

Commission proposal	LV – IT – ES – AT – LT – FI – RO – PL – DK – HU – SE – PT – HR - DE Drafting suggestions and comments
HAVE ADOPTED THIS REGULATION	
TITLE I GENERAL PROVISIONS	
Article 1	
Subject matter	
This Regulation lays down rules on:	
(a) the registration, protection, control and enforcement of certain names that identify craft and industrial products with given quality, reputation or other characteristics linked to their geographical origin and,	PT (Drafting): The registration, protection, control and enforcement of the name of a region, a specific place or, in exceptional cases, a name of a country that identify craft and industrial products, whose reputation, quality or other characteristics may be attributed to that geographical origin and whose production, processing or preparation takes place in the defined geographical area.
(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 administered by the World Intellectual Property Organisation (WIPO).	DK (Comments): We would like it to be clear if the provision will create mutual recognition of 3rd country GI's in the union.
Article 2	

Scope	
<p>1. This Regulation applies to craft and industrial products listed under the combined nomenclature set out in Annex I to Council Regulation (EEC) No 2658/87¹</p>	<p>HU (Comments): According to Article 2(1), the scope of the draft Regulation shall cover craft and industrial products listed under the combined nomenclature set out in Annex 1 to Regulation (EEC) No 2658/87 (hereinafter referred to as the 'Nomenclature Regulation'). This allows for a very wide application, as Annex 1 to the Nomenclature Regulation lists a wide range of products, also ones, which cannot be subjects of GI protection.. Even though paragraph (2) excludes products that fall within the scope of the agri-GI regulations, there still remains a possibility for ambiguity regarding the precise meaning of 'craft and industrial' products, which also causes legal uncertainty for the users of the system as regards the scope of the Regulation. We also find it important to clarify that the scope of the Regulation extends to raw materials</p> <p>DE (Comments): Can the restriction of the scope to craft and industrial products mean that possible objects of protection cannot receive GI protection because they do not fall under the AGRI-GI regulations or the future CIGI regulation? The previous discussion on this has shown that the scope should be as broad as possible without overlapping with AGRI-GIs. For the sake of clarity, the reference to the combined nomenclature might be restricted to certain chapters, cf. article 5 paragraph (1) of the current Commission proposal on AGRI GIs; this provision refers to chapters 1 to 23 of the CN. The distinction between CIGIs and AGRI-GIs can be difficult in individual cases. How should disputed objects be dealt with later in practice?</p>

¹ Council Regulation (EEC) N0 2685/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff Regulation (OJ L 256, 7.9.1987 p.1)

2. This Regulation does not apply to spirit drinks as referred in Regulation (EU) 2019/787 of the European Parliament and of the Council ² , wines as defined in Regulation (EU) No 1308/2013 of the European Parliament and of the Council ³ , nor to agricultural products and foodstuffs as protected by Regulation (EU) No 1151/2012 of the European Parliament and of the Council ⁴ .	PL (Comments): Please, consider excluding also 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.
3. Registrations and protection of geographical indications are without prejudice to the obligation of producers to comply with other Union rules, in particular relating to the placing of products on the market and, in particular, to product labelling requirements, to product safety, consumer protection and market surveillance.	
4. The geographical indications system laid down in this Regulation shall apply notwithstanding Directive (EU) No 2015/1535 of the European Parliament and of the Council ⁵ .	
Article 3	PL (Comments): for the purpose of transparency it would be valuable to provide definition of “the Office” not only in the recital 11
Definitions	

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

³ Regulation (EU) No 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).

⁴ 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).

⁵ 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).

For the purposes of this Regulation, the following definitions shall apply:	DE (Comments): On Art. 3 lit. d in conjunction with lit. g: If the word "producer" (lit. g) already includes entrepreneurs who carry out processing activities, then the words "or processors" in the definition of the "producer group" (lit. d) are redundant and might be irritating.
(a) 'craft products' means products produced either totally by hand or with the aid of manual tools or by mechanical means, whenever the direct manual contribution is the most important component of the finished product;	AT (Comments): Why is the differentiation between "craft" and "industrial" products relevant? There are no different legal consequences and the scope of protection is the same, whereas in the agri GI proposal it is relevant whether the products are food or agricultural products.
(b) 'industrial products' means products produced in a standardised way, typically on mass scale and through the use of machines;	AT (Comments): Why is the differentiation between "craft" and "industrial" products relevant? There are no different legal consequences and the scope of protection is the same, whereas in the agri GI proposal it is relevant whether the products are food or agricultural products.
(c) 'combined nomenclature' means combined nomenclature as established in Article 1 of Regulation (EEC) No 2658/87;	
(d) 'producer group' means any association, irrespective of its legal form, mainly composed of producers or processors working with the same product;	AT (Comments): The wording "...working with the same product;" is vague as it can mean anyone. The role or task of the producer group should be defined more clearly. PL (Comments): It would be important to broaden the scope and also include local self-governmental authorities or other governmental authorities (municipalities) as applicants; in certain cases it would be easier to file

	<p>for the CI GI registration by local authorities especially when we take into account a broad territory and when it would be difficult to form a producer group due to various reasons; it would increase the number of potential registrations;</p> <p>PT</p> <p>(Comments):</p> <p>We agree with the Inclusion of “public authorities” in the definition of producers, as proposed at the meeting of the Working Group on Intellectual Property, dedicated to the Proposal for a Regulation on the protection of geographical indications of industrial and handcrafted products, on the 16 May 2022</p>
<p>(e) ‘production step’ means any stage of production, processing or preparation, up to the point, where the product is in a form to be placed on the internal market;</p>	<p>IT</p> <p>(Drafting):</p> <p>(e) ‘production step’ means any stage of production, processing or preparation, up to the point, where the product is in a form to be placed on the internal market;</p> <p>IT</p> <p>(Comments):</p> <p>It is better to be generic. The product could be placed in the digital environment.</p>
<p>(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;</p>	
<p>(g) 'producer' means an operator engaged in any production step of a product the name of which is protected as a geographical indication, including processing activities, covered by the product specification;</p>	
<p>(h) ‘generic terms’ means:</p>	

(i) the names of products which, although relating to the place, region or country where the product was originally produced or marketed, have become the common name of a product in the Union or	RO (Comments): An example would be useful.
(ii) a common term descriptive of the type of product, product attributes or other terms that do not refer to specific product;	IT (Drafting): (ii) a common term descriptive of the type of product, product attributes or other terms that do not refer to a specific product; AT (Comments): Paragraph (i) refers to generic terms at Union level, but (ii) does not specify whether there must be a descriptive character at Union or national level. Clarification is needed in this regard. PL (Comments): Similar as in subpara (i) there seems to be a need to determine whether “the common term” have become descriptive also at the Union or national level;
(i) ‘product certification body’ means a legal person which certifies that products designated by geographical indications comply with the product specification, whether in performance of a delegated official control task or any other mandate;	IT (Drafting): (i) ‘product certification body’ means a legal person, delegated by the national competent authority, which certifies that products designated by geographical indications comply with the product specification, whether in performance of a delegated official control task or any other mandate; IT (Comments): The additional text proposed refers to what is indicated in Article 50 Delegation by the competent authorities of official control tasks 1. Competent authorities may delegate official control tasks to one or more product certification bodies including natural persons.

(j) 'self-declaration' means a document in which a producer, or an authorised representative, indicates on his or her sole responsibility that the product is compliant with the corresponding product specification and that all necessary controls and checks for the proper determination of conformity have been carried out in order to demonstrate the lawful use of the geographical indication to the competent authorities of Member States.	
(k) 'notice of comment' means a written observation lodged with the European Union Intellectual Property Office ('the Office) indicating at inaccuracies in the application without triggering the opposition procedure.	
Article 4	
Data protection	
1. The Commission and the Office shall be considered controllers within the meaning of Article 3, point (9), of Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁶ 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 ⁷ in relation to the processing of personal data in the procedures for which they are competent in accordance with this Regulation.	

⁶ 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).

⁷ 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	
	<p>HU (Comments): <i>Under this provision, names of craft and industrial products cannot be protected as designations of origin. In view of this, Hungary finds it necessary to clarify whether these requirements are in line with international obligations set out in the Geneva Act.</i></p>
For the name of a craft and industrial product to qualify for “geographical indication” protection, the product shall comply with the following requirements:	<p>PT (Comments): COMMISSION noted that the text is identical to the Geneva Act, we agree.</p>
(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.	<p>FI (Comments): The link to geographical area is weak. It would be better from the perspective of granting protection as well as controls if the link was stronger, i.e. more than one production step SE (Drafting): The term “essential” should be added before “production step” or the following sentence should be added “At least one essential production step must have taken place in the area.” SE (Comments): Sweden wishes to underline that the provision might be problematic in practice, if not all essential production steps would take place in the</p>

	designated area. Sweden believes that a strong link between the product's specific qualities or reputation and its geographical origin is important for the credibility of the system. The production step that takes place in the designated area should therefore at least be essential with regards to the manufacturing traditions or methods in the area.
TITLE II	
REGISTRATION OF GEOGRAPHICAL INDICATIONS	
Chapter 1	
General Provisions	
Article 6	
Applicant	
1. Applications for the registration of geographical indications shall only be submitted by a producer group of a product ('applicant producer group'), the name of which is proposed for registration. Regional or local public entities may help in the preparation of the application and in the related procedure.	<p>AT (Comments): What kind of "regional or local public entities" does sentence two refer to? Are there already some examples from the AGRI-GI Regulation (Art. 8/1)? Which legal status do these authorities have in the procedure?</p> <p>PT (Drafting): Applications for the registration of geographical indications shall only be submitted by a producer group of a product ('applicant producer group'), the name of which is proposed for registration. Regional or local public entities may help in the preparation of the application and in the related procedure, and may also make the application on behalf of producer groups. Or we agree with the Polish delegation, that suggested to add a new paragraph "An application for the registration of geographical Indications may be also submitted by a local self-governmental authority or other governmental authority competent for the area to which the geographical indication refers"</p>

	<p>PT (Comments): Portuguese IPC admits collective entities, does not exclude municipal councils as applicants. Decree-Law 121/2015 of 30 June, explicitly admits that a municipal council, may be an applicant.</p>
<p>2. An authority designated by a Member State may be deemed to be an applicant producer group for the purposes of this Title, if it is not feasible for the producers concerned to form a group by reason of their number, geographical location or organisational characteristics. Where such representation takes place, the application referred to in Article 11(3) shall state these reasons for such representation.</p>	<p>AT (Comments): What kind of authority can that be? Are there already some examples? Which status does this authority have in the procedure? HU (Comments): <i>The requirements set out in Article 6(3) of the draft Regulation, contrary to the provisions of Article 5(2) and (3) of the Geneva Act, open the possibility for an individual producer to apply for registration only in a specific case.</i> <i>We propose to amend the requirements for individual producers as applicants, as the restrictive conditions set out in this Article limit the possibility of individual registration.</i> PT (Comments): Does this article allow the possibility of municipal councils, submit a GI application and whether this possibility only occurs when producers cannot form a group under the terms of this article? If this article allows local authorities (municipalities) to be the applicant, its wording should be clearer. and be in accordance with Article 3(d), which should be amended to include local authorities in its definition.</p>
	<p>PL (Drafting): To add: "An application for the registration of geographical indications may be also submitted by a local self-governmental authority or other governmental authority competent for the area to which the geographical indication refers."</p>

	<p>PL (Comments): According to EC's explanation (provided during the meeting on 25.05.2022) "<i>an authority designated by a Member State</i>" may cover local self-governmental authorities or other governmental authorities (municipalities). However, para 2 refers to "an applicant producer group" which is strictly defined in art. 3 as "any association". Accordingly art. 3(d) limits the scope of the types of applicants that could register a CIGI. Therefore, PL proposes to add an additional paragraph or change the definition in art. 3, ensuring at the same time that such authorities will cooperate with producers.</p>
<p>3. A single producer may be deemed to be an applicant producer group for the purposes of this Title, where both of the following conditions are fulfilled:</p>	<p>ES (Comments): GI-AGRIS proposal: "where <u>it is shown</u> that both of the following..." Such nuance is not in this proposal and it may be important.</p> <p>HU (Comments): <i>We believe that the practical application of this provision raises serious concerns. It is unclear how the applicant can prove that he is the only producer willing to submit an application and how the competent authority can verify whether this is actually the case.</i></p>
(a) the person concerned is the only producer willing to submit an application for the registration of a geographical indication;	
(b) the geographical area concerned is defined by natural features without reference to property boundaries and has characteristics which differ appreciably from those of neighbouring areas or the characteristics of the product are different from those produced in neighbouring areas.	
4. In the case of a geographical indication that designates a cross-border geographical area, producer groups from different Member States may lodge a joint application for the registration of a geographical indication from either Member State. When the cross-border	<p>AT (Comments):</p>

<p>geographical area concerns a Member State and a third country, they may lodge a joint application for registration with the national authority of the Member State concerned. When the cross-border geographical area concerns several third countries, several producer groups may lodge a joint application with the Office.</p>	<p>What is the status associated with such a joint application? It is possible that one is exposed to several opposition procedures on a national level. What happens if two (different) decisions are issued? Why does Art. 6/4 differ from the AGRI GI proposal? Art. 6/4 offers a wider range of possibilities than Art. 8/4 of the AGRI GI Proposal. Why?</p> <p>PL (Comments):</p> <ul style="list-style-type: none"> - (sentence 1-2) in case of joint cross-boarder applications it is not clear what where the application should be lodged if one of the MS concerned opted-out from the national system (art. 15); (sentence 3) – it is not clear whether a producer group should file directly to the Office or via a competent authority in the third country (if established) <p>DK (Comments):</p> <p>It is unclear under what conditions third country parties can register GI's. The last sentence could be read as there is no territorial link needed.</p>
Article 7	
Product specification	
<p>1. Craft and industrial products the names of which are registered as a geographical indication shall comply with a product specification, which shall include at least:</p>	
<p>(a) the name to be protected as geographical indication which may be either a geographical name of the place of production of a specific product, or a name used in trade or in common language to describe the specific product in the defined geographical area;</p>	<p>AT (Comments):</p> <p>Clarification is needed regarding the term “geographical name of the place of production of a specific product”. Is this the place which establishes the link according to Art. 5? Can one product have multiple names?</p>

<p>(b) a description of the product, including, if appropriate, the raw materials;</p>	<p>IT (Drafting): (b) a description of the product, including, if appropriate, the raw materials; IT (Comments): Considering that the regulation covers only geographical indications (PGI) and does not include the Protected Denominations of Origin, it is not appropriate to refer to raw materials. As a matter of fact, the PGI is linked mainly to the local culture, to the specific tradition, to the local savoir-faire/know-how, the methods and the technology used in the production process and which are strictly linked to that specific geographical area.</p>
<p>(c) the specification of the defined geographical area creating the link referred to in point (g),</p>	
<p>(d) evidence that the product originates in the defined geographical area specified in Article 5, point (c);</p>	<p>DK (Comments): It seems unclear exactly what the term “evidence” entails. Clarification appreciated. SE (Drafting): The reference to Article 5(c) should be changed to Article 5(a). A new sub-paragraph should be included where a reference is made to Article 5(c). SE (Comments): Sweden finds it logical for the reference to Article 5(c) to be changed to Article 5(a). In all cases, Sweden would like to add another sub-paragraph containing a reference to Article 5(c) to highlight the importance of at least one of the production steps takes place in the defined geographical area.</p>

(e) a description of the method of producing or obtaining the product and, where appropriate, the traditional methods and specific practices used;	
(f) information concerning packaging, where the applicant producer group so determines and gives sufficient product-specific justification as to why the packaging must take place in the defined geographical area to safeguard quality, to ensure the origin or to ensure control, taking into account Union law, in particular that on the free movement of goods and the free movement of services;	
(g) details establishing the link between a given quality, the reputation or other characteristic of the product and the geographical origin as referred to in Article 5, point (b);	DK (Comments): It seems unclear exactly what “evidence” is needed. We propose a clarification.
(h) any specific labelling rule for the product in question;	
(i) other applicable requirements where provided for by Member States or by a producer group, if applicable, having regard to the fact that such requirements must be objective, non-discriminatory and compatible with Union law.	ES (Comments): GI-AGRI proposal: “...compatible with national and Union law”. Is it an omission? PL (Comments): - does it mean that MS can define their own additional requirements and if so, to what extent? GI-AGRI proposal: “...compatible with national and Union law”. Is it an omission?
2. The Commission may adopt implementing acts laying down rules, which 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 comprise:	<p>IT (Drafting):</p> <p>1. The single document, drawn up in accordance with the form set out in Annex 2, shall comprise:</p> <p>IT (Comments):</p> <p>In the regulation there is nowhere a reference to the Annex 2 “Single document referred to in article 8”. We believe a reference should be included in this article.</p>
(a) the following main points of the product specification:	
(i) the name;	<p>IT (Drafting):</p> <p>(i) the name of the PGI;</p> <p>IT (Comments):</p> <p>It should be made clear to which name it is referred to in the document. An alternative to “<i>name of the PGI</i>” could be: “<i>name of the product</i>.”</p>
(ii) a description of the product, including, where appropriate, specific rules concerning packaging and labelling,	<p>AT (Comments):</p> <p>We suggest to align this text with Art. 7/1/b and to add the term “raw materials”.</p>
(iii) a concise definition of the geographical area;	

(b) a description of the link between the product and the geographical origin referred to in Article 7(1), point (g), including, where appropriate, the specific elements of the product description or production method justifying that link.	
2. The Commission may adopt implementing acts setting out the format and online presentation of the single document provided for in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 65(2).	<p>ES (Comments): Art 52 GI-AGRI, data protection details after “paragraph 1”: “...and providing for the exclusion or anonymisation of protected personal data”. May be relevant?</p> <p>PL (Comments): If there are several production stages, taking place in different Member States, which one would be “the MS in which the product concerned originates”?</p>
Article 9	
Documentation accompanying the application for registration	
1. The documentation accompanying the application for registration (‘accompanying documentation’) shall comprise:	<p>AT (Comments): Does Art. 9 only refer to documents for the national phase or also refer to documents for the Union phase? We think the article needs more clarification.</p>
(a) information concerning any proposed limitations on the use or protection of the geographical indication, as well as any transitional measures proposed by the applicant producer group or by the national authorities notably following the national examination and opposition procedure;	
(b) the name and contact details of the applicant producer group;	

(c) the name and contact details of the competent authority and/or product certification body verifying compliance with the provisions of the product specification;	AT (Comments): We think that it should be charged a fee for this extra service, especially since this service has no time limit. Furthermore, we think that for reasons of equality CI GI applicants should also contribute to the IP system of the European Union in the same way as trademark and design owners do.
(d) a statement as to whether the applicant wants to receive domain name alerts within the meaning of Article 31;	
(e) any other information deemed appropriate by the Member State, or by the applicant.	
2. The Commission shall be empowered to adopt delegated acts supplementing this Regulation by provisions clarifying the requirements or listing additional items of the accompanying documentation to be supplied.	PL (Comments): to consider implementing acts same as para 3 DK (Comments): As it is a substantial delegation, could be elaborated.
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).	ES (Comments): Same comment as 8.2 (vid. art. 14.3. GI-AGRI proposal)
Article 10	
Registration fees	AT (Drafting): Fees DK (Comments):

	Other European IP-rights are user-financed, and we do not see how we can justify diverting from this principle
1. Member States may charge a fee to cover the costs of managing the geographical indication system for craft and industrial products provided for in this Regulation, including those incurred in processing applications, statements of opposition, applications for amendments and requests for cancellations.	<p>AT (Comments): Does the term “fee” mean, that there can be determined only one fee that includes all possible requests during the national phase or can there be different fees for different requests? If that’s the case we suggest to change the title of the Article into “fees” otherwise it would be misleading. Furthermore, there has to be a possibility for appeal fees/fees for courts.</p> <p>PL (Comments): PL supports the voluntary character of establishing fees at national level</p>
2. Where a Member State charges a fee, the level of the fees shall be reasonable, foster the competitiveness of the producers of the geographical indications and shall take into account the situation of micro, small and medium-sized enterprises.	<p>IT (Comments): Member States which intend to charge any fee should be in charge of setting the fees according to their own standards and criteria, based on their national law. EUIPO at present has not introduced a reduced fee for SMEs for its EU trademark and design applications but provides vouchers for a fee refund up to 75%.</p> <p>AT (Comments): This article needs to be clarified regarding the implementation on national level: How should this be examined by the national authority? Does this mean a mandatory grading of fees on national level and for all fees?</p> <p>FI (Comments): Differentiated fees for SME’s is not desirable; the criteria of ‘reasonable fee’ applies to all sized companies and ensures fees are not too high for SMEs.</p> <p>PL</p>

