



Improving GI enforcement

Session VII: enforcement of geographical indications

DG AGRI – EUIPO Conference
*Trade marks and geographical indications:
future perspectives*
Alicante – 4 October 2018

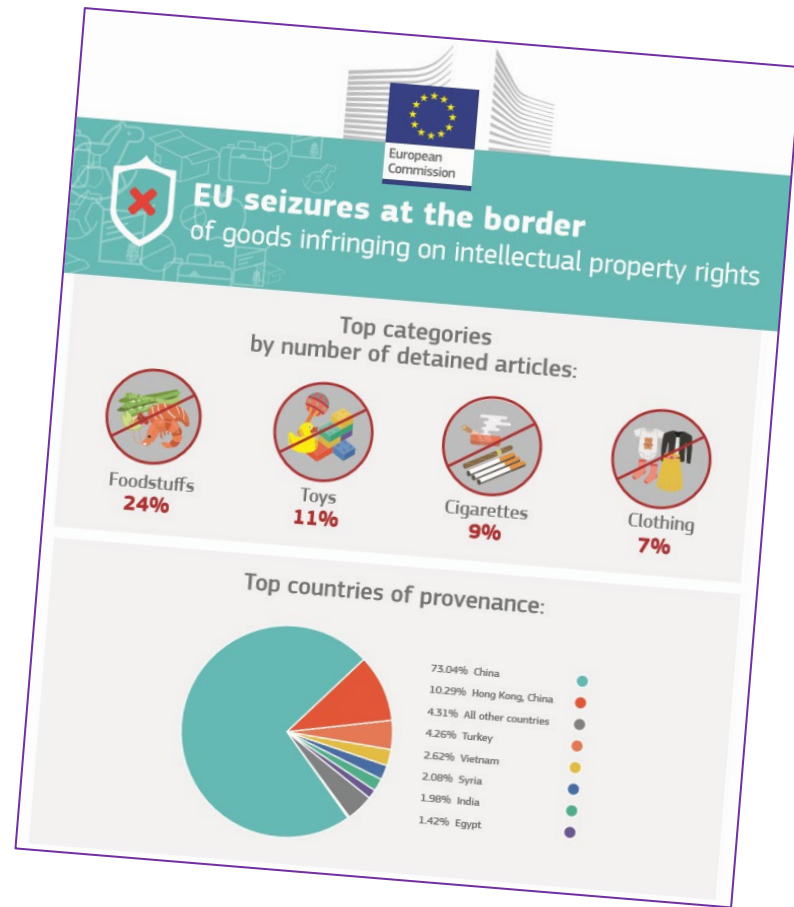
Francis Fay
Head of Unit, Geographical Indications
DG Agriculture and Rural Development
European Commission

**Agriculture
and Rural
Development**





Extent of GI non-compliance and fraud





Enforcement through food law: production stage

rural IPR



guarantee
authenticity



Official Food Controls

Responsibility of food business operator

Member state supervision and checks

Controls on GI production

- Member State authorities, or

- Control body accredited to ISO/IEC standard 17065
(product certification bodies)

Penalties: proportionate, effective, dissuasive



GI enforcement after production stage

EU Market
Internet
International market
Customs
Good in transit
Trade mark applications





Challenges



Audits

controls on production – few issues
marketplace inspections – risk-based needed
non compliances – use of logo
food fraud – product substitution

Pilot campaign running now

EDB (customs)

access to the network and to file AFAs
identification of the right-holder – producer group
who can represent all GI producers

Trade mark

clarity on legal rules inc. dates of application and
EU protection instrument



Information needs

- [Agricultural products, fisheries, food and beverages](#)
- [Wines](#)
- [Spirits](#)
- **Aromatised wines**



Λουκούμι Γεροσκήπου PGI (CY)
Loukoumi Geroskipou

3400 GIs in the EU registers;

1533 GIs protected under agreements;

<5000 GI dossiers



Valencia PDO (ES)



