



PROSCIUTTO DI PARMA ENFORCEMENT

**«TRADE MARKS AND GEOGRAPHICAL INDICATIONS:
FUTURE PROSPECTIVES»**

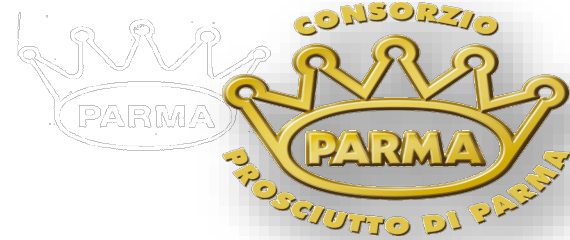
**ALICANTE – EUIPO/EUROPEAN COMMISSION
October, 3-4 2018**

THE CONSORZIO

1963



2018



VOLUNTARY
ASSOCIATION
OF PARMA HAM
PRODUCERS

THE SECTOR



Production: 9 mln

Turnover at production level: 700 mln

Turnover at consumer level: 1.500 mln

Employees in the Parma Ham sector: 3.000

Employees in the all branch: 50.000

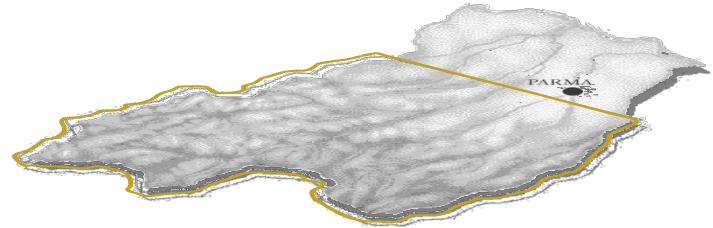
THE SECTOR



Breeding Farms: 4.000

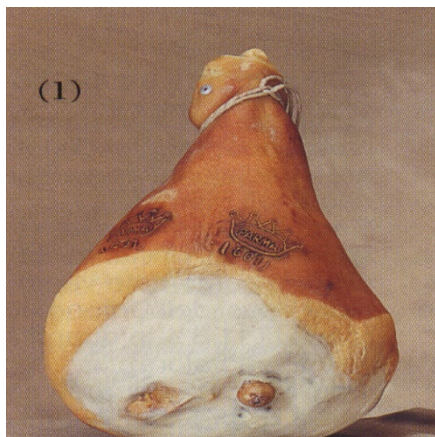


Slaughterhouses: 113

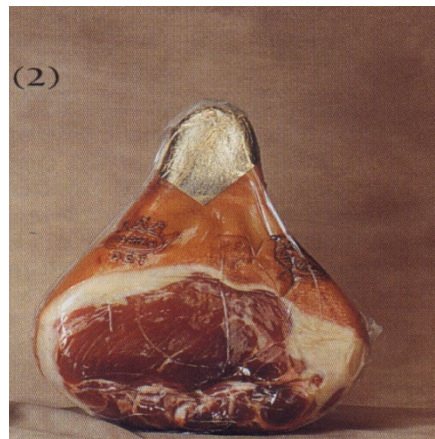


Producers: 145

PROSCIUTTO DI PARMA



BONE IN



DEBONED



ALTEZZA CORPO 4,0 MM

PRESLICED



1996





SPECIFIES

100% MADE IN ITALY

ALL NATURAL

TRADITION

LONG CURING

HIGH MINIMUM WEIGHT

LINK WITH THE TERRITORY

TRACED





IN THE WORLD



1987

1996



2007



RENOWNED WORLDWIDE

=

FRAUDS

MISUSE

IMITATION

EVOCAATION



PARMA HAM PROTECTION



VERY GOOD



OFTEN DIFFICULT

PROTECTION IN EU

DOUBLE REGISTRATIONS/PROTECTION:

- **TRADEMARKS** (by Consorzio)

PROSCIUTTO DI
PARMA (Collective Mark)

PARMA HAM (Collective
Mark)



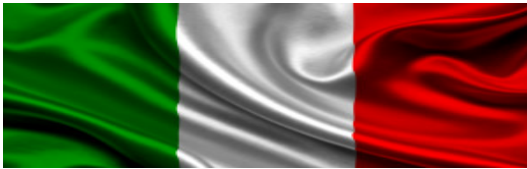
- **GI** (“ex officio protection”)



PROTECTION IN EU



surveillance on the market through:
its inspectors and Italian Police Authorities



(D.lgs 297/2004) -



Courts sentences - Supreme Court case law



Regulation EU 1151/2012 – [ECJ case law \(C-108/01\)](#)

[Protection ex officio in all EU Member States](#)

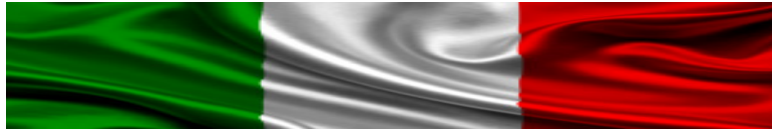
ENFORCEMENT "EX OFFICIO"



ENFORCEMENT EX OFFICIO



Problem solved by



economie
FOD Economie, K.M.O., Middenstand en Energie



WITH NO COSTS FOR



ENFORCEMENT -



Regulation EC 207/2009 - Art. 7 (1) (k)



“refusal”

(Regulation EU 2424/2015)

Regulation EU 1001/2017 - Art. 7 (1) (j)

- Art. 8 (1) (j) →



- Art. 60 (1) (d) → **invalidity**



ENFORCEMENT -



EUIPO
EUROPEAN UNION
INTELLECTUAL PROPERTY OFFICE

Several TMs registration requests containing
“PARMA” (alone or in composed words)



“PARMARROSTO”



ENFORCEMENT -



EUIPO
EUROPEAN UNION
INTELLECTUAL PROPERTY OFFICE

Fifth Board of Appeal – January 20th 2014

“**PARMATUTTO**” (class 29)



REGULATION EU 510/2006 ART. 13

+

ECJ JUDGMENTS (["BNI Cognac" - 14/11/2017](#))

“...the *reputation* of the protected name to be *exploited*, which would therefore result in the *consumers* being *deceived*”.