	<p>(Comments): It is unclear whether a MS should introduce different level of fees for different applicants; what kind of criteria should be applicable and whether it will not be discriminatory; should the fees be also split into different categories (e.g. application, examination, registration, opposition, appeal, cancellation, etc)</p> <p>DK</p> <p>(Comments): The wording is unclear. explicitly mention that MS should or at least can charge fees to cover all cost. As the paragraph reads now, this gives the impression that the fees for registration can be subject of approval, without mentioning the approval body. Fees should be at Member States discretion, but not exceed true costs.</p> <p>SE</p> <p>(Drafting): The requirement to apply lower fees for micro and SMEs should be deleted.</p> <p>SE</p> <p>(Comments): Sweden believes that the proposed provision to apply differentiated fees, as indicated in Recital 13, should be deleted. Sweden believes that Member States themselves should decide on size of the fee.</p> <p>HR</p> <p>(Comments): Further guidance/clarification as to the possible applicable criteria and differentiation of the applicants would be needed.</p> <p>DE</p> <p>(Comments): There will be comments on this. Consultation with all ministries involved has not yet been completed.</p>
3. The Office shall not charge any fee for any procedure under this Regulation.	<p>DK</p> <p>(Comments): EUIPOs cost related to a CI GI regime must be fully financed by users.</p>

	<p>Otherwise, the administration of CI GI's at EUIPO would effectively be financed by taxing other companies applying for trademark or design protection.</p> <p>This would include taxing companies, including SME's and Micro SME's for the benefit of an IP protection system, that they potentially are competing with.</p> <p>This is also a matter of competition, favoring industries in countries with a tradition for using GI's over trademarks.</p> <p>SE (Comments): Sweden finds this provision problematic. Cross-subsidising other IP-right does not appear fair for trademark and design rights holders.</p> <p>DE (Comments): There will be comments on this. Consultation with all ministries involved has not yet been completed.</p>
4. By way of derogation to paragraph 3 of this Article, the Office shall charge a fee in the direct registration procedure referred to in Article 15, in the procedure referred to in Article 17(3) and for the appeals before the Boards of Appeal referred to in Article 30. Fees may be charged also for the amendment of the product specification and cancellation if the procedure concerns a name that was registered under Article 15 or Article 17(3).	<p>DK (Comments): It is inconsistent that the EUIPO should charge a fee only for direct registration and not registrations with a prior national step as the EUIPO will still have an economic burden with an initial national registration. Unclear who should pay the fees EUIPO charges in the case of direct registration.</p>
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 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).	<p>PL (Comments): to consider regulating the fees in the basic act</p>
Chapter 2 National stage of the registration	

Article 11	
Designation of competent authority and procedure for national application	
1. Without prejudice to paragraph 4 of this Article and Article 15, each Member State shall maintain or designate a competent authority for the management of the national phase of the registration and other procedures for geographical indications for craft and industrial products.	PT (Comments): COM said that only one authority can be designated. What other procedures are involved here? The doubt arises, if procedures are not competence of the designated authority by the member state.
2. Without prejudice to paragraph 4 of this Article and Article 15, an application for registration of a geographical indication originating in the Union shall be addressed to the competent authorities of the Member State in which the product concerned originates.	LV (Drafting): Without prejudice to paragraph 4 of this Article and Article 15, an application for registration of a geographical indication originating in the Union shall be addressed to the competent authority of the Member State in which the product concerned originates. LV (Comments): It is provided that there is one competent authority in each Member State. IT (Drafting): 2. Without prejudice to paragraph 4 of this Article and Article 15, an application for registration of a geographical indication originating in the Union shall be addressed to the competent authority of the Member State in which the product concerned originates. IT (Comments): We understand that only one single authority will be competent at national level for the registration procedure. ES (Comments):

	<p>If there are several production stages, taking place in different Member States, which one would be “the MS in which the product concerned originates”?</p> <p>PL</p> <p>(Comments):</p> <p>In case an applicant files for a CI GI registration directly to EUIPO, despite of the competent authority established at the national level, would EUIPO use art. 11(2) as a ground for refusal?</p>
3. Applications 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.	<p>HU</p> <p>(Comments):</p> <p><i>We agree with the rules on the designation of the competent authority set out in the draft regulation, but would also consider it important to define the conditions under which two or more Member States may conclude an agreement for the joint management of matters relating to the registration of geographical indications.</i></p>
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, including the submission of the Union application to the Office, also on behalf of the other Member State, or Member States.	<p>AT</p> <p>(Comments):</p> <p>We would appreciate more details on this provision and examples. We think that sovereign rights are affected in this case. It also raises the question of jurisdiction of the national courts of these Member States and the enforcement of administrative and judicial decisions in the involved countries.</p>
Article 12	<p>FI</p> <p>(Comments):</p>

	These articles are very open-ended, the criteria for national procedure could be laid out a bit more in detail.
Examination by competent authorities	
The competent authority shall examine the application and shall check that the product complies with the requirements for geographical indications referred to in Article 5 and provides the necessary information for registration referred to in Articles 7, 8 and 9.	<p>IT (Comments): Please note that Annex 3 contains at point 4 a reference to art 12(1) point b. This reference is a mistake. Art 12 has no connection with the topic.</p> <p>PL (Comments): a) Unclear whether the competent authority can refuse <i>ex officio</i> based on absolute grounds (e.g. generic terms – art. 37) b) “provides the necessary information” – it seems unclear whether information shall be provided by the competent authority or whether the competent authority check that the application provides necessary information – more clarification needed.</p> <p>SE (Drafting): The examination may comprise other grounds for refusal.</p> <p>SE (Comments): Having carefully heard the Commission at the recent CWP-meeting, Sweden positively notes that the competent authority’s examination of the application is not restricted to Article 5, 7, 8 and 9. For the avoidance of doubt, Sweden believes that this should be clarified in the provision.</p> <p>HR (Comments): It is unclear what "provides the necessary information for registration referred to in Art 7-9" means - should this be interpreted as providing expertise/help by the competent authority to the applicants?</p>
Article 13	<p>FI (Comments):</p>

	These articles are very open-ended, the criteria for national procedure could be laid out a bit more in detail
National opposition procedure	
1. After the conclusion of the examination referred to in Article 12, the competent authority shall conduct a national opposition procedure. That procedure shall ensure publication of the application and provide for a period of at least 60 days from the date of publication within which any person having a legitimate interest and established or resident on the territory of the Member State in charge of the national phase of the registration or of the Member States in which the product concerned originates ('national opponent') may lodge an opposition to the application with the competent authority of the Member State in charge of the national phase of the registration.	<p>IT (Drafting):</p> <p>1. After the conclusion of the examination referred to in Article 12, the competent authority shall conduct a national opposition procedure. That procedure shall ensure publication of the application and provide for a period of at least 60 days from the date of publication within which any person having rights or a legitimate interest and established or resident on the territory of the Member State in charge of the national phase of the registration or of the Member States in which the product concerned originates ('national opponent') may lodge an opposition to the application with the competent authority of the Member State in charge of the national phase of the registration.</p> <p>IT (Comments):</p> <p>Right holders should in the first place be entitled to the procedure and referred to in the article. There is a difference between a person having a right and a person having a legitimate interest. See also the text proposed by the Commission in art 41 §1.</p> <p>ES (Comments):</p> <p>We suggest using "months" since it's the common time reference in the proposals.</p> <p>Translation to ES: it says "declaración de oposición" and we think it would be more precise: "presentar una oposición"</p> <p>AT (Drafting):</p> <p>1. After the conclusion of the examination referred to in Article 12, the competent authority shall conduct a national opposition procedure. That procedure shall ensure publication of the application and provide</p>

	<p>for a period of at least 2 months from the date of publication within which any person having a legitimate interest and established or resident on the territory of the Member State in charge of the national phase of the registration or of the Member States in which the product concerned originates ('national opponent') may lodge an opposition to the application with the competent authority of the Member State in charge of the national phase of the registration.</p> <p>AT (Comments): We think the time limit and the calculation should be harmonised with the AGRI GI Regulation (Art. 9/4)</p> <p>FI (Comments): The grounds for opposition should be the same at both levels, national and EU-level.</p> <p>PL (Drafting): After the conclusion of the examination referred to in Article 12, the competent authority shall conduct a national opposition procedure. That procedure shall ensure publication of the application and provide for a period of at least 60 days 2 months from the date of publication within which any person having a legitimate interest and established or resident on the territory of the Member State in charge of the national phase of the registration or of the Member States in which the product concerned originates ('national opponent') may lodge an opposition to the application with the competent authority of the Member State in charge of the national phase of the registration.</p> <p>PL (Comments): clarification of the term „legitimate interest” would be appreciated; in various jurisdictions a term “legitimate interest” may be mistaken with the term “legal interest” which is strictly defined in civil law, therefore more clarity would be required (this remark refers also to other articles);</p> <p>HR</p>
--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	(Comments): The term “legitimate interest” requires some clarification (in comparison to the “legal interest”)
2. The competent authority shall establish the detailed arrangements of the opposition procedure. Those detailed arrangements may include criteria for the admissibility of an opposition, a period of consultation between the applicant and each national opponent, and submission of a report from the applicant on the outcome of the consultations including any changes the applicant has made to the application.	ES (Comments): Translation to ES: “modalidades concretas del procedimiento de oposición”; “ <u>requisitos</u> ” would be more precise PL (Comments): what kind of criteria are considered? Can a MS may introduce the same opposition grounds as in art. 22? SE (Drafting): The content of Article 22(2) should be included in Article 13. SE (Comments): Firstly, it is not entirely clear whether the grounds for opposition should be established by the competent authority. Secondly, Sweden would like that the grounds for opposition should be the same at national and Union level (Article 22.2). In either way, it is not clear what the grounds for opposition at national level may be.
Article 14	
Decision on national application	
1. If the competent authority, after the examination of the application and the assessment of the results of any oppositions received, and any changes to the application agreed with the applicant, finds that the requirements of this Regulation are met, it shall take a favourable decision and lodge a Union application for registration in accordance with Article 17.	SE (Drafting): National decision should become final before the union application is submitted. SE (Comments):

	Sweden notes that a national favourable decision may be appealed. Even so, it is expected that that a Union application shall be submitted to the Office. Against this background, we question the rationale for submitting the application to the Office before the decision has become final. In our experience, an opposition procedure often continues with court proceedings which can takes years. It seems to us that a more efficient procedural rule would be if the Union application was submitted to the Office only after the decision has become final.
2. The competent authority shall ensure that its decision is made public and that any person having a legitimate interest has an opportunity to lodge an appeal. The competent authority shall ensure that the product specification on which its favourable decision is based is published, and shall provide electronic access to the product specification.	<p>IT (Drafting):</p> <p>2. The competent authority shall ensure that its decision is made public and that any person having rights or a legitimate interest has an opportunity to lodge an appeal.</p> <p>IT (Comments):</p> <p>Right holders should in the first place be entitled to the procedure and referred to in the article. There is a difference between a person having a right and a person having a legitimate interest. See also the text proposed by the Commission in art 41 §1.</p> <p>HR (Comments):</p> <p>Clarification of the “opportunity to lodge an appeal” would be appreciated, would this cover both possibilities – administrative and judicial appeal (administrative dispute)?</p> <p>In this context, whether “legitimate interest” is equal to “legal interest” which is relevant in administrative disputes, (if negative) some clarification of the term “legitimate interest” needed.</p>
Article 15	
Direct registration	

<p>1. By way of derogation from Article 11, the Commission shall be empowered to exempt a Member State from the obligation to designate a competent authority in accordance with Article 11(1) and to handle the management of the applications of geographical indications for craft and industrial products at national level, if the Member State, by 6 months from the date of entry into force of this Regulation, provides the Commission with evidence that shows that the following conditions are met:</p>	<p>FI (Comments): This clause (direct registration) should be unconditional, not subject to specific criteria or approval by COM</p> <p>DK (Comments): DK are satisfied that an exemption clause has been introduced, however would prefer it would be unconditional and not subject to Commission approval. The provision should clarify how it defines 'low interest' and whether this is will be subject to some objective criteria, or if it will be a case-by-case assessment by the Commission.</p>
<p>(a) the Member State concerned does not have a national <i>sui generis</i> system in place for the management of geographical indications for craft and industrial products; and</p>	
<p>(b) the Member State concerned submits a request for an opt-out accompanied by an assessment to the Commission demonstrating that the local interest for protecting craft and industrial products by a geographical indication is low.</p>	<p>LV (Comments): It is provided that the Member State submits an assessment. What evidence should be provided in the assessment to demonstrate that the local interest is low? In case the Member State indicates in the assessment that no local interest has been shown so far, is this information sufficient in the assessment? What does it mean in practice? After the necessary information is provided by the Member State, how long will it take for the Commission to take a decision to exempt a Member State from the obligation to designate a competent authority and to handle the management of the applications at a national level?</p> <p>AT (Comments): We would appreciate more information on how the "low interest" can be demonstrated/proved?</p> <p>LT (Drafting):</p>

	<p>b) the Member State concerned submits a request for an opt-out accompanied by an assessment to the Commission demonstrating that the local interest for protecting craft and industrial products by a geographical indication is low.</p> <p>LT</p> <p>(Comments):</p> <p>We suggest to eliminate this provision; the absence of <i>sui generis</i> system in a Member State should be enough justification for opt-out.</p> <p>SE</p> <p>(Drafting):</p> <p>Delete this condition.</p> <p>SE</p> <p>(Comments):</p> <p>Sweden welcomes the derogation clause and understand the motivation for the approach suggested by the Commission. However, we would be grateful if the conditions would provide for greater predictability and legal certainty. More specifically, we would prefer the derogation clause to be unconditional, by deleting the second condition (b) or at least define what is meant by “a low local interest”.</p>
2. The Commission may request further information from the Member State before adopting a Commission Decision on the derogation referred in paragraph 1.	
3. When a Member State makes use of the derogation in accordance with paragraph 1, the application from a producer group of that Member State for registration, cancellation or amendment of the product specification of a geographical indication originating in the Union shall be addressed directly to the Office.	
4. A Member State that has applied the derogation in accordance with paragraph 1, may decide to withdraw its opt-out and designate a competent authority for the management of the applications of geographical indications for craft and industrial products. Such decision	

shall not affect any ongoing registration procedures. The Member State shall inform in writing the Commission of its decision to withdraw the opt-out.	
5. If the number of direct applications submitted by applicants from a Member State that has opted out substantially exceeds the estimate given in the assessment submitted by the Member State pursuant to paragraph 1, the Commission may withdraw its decision referred to in paragraph 2.	<p>LT (Drafting): If the number of direct applications submitted by applicants from a Member State that has opted out substantially exceeds the estimate given in the assessment submitted by the Member State pursuant to paragraph 1, the Commission may withdraw its decision referred to in paragraph 2.</p> <p>LT (Comments): This provision is directly linked with Article 15(1)(b) that we suggest to be removed.</p> <p>DK (Comments): The lack of a definition of “low interest” makes it difficult to assess when an estimate is “substantially” exceeded in a way, that changes the assessment of the local interest as being low.</p> <p>SE (Drafting): Delete this provision.</p> <p>SE (Comments): For the purpose of legal certainty, the possibility for the Commission to withdraw its decision should also be deleted.</p>
6. The Member State shall provide the Commission and the Office with the details of a point of contact, independent from the applicant, for any technical issues relating to the product and the application.	<p>LV (Comments): What should be understood by a point of contact? Who should it be? Please give some examples who could be a point of contact in the Member State. Should there be a single point of contact in the Member State for all products or there should be one point of contact regarding each product?</p>

	<p>AT (Comments): What are the requirements for this national contact points? Which national authority could that be? Interest Groupings? Does this point of contact has to be nominated for each procedure or is there only one point of contact for all procedures and all kind of products?</p> <p>FI (Comments): The point of contact that MSs need to provide the Commission and the Office is a somewhat complicated set up. We feel that MSs that opt out of the national registration will be entangled, through the contact person, in the examination procedure at the EUIPO level. We understand how and why such a contact person is considered useful, but this creates quite a lot of administrative burden for the MS.</p>
7. The Office shall communicate with both the applicant and the point of contact referred to in paragraph 6 on any technical issues relating to the application.	<p>FI (Comments): The point of contact that MSs need to provide the Commission and the Office is a somewhat complicated set up. We feel that MSs that opt out of the national registration will be entangled, through the contact person, in the examination procedure at the EUIPO level. We understand how and why such a contact person is considered useful, but this creates quite a lot of administrative burden for the MS.</p>
8. Upon request by the Office, within 60 days from such request, the Member State, through the contact point, shall provide assistance in particular for the examination process. Upon request by the Member State, the time limit may be extended by 60 days. 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.	<p>ES (Comments): Months (in both “60 days” references)</p> <p>AT (Comments): Is it possible to extend the time limit of 60 days and if yes, how often could it be extended?</p> <p>FI (Comments):</p>

	The point of contact that MSs need to provide the Commission and the Office is a somewhat complicated set up. We feel that MSs that opt out of the national registration will be entangled, through the contact person, in the examination procedure at the EUIPO level. We understand how and why such a contact person is considered useful, but this creates quite a lot of administrative burden for the MS.
9. If the Member State, through the contact point, does not provide assistance within the time limit referred to in paragraph 8, the application shall be deemed not to be filed.	FI (Comments): The point of contact that MSs need to provide the Commission and the Office is a somewhat complicated set up. We feel that MSs that opt out of the national registration will be entangled, through the contact person, in the examination procedure at the EUIPO level. We understand how and why such a contact person is considered useful, but this creates quite a lot of administrative burden for the MS.
10. Registration fees may be applicable and paid to the Office. Such fees shall be laid down according to the procedure referred to in Article 10(5).	LV (Drafting): 10. Registration fees shall be applicable and paid to the Office. Such fees shall be laid down according to the procedure referred to in Article 10(5). LV (Comments): According to Article 10 (4). IT (Drafting): 10. Registration fees may shall be applicable and paid to the Office. IT (Comments): The provision is not coherent with what is stated in <i>Article 10: Registration fees</i> <i>4. By way of derogation to paragraph 3 of this Article, the Office shall charge a fee in the direct registration procedure referred to in Article 15.</i> In the preamble it is also stated:

	<p>(17) The “direct registration procedure” has cost advantages reaped by Member States. Pursuant to this derogation, procedures for registration, amendments to the product specification and cancellation should be managed directly by the Office. In those cases, the Office should be entitled to charge a registration fee, considering that this procedure generates more work for the Office than the management of Union applications.</p> <p>SE (Drafting): Replace the word “may” with the word “shall”.</p>
11. Articles 6 to 9, Articles 11 to 14 and Articles 16 to 30 shall apply to the direct registration procedure referred to in this Article <i>mutatis mutandis</i> , with the exception of any examination periods referred to in Article 19(2) and the obligation to conduct a national opposition procedure referred to in Article 13, which shall not apply.	<p>AT (Drafting): 11. Articles 6 to 9, Articles 11 to 14 and Articles 16 to 30 shall apply to the direct registration procedure referred to in this Article <i>mutatis mutandis</i>, with the exception of any examination periods referred to in Article 19(3) and the obligation to conduct a national opposition procedure referred to in Article 13, which shall not apply.</p> <p>AT (Comments): We think Art. 15/11 should refer to 29(3).</p>
12. For the applications seeking direct registration, consulting the Advisory Board referred to in Article 33 shall be required.	
13. In the direct registration procedure, any person having a legitimate interest may lodge an opposition with the Office in accordance with Article 21.	<p>IT (Drafting): 13. In the direct registration procedure, any person having rights or a legitimate interest may lodge an opposition with the Office in accordance with Article 21.</p> <p>IT (Comments): Right holders should in the first place be entitled to the procedure and referred to in the article. There is a difference between a person having a</p>

	right and a person having a legitimate interest. See also the text proposed by the Commission in art 41 §1.
14. This article shall not apply to applications for registration from third countries.	
15. Member States applying the procedure set out in this Article shall not be exempted from the obligations laid down in Articles 45 to 58 as regards checks and enforcement.	
16. The Commission may adopt implementing acts setting out further details on the criteria for the application of direct registration and on the procedures for the preparation and submission of the direct applications. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 65(2).	
Article 16	
Temporary national protection	ES (Comments): Translation to ES: “protección nacional <u>transitoria</u> ”, not “temporal”
1. A Member State may, on a temporary basis, grant transitional protection to the geographical indications at national level, with effect from the date on which an application for registration is lodged with the Office.	HU (Comments): <i>In our view, the rules on temporary national protection need to be further clarified. In addition to the grounds provided for in Article 16(2), temporary national protection shall also lapse if the application is refused pursuant to Article 24(2).</i>
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.	HU (Comments): <i>Given the mandatory nature of Article 16(2) in relation to the cases of termination of temporary national protection, we are of the opinion that the provision in paragraph (3), according to which, if the</i>

	<i>geographical indication is not registered, the consequences of the temporary national protection shall be the sole responsibility of the Member State concerned, is not necessary.</i>
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.	<p>PL (Comments): What kind of consequences of the temporary national protection are seen as a sole responsibility of a MS? In case there is an opposition at Union level, it should not have consequences on a MS, if the applicant begins e.g. promotion of the product after receiving the temporary national protection. Also, in view of para 2, it seems para 3 could be removed.</p> <p>PT (Comments): Does this article allow that, although at Community level the application is refused, it can remain protected at national level? If not, we agree with other member states, that the article 16° n° 3, should be removed, considering the article 16° n. 2.</p>
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 3 Union stage of the registration	
Section 1 Procedure at the Union stage	
Article 17	
Union application	

1. For geographical indications concerning products originating in the Union, the Union application for registration submitted by a Member State to the Office, 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;	RO (Comments): A form for the Member State declaration would be necessary – it could be the one in para. 7.
(d) the electronic publication reference of the product specification referred to in Article 7.	
2. The electronic publication referred to in paragraph 1, point (d), shall be kept up to date.	
3. For geographical indications concerning products originating in a third country or countries the application for registration is submitted to the Office, such application for registration shall comprise:	
(a) the product specification referred to in Article 7 together with its publication reference;	
(b) the single document referred to in Article 8;	
(c) the accompanying documentation referred to in Article 9;	
(d) legal proof of protection of the geographical indication in its country of origin;	

(e) a power of attorney where the applicant is represented by an agent.	
4. A joint application for registration referred to in Article 6(4) shall be submitted to the Office by one of the Member States concerned or by the applicant producer group in a third country, directly or by the competent authority of that third country. If the cross-border area concerns any Member State and a third country, the joint application shall be submitted by the Member State concerned.	PL (Comments): (sentence 1) – if there is a competent authority established in a third country, would it still be possible for the producer group to file an application directly – it is unclear from the provision; it seems it should be forbidden to file directly to EUIPO where the competent authority is established at EU level;
5. The joint application referred to in Article 6(4) shall include, where relevant, the documents listed in paragraphs 1 and 2 of this Article, from the Member States or third countries concerned. The related national procedure for application, the examination and opposition procedure referred to in Articles 11, 12 and 13 shall be carried out in all the Member States and third countries concerned.	PL (Comments): (sentence 2) – would competent authorities of third countries abide by the provisions in the EU regulation?
6. The Commission shall be empowered to adopt delegated acts defining procedures and conditions applicable to the preparation and submission of Union applications for registration.	PL (Comments): to consider implementing act
7. The Commission may adopt implementing acts laying down detailed rules on procedures, the form and presentation of Union applications for registration, 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 18	
Submission of the Union application	
1. A Union application for the registration of a geographical indication, including the direct registration referred to in Article 15, shall	LV (Drafting):

<p>be submitted to the Office electronically, through a digital system by the competent authority of the Member State or where Article 15 applies, by the producer group concerned. The digital system shall have the capacity to allow the submission of applications to competent authorities of a Member State, and to be used by the Member State in its national procedure.</p>	<p>1. A Union application for the registration of a geographical indication, including the direct registration referred to in Article 15, shall be submitted to the Office electronically, through a digital system by the competent authority of the Member State or where Article 15 applies, by the producer group concerned. The digital system shall have the capacity to allow the submission of applications to competent authority of a Member State, and to be used by the Member State in its national procedure.</p> <p>IT (Drafting): 1. The digital system shall have the capacity to allow the submission of applications to the competent authorities of a Member State, and to be used by the Member State in its national procedure.</p> <p>IT (Comments): We understand that only one single authority will be competent at national level for the registration procedure.</p> <p>PL (Comments): A reference about the digital system being implemented by EUIPO would be preferable;</p>
<p>2. Where the application for registration relates to a geographical area in a third country, the application shall be submitted to the Office, either directly by the applicant producer group or by the competent authority of the third country concerned. The digital system, referred to in paragraph 1, shall have capacity to allow the submission of those applications by an applicant producer group established in a third country and by the competent authorities in the third country concerned. The applicant producer group and the competent authorities of the third country concerned shall be considered a party to the procedure.</p>	<p>PL (Comments): Similar as art. 17(4) or art. 6 - unclear whether an application from a third country can be filed directly by a producer group or via a competent authority (if established); it would be valuable to clarify this matter in the whole Regulation;</p>

3. Upon submission, the Office shall publish the Union application in the Union register of geographical indications for craft and industrial products.	
Article 19	
Examination and publication for opposition	
1. The Office shall examine any application for registration that it receives under Article 17(1). Such examination shall consist of a check that:	
(a) there are no manifest errors;	
(b) the information provided in accordance with Article 17 is complete; and	
(c) the single document is precise and technical in nature and in accordance with Article 8.	
2. The examination shall take into account the outcome of the preliminary national procedure carried out by the Member State concerned, unless Article 15 is applied.	<p>SE (Drafting): We propose the word “preliminary” to be deleted.</p> <p>SE (Comments): According to Article 12 the national authority shall examine the application and according to Article 14 take a favourable decision before it lodges the application to EUIPO. Therefore, it is unclear if the decision is binding for EUIPO in their further assessment of the application or what is meant by “take the decision into account”. These questions have mainly arisen due to the word “preliminary”. In sum, we would like to understand the legal status of the national decision. Further, the word “preliminary” does not seem to be used in the agri-regulation</p> <p>SE</p>

	(Comments): Sweden would like clarification regarding the meaning of national procedures being “preliminary”. Will EUIPO examine the same conditions as has already been examined by the national authority or are they bound to the national assessment.
3. The examination carried out pursuant to paragraph 1 shall not exceed a period of 6 months. Where the examination period exceeds or is likely to exceed 6 months, the Office shall inform the applicant of the reasons for the delay in writing.	
4. The Office may seek supplementary information from the Member State concerned. If the application is lodged by a producer group from a third country or by the competent authority of a third country, such producer group or competent authority shall provide supplementary information where requested to do so by the Office.	
5. When the Office consults the Advisory Board as referred to in Article 33, the applicant shall be notified thereof and the period referred to in paragraph 2 of this Article shall be suspended.	IT (Drafting): 5. When the Office consults the Advisory Board as referred to in Article 33, the applicant shall be notified thereof and the period referred to in paragraph 3 2 of this Article shall be suspended. IT (Comments): It is paragraph 3 and not paragraph 2 to mention the period. RO (Comments): There should be a reference to paragraph 3 (i.e. examination period of 6 months) instead of paragraph 2. PL (Drafting): When the Office consults the Advisory Board as referred to in Article 33, the applicant shall be notified thereof and the period referred to in paragraph 32 of this Article shall be suspended.

	<p>HU (Drafting): When the Office consults the Advisory Board as 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.</p> <p>PT (Comments): As Poland pointed in the last meeting, we agree that it should be amended to paragraph 3 (not paragraph 2)</p>
<p>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 Member State or in case of third country applications, to the relevant producer group or competent authority that has submitted the Union application, from where that application originates and request to complete or to correct the application within 60 days. If the Member State, or in case of third country applications, the relevant producer group or competent authority, does not complete the application within the deadline, the application shall be considered to be withdrawn, or if not corrected, it shall be rejected pursuant to Article 24(2).</p>	<p>ES (Comments): Dies a quo to complete or correct? Months instead of days.</p> <p>DE (Comments): This paragraph provides that an application shall be deemed not to have been filed if any completion or correction of the application requested by the Commission is not made within 60 days. Germany suggests that a rejection of the application should also be prepared in such cases so that an appeal can be lodged if necessary.</p> <p>PL (Drafting): 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 Member State or in case of third country applications, to the relevant producer group or competent authority that has submitted the Union application, from where that application originates and request to complete or to correct the application within 60 days 2 months. If the Member State, or in case of third country applications, the relevant producer group or competent authority, does not complete the application within the deadline, the application shall be considered to be withdrawn, or if not corrected, it shall be rejected pursuant to Article 24(2).</p>

	<p>PL (Comments): As para 6 refers to additional consultations with MS, maybe it would be worth considering also a possibility to suspend the proceeding for the time of consultation and to inform an applicant about the possible delay (reference to para 3 similar as in para 5).</p>
7. Where, based on the examination carried out pursuant to paragraph 1, the Office considers that the conditions laid down in this Regulation are fulfilled, it shall publish for the purposes of opposition in the Union register of geographical indications for craft and industrial products the single document and the reference to the product specification on the webpage of the Member State concerned. The single document shall be published in the official languages of the Union.	
Article 20	
National challenge to an application	
1. Member States shall keep the Office informed of any national administrative and judicial proceedings that may affect the registration of a geographical indication.	<p>PL (Comments): What kind of authority should inform EUIPO about the proceedings? It seems relevant authorities should be responsible for providing such information (in case of administrative procedure – IP offices, in case of judicial proceedings – courts). Additionally, the provision does not specify at what stage the Office should be informed – whether MS should also inform about proceedings at the national stage? Moreover, “administrative and judicial proceedings that may affect the registration” seems to refer to a very broad spectrum of cases – based on what grounds it should be assessed what kind of proceedings should be announced to the Office.</p> <p>SE (Comments): See comment under Article 14.2.</p>

	<p>Clarification is further required regarding the national authority's obligation to keep the Office updated, if the decision is appealed in national courts and if the national authority must keep the Office updated regarding national disputes that stretch over several years.</p> <p>PT</p> <p>(Comments):</p> <p><i>Which authority should inform EUIPO about the proceedings?</i></p> <p><i>Commission said in the last meeting that it will have to be the competent authority or the designated authority Does this means that the entity responsible is the one who is in charge of the application at national level?</i></p> <p><i>or it means that should be responsible the relevant authorities, for providing such information (in case of administrative procedure – IP offices, in case of judicial proceedings – courts)?</i></p>
<p>2. The Office shall be exempted from the obligation to meet the deadline to perform the examination laid down in Article 19(2) and to inform the applicant of the reasons for the delay, where it receives a communication from a Member State, concerning an application for registration in accordance with Article 14(1), which:</p>	<p>LV</p> <p>(Drafting):</p> <p>2. The Office shall be exempted from the obligation to meet the deadline to perform the examination laid down in Article 19(3) and to inform the applicant of the reasons for the delay, where it receives a communication from a Member State, concerning an application for registration in accordance with Article 14(1), which:</p> <p>IT</p> <p>(Drafting):</p> <p>2. The Office shall be exempted from the obligation to meet the deadline to perform the examination laid down in Article 19(3 2) and to inform the applicant of the reasons for the delay, where it receives a communication from a Member State, concerning an application for registration in accordance with Article 14(1), which:</p> <p>IT</p> <p>(Comments):</p> <p>It is paragraph 3 and not paragraph 2 in article 19 to mention the deadline.</p> <p>RO</p>

	<p>(Comments): There should be a reference to paragraph 3 of art. 19 (i.e. examination period of 6 months) instead of 19(2). PL (Drafting): The Office shall be exempted from the obligation to meet the deadline to perform the examination laid down in Article 19(32) and to inform the applicant of the reasons for the delay, where it receives a communication from a Member HU (Drafting): The Office shall be exempted from the obligation to meet the deadline to perform the examination laid down in Article 19(3) and to inform the applicant of the reasons for the delay, where it receives a communication from a Member State, concerning an application for registration in accordance with Article 14(1), which:</p>
(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, judicial decision; or	
(b) requests the Office to suspend the examination because national administrative or judicial proceedings have been initiated to challenge the validity of the application and the Member State considers that those proceedings are based on valid grounds.	<p>ES (Drafting): (b) requests the Office to suspend the examination because national administrative or judicial proceedings have been initiated to challenge the validity of the application. ES (Comments): Does the MS have enough authority or knowledge to decide whether such challenge is based on valid grounds or not? We think the final assessment depends on judicial authorities. It could be risky, in case the MS decides there are no valid grounds that end up being solid. PL (Comments):</p>

	Does the MS have enough authority or knowledge to decide whether such challenge is based on valid grounds or not? We think the final assessment depends on judicial authorities. It could be risky, in case the MS decides there are no valid grounds that end up being solid.
3. The exemption set out in paragraph 2 shall have effect until the Office is informed by the Member State that the original application has been restored or that the Member State withdraws its request for suspension.	
4. If the judicial decision referred to in paragraph 2 has acquired the force of <i>res judicata</i> , the Member State shall, as necessary, withdraw or modify the application.	PL (Comments): New tasks on MS to withdraw an application; would a simple information about the decision or judgement could be considered?
Article 21	
Opposition and comments procedure	
1. Within 3 months from the date of publication of the single document and the reference to the product specification referred to in Article 7 in the Union register of geographical indications for craft and industrial products an opponent may lodge an opposition or notice of comment with the Office. The applicant and the opponent shall be considered a party to the procedure.	SE (Comments): Parallel opposition procedures should be avoided. Sweden believes that parallel opposition procedures at national level and union level might be problematic (cf. comment in Article 20). This could simply lead to different outcomes and not conducive to legal certainty.
2. An opponent may be the competent authorities of a Member State, or of a third country, or a natural or legal person having legitimate interest and established or resident in a third country or in another Member State that does not qualify as a national opponent pursuant to Article 13(1).	IT (Drafting): 2. An opponent may be the competent authorities of a Member State, or of a third country, or a natural or legal person having rights or a legitimate interest and established or resident in a third country or in another Member State that does not qualify as a national opponent pursuant to Article 13(1). IT

	<p>(Comments):</p> <p>Right holders should in the first place be entitled to the procedure and referred to in the article. There is a difference between a person having a right and a person having a legitimate interest. See also the text proposed by the Commission in art 41 §1.</p>
<p>3. The Office shall check the admissibility of the opposition. If the Office considers that the opposition is admissible, it shall, within 60 days after the receipt of that opposition, invite the opponent and the applicant to engage in consultations for a reasonable period not exceeding 3 months. At any time during that period, the Office may, at the request of either party, extend the time limit for the consultations by a maximum of 3 months. The Office may offer mediation for the consultations between the applicant and the opponent pursuant to Article 170 of Regulation (EU) 2017(1001).</p>	<p>IT</p> <p>(Comments):</p> <p>Please note that such paragraph contains no reference to the involvement of the competent authority of the member state in the consultations, which is then referred to in paragraph 6.</p> <p>ES</p> <p>(Comments):</p> <p>Months.</p>
<p>4. The applicant and the opponent shall provide each other during the consultation with the relevant information to assess whether the application for registration complies with the conditions set out in this Regulation.</p>	<p>PL</p> <p>(Comments):</p> <p>Is there a reason to provide reference to conditions set out in the whole Regulation rather than identify the specific provisions?</p>
<p>5. The Office may at any stage of the opposition procedure consult the Advisory Board as referred to in Article 33, in which case the parties shall be notified and the period referred to in paragraph 2 shall be suspended.</p>	<p>RO</p> <p>(Comments):</p> <p>Should this para. refer to the 60 days period provided for in art. 13(1)?</p> <p>PL</p> <p>(Drafting):</p> <p>The Office may at any stage of the opposition procedure consult the Advisory Board as referred to in Article 33, in which case the parties shall be notified and the period referred to in paragraph <u>32</u> shall be suspended.</p>
<p>6. Within 1 month from the end of the consultations referred to in paragraph 2, the applicant established in the third country or the competent authority of the Member State or of the third country from</p>	<p>IT</p> <p>(Drafting):</p>

<p>which the application for Union registration was lodged shall notify the Office of the result of the consultations, whether an agreement was reached with one or all of the opponents, and of any consequent changes to the application made by that applicant. The opponent may also notify the Office of its position at the end of the consultations.</p>	<p>6. Within 1 month from the end of the consultations referred to in paragraph 2, the applicant established in the third country or in the Member State or the competent authority of the Member State or of the third country from which the application for Union registration was lodged shall notify the Office of the result of the consultations, whether an agreement was reached with one or all of the opponents, and of any consequent changes to the application made by that applicant.</p> <p>IT (Comments): It is unclear why the Commission is excluding in its proposal that also the applicant established in the Member State can notify the Office. It is not mentioned at all in this article how, during the opposition procedure, the competent authority of a member state is involved in the consultations taking place between the applicant and the opponent and how such authority should be informed, and by whom, regarding the results of such consultations. In paragraph 3 there is no reference to the involvement of the competent authority by the Office, when the invitation is sent to opponent and applicant. If paragraph 6 has to be kept as in the proposal of the Commission, then, paragraph 3 needs to be amended accordingly and integrated with the inclusion of the reference to the involvement of the competent authority of the member state.</p> <p>ES (Comments): Compared to art. 19.6 AGRIS, this proposal omits the following: “including all the information exchanged” (before “whether” and after “consultations”). We believe it may be important.</p> <p>HU (Comments):</p>
<p>7. Where, following the end of the consultations, the data published in accordance with Article 19(6) 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,</p>	<p>PL (Drafting): Where, following the end of the consultations, the data published in accordance with Article 19(76) have been modified, the Office shall</p>

and the Office considers that the modified application meets the conditions for registration, it shall publish the modified application in accordance with that paragraph.	carry out a new examination of the modified application. Where the application for registration has been modified in a substantial manner, and the Office considers that the modified application meets the conditions for registration, it shall publish the modified application in accordance with that paragraph.
8. The authorities and persons that may act as an opponent may lodge a notice of comment with the Office. The competent authority or person that lodged a notice of comment shall not be considered to be a party to the procedure.	ES (Comments): Are there no differences between filing an opposition or a notice of comment? Only the fee and not being part of the proceedings? (no specific grounds or legitimation?)
9. The Office may share the notice of comment with the applicant and the opponent.	
10. In order to facilitate the official submission of comments and to improve management of the opposition procedure, the Commission may adopt implementing acts laying down the necessary rules to provide for the submission of such official comments and specifying the format and online presentation of oppositions and any comments procedure. 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 a declaration that the application could infringe the conditions laid down in paragraph 2 of this Article and give justification in a reasoned statement of opposition drawn up in accordance with the form set out in Annex 3. An opposition that does not contain the reasoned statement of opposition shall be void.	IT (Comments): Please note that Annex 3 contains at point 4 a reference to art 12(1) point b. This reference is a mistake. Art 12 has no connection with the topic. RO (Comments):

