national opposition procedure. That procedure shall provide for the publication of the application and for a period of at least two months from the date of publication within which any person having a legitimate interest and established or resident in the Member State in charge of the national phase of the registration or in the Member States in which the product concerned originates ('national opponent') may lodge an opposition to the application with the competent authority.
2. ~~The competent authority~~ **Member States** shall establish the detailed arrangements for the opposition procedure. ~~Those~~ **Pursuant to those** ~~arrangements may include a period of consultation between,~~ **if the competent authority considers the opposition to be admissible, it shall, within two months after receipt of that opposition, invite the opponent and the** applicant ~~and each national opponent to engage in consultations, for a reasonable period not exceeding three months,~~ with a view to a friendly settlement. **At any time during that period, the competent authority may, at the joint request of the opponent and the applicant, extend the time limit for the consultations by a maximum of three months.** The outcome of such consultations, including any possible changes to the application agreed, shall be communicated to the competent authority by the applicant.
- 3-**2a.** 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(~~4~~**2**); or
  - (c) the registration of the proposed geographical indication would jeopardise the existence of an identical or similar name used in trade or of a trade mark,



or the existence of products that have been legally on the market for at least five years preceding the date of the publication provided for in paragraph 1.

#### **Article 14(-a)**

**For Articles 12, 13 and 14 of this Regulation, Member States shall provide for efficient, predictable and expeditious administrative procedures. These procedures, including any applicable timelines, shall be publicly available. The Commission, the Office and the Member States shall cooperate within the Advisory Board to share best practice with a view to promoting the efficiency of procedures.**

#### Article 14

##### Decision at the national phase

1. Where the competent authority, after the examination of the application and the assessment of the results of the opposition procedure, 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 **without undue delay** and submit the application, in accordance with Article 18(1), to the Office. Otherwise, it shall reject the application.
2. The competent authority shall make its decision ~~public~~**publicly available**. It shall publish electronically the product specification on which its favourable decision is based.
3. ~~The applicant and any other~~**Any** party ~~to the opposition procedure~~**having a legitimate interest** shall have the right to lodge an appeal against the decision taken under paragraph 1.

#### Article 14a

##### Temporary national protection

1. A Member State may, on a temporary basis, grant transitional protection to a geographical indication at national level, with effect from the date on which an application for registration is 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 or registration~~**

## **Section 2**

### **Article 15**

#### **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 and to process applications for geographical indications for craft and industrial products at national level, if the Member State, by [twelve months before *the date of application of this Regulation*], provides the Commission with evidence showing that the following conditions are met:
  - (a) the Member State concerned does not have national specific protection for geographical indications for craft and industrial products; and
  - (b) the Member State concerned submits a request for a 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 decision on the derogation referred in paragraph 1.
3. [No text]
4. A Member State that has been granted the derogation in accordance with paragraph 1, may withdraw its opt-out and designate a competent authority for the national phase of the registration of geographical indications for craft and industrial products.

- Such withdrawal shall not affect any ongoing registration procedures. The Member State shall inform 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 the derogation granted in accordance with paragraph 1.
  6. Any Member State granted a derogation pursuant to paragraph 1 shall appoint 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.-14. [No text]
  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.
  16. [No text]

#### Article 15a

##### Direct registration

1. Where a Member State has been granted the derogation in accordance with Article 15(1), any application from an applicant of that Member State for registration, cancellation or amendment 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. 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, with the exception of any examination periods referred to in Article 19(3).
3. 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. The Office shall communicate with both the applicant and the single point of contact referred to in Article 15(6) on any technical issues relating to the application.

5. Upon request by the Office, within two months from such request, the Member State, through the single point of contact, shall provide assistance in particular for the examination process. Upon request by the Member State, the time limit may be extended by 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. If the Member State, through the single point of contact, does not provide assistance within the time limit referred to in paragraph 5, the registration procedure shall be suspended for up to six months. 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.
7. This Article shall not apply to applications for registration of a geographical indication concerning a product originating in a third country.
8. The Commission shall be empowered to adopt delegated acts specifying the criteria for the direct registration procedure.
9. The Commission may adopt implementing acts laying down detailed rules on the procedures for the preparation and submission of direct applications. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 65(2).

## Article 16

### ~~Temporary national protection~~

[No text]

## Chapter 3

### ~~Union phase of registration~~

## Section 1

## Procedures at Union 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.

### Article 18

#### Submission of the application to the Union phase

1. In cases referred to in Article 17(a), an application for the registration of a geographical indication concerning a product originating in the Union, shall be submitted to the Office by the competent authority of the Member State concerned.

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 reference to the electronic publication of the product specification published in accordance with Article 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-11~~**(3)**.
2. In cases referred to in Article 17(c), an application for registration of a geographical indication concerning a product originating in a third-country shall be submitted to the Office either directly by the applicant or by the competent authority of the third country concerned, whichever the third country allows. The applicant and the competent authority of the third country concerned shall be considered to be parties to the procedure.
- 2a. An application for registration submitted to the Office pursuant to paragraph 2 shall comprise:
- (a) the product specification referred to in Article 7;
  - (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. 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 in a third country, directly or by the competent authority of that third country. If the cross-border area concerns a Member State and a third country, the joint application shall be submitted by the competent authority of the Member State concerned.
- 2c. A joint application as referred to in Article 6(4) shall include, 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 referred to in Articles 11, 12 and 13 shall be conducted in all the Member States concerned, except where Article 11(4) applies.
- 2d. 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 make it public in the Union register of geographical indications for craft and industrial products ('the Union register') referred to in Article 34a. The product specification referred to in paragraph 1, point (d) shall be kept updated.
- 3a. The Commission shall be empowered to adopt delegated acts defining procedures and conditions applicable to the preparation and submission of applications for registration at the Union phase.
- 3b. The Commission may adopt implementing acts laying down detailed rules on procedures, the form and presentation of 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. In its examination of an application for registration received under Article 18, the Office shall check that:
  - (a) there are no manifest errors;
  - (b) the information provided pursuant to Article 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 national procedure carried out by the Member State concerned, unless Article 15a applies.
3. The examination pursuant to paragraph 1 shall be carried out within six months. In the event that the examination period exceeds or is likely to exceed six months, the Office shall inform the applicant in writing of the reasons for the delay.
4. The Office may seek supplementary information from the competent authority of the Member State concerned. If the application is lodged by an applicant from a third

country or by the competent authority of a third country, such applicant or competent authority shall ~~be required to~~ provide supplementary information, where requested by the Office.

5. When the Geographical Indication Division consults the Advisory Board referred to in Article 33, the applicant shall be notified thereof and the period referred to in paragraph 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 application, to the applicant or competent authority that has submitted the application to the Office, and request to complete or correct the application within two months. If the Member State or, in the event of a third-country application, the applicant or competent authority concerned, does not complete or correct the application within the deadline, the application shall be rejected, pursuant to Article 24(2). ~~Upon request,~~ **The Office shall inform the time limit may applicant that the application will be extended by two months rejected if it is not completed or corrected within the set deadline.**
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, the single document and the reference to the electronic publication of the product specification published in accordance with Article 14(2). The single document shall be published in the official languages of the Union.

