

STUDY ON EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GEOGRAPHICAL INDICATIONS



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GEOGRAPHICAL INDICATIONS

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Abbreviations

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

CI	Craft and Industrial
CI GI(s)	Craft and Industrial Geographical Indication(s)
CJEU	European Court of Justice
EC	European Commission
EU	European Union
EUIPO	European Union Intellectual Property Office
EUTMR	European Union Trade Mark Regulation
GI(s)	Geographical Indication(s)
IPR(s)	Intellectual Property Right(s)
MS(s)	Member State(s)
PDO	Protected Designation of Origin
PGI	Protected Geographical Indication
TEU	Treaty on European Union
TRIPS	Trade Related Aspects of Intellectual Property Rights
WIPO	World Intellectual Property Organization
WTO	World Trade Organization

I. Executive Summary

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

Geographical indications (GIs) confer intellectual property rights on product names whose unique qualities are intrinsically linked to their place of production. These indications identify goods as originating from a specific country, region, or locality, where a given quality, reputation, or characteristic of the product is essentially attributable to its geographical origin⁽¹⁾.

While the European Union (EU) had previously established a GI *sui generis* protection scheme for wines, spirits, agricultural products and foodstuffs⁽²⁾, a harmonised protection system for craft and industrial products (such as jewellery, textiles, glass, porcelain, etc.) at the EU level was generally lacking⁽³⁾. This changed on 18 October 2023, with the adoption of Regulation (EU) 2023/2411⁽⁴⁾ on the protection of craft and industrial GIs (hereinafter the 'CIGI Regulation'), which entered into force on 16 November 2023, and will be fully applicable as of 1 December 2025.

Among others, the Regulation stipulates that the examination and registration of craft and industrial geographical indications (CI GIs) will occur in two phases, the first one at national level, and the second one at European Union level. Each Member State must appoint a national competent authority to oversee the national phase of the registration process (Article 12). However, the European Commission may grant a derogation from this obligation to Member States that lack a national *sui generis* system for CI GIs and have a low local interest in protecting GIs for CI products (Article 19).

⁽¹⁾ Article 22(1) of the Agreement on Trade-Related Aspects of Intellectual Property Rights.

⁽²⁾ Regulation (EU) 2024/1143 of the European Parliament and of the Council of 11 April 2024 on geographical indications for wine, spirit drinks and agricultural products, as well as traditional specialties guaranteed and optional quality terms for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2019/787 and (EU) 2019/1753 and repealing Regulation (EU) No 1151/2012; PE/72/2023/REV/1, OJ L, 2024/1143, published on 23 April 2024. These previous Regulations already provided a *sui generis* regulatory framework for these products.

⁽³⁾ The only exception were some derivatives from agricultural products such as hay, essential oils, cork, cochineal, flowers and ornamental plants, wool, wicker, flax, and cotton that were covered by Regulation 1151/2012 (now repealed and substituted by Regulation 2024/1143).

⁽⁴⁾ Regulation (EU) 2023/2411 of the European Parliament and of the Council of 18 October 2023 on the protection of geographical indications for craft and industrial products and amending Regulations (EU) 2017/1001 and (EU).

The Member State invoking the derogation bears the burden of proof to demonstrate both conditions. The first requirement, that the Member State lacks a national *sui generis* protection system for CI GIs, is relatively straightforward to verify. The second requirement necessitates evidence demonstrating the 'low local interest' in protecting GIs for CI products. If granted by the European Commission, producers from those Member States may file applications directly with the European Union Intellectual Property Office (EUIPO) (Article 20)⁽⁵⁾. Finally, the CIGI Regulation asserts that by 2 December 2026, all national systems protecting CI products will cease to exist.

In this context, the EUIPO commissioned this study with **two main objectives**: first, to provide an overview of the current national legal framework for the protection of the names of geographically rooted craft and industrial products, and second, to assess to what extent there is a local interest in the protection of CI GIs.

With regard to the **first objective**, a comprehensive analysis of the legal frameworks of the 27 Member States was carried out, with the result that Member States have adopted a fragmented approach to the protection of names of geographically rooted CI products across the EU.

In particular, 16 Member States, such as France, Hungary and the Czech Republic, have adopted *sui generis* protection systems for CI GIs although these protection schemes differ in terms of scope, administration, fees and enforcement measures. Of these 16 Member States, Germany, Italy and Spain do not have a *sui generis* system at national level but have enacted specific legislation to protect the names of certain traditional CI products as GIs. In Belgium, the *sui-generis* law for the protection of CI GIs has been enacted by the Walloon Region.

In addition, trade mark protection (through individual, collective or certification trade marks, depending on national rules) is available to producers of CI products in all Member States, under rules

⁽⁵⁾ Even if the opt-out is approved by the Commission, the relevant Member State will still be required to appoint a single point of contact to assist the EUIPO with the registration procedure and implement a control and enforcement system for CI GIs that have been recognised at the EU level (Article 19(6) of Regulation (EU) 2024/1143).

harmonised by EU Directive (EU) 2015/2436⁽⁶⁾. Furthermore, the names of CI products have also been protected by means of unfair competition laws and other legal instruments, mostly with the aim of protecting fair market practices and consumer protection, without granting any intellectual property rights.

Member States are currently discussing and preparing new rules for the implementation of the CIGI Regulation. However, so far, only in Italy this has led to new legislation Italian law no. 206 of 27 December 2023 '*Comprehensive Provisions for the Valorisation, Promotion, and Protection of Made in Italy*' contains measures and actions aimed at facilitating, in collaboration with regional entities, the initiation and promotion of a process allowing the introduction of GIs for CI products in Italy.

As to the **second objective**, to assess the local interest in the protection of CI GIs, semi-structured questionnaires were sent to public authorities and private sector representative in the EU Member States. The purpose of the consultation was to assess the level of interest of these sectors in the protection of CI GIs, to assess the intention of producers or associations to file applications for CI GIs under the new system, and to determine whether public institutions planned to manage the national registration phase and to designate a national competent authority.

In total, 493 stakeholders were contacted via email. By the end of the consultation period, 130 responses were received from 27 Member States. At least one public authority from each Member State participated, providing valuable input for the assessment of the public sector's interest in protecting CI GIs. In the private sector, stakeholders from 14 Member States responded. While these responses provide important insights, they should not be considered as fully representative of the national private sector's interest in CI GIs across the EU. This is particularly true for those countries where feedback from the targeted stakeholders was minimal (one response) or absent.

The **analysis of the private sector** responses provided detailed insights:

⁽⁶⁾ Directive (EU) 2015/2436 of the European Parliament and of the Council of 16 December 2015 to approximate the laws of the Member States relating to trade marks.

- Most respondents (notably producers) **indicated a strong overall interest in CI GIs protection**, citing various reasons for it: 'better enforcement' (17 %), 'cultural interest' (21.3 %), 'traditional heritage' (23.3 %), and 'economic interest' (22.6 %). 'Social interest' (14 %) and 'other interests' (1.8 %) were also noted, including broader societal benefits such as rural development, job creation, better indication of origin, sustainable practices, and competition against low-cost products.
- Awareness of CI GIs among producers was relatively high, with 70 % of respondents familiar with the concept. The vast majority of producers surveyed **(86 %) expressed a willingness to apply for CI GI registration**. However, only 20 producers indicated that their products have formalised specifications (regulations of use, production standards) to which all producers must comply with. This discrepancy highlights a significant challenge: while there is a high level of interest in obtaining GI protection, many producers lack the necessary formalised standards and regulations to support such applications.
- Most producers had fewer than 10 employees and an annual turnover of less than EUR 2 million, indicating a predominance of micro-enterprises. This reflects the nature of the craft and industrial sector, which is often characterised by small-scale, traditional production methods that emphasise quality and craftsmanship.

On the public sector side, while having at least one public authority from each Member State participated in the survey, the response rates were uneven across countries, with the highest response rates coming from Spain, Italy and Portugal. Overall, the results of the survey revealed that:

- The public authorities of the following eight Member States indicated that their country could seek the opt-out under Article 19 of the CIGI Regulation: **Denmark, Finland, Ireland, Lithuania, Luxembourg, Malta, the Netherlands and Sweden**. Cyprus, Slovenia and Belgium indicated that internal discussions on this issue were still ongoing⁽⁷⁾.

⁽⁷⁾ Information updated as of 15 June 2024.

- **The reasons** why these Member States are considering opting out are varied, including resource constraints, administrative burden and an expected low number of CI GI applications⁽⁸⁾. In particular, the public authorities of Luxembourg, Finland and Lithuania reported that there might be a limited number of products potentially eligible for CI GI protection in their respective countries. Malta and Belgium have expressed concerns about the administrative burden that the CIGI Regulation will place on national offices. The Cypriot public authority identified the lack of resources, in particular lack of staff, as a major challenge.
- While the private sector responses generally indicate a high level of interest, **the average level of interest according to the public sector responses, is slightly lower**. The table below summarises the **level of interest indicated in the survey responses** from the public sector (covering 27 Member States) and the private sector (covering 14 Member States) and the existence of a national *sui generis* GI system for CI products in their respective jurisdictions:

⁽⁸⁾ It should also be noted that **no producers or private sector entities from Denmark, the Netherlands and Sweden replied to the survey**.

Protection System		Interest	
		A) No national <i>sui generis</i> GI system	B) National <i>sui generis</i> GI system
I) Low Interest	Public	Austria, Denmark, Finland, Luxembourg, Lithuania, Ireland, the Netherlands ⁽⁹⁾ , Sweden	Latvia, Slovenia
	Private	-	-
II) Medium Interest	Public	Greece, Germany	Belgium, Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Poland, Slovakia
	Private	Finland, Germany	Bulgaria, Czech Republic, France, Portugal
III) High Interest	Public	Cyprus, Italy, Malta, Romania, Spain	France, Portugal
	Private	Austria, Cyprus, Ireland, Italy, Spain	Belgium, Hungary, Poland

In conclusion, while there is considerable interest in the protection of CI GIs in both the private and public sectors, the willingness and capacity to implement the new GI regime varies widely.

Finally, the study also provides a list of existing titles and pending applications of GIs for CI products at national level that will cease to exist under Art. 70 of the CIGI Regulation (132 names) and a list of product names potentially protectable by EU CIGIs in the 27 EU Member States (380 names) - this list cannot be considered exhaustive due to the inherent limitations of the consultation carried out by the contractor, and is based on the information gathered in previous studies as well as input from producers, associations and nationals of each Member State.

⁽⁹⁾ In the Netherlands, the Ministry of Economic Affairs and Climate Policy reported a lack of perceived benefits from the application of the Regulation and expressed the intention to request the opt-out pursuant to Article 19. However, it has to be mentioned that the Dutch Centre for Intangible Cultural Heritage demonstrated a high interest in the new CIGI Regulation, highlighting the potential for increased recognition of the cultural value of CI products and the importance of intangible cultural heritage in accordance with the 2003 UNESCO Convention.

II. General Background and Context

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

In today's globalised economy, the increasing demand for quality products is driven by various factors, including an increased awareness of food safety and a renewed interest in cultural and traditional heritage. Consumers prefer products labelled with their origin, valuing those associated with specific locations and traditional production methods. This trend underscores the importance of territorial origin as a strategy for differentiation⁽¹⁰⁾.

In this context, GIs play a pivotal role for geographically rooted products. A GI identifies particular goods as originating from a specific country, region, or locality, where a given quality, reputation, or characteristic of the product is essentially attributable to its GI. However, **a GI is more than just the product's provenance; it refers to 'historical depth and collective practices', rooted in a specific environment that creates a qualitative link with their origin**⁽¹¹⁾.

From a legal perspective, while both GIs and trade marks are distinctive signs used to distinguish the goods or services on the market, they have different functions: individual trade marks distinguish the goods and services of a company from those of another, whereas GIs identify the name of a product as originating from a particular geographic area, independently from which company is offering the products. In particular, GIs are legal instruments that identify goods as originating in a country, region, or locality where a particular quality, reputation or other characteristic of the product is essentially attributable to its geographical origin.

Initially, GIs were protected under national laws developed locally. However, it quickly became

⁽¹⁰⁾ Studies have highlighted the significance of food heritage in promoting social and cultural sustainability, emphasising its role in enhancing the quality and authenticity of products (Zocchi et al., 2021). Additionally, the recognition and safeguarding of food heritage are crucial for maintaining the socio-cultural sustainability of food systems (Jurgilevich et al., 2016).

⁽¹¹⁾ See, inter alia, Bérard L., Marchenay P., 2004, Montero, P., 2016, Ribeiro De Almeida, A., 2010.

apparent that national protection was not sufficient, as the claimed origin of products was being abused outside the country of origin. The first efforts to adopt a common approach resulted in the **Paris Convention on the Protection of Intellectual Property**⁽¹²⁾, which was adopted in 1883 and was the first multilateral agreement that included '**indications of source or appellations of origin**' as objects of protection. The concept of indications of source is also used in the 'Madrid Agreement for the Repression of False or Deceptive Indications of Source of Goods'⁽¹³⁾, of 1891 (the Madrid Agreement). It was the first multilateral legal instrument to address the issue of '**deceptive indications of source**', thus expanding the scope of protection already provided for by the Paris Convention.

In 1958, the '**Lisbon Agreement for the Protection of Appellations of Origin and their International Registration**'⁽¹⁴⁾ established an international registration system protecting names that identify the geographic origin of products, stipulating that a product should be of certain 'quality and characteristics [...] due exclusively or essentially to the geographical environment' from which it originates.

Subsequently, in 1995, the 'Agreement on trade related aspects of intellectual property rights' (**TRIPS**)⁽¹⁵⁾, which applies to all 164 members of the World Trade Organization (WTO), defined GIs⁽¹⁶⁾ and provided a framework for their protection, establishing that GIs must be protected to avoid misleading the public as to the origin of goods and to prevent unfair competition. To achieve this aim, WTO members are allowed to use different legal instruments. It is noteworthy that Article 22(1) of the TRIPS Agreement extends the eventual scope of protection of GIs to 'goods' in general, setting no limits to the kind of goods that might be protected. However, **at EU level, the scope of the *sui generis* GI system has long been limited to agri-food products, wine and spirits falling under the scope of the relevant EU Regulations.**

⁽¹²⁾ <https://wipolex.wipo.int/en/text/287556>

⁽¹³⁾ <https://www.wipo.int/treaties/en/ip/madrid/>

⁽¹⁴⁾ <https://wipolex.wipo.int/en/text/285838>

⁽¹⁵⁾ https://www.wto.org/english/docs_e/legal_e/27-trips_01_e.htm

⁽¹⁶⁾ Article 22(1) TRIPS reads as follows 'Geographical indications are [...] 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.'

Following the EU Commission's Communication 'A Single Market for Intellectual Property Rights'⁽¹⁷⁾, published in 2011, the EU Institutions started a discussion of the possible expansion of the *sui generis* GI system to non-agricultural products. On 18 February 2013, a '**Study on geographical indications protection for non-agricultural products in the internal market**'⁽¹⁸⁾ was released by a consortium of InSight Consulting, REDD, and oriGIn. It provided a detailed analysis of the national legislations in place at the time, assessing the different legal tools aimed at the GI protection of geographically rooted non-agricultural products.

After the Green Paper in 2014, the Commission launched a **public consultation**⁽¹⁹⁾, aimed at gathering the points of view of the various stakeholders. The stakeholders underscored several crucial aspects. Notably, they emphasised the need for a dependable and rigorously evaluated origin link; they argued that only a registration-based GI system could offer the required legal clarity and ensure effective rights enforcement; and they concurred that the new system should draw inspiration from the EU's own *sui generis* GI model, albeit with significant enhancements. The feedback from this consultation was compiled and presented by the Commission in a 2015 report entitled '**Results of the public consultation and public conference on the Green Paper**'⁽²⁰⁾.

The outcomes of the consultation were **in favour of an extension of the EU wide *sui generis* system** and stressed the main elements that a possible EU protection framework for non-agricultural products should be built upon. These included, inter alia, a reliable and efficient assessment of the link between the name and the geographical origin, the necessity of a registered GIs system in order to ensure legal certainty and the effective enforcement of rights, and a protection structure based on the existing EU *sui generis* GIs system, with suitable adjustments.

⁽¹⁷⁾ <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0287:FIN:en:PDF>

⁽¹⁸⁾ <https://ec.europa.eu/docsroom/documents/14897>

⁽¹⁹⁾ <https://eur-lex.europa.eu/EN/legal-content/summary/consultation-extending-eu-geographical-indication-protection-to-non-agricultural-products.html>

⁽²⁰⁾ The Results of the public consultation can be downloaded from the Commission's Regulation proposal: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0174>.

On 20 May 2015, the **Geneva Act of the Lisbon Agreement**⁽²¹⁾ updated the Lisbon system⁽²²⁾, extending the protection to GIs alongside appellations of origin, in order to include a broader spectrum of national and regional systems for the protection of origin-based quality products. Although the Geneva Act allows for various legal approaches, it is noteworthy that all current members of the Lisbon System utilise a *sui generis* system for protecting GIs.

In autumn 2015, the European Parliament adopted a resolution advocating for the extension of EU GI protection to non-agricultural products and urged the Commission to make a legislative proposal⁽²³⁾. The opinion of the EU Parliament's Committee on International Trade stressed that 'the adoption at European level of a system to protect industrial and handicraft products connected with their origin or rooted in their territory would allow the originality of our industrial and handicraft products to be maintained and prevent product standardisation'⁽²⁴⁾.

On 10 November 2020, the Council expressed its readiness to consider introducing a *sui-generis* system for the protection of CI products, contingent on a comprehensive impact assessment of the potential costs and benefits, in its conclusions on intellectual property policy⁽²⁵⁾. This intention was reiterated in its conclusions on intellectual property policy of 25 June 2021⁽²⁶⁾.

In its Communication dated 25 November 2020, entitled '*Making the most of the EU's innovative potential – An intellectual property action plan to support the EU's recovery and resilience*'⁽²⁷⁾, the Commission committed to considering, based on an impact assessment, whether to propose an EU system for GIs protection for non-agricultural products. On 15 June 2021, eight Member States⁽²⁸⁾

⁽²¹⁾ <https://wipolex.wipo.int/en/text/370115>

⁽²²⁾ Together, the Lisbon Agreement and the Geneva Act of the Lisbon Agreement form the Lisbon System, offering more comprehensive and effective international protection for the names of origin-based quality products.

⁽²³⁾ https://www.europarl.europa.eu/doceo/document/TA-8-2015-0331_EN.html?redirect

⁽²⁴⁾ https://www.europarl.europa.eu/doceo/document/A-8-2015-0259_EN.pdf

⁽²⁵⁾ Council conclusions on intellectual property policy and the revision of the industrial designs system in the Union of 10 November 2020.

⁽²⁶⁾ Council conclusions on intellectual property policy of 25 June 2021.

⁽²⁷⁾ <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52020DC0760>

⁽²⁸⁾ These Member States are Bulgaria, Czech Republic, France, Germany, Hungary, Italy, Poland and Slovakia. On the other hand, according to the Impact Assessment Report of the Commission, Denmark, Finland, the Netherlands and

expressed their support for creating a protection system based on *sui generis* intellectual property rights at the EU level and requested the European Commission to submit a legislative proposal in line with the timeline outlined in the IP Action Plan⁽²⁹⁾.

Finally, on 13 April 2022, the Commission published a proposal for a Regulation of the EU Parliament and of the Council on geographical indication protection for craft and industrial products and amending Regulations (EU) 2017/1001 and (EU) 2019/1753 of the European Parliament and of the Council and Council Decision (EU) 2019/1754⁽³⁰⁾. The (EU) Regulation 2023/2411⁽³¹⁾ was approved on 18 October 2023, entered into force on 16 November 2023, and will be fully applicable as of 1 December 2025, finally providing for a uniform and exclusive system of EU protection for CI GIs.

Under the new Regulation, 'craft and industrial products'⁽³²⁾ means products a) produced either entirely by hand or with the aid of manual or digital tools, or by mechanical means, whenever the manual contribution is an important component of the finished product; or b) produced in a standardised way, including serial production and by using machines. This definition implies that a craft product does not have to be solely handmade but may involve mechanical processes.

Additionally, for a CI product to qualify as a GI, it must meet three criteria outlined in Article 6:

1. the product must originate from a specific place, region, or country;
2. it must possess a distinct quality, reputation, or other characteristic essentially attributable to its geographical origin;
3. at least one of its production steps must occur within the designated geographical area.

Sweden had expressed reservations about establishing a new *sui generis* GI protection system at the EU level during the Expert Group on IP Policy meeting of 22 April 2020. Their main concerns included the potential administrative burden and increased product costs, as well as the belief that the existing trade mark system already provides sufficient protection.

⁽²⁹⁾ Statement 9381/21 ADD 1 of Bulgaria, Czech Republic, France, Germany, Hungary, Italy, Poland and Slovakia added to the Council conclusions on Intellectual Property of 15 June 2021.

⁽³⁰⁾ https://eur-lex.europa.eu/resource.html?uri=cellar:740589bd-bb3a-11ec-b6f4-01aa75ed71a1.0001.02/DOC_1&format=PDF

⁽³¹⁾ Regulation (EU) 2023/2411 of the European Parliament and of the Council of 18 October 2023 on the protection of geographical indications for craft and industrial products and amending Regulations (EU) 2017/1001 and (EU) 2019/1753

⁽³²⁾ Article 4 of the CIGI Regulation.

As such, the quality, reputation, or unique characteristic of a CI product should be mainly, but not solely, attributable to its geographical origin. Furthermore, only one production step needs to occur within the specified region. As specified in Article 48 of the CIGI Regulation, the EU symbol established for 'protected geographical indications' (PGI) under Delegated Regulation (EU) No 664/2014, already used for agricultural products, wines and spirits GIs, will be applicable to EU GIs for CI products. For CI products originating in the EU that are marketed under a GI, the EU symbol may appear on the labelling and advertising or communication material. The GI must be in the same field of vision as the EU symbol.

As far as the registration process is concerned, Article 12 of the CIGI Regulation states that **each Member State will designate a competent authority for the national phase of the registration and other procedures for CI GI products**. Two or more Member States may agree that the competent authority of one Member State is in charge of the national phase for both Member States.

The applications for registration of CI GIs are filed with the competent authority of each Member State. Once an application has been filed, if the competent Member State authority, after examination, finds that the application is complete, correct, and complies with the requirements stipulated by the CIGI Regulation⁽³³⁾, it will conduct a national opposition procedure. Where the competent Member State authority, after examination of the application and the assessment of the outcome of the opposition procedure, if any, considers that the requirements of the CIGI Regulation are met, it issues a favourable decision and files an application with the EUIPO, which triggers the EU phase of the registration procedure. The EUIPO examines the application, conducts the opposition procedure at EU level and finally, based on the available information, decides on the registration of the relevant CI GI.

Furthermore, as set out in Article 19, **the Commission may grant a derogation to a Member State from the obligation to designate a competent authority for the national registration phase**, provided that two conditions are met: 1) the Member State concerned does not have national specific

⁽³³⁾ Article 14 of the CIGI Regulation.

protection for CI GIs, and 2) the local interest for protecting CI GIs is low. Any request for derogation should be accompanied by evidence that both conditions are met and must be submitted by 30 November 2024. **If the Commission approves the opt-out, the applications of CI GIs from this Member State will be submitted directly with the EUIPO**⁽³⁴⁾. The EUIPO will examine them with the assistance of the single point of contact appointed by the Member State in question.

The first requirement for obtaining such a derogation, namely that the Member State lacks a national *sui generis* protection system for CI GIs, is relatively straightforward to ascertain. The second requirement necessitates evidence demonstrating the 'low local interest' in the protection of GIs for CI products.

As specified in recital 25 of the CIGI Regulation:

When examining the request, the Commission should assess all relevant circumstances, such as the number of existing protected names of products, the number of potentially interested producers and producer groups in the Member State concerned, the size of the population of the Member State concerned, the volume of sales, the manufacturing capacities and the markets for the products in question, and other information that the Member State considers to be relevant as evidence of a low level of interest at national level. It should be possible for the Commission to also use, for example, information gathered via a public consultation, a market survey or analysis, or letters from relevant professional chambers or from any other relevant official instances, to take a decision. The Commission should retain the right to amend or to rescind a decision allowing a Member State to make use of the direct registration procedure, where conditions cease to be met by the Member State concerned. This, for example, would be the case if the

⁽³⁴⁾ Recital 24 of the CIGI Regulation acknowledges the diversity in the legal frameworks and levels of interest among Member States regarding the protection of GIs for CI products. In recognition of these differences, the regulation provides a derogation from the usual requirement for Member States to establish a competent national authority responsible for the registration process, including national opposition, modification of specifications, and cancellation procedures. For those Member States that do not have such an authority in place, the Regulation allows for a direct registration procedure with the EUIPO. This approach ensures flexibility and accommodates the varying circumstances and priorities of Member States concerning the protection of GIs for CI products.

number of direct applications submitted by applicants from that Member State were to exceed the original estimate by that Member State in a recurrent manner over time.

When assessing the level of interest, it is particularly important to define what constitutes a low level of interest. Recital 24 refers to 'minimal local interest', Recital 25 to a 'low level of interest at national level', and Article 19(1)(b) to 'low local interest'. These concepts are not synonymous but are interconnected with the idea of a 'low local interest at the national level for protecting CI GIs'.

The low local interest in protecting CI GIs justifies the national interest in being part of the exemption and not creating a specific infrastructure for the national phase of the registration procedures. However, there is no reference in the case-law of the European Court of Justice regarding the concept of 'local interest for protecting GIs'.

According to the wording of the CIGI Regulation, the determination of low local interest must pertain to the Member State as a whole. In other words, while there may be regions within a country where local interest is low, this does not necessarily translate to a low level of interest at the national level that would justify the exemption. If other parts of the country demonstrate significant interest, the exemption is less likely to be warranted.

Furthermore, the exemption provided under Article 19 should only be granted in duly justified cases. Otherwise, an unfair and inconsistent situation could arise among Member States, where only some would bear the cost of establishing the necessary infrastructure for examining CI GIs. Therefore, the reference to 'low local interest' should be assessed in relation to objective and measurable circumstances.

The relevant circumstances outlined in Recital 25 are merely illustrative examples of the factors that the Commission may consider when evaluating a request for an opt-out. The survey conducted as part of this study, along with the qualitative and quantitative analysis of the responses gathered from stakeholders in both the private and public sectors across EU Member States, provides evidence on the local interest on the protection of CI GIs.

It is important to note that even if the Commission approves an opt-out, **the Member State concerned will still be obliged to establish a system for the control and enforcement of CI GIs** that have been recognised at EU level⁽³⁵⁾.

Additionally, it is pertinent to highlight that, under existing regulations⁽³⁶⁾, all EU countries have already established systems for managing GIs for agri-food products, wines and spirits. Given the presence of these systems, the administrative infrastructure required for the new GIs system for CI products can be significantly streamlined.

Given these considerations, although the opt-out derogation affords Member States some flexibility in the absence of a national protection system for CI GIs, it does not relieve them of their obligation to implement protection, control and enforcement of CI GIs within the newly established EU framework.

III. Objectives and Methodology of the Study

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

The purpose of this study is to investigate the EU Member States' potential and interest for protecting CI GIs and assess the current legal framework for the protection of geographically rooted CI products implemented throughout the 27 EU Member States.

The methodology followed to develop the study included a series of activities in two main phases:

1. **data collection:** information has been collected by desk research, both on available documents and from the national competent authorities, and by means of an online survey targeted at both the private and public sectors;

⁽³⁵⁾ See Article 19(6): 'A Member State that has been granted a derogation in accordance with paragraph 1 of this Article shall not be exempted from the obligations laid down in Articles 49 to 62'.

⁽³⁶⁾ See the regulations mentioned in footnote 2.

2. **data gathering and elaboration:** all collected information has been gathered and organised in this report.

Regarding phase 1, consistent efforts were made to provide a comprehensive overview of the legal framework for the protection of the names of CI products across EU Member States. This included reviewing pending and envisaged legislative proposals. The research was conducted via desk research on existing legislation, previous studies and reports, consultation of databases of national CI GIs, and IP literature. Information gaps were addressed by engaging national experts and academics. Preliminary desk research was carried out to gather initial evidence on the current legal framework at national level. This collected information was then used to draft the questionnaires.

Four questionnaires were designed to acquire both qualitative and quantitative data on the level of national interest in the protection of CI GIs. An online survey targeted at both the private and public sectors was launched between February 2024 and June 2024. More than 600 emails were sent to stakeholders, requesting their participation in the study. For the public sector, the survey targeted Ministries, IP Offices, Municipalities, Regional authorities, and other relevant public institutions operating in the craft sector. For the private sector, producers, producers' associations, chambers of commerce, and other relevant private bodies were targeted.

Regarding phase 2, the collected data was analysed against pre-identified criteria (i.e. completeness, validity, accuracy) to assess the degree of information coverage. Upon detecting information gaps, additional desk and field research was conducted to gather additional data.

To gather more information from the private sector, particularly from Member States where no feedback had been provided, the survey was sent to a second set of stakeholders. This included producers, producers' associations, chambers of commerce, and other relevant entities in the craft and industrial sector.

Furthermore, follow-up communications were sent to survey respondents from the public sector to monitor the national implementation of Regulation (EU) 2023/2411. Information obtained through

ancillary research and follow-up replies was integrated into the information base provided by the Member States.

Based on the survey results and data assessment, the collected information was compiled into this report to provide an overview of the legal protection accorded to the names of CI products within the 27 Member States. The report also includes an assessment of the local level of interest at national level in the protection of CI GIs through a quantitative and qualitative analysis of the survey results.

The assessment identified 132 existing CI GIs registrations and pending applications at a national level, which are listed in the vertical analysis of each Member State (see the following Chapter) and as an Annex to this study. This study also provides a list of 380 names of CI products, stemming from the different Member States, which are potentially eligible for GI protection. That list is not exhaustive and is based on the information gathered from previous studies, as well as input from producers, associations, and nationals of the individual Member States, as specified in Chapter V.

IV. General Overview of the Legal Framework for the Protection of Names of Craft and Industrial Products in the EU Member States

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

Member States have followed a **fragmented approach for the protection of names of geographically rooted CI products**. Reportedly⁽³⁷⁾, 16 Member States, such as France, Hungary and the Czech Republic, have also enacted specific systems of protection for CI GIs although these protection schemes differ in terms of scope, administration, fees and enforcement measures. Out of these 16 Member States, Germany, Italy and Spain do not have a *sui generis* system at national level, but specific laws were enacted to protect names of specific traditional CI products as a GI. Moreover, in Belgium, the *sui-generis* law protecting CI GIs was enacted by the Walloon Region.

Trade mark protection (by means of individual, collective or certification trade marks, depending on national rules) is available for producers of CI products in all Member States, under rules harmonised by EU Directive (EU) 2015/2436⁽³⁸⁾. Furthermore, the names of CI products have been protected by means of unfair competition laws and other legal instruments, mostly with the aim of protecting fairness practices on the market and consumer protection, without granting any intellectual property right.

The European Union has undertaken significant efforts to harmonise and unify the laws governing trade marks and unfair competition across its Member States. The European Union Trade Mark Regulation (EUTMR), now governed by Regulation (EU) 2017/1001 of the European Parliament and

⁽³⁷⁾ <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=SWD:2022:0115:FIN:EN:PDF>

⁽³⁸⁾ Directive (EU) 2015/2436 of the European Parliament and of the Council of 16 December 2015 to approximate the laws of the Member States relating to trade marks.

of the Council of 14 June 2017⁽³⁹⁾, stands as a primary example of the efforts to establish a unified trade mark system across the European Union. Initiated in 1994, this EU-wide trade mark system is applicable across all 27 EU Member States⁽⁴⁰⁾.

In addition to the EUTMR, the EU has enacted several directives with the purpose of harmonising national trade mark laws across Member States. This process began with the publication of Directive 89/104/EEC, which focused on aligning national regulations, particularly regarding substantive aspects of trade mark law. The most recent update, Directive (EU) 2015/2436 of 16 December 2015⁽⁴¹⁾, significantly reduced differences between national laws, aligning national laws with the updated framework of the EUTMR. It also introduced procedural streamlining by establishing administrative procedures for trade mark revocation and invalidity declarations. Additionally, it harmonised regulations regarding national guarantee or certification marks.

Nevertheless, Member States retain certain legislative powers, particularly in areas of substantive law such as the regulation of trade names and work titles. They also maintain control over specific aspects of the trade mark registration process, as Directive (EU) 2015/2436 mainly sets out general principles. Member States have the authority to define grounds for refusal or invalidity of trade marks, set administrative fees for national trade mark registrations, and regulate procedural matters, including actions in defence of trade marks and the calculation of damages for trade mark infringement. Moreover, the governance of certification and guarantee trade marks remains within the jurisdiction of individual Member States⁽⁴²⁾.

Despite this, the EU's efforts to harmonise trade mark laws have been highly successful, leading to a significant reduction in disparities between national systems. This has enhanced legal certainty within the EU market, making it easier for businesses to operate across borders.

⁽³⁹⁾ <https://eur-lex.europa.eu/eli/reg/2017/1001/oj>

⁽⁴⁰⁾ Managed by the European Union Intellectual Property Office (EUIPO) in Alicante, Spain, the EUTMR provides a streamlined trade mark registration process that allows for a single application to secure protection throughout the entire EU.

⁽⁴¹⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015L2436>

⁽⁴²⁾ As evidenced in page 16 of the Impact Assessment of the Commission, nine Member States have enacted national certification marks that can serve to designate geographical origin: Denmark, Ireland, Italy, Lithuania, Malta, Poland, Romania, Sweden and Spain.

Unfair competition law is not fully harmonised within the European Union, but the EU has introduced measures to address unfair competition practices, promoting fair trade and consumer protection. The cornerstone of this effort is Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005⁽⁴³⁾, which targets unfair business-to-consumer commercial practices within the internal market.

Directive 2005/29/EC defines the unfair commercial practices that are prohibited across the EU. It applies to any act or omission directly related to the promotion, sale, or supply of a product by a trader to consumers, safeguarding the economic interests of consumers before, during, and after a commercial transaction. This directive ensures that all consumers receive the same level of protection, regardless of where a purchase or sale takes place within the EU.

This directive has undergone recent amendments to address evolving market conditions. Directive (EU) 2019/2161⁽⁴⁴⁾, for example, updated Directive 2005/29/EC to improve the enforcement and modernisation of EU consumer protection rules, particularly in response to developments in online marketing. More recently, Directive (EU) 2024/825⁽⁴⁵⁾, adopted on 28 February 2024, further amended Directive 2005/29/EC to empower consumers in the green transition. This amendment aims to enhance protection against unfair practices and improve consumer access to better information.

The table below provides an overview of the types of legal protection afforded in each Member State for the names of geographically rooted CI products.

Member State	<i>Sui generis</i> GI system at national level	Trade mark law	Specific law or decree protecting a specific product	Unfair competition law	Pending and envisaged legislative proposals
Austria		√		√	
Belgium	√	√		√	Ongoing discussions among federal and regional authorities on the implementation of the CIGI Regulation.

⁽⁴³⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32005L0029>

⁽⁴⁴⁾ <https://eur-lex.europa.eu/eli/dir/2019/2161/oj>

⁽⁴⁵⁾ <https://eur-lex.europa.eu/eli/dir/2024/825/oj>

Member State	<i>Sui generis</i> GI system at national level	Trade mark law	Specific law or decree protecting a specific product	Unfair competition law	Pending and envisaged legislative proposals
Bulgaria	✓	✓		✓	Ongoing working group preparing a proposal for amendments of the Trade mark and Geographical Indication Act.
Croatia	✓	✓		✓	The Croatian State Intellectual Property Office plans on beginning activities for the implementation of the CIGI Regulation by the end of 2024.
Cyprus		✓		✓	Ongoing preparation on the implementation of the CIGI Regulation.
Czech Republic	✓	✓		✓	
Denmark		✓		✓	
Estonia	✓	✓		✓	
Finland		✓		✓	
France	✓	✓	✓	✓	Ongoing preparation on the implementation of the CIGI Regulation.
Germany		✓	✓	✓	Ongoing preparation on the implementation of the CIGI Regulation.
Greece		✓		✓	Ongoing preparation on the implementation of the CIGI Regulation.
Hungary	✓	✓		✓	Ongoing preparation on the implementation of the CIGI Regulation.
Ireland		✓		✓	Public consultation launched by the Irish Department of Enterprise, Trade and Employment on the implementation of the CIGI Regulation. The consultation closed on 17 May 2024.
Italy		✓	✓	✓	Law no. 206 of 27 December 2023, on the valorisation, promotion and protection of Made in Italy products, has taken the first steps towards the implementation of the CIGI Regulation.
Latvia	✓	✓		✓	
Lithuania		✓		✓	
Luxembourg		✓		✓	Public consultation launched by the Ministry of the Economy to gather input from stakeholders on the national implementation of the CIGI Regulation. The consultation closed on 1 July 2024.
Malta		✓		✓	
The Netherlands		✓		✓	
Poland	✓	✓		✓	Ongoing preparation on the implementation of the CIGI Regulation.
Portugal	✓	✓	✓	✓	Ongoing preparation on the implementation of the CIGI Regulation.
Romania	✓	✓		✓	
Slovakia	✓	✓		✓	
Slovenia	✓	✓		✓	
Spain		✓	✓	✓	Ongoing preparation on the implementation of the CIGI Regulation.
Sweden		✓		✓	Ongoing preparation on the implementation of the CIGI Regulation.

According to survey responses from public authorities, many Member States are currently discussing and preparing for the implementation of the CIGI Regulation. However, no specific legislative proposals have been introduced yet. The only exception is the Italian law no. 206 of 27 December 2023 '*Comprehensive Provisions for the Valorisation, Promotion, and Protection of Made in Italy*', which, although not considered as fully implementing Regulation (EU) 2023/2411, contains measures and actions aimed at facilitating, with the collaboration of regional entities, the initiation and promotion of a process that enables the introduction of GIs for CI products in Italy (see the section on Italy for more details).

V. The Legal Framework for the Protection of Names of Craft and Industrial Products in the EU Member States

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

In this section, the legal systems for protecting the names of CI products in the 27 Member States are presented, in single dedicated chapters.

For each Member State, contents are presented according to the following table:

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3. List of Product Names Potentially Protectable by Craft and Industrial GIs at EU Level.....	

The methodology used to collect data on existing national registered and pending CI GIs, as well as to lay down the list of product's names potentially protectable as CI GIs at EU level included **five steps**.

- Step 1: a review of the inventory of CI GIs contained in the Annexes of the *Study on the economic aspects of GI protection at EU level for non-agricultural products*, (VVA/ECORYS/ConPolicy), 2020, has been carried out. This served as the starting point for building an updated list for the current study.
- Step 2: this preliminary inventory was then cross-referenced and supplemented with the subcontractor oriGIn's database of GI-protected products⁽⁴⁶⁾. The oriGIn database facilitates easy retrieval of existing titles by filtering based on country of origin, type of product, legal protection, and other criteria. By accessing this database, the information extracted from the previous study was verified and the inventory was supplemented where necessary.
- Step 3: the responses from public authorities to the survey were reviewed, particularly questions 12 and 13, which asked about pending and registered CI GIs at the national level. A similar approach was taken with the private sector stakeholders, whose questionnaires also included these questions.
- Step 4: for Member States with national *sui generis* CI GI protection, their respective national databases of protected CI GI products were consulted.
- Step 5: for Member States where national *sui generis* protection of CI GIs does not exist, our network of national correspondents was leveraged to gather information on local CI products that might be eligible for protection under Regulation (EU) 2023/2411.

⁽⁴⁶⁾ oriGIn worldwide GIs compilation: <https://www.origin-gi.com/worldwide-gi-compilation/>

Additionally, the WIPO (World Intellectual Property Organization) Bulletin 'Appellations of Origin' was consulted to further update and complement the list of GI titles. This bulletin, the official publication of the Lisbon System, is issued by WIPO to announce new registrations and other entries in the International Register, as well as to provide updates on changes to the legal framework of the Lisbon System. It also includes statistical data on registered appellations of origin.

The application of the above methodology identified a total of **132 registered and pending national GIs** (see Annex I), and **380 names of CI products potentially eligible for protection under CI GIs** (see Annex II).

It is important to note that the list of CI product names potentially protectable by CI GIs, as provided within this study, has not been identified by Member States' public authorities as those that will be submitted to the EU Commission for the fast-track procedure. The Member States' public authorities, when requested, have not provided specific information about which products will be grandfathered.

STUDY ON EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GEOGRAPHICAL INDICATIONS

Austria



Abbreviations

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

MSchG	Austrian Trade mark Protection Act (<i>Markenschutzgesetz</i>)
UWG	Austrian Federal Law against Unfair Competition (<i>Gesetz gegen den unlauteren Wettbewerb</i>)

1. Legal Framework for the Protection of Names of Craft and Industrial Products

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

1.1. *Sui generis* protection system

Austrian legislation does not provide for a *sui generis* protection system for CI GIs.

The protection of the names of CI products may be achieved through alternative means⁽⁴⁷⁾:

- protection as a collective trade mark of an exceptional nature (geographical collective trade mark, Section 62(4) MSchG;
- protection according to the rules of the Austrian Federal Law against Unfair Competition 1984 (UWG).

1.2. Trade mark law

According to Section 1 of the **Austrian Trade Mark Protection Act**⁽⁴⁸⁾ (**Markenschutzgesetz - MSchG**), trade marks may consist of any signs, including but not limited to words, personal names, designs, letters, numerals, colours, the shape of goods or their packaging, or sounds, provided that these signs are capable of:

1. distinguishing the goods or services of one undertaking from those of other undertakings; and

⁽⁴⁷⁾ <https://www.patentamt.at/en/trade-marks/apply-for-trade-marks/geographical-indications#c1354>

⁽⁴⁸⁾ https://www.patentamt.at/fileadmin/root_oepa/Dateien/Marken/MA_Gesetze/MSchG_engl.pdf

2. being represented on the trade mark register in a manner which enables the competent authorities and the public to determine the clear and precise subject matter of the protection afforded to its proprietor.

In this context, the protection of the names of CI products may be achieved through registration as a 'geographical' collective trade mark under Section 62(4) MSchG.

Specifically, by way of derogation from the general absolute grounds for trade mark refusal, such collective marks may consist exclusively of signs or indications that serve in trade to designate the geographical origin of goods or services. Associations with legal personality are permitted to register collective trade marks intended to identify the goods or services of their members, which are capable of distinguishing these goods or services from those of other undertakings.

Such a trade mark will not entitle its owner or a member of the association who is independently authorised to take legal action in accordance with the regulations to prohibit a third party from using such signs or indications in the course of trade, provided that such use is in accordance with honest practices in industrial and commercial matters. In particular, such a mark may not be invoked against a third party who is authorised to use a geographical designation.

However, the registration of such a trade mark does not grant the owner or any member of the association, who is independently authorised to take legal action according to the association's regulations, the right to prohibit third parties from using such signs or indications in the course of trade, provided that such use is in accordance with honest practices in industrial and commercial matters. In particular, the trade mark cannot be invoked against a third party who is authorised to use the geographical designation.

The application of a collective mark must be accompanied by regulations, which must contain at least the following details:

- the name and registered office of the association;
- purpose and representation of the association;

- the group of persons entitled to use the collective mark;
- the conditions of use, including sanctions in case of misuse of the collective mark such as, in particular, withdrawal of the right of use;
- the rights and obligations of all parties involved in the event of an infringement of the collective mark.

The regulations must also stipulate that any person whose goods or services originate from the relevant geographical area and who meets the conditions for use of the collective mark, as set forth in the trade mark regulations, may become a member of the association, provided that they also fulfil all other requirements outlined in the regulations.

Unless otherwise provided for in the regulations, a member authorised to use the collective mark may bring an action for infringement of the collective mark only with the consent of the association. The association may, on behalf of the members entitled to use the mark, claim compensation for unauthorised use of the collective mark for damage suffered by the members.

