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EU SYSTEM FOR GEOGRAPHICAL INDICATIONS FOR AGRICULTURAL
PRODUCTS AND FOODSTUFFS

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I. INTRODUCTION

1. The 'geographical indication' is a type of intellectual property right that may apply to any type of good. Like trademarks and commercial names, geographical indications are distinctive signs that permit the identification of product and/or product attributes on the market. The term 'geographical indication' is found in international treaty law and is used in the context of many diverse regulatory regimes¹.
2. In essence, the geographical indication is used to identify a good as originating in the territory of a particular country, or region or locality in that country, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.

II. THE EU REGISTERS

3. The EU operates three systems for the protection of geographical indications, for wines², spirit drinks³ and for agricultural products and foodstuffs⁴. These have evolved from national systems applied in several Member States and, until now, followed parallel paths of development. No specific geographical indication system is operated at EU-level for non-agricultural products.
4. Wine names were first protected at EU level under legislation in the 1970s that required Member States to identify and protect geographical indications and notify them to the European Commission and thereby protect them in all Member States. For spirit drinks, in 1989 legislation⁵ established in an annex a list of names that were protected throughout the EU. For agricultural products and foodstuffs, however, an EU register was established from the beginning in 1992 and a procedure set in place for applications to be sent to the EU authorities and entered in the register.
5. In the recent 2008 reform to the wine sector, an EU register is established along similar lines as that for agricultural products and foodstuffs and that is in the process of being implemented. For spirit drinks, the system is still centred on a list of names in annex to the spirit drinks regulation, which serves as the register.⁶

¹ The terms are used in various international instruments and also in domestic legislation of a number of countries, with varying definitions and legal effects. For an account of international instruments, see WIPO Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications, Eight session, Document SCT/6/3 Rev on Geographical Indications: historical background, Nature of Rights, Existing systems for Protection and Obtaining Protection in other countries, prepared by the Secretariat

² Regulation (EC) No 479/2008 on the common organisation of the market in wine

³ Regulation (EC) No 110/2008 on the definition, description, presentation, labelling and protection of geographical indications of spirit drinks

⁴ Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

⁵ Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks

⁶ An additional list geographical indication has been established for aromatized wines, which is associated with the register for wine names

6. In its strategy document, the *Communication on agricultural product quality policy* adopted on 28 May 2009⁷, the Commission announced its intention to bring together the different systems into a single register, while preserving the specificities needed for each product type. Thus, given this intention to move towards a single system based on that for agricultural products and foodstuffs, this paper will focus on the processes for application and protection of a geographical indication under that system.

7. The aim of any application is entry into the *Register of protected designations of origin and protected geographical indications*⁸. This is a physical register of pages, an example of which is given in figure 1. A minimum of data are recorded in the register⁹. They comprise:

- the registered name. This appears in its original language and script, which if it is not in Latin alphabet, must be accompanied by a transcription¹⁰. The original language of the name is the language that is or was historically used in the region concerned¹¹. There exist many examples of names registered in more than one language, particularly in zones where a regional language is used as well as a national language.
- PDO or PGI: whether the name has been registered as a ‘protected designation of origin’ (PDO) or as a ‘protected geographical indication’ (PGI). These are the two kinds of geographical indication, which differ according to the nature of the link between the product and the geographical zone (see below).
- Product category: this regulation covers agricultural products for human consumption, eight categories of agricultural product not used for human consumption, and seven categories of foodstuff, including beer and pasta.¹²
- Country of origin: in case of a cross-border geographical indication, both countries would be recorded.
- Reference to the legal act registering the name. Normally this is a Commission decision published in the Official Journal of the EU.