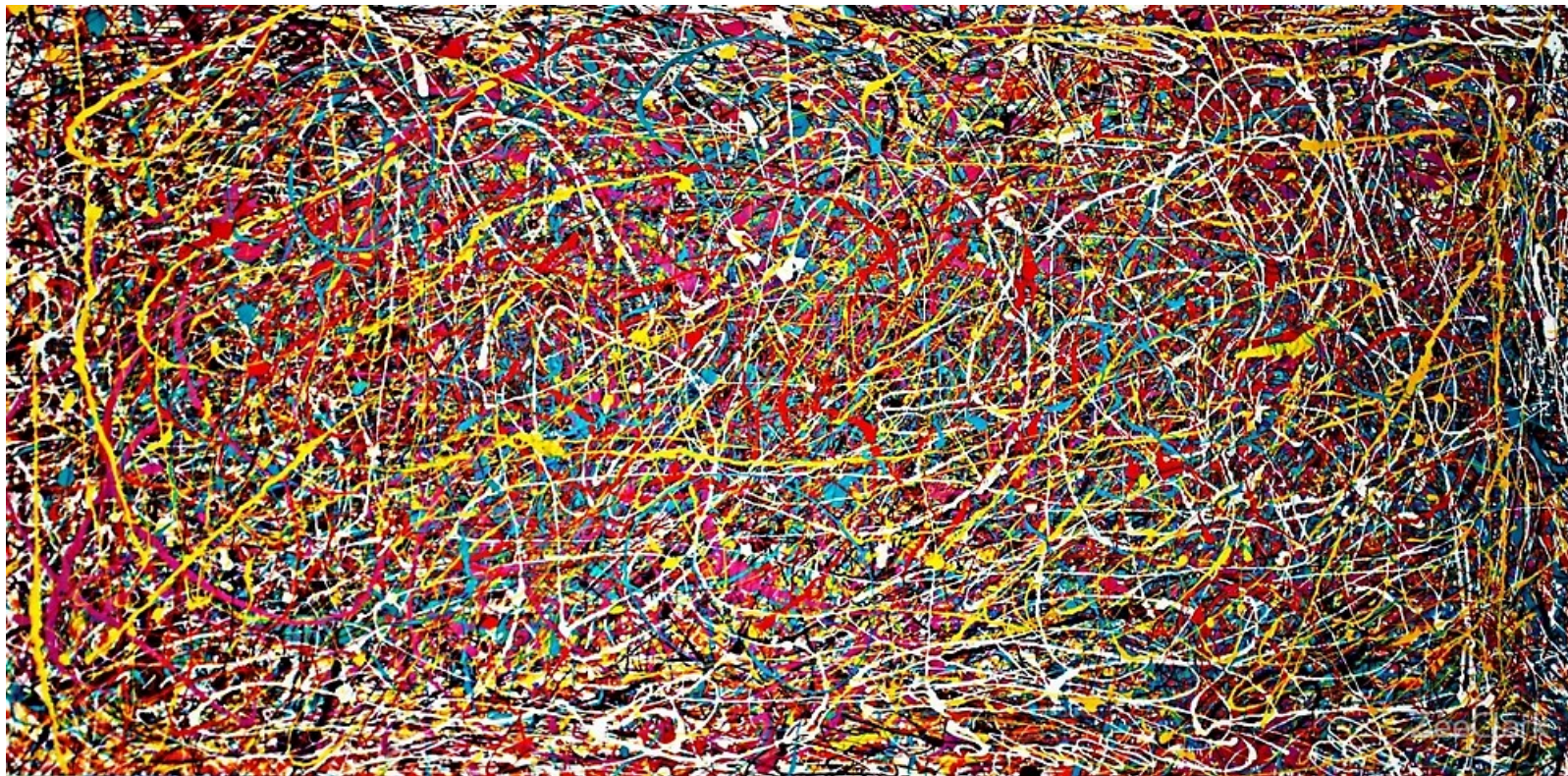
Irish cream GI (IE-UK)



**GI
producer
groups**

Planning

enforcement



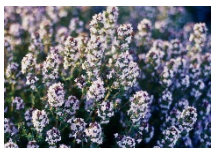
*customs
police
anti-fraud
judiciary
shop inspectorate
rural policy*

*retailers
traders
TM applicants*

*research
publicity*



GI producer groups



Planning



enforcement

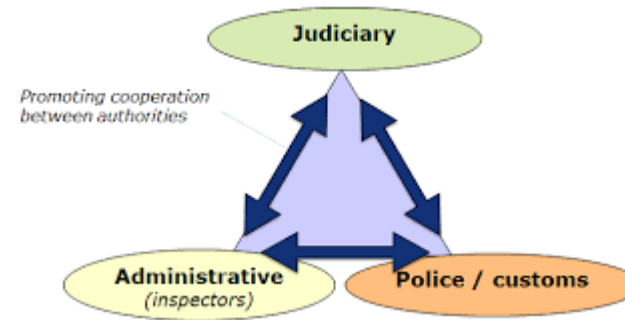
EUIPO EDB

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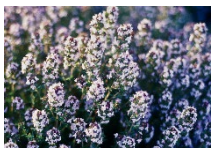
Food Law AAC (AA and FF)





