



# WIPO

## EU Scheme for Geographical indication protection for craft and industrial products

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# EU GI scheme for craft and industrial products



**‘Indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin’**

<sup>2</sup> (WTO TRIPS Art.22, WIPO Geneva Act Art.2(1)(ii))

# Commission Proposal: Objectives

**Establishing a directly applicable geographical indication (GI) protection for craft and industrial (CI) products at Union level**

**Empowering producers:**

- Union-wide protection against counterfeiting and other illegal uses
- Incentive to invest in these products

**Benefits for consumers:** Improved trust and visibility of CI products on the market

**Benefits for regions:** tourism, retain qualified local workforce, safeguard cultural heritage

**Empowering micro and SMEs**



# Commission Proposal: Basic features

1. Balanced criteria for protection as to territorial link

2. Two-stage registration procedure

3. EUIPO as EU authority in charge

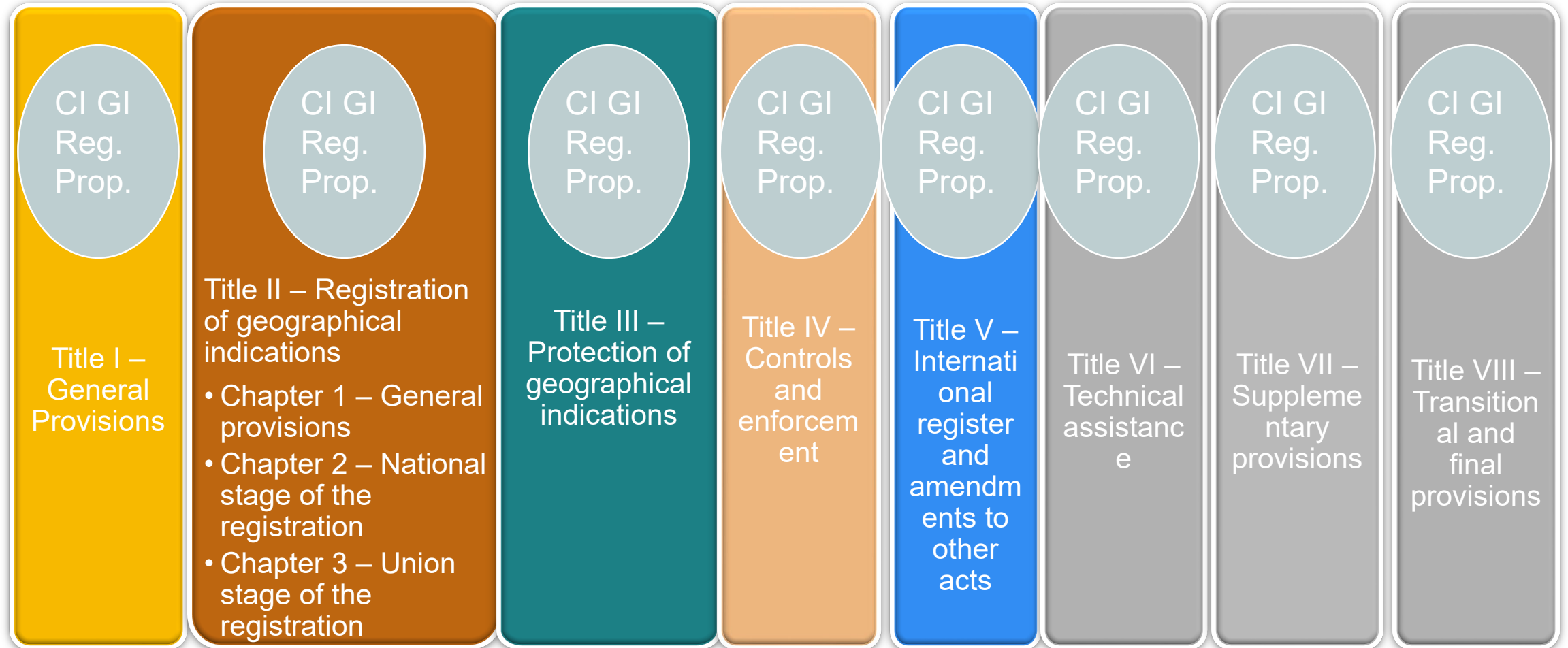
4. Flexibility in control and enforcement