	In the form in Annex 3, pt. 4, last indent, there is a reference to art. 12, para. 1, let. b) even though art. 12 has only one paragraph.
2. Upon opposition, the name for which there has been an application for registration shall not be registered, if:	
(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, 38 or 39;	
(c) the registration of the proposed geographical indication would jeopardise the existence of, an entirely, or partly identical name or of a trade mark, or the existence of products which have been legally on the market for at least 5 years preceding the date of the publication provided for in Article 18(3).	<p>PL (Comments): What would be the criteria to assess the situation when “the proposed GI would jeopardise the existence of, an entirely, or partly identical name or of a trade mark [...]”; how this provision relate to art 42(4) that refers to coexistence of a trade mark and a GI?</p> <p>DK (Comments): It should be clarified what is meant by “jeopardise the existence of” This criteria seems fundamentally different from the criteria found in trademark law where likelihood of confusion is sufficient. Furthermore, the 5 year priority that is granted geographical indications is not proportionate or in line with the general principles on priority as expressed in the Paris Convention and TRIPS. It also completely disregards protection schemes in national law providing protection for rights in signs that are established or acquired by use of the sign, as well as it disregards the protection afforded Well-known trade marks by the Paris Convention and TRIPS.</p> <p>SE (Comments):</p>

	Sweden would like to see clarification if the condition set out in paragraph 2(c) should be considered a stand-alone condition separate from subparagraph (a) and (b).
3. The admissibility and the grounds of an opposition shall be assessed by the Office in relation to the territory of the Union.	
Article 23	
Transitional period for the use of geographical indications	
1. Without prejudice to Article 42, at the time of registration, the Office may decide to grant a transitional period of up to 5 years to enable, for products originating in a Member State or a third country the designation of which consists of or contains a name that contravenes Article 35, the continued use of that designation, under which they were marketed, provided that an admissible and grounded opposition, under Article 13 or Article 21, to the application for registration of the geographical indication whose protection is contravened shows that:	DE (Comments): Why should an opposition be required to grant transitional periods for temporary continued use of geographical indications? Experience has emerged from procedures relating to AGRI-GIs that third parties would often be satisfied with a transitional period for changing the product designation to something other than the protected name. This could also be granted by application in a less bureaucratic manner and with less effort.
(a) the registration of the geographical indication would jeopardise the existence of the entirely or partially identical name in the product designation;	
(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 provided for in Article 18(3);	
2. The Office may decide to extend the transitional period granted under paragraph 1 up to 15 years, or allowing continued use for up to 15 years, provided it is additionally shown that:	

(a) the name in the designation referred to in paragraph 1 has been in legal use consistently and fairly for at least 25 years before the application for registration of the concerned geographical indication was submitted to the Office;	
(b) the purpose of using the name in the designation referred to in paragraph (1) has not, at any time, been to profit from the reputation of the name of the product that has been registered as geographical indication; and	
(c) the consumer has not been or could not have been misled as to the true origin of the product.	
3. The decision granting a transitional period referred to in paragraph 1 shall be published in the Union register of geographical indications for craft and industrial products.	
4. When using a designation referred to in paragraph 1, the indication of the country of origin shall clearly and visibly appear on the labelling.	
5. To overcome temporary difficulties with the long-term objective of ensuring that all producers of a product designated under a geographical indication in the area concerned comply with the related product specification, a Member State may grant a transitional period for compliance, of up to 10 years, with effect from the date on which the application is lodged with the Office, provided that the operators concerned have legally marketed the products in question, using the names concerned continuously for at least 5 years preceding the lodging of the application to the authorities of that Member State and have referred to that fact in the national opposition procedure referred to in Article 13.	

6. Paragraph 5 shall apply <i>mutatis mutandis</i> to a geographical indication referring to a geographical area situated in a third country, with the exception of the opposition procedure.	
Article 24	
Decisions by the Office on the application for registration	
1. After completion of the opposition and notice of comments procedure, the Office shall finalise its examination, taking into account any provisional periods, the outcome of any opposition procedure, any notice of comments received and any other matters that come to light in the course of the examination that may give rise to a change in the single document.	
2. Where, on the basis of the information available to the Office from the examination carried out pursuant to Article 19, the Office considers that any of the requirements referred to in that Article is not fulfilled, it shall adopt a decision rejecting the application for registration.	
3. Where the application meets the requirements laid down in Article 17 and the Office receives no admissible and grounded opposition, the Office shall adopt a decision registering the name.	ES (Comments): What would happen if the Office receives no admissible and grounded opposition, but admissible and grounded notice of comment? Such case is included here or, on the contrary, has not been taken into account?
4. Where the Office receives an admissible and grounded opposition, and following the consultations referred to in Article 21(3) an agreement has been reached, the Office, after checking that the agreement complies with Union law, shall adopt a decision registering the name. If necessary, in case of standard amendments referred to in Article 28(2), point (b), the Office shall adopt a decision amending the information published pursuant to Article 19(6).	

<p>5. Where an admissible and grounded opposition had been received but no agreement has been reached following the consultations referred to in Article 21(3), the Office shall adopt a decision on registration.</p>	<p>PL (Drafting): Where an admissible and grounded opposition had been received but no agreement has been reached following the consultations referred to in Article 21(3), the Office shall adopt a decision on registration; <input type="checkbox"/> the Office shall decide on a decision on registration, or; <input type="checkbox"/> the Office shall adopt a decision on registration or refusal. PL (Comments): It seems unclear that the Office should make a decision about registration or refusal.</p>
<p>6. Decisions on registration made pursuant to paragraphs 3 to 5 adopted by the Office shall provide, where appropriate, for any conditions applicable to the registration and for the republication for information purposes of the information published for opposition pursuant to Article 19(7) in the Union register of geographical indications, in case of any necessary amendments that are not substantial.</p>	
<p>7. Decisions adopted by the Office shall be published in the Union register of geographical indications for craft and industrial products in all the official languages of the Union. The reference to the name of the product, class of the product, indications of the country or countries of origin and the reference to the decision published in the Union register of geographical indications for craft and industrial products shall be published in the <i>Official Journal of the European Union</i>.</p>	<p>IT (Drafting): 7. Decisions adopted by the Office shall be published in the Union register of geographical indications for craft and industrial products in all the official languages of the Union. The single document reference to the name of the product, class of the product, indications of the country or countries of origin and the reference to the Office decision published in the Union register of geographical indications for craft and industrial products shall be published in all official languages of the Union in the <i>Official Journal of the European Union</i>, L series.</p>

	<p>IT (Comments): For reasons of transparency and easier access of information for the public, as it is currently done in the case of AGRI GI, we think it is important to publish the single document, in all the EU official languages, in the EU Official Journal.</p>
Article 25	
Decision by the Commission	<p>HU (Comments): <i>We are concerned about the provision in Article 25 that allows the Commission, even on its own initiative, to reserve the right to decide on the registration of a GI on grounds of public interest or EU trade policy. In our view, this provision could adversely affect the rights and economic interests of applicants. The possibility of opposition and comment during the application procedure, as well as the cancellation procedure available after registration and the appeal against the decision, where interested parties can present their concerns and supporting arguments for registration, provide sufficient guarantees that GIs which are harmful to the public interest and trade policy will not be registered. The situations when the Commission may issue such decision has to be clarified and detailed in the proposal.</i></p>
<p>1. Concerning applications for registration referred to in Article 17, the Commission may take over from the Office, at any time before the end of the procedure, on its own initiative, on the initiative of a Member State or the Office, the power to decide on the application for registration of the proposed geographical indication where such decision may jeopardise the public interest or the Union's trade or external relations. The Office shall submit a proposal to the Commission for a decision pursuant to Article 24(2) to 24(6). The Commission shall adopt the final act on the application for registration. This paragraph shall apply <i>mutatis</i></p>	<p>FI (Comments): This article leaves a lot of discretion for the Commission PL (Comments): More clarification in what kind of situation, the Commission may issue a decision.</p>

<i>mutandis</i> to the cancellation and the amendment of the product specification.	
2. In situations referred to in paragraph 1 of this Article, the Commission shall adopt implementing acts on the protection of the geographical indication. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 65(2) and shall be published in the <i>Official Journal of the European Union</i> and in the Union register of geographical indications for craft and industrial products.	
3. The Office shall ensure that the Commission has access to the documents concerning the applications for registration, any amendment of the product specification and cancellation through the digital system referred to in Article 18(1) and Article 26(1).	
Article 26	
The Union register of geographical indications for craft and industrial products	
1. A publicly accessible electronic Union register of geographical indications for craft and industrial products shall be developed, kept and maintained by the Office for the management of geographical indications for craft and industrial products.	
2. Each geographical indication of craft and industrial products shall be identified in the Union register of geographical indications for craft and industrial products as a 'protected geographical indication'.	
3. Upon the entry into force of a decision registering a protected geographical indication, the Office shall record the following data in the Union register of geographical indications for craft and industrial products:	

(a) the registered name of the product;	
(b) the class of the product;	
(c) the reference to the instrument registering the name;	<p>LV (Drafting): (c) the reference to the legal instrument registering the name; IT (Drafting): c) the reference to the legal instrument registering the name; IT (Comments): For reasons of clarity, and for the text to be aligned with the French version (instrument juridique), the word “legal” needs to be included. The same should happen for the Italian version where it should be mentioned: strumento giuridico di registrazione del nome.</p>
(d) indication of the country or countries of origin.	
4. Geographical indications concerning products from third countries that are protected in the Union under an international agreement to which the Union is a contracting party shall be entered in the Union register of geographical indications for craft and industrial products. Geographical indications other than those protected in the Union pursuant to Article 7 Regulation EU 2019/5713 shall be registered by means of implementing acts adopted by the Commission in accordance with the examination procedure referred to in Article 65(2).	
5. Each geographical indication shall be entered in the Union register of geographical indications for craft and industrial products in its original script. Where the original script is not in Latin characters, the geographical indication shall be transcribed in Latin characters and both versions of the geographical indication shall be entered in the Union	

register of geographical indications for craft and industrial products and shall have equal status.	
6. The Commission shall make public and regularly update both the list of the international agreements referred to in paragraph 2 and the list of geographical indications protected under those agreements.	<p>PL (Drafting): The Commission shall make public and regularly update both the list of the international agreements referred to in paragraph 42 and the list of geographical indications protected under those agreements.</p> <p>DK (Comments): We believe that the reference should be to paragraph 4 instead of 2.</p>
7. The Office shall retain documentation related to the registration of a geographical indication in digital or paper form for the period of validity of the geographical indication, and in case of cancellation for 10 years thereafter.	
8. The Commission may adopt implementing acts defining the content and presentation of the Union register of geographical indications for craft and industrial products. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 65(2).	
Article 27	
Extracts from the Union register of geographical indications for craft and industrial products	
1. The Office shall ensure that any person is able to download an official extract from the Union register of geographical indications for craft and industrial products that provides proof of registration of the geographical indication, and the relevant data including the date of application for the registration of the geographical indication or other priority date. The official extract may be used as an authentic certificate	

in legal proceedings, in a court of law, in a court of arbitration or similar body.	
2. The applicant producer group or where Article 6(3) applies, the single producer shall be identified as the holder of the registration in the Union register of geographical indications for craft and industrial products and in the official extract referred to in paragraph (1) of this Article.	<p>DE (Comments): It would be better to enter in the register the “authorized user” or “authorized person” or “beneficiary” (like in the Lisbon system of WIPO) instead of the “holder of the registration”, because GI law does not recognize any holders of these intellectual property rights, but only authorized users.</p> <p>AT (Comments): This article refers to the “producer group” and “where Article 6(3) applies, the single producer”. It mentions both, the producer group and the single producer. Other articles refer to the “producer group” only, this wording should be harmonised for reasons of clarity.</p>
3. The Commission may adopt implementing acts defining the format and online presentation of extracts from the Union register of geographical indications for craft and industrial products. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 65(2).	
Article 28	
Amendments to a product specification	
1. A producer group having a legitimate interest may apply for the approval of an amendment to the product specification of a registered geographical indication.	<p>IT (Drafting): 1. A producer group having a legitimate interest Any applicant who meets the conditions stipulated in Article 6 may apply for the approval of an amendment to the product specification of a registered geographical indication. Applications shall describe and state reasons for the amendments requested.</p>

	<p>IT (Comments):</p> <p>The wording proposed in the regulation creates the impression that the provision may refer to a producer group that is not the one having applied for the PGI.</p> <p>In line with the provision currently in force in the AGRI sector, we prefer to state clearly that such producer group is the one which has submitted the first PGI application. Moreover, the producer group that holds a PGI is a right holder and not a group having a legitimate interest.</p> <p>The reasons for the changes to the product specification should be explained. The producer group which holds a registered PGI is a right holder and not a person having a legitimate interest.</p>
2. Amendments to a product specification shall be classified into two categories:	
(a) Union amendments, requiring an opposition procedure at the Union level, and	<p>RO (Comments):</p> <p>Is the amendment of the product specification made only by means of the opposition procedure?</p>
(b) standard amendments to be dealt with at Member State or third country level.	
3. An amendment shall be considered a 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, or in the use of the name,	
(b) the amendment risks voiding the link to the geographical area referred to in the single document,	

(c) the amendment entails further restrictions on the marketing of the product.	
4. Union amendments shall be approved by the Office or, where Article 25 applies, the Commission. The approval procedure shall follow <i>mutatis mutandis</i> the procedure and publication requirements laid down in Articles 6 to 25.	
5. Any other amendment to the product specification of a registered geographical indication that is not a Union amendment in accordance with paragraph 3, shall be considered as a standard amendment.	
6. Applications for amendments referred to in paragraph 2 submitted by a third country or by producers established in a third country shall contain proof that the requested amendment complies with the laws on the protection of geographical indications in force in that third country.	
7. If an application for a Union amendment concerning a geographical indication of a Member State also relates to standard amendments, the Office shall examine the Union amendments only. Any standard amendments shall be deemed as not having been submitted. The examination of such applications shall focus on the proposed Union amendments. Where appropriate, the Member State concerned or the Office may invite the applicant to modify other elements of the product specifications.	
8. Standard amendments shall be approved by Member States or third countries in whose territory the geographical area of the product concerned is located. Such amendments shall be communicated to the Office. Where Article 25 applies, the Office shall approve the standard amendments. The Office shall make those amendments public in the Union register of geographical indications for craft and industrial products.	RO (Comments): What is the role of the COM with regard to the standard amendments.

9. The Commission may adopt implementing acts laying down detailed rules on procedures, form and presentation of an amendment application for Union amendment and on procedures, form and communication of 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. The Office may, on its own initiative or on a duly substantiated request by a Member State, a third country or any natural or legal person having a legitimate interest, decide to cancel the registration of a geographical indication in the following cases:	<p>AT (Comments): Can the producer group ask for cancellation regardless of the reasons listed in para. 1?</p> <p>DK (Comments): DK would like the following to be clarified;</p> <p>1) if the paragraph, including the exceptions in paras (a) and (b) regarding compliance and use requirement, reflect the obligations under the Geneva Act, other legal acts, international agreement etc.,</p> <p>how legal certainty for third parties is secured and the reasoning behind placing the burden of proof regarding para (b) on third parties or Member States and not the owner of the GI.</p>
(a) where 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 7 years.	<p>RO (Drafting):</p>

	<p>(b) where no product has been placed on the market under the geographical indication for at least a consecutive period of 7 years, starting from</p> <p>RO (Comments): There is a need for further clarity. We would like a clear reference to the date from which the 7 year period starts to run.</p> <p>DK (Comments): It is unclear why 7 years has been chosen, and not 5 years as for trade marks. Furthermore, it is unclear from which point in time the years shall be counted.</p>
2. The Office may, at the request of the producer group of the product marketed under the registered name, decide to cancel the corresponding registration.	
3. Article 6 and Articles 19 to 25 shall apply <i>mutatis mutandis</i> to the cancellation procedure.	
4. Before deciding to cancel the registration of a geographical indication, the Office shall consult the competent authority of the Member State, the competent authorities of the third country or, where possible, the third country producer group which had applied for the registration of the geographical indication concerned, unless the cancellation is directly requested by the original applicants. If the geographical indication was registered pursuant to Article 15, the Office shall consult the Advisory Board referred to in Article 33.	
5. The Commission may adopt implementing acts laying down detailed rules on procedures and form of the cancellation process, as well as on the presentation of the requests referred to in paragraphs 1 and 2 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 65(2).	

Article 30	
Appeal	
1. Any party to a procedure regulated in this Regulation that is adversely affected by the 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. The appealed decisions of the Office shall take effect only as from the date of expiration of the appeal period referred to in paragraph 3. The filing of the appeal shall have suspensive effect. Member States shall also have the right to join the procedure.	
2. A decision which does not terminate proceedings as regards one of the parties shall only be appealed together with the final decision.	
3. Notice of appeal shall be filed in writing at the Office within 2 months of the date of publication of the decision. The notice shall be deemed to be have been filed only when the fee for appeal has been paid. In case of an appeal, a written statement setting out the grounds of appeal shall be filed within 4 months of the date of publication of the decision.	
4. The Boards of Appeal shall examine whether the appeal is admissible.	
5. Following an examination of admissibility of the appeal, the Boards of Appeal shall decide on the appeal. The Boards of Appeal shall either exercise any power within the competence of the geographical indications division which was responsible for the decision appealed or remit the case to that geographical indication division for further prosecution. The Boards of Appeal may, on its 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 against decisions of the Boards of Appeal in relation to appeals, within two months of the date of publication of the decision of the Boards of Appeal, on grounds of infringement of an essential procedural requirement, infringement of the TFEU, 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 proceedings before the Boards of Appeal adversely affected by its decision and to any Member State. The General Court shall have jurisdiction to annul or to alter the contested decision.	
7. The decisions of the Boards of Appeal shall take effect only as from the date of expiry of the appeal period or, if an action has been brought before the General Court within that period, as from the date of dismissal of such action or of any appeal filed with the Court of Justice against the decision of the General Court.	
8. The Commission is empowered to adopt delegated acts 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 Board of Appeal's decisions as referred to in paragraph 5.	
Article 31	
Establishment of a domain name information and alert system	LT (Comments):

	Concerning this provision we are consulting national top-level domain name registrar.
<p>1. For domain names registered under a country-code top-level domain name, administered or managed by a registry established in the Union, the Office shall provide a domain name information and alert system. Upon submission of an application for a geographical indication, the information and alert system shall inform applicants for a geographical indication about the availability of their geographical indication as a domain name, and on an optional basis once a domain name containing an identical or similar name with their geographical indication is registered (domain name alerts).</p>	<p>IT (Drafting):</p> <p>1. For domain names registered under a country-code top-level domain name, administered or managed by a registry established in the Union, the Office shall provide a domain name information and alert system. Upon submission of an application for a geographical indication, the information and alert system shall inform applicants for a geographical indication about the availability of their geographical indication as a domain name, and on an optional basis once a domain name containing an identical or similar name with their geographical indication is registered (domain name alerts).</p> <p>IT (Comments):</p> <p>This provision should not be limited only to country code top level domain names but it should include any domain name registered by a registry established in the Union. Otherwise, the protection will be limited. See also art 41 in this regard.</p> <p>PL (Comments):</p> <p>Not only country-code top-level domain name registries should be considered but also generic top-level domain name registries</p> <p>In PL both the information on the availability of the domain name for registration and the information on the registered domain name are publicly available - through the website of the .pl domain Register: respectively, through the domain browser function on the main page of the register https://www.dns.pl/ or via the WHOIS database https://www.dns.pl/whois.</p> <p>Insofar as the Office, in order to fulfill the obligation referred to in Art. 31, additional information is needed, e.g. subscriber data of a registered domain name not published in WHOIS, execution of more than one</p>

	<p>WHOIS query at a time; national top-level domain registry will systematically provide such information.</p> <p>However, it is not technically possible to verify domain registration attempts prior to their registration - especially at the EU level, taking into account different operating models of national domain registries.</p> <p>If such an alert system is introduced, it would be difficult to identify “similar names” (based on what assessment).</p> <p>Therefore, if creation of such an alert system is considered there needs to be a sufficient time needed for country-code top-level domain name registries to prepare for the implementation and creation of the algorithm.</p> <p>DK</p> <p>(Comments):</p> <p>Under scrutiny – reservations on regulating elements regarding domain names in this regulation</p> <p>HR</p> <p>(Comments):</p> <p>Ongoing consultation with the national authority for domain names (Croatian Regulatory Authority for Network Industries)</p>
2. For the purposes of paragraph 1, country-code top-level domain name registries, established in the Union, shall provide the Office with all information and data in their possession necessary to run the domain name information and alert system.	<p>HR</p> <p>(Comments):</p> <p>Ongoing consultation with the national authority for domain names (Croatian Regulatory Authority for Network Industries)</p>
<i>Section 2</i> <i>Organisation and tasks of the Office in relation to the geographical indications</i>	
Article 32	
Geographical Indications Division	

1. A Geographical Indications Division, as a department of the Office, shall be responsible for taking decisions on behalf of the Office in relation to:	AT (Comments): It would require clarification that the competence of this division is limited to this VO or CI GIs. ES (Comments): It might be necessary to collect a generic function and add a section (d) in case there is a function not covered by the above.
(a) an application for registration of a geographical indication;	
(b) an application for amendment of a geographical indication;	
(c) an opposition to an application to register or amend a geographical indication;	
(d) entries in the Union register of geographical indication for craft and industrial products;	
(e) requests for cancellation of a geographical indication.	
2. Opposition and cancellation decisions shall be taken by a panel of three members. At least one member shall be legally qualified. All other decisions of paragraph 1 shall be taken by a single member.	
Article 33	
Geographical Indications Advisory Board	ES (Comments): Time limit for delivering the opinion? Not specified.
1. An Advisory Board is set up to deliver an opinion where provided for in this Regulation.	PL (Comments):

	What is the time limit for delivering the opinion?
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 concerning individual applications at any stage of the examination, opposition or the appeal procedure as referred to in Articles 19, 21 and 30 as well as concerning the following matters:	
(a) the assessment of the quality criteria;	
(b) the establishment of reputation and renown;	ES (Comments): Translation to ES: “notorio” is not the same as “renown” when it comes to trade marks. Should consider reviewing the translation. (Also in Recital 27)
(c) the determination of the generic nature of the name;	
(d) the assessment of fair competition in commercial transactions and the risk of confusing consumers in cases of conflict between geographical indications and trade marks, homonyms or existing products which are legally marketed.	
3. The Geographical Indications Division and the Boards of Appeal shall consult the Advisory Board concerning the possible registration of all individual applications submitted through the direct registration procedure referred to in Article 15.	ES (Comments): From article 15 we understand that the first part refers to how to communicate that a MS wants to join the direct procedure, and that the second part refers to how to manage an application in this procedure. Therefore, we interpret this article as meaning that it is not about consulting the Advisory Council when a MS wants to join the procedure, but for the examination of registration applications submitted in this way.