⁷ Commission Communication COM(2009) 234 of 28.4.2009

⁸ Article 7(6), Regulation (EC) No 510/2006

⁹ Article 15, Regulation (EC) No 1898/2006

¹⁰ Article 3(2), Regulation (EC) No 1898/2006

¹¹ Article 3(1), Regulation (EC) No 1898/2006

¹² Annex II, Regulation (EC) 1898/2006

 REGISTER GESCHÜTZTER URSPRUNGSBEZEICHNUNGEN UND GESCHÜTZTER GEOGRATISCHER ANGABEN	 REGISTER OF PROTECTED DESIGNATIONS OF ORIGIN AND PROTECTED GEOGRAPHICAL INDICATIONS	 REGISTRE DES APPELLATIONS D'ORIGINE PROTEGEES ET DES INDICATIONS GEOGRAPHIQUES PROTEGEES
1. Kölsch		
<p>2. Registriert als: Registered as: g.g.A./PGI/IGP Enregistrée en tant que:</p>		
<p>3. Klassifizierung: Classification: 2.1 Classification :</p>		
<p>4. Ursprungsland: Country of origin: DE Pays d'origine :</p>		
<p>5. Vereis: Verordnung (EG) Nr. 430/2009 der Kommission (ABl. L 127 vom 26.5.2009, S. 3) Reference: Commission Regulation (EC) No 430/2009 (OJ L 127, 26.5.2009, p. 3) Référence: Règlement (CE) n° 430/2009 de la Commission (JO L 127 du 26.5.2009, p. 3)</p>		
Seite/page/page <u>897</u>		
<p>6. <i>In Falle einer Änderung, siehe Seite</i> <i>In case of amendment, refer to page</i> <i>En cas de modification, voir page</i></p>		
EUROPÄISCHE KOMMISSION EUROPEAN COMMISSION COMMISSION EUROPEENNE 		

Fig. 1 Register page

8. These five items of data are a minimum to identify the registered name, but they do not give information how the product is made or, for example, the dates of the application. The register, being physical, can only be consulted in Brussels. As a working tool to assist anyone in the world who needs to know what is registered, the Commission established in 2008 a specific database: DOOR.

III. DOOR, DATABASE OF ORIGIN AND REGISTRATION

9. DOOR contains the same dataset as that contained in the register, together with other data and links to other documents. Figure 2 shows a sample of a DOOR page for a registered name. DOOR is in the 22 EU languages, which greatly facilitates the researches of interested people around the EU and wider. It provides:

- the registered name;
- country of origin;
- EU dossier number (internal reference);
- whether a PDO, PGI or TSG¹³.

¹³ TSG refers to a traditional speciality guaranteed, which is a separate register of traditional names and, apart from DOOR, has no connection to the geographical indications systems.

- status: whether the name is registered, applied for, or published.
- date of submission: this can be the key date for establishing the extent of prior trademark rights in the name;
- type of product: using the same classification as for the register.
- contact details for the control body, including if available, a hyperlink to the control body's website.
- official publications. Normally there are two references, the publication of a summary in the 'C' series of the Official Journal, and publication of the legal act registering the name, in the 'L' series of the Official Journal. Other relevant acts, such as relating to amendments, may also be listed.
- specification: there is either a hyperlink or a copy of the full specification (in original language only).

The screenshot shows the DOOR website interface. At the top, there is a navigation bar with the DOOR logo and a language dropdown set to English (en). Below the navigation bar, the breadcrumb trail reads: European Commission > Agriculture and Rural Development > Agriculture and food > DOOR > Denomination Information.

The main content area is divided into several sections:

- Product Information:**
 - Name:** Bryndza Podhalańska
 - Countries of Origin:** PL
 - Dossier Number:** PL/PDO/0005/0450
 - Status:** Registered
 - Application Type:** PDO
 - Date of Submission:** 18.02.2005
 - Type of Product:** Class 1.3. Cheeses
- Authority/Control Body:**
 - Name:** Główny Inspektor Jakości Handlowej Artykułów Rolno-Spożywczych
 - Address:** ul. Wspólna 30, 00-930 Warszawa; Tel: 48/22 623 29 00; Fax: 48/22 623 29 98; sekretariat@ihars.gov.pl
 - URL:** [Authority/Control Body](#)
- Official Journal Publications:**
 - [Official Journal L150 12.06.2007](#)
 - [Official Journal C230 23.09.2006](#)
- Other Documents:**
 - [PL_0005_0450_SPE_PL_O.pdf](#) ([PL_0005_0450_SPE_PL_O.pdf](#))

At the bottom of the page, there is a disclaimer: "Disclaimer: Please note that it cannot be guaranteed that a document available on-line exactly reproduces an officially adopted text. Only European Union legislation published in paper editions of the Official Journal of the European Union is deemed authentic." and a "Close" button.