## Article 20

### Challenge against the decision at national phase

1. The competent authority of the Member State shall ~~keep~~ **without undue delay inform** 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 for completing the examination laid down in Article 19( 3), and shall inform the



applicant of the reasons for the delay, where the competent authority of a Member State:

- (a) informs the Office that the decision referred to in Article 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.
3. [No text]
4. When the administrative or judicial decision referred to in paragraph 2 has become final, the competent authority of the Member State shall inform the Office accordingly.
- 4a. The exemption set out in paragraph 2 shall have effect until the Office is informed by the competent authority of the Member State that the reason for the suspension no longer exists.

## Article 21

### ~~Opposition and comments~~ **Union level opposition** procedure

1. Within three months from the date of publication of the single document and the product specification in the Union register, an opponent may lodge an opposition ~~or notice of comment~~ with the Office. The applicant and the opponent shall be considered to be the parties to the procedure.
2. An opponent may be the competent authority of a Member State, or of a third country, or a natural or legal person having a legitimate interest and established or resident in a third country or in another Member State, except a national opponent referred to in Article 13(1).
3. The Office shall check the admissibility of the opposition, in accordance with Article 22.
- 3a. Where the Office considers the opposition to be admissible, it shall, within two months after receipt of that opposition, invite the opponent and the applicant to engage in consultations for a reasonable period not exceeding three months- **with a**

**view to a friendly settlement.** At any time during that period, the Office may, at the **joint** request of ~~either party~~ **the opponent and the applicant**, extend the time limit for the consultations by a maximum of three months. The Office ~~may offer~~ **shall offer alternative dispute resolution, such as** mediation for the consultations between the applicant and the opponent pursuant **as referred** to Article 170 of Regulation (EU) 2017/1001.

4. During the consultation, the applicant and the opponent shall provide each other with the relevant information to assess whether the application for registration complies with the conditions set out in this Regulation.
5. The Geographical Indication Division may at any stage of the opposition procedure consult the Advisory Board referred to in Article 33, in which case the parties shall be notified and the period referred to in paragraph 3a shall be suspended.
6. Within one month from the end of the consultations referred to in paragraph 3a, the applicant shall communicate the outcome of the consultations to the Office.
7. Where, following the end of the consultations, the data published in accordance with Article 19(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 Article 19(7).
- ~~8. The authorities and persons eligible to act as an opponent may lodge, with the Office, a notice of comment as defined in Article 3(k). 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 shall share the notice of comment with the applicant.~~
10. In order to facilitate the management of the opposition procedure, the Commission may adopt implementing acts laying down rules on the submission of such ~~comments~~ **and opposition** specifying the format and **the** online presentation of the ~~notice~~ **reasoned statement** of ~~comments~~ **opposition**. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 65(2).

## Article 22

### Admissibility **and grounds** for opposition

1. An opposition lodged in accordance with Article 21 shall be admissible only if it contains all the information ~~specified as~~ **provided for** in the ~~form~~ **reasoned statement of opposition** set out in Annex III, ~~and if it is.~~
2. **An opposition, shall be** based on one or more of the following grounds for opposition:
  - (a) the requested geographical indication does not comply with the requirements for protection laid down in this Regulation;
  - (b) the registration of the requested geographical indication would be contrary to Articles 37 and 38 or Article 39(4~~2~~); or
  - (c) the registration of the requested geographical indication would jeopardise the existence of an identical or similar name used in trade or of a trade mark, or the existence of products 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).
3. An opposition that is not admissible in accordance with paragraph 1 shall be rejected.

## **Article 22a**

### **Notice of comment procedure**

1. **Within three months of the date of publication of the single document and the product specification reference in the Union register, a competent authority of a Member State or of a third country, or a natural or legal person having a legitimate interest and established or resident in another member State or in a third country may lodge a notice of comment with the Office.**
2. **A notice of comments shall point out any inaccuracy or contain additional information in relation to the application for registration, including possible infringement of other Union legislation. It shall not confer any rights on the sender nor trigger an opposition procedure. The notice of comment shall not be based on the grounds for opposition and the authority or o person that lodges thenotice of comment shall not be considered to be a party to the procedure.**

- 3. The Office shall share the notice of comment with the applicant and shall take it into consideration when deciding on the application for registration, unless the notice of comment is unclear or obviously incorrect.**
- 4. In order to facilitate the management of the notice of comment procedure, the Commission may adopt implementing acts laying down rules on the submission of such notice of comments and specifying their format and online presentation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 65(2).**

## Article 23

### Transitional period for the use of a geographical indication

1. Without prejudice to Article 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 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 the designation, under which they were marketed, provided that an admissible opposition, under Article 13 or Article 21, to the application for registration of the geographical indication whose protection is contravened has shown that:
  - (a) the registration of the geographical indication would jeopardise the existence of an identical or similar name used in trade 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 in total, or allow 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. Decisions granting or extending a transitional period, as referred to in paragraphs 1 and 2, shall be published in the Union register.
- 4. When using a designation referred to in paragraph 1, **for the purpose of the transitional period,** the indication of the country of origin shall clearly and visibly appear on the labelling **and where applicable, as part of the description of the product when it is marketed on an online sales website.**
- 5. With a view to the long-term objective of ensuring that all producers of a product 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 ten years, 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 five years preceding the lodging of the application to the competent authority of that Member State and have referred to that fact in the national opposition procedure referred to in Article 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,~~ **shall apply** mutatis mutandis, to a geographical indication referring to a geographical area situated in a third country. **The obligation to refer in the national opposition procedure to the continuous use as referred to in Paragraph 5 shall not apply to geographical indications referring to a geographical area in a third country.**

## Article 24

### Decision of the Office on the application for registration

- 1. [No text]

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 reject the application for registration.
3. Where, 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 no admissible opposition is received, the Office shall register the geographical indication.
4. Where the Office receives an admissible 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 register the geographical indication. If necessary, in the event of ~~non-substantial~~ **standard** amendments referred to in Article 28(2), point (b), the Office shall amend the information published pursuant to Article 19(7).
5. Where an admissible opposition 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. The Office shall assess the grounds for opposition in relation to the territory of the Union. Based on this assessment, the Office shall either reject the opposition and register the name protected as a geographical indication, or reject the application.
6. Decisions of the Office on registration made pursuant to paragraphs 3 to 5 shall, where appropriate, specify any conditions applicable to the registration and, in the event of any necessary amendments that are ~~non-substantial~~ **standard**, republish, for information purposes, the information already published in the Union register pursuant to Article 19(7).
7. Decisions adopted by the Office shall be published in the Union register in the official languages of the Union. The reference to the decision published in the Union register shall be published in the official languages of the Union in the *Official Journal of the European Union*.