	Article 15 could be divided in two: on the one hand, how to make use of the opt-out clause, and on the other hand, how IGIA applications are dealt with in such cases.
4. The opinions of the Advisory Board shall not be binding on the Geographical Indications Division and the Boards of Appeal.	
5. The Advisory Board shall be composed of one representative of each Member State and one representatives of the Commission and their respective alternates.	<p>LV (Comments): What competencies are to be expected from the representatives of the Advisory Board? Is it possible that a point of contact (Article 15 Paragraph 6) can act also as a representative at the Advisory Board?</p> <p>PL (Comments): Who will be the one responsible for the appointment of representatives to the Advisory Board? It would be valuable to ensure that the members have adequate competencies. Art. 61 to be complemented with the new tasks of the EUIPO Management Board.</p>
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.	<p>HU (Comments): <i>According to Article 33(8), the rules on the appointment of the members of the Advisory Board and the functioning of the Board shall be adopted and published by the Management Board of the EUIPO, but Article 61 of the Draft Regulation does not amend Article 153 of Regulation (EU) 2017/1001 on the European Union trade mark, which lists the powers of the Management Board. In our view, this should be corrected.</i></p>
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 and shall be made public.	
9. The mandates of members of the Advisory Board shall be up to 5 years. Those mandates may be renewable.	
10. The Office shall provide the logistic support necessary for the Advisory Board and provide a secretariat for its meetings.	
Article 34	
Boards of Appeal	
In addition to the powers conferred upon it by Article 165 of Regulation (EU) 2017/1001, the Boards of Appeal instituted by that Regulation shall be responsible for deciding on appeals from decisions of the Geographical Indications Division as regards their decisions concerning geographical indications subject to Article 28 of this Regulation.	
TITLE III PROTECTION OF GEOGRAPHICAL INDICATIONS	
Article 35	
Protection of geographical indications	
1. Geographical indications entered in the Union register of geographical indications for craft and industrial products shall be protected against:	PT (Drafting): Propose new subparagraphs: The use which constitutes an act of unfair competition within the meaning of Article 10 bis of the Paris Convention as revised by the Stockholm Review of 14 July 1967

	The use by anyone who is not authorised to do so by the owner of the register
(a) any direct or indirect commercial use of the geographical indication in respect of products not covered by the registration, where those products are identical or similar to the products registered under that geographical indication or where use of the name exploits, weakens, dilutes, or is detrimental to the reputation of, the protected geographical indication;	<p>ES (Comments):</p> <ul style="list-style-type: none"> - It would be better to use the same wording as in previous GI Regulations: “comparable”. - (...) <i>detrimental to the reputation</i> (...): new concept that will require Court’s interpretation in order to define its scope. <p>AT (Comments):</p> <p>The wording does not match the corresponding provision in the agri GI proposal (Art 27 1 (a)).</p> <p>It would be useful to establish criteria for interpreting the terms “identical” and “similar”.</p>
(b) any misuse, imitation or evocation, even if the true origin of the products or services is indicated or if the protected geographical indication is translated or accompanied by an expression such as ‘style’, ‘type’, ‘method’, ‘as produced in’, ‘imitation’, ‘flavour’, ‘like’ or similar;	<p>IT (Drafting):</p> <p>(b) any misuse, imitation or evocation, even if the true origin of the products or services is indicated or if the protected geographical indication is translated or accompanied by an expression such as ‘style’, ‘type’, ‘method’, ‘as produced in’, ‘imitation’, ‘flavour’, ‘like’, “equivalent”, “replica” or similar;</p> <p>IT (Comments):</p> <p>The reference to <i>flavour</i> is acceptable only if it is used to indicate a “fragrance”, referring to the smell but not to the taste of a product. The French translation refers to <i>Goût</i>, the Italian version to <i>Gusto</i> and it is not appropriate for a non agri product. In Italian it could be translated with the term: <i>Fragranza/aroma</i>.</p> <p>Additional terms such as “equivalent” and “replica” could be included in the list, considering they are commonly used for non agri products.</p> <p>ES (Comments):</p>

	<p>Is <i>flavour</i> a feature of industrial and craft products?</p> <p>SE</p> <p>(Drafting):</p> <p>The word “evocation” should be deleted.</p> <p>SE</p> <p>(Comments):</p> <p>In Sweden’s view, the word “evocation” and the definition proposed in paragraph 2, makes the scope of protection unnecessary broad. While the protection should protect against the use of deceptive names, we are concerned that there is no limit on what can result in “evocation”. Therefore, we suggest that the protection should not include protection for evocation.</p>
(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, advertising material, documents or information provided on websites relating to the products, and the packing of the products in a container liable to convey a false impression as to their origin;	<p>IT</p> <p>(Drafting):</p> <p>(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, advertising material, documents or information provided on websites in the digital environment relating to the products, and the packing of the products in a container liable to convey a false impression as to their origin;</p> <p>IT</p> <p>(Comments):</p> <p>The reference to the website is too limited, considering the increasing use of social commerce, social media and apps, where products are displayed also for sale. Therefore, it is proposed to use a more general term which includes any type of online activity.</p>
(d) any other practice liable to mislead the consumer as to the true origin of the products.	
2. For the purposes of paragraph 1, point (b), the evocation of a geographical indication shall be deemed to arise, in particular, where a term, sign, or other labelling or packaging device presents a direct and	<p>IT</p> <p>(Drafting):</p>

<p>clear link with the product covered by the registered geographical indication in the mind of the reasonably circumspect consumer, thereby exploiting, weakening, diluting or being detrimental to the reputation of the registered name.</p>	<p>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 direct and clear link with the product covered by the registered geographical indication in the mind of the reasonably circumspect consumer, thereby exploiting, weakening, diluting or being detrimental to the reputation of the registered name.</p> <p>2. The evocation referred to in paragraph 1, point (b), does not require that the product protected by a geographical indication and the product or service covered by the disputed sign be identical or similar. Evocation shall be deemed to arise in particular, where the use of a name, a term, a sign, including a figurative sign, or other labelling or packaging device, creates, in the mind of an average consumer who is reasonably well informed and reasonably observant and circumspect, a sufficiently clear and direct link with the name of the product covered by the registered geographical indication, thereby exploiting, weakening, diluting or being detrimental to the reputation of the registered name.</p> <p>The protection against evocation provided for in paragraph 1, point (b) shall not be limited to cases where the practice giving rise to evocation satisfies the conditions for an act of unfair competition within the meaning of the relevant provisions of the applicable national law.</p> <p>IT</p> <p>(Comments):</p> <p>The Commission has introduced a definition of the concept of evocation that reflects only partially the case law of the Court of Justice. The alternative proposed text is integrated with the indications resulting from the latest case law of the CJEU, in particular the decision adopted in September 2021 on the “Champanillo” case (Causa C-783/19).</p> <p>The inclusion of such a definition would be without any prejudice to the competence of the CJEU that may in the future provide any additional indication and further interpretation in this field.</p> <p>ES</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>(Comments):</p> <ul style="list-style-type: none"> - (...) <i>direct and clear link</i> (...): European Court of Justice has defined such link as “sufficiently clear and direct link”. Consider including the adverb “sufficiently” - (...) <i>reasonably circumspect consumer</i> (...): the introduction of a new type of consumer may cause confusion. In the EU, we have “average consumer” and the European Court of Justice has already delimited it. <p>PL</p> <p>(Comments):</p> <ul style="list-style-type: none"> - (...) <i>reasonably circumspect consumer</i> (...): the introduction of a new type of consumer may cause confusion. In the EU, we have “average consumer” and the European Court of Justice has already delimited it. Similar, as during the discussion on the agri-Gi reform, it is proposed to remove this para – defining evocation of a geographical indication may unnecessarily limit the interpretation provided in the judgements of the CJEU.
3. Paragraph 1 shall also apply to a domain name containing or consisting of the registered geographical indication.	<p>HR</p> <p>(Comments):</p> <p>Ongoing consultation with the national authority for domain names (Croatian Regulatory Authority for Network Industries)</p>
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,	<p>DK</p> <p>(Comments):</p> <p>What is the reasoning for not excluding the situation, where the producer group etc. is not entitled to prohibit the placing of the goods on the</p>

including packaging, come from third countries and are contrary to paragraph 1.	market in the country of final destination? Such exemption regarding goods in transit exist in the trademark directive.
6. Geographical indications protected under this Regulation shall not become generic within the Union.	
7. Where a geographical indication is a compound name which contains a term which is considered to be generic, the use of that term shall not constitute a conduct referred to in paragraph 1, points (a) and (b).	
Article 36	
Parts or components in manufactured products	
1. Article 35 is without prejudice to the use of a geographical indication by producers in conformity with Article 43 to indicate that a manufactured product contains, as a part or component, a product designated by that geographical indication provided that such use is made in accordance with honest commercial practices and does not weaken, dilute, or is not detrimental to, the reputation of the geographical indication.	
2. The geographical indication designating a product's part or component shall not be used in the sales designation of the manufactured product, except in cases of agreement with a producer group or, in situations referred to in Article 6(3), a single producer.	
	AT (Comments): Why is there no special competence of the EC, as standardized in Art 28 of the agri GI proposal?
Article 37	

Generic terms	
1. Generic terms shall not be registered as a geographical indication.	
2. To establish whether or not a term has become generic, account shall be taken of all relevant factors, in particular:	
(a) the existing situation in areas of consumption;	PT (Comments): What is meant by “the existing situation”?
(b) the relevant Union or national legal acts.	PT (Comments): Which relevant national legal acts are at issue here?
	AT (Comments): Why is there no special competence of the EC to issue implementing acts for the specification of generic terms, as it is the case with the agri GI proposal (Art 29)? Generic terms are subject to constant change due to linguistic usage.
Article 38	
Homonymous geographical indications	
1. A geographical indication that has been applied for after a wholly or partly homonymous geographical indication had been applied for or protected in the Union shall not be registered unless there is sufficient distinction in practice between the conditions of local and traditional usage and the presentation of the two homonymous indications, taking into account the need to ensure equitable treatment of the producers concerned and that consumers are not misled as to the true identity or geographical origin of the products.	ES (Comments): <i>(...) as to the true identity or geographical origin of the products: clarify the meaning or scope of this wording.</i> PL (Comments): <i>(...) as to the true identity or geographical origin of the products: clarify the meaning or scope of this wording.</i>

2. A wholly or partly homonymous name which misleads the consumer into believing that products come from another territory shall not be registered even if the name for the actual territory, region or place of origin of the products in question is accurate.	
3. For the purpose of this Article, a geographical indication applied for or protected in the Union refers to:	
(a) geographical indications that are entered in the Union register of geographical indications for craft and industrial products;	
(b) geographical indications that have been applied for provided that they are subsequently entered in the Union register of geographical indications for craft and industrial products;	
(c) appellations of origin and geographical indications protected in the Union pursuant to the Regulation (EU) 2019/1753 ⁸ ; 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 the geographical indications registered in breach of paragraphs 1 and 2.	AT (Comments): Is this an official deletion or is it subject to a certain procedure? Is there an opportunity to comment?
Article 39	
Trade marks	HU (Comments):

⁸ 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)

	<i>It should be clarified whether ‘trade marks’ in Article 39 includes, in addition to registered trade marks, trade marks that are protected under national law without being registered.</i>
A name shall not be registered as a geographical indication where, in the light of a trade mark’s reputation and renown, registration of the name proposed as a geographical indication could mislead the consumer as to the true identity of the product.	<p>ES (Comments): Translation to ES: “notorio” is not the same as “renown” when it comes to trade marks. Should consider reviewing the translation. (Also in Recital 27)</p> <p>DK (Drafting): “A name shall not be registered as a geographical indication where the use of the name proposed as a geographical indication will infringe an earlier right in a trademark, trade name or other Intellectual Property Right.”</p> <p>DK (Comments): Clarification on if the criteria “a trademarks reputation and renown” is comparable to the concept of well-known marks in trademark law is needed. If a GI is in conflict with an earlier right in a trademark, it being registered or not, the principle first in time, best in right should apply. Consequently, we propose a new draft suggestion.</p> <p>SE (Drafting): A name should not be registered as GI provided there is a prior trademark with higher priority.</p> <p>SE (Comments): In Sweden’s view, the protection of GI may disfavour businesses that use trademarks as their competitive advantage. This is especially the case if GIs are to take precedence over prior registered marks. Against this background, Sweden believes that the principle of “first in time, first in</p>

	right” should prevail in case of conflict between a non-agri GI and a trademark.
Article 40	
Producer groups	
1. Member States shall verify that the producer group operates in a transparent and democratic manner and that all producers of the product designated by the geographical indication enjoy right of membership in the group. Member States may provide that public officials, and other stakeholders such as consumer groups, retailers and suppliers, also participate in the work of the producer group.	<p>LV (Comments): Do we understand correctly that the obligation provided in Article 40, paragraph 1 does not apply to the Member State which uses an opt-out procedure according to Article 15?</p> <p>AT (Comments): Regarding the 2nd sentence: How great is the influence on the decision-making of these groups? Do they have to be a group (because only plural is given in the proposal)?</p> <p>PL (Comments): The new responsibilities and tasks of a Member State are unclear - these are new tasks; more clarification is required as this provision introduces a new administrative procedure, which may place an extra burden and act as a deterrent to producers. It is not clear whether such a group should operate for every GI and what if the group does not exist? Who will perform these duties?</p> <p>DK (Comments): DK would like to make clear how Member States should verify that producer groups operate in a transparent and democratic manner. DK would like it to be clarified what it means that that Member States can provide that stakeholders e.g., public officials or consumer groups participate in the work</p>

2. A producer group may, in particular, exercise the following powers and responsibilities:	
(a) develop the product specification and manage internal controls that ensure compliance of production steps of product designated by the geographical indication with that specification;	
(b) take legal action to ensure the protection of the geographical indication and of the intellectual property rights that are directly connected with it;	
(c) agree sustainability undertakings, whether or not included in the product specification or as a separate initiative, including arrangements for verification of compliance with these undertakings and assuring adequate publicity for them in particular in an information system provided by the Commission;	
(d) take action to improve the performance of the geographical indication, including:	
(i) development, organisation and conduct of collective marketing and advertising campaigns;	
(ii) dissemination of information and promotion activities aiming at communicating the attributes of the product designated by a geographical indication to consumers;	
(iii) carrying out analyses into the economic performance, sustainability of production, technical characteristics of the product designated by the geographical indication;	
(iv) dissemination of information on the geographical indication and the relevant Union symbol; and	HU (Comments):

	<p>We propose the deletion of the reference to providing trainings and advice in relation to gender mainstreaming and equality. This topic is alien to the subject matter of the Regulation and in our view, Articles 118(1) and 207(2) of the TFEU do not constitute an appropriate legal basis for such a provision. Moreover, there is no reference in the Impact Assessment underlying that training on gender mainstreaming or equality can improve the performance of GIs. We believe that there are plenty of other types of trainings that may be more important in achieving this goal.</p>
(v) providing advice and training to current and future producers, including on gender mainstreaming and equality; and	<p>HU (Drafting): (v) providing advice and training to current and future producers, including on gender mainstreaming and equality; and</p>
(e) combat counterfeiting and suspected fraudulent uses on the internal market of a geographical indication that is not in compliance with the product specification by monitoring the use of the geographical indication across the internal market and on third countries' markets where the geographical indications are protected, including on the internet, and, as necessary, informing enforcement authorities using confidential systems available.	<p>IT (Drafting): (e) combat counterfeiting and suspected fraudulent uses on the internal market of a geographical indication that is not in compliance with the product specification by monitoring the use of the geographical indication across the internal market and on third countries' markets where the geographical indications are protected, including on the internet in the digital environment, and, as necessary, informing enforcement authorities using confidential systems available.</p> <p>IT (Comments): The term digital environment is deemed to be broader than the reference to internet and we would like to promote the broadest protection possible against the illegal use of PGIs. See also comments above.</p> <p>ES (Drafting): <i>(...) of a geographical indication designating products that are not in compliance with the product specification (...)</i></p> <p>ES</p>

	(Comments): Consider reviewing the wording (...) <i>of a geographical indication that is not in compliance with the product specification (...) since it may be incomplete.</i>
Article 41	
Protection of geographical indication rights in domain names	
1. Country-code top-level domain name registries established in the Union may, upon request of a natural or legal person having a legitimate interest or rights, revoke or transfer a domain name registered under such country-code top-level domain to the producer group of the products with the geographical indication concerned, following an appropriate alternative-dispute-resolution procedure or judicial procedure, if such domain name has been registered by its holder without rights or legitimate interest in the geographical indication or if it has been registered or is being used in bad faith and its use contravenes Article 35.	IT (Drafting): 1. Country-code top-level Domain name registries established in the Union may, upon request of a natural or legal person having a legitimate interest or rights, revoke or transfer a registered domain name registered under such country-code top-level domain to the producer group of the products with the geographical indication concerned, following an appropriate alternative-dispute-resolution procedure or a judicial procedure, if such domain name has been registered by its holder without rights or legitimate interest in the geographical indication or if it has been registered or is being used in bad faith and its use contravenes Article 35. IT (Comments): This provision should not be limited only to country code top level domain name registries but it should refer to any domain name registry established in the Union. Otherwise, the protection will be limited. See also article 31 in this regard. It is unclear from the present text who are the persons to be identified as having a legitimate interest entitled to act in front of the Registry. It could be difficult for the Register to decide who is entitled or not to ask for revocation or transfer of the domain name, if the legal framework is unclear and vague and the decision is left to the discretion of the Registers concerned. Different interpretations may be given by registers at national and at EU level, with the risk of having as a result, no harmonisation in