1.3. Unfair competition and consumer protection laws

Names of CI products may also be protected under the rules set out for unfair competition practices in the **Austrian Federal Act Against Unfair Competition** ⁽⁴⁹⁾ (*Bundesgesetz Gegen den unlauteren Wettbewerb - UWG*), with specific reference to the rules concerning the prohibition of misleading information. Section 1(1) of the UWG prohibits any 'unfair commercial practice or other unfair act which is likely to distort the competition to the detriment of enterprises to a more than insignificant extent'.

Under the provisions of the TRIPS Agreement, particularly Article 22(2), Member States are obligated to prohibit the use of GIs if they are misleading or contravene the requirements of Article 10bis of the Paris Convention, which contains a general unfair competition clause.

⁽⁴⁹⁾ https://www.ris.bka.gv.at/Dokument.wxe?Abfrage=Erv&Dokumentnummer=ERV_1984_448

To fulfil this obligation under the TRIPS Agreement, Section 8 of the Austrian Unfair Competition Act (UWG) was enacted. It provides that:

On the protection of geographical indications within the meaning of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), Federal Law Gazette no. 1/1995, Annex 1C as amended in Federal Law Gazette no. 379/1995, § 4 and § 7 shall be applied - unless their protection is otherwise provided for pursuant to separate regulations - regardless of whether any actions referred to in § 4 and § 7 have been taken for competitive purposes Para 1 above shall be also applied to geographical indications to identify the origin of services.

The specific object of protection is derived from the definition of GIs in Article 22(1) of the TRIPS Agreement, which states that GIs are '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'. This definition does not distinguish between types of products that may be protected as GIs, thus applying to CI geographically rooted products.

In summary, Section 8(1) UWG stipulates that Section 4 and Section 7 UWG apply to GIs, with the provision that the requirement of acting for competitive purposes is waived. However, all other elements of the offence must still be met.

Furthermore, Section 2 UWG is particularly relevant due to its general prohibition of misleading information. According to this provision, a commercial practice is considered misleading if it contains false information or is otherwise capable of deceiving a market participant regarding, for example, the main characteristics of the product. This provision is particularly applicable to misleading information concerning the origin of products, especially when such origin is linked to a specific quality of the product.

Businesses found to be in violation of the UWG may face legal actions, including injunctions, claims for damages, and the removal of misleading advertisements. Competitors and consumer protection organisations can initiate these legal actions to ensure compliance and protect consumer interests.

Enforcement of the UWG is carried out by the courts, which have the authority to impose penalties and order corrective measures to address any misleading practices. Consumer protection agencies and trade associations also play a role in monitoring compliance and taking action against violators.

1.4. Specific laws or decrees that protect a specific craft or industrial product

No specific laws or decrees that provide protection for a specific craft or industrial product are currently in force in Austria.

1.5. Current legislative proposals and initiatives to protect or enforce craft and industrial GIs

No specific legislative proposal or initiative for the protection of specific CI GIs have been enacted in Austria, but discussions are ongoing with respect to the implementation of the CIGI Regulation.

2. List of National Registered and Pending Craft and Industrial GIs

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

There are no registered or pending CI GIs in Austria.

3. List of Product Names Potentially Protectable by Craft and Industrial GIs at EU Level

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

The following names of CI⁽⁵⁰⁾ are potentially protectable by CI GIs:

1. <i>Alpenländischer Naturstein</i>	Stone
2. <i>Augarten / Wiener Porzellan</i>	Porcelain
3. <i>Ausseer Handdrucke</i>	Handprints
4. <i>Ausseer Porzellan</i>	Porcelain
5. <i>Ausseer Trachten</i>	Clothing
6. <i>Berndorfer Metalware</i>	Metal
7. <i>Burgenländischer Indigo-Handblaudruck</i>	Clothes
8. <i>Embroidery of Vorarlberg</i>	Embroidery
9. <i>Ferlacher weapons</i>	Weapons
10. <i>Frauenthaler Porzellanwaren / Porzellanisolatoren</i>	Porcelain
11. <i>Friesacher Leinen</i>	Linen
12. <i>Gmundner Keramik</i>	Ceramics
13. <i>Hirtenberger Patronen</i>	Cartridges
14. <i>Ischler Hut</i>	Hat
15. <i>Karlsteiner Uhren</i>	Clocks
16. <i>Linzer Goldhauben</i>	Hat
17. <i>Margarethner Kalksandstein</i>	Sand, brick

⁽⁵⁰⁾ No further product names were added with respect to the list contained in the 2020 VVA/ECORYS/ConPolicy study.

18. <i>Montafon table</i>	Table
19. <i>Mühlviertler Blaudruck</i>	Textiles
20. <i>Mühlviertler Leinen</i>	Linen
21. <i>Naintscher Mineralprodukte</i>	Mineral products
22. <i>Neue Wiener Geigen</i>	Musical instruments
23. <i>Original Wiener Schneekugeln</i>	Snowglobes
24. <i>Österreichische Glasmanufaktur</i>	Glass
25. <i>Schladminger Socken</i>	Socks
26. <i>Schladminger Walkjanker (Lodenwalker)</i>	Clothes
27. <i>Schladminger Loden</i>	Clothes
28. <i>St. Peter Keramik</i>	Ceramics
29. <i>Stoobar Tonwaren</i>	Ceramics
30. <i>Stubai Eisenwaren</i>	Iron
31. <i>Tauerngrün</i>	Stone
32. <i>Tiroler Loden</i>	Clothing
33. <i>Treibacher Feuerzeuge / Auerbacher Zündsteine</i>	Lighters
34. <i>Veitscher Magnesit</i>	Stone
35. <i>Viennese piano manufacturers</i>	Musical instruments
36. <i>Vöcklabruck Keramik</i>	Ceramics
37. <i>Vorarlberger Stickerei</i>	Embroidery
38. <i>Wachauer Goldhauben</i>	Hats
39. <i>Waldviertler Filetvorhänge, Tisch- und Bettdecken</i>	Textiles
40. <i>Waldviertler handgestochene Zwirnknöpfe</i>	Buttons
41. <i>Waldviertler Strickwaren</i>	Clothing
42. <i>Wiener Modemacher</i>	Clothing

STUDY ON EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GEOGRAPHICAL INDICATIONS

Belgium



Abbreviations

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS



BOIP	Benelux Office for Intellectual Property
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1. Legal Framework for the Protection of Names of Craft and Industrial Products

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

1.1. *Sui generis* protection system

Belgium does provide for a *sui generis* system for the protection of CI GIs, enacted by the Walloon region.

In particular, the *sui generis* legal framework for the protection of CI GIs stems from the Decree of the Walloon Regional Council of 7 September 1989 on the Quality Label, Local Designation of Origin and Walloon Designation of Origin, and its subsequent amendments (7 septembre 1989 - *Décret concernant l'attribution du label de qualité wallon, l'appellation d'origine locale et l'appellation d'origine wallonne*)⁽⁵¹⁾.

According to Article 1 of the above-mentioned Decree, the **Walloon quality label** is understood as the collective mark determined by the Walloon Regional Council, certifying that a product manufactured or processed in Wallonia possesses a distinct set of specific qualities and characteristics previously established, thereby establishing a level of quality.

Furthermore, a **local designation of origin** refers to the geographical name of a region or locality within the Walloon region, used to designate a product originating from that region or locality, whose quality and characteristics are exclusively or essentially attributable to a specific geographical environment, which includes both natural and human factors.

⁽⁵¹⁾ <https://www.wipo.int/wipolex/en/legislation/details/394>

Similarly, a **Walloon designation of origin** refers to the specification, in French or another language, which ensures a product is indeed produced or processed in Wallonia.

The Walloon Regional Council is tasked with approving a decree for each product seeking registration. It publishes specifications outlining all the criteria necessary for a product to be marketed as either an '*appellation d'origine locale*' or an '*appellation d'origine wallone*'. Accreditation of a certification body by the Walloon Regional Council is mandated to issue quality or origin certificates in line with the decree.

Once a product receives regional recognition, it is integrated into the federal legislative framework. This means that the regional recognition is respected and enforced at the national level. In fact, the application for regional protection is published in the '*Moniteur belge*' (Official Gazette of Belgium). This publication serves to inform the public and allows for any objections. The publication in the Official Gazette implies that the regional recognition has legal validity throughout the entire national territory.

Any producer, manufacturer, processor, or producer group of Walloon products may submit an application for the issuance of a quality certificate or a certificate of origin on their behalf. This application must be sent to the certifying body via registered mail. Article 9 of the Decree prohibits the manufacture, the offer for sale, or the sale of products under the Walloon quality label or a designation of origin, as defined, if they do not meet the specifications established by the Walloon Regional Council.

The use of the Walloon quality label or designation of origin is considered an act of usurpation even in the following circumstances:

1. when any additional terms are used, including corrective terms such as 'style', 'type', 'manner', or 'similar';
2. when the contested name is used to indicate the origin of the product;
3. when foreign words are employed, particularly if these words are merely translations of the Walloon quality label or designation of origin or are likely to create confusion with the Walloon quality label or a designation of origin.

The protection granted has a duration of 10 years from the date of filing and may be renewed upon request by the holder.

This *sui generis* GI protection is exclusively available for CI products originating in the Walloon region, although the protection extends throughout Belgium.

To date, the '*appellation d'origine locale*' for '*Dentelle de Binche*'⁽⁵²⁾ was granted in 1997, and for '*Petit Granit d'âge géologique tournaisien*' in 1999.

1.2. Trade mark law

The names of CI products might be protected by collective trade marks, which are not meant to differentiate the products and services of a single company but are available for use by multiple companies for their respective products or services.

In Belgium, the regulation of collective or certification trade marks fall under the Benelux system, regulated by the Benelux Convention on intellectual property, signed in The Hague on 25 February 2005, adopted on 16 May 2006 and entered into force on 1 September 2006, subsequently amended⁽⁵³⁾. Therefore, applicants must submit their requests to the Benelux Office for Intellectual Property (BOIP) in The Hague, which will grant a Benelux collective or certification trade mark upon fulfilment of the necessary requirements.

⁽⁵²⁾ <https://wallex.wallonie.be/eli/arrete/1997/09/11/1997027577>

⁽⁵³⁾ <https://www.boip.int/en/document/benelux-convention-on-intellectual-property-bcip>

Collective trade marks

Under the new system that has been in force since 1 March 2019, a collective trade mark is a trade mark used by the members of an association. Therefore, the owner of a collective trade mark must either be an association, or a legal entity governed by public law.

A collective trade mark designates the commercial origin of specific goods and services, indicating that they derive from a member of that association (Chapter 8, Article 2.34*bis*). Collective trade marks may increase consumers' trust in the products or services offered and are commonly used to distinguish the products or services of entities such as manufacturers, producers, service providers, or traders.

Trade mark law primarily safeguards right holders against 'confusion'. Under Article 2.20 of the Convention, the holder of a trade mark enjoys the right to prevent all third parties not having their consent from using any sign where that sign is:

- identical to the trade mark and is used in the course of trade in relation to goods or services which are identical to those for which the trade mark is registered;
- identical, or similar to, the trade mark and is used in the course of trade in relation to goods or services which are identical with, or similar to, the goods or services for which the trade mark is registered, if there exists a likelihood of confusion on the part of the public; the likelihood of confusion includes the likelihood of association between the sign and the trade mark;
- identical, or similar to, the trade mark irrespective of whether it is used in relation to goods or services which are identical, similar to, or not similar to, those for which the trade mark is registered, where the latter has a reputation in the Benelux territory and where use in the course of trade of that sign without due cause takes unfair advantage of, or is detrimental to, the distinctive character or the repute of the trade mark;

- used for purposes other than those of distinguishing goods or services, where use of the sign without due cause, would take unfair advantage of or be detrimental to the distinctive character or the repute of the trade mark.

Collective trade marks are subject to the same rules as individual trade marks, with the exception of the following.

- The owner must be an association or a legal person governed by public law and will grant licences to use the trade mark to the members of the association or the legal person.
- **A collective trade mark may designate a geographical origin.** However, the owner of such a collective trade mark is not entitled to prevent a third party from using the signs or indications in the course of trade, provided that the third party's use is in accordance with honest industrial or commercial practices. Specifically, collective trade marks cannot be invoked against a third party who is legally entitled to use the geographical name.
- The filing of collective trade marks must be accompanied by '**regulations governing use**'. These regulations must specify the persons authorised to use the trade mark, the conditions of affiliation to the association and the conditions of use of the trade mark, including penalties. Where a collective trade mark designates a geographical origin, the regulations governing use must explicitly authorise any person whose goods and services originate from the geographical area in question to become a member of the association that owns the trade mark (provided, of course, that this person meets all the other conditions required).
- The purpose of collective trade marks and the regulations governing use explain why there are three particular reasons for the lapse of collective trade marks. For example, under Article 2.34*octies* of the Convention, a collective trade mark can be revoked if:
 - the proprietor does not take reasonable steps to prevent the mark being used in a manner that is incompatible with the conditions of use laid down in the regulations governing use, including any amendments thereto mentioned in the register;

- the manner in which the mark has been used by authorised persons has caused it to become liable to mislead the public in the manner referred to in Article 2.34^{quater} (2) of the Convention; and
- an amendment to the regulations governing use of the mark has been mentioned in the register in breach of Article 2.34^{sexies} (2) of the Convention, unless the proprietor of the mark, by further amending the regulations governing use, complies with the requirements of that Article.

Each registration application has to include a concise description of the distinctive characteristics of the trade mark. The BOIP will not accept – and will thus reject – any trade mark application deemed solely consisting of signs or indications commonly used in trade to describe aspects such as the type, quality, quantity, intended use, value, geographical origin, or manufacture time of the product or service, as well as in cases where references to geographical origin could mislead consumers.

1.3. Unfair competition and consumer protection laws

There is no specific legislation that deals with unfair competition on origin of goods. However, protection of names of CI products can be achieved through general norms against unfair competition, such as those contained in the Economic Law Code⁽⁵⁴⁾. In particular, Article VI.93 states that a commercial practice is unfair if it:

- a. is contrary to the requirements of professional diligence; and
- b. materially distorts or is likely to materially distort the economic behaviour of the average consumer whom it reaches or to whom it is addressed, or, when it is addressed to a particular group of consumers, the economic behaviour of the average member of that group, in relation to the underlying product.

⁽⁵⁴⁾ *Wetboek van economisch recht*, available at:
https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=2013022819&table_name=wet.

Under Article VI.97, a commercial practice can be regarded as misleading if it is accompanied by false information and is therefore based on untrue statements or, even if the information is factually correct, deceives or is likely to deceive the average consumer in any way, including by its general presentation, in relation to one or more of the following elements, and in either case causes or is likely to cause the average consumer to take a transactional decision that they would not have taken otherwise, when it concerns the main characteristics of the product, such as its geographical or commercial origin.

The Economic Law Code has been recently amended by the Act of 4 April 2019 in relation to certain practices, namely, abuses of economic dependence, abusive clauses and unfair market practices between enterprises⁽⁵⁵⁾.

1.4. Specific laws or decrees that protect a specific craft or industrial product

The government of the Walloon region has protected two products by Decree:

- *Arrêté du Gouvernement wallon du 11 septembre 1997 concernant l'attribution de l'appellation d'origine locale 'Dentelle de Binche'*⁽⁵⁶⁾
- *Arrêté du Gouvernement wallon du 20 mai 1999 concernant l'attribution de l'appellation d'origine locale pierre bleue dite 'Petit granit d'âge géologique tournaisien'*⁽⁵⁷⁾.

1.5. Current legislative proposals and initiatives to protect or enforce craft and industrial GIs

No specific legislative proposals and initiatives to protect or enforce CI GIs have been enacted in Belgium.

⁽⁵⁵⁾ https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&table_name=wet&cn=2019040453

⁽⁵⁶⁾ https://etaamb.openjustice.be/fr/arrete-du-gouvernement-wallon-du-11-septembre-1997_n1997027577.html0000

⁽⁵⁷⁾ https://etaamb.openjustice.be/fr/arrete-du-gouvernement-wallon-du-20-mai-1999_n1999027550.html

2. List of National Registered and Pending Craft and Industrial GIs

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

The following CI GIs are currently registered:

1. <i>La Dentelle de Binche</i>	Lace
2. <i>La pierre bleue dite 'Petit granit d'âge géologique tournaisien'</i>	Stone

There are currently no pending CI GIs.

3. List of Product Names Potentially Protectable by Craft and Industrial GIs at EU Level

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

The following names of CI products⁽⁵⁸⁾ are potentially protectable by CI GIs:

1. <i>Coticule d'Ardenne</i>	Stone
2. <i>Diamant van Antwerpen</i>	Diamond
3. <i>Etains de Huy</i>	Pewter
4. <i>Val Saint Lambert Glass and Crystal</i>	Glass and Crystal

⁽⁵⁸⁾ No further product names were added with respect to the list contained in the 2020 VVA/ECORYS/ConPolicy study.

STUDY ON EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GEOGRAPHICAL INDICATIONS

Bulgaria



Abbreviations

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS



BPO	Bulgarian Patent Office
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1. Legal Framework for the Protection of Names of Craft and Industrial Products

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

1.1. *Sui generis* protection system

Bulgarian legislation provides for a *sui generis* system of protection for CI GIs.

This *sui generis* system is enshrined in the Bulgarian Trade mark and Geographical Indications Act (the 'Act')⁽⁵⁹⁾. Pursuant to Article 85 of the Act, the term 'geographical indication' encompasses both a designation of origin and a geographical indication. Under the same provision:

- a **designation of origin** is defined as the name of a country, a region or a specific locality within a country, which serves to designate goods originating therefrom and whose quality or properties are mainly or exclusively attributable to the geographical environment, comprising natural and human factors;
- a **geographical indication** is defined as the name of a country, a region or a specific locality within that country, serving to designate a commodity, originating therefrom and possessing a quality, a reputation or any other characteristic that may be attributed to that geographical origin.

GIs also comprise **traditional names** that meet the requirements of the definitions of designation of origin and geographical indication.

⁽⁵⁹⁾ ЗАКОН ЗА МАРКИТЕ И ГЕОГРАФСКИТЕ ОЗНАЧЕНИЯ Обн. ДВ. бр.98 от 13 декември 2019г., изм. и доп. ДВ. бр.92 от 27 октомври 2020г. (Trade marks and Geographical Indications Act SG.98/13 Dec 2019, amended and supplements DG 92/27 Oct 2020), available at: <https://www.bpo.bg/uploaded/files/868-TRADE-MARKS-AND-GEOGRAPHICAL-INDICATIONS-AC1.pdf>.

Article 86 of the Act expressly excludes from its scope GIs falling under the umbrella of European Regulations on agri-food, wine and spirits GIs.

The scope of the legal protection of GIs provided in the Act extends to the following acts⁽⁶⁰⁾:

1. any direct or indirect use for commercial purposes of a registered GI for goods, which do not fall within the scope of registration, where they are comparable to those, for which the GI is registered, or insofar as such use exploits its reputation;
2. any misuse, imitation or evocation, even where the actual origin of the goods or services is indicated, or where the protected GI is translated or accompanied by expressions such as 'style', 'type', 'method', 'as produced in', 'imitation' or similar;
3. any other false or misleading indication, as to the source, origin, nature or essential qualities of the goods, used on the inner or outer packaging, advertising materials or documents, relating to the goods, and packaging, which can create an erroneous picture of their origin;
4. any other practice, likely to mislead the consumer, as to the true origin of the goods.

Registered GIs may not become generic names as long as they are protected under the Act.

As provided in Article 88 of the Act, the Bulgarian Patent Office (BPO) is the competent authority for providing legal protection for GIs falling under the scope of the Act. The application procedure is governed by the Act and the Ordinance on the Preparation, Filing and Examination of Applications for Registration of Trade marks and Geographical Indications (the 'Ordinance')⁽⁶¹⁾.

⁽⁶⁰⁾ Article 88 of the Act.

⁽⁶¹⁾ НАРЕДБА ЗА ОФОРМЯНЕ, ПОДАВАНЕ И ЕКСПЕРТИЗА НА ЗАЯВКИ ЗА РЕГИСТРАЦИЯ НА МАРКИ И ГЕОГРАФСКИ ОЗНАЧЕНИЯ В сила от 06.04.2021 г. Приета с ПМС No 130 от 02.04.2021 г. Обн. ДВ. бр.28 от 6 април 2021г (Ordinance on the Preparation, Filing and Examination of Applications for Registration of Trade marks and Geographical Indications, adopted with PM No. 130 of 2 April 2021, published in the Gazette, Issue No. 28 of 6 April 2021), available at: <https://www.bpo.bg/uploaded/files/331-NAREDBA-ZA-OFORMYANE-PODAVANE-I-EKSPERTIZA-NA-ZAYaVKI-ZA-REGISTRATsIYa-NA-MARKI-I-GEOGRAFSKI-OZNACHENIYa.pdf>.

In accordance with Article 95 of the Act, the application for the registration of a GI will refer only to one GI. Other than the details of the applicant and its representative, the application should include:⁽⁶²⁾

- 1) a precise identification of the GI or the designation of origin;
- 2) the relevant class number in accordance with the International Classification of Goods and Services and the indication of the goods (Nice classification);
- 3) the description of the boundaries of the geographical location, documented with an attached map or sketch on which such boundaries are outlined;
- 4) a description of the product, which should include details of the basic physical, chemical, microbiological or organoleptic characteristics, as well as, the raw material used, where necessary;
- 5) a description of the traditional local method of production of the product, including their characteristics, with a precise indication of their connection with the geographical environment or the geographical origin. Where the application refers to a designation of origin, the description should indicate the influence of natural and human factors on the properties or characteristics of the product.

Article 95 of the Act and Article 27 of the Ordinance further specify that applications should be accompanied by the following supporting documents:

- a) a copy of the order of the head of the relevant central office, which delineates and defines the boundaries of the geographical area and the specifications of the goods, including their qualities or characteristics and their correlation to the geographical environment or origin⁽⁶³⁾;

⁽⁶²⁾ Article 95 of the Act and Article 27 and Article 30 of the Ordinance.

⁽⁶³⁾ As outlined in Article 28 of the Ordinance, such order must include detailed information regarding the geographical indication or designation of origin, the specific goods involved, and a description of the boundaries of the geographical location. It should also identify the main physical, chemical, microbiological, or organoleptic characteristics of the goods, along with any necessary details about the raw materials. Additionally, it should outline the traditional local method for producing the goods and highlight the qualities and characteristics of the goods in relation to their geographical environment or origin. Furthermore, the order should specify the competent authority responsible for verifying the conformity between the qualities and characteristics of the produced goods and those of the designation of origin or GI, as well as their connection with the geographical environment or origin.

- b) a certificate from the respective municipality attesting that the applicant carries out its production activity in the designated geographical place.

The application should also include a document confirming the fee payment provided by the BPO. The current fee amount is EUR 112⁽⁶⁴⁾.

The examination process for each application involves two main stages⁽⁶⁵⁾. Firstly, a formal examination is conducted to ensure compliance with formal requirements. Any eventual deficiencies must be corrected within a 3-month period, subject to the termination of the procedure. Secondly, the BPO conducts a substantive examination, which involves assessing the grounds for refusal. Any eventual objection needs to be addressed by the applicant within a 3-month period. If no objection is raised or if the BPO is satisfied with the applicant's response, the GI is entered into the State Register, and a certificate of use is issued to the applicant within 1 month.

Article 89 provides that any person who carries out their productive activity at the designated geographical location and whose products satisfy the established qualities or peculiarities linked to such territory is entitled to apply for a GI.

According to Article 91 of the Act, only individuals registered as users of a GI have the right to use it for the goods for which it has been registered. This includes affixing the registered GI to the goods or their packaging and incorporating it into advertising materials, commercial documents associated with the goods, or any other relevant documents.

The registration as users is governed by Article 98, as amended in 2020. Under this provision, applications for registration as users of a registered GI can be submitted through various means such

⁽⁶⁴⁾ ТАРИФА ЗА ТАКСИТЕ, КОИТО СЕ СЪБИРАТ ОТ ПАТЕНТНОТО ВЕДОМСТВО НА РЕПУБЛИКА БЪЛГАРИЯ, Приета с ПМС No 242 от 27.12.1999 г, изм. и доп. ДВ. бр.36 от 14 април 2020г., изм. и доп. ДВ. бр.18 от 2 март 2021г. (Tariff of the Fees Collected by the Patent Office of the Republic of Bulgaria, Government Decree No. 242 of 27 December 1999, lastly amended and supplemented with State Gazette № 36 as of 14 April 2020, amended and supplemented with State Gazette № 18 as of 2 March 2021), available at: <https://www.bpo.bg/uploaded/files/895-TARIFA-ZA-TAKSITEEN.pdf>.

⁽⁶⁵⁾ Articles 97-98 of the Act, and Articles 32-25 of the Ordinance.

as post, fax, or electronically via the Patent Office's portal. The application must include specific details such as the applicant's name and address, the GI concerned, and the relevant registration details. Additionally, applicants must provide a certificate from the municipality concerned attesting the applicant's production activities at the designated location and that their goods meet the established characteristics for using the GI. A fee payment may also be required.

Each user's application undergoes thorough scrutiny to ensure compliance with specified requirements. If any irregularities are found, the applicant is given 1 month to address them. Failure to rectify irregularities within this timeframe leads to termination of the proceedings. Successful applications result in the applicant being entered into the State Register of Geographical Indications as a user and receiving a certificate of use within 1 month. Furthermore, the registration of the user is published in the Official Bulletin of the Patent Office.

1.2. Trade mark law

GI product names may also be eligible for trade mark protection. The Act provides protection for individual, collective and certification trade marks⁽⁶⁶⁾.

Under Article 9 of the Act, a trade mark is a sign used to identify and distinguish the goods of one manufacturer or seller from those of another. To be eligible for protection, trade marks must be capable of clear and accurate representation in the State Register of Marks, enabling determination of the subject of protection granted upon registration.

Trade mark applications are subject to formal and substantive examination. Upon successful formal examination, the trade mark application will be published in the Official Gazette of the Patent Office. Any interested person may file an opposition within 3 months. When no opposition has been filed, or where the opposition has been totally or partially rejected, the Office approves the trade mark registration, and the trade mark is entered in the State Register of Trade marks and published in the

⁽⁶⁶⁾ Article 9(2) of the Act.

official bulletin of the Patent Office. The validity term of a trade mark in Bulgaria is 10 years from the filing date and is indefinitely renewable for 10-year periods.

A **collective mark** is a trade mark capable of distinguishing the goods or services of the members of the association from the goods or services of other persons. Collective trade marks may consist of signs indicating the geographical origin of the goods or services⁽⁶⁷⁾.

Eligible entities for applying for a collective mark include:

- association of producers;
- traders;
- persons performing services, which are qualified under the applicable law;
- a legal entity governed by public law.

Entities applying for a collective trade mark should adopt rules for its use⁽⁶⁸⁾. These rules should be submitted when filing the application for registration and must contain information about the persons who may use the trade mark, the conditions for membership in the association, the conditions under which the trade mark can be used, the consequences for breaching the rules of use, and the grounds on which a member of the association may prohibit its use. The rules of use should not violate public order or accepted rules of morality, as doing so may result in the rejection of the application or the trade mark revocation.

Article 39 of the Act bans the transfer of rights to a collective trade mark and restricts its use to association members. The same provision establishes that any person whose goods or services originate in the geographical area concerned is eligible to become a member of the association or entity that owns the collective trade mark, provided that the person fulfils all the other requirements outlined in the rules of use. Where the collective trade mark consists of signs indicating the geographical origin, the trade mark holder cannot prohibit third parties from using it in their commercial

⁽⁶⁷⁾ Article 39 (1)(2) of the Act.

⁽⁶⁸⁾ Article 39(3) and Article 41 of the Act, and Article 9 and Article 42 of the Ordinance.

activity, insofar as such use is in accordance with the bona fide commercial practice. Similarly, right holders cannot oppose a third party entitled to use a GI.

A **certification mark** consists of a trade mark capable of distinguishing the goods or services, in respect of which the holder certifies the material, the method of manufacture of the goods or the method of provision of services, quality, accuracy or other characteristics from the goods or services whose characteristics have not been certified. Article 40(1) of the Act stipulates that certification trade marks cannot certify the geographical origin of a product.

Any natural or legal person, including entities governed by public law, is entitled to apply for certification trade marks. Eligible applicants must submit, along with the trade mark application, the rules of use of the certification trade mark, which must not contravene the public order or accepted rules of morality, and should contain:

- instructions on the quality, material or other characteristics of the goods and services;
- the control measures adopted and exercised by the trade mark holder;
- the penalties for contravening the rules of use.

Certification trade marks cannot be used by the trade mark holder to designate its own goods or services. Pursuant to Article 40(6) of the Act, a violation of this ban may result in the revocation of the certification mark.

Collective marks and certification marks are ineligible for registration if there is a risk of misleading consumers regarding the nature or significance of the mark, particularly when confusion with another type of mark arises.

1.3. Unfair competition and consumer protection laws

The Bulgarian Act on the **Protection of Competition** ('Competition Act')⁽⁶⁹⁾ forbids actions or inactions in the course of business against fair commercial practices that may harm the interests of competitors. The prohibition also includes a general ban on damaging the reputation of competitors or of the goods or services offered by them through false statements or misleading presentation of facts.

The Competition Act also envisages an overarching prohibition, encompassing business-to-business relations, which forbids misleading and unfair commercial practices, including unfair and misleading advertising⁽⁷⁰⁾. In particular, Article 31 of the Competition Act forbids making false statements or distorting facts in order to mislead consumers about the essential properties of goods or services or about the manner in which goods are used or services are provided. Article 32 of the Competition Act extends the ban to misleading and unauthorised comparative advertising. As outlined under Article 33, that would be the case of any form of advertising which, through its presentation or content, deceives or has the potential to deceive the intended audience, thereby influencing their economic decisions or causing harm to competitors. To determine whether a given advertising is misleading, the characteristics of the goods and services, including the availability, type, manufacture, composition, methods and date of production, quantity, and geographical or commercial origin of the goods or services are factors to be considered.

The Competition Act also contains specific prohibited acts that protect GIs vis-à-vis imitation. Article 35 of the Competition Act prohibits marketing participants from marketing goods or services whose appearance, packaging, marking, name or other features deceive or may lead to deception regarding their origin, manufacturer, seller, method and place of production, source, quantity, quality, nature, consumer properties, or other essential characteristics of the goods or services. Similarly, it is forbidden to use a company name, trade mark or GI identical or similar to those of other persons in a manner that may lead to prejudice the interests of competitors. Furthermore, using domain names or

⁽⁶⁹⁾ ЗАКОН ЗА ЗАЩИТА НА КОНКУРЕНЦИЯТА, Обн. ДВ. бр.102 от 28 Ноември 2008г., изм. ДВ. бр.84 от 6 Октомври 2023г (Competition Protection Act No. 102 of 28 November 2008, lastly amended by D.V No.84 of 6 October 2023), available at: <https://lex.bg/laws/ldoc/2135607845>.

⁽⁷⁰⁾ Articles 30-32 of the Competition Act.

web page appearances identical or similar to those of other entities, potentially leading to deception or detriment to competitors' interests, is likewise forbidden.

The Commission on Protection of Competition ('Комисия за защита на конкуренцията'), an independent specialised state body, is the competent authority responsible for the enforcement of the Competition Act⁽⁷¹⁾.

In accordance with Article 38 of the Competition Act, proceedings before the commission can be initiated, *ex officio* by a decision of the Commission, or at the request of interested parties, such as upon request of the prosecutor, or of persons whose interests are affected or threatened by violations of the Competition Act. Requests from other national competition authorities within the EU, from the European Commission, or a request for an opinion of a governmental authority, including the executive authority or a local authority, also serve as grounds for initiating proceedings.

As per the newly introduced Article 38a of the Competition Act⁽⁷²⁾, the Commission is empowered to conduct preliminary investigations based on requests received by the prosecutor or by persons whose interests are affected or threatened by violations of the Competition Act. In all other cases, the Chairman of the Committee appoints a member of the Committee and a team of staff to work on the claim (Article 39 of the Competition Act). To carry out the investigation, the Commission is entitled to require information, physical and written material, and digital and electronic evidence, regardless of the medium on which they are stored. It may also take oral or written statements, carry out on-site inspections, and assign external experts to conduct examinations. Following the amendment introduced by SG No. 17 of 2021, the powers of the Commission extend to the possibility of requiring information and assistance from law enforcement authorities of the Member States of the European Union, and from the European Commission when exercising powers in cross-border investigations in the field of unfair commercial practices, as well as to require information and assistance from other competent national authorities responsible for the enforcement of consumer protection laws, including competent authorities of the Member States of the European Union, and the European Commission.

⁽⁷¹⁾ Article 3 and Article 8 of the Competition Act.

⁽⁷²⁾ Introduced by SG No. 17 of 2021.

If a violation is established, the Commission is empowered to impose a pecuniary sanction and order the discontinuation of the infringements.

Additional measures for protecting GIs are envisaged under the **Consumer Protection Act** ('Consumer Act') to the extent that this act safeguards consumers' economic interests during the acquisition of goods and services, particularly in cases involving unfair trade practices and deceptive methods of sale⁽⁷³⁾.

Specifically, Article 68c of the Consumer Act introduces a general prohibition of unfair commercial practices addressing consumers. Under Article 68d of the Consumer Act, a commercial practice is misleading when it contains false information or when in any way, including through the overall presentation, misleads or is able to mislead the average consumer. This is the case even if the information presented is factually accurate regarding, inter alia, the geographical, commercial origin, or essential characteristics of the goods or services, and results or is likely to result in the making of a commercial decision which the average consumer would not have made without the use of the commercial practice.

The same provision stipulates that a commercial practice is also misleading when, within the entire factual context and taking into account all its characteristics and circumstances, it leads or is likely to lead the average consumer to make a commercial decision that they would not have made without the use of the commercial practice, and when such practice includes:

- any marketing activity regarding goods or services, including the use of comparative advertising that creates confusion with other goods, services, brands, trade names or other distinguishing marks of a competitor;

⁽⁷³⁾ Article 3, ЗАКОН ЗА ЗАЩИТА НА ПОТРЕБИТЕЛИТЕ, Обн. ДВ. бр.99 от 9 Декември 2005г., изм. ДВ. бр.84 от 6 Октомври 2023г., изм. ДВ. бр.102 от 8 Декември 2023г.(Consumer Protection Act, Pron. DV. no. 99 of 9 December 2005, lastly amended DV. no. 84 of 6 October 2023 and DV. no. 102 of 8 December 2023), available at: <https://lex.bg/laws/ldoc/2135513678>.

- any offering of goods in a Member State of the European Union as identical to goods offered on the market in other Member States of the European Union when this product has significant differences in composition or characteristics, and unless this is justified by legitimate and objective factors.

In determining the misleading nature of the offer of goods, it is considered whether the average consumer can easily identify the difference in the goods. This involves assessing the information provided by the trader and its adequacy.

The Consumer Protection Commission ('Комисия за защита на потребителите') is the main authority responsible for enforcing the Consumer Act⁽⁷⁴⁾.

When the Commission for Consumer Protection finds that a commercial practice is unfair, the chairman of the commission issues an order prohibiting its application. Additionally, under Article 68m of the Consumer Act, consumers who have suffered damage from unfair commercial practices have the right to claim a price reduction or compensation for damages suffered as a result of unfair practice. Misleading commercial practice may also result in pecuniary sanctions.

1.4. Specific laws or decrees that protect a specific craft or industrial product

There are currently no specific laws or decrees in Bulgaria that protect a specific craft or industrial product.

1.5. Current legislative proposals and initiatives to protect or enforce craft and industrial GIs

According to the feedback of the Bulgarian Patent Office, there is a working group preparing a proposal for amendments of the Trade Mark and Geographical Indication Act.

⁽⁷⁴⁾ Article 165 Consumer Act.

The BPO confirmed that it should manage the national phase of the registration and other procedures for craft and industrial GIs as foreseen in the new CIGI Regulation. The authority is in the process of international coordination on how it will implement the obligations of the new EU Regulation.

2. List of National Registered and Pending Craft and Industrial GIs

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

The following CI GIs are currently registered:

1. <i>Tobacco Peruštica – Ustina</i>	Tobacco
2. <i>Tobacco North Bulgaria (Severna Bălgarija)</i>	Tobacco
3. <i>Tobacco Melnik</i>	Tobacco
4. <i>Tobacco Harmanli</i>	Tobacco
5. <i>Tobacco Dupnitsa</i>	Tobacco
6. <i>Tobacco Krumovgrad- Kušukavak</i>	Tobacco
7. <i>Tobacco Topolovgrad</i>	Tobacco
8. <i>Tobacco Svilengrad</i>	Tobacco
9. <i>Tobacco Nevrokop</i>	Tobacco
10. <i>Trojanska Keramika</i>	Ceramics
11. <i>Ilindentsi Marble (Mramor Ilindenci)</i>	Marble
12. <i>Lepenitsa Marble (Mramor Lepenica)</i>	Marble
13. <i>Muschelkalk Manastirishte (Mušelkalk Manastirište)</i>	Marble

14. <i>Mramor Malko Târnovo</i>	Marble
15. <i>Mramor Brekča-Čirpan</i>	Marble
16. <i>Mramor Nanovica</i>	Marble
17. <i>Mramor Topolovgrad</i>	Marble
18. <i>Vyatovski kaolin</i>	Kaolin
19. <i>Senovski kaolin</i>	Kaolin
20. <i>Kaolinovski kaolin</i>	Kaolin
21. <i>Perlite Kârdžali</i>	Perlite
22. <i>Vračanski Varovik</i>	Limestone
23. <i>Quartz sand Vyatovo (Kvarcov Pjasâk Iskâr)</i>	Quartz sand
24. <i>Quartz sand Senovo (Kvarcov Pjasâk Senovo)</i>	Quartz sand
25. <i>Quartz sand Kaolinovo (Kvarcov Pjasâk Kaolinovo)</i>	Quartz sand
26. <i>Quartz sand Yunak (Kvarcov Pjasâk Junak)</i>	Quartz sand
27. <i>Врачански Варовик / Vrachanski Varovik</i>	Calcerous stone

There are currently no pending CI GIs.

3. List of Product Names Potentially Protectable by Craft and Industrial GIs at EU Level

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

The following names of CI products are potentially protectable by CI GIs⁽⁷⁵⁾:

1. <i>Kuyumdzhijstvo</i>	Jewellery/Goldsmithing
2. <i>Gaitandzhiistvo gaitan</i>	Textiles/Woolen braiding
3. <i>Tyufekchiystvo</i>	Gunsmithing
4. <i>Mutafchiistvo</i>	Textiles
5. <i>Chiprovski kilim</i>	Textiles/Carpets
6. <i>Ivaylovgrad Gneiss</i>	Stone

⁽⁷⁵⁾ The inventory of craft and industrial product names potentially protectable by CI GI contained in the study on the economic aspects of GI protection at EU level for non-agricultural products (VVA/ECORYS/ConPolicy), 2020, was integrated with information provided by local correspondents. In particular, the following products were added: *Kuyumdzhijstvo*, *Gaitandzhiistvo gaitan*, *Tyufekchiystvo*, *Mutafchiistvo*.

STUDY ON EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GEOGRAPHICAL INDICATIONS.

Cyprus



Abbreviations

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

CHS	Cyprus Handicraft Service
CNCU	Cyprus National Committee for UNESCO
COS	Cyprus Organisation for Standardisation
RCIP	Registrar of Companies and Intellectual Property

1. Legal Framework for the Protection of Names of Craft and Industrial Products

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

1.1. *Sui generis* protection system

Cypriot legislation does not provide for a *sui generis* protection system for CI GIs.

The protection of names of CI products therefore seems to be ensured exclusively through the following legal means:

- trade mark law;
- other special legislation.

1.2. Trade mark law

The Trade marks Law, Cap. 268 and amending laws ⁽⁷⁶⁾, provides for the registration and protection of individual, collective and certification marks. This Cypriot piece of legislation had provided for certification marks well before the introduction of the relatively recent EU trade mark legislative reform and, thus, did not have to harmonise.

A trade mark/service mark is generally defined as a distinctive element or a combination of elements, which is used to distinguish the products or services of an enterprise from the products or services of other enterprises ⁽⁷⁷⁾.

Collective trade marks are capable of distinguishing the products or services of the members of the beneficiary's organisation from the products or services of other enterprises. They may be used for designating the geographical origin of goods/services, according to **Section 48(2) of Cap. 268**.

⁽⁷⁶⁾ https://cyllaw.org/nomoi/enop/non-ind/0_268/full.html

⁽⁷⁷⁾ <https://www.intellectualproperty.gov.cy/en/intellectual-property-rights/trade-mark>

Certification trade marks are trade marks capable of distinguishing products or services which are certified by the proprietor of the mark in respect of the material, the mode of products' manufacture or service provision, the quality, the accuracy or other characteristics. They may be used for designating the geographical origin of goods/services, as this may be indirectly inferred through an interpretation of **Section 51 and Section 55 of Cap. 268**, which seem to apply similarly to both collective and certification marks.

Trade marks are applied for at the Registrar of Companies and Intellectual Property (RCIP), which is the responsible government entity for examining and granting trade mark rights. Once the trade mark application is considered as fulfilling all legislative prerequisites and successfully passes the examination provided by the RCIP, the trade mark is published on the online edition of the Government Official Gazette for opposition purposes. The deadline for filing an opposition is 3 months and the opposition may be based on both absolute and relative grounds.

Within the **absolute grounds**, one may especially trace **Section 6(1)(c)** of Cap. 268, which provides for the prohibition of registration / the subsequent invalidation of 'trade marks consisting exclusively of signs or indications that may be used in commercial transactions for stating the kind, quality, quantity, destination, value, **geographical origin** or the time of manufacture of the goods or of the provision of the services or other characteristics of the goods or services'. Also, **Section 6(1)(g)** of Cap. 268 prohibits the registration / enables subsequent invalidation of trade marks that mislead the public as to their nature, quality or **geographical origin** of the goods or services. Furthermore, **Section 6(2)** of Cap. 268 provides, inter alia, for the prohibition of registration / the subsequent invalidation of trade marks, on the basis of national/EU/international legislation relating to agricultural, wine and spirits **geographical indications**, and Traditional Specialities Guaranteed.

Within the relative grounds, **Section 7(3)(c) and Section 7(5)** of Cap. 268 are of interest, as they provide for the prohibition of registration / the subsequent invalidation of trade marks clashing with a prior application/registration of a GI. The opposition right on such relative grounds is specifically ensured by **Section 28(3)** of Cap. 268 and the corresponding revocation/invalidation right is ensured by **Section 42(2)** of Cap. 268.

According to **Section 13(1)(b)** of Cap. 268, a trade mark owner cannot prohibit to any third person the use of a sign that concerns, inter alia, the geographical origin of a product/service.

1.3. Unfair competition and consumer protection laws

While there is no special mention for this, the names of CI products could be protected (again, as trade marks) through the unfair competition / passing off legislative provision, which in Cyprus is to be found at **Section 35 of the Torts Law, Cap. 148** and amending laws:

Any person who counterfeits the denomination, characterisation, trade mark or labelling of goods or who otherwise causes or attempts to cause that any goods are passed off as goods of another person, in a way which might induce an average buyer in believing that he/she is purchasing the goods of that other person, commits a tort against that other person' ⁽⁷⁸⁾.

1.4. Specific laws or decrees that protect a specific craft or industrial product

In Cyprus, there are currently no specific laws or decrees that protect a specific craft or industrial product.

1.5. Current legislative proposals and initiatives to protect or enforce craft and industrial GIs

Based on cross-checked information received from governmental bodies, there is currently an ongoing discussion – at a preliminary stage – with regard to the legal and practical implementation in Cyprus of EU Regulation 2023/2411.