Fig 2: A page on DOOR

10. DOOR is a reference tool, and does not replace the register. Indeed it includes a legal disclaimer that only official publications are valid. For non-EU applicants¹⁴, DOOR also allows:

- on-line applications;
- on-line objections.

¹⁴ EU-based applicants must first submit a dossier to their national authorities, who then can enter it in DOOR or otherwise send it to the Commission.

11. Within the Commission, DOOR also provides a system for treatment of dossiers and workflow management, from acknowledgement of receipt through to final registration.

12. In order to see the detail and variety of the names registered, DOOR is an unparalleled resource and has been widely praised. However, it is still a work in progress; it went live in 2008. A second version has just come on-line (May 2009) containing many improvements and features demanded by researchers and members of the public. Among the new features is the capacity to print off data in a spreadsheet.

IV. PDO AND PGI

13. While it is not entirely clear why the EU has developed two instruments of geographical indication, they bear similarities to the difference between WIPO's appellation of origin under the Lisbon Agreement and the geographical indication of TRIPS. In the wine sector, there were also two instruments: the QWPSR (quality wine produced in a specified region) and the GI, geographical indication. These have recently been replaced by the PDO and PGI respectively¹⁵, bringing the wine geographical indications terminology in line with that for agricultural products and foodstuffs. Only for spirits is there one instrument, the geographical indication.

14. A name of an agricultural product or foodstuff registered as a PDO (protected designation of origin) shows that the product's qualities or characteristics are essentially or exclusively due to the geographical environment with its inherent natural and human factors¹⁶. In addition, the product and its raw materials must have been farmed and produced entirely within the geographical zone¹⁷. In the case of livestock-product-names registered as PDOs, the feed for the animals must have been sourced as far as possible from within the zone¹⁸.

15. For a name registered as a PGI (protected geographical indication), the product possesses a specific quality, reputation or other characteristic attributable to that geographical origin. In addition, at least one stage of the production process must take place in the geographical zone.¹⁹

16. The PDO-PGI difference is thus one of the closeness of the link between product and the geographical zone. The intellectual property protection is identical for both PDO and PGI. The difference can however be important in terms of marketing. In 2008, the Commission accentuated this difference by altering the colour of the PDO symbol to red-and-yellow²⁰, which sharply contrasts it with the blue-and-yellow of the PGI (see figure 3). Until then, the colour versions of the symbols were the same (blue-and-yellow). There continues to be no difference in visual design between the PDO and PGI symbols when they appear in monochrome, black-and-white, or in negative.

¹⁵ Article 34, Regulation (EC) No 479/2008

¹⁶ Article 2(1) point (a), Regulation (EC) No 510/2006

¹⁷ op cit.

¹⁸ Article 5(3), Regulation (EC) No 1898/2006

¹⁹ Article 2(1) point (b), Regulation (EC) No 510/2006

²⁰ Regulation (EC) No 628/2008. The blue-and-yellow PDO symbol may continue to be used during a transitional period until 1 May 2010.



Fig. 3: PDO and PGI symbols

17. Most types of products are well represented both as PDO registrations and PGI registrations, but there are some tendencies: the PGI is preferred for processed goods with multiple ingredients or including exotic ingredients (sourcing issue); PGI is used if the main element of the link is 'reputation' – which is an express criterion for the PGI. A PDO application requires in general a greater level of scientific data and evidence, particularly about the specificities of the product and the features of the geographical zone. PDO is *de facto* a subset of PGI, at least no case has yet arisen where a name that qualifies as a PDO would not also have qualified to be registered as a PGI.

18. Interestingly, 'tradition' is not cited as a criterion, neither for PDO nor PGI, despite a widespread mistaken view that traditional use has to be shown. Traditional production may be an essential contributing factor to the *savoir faire* of the producers or contribute to the product's reputation. But it is the reputation, the existence of producers' skills, and environmental factors in modern times that provide the justification for registration of a PDO or PGI, and not the circumstances of a century ago.

