Possible extension of geographical indication protection of the European Union to non-agricultural products

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PURPOSE: to launch a debate on the possible extension of geographical indication protection of the European Union to non-agricultural products (Commission Green Paper).

BACKGROUND: **geographical indications (GIs)** are indications that identify goods as originating in a country, region or locality where a particular quality, reputation or other characteristic of the product is essentially attributable to its geographical origin, for example Bordeaux (wine), Vetro di Murano (glass) or Prosciutto di Parma.

GIs are self-evidently relevant to agricultural products, foodstuff, wines and other alcoholic beverages. However, **the use of GIs is not limited to agricultural products**. A GI may also highlight specific qualities of a product that are due to human factors found in the product's place of origin, such as specific manufacturing skills and traditions. This is the case, for instance, for handicrafts, which are generally handmade using local natural resources and usually embedded in the traditions of local communities, e.g. Bohemian crystal, Scottish tartans, Carrara marble or Meissner porcelain.

The EU is bound by rules on protecting GIs under the agreement on trade related aspects of intellectual property rights (**TRIPS**), which applies to all 159 members of the World Trade Organisation (WTO), and covers both agricultural and non-agricultural products.

At EU level, unitary GI protection is currently provided for wines, spirit drinks, aromatised wines and for agricultural products and foodstuffs. There is currently **no harmonisation or unitary GI protection in place for non-agricultural products at EU level**.

According to a study published by the Commission in 2013, existing legal instruments available for producers at national and at European level are insufficient.

CONTENT: this Green Paper aims to consult with all stakeholders in the broadest possible manner on whether there is a need, in the EU, to increase GI protection for non-agricultural products, and if so what approach should be taken.

The document consists of two parts:

The first part concerns the current means of protection provided at national and EU level and the potential economic, social and cultural benefits that could be achieved by improved GI protection in the EU. The Commission considers that there seems to be potential benefits of a harmonised EU GI system for producers of non-agricultural products:

- increasing the distinctiveness and attractiveness of their products thanks to guaranteeing quality and origin throughout the EU could **boost sales** and there would be more **effective and uniform EU-wide protection** against losses caused by, counterfeiting and imitation;

- provide **consumers** with certainty that a product has a particular quality, characteristics, and/or reputation due to its particular place of origin, if this is something they value;

- create a positive impact on **negotiating trade agreements** with third countries interested in securing better protection for their non-agricultural GIs in the EU;

- preserve and value European traditions, know-how, the diversity of cultural expression and cultural heritage and help build social capital in a region.

The second part includes more technical questions to seek the views of interested parties on possible options for EU-level GI protection for non-agricultural products. These issues concern:

- the **label** (names and symbols) to be used to refer to a product eligible for a GI protection;

- the need to add any further **exceptions** to GI protection other than those already provided in TRIPS;

- the possibility to **differentiate between various protection schemes** depending on the categories of non-agricultural products involved (a sectoral approach would establish specific rules for different categories of products, or a cross-cutting approach would set out the core elements of the system generally, to apply to any category of product;

- the link be between non-agricultural products and their **place of origin**, in order to qualify for GI protection in any new system;

- the introduction of a **quality benchmark** for non-agricultural products and how the specific characteristics of the product should be defined to ensure quality and geographic origin meets the required standards;

- the need for **reputation** to be required in order to obtain GI protection for non-agricultural products.

The Green Paper also questions whether **harmonising** national legislation on GIs would be sufficient to effectively protect GIs for non-agricultural products across the internal market, or would a **single EU-level protection system** be more appropriate.

All interested parties are requested to send their responses to the Commission by 28 October 2014.