⁽⁷⁸⁾ https://www.cylaw.org/nomoi/enop/ind/0_148/section-sc173de4ab-bfd4-41b8-b807-a28b3720389c.html

The protection of CI GIs in Cyprus will be interesting to follow. Indeed, there are quite a few relevant names of traditional craft products that could be registered and protected in the near future. Overall, it seems that the appropriate bodies to take this task up would be the Cyprus Handicraft Service (CHS)⁽⁷⁹⁾, in collaboration with the Registrar of Companies and Intellectual Property (RCIP)⁽⁸⁰⁾. Consultation could also take place with the Cyprus National Committee for UNESCO (CNCU)⁽⁸¹⁾ and the Cyprus Organisation for Standardisation (COS)⁽⁸²⁾. The CNCU already organises a list of traditional crafts, and, like the COS, it has a specific mechanism for applying to place a product on its Intangible Heritage list.

The CHS is a member of the World Crafts Council Europe (under EU funding)⁽⁸³⁾. It is the government body that is considered to be the most relevant to the whole project.

Preparation for the implementation of the EU Regulation 2023/2411 could include – without being limited to – the determination of the registration procedure, the drafting of a craftsmen catalogue and of the certification scheme. Then, coordination will be key.

2. List of National Registered and Pending Craft and Industrial GIs

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIs

There are currently no registered or pending CI GIs in Cyprus.

⁽⁷⁹⁾ <http://www.cyprushandicraft.gov.cy>

⁽⁸⁰⁾ <https://www.intellectualproperty.gov.cy/en/>

⁽⁸¹⁾ <http://www.unesco.org.cy/Index.aspx?Language=EN>

⁽⁸²⁾ <https://www.cys.org.cy/en>

⁽⁸³⁾ <https://wcc-europe.org>

3. List of Product Names Potentially Protectable by Craft and Industrial GIs at EU Level

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIs

The following names of CI products⁽⁸⁴⁾ are potentially protectable by CI GIs⁽⁸⁵⁾:

1. <i>Lefkaritika</i>	Lace
2. <i>Pipilla needlepoint lace</i>	Lace
3. <i>Pittota or Venis needlepoint lace</i>	Lace
4. <i>Athienou lace</i>	Lace
5. <i>Livadia basket and straw weaving</i>	Basket
6. <i>Mesogi basket weaving</i>	Basket
7. <i>Akrotiri soft basket weaving</i>	Basket
8. <i>Phythkiotika</i>	Carpets
9. <i>Dry stone walling</i>	Stone
10. <i>Fythkiotika loom embroideries</i>	Embroideries
11. <i>Fervolites lace</i>	Lace

⁽⁸⁴⁾ The inventory of craft and industrial product names potentially protectable by CI GIs contained in the study on the economic aspects of GI protection at EU level for non-agricultural products (VVA/ECORYS/ConPolicy), 2020, was integrated with information provided by local correspondents. In particular, the following product names were added: *Pipilla needlepoint lace*; *Pittota or Venis needlepoint lace*; *Athienou lace*; *Livadia basket and straw weaving*; *Mesogi basket weaving*; *Akrotiri soft basket weaving*; *Dry stone walling*; *Fythkiotika loom embroideries*; *Fervolites lace*; *Agios Dimitrios red clay pottery*; *Lapithos red clay pottery*; *Lapithos knives / tschiakkouthkia*; *Lefkoniko textiles*.

⁽⁸⁵⁾ National List of Intangible Cultural Heritage of Cyprus: <http://www.unesco.org.cy/Programmes-Ethnikos-Katalogos-Aylis-Politistikis-Klironomias-tis-Kyproy,GR-PROGRAMMES-04-02-03,GR>; the catalogue is only available in Greek. It includes, apart from handicrafts, food items, local customs, dances, music, practices and other arts.

<i>12. Agios Dimitrios red clay pottery</i>	Pottery
<i>13. Lapithos red clay pottery</i>	Pottery
<i>14. Lapithos knives / tschiakkouthkia</i>	Knives
<i>15. Foini pottery</i>	Pottery
<i>16. Lefkoniko textiles</i>	Textiles
<i>17. Fini pottery</i>	Pottery
<i>18. Lefkara jewellery</i>	Jewellery
<i>19. Lemba Pottery</i>	Pottery

STUDY ON EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GEOGRAPHICAL INDICATIONS

Croatia



Abbreviations

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

DZIV

State Intellectual Property Office
(*Državni zavod za intelektualno vlasništvo*)

1. Legal Framework for the Protection of Names of Craft and Industrial Products

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

1.1. *Sui generis* protection system

1.1.1. Introduction

Croatian legislation provides for a *sui generis* system of protection for CI GIs.

The most relevant regulations in the matter of protection of CI GIs in Croatia are the following⁽⁸⁶⁾:

- Law on Geographical Indications and Designations of Origin of Products and Services (OG No. 173/03, 186/03, 54/05, 76/07, 49/11, 46/18; the 'Law'), which governs the acquisition, protection system, and exercise of the right to use a GI and a designation of origin for products and services; and
- By-law on Geographical Indications and Designations of Origin of Products and Services (OG No. 72/04, 117/07, 66/11, 43/17; the 'By-law'), which provides detailed regulations on the administrative procedure conducted before the State Intellectual Property Office (*Državni zavod za intelektualno vlasništvo*, 'DZIV'), the competent authority.

These regulations apply to all products and services other than agricultural products, foodstuffs, wines, and spirit drinks. According to DZIV's publicly available activity plan, the drafting of a law proposal specifically addressing the protection of CI products is expected to commence by the end of 2024⁽⁸⁷⁾.

⁽⁸⁶⁾ <https://www.dziv.hr/en/ip-legislation/national-legislation/geographical-indications/>

⁽⁸⁷⁾ https://www.dziv.hr/files/file/o-zavodu/plan_rada/Plan_rada_2024.pdf

The recently enacted Regulation (EU) 2023/2411 has introduced significant changes to the protection framework for CI GIs across all Member States, including Croatia. The current Croatian legal framework in this field will undergo reorganisation, which includes, inter alia, the consolidation of the dual concept of protecting both GIs and designations of origin into a single GI right. This reorganisation will also transform the national protection system into a transitional national examination procedure, redefine the scope of exclusive rights and the associated enforcement rules, and establish provisions for the protection of GIs that are currently registered or have applied for protection in Croatia, whether as GIs or designations of origin.

Under the current regulations in Croatia, it is still possible to register CI GIs – whether as GIs or designations of origin – at the national level through the procedure administered by the Croatian State Intellectual Property Office (DZIV).

1.1.2 Application process for the registration of a GI

An application for the registration of a GI with the State Intellectual Property Office (DZIV) may be filed by an association of producers and/or processors of a specific product, providers of services, an individual producer and/or processor, or by a local or regional authority. Additionally, foreign legal entities or individuals may apply for GI protection in Croatia, provided that such rights have been granted in their country of origin and that they comply with the relevant legal requirements. However, they must act before the DZIV through authorised representatives registered with the DZIV.

Each application for the registration of a GI must be submitted separately, pertaining to only one type of product or service, and must include, inter alia, a request for the entry of the GI in the register, a specification (description) of the GI, and evidence of the GI's protection.

If the application meets all the necessary requirements, and no opposition has been filed within 3 months of publication (or if any opposition filed has been refused or rejected), the DZIV will issue a

decision granting protection for the GI and will enter the protected GI into the Register of Geographical Indications.

Pursuant to Article 41 of the relevant law, the duration of a GI is unlimited.

A protected GI may be used only by legal entities or individuals who comply with all legal requirements and are registered with the DZIV as authorised users. To register as a user of a GI, an application must be submitted to the DZIV, which should include, inter alia, a request for the entry of the right to use a GI in the register, evidence of performing a specific activity, and other relevant documentation.

If the application meets the prescribed requirements, the DZIV will invite the applicant to pay the necessary fees and charges for the first 10 years of use of the indication, as well as charges for the publication of information regarding the right of use. The applicant must then provide evidence of these payments. Once the evidence of payment has been submitted, the DZIV will issue a decision granting the right to use the GI and will enter this right into the Register of Authorised Users of GIs.

According to Article 42 of the law, the right to use a GI is granted for a period of 10 years from the date of entry of an authorised user into the register. This right may be renewed an unlimited number of times, provided that the prescribed requirements are met.

1.2. Trade mark law

The protection of names of CI products under **Croatian trade mark law** (Croatian Trade mark Act, OG 14/2019, 'Act'), can be approached from two distinct perspectives.

The first perspective involves the possibility of achieving protection through collective and guarantee trade marks. These types of trade marks can serve as effective models for safeguarding names of CI products, particularly in cases where such names or other designations (e.g. figurative marks) do not meet all the necessary criteria for protection as *sui generis* rights.

In practice, this model is predominantly used to protect certain regional designations, such as '100 % zagorsko', which pertains to the region of Hrvatsko Zagorje, or 'Proizvod zagrebačke županije', referring to products originating from the Zagrebačka County surrounding the City of Zagreb. These designations cannot be linked exclusively to a single product or service. Consequently, the name or nature of the product or service is not included in the protected trade mark.

This model aligns more closely with the concept of quality schemes, which in these examples are established and operated under the auspices of regional entities, such as counties or cities. The criteria for obtaining the right to use such collective or guarantee trade marks are generally less stringent. Moreover, the 'attributability of the quality, reputation, or other characteristic' to a specific geographical area – a requirement under the *sui generis* protection model – is not always clearly established or rigorously examined.

Collective and guarantee trade marks have also been employed to enhance and complement the protection of food and wine GIs, particularly for branding additional identifiers featured on labels and products. It is anticipated that this practice might also extend to CI GIs⁽⁸⁸⁾.

National law imposes certain restrictions on the protection of names for CI products under this model. Generally, CI products can be protected under trade mark law, allowing for the protection of verbal elements, logos, or other identifiers that distinguish goods and services. However, for trade mark protection to be applicable, the relevant provisions of the Act must be strictly followed.

Article 17 of the Act stipulates that a trade mark consisting of or containing a GI or designation of origin, which is applied to products or services not originating from the specified area, will be invalidated (either *ex officio* or at the request of an interested party) if the use of such indications is likely to mislead the public regarding the true origin of the product or service. Furthermore, Article 9

⁽⁸⁸⁾ Interestingly, in 2020, the City of Pag applied for a few dozen trade marks for marks featuring motifs (figurative) and names of such motifs (verbal) typical for the creation of Pag lace (*PAŠKA ČIPKA*), currently protected as a designation of origin under the *sui generis* model. It seems that the City of Pag grants free and non-exclusive licences of such trade marks and applications to qualified users of the designation of origin in question.

states that trade marks cannot be registered if they consist exclusively of signs or indications that, in trade, may serve to designate, inter alia, the geographical origin of the goods or services.

However, trade marks that have been applied for, registered, or used in good faith before the filing of a request for the entry of a GI or designation of origin, and which are used to identify products or services identical to or of the same kind as those covered by a protected GI or designation of origin, may continue to be used. Such trade marks will not be invalidated solely for containing a GI in their name.

In conclusion, where prior GI protection exists, trade marks may be used alongside the GI to identify the producer of CI products. Therefore, protecting the trade mark of the craft or company can be seen as complementary to the use of CI GIs, rather than as a matter of exclusive choice between one or the other. The situation is somewhat different and more favourable for the protection of CIs as collective or guarantee trade marks, as discussed above.

1.3. Unfair competition and consumer protection laws

The names of CI products may be protected even in the absence of prior GI or designation of origin registration, if misleading commercial practices can be established.

Specifically, under Article 35 of the Consumer Protection Act (OG Nos. 19/22, 59/23), a commercial practice is considered misleading if it contains false information and is therefore untruthful, or if it deceives or is likely to deceive the average consumer in any way, including through its overall presentation, even if the information is factually correct. The misleading element may be established concerning various aspects, including the geographical or commercial origin of the product, when these circumstances cause or are likely to cause consumers to make a transactional decision that they would not have made otherwise.

Furthermore, even when a prior GI exists, consumer protection rules may still apply. Specifically, Article 37 of the Consumer Protection Act provides that displaying trade marks, quality marks, or

equivalent signs without obtaining the necessary authorisation will also be considered a misleading business practice.

In addition to being prohibited from engaging in misleading commercial practices, traders who conduct such practices are subject to fines ranging from EUR 1 327.23 to EUR 26 544.56.

Beyond consumer protection laws, non-registered CI products may receive a certain level of protection under the unfair competition provisions of the Croatian Trade Act (OG Nos. 87/08, 96/08, 116/08, 76/09, 114/11, 68/13, 30/14, 32/19, 98/19, 23/20, 33/23), which prohibits practices in trade that 'infringe good customs in trade'. Among the prohibited practices is the use of misleading designations regarding the true origin of a product or service.

However, it is unclear whether local courts would grant standing to an association of producers or a similar collective unit to initiate legal action against such practices. This uncertainty arises because the Trade Act primarily recognises a market competitor as the party entitled to bring legal action against such practices. Similar issues may arise with respect to initiating misdemeanour proceedings against such practices under the Trade Act. Nevertheless, we believe that in this scenario, the procedural hurdle (from the perspective of a collective body representing the respective CI) should be more easily surmountable.

1.4. Specific laws or decrees that protect a specific craft or industrial product

Currently, no specific laws or decrees are in force in Croatia for the protection of specific craft or industrial products. Traditionally, and particularly during the period of ex-Yugoslavia (both before and after World War II), various bilateral international agreements were established to protect GIs originating from other countries, with a particular emphasis on France. However, these agreements primarily focused on the protection of GIs related to wine and spirits.

1.5. Current legislative proposals and initiatives to protect or enforce craft and industrial GIs

At present, there are no specific legislative proposals or initiatives under discussion in Croatia for the protection of CI GIs. As previously mentioned, the State Intellectual Property Office (DZIV) plans to begin activities for the preparation of a draft proposal for a new law on GIs for CI products by the end of 2024. However, no public information is currently available regarding the content of this draft proposal.

While there is certainly potential for protecting CI GIs in Croatia, it is still rather limited (especially in the field of industrial, non-food products). Currently, the only registered GIs or those for which protection has been sought relate to lace (*čipka*) from traditional lace-making centres, as noted below.

The main challenges in leveraging this potential include the lack of organised producer associations, a market focus on souvenir-type products, and reliance on individual efforts. Additionally, there is a limited awareness of the benefits of such protection and the opportunities for receiving aid and support to enhance visibility and commercial potential. Compared to the well-established field of food and wine GIs in Croatia, CI GIs have yet to be widely recognised as effective marketing tools.

It is anticipated that the forthcoming Regulation will provide a significant incentive for the more frequent and successful protection of GIs in this field.

2. List of National Registered and Pending Craft and Industrial GIs

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

There are currently three registered CI GIs in Croatia:

1. <i>PAŠKA ČIPKA</i>	Lace
2. <i>LEPOGLAVSKA ČIPKA</i>	Lace
3. <i>SVETOMARSKA ČIPKA</i>	Lace

Moreover, there is one application pending before the DZIV, for the protection of the name *PRIMOŠTENSKA ČIPKA* (Lace) in the form of a GI.

3. List of Products' Names Potentially Protectable by Craft and Industrial GIs at EU Level

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

The following names of CI products could potentially be protected by CI GIs⁽⁸⁹⁾:

1. <i>Benkovac stone</i>	Stone
2. <i>Hvarska čipka od agave (very delicate and unique agave lace from the Benedictive Convent on the island of Hvar)</i>	Lace
3. <i>Samobor kristal</i>	Crystal
4. <i>Šestinski kišobran</i>	Craft
5. <i>Wooden toys from Hrvatsko Zagorje</i>	Craft
6. <i>Brački kamen</i>	Stone
7. <i>Licitors</i>	Decorative Biscuits
8. <i>Traditional wooden boat from the island of Murter (Betinska gajeta)</i>	Boat
9. <i>Traditional jewellery from different coastal cities (Dubrovnik, Šibenik, Rijeka)</i>	Jewellery

⁽⁸⁹⁾ The inventory of craft and industrial product names potentially protectable by CI GI contained in the study on the economic aspects of GI protection at EU level for non-agricultural products (VVA/ECORYS/ConPolicy), 2020, was integrated with information provided by local correspondents. In particular, the following product names were added: *Licitors*; *Traditional wooden boat from the island of Murter (Betinska gajeta)*; *Traditional jewellery from different coastal cities (Dubrovnik, Šibenik, Rijeka)*.

STUDY ON EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GEOGRAPHICAL INDICATIONS

Czech Republic



Abbreviations

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS



IPOCR	Industrial Property Office of the Czech Republic
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1. Legal Framework for the Protection of Names of Craft and Industrial Products

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

1.1. *Sui generis* protection system

Czech legislation provides for a *sui generis* system of protection for CI GIs.

The Czech *sui generis* protection system for GIs is provided under Act no. 215/2022 Coll. amending Act no. 452/2001 Coll., on the Protection of Designations of Origin and Geographical Indications and on the Amendment to the Act on Consumer Protection ('Act')⁽⁹⁰⁾.

Under Section 2 of the Act the following definitions are provided:

- a) **designation of origin** means the name of an area, place or country ('territory') used to designate goods originating in that territory, where the quality or characteristics of those goods are exclusively or predominantly due to a specific geographical environment with its characteristic natural and human factors, and where the production, processing and preparation of such goods takes place in a defined territory; traditional geographical or non-geographical indications for goods originating in the defined territory shall also be considered as designations of origin for agricultural products or foodstuffs, provided that such goods meet the other conditions laid down in this provision;
- b) **geographical indication** shall be the name of the territory used to designate goods originating in that territory, provided that such goods have a certain quality, reputation or other

⁽⁹⁰⁾ https://upv.gov.cz/files/uploads/PDF_Dokumenty/pravni_predpisy/narodni/215_2022.pdf

characteristics attributable to that geographical origin, and where the production or processing or preparation of such goods takes place in a defined territory.

CI GIs can be registered to designate goods originating in a given territory if the quality or characteristics of the goods are exclusively or predominantly due to the specific geographical environment with its characteristic natural and human factors and if the production, processing and preparation of such goods take place in the defined territory. An application for registration of a CI GI may be filed by a legal person, associating producers or processors of such goods, or by a member or members of a company formed by an association of producers or processors of such goods, or by an individual natural or legal person if it proves that it is the sole producer or processor of the goods in the territory.

The application for the protection of a CI GI must be filed with the competent authority, which is the Industrial Property Office of the Czech Republic ('*Úřad průmyslového vlastnictví*' or 'IPOCR'). If the application is successful, the protection granted to the CI GI is not limited in time. Any individual or entity that produces, processes, or prepares goods of the required quality or characteristics within the defined territory is then entitled to use the CI GI.

Under Section 23 of the Act, registered indications are protected against:

- a) any direct or indirect business utilisation of the registered indication for the goods to which the registration does not relate, if such goods are comparable with the goods registered under this indication or if utilisation of this indication takes advantage of a good reputation of protected goods;
- b) any misuse, imitation or suggestion, even if the real origin of goods is stated or the indication; protected indication is translated or accompanied by terms such as 'sort', 'type', 'method', 'style', 'imitated', or by similar terms;
- c) any other false or deceptive data about geographical origin, nature or basic qualities of the goods stated on inward or outward packing, promotion materials or documents relating to

respective goods, as well as against the use of transportation packing capable of evoking a false impression about its origin;

- d) all other conduct that could lead to deceptive assumptions about the true origin of goods.

The registered indication may not become a generic indication of goods. If the registered indication includes a name that is considered generic, the use of this generic name on the respective goods is not in conflict with the provisions outlined in points (a) or (b) above.

Furthermore, Act No. 221/2006 Coll., on the Enforcement of Industrial Property Rights, governs the enforcement of rights related to CI GIs. The holder of a CI GI is entitled to legal protection and may enforce their rights if it is discovered that the CI GI has been used unlawfully or otherwise misused. The holder may seek an order to prevent further infringement or threats to their rights, require the removal of the consequences of such acts (e.g. withdrawal of goods from the market, destruction of unlawfully marked products), claim compensation for damages, or demand payment for unjust enrichment.

Such actions must be filed with the Municipal Court in Prague, which holds exclusive jurisdiction over proceedings concerning industrial property rights.

1.2. Trade mark law

Act No. 441/2003 Coll., as amended by Act No. 286/2018 Coll. effective from 1 January 2019, which incorporates relevant EU regulations, governs trade marks in the Czech Republic and establishes the national rules for collective and certification trade marks⁽⁹¹⁾.

⁽⁹¹⁾ https://upv.gov.cz/files/uploads/PDF_Dokumenty/legislation/national/441_2003-012019_en.pdf

A collective trade mark is defined as a trade mark that is identified as such at the time of application and is capable of distinguishing the goods and services of the members or shareholders of a legal entity from those of other persons.

An application for the registration of a collective trade mark may be filed by a legal entity, particularly an association of manufacturers, producers, service providers, or traders that, under applicable laws, possess legal capacity and personality, as well as by legal entities governed by public law. The ownership of the collective trade mark belongs to the organisation, public body, or association, while the members are entitled to use the mark.

The application for a collective trade mark must be accompanied by an agreement governing the use of the collective trade mark. This agreement must specify, as a minimum, the persons authorised to use the collective trade mark, the conditions of membership in the legal entity, and the conditions for the use of the collective trade mark, including any applicable sanctions.

Applications for collective marks may be rejected if the regulations governing their use are contrary to public policy or accepted principles of morality, or if there is a risk that the public may be misled regarding the nature or meaning of the trade mark, particularly if it could be mistaken for something other than a collective mark.

Only the members or partners of the registered proprietor of the collective mark have the exclusive right to designate or use the mark for the goods or services for which it is registered. The proprietor may also seek compensation for damages on behalf of its members or shareholders arising from the unlawful use of the trade mark.

Collective marks may be revoked if the proprietor fails to take reasonable measures to prevent the use of the trade mark in a manner incompatible with the regulations of use, including any amendments to those regulations entered in the register. Revocation may also occur if the use of the mark by authorised persons leads to public deception.

Pursuant to Section 40a, a certification mark is defined as a trade mark explicitly designated as such at the time of filing the application and is capable of distinguishing goods or services certified by the proprietor concerning material, mode of manufacture, performance of services, quality, accuracy, or other characteristics, from goods or services that are not so certified. Any natural or legal person competent to certify the goods or services for which a certification mark is applied may apply for the certification mark, provided that such person does not engage in a business involving the supply of goods or services of the kind certified. The application for a certification mark must be accompanied by regulations governing its use.

Similarly to collective marks, certification marks are subject to invalidation if they pose a risk of misleading the public.

1.3. Unfair competition and consumer protection laws

General rules on unfair competition are laid out in Act No. 89/2012 Coll., namely Czech Republic's Civil Code⁽⁹²⁾.

In particular, Section 2976 states that anyone who, in economic dealings, violates the principles of fair competition by acting in a manner capable of causing harm to other competitors or customers, commits an act of unfair competition, which is prohibited under Act No. 89/2012 Coll. Commercial practices that may lead to unfair competition are:

- a) misleading advertising,
- b) misleading labelling of goods and services,
- c) causing a likelihood of confusion,
- d) parasitism on the reputation of the plant, product or services of another competitor,
- e) bribery,
- f) depreciating,

⁽⁹²⁾ <https://www.zakonyprolidi.cz/cs/2012-89>

- g) comparative advertising, when it is not as permitted,
- h) violation of trade secrets,
- i) intrusive harassment, and
- j) threats to health and the environment.

In particular, a misleading label on goods or services is one that can create a false presumption in economic relations. This includes suggesting that the goods or services originate from a specific area or place, a certain manufacturer, or that they possess a special characteristic or quality. It is irrelevant whether the misleading label appears directly on the goods, packaging, commercial documents, or elsewhere. The misrepresentation may occur directly or indirectly and through any means. Additionally, information commonly used in economic relations to indicate the type or quality of goods or services can be deceptive if accompanied by terms such as 'genuine', 'authentic', or 'original'. Even accurate information can be misleading if the context or circumstances in which it is presented creates a false impression.

A person whose rights are threatened or violated by unfair competition can demand that the infringer cease the unfair practices and rectify the objectionable situation. Additionally, they have the right to seek appropriate remedies, including compensation for damages and the return of any unjust gains obtained by the infringer.

1.4. Specific laws or decrees that protect a specific craft or industrial product

No specific laws or decrees for the protection of specific CI products are in force in the Czech Republic.

1.5. Current legislative proposals and initiatives to protect or enforce craft and industrial GIs

There are currently no specific legislative proposals or initiatives for the protection or enforcement of CI GIs in the Czech Republic.

2. List of National Registered and Pending Craft and Industrial GIs

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

The following CI GIs are currently registered:

1. <i>Kunštátská Keramika</i>	Ceramics
2. <i>Sokolovské Brikety</i>	Briquettes
3. <i>Sokolovské Uhelné Brikety</i>	Briquettes
4. <i>Chodská Keramika</i>	Ceramics
5. <i>Pirkenhammer</i>	Ceramics
6. <i>Vizovické Pečivo</i>	Christmas decorations
7. <i>Kraslické Hudební Nástroje</i>	Musical Instrument
8. <i>Kraslické Krajky (Embroidery)</i>	Embroidery
9. <i>Český Porcelán (Porcelain)</i>	Porcelain
10. <i>Duchcovský Porcelán (Porcelain)</i>	Porcelain
11. <i>Karlovarský Porcelán (Porcelain)</i>	Porcelain
12. <i>Valašskomeziříčský Gobelin (Tapestry)</i>	Tapestry
13. <i>Jindřichohradecký Gobelin (Tapestry)</i>	Tapestry
14. <i>Jablonecké Sklo (Glass)</i>	Glass
15. <i>Jablonecká Krystalerie</i>	Crystal
16. <i>Jablonecké Zboží</i>	Jewellery and glass
17. <i>Jablonecká Bižuterie</i>	Jewels
18. <i>Železnobrodské Sklo</i>	Glass
19. <i>Železnobrodské Figurky</i>	Glass
20. <i>Český Křišťál</i>	Glass
21. <i>České Sklo</i>	Glass

22. <i>Sedlecký Kaolin</i>	Clay
23. <i>Český Granát</i>	Garnet
24. <i>Český Granátový Šperk</i>	Jewellery
25. <i>Vamberecká Krajka</i>	Bobbin lace

3. List of Product Names Potentially Protectable by Craft and Industrial GIs at EU Level

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

The following names of craft and industrial products are potentially protectable by CI GIs⁽⁹³⁾:

1. <i>Carlsbad thermal spring salt</i>	Thermal Salt
2. <i>Czech garnet jewellery</i>	Jewellery
3. <i>Gablonz jewellery, wares, crystal ware</i>	Jewellery and crystals
4. <i>Kaolin Sedlec</i>	Stones

⁽⁹³⁾ No further product names were added with respect to the list contained in the 2020 VVA/ECORYS/ConPolicy study.

STUDY ON EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GEOGRAPHICAL INDICATIONS

Denmark



Abbreviations

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

DPTO	Danish Patent and Trade mark Office (<i>Den danske akkrediteringsfond</i>)
FVST	Danish Veterinary and Food Administration (<i>Fødevarestyrelsen</i>)
MFVM	Ministry of Environment and Food (<i>Miljø- og Fødevareministeriet</i>)

1. Legal Framework for the Protection of Names of Craft and Industrial Products

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

1.1. *Sui generis* protection system

Danish legislation does not provide for a *sui generis* protection system for CI GIs.

However, the names of CI products can be protected by means of other legal tools such as:

- trade mark law;
- unfair competition law.

1.2. Trade mark law

The Danish Trade Marks Act of 29 January 2019⁽⁹⁴⁾ establishes the rules for the registration of individual, guarantee, certification, and collective trade marks.

The names of geographically rooted craft or industrial products may be protected as a collective mark or as a guarantee or certification mark⁽⁹⁵⁾.

The right to a collective mark may only be obtained by associations of manufacturers, producers, service providers, or traders that have the capacity to hold rights and obligations, make contracts,

⁽⁹⁴⁾ <https://www.dkpto.org/Media/637650470301617060/The%20Consolidate%20Trade%20Marks%20Act%202019.pdf>

⁽⁹⁵⁾ 'Irrespective of subsection 1(iii), signs or indications which may serve, in trade, to designate the geographical origin of the goods or services may serve as a collective mark or a guarantee or certification mark', Section 13(3) Trade mark Act.

undertake legal actions, and sue or be sued in their own name, as well as by legal entities governed by public law (Section 1(b)(3)).

Following the Danish law, a trade mark could be registered as a guarantee or certification mark, when the sign is capable of distinguishing the goods and services that are certified by the proprietor in respect of material, mode of manufacture of goods or performance of services, quality, accuracy or other characteristics, from goods and services that are not so certified. A trade mark right to a guarantee or certification mark may only be obtained by a natural or legal person who does not supply goods or services of the kind certified.

The procedure for infringement of a collective mark or a guarantee or certification mark is outlined in Section 8. It states that, without prejudice to the regulations governing the use of the mark, a person authorised to use a collective mark, or a guarantee or certification mark, may bring action for trade mark infringement only with the proprietor's consent. Additionally, such persons may intervene in infringement proceedings initiated by the proprietor to seek compensation for damages suffered. The proprietor of a collective mark or a guarantee or certification mark is also entitled to claim compensation on behalf of authorised users who have suffered damage due to unauthorised use of the mark.

However, the mark cannot be invoked against a third party entitled to use a given geographical designation (Section 13(3)).

An application for a collective mark or a guarantee or certification mark must be filed within the Danish Patent and Trade mark Office (DPTO) and, under Section 11(6), must include the regulations governing the use of the mark. These regulations must specify the persons authorised to use the collective mark, the conditions for association membership, the conditions for using the collective mark, and any applicable sanctions⁽⁹⁶⁾. Additionally, if the collective mark includes a geographical designation, the regulations must permit any person whose goods or services originate in the specified geographical area to become a member of the association that owns the collective mark, provided

⁽⁹⁶⁾ Section 11(7).

they meet the other conditions of the regulations⁽⁹⁷⁾.

According to Section 14(2), a collective mark or a guarantee or certification mark will not be registered if it is likely to deceive the public regarding the character or meaning of the mark, particularly if it could be mistaken for something other than a collective mark or a guarantee or certification mark.

Furthermore, Section 26(1)(ii) states that a registered mark is subject to revocation if, as a result of the use made of it by the proprietor of the trade mark or with the proprietor's consent in respect of the goods or services for which it is registered, it is liable to mislead the public, particularly as to the nature, quality or geographical origin of those goods or services.

Specifically regarding collective or certification marks, Section 27 states that the rights of a proprietor of a collective mark or a guarantee or certification mark will be liable to revocation if:

- (i) the proprietor does not take reasonable steps to prevent the mark being used in a manner that is incompatible with the conditions of use laid down in the regulations governing use, including any amendments thereto mentioned in the register;
- (ii) the manner in which the mark has been used by authorised persons has caused it to become liable to mislead the public in the manner referred to in Section 14(2), including as regards the character or significance of the mark, in particular if it is likely to be taken to be something other than a collective mark or a guarantee or certification mark; or
- (iii) an amendment to the regulations governing use of the mark has been mentioned in the register in breach of Section 39(2), unless the proprietor of the mark, by further amending the regulations governing use, complies with the requirements of that section.

The Danish Patent and Trade mark Office ensures that the regulations governing the use of collective marks, guarantee marks, or certification marks are not contrary to public policy or accepted principles of morality⁽⁹⁸⁾. Furthermore, the proprietor of a collective mark, guarantee mark, or certification mark

⁽⁹⁷⁾ Section 11(8).

⁽⁹⁸⁾ Section 16(2).

must submit any changes to the regulations governing the use of an applied or registered mark to the Danish Patent and Trade mark Office (Section 39(1)).

The Danish Patent and Trade mark Office may refuse the transfer of a guarantee or certification mark or a collective mark if the mark becomes liable to mislead subsequent to the transfer (Section 38(4)).

The Minister of Industry, Business and Financial Affairs may establish rules concerning:

1. the integration of the collective mark register into the trade mark register;
2. the transition of existing collective marks to collective marks, guarantee marks, certification marks, or individual trade marks; and
3. the revocation of collective mark registrations (Section 48(7)).

1.3. Unfair competition and consumer protection laws

Under Danish law, unfair competition, including misleading indications of the origin of products, is primarily governed by the Danish Marketing Practices Act (*Markedsføringsloven*)⁽⁹⁹⁾. This Act aims to ensure fair competition and protect consumers from deceptive commercial practices.

The following key provisions are relevant for the protection of geographically rooted products.

1. **Good marketing practice (Section 3):** traders must exercise good marketing practice with reference to consumers, other traders and public interests.
2. **Prohibition of Misleading Practices (Section 5):** the Danish Marketing Practices Act establishes that trader's commercial practice must not contain false information on the main characteristics of the products, or in any other way deceive or be likely to deceive the average

⁽⁹⁹⁾ <https://forbrugerombudsmanden.dk/media/14553/markedsfoeringsloven-lbkq-2013.pdf>

consumer, even if the information is factually correct. This provision ensures that consumers receive accurate information, enabling them to make informed purchasing decisions.

3. **Obligation of Truthful Information (Section 6):** traders must not be misleading by omitting or hiding material information and are required to provide clear and truthful information regarding their products. Misleading indications about where a product is made, produced, or comes from are considered deceptive practices under this section.
4. **Consumer Protection (Section 8):** the Act mandates that commercial practices must not significantly distort consumers' economic behaviour. This section emphasises the importance of fair and transparent marketing.

According to Section 25, it is the responsibility of the Consumer Ombudsman, especially in the interests of consumers, to monitor compliance with this Act and regulations issued pursuant to the Act.

The Consumer Ombudsman may require the disclosure from anyone of all details considered necessary for its activities. The Consumer Ombudsman must fulfil the general conditions for appointment as a judge. The Consumer Ombudsman may carry out inspections for the purpose of processing complaints forwarded from enforcement authorities in other EU Member States pursuant to Regulation (EC) No 2006/2004 on consumer protection cooperation, and which concern infringements of directives for which the Consumer Ombudsman has been appointed the competent authority. The Minister for Business and Growth lays down detailed regulations governing the activities of the Consumer Ombudsman.

In terms of labelling and advertising, businesses must ensure that any claims about the origin of their products are accurate and verifiable. Providing false information about where a product is made or produced can lead to significant legal repercussions and damage to a company's reputation. Accurate labelling and advertising are not only a legal requirement but also a cornerstone of ethical business practices.

1.4. Specific laws or decrees that protect a specific craft or industrial product

In Denmark there are no specific laws or decrees that protect a specific craft or industrial product.

1.5. Current legislative proposals and initiatives to protect or enforce craft and industrial GIs

There are currently no legislative proposals to protect CI GIs. The DPTO, in its response to the survey, has stated that in Denmark there is very limited interest in a protection system of GIs for CI products.

2. List of National Registered and Pending Craft and Industrial GIs

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

There are currently no registered or pending CI GIs in Denmark.

3. List of Product Names Potentially Protectable by Craft and Industrial GIs at EU Level

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

The following names of CI products⁽¹⁰⁰⁾ are potentially protectable by CI GIs:

1. <i>Bornholm glass</i>	Glass
2. <i>Danish ceramics</i>	Ceramics
3. <i>Holmegaard</i>	Glass
4. <i>Royal Copenhagen porcelain</i>	Porcelain
5. <i>Denmark jewellery</i>	Jewellery

⁽¹⁰⁰⁾ No further product names were added with respect to the list contained in the 2020 VVA/ECORYS/ConPolicy study.

STUDY ON EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GEOGRAPHICAL INDICATIONS

Estonia



Abbreviations

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

GIPA	Geographical Indication Protection Act
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1. Legal Framework for the Protection of Names of Craft and Industrial Products

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

1.1. *Sui generis* protection system

Estonian legislation provides for a *sui generis* system of protection for CI GIs.

The Geographical Indication Protection Act (GIPA) is the primary legislation governing the protection of GIs in Estonia. This Act ensures the registration and safeguarding of nationally protected GIs.

Initially enacted on 10 January 2000, GIPA has undergone continuous amendments to remain current. A significant recent amendment revised Section 21(2) of GIPA, transferring responsibility for the register from the Ministry of Justice to the Patent Office.

According to Article 1(1) 'This Act regulates the legal protection of geographical indications used to designate goods and services of natural, agricultural, **handicraft or industrial** origin'. Therefore, it is also applicable to CI products.

A protectable **geographical indication**⁽¹⁰¹⁾ will mean the following:

- the name or reference to a geographical area indicating the specific origin of goods or services, where the identified quality, reputation, or other characteristics are essentially linked to that geographical area where the production, processing, or preparation of the goods occurs, or where the services are provided;

⁽¹⁰¹⁾ Article 3 of GIPA.

- any other word, phrase, or symbol that, through long-term and consistent use, has become essentially attributable to the geographical area where the goods are produced, processed, or prepared, or where the services are rendered.

The definition of protectable GI thus means a sign that shows that certain goods or services originate from a particular geographical area and possess qualities or characteristics that are essentially connected with the place of origin.

According to Article 9, the right to apply for the registration of a GI is vested in individuals who produce, process, or prepare for sale the goods designated with the indication, as well as to associations of consumers or producers, and in a competent authority of the country of origin of the goods or services.

The application for registration of a GI must be filed with the Estonian Patent Office and it should comprise the following documents⁽¹⁰²⁾:

- a request for the registration of a GI;
- a description (which should include the name, distinguishing features, production method, geographical area, and the link between the quality or reputation of the goods or services and their geographical origin);
- a certificate of the protection of the GI in its country of origin, or a certificate issued by the competent agency of the country of origin certifying the link of the given quality, reputation or other characteristic of the goods or services with the geographical origin of the goods or services, and a certificate issued by the competent agency of the country of origin of the right of the applicant to apply for registration of a GI;
- a power of attorney if the applicants have a joint representative and the request for the registration of a GI has not been signed by all the applicants.

The Patent Office will examine the form and content of the documents submitted. If any deficiencies are identified, the applicant will have an opportunity to rectify them within a specified deadline

⁽¹⁰²⁾ Article 24 of GIPA.

(2 months). Conversely, if the documents are deemed complete, the Patent Office will then determine whether to proceed with the registration of the GI. Among the GIs that can not be granted protection are those that mislead the public about the origin of the goods or services, attribute qualities not essentially linked to their geographical origin, falsely suggest origin from another area despite being technically accurate, conflicts with public order or morality, has lost its original geographic meaning and become a common name, incorporates names of animal breeds or plant varieties, or lacks legal protection or has been discontinued in its country of origin.

In accordance with Article 10:

A registered geographical indication may be used for designating goods or services by a person who acts as the producer, processor or preparer for sales of the good specified in the registration or as the renderer of the service in the geographical area specified in the registration, and whose good or service has all the qualities, reputation or other characteristics specified in the registration.

Unlike other forms of industrial property rights such as trade marks or industrial designs, a registered GI does not grant exclusive usage rights to a single owner. Instead, it provides the right to use the indication on one's products and to prevent its unauthorised use by others.

Regarding the **scope of protection**, Article 11 of the Geographical Indication Protection Act prohibits the following:

- a) the use of a GI or a misleadingly similar indication to designate goods or services by a person who is not the producer, processor, or preparer for sales of the goods specified in the registration, or the provider of the services in the geographical area specified in the registration;
- b) the use of a GI or a misleadingly similar indication to designate goods or services that lack any quality, reputation, or other characteristic specified in the registration;
- c) the use of a GI or a misleadingly similar indication to designate goods or services that are not covered by the registration but are of the same kind as the goods and services covered by the registration;

- d) the use of a GI or a misleadingly similar indication to designate other goods or services where such use may constitute exploitation of the reputation of the protected GI in bad faith;
- e) the use of any misleading information about the origin, nature, or essential characteristics of the goods or services on the inner or outer packaging, in advertising materials, or in relevant documents related to the goods or services;
- f) the use of an indication which, although literally accurate regarding the geographical origin of the goods or services, may falsely suggest to the public that the goods or services originate from a different area, even if the true origin is specified;
- g) any other practices or transactions that may mislead the public as to the true origin of the goods or services.

Additionally, legal protection of GIs involves state oversight and enforcement. This ensures the proper use of a protected GI and verifies that the associated goods or services comply with the registered description. Such supervision is conducted either proactively by a government agency or in response to requests from interested parties.

Pursuant to Article 45 of GIPA, in the case of unlawful use of a registered GI, an interested person may demand:

- compensation for the damage caused by the unlawful use of a registered GI pursuant to Section 1043 of the Law of Obligations Act;
- termination of the unlawful use of a registered GI and that the person refrains from further violation pursuant to Section 1055 of the Law of Obligations Act;
- transfer of that which is received from the person by means of the unlawful use of a registered GI pursuant to Section 1037 and Section 1039 of the Law of Obligations Act.

1.2. Trade mark law

The names of CI products may also find protection under the Trade marks Act, which entered into force on 1 May 2004, as collective or certification trade marks⁽¹⁰³⁾.

According to Article 61 of the Trade marks Act:

- **collective mark** is a trade mark which is described as such when the mark is applied for, and is capable of distinguishing the goods or services of the members of the association which is the proprietor of the mark from those of other undertakings;
- persons entitled to apply for collective marks are associations of manufacturers, producers, suppliers of services, or traders which have passive legal capacity, as well as legal persons in public law;
- **certification mark** is a trade mark which is described as such when the mark is applied for and is capable of distinguishing goods or services which are certified by the proprietor of the mark in respect of material, mode of manufacture of goods or performance of services, quality, accuracy or other characteristics from goods and services which are not so certified;
- persons entitled to apply for certification marks are any natural or legal person provided that they do not carry on a business involving the supply of goods or services of the kind certified.

Under Article 62 of the Trade marks Act, an application for the registration of a collective mark or certification mark must include the regulations of the collective mark or certification mark.

In particular, the regulations of a collective mark should specify a list of the members of the association whose goods or services are designated by the collective mark, the terms of and procedure for becoming a member of the association and the conditions of use of the mark, including sanctions. The regulations of a collective mark that may designate the geographical origin of goods and services in the course of trade will enable any person whose goods or services originate from the same

⁽¹⁰³⁾ Trade marks Act, available at: <https://www.riigiteataja.ee/en/eli/ee/518112013005/consolide/current>.

geographical region to become a member of the association if they conform to other conditions set out in the regulations.

Conversely, the regulations of a certification mark must specify the persons authorised to use the mark, the characteristics to be certified by the mark, how the certifying body is to test those characteristics and to supervise the use of the mark, as well as the conditions of use of the mark, including sanctions.

According to the amendments entered into force in 2019, it is specified in Article 63(4) **that a collective mark or certification mark may indicate the geographical origin of the designated goods or services**. However, the owner of such a mark cannot prevent a third party from using signs or indications of geographical origin in trade, as long as they are used in accordance with good business practice.

1.3. Unfair competition and consumer protection laws

The names of CI products might also find some kind of protection through consumer protection and unfair competition laws.

The '**Consumer Protection Act**'⁽¹⁰⁴⁾, which entered into force on 1 March 2016, is designed to protect the rights of consumers and ensure fair commercial practices.

In particular, Estonian legislation prohibits misleading practices, and specifically those inherent to the origin of the products and services placed on the market, as well as other forms of unfair commercial practices and competition. These practices may involve providing misleading information, specifically incorrect details that, despite the buyer's reasonable diligence, could create a false impression of an offer or damage the reputation or economic activities of another undertaking.

⁽¹⁰⁴⁾ Consumer Protection Act, available at: <https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/527122023008/consolide>.

According to Section 16 of the Consumer Protection Act, both misleading actions and misleading omissions are deemed to be misleading commercial practices. A commercial practice is deemed to be misleading if it contains false information or if presentation of factually correct information deceives or is likely to deceive the average consumer and in both cases as a result of it the average consumer makes or is likely to make a transactional decision that the consumer would not have made otherwise. Information is deemed to be false if it is untruthful in relation to one or more elements, inter alia, characteristics of goods or services, including their origin.

A consumer dispute arising from an agreement entered into between a consumer and a trader should be settled by the Consumer Disputes Committee operating at the Consumer Protection and Technical Regulatory Authority proceeding from the provisions of Section 6 of the Consumer Protection Act.