19. Across the EU, consumer appreciation of the difference between a PDO and a PGI is not great, but rises to significant levels in certain Member States of the EU where the system has been longer established. However, some producers of agricultural products whose names are registered as PDOs strongly support the difference, presumably as a way of further distinguishing their product on the marketplace. In its Communication of 28 May 2009, the Commission will consider the feasibility to merge the PDO and PGI instruments and so focus on a single identity for the geographical indication. If it comes about, this will not be for several years. In the meantime, the EU Register comprises the names registered under these two instruments, the PDO and the PGI, collectively referred to as 'geographical indications'.

V. GEOGRAPHICAL INDICATIONS AS A MARKETING TOOL

20. One of the main benefits of the PDO and PGI scheme is that it helps to identify and distinguish product in the marketplace. The designation gives a guarantee to consumers that the product is authentic, made according to a producer specification, controlled by an

independent certifying body (or equivalent), and most significantly owes its specific characteristics to production in the particular area. All these attributes can add value in the eyes of consumers looking for quality products.

21. Only product corresponding to the specification of a registered name and originating from the zone identified can be described as PDO and PGI and/or adorned by the relevant EU symbol.

22. Consumer recognition of the PDO or PGI identity averages 8% in EU, but higher in some Member States (notably Italy – 16%, Portugal – over 10%, and Greece – over 50%). Excluding Greece and Italy, recognition is around 5%.²¹

23. PDO-PGI can also be used as a criterion for public purchasing, a striking example of which is the provision of school meals in Rome. In 2001, Rome city authorities introduced an 'All for quality' scheme. The programme embraces nutritional, social and environmental factors. Food suppliers tendering for contracts in the 2004-2007 period responded to a points system. 51 points (out of 100) were given for price; 9 points for inclusion of PDO-PGI products; 4 points available for organic product and 2 points for 'fair trade' product, and so on. In addition, tenderers had to develop training and information campaigns. Menus are assessed for nutritional balance. In dining rooms, long tables are being replaced by square tables to increase social interaction.²² The Rome schools programme has provided a significant market outlet for producers of PDOs and PGIs, from within and outside Italy. According to a newspaper report in April 2007,

Farmers of *Welsh lamb*, which has PGI status, have seen their revenue increase by 45 per cent in the last three years after winning a large contract to supply schools in Rome. The authorities in Italy ruled that ... lamb eaten by schoolchildren must have PGI status and turned to Welsh producers ...²³

24. The role of the EU PDO and PGI system to assist in marketing should not be overlooked, nor confused with the functioning of an IPR register. For IPR purposes, there is no difference between the rights attaching to a PDO and those attaching to a PGI.

²¹ 'Evaluation of the CAP policy on protected designations of origin (PDO) and protected geographical indications (PGI), Final report', London Economics, November 2008.

²² 'Rome, Italy: A model in public food procurement, What can the US learn?' *Liquori*, 16.3.2007; 'Local food procurement policies: a literature review', *MacLeod and Scott*, May 2007; 'Sustainable school meals in Italy: the Roman model', *Sonnino*, paper given at Glasgow, 14.7.2007

²³ *The Independent*, London, 28.4.2007

VI. Geographical indication rights and protection

25. The basic elements of intellectual property rights and protection afforded by the PDO-PGI regulation are:

- **Right to use** a registered name²⁴ on product conforming to the corresponding specification. This right attaches to 'any operator' and thus does not identify or privilege the producer as owner of the right. No licensing of the name is needed, nor may be imposed on operators such as traders, processors, retailers and others in the chain who use the authentic product.
- **Protection against** identified wrongful uses. It should be noted that the protection does not depend only on private action but must also be enforced by the public authorities in the EU. The categories of wrongful use are:
 - direct or indirect use of registered name on comparable products or in so far as using the name exploits the reputation of the protected name.²⁵
 - misuse, imitation or evocation, even if the true origin of the product is indicated, or the protected name is translated, or accompanied by 'style', 'type', 'method', 'as produced in', 'imitation' or similar.²⁶
 - any other false or misleading indication or other practice liable to mislead.²⁷
- **Protection indefinite:** no renewal required. However, if a name is no longer covered by a control body and no system for verification of compliance exists, then a cancellation procedure can be launched.²⁸
- **Trademarks:**
 - A trademark that conflicts with a registered PDO or PGI, in the same class of product, cannot be registered if the trademark was applied for after the date of application for registration of the geographical indication.²⁹
 - A prior trademark that is renowned and long used, so that the consumer would be misled by use of the name as a geographical indication, prevents registration of the geographical indication³⁰.
 - In other cases, the geographical indication can be registered and the trademark can continue to be used on relevant product, i.e. 'coexist'.³¹