## Article 25

### Decision 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, 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 a geographical indication where such registration of the requested geographical indication might be contrary to public policy, or its registration or rejection might jeopardise the Union's trade or external relations.
  - 1a. Where, pursuant to paragraph 1 the Commission has taken over the procedure, the Office shall provide the Commission with a draft for the decision referred to in paragraphs 2 to 6 of Article 24.
  - 1b. The Commission shall adopt any decision to take over the procedure, as referred to in paragraph 1, and 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. Paragraphs 1, 1a and 1b shall apply, *mutatis mutandis*, to the cancellation of a geographical indication and any amendment to the product specification.
  - 1d. For the purposes of paragraph 1, 1a and 1b, the Office shall ensure that the Commission has access, through the digital system referred to in Article 64, to documents concerning applications for registration, any amendments to the product specification and cancellations.
2. The Commission shall adopt implementing acts setting out the procedures applicable to the situations referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 65(2).
3. [No text]

## Article 26

### ~~The Union register~~

[No text]

## Article 27

### ~~Extracts from the Union register~~

[No text]

## 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~~ **using a geographical indication in accordance with article 43 para 1**, may 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) ~~substantial~~ **Union** amendments as referred to in paragraph 3, requiring an opposition procedure at the Union level; ~~2~~ and
  - (b) ~~non-substantial~~ **standard** amendments, to be dealt with at Member State or third-country level.
3. An amendment shall be considered a ~~substantial~~ **Union** 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;
  - (b) the amendment risks undermining the link to the geographical area referred to in the single document; or
  - (c) the amendment entails further restrictions on the marketing of the product.
4. In the examination of ~~substantial~~ **Union** amendments, the steps of the national and Union phase as set out in Articles 6, 12 to ~~15~~ **15a**, and Articles ~~19~~ **17** to 25 shall apply *mutatis mutandis*. Decisions on ~~substantial~~ **Union** amendments shall be taken by the Office or, where Article 25 applies, the Commission.
5. Any amendment to the product specification of a registered geographical indication, other than those referred to in paragraph 3, shall be considered a ~~non-substantial~~ **standard** amendment, which shall fall within the competence of the Member States or third countries in whose territory the product originates. ~~Non-~~



~~substantial~~**Standard** amendments, once approved, shall be communicated to the Office. Where Article 15a applies, ~~non-substantial~~**standard** amendments shall be approved by the Office.

**5a. A standard amendment shall be considered temporary when it concerns a temporary change in the product specification resulting from the imposition of obligatory sanitary measures by the public authorities, or from a natural disaster or from adverse weather conditions recognised by the competent authorities, or from a man-made disaster such as a war, a threat of a war or a terrorist attack.**

6. 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. Where a request for a ~~substantial~~**Union** amendment concerning a geographical indication of a Member State also relates to ~~non-substantial~~**standard** amendments, only the ~~substantial~~**Union** amendments shall be examined in accordance with paragraph 4.
- 7a. Where appropriate, the competent authority of the Member State concerned or the Office may invite the applicant in whose name the geographical indication has been registered to modify other elements of the product specification.
8. ~~Substantial~~**Union** and ~~non-substantial~~**standard** amendments, once approved, shall be made public by the Office in the Union register.
9. The Commission may adopt implementing acts laying down detailed rules on procedures, form and presentation of an amendment application for ~~substantial~~**Union** amendment and on procedures, form and communication of ~~non-substantial~~**standard** 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. A registered geographical indication shall be cancelled where it was registered in breach of Article 37(1), Article 38(1) or (2), or Article 39(2).**

1. A registered geographical indication may be cancelled, where:
  - (a) compliance with the requirements for the product specification can no longer be ensured;
  - (b) **where** no product has been placed on the market under the geographical indication for **at least** a consecutive period of at least ~~seven~~**5** years; ~~or,~~
  - ~~(c) it was registered in breach of Article 37(1), Article 38(1) or (2), or Article 39(1).~~
2. 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 paragraphs **-1 and** 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 points (a) and (b) of paragraph 1.
3. The steps of the national and Union phase as set out in Articles 6, 12 to 14, 15a, and ~~19~~**17** to 25 shall apply, *mutatis mutandis*, to the cancellation procedure.
4. Before deciding to cancel the registration of a geographical indication, the Office shall, in the cases referred to in paragraphs 2a and 2b, inform the applicant in whose name the geographical indication has been registered. Before deciding to cancel the registration of a third-country geographical indication, the Office shall consult the competent authorities of the third country concerned. If the geographical indication was registered pursuant to Article 15a, the Geographical Indication Division 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 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, 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 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. Member States shall have the right to join the appeal procedure.
- 1a. The filing of the appeal shall have suspensive effect. A decision of the Office that has not been contested shall take effect on the day following the date of expiry of the appeal period referred to in paragraph 3.
2. A decision that does not terminate proceedings as regards one of the parties shall only be appealed together with the final decision.
3. The notice of appeal shall be filed in writing with the Office within two months of the date of publication of the decision. The notice shall be deemed to have been filed only when the fee for appeal has been paid. In the event of an appeal, a written statement setting out the grounds of appeal shall be filed within four months of the date of publication of the decision.
4. [No text]
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 Geographical Indications Division referred to in Article 32, which was responsible for the contested decision, or remit the case to that Geographical Indications Division. The Boards of Appeal may, on their own~~

~~initiative or upon 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 notification of the decision of the Boards of Appeal, on grounds of infringement of an essential procedural requirement, infringement of the Treaty on the Functioning of the European Union, infringement of this Regulation or of any rule of law relating to 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 on the day following the date of expiry of the 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 ~~supplementing~~ **in accordance with Article 66 to supplement** 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~~

[No text]

## Section 2

## Organisation and tasks of the Office

### Article 32

#### Geographical Indications Division for craft and industrial products

1. A Geographical Indications Division for craft and industrial products ('the Geographical Indications Division') shall be established within the Office. That Division shall be responsible for taking decisions in relation to:
  - (a) an application for registration of a geographical indication;
  - (b) an application for amendment to a geographical indication;
  - (c) an opposition to an application to register or amend a geographical indication;
  - (d) entries in the Union register;
  - (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 under paragraph 1 shall be taken by a single member having appropriate qualifications.**

### Article 33

#### Advisory Board

1. An Advisory Board 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 application at any stage of the examination, opposition or appeal procedure as referred to in Articles 19, 21, 22, 24, 28, 29 and 30. The Advisory Board may also be consulted on horizontal matters, such as:
  - (a) the assessment of the quality criteria;
  - (b) the establishment of reputation of the geographical indication;

- (c) the determination of the generic nature of the name of the geographical indication;
  - (ca) the assessment of the link between the product characteristics and its geographical origin;**
  - (d) the risk of confusing consumers in cases of conflict between geographical indications and trade marks, homonyms or existing products 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, may consult the Advisory Board concerning the possible registration of applications submitted through the direct registration procedure referred to in Article 15a.
  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<sub>2</sub> and one representative of the Commission and their respective alternates. **If deemed necessary, recognised experts in the field of geographical indications or of the concerned product category, including representatives of regions and academia shall be invited to provide expertise to the Board.**
  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<sub>7</sub> and shall be made public. **Members of the Board shall not have any conflict of interest.**
  9. The mandates of members of the Advisory Board shall be up to 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

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

## Article 34a

Union register of geographical indications for craft and industrial products

1. ~~A publicly accessible~~ An electronic Union register shall be developed, kept and maintained by the Office for of geographical indications for craft and industrial products:
2. ~~The~~ ("Union registerRegister") shall ~~contain the entries referred~~ be made easily accessible to the public and in this Regulation a machine-readable format. It shall be developed, kept and maintained by the Office for the management of geographical indications for craft and industrial products.
3. ~~2.~~ Upon the entry into force of a decision registering a geographical indication in accordance with Article 24 or 25, the Office shall enter the following data in the Union register:
  - (a) the name of the geographical indication registered as a 'protected geographical indication';
  - (b) ~~the~~ type of product ~~type~~;
  - (ba) the name of the applicant in whose name the geographical indication is registered;
  - (c) the reference to the legal act registering the name of the geographical indication
  - (d) the country or countries of origin of the geographical indication.
4. ~~3.~~ Geographical indications concerning ~~craft and industrial products from third countries that are protected in the Union under the Geneva Act following a decision~~