Furthermore, in the **Restriction of Unfair Competition and Protection of Business Secrets Act** 'misleading information' is defined as 'incorrect information which, given ordinary attention on the part of the buyer, may leave a misleading impression of an offer or which harms or may harm the reputation or economic activities of another undertaking'. Article 4(3) of the legislation⁽¹⁰⁵⁾ specifies that information concerning the origin of the goods offered constitutes relevant information within the meaning of the law and can thus lead to unfair competition practices.

1.4. Specific laws or decrees that protect a specific craft or industrial product

At present, no specific laws or decrees for the protection of specific CI products are in force in Estonia.

⁽¹⁰⁵⁾ Restriction of Unfair Competition and Protection of Business Secrets Act of 21 November 2018, available at: <https://www.riigiteataja.ee/en/eli/520122018013/consolide>.

1.5. Current legislative proposals and initiatives to protect or enforce craft and industrial GIs

No legislative proposals or initiatives for the protection and enforcement of CI GIs have been enacted in Estonia.

2. List of National Registered and Pending Craft and Industrial GIs

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

To date, there are no registered or pending CI GIs in Estonia.

3. List of Product Names Potentially Protectable by Craft and Industrial GIs at EU Level

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

The following names of CI products¹⁰⁶ could potentially be protected as CI GIs:

1. <i>Haapsalu Ravimuda</i>	Mud
2. <i>Muhu tikand</i>	Textiles
3. <i>Saaremaa Sepad</i>	Craft
4. <i>Setu pits</i>	Lace
5. <i>Wendre textiles</i>	Textiles

(¹⁰⁶) No further product names were added with respect to the list contained in the 2020 VVA/ECORYS/ConPolicy study.

STUDY ON EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GEOGRAPHICAL INDICATIONS

Finland



Abbreviations

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

FTA	Finnish Trade marks Act
FPRO	Finnish Patent and Registration Office
UBPA	Unfair Business Practices Act

1. Legal Framework for the Protection of Names of Craft and Industrial Products

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

1.1. *Sui generis* protection system

Finnish legislation does not provide for a *sui generis* protection system for CI GIs.

Protection of the names of geographically rooted CI products may potentially be contemplated and achieved through alternative means, in particular:

- trade mark law;
- unfair competition law and consumer protection law.

1.2. Trade mark law

The protection of names of CI products may be achieved through trade mark law and, in particular, through the Trade Marks Act No. 544/2019 (Finnish Trade Marks Act, 'FTA')⁽¹⁰⁷⁾.

Under Section 12, Subsection 1, Paragraph 9 of the FTA, a trade mark cannot be registered or, if already registered, will be invalidated if it falls within the exclusions from registration in Finland or the European Union concerning the protection of designations of origin and GIs, traditional wine terms, or guaranteed traditional specialties.

⁽¹⁰⁷⁾ <https://www.finlex.fi/fi/laki/kaannokset/2019/en20190544>

In particular, a **collective trade mark** is defined as 'a trade mark intended for use in the trade of the members of the proprietor of the collective trade mark'. As outlined in Section 81, Paragraph 2 of the FTA, an application for a collective trade mark must include regulations detailing the authorised users of the mark, the terms of its usage, including penalties for non-compliance, and the criteria for membership in the legal entity. Any modifications to these usage regulations, as specified in Section 81, Paragraph 2 of the FTA, must be reported to the Finnish Patent and Registration Office (FPRO) by the trade mark owner.

The same applies to **certification trade marks**, which are defined as trade marks intended for use on goods or services that are subject to inspection or supervision. Exclusive rights to a certification trade mark can only be obtained through registration. The proprietor of a certification trade mark must inspect or supervise the specified goods or services or issue regulations concerning them. Additionally, the applicant or proprietor cannot engage in a business involving the supply of the certified goods or services.

When applying for a collective or certification mark, it is necessary to include evidence of the applicant's type of activity and the regulations governing the use of the mark. These regulations must, as a minimum, specify:

- who is permitted to use the mark;
- the consequences of breaching the regulations related to the mark's use.

The legal entity's by-laws should also be included with the application. For collective mark applications, the by-laws or the mark usage regulations must outline the conditions for legal entities to become members.

A party permitted to use a collective or certification trade mark may initiate legal action for trade mark infringement only with the owner's consent, unless otherwise specified. However, if the owner fails to take appropriate action against the infringement upon becoming aware of it, the authorised party may pursue legal action independently. The owner is entitled to seek damages on behalf of the authorised party for any harm suffered due to the infringement. Additionally, the authorised party has the right to

intervene in infringement proceedings initiated by the owner and seek compensation for any damages incurred.

Collective and certification trade marks can be invalidated following the same criteria outlined for all trade marks under the FTA. Moreover, the exclusive rights of a collective trade mark may be withdrawn when its usage by authorised parties has caused it to potentially mislead the public regarding its nature or significance, especially if it could be misconstrued as a different type of trade mark.

1.3. Unfair competition and consumer protection laws

The relevant principles on consumer protection and unfair commercial practices are set out in the Finnish Unfair Business Practices Act (UBPA)⁽¹⁰⁸⁾.

In accordance with Section 2, Subsection 1 of the UBPA, businesses are prohibited from using false or deceptive statements concerning their own business, or that of another party, where these statements could impact on the product's supply and demand, or harm another's business.

Under Section 2a of the UBPA, the marketing from which a competitor or a product marketed by a competitor may be directly or indirectly identified (comparative marketing), is permitted for the comparison's part, if it does not unfairly exploit the reputation of a competitor's trade mark, commercial name or the reputation of other distinctive mark or the designation of origin of a product marketed by a competitor.

The UBPA aims to prevent unfair practices in trade and foster customer protection. Any individual or entity, both natural and legal persons, can file administrative complaints with Regional Administrative Offices, which must conduct investigations.

⁽¹⁰⁸⁾ <https://finlex.fi/fi/laki/ajantasa/1978/19781061>

A company may bring action in the Finnish Market Court against another company by filing an application regarding unfair business practices under the UBPA. The company may claim, for example, that the defendant should be ordered to cease the unfair activities and that such prohibition should be reinforced with a penalty payment.

1.4. Specific laws or decrees that protect a specific craft or industrial product

There are no specific laws or decrees for the protection of particular craft or industrial products currently in force in Finland.

1.5. Current legislative proposals and initiatives to protect or enforce craft and industrial GIs

There are currently no legislative proposals or initiatives to protect or enforce CI GIs.

2. List of National Registered and Pending Craft and Industrial GIs

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

To date, there are no registered or pending CI GIs in Finland.

3. List of Product Names Potentially Protectable by Craft and Industrial GIs at EU Level

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

The following names of CI products could potentially be protected as CI GIs⁽¹⁰⁹⁾:

1. <i>Iittala glass</i>	Glass
2. <i>Luotolainen</i>	Textiles
3. <i>Puukko</i>	Cutlery
4. <i>Rauman pitsi</i>	Lace
5. <i>Ryijy</i>	Textiles
6. <i>Kantele</i>	Musical instrument
7. <i>Finnsheep wool products</i>	Wool products
8. <i>Stuorraniibi / Lapinleuku / Saamenpuukko</i>	Cutlery

⁽¹⁰⁹⁾ The inventory of craft and industrial products potentially protectable by CI GI contained in the study on the economic aspects of GI protection at EU level for non-agricultural products (VVA/ECORYS/ConPolicy), 2020, was integrated with information provided by local correspondents. In particular, the following were added: *Kantele*; *Finnsheep wool products*.

STUDY ON EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GEOGRAPHICAL INDICATIONS

France



Abbreviations

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

AO	Appellations of Origin (<i>Appellations d'origine</i>)
INPI	National Institute of Intellectual Property (<i>Institut National de la Propriété Intellectuelle</i>)
ODG	Defence and Management Organisation (<i>Organisation de défense et Gestion</i>)

1. Legal Framework for the Protection of Names of Craft and Industrial Products

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

1.1. *Sui generis* protection system

1.1.1. Background

The French legislation provides for one of the rare examples in the EU of a national *sui generis* GI protection system for the protection of non-agricultural products.

Historically, geographically rooted products were protected by appellations of origin (AO) under the law of 6 May 1919, relating to the Protection of Appellations of Origin⁽¹¹⁰⁾ (*Loi du 6 mai 1919 relative à la protection des appellation d'origine*), making no distinction on the products that could enjoy legal protection through appellations of origin. However, the requirements to obtain an AO included the presence of both human and natural factors, which excluded several non-agricultural products from obtaining such protection because the raw materials used for manufacturing were no longer sourced from French regions but were imported. Although some products like '*Dentelle de Puy*' and '*Poterie de Vallarius*' managed to get AO recognition through judicial decisions, many craft products did not manage to meet the requirements requested by the law.

In 2011, the national debate on the need to afford proper legal protection to non-agricultural products emerged, following high-profile cases concerning '*Couteaux de Laguiole*' knives and '*Savon de Marseille*' soap⁽¹¹¹⁾. These products, known for their unique traditional craftsmanship linked to specific '*terroirs*', were at the heart of legal actions by local producers.

⁽¹¹⁰⁾ <https://www.wipo.int/wipolex/en/legislation/details/1578>

⁽¹¹¹⁾ Zappalaglio, A., Guerrieri, F. & Carls, S. *Sui Generis* Geographical Indications for the Protection of Non-Agricultural Products in the EU: Can the Quality Schemes Fulfil the Task?. *IIC* 51, 31–69 (2020).

In particular, *Laguiole knife* manufacturers sought recognition and protection of their longstanding reputation, while in Marseille, soap makers fought against the misappropriation of their historic brand. These legal battles highlighted the necessity for French lawmakers to establish robust legal protections for non-agricultural products through GIs. The initial proposal to include GIs for non-agricultural items was introduced to the *Conseil des Ministres* (Council of Ministers) in 2011 but it was only in 2013 that a revised draft culminated in the enactment of Law No. 2014-344 of 17 March 2014, concerning consumer matters, known as the 'Hamon Law' (*Loi Hamon*) after Benoît Hamon, who was the delegated minister for the Social and Solidarity Economy and Consumption.

1.1.2. Current *sui-generis* system protecting CI GIs

The Hamon Law established a new national *sui-generis* GI system, introducing the following **definition of geographical indication for industrial and artisanal products** at **Article L 721-2** of the Intellectual Property Code:

An indication of geographic origin is the name of a geographic area or specific place used to designate a product, other than agricultural, forestry, food, or sea products, that originates from there and possesses a specific quality, reputation, or other characteristics that can be essentially attributed to that geographic origin⁽¹¹²⁾.

The Article further states that in order to obtain a GI, the conditions of production or transformation of the product, such as cutting, extraction and manufacturing, must comply with a set of specifications (*cahiers de charges*) approved by the competent national authority, which is the *Institut National de la Propriété Intellectuelle* (INPI). The provision outlined in Article 721-7 no. 5 stipulates that the specification must indicate whether the production, transformation steps, or both occur within the geographical area. However, it does not explicitly mandate that at least one production step must

⁽¹¹²⁾

https://www.legifrance.gouv.fr/codes/Article_lc/LEGIARTI000028742900#:~:text=Constitue%20une%20indication%20g%C3%A9ographique%20la,caract%C3%A9ristiques%20qui%20peuvent%20%C3%AAtre%20attribu%C3%A9es

occur within the geographical area. Nevertheless, the requirement to guarantee a link with the territory, along with the need to provide information on the production areas, underscores the importance of this matter.

1.1.2.1. Application process

The application for approval or modification of the specifications is submitted to the INPI by a defence and management organisation (ODG), defined in Article L. 721-4, representing the concerned operators.

The decision on whether to approve the GI application is made after:

1. verifying the contents of the specifications and the representativeness of the producers within the defence and management organisation;
2. conducting a public inquiry, the procedures of which are set by regulatory means;
3. having conducted a consultation among:
 - a) the local authorities;
 - b) the interested professional groups;
 - c) the director of the National Institute of Origin and Quality when the designation of the GI defined in Article L. 721-2 may cause a risk of confusion with a protected geographic indication or a protected designation of origin as defined by the rural and maritime fishing code, existing or under review by the National Institute of Origin and Quality;
 - d) the approved consumer associations that have obtained the specific recognition provided in Book IV of the consumer code.

As part of its examination, the INPI must ensure that the production or processing operations described in the specifications, as well as the perimeter of the area or place, allow for the guarantee

that the product in question actually presents a quality, reputation, or other characteristics that can be essentially attributed to the geographical area or specific place associated with the GI.

1.1.2.2. Scope of protection

According to the French system⁽¹¹³⁾, registered designations are protected against:

1. any direct or indirect commercial use of a registered designation concerning products not covered by the registration, when these products are comparable to those registered under that designation or when such use allows for benefiting from the reputation of the protected designation;
2. any usurpation, imitation, or evocation, even if the true origin of the products or services is indicated or if the protected designation is translated or accompanied by an expression such as 'kind', 'type', 'method', 'way', 'imitation', or a similar expression;
3. any other false or misleading indication regarding the origin, source, nature, or essential qualities of the product appearing on the packaging or labelling, in advertising, or in documents related to the concerned product, as well as against the use of packaging likely to create a mistaken impression about the product's origin;
4. any other practice likely to mislead the consumer regarding the true origin of the product.

The GI, whose specifications have been approved by the INPI, can never be considered as having a generic character and falling into the public domain.

Additionally, the law allows defence and management organisations, whose GI has been approved or whose application for approval is under review by the INPI, to oppose the application for trade mark registration. This procedure allows for proactive action and the possibility of obtaining, through an administrative procedure initiated at first instance before the INPI, the total or partial rejection of this trade mark registration application.

⁽¹¹³⁾ [Titre II : Indications géographiques \(Articles L721-1 à L722-17\) - Légifrance \(legifrance.gouv.fr\)](#)

Therefore, not only during the registration of a trade mark but also retrospectively during its use, it is possible to protect one's GI against any infringement.

1.2. Trade mark law

According to the French Intellectual Property Code, a collective mark aims to distinguish the products or services of persons authorised to use it under its regulations. As such, obtaining authorisation from the entity owning the collective trade mark is necessary to use the relevant mark on products. This ensures members adhere to set standards outlined in the trade mark's regulations of use (Article L. 715-1 CPI).

Collective marks are commonly used to promote region-specific products but can also benefit other groups, like associations of small businesses looking to jointly market their products. Any association or grouping with legal personality representing manufacturers, producers, service providers, or merchants, as well as any public legal entity, may file a collective mark⁽¹¹⁴⁾.

The French Intellectual Property Code distinguishes between the collective marks and certification marks (*marque de garantie*), which have to comply with different regulations. A certification mark is a mark so designated at the time of filing and capable of distinguishing goods or services for which the material, method of manufacture or performance, quality, accuracy or other characteristics are guaranteed⁽¹¹⁵⁾.

Any natural or legal person, including a public law entity, may file a certification mark, provided that the person does not engage in activities related to the supply of products or services of the same type as those guaranteed. The filing of an application for registration of a certification mark must be accompanied by a set of usage regulations that must detail product/service characteristics, forming

⁽¹¹⁴⁾ [Article L715-7 Code de la Propriété Intellectuelle](#)

⁽¹¹⁵⁾ [Article L715-1 Code de la Propriété Intellectuelle](#)

an approved specification with control measures. This kind of mark has extra protection against misuse and is only transferable to persons who can be proprietors of those marks⁽¹¹⁶⁾.

Notwithstanding the *sui generis* protection for CI products, some producers might register a collective trade mark if they have not been able to meet the requirements for obtaining a GI registration.

For example, the *Union des Professionnels du Savon de Marseille* (the producers' association of the Savon de Marseille) has registered since 2014 the collective trade mark n. 012787404 'Savon de Marseille'⁽¹¹⁷⁾.



1.3. Unfair competition and consumer protection laws

In French consumer law, in alignment with Directive No. 2005/29/EC of 11 May 2005, there is a prohibition against unfair commercial practices (*pratiques commerciales déloyales* or 'UCP' as per Article L. 121-1 et seq. of the Consumer Code). These practices encompass deceptive commercial practices (*pratiques commerciales trompeuses* as per Article L. 121-2 et seq. of the Consumer Code) and aggressive commercial practices (*pratiques commerciales agressives* as per Article L. 121-6 et seq. of the Consumer Code).

This prohibition has a broad scope as there is no specific legislative or regulatory definition of 'commercial practice' under French law. Courts typically refer to Article 2(d) of the Directive, which covers any action or inaction carried out by a professional within their commercial activities. Additionally, Article L. 121-3 of the Consumer Code, which addresses practices by omission, may

⁽¹¹⁶⁾ [Article L715-3 Code de la Propriété Intellectuelle.](#)

⁽¹¹⁷⁾ <https://data.inpi.fr/marques/EM012787404?q=#EM012787404>

involve a breach of obligations regarding pre-contractual information, as outlined in Article L. 111-1 et seq. of the Consumer Code.

A commercial practice is considered unfair if it falls short of the level of professional diligence expected or if it significantly influences the decisions of consumers (as per Article L. 121-1 of the Consumer Code). The impact on consumers is evaluated based on the behaviour of an average consumer who is reasonably informed and attentive.

It is noteworthy that a definition of appellation of origin is set out in Article L. 115-1 of the Consumer Code: 'An appellation of origin is the name of a country, region or locality used to designate a product originating therein, the quality or characteristics of which are due to the geographical environment, comprising natural and human factors'.

According to Article L431-2 of the Consumer Code⁽¹¹⁸⁾, it is prohibited to:

1. issue a controlled designation of origin without meeting the conditions set out in Article L. 642-3 of the Rural and Maritime Fishing Code;
2. issue a controlled designation of origin that has not been approved as provided for in Article L. 641-7 of the Rural and Maritime Fishing Code;
3. fraudulently use or attempt to fraudulently use a designation of origin or geographical indication defined in Article L. 721-2 of the Intellectual Property Code;
4. affix or display, by addition, removal, or any alteration whatsoever, on products, whether natural or manufactured, offered for sale or intended for sale, a designation of origin or geographical indication defined in Article L. 721-2 of the Intellectual Property Code, knowing it to be inaccurate;
5. mislead or attempt to mislead consumers into believing that a product benefits from a designation of origin or geographical indication defined in the same Article L. 721-2;

⁽¹¹⁸⁾ [Article L431-2 - Code de la consommation - Légifrance \(legifrance.gouv.fr\)](https://www.legifrance.gouv.fr/Article/L431-2)

6. mislead or attempt to mislead consumers into believing that a product bearing a designation of origin or geographical indication defined in the same Article L. 721-2 is guaranteed by the State or a public authority;
7. mention on a product the presence in its composition of another product benefiting from a designation of origin or geographical indication when such mention detracts from or weakens the reputation of the designation or indication concerned.

The code also deals with deception on origin at Article L. 413-8 of the French Consumer Code:

it is prohibited, on natural or manufactured products, held or transported with a view to sale, offered for sale or sold, to affix or use a trade mark or service mark, a name, a sign or any indication of such a nature as to lead to the belief, if they are foreign, that they were manufactured in France or that they are of French origin and, in all cases, that they have an origin different from their true French or foreign origin.

However, with the exception of wines, these provisions do not apply where the product bears a clearly visible indication of its true origin⁽¹¹⁹⁾.

1.4. Specific laws or decrees that protect a specific craft or industrial product

There are no specific laws or decrees that protect a specific craft or industrial product. It should be mentioned that the products '*Dentelle de Puy*' and '*Poterie de Vallarius*' managed to obtain AO recognition through judicial decisions before the enactment of the Hamon Law. Moreover, in 1992, '*Monoï de Tahiti*', a coconut oil scented with tiare flowers stemming from French Polynesia, was granted an AO by the French government⁽¹²⁰⁾. However, due to French Polynesia's specific status of quasi-autonomy, it is considered a third country by the European Union.

⁽¹¹⁹⁾ https://www.legifrance.gouv.fr/codes/Article_lc/LEGIARTI000041985042

⁽¹²⁰⁾ <https://www.legifrance.gouv.fr/loda/id/LEGITEXT000020831911>

1.5. Current legislative proposals and initiatives to protect or enforce craft and industrial GIs

Based on feedback from the INPI, French authorities have initiated legal efforts to align the national legal framework with the new EU CI GI system, although a legislative proposal has not yet been presented.

2. List of National Registered and Pending Craft and Industrial GIs

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIs

The following CI GIs are currently registered⁽¹²¹⁾ in France:

1. <u>Tapisserie d'Aubusson</u>	Textiles
2. <u>Pierre de Bourgogne</u>	Stone
3. <u>Tapis d'Aubusson</u>	Textiles
4. <u>Granit de Bretagne</u>	Stone
5. <u>Absolue Pays de Grasse</u>	Natural plant extract
6. <u>Pierre d'Arudy</u>	Stone
7. <u>Linge basque</u>	Textiles
8. <u>Poteries d'Alsace - Soufflenheim/Betschdorf</u>	Pottery
9. <u>Porcelaine de Limoges</u>	Porcelain
10. <u>Siège de Liffol</u>	Furniture

⁽¹²¹⁾ [IG homologuées](#) | [INPI Base IG](#)

11. <u>Grenat de Perpignan</u>	Stone
12. <u>Pierres marbrières de Rhône-Alpes</u>	Stone
13. <u>Charentaise de Charente-Périgord</u>	Shoes
14. <u>Couteau Laguiole</u>	Knives
15. <u>Argiles du Velay</u>	Clay
16. <u>Pierre du Midi</u>	Stone
17. <u>Dentelle de Calais-Caudry</u>	Clothing
18. <u>Bottes camarquaises</u>	Clothing
19. <u>Pierre de Vianne</u>	Stone

The following CI GIs are currently pending⁽¹²²⁾:

1. <u>Vannerie de Fayl-Billot</u>	Baskets
2. <u>Pierre de Mareuil</u>	Stone
3. <u>Pierre de Paussac/Paussac-et-Saint-Vivien</u>	Stone

⁽¹²²⁾ [Toutes les IG | INPI Base IG](#)

3. List of Product Names Potentially Protectable by Craft and Industrial GIs at EU Level

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

The following names of CI products⁽¹²³⁾ are potentially protectable by CI GIs:

1. <i>Ardoise des Pyrénées</i>	Stone
2. <i>Bérêt basque</i>	Clothing
3. <i>Carrelage de Saint Samson la Poterie</i>	Ceramics
4. <i>Chaussures/Cuir de Romans</i>	Clothing
5. <i>Couteaux de thiers</i>	Knives
6. <i>Cuirs de Saint Junien</i>	Leather
7. <i>Dentelle du Puy</i>	Lace
8. <i>Emaux de Longwy</i>	Ceramics
9. <i>Espadrille de Mauléon - Mauleko espartina</i>	Clothing
10. <i>Faïence de Moustiers</i>	Earthenware
11. <i>Faïence de Nevers</i>	Earthenware
12. <i>Faïence de Quimper</i>	Earthenware
13. <i>Faïences de Martres Tolosane</i>	Earthenware
14. <i>Grès des Vosges</i>	Building materials
15. <i>Imagerie d'Epinal</i>	Clothing
16. <i>Plastique d'Oyonnax</i>	Plastic
17. <i>Porcelaine/Céramique de Sèvres</i>	Porcelain

⁽¹²³⁾ No further products were added with respect to the list contained in the 2020 VVA/ECORYS/ConPolicy study.

18. <i>Poterie de Betschdorf</i>	Pottery
19. <i>Poterie de Vallauris</i>	Pottery
20. <i>Sabots Bressans</i>	Clothing
21. <i>Sandales de saint tropez</i>	Clothing
22. <i>Savon de Marseille</i>	Soap
23. <i>Soie/Soieries de Touraine</i>	Textiles
24. <i>Soieries de Lyon</i>	Textiles
25. <i>Tissu des Pyrénées</i>	Textiles
26. <i>Toile de Geradmer</i>	Textiles
27. <i>Tuiles et Carreaux de Gironde</i>	Building materials
28. <i>Vannerie de Vallabrègues</i>	Baskets
29. <i>Vannerie de Villaines</i>	Baskets

STUDY ON EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GEOGRAPHICAL INDICATIONS

Germany



Abbreviations

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

BMJV	German Federal Ministry of Justice and Consumer Protection (<i>Bundesministerium der Justiz und für Verbraucherschutz</i>)
DPMA	German Patent and Trade mark Office (<i>Deutscher Patent- und Marken Amt</i>)
FCJ	German Federal Court of Justice (<i>Bundesgerichtshof</i>)
MarkenG	German Trade mark Act (<i>Markengesetz</i>)
UWG	German Act against Unfair Competition (<i>Gesetz gegen den unlauteren Wettbewerb</i>)

1. Legal Framework for the Protection of Names of Craft and Industrial Products

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

1.1. *Sui generis* protection system

German legislation does not provide for a *sui generis* protection system for CI GIs.

The protection of names of CI products has been achieved through alternative legal tools, in particular:

- trade mark law;
- unfair competition law;
- specific laws and decrees protecting a specific product.

1.2. Trade mark law

The **German Act on the Protection of Trade Marks and other Signs** (*Markengesetz*, '**MarkenG**') of 25 October 1994⁽¹²⁴⁾ sets forth the rules for the registration of individual, collective and certification marks.

The German Patent and Trade Mark Office (DPMA) rigorously scrutinises trade mark applications to identify any absolute grounds for refusal. This process involves ensuring that the trade mark does not merely denote the type, quality, or specific characteristics of the associated goods or services.

⁽¹²⁴⁾ <https://www.gesetze-im-internet.de/markeng/BJNR308210994.html>

The name of a geographically rooted CI product may find protection as a **collective mark**. In derogation from the general rules on absolute grounds of refusal, a collective mark may consist exclusively of signs or indications which, in trade, may serve as a designation of the geographical origin of the goods or services. According to Section 102(3) of the MarkenG, if the collective mark consists of an indication of geographical origin, the application must be accompanied by regulations of use. The regulations must provide that any person whose goods or services originate from the corresponding geographical territory, and comply with the conditions contained in the regulations, may become a member of the association and is to be included in the group of persons entitled to use the collective mark.

For **certification marks**, according to Section 106(a), the proprietor of the certification mark must certify in respect of the goods and services for which it was applied for, one or more of the following characteristics: the material, the manner in which the goods are produced or the services are provided, the quality, accuracy or other characteristics **other than geographical origin**. These kind of marks are thus not the appropriate tool for protecting names of CI products.

Furthermore, the MarkenG defines **geographical indications** as ‘names of places, areas, territories or countries as well as other indications or signs which are used in trade to identify the geographical origin of goods or services – unless generic’ (Section 126 of the MarkenG).

According to Section 127 of the German Trade Mark Act (MarkenG), it is prohibited to use GIs in commerce for goods or services that do not originate from the place or area specified by the GI. This rule applies if using such indications could mislead consumers about the true origin of the goods or services. If the goods or services marked by an indication of geographical origin have special properties or a special quality, the indication of geographical origin may only be used in trade for the corresponding goods or services that have these properties or this quality.

Moreover, if an indication of geographical origin enjoys a particular reputation, it may not be used in trade for goods or services of a different origin even if it is not likely to mislead concerning the geographical origin if use provides, without good cause, an opportunity for goods or services of a

different origin to take unfair advantage of or be detrimental to the reputation of the indication of geographical origin or its distinctive character.

Under Section 137(1) of the MarkenG, **the Federal Ministry of Justice and Consumer Protection**, in consultation with the Federal Ministry of Economics and Energy (now known as the Federal Ministry of Economic Affairs and Climate Protection in the 20th legislative period) and the Federal Ministry of Food and Agriculture, **is empowered to issue ordinances detailing the protection of individual geographical indications of source, provided they obtain the Federal Council's consent**. If any of these ministries disagrees, the ordinance cannot be enacted.

These ordinances typically pertain to GIs already recognised in commerce.

Pursuant to Section 137(2) of the MarkenG, such ordinances may define:

- the origin area, referencing political or geographical boundaries;
- the quality or characteristics of the products or services, including production methods, material qualities, or origin;
- the usage guidelines for the geographical indication.

These regulations must align with the established practices, habits, and customs associated with the GI.

Section 137 of German Trade Mark Law has enabled German public authorities to enact specific legislation recognising CI GIs (see paragraph 1.4. below).

Finally, it should be mentioned that the German Federal Court of Justice (FCJ) recently affirmed that GIs can be protected as collective or individual trade marks, a principle that stands independently from the protection framework established by Regulation (EU) No 1151/2012 for geographical indications

and designations of origin. This clarification came through a ruling on a dispute over the German collective geographical trade marks '*Hohenloher Landschwein*' and '*Hohenloher Weiderind*'⁽¹²⁵⁾.

1.3. Unfair competition and consumer protection laws

The protection of GIs under trade mark law does not exclude the application of other provisions for the protection of these signs.

In this regard, Section 2 of the MarkenG clarifies that protection of trade marks, commercial designations and indications of geographical origin in accordance with the German Trade Mark Act should not exclude the application of other provisions on the protection of such signs. This clarification aligns with the legislator's intent to ensure comprehensive protection by allowing for the concurrent application of other relevant laws.

For instance, the **Act against Unfair Competition** (*Gesetz gegen den unlauteren Wettbewerb – UWG*⁽¹²⁶⁾) serves as a complement to the MarkenG, especially in scenarios where trade mark law might not provide comprehensive coverage. Specifically, Section 3 and Section 5 of the UWG can be relevant in situations that the MarkenG does not explicitly address. An example is the use of a GI within a company's trade name, rather than directly on a product.

The UWG explicitly targets and outlaws deceptive and unfair business practices, encompassing false claims regarding essential characteristics of goods or services, such as their geographical or commercial origin. Its wider ambit covers activities that might not directly violate trade mark rights but threaten fair competition and consumer confidence. For example, deceptive advertising or business tactics suggesting an incorrect geographical origin of a product can heavily influence consumer choices and undermine the credibility of authentic products from the specified area.

⁽¹²⁵⁾ Federal Court of Justice, judgment of 29 July 2021 – case no. I ZR 163/19 et al.

⁽¹²⁶⁾ [https://www.gesetze-im-internet.de/uwg_2004/BJNR141400004.html#:~:text=\(1\)%20Unlautere%20gesch%C3%A4ftliche%20Handlungen%20sin,d,des%20Verbrauchers%20wesentlich%20zu%20beeinflussen](https://www.gesetze-im-internet.de/uwg_2004/BJNR141400004.html#:~:text=(1)%20Unlautere%20gesch%C3%A4ftliche%20Handlungen%20sin,d,des%20Verbrauchers%20wesentlich%20zu%20beeinflussen)

1.4. Specific laws or decrees that protect a specific craft or industrial product

To date, the Federal Ministry of Justice has applied its regulatory authority under Section 137 of the MarkenG (German Trade mark Act) with considerable restraint, approving only two regulations that protect a specific product whose production is linked to a determined territory: the 'Solingen Verordnung' ⁽¹²⁷⁾, approved in 1994, and the 'Glashütte Verordnung' ⁽¹²⁸⁾, which was approved in 2022.

These regulations are designed to preserve the geographical appellations associated with Solingen and Glashütte, respectively, guaranteeing that the unique legacy and renown of these cities are adequately safeguarded by the law.

1. **Solingen Verordnung** ⁽¹²⁹⁾. The '*Verordnung zum Schutz des Namens Solingen (Solingen Verordnung)*' of 16 December 1994 replaced the *Gesetz zum Schutze des Namens Solingen* (Solingen Law) of 25 July 1938 and its implementing regulation, which protected the GI 'Solingen' for cutlery, in particular scissors, knives and cutlery, processed or finished in the Solingen industrial area, a city in North Rhine-Westphalia, Germany. Solingen is renowned for its long-standing tradition of producing high-quality blades, knives, and cutlery.

The *Solingen Verordnung* mandates that the products bearing the name 'Solingen' have been manufactured within the Solingen region and meet certain production quality standards, which are collaboratively established and regularly updated by the consensus of local producers. The Chamber of Commerce and Industry for Wuppertal-Solingen-Remscheid (*Bergische Industrie- und Handelskammer Wuppertal-Solingen-Remscheid*), is mandated on behalf of 'Solingen' cutlery and household goods companies to enforce the protection of the name 'Solingen' as a

⁽¹²⁷⁾ The '*Verordnung zum Schutz des Namens Solingen (Solingenverordnung - SolingenV)*' of 16 December 1994. The name Solingen was already legally protected in 1938 by the *Gesetz zum Schutze des Namens Solingen* (Solingen Law) of 25 July 1938 and its implementing regulation, which protected the GI 'Solingen' for cutlery, in particular scissors, knives and cutlery, processed or finished in the Solingen industrial area. However, these measures were repealed on 25 October 1994 by the Act on the Reform of Trade mark Law, which also implemented the First Council Directive 89/104/EEC of 21 December 1988 aimed at harmonising trade mark laws across Member States.

⁽¹²⁸⁾ Glashütteverordnung vom 22. Februar 2022 (BGBl. I S. 218).

⁽¹²⁹⁾ [SolingenV - Verordnung zum Schutz des Namens Solingen \(gesetze-im-internet.de\)](https://www.gesetze-im-internet.de/solingenv/)

trade mark, as a collective trade mark and as an indication of origin worldwide. For example, the Chamber of Commerce holds ownership of the EU collective trade mark 'Solingen'⁽¹³⁰⁾. As such, it holds the authority and obligation to enforce trade mark rights related to the 'Solingen' sign. While individual producers may report infringements to the Chamber of Commerce, they do not have the legal authority to initiate actions against these violations independently. According to the German Industrial Association for Cutlery and Housewares e.V., Solingen⁽¹³¹⁾, the total volume of cutlery and houseware-goods provided by Solingen's businesses amounted to EUR 780 million in 2019. Products are sold worldwide. The name 'Solingen' is protected internationally in over 40 countries by trade marks, GIs (in bilateral agreements⁽¹³²⁾), and unfair competition.

2. **Glashütte Verordnung**⁽¹³³⁾. The *Glashütte Verordnung* is a regulatory framework designed to protect products originating from Glashütte, a town located just 30 kilometres from Dresden, the capital of Saxony. This legislation aims to safeguard the GI 'Glashütte' and ensure that watches produced in the area adhere to specific standards of craftsmanship and quality. The initiative to establish a prominent watchmaking industry in Glashütte began in 1845, supported by the government and financed by the Kingdom of Saxony. This support included training the town's initial residents, setting the foundation for a self-sustaining local industry. The successful development of this sector not only created a robust watchmaking industry in Saxony, but also elevated Glashütte watches to international acclaim for their superior quality. To further preserve and disseminate this deep-rooted horological expertise, the German School of Watchmaking was founded in Glashütte in 1878. The Glashütte Verordnung plays a crucial role in maintaining the prestige and authenticity of Glashütte watches on the global stage.

⁽¹³⁰⁾ https://euipo.europa.eu/eSearch/#details/trade_marks/002988285

⁽¹³¹⁾ <https://ivsh.de/>

⁽¹³²⁾ The following bilateral agreements were cited by the respondent: Germany - France: Treaty on the protection of indications of origin, origin specifications and other geographical indications, dated 8 March 1960; Germany - Greece: Treaty on the protection of indications of origin, origin specifications and other geographical indications, dated 16 April 1964; Germany - Italy: Treaty on the protection of indications of origin, origin specifications and other geographical indications, dated 23 July 1963; Germany - Switzerland: Treaty on indications of origin and other geographical indications, dated 7 March 1967; Germany - Spain: Treaty on the protection of indications of origin, origin specifications and other geographical indications, dated 11 September 1970; Germany - Austria: Treaty on the protection of indications of origin, origin specifications and other geographical indications with additional agreement, dated 6 October 1981.

⁽¹³³⁾ https://www.bmj.de/SharedDocs/Downloads/DE/Gesetzgebung/RefE/VO_Glashuette.pdf?__blob=publicationFile&v=3

1.5. Current legislative proposals and initiatives to protect or enforce craft and industrial GIs

At present, no specific legislative proposals and initiatives for the protection and enforcement of CI GIs are being discussed in Germany.

2. List of National Registered and Pending Craft and Industrial GIs

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

The following CI GIs are protected in Germany by specific Decrees:

1. <i>Glashütte</i>	Watches
2. <i>Solingen</i>	Cutlery

3. List of Product Names Potentially Protectable by Craft and Industrial GIs at EU Level

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

The following names of CI products are potentially protectable by CI GIs⁽¹³⁴⁾:

1. <i>Berliner Porzellan</i>	Porcelain
2. <i>Dresdner Porzellan</i>	Porcelain
3. <i>Dürener Teppiche</i>	Carpets
4. <i>Echt Kölnisch Wasser/Original Eau de Cologne</i>	Cosmetics
5. <i>Freiberger Porzellan</i>	Porcelain
6. <i>Freiberger Präzisionsmechanik</i>	Watches
7. <i>Fürstenberg Porzellan</i>	Porcelain
8. <i>Gablonzer Industrie</i>	Gems and jewellery
9. <i>Gmünder Gold- und Silberschmiedekunst</i>	Gems and jewellery
10. <i>Hohnsteiner Handspielpuppen</i>	Toys
11. <i>Holzkunst aus dem Erzgebirge</i>	Toys and wooden products
12. <i>Hutschenreuter Porzellan</i>	Porcelain
13. <i>Jenaer Glas</i>	Glass
14. <i>Kannenbäcker Keramik/Westerwaldkeramik</i>	Ceramics
15. <i>Karlsruher Majolika</i>	Ceramics
16. <i>Krawatten aus Krefeld</i>	Clothing

⁽¹³⁴⁾ The inventory of craft and industrial product names potentially protectable by CI GI contained in the study on the economic aspects of GI protection at EU level for non-agricultural products (VVA/ECORYS/ConPolicy), 2020, was integrated with information provided by local correspondents. In particular, the following products were added: *Hutschenreuter Porzellan*; *Mittenwalder Geigen*.

<i>17. Lauscha Glaskunst</i>	Glass
<i>18. Lausitzer Glas</i>	Glass
<i>19. Lausitzer Keramik</i>	Ceramics
<i>20. Medizintechnische Instrumente aus Tuttlingen</i>	Medical instruments
<i>21. Meissner Porzellan</i>	Porcelain
<i>22. Mittenwalder Geigen</i>	Musical instruments
<i>23. Musikinstrumente aus dem Vogtland</i>	Musical instruments
<i>24. Nymphenburger Porzellan</i>	Porcelain
<i>25. Oberammergauer Schnitzkunst</i>	Carved wood
<i>26. Pforzheimer Uhren und Schmuckwaren</i>	Watches
<i>27. Plauener Spitze</i>	Embroidery
<i>28. Pulsnitzer Blaudruck</i>	Textiles
<i>29. Ravensburger Spiele</i>	Toys
<i>30. Remscheider Werkzeuge</i>	Work instruments
<i>31. Rhöner Holzschnitzereien</i>	Carved wood
<i>32. Rügener Heilkreide</i>	Cosmetics
<i>33. Schmuck- und Edelsteinindustrie Idar-Oberstein</i>	Gems and jewellery
<i>34. Schwarzwälder Kuckucksuhr</i>	Watches
<i>35. Schweinfurter Kugellager</i>	Ball bearings
<i>36. Sebnitzer Kunstblumen</i>	Artificial flowers
<i>37. Sonneberger Spielzeug</i>	Toys
<i>38. Steinhuder Leinen</i>	Textiles
<i>39. Wetzlarer Optik</i>	Optical instruments

STUDY ON EU MEMBER STATES' POTENTIAL FOR PROTECTING
CRAFT AND INDUSTRIAL GEOGRAPHICAL INDICATIONS

Greece



Abbreviations

EU MEMBER STATES’ POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

OBI	Hellenic Industrial Property Organisation
UCL	Unfair Competition Law 146/1914
HNCU	Hellenic National Commission for UNESCO
GATACP	Greek Association of Traditional Art & Craft Producers

1. Legal Framework for the Protection of Names of Craft and Industrial Products

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

1.1. *Sui generis* protection system

Greek legislation does not provide for a *sui generis* protection system for CI GIs.

The protection of names of CI products seems to be ensured exclusively through:

- trade mark legislation;
- unfair competition legislation.

1.2. Trade mark law

The Trade marks Law 4679/2020⁽¹³⁵⁾ as amended by Law 4796/2021, currently provides for the registration and protection of individual, collective, and certification marks, in alignment with the implementation of EU Directive 2015/2436.

A trade mark is generally defined as 'any sign, capable of distinguishing the goods or services of one company from those of another'⁽¹³⁶⁾.

Collective trade marks are designed to distinguish the products or services of the members of the organisation that owns the mark from those of other enterprises and are specified as such at the time

⁽¹³⁵⁾ <https://www.wipo.int/wipolex/en/text/577765>

⁽¹³⁶⁾ <https://www.obl.gr/en/trade-marks>

of filing. According to Section 64(3) of Law 4679/2020, these marks may also be used to designate the geographical origin of goods or services.

Certification trade marks, on the other hand, are intended to distinguish products or services certified by the owner in terms of material, method of manufacture, provision of services, quality, accuracy, or other characteristics – excluding geographical origin – from those that do not possess such certification. These marks are specified as certification trade marks at the time of filing, as per Article 56 of Law 4679/2020.

In light of the above, collective marks can currently be used by producers' associations of CI products to protect the names of their products.

Trade marks are applied for at the Trade mark Office, which now operates under the Hellenic Industrial Property Organisation (OBI), the government entity responsible for examining and granting trade mark rights. Once a trade mark application is deemed to meet all legislative requirements and successfully passes the examination by the OBI, the trade mark is published on the Secretariat's website for opposition purposes. The deadline for filing an opposition is 3 months, and the opposition may be based on both absolute and relative grounds.

Among the absolute grounds, Article 4(1)(c) of Law 4679/2020 is particularly notable, as it prohibits the registration and allows for the subsequent invalidation of 'trade marks consisting exclusively of signs or indications that may be used in commercial transactions to state the kind, quality, quantity, purpose, value, geographical origin, or time of manufacture of goods or the provision of services, or other characteristics of the goods or services'. Additionally, Article 4(1)(g) of Law 4679/2020 prohibits the registration and allows for the subsequent invalidation of trade marks that mislead the public as to the nature, quality, or geographical origin of the goods or services. Furthermore, Articles 4(1)(j), (ja), and (jb) of Law 4679/2020 provide for the prohibition of registration and subsequent invalidation of trade marks based on national, EU, or international legislation related to Appellations of Origin, Geographical Indications, Traditional Terms for Wines, and Traditional Specialities Guaranteed.

Regarding relative grounds, Article 5(3)(e) of Law 4679/2020 is of particular interest, as it provides for the prohibition of registration and subsequent invalidation of trade marks that conflict with a prior application or registration of an Appellation of Origin or Geographical Indication. The right to oppose such relative grounds is ensured by Article 25 of Law 4679/2020, while the right to seek revocation or invalidation is provided by Article 52 of Law 4679/2020.

Moreover, under Section 11(1)(b) of Law 4679/2020, a trade mark owner cannot prohibit a third party from using in commerce a sign that indicates, inter alia, the geographical origin of a product or service.

1.3. Unfair competition and consumer protection laws

While there is no special mention for this, CI GIs could be protected through the **Unfair Competition Law 146/1914 ('UCL')**⁽¹³⁷⁾, particularly under Article 3, which states:

It is prohibited to publicly make false / inaccurate notifications or statements destined to a wide circle of people, with regard to the quality, **the initial origin**, the way of manufacturing or of pricing of goods or industrial works, the way or source of provision [...]. The infringer may be sued for eliminating the inaccurate statements and for remedying the damage caused.

Article 13 of the same legislation further provides:

Any person who, during commercial transactions, makes use of a third party's name, trade denomination or specific distinctive characteristic of a shop or of an industrial business, in a way that it could cause confusion as to the said name, denomination or specific distinctive characteristic, which a third party legally uses, such person may be forced by the latter to stop the use. He is obliged to indemnify the damaged party, if he knew or was supposed to know that, through the abuse, confusion could be caused.

⁽¹³⁷⁾ <https://www.wipo.int/wipolex/en/text/226883> (in Greek).

