

Geographical Indications for wine, spirit drinks and agricultural products

2022/0089(COD) - 23/04/2024 - Final act

PURPOSE: to create a uniform protection of geographical indications, as well as the establishment of a system of protection for traditional specialities guaranteed and optional quality terms.

LEGISLATIVE ACT: Regulation (EU) 2024/1143 of the European Parliament and of the Council on geographical indications for wine, spirit drinks and agricultural products, as well as traditional specialities guaranteed and optional quality terms for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2019/787 and (EU) 2019/1753 and repealing Regulation (EU) No 1151/2012.

CONTENT: quality products represent one of the biggest assets that the Union has, both for its economy and for its cultural identity. Those products are the strongest representation of the ‘made in the EU’ brand, recognisable throughout the whole world, which generate growth and preserve the Union’s heritage. The regulation aims to improve the protection of geographical indications (GIs) and other quality schemes for wine, spirit drinks and agricultural products, both online and offline, while also simplifying the registration procedure for GIs.

Unitary and exhaustive system of geographical indications (GI)

The regulation provides for a unitary and exhaustive system of geographical indications, protecting the names of wine, spirit drinks and agricultural products having characteristics, attributes or reputation linked to their place of production, thereby:

- ensuring that **producers** acting collectively have the necessary powers and responsibilities to manage the geographical indication concerned;
- contributing to **fair competition** and generating added value with the aim of sharing that added value across the marketing chain;
- ensuring that **consumers** receive reliable information and necessary guarantee of the origin, authenticity, quality, reputation and other characteristics linked to the geographical origin or the geographical environment of such products and can readily identify them in the marketplace including in electronic commerce;
- ensuring the efficient and user-friendly **registration** of geographical indications taking into account the appropriate protection of intellectual property rights;
- ensuring effective **controls**, enforcement and placing on the market throughout the Union, including in electronic commerce, thereby ensuring the integrity of the internal market; and
- contributing to the effective protection of **intellectual property** rights related to such products in third country markets.

Protection of geographical indications

Geographical indications entered in the Union register of geographical indications will be protected against:

- any direct or indirect commercial use of the geographical indication in respect of products not covered by the registration, where those products are comparable to the products registered under that name or where use of that geographical indication for any product or any service exploits, weakens, dilutes, or is detrimental to the reputation of, the protected name, including when those products are used as an ingredient;

- any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product that is used on the inner or outer packaging, on advertising material, in documents or information provided on online interfaces relating to the product concerned.

This protection will also apply to goods sold via distance selling methods, such as e-commerce, and to goods intended for export to third countries.

The regulation provides greater protection of a **GI name designating an ingredient** when it is used in the name of a related processed food; in those cases, recognised producer groups will be notified and the percentage of the ingredient will need to be indicated.

Union symbols, indications and abbreviations

In the case of agricultural products and spirit drinks originating in the Union that are marketed under a geographical indication, the Union symbol associated with it should appear in the **labelling and advertising material**. As regards the labelling, the geographical indication will appear in the same field of vision as the Union symbol. Where agricultural products are designated by a geographical indication, an indication of the name of the producer or operator should appear in the labelling, in the same field of vision as the geographical indication.

Producer groups

The new regulation:

- strengthens the role for producer groups by granting them **power and responsibilities** to manage their geographical indications, including to represent their members in intellectual property enforcement networks;

- provides for the possibility for Member States to designate producer groups as '**recognised producer groups**' with exclusive rights to be exercised on behalf of all producers of the product designated by a geographical indication.

A producer group, or a recognised producer group where such a group exists, may agree on **sustainable practices** to be adhered to in the production of the product designated by a geographical indication or in carrying out other activities subject to one or more obligations provided for in the product specification.

Filing applications for registration at EU level

The Regulation confirms the **Commission's role** in examining applications for registration of products as geographical indications. An application for registration of a geographical indication at EU level should be filed with the Commission electronically, using a digital system. The Commission will examine the applications for registration. The examination must not take longer than six months from the date of receipt of the application.

Protection of geographical indication in domain names

The competent national authorities should have the tools to react to a violation of the protection of a geographical indication by a registered domain name. They should take measures to disable access from the territory of the Member State concerned to domain names registered in violation of the protection of geographical indications. An **information and alert system** for domain names will be set up by the EU Intellectual Property Office (EUIPO).

ENTRY INTO FORCE AND APPLICATION: from 13.5.2024.