5. EU system to replace national CI GI rights

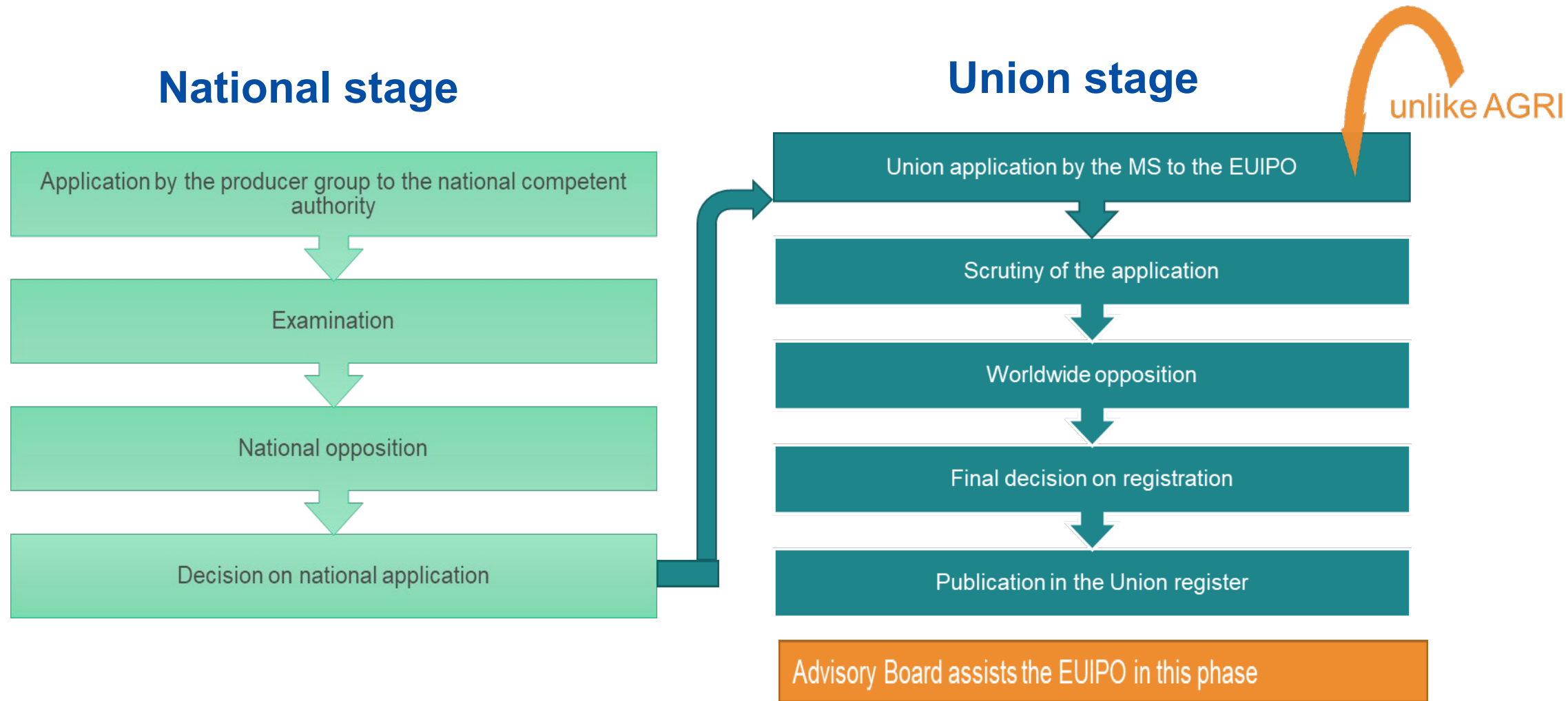
## Stakeholder views:

68% of respondents\*  
support most preferred  
policy option

# Structure



# The two-stages of the registration procedure





# Two exceptions to the standard registration process

## Direct Registration procedure

- **No national application phase** - applications lodged directly with the EUIPO (EU level only). Commission may allow it only for those Member States that:
  - Have no system at national level in place to manage CI Gis, and;
  - Show low national interest for CI GI protection
- **Member States to assist EUIPO** by nominating a **point of contact** for the registration procedure + a competent authority responsible for the control and enforcement of GIs.