²⁴ Article 8, Regulation (EC) No 510/2006

²⁵ Article 13(1) point (a), Regulation (EC) No 510/2006

²⁶ Article 13(1) point (b), Regulation (EC) No 510/2006

²⁷ Article 13(1) points (c) and (d), Regulation (EC) No 510/2006

²⁸ Article 12, Regulation (EC) No 510/2006 and Article 17, Regulation (EC) No 1898/2006

²⁹ Article 14(1), Regulation (EC) No 510/2006 (for wines, the equivalent text is Article 44(1), Regulation (EC) No 479/2008)

³⁰ Article 3(4), Regulation (EC) No 510/2006

³¹ Article 14(2), Regulation (EC) No 510/2006 (for wines, the equivalent text is Article 44(2), Regulation (EC) No 479/2008)

VII. WHAT MAY IMPEDE REGISTRATION?

26. Five factors may prevent registration as a geographical indication:

- The name does not qualify as a geographical indication, i.e. it fails to meet the definition;
- The name is generic in the EU, defined as being the common name of an agricultural product or foodstuff;³²
- The name is that of a plant variety or animal breed and registration as a PDO or PGI is likely to mislead the consumer;³³
- Homonymous names can normally be registered, except where registration of the second name would mislead the consumer into believing the product came from another territory.³⁴
- A prior, renowned and long-used, trademark, as mentioned above.³⁵

VIII. APPLICATIONS FROM NON-EU APPLICANTS

27. Applications can be sent to the Commission by a 'producer group'. No formal legal structure, or any legal structure, is needed. A producer group may include other operators, such as traders, but must include at least one producer or processor of the product.

28. The application is sent directly to the Commission, preferably via DOOR, which sets out the documents and information needed. The application comprises³⁶:

- Name and address of the applicant group;
- Specification³⁷: a detailed document containing the name of the product; description of the product; definition of the geographical area; traceability provisions (particularly for processed product) showing how the producer assures that the final product is sourced from the authentic materials; method of production; details of the link between the product and the geographical area; name and address of the control body that checks compliance with the specification; any specific labelling rules; and any requirements laid down by EU or national rules.
- Single document (a prescribed summary of the main points of the specification)³⁸, destined for translation to 22 languages and publication in the Official Journal.
- Evidence of 'protection' in country of origin. Any kind of effective protection suffices: geographical indication register, trademark, public regulation, etc.

³² Article 3(1), Regulation (EC) No 510/2006

³³ Article 3(2), Regulation (EC) No 510/2006

³⁴ Article 3(3), Regulation (EC) No 510/2006

³⁵ Article 3(4), Regulation (EC) No 510/2006

³⁶ Article 5(3) and (9), Regulation (EC) No 510/2006

³⁷ Article 4, Regulation (EC) No 510/2006

³⁸ Annex I, Regulation (EC) No 1898/2006

IX. SOME KEY ELEMENTS OF APPLICATION

29. **Name:** the name must be used to describe the product³⁹; a name cannot be invented for a PDO-PGI application. The name may comprise only a geographical name (e.g. 'Roquefort'), or be the name of a product combined with a geographical name (e.g. 'Garbanzo de Fuentesauco'), or be a 'traditional' geographical or non-geographical name⁴⁰. These traditional names identify a product meeting the criteria to be a geographical indication, although the name is of another place (e.g. 'Stilton' which refers to the town the cheese was historically sold rather than the region where it is produced), or the name is not geographical at all (e.g. 'Rogal świętomarciński', which refers to a saint and holiday in the town of Poznan with which the product is strongly associated).