~~in accordance with Article 7 of Regulation (EU) 2019/1753 shall be entered in the Union register.~~

- ~~4a.~~ Geographical indications concerning craft and industrial products from third countries that are protected in the Union under an international agreement ~~—other than the Geneva Act—~~ to which the Union is a contracting party shall ~~may~~ be entered in the Union register **of geographical indications. In such cases, the geographical indications shall be entered in the Union register, as protected geographical indications, by the Office** on the basis of ~~an~~ implementing acts~~act~~ adopted by the Commission in accordance with the examination procedure referred to in Article 65(2).
- ~~5.4.~~ Each geographical indication shall be entered in the Union register 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 and shall have equal status.
- ~~7.5.~~ 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 the event of cancellation **or rejection of the application for registration** for ten years thereafter.
- ~~7a-6.~~ The running costs of the register shall be covered by the Office's operational budget.
- ~~8-7.~~ The Commission shall~~may~~ adopt implementing acts setting out the IT architecture and presentation of the Union register. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 65(2).

## Article 34b

### Extracts from the Union register

1. The Office shall ensure that any person has the possibility to **easily download in a machine-readable format and free of charge** from the Union register 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.



2. [No text]
3. The Commission shall adopt implementing acts defining the format and online presentation of extracts from the Union register. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 65(2).

#### Article 34c

##### Technical support

1. Upon request by the Commission, the Office shall carry out the examination of, and related administrative tasks pertaining to, third-country geographical indications for craft and industrial products:
  - (a) protected or proposed for protection under an international agreement to which the Union is a party, other than the Geneva Act; or
  - (b) proposed for protection under an international agreement under negotiation by the Union.
2. On the basis of information received from the Commission, the Office shall make public, and ~~regularly~~, **in case of changes**, update, the list of the international agreements protecting geographical indications for craft and industrial products to which the Union is a contracting party, as well as the list of geographical indications protected under those agreements.

### TITLE III

## PROTECTION OF GEOGRAPHICAL INDICATIONS

#### Article 35

##### Protection of geographical indications

1. Geographical indications entered in the Union register shall be protected against:
  - (a) any direct or indirect commercial use of the geographical indication in respect of products not covered by the registration, where those products are comparable to the products protected 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’, **‘fragrance’**, ‘like’ or similar;
  - (c) any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product that is used on the inner or outer packaging, on advertising materials, in documents or information provided on online interfaces relating to the product, as well as the packing of the product in a container liable to convey a false impression as to their origin;
  - (d) any other practice liable to mislead the consumer as to the true origin of the product.
2. For the purposes of paragraph 1, point (b), the evocation of a geographical indication shall be deemed to arise, in particular, where a ~~term, sign, or other labelling or packaging device presents a~~ sufficiently direct and clear link with the product covered by the registered geographical indication **is produced** in the mind of the average European consumer who is reasonably well-informed and reasonably observant and circumspect.
3. The protection of geographical indications shall also apply to any use of a domain name that is 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 or integrates, 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 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 term 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

### Homonyms

1. A geographical indication that has been applied for after a wholly or partly homonymous 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 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 that is liable to mislead 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;
    - (b) geographical indications that have been applied for, provided that they are subsequently entered in the Union register;
    - (c) appellations of origin and geographical indications protected in the Union pursuant to Regulation (EU) 2019/1753<sup>2930</sup>; 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.
  4. ~~The Office shall cancel, pursuant to Article 29(1)(c), any geographical indication 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

- 1. An application for the registration of a trade mark, the use of which would contravene Article 35, shall be rejected if this application is submitted after the date on which the application for the registration of the geographical indication**

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<sup>2930</sup> 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. 1–11)

**has been submitted to the Office. Where applicable, any priority claimed in the trade mark application shall be taken into account.**

- ~~1.2.~~ An application for the registration of a geographical indication shall be rejected where, in the light of a trade mark with a reputation or a well-known mark, the name proposed as a geographical indication would be liable to mislead the consumer as to the true identity of the product.
- ~~2.~~ ~~The Office shall cancel, pursuant to Article 29(1)(e), 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.~~ ~~An application for the registration of a trade mark, the use of which would contravene Article 35, shall be rejected if this application is submitted after the date on which the application for the registration of the geographical indication has been submitted to the Office.~~
4. The Office and, as applicable, the national competent authorities shall, upon request, invalidate trade marks registered in breach of paragraph ~~3~~**1**.
5. Without prejudice to paragraph 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 the geographical indication, provided that no grounds for invalidity or revocation of the trade mark exist under Directive (EU) 2015/2436<sup>301</sup> 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. Guarantee or certification marks referred to in Article 28(4) of Directive (EU) 2015/2436 and **in Article 83 of Regulation (EU) 2017/1001 and** collective marks referred to in Article 29(3) of that Directive **and in Article 74 of Regulation (EU)**

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<sup>301</sup> 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).

**2017/1001** may be used on labels and packaging devices, together with the geographical indication.

## Article 40

### Producer groups

1. Producer groups shall operate in a transparent, open and non-discriminatory manner, allowing all producers of the product designated by the geographical indication to join the group at any point in time. Member States may provide that public bodies, and other stakeholders such as consumer groups, retailers and suppliers, may also participate in the work of the producer group.
2. **Producer groups shall ensure that producers within the group continuously comply with the relevant product specification when using the name and symbol in the market.** A producer group may, in particular, exercise the following powers and tasks:
  - (a) develop and amend the product specification and set up internal compliance checks that ensure compliance of production steps with the product specification of the product designated by the geographical indication;
  - (b) take legal action to ensure the protection of the geographical indication and of any other intellectual property right that is directly connected with the product;
  - (c) agree sustainability undertakings, whether or not included in the product specification or as a separate initiative;
  - (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;
    - (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 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 in third-country markets where the geographical indications are protected, including on online interfaces, and, as necessary, by informing enforcement authorities.
- (f) develop activities related to ensuring compliance of a product designated by a geographical indication with its product specification;**
- (g) take action to ensure adequate legal protection of the geographical indication, including, where appropriate, by notifying the competent authorities, in accordance with Articles 46(6), 46a(3) and 46c(2).**

#### Article 41

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

1. [No text]
- 2. Country-code top-level domain name registries established in the Union shall ensure that any alternative dispute resolution procedures for domain names recognise registered geographical indications as a right that can be invoked in these procedures.**

#### Article 42

##### ~~Conflicting trade marks~~

[No text]

#### **Article 43**

##### **Right to use**

1. **[moved from Art. 46(1) of GA]** A registered geographical indication may be used by any producer of a product that is in conformity with the product specification.
2. **[moved from Art. 47(1) of GA]** Producers shall ensure compliance of their products with the product specification.

## Article 44

### Union symbol, indication, abbreviation

1. The Union symbol established for ‘protected geographical indications’ under Commission Delegated Regulation (EU) 664/2014<sup>312</sup> shall be applicable to geographical indications for craft and industrial products.
2. For craft and industrial products originating in the Union that are marketed under a geographical indication, the Union symbol referred to in paragraph 1 may appear on the labelling and advertising **or communication** material. The geographical indication shall be in the same field of vision as the Union symbol.
3. The abbreviation ‘PGI’ corresponding to the indication ‘protected geographical indication’ may appear on the labelling of products designated by a geographical indication 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 protected as a geographical indication.

