

Geographical indication protection for craft and industrial products

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The European Parliament adopted by 616 votes to 9, with 7 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on geographical indication protection for craft and industrial products and amending Regulations (EU) 2017/1001 and (EU) 2019/1753 of the European Parliament and of the Council and Council Decision (EU) 2019/175.

Parliament's position adopted at first reading following the ordinary legislative procedure amended the Commission proposal as follows:

Protection of geographical indications for craft and industrial products

The regulation provides Union protection for geographical indications for products falling outside the scope of existing Union law, while ensuring convergence. That protection should be aimed at encompassing a large variety of craft and industrial products, such as natural stones, woodwork, jewellery, textiles, lace, cutlery, glass, porcelain, and hides and skins.

The introduction of such a system for the protection of geographical indications for craft and industrial products would bring benefits for consumers, by improving awareness in relation to the authenticity of products. It would also have a positive economic impact on micro- and small and medium-sized enterprises (MSMEs) by strengthening competitiveness, and it would have a general positive impact on employment, development and tourism in rural and less developed regions. Furthermore, such a system would also facilitate access to third-country markets through trade agreements with the Union and would achieve the full potential of geographical indications for craft and industrial products.

Objectives

The amended Regulation lays down provisions relating to:

- the **necessary tasks, rights and responsibilities** for producers to manage geographical indications, including in response to societal demands for sustainable products;
- **simple and efficient registration** of geographical indications, taking into account the appropriate protection of intellectual property rights;
- the generation of **added value** by contributing to fair competition in the market;
- **reliable information** and a guarantee of authenticity of products designated by a geographical indication for the consumer;
- **effective controls and enforcement** in relation to geographical indications for craft and industrial products and the marketing of craft and industrial products throughout the Union, including in electronic commerce, whilst ensuring the integrity of the internal market;
- **local economic development** that contributes to the protection of know-how and of common heritage.

Registration procedure

To obtain protection as geographical indications, names should be registered at Union level only. The standard procedure for the registration of a geographical indication under this Regulation should comprise **two phases**: (i) the first phase should take place at national level; (ii) the second phase should take place at Union level (European Union Intellectual Property Office). Where a Member State has been granted a derogation from that standard procedure, it should be possible for an applicant from that Member State to submit an application directly to the Office through the direct registration procedure. Any administrative burden associated with the registration procedure shall be kept to a minimum.

Member States should provide for **efficient, predictable and expeditious administrative procedures**. Information about those procedures, including any applicable deadlines and the overall length of the procedures, should be publicly available. The procedures for registration, including opposition, amendment of the product specification, cancellation of the registration and appeal in respect of geographical indications originating in the Union should be carried out by the Member States and the Office and those procedures should fulfil transparency requirements.

Member States should establish the detailed procedural arrangements for the national phase. Those arrangements should include consultations between the applicant and any national opponents, as well as the submission by the applicant of a report on the outcome of those consultations, and on any modifications made to the application.

Control and verification

To ensure consumer confidence in the specific characteristics of artisanal and industrial products designated with a geographical indication, producers should be subject to a system based on a **self-declaration** by the producer verifying that the product complies with the specifications before and after it is placed on the market. Once the product has been placed on the market, producers should submit a new self-declaration **every three years** to demonstrate that the product continues to comply with the specifications.

On receipt of the self-declaration, the competent authority should carry out an examination of the self-declaration, including at least a check for completeness and consistency. Where the competent authority is satisfied that the information provided in the self-declaration is complete and consistent and has no other reservations regarding conformity, the competent authority should issue or renew an **official certificate** of authorisation to manufacture the product designated by the geographical indication.

As an alternative to the verification procedure based on self-declaration, Member States should be allowed to provide for a **verification procedure based on verification of compliance by a competent authority or a designated third party**. Such verification procedure should include controls of compliance with the product specification both before and after the product has been placed on the market. The competent authority should be allowed to delegate, where necessary, to product certification bodies or natural persons certain control tasks related to checking the geographical origin, or the production process, of the product concerned.

Member States should have the possibility of charging a **fee** to cover the costs of managing the system for the protection of geographical indications for craft and industrial products. In that context, Member States should take into account the situation of MSMEs.

Protection of geographical indications in domain names

In order to strengthen the protection of geographical indications for craft and industrial products and to combat counterfeiting effectively, the protection under this Regulation should also apply to domain names on the internet.

Country-code top-level domain name registries established in the Union offering alternative dispute resolution procedures to settle disputes relating to the registration of domain names should ensure that such procedures also cover geographical indications.

Following an appropriate alternative dispute resolution procedure or judicial procedure, it should be possible for country-code top-level domain name registries established in the Union to **revoke or transfer a domain name registered** under a country-code top-level domain to the relevant producer group, where: (i) domain name registration contravenes the protection of a geographical indication, (ii) where the domain name is being used in bad faith, or (iii) where it has been registered by its holder without that holder having a right to or a legitimate interest in the geographical indication.