	<p>this field and no uniform treatment and protection for producer groups both at national and EU scale. This problem could be avoided if the only entitled person to act is the producer group holding a PGI.</p> <p>DK (Comments): Under scrutiny – reluctant to regulate elements regarding domain names- HR (Comments): Ongoing consultation with the national authority for domain names (Croatian Regulatory Authority for Network Industries) DE (Comments): This paragraph provides special protection for geographical indications in country-specific domain names. There are doubts as to whether such a rule is necessary in this regulation. These domains are assigned according to the rules of the national Country-code top-level domain name registries PL (Comments) It has to be carefully considered whether this provision does not provide confusion to the current proceedings established in Member States. The provision suggest that country code top-level domain name registries only “MAY” revoke or transfer a domain name following an appropriate ADR procedure. Currently, following the decision of the mediation or arbitration court in Poland country code top-level domain name registries are obliged to execute the judgement of the court</p>
<p>2. Country-code top-level domain name registries established in the Union shall ensure that any alternative dispute resolution procedure established to solve disputes relating to the registration of domain names referred to in paragraph 1, shall recognise geographical indications as rights that may prevent a domain name from being registered or used in bad faith.</p>	<p>IT (Drafting): 2. Country-code top-level Domain name registries established in the Union shall ensure that any alternative dispute resolution procedure established to solve disputes relating to the registration of domain names referred to in paragraph 1, shall recognise geographical indications as</p>

	<p>rights that may prevent a domain name from being registered or used in bad faith.</p> <p>IT (Comments): See comments above</p> <p>HR (Comments): Ongoing consultation with the national authority for domain names (Croatian Regulatory Authority for Network Industries)</p> <p>DE (Comments): It does not seem imperative whether a regulation on an alternative dispute resolution procedure is necessary in this regulation. For example, in trademark law, protection derives from the exclusive right of use of the trademark owner. There are no special rules for use in top-level domains in the Regulation on the European Union trade mark.</p>
Article 42	
Conflicting trade marks	
<p>1. The registration of a trade mark the use of which would contravene Article 35 shall be rejected if the application for registration of the trade mark is submitted after the date of submission to the Office of the application for the registration of the geographical indication.</p>	<p>DK (Drafting): The registration of a trade mark the use of which would contravene Article 35 shall be rejected if the application for the registration of the geographical indication is submitted to the Office prior to the date of filing or priority of the trademark.</p> <p>DK (Comments): The proposed wording of Article 42(1) does not take into account the possibility to claim priority in a trademark application. Consequently, we propose a new draft suggestion.</p>

<p>2. The Office and, when applicable, the competent national authorities shall invalidate trade marks registered in breach of paragraph 1.</p>	<p>ES (Comments): - In ES, there is no <i>ex officio</i> invalidity procedure but <i>ex parte</i>. Clarify if this article refers to <i>ex officio</i>. - Translation to ES: says <i>invalidará</i> but our legal term is <i>anulará</i>. PL (Comments): there is no <i>ex officio</i> invalidity procedure but <i>ex parte</i>. Clarify if this article refers to <i>ex officio</i>.</p>
<p>3. For the purposes of paragraphs 1 and 4 of this Article, for geographical indications registered further to the procedure set up in Article 67, the first day of protection, following the one year transitional period since [the date entry into force of this Regulation], shall be deemed to be the day on which the Member States have informed the Office and the Commission.</p>	
<p>4. Without prejudice to paragraph 2 of this Article, a trade mark the use of which contravenes Article 35, which has been applied for, registered, or established by use in good faith within the territory of the Union, if that possibility is provided for by the legislation concerned, before the date on which the application for registration of the geographical indication is submitted to the Office, may continue to be used and renewed notwithstanding the registration of a geographical indication, provided that no grounds for invalidity or revocation of the trade mark exist under Directive (EU) 2015/2436⁹ 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.</p>	<p>ES (Comments): - (...) <i>established by use in good faith within the territory of the Union</i> (...): does this provision refer to all kind on unregistered trade marks, as long as they are being used in the Union? Shouldn't it be limited to well-known unregistered trade marks? Seemingly, it refers only to trade marks used in the Union, no matter the level of reputation they have among consumers. - (...) <i>within the territory of the Union, if that possibility is provided for by the legislation concerned</i> (...): we would like to know if there is a contradiction in this sentence. The use is required to take place in the whole territory of the Union, but at the same time, such protection depends on what national legislation establishes. In ES unregistered trade</p>

⁹ 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).

	<p>marks are protected when they are well-known in the Spanish territory (not EU).</p> <p>DK (Drafting): “In such cases, the use of the relevant trademark shall be permitted.”</p> <p>DK (Comments): The proposed wording of article 42(4) seems to signal that holders of trademarks in any case will have to accept the use of a geographical indication. This cannot be the case as geographical indications that infringes rights in trademarks should not be registered. Consequently, we propose a different draft suggestion.</p>
5. Guarantee or certification marks referred to in Article 28(4) of Directive (EU) 2015/2436 and collective marks referred to in Article 29(3) of that Directive may be used on labels, together with the geographical indication.	<p>IT (Drafting): 5. Guarantee or certification marks referred to in Article 28(4) of Directive (EU) 2015/2436 and collective marks referred to in Article 29(3) of that Directive may be used on labels and packaging device, together with the geographical indication.</p> <p>IT (Comments): Both labelling and packaging device are referred to in article 35 (2).</p>
Article 43	
Right to use	<p>HU (Comments): <i>The meaning of the term 'equivalent document' in the first paragraph of Article 43 should be clarified.</i></p>
1. A registered geographical indication may be used by any producer marketing a product conforming to the corresponding product specification or to a single document or an equivalent to the latter.	<p>AT (Comments):</p>

	<p>The product specification and the single document are not “equivalent”. It is the product specification that defines the product, only this can be the basis for the use. The subject of the examination is also the product specification and not the single document. The single document only contains a summary with the most important information.</p> <p>DK</p> <p>(Comments):</p> <p>Further clarification on when registration of a trademark constitutes use of a geographical indication is needed. It is unclear if registration is only allowed for lists of goods and services that can only be the product in the corresponding product specification or if broader terms are allowed as long as the actual use is conforming with the product specification.</p>
2. Member States shall ensure that any producer complying with the rules set out in this Title is entitled to be covered by the verification of compliance established pursuant to Article 46. Member States may charge a fee to cover their costs of managing the controls system.	
Article 44	
Union symbol, indication, abbreviation	
1. The Union symbol established for ‘protected geographical indications’ under Commission Delegated Regulation (EU) 664/2014 ¹⁰ shall be applicable to geographical indications for craft and industrial products.	
2. In the case of craft and industrial products originating in the Union that are marketed under a geographical indication, the Union	

¹⁰ Commission Delegated Regulation (EU) No 664/2014 of 18 December 2013 supplementing Regulation (EU) No 1151/2012 of the European Parliament and of the Council with regard to the establishment of the Union symbols for protected designations of origin, protected geographical indications and traditional specialities guaranteed and with regard to certain rules on sourcing, certain procedural rules and certain additional transitional rules (OJ L 179, 19.6.2014, p. 17).

symbol referred to in paragraph 1 may appear on the labelling and advertising material. The geographical indication shall be in the same field of vision as the Union symbol.	
3. The abbreviation 'PGI' corresponding to the indication 'protected geographical indication' may appear on the labelling of products designated by a geographical indication of craft and industrial products.	
4. Indications, abbreviations and Union symbols may be used in the labelling and advertising materials of manufactured products when the geographical indication refers to a part or component thereof. In that case, the indication, abbreviation or Union symbol shall be placed next to the name of the part or component that is clearly identified as a part or component. The Union symbol shall not be placed in a manner that suggests to the consumer that the manufactured product rather than the part or component is the object of registration.	
5. After the submission of a Union application for the registration of a geographical indication, producers may indicate on the labelling, and in the presentation, of the product that an application has been filed in compliance 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 only after the publication of the decision on registration in accordance with Articles 24 and 25.	
7. Where an application is rejected, any products labelled in accordance with paragraph 4 may be marketed until the stocks are exhausted.	ES (Comments): This article mentions only paragraph 4. Concerning paragraph 5: could they market the product until the stocks are exhausted? PL (Comments):

	<p>This article mentions only paragraph 4. Concerning paragraph 5: could they market the product until the stocks are exhausted?</p> <p>DK (Comments): We believe that the reference should be to paragraph 5 instead of 4.</p>
8. The following may also appear on the labelling:	
(a) depictions of the geographical area of origin, as referred to in the product specification; and	
(b) text, graphics or symbols referring to the Member State or the region in which that geographical area of origin is located.	<p>DK (Comments): It is unclear whether this allow for the inclusion on the labelling of text, graphics or symbols that are protected by international treaties and conventions, e.g. the Paris Convention (i.e. Article 6ter), Geneva Convention (i.e. Red Cross etc.) and the Nairobi Treaty (the Olympic symbols)</p>
9. The Union symbol associated with a geographical indication entered in the Union Register of geographical indications for craft and industrial products designating craft and industrial product originating in third countries, may appear on the product labelling and advertising material, 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).	



Council of the European Union
General Secretariat

Brussels, 27 June 2022

Interinstitutional files:
2022/0115 (COD)

WK 9240/2022 INIT

LIMITE

PI
AGRI

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

NOTE

From:	General Secretariat of the Council
To:	Working party on Intellectual Property (Craft and Industrial GIs)
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 - Compilation of comments of delegations

Delegations will find attached a compilation of drafting suggestions and observations received in response to the requests for comments from the Presidency on the above-mentioned proposal.

Annex 1 includes comments received in relation to Titles I, II and III of the proposal.

Annex 2 covers Titles IV, V, VI, VII and VIII.

Commission proposal	LV – LT – FI – DE – IT – AT – HR – SE – PT – EL – ES – HU - PL Drafting suggestions and comments
TITLE IV CONTROLS AND ENFORCEMENT	LV (Comments): Please give some examples illustrating which could be competent authorities in a Member State responsible for controls and enforcement.
Article 45	
Designation of competent authorities	
1. Member States shall designate the competent authorities responsible for official controls to verify compliance with this Regulation. Those controls shall include the following:	PL (Comments): Taking into account a wide range of craft and industrial products (such as shoes, marble, lace, glass) it would be difficult to find appropriate authorities/bodies that specialise in every field. Therefore, the best level of control seems to be performed by the producers themselves, who are exactly the ones interested in ensuring that their products comply with the product specification to ensure proper quality. MS could take more of a coordinating and supervising role over the producers.
(a) verification that a product designated by a geographical indication has been produced in conformity with the corresponding product specification;	IT (Drafting): IT (Comments): It is unclear why in some cases the Commission refers only to the product specification (as in this case and in Art 46 <i>Verification of compliance with the product specifications</i>) and in others it refers to the product specification, the single document or an equivalent document. The reference to the three documents, rather than to the product specification alone, is in fact contained in Art. 43 <i>right to use</i> and the subsequent Art. 48 <i>Controls and enforcement of geographical indications</i>

	<i>rights in the marketplace</i> We prefer that in all articles (43, 45, 46, 48) reference is made only to the product specification, for reasons of coherence and consistency.
(b) monitoring of the use of geographical indications in the marketplace.	
2. Competent authorities referred to in paragraph 1 shall be objective and impartial, and shall have at their disposal the qualified staff and resources necessary to carry out their functions.	
Article 46	
Verification of compliance with the product specifications	IT (Drafting): Verification of compliance with the product specifications specification IT (Comments): The reference to product specification should always be in the singular, as indicated later in the body of the article. Each PGI will have one product specification only.
1. Member States shall draw up and keep up to date a list of producers of products designated by a geographical indication entered in the Union register of geographical indications for craft and industrial products originating in their territory.	
2. Producers shall be responsible for internal controls that ensure compliance with the product specification of products designated by geographical indications before the product is placed on the market.	
3. Without prejudice to Article 49, prior to placing on the market a product designated by a geographical indication and originating in the	

Union, third party verification of compliance with the product specification shall be carried out by :	
(a) one or more competent authorities as referred to in Article 45 ; or	
(b) one or more delegated product certification bodies including natural persons to which responsibilities have been delegated in accordance with Article 50.	
4. In respect of geographical indications that designate products originating in a third country, the verification of compliance with the specifications before placing the product on the market shall be carried out by :	
(a) a public competent authority designated by the third country; or	
(b) one or more product certification bodies.	
5. Where, in accordance with the product specification, a production step is carried out by one or more producers in a country other than the country of origin of the geographical indication, provisions for verification of compliance of those producers shall be set out in the product specification. If the relevant production step takes place in the Union, the producers shall be notified to the competent authorities of the Member State where the production step takes place and be subject to verification as a producer of the product designated by a geographical indication.	ES (Comments): In the Spanish version, there is an omission of the Word “relevant” in the following sentence: “If the relevant production step (...)”.
6. The costs of verification of compliance with the product specification may be borne by the producers, which are subject to those controls. Member States may also contribute to those costs.	PT (Comments): We agree with the formulation of this article. It’s imperative that the contribution of Member States is not mandatory. Under what circumstances is such aid provided by member states. Shouldn’t the costs be borne only by the producers?

Article 47	
Due diligence	
Producers using the geographical indication shall ensure the continuous compliance of the use of the name and symbol in the marketplace with the relevant product specification. They may:	
(a) monitor the commercial use of the geographical indication in the marketplace;	
(b) develop activities related to ensuring compliance of a product designated by a geographical indication with its product specification;	
(c) take action to ensure adequate legal protection of the geographical indication, including, where appropriate, informing the competent authorities as referred to in Article 45(1).	
Article 48	FI (Comments): Setting up a system and officials of market controls and enforcement create a significant administrative burden on MS, in particular if there are few products to control.
Controls and enforcement of geographical indications rights in the marketplace	LT (Comments): General comment: To our opinion such control system is burdensome for Member States that don't have respective registration systems in place, therefore LT would support amendments to these provisions that would minimise active participation of state institutions, leaving enforcement issues to the producers to the larger extent (as in the case of other IP rights). More detailed suggestions will follow.

	<p>HR (Comments): Provisions on control and enforcement are still being analysed with the enforcement authorities and might be addressed further (a scrutiny reserve). Preliminary remark on control: The possibility for the producers to appoint a competent inspection/control body for a regular control of compliance with the product specification should be considered.</p> <p>PL (Comments): It seem that the control and enforcement system places a lot of administrative burden and may generate significant costs on both MS and producers. It must be underlined that control and enforcement will be covering not only EU GIs but also a big number of GIs coming from the third countries. There is no need to have the same procedures for agri and non-agri GIs, especially due to a different character of the products protected. Taking into account a wide range of craft and industrial products (such as shoes, marble, lace, glass) it would be difficult to find appropriate authorities/bodies that specialise in every field. Therefore, the best level of control seems to be performed by the producers themselves, who are exactly the ones interested in ensuring that their products comply with the product specification to ensure proper quality. MS could take more of a coordinating and supervising role over the producers.</p>
1. Member States shall designate one or more enforcement authorities, which may be the same as the competent authorities referred to in Article 46(3) responsible for controls in the marketplace and enforcement of geographical indications after the craft and industrial product designated by a geographical indication has completed all production steps, whether it is in storage, transit, distribution, or offered for sale at wholesale or retail level, including in electronic commerce.	<p>DE (Comments): The term "enforcement authorities" should be replaced by the term "control authorities". MS are responsible for enforcing IP rights in the EU. In order to avoid misunderstandings, the new regulation should only refer to controls. The Regulation (EU) No. 1151/2012 on FOOD-GIs only uses the term "control authorities" and not "enforcement authorities". The main point here is to check whether the specification, which assures the</p>

	<p>consumer of certain properties of the product, is being complied with. The future regulation could refer to Regulation (EU) 2019/1020 on market surveillance and compliance of products for official controls, as well as the Regulation (EU) No. 1151/2012 on FOOD-GIs for the official controls provided there to Regulation (EU) 2017/625 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.</p> <p>IT (Drafting):</p> <p>Member States shall designate one or more enforcement authorities, which may be the same as the competent authorities referred to in Article 46(3) responsible for controls in the marketplace and enforcement of geographical indications after the craft and industrial product designated by a geographical indication has completed all production steps, whether it is in storage, transit, distribution, or offered for sale at wholesale or retail level, including in electronic commerce including in the digital environment.</p> <p>IT (Comments):</p> <p>To avoid the exclusion of apps and social media, the metaverse, NFT, AR, VR, etc. it is better to replace “electronic commerce” with “<i>including in the digital environment</i>” which refers to a broader concept.</p> <p>SE (Comments):</p> <p>In general, we believe that the methods for enforcing IP rights in EU should be essentially civil. CI products are not comparable to agricultural products when it comes to controls for healthy and safety reasons. Therefore, the authority should have the power to decide on the frequency and scope it deem necessary.</p> <p>ES (Comments):</p> <p>It should be noted that the wording of paragraph 1 is too long and far too difficult to understand.</p>

<p>2. The enforcement authority shall carry out controls, based on a risk analysis and notifications of interested producers of products designated by geographical indications, to ensure conformity with the product specification or the single document or an equivalent to the latter.</p>	<p>IT (Drafting): The enforcement authority shall carry out controls, based on a risk analysis and notifications of interested producers of products designated by geographical indications, to ensure conformity with the product specification or the single document or an equivalent to the latter. IT (Comments): We propose the use of the provision of Art. 46 as a basis for the other provisions, leaving only the reference to the product specification in line with what is foreseen in Art 45 and 46.</p>
<p>3. Member States 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 contravenes the protection of geographical indications provided for in Articles 35 and 36.</p>	<p>FI (Comments): “appropriate administrative and judicial steps to prevent or stop” – this is very openly formulated, and leaves unclear as to what is considered ‘appropriate steps’. PT (Comments): 1.Member states, but which organizations? 2. Shouldn't be the rights holders, to take steps to prevent or stop the use of names on products or services that are produced, operated or marketed in their territory and that contravenes the protection of geographical indications provided for in Articles 35 and 36? 3. We agree like Poland to change art. 48(3) from “may” to “shall”, so Member States may take appropriate administrative and judicial actions both ex officio and based on the request coming from interested parties PL (Comments): It would be proposed to change art. 48(3) from “shall” to “may” so Member States may take appropriate administrative and judicial actions both ex officio and based on the request coming from interested parties</p>

4. The authority designated in accordance with paragraph 1 shall coordinate enforcement of geographical indications among relevant departments, agencies and bodies, including police, anti-counterfeiting agencies, customs, intellectual property offices, market surveillance and consumer protection authorities and retail inspectors.	SE (Comments): Coordinated enforcement may take several forms. What is expected from the authority in this regard? Is cross-border coordination included? The feasibility of such actions will depend on a number of factors, including the division of responsibilities and jurisdiction etc.
5. Member States may collect fees or charges to cover the costs of official controls in the marketplace.	SE (Comments): SE support this provision. However, the method of how the fees shall be calculated should retain with the Member States. The method to set the level of fees provided in the recital is very complicated.
Article 49	
Self-declaration certification procedure	
1. Without prejudice to Article 46, Member States may allow a self-declaration for the verification of compliance with the product specification. The producer shall submit such self-declaration to the competent authorities referred to in Article 45(1).	PL (Comments): It would be suggested to strengthen the role of self-certification (to be filed every year) before and after placing the product on the market also from third countries (art. 46 to be limited); in such case the role of the role of MS (designated authorities for control and enforcement) would be limited to supervisory role, so they would only verify self-declarations and control reports (from internal controls) prepared by persons/bodies designated by the producer group.
2. Member States may allow producers to submit a self-declaration once every 3 years to the competent authorities to ensure their continuous conformity with the product specification in the marketplace. Where the product specification is amended or changed in a way that affects the concerned product, the self-declaration shall be renewed immediately.	
3. Where self-declarations are used competent authorities shall carry	PT

out random controls. In the event of breaches, Member States shall take all necessary measures to remedy the situation.	(Comments): Same issue raised regarding Article 48 (issue number 1). On the other hand we support the proposal of Poland, to strengthen the role of self-certification (should be presented every year) before and after the product is placed on the market also in third countries
4. The self-declaration shall follow the structure set out in Annex 1 and shall contain all the information and requirements specified in that Annex.	
5. The Commission shall be empowered to adopt delegated acts in accordance with Article 66, amending this Regulation and introducing, where relevant, modifications to the information and requirements specified in Annex 1.	PL (Comments): To be clarified in order to ensure that the Regulation itself won't be amended.
Article 50	FI (Comments): What kind of official control tasks is it question of? Would product certification bodies have jurisdiction in the MS in question where they are based, or within all of EU-member states? While FI supports the tasks given to product certification bodies in the administration of their GIs, we have reservations concerning the delegation of official tasks to product certification bodies. Such bodies could assist public officials, but their powers/jurisdiction should not be equal to those of officials, especially if they are to have jurisdiction in the whole EU.
Delegation by the competent authorities of official control tasks	
1. Competent authorities may delegate official control tasks to one or more product certification bodies including natural persons. The competent authority shall ensure that the delegated product certification body or natural person, to which such tasks have been delegated, have the powers needed to effectively perform these tasks.	