Moreover, European Directive 2005/29/EC on Unfair Commercial Practices has been incorporated into Greek law. Relevant provisions were introduced into Law 2251/1994 on Consumer Protection, as amended by Law 3587/2007. The most pertinent provisions are Article 8 and Article 9, which address the liability of the service provider and false advertising, respectively⁽¹³⁸⁾.

Finally, the general tort provisions of the Greek Civil Code are also applicable, particularly Article 914, which establishes liability arising from torts.

1.4. Specific laws or decrees that protect a specific craft or industrial product

Currently, no specific laws or decrees are in force in Greece for the protection of a particular craft or industrial product.

1.5. Current legislative proposals and initiatives to protect or enforce craft and industrial GIs

Based on cross-checked information from national authorities, there appear to be ongoing preparations for the legal and practical implementation of the CIGI Regulation in Greece. The protection of CI GIs in Greece will be an interesting development to follow, as many relevant traditional products could potentially be registered and protected in the near future.

It seems likely that the Hellenic Industrial Property Organisation (OBI)⁽¹³⁹⁾ would be a suitable body – though not necessarily the only one – to undertake this task, given its role in coordinating the protection of most intellectual property matters in Greece. Additionally, consultations could involve the Hellenic

⁽¹³⁸⁾ <https://www.wipo.int/wipolex/en/text/187346> (English translation).

⁽¹³⁹⁾ <https://www.obl.gr/en>

National Commission for UNESCO (HNCU)⁽¹⁴⁰⁾, which is actively engaged in this area, as well as the Greek Association of Traditional Art & Craft Producers (GATACP)⁽¹⁴¹⁾.

Preparation for the implementation of Regulation 2023/2411 could involve, but is not limited to, determining the registration procedure, drafting a catalogue of craftsmen, and establishing a certification scheme. Effective coordination among the various stakeholders will be essential for successful implementation.

2. List of National Registered and Pending Craft and Industrial GIs

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

There are currently no registered and/or pending CI GIs in Greece.

⁽¹⁴⁰⁾ <https://unescogreece.gr>

⁽¹⁴¹⁾ <https://handicraftgreece.gr/en/about-us>

3. List of Product Names Potentially Protectable by Craft and Industrial GIs at EU Level

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

The following names of CI Greek products are potentially protectable by CI GIs⁽¹⁴²⁾:

1. <i>Cretan knives</i>	Knives
2. <i>Greek marble</i>	Marble
3. <i>Greek olive oil soap</i>	Cosmetics
4. <i>Greek sponges</i>	Cosmetics
5. <i>Navarino icons</i>	Icons
6. <i>Greek leather sandals</i>	Clothing
7. <i>Greek pottery</i>	Pottery

⁽¹⁴²⁾ The inventory of craft and industrial products potentially protectable by CI GI contained in the study on the economic aspects of GI protection at EU level for non-agricultural products (VVA/ECORYS/ConPolicy), 2020, was integrated with information provided by local correspondents. In particular, the following were added: *Greek leather sandals*; *Greek pottery*.

STUDY ON EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GEOGRAPHICAL INDICATIONS

Hungary



Abbreviations

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

HACP	Hungarian Authority for Consumer Protection
HCA	Hungarian Competition Authority
HIPO	Hungarian Intellectual Property Office
TMA	ACT XI OF 1997 ON THE PROTECTION OF TRADE MARKS AND GEOGRAPHICAL INDICATIONS

1. Legal Framework for the Protection of Names of Craft and Industrial Products

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

1.1. *Sui generis* protection system

Hungarian legislation does provide for a *sui generis* protection system for CI GIs.

In particular, the protection for CI GIs is provided under **Act XI of 1997 on the Protection of Trade Marks and Geographical Indications**⁽¹⁴³⁾ (the **TMA**). The *sui generis* legislation is thus not contained in a separate legal instrument dedicated to GIs but is outlined in a part (Articles 103-116) of the TMA.

The TMA has undergone several amendments over time. The latest amendment, effective from 1 May 2023, introduced procedural enhancements aimed at expediting proceedings, as well as revisions related to opposition and cancellation actions. In the section relating to GIs, the TMA provides two definitions:

- **geographical indication** as the geographical name of a region, locality or, in exceptional cases, a country, which serves to designate a product originating therein the specific quality, reputation or other characteristics of which are due essentially to that geographical origin, and the production, processing or preparation of which takes place in the defined geographical area;
- **appellation of origin** as the geographical name of a region, locality or, in exceptional cases, a country, which serves to designate a product originating therein the specific quality, reputation or other characteristics of which are due exclusively or essentially to the geographical

⁽¹⁴³⁾ [https://www.sztnh.gov.hu/en/English/jogforras/jogforras_vedj/Trade mark Act XI 1997 EN 2007jan01.pdf](https://www.sztnh.gov.hu/en/English/jogforras/jogforras_vedj/Trade%20mark%20Act%20XI%201997_EN_2007jan01.pdf)

environment, with its inherent natural and human factors, and the production, processing and preparation of which take place in the defined geographical area.

A GI will be excluded from protection:

- a) with respect to identical products, if it is identical to an earlier geographical indication;
- b) with respect to identical or similar products, if it is identical to or similar to an earlier geographical indication;
- c) if it is identical to or similar to an earlier trade mark and its use, due to the good reputation, renown or lasting presence on the market of the trade mark, would result in a likelihood of confusion on the part of consumers.

Furthermore, a GI may not be granted protection if it conflicts with the name of an earlier, protected or other, plant variety or animal breed and as a result is likely to mislead consumers as to the origin of the product. If the requirements are fulfilled, protection of GIs will be granted for an unlimited time.

Any individual, legal entity, or unincorporated company can obtain protection for a GI if they produce, process, or manufacture a product identified by that GI within the specified geographical area⁽¹⁴⁴⁾. It is worth noting that not only applicants have the right to use the protected GI, but also any individual or entity producing the product within the designated region, provided they adhere to any product specifications required for protection.

The registration procedure is carried out before the HIPO (Hungarian Intellectual Property Office) via a paid request for application containing the GI, the list of products for which the protection of GI is requested and other attachments as well as the applicant's contact data. The classification of the product according to the Nice Agreement must be provided. There is no standard form. A successful application triggers its publication in the HIPO's gazette and may be (i) subject to observations; and will be (ii) subject to a substantive examination carried out by the Office in order to assess whether it meets certain requirements.

⁽¹⁴⁴⁾ Article 107, paragraphs. (2)-(4) of the TMA.

Protection grants holders the exclusive right to use the GI. Only the holders are authorised to use this indication, and they cannot issue licences for its use. No specific logo is established in order to recognise such products in the marketplace.

Any GI holder will be entitled to take measures against any person who, in the course of trade⁽¹⁴⁵⁾:

- a) uses the protected GI or a denomination liable to be confused therewith with respect to products not originating in the defined geographical area;
- b) uses the protected GI with respect to products not included but similar to those in the list of products, and therefore it is detrimental to, or takes unfair advantage of, the good reputation of the protected GI;
- c) imitates or evokes in any manner whatsoever the protected GI, even if also indicating the true origin of the product, or even if the protected name is translated or accompanied by various additions;
- d) uses any false or misleading indication as to the provenance, origin, nature or essential characteristics of the product, regardless of where it is indicated (e.g. on the packaging, advertising material or documents relating to the product);
- e) performs any other act liable to mislead consumers as to the true geographical origin of the product.

Any holder may individually act against infringements. Additionally, interest groups representing the holders and consumer protection organisations are also entitled to take action against such violations.

1.2. Trade mark law

Given that CI GIs find *sui generis* protection under Part 7 of the Trade mark Act, trade marks are not sought as the primary means for the protection of the names of geographically rooted craft products.

⁽¹⁴⁵⁾ Article 109 of the TMA.

However, the names of CI products can also be protected as an individual trade mark or a collective mark.

1.3. Unfair competition and consumer protection laws

The following laws might assist producers of CI products to take action against conducts of unfair competition practices within the market.

The **Hungarian Act on the prohibition of unfair trading practices and restrictions of Competition**⁽¹⁴⁶⁾ prohibits unfair commercial practices and misleading advertising, particularly false information regarding the essential characteristics of goods or services, including their geographical origin. Among others, the law forbids the selling of products with a similar look, package or indication that is usually an important characteristic of another product and the provision of false or deceptive information regarding the origin of the product.

Furthermore, the **Act No. CLV of 1997 on Consumer Protection**⁽¹⁴⁷⁾ specifies that the vendor of the product has to provide information regarding origin to the authorities upon request.

The laws provide that complaints against unfair commercial practice can be tabled by any consumer or stakeholder or social organisations representing consumers' rights with the Hungarian Authority for Consumer Protection (HACP) or by any person/entity that is entitled to make an announcement or complaint with the Hungarian Competition Authority (HCA). Complaints can be filed with the HCA on the complaint form published on the home page of the HCA. The authorities have an obligation to investigate the complaint. There are no specific court actions to enforce the UCP Directive. A general claim for civil damages can be filed before the civil courts.

⁽¹⁴⁶⁾ <https://njt.hu/jogszabaly/1996-57-00-00>

⁽¹⁴⁷⁾ <https://njt.hu/jogszabaly/en/1997-155-00-00>

1.4. Specific laws or decrees that protect a specific craft or industrial product

At present, no specific laws or decrees for the protection of specific craft or industrial products are in force in Hungary.

1.5. Current legislative proposals and initiatives to protect or enforce craft and industrial GIs

The HIPO has been actively engaged in the legislative process at EU level and is currently preparing the next steps to revise national legislation as well as to devise its operational scheme to become part of the new EU CI GI regime for CI GIs. Nevertheless, no specific legislative proposals and initiatives for the protection of CI GIs are already being enacted.

Within the HIPO, it is currently the Trade Marks and Designs Department that deals with applications for GIs. Since the number of domestic applications for CI GIs has been minimal in the past decades, according to the outcome of the survey carried out within this study, the HIPO is not envisaging to set up any separate unit or employ additional personnel to carry out tasks related to the implementation of Regulation (EU) 2023/2411.

While the HIPO will almost certainly be the national authority in charge for receiving the CI GI applications, it does not expect that it will be necessary to hire more examiners to fulfil this task. Instead, the HIPO are planning to allocate CI GI applications to one or more examiners in charge of processing trade mark applications.

2. List of National Registered and Pending Craft and Industrial GIs

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

There are nine registered national GIs for CI products⁽¹⁴⁸⁾:

1. <i>Herend</i>	Porcelain
2. <i>Budafok</i>	Enamel pottery
3. <i>Bonyhád</i>	Enamel pottery
4. <i>Szentgotthárd</i>	Fencing blades, scythe
5. <i>Gérce</i>	Alginate
6. <i>Halas, Kiskunhalas</i>	Lace
7. <i>Parád</i>	Salt
8. <i>Hollóháza</i>	Porcelain
9. <i>Hövej</i>	Lace

There are no pending CI GI applications filed within the HIPO.

⁽¹⁴⁸⁾ The inventory of craft and industrial products potentially protectable by CI GI contained in the study on the economic aspects of GI protection at EU level for non-agricultural products (VVA/ECORYS/ConPolicy), 2020, was integrated with information provided by local correspondents. In particular, the following products were added: *Budafok*; *Szentgotthárd*; *Gérce*; *Parád*.

3. List of Product Names Potentially Protectable by Craft and Industrial GIs at EU Level

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

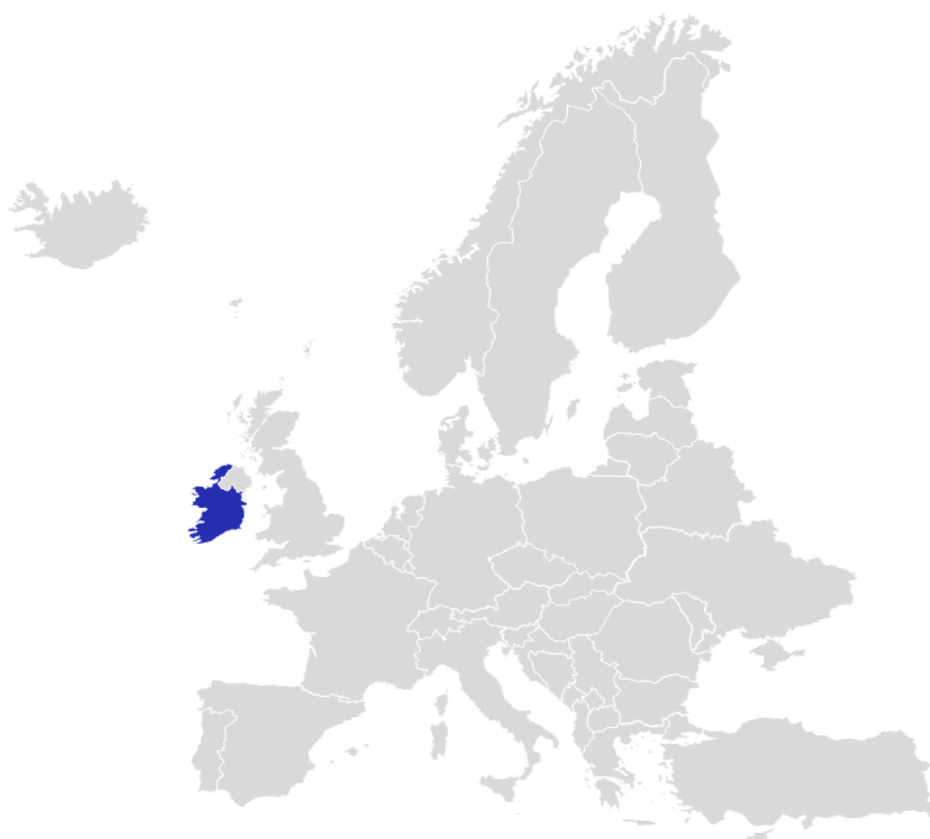
The following names of CI products⁽¹⁴⁹⁾ are potentially protectable by CI GIs:

1. <i>Kétfestés</i>	Textiles
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⁽¹⁴⁹⁾ No further products were added with respect to the list contained in the 2020 VVA/ECORYS/ConPolicy study.

STUDY ON EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GEOGRAPHICAL INDICATIONS

Ireland



Abbreviations

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS



CCPC	Competition and Consumer Protection Commission
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1. Legal Framework for the Protection of Names of Craft and Industrial Products

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

1.1. *Sui generis* protection system

Irish legislation does not provide a *sui generis* protection system for CI GIs.

However, names of CI products can be protected by means of other legal tools such as:

- trade mark law;
- unfair competition law.

1.2. Trade mark law

Irish legislation on trade marks is mainly governed by the **Trade Marks Act** of 1996 and the Trade Marks Rules of 1996, as amended in 2019⁽¹⁵⁰⁾ to align them with the requirements of the EU trade mark reform.

The Trade Marks Act defines '**collective marks**' and '**certification marks**'. In particular, according to the Act, a collective mark is a mark distinguishing the goods or services of members of the association which is the proprietor of the mark from those of other undertakings. Any association that grants its members the right to use a mark for specific goods or services can apply for registration of a collective mark.

⁽¹⁵⁰⁾ <https://enterprise.gov.ie/en/legislation/legislation-files/unofficial-consolidated-trade-marks-rules-1996-as-amended-.pdf> Trade marks Act 1996 (last revised in 2019), Section 55, sub.6.

A collective mark must differentiate the goods and/or services of its members from those of other businesses. Unlike individual trade marks, **a collective mark may be registered even if it contains signs or indications that could indicate the geographical origin of the goods or service.**

However, the owner of a collective mark is not authorised to prevent the use of signs or indications in line with honest practices in industrial or commercial matters, especially in cases involving individuals entitled to use a geographical name. Applicants for a collective mark must provide a copy of the regulations governing the mark's usage, which must be submitted within 6 months of filing the relevant application.

These regulations should clearly specify⁽¹⁵¹⁾:

- authorised users of the mark, categorised as associate, full, or honorary members, with clear conditions of membership outlined;
- membership conditions of the association, either within the regulations or as an attached schedule;
- conditions for using the mark, including any penalties for misuse, if applicable.

A collective mark may be approved for registration if it satisfies the eligibility criteria and if the regulations governing its usage are deemed satisfactory and do not violate public policy or accepted moral principles. Non-compliance with these criteria constitutes grounds for invalidation of the registration.

Any amendments to the regulations governing the use of a registered collective mark must only take effect after they have been filed with and accepted by the competent authority⁽¹⁵²⁾.

⁽¹⁵¹⁾ Trade marks Act 1996, First Schedule of Section 54, Sub.5.:
www.irishstatutebook.ie/eli/1996/act/6/schedule/2/enacted/en/html#sched2.

⁽¹⁵²⁾ <https://ipoi.gov.ie/en/law-practice/legislation/trade-marks/trade-marks-practice-and-procedures/information-in-relation-to-collective-trade-marks.pdf>

The Act defines **certification marks** as marks indicating that the goods or services associated with the mark have been certified by its proprietor regarding various characteristics, such as origin, material, method of manufacture, quality, or other attributes.

An applicant seeking to register a certification mark must not be engaged in the business of supplying goods or services of the certified kind. Any person or organisation can apply for registration, provided they specify who is authorised to use the mark, the characteristics to be certified, the testing and supervision procedures, any applicable fees, and dispute resolution mechanisms.

Unlike regular trade marks, **certification marks may include indications of geographical origin**. However, the owner of such a mark cannot restrict the use of these signs or indications in line with fair practices in industry or commerce, particularly by those entitled to use a geographical name.

Applicants must submit regulations governing the mark's use within 6 months of authorisation to proceed and pay the prescribed fee.

These regulations should clearly define⁽¹⁵³⁾:

- the entities or individuals granted permission to utilise the trade mark;
- the specific attributes or qualities that the mark certifies;
- the methodologies employed by the certifying entity to evaluate these attributes;
- oversight mechanisms implemented by the certifying body to monitor mark usage;
- the financial obligations associated with the mark's operation;
- protocols for addressing disputes related to the mark;
- procedures governing the modification of the governing rules.

Collective and certification marks are rarely registered in Ireland – the national trade mark register includes less than 35 collective marks and less than 35 certification marks. This is surprising given

⁽¹⁵³⁾ Trade marks Act 1996, Section 55, sub.6.

that the Irish economy is known for its high standards and uniquely located products, particularly in sectors such as agri-foods, and textiles such as Donegal Tweed.

Finally, the Act also contains a provision on the misuse of trade marks indicative of Irish origin (Section 98):

The Minister may take, in any place outside the State, such lawful steps, whether by way of action or prosecution at law or otherwise, as he shall think proper to prevent, restrain, or to secure punishment for, the registration, use or application, in relation to or in respect of goods not grown, produced or manufactured in the State, of any trade mark or other mark or description indicating or suggesting, or likely to lead to the belief, that the goods in respect of which or to which that trade mark, mark or description is used or applied were grown, produced or manufactured in the State.

1.3. Unfair competition and consumer protection laws

The **Competition and Consumer Protection Act**⁽¹⁵⁴⁾ is designed to prevent unfair and misleading commercial practices, which encompass those that could deceive consumers about the geographical origin of products.

Under the Act, a commercial practice is considered misleading if it provides false information or deceives consumers regarding various product characteristics, including geographical origin. This can influence consumer decisions in a way they would not have otherwise decided, based on truthful information.

When determining whether a commercial practice is misleading, it should be evaluated within its factual context, considering all its features and circumstances. Notably, in determining the geographical origin of goods produced in multiple countries, emphasis should be placed on where the

⁽¹⁵⁴⁾ <https://enterprise.gov.ie/en/legislation/competition-and-consumer-protection-act-2014-no-29-of-2014-.html>

goods underwent their last significant and economically justified processing or working, which led to the creation of new goods or marked a significant stage in their production.

The Act empowers the Competition and Consumer Protection Commission (CCPC) to enforce compliance with relevant statutory provisions. This includes the investigation and prevention of practices that could mislead consumers about product origins⁽¹⁵⁵⁾.

The CCPC has the authority to investigate suspected breaches of the Act, summon witnesses, and require the production of documents to ensure compliance. This helps to maintain the integrity of product origin claims and other relevant information presented to consumers⁽¹⁵⁶⁾.

The Act also includes provisions related to the registration and use of trade marks, collective marks, and certification marks, which must not be misleading as to the nature, quality, or origin of the products.

By enforcing these provisions, the Competition and Consumer Protection Act aims to ensure that consumers receive accurate information regarding the products they purchase, thus protecting the true origin of products on the market.

1.4. Specific laws or decrees that protect a specific craft or industrial product

No specific laws or decrees protecting specific craft or industrial products have been enacted in Ireland.

⁽¹⁵⁵⁾ <https://www.irishstatutebook.ie/eli/2014/act/29/section/10/enacted/en/html>

⁽¹⁵⁶⁾ <https://www.irishstatutebook.ie/eli/2014/act/29/section/18/enacted/en/html>

1.5. Current legislative proposals and initiatives to protect or enforce craft and industrial GIs

In light of the adoption of the CIGI Regulation, and the requirement to establish a legal framework for GI protection within 2 years, the Irish Department of Enterprise, Trade and Employment ('the Department') launched a public consultation⁽¹⁵⁷⁾. This consultation sought feedback on the implementation of regulations concerning the protection of GIs for CI products.

Stakeholders were encouraged to submit written contributions on the implementation of the GI protection system for artisanal and industrial products **by 17 May 2024**. The responses received during the consultation will guide the Department in determining the optimal approach for implementing the CIGI Regulation in Ireland.

The Department invited input from stakeholders, interested parties, and particularly producers of CI products who might seek GI protection for their goods. Applicants were invited to indicate whether they were producers of craft or industrial products or represented an organisation/producer group, specifying the industry type/sector in which they operated.

Interested parties had the opportunity to express their preference between two registration procedures:

- a two-step process involving initial registration with the national authority followed by registration with the European Union Intellectual Property Office (EUIPO), or
- a direct registration with the EUIPO – manufacturers could choose the direct registration procedure for its efficiency and cost-effectiveness.

Contributors could also designate which public bodies and stakeholders, such as consumer groups, retailers, and suppliers, should participate in the activities of the producer group.

⁽¹⁵⁷⁾ <https://www.gov.ie/pdf/?file=https://assets.gov.ie/289637/6ec1135d-4779-42d5-8ac4-5d869e24aa1f.pdf>

Additionally, stakeholders were invited to express their views on:

- the self-declaration procedure, where GI producers self-declare their compliance with the product specification, with checks performed by a competent authority or designated third party based on risk analysis and notifications by the producers concerned;
- the verification procedure, where producers do not self-declare compliance with the product specification, but verification is carried out by a competent authority or designated third party.

Lastly, stakeholders were asked to provide their views on measures or enforcement actions that could be implemented to prevent, monitor, or stop the use of counterfeit GI products on the market, and to share any specific evidence or experiences from their sector.

2. List of National Registered and Pending Craft and Industrial GIs

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

There are currently no CI GIs registered in Ireland.

3. List of Product Names Potentially Protectable by Craft and Industrial GIs at EU Level

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

The following names of CI products⁽¹⁵⁸⁾ are potentially protectable by CI GIs:

1. <i>Waterford Glass</i>	Glass
2. <i>Aran jumpers</i>	Textiles
3. <i>Youghal lace</i>	Lace
4. <i>Connemara marble</i>	Marble
5. <i>Donegal tweed</i>	Textiles

⁽¹⁵⁸⁾ No further product names were added with respect to the list contained in the 2020 VVA/ECORYS/ConPolicy study.

STUDY ON EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GEOGRAPHICAL INDICATIONS

Italy



Abbreviations

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

CAT	Artistic and Traditional Ceramic (<i>Ceramica Artistica e Tradizionale</i>)
CPI	Industrial Property Code (<i>Codice di Proprietà Industriale</i>)
UIBM	Italian Patent and Trade mark Office (<i>Ufficio Italiano Brevetti e Marchi</i>)

1. Legal Framework for the Protection of Names of Craft and Industrial Products

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

1.1. *Sui generis* protection system

Italian legislation does not provide for a *sui generis* protection system for CI GIs.

Names of CI products can be protected through:

- trade mark law;
- special laws or decrees protecting a specific product;
- unfair competition laws.

1.2. Trade mark law

The main source of law for trade mark protection is the Italian Industrial Property Code⁽¹⁵⁹⁾ (CPI), which provides rules for the registration of individual, collective, and certification trade marks.

A significant amendment to the CPI introduced by Legislative Decree 20 February 2019, no. 15, which transposed Directive (EU) 2015/2436, is the clear distinction between collective trade marks and certification trade marks. Before this reform, the primary function of collective trade marks in Italy was to assure the public of the compliance with quality standards or the geographical origin of certain products or services.

⁽¹⁵⁹⁾ Industrial Property Code (CPI), Legislative Decree No. 30 of 10 February 2005, as amended up to Law No. 102 of 24 July 2023; <https://www.wipo.int/wipolex/en/text/589503>.

Currently, the purpose of **collective trade marks** is to inform consumers that the manufacturer of the products or the provider of services belongs to a specific association and is authorised to use the trade mark. In particular, **Article 11 of the CPI provides that a collective trade mark – unlike individual trade marks – may consist of signs or indications which in trade can serve to designate the geographical origin of the products or services.** Any producer/entity whose products or services originate from the geographical area in question has the right to use the collective trade mark and to become a member of the association that owns it, provided that all the requirements set out in the relevant regulation of use are met.

The Italian Patent and Trade mark Office (UIBM) may refuse registration with a reasoned decision if the requested marks could create situations of unjustified privilege or otherwise hinder the development of other similar initiatives in the region. In these cases, the UIBM has the right to seek the opinion of public administrations, relevant categories, and competent bodies in this regard. **The successful registration of the collective trade mark consisting of a geographical name does not authorise the owner to prohibit third parties from using the same name in commerce, provided that such use is in accordance with the principles of professional fairness.**

Moreover, according to Article 11 CPI:

1. Legal persons governed by public law and trade associations of manufacturers, producers, service providers or traders, excluding the companies referred to in the fifth book, fifth title, fifth, sixth and seventh chapters of the civil code, **can obtain the registration of collective trade marks which they have the right to grant for use to producers or traders.** The regulations concerning the use of collective marks, controls and related sanctions must be attached to the registration application in compliance with the requirements of Article 157, paragraph 1-bis; regulatory changes must be communicated by the owners to the Italian Patent and Trade mark Office to be included in the collection referred to in Article 185.

The **regulation governing the use** of the collective trade mark, in compliance with the requirements of Article 157, paragraph 1-*bis*, CPI, must contain the following information:

- a) the name of the applicant;
- b) the purpose of the trade association or the purpose for which the legal person governed by public law was established;
- c) the subjects entitled to represent the trade association, or the legal person governed by public law;
- d) in the case of a trade association, the conditions for admission of members;
- e) the representation of the collective trade mark;
- f) the subjects entitled to use the collective trade mark;
- g) any conditions of use of the collective trade mark, as well as sanctions for regulatory infringements;
- h) the products or services covered by the collective trade mark, including, where appropriate, any limitations introduced following the application of the legislation regarding designations of origin, geographical indications, guaranteed traditional specialties, traditional terms for wines;
- i) if applicable, the authorisation to become members of the association that owns the trade mark referred to in Article 11, paragraph 4'.

In Italy, collective trade marks are often utilised to protect geographically rooted handicrafts, as exemplified by trade marks registered by Italian regions.

For instance, the following collective trade marks have been officially registered.

Figure 1 The collective trade mark 'Artigiani In Liguria'

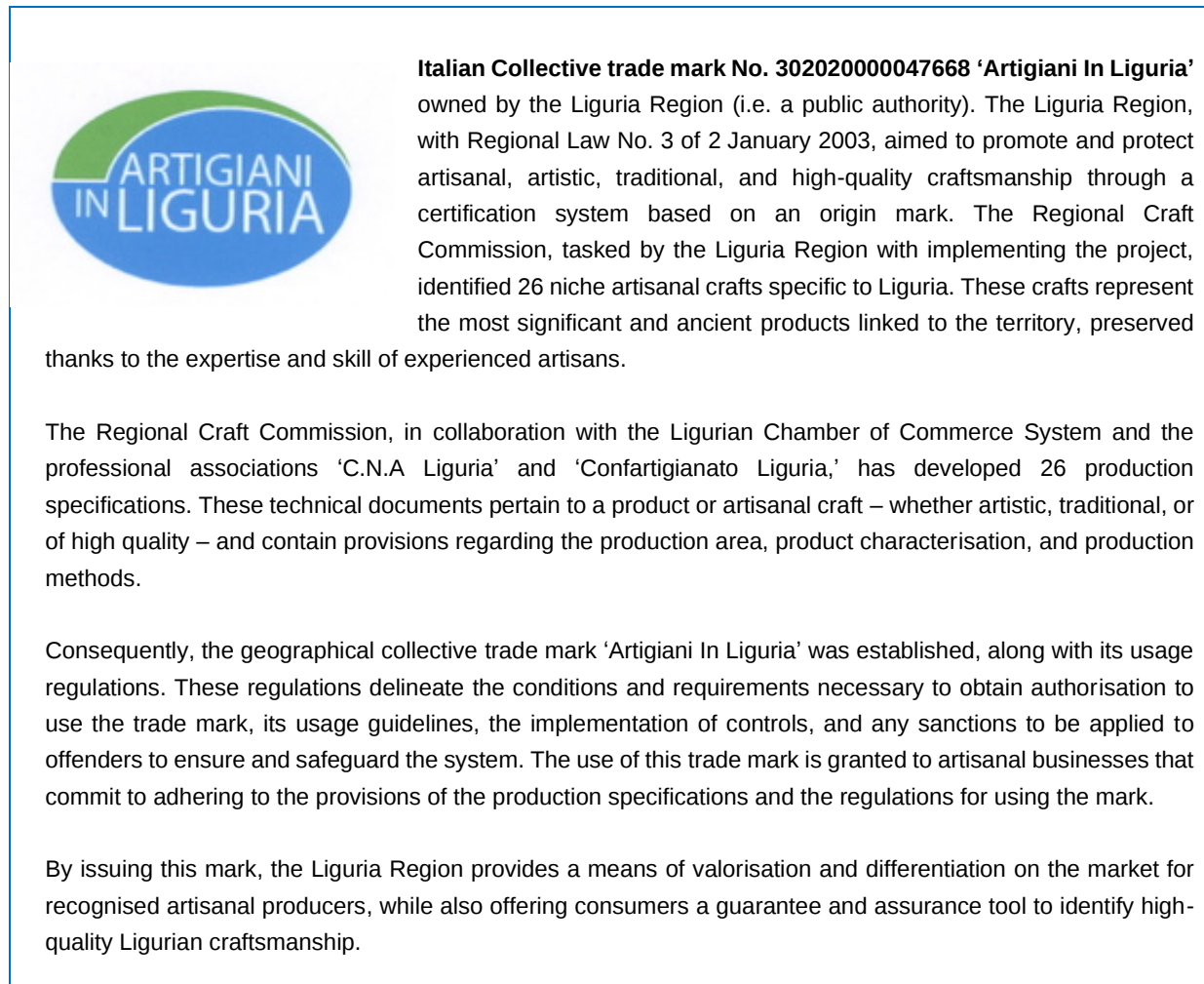


Figure 2 The collective trade mark 'I.S.O.L.A.'

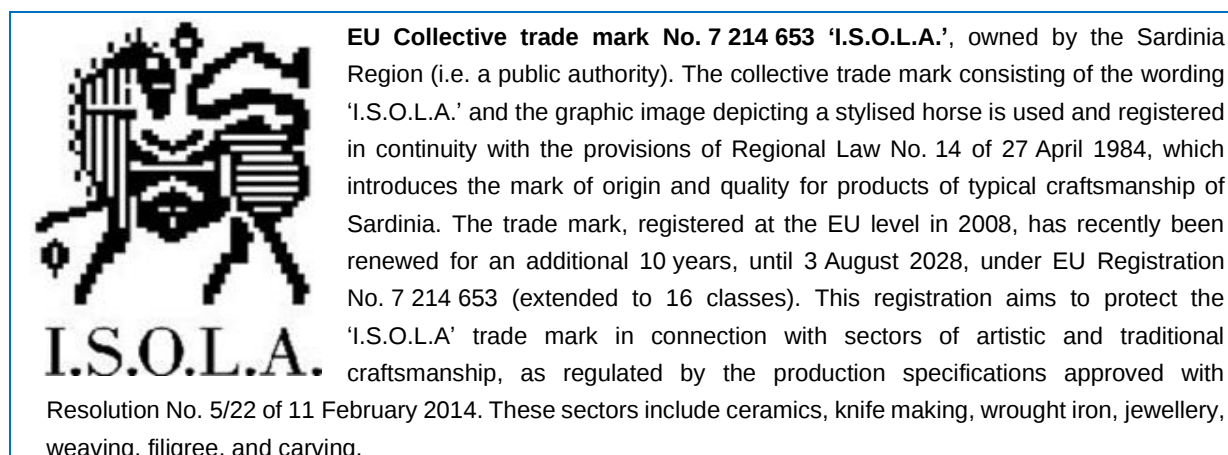


Figure 3 The certification trade mark 'Ceramica artigiana SARDEGNA'



Moreover, the Veneto Region, with the aim of protecting typical local products, has registered (at national and EU level) several collective trade marks related to artisanal or craft products⁽¹⁶¹⁾.

One of the main new features introduced by Legislative Decree No. 15/2019 is the definition of the **certification trade mark** provided for by the new Article 11-*bis* of the CPI.

⁽¹⁶⁰⁾ https://www.regione.sardegna.it/documenti/1_244_20090416170044.pdf

⁽¹⁶¹⁾ For the list of registered trade marks, see: <https://www.regione.veneto.it/web/attivita-produttive/marchi-registrati>.

Certification trade marks are defined by Article 27 of Directive (EU) 2015/2436 as trade marks suitable to distinguish certified products or services from the trade mark owner in terms of material, manufacturing process, service delivery, quality, accuracy, or other characteristics, from products and services that are not certified.

Therefore, certification trade marks are signs intended to certify certain characteristics of products or services (such as quality).

According to Article 11-bis CPI:

1. Natural or legal persons, including institutions, authorities and bodies accredited pursuant to current legislation on certification, to guarantee the origin, nature or quality of certain products or services, may obtain registration for specific trade marks as certification marks, provided that they do not carry out an activity involving the supply of products or services of the type certified.

By way of derogation from Article 13, paragraph 1, **a certification trade mark may consist of signs or indications which in trade can serve to designate the geographical origin of the products or services.** However, the UIBM can refuse, with motivated provision, the registration when the requested trade marks could create situations of unjustified privilege or in any case prejudice the development of other similar initiatives in the region. The UIBM has the right to request the notice of the interested or competent public administrations, categories and bodies in this regard. **The registration of the certification mark consisting of a geographical name does not authorise the owner to prohibit third parties from using the name itself in trade, provided that this use complies with the principles of professional correctness.**

An Italian guarantee or certification mark can also be used to certify the geographical origin of products and services; however, the European Certification Mark does not permit this, and the prohibition applies to both the mark and the regulations governing its use.

The legislator has stipulated that the application for registration must be filed with the regulations governing the use of certification trade marks, controls, and related sanctions, in compliance with the requirements set forth in Article 157, paragraph 1, subsection *ter*, of the CPI. In particular, the regulation for the use of certification marks must contain the following information:

- a) the name of the applicant;
- b) a declaration certifying that the applicant satisfies the conditions referred to in Article 11-bis;
- c) the representation of the certification trade mark;
- d) the products or services covered by the certification trade mark;
- e) the characteristics of the products or services that must be certified by the certification trade mark;
- f) the conditions of use of the certification trade mark, as well as the sanctions provided for in cases of infringement of the regulatory standards;
- g) the persons entitled to use the certification trade mark;
- h) the methods for verifying the characteristics and supervising the use of the certification trade mark by the certification body'.

In Italy, the primary legal instrument used by rights holders to protect the names of CI products is the collective trade mark. However, some certification marks protecting the names of CI products exist in the Italian Trade mark Registry. For instance, the following certification trade mark has been officially registered.

Figure 4 The certification trade mark 'Tessitura artigiana SARDEGNA'



they meet the conditions and requirements established by the relevant specifications ⁽¹⁶²⁾.

1.3. Unfair competition and consumer protection laws

Besides trade mark law and ad hoc laws protecting a specific product, names of CI products might also be protected through **unfair competition rules**, bearing in mind that **they apply only to wrongful acts of competitors**. A significant form of unfair competition is addressed under Article 2598, Section 2 of the Italian Civil Code ⁽¹⁶³⁾, concerning **the appropriation of 'the merits of a competitor's products or company'**.

In legal doctrine and court rulings, these merits refer to the qualities of the company or its products that are esteemed and preferred by consumers. Unlawful behaviour occurs when a company communicates to the market that it or its products possess the merits of a competitor company (or its products).

A common example is when a company aligns itself with the reputation of a competitor. This happens when a company presents itself to the market as being equivalent to a well-known competitor or its products. By doing so, the company gains a significant market advantage by exploiting the competitor's reputation – which was developed through substantial investments of time and money – without making a similar effort.

A common scenario is using one's own brand alongside that of the well-known company, preceded by terms such as 'type' or 'similar' (e.g. 'the cheese is 'Parmigiano Reggiano type'). In such instances, the comparison of product quality becomes irrelevant; the unlawful conduct is established solely by capitalising on the reputation of the well-known company.

⁽¹⁶²⁾ https://www.regione.sardegna.it/documenti/1_244_20090416182652.pdf

⁽¹⁶³⁾ Royal Decree No. 262 of 16 March 1942, updated with the latest legislative amendments, most recently by Law no. 104 of July 4, 2024, by Decree-Law no. 92 of July 4, 2024, converted, with amendments, by Law no. 112 of August 8, 2024, and by the Constitutional Court ruling no. 148 of July 4-25, 2024: <https://www.altalex.com/documents/codici-altalex/2015/01/02/codice-civile>.

Furthermore, Article 2598 Section 3 of the Italian Civil Code states that anyone that '[...] uses directly or indirectly any mean which does not comply with the principles of fair professional conduct and which is capable of harming other undertakings' performs acts of unfair competition. As such, the misuse or abuse of a trade mark or a name used may result in an act of unfair competition according to the illicit conduct described in Article 2598 of the Italian Civil Code.

Similarly, according to the Italian consumer protection law (*Codice del Consumo*⁽¹⁶⁴⁾, Legislative Decree no. 206 of 2005, Articles 18 and following, as amended by Legislative Decree no. 146 of 2007 implementing Directive 2005/29/EC on unfair business-to-consumer commercial practices in the internal market and amending Directives 84/450/EEC, 97/7/EC, 98/27/EC, 2002/65/EC, and Regulation (EC) no. 2006/2004), unfair business practices, defined as practices not in line with professional diligence and which could significantly distort consumer behaviour regarding a particular product, are prohibited.

1.4. Specific laws or decrees that protect a specific craft or industrial product

Following the Constitutional reform in 2001, regional authorities were granted full legislative and operational jurisdiction over the craft and industrial sectors.

Since then, each region has developed its own set of laws to regulate the industry comprehensively⁽¹⁶⁵⁾, also enacting laws that protect a specific craft or industrial product. Almost all regional legislations describe crafts by emphasising traditional production techniques, which are

⁽¹⁶⁴⁾ Legislative Decree No. 206/2005 coordinated and updated by Law No. 214/2023:
<https://www.altalex.com/documents/codici-altalex/2014/03/19/codice-del-consumo>.

⁽¹⁶⁵⁾ See, for example, law of Lazio Region of 17 February 2015, available at <http://www.consiglio.regione.lazio.it/consiglio-regionale/?vw=leggiregionalidettaglio&id=9255&sv=vigente>; Law of Puglia Region of 5 August 2013 No. 24, available at: <http://portale2015.consiglio.puglia.it/documentazione/leges/modulo.aspx?id=12555>; Law of Toscana Region of 22 October 2008 No. 53, available at <http://www.isfol.it/sistema-documentale/banche-dati/normative/archivio/17671>; Article 22 L.R. (Veneto Region) 8 October 2018 No. 34, available at: <https://bur.regione.veneto.it/BurVServices/pubblica/DettaglioLegge.aspx?id=379529>.

primarily manual, and produce unique crafts that are deeply embedded in the local culture and history, reflecting the link with their places of origin.

As mentioned in the previous paragraphs, many regions have registered collective and certification trade marks to protect their local traditional handicrafts by means of ad hoc regional laws⁽¹⁶⁶⁾, establishing the geographical area of production, and the qualities and specific processes that have to be respected by producers in order to use the collective or certification trade mark.

After the approval of the CIGI Regulation, the question remains as to how (and if) such collective and certification trade marks owned by regional authorities will continue to be used.

A relevant example of a specific law within the craft-industrial sector is the Law no.188/1990 on the '**Protection of artistic, traditional and quality ceramics**'⁽¹⁶⁷⁾, which provided for the institution of the '**Consiglio Nazionale Ceramico**' (**National Ceramics Council**) that oversees the protection of artistic, traditional, and high-quality ceramics, working in collaboration with the State, Regions, and producer associations.

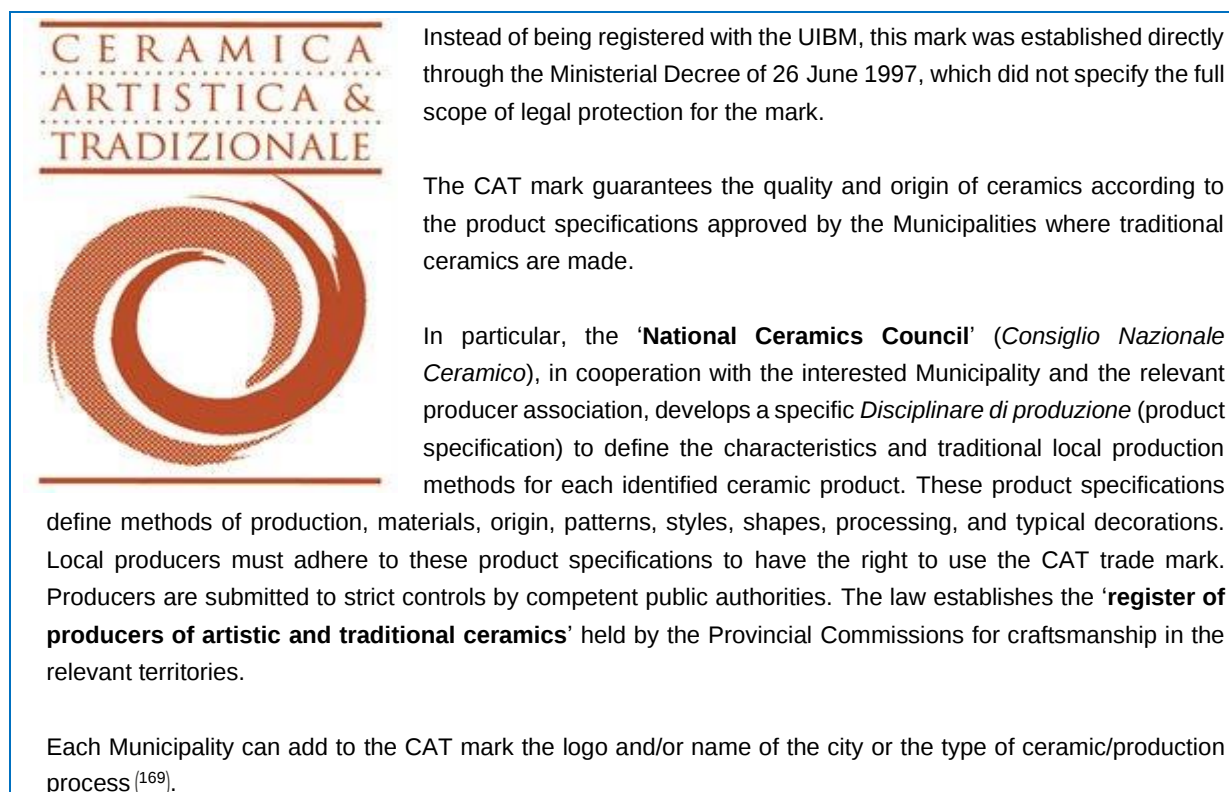
Under Law no. 188/1990, a Ministerial Decree issued on 26 June 1997⁽¹⁶⁸⁾ by the Minister of Industry, Commerce, and Crafts introduced the national mark '**Ceramica Artistica e Tradizionale - CAT**' ('Artistic and Traditional Ceramic') for the promotion and protection of artistic and traditional ceramic productions.