## Commission takes the GI Decision

- **The Commission may take over from the Office (EUIPO), at any time before the end of the procedure, the power to decide on a geographical indication application.**
- When? Only exceptionally where such decision may jeopardise the **public interest**.

# Fees

## National phase

- Member States **may** charge fees
- **Preferential fees for SMEs**



## Union phase

- **No fees**

## Direct registration

- EUIPO **shall** charge fees
- Fees defined in implementing acts



# Title IV - Control and Enforcement

Producer Control: Compliance of the products with the product specification

Member States choose

## 3<sup>rd</sup> party certification procedure

- Competent authorities or accredited product certification bodies check compliance:
  - before the product is put on the market (verification)
  - in the marketplace based on risk analysis (monitoring)
- Stronger enforcement system already in place for agricultural products under the existing GI scheme

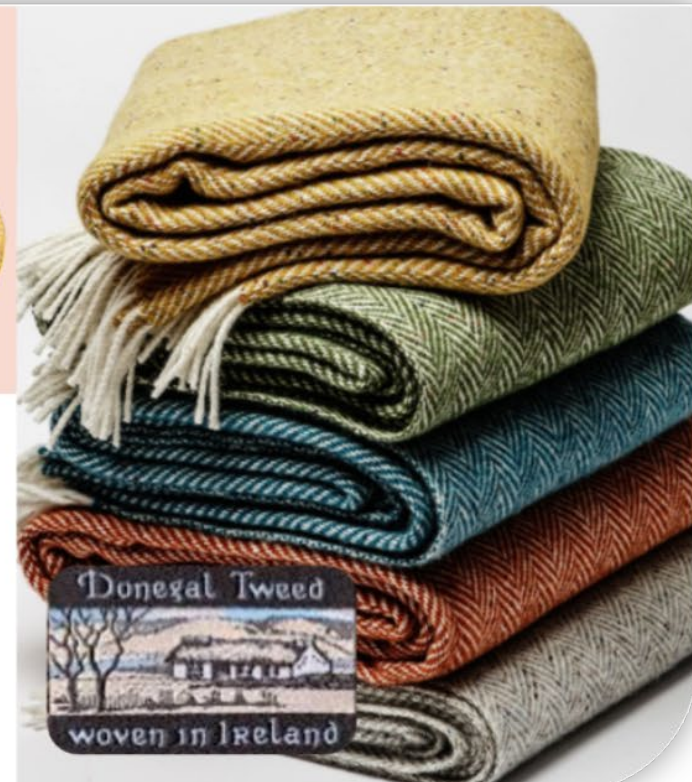
## Self-declaration certification procedure

- the producers declare the conformity by submitting a self-declaration to the competent authority:
  - before the product is put on the market
  - self-declaration to be renewed every three years
  - random checks carried out by competent authorities
- Lighter enforcement system, tailored for CIGI producers, less costly