GI producer groups

4 registers



34 agreements



<5000 GI files

Planning



enforcement

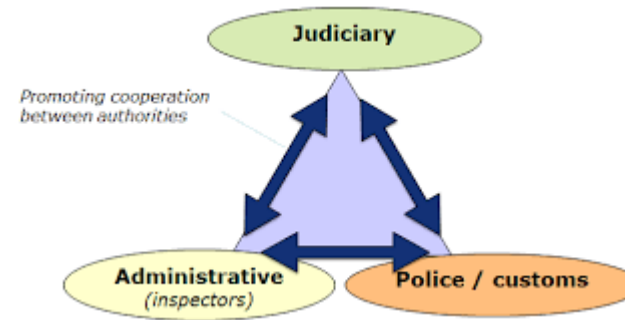
EUIPO EDB

customs
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publicity

SANTE AAC
(AA and FF)





GI producer groups



4 registers



34 agreements

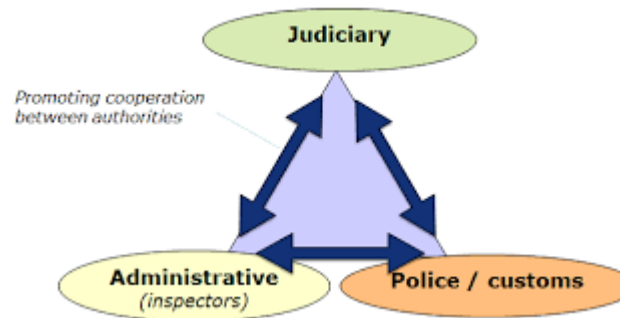


<5000 GI files

2018-2019 eAmbrosia public



Planning



enforcement

EUIPO EDB

customs
police
anti-fraud
judiciary
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rural policy

retailers
traders
TM applicants

research
publicity

SANTE AAC (AA and FF)



Improving GI enforcement

Legislation in place: GIs; eAmbrosia-Public; TMs; Customs; EDB; AAC; ...

Next steps to improve **access and effectiveness**

1. To identify the “**right holder**”
2. Facilitate connection **producer groups**
↔ **agencies-across-EU**
3. **Search tool** for all stakeholders (from Interpol to TM applicants)
4. Clarify **dates**
5. Food law: improve **risk-based** checks

Internet:

- gain recognition for GIs **non-EU domains**
- exchange experiences among **member states**
- and **internationally** in WIPO (SCT) process

Partnership with **EUIPO & Observatory**





Thank you for your attention

*Francis Fay
Head of Unit, Geographical Indications
DG Agriculture and Rural Development
European Commission
francis.fay@ec.europa.eu*

*Agriculture
and Rural
Development*



Definition of “food fraud”