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<sup>312</sup> 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).



- ~~5. After the submission of an application for 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 accordance with Union law.~~
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 **and where applicable, on advertising material,** only after the publication of the decision on registration in accordance with Articles 24(7) or 25(2), as applicable:-
- ~~7. Where an application is rejected, any products labelled in accordance with paragraph 5 may be marketed until the stocks are exhausted.~~
8. The following may also appear on the labelling **and, where applicable, in advertising material accompanying the product:**
- (a) depictions of the geographical area of origin, as referred to in the product specification; and
  - (b) text, graphics or symbols referring to the Member State or the region in which that geographical area of origin is located.
9. The Union symbol associated with a geographical indication entered in the Union register designating a craft and industrial product originating in a third country, may appear on the 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**

## Article 44a

### Scope

1. This Title covers controls of geographical indications for craft and industrial products.
2. Controls shall include the following:
  - (a) verification that a product designated by a geographical indication is in compliance with the corresponding product specification;
  - (b) monitoring of the use of geographical indications in the market, including electronic commerce.

## Article 45

### Designation of competent authorities

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

## Article 46

### Verification of compliance by self-declaration

1. [GA text moved to Art. 43]
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 I 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 product concerned, the self-declaration shall be renewed without delay.

4. 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 verified by product certification bodies or natural persons.
6. To check conformity of the product covered by the self-declaration, controls, 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 product certification bodies 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. The Commission shall be empowered to adopt delegated acts to amend and introduce, where relevant, modifications to the information and requirements specified in the form set out in Annex I.

#### Article 46a

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

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.

#### Article 46b

##### Verification of compliance of products originating in a third country

In respect of geographical indications that designate products originating in a third country, verification of compliance with the product specification before placing the product on the market shall be carried out by:

- (a) a competent authority designated by the third country; or
- (b) one or more product certification bodies.

#### Article 46c

##### Monitoring of the use of geographical indications in the market

- 1. The authorities referred to in Article 45(1) shall monitor the use of geographical indications in the market, irrespective of whether the products in question are 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 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 responsibilities of producers~~

**[Para. 1 of GA text moved to Art. 43(2)]**

**[Para. 2 of GA text moved to Art. 40(1)]**

#### Article 48

[No text]

#### Article 49

[No text]

#### Article 50

Delegation of ~~certain~~ control tasks

1. Competent authorities may delegate ~~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 product certification body or natural persons, to which the control tasks referred to in paragraph 1 are delegated, have the powers needed to perform these tasks effectively.
2. The delegation of ~~certain~~ control tasks shall be in writing and subject to the following conditions:
  - (a) the delegation is to contain a precise description of the 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 **and resources** required to **efficiently** perform the control tasks delegated to it;

- (ii) is to have a sufficient number of suitably qualified and experienced staff; and
  - (iii) is to be **transparent**, impartial and free from any conflict of interest and, in particular, it is not to be in a situation that may, directly or indirectly, affect the impartiality of its professional conduct as regards the performance of those control tasks delegated to it;
  - (iv) [no text]
- (c) where the control tasks are delegated to natural persons, those natural persons:
  - (i) are to have the expertise, equipment~~and~~, infrastructure **and resources** required to **efficiently** perform those control tasks delegated to them;
  - (ii) are to be suitably qualified and experienced; and
  - (iii) are to act **transparently**, impartially and are to be free from any conflict of interest as regards the exercise of those control tasks delegated to them;
- (d) there are to be arrangements in place ensuring efficient and effective coordination between the delegating competent authorities and the product certification bodies or natural persons.

## Article 51

### Obligations of delegated product certification bodies and natural persons

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

- (a) communicate the outcome of 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 controls indicate non-compliance or point to the likelihood of non-compliance, unless specific arrangements as established between the competent authority and the product certification body or the natural person concerned provides otherwise; and

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

## Article 52

### Obligations of delegating competent authorities

1. Competent authorities that have delegated certain control tasks to product certification bodies or natural persons, in accordance with Article 50, shall fully or partly withdraw the delegation without delay, where:
  - (a) there is evidence that such a product certification body or natural person is failing to perform properly the tasks delegated to it;
  - (b) the product certification body or natural person fails to take appropriate and timely action to remedy the identified shortcomings; or
  - (e-i) [no text]
  - (ii) [no text]
  - (iii) the independence or impartiality of the product certification body or natural person has been compromised.
- 1a. The competent authorities may also withdraw the delegation for reasons other than those referred to in paragraph 1.
2. The competent authorities may organise audits or inspections of product certification bodies or natural persons at any time, as necessary.

## Article 53

### Public information on competent authorities and product certification bodies

1. Member States shall make public the names and ~~addresses~~ **contact details** of the designated competent authorities, referred to in Article 45(1), product certification bodies and natural persons referred to in Article 46(6)(b) and 46a(1)(b) and keep that information updated **when changes occur**.
2. In relation to third countries, the Office shall make public, where available, the names and ~~addresses~~ **contact details** of the competent authorities and product

certification bodies referred to in Article 46b and update that information ~~periodically~~ **when changes occur**.

3. The Office shall establish a digital portal where the names and ~~addresses~~ **contact details** of the competent authorities and product certification bodies 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 50 shall comply with and be accredited, depending on their activities, in accordance with the following standards:
  - (a) European standard EN ISO/IEC 17065 ‘Conformity assessment — Requirements for bodies certifying products, processes and services’, European standard **EN** ISO/IEC 17020 ‘Conformity assessment — Requirements for the operation of various types of bodies performing inspection’ and 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.
2. Accreditation referred to in paragraph 1 shall be performed by an accreditation body, recognised in accordance with Regulation (EC) No 765/2008<sup>323</sup>, that is a member of the European cooperation for Accreditation, or, for third-country product certification bodies, by 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 **online**

1. Any information related to the advertising, promotion and sale of goods to which persons established in the Union have access that contravenes the protection of

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<sup>323</sup> 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).



geographical indications provided for in Articles 35 and 36 of this Regulation shall be considered illegal content within the meaning of Article 3, point (h) of Regulation (EU) 2022/2065<sup>334</sup> of the European Parliament and of the Council.

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

## Article 56

### Penalties

Member States shall lay down 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 date of application of this Regulation, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

## Article 57

### Mutual assistance and resources

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

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<sup>334</sup> Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services (DSA) and amending Directive 2000/31/EC (OJ L 277, 27.10.2022, p. 1).

3. In the event of a possible violation of a geographical indication, a Member State shall take measures to facilitate the transmission, from law enforcement and judicial authorities within the Member State, to the competent authorities referred to in Article 45(1), of information on such possible violation. The authorities in charge of the monitoring in the Member States shall, in accordance with paragraph 1 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. The Commission may adopt implementing acts specifying the nature and the type of the information to be exchanged and the methods for exchanging information for the purposes of controls under this Title. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 65(2).

#### Article 58

[no text]

### TITLE V

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

#### Article 59

[no text]

#### 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) 2019/787 and Regulation (EU) .../... 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 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, proceed on the basis of the decision on granting protection in accordance with the procedure referred to in Articles 17 to ~~34b~~34a of Regulation (EU) .../...’ [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*; in respect of international registrations relating to craft 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) .../... [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).”**15a.**”

(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 twelve months from the receipt of the notification of international registration in accordance with Article 6(4) of the Geneva Act.”