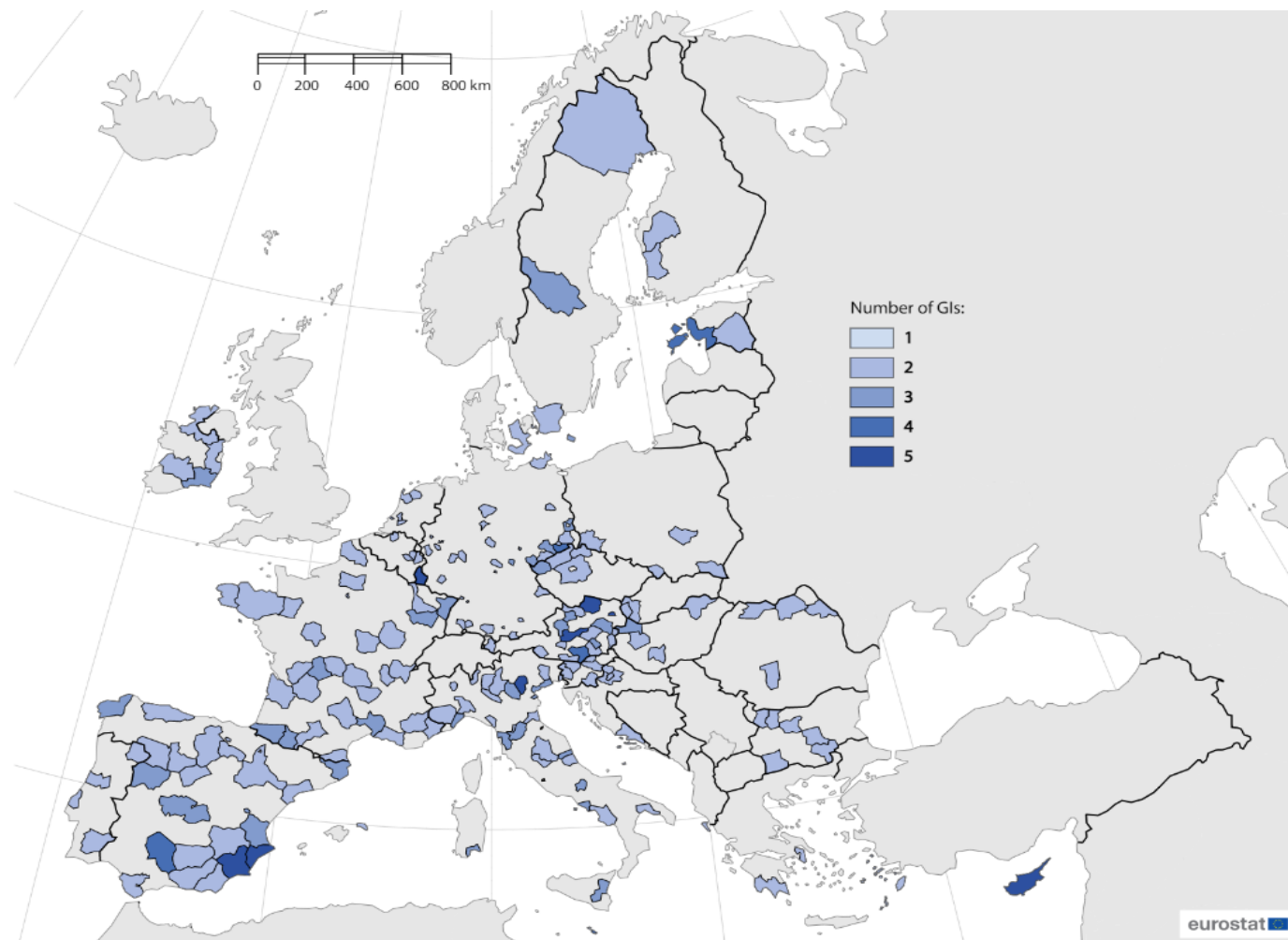
Misuse control: Member States prevent and stop any other misuses of GIs within their territory

Deterrent system of fines

# Any question?



# Economic context



Note: The picture maps 300 craft and industrial products identified in VVA *et al.* (2020) into nuts3 regions.



- 80% of CI GI products are made by **small and micro enterprises**
- **Located in less developed regions:** 75% of the regions with CI GI products have either GDP per capita or unemployment rate below the EU average
- CI GI products are located in the regions with significantly higher **vulnerability in the tourism sectors** when compared to regions without geographically rooted products

# Title V – GIs entered in the International register

- Provides for [amendments to Council Decision \(EU\) 2019/1754 and Regulation \(EU\) 2019/1753](#) of the European Parliament and of the Council, the EU legislation adopted following the **EU's accession to the Geneva Act on 26 November 2019**.
- To [adjust existing rules to the new EU CI GI scheme](#) e.g. there is currently no provision to clarify that unlike in the case of agricultural GIs, **it is the EUIPO that plays the role of competent authority** under the Lisbon system. Similarly, provisions need to ensure that **international applications relating to CI products can be filed and processed by the EU's competent authority**.
- [Amendments introduced in the Trade Mark Regulation \(EU\) 2017/1001](#): **tasks conferred to the EUIPO** for the administration and promotion of CI geographical indications, or to establish a **domain name information and alert system** for EU trade marks replicating the alert system established for CI GIs



# Protection for non-EU countries CIGs

## Preconditions

corresponding criteria  
protection in country of origin

via