30. **Product description:** the Commission strongly prefers scientific data of the physical, chemical, microbiological, or organoleptic characteristics⁴¹, rather than generalities about the merits of the product. The application should show what is specific about the product: What distinguishes this product from other similar product? What makes this product special?

31. **Geographical area** must be clearly delimited and, normally, only one geographical zone can be identified. However, the farming of product may only take place on suitable soils within the zone, while processing takes place in adjacent plants.

32. **Link** (most important part of the logic of an application): The link must show why this product can only be produced in this region. The link must show three elements⁴²:

- the specificity of the geographical area;
- the specificity of the product;
- the causal link between these.

33. **Elements to avoid** in applications are: made-up names; descriptions of product in vague terms (beautiful; delicious; unique...); multiple geographical areas identifying individual companies; special characteristics of product that are not related to geographical area; and absence of a causal link.

X. PRACTICALITIES

34. Applications can be sent via DOOR, which checks that all the elements of an application are present and automatically formats the documents. Prior user registration in DOOR is needed.

³⁹ Article 3(1), Regulation (EC) No 1898/2006

⁴⁰ Article 2(2), Regulation (EC) No 510/2006

⁴¹ Article 4(2) point (b), Regulation (EC) No 510/2006

⁴² Annex I, section 5, Regulation (EC) No 1898/2006

35. Or applications can be sent to the Commission by post, in which case an electronic version is requested. This can be sent by CD or by e-mail.

Postal address:

PDO-PGI applications
DG Agriculture and Rural Development
European Commission
1049 Bruxelles
Belgium

E-mail: agri-pdo-pgi-applications@ec.europa.eu

36. Any of the 22 EU official languages can be used, but only one is needed!

Costs:

- filing an application: zero;
- translations to 22 languages: zero;
- publication: zero;
- examination and registration: zero;
- lodging an objection: zero;
- total: zero.

37. There is no requirement for an EU-based representative office, nor for engagement of lawyers to prepare an application.

XI. PROCESS

38. The process of dossier examination is slow but steady. Due to an unexpectedly high demand for registrations, examination delays in recent years reached 18 to 24 months. These are now down to 12 months and the Commission will shortly take steps to further streamline the examination⁴³.

39. After analysis, the Commission either approves the single document for publication or issues a letter stating that the application does not meet the criteria for registration. This letter gives reasons why the application is insufficient and allows the applicant to withdraw or quickly to complete the application.

40. Assuming the single document is approved for publication, it is translated into 22 languages and printed in the 'C'-series (for information notices) of the Official Journal. This opens an objection period of 6-months. For wine PDO-PGIs the period is 2 months and in future the period for agricultural products and foodstuffs is likely to be also reduced to 2 months.

⁴³ In the *Communication on agricultural product quality policy* of 28 May 2009 (COM(2009)234), the Commission undertakes to complete its PDO-PGI analysis more quickly (section 4.3).

41. Objections can be lodged directly to the Commission by natural or legal persons or bodies in non-EU countries. Inside the EU, objections are first sent to the national authorities. Several grounds for objection are foreseen⁴⁴:

- that the name does not qualify as a PDO or PGI;
- that registration would be contrary to the provisions on plant rights and animal breeds, homonymous names, and prior renowned and long-used trademark;
- that registration would jeopardise the existence of a similar name or trademark or existence of product legally on the market for at least 5 years;
- that the name proposed for registration is in fact generic.

42. If the objection is admissible, the Commission invites the parties to settle the matter between themselves, for which they have 6 months. At the end of the 6-month period the applicant notifies the Commission of the result of the consultations, which can be:

- agreement without major change to the specification, in which case the name is registered by the Commission;
- agreement with major change to the specification, in which case the revised single document is published and a 6-month period of objection opens again; or
- no agreement. In this case, the Commission reviews the dossier and takes a decision to reject or to register.

Once a name is registered, the protection against conflictual trademark registrations applies from date of application of the geographical indication.

XII. CURRENT STATE OF THE REGISTER

43. On 1.6.2009 the agricultural products and foodstuffs register held 837 registered names, of which 457 are PDOs and 380 PGIs. The breakdown by country of origin (figure 4) shows that 5 countries account for 80% of registrations and that for 4 Member States of the EU no names have been yet registered.