(d) paragraph 5 is replaced by:

**(da)** 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).

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.

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

(e) [no text]

(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) .../... [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) .../... [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 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) .../... 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 twelve months from the date of registration of the geographical indication under Regulation (EU) .../... [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) .../... [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) .../... [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 Regulation (EU) No .../... [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) [no text]

## TITLE VI

### FEES

## Article 62

[no text]

### Article 62a

#### Fees

1. Member States may charge fees to cover the costs of the national phase of the geographical indication system for craft and industrial products provided for in this Regulation, notably those costs incurred in the processing of applications, notice of opposition, applications for amendments, requests for cancellation and appeals.
- 1a. Member States may collect fees or charges to cover the costs of controls conducted pursuant to Title IV of this Regulation.
2. [no text]
3. [no text]
4. The Office shall charge a fee for:
  - (a) the direct registration procedure, as referred to in Article 15a;
  - (b) the procedure concerning products originating in a third country or third countries, as referred to in Article 17(c); and
  - (c) appeals before the Boards of Appeal, as referred to in Article 30.
- 4a. The Office may charge a fee for requests for an amendment to the product specification and for requests for cancellation of the geographical indication, where the name was registered pursuant to one of the procedures referred to in point (a) or (b) of 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. Any fees charged pursuant to this Title shall be reasonable, ~~foster the competitiveness of the producers of the geographical indications~~ **proportionate** and

~~may~~**shall** take into account the ~~specific~~ situation of micro, small and medium-sized enterprises: **in order to foster the competitiveness of the producers of the geographical indications. The fees shall not exceed the costs incurred for performing the tasks conducted under this Regulation.**

## TITLE VII

### SUPPLEMENTARY PROVISIONS

#### ~~Article 62b~~

**[GA text moved back to Art. 4]**

#### 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 1<sup>365</sup>.

#### Article 64

##### IT system

1. The digital system referred to in Article 18( 2d), the Union register referred to in Article 34a, and the digital portal referred to in Article 53(3) shall be developed and maintained by the Office.
2. The digital system, **which shall be made available in all the official languages of the Union, shall be easily accessible to the public, in machine-readable and commonly used formats and** shall be used for applications pursuant to Article 17,

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<sup>365</sup> Council Regulation No-1 determining the languages to be used by the European Economic Community (OJ 17, 6.10.1958, p.-385).

but shall also have the capacity to be used by the Member State at the national phase of registration.

## Article 65

### Committee procedure

1. The Commission shall be assisted by the Committee for Craft and Industrial Geographical Indications ('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, 30, 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, 30, 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 Article 9, 15a, 18, 30, 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~~ **Geographical Indication** protection

1. By [**OJ: please enter the date of** 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, unless a request pursuant to paragraph 2 is made.
2. By [twelve months *after the date of application of this Regulation*], interested Member States shall inform the Commission and the Office which of their legally protected names or, in the Member States where there is no protection system, which of their names established by usage, they wish to register and protect pursuant to this Regulation.
  - 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. Names referred to in paragraph 2 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. Articles 21 and 22 shall not apply. However, generic terms shall not be registered.
4. [No text – had been merged into para 1 above]

## Article 68

### Member States reporting obligation

1. Member States shall report 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 as referred to in Article 45; on verification of compliance 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; on ~~due diligence~~ **continuous compliance** as referred to in Article ~~47~~**40**; and on illegal content on online interfaces as referred to in Article 55.
2. Eligible Member States shall provide the Commission by [twelve months before the date of application of this Regulation] with the information 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 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 processing of applications, amendments of the product specification and cancellation as required by Article 11(1).
3. [No text]

## Article 69

### Review clause

1. By five years after the date of application of this Regulation<sup>7,2</sup> and every five years thereafter, the Commission shall draw up a report on the implementation of ~~this~~<sup>the</sup> Regulation, accompanied by any proposals for revision that it may deem appropriate. **The report shall assess, in particular, to what extent the value of the products designated by a geographical indication is created within the defined geographical area or elsewhere.**
2. By [OJ: 18 months after the date of application] the Commission shall carry out an evaluation on the feasibility of an information and alert system against the abusive use of craft and industrial geographical indications in the domain name system, and submit a report on its main findings to the European Parliament and the Council. The report shall be accompanied, where the Commission deems it appropriate, by a legislative proposal.

## 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 [**OJ:** the first day of ~~the twenty-fifth~~<sup>**the twentyfifth**</sup> month after the entry into force of this Regulation], except Article 15(1) and (2), Article 33(1), Article 34a(8), and Articles 64 to 66, which shall apply as of the date of entry into force.

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

Done at ...,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

## Annex 1

Self-declaration referred to Article 46 of Regulation .../... *[this Regulation]*

1.

1.

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

1a. Producer group: ...

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

2.

2.

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

3.

3.

[ Specify whether the product concerned is already on the market ]

4.

4.

~~[List~~ **Note: insert** all production sites ~~(with, address and, contact details and activity~~  
**(step of production pursuant to product specification)** carried out at ~~each~~  
~~site)]~~ **there]**

5.



5.

*(deleted - moved to point 1a)*

6.

6.

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

7.

7.

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

8.

8.

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

Control point <sup>1</sup>
----------------------------

9.

9.

11

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

[LL: please reinsert the boxes that were included in point 8 of Annex 1 in the COM proposal]

**Reference** **value<sup>2</sup>**

**(Tests)**

**Target Reference value, if any, to be reached met at the control point.**

**Autocontrol** **(AC)**

**Internal Compliance Checks or External Control (EC)<sup>3</sup>**

**AC: Control performed by the producer himself itself; IC: Control performed by the producer group; AC EC: Control performed by an external certification body or natural person.**

**Frequency<sup>4</sup>**

**Frequency: The time interval at which the control is performed.**

**Person responsible for the control**

**Control method**

**Reference document**

## **9. Additional information: ...**

[Insert any further information considered relevant for the assessment as to whether the product is compliant with the product specification, e.g. samples of the labelling if there is a labelling rule in the product specification in question]

10.

10.

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

<sup>2</sup> **Target Reference value, if any, to be reached met at the control point.**

<sup>3</sup> **AC: Control performed by the producer himself itself; IC: Control performed by the producer group; AC EC: Control performed by an external certification body or natural person.**

<sup>4</sup> **Frequency: The time interval at which the control is performed.**

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

Signed for and on behalf of:

(place and date):

(name, function) (signature):



## Annex 2

### ANNEX II

Single document referred to in Article 8 of Regulation .../... [this Regulation]

[Insert name, as in point 1:] ‘...’

EU Number: [for EU use only]

1.

1.