2. The delegation of official control tasks shall be in writing and shall comply with the following conditions:	
(a) the delegation is to contain a precise description of the official control tasks that the delegated body or the natural person may perform, and the conditions under which it may perform those tasks;	
(b) the delegated product certification body:	
(i) is to have the expertise, equipment and infrastructure required to perform the official control tasks delegated to it;	
(ii) is to have a sufficient number of suitably qualified and experienced staff;	
(iii) is to be impartial and free from any conflict of interest and in particular is not to be in a situation which may, directly or indirectly, affect the impartiality of its professional conduct as regards the performance of those official control tasks delegated to it; and	
(iv) is to have sufficient powers to perform the official control tasks delegated to it; and	
(c) where the official control task are delegated to natural persons, those natural persons:	PL (Comments): With regard to natural persons, it is also worth considering adding the requirement to be authorized to perform the tasks performed under the control, as it is the case in par. 2 (b) (iv)
(i) are to have the expertise, equipment and infrastructure required to perform those official control tasks delegated to them;	
(ii) are to be suitably qualified and experienced;	

(iii) are to act impartially and are to be free from any conflict of interest as regards the exercise of those official control tasks delegated to them; and	
(d) there are to be arrangements in place ensuring efficient and effective coordination between the delegating competent authorities and the delegated product certification bodies, including natural persons.	
Article 51	
Obligations of the delegated product certification bodies and natural persons	
The product certification bodies or natural persons to which certain official control tasks have been delegated in accordance with Article 50, shall:	
(a) communicate the outcome of the official controls and related activities performed by them to the delegating competent authorities on a regular basis and whenever those authorities so request;	
(b) immediately inform the delegating competent authorities whenever the outcome of the official controls indicate non-compliance or point to the likelihood of non-compliance, unless specific arrangements as established between the competent authority and the delegated product certification body or the natural person concerned provides otherwise; and	
(c) give to the competent authorities access to their premises and facilities, cooperate and provide assistance.	ES (Comments): We understand that access to facilities and services should be granted in order to comply with article 52.1 on audits. However, we understand that the scope should be clarified.
Article 52	

Obligations of the delegating competent authorities	
1. Competent authorities that have delegated certain official control tasks to delegated product certification bodies or natural persons in accordance with Article 50, shall:	
(a) organise audits or inspections of such bodies or persons, as necessary;	
(b) fully or partly withdraw the delegation without delay where:	
(i) there is evidence that such a delegated product certification body or natural person is failing to properly perform the tasks delegated to it;	
(ii) the delegated product certification body or natural person fails to take appropriate and timely action to remedy the shortcomings identified; or	ES (Comments): If a producer does not meet the specifications, would the delegated product certification body be responsible, by losing the delegation powers? Is that reasonable/sensible? Wouldn't the producer himself be the one to bear the consequences? The delegated product certification body must identify such shortcomings, but do we also want them to be liable if the producers don't remedy such problems?
(iii) the independence or impartiality of the delegated product certification body or natural person has been compromised.	
2. The competent authorities may also withdraw the delegation for reasons other than those referred to in this Regulation.	
Article 53	
Public information on competent authorities and product certification bodies	
1. Member States shall make public the names and addresses of the	AT

designated competent authorities and delegated product certification bodies including natural persons referred to in Article 46(3) and keep that information up-to-date.	(Comments): What are the requirements for making the list publicly available? Is it sufficient if the relevant MS publishes the information on a homepage?
2. The Office shall make public the names and addresses of the competent authorities and product certification bodies referred to in Article 46(4) and update that information periodically.	
3. The Office may establish a digital portal where the names and addresses of the competent authorities and delegated product certification bodies including natural persons referred to in paragraphs 1 and 2 are made public.	PL (Comments): It is proposed to change from "may" to "shall" to oblige EUIPO to set up a portal for the publication of entities responsible for control and enforcement; similar to Articles 18 and 26.
Article 54	
Accreditation of product certification bodies	
1. The product certification bodies referred to in Article 46 (3), point (b) and Article 46 (4), point (b) shall comply with and be accredited in accordance with :	
(a) European standard ISO/IEC 17065:2012 ‘Conformity assessment — Requirements for bodies certifying products, processes and services’, including European standard ISO/IEC 17020:2012 ‘Conformity assessment — Requirements for the operation of various types of bodies performing inspection’; or	ES (Comments): Clarification on the ISO regulation may be required as the, reference is made to the "European" standard ISO/IEC 17065 (which seems to be an international standard). On the other hand, reference is made to ISO/IEC 17020 when ISO/IEC 17065 itself already refers to this standard when the entity has to carry out inspection activities. However, no reference is made to other standards that can be used in product certification processes (such as ISO/IEC 17025 or ISO/IEC 17021) to which ISO/IEC 17065 itself refers. HU (Comments):

	In Article 54(1)(a), it seems contradictory to state that certification by ISO/IEC 17065:2012 includes certification by ISO/IEC 17020:2012, as the former refers to certification bodies and the latter to inspection bodies. Product certification bodies within the meaning of Article 46(3)(b) shall comply mutatis mutandis with the former. Moreover, Article 54(1)(b) makes it difficult to interpret the statement that other appropriate internationally recognised standards may be used in addition to the standard already named. This clause is so permissive that, if it is applied, there is no need for the requirements under point (a). Therefore, we would like to clarify what the Commission means by "<i>other appropriate internationally recognised standards</i>" in Article 54(1)(b).
(b) other suitable, internationally recognised standards, including any revisions or amended versions of the European Standards referred to in point (a).	ES (Comments): Clarification is also requested on point (b) as it includes the following reference: "revisions or amended versions of the European standards referred to in point (a)". Such reference is made to the corresponding EN standards where probably it should be made clear that an EN ISO/IEC XXX standard is not equivalent to ISO/IEC XXX standards, as they are usually considered the same standard. On the other hand, as this is a European Regulation, we understand that it may be appropriate to refer to EN ISO/IEC standards and not to international standards.
2. Accreditation referred to in paragraph 1 shall be performed by an accreditation body recognised in accordance with Regulation (EC) No 765/2008, that is a member of European Accreditation, or by an accreditation body outside the Union that is a member of International Accreditation Forum.	
Article 55	
Orders to act against illegal content	

<p>Where provided by national law and in compliance with Union law, competent authorities of the Member States may issue an order to act as referred to in Article 8 of Regulation (EU) No xxxx/2022¹ against illegal content that contravenes Article 35 of this Regulation .</p>	<p>IT (Drafting): Where provided by national law and in compliance with Union law, competent authorities of the Member States may issue an order to act as referred to in Article 8 of Regulation (EU) No xxxx/2022² against illegal content that contravenes Article 35 and 36 of this Regulation .</p> <p>IT (Comments): This Article recalls the provision of the EU DSA regulation. It is unclear however why only Art. 35 is quoted and no reference is made to the violation of Art. 36. <i>Parts or components in manufactured products</i> where in § 2: 2 it is mentioned that: <i>2. The geographical indication designating a product's part or component shall not be used in the sales designation of the manufactured product, except in cases of agreement with a producer group or, in situations referred to in Article 6(3), a single producer.</i> Please note that in article 48 (3) <i>Controls and enforcement of geographical indications rights in the marketplace</i> both art 35 and 36 are mentioned: <i>3. Member States 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 contravenes the protection of geographical indications provided for in Articles 35 and 36.</i> We believe that provisions need to be coherent and therefore article 36 should be included also in article 55 to allow the broadest protection online. Moreover, we noticed that a similar provision that is included in the AGRI reform (Art 43) has a different content: in that proposal, the control and power to counteract illegal content is more extensive and comprehensive: <i>Article 43</i></p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

¹ Regulation of the European Parliament and of the Council on a Single Market For Digital Services (DSA) and amending Directive 2000/31/EC.

² Regulation of the European Parliament and of the Council on a Single Market For Digital Services (DSA) and amending Directive 2000/31/EC.

	<p><i>Obligations applicable to providers of intermediary services</i></p> <p>1. <i>Sale of goods to which persons established in the Union have access, that contravenes Article 27, shall be considered illegal content within the meaning of Article 2, point (g) of Regulation (EU) 2022/xxx of the European Parliament and of the Council .</i></p> <p>2. <i>Competent authorities of the Member States may issue an order to act in accordance with Article 8 of Regulation (EU) 2022/xxx against illegal content as referred to in paragraph 1 of this Article.</i></p> <p>3. <i>Pursuant to Article 14 of Regulation (EU) 2022/xxx, any individual or entity may notify providers of hosting services of the presence of a specific content that is in breach Article 27 of this Regulation.</i></p> <p>4. <i>This regulation is without prejudice to Regulation (EU) 2022/xxx.</i></p> <p>We don't understand why there are such differences between the mentioned articles. In our view, the content of the two articles in the AGRI and non-agri legislation should be aligned.</p> <p>SE</p> <p>(Comments):</p> <p>Article 8 of the DSA provides for the possibility for orders to be issued by national judicial or administrative authorities. Firstly, it is not clear to us if the provision in article 55 points specifically at the designated competent authority in article 45, or if it could be any national judicial or administrative authority. Secondly, it is not clear to us what the legal consequences of this article are. It is already stated in DSA that national judicial or administrative authorities may issue orders against illegal content (such as GI-infringements).</p>
Article 56	<p>FI</p> <p>(Comments):</p> <p>This Article appears to suggest that member states sanction all actions that constitute infringement of or non-compliance with this regulation. FI finds that this Article should make explicit as to the breaching of which obligations need to be sanctioned.</p> <p>The title mentions 'penalties' which is a criminal law concept, it should be</p>

	made clear whether measures can be administrative sanctiones. The principle of legality in criminal law establishes that the essential elements of each punishable/sanctioned act should be expressed explicitly, so that is it to be foreseen whether a certain action constitutes punishable act or not. This applies also in case of administrative sanctions. Even if MS have discretion as to how to implement this, we would prefer this Article to be more specific.
Penalties	
Member States shall lay down the rules on penalties applicable to non-compliance with, and infringements of, this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, by the entry into force 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.	ES (Comments): While we agree with the content, the deadline is set at the entry into force of the Regulation and is therefore a very tight deadline, as we would need more time to be able to process a national law and its subsequent regulation.
Article 57	
Mutual assistance and resources	
1. Member States shall assist each other for the purposes of carrying out the controls and enforcement provided for in this Title.	
2. The Commission may adopt implementing acts specifying the nature and the type of the information to be exchanged and the methods for exchanging information for the purposes of controls and enforcement under this Title. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 65(2).	
3. 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.	
4. In case of a possible violation of the protection conferred to a geographical indication, Member States shall take measures to facilitate the transmission, from law enforcement authorities, public prosecutors and judicial authorities within the Member State, to the competent authorities referred in Article 45(1), of information on such possible violation.	
Article 58	
Certificates of authorisation to produce	
1. A producer whose product, following the verification of compliance referred to in Article 46, is found to comply with the product specification of a geographical indication protected under this Regulation or that has, if applicable in the Member State concerned, properly submitted a self-declaration to the competent authority, shall be entitled to an official certificate, or other proof of certification, of eligibility to produce the product designated by the geographical indication concerned in respect of the production steps performed by the said producer.	<p>IT (Drafting): A producer whose product, following the verification of compliance referred to in Article 46, is found to comply with the product specification of a geographical indication protected under this Regulation or that has, if applicable in the Member State concerned, properly submitted a self-declaration to the competent authority, shall may be entitled to an official certificate, or other proof of certification, of eligibility to produce the product designated by the geographical indication concerned in respect of the production steps performed by the said producer.</p> <p>IT (Comments): This provision, which is identical in the AGRI reform, raises several questions: It is unclear who should issue this certificate to the producer, especially in the case of a self-declaration. The enforcement authority? Or the delegated control body, if it has been delegated by the enforcement authority? This represents an additional administrative burden for the entity that must issue the certificate. It seems contradictory to envisage a certificate in the case of a self-declaration, which is for us the favourite regime, with a view to simplifying procedures and minimising economic and administrative</p>

	<p>burdens for companies.</p> <p>Moreover, in the regulation there is already Article 27 <i>Extracts from the Union register of geographical indications for craft and industrial products</i>, which is sufficient to provide the producer with the evidence of its entitlement to the GI.</p>
2. The proof of certification referred to in paragraph 1 shall be made available on request to enforcement authorities, customs or other authorities in the Union engaged in verifying the use of geographical indications on goods declared for free circulation or placed on the internal market. The producer may make the proof of certification available to the public or to any person who requests such proof in the course of business.	
TITLE V	
GEOGRAPHICAL INDICATIONS ENTERED IN THE INTERNATIONAL REGISTER AND AMENDMENTS TO OTHER ACTS	
Article 59	
Amendments to Council Decision (EU) 2019/1754	
In Article 4(1) of Council Decision (EU) 2019/1754 ³ the following subparagraph is added:	
“In respect of geographical indications protecting craft and industrial products within the meaning of Regulation (EU) 2022/... of the European Parliament and of the Council of ... concerning geographical indication protection for craft and industrial products, the European Intellectual Property Office shall be designated as the Competent Authority referred to	<p>ES</p> <p>(Comments):</p> <p>On this point, it should be noted that Spain has already taken an interest in this issue and awaiting for a response</p>

³ Council Decision (EU) 2019/1754 of 7 October 2019 on the accession of the European Union to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (OJ L 271, 24.10.2019, p. 12).

in Article 3 of the Geneva Act, and be responsible for the administration of the Geneva Act in the territory of the Union and for notifications and communications with the International Bureau of the WIPO under the Geneva Act and the Common Regulations.”	
Article 60	
Amendments to Regulation (EU) 2019/1753	
Regulation (EU) 2019/1753 is amended as follows:	
(1) Article 1 is amended as follows:	
(a) paragraph 2 is replaced by the following:	
“2. For the purposes of this Regulation, the term ‘geographical indications’ covers appellations of origin within the meaning of the Geneva Act, including designations of origin within the meaning of Regulations (EU) No 1151/2012 and (EU) No 1308/2013, as well as geographical indications within the meaning of Regulations (EU) No 1151/2012, (EU) No 1308/2013, (EU) No 251/2014, (EU) 2019/787 and Regulation (EU) 2022/... of the European Parliament and of the Council of ... concerning geographical indication protection for craft and industrial products. 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, “Office” means the European Union Intellectual Property Office.”	
(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’).”;	ES (Comments): We assume there is a possible contradiction in article Art. 59: the competent authority when it comes to art. 3 Geneva Act is EUIPO (‘the Office’). Art. 60.2: Commission or Office.
(b) in paragraph 2, the first sentence is replaced by the following:	
“For the purposes of paragraph 1, Member States may request the Commission or, in respect of geographical indications protecting craft and industrial products (‘craft and industrial geographical indications’), the Office, to register in the International Register geographical indications that originate in the territory of Member States and that are protected and registered under Union law;”	
(c) the following paragraph 4 is added:	
“4. In respect of requests to register craft and industrial geographical indications in the International Register, the Office shall, in its capacity of Competent Authority referred to in Article 3 of the Geneva Act as specified in Article 4(1) of Council Decision (EU) 2019/1754, proceed on the basis of its own decision on granting protection in accordance with the procedure referred to in Articles 17 to 34 of Regulation (EU) 2022/...”;	
(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 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 <i>Official Journal of the European Union</i> or, in respect of international registrations relating to craft of industrial geographical indications, 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:	
<p>“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.”;</p>	<p>IT (Drafting): “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 right or 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.”;</p> <p>IT (Comments): As already indicated with regard to other articles, it is important to include both the right holder and the person having a legitimate interest.</p>
(b) in paragraph 2, point (e) is deleted.	
(c) paragraph 3 is replaced by the following:	
<p>“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.”</p>	
(7) Article 7 is amended as follows:	

(a) in paragraph 1, the following sentence is added:	
“In respect of craft and industrial geographical indications, the Office shall reject any inadmissible opposition and decide to grant protection of the geographical indication.”;	
(b) in paragraph 2, the last sentence is replaced by the following:	
“In respect of craft and industrial geographical indications, the decision whether to grant protection shall be adopted by the Office, or, in cases referred to in Article 25 of Regulation (EU) 2022/..., by the Commission.. The related implementing acts shall be adopted in accordance with the examination procedure referred to in Article 15(2).”	
(c) paragraph 4 is replaced by the following:	
“4. In accordance with Article 15(1) of the Geneva Act, the Commission or, in respect of craft and industrial geographical indications, the Office shall notify the International Bureau of the refusal of the effects of the international registration concerned in the territory of the Union, within one year from the receipt of the notification of international registration in accordance with Article 6(4) of the Geneva Act[, or, in the cases referred to in the first paragraph of Article 5 of Decision (EU) 2019/1754, within two years from the receipt of that notification].”;	
(d) in paragraph 5, the last sentence is deleted;	
(e) the following paragraphs 5a and 5b are added:	
“5a. In respect of craft and industrial geographical indications concerning the protection of which a previous refusal has been notified by the Office, the Office may, on its own initiative or following a duly substantiated request by a Member State, a third country or a natural or legal person having a legitimate interest, withdraw, in whole or in part, a refusal	IT (Drafting): In respect of craft and industrial geographical indications , geographical indications for craft and industrial products concerning the protection of which a previous refusal has been notified by the Office,

previously notified to the International Bureau.;	<p>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 right or a legitimate interest, withdraw, in whole or in part, a refusal previously notified to the International Bureau.;</p> <p>IT (Comments): In the first part of the proposal of the regulation the reference is always made to <u>geographical indications for craft and industrial products</u> (this is the denomination used in the EUIPO register). We believe the same name should be used in the whole regulation. This different wording is available only in the English text, it is not present in the Italian version. As already indicated with regard to other articles, it is important to include both the right holder and the person having a legitimate interest.</p> <p>AT (Comments): With regard to the possibility of a subsequent withdrawal of refused decisions - what is the effective date or the date from which protection applies? What happens to trade marks registered in the meantime?</p>
5b. The Commission or, in respect of craft and industrial geographical indications, the Office shall notify the International Bureau of such withdrawal without delay.”;	
(8) In Article 8(1) the following sentence is added:	
“In respect of craft and industrial geographical indications, the same shall apply to the decision of the Office.”	
(9) Article 9 is replaced by the following:	
“Article 9	
Invalidation of effects in the Union of a third country geographical indication registered in the International Register	

1. The Commission or, in respect of craft and industrial geographical indications, the Office may, on its own initiative or following a duly substantiated request by a Member State, a third country or a natural or legal person having a legitimate interest, invalidate, in whole or in part the effects of protection in the Union of a geographical indication, in one or more of the following circumstances:	IT (Drafting): 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 right or 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: IT (Comments): As already indicated with regard to other articles, it is important to include both the right holder and the person having a legitimate interest.
a. the geographical indication is no longer protected in the Contracting Party of Origin;	
b. the geographical indication is no longer registered in the International Register;	
c. compliance with the mandatory contents laid down in rule 5(2) of the Common Regulations or with the particulars concerning the quality, reputation or characteristics as laid down in Rule 5(3) of the Common Regulations is no longer ensured.	
2. The Commission shall adopt implementing acts for the purpose of paragraph 1. The implementing acts in question shall be adopted in accordance with the examination procedure referred to in Article 15(2) and only after the natural persons or legal entities as referred to in point (ii) of Article 5(2) of the Geneva Act or the beneficiaries as defined in point (xvii) of Article 1 of the Geneva Act have been given an opportunity to defend their rights.;	
3. Where the invalidation is no longer subject to appeal, the Commission,	

or in respect of craft and industrial indications, the Office shall notify the International Bureau without delay of the invalidation of the effects in the territory of the Union of the international registration of the geographical indication in accordance with point (a) or (c) of paragraph 1.”;	
(10) In Article 11, paragraph 3 is replaced by the following:	
“3. In respect of each appellation of origin originating in a Member State which is party to the Lisbon Agreement, for a product falling within the scope of Regulation (EU) 2022/..., 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:	
the registration of that appellation of origin under Regulation (EU) 2022/...; or	
the cancellation of the registration of that appellation of origin in the International Register.	
The Member State concerned shall notify the Office of the choice referred to in the first subparagraph, and lodge the respective request within one year following the adoption of Regulation (EU) 2022/....The registration procedure foreseen in Article 67 (3) of Regulation (EU) 2022/... applies <i>mutatis mutandi</i> .	
In the situations referred to in point (a) of the first subparagraph, the Member State concerned shall request the international registration of that appellation of origin under the Geneva Act, if that Member State has ratified or acceded to the Geneva Act pursuant to the authorisation referred to in Article 3 of Decision (EU) 2019/1754, within six months from the date of registration of the geographical indication under Regulation (EU) 2022/....	