⁴⁴ Article 7, Regulation (EC) No 510/2006

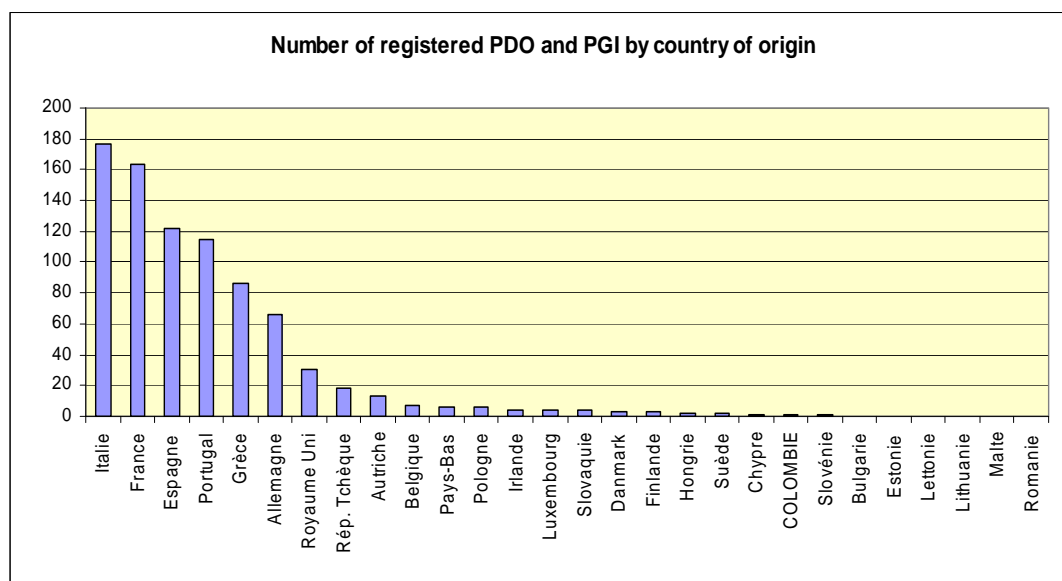


Fig 4

44. Concerning third countries, one name, 'Café de Colombia', has been registered, while applications are in train from China, India, Thailand and Switzerland.

45. The analysis of product types (see Figure 5) shows that the greatest number of registrations is for fruit, vegetables and cereals, followed by cheeses. Meat and meat products as well as fats and oils (including olive oil) are also well represented. These top 5 categories (all agricultural products) account for 80% of registrations. Outside agricultural products, substantial numbers of processed foodstuffs, such as bakers' wares (34, of which 33 are PGIs) and beer (20, all PGIs), have been registered. Products not intended for human consumption, such as essential oils and hay, have seen very few registrations.