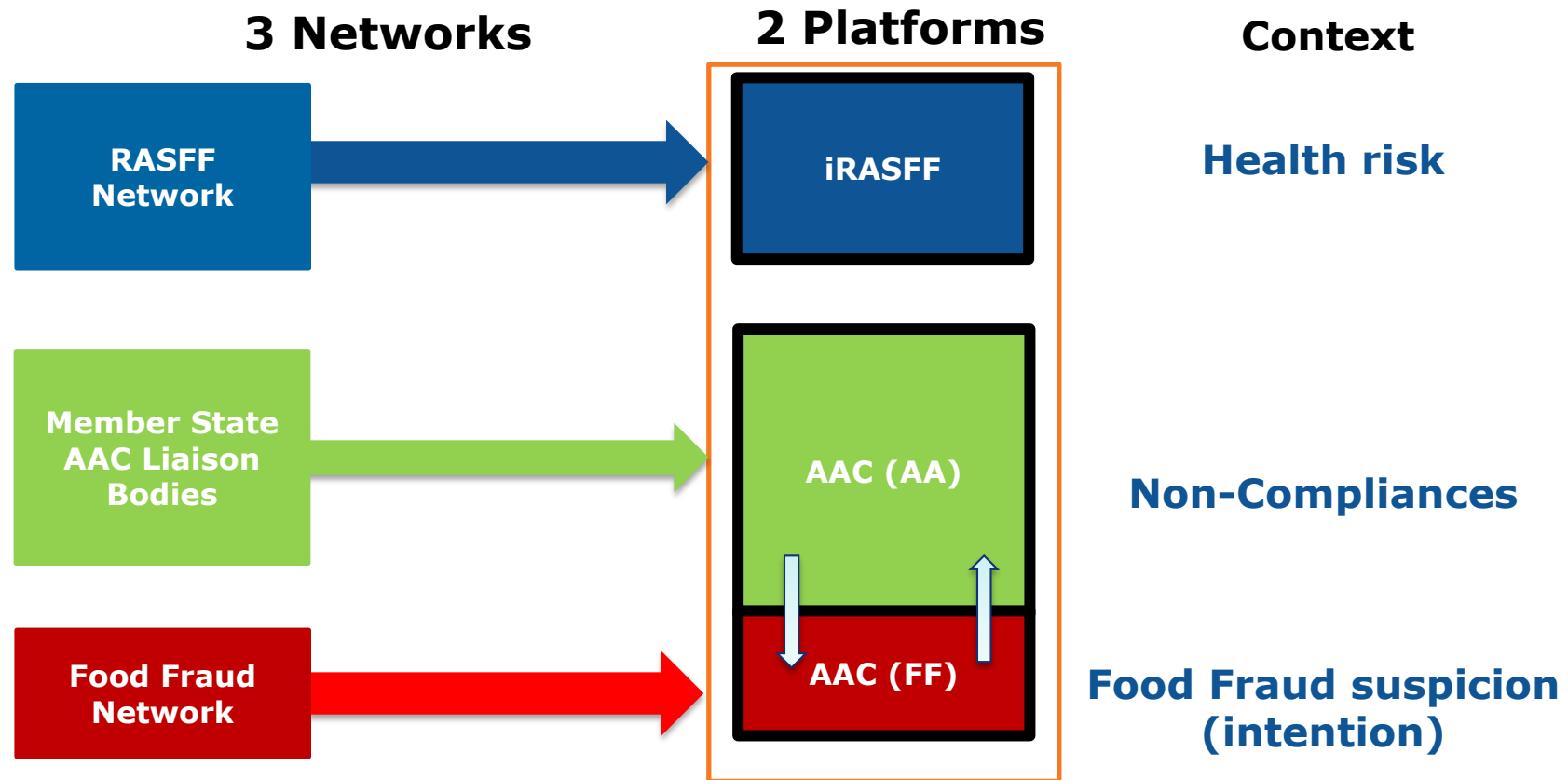
4 operational criteria for Food Fraud:

- violation of EU Food Law
- intention
- economic gain
- deception of customers





RASFF / AAC : CURRENT FLOW





AAC-FF requests

Request Received	
STEPS	CLASSIFICATION
1 CLASSIFICATION	Request Received number
2 OTHER RELEVANT DOCUMENTS	Subject
	Assign Date
	Request Liaison Body
	Requesting Country
	Responding country
	Request Sent To European Commission, <input type="text"/>
	Classification: Request for inspection/measures <small>Requested on planned inspection or results of inspection:</small>
	Details of request / complementary information



resolution / reply sent back in AAC

Benefits

Protection of producers' rights

inc. trade mark enforcement and customs controls

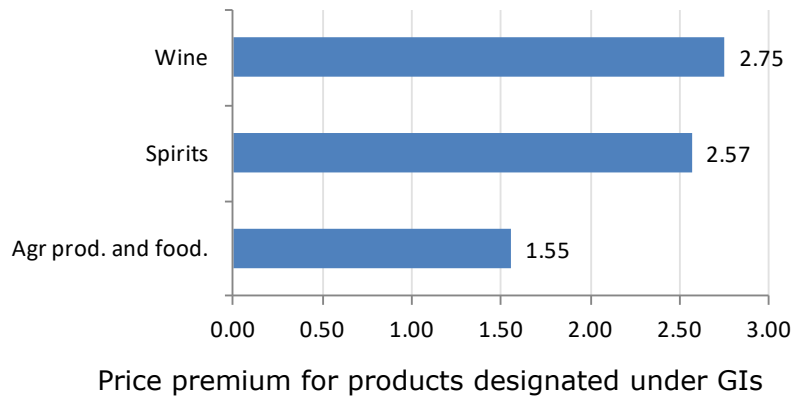
Control over product specification

Guarantee authenticity

Logo and promotion

Defend price premium

Incentivize cooperation



Non-EU applications



Darjeeling and café de Colombia:
Trade mark combined with GI protection
Control over blending (100% origin)