TM request refused

ENFORCEMENT

-



EUIPO
EUROPEAN UNION
INTELLECTUAL PROPERTY OFFICE



parma



TM requests refused

PROTECTION OUTSIDE THE EU

DOUBLE REGISTRATION/PROTECTION:

- **TRADEMARKS** (by )

PROSCIUTTO DI
PARMA (Certification
Mark)

PARMA HAM (Collective
Mark)



帕尔玛



- **GI** (directly - through Institutions)





ENFORCEMENT OUTSIDE EU

TMs registrations and oppositions

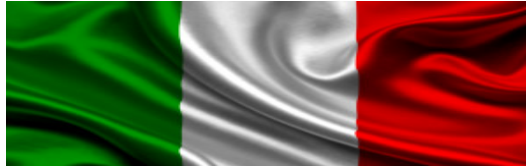
Worldwide product monitoring

Consultants in Brussels and Washington

Diplomatic activity

Legal offices worldwide

BILATERAL AGREEMENTS



THE CANADIAN CASE



CANADIAN LEGISLATION



TRADEMARK LAW



«first come first served»



Federal Court



BEFORE



EU-CANADA
COMPREHENSIVE ECONOMIC
AND TRADE AGREEMENT (CETA)

Parma + crown

Italian “authentic”...!

Italian flag...



So far: it must be
Italian...instead...



BEFORE



EU-CANADA
COMPREHENSIVE ECONOMIC
AND TRADE AGREEMENT (CETA)



SOLUTION:



21/09/2017



EU-CANADA
COMPREHENSIVE ECONOMIC
AND TRADE AGREEMENT (CETA)

= COEXISTENCE



“..a compromise solution that provides for better protection for both producers and consumers”

AFTER



EU-CANADA
COMPREHENSIVE ECONOMIC
AND TRADE AGREEMENT (CETA)

SEASONING

LONG SEASONING - LONG SÉCHAGE



**PROSCIUTTO
DI PARMA**

PRODUCT OF ITALY

Désossé
Ingrédients:
Cuisse de porc, sel.

Boneless
Ingredients:
Pork leg, salt.

| | % Daily Value* | | % Daily Value* | |
|------------------------|------------------------------------|------|--|------|
| | % Valeur quotidienne* | | % Valeur quotidienne* | |
| Nutrition Facts | Fat / Lipides 18 g | 24 % | Protein / Protéines 26 g | |
| Value nutritive | Saturated / saturés 6 g | 30 % | Cholesterol / Cholestérol 81 mg | |
| | + Trans / trans 0 g | | Sodium / Sodium 1760 mg | 77 % |
| | Carbohydrate / Glucides 0 g | | Potassium / Potassium 538 mg | 11 % |
| | Fibre / Fibres 0 g | 0 % | Calcium 11 mg | 1 % |
| | Sugars / Sucres 0 g | 0 % | Iron / Fer 0.2 mg | 5 % |
| | Calories 267 | | | |

*5% or less is a little, 15% or more is a lot **5% or more is a lot, 15% or more is a lot

GRAN RISERVA



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AFTER



EU-CANADA
COMPREHENSIVE ECONOMIC
AND TRADE AGREEMENT (CETA)



"NEW" CHALLENGE



PROTECTION



MONITORING SERVICE



DOMAIN NAMES



INFRIGMENTS ON WEB SITES



DOMAIN NAMES

"Third parties" registration



Conflicting with the

IP rights



italyparmaham.com
prosciuttodiparma.biz
prosciuttodolceparma.com
parmahamitaly.com

PROTECTION

AGREEMENT

+

WIPO ARBITRATION



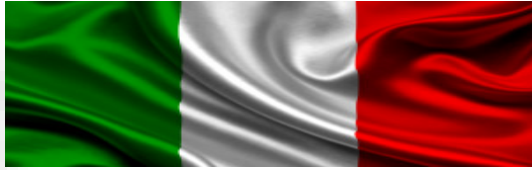


INFRINGEMENTS: SITUATION





INFRINGEMENTS: SOLUTION?



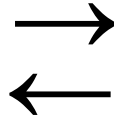


INFRINGEMENTS





INFRINGEMENTS



Department
for Environment
Food & Rural Affairs



PARMA HAM ENFORCEMENT

GOAL

Educate the market



Inform consumers

simone.calzi@prosciuttodiparma.com

תודה
Dankie Gracias
Спасибо شكراً
Köszönjük Merci Takk
Grazie Dziękujemy Terima kasih Dékojame
Ďakujeme Vielen Dank Paldies
Kiitos Täname teid 谢谢
Thank You Tak
感謝您 Obrigado Teşekkür Ederiz
Σας ευχαριστούμε 감사합니다
Bedankt Дěkujeme vám
ありがとうございます
Tack