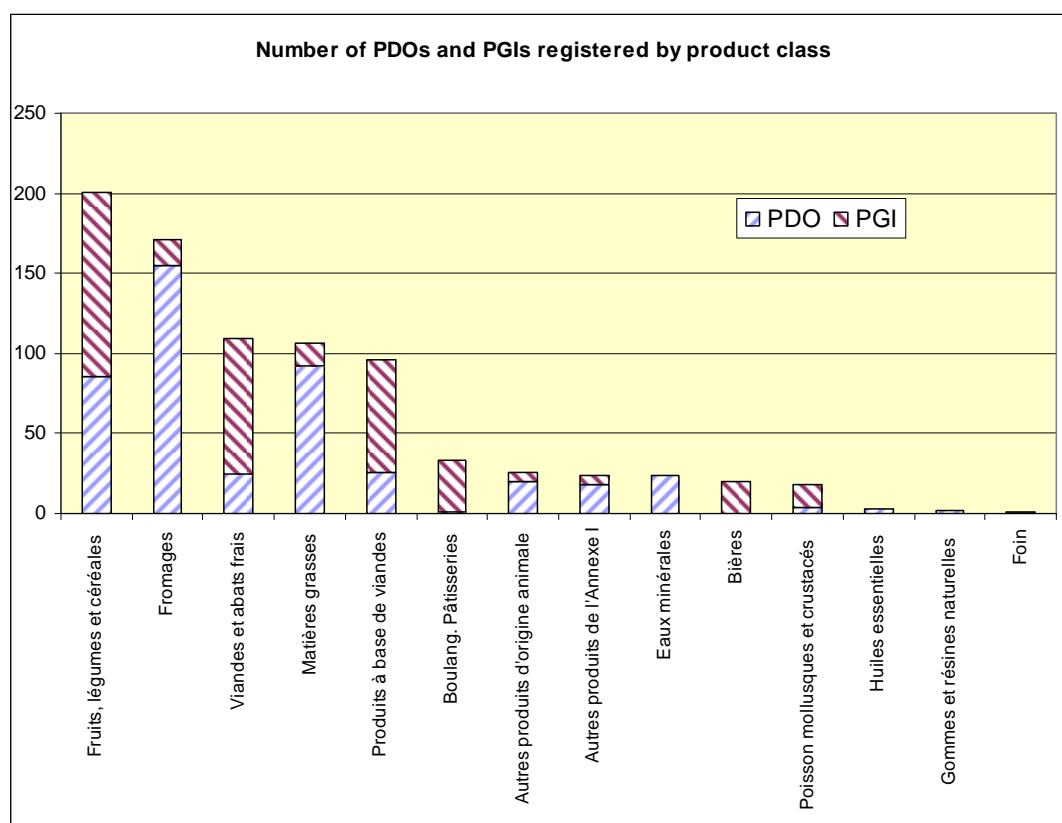


Fig 5

XIII. CONCLUSIONS

46. The European Commission adopted on 28 May 2009 the *Communication on agricultural product quality policy*⁴⁵, setting out strategic orientations for the development of EU quality schemes and measures. Of these, the geographical indications scheme, together with the organic farming scheme, are the cornerstones of quality policy and a number of initiatives are proposed. The European Commission intends to develop the geographical indications policy by simplifying and clarifying the legislation. For example, the European Commission will examine ways to merge the current three registers into one, while retaining the specificities for each product type.

47. Later this year should see the publication of a study assessing the economic value of agricultural product geographical indications in the EU. It is planned to produce data on an aggregate basis to be available for different agricultural product and foodstuff types.

48. Geographical indications continue to provide the optimum mechanism for balancing the interests and rights of producers and consumers and other stakeholders dealing in quality agricultural product. The instrument ensures that value and reputation built up by producers working together over the years in a local area cannot be usurped, nor can consumers be misled about the authenticity of a product. Geographical indications increasingly provide a

⁴⁵ Document reference: COM(2009)234, 28.5.2009.

valuable marketing tool and contribute to rural development — not least since the production and value added associated with a registered geographical indication cannot be delocalised without losing the rights to use the name.

49. Identifying geographical indications as a specific instrument ensures the clarity of the message and gives non-EU producers a way to access this significant market segment. However, geographical indications are only tools; the real value and authenticity rests with the savoir faire of the farmers and producers working in the particular environmental conditions of the local area.

References:

Agricultural products and foodstuffs:

Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32006R0510:EN:HTML>

Commission Regulation (EC) No 1898/2006 of 14 December 2006 laying down detailed rules of implementation of Council Regulation (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:369:0001:0019:EN:PDF>

DOOR: http://ec.europa.eu/agriculture/quality/database/index_en.htm

Quality policy web-pages: http://ec.europa.eu/agriculture/quality/index_en.htm

Communication on agricultural product quality policy, COM(2009)234, 28.5.2009:

http://ec.europa.eu/agriculture/quality/policy/com2009_234_en.pdf

Wine:

Council Regulation (EC) No 479/2008 of 29 April 2008 on the common organisation of the market in wine, amending Regulations (EC) No 1493/1999, (EC) No 1782/2003, (EC) No 1290/2005, (EC) No 3/2008 and repealing Regulations (EEC) No 2392/86 and (EC) No 1493/1999.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:148:0001:0061:EN:PDF>

e-BACCHUS, database of wine geographical indications:

<http://ec.europa.eu/agriculture/markets/wine/e-bacchus/index.cfm?event=pwelcome&language=FR>

Spirit drinks:

Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:039:0016:0054:EN:PDF>

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