⁽¹⁶⁶⁾ See, for example, the regional laws of Veneto Region related to its registered collective trade marks, available at: <https://www.regione.veneto.it/web/attivita-produttive/normativa-marchi-regionali>.

⁽¹⁶⁷⁾ See, Law 9 July 1990, No. 188 '*Tutela della ceramica artistica e tradizionale e della ceramica di qualità*' (GU 165, 17-7-1990) and amendments: <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1990-07-09:188!vig=>.

⁽¹⁶⁸⁾ Ministerial Decree of 26 June 1997 (G.U. n.153 of 3 July 1997): https://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=1997-07-03&atto.codiceRedazionale=097A5254&elenco30giorni=false.

Figure 5 The CAT mark



1.5. Current legislative proposals and initiatives to protect or enforce craft and industrial GIs

The so-called Made in Italy Law⁽¹⁷⁰⁾, adopted by the Italian legislator on 27 December 2023, has the general objective of enhancing and promoting, in Italy and abroad, Italian cultural heritage and products of Italian excellence.

⁽¹⁶⁹⁾ See, for example, the CAT mark of the Impruneta Municipality: [https://www.comune.impruneta.fi.it/it/page/marchio-di-garanzia-c-a-t-ceramiche-artistiche-e-tradizionali#:~:text=Il%20Marchio%20CAT%20\(Ceramica%20Artistica,secondo%20innovazioni%20ispirate%20alla%20tradizione.](https://www.comune.impruneta.fi.it/it/page/marchio-di-garanzia-c-a-t-ceramiche-artistiche-e-tradizionali#:~:text=Il%20Marchio%20CAT%20(Ceramica%20Artistica,secondo%20innovazioni%20ispirate%20alla%20tradizione.)

⁽¹⁷⁰⁾ Law No. 206 of 27 December 2023, Organic provisions for the valorisation, promotion and protection of Made in Italy products: <https://www.gazzettaufficiale.it/eli/id/2023/12/27/23G00221/sq.>

The law introduces financial measures to support the promotion of industrial property rights and initiatives aimed at increasing the visibility of Italian GIs, including through domain names and online platforms. It also lays the groundwork for the new EU protection system for CI GIs.

In particular, Article 42 provides that, in anticipation of a uniform protection system at the European level based on GIs, Italian regions may conduct a review of typical CI products that are already subject to forms of recognition or protection, or that have a reputation and quality strongly linked to their local territory. This review is to be conducted according to the modalities and within the terms defined by agreement during the Permanent Conference for Relations between the State, Regions, and Autonomous Provinces of Trento and Bolzano, and the findings are to be submitted to the Ministry of the Economy and Made in Italy.

Furthermore, Article 43 establishes that, to enhance the value of typical artisan and industrial products and to promote their protection as a GI pursuant to Article 29 of the Industrial Property Code, producer associations operating within a specific geographical area are required to adopt production regulations and submit a declaration of interest to the competent regional authority for the purpose of the review referred to in Article 42.

The law provides that associations of producers of CI GIs may be established in any legal form, provided that among their social purposes is the valorisation of the product subject to the specification. They operate transparently, openly, and non-discriminatory, allowing all producers of the product designated by the GI to join the association at any time. Associations of producers must exercise the following powers and tasks:

- a) develop the product specifications of CI GIs and carry out internal controls to ensure compliance of production phases with the product specifications;
- b) take legal actions aimed at ensuring the protection of the GI and any other intellectual property rights directly linked to the product;
- c) promote sustainability initiatives, either included in the product specifications or not;
- d) implement measures to enhance the performance of the GI.

Moreover, Article 46 of the Made in Italy Law establishes that producer associations of CI GIs are eligible for a **subsidy covering technical consulting costs associated with the drafting of the production specifications for the future registration of CI GIs**. Accordingly, **a budget of EUR 3 million has been allocated for this purpose in 2024**. In this respect, the Minister of Enterprises and Made in Italy, in agreement with the Minister of Economy and Finance, approved a Decree that defines the procedures for the disbursement of contributions to producer associations⁽¹⁷¹⁾.

The ultimate goal of all institutions (national, regional and local) is to enhance high-quality territorial productions, traditional knowledge, cultures, and local excellences.

2. List of National Registered and Pending Craft and Industrial GIs

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

There are currently no registered CI GIs in Italy.

⁽¹⁷¹⁾ Decree of June, Official Gazette No. 158 of 8 July 2023:
https://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2024-07-08&atto.codiceRedazionale=24A03451&elenco30giorni=false.

3. List of Product Names Potentially Protectable by Craft and Industrial GIs at EU Level

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

The following names of CI products could potentially be protected as CI GIs⁽¹⁷²⁾:

1. <i>Alabastro di Volterra</i>	Stone
2. <i>Basalto lavico dell'Etna</i>	Stone
3. <i>Biella - the art of excellence</i>	Textiles
4. <i>Campane di Agnone</i>	Bells
5. <i>Cappello di paglia di Firenze- Signa</i>	Hats
6. <i>Cardato Pratese</i>	Textiles

⁽¹⁷²⁾ The inventory of craft and industrial product names potentially protectable by CI GI contained in the study on the economic aspects of GI protection at EU level for non-agricultural products (VVA/ECORYS/ConPolicy), 2020, was integrated with information provided by local correspondents. In particular, the following product names were added: *Ceramica Artistica e Tradizionale del territorio di Acquapendente*; *Ceramica Artistica e Tradizionale di Appignano*; *Ceramica Artistica e Tradizionale di Ariano Irpino*; *Ceramica Artistica e Tradizionale di Asciano*; *Ceramica Artistica e Tradizionale di Assemini*; *Ceramica Artistica e Tradizionale di Borgo San Lorenzo*; *Ceramica Artistica e Tradizionale di Burgio*; *Ceramica Artistica e Tradizionale del territorio di Calitri*; *Ceramica Artistica e Tradizionale del territorio di Calvello*; *Ceramica Artistica e Tradizionale del territorio di Castellamonte*; *Ceramica Artistica e Tradizionale del territorio di Cava de'Tirreni*; *Ceramica Artistica e Tradizionale del territorio di Celle Ligure*; *Ceramica Artistica e Tradizionale del territorio di Cerreto Sannita*; *Ceramica Artistica e Tradizionale del territorio di Città di Castello*; *Ceramica Artistica e Tradizionale del territorio di Civita Castellana*; *Ceramica Artistica e Tradizionale del territorio di Collesano*; *Ceramica Artistica e Tradizionale del territorio di Cutrofiano*; *Ceramica Artistica e Tradizionale del territorio di Este*; *Ceramica Artistica e Tradizionale del territorio di Fratte Rosa*; *Ceramica Artistica e Tradizionale del territorio di Gualdo Tadino*; *Ceramica Artistica e Tradizionale del territorio di Gubbio*; *Ceramica Artistica e Tradizionale del territorio di Impruneta*; *Ceramica Artistica e Tradizionale del territorio di Laterza*; *Ceramica Artistica e Tradizionale del territorio di Laveno Mombello*; *Ceramica Artistica e Tradizionale del territorio di Lodi*; *Ceramica Artistica e Tradizionale del territorio di Matera*; *Ceramica Artistica e Tradizionale del territorio di Monreale*; *Ceramica Artistica e Tradizionale del territorio di Oristano*; *Ceramica Artistica e Tradizionale del territorio di Orvieto*; *Ceramica Artistica e Tradizionale del territorio di Pesaro*; *Ceramica Artistica e Tradizionale del territorio di Rutigliano*; *Ceramica Artistica e Tradizionale del territorio di San Lorenzo*; *Ceramica Artistica e Tradizionale del territorio di Santo Stefano di Camastra*; *Ceramica Artistica e Tradizionale del territorio di Savona*; *Ceramica Artistica e Tradizionale del territorio di Sciacca*; *Ceramica Artistica e Tradizionale del territorio di Sesto Fiorentino*; *Ceramica Artistica e Tradizionale del territorio di Squillace*; *Ceramica Artistica e Tradizionale del territorio di Tarquinia*; *Ceramica Artistica e Tradizionale del territorio di Terlizzi*; *Ceramica Artistica e Tradizionale del territorio di Urbania*; *Ceramica Artistica e Tradizionale del territorio di Umbertide*; *Ceramica Artistica e Tradizionale del territorio di Viterbo*; *Fango di Terme Abano Montegrotto*; *Intreccio Sardo*; *Pietra di Vicenza*; *Tessitura di Sardegna*.

7. <i>Carta di Amalfi</i>	Paper
8. <i>Ceramica Artistica e Tradizionale del territorio di Acquapendente</i>	Ceramics
9. <i>Ceramica Artistica e Tradizionale di Albisola Superiore, Liguria</i>	Ceramics
10. <i>Ceramica Artistica e Tradizionale di Albissola Marina, Liguria</i>	Ceramics
11. <i>Ceramica Artistica e Tradizionale di Appignano</i>	Ceramics
12. <i>Ceramica Artistica e Tradizionale di Ariano Irpino</i>	Ceramics
13. <i>Ceramica Artistica e Tradizionale di Asciano</i>	Ceramics
14. <i>Ceramica Artistica e Tradizionale di Ascoli Piceno</i>	Ceramics
15. <i>Ceramica Artistica e Tradizionale di Assemini</i>	Ceramics
16. <i>Ceramica Artistica e Tradizionale di Bassano del Grappa</i>	Ceramics
17. <i>Ceramica Artistica e Tradizionale di Borgo San Lorenzo</i>	Ceramics
18. <i>Ceramica Artistica e Tradizionale di Burgio</i>	Ceramics
19. <i>Ceramica Artistica e Tradizionale del territorio di Calitri</i>	Ceramics
20. <i>Ceramica Artistica e Tradizionale di Caltagirone</i>	Ceramics
21. <i>Ceramica Artistica e Tradizionale del territorio di Calvello</i>	Ceramics
22. <i>Ceramica Artistica e Tradizionale del territorio di Castellamonte</i>	Ceramics
23. <i>Ceramica Artistica e Tradizionale del territorio di Castelli</i>	Ceramics
24. <i>Ceramica Artistica e Tradizionale del territorio di Cava de'Tirreni</i>	Ceramics
25. <i>Ceramica Artistica e Tradizionale del territorio di Celle Ligure</i>	Ceramics
26. <i>Ceramica Artistica e Tradizionale del territorio di Cerreto Sannita</i>	Ceramics
27. <i>Ceramica Artistica e Tradizionale del territorio di Città di Castello</i>	Ceramics
28. <i>Ceramica Artistica e Tradizionale del territorio di Civita Castellana</i>	Ceramics
29. <i>Ceramica Artistica e Tradizionale del territorio di Collesano</i>	Ceramics
30. <i>Ceramica Artistica e Tradizionale del territorio di Cutrofiano</i>	Ceramics
31. <i>Ceramica Artistica e Tradizionale del territorio di Deruta</i>	Ceramics

32. <i>Ceramica Artistica e Tradizionale del territorio di Este</i>	Ceramics
33. <i>Ceramica Artistica e Tradizionale del territorio di Faenza</i>	Ceramics
34. <i>Ceramica Artistica e Tradizionale del territorio di Fratte Rosa</i>	Ceramics
35. <i>Ceramica Artistica e Tradizionale del territorio di Grottaglie</i>	Ceramics
36. <i>Ceramica Artistica e Tradizionale del territorio di Gualdo Tadino</i>	Ceramics
37. <i>Ceramica Artistica e Tradizionale del territorio di Gubbio</i>	Ceramics
38. <i>Ceramica Artistica e Tradizionale del territorio di Impruneta</i>	Ceramics
39. <i>Ceramica Artistica e Tradizionale del territorio di Laterza</i>	Ceramics
40. <i>Ceramica Artistica e Tradizionale del territorio di Laveno Mombello</i>	Ceramics
41. <i>Ceramica Artistica e Tradizionale del territorio di Lodi</i>	Ceramics
42. <i>Ceramica Artistica e Tradizionale del territorio di Matera</i>	Ceramics
43. <i>Ceramica Artistica e Tradizionale del territorio di Montelupo Fiorentino</i>	Ceramics
44. <i>Ceramica Artistica e Tradizionale del territorio di Monreale</i>	Ceramics
45. <i>Ceramica Artistica e Tradizionale del territorio di Napoli-Capodimonte</i>	Ceramics
46. <i>Ceramica Artistica e Tradizionale del territorio di Nove</i>	Ceramics
47. <i>Ceramica Artistica e Tradizionale del territorio di Oristano</i>	Ceramics
48. <i>Ceramica Artistica e Tradizionale del territorio di Orvieto</i>	Ceramics
49. <i>Ceramica Artistica e Tradizionale del territorio di Pesaro</i>	Ceramics
50. <i>Ceramica Artistica e Tradizionale del territorio di Rutigliano</i>	Ceramics
51. <i>Ceramica Artistica e Tradizionale del territorio di San Lorenzello</i>	Ceramics
52. <i>Ceramica Artistica e Tradizionale del territorio di Santo Stefano di Camastra</i>	Ceramics
53. <i>Ceramica Artistica e Tradizionale del territorio di Savona</i>	Ceramics
54. <i>Ceramica Artistica e Tradizionale del territorio di Sciacca</i>	Ceramics
55. <i>Ceramica Artistica e Tradizionale del territorio di Sesto Fiorentino</i>	Ceramics

56. <i>Ceramica Artistica e Tradizionale del territorio di Squillace</i>	Ceramics
57. <i>Ceramica Artistica e Tradizionale del territorio di Tarquinia</i>	Ceramics
58. <i>Ceramica Artistica e Tradizionale del territorio di Terlizzi</i>	Ceramics
59. <i>Ceramica Artistica e Tradizionale del territorio di Urbani</i>	Ceramics
60. <i>Ceramica Artistica e Tradizionale del territorio di Umbertide</i>	Ceramics
61. <i>Ceramica Artistica e Tradizionale del territorio di Vietri sul Mare</i>	Ceramics
62. <i>Ceramica Artistica e Tradizionale del territorio di Viterbo</i>	Ceramics
63. <i>Coltellerie di Maniago</i>	Knives
64. <i>Coltelli di Frosolone</i>	Knives
65. <i>Coltello artigiano di Sardegna</i>	Knives
66. <i>Cremona liuteria</i>	Musical instruments
67. <i>Divalenza</i>	Jewellery
68. <i>Fango di Terme Abano Montegrotto</i>	Mud
69. <i>Filigrana Sarda</i>	Jewellery
70. <i>Gioielli di Torre del Greco</i>	Jewellery
71. <i>Imbarcazioni in legno tipiche e tradizionali della laguna di Venezia</i>	Boat
72. <i>Intreccio Sardo</i>	Baskets
73. <i>Le borse di Tolfa</i>	Bags
74. <i>Marmo Botticino Classico</i>	Marble
75. <i>Marmo di Carrara</i>	Stone
76. <i>Merletto di Burano</i>	Lace
77. <i>Merletto di Offida</i>	Lace
78. <i>Merletto di Orvieto (Ars wetana)</i>	Lace
79. <i>Merletto Goriziano</i>	Lace
80. <i>Mobile d'arte del Bassanese</i>	Furniture

81. <i>Mobile d'arte in stile della pianura veronese</i>	Furniture
82. <i>Ocarina di Budrio</i>	Musical instruments
83. <i>Orificeria di Vicenza</i>	Jewellery
84. <i>Pelle Conciata al Vegetale in Toscana (Conceria toscana)</i>	Leather
85. <i>Pietra della Lessinia</i>	Stone
86. <i>Pietra di Cuneo</i>	Stone
87. <i>Pietra di Vicenza</i>	Stone
88. <i>Pietre originali della Bergamasca</i>	Stone
89. <i>Pizzo di Cantù</i>	Embroidery
90. <i>Riviera del Brenta</i>	Textiles
91. <i>Tessitura di Sardegna</i>	Textiles
92. <i>Vetro di Murano</i>	Glass

STUDY ON EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GEOGRAPHICAL INDICATIONS

Latvia



Abbreviations

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

LPO

Latvian Patent Office

1. Legal Framework for the Protection of Names of Craft and Industrial Products

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

1.1. *Sui generis* protection system

Latvian legislation provides for a *sui generis* protection system for CI GIs.

In particular, Latvian legislation establishes a unique protection system for non-agricultural GIs, whether registered or not, in accordance with the Trade Mark Law of the Republic of Latvia dated 6 February 2020 ('Trade Mark Law'). This law, while primarily addressing trade mark matters, explicitly recognises GIs and provides them with a distinct form of protection. In Latvia, a unified *sui generis* protection regime applies to all products, with an additional level of protection afforded to alcoholic beverages.

Article 2 of the Trade Mark Law states that the purpose of the law is to ensure legal protection for the rights to a trade mark, a certification mark and an indication of geographical origin, where 'indication of geographical origin' is defined as 'a geographic name or other indication or sign used to indicate, directly or indirectly, the geographical origin of goods or services, including indications of the characteristics or features thereof, which are attributable to this origin'⁽¹⁷³⁾.

Article 88 specifies that **a geographical indication will receive protection without requiring registration**. However, a geographical name or designation of geographical nature must be recognised by consumers and market activities as pertaining to the specific origin of goods or services in order to qualify for protection under the law. Otherwise, they will not be considered as indications of geographical origin.

⁽¹⁷³⁾ <https://www.lrpv.gov.lv/en/law-0>

The Trade Mark Law also prohibits the use of false indications of geographical origin or similar signs in economic activities for goods or services that do not originate from the referenced geographical location. This prohibition applies when such use could mislead consumers regarding the true geographical origin of the goods or services.

Moreover, if goods or services typically associated with a geographical origin are perceived by market operators as possessing a special quality or characteristics, then the use of the GI in economic activities should only be allowed for goods or services originating from that specific place and possessing the relevant quality or characteristics. Specifically, if a GI is well-known and holds a special reputation among market operators, using it or a similar indication for goods or services of a different origin is not acceptable, even if it does not mislead consumers about the geographical origin but unfairly exploits or harms the reputation or distinctiveness of the GI.

Any use of signs contrary to the provisions of the Trade Mark Law constitutes an infringement of the rights associated with a GI. Therefore, according to Article 90(2) of the Trade Mark Law, interested parties, including professional associations, manufacturers' associations, trade or service providers whose statutes include the protection of economic interests, as well as governmental bodies, local authorities, and consumer rights protection institutions and organisations, may initiate legal actions to rectify infringements of rights associated with a GI.

Furthermore, Article 91(3) of the law stipulates that manufacturing, distributing, selling, or offering for sale labelling or accompanying documentation (such as packaging, tags, stickers, brochures, instructions for use, guarantee documents, or similar items) that infringes upon trade mark or GI rights, by including a registered and valid trade mark or GI without consent, or by using a name or sign indistinguishable from such trade mark or indication, may result in a fine of up to 70 units for individuals and up to 600 units for legal entities.

1.2. Trade mark law

The Trade Mark Law also grants protection to names of CI products through collective trade marks, defined as 'a trade mark which is used by bodies, associations of manufacturing, trade, or service merchants and performers of economic activity, or similar organisations for the designation or distinguishing of goods or services'. Such marks are capable of distinguishing the goods or services of the members of an association which is the proprietor of the mark from the goods or services of other companies.

A designation or indication used in economic activity to signify the geographical origin of goods or services may be registered as a collective mark without being subject to the restriction on the use of geographic terms as trade marks. However, the registration of such a collective mark does not grant its owner the right to prohibit others from using such signs or indications in trade, provided that such usage is conducted in accordance with fair business practices. Consequently, the proprietor of a collective mark cannot contest another individual's right to use a geographical name, as long as this usage does not mislead consumers.

Applications for registration in Latvia must be filed with the Latvian Patent Office (LPO) in writing. A filing fee must be paid on the filing of the application. If the result of the examination is favourable, the LPO takes a decision to register the trade mark and publishes it in the official gazette of the LPO. Within 3 months from the date of the publication of a trade mark, interested persons may, upon payment of the applicable fee, submit an opposition to the registration of a trade mark.

Section 72 of the Trade Mark Law defines certification marks: 'A certification mark is a sign used to designate goods or services which are certified by the proprietor of the mark in respect of material, mode of manufacture of goods or performance of services, quality, accuracy or other characteristics, from goods and services which are not so certified'. Additionally, it is specified that a certification mark may consist of a sign which complies with the provisions of law and is capable of distinguishing goods or services which are certified by the proprietor of the mark in respect of material, mode of manufacture of goods or performance of services, quality, accuracy or other characteristics, from goods and services which are not so certified.

A sign or an indication which may be used in trade to designate the geographical origin of goods or services may be registered as a certification mark without the restrictions for individual marks. However, the registration of such a certification mark does not entitle its holder to prohibit other persons from using such signs or indications in the course of their trade, provided that such use is in accordance with honest practices in industrial or commercial matters.

Moreover, the right of another person to use a geographical name cannot be challenged on the basis of such a certification mark, provided that such use does not mislead consumers. The owner of a certification mark may be any natural or legal person, including a legal person governed by public law, provided that this person does not carry out an economic activity related to goods or services which it certifies. When applying for a certification mark for registration, the applicant must submit a declaration that it does not engage in an economic activity related to goods or services which it certifies. Furthermore, the applicant for a certification mark must indicate the laws and regulations governing the relevant certification procedures or submit regulations governing the use of the certification mark.

1.3. Unfair competition and consumer protection laws

In Latvia, the **Consumer Rights Protection Law** (known in Latvian as *Patērētāju tiesību aizsardzības likums*) serves as the primary legal framework for safeguarding consumer rights in the country.

The oversight and enforcement of compliance with the Consumer Rights Protection Law, as well as related regulations and other pertinent legal instruments, are overseen by the Consumer Rights Protection Centre (referred to in Latvian as *Patērētāju tiesību aizsardzības centrs*). As stipulated in Article 24 of the Consumer Rights Protection Law, the Centre operates as a direct administrative institution under the supervision of the Ministry of Economics. Its core objectives include upholding consumer rights and interests and conducting market surveillance. To achieve these goals, the Centre proactively investigates potential violations of consumer rights, handles consumer complaints, renders decisions binding on traders, and facilitates conciliation in disputes between consumers and traders.

Other competent state institutions, duly authorised by law, enforce the Consumer Rights Protection Law in collaboration with municipalities and consumer rights protection associations.

Furthermore, the **Civil Law (Civillikums)** contains provisions related to civil liability that can be applied in cases of unfair competition, specifically under the sections concerning tort law. The relevant provisions are typically found in Chapter 19: Delictual Obligations of the Civil Law, which deals with unlawful acts and the resulting obligations.

The key article is Article 1635, which defines the basis for civil liability arising from the infliction of harm, which can be applicable in cases of unfair competition if a business can prove that another party's actions have caused damage⁽¹⁷⁴⁾.

1.4. Specific laws or decrees that protect a specific craft or industrial product

At present, no specific laws or decrees for the protection of specific craft or industrial products are in force in Latvia.

1.5. Current legislative proposals and initiatives to protect or enforce craft and industrial GIs

According to a report by the Latvian delegation led by the Parliamentary Secretary of the Ministry of Economy (2022), during the meeting of the Council of Ministers of Competitiveness of the European Union on 1 December 2022, discussions were held on the proposal for a Regulation protecting GIs for CI products. The Patent Board noted that there has been limited interest in Latvia in registering CI GIs, with the national registration system only being used for agricultural products and foodstuffs⁽¹⁷⁵⁾.

⁽¹⁷⁴⁾ <https://fineergodom.eu/downloads/civil-law.pdf>

⁽¹⁷⁵⁾ https://tapportals.mk.gov.lv/attachments/legal_acts/document_versions/53ae0e26-91ac-4ab1-bfb5-006a143d3a2c/download

A trilateral meeting between the Intellectual Property Office, the Portuguese Industrial Property Institute and the Latvian Patent Office was held on 8 March 2024⁽¹⁷⁶⁾. The purpose of the meeting was to sign memorandums of understanding and to share knowledge and good practices, in particular in the areas of non-agri GIs, copyright and patenting.

2. List of National Registered and Pending Craft and Industrial GIs

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

To date, there are no registered or pending CI GIs in Latvia.

3. List of Product Names Potentially Protectable by Craft and Industrial GIs at EU Level

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

The following names of CI products⁽¹⁷⁷⁾ could potentially be protected as CI GIs:

1. <i>Baltic block</i>	Woodcraft
2. <i>Latvian mittens</i>	Textiles

⁽¹⁷⁶⁾ <https://www.gov.si/en/news/2024-03-08-signature-of-memorandums-brings-enhanced-cooperation-with-portuguese-and-latvian-offices/>

⁽¹⁷⁷⁾ No further products were added with respect to the list contained in the 2020 VVA/ECORYS/ConPolicy study.

3. <i>Lielvārde Belt</i>	Textiles
4. <i>Pampalu pots</i>	Craft

STUDY ON EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GEOGRAPHICAL INDICATIONS

Lithuania



Abbreviations

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

The Bureau

State Patent Bureau of the Republic of Lithuania

1. Legal Framework for the Protection of Names of Craft and Industrial Products

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

1.1. *Sui generis* protection system

Lithuanian legislation does not provide for a *sui generis* system of protection for CI GIs.

However, the names of CI products can be protected by means of other legal tools such as:

- trade mark law;
- unfair competition law;
- consumer protection law.

1.2. Trade mark law

The registration and use of trade marks are regulated by the 'Law on Trade marks' of 10 October 2000, in force since 1 January 2001, whose amended version came into force on 1 January 2019⁽¹⁷⁸⁾.

According to the Lithuanian Trade Mark Law, **collective marks** must be registered within the State Patent Bureau of the Republic of Lithuania (hereinafter '**the Bureau**'). To register a collective mark the applicant needs to submit all the same data as with regular trade marks (i.e. the relevant logo and the list of goods and services). The only difference is that the owner of such a mark needs to be an association of persons – an association of producers, service providers or traders or any other public legal person, as well as any other association of producers, service providers or traders established

⁽¹⁷⁸⁾ <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.111762/asr>

in a foreign country, which may, in its own name, have rights and obligations, enter into contracts or carry out any other legal action, and may also act as a plaintiff and a defendant before a court. At the time of submitting a collective mark application, regulations on the use of the collective mark must be provided to the Bureau.

A collective mark typically belongs to an association or consortium whose members are permitted to use the collective mark when selling their goods. The association usually establishes a collective mark along with a set of usage criteria (e.g. quality standards) and grants permission to individual companies to use the mark if they meet these standards. Collective marks may also include signs or indications that refer to the geographical origin of goods or services. However, such use does not grant the collective mark owner the right to prohibit third parties from using those signs or indications that refer to the geographical origin.

Regarding certification marks, such marks may be registered as certification marks if the applicant has the authority to certify the goods or services for which the mark is to be registered and is not engaged in the business of supplying those goods or services.

The owner of the certification mark gives permission to others to tag their own goods that meet the established standards. Therefore, certification marks can be used by anyone whose product meets the established standards. The message conveyed by the certification mark is that the goods have been checked, tested, inspected or otherwise verified by a person who is not their producer by such methods, which are determined by the certifying authority/owner.

An important requirement for certification marks is that the authority applying for registration is considered 'competent to certify' the goods concerned. However, the certifying authority/owner cannot provide applications to register a mark for its own goods or services, the certification mark would be owned by an independent organisation (not the association) that certifies goods and services.

In the light of the above, collective marks are more suitable to protect the names of CI products since they can contain geographical terms and might be owned by an association of producers.

1.3. Unfair competition and consumer protection laws

Pursuant to Lithuanian law, undertakings will be prohibited from performing any acts contrary to honest business practices if such acts may be detrimental to the competitive potential of another undertaking.

In particular, Lithuanian Law on Competition⁽¹⁷⁹⁾ Article 15, paragraph 1, Clause 2 states that:

Undertakings shall be prohibited from performing any actions contrary to fair business practices and good usages if such actions may be detrimental to the competitive potential of another undertaking, including: misleading of undertakings by providing them with incorrect or unsubstantiated information about the quantity, quality, components, properties of usage, place and means of manufacturing and price of its goods or the goods of another undertaking, or concealing of risks associated with the consumption, processing or other usage of those goods.

Furthermore, Lithuanian Law on Competition Article 15, paragraph 3 states that:

The information specified in point 2 of paragraph 1 of this Article concerning the designation of origin of the goods shall be considered geographical indications provided in any form, characterizing the goods as being produced in the territory of a certain state or a certain region or area of that territory which is associated with the quality, reputation or other properties of the goods.

Additionally, Lithuanian 'LAW ON THE PROHIBITION OF UNFAIR BUSINESS-TO-CONSUMER COMMERCIAL PRACTICES'⁽¹⁸⁰⁾ prohibits unfair business-to-consumer commercial practices by establishing the types and cases of unfair commercial practices, as well as institutions responsible for supervision of compliance with the provisions of this law and liability for infringements of the law.

⁽¹⁷⁹⁾ <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/49e68d00103711e5b0d3e1beb7dd5516?jfwid=62ca2tmkr>

⁽¹⁸⁰⁾ <https://e-seimas.lrs.lt/portal/legalActPrint/lt?jfwid=-vvhx1tj&documentId=a3a2a1f0814111e59a1ed226d1cbceb5&category=TAD>

According to Article 5 of this law, misleading actions will be the provision (including overall presentation) of misleading information or information which, even if factually correct, deceives or is likely to deceive the average consumer in relation to one or more characteristics of the product, and causes, or is likely to cause them to take a transactional decision that they would not have taken otherwise. This also applies to the main characteristics of the product, such as its availability, benefits, risks, execution, composition, accessories, after-sale customer assistance and complaint examination, method and date of manufacture or provision, delivery, fitness for purpose, usage, quantity, specifications, **geographical or commercial origin**, or the results to be expected from its use, or the results of tests or checks carried out on the product.

Consumers affected by unfair commercial practices are entitled to compensation, a price reduction or termination of the contract, depending on the gravity and nature of the infringement, the damage suffered by the consumer and other relevant circumstances.

1.4. Specific laws or decrees that protect a specific craft or industrial product

There are currently no specific Lithuanian laws or decrees that protect a specific craft or industrial product.

1.5. Current legislative proposals and initiatives to protect or enforce craft and industrial GIs

According to the survey replies, since there is a very small number of potential CI GIs in Lithuania, this Member State is likely to seek the opt-out envisaged by Article 19 of the CIGI Regulation.

The State Patent Bureau of the Republic of Lithuania is very likely to be designated as the 'single point of contact' for addressing any issues pertaining to products and applications that may arise.

2. List of National Registered and Pending Craft and Industrial GIs

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

There are no registered and/or pending CI GIs in Lithuania.

3. List of Product Names Potentially Protectable by Craft and Industrial GIs at EU Level

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

The following names of CI products⁽¹⁸¹⁾ are potentially protectable by CI GIs:

1. <i>Lietuviški kryžiai (kryždirbystė)</i>	Wooden goods
2. <i>Lietuviška lininė tekstilė</i>	Textiles
3. <i>Vilniaus krašto verbos</i>	Bouquet of dried flowers

⁽¹⁸¹⁾ No further products were added with respect to the list contained in the 2020 VVA/ECORYS/ConPolicy study.

STUDY ON EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GEOGRAPHICAL INDICATIONS

Luxembourg



Abbreviations

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

BOIP

Benelux Office for Intellectual Property

1. Legal Framework for the Protection of Names of Craft and Industrial Products

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

1.1. *Sui generis* protection system

Luxembourg legislation does not provide for a *sui generis* protection system for CI GIs.

However, the names of CI products can be protected by means of other legal tools such as:

- trade mark law;
- unfair competition law.

1.2. Trade mark law

There are two special types of trade marks that do not function as individual trade marks: collective trade marks and certification trade marks. These types of trade marks are not intended to distinguish the products and services of a single company but are instead available for use by multiple companies for their respective products or services. Collective trade marks are particularly relevant for the protection of names associated with geographically rooted CI products.

In Luxembourg, the regulation of collective or certification trade marks fall under the Benelux system, regulated by the Benelux Convention on intellectual property, signed in The Hague on 25 February 2005, adopted on 16 May 2006 and entered into force on 1 September 2006, subsequently amended⁽¹⁸²⁾. Therefore, applicants must submit their requests to the Benelux Office for Intellectual

⁽¹⁸²⁾ <https://www.wipo.int/wipolex/en/treaties/details/229>

Property (BOIP) in The Hague, which will grant a Benelux collective or certification trade mark upon fulfilment of the necessary requirements.

Collective trade marks

Under the new system, which has been in force since 1 March 2019, a collective trade mark is a trade mark used by the members of an association. Therefore, the owner of a collective trade mark must either be an association, or a legal entity governed by public law.

A collective trade mark designates the commercial origin of specific goods and services, indicating that they derive from a member of that association (Chapter 8, Article 2.34*bis*). Collective trade marks may increase consumers' trust in the products or services offered and are commonly used to distinguish the products or services of entities such as manufacturers, producers, service providers, or traders.

Trade mark law primarily safeguards right holders against 'confusion'. Under Article 2.20 of the Convention, the holder of a trade mark enjoys the right to prevent all third parties not having their consent from using any sign where such sign:

- is identical to the trade mark and is used in the course of trade in relation to goods or services which are identical to those for which the trade mark is registered;
- is identical, or similar to, the trade mark and is used in the course of trade in relation to goods or services which are identical with, or similar to, the goods or services for which the trade mark is registered, if there exists a likelihood of confusion on the part of the public; the likelihood of confusion includes the likelihood of association between the sign and the trade mark;
- is identical, or similar to, the trade mark irrespective of whether it is used in relation to goods or services which are identical, similar to, or not similar to, those for which the trade mark is registered, where the latter has a reputation in the Benelux territory and where use in the course

of trade of that sign without due cause takes unfair advantage of, or is detrimental to, the distinctive character or the repute of the trade mark;

- is used for purposes other than those of distinguishing goods or services, where use of the sign without due cause, would take unfair advantage of or be detrimental to the distinctive character or the repute of the trade mark.

Collective trade marks are subject to the same rules as individual trade marks, with the exception of the following.

- The owner must be an association or a legal person governed by public law and will grant licences to use the trade mark to the members of the association or the legal person.
- **A collective trade mark may designate a geographical origin.** However, the owner of such a collective trade mark is not entitled to prevent a third party from using the signs or indications in the course of trade, provided that the third party's use is in accordance with honest industrial or commercial practices. Specifically, collective trade marks cannot be invoked against a third party who is legally entitled to use the geographical name.
- The filing of collective trade marks must be accompanied by '**regulations governing use**'. These regulations must specify the persons authorised to use the trade mark, the conditions of affiliation to the association and the conditions of use of the trade mark, including penalties. Where a collective trade mark designates a geographical origin, the regulations governing use must explicitly authorise any person whose goods and services originate from the geographical area in question to become a member of the association that owns the trade mark (provided, of course, that this person meets all the other conditions required).

- The purpose of collective trade marks and the regulations governing use explain why there are three particular reasons for the lapse of collective trade marks. For example, under Article 2.34*octies* of the Convention, a collective trade mark can be revoked if:
 - the proprietor does not take reasonable steps to prevent the mark being used in a manner that is incompatible with the conditions of use laid down in the regulations governing use, including any amendments thereto mentioned in the register;
 - the manner in which the mark has been used by authorised persons has caused it to become liable to mislead the public in the manner referred to in Article 2.34*quater* (2) of the Convention; and
 - an amendment to the regulations governing use of the mark has been mentioned in the register in breach of Article 2.34*sexies* (2) of the Convention, unless the proprietor of the mark, by further amending the regulations governing use, complies with the requirements of that Article.

Each registration application has to include a concise description of the distinctive characteristics of the trade mark. The BOIP will not accept – and will thus reject – any trade mark application deemed solely consisting of signs or indications commonly used in trade to describe aspects such as the type, quality, quantity, intended use, value, geographical origin, or manufacture time of the product or service, as well as in cases where references to geographical origin could mislead consumers.

1.3. Unfair competition and consumer protection laws

The Consumer Code⁽¹⁸³⁾ encompasses all laws and regulations that govern the relationship between consumers (private individuals) and professionals offering products or services within their business activities (business to consumer relationships).

⁽¹⁸³⁾ https://legilux.public.lu/eli/etat/leg/code/consommation/20221204#art_I_121-1

Its primary objectives are to protect consumers and promote balanced relationships between the parties involved in such contracts. The Code provides guidance to both consumers and professionals about their respective rights and duties in specific situations covered by consumer law, including:

- mandatory information that must be provided to consumers about the goods or services offered by professionals,
- requirements for price indication,
- regulations against unfair trading practices,
- rules for consumer contracts,
- information about various consumer protection and mediation authorities,
- rules on penalties.

The Code is regularly amended and updated within the EU framework to adapt to technological advancements and changes in consumer behaviour.

According to Articles L. 121-1 to L. 122-8, a commercial practice includes any action, omission, representation, or communication – such as advertising and marketing – conducted by professionals to promote or sell products to consumers.

Unfair commercial practices are prohibited. These practices fail to meet the standards of professional diligence, meaning they violate honest trade practices and the principle of good faith.

According to Article L. 122-3 a commercial practice is deemed misleading if it contains false information or 'in any way, including its overall presentation, it deceives or is likely to deceive the average consumer, even if the information is factually correct, regarding one or more of the following elements, and in either case, it causes or is likely to cause the consumer to make a decision they would not have taken otherwise'. These elements may concern, inter alia, the existence or nature of the product or the main characteristics of the product, such as its availability, benefits, risks, execution, composition, accessories, after-sales service, complaints handling, manufacturing method, delivery, fitness for use, usage, quantity, specifications, **geographical or commercial origin**, expected results from its use, or the results and essential characteristics of tests or controls performed on the product.

Omitting information is also considered misleading. This applies when professionals:

- omit or conceal essential information;
- provide information in an unintelligible, ambiguous, or untimely manner;
- fail to disclose the true commercial intent.

Essential information includes, but is not limited to, the identity and address of the professional, the price of the product (including all taxes), or its main features such as the origin of the product.

1.4. Specific laws or decrees that protect a specific craft or industrial product

At present, there are no specific laws protecting a specific craft or industrial product in Luxembourg.

1.5. Current legislative proposals and initiatives to protect or enforce craft and industrial GIs

The Intellectual Property Office of the Ministry of the Economy launched a public consultation to explore Luxembourg's potential for GIs in CI products. This initiative aimed to gather input from all interested parties regarding the national implementation of the European regulation on protecting GIs for these products. The consultation closed on 1 July 2024⁽¹⁸⁴⁾.

⁽¹⁸⁴⁾ *Le gouvernement Luxembourg, Lancement d'une consultation publique concernant le potentiel du Luxembourg en matière d'indications géographiques pour les produits artisanaux et industriels*, 26 April 2024.

2. List of National Registered and Pending Craft and Industrial GIs

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

There are currently no CI GIs protected in Luxembourg.

3. List of Product Names Potentially Protectable by Craft and Industrial GIs at EU Level

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

The following names of CI products⁽¹⁸⁵⁾ are potentially protectable by CI GIs:

1. <i>Duch vum Séi</i>	<i>Clothing</i>
2. <i>Péckvillchen</i>	<i>Whistle</i>
3. <i>Stained glass</i>	<i>Glass</i>
4. <i>The Slate of Haute Martelange</i>	<i>Stone</i>

⁽¹⁸⁵⁾ No further products were added with respect to the list contained in the 2020 VVA/ECORYS/ConPolicy study.

STUDY ON EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GEOGRAPHICAL INDICATIONS

Malta



Abbreviations

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

1. Legal Framework for the Protection of Names of Craft and Industrial Products

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

1.1. *Sui generis* protection system

Malta's legislation does not provide for a *sui generis* protection system of CI GIs.

In this regard, protection of the geographic origin of Maltese CI products may potentially be contemplated and achieved through alternative means, in particular:

- trade mark law;
- unfair competition law;
- consumer protection law.

1.2. Trade mark law

The '**Trade marks Act, 2019**' (Cap. 597 of the Laws of Malta 'Cap. 597') of 14 May 2019⁽¹⁸⁶⁾ sets out the primary rules for the regulation of trade marks at national level.

Of particular relevance are those provisions that regulate certification marks and collective marks. In this context, Article 64 of Cap. 597 lays down the general principle regarding certification marks and provides as follows.

- 1) Any natural or legal person, including institutions, authorities and bodies governed by public law, may apply for certification marks provided that such person does not carry on a business involving the supply of goods or services of the kind certified.

⁽¹⁸⁶⁾ <https://legislation.mt/eli/cap/597/eng>

- 2) Signs or indications which may serve, in trade, to designate the geographical origin of the goods or services may constitute certification marks. Such a certification mark will not entitle the proprietor to prohibit a third party from using in the course of trade such signs or indications, provided that third party uses them in accordance with honest practices in industrial or commercial matters. In particular, such a mark may not be invoked against a third party who is entitled to use a geographical name.
- 3) The requirements laid down in Article 26⁽¹⁸⁷⁾ will be satisfied where genuine use of a certification mark in accordance with Article 26 is made by any person who has the authority to use it.

Also of particular significance is Article 67 of Cap. 597, which provides that an applicant for registration of a certification mark must file with the Comptroller of the Industrial Property of Malta regulations governing the use of the mark, specifying the person authorised to use the mark, the characteristics to be certified by the mark, how the certifying body is to test those characteristics and to supervise the use of the mark, the fees (if any) to be paid in connection with the operation of the mark and the procedures for resolving disputes and any further requirements with which the regulations have to comply as may be established by any rule made by the Minister responsible for trade.

As far as **collective marks** are concerned, Article 79 of Cap. 597 lays down the general principle and provides as follows.

- 1) Associations of manufacturers, producers, suppliers of services or traders, which, under the terms of the law governing them, have the capacity in their own name to have rights and obligations, to make contracts or accomplish other legal acts, and to sue and be sued, as well as legal persons governed by public law, may apply for collective marks.
- 2) Signs or indications which may serve, in trade, to designate the geographical origin of the goods or services may constitute collective marks. Such a collective mark will not entitle the proprietor

⁽¹⁸⁷⁾ Regarding revocability of a registered trade mark on the grounds of non-use over a continuous period of 5 years and no proper reasons for such non-use.

to prohibit a third party from using, in the course of trade, such signs or indications, provided that third party uses them in accordance with honest practices in industrial or commercial matters. In particular, such a mark may not be invoked against a third party who is entitled to use a geographical name.

Also particularly relevant, is Article 82 of Cap. 597, which provides as follows.

- 1) An applicant for a collective mark must submit the regulations governing its use to the Comptroller.
- 2) The regulations governing use must specify, at least, the persons authorised to use the mark, the conditions of membership of the association and the conditions of use of the mark, including sanctions. The regulations governing use of a mark referred to in Article 79(1) will authorise any person whose goods or services originate in the geographical area concerned to become a member of the association which is the proprietor of the mark, provided that the person fulfils all the other conditions of the regulations.

Cap. 597 is complemented by subsidiary legislation⁽¹⁸⁸⁾, which further regulates the topic and provides, in particular, that where the collective mark or certification mark is used to indicate a geographical origin, there must be submitted before the Comptroller, evidence that this mark is in fact being used to identify the goods as originating in the territory or in a region or locality in that territory and that a given quality, reputation or other characteristic of the goods is essentially attributable to its geographical origin⁽¹⁸⁹⁾.

⁽¹⁸⁸⁾ Cap. 597.04, Rules 23-25.

⁽¹⁸⁹⁾ Rule 23(2).

1.3. Unfair competition and consumer protection laws

The rules regulating the limits of competition between traders are contained in Articles 32-37 of the Commercial Code, Cap. 13 of the Laws of Malta (Cap. 13).

Of particular relevance are the following.

- Article 32, second part, which provides that traders must not ‘make use of any ... fictitious name capable of misleading others as to the real importance of the firm’.