Picture: Tea plantation in Darjeeling, Kirsten Frisk



Picture: Cafetales Colombia By Triángulo del Café Travel



Future perspectives

simplification

innovation

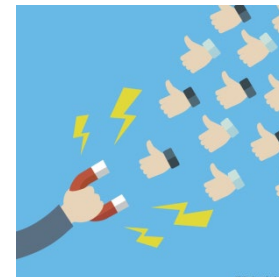
sustainability

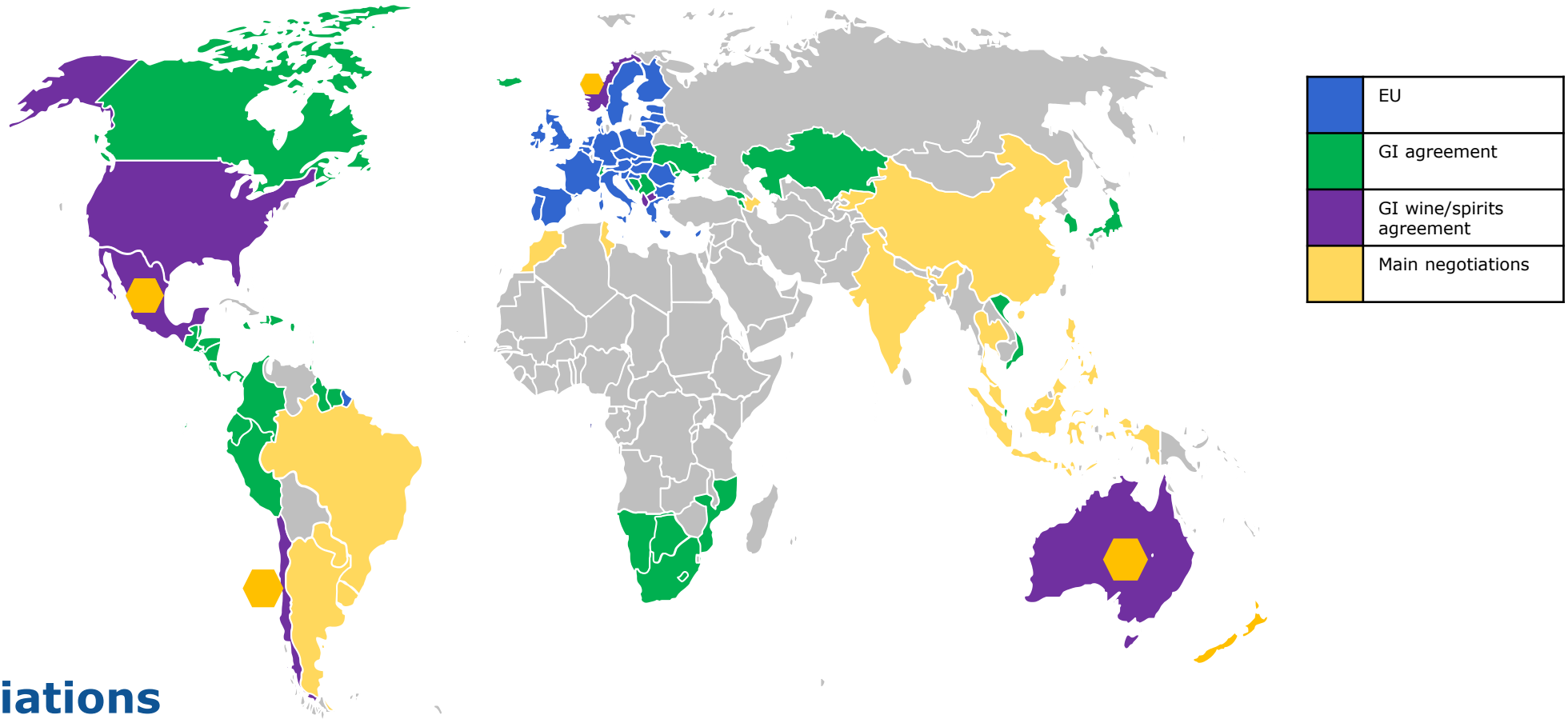
rural economy

unfair trade practices



***Internet
Enforcement***





16 negotiations

34 agreements (concluded or in force - 47 countries)

Protecting full or short list of EU GIs and 1533 3C GIs protected in EU

Link

1. Defined
geographical area



2. Specific
product



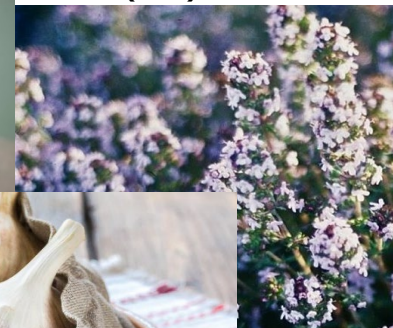
3. Link between 1.
and 2.



**PDO
PGI**



Rioja PDO
(ES)



Thym de Provence
PGI (FR)



Czosnek
galicyjski PGI
(PL)