[Insert the name that is requested to be protected as a geographical indication or, in the case of an application for approval of an amendment to a product specification, the registered name]

2. Member State or ~~third country~~ **Third Country** ...

3. Description of the product

3.1. Type of product ...

3.2. Description of the product to which the name in point (1) applies...

[Main points referred to in Article 8(1), point (a)(ii). To identify the product, use definitions and standards commonly used for that product. In the description of the product, focus on its specificity, using measurement units and common or technical terms of comparison, without including technical characteristics inherent to all products of that type or related mandatory legal requirements applicable to all products of that type]

3.3. ~~Raw materials...~~ **deleted**

~~[Indicate any quality requirements, or restrictions on origin of raw materials. State justifications for any such restrictions. Such restrictions must be justified in relation to the link referred to in point (g) of Article 7(1)]~~

3.4. Specific steps in production that must take place in the identified geographical area ...

[Indicate justifications for any restrictions or derogations]

3.5. *Specific rules concerning packaging etc. of the product to which the registered name refers...*

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

3.6. *Specific rules concerning labelling of the product to which the registered name refers...*

[If applicable, provide justifications for any restrictions]

4.

4.

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

5.

5.

[Indicate the link between the geographical origin and, where appropriate, the given quality, reputation or other characteristics of the product.

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

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

Annex 3

ANNEX III

Reasoned statement of opposition referred to in Article 22 of Regulation .../... *[this Regulation]*

1.

1.

[as entered in the Union register]

2.

2.

[as entered in the Union register]

~~2a.~~ **deleted**

- Date of publication of the single document and the product specification in the Union register:...

3.

3.

Contact person:	Title (Mr, Ms...): ...	Name: ...
-----------------	------------------------	-----------

Natural or legal person/**organisation**/competent authority: ...

**Deleted**

**deleted**

Address: ...

Telephone + ...

e-mail address: ...

4. Grounds for the opposition:

- deleted

- deleted

- deleted

- deleted

- deleted

— Non compliance with the requirements for protection laid down in this Regulation;

— The geographical indication proposed would be contrary to:

— Article 37 on generic terms of Regulation .../... [*this Regulation*];

— Article 38 on homonyms of Regulation .../... [*this Regulation*]; or

— Article 39(42) on existing trademarks of Regulation .../... [*this Regulation*];

— The geographical indication proposed would jeopardise the existence of an identical or similar name used in trade or of a trade mark, or the existence of products 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)

5.

5.

**Deleted**

[Provide duly substantiated reasons and justification for the opposition, which should also include a statement explaining the legitimate interest of the opposition, unless the opposition is lodged by the national authorities, in which case no statement of legitimate interest is required. The statement of opposition should be signed and dated]

## **I. Introduction**

On 3 May, COREPER was given a brief overview of the outcome of the second trilogue on the CIGIs proposal, which had taken place on 2 May and where a provisional political agreement was achieved.

This note aims to provide further details of the compromises achieved at the trilogue of 2 May, and details of the outcome of the technical meetings held on 3, 4 and 5 May, which were held to align the text of the recitals to the political agreement achieved and to finalise the technical aspects in the text of the articles.

This note should be read in conjunction with the four-column table provided in the Annex to doc. 9221/23. In addition, to assist delegations, an informal comparison between the Council General Approach and the final provisionally agreed compromise text is set out in Annex II to this note.

The following issues figured on the agenda of the trilogue of 2 May:

### **1) Production steps**

- Article 5(c) (row 107), Article 7(1) point (ha) (row 126a), recital 5 (row 15)

### **2) Control (verification procedures and enforcement)**

- Articles 46, 46a and 46b (rows 434, 436 and following) and Article 49 (row 456 and following)
- Title IV (row 428 and following) and related references: Article 46c (rows 444q-444s), Article 48 (rows 450-455a), Article 57 (rows 503, 506), Article 58(2) (row 509), Article 1(1a) (row 78), Article 1(1) point (bg) (row 79g), Article 15(15) (row 186)

### **3) Domain names**

- Article 31 (rows 327-329), Article 41 (rows 403-405)

### **4) Efficiency of procedures (assistance, in particular to MSMEs, and deadlines)**

- Article 8(1)(ba) (row 135a), Article 62a(5a) (row 586l) + recital 57a
- Article 12 (row 162, 162b, 162c), Article 13(2) (row 165), Article 14(1) (row 167), new Article 14(-a) (row 165i)
- Article 19(6) (row 225), Article 21(3a) (row 237a)
- Article 70(1) (row 616)



## II. Compromises achieved on the political issues

### 1) Production steps

After intense discussions, in the compromise achieved it was agreed that the provision of Article 5 (the requirements for GI protection) remains unchanged as in the Council General Approach. The compromise text hence keeps the concept of PGIs, which means that only one production step needs to take place in the defined geographical area. To get this compromise, some adjustments needed to be made in Article 7(1) on the product specification and in the text of recitals (recital (5) and new recital (11e)) with a view to further strengthen the link between the production steps and the geographical area, as well as an adjustment to the review clause in Article 69. The EP also accepted the Council text on Article 7(1) (ha) (row 126a).

In Article 7 paragraph 1 was reformulated to read as follows (see row 118) – bold indicates changes in comparison to the text of the Council General Approach:

“In order for the name of a craft or industrial product to be protected as a geographical indication, the product shall comply with the product specification, **in order to prove that the requirements of Article 5(1) (a), (b) and (c) are met. To that end, the product specifications shall be objective and non-discriminatory and shall indicate the production steps taking place in the defined geographical area. The product specification which** shall include **the following:**”

Recital (5) was adjusted (see row 15), mainly by adding the following sentence:

*“The requirements that the given quality, reputation or other characteristic of a product should be essentially attributable to its geographical origin as referred to in Article 5, point b) and that the product originates in a specific place as referred to in Article 5, point a), reinforce the understanding that a substantial proportion of the value of the product designated by the geographical indication is created inside the given geographical area. This should ensure that only products having a strong link to the geographical area can benefit from geographical indication protection.”*

A new recital (11e) relating to Article 7 was inserted (see row 21g):

*“The production step or productions steps indicated in the product specification are those which give the given quality, reputation, or other characteristic of the product. Human or natural factors, or the combination of these factors determine if a production step is relevant to be included in the product specifications. Products primarily produced outside the given geographical area and only transported there for packaging or for a production*

*step that could be done elsewhere without causing significant difference in the quality, reputation, or other characteristic of the product, should not qualify for protection as geographical indications. This would allow to prevent that low-quality products without unique characteristics, produced almost entirely outside the given geographical area are sold as geographical indications”.*

The review clause in Article 69 was reworded so that the Commission’s evaluation after 5 years will also have to assess **to what extent the value of GI products is created in the defined geographical area or elsewhere** (see row 614).

## **2) Control (verification procedures and enforcement)**

Secondly, the final agreement on Title IV follows the concept of the Council mandate, providing for self-declaration as the default, with the choice for Member States to do the verification of compliance directly through controls by authorities or certification bodies (see Articles 46, 46a to 46c – rows 434 to 444s, and related recitals (40) to (49), rows 50 to 59). Meanwhile, as a compromise the name of Title IV (row 428) remains as in the Commission proposal (‘Controls and Enforcement’), and the word ‘enforcement’ is also used to Article 1a on objectives (row 79g) and Article 57(1) on mutual assistance (see row 503, slightly reworded), and in the corresponding recitals (recital (8) - row 18, recital (47b) – row 57b, and recital (53) - row 63).

## **3) Domain names**

In the compromise on domain names, it was agreed to delete Article 31 and replace Article 41 by a provision saying:

*“Country-code top-level domain name registries established in the Union shall ensure that any alternative dispute resolution procedures for domain names recognise registered geographical indications as a right that can be invoked in these procedures.” (see rows 403 and 405)*

To reflect this provision in the recitals, in recital (33) the phrase “should be encouraged to ensure” was turned into “should ensure” – see row 43. This corresponds to the compromise on which IP Attachés had been consulted at the meeting on 24 April.

