Geographical indications for craft and industrial products: New EU Regulation enters into force

- The Regulation introduces a new EU scheme for geographical indications (GI) for craft and industrial products
- The European Union Intellectual Property Office (EUIPO) will be the EU competent authority responsible for managing the registration process
- It will be possible to apply for registration from 1 December 2025

Today, 16 November 2023, the Regulation (EU) 2023/2411 on the protection of geographical indications for craft and industrial products enters into force. The Regulation will help producers to protect and enforce, including online, the intellectual property (IP) rights related to the registered geographical indications (GIs) across the EU.

The new rules establish an EU-wide protection system that safeguards the names of craft and industrial products with qualities or reputation linked to the area of production. Examples of indications that could benefit from such protection throughout the EU are Bohemian glass, Murano glass, Limoges porcelain, Donegal tweed, Solingen cutlery and Boleslawiec pottery, just to mention a few.

The EUIPO will be the EU body responsible for managing the registration of this IP right.

The Regulation enters into force on 16 November 2023, however, it will be possible to apply for registration of the first geographical indications for craft and industrial products only as from 1 December 2025. By 2 December 2026 any existing national rights will cease to exist. Member States will have to inform the European Commission and the EUIPO of any existing national names they wish to have recognised, and registered, under the new scheme, before this date. It is expected that 300 to 800 names currently protected by their national GI specific protection systems or established by usage will be notified by Member States.

Commenting on this new competency, João Negrão, the Executive Director of the EUIPO, said:

Craft and industrial GIs not only help consumers identify local high-quality products with a strong connection to Europe’s cultural heritage, they have the potential to be an engine for development in Europe’s regions by providing incentives for producers, especially
micro, small and medium-sized businesses, to invest in new products and create niche markets. In this context, the EUIPO will be key in ensuring a straightforward and cost-efficient registration process.

Ensuring equal footing with geographical indications for agricultural products

Geographical indications establish protection for the names of products whose qualities or reputation are essentially linked to the area of production.

Since 1992, the European Union has had specific regulations for the protection of geographical indications for agricultural products. These rules serve to protect and promote foods, wines and spirits, such as Champagne from the Champagne region of France or Parmigiano Reggiano from Italy.

The new Regulation builds on the current system of agricultural GIs to craft and industrial products, such as natural stones, textiles, jewellery, porcelain and woodwork, which previously did not have EU-wide protection.

As with the GI system for agricultural products, producers will be allowed to use the official symbol of ‘protected geographical indication’ to indicate that the product complies with the relevant products specifications. This will enable better visibility of the products’ geographical origin and production techniques, thereby helping to promote the region and preserve traditional, high-quality products and the jobs linked with them.

Consumers will also benefit from receiving reliable information about the place of production, specific characteristics, reputation, identity, authenticity and quality of products. This IP right will provide unlimited protection in time; therefore, no renewals will be needed.

The EUIPO’s role in GIs for craft and industrial products

The EUIPO will receive full competence for management of the registration process of this new EU intellectual property right at Union level. This means that the EUIPO will add this new EU IP right to its existing competence in EU trade marks and registered Community designs.

Additionally, the EUIPO has become the EU’s competent authority in respect of GIs for craft and industrial products under the Geneva Act following the Council’s decision.

The new EU-wide system will consist of a two-phase registration process (standard procedure): a national application and evaluation by Member States’ designated competent authorities, followed by an examination of the application by the EUIPO at EU level. This enables the evaluation of the GI to remain as close as possible to the producers at national level. This will be a public service and no fees will apply at EU level.
Member States that currently do not have a national system in place and that can demonstrate that the local interest for GI protection is low, may request a derogation from the obligation of setting up a national procedure. If approved, producer groups from those Member States will be allowed to file their applications directly with the EUIPO (direct registration procedure). In this event, fees will be charged.

The EUIPO will develop and maintain several IT tools and solutions to manage and promote GIs for craft and industrial products. These include the GiPortal (an e-filing and management system), the Union Register for GIs for craft and industrial products and the GiView database, which is already available for protected GIs for agricultural products. The EUIPO has also prepared a Gi Hub to provide all the latest information on this new IP right.

Background

The Regulation is one of the key proposals under the Intellectual Property Action Plan, adopted in November 2020, where the European Commission first announced that it would consider the feasibility of a GI protection system for craft and industrial products at EU level.

In April 2022, the European Commission presented a proposal for a regulation on the geographical protection of craft and industrial products. In May 2023, the Council of the EU and the European Parliament reached a political agreement on the new Regulation. In addition, this Regulation will enable the EU to fully meet its international obligations under the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications. Overseen by the World Intellectual Property Organization (WIPO), this Act safeguards appellations of origin and geographical indications internationally, offering protection for names identifying both the geographical origin of both agricultural and craft and industrial products.

About the EUIPO

The EUIPO is one of the largest decentralised agencies of the EU, based in Alicante, Spain. Ranked as one of the most innovative IP offices in the world, the EUIPO manages the registration of the European Union trade mark (EUTM) and the registered Community design (RCD), both of which provide intellectual property protection in all EU Member States. The EUIPO registers over 170 000 trade marks and 100 000 designs annually, offering IP protection with two unitary IP rights that are valid across the EU. It also carries out cooperation activities with the national and regional (IP) offices of the EU and hosts the European Observatory on Infringements of Intellectual Property Rights.

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