Potentially, this provision of law could be applied to a situation in which, to the detriment of the rights of a trader or group of traders whose craft or industrial products are geographically connected to Malta, a competing trader adopts a fictitious name clearly evocative of a craft or industrial GI in circumstances in which goods of the GI genre do not have a geographic connection to Malta (e.g. if these are manufactured in a third country and imported into Malta).

- Article 32B(1), which provides that traders must not, within the context of geographic origin of goods or services⁽¹⁹⁰⁾ ‘engage in any form of misleading advertising’.

Potentially, this provision of law could be applied to a situation in which, to the detriment of the rights of a trader or group of traders whose craft or industrial products are geographically connected to Malta, a competing trader embarks upon advertising practices that are evocative of a craft or industrial GI in circumstances in which goods of the GI genre do not have a geographic connection to Malta (e.g. if these are manufactured in a third country and imported into Malta).

⁽¹⁹⁰⁾ Article 32(B)(3)(a) of Cap. 13.

- Article 33, which provides that traders must not 'make use of any false indication of origin of the goods: Provided that a designation which according to commercial usage is considered as a common designation, shall not be deemed to be a false indication'.

Potentially, this provision of law could be applied to a situation in which, to the detriment of the rights of a trader or group of traders whose craft or industrial products are geographically connected to Malta, a competing trader falsely designates certain commercialised goods of the GI genre as originating in Malta.

The sanctioning provision is Article 37 of Cap. 13, which provides as follows.

- (1) Any trader who contravenes any of the prohibitions contained in Articles 32 to 36 inclusively, will, at the choice of the injured trader, be liable either to an action for damages and interest or to a penalty. The injured trader may, further, demand that everything done contrary to the said prohibitions be destroyed, or that any other remedy be applied capable, according to circumstances, of removing the act constituting the unlawful competition.
- (2) Any action for damages and interest brought under this Article will be governed by the rules of the civil law.

The penalty, however, will be fixed by the Civil Court, First Hall, or by the Court of Magistrates (Gozo) in its superior commercial jurisdiction at the suit of the injured trader, and will not be less EUR 465.87 nor more than EUR 4 658.75, having regard to the seriousness of the fact, to its continuance, to the malice of the offending party and to all other particular circumstances of each case. This penalty must be paid to the injured trader in settlement of all their claims for damages and interest.

The rules regulating **unfair business-to-consumer commercial practices** (and implementing Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005) are contained

in Articles 51A-51J of the Consumer Affairs Act, Cap. 378 of the Laws of Malta (Cap. 378). As a general rule, Article 51B(1) states that 'unfair commercial practices shall be prohibited'.

In this context:

- the expression '**commercial practice**' is defined in Article 51A as follows:

any act, omission, course of conduct or representation, commercial communication including advertising and marketing, by a trader, directly connected with the promotion, sale or supply of a product to consumers; whether it takes place before, during or after a commercial transaction in relation to the product.
- an '**unfair commercial practice**' is one which, in terms of the general principle contained in Article 51B(2):
 - (a) is contrary to the requirements of professional diligence, and
 - (b) materially distorts or is likely to materially distort the economic behaviour with regard to the product, of the average consumer whom it reaches or to whom it is addressed, or of the average member of the group when a commercial practice is directed to a particular group of consumers.

Of particular relevance is the following:

- Article 51C(b)(ii), which provides that 'a commercial practice shall be misleading if..., in any way, ... it is likely to deceive the average consumer, even if the information is factually correct, in relation to one or more of the following elements, and in either case causes or is likely to cause him to take a transaction decision that he would not have taken otherwise: ... the main characteristics of the product, such as its ... **geographical origin**...'.



Potentially, this provision of law could be applied to a situation in which, to the detriment of a consumer or group of consumers, a trader embarks upon activities relative to a craft or industrial GI in circumstances in which goods of the GI genre do not have a geographic connection to Malta (e.g. if these are manufactured in a third country and imported into Malta).

The sanctioning provisions are contained in Articles 106 and 106A of Cap. 378, which provide as follows:

- 106: a person found guilty of an offence against this Act or of any regulation made thereunder will, unless a different punishment is prescribed therefor, on conviction be liable to a fine (multa) of not less than EUR 470 and not more than EUR 47 000;
- 106A(1): the Civil Court will impose a penalty upon any person who is found to have infringed a provision of this Act or of any regulation made thereunder for each infringement; and
- 106A(2): a penalty imposed for an infringement under sub-Article (1) will not be less than EUR 470 and not more than EUR 47 000 [nb: daily penalties may also be imposed under additional provisions, which also cater for the effective, proportionate and dissuasive applicability of sanctioning measures].

1.4. Specific laws or decrees that protect a specific craft or industrial product

There are currently no specific laws protecting a specific craft or industrial product in Malta.

1.5. Current legislative proposals and initiatives to protect or enforce craft and industrial GIs

At present, there appears to be no evidence that specific legislative proposals and initiatives for the protection and enforcement of CI GIs are being discussed in Malta.

2. List of National Registered and Pending Craft and Industrial GIs

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

There are currently no CI GIs protected in Malta.

3. List of Product Names Potentially Protectable by Craft and Industrial GIs at EU Level

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

There following names of geographically rooted craft products⁽¹⁹¹⁾ are potentially protectable by EU CI GIs:

1. <i>Arloġġ Tal-Lira</i>	Clocks
2. <i>Bizzilla</i>	Maltese lace
3. <i>Ganutell</i>	Wire flowers
4. <i>Gozo glass</i>	Glass
5. <i>Mdina glass</i>	Glass

⁽¹⁹¹⁾ No further products were added with respect to the list contained in the 2020 VVA/ECORYS/ConPolicy study.

STUDY ON EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GEOGRAPHICAL INDICATIONS

The Netherlands



Abbreviations

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

Act	Consumer Protection Enforcement Act
BOIP	Benelux Office for Intellectual Property
Convention	Benelux Convention concerning Intellectual Property (Trade marks and Designs) of 25 February 2005
DCC	Dutch Civil Code
ACM	<i>Autoriteit Consument & Markt</i>

1. Legal Framework for the Protection of Names of Craft and Industrial Products

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

1.1. *Sui generis* protection system

Dutch legislation does not provide for a *sui generis* protection system for CI GIs.

Nonetheless, names of CI products may find protection under:

- trade mark law;
- unfair competition law;
- consumer protection law.

1.2. Trade mark law

In the Netherlands, the regulation of collective or certification trade marks fall under the Benelux system, regulated by the Benelux Convention on intellectual property, signed in The Hague on 25 February 2005, adopted on 16 May 2006 and entered into force on 1 September 2006, subsequently amended⁽¹⁹²⁾. Therefore, applicants must submit their requests to the Benelux Office for Intellectual Property (BOIP) in The Hague, which will grant a Benelux collective or certification trade mark upon fulfilment of the necessary requirements.

⁽¹⁹²⁾ <https://www.wipo.int/wipolex/en/treaties/details/229>

Collective trade marks

Under the new system, which has been in force since 1 March 2019, a collective trade mark is a trade mark used by the members of an association. Therefore, the owner of a collective trade mark must either be an association, or a legal entity governed by public law.

A collective trade mark designates the commercial origin of specific goods and services, indicating that they derive from a member of that association (Chapter 8, Article 2.34*bis*). Collective trade marks may increase consumers' trust in the products or services offered and are commonly used to distinguish the products or services of entities such as manufacturers, producers, service providers, or traders.

Trade mark law primarily safeguards right holders against 'confusion'. Under Article 2.20 of the Convention, the holder of a trade mark enjoys the right to prevent all third parties not having their consent from using any sign where such sign:

- is identical to the trade mark and is used in the course of trade in relation to goods or services which are identical to those for which the trade mark is registered;
- is identical, or similar to, the trade mark and is used in the course of trade in relation to goods or services which are identical with, or similar to, the goods or services for which the trade mark is registered, if there exists a likelihood of confusion on the part of the public; the likelihood of confusion includes the likelihood of association between the sign and the trade mark;
- is identical, or similar to, the trade mark irrespective of whether it is used in relation to goods or services which are identical, similar to, or not similar to, those for which the trade mark is registered, where the latter has a reputation in the Benelux territory and where use in the course of trade of that sign without due cause takes unfair advantage of, or is detrimental to, the distinctive character or the repute of the trade mark;

- is used for purposes other than those of distinguishing goods or services, where use of the sign without due cause, would take unfair advantage of or be detrimental to the distinctive character or the repute of the trade mark.

Collective trade marks are subject to the same rules as individual trade marks, with the exception of the following.

- The owner must be an association or a legal person governed by public law and will grant licences to use the trade mark to the members of the association or the legal person.
- **A collective trade mark may designate a geographical origin.** However, the owner of such a collective trade mark is not entitled to prevent a third party from using the signs or indications in the course of trade, provided that the third party's use is in accordance with honest industrial or commercial practices. Specifically, collective trade marks cannot be invoked against a third party who is legally entitled to use the geographical name.
- The filing of collective trade marks must be accompanied by '**regulations governing use**'. These regulations must specify the persons authorised to use the trade mark, the conditions of affiliation to the association and the conditions of use of the trade mark, including penalties. Where a collective trade mark designates a geographical origin, the regulations governing use must explicitly authorise any person whose goods and services originate from the geographical area in question to become a member of the association that owns the trade mark (provided, of course, that this person meets all the other conditions required).
- The purpose of collective trade marks and the regulations governing use explain why there are three particular reasons for the lapse of collective trade marks. For example, under Article 2.34*octies* of the Convention, a collective trade mark can be revoked if:
 - the proprietor does not take reasonable steps to prevent the mark being used in a manner that is incompatible with the conditions of use laid down in the regulations governing use, including any amendments thereto mentioned in the register;

- the manner in which the mark has been used by authorised persons has caused it to become liable to mislead the public in the manner referred to in Article 2.34^{quater} (2) of the Convention; and
- an amendment to the regulations governing use of the mark has been mentioned in the register in breach of Article 2.34^{sexies} (2) of the Convention, unless the proprietor of the mark, by further amending the regulations governing use, complies with the requirements of that Article.

Each registration application has to include a concise description of the distinctive characteristics of the trade mark. The BOIP will not accept – and will thus reject – any trade mark application deemed solely consisting of signs or indications commonly used in trade to describe aspects such as the type, quality, quantity, intended use, value, geographical origin, or manufacture time of the product or service, as well as in cases where references to geographical origin could mislead consumers.

1.3. Unfair competition and consumer protection laws

In the Netherlands, the rules governing unfair competition, including misleading indications of origin of products, are primarily encapsulated in the **Dutch Civil Code** (*'Burgerlijk Wetboek'* ⁽¹⁹³⁾).

The Unfair Competition Practices Directive was implemented into Dutch law in Section 6.3.3A of the Dutch Civil Code (DCC). Structurally, this means that the legislator has chosen to integrate these rules within the chapter of the Code that deals with liability in tort (Title 6.3). This chapter is part of the broader Book 6 of the DCC, which concerns the general law of obligations.

This integration places the rules on unfair commercial practices within the context of tortious liability, emphasising the accountability of traders for misleading or deceptive practices. The placement within

⁽¹⁹³⁾ <https://wetten.overheid.nl/BWBR0005289/2023-01-01>

the general law of obligations highlights the importance of these rules in the overall legal framework governing obligations and liabilities in the Netherlands.

Articles 193a-193j of this section of the DCC prohibit misleading commercial practices, which include providing false or deceptive information about the geographical origin of products. Any claims about the origin of a product must be accurate and verifiable, ensuring that consumers are not misled about where a product is made, produced, or comes from.

In particular, according to Article 193j:

A commercial practice is misleading if information is provided that is factually incorrect or that misleads or is likely to mislead the average consumer, whether or not through the general presentation of the information, such as with regard to:

- the existence or nature of the product;
- the main characteristics of the product, such as availability, benefits, risks, design, composition, accessories, customer service and complaints handling, process and date of manufacture or performance, delivery, suitability for use, possible uses, quantity, specification, **geographical or commercial origin**, results to be expected from use, or the results and essential characteristics of tests or checks carried out on the product;
- the obligations of the trader, the motives for the commercial practice and the nature of the sales process, a statement or a symbol relating to direct or indirect sponsorship or recognition of the trader or the product;
- the price or the way in which the price is calculated, or the existence of a specific price advantage;
- the need for a service, part, replacement or repair;
- the capacity, characteristics and rights of the trader or their intermediary, such as their identity, assets, qualifications, status, recognition, affiliation, connections, industrial, commercial or proprietary rights or his prizes, awards and distinctions;
- the rights of the consumer, including the right to repair or replace the delivered item or the right to reduce the price, or the risks that the consumer may run.

If the practice causes or is likely to cause the average consumer to make a transactional decision they would not have made otherwise, it is deemed misleading.

The Netherlands Authority for Consumers and Markets (*Autoriteit Consument & Markt* - ACM⁽¹⁹⁴⁾) is responsible for enforcing these regulations. The ACM can investigate and take action against businesses that engage in misleading practices, including those related to the origin of products. Sanctions for violating these rules can include, inter alia, fines, and orders to cease the misleading practices.

1.4. Specific laws or decrees that protect a specific craft or industrial product

At present, no specific laws or decrees for the protection of specific craft or industrial products are in force in the Netherlands.

1.5. Current legislative proposals and initiatives to protect or enforce craft and industrial GIs

At present, no specific legislative proposals and initiatives for the protection of specific CI GIs are being discussed in the Netherlands.

⁽¹⁹⁴⁾ <https://www.acm.nl/en/authority-consumers-and-markets>

2. List of National Registered and Pending Craft and Industrial GIs

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

To date, there are no registered or pending CI GIs in the Netherlands.

3. List of Product Names Potentially Protectable by Craft and Industrial GIs at EU Level

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

The following names of CI products⁽¹⁹⁵⁾ could potentially be protected as CI GIs:

1. <i>Boerenbont servies</i>	Ceramics
2. <i>Delfts blauw</i>	Porcelain
3. <i>Leerdam Kristal</i>	Glass
4. <i>Makkumer</i>	Ceramics
5. <i>Texelwool</i>	Wool

⁽¹⁹⁵⁾ No further products were added with respect to the list contained in the 2020 VVA/ECORYS/ConPolicy study.

STUDY ON EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GEOGRAPHICAL INDICATIONS

Poland



Abbreviations

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

PPO

Polish Patent Office (*Urząd Patentowy*)

1. Legal Framework for the Protection of Names of Craft and Industrial Products

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

1.1. *Sui generis* protection system

Polish legislation provides for a *sui generis* protection system for GIs under the Act of 30 June 2000, on Industrial Property ('Industrial Property Law') (Article 174 *et seq.*)⁽¹⁹⁶⁾.

Pursuant to Article 174(1) of the Industrial Property Law, GIs are defined as 'word signs referring directly or indirectly to the name of a place, town, region or country (area), which identify the goods as originating from that area, if a specific quality, good reputation or other characteristics of the goods are attributed primarily to the geographical origin of the goods'.

Article 175 of the Industrial Property Law provides for two definitions of GIs:

- i. **Regional designations** used to distinguish products which originate in a specific area and possess particular characteristics which are exclusively or essentially owing exclusively or mainly to the influence of the geographical environment including both natural and human factors – the production or processing of which production or processing takes place in that area; and
- ii. **Designations of origin** as indications serving to distinguish goods originating in a specific territory and possessing certain specific qualities or other characteristics attributable to their geographical origin (i.e. to the territory in which they were they were produced or processed).

In addition, Article 175 of the Industrial Property Law further states that:

(2) Geographical indications shall also be understood as indications used for goods which are produced from raw materials or intermediate products originating in a defined area larger than the area of production or processing of the goods, if they are prepared

⁽¹⁹⁶⁾ <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU20010490508/U/D20010508Lj.pdf>

under specific conditions and there is a system to control compliance with those conditions.

(3) Geographical indications shall also be considered, subject to the conditions set out in paragraph (2), to be geographical indications which do not literally correspond to the territory in which the goods originate or other traditional terms, if they are used for goods originating in the territory concerned.

Regarding the registration procedure, the competent authority is the Polish Patent Office (*Urząd Patentowy RP*; 'PPO'). The application for a GI should include:

- 1) precise identification of the geographical indication;
- 2) indication of the goods for which it is intended;
- 3) precise definition of the boundaries of the area to which it relates;
- 4) identification of the specific characteristics or properties of the goods, in particular including the main physical, chemical, microbiological or organoleptic characteristics of the goods and specification of the details from which the connection of these characteristics with the geographical environment or geographical origin;
- 5) conditions for the use of a geographical indication, including the method of production, specific characteristics or properties of the goods, other conditions that must be met by persons wishing to use such an indication and, if required, methods of their control;
- 6) indication of entrepreneurs who use or will use this indication.

The organisation authorised to represent the interests of producers, the government and local government administration bodies are authorised to file an application with the PPO.

A GI for which a right of registration has been granted may not be used on the territory of the Republic of Poland by producers whose goods do not fulfil the conditions which are the basis for the grant of the right of registration.

According to Article 186, anyone who has previously used, in good faith, a GI in the area concerned, and whose goods do not meet the conditions on which the right of registration was granted, may continue to use it, but for no longer than 1 year from the date on which the right of registration was granted.

A producer whose goods meet the conditions for the use of a GI will be entitled to use it in trade and may apply to the Patent Office to be entered in the register as authorised to use that indication, upon submitting a written statement by the holder of the registration right certifying that the applicant's goods satisfy the conditions for the use of the GI, or a court decision. The holder of the GI may also request the cancellation from the register of the producer whose goods do not meet, or no longer meet, the conditions on which the right of registration was granted.

At the request of the holder, the conditions for the use of a GI, such as the boundaries of the area to which the indication refers, the conditions for the production of the goods, the specific features or characteristics of the goods or the methods of their control, may be altered if this is justified in particular by technological progress or the development of the production of the goods in question.

Where the holder of the GI demonstrates that the requested amendment is not opposed by producers inscribed in the register as authorised to use the GI, the Patent Office will issue a decision on the amendment and make a corresponding entry in the register.

1.2. Trade mark law

Names of CI products may also find protection as collective or certification trade marks under the Industrial Property Law.

The trade mark application procedure involves formal scrutiny, an assessment of distinctiveness, and a search for existing trade marks. If the application fulfils all legal criteria, the Polish Patent Office will approve registration and request the applicant to remit the protection fee for the initial 10-year period within 3 months. Upon timely payment, the trade mark is recorded in the Trade mark Register, and a certificate of protection is issued. The opposition process can only commence after the trade mark registration has been approved. This period lasts for 6 months from the date of publication of the registration in the official bulletin.

An update to the Industrial Property Law has introduced revisions affecting specific types of trade marks, such as **collective marks** and **certification marks**. Under the revised law, the entities that can be granted a collective mark include:

- an organisation legally capable of holding rights and incurring obligations, established to represent business interests; or
- a legal entity governed by public law.

Eligible users of a collective mark are⁽¹⁹⁷⁾:

- for an organisation, both the organisation and its members;
- for a legal entity operating under public law, either the entity itself or **individuals authorised by the terms of use of the mark**.

This amendment expands the range of potential registrants for these trade marks, which was previously restricted to legal persons or organisations representing business interests. Now, various entities such as local government bodies, resident associations, political parties, and municipal authorities are also eligible to hold a collective mark.

This provision permits multiple entities to use a collective mark simultaneously without owning it, provided they comply with the usage guidelines set by the organisation. These guidelines must clearly define:

- the individuals authorised to use the mark;
- membership criteria for the organisation;
- conditions under which the mark can be used; and
- consequences for breaching the usage terms.

While a collective mark can be used to certify the quality of products or services, this is not obligatory. The usage terms for a collective mark may contain provisions regarding the quality of the products and services offered by the organisation.

⁽¹⁹⁷⁾ Article 136 of Industrial Property Law.

The recent update to the Industrial Property Law has made significant changes regarding the certification mark, a type of trade mark that distinguishes products meeting specific criteria – such as material quality, manufacturing processes, or other attributes – set by the mark's owner. Since 16 March 2019, new applications for certification marks are being accepted.

A certification guarantee mark may be registered by any natural or legal person, including public authorities and institutions, as long as they do not produce the goods certified by the mark. The use of a certification mark is limited to individuals who conform to the criteria specified by the owner. It is the mark owner's responsibility to monitor the production quality and processes of manufacturers using the mark. Importantly, the owner cannot unjustly restrict eligible entities from utilising the mark.

The primary goal of certification marks is to assure consumers of the specific qualities of products bearing the mark. These qualities, and the standards for them, must be explicitly detailed in the mark's usage regulations, including:

- authorised users of the mark;
- specific qualities certified by the mark;
- procedures for verifying these qualities;
- monitoring methods for the mark's use;
- conditions of the mark's use; and
- penalties for misuse.

A distinctive feature introduced by the amendment is the ability for certification marks to incorporate GIs. This feature is exclusive to guarantee marks, as other trade marks can not be registered solely on the basis of geographical elements. Furthermore, mark owners can not prevent third parties from using geographical terms in their marks, provided they adhere to fair industrial and commercial practices.

1.3. Unfair competition and consumer protection laws

Protection against unfair competition in Poland is generally regulated under two acts applicable to all sectors:

- the Act on Combating Unfair Competition (*Ustawa o zwalczaniu nieuczciwej konkurencji*)⁽¹⁹⁸⁾ of 16 April 1993, Journal of Laws of 2003, no 153, item 1503 consolidated text (the 'Unfair Competition Act');
- the Act on the Prevention of Unfair Market Practices (*Ustawa o przeciwdziałaniu nieuczciwym praktykom rynkowym*)⁽¹⁹⁹⁾ of 23 August 2007, Journal of Laws of 2007, no 171, item 1206 (the 'Unfair Market Practices Act').

The 1993 **Unfair Competition Act** provides for specific protection for GIs, outlined in Article 3(2), Article 8, and Article 9.

According to the general clause enshrined in **Article 3**, an act of unfair competition will be 'the activity contrary to the law or good practices which threatens or infringes the interest of another entrepreneur or customer'. The second paragraph states that the acts of unfair competition will concern misleading designation of the company, false or deceitful indication of the geographical origin of products or services, misleading indication of products or services, infringement of the business secrecy, inducing to dissolve or to not execute the agreement, imitating products, slandering or dishonest praise, impeding access to the market and unfair or prohibited advertising and organising a system of pyramid selling.

Article 8 of the act explicitly bans the use of false or misleading GIs on product labels or within various business communications, including advertising, correspondence, invoices, and other documents. These deceptive practices are classified as unfair competition.

Article 9 addresses the misuse of GIs for products or services intrinsically linked to a particular region or locality. The law views the use of false or misleading GIs as unfair competition, even if qualifiers such as 'kind', 'type', or 'method' are appended to these indications.

⁽¹⁹⁸⁾ <https://isap.sejm.gov.pl/isap.nsf/download.xsp/WDU19930470211/U/D19930211Lj.pdf>

⁽¹⁹⁹⁾ <https://sip.lex.pl/akty-prawne/dzu-dziennik-ustaw/przeciwdzialanie-nieuczciwym-praktykom-rynkowym-17379633>

The **Unfair Market Practices Act** addresses unfairness in B2C transactions, grounded in a broad principle stated in Article 4(1). This principle prohibits market practices that contravene good morals (*dobrych obyczajów*) and significantly distort, or are likely to significantly distort, the economic behaviour of the average consumer concerning a product. Following this general clause, the act includes specific sections on misleading practices (Articles 5 and 6) and aggressive practices (Article 8). Article 7 lists 23 misleading practices deemed always unfair, and Article 9 identifies eight aggressive practices that are explicitly prohibited.

Consumers are empowered to initiate legal action against traders who engage in unfair practices. This right also extends to the Ombudsman, and national or regional consumer protection organisations, as well as to district or municipal consumer ombudsmen. Legal remedies typically include actions for injunctions, and in cases involving aggressive practices, consumers may also seek contract annulment (Article 12). Furthermore, aggressive market practices may trigger criminal enforcement (Article 13).

1.4. Specific laws or decrees that protect a specific craft or industrial product

At present, no specific laws or decrees for the protection of specific craft or industrial products have been enacted.

1.5. Current legislative proposals and initiatives to protect or enforce craft and industrial GIs

The Polish Patent Office (PPO), in its response to this study's survey, indicated that the competent public authorities are actively working on amending the Polish IP law and incorporating the CIGI Regulation into the national IP framework. However, as of now, there is no specific legislative proposal on this matter.

2. List of National Registered and Pending Craft and Industrial GIs

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIs

The following CI GI is registered in Poland:

1. <i>Koronka koniakowska (Koniaków lace)</i>	Lace
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3. List of Product Names Potentially Protectable by Craft and Industrial GIs at EU Level

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIs

The following names of CI products⁽²⁰⁰⁾ could potentially be protected as CI GIs:

1. <i>Szkło krośnieńskie (Krosno Glass)</i>	Glass
2. <i>Bursztyn bałtycki biżuteria (Baltic amber jewellery)</i>	Jewellery
3. <i>Ceramika Bolesławicka</i>	Ceramics
4. <i>Porcelana Ćmielów</i>	Porcelain

⁽²⁰⁰⁾ No further products were added with respect to the list contained in the 2020 VVA/ECORYS/ConPolicy study.

STUDY ON EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GEOGRAPHICAL INDICATIONS

Portugal



Abbreviations

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

IVBAM	Madeira Wine Institute <i>(Instituto do Vinho, do Bordado e do Artesanato da Madeira)</i>
the 'Code'	Portuguese Industrial Property Code
INPI	National Institute for Industrial Property
SNQCPAT	National System for Qualification and Certification of Traditional Artisanal Productions
IVBAM	<i>Instituto do Vinho, do Bordado e do Artesanato</i>

1. Legal Framework for the Protection of Names of Craft and Industrial Products

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

1.1. *Sui generis* protection system

Portuguese legislation provides for a *sui generis* GI system that is applied to all kinds of goods, including CI products, which is enshrined in the Portuguese Industrial Property Code⁽²⁰¹⁾ (the 'Code').

Article 299 of the Industrial Property Code provides the following definitions.

1. A **designation of origin (DO)** is understood to be the name of a region, a specific place, or, in exceptional cases, a country that serves to designate or identify a product:
 - a) originating from that region, specific place, or country;
 - b) whose quality or characteristics are due essentially or exclusively to the geographical environment, including natural and human factors, and whose production, transformation, and development occur in the defined geographical area.
2. Certain **traditional names**, whether geographical or not, which designate a product originating from a region or specific place and which meet the conditions set out in subparagraph b) of the previous paragraph, are also considered designations of origin.
3. A **geographical indication (GI)** is understood to be the name of a region, a specific place, or, in exceptional cases, a country that serves to designate or identify a product:
 - a) originating from that region, specific place, or country;
 - b) whose reputation, specific quality, or other characteristic can be attributed to that geographical origin, and whose production, transformation, or development occurs in the defined geographical area.

⁽²⁰¹⁾ 'Código da Propriedade Industrial (aprovado pelo Decreto-Lei n.º 110/2018 de 10 de dezembro de 2018 e alterado pelo Decreto-Lei n.º 9/2021 de 29 de janeiro de 2021)': <https://www.wipo.int/wipolex/en/text/584980>.

As to the property of such rights, the Code establishes in the same Article that:

1. designations of origin and geographical indications, when registered, constitute the common property⁽²⁰²⁾ of the residents or those effectively and seriously established in the locality, region, or territory, and may be used indiscriminately by those who, within the respective area, operate any branch of characteristic production, when authorised by the holder of the registration;
2. the exercise of this right does not depend on the importance of the exploitation nor the nature of the products, and consequently, the designation of origin or geographical indication may apply to any typical product originating the locality, region, or territory, under traditional and customary production conditions, or duly regulated conditions.

The main difference between DOs and GIs is thus the intensity of the connection established between the qualities and characteristics of the products and the geographical area from which they originate: the link with the *terroir* is stronger within DOs and less intense as regards GIs.

The registration process of the Portuguese *sui generis* GI system is made before the National Institute for Industrial Property (INPI)⁽²⁰³⁾.

The registration of DOs or GIs will be refused when:

- a) the application is made by a person not qualified to acquire it;
- b) it should not be considered a DO or GI in accordance with the definitions of the Industrial Property Code;
- c) it constitutes a reproduction or imitation of a previously registered DO or GI;
- d) it is likely to mislead the public, particularly regarding the nature, quality, and geographical origin of the respective product;
- e) it constitutes an infringement of copyright;
- f) it is offensive to the law, public order, or morality;

⁽²⁰²⁾ On the concept of common property for GIs see Ribeiro de Almeida in '*Indicacao Geografica, Indicacao de Procedencia e Denominacao de Origem*, vol 5. *Direito Industrial*', 2008, Almedina.

⁽²⁰³⁾ With the enactment of the new EU Regulation on CI products, all of these rules will have a very limited application (if any). Only if Portugal gave protection to a DO or GI from a third country based on a direct application (made in the past) or based on some bilateral agreement (before Portugal became a member of the EU) or in consequence of an international registration based on the Lisbon agreement (before the Geneva Act), these rules will continue to apply. Only Portuguese enforcement rules continue to apply (criminal, administrative offense rules or unfair competition rules).

g) it may promote acts of unfair competition.

When a prior trade mark exists, the registration as a DO or GI of a name will only be refused if its protection – considering the reputation, notoriety, or prestige of that trade mark – may mislead the consumer regarding the true identity of the products.

The DO and the GI have unlimited duration.

1.2. Trade mark law

The last amendments to the Portuguese Industrial Property Code, made by Decree n.9/2021, have introduced some changes to association marks and certification marks – now respectively designated as ‘collective marks’ and ‘certification or guarantee marks’ (*marcas coletivas e de marcas de certificação ou de garantia*) – no longer being regulated through an essentially referential regime, which often overlooked the specificities of these marks, and starting to benefit from a more comprehensive and clarifying regime.

In particular, a **collective mark** is a specific sign belonging to an association of natural or legal persons, whose members use it or intend to use it to distinguish the products or services of the members of the association from those of other entities⁽²⁰⁴⁾. The registration of the collective mark gives its holder the right to regulate the marketing of the respective products, under the conditions established by law, in the statutes, or in the internal regulations.

Collective marks may be registered by legal persons who oversee, control, or certify economic activities, to mark the products of those activities, or that originate from certain regions, in accordance with their purposes and the terms of their respective statutes or organic regulations.

A **certification or guarantee mark** is a specific sign belonging to a natural or legal person who controls the products or services or establishes standards that they must comply with, regarding the material, method of manufacture of the products or provision of the services, quality, accuracy, or other characteristics of the products or services, with the exception of their geographical origin⁽²⁰⁵⁾.

⁽²⁰⁴⁾ Article 214 Portuguese Industrial Property Code.

⁽²⁰⁵⁾ Article 215 Portuguese Industrial Property Code.

This sign is intended to be used on the products or services subjected to such control or for which the standards have been established.

The right to register certification or guarantee marks belongs to natural or legal persons, including institutions, authorities, and public law bodies, to whom a certification or guarantee mark is legally attributed or recognised, and who can apply it to certain specific qualities of products or services. The owner of these kind of marks may not engage in business activities that involve the supply of products or the provision of services of the certified type.

Pursuant to Article 217, the holders of collective and certification marks must promote the inclusion, in the mark usage regulation, of provisions that designate the persons entitled to use the mark, the conditions of membership in the association if it is a collective mark, the conditions under which the mark must be used, including the respective sanctions, the plan for controlling the use of the mark, and the rights and obligations of the interested parties in cases of usurpation or counterfeiting.

The applicant for a collective mark and a certification or guarantee mark must submit the mark usage regulation, which must contain the information listed above, to the INPI.

The mark usage regulation must authorise any person whose products or services originate from the geographical area in question to become a member of the association that owns the mark, provided that they meet all other conditions stipulated in the regulation.

As established by its definition, certification marks, in Portugal, can not certify the geographical origin of products.

1.3. Unfair competition and consumer protection laws

Article 311 of the Code establishes that 'unfair competition' constitutes any act of competition contrary to the rules and honest practices of any branch of economic activity, namely:

- a. acts likely to create confusion with the company, establishment, products, or services of competitors, regardless of the means employed;

- b. false statements made in the course of economic activity with the aim of discrediting competitors;
- c. unauthorised invocations or references made with the intent to benefit from the credit or reputation of another's name, establishment, or brand;
- d. false indications of one's own credit or reputation, regarding the capital or financial situation of the company or establishment, the nature or scope of their activities and business, and the quality or quantity of their clientele;
- e. **false descriptions or indications about the nature, quality, or utility of products or services, as well as false indications of origin, locality, region or territory, factory, workshop, property, or establishment, regardless of the mode adopted;**
- f. the suppression, concealment, or alteration by the seller or any intermediary of the DO or GI of the products or the registered trade mark of the producer or manufacturer on products intended for sale that have not undergone modification in their packaging.

Therefore, part e) of this Article will be invoked in the case of false indication about the origin of products.

The measures provided for in Article 345 are applicable, with the necessary adaptations.

1.4. Specific laws or decrees that protect a specific craft or industrial product

The Decree Law (*Decreito Lei*) no. 121/2015 establishes the National System for Qualification and Certification of Traditional Artisanal Productions (SNQCPAT).

Decree-Law no. 204/96 of 25 October, created a certificate of authenticity for traditional Portuguese goldsmithery, establishes requirements to guarantee the artisanal nature of the products and ensure their differentiation, but it was repealed by the abovementioned law and traditional Portuguese goldsmithery in the SNQCPAT.

In this context, the creation of SNQCPAT fits as a way to promote and ensure the authenticity, genuineness, and quality of traditional artisanal productions, embodying a strategy of valorisation and credibility of arts, crafts, and artisanal productions as a platform for affirming national identity and culture. This strategy is pursued by the Government and is based on measures promoting

training, employment, and entrepreneurship, recognising the fundamental role they can play in stimulating the economy and employment at the local level.

SNQCPAT is a key element in consolidating and expanding the Portuguese craftsmanship sector and in creating employment, through the safeguarding, protection, qualification, and valorisation of artisanal products with geographical references associated with their origin or the most relevant diffusing centre, with recognised cultural and patrimonial importance.

1.5. Current legislative proposals and initiatives to protect or enforce craft and industrial GIs

The new CIGI Regulation will be crucial for the micro and small enterprises that largely make up the Portuguese business sector.

According to the INPI's response to the survey, Portugal is currently in the process of selecting the competent authorities for both the national registration phase and product control, pursuant to the new CIGI Regulation.

2. List of National Registered and Pending Craft and Industrial GIs

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

The following CI GIs are currently registered⁽²⁰⁶⁾:

1. <i>Bordado da Madeira</i>	Embroidery
2. <i>Rendas de Bilros de Vila do Conde</i>	Lace
3. <i>Bordado de Viana do Castelo</i>	Embroidery

⁽²⁰⁶⁾

https://inpi.justica.gov.pt/Portals/6/Estudo%20sobre%20Denominacoes%20de%20Origem%20e%20Indicacoes%20Geograficas%201946_2022.pdf

4. <i>Olaria de Barcelos</i>	Pottery
5. <i>Olaria Negra de Bisalhães</i>	Pottery
6. <i>Barro Negro de Vilar de Nantes</i>	Clay
7. <i>Bordado de Guimarães</i>	Embroidery
8. <i>Lenços de Namorados do Minho</i>	Textiles
9. <i>Bordado Terra de Sousa</i>	Embroidery
10. <i>Granito Cinza Claro de Pedras Salgadas</i>	Stone
11. <i>Granito Amarelo Real</i>	Stone
12. <i>Tapete de Arraiolos de Portugal</i>	Carpet
13. <i>Bordado de Tibaldinho</i>	Embroidery
14. <i>Bordado das Caldas da Rainha</i>	Embroidery
15. <i>Traje À Vianesa Viana do Castelo</i>	Textiles
16. <i>Bordado Castelo Branco</i>	Embroidery
17. <i>Viola Braguesa – Portugal</i>	Musical Instrument
18. <i>Filigrana de Portugal</i>	Jewellery
19. <i>Viola Beiroa – Portugal</i>	Musical Instrument
20. <i>Bonecos de Estremoz</i>	Ceramic
21. <i>Bordado de Crivo De São Miguel da Carreira</i>	Embroidery
22. <i>Barro Preto - Olho Marinho</i>	Clay
23. <i>Renda de Bilros de Peniche</i>	Lace
24. <i>Estanhos Artísticos de Bódiosa</i>	Tin figurines
25. <i>Louça Preta de Molelos</i>	Tableware
26. <i>Camisola Poveira - Póvoa de Varzim</i>	Textiles

3. List of Product Names Potentially Protectable by Craft and Industrial GIs at EU Level

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

The following names of CI products are potentially protectable by CI GIs⁽²⁰⁷⁾:

1. <i>Mantas de lã de Mértola</i>	Textiles
2. <i>Máscara de Ousilhão (Vinhais)</i>	Masks
3. <i>Oraria de Nisa</i>	Pottery
4. <i>Cestaria de Castelo Branco</i>	Basket weaving
5. <i>Azulejo tiles</i>	Ceramics
6. <i>Flower sticks of Vila Nova de Poiares</i>	Flower sticks

⁽²⁰⁷⁾ The inventory of CI products potentially protectable by CI GIs contained in the study on the economic aspects of GI protection at EU level for non-agricultural products (VVA/ECORYS/ConPolicy), 2020, was integrated with information provided by local correspondents, in particular the following products were added: *Cestaria de Castelo Branco*; *Oraria de Nisa*; *Azulejo tiles*.

STUDY ON EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GEOGRAPHICAL INDICATIONS

Romania



Abbreviations

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

BOPI	Official Industrial Property Bulletin
CAN	National Audiovisual Council
Consumer Code	Law n. 296/2004 on the Consumer Protection Code
MFP	Ministry of Public Finances
MMA	Misleading Advertising Act
NACP	National Authority for Consumer Protection
OSIM	State Office for Invention and Trade marks
The Act	Romanian Law on Trade marks and Geographical Indications
UCA	Act on Unfair Competition

1. Legal Framework for the Protection of Names of Craft and Industrial Products

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

1.1. *Sui generis* protection system

Romania has a *sui-generis* protection system for CI GIs, which is enshrined in the Romanian Law on Trade Marks and Geographical Indications (the 'Act')⁽²⁰⁸⁾. Article 3 letter g) of the Act defines a GI as 'the name used to identify a product originating in a country, region or locality, in cases where a certain quality, reputation or other characteristics can essentially be attributed to this geographical origin'.

In accordance with Article 83(1) of the Act, the State Office for Invention and Trade marks (*Oficiul de Stat pentru Invenții și Mărci*; 'OSIM') is the competent authority for registering GIs of products protected in Romania either by the Act itself or by international conventions to which Romania is a party. However, the registration procedure for GIs that have acquired or will acquire protection through bilateral or multilateral conventions concluded by Romania is not governed by the Act.

The application procedure is governed by the Act and the Government Decision no. 1.134/10.XI.2010 approving the Regulation for the Implementation of Law no. 84/1998 on Trade Marks and Geographical Indications, lastly amended in 2022 (the 'Ordinance')⁽²⁰⁹⁾.

As per Article 84(2) of the Act, applications for registration must be filed directly to the OSIM or through an agent. Article 43 of the Ordinance indicates that applications should include the following information:

- the explicit request for the registration of a geographic indication;

⁽²⁰⁸⁾ *Legea nr. 84/1998 privind mărcile și indicațiile geografice, Publicată în MONITORUL OFICIAL nr. 856 din 18 septembrie 2020, cu modif. și compl. ult.* (Law No. 84/1998 regarding trade marks and geographical indications, Published in the OFFICIAL MONITOR No. 856 of 18 September 2020, with subsequent amendments and completions), available at: <https://legislatie.just.ro/Public/DetaliuDocument/14558>.

⁽²⁰⁹⁾ *Hotărârea Guvernului nr. 1.134/10.XI.2010 pentru aprobarea Regulamentului de aplicare a Legii nr. 84/1998 privind mărcile și indicațiile geografice – publicată în Monitorul Oficial nr. 809/03.XII.2010*, available at: https://www.osim.ro/wp-content/uploads/2018/02/regulament_marci.pdf.

- the name and registered office of the association of producers applying for the registration;
- a list of individuals authorised to use the GI;
- the indication of the GI being applied for;
- the type of products to which the GI refers, along with an indication of the place of manufacture and the boundaries of the geographical production area;
- if applicable, the name or denomination, as well as the address or registered office of the authorised representative.

Additionally, applications should be accompanied by a specification document containing:

- the name of the product associated with the GI;
- the description of the product and its main characteristics;
- the delimitation of the geographical area of production;
- evidence demonstrating that the products originate from the geographical area of production;
- a description of the method used to obtain the product;
- an indication of elements justifying the connection of the product with the area or geographical origin;
- references to quality control procedures for the products and the competent authority responsible for this control.

Applications must also include a certificate of conformity of the products issued by the relevant central public authority. Pursuant to Article 86 of the Act, the certificate of conformity should certify the GI to be registered, the products that can be sold under the indication, the geographical area of production, and the characteristics and conditions to be met by the products in order to be marketed under the GI concerned. Applicants should also attach proof of payment of the registration fee for the GI, which is currently set at RON 1 980 or EUR 400⁽²¹⁰⁾. A power of attorney for representing the applicant should be included if the applicant has appointed a representative. Lastly, where the applicant consists of a foreign association of producers, the application must also include a certified copy of the justification document for the protection obtained in the country of origin, which should contain the same elements indicated in Article 86 of the Act.

⁽²¹⁰⁾ *Cuantumul în lei al taxelor în domeniul proprietății industriale – domeniul mărci și indicații geografice – începând cu data de 01.01.2023 – calculat la nivelul cursului B.N.R. leu-euro la data de 01.10.2022 — ANEXA Nr. 4* (The amount in lei of the fees in the field of industrial property – trade marks and geographical indications – starting from 1 January 2023 – calculated at the exchange rate of the NBR (National Bank of Romania) lei-euro on 1 October 2022 – Annex No. 4), available at: <https://www.osim.ro/images/Taxe/2023/Taxe-PI-01.01.2023-Anexa-4-Marci.pdf>.

Within 3 months from the filing date, the OSIM conducts a formal and substantive evaluation⁽²¹¹⁾. From a substantive standpoint, Article 87 of the Act outlines specific grounds for exclusion from registration of GIs. These include GIs that fail to meet the definition of GIs set out in Article 3, letter d) of the Act. GIs that consist of generic product names or indications that could potentially mislead the public regarding the nature, origin, production method, or quality of the products are not eligible for registration. GIs that are deemed contrary to good morals or public order are also excluded from registration. The substantive examination carried out by the OSIM also comprises the assessment of whether the certificate of conformity issued by the relevant central public authority and enclosed in the application meets the requirements set by the law (Article 86 of the Act; Article 44 of the Ordinance).

If the application meets these legal requirements, Article 44 of the Ordinance specifies that the OSIM publishes the application in the Official Industrial Property Bulletin (BOPI) along with the list of authorised users within 2 months of deciding on the registration and granting the right to use the GI. Oppositions to the registration can be filed within 2 months of the publication of the application⁽²¹²⁾. They can be based on non-compliance with substantive requirements or a conflict with an existing industrial property right. Applicants are notified about the opposition and are given the opportunity to file observations. Pursuant to Article 88(1), Article 89 of the Act and Article 44(6) of the Ordinance, if no opposition is filed or if the opposition is deemed unfounded, the OSIM registers the GI in the Registry of Geographical Indications and issues a certificate of registration and use. Additionally, the OSIM will publish the granting decision in the BOPI and include a mention of the body responsible for product control in both the BOPI and the Registry of Geographical Indications. A fee, currently amounting to RON 247 or EUR 50, must be paid for the issuance of the registration certificate⁽²¹³⁾.

In accordance with Article 91(1) of the Act, the term of protection of GIS begins on the date on which the application was filed with the OSIM and is temporally unlimited. At the second paragraph, the Article states that the right to use a GI is granted to the applicant for a period of 10 years and can be renewed indefinitely, provided the original conditions are still met. A fee, as prescribed by law, applies to the renewal request.