Additionally, a new paragraph 2 was added to the review clause (Article 69) requiring the Commission to carry out an evaluation after 18 months on the feasibility of an information and alert system against the abusive use of craft and industrial GIs in the domain name system (see row 614a). This provision is mirrored by new recital language in recital (26), row 36.

#### 4) Efficiency of procedures (assistance, in particular to MSMEs, and deadlines)

The compromise package on this block of issues provides for a 2-months deadline to launch consultations between the parties within the framework of the opposition procedure, which can be extended by a maximum of three months upon request (Article 13(2), row 165). In addition, a general provision on the need for national procedures to be 'efficient, predictable and expeditious' was added between Articles 13 and 14, as Article 14(-a), see row 165i. Likewise, a requirement has been added to Article 14(1), row 167, that authorities act 'without undue delay'. Additionally, the new Article 14(-a) provides that 'Member States, the Commission and the EUIPO shall cooperate within the Advisory Board to share best practice with a view to promoting efficiency of procedures' and that 'the procedures and any applicable timelines shall be publicly available'. Additionally, in Article 12(1), it was added that the examination of the application is done 'through effective and transparent mechanisms' – see row 162; and the word 'efficiently' was also added in Article 45(2), row 433. These concessions were necessary to avoid any [other] specific deadlines for national authorities, which had been a red line for very many Member States.

As regards assistance to MSMEs in preparing the single document, which was of major importance for the EP, while a strong 'shall' obligation would not have been acceptable for many Member States, the compromise provides that the competent authority '**shall endeavour to assist** in line with its administrative practice'. A similar obligation applies to the EUIPO in respect of direct applications, where the EUIPO shall endeavour to provide assistance to the MSME in close cooperation with the single point of contact. The compromise text clarifies that any assistance provided by the authorities or the EUIPO is without prejudice to the applicant remaining responsible for the single document. See Article 8(1a), row 135a, and recital (12a), row 22a.

Additionally, as part of the overall compromise on this issue, the provisions on fees were adjusted to require that the **fees** 'shall be reasonable, **proportionate** and **shall** take into account the situation of MSMEs' and 'shall not exceed the costs incurred for performing the tasks conducted under this Regulation' - see Article 62a(5a), row 586l, and the related recitals (57a), row 67a, and 57c (row 67c).

Finally, the Presidency managed to preserve the entry into application period of 24-month, as foreseen in the Council General Approach (Article 70, row 616).

### III. Other technical adjustments

The main adjustments agreed at the technical meetings on 3, 4 and 5 May were as follows:

- Article 6(2), row 113: ‘a single producer ~~may~~ **shall be deemed to** be an applicant’ (to make clear that when the two conditions of points a) and b) are fulfilled, the single producer shall be considered an applicant – no discretion of the authority).
- Article 13(2a)(c), row 165d, Article 22(1)(c), row 250, and Article 23(1)(a), row 254: Council text maintained ‘**jeopardise** the existence of an identical or similar name used in trade ...’.
- Article 14(3), row 168a – eligibility to appeal against decision at national phase: ~~The applicant and any other~~ **Any party to the opposition procedure having a legitimate interest** shall have the right to lodge an appeal against the decision taken under paragraph 1.
- Article 20(1), row 228: Member State shall **without undue delay inform** the Office of any national administrative and judicial proceedings (rather than “keep Office informed”).
- Article 21(3a), row 237a (trilogue agreed text!), and related recital (15a), row 25a: EUIPO ~~may offer~~ **shall offer alternative dispute resolution, such as** mediation for the consultations between the applicant and the opponent. Recital 15a further clarifies that EUIPO should provide such ADR services, but parties may also make use of other mediation services.
- Article 22a, rows 251a-251e: **separate article for notice of comments** and opposition procedure.
- Article 23(6), row 263: Clarification of wording regarding ‘obligation to refer in the national opposition procedure to the continuous use shall not apply to GIs referring to a geographical area in a third country’
- Article 28, rows 293 and following: terminological change returning to the terminology of Commission proposal (**‘Union amendments’** rather than ‘substantial amendments’ and **‘standard amendments’** rather than ‘non-substantial amendments’); Article 28(5a), row 303a: new provision on **‘temporary amendments’**.
- Article 29(-1), row 308a: mandatory cancellation related to Article 37(1), Article 38(1) or (2), or Article 39(2) moved to a separate paragraph (rather than ‘may be cancelled’ in row 311a of the Council General Approach), to incorporate and to deal with the overlap of cancellation grounds in Article 38(4) and Article 39(2).

- Article 29(1)(b), row 311: poss. cancellation of GI after **5 years of non-use** (rather than after 7 years).
- Article 32(2), row 338: re-insertion of the provision on the composition of the **panels of the GI division** and the qualification of its members.
- Article 33(5) and (8), rows 348 and 351, recital (27), row 37: clarification that recognised experts may be invited to provide their expertise to the **Advisory Board** and that the Advisory Board shall not have any conflict of interest.
- Article 34a(3), row 355j, recital 23, row 33: all **third-country GIs ‘may’ be entered in the Unions register** (unlike the Council General Approach, which suggested a registration obligations for GIs protected under the Geneva Act).
- Article 34a(1) and 34b(1), rows 355b and 355r, recital (22), row 32: Union register/extracts of the Union register to be available in **‘machine-readable format’**.
- Article 35(1)(a), row 359: EP accepted to return to the wording ‘products **comparable** to the products protected by the GI’(rather than ‘identical or similar’).
- Article 35(1), row 360 ‘fragrance’ added. Article 35(2), row 363 regarding **‘evocation’**: the examples ‘term, sign, or other packaging device’ were deleted.
- Article 39, rows 388-389j: changing order of paragraphs 1 and 3, and reference to ‘priority’ added, reflecting recital 31, row 41, in Council General Approach (as already communicated in WK 5249/2023); introduction phrase of related recital (32), row 41, slightly reworded.
- Article 40(2), rows 392, 402a and 402b: phrase added that **‘Producer groups** shall ensure that producers within the group continuously comply with the relevant product specification when using the name and symbol in the market.’, and additional possible tasks of producer groups listed in Article 40, i.e. develop activities related to ensuring compliance, and take action to ensure adequate legal protection of the GI (which were included in Article 47(1) of the Council General Approach, rows 448 and 449).
- Article 43, rows 412-414: provision on **‘right to use’** moved back to Article 43 (from Article 46(1) of Council General Approach), and **‘due diligence obligation’** (of Article 47 of Council General Approach) integrated into Article 43(2), row 414.
- Article 44(5) and (7), rows 420 and 422: are deleted.

- Article 64(2), row 592a: the **digital system** 'shall be available in all the official languages of the Union, shall be easily accessible to the public, in machine-readable and commonly used formats'.
- In the recitals, a reference to the **EP Resolution** of November 2021 was included (recital (2a), row 12b).
- Other recitals were adjusted to align to the trilogue agreed text of the articles.

#### **IV. Next steps**

COREPER on 24 May will be invited to analyse and approve the final compromise text as set out in fourth column of the Annex to document 9221/23, with a view to a first reading agreement on the CIGIs proposal.

IP Attachés at their meeting on 12 May are invited to prepare that COREPER meeting.

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