<p>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.</p>	
<p>If the request for registration under Regulation (EU) 2022/... 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.”</p>	
<p>(11) in Article 15(1) the following point (e) is added:</p>	
<p>“(e) for craft and industrial products falling within the scope of Article 2(1) of Regulation (EU) 2022/..., by the Craft and Industrial Geographical Indication Committee established by Article 65 of that Regulation.”</p>	
<p>Article 61</p>	
<p>Amendments to Regulation (EU) 2017/1001</p>	
<p>Regulation (EU) 2017/1001 is amended as follows:</p>	<p>HU (Comments): Article 61 of the Proposal does not supplement Article 153 of Regulation (EU) 2017/1001 on the European Union trade mark, which lists the powers of the Management Board, which would be necessary because of the power to appoint the members of the Advisory Board and to lay down the rules governing its operation, as provided for in Article 33(8).</p>

(1) in Article 151(1), the following point (ba) is inserted after point (b):	
“(ba) administration and promotion of geographical indications, in particular the tasks conferred on it under the Regulation (EU) No 2022/[this regulation] of the European Parliament and of the Council and promotion of the geographical indications system.”	IT (Drafting): “(ba) administration and promotion of geographical indications, in particular the tasks conferred on it under the Regulation (EU) No 2022/[this regulation] of the European Parliament and of the Council and promotion of the geographical indications system. ” IT (Comments): There is a double reference to the concept of the promotion of geographical indications.
(2) the following Article 170a is inserted:	
“Article 170a	
Establishment of a domain name information and alert system	
1. For domain names registered under a country-code top-level domain name, administered or managed by a registry established in the Union, the Office shall provide a domain name information and alert system. Upon submission of an application for an EU trade mark, that information and alert system shall inform applicants for an EU trade mark about the availability of their mark as a domain name, and applicants for and proprietors of an EU trade mark on an optional basis once a domain name containing an identical or similar name with their mark is registered (domain name alerts).	IT (Drafting): 1. For domain names registered under a country-code top-level domain name , administered or managed by a registry established in the Union, the Office shall provide a domain name information and alert system. Upon submission of an application for an EU trade mark, that information and alert system shall inform applicants for an EU trade mark about the availability of their mark as a domain name, and applicants for and proprietors of an EU trade mark on an optional basis once a domain name containing an identical or similar name with their mark is registered (domain name alerts). IT (Comments): The same changes are proposed as in Article 31 on domain name

	<p>protection, which is proposed to be extended beyond the country code top level.</p> <p>PL</p> <p>(Comments):</p> <p>Please, see comments to Art. 41</p> <p>Not only country-code top-level domain name registries should be considered but also generic top-level domain name registries.</p> <p>If such an alert system is introduced, it would be difficult to identify “similar names” (based on what assessment). Therefore, if creation of such an alert system is considered there needs to be a sufficient time needed for country-code top-level domain name registries to prepare for the implementation and creation of the algorithm.</p>
2. For the purpose of paragraph 1, country-code top-level domain name registries, established in the Union, shall provide the Office with all information and data in their possession necessary to run the domain name information and alert system.”	<p>IT</p> <p>(Drafting):</p> <p>2. For the purpose of paragraph 1, country-code top-level domain name registries, established in the Union, shall provide the Office with all information and data in their possession necessary to run the domain name information and alert system.”</p>
TITLE VI TECHNICAL ASSISTANCE	
Article 62	
Technical assistance of the Office	
The Commission shall be empowered to adopt delegated acts supplementing this Regulation by rules on entrusting the Office with the examination and other administrative tasks concerning third country geographical indications for craft and industrial products, other than geographical indications under the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications, proposed for protection pursuant to international negotiations or international	<p>IT</p> <p>(Drafting):</p> <p>The Commission shall be empowered to adopt delegated acts supplementing this Regulation by rules on entrusting the Office with the examination and other administrative tasks concerning third country geographical indications for craft and industrial products, other than geographical indications under the Geneva Act of the Lisbon Agreement</p>

agreements.	on Appellations of Origin and Geographical Indications, proposed for protection pursuant to international negotiations or international agreements. IT (Comments): On the basis of ongoing international negotiations which have not yet been finalised in bilateral agreements, we don't consider appropriate to adopt delegated acts that assign other tasks and functions to EUIPO.
TITLE VII SUPPLEMENTARY PROVISIONS	
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 ⁴ .	
<i>Article 64</i>	
IT system	
The digital system referred to in Article 18(1) and the Union register of geographical indications for craft and industrial products referred to in Article 26 shall be developed, kept and maintained by the Office.	PL (Comments): The platform for publishing information on control and enforcement bodies (Art.53 (3)) should also be included in this article. It would be also

⁴ Council Regulation No 1 determining the languages to be used by the European Economic Community (OJ 17, 6.10.1958, p. 385.

	worth considering whether to include reference to art. 31 as well on the establishment of a domain name information and alert system.
Article 65	
Committee procedure	
1. The Commission shall be assisted by the Craft and Industrial Geographical Indications Committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	IT (Drafting): 1. The Commission shall be assisted by the Craft and Industrial Geographical Indications Committee Committee for Geographical Indications for Craft and Industrial products . That committee shall be a committee within the meaning of Regulation (EU) No 182/2011. IT (Comments): In the first part of the proposal of the regulation the reference is always to <u>geographical indications for craft and industrial products</u> (this is the denomination used in the EUIPO register). See comments above.
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 29, 30 and 49 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	LV (Drafting): 2. The power to adopt delegated acts referred to in Articles 9 , 30 and 49 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

<p>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.</p>	<p>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.</p> <p>IT (Drafting):</p> <p>2. The power to adopt delegated acts referred to in Articles 9, 17, 29, 30, and 49 and 62 shall be conferred on the Commission for a period of seven years from [OJ: date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the seven-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</p> <p>IT (Comments):</p> <p>Art. 29 (Cancellation of the registration) refers to Art.65 and not to Art.66 and concerns implementing acts and not delegated acts which Art 66 refers to. Therefore, the reference to Art. 29 is incorrect and should be deleted.</p> <p>There are other articles in the proposal of the regulation that refer to the exercise of delegated acts, and those articles have NOT been referred to in this Article 66. The other articles on delegated acts to be quoted in Art. 66 (in addition to 30 and 49) are the following:</p> <p><i>Article 9</i> <i>Documentation accompanying the application for registration</i> <i>Article 17</i> <i>Union application</i> <i>Article 62</i> <i>Technical assistance of the Office</i></p> <p>ES (Comments):</p> <p>Art. 29 mentions “adopt implementing acts”.</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	Other articles mention “delegated acts”, e.g.: 9, 17, 62. Aren’t they included in the writing of this Art 66.2? Is it correct to refer solely to 29, 39 and 49?
3. The delegation of power referred to in Article 29, 30 and 49 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 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.	IT (Drafting): 3. The delegation of power referred to in Article Articles 9 (..), 17 (..), 29, 30 (..) and 49 and 62 (..) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect 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. IT (Comments): In addition to the article, the exact paragraph should also be quoted (..). ES (Comments): Is it correct to refer solely to 29, 39 and 49?
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	
6. A delegated act adopted pursuant to the Articles 29, 30 and 49 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	ES (Comments): Same comment as stated above

shall be extended by two months at the initiative of the European Parliament or of the Council.	
TITLE VIII TRANSITIONAL AND FINAL PROVISIONS	
Article 67	
Transitional Geographical Indication protection	
1. National specific protection for geographical indications for craft and industrial products shall cease to exist by [one year after the date of entry into force of this Regulation].	<p>IT (Drafting):</p> <p>1. National specific protection for geographical indications for craft and industrial products shall cease to exist by [one year after the date of entry into force application of this Regulation].</p> <p>IT (Comments):</p> <p>It needs to be clarified whether signs that have been created regionally in Italy on the basis of regional (not national) laws and that are not IPRs (they are neither GIs nor registered trademarks) can continue to exist one year after the regulation comes into force. Does this provision apply to them or not? In our opinion they may coexist because they are not legally protected as GIs but only as signs. The period of one year from entry into force is too short for the Member State to perform an evaluation, after consulting the regional competent authorities involved. It is proposed as an alternative one year after the implementation of the regulation.</p> <p>HU (Comments):</p> <p>In principle, we support the provisions of this chapter. Ensuring EU protection for already protected geographical indications is a priority. Transitional provisions can only fulfil their role if there is sufficient time for Member State action. We propose longer deadlines for Member State action.</p>

<p>2. By [six months after the date of entry into force 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.</p>	<p>DE (Comments): The deadline for the MS to notify the EUIPO which nationally protected CIGIs should be entered in the new EU-wide system seems too short. This is only six months from the entry into force of the new regulation. This notification should also include documents that enable the EUIPO to check whether the reported CIGIs comply with the main regulations of the new regulation. The necessary coordination with the protection group of the CIGI can be complex. A sufficient period of twelve months should be allowed for this.</p> <p>IT (Drafting): 2. By [six months after the date of entry into force application of this Regulation], interested Member States shall inform the Commission and the Office, which of their legally protected names or in the Member States where there is no protection system, which of their names established by usage they wish to register and protect pursuant to this Regulation.</p> <p>IT (Comments): The period of 6 months from entry into force is not appropriate. It is too short for Italy, considering the regional competence in this field and the time needed to interact with the regions. We propose to extend the duration at least to one year after the application of the regulation.</p> <p>AT (Comments): If there is no national protection system in the Member State - does this also include designations protected by bilateral agreements? Clarification is requested as to what is meant by “names established by usage”. Is this understood to mean that it is well known to the public?</p> <p>PT (Comments): This article should clarify if the pending applications should also be register pursuant to this Regulation. The article does not mention</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>pending applications.</p> <p>ES</p> <p>(Comments):</p> <p>In Member States where there is no prior legal protection...: should not all pre-existing names be protected under the procedure laid down in this Regulation? What prior names could be protected? Under what conditions? Who would appear as applicant, the Member State?</p> <p>The names that may exist in ES should be applied for under the procedure provided for in this Regulation, since in ES there is currently no legal figure that protects industrial or artisanal geographical indications as such. When there is no such protection, the way to obtain it will be through the procedure of the Regulation.</p> <p>Therefore, we have more doubts about the last sentence. In the case of ES, what would it imply: that we apply for protection for all the names we consider? Discretionary? Would we have to ask for proof of use from those who seem to us to be more established? Would the MS act as applicant in the procedure indicated in 67.3?</p> <p>PL</p> <p>(Comments):</p> <p>Deadline to inform the Office which GIs protected nationally should be registered pursuant to this Regulation should be extended, especially taking into account that certain GIs may need longer consultations and amendments on the national level to comply with the new Regulation.</p>
3. In accordance with the procedure laid down in Articles 17 to 25, the Office or, in cases referred to in Article 25, the Commission shall register the names referred to in paragraph 2 of this Article, which comply with Articles 2, 5, 7 and 8. Article 21 and 22 shall not apply. However, generic terms shall not be registered.	<p>PT</p> <p>(Comments):</p> <p>The article mentions compliance with Articles 17 to 25, but does the GI that was already nationally registered, automatically registered at European level?</p>
4. Without prejudice to paragraph 1, national protection of the names communicated in accordance with paragraph 2 shall be maintained until such time as a decision on registration has been taken. The decision may be subject of appeal referred to in Article 30.	<p>PT</p> <p>(Comments):</p> <p>If the deadline stipulated in paragraph 1 is peremptory (the article says without prejudice to the provisions of paragraph 1), we do not</p>

	understand the need of an article stating that protection is maintained until the decision on registration.
Article 68	
Member States reporting obligation	
<p>1. Member States or their national authorities shall report every four years to the Commission on the strategy and results of all the geographical indication controls carried out to verify compliance with the legal requirements related to the protection scheme established by this Regulation and of the enforcement of geographical indications for craft and industrial products in the market place including online as referred to in Article 45 on designation of competent authority, Article 46 on verification of compliance with the product specifications, Article 47 on due diligence, Article 48 on enforcement of geographical indications in the marketplace, and Article 55 on online platforms.</p>	<p>IT (Drafting):</p> <p>1. Member States or their national authorities shall report every four years to the Commission on the strategy and results of all the geographical indication controls carried out to verify compliance with the legal requirements related to the protection scheme established by this Regulation and of the enforcement of geographical indications for craft and industrial products in the market place including online as referred to in Article 45 on designation of competent authority authorities, Article 46 on verification of compliance with the product specifications specification, Article 47 on due diligence, Article 48 on enforcement of geographical indications in the marketplace, and Article 55 on online platforms illegal content.</p> <p>IT (Comments):</p> <p>In line with proposals of modification already mentioned above with reference to other articles, we propose to align the text accordingly. Art 55 deals with illegal content and not with online platforms.</p> <p>ES (Comments):</p> <p>We believe that it should be up to the Member States to report to the Commission</p> <p>PL (Comments):</p> <p>The provision imposes a lot of obligations on MS which may seem quite burdensome. Would it be necessary to report on every control?</p>

<p>2. Eligible Member States shall provide the Commission by [six months after the date of entry into force of this Regulation] with the information requested in Article 15 in order to opt for the “direct registration” procedure. On the basis of the information received, the Commission shall adopt a Decision on the right of the concerned Member State to opt for the “direct registration” procedure and hence, to not designate a national authority for the management at national level of the procedures for the application, amendment of the product specification and cancellation as referred to in Article 15.</p>	<p>ES (Comments): It is requested that the Spanish translation be revised as the reference to "Eligible Member States" has been translated as "Estados admisibles" and the rest of the wording is very cumbersome.</p>
<p>3. Member States shall inform the Commission by [six months after the date of the entry into force of this Regulation] if they decide to cooperate with each other for the management of the national procedures foreseen in Chapter II of Title II as laid down in Article 6(4).</p>	<p>IT (Drafting): Member States shall inform the Commission by [six months after the date of the entry into force of this Regulation] if they decide to cooperate with each other for the management of the national procedures foreseen in Chapter II of Title II as laid down in Article 6(4). IT (Comments): Six months may not be an appropriate period of time to decide at national level. It is more advisable to extend the time frame to one year or, preferably, not to mention any deadline leaving the possibility for MS to decide even at a later stage, according to their interests. It might be considered for instance to hold a consultation with private stakeholders to understand their interest in using a similar cross-border procedure. This takes time. For coherence with the other articles that are quoted, we suggest to avoid mentioning, only in this article, the reference to chapter and Title, which is not included in any other case. PL (Comments): It seems there should be a reference to Art. 11(4)</p>
Article 69	

Review clause	
<p>By [five years after the date of entry into force of this Regulation], the Commission shall draw up a report on the implementation of this Regulation, accompanied by any proposals for revision that it may deem appropriate.</p>	<p>IT (Drafting): By 1 January 2028 (indicative date), and every five years thereafter, the Commission shall evaluate the implementation of this Regulation. The evaluation shall further assess the impact, effectiveness and efficiency of the Office and its working practices and shall include, if necessary, the possible requests of review of the regulation and the financial implications of any such modification. The Commission shall forward the evaluation report together with its conclusions drawn on the basis of that report to the European Parliament, the Council and the Management Board of the Office. The findings of the evaluation shall be made public. By [five years after the date of entry into force of this Regulation], and every five years thereafter, the Commission shall prepare an evaluation report on the implementation of this Regulation. 2. The evaluation shall examine the impact, effectiveness and efficiency of the Office and its working practices and shall be accompanied, if necessary, by any proposal for revision of the Regulation deemed appropriate, indicating the financial implications for the Office of any such modification. 3. The Commission shall forward the evaluation report together with its conclusions drawn on the basis of that report to the European Parliament, the Council and the Management Board. The findings of the evaluation shall be made public. 4. On the occasion of every second evaluation, there shall be an assessment of the results achieved by the Office having regard to its objectives, mandate and tasks. IT (Comments): This article is very soft. We propose to strengthen it, in line with the provisions of Article 210 (Assessment and Examination) of the Regulation (EU) 2017/1001 of the European Parliament and of the</p>

	Council of 14 June 2017 on the European Union trade mark
Article 70	<p>FI (Comments): FI would prefer the date of entry into force of the Regulation to be later than 1.1.2024. It is important to have sufficient time for national implementation.</p>
Entry into force	
<p>This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i>. It shall apply from 1 January 2024.</p>	<p>LV (Comments): Taking into account that there is no existing system on geographical indication protection for craft and industrial products in Latvia and taking into account that a control and enforcement system should be established, the indicated starting date of the application of the Regulation, i.e., 1 January 2024 is not feasible, the starting date of the application of the Regulation should be a later date.</p> <p>LT (Comments): Application of this regulation should be set to a later date and be linked to its adoption. We suggest to set the date of its application to 24 months after publication in the OJ.</p> <p>DE (Comments): The planned entry into force of the new Regulation on January 1st, 2024 is set too early, because there is still a need for coordination on individual provisions and a general need for national implementation, which cannot take place by this point in time.</p> <p>IT (Drafting): This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. It shall apply from 1 January 20242025.</p>

	<p>IT (Comments): In order to amend national legislation longer time is needed from the entry into force of the regulation, considering that new administrative and enforcement procedures need to be introduced in the Industrial Property Code and in other national acts that require parliamentary scrutiny. Italy has no national GI for craft and industrial products.</p> <p>AT (Comments): In view of the need for national implementation, we consider the target date for entry into force to be very ambitious.</p> <p>SE (Drafting): The date of applicability should be postponed.</p> <p>SE (Comments): We are of the opinion that the date of applicability is too swift for us and therefore should be postponed. It is highly important that the we are given sufficient time to prepare our systems, processes, procedures etc. for compliance with the new rules. It's a whole new system for us.</p> <p>EL (Drafting): This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i>. It shall apply from 1 January 2025.</p> <p>EL (Comments): The timeframe given for the implementation of the Regulation is very tight, considering all the administrative and organizational preparations that need to take place at national level, in order for the proposed protection system to be established and properly functional. Therefore, we propose an extension of the date of implementation by at least one (1) year.</p>
--	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>ES (Comments): In our opinion, this is insufficient time for the necessary legal and regulatory provisions to be put in place.</p> <p>PL (Comments): Due to necessity to appoint control and enforcement authorities and to adopt specific rules and procedures, the entry into force date is too short.</p>
This Regulation shall be binding in its entirety and directly applicable in all Member States.	
End	End