⁽²¹¹⁾ Article 84(3) of the Act; Article 44 of the Ordinance.

⁽²¹²⁾ Article 85 of the Act; Article 44 of the Ordinance.

⁽²¹³⁾ *Cuantumul în lei al taxelor în domeniul proprietății industriale – domeniul mărci și indicații geografice – începând cu data de 01.01.2023 – calculat la nivelul cursului B.N.R. leu-euro la data de 01.10.2022 – ANEXA Nr. 4* (The amount in lei of the fees in the field of industrial property – trade marks and geographical indications – starting from 1 January 2023 – calculated at the exchange rate of the NBR (National Bank of Romania) lei-euro on 1 October 2022 – Annex No. 4), available at: <https://www.osim.ro/images/Taxe/2023/Taxe-PI-01.01.2023-Anexa-4-Marci.pdf>.

However, as specified in Article 45 of the Ordinance, the specification of the GI can be amended as required by the evolution of scientific and technical knowledge or when a revision of the geographical delimitation is deemed necessary. Requests for amendments follow the same procedure as for granting the original GI, except when the modifications requested are non-essential. All modifications made are entered into the registry and published in the BOPI.

Article 84(1) of the Act provides that associations of producers pursuing production activities in the geographical area are entitled to apply to the OSIM for registration of a GI in respect of the products stated in the application.

Under Article 83(1) of the Act, registered GIs may be used only by those persons who manufacture or market the products for which they have been registered. According to Article 88(2), the right to use the GI belongs to the members of the association registered in the list communicated to the OSIM with the application. Article 91(2) of the Act specifies that the right to use is granted to the applicant for a period of 10 years, renewable an unlimited number of times, provided the conditions under which the right was initially obtained remain unaltered. The application for renewal is governed by Article 46 of the Ordinance and is subject to payment of a fee, currently set at RON 1 980 or EUR 400⁽²¹⁴⁾. Article 95 of the Act forbids the transfer of the right to use a GI.

In accordance with Article 92 of the Act, the right to use a GI comprises the use of the GI for the products for which it has been registered in commercial circuits, accompanying documents, advertisements, and prospectuses, all of which can include the mention of the registered GI. Article 93 of the Act bans the use of a GI, or its imitation, by unauthorised persons. The prohibition remains in effect even if the true origin of the products is indicated or if terms such as 'kind', 'type', and 'imitation' are used. In addition, under Article 102 of the Act, putting into circulation products bearing a GI that indicates or suggests that the product concerned originates from a geographical region different from its true region of origin constitutes a criminal offence, punishable by imprisonment ranging from 3 months to 2 years, or a fine.

⁽²¹⁴⁾ *Cuantumul în lei al taxelor în domeniul proprietății industriale – domeniul mărci și indicații geografice – începând cu data de 01.01.2023 – calculat la nivelul cursului B.N.R. leu-euro la data de 01.10.2022 – ANEXA Nr. 4* (The amount in lei of the fees in the field of industrial property – trade marks and geographical indications – starting from 1 January 2023 – calculated at the exchange rate of the NBR (National Bank of Romania) lei-euro on 1 October 2022 – Annex No. 4), available at: <https://www.osim.ro/images/Taxe/2023/Taxe-PI-01.01.2023-Anexa-4-Marci.pdf>.

1.2. Trade mark law

The Act also provides protection for CI names through collective and certification marks. In particular, according to Article 3 letters e) and f) of the Act:

e) a **collective mark** is a trade mark so designated on the date of application and which is able to distinguish between the products or services of the members of an association that owns the rights to the mark and the products or services of other companies.

f) a **certification mark** is a trade mark that indicates that the products or services for which it is used are certified by the trade mark owner in terms of the material, the way of manufacturing the products or providing the services, quality, accuracy or other characteristics and which is suitable to distinguish these products or services from products or services that do not benefit from such certification.

Pursuant to Article 62 of the Act, eligible entities for applying for a **collective trade mark** include:

- associations of manufacturers, producers, service providers or traders with legal capacity;
- legal entities under public law.

Applications for a collective trade mark must include a regulation of use. In accordance with Article 62 of the Act and Article 44 of the Ordinance (2022)⁽²¹⁵⁾, in the regulations for the use of the collective mark, the applicant should indicate the name, headquarters and object of activity of the association or legal entity applying for the collective trade mark, the persons authorised to use it, the conditions that must be met in order to become a member of the association, the conditions for the use of the mark, the reasons why this use may be prohibited to a member of the association, as well as the sanctions that may be applied by the association. The regulation for using the collective trade mark must not contravene public order or morality. Furthermore, the regulation of use may provide that the collective mark may not be transmitted by the holder except with the consent of all members of the association. If a collective mark consists of signs or indications that can be used to designate, in

⁽²¹⁵⁾ *Hotărâre privind modificarea și completarea Hotărârii Guvernului nr. 1.134/2010 pentru aprobarea Regulamentului de aplicare a Legii nr. 84/1998 privind mărcile și indicațiile geografice – publicată în Monitorul Oficial Partea I- nr.976/07.10.2022* (Decision regarding the amendment and completion of Government Decision no. 1.134/2010 approving the Regulation for the Implementation of Law no. 84/1998 on Trade marks and Geographical Indications – published in the Official Gazette Part -I- no. 976/07.10.2022), available at: https://www.osim.ro/images/anunturi_si_noutati/2022/Monitorul-Oficial-Partea-I-nr.-976.pdf.

commerce, the geographical origin of products or services, the regulation for the use of the collective trade mark will authorise any person whose products or services come from the respective geographical area to become a member of the association that is the owner of the trade mark, provided that such person meets all the other conditions provided for in the regulations of use. Failure to meet these conditions in the regulation for use or correct the deficiencies raised within a 30-day period may result in the rejection of the application or the trade mark revocation, as stipulated in Article 63 and Article 66 of the Act, and Article 44 of the Ordinance (2022).

The application process includes a formal examination and an examination on absolute grounds of refusal, which is the same as for individual trade marks⁽²¹⁶⁾. In addition to the grounds for rejection provided for individual trade marks – with the exception of the provisions regarding signs or indications that can be used to designate in commerce the geographical origin of products or services – collective trade marks may also be rejected or revoked if there is a risk that the public will be misled as to the character or meaning of the mark and, above all, if there is a probability that it will not be considered a collective mark⁽²¹⁷⁾.

Upon successful examination, the trade mark will be published in the Official Industrial Property Bulletin (BOPI)⁽²¹⁸⁾. Article 63 of the Act stipulates any natural or legal person and any group or body representing manufacturers, producers, service providers, traders, or consumers may formulate written observations regarding the application for registration of the collective trade marks in relation to the absolute reasons for refusal provided. However, they do not become part of the proceedings. Observations must be filed within 2 months from the date of publication of the application for registration of the collective mark. Within the same period, the owner of a previous trade mark or a well-known trade mark, as well as of a previously acquired right regarding the image or patronymic name thereof, to a protected GI, to a protected design or model or to a copyright, as well as any other interested person, can submit to the OSIM an opposition to the registration of the collective mark. The applicant has the opportunity to reply to the objections or refusals within a 2 month period from their receipt⁽²¹⁹⁾. In the absence of any opposition, the registration procedure is successfully completed, and the registration certificate is issued after the payment of the official fee into a non-extendable term, 30 days from the date of receiving the notice for payment from the office⁽²²⁰⁾. The registration period begins with the date of filing the trade mark application and lasts for a 10-year

⁽²¹⁶⁾ Article 67 of the Act.

⁽²¹⁷⁾ Article 63 of the Act; Article 66 of the Act.

⁽²¹⁸⁾ Article 16 of the Ordinance (2022).

⁽²¹⁹⁾ Article 18 of the Ordinance (2022).

⁽²²⁰⁾ Article 32 of the Act and Article 21 and Article 22 of the Ordinance (2022).

period, renewable with additional periods of 10 years each. Article 64 of the Act specifies that, upon registration, any change to the regulation of use should be notified to the OSIM and will become effective only upon their entry into the Register of Trade marks.

In the event of unauthorised use of the mark by third parties, Article 40 of the Ordinance (2022) provides that the holder of a collective trade mark is entitled to request compensation for the damage suffered on behalf of the persons authorised to use the trade mark. However, pursuant to Article 63(7) of the Act, the collective mark consisting of signs or indications that can be used to designate, in commerce, the geographical origin of the products or services does not entitle the holder to prohibit a third party from using these signs or indications in the course of commercial exchange, as long as they are used by the third party according to fair practices in the industrial or commercial field. Similarly, collective trade marks cannot be opposed by a third party who is entitled to use a geographical name.

Pursuant to Article 67 of the Act, any natural or legal person, including institutions, authorities and bodies under public law, may apply to the OSIM for the registration of a **certification mark**, provided that the respective persons do not carry out an economic activity involving the provision of products or services of the type certificated. The same provision establishes that a certification mark cannot be applied by applicants lacking the competence to certify the products or services for which the mark is to be registered.

In accordance with Article 69 of the Act and Article 40 of the Ordinance⁽²²¹⁾, the applicant for the registration of a certification mark must submit, together with the application for registration, or no later than 30 days following the notification by the OSIM, the regulation for the use of the certification trade mark. Additionally, applicants must submit the authorisation or a document indicating the lawful exercise of the certification activity or, if applicable, the proof of registration of the certification mark in the country of origin. The provision further requires that the regulation of use specifies:

- the persons authorised to use the mark;
- the elements and characteristics that must be certified by the mark;
- the way in which the competent certification authority must verify these characteristics and supervise the use of the mark;

⁽²²¹⁾ Hotărârea Guvernului nr. 1.134/10.XI.2010 pentru aprobarea Regulamentului de aplicare a Legii nr. 84/1998 privind mărcile și indicațiile geografice – publicată în Monitorul Oficial nr. 809/03.XII.2010, available at: https://www.osim.ro/wp-content/uploads/2018/02/regulament_marci.pdf.

- the fees that must be paid for the use of the mark; and
- the procedures dispute settlement.

Any natural or legal person, product supplier, or service provider may be authorised to use the certification mark under the condition of compliance with the regulations for the use of the certification mark. The holder of the certification mark will authorise the eligible persons to use the mark for products or services that present the common characteristics guaranteed by the regulation of the use of the mark. Article 40(6) of the Ordinance prohibits the use of the certification trade mark for the products or services of the mark holder or those belonging to an enterprise whose economic activity is closely linked to that of the holder.

In line with the registration procedure for collective trade marks, the application process for certification trade marks includes a formal examination and an examination on absolute grounds of refusal, followed by a 2 month opposition period from the publication of the application in the BOPI⁽²²²⁾. The fees provided by law for collective marks also apply to certification marks.

Article 75 of the Act bans the transfer of rights on certification trade marks, specifying that the transfer of rights could only be established by a government decision. Article 76 of the Act forbids the use or re-filing of certification trade marks whose protection has ceased before the lapse of 10 years from the date of termination of protection.

1.3. Unfair competition and consumer protection laws

The Law no. 11 of 29 January 1991, on combating **unfair competition**, as further modified and amended ('UCA')⁽²²³⁾, imposes upon enterprises the obligation to act in compliance with honest customs, in accordance with the general principle of good faith and this law⁽²²⁴⁾. Article 1st of the UCA defines fair competition as the market situation in which each enterprise tries to obtain sales, profit and/or market share, offering the best practical combination of prices, quality and related services, respecting fair practices and the general principle of good-belief. The same rule provides

⁽²²²⁾ Articles 70-73 and Article 77 of the Act.

⁽²²³⁾ *LEGE nr. 11 din 29 ianuarie 1991, privind combaterea concurenței neloiale, Publicat în MONITORUL OFICIAL nr. 24 din 30 ianuarie 1991* (LAW no. 11 of 29 January 1991, on combating unfair competition, published in the OFFICIAL MONITOR no. 24 on 30 January 1991), available at: <https://legislatie.just.ro/Public/DetaliuDocument/256198>.

⁽²²⁴⁾ Article 1(2) UCA.

that fair customs are a set of generally recognised practices or rules that apply in commercial relations between enterprises in order to prevent the violation of their legitimate private rights and interests. As per Article 3 UCA, the violation of this general obligation attracts civil, administrative or criminal liability.

In accordance with Article 2(1)(d) UCA, unfair competition is any commercial practice that contravenes honest customs and the general principle of good faith and that cause or may cause damage to competitors. Article 5(1) UCA further qualifies that using a company, emblem or packaging likely to cause confusion with those used legitimately by another trader is a criminal offence. Under the same provision, it also constitutes a criminal offence as manufacturing in any way, importing, exporting, storing, offering for sale or selling goods or services bearing false mentions regarding patents for inventions, patents for plant varieties, brands, GIs, designs or industrial models, topographies of semiconductor products, other types of intellectual property in order to induce them to mislead other traders and beneficiaries. This includes undertaking such actions in relation to the external appearance of the company, the design of shop windows or the clothing of the staff, and advertising means. False indications regarding the origin and characteristics of the goods and the name of the manufacturer or trader in order to induce them to mislead other traders and beneficiaries are also criminal offences punishable by law. The UCA further specifies that false statements regarding the origin of the goods mean any indications of a nature to believe that the goods were produced in a certain locality, in a certain territory or in a certain state. However, the name of a product whose name has become generic and indicates in commerce only its nature, unless the name is accompanied by a statement that could lead to the belief that it has that origin, is not considered a false indication of the origin of the goods.

The Competition Council (*Consiliul Concurenței*), an autonomous administrative authority, is the competent authority for ensuring the protection of enterprises against unfair competition practices within the limits of the powers conferred by the UCA⁽²²⁵⁾.

As provided in Article 3¹ UCA, investigations can be initiated *ex officio* or upon referral when there is a public interest in the matter consisting of an impairment of the proper functioning of the market. Under Article 3⁴ UCA, in order to identify possible unfair competition practices, as well as to identify the honest customs existing in the relations between them in various economic sectors, the Competition Council can carry out preliminary analyses, and request data and documents from any

⁽²²⁵⁾ Article 2¹(1) UCA.

natural person or legal entity that could hold relevant information. The procedure concerning the stages and methods for finding and sanctioning unfair competition practices by the Competition Council is delineated in the Regulation on the procedure for finding and sanctioning unfair competition practices, adopted in 2023⁽²²⁶⁾. Pursuant to Article 2 of this regulation, the identification and assessment of unfair competition practices outlined in the UCA, along with the imposition of fines and temporary or permanent injunctions, as well as the conclusion that there is inadequate evidence to substantiate a breach of the law, are conducted through decisions rendered by the Plenary of the Competition Council.

In addition, Article 7 UCA establishes that any person who has a legitimate private interest can apply directly to the competent courts for the termination and prohibition of unfair competition practices for covering the patrimonial and moral damages suffered as a result of them without having to go through any formalities before the Competition Council. Article 8 UCA requires that criminal actions can only be initiated upon the prior complaint of the injured person and upon notification of the territorial chamber of commerce and industry or another professional organisation.

Besides the UCA, Law no. 158 of 18 July 2008, regarding misleading advertising and comparative advertising, along with its subsequent amendments (Misleading Advertising Act, 'MAA')⁽²²⁷⁾, envisages specific prohibited acts and behaviours related to misleading and comparative advertising.

Article 3(b) MAA defines misleading advertising as any advertising that, in any way, including through the way of presentation, induces or may induce into error the persons to whom it is addressed or who come into contact with it and which, due to its deceptive nature, may affect their economic behaviour or which, for this reason, harms or may harm a competitor. Article 4 MAA introduces a general prohibition on misleading advertising, which, as per Article 5 MAA, is evaluated based on all information conveyed through the advertisement. This includes the information related to the characteristics of goods or services, such as the availability, nature, method of execution,

⁽²²⁶⁾ *Regulament din 2023 privind procedura de constatare și sancționare a practicilor de concurență neloială* *Data act: 28-apr-2023 Emitent: Consiliul Concurenței* (Regulation from 2023 on the procedure for finding and sanctioning unfair competition practices; date of the act: 28 April 2023, issuer: Competition Council), available at: <https://www.consiliulconcurenței.ro/wp-content/uploads/2023/08/Regulament-din-2023-privind-procedura-de-constatare-si-sanctionare-a-practicilor-de-concurenta-neloiala.pdf>.

⁽²²⁷⁾ *LEGE nr. 158 din 18 iulie 2008 (*republicată*) privind publicitatea înșelătoare și publicitatea comparativă*, *Publicat în MONITORUL OFICIAL nr. 454 din 24 iulie 2013* (Law no. 158 of 18 July 2008 (republished), regarding misleading advertising and comparative advertising, was issued by the Parliament and published in the Official Monitor no. 454 on 24 July 2013), available at: <https://legislatie.just.ro/Public/DetaliiDocument/95934>.

composition, method and date of manufacture of goods or provision of services, conformity to their purpose, destination, quantity, technical-functional parameters, geographical or commercial origin, expected results of use, as well as the essential characteristics of the tests or controls performed on the goods or services.

In turn, the provisions outlined under Article 6 MAA establish clear guidelines for lawful comparative advertising practices. This advertising must compare goods or services that serve the same needs or purposes, objectively comparing their essential characteristics, including price. It should refrain from discrediting or denigrating competitors' brands, trade names, or other distinctive signs, and when referring to products with a designation of origin, it should specifically relate to products bearing the same designation. Comparative advertising should not exploit unfairly the reputation of competitors' brands or other distinctive signs, nor should it present its goods or services as imitations or reproductions of those of competitors. Furthermore, it must avoid creating confusion among traders, between the advertiser and its competitors, or among brands, trade names, or other distinctive signs.

According to Article 7(1) MAA, traders, associations and organisations having a legitimate interest may notify violations to the Ministry of Public Finances (*Ministerul Finanțelor Publice*, 'MFP') or, if applicable, the National Audiovisual Council (*Consiliul Național al Audiovizualului*, 'CNA'). Additionally, violations related to Article 6 MAA on comparative advertising affecting consumers can be reported by them to the National Authority for Consumer Protection (*Autoritatea Națională pentru Protecția Consumatorilor*, 'ANPC').

Both the ANPC and the MFP can make a finding of breaches of the legal provisions and can impose pecuniary sanctions⁽²²⁸⁾. In carrying out the verification, the MFP and the ANPC can request a trader to provide the necessary evidence regarding the accuracy of their statements, indications or presentations made in the context of their advertisement announcement, as stipulated in Article 9(1) MAA. According to Article 18 MAA, a trader's complaint against legal breaches in the field has to be submitted within 3 months of the date on which persons, associations or organisations having a legitimate interest have become aware of the advertisement but no later than 6 months after its appearance. The provision also establishes time limits for consumers' complaints relating to comparative advertising, set at 4 months from the date of appearance. According to Article 19 MAA,

⁽²²⁸⁾ Article 10 MAA.

the MFP, the ANPC, or the CNA can notify professional organisations with a self-regulation role about proceedings and ask them to formulate a reasoned opinion on the matter.

The **Consumer Protection** legal framework envisages additional measures for protecting GIs, as well as other distinctive signs⁽²²⁹⁾. Article 9 Government Ordinance no. 21/1992 on Consumer Protection establishes that economic operators are obligated to put on the market only products or services that correspond to the prescribed or declared characteristics and to act correctly in their relations with consumers. Article 8 of the Law n. 296/2004 on the Consumer Protection Code reiterates this general rule. In addition, Law n. 363/2007 on the prevention of unfair business-to-consumer commercial practices and on the harmonisation of current enactments with the European legislation in the field of consumer protection outlines additional measures.

Accordingly, Article 4(2) of the Ordinance 21/1993 prohibits the production, importation, and marketing of counterfeit or falsified products. A similar ban is enshrined in Article 9 of the Consumer Code (Law 296/2004), which prohibits the import, manufacture, distribution, and marketing of counterfeit or falsified products that pose risks to the life, health, or safety of consumers. Article 20 of the Consumer Code (Law 296/2004) establishes the obligation for manufacturers to inform consumers about the product, including its name, the name and/or brand of the manufacturer, the quantity, and the principal technical and qualitative characteristics of the product, including information on its composition and any additives used.

Additionally, Law 363/2007 addresses unfair trading practices towards consumers and aligns national regulations with European consumer protection standards. Article 4(1)(a) of Law 363/2007 prohibits any commercial activity related to products, including comparative advertising that could mislead consumers or create confusion with another product, trade mark, name, or other distinctive signs of a competitor.

⁽²²⁹⁾ Specifically, *ORDONANȚĂ nr. 21 din 21 august 1992 (republicată) privind protecția consumatorilor, Publicat în MONITORUL OFICIAL nr. 208 din 28 martie 2007* (EMERGENCY ORDINANCE no. 21 of 21 August 1992 (republished) on consumer protection, published in the OFFICIAL MONITOR no. 208 on 28 March 2007), available at: <https://legislatie.just.ro/Public/DetaliuDocument/2175>; *Codul Consumului din 28 iunie 2004 (republicat), Legea nr. 296/2004 rep., Publicat în MONITORUL OFICIAL nr. 224 din 24 martie 2008* (The Consumer Code of 28 June 2004 (republished). (Law no. 296/2004 rep., published in the OFFICIAL MONITOR no. 224 of 24 March 2008), available at: <https://legislatie.just.ro/Public/DetaliuDocumentAfis/267003>; *LEGE nr. 363 din 21 decembrie 2007 privind combaterea practicilor incorecte ale comercianților în relația cu consumatorii și armonizarea reglementărilor cu legislația europeană privind protecția consumatorilor Publicat în MONITORUL OFICIAL nr. 899 din 28 decembrie 2007* (LAW no. 363 of 21 December 2007 on combating unfair practices of traders in the relationship with consumers and harmonising regulations with European legislation on consumer protection Published in the OFFICIAL MONITOR no. 899 of 28 December 2007), available at: <https://legislatie.just.ro/Public/DetaliuDocument/254146>.

As per Article 6 of Law 363/2007, a commercial practice is considered to be misleading if it contains false information or, in any situation, including the general presentation, misleads or is likely to mislead the average consumer so that, in both cases, either causes or is likely to cause, the consumer to make a trading decision that they would not otherwise have made. This applies even if the information is, in fact, correct in relation to the main characteristics of the product, such as availability, advantages, risks, manufacture, composition, accessories, after-sales assistance and complaint handling, method and date of manufacture or delivery, delivery, fitness for purpose, use, quantity, the specifications, the geographical or commercial origin, the results that can be obtained from its use, the results and essential characteristics of the tests or controls carried out on the product.

Similarly, a commercial practice is deemed deceptive if, in the context of the presentation of the factual situation, taking into account all the characteristics and circumstances, it causes or is likely to cause the average consumer to make a trading decision that they would not otherwise have made. Such deceptive practices can arise from any marketing activity regarding the product, including comparative advertising, which creates confusion with another product, brand, name or other distinctive signs of a competitor. Additionally, it can occur when goods are marketed as being identical to goods sold in other EU Member States, although those goods have a significantly different composition or characteristics, unless this is justified by legitimate and objective factors substantiated with conclusive documents.

Under Article 7 of Law 363/2007, misleading omissions regarding the main characteristics of the product are also prohibited. The assessment takes into account the means of communication used and the product itself.

The competent authority to supervise and control the market under the provisions of the consumer legislation is the National Authority for Consumer Protection (*Autoritatea Națională pentru Protecția Consumatorilor*, 'ANPC').⁽²³⁰⁾ An investigation made by the ANPC can be triggered by a complaint or *ex officio*. The ANPC determines offences and takes enforcement action against traders for breaches of consumer law through the application of administrative sanctions involving both fines and complementary measures, as well as the notification of the criminal investigation authorities in case of criminal law infringement. The ANPC may order the termination or establishment of appropriate

⁽²³⁰⁾ Article 27 Ordinance no. 21/1992; Article 87 Law n. 296/2004 on the Consumer Protection Code; Article 12 Law 363/2007.

legal procedures for the termination of unfair commercial practices, as provided in Article 13 of Law 363/2007. Under Article 12¹ of Law 363/2007, consumers affected by unfair commercial practices have the right to remedial measures to eliminate all the effects of these unfair practices, including compensation for the damage suffered.

1.4. Specific laws or decrees that protect a specific craft or industrial product

No specific laws or decrees protecting a specific craft or industrial product have been enacted in Romania.

1.5. Current legislative proposals and initiatives to protect or enforce craft and industrial GIs

The OSIM has replied to the survey of the present study specifying that it will probably be the national authority responsible for the national phase of registration of CI GIs. However, no specific legislative proposal has yet been enacted in this respect.

2. List of National Registered and Pending Craft and Industrial GIs

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIs

Despite a *sui-generis* system that would allow for the protection of CI GIs, there are currently no registered CI GIs in Romania.

3. List of Product Names Potentially Protectable by Craft and Industrial GIs at EU Level

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

The following names of CI are potentially protectable by CI GIs⁽²³¹⁾:

1. <i>Ceramică de Cucuteni</i>	Ceramics / pottery
2. <i>Ceramică de Horezu</i>	Ceramics / pottery
3. <i>Ceramică de Marginea</i>	Ceramics / pottery
4. <i>Ceramică de Săcel</i>	Ceramics
5. <i>Vama Ceramics</i>	Ceramics
6. <i>Covoare oltenești</i>	Carpets
7. <i>Ceramică de Corund</i>	Ceramics / pottery
8. <i>Ouă încondeiate Bucovina</i>	Decorative eggs
9. <i>Ie / Mărginimea Sibiului</i>	Textiles
10. <i>Scheii Brașovului Icons</i>	Glass icons
11. <i>Mobilier pictat manual săsesc din Transilvania</i>	Wooden products

⁽²³¹⁾ The inventory of craft and industrial product names potentially protectable by CI GI contained in the study on the economic aspects of GI protection at EU level for non-agricultural products (VVA/ECORYS/ConPolicy), 2020, was integrated with information provided by local correspondents. In particular, the following product names were added: *Vama Ceramics*, *Covoare oltenești*, *Covoare oltenești*, *Ceramică de Corund*, *Ouă încondeiate Bucovina*, *Ie / Mărginimea Sibiului*, *Mobilier pictat manual săsesc din Transilvania*, *Scheii Brașovului icons*.

STUDY ON EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GEOGRAPHICAL INDICATIONS

Slovakia



Abbreviations

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

IPOS	Industrial Property Office of the Slovak Republic
STI	Slovak Trade Inspection Authority

1. Legal Framework for the Protection of Names of Craft and Industrial Products

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

1.1. *Sui generis* protection system

Slovakian legislation provides for a *sui generis* protection system for CI GIs.

In particular, in Slovakia the protection of CI GIs can be obtained through the Act No. 469/2003 Coll. on 'Designations of origin for a product and geographical indications for a product and on alterations of and additions to certain laws' (the 'Act')⁽²³²⁾.

Article 2 of the Act provides the definitions of designations of origin (DO) and geographical indication(GI):

- **Designation of origin** shall mean the name of a specific place, region or, in exceptional cases, a country, used to designate a product originating in that place, region or country, if the quality or properties of that product are exclusively or essentially due to a geographical environment with its inherent natural and human factors and the production, processing and preparation of that product takes place in the defined place, region or country;
- **Geographical Indication** for a product shall mean the name of a specific place, region or, in exceptional cases, a country, used to designate a product originating in that place, region or county, if that product has a specific quality, reputation or other characteristics which are attributable to that place, region or country.

A product's DO or GI that meets the criteria for protection will be recorded in the Register, which is maintained by the Industrial Property Office of the Slovak Republic (IPOSr) (Article 3). The Register

⁽²³²⁾ 469/2003 Coll. of Laws of the Slovak Rep. ACT on designations of origin for a product and geographical indications for a product and on alterations of and additions to certain laws:

https://www.indprop.gov.sk/swift_data/source/_ENG/legislation/Designations%20of%20Origin.pdf.

will not include a DO or GI for a product if the wording accurately indicates the name of the place, region, or country from which the product originates, but still has the potential to mislead the public about the true origin of the product (Article 4).

Registered DOs and GIs are protected against⁽²³³⁾:

- any direct or indirect commercial use on products to which such designation is not related, if such products are identical with or similar to a product which is registered under such designation of origin for a product, or such use takes advantage of the reputation of a registered designation of origin for a product;
- any misuse, imitation or evocation of misconception about the origin of a product, even if the true origin of a product is indicated or even if the registered designation of origin for a product is indicated as a translation or is accompanied by an expression such as 'kind', 'type', 'style', 'as produced in', 'imitation', 'similar', or by another similar expression;
- another deceptive or misleading indication as to the origin, nature or essential qualities of the product, on its inner or outer packaging, advertising materials or documents relating to the product concerned, and the use of transport packing liable to evoke a misconception as to the true origin of the product;
- another practice liable to mislead the public as to the true origin of the product.

Part 4 of the Act explains the procedure for registration of DOs and GIs. The application for registration must be submitted within the Industrial Property Office of the Slovak Republic (IPOSR) (Article 13).

The application may be submitted by an association or federation of producers or processors having legal personality, whatever its legal form, for a product produced, processed and prepared in the defined territory. A natural or legal person may file an application individually only if, at the time of filing the application, it is the only person who produces, processes and prepares the product in the defined territory.

⁽²³³⁾ Article 7 of the Act.

The application must contain:

- the wording of the DO or GI,
- the name, address, telephone number and email address of the applicant,
- the geographical delimitation of the territory,
- the type of product,
- proof that the product originates in the defined territory,
- a description of the characteristics or qualities of the product which are attributable to the geographical environment concerned,
- a description of how the product was obtained or, where appropriate, a description of the original and invariable local methods of obtaining the product,
- the name and location of the establishment or establishments,
- the name, surname and business address of the applicant's authorised representative,
- the signature of the applicant.

The Office will review whether (a) the DO for a product stated in the application meets the criteria for entry into the Register, (b) the application includes all required elements, (c) the applicant is represented by an authorised representative.

The right to protection of a registered DO or GI will arise from the date of its registration in the register and the duration of the right of protection will not be limited in time. These DOs or GIs may not be transferred.

A registered DO/GI may be used by the holder of the certificate of registration of the DO of the product or GI and by the user of the registered DO of the product or GI. The holder of the registration certificate will have the right to prohibit a producer from using the DO or GI if the product designated by a registered DO or GI does not meet the requirements of the relevant product specification.

The courts are competent to hear and rule on the disputes (Article 10.1). The holder of the registration certificate can request the court to order that the products infringing their right be removed from the market and/or destroyed (Article 10.2).

1.2. Trade mark law

The names of CI products can also enjoy protection under the Slovakian Trade mark law, regulated by Act No. 506/2009 Coll., with latest amendments effective from 14 January 2019⁽²³⁴⁾.

Collective trade marks are described in Section 43 of the Act, according to which a collective trade mark is a trade mark designated as such when the application is filed and is capable of distinguishing goods or services originating from members of an association of producers, manufacturers, service providers, or traders with legal personality ('the association') from those of other persons.

An application for a collective mark may be filed by an association or a legal entity governed by public law. The applicant must submit an agreement on the use of the collective mark (referred to as the 'contract of use') with the application. This contract of use should include a list of persons entitled to use the collective mark, along with their identification data, the conditions of membership in the association, and the conditions of use of the collective mark, including penalties (Section 44).

Applications will be rejected if there is a likelihood of misleading the public about the nature or meaning of the sign applied for, especially if the sign could be perceived as something other than a collective trade mark. A collective trade mark can be revoked if: (i) its proprietor failed to take appropriate measures to prevent the use of the collective mark in a manner incompatible with the conditions of use laid down in the contract of use; and (ii) it deceives the public (Section 45a).

The members of the association have the exclusive right to use a collective trade mark for the goods or services for which it is registered. In the event of an unlawful interference with an exclusive right owned by the association, it is possible to assert claims on behalf of persons authorised to use the collective trade mark. Unless otherwise specified in the contract of use, in the event of an unauthorised interference with an exclusive right, the person entitled to use the collective trade mark may, in their own name and on their own account, assert claims only with the consent of the proprietor of the collective trade mark (Section 45).

⁽²³⁴⁾ ACT NO 506/2009 Coll. on TRADE MARKS: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2009/506/20190114.html>.

1.3. Unfair competition and consumer protection laws

Consumer protection law

The Slovak Act no. 250 of 9 May 2007 on Consumer Protection and on the Amendment of the Act of the Slovak National Council No. 372/1990 Coll. on Minor Offences, as amended⁽²³⁵⁾, prohibits deceptive commercial practices, encompassing key product attributes like specifications, geographical, or commercial origins.

Article 8 of the Act defines misleading commercial practices as a practice which:

causes or is likely to cause the consumer to take a transactional decision that he would not have taken otherwise because it contains incorrect information and is therefore false, or in any way misleads or is likely to mislead the average consumer, even if that information is factually correct in relation to the [...] main characteristics of the product, such as its [...] geographical or commercial origin.

Article 19 defines the public administration authorities responsible for consumer protection as the Ministry, supervisory authorities and other competent authorities under special regulations, and Community.

The compliance with the Consumer Protection Act is ensured by 'supervisory authorities' or by the Slovak Trade Inspection Authority (STI) if the appropriate supervisory authority cannot be identified (Article 20).

Article 25 provides that an association can file a petition to initiate proceedings before a supervisory authority or a court concerning the protection of consumer rights. It can also be a party to the proceedings without prejudice to the right of the court to review as to whether the entity in question is qualified to bring an action in the given case.

⁽²³⁵⁾ Act No 250/2007 Coll., on Consumer Protection and on the Amendment of the Act of the Slovak National Council No. 372/1990 Coll. on Minor Offences, as amended: <https://nbs.sk/en/dohlad-nad-financnym-trhom/legislativa/legislativa/detail-dokumentu/act-no-250-2007-coll-consumer-protection-act/>.

Unfair Competition law

Unfair practices regarding the origin of goods and services may also find protection under Slovak Act. No. 513 of 1991, as amended⁽²³⁶⁾. Specifically, part II of the sub-part V of the Act deals with unfair competition and Article 44 defines it as 'a conduct in competition that is contrary to fair practices and is likely to cause harm to other competitors or consumers, and it shall thus be prohibited'.

Pursuant to Section 46, a misleading indication of goods and services is any sign liable to mislead economic traffic into believing that the goods or services designated by it originate in a particular state, a particular region or place or from a particular manufacturer, or that they exhibit particular characteristics or a special quality. It is irrelevant whether the designation was indicated immediately on the goods, packaging, commercial documents, etc. It is also irrelevant whether the misleading sign occurred directly or indirectly and by what means. A misleading indication is also an incorrect designation of goods or services to which an appendix is attached to distinguish them from the true origin, such as the terms 'kind', 'type', 'method', and the designation is nevertheless capable of giving rise to an erroneous presumption as to the origin or nature of the goods or services.

Individuals whose rights have been violated or threatened by unfair competition may demand that the offender ceases such actions and rectifies the situation. They may also seek appropriate compensation, which can include monetary compensation, damages, and the return of unjust gains (Article 53). Article 54 adds that the right to demand that the infringer ceases unlawful conducts and remedies the illicit conduct may also be exercised by a legal entity authorised to defend the interests of competitors or consumers. Once proceedings for an injunction or remedy have been initiated or concluded, other entitled persons cannot file actions for the same claims arising from the same matter. However, this does not affect their right to join the ongoing dispute as interveners under general provisions.

Furthermore, a notable form of protection is provided by Act No. 300/2005 Coll., Criminal Code, as amended⁽²³⁷⁾, by Section 281, which establishes the criminal offence of 'Violation of Rights to Trade marks, Indication of the Origin and Business Name'. This offence is committed by a person who puts into circulation goods or services unlawfully marked with a sign identical to or confusingly similar to

⁽²³⁶⁾ Act No. 513/1991 Coll. Commercial Code: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1991/513/20240301.html>.

⁽²³⁷⁾ 300/2005 Coll. ACT, PENAL CODE:
https://www.unodc.org/uploads/icsant/documents/Legislation/Slovakia/201124_CC_en.pdf.

a trade mark to which the right to use belongs to another person and for which the offender may face a penalty of imprisonment of up to 3 years.

1.4. Specific laws or decrees that protect a specific craft or industrial product

At present, no specific laws or decrees for the protection of specific CI products are in force in Slovakia.

1.5. Current legislative proposals and initiatives to protect or enforce craft and industrial GIs

There are currently no legislative proposals to protect or enforce CI GIs in Slovakia.

2. List of National Registered and Pending Craft and Industrial GIs

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIs

The following CI GIs are registered in Slovakia:

1.	<i>Piešťanské bahno</i>	Mud
2.	<i>Modranská majolica</i>	Ceramic
3.	<i>Sol'nobanská čipka</i>	Lace
4.	<i>Levický zlatý ónyx</i>	Stone
5.	<i>Slovenský opal</i>	Stone
6.	<i>Detvianska výšivka</i>	Embroidery
7.	<i>Sekulská keramika</i>	Ceramic
8.	<i>Kyjatické hračky</i>	Toys

9.	<i>Trstenská keramika</i>	Ceramic
10.	<i>Hornádska tkanina</i>	Textiles
11.	<i>Senohradská výšivka</i>	Embroidery
12.	<i>Liptovská paličkovaná čipka</i>	Lace

3. List of Products' Names Potentially Protectable By Craft and Industrial GIs at EU Level

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

The following names of CI products⁽²³⁸⁾ are potentially protectable by CI GIs:

1.	<i>Slovenský Magnezit</i>	Mineral
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⁽²³⁸⁾ No further product names were added with respect to the list contained in the 2020 VVA/ECORYS/ConPolicy study.

STUDY ON EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GEOGRAPHICAL INDICATIONS

Slovenia



Abbreviations

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

SIPO	Slovenian Intellectual Property Office
ZVPot	<i>Zakon o varstvu potrošnikov</i> (Consumer Protection Act)
ZVPNPP	<i>Zakon o varstvu potrošnikov pred nepoštenimi poslovnimi praksami</i> (Consumer Protection against Unfair Commercial Practices Act)

1. Legal Framework for the Protection of Names of Craft and Industrial Products

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

1.1. *Sui generis* protection system

In Slovenia, there is a national *sui-generis* system for protection of CI GIs.

The act that regulates the use of GIs for goods other than agricultural products and food products and for wine and other grape and wine products, is the Industrial Property Act⁽²³⁹⁾.

Under the Industrial Property Act, according to Article 55, GIs are used to safeguard designations for handicraft and industrial products known for specific qualities, reputations, or characteristics linked to their geographical origin. These indications indicate that a product originates from a specific territory, region, or place, and that its quality, reputation, or characteristics are notably influenced by this geographical source. Moreover, the name of a product widely recognised through longstanding trade usage as indicating its origin in a specific place or region can also be registered as a GI⁽²⁴⁰⁾.

GIs for goods of special historical or cultural significance can be directly protected by a decree issued by the Government of the Republic of Slovenia.

According to Article 56, a GI may not be registered under the Industrial Property Act if:

- it implies or suggests that the product comes from a different geographical area than its actual place of origin, thereby misleading the public about where the product truly originates;
- even though it is factually accurate about the territory, region, or place where the product originates, it misleads the public into believing that the product comes from a different region;

⁽²³⁹⁾ Industrial Property Act - *Zakon o industrijski lastnini* (Uradni list RS, št. 45/01 z dne 7.6.2001, s spremembami do 27.07.2023): <https://www.wipo.int/wipolex/en/legislation/details/22401>.

⁽²⁴⁰⁾ Republic of Slovenia, Geographical Indications: <https://www.gov.si/en/topics/geographical-indications/>.

- it has become widely recognised over time in commerce as a name for a particular type of product; or
- given the indication's reputation, renown, and long-term use, registering it could mislead consumers about the true identity of the product.

Associations of legal or natural persons, chambers, municipalities, larger local communities, and state authorities may file applications for the registration of a GI under the Industrial Property Act.

An appellation of origin is a collective right and may be used as such only by those who produce or market the product for which an appellation of origin has been established and may not be used by persons not entitled to do so. The use of a registered GI is forbidden if the goods do not originate from the place indicated, even if the true origin of the goods is specified or if the GI is used in translation or accompanied by terms such as 'kind', 'type', 'style', 'imitation', or similar expressions (Article 58).

The procedure for obtaining GI protection from the Intellectual Property Office (SIPO) involves several key steps.

According to Article 104, associations of legal or natural persons, chambers, municipalities, larger local communities, or state authorities may file an application for the registration of a GI. The request must be accompanied by a specification including:

- a) the indication to be registered as a GI;
- b) an indication of the goods to which the proposed GI relates;
- c) a description of the goods;
- d) an indication of relevant location or region;
- e) a description of the method of obtaining the goods and, if necessary, the authentic and unvarying local methods;
- f) a description of the link between the goods and the location or region;
- g) details of inspection authorities;
- h) labelling details.

According to the Industrial Property Act, the procedure for obtaining the right at the Office is free of charge.

The Slovenian Intellectual Property Office reviews the application, issues a decision on registration, and publishes the registration in the register of GIs (Article 104.3 and Article 105). A decree issued by the State Council can define the geographical area and the qualities or characteristics of a product bearing an appellation of origin. This decree aims to prevent any use that could lead to confusion about the origin of the products. Alternatively, a court decision can define the geographical area and the qualities or characteristics of a product bearing an appellation of origin based on local, fair, and consistent practices.

There is an opposition procedure: the decree is adopted following a 'public investigation' in accordance with general rules. The Office grants the right to use the appellation of origin after obtaining an expert opinion from the Chamber of Economy of the Republic of Slovenia.

The right to enforce the rights belongs to the owner of the GI, the individuals entitled to use a GI, and professional associations established for the protection of industrial property rights, to the extent that the owner's rights are assigned to them by law or through a legal transaction (Article 120a).

An example of a Slovenian CI GI protected under the Industrial Property Act of 23 May 2001 is 'Idrijska čipka', which was registered as an appellation of origin in Slovenia on 19 August 1999⁽²⁴¹⁾. The registration number is 80. The holder of the right is the Municipality of Idrija.

'Idrijska čipka' refers to lace made using the bobbin-lace technique from the Idrija region in Slovenia. The most representative technique of Idrija Lace is the 'ris', a ribbon made with six, seven, or eight pairs of bobbins. Traditionally, the lace is made from natural materials such as linen, cotton, or silk.

1.2. Trade mark law

The protection of names of CI GIs in Slovenia can also be obtained via trade marks, which are regulated through the Industrial Property Act.

According to Article 45 a **collective mark** will mean a trade mark that is described as such upon the filing of the application and whose sign allows distinguishing the goods or services of the members of the holder of the mark from the goods or services of other undertakings.

⁽²⁴¹⁾ Pravilnik o označbi porekla blaga 'Idrijska čipka': https://www.uradni-list.si/_pdf/1999/Ur/u1999067.pdf.

An applicant for, or holder of, a collective mark can be a legal entity operating as an association of manufacturers, producers, service providers, or traders, or a legal entity under public law.

A sign cannot be registered as a collective mark if any of the absolute grounds for trade mark refusal apply. Additionally, a collective mark may not be registered if it fails to meet the conditions specific to collective marks, if the regulations governing the collective mark are not submitted concurrently with the application, if these regulations do not include essential details, if the collective mark could mislead the public regarding its nature or significance, or if the regulations violate public order and morality – unless the applicant addresses the identified deficiencies⁽²⁴²⁾.

According to Article 46 an applicant for a collective mark must enclose with the application the regulations on the collective mark. The regulations should include at least:

- a) the name and registered office of the applicant;
- b) the applicant's business and information on whom it officially and statutorily represents;
- c) the conditions of membership;
- d) conditions for the use of the collective mark;
- e) information on the group of persons entitled to use the collective mark;
- f) provisions concerning the rights and obligations of the members in the event of infringement of the collective mark rights.

The application must be filed with the Slovenian Intellectual Property Office.

An applicant for, or holder of, a collective mark must notify the Office of any amendments to the regulations and submit a clean copy of the updated regulations. The Office will record the amendment in the register unless the amended regulations fail to meet the requirements outlined in the preceding paragraph or any of the grounds specified in Article 46a of this Act are present. The amendment to the regulations takes effect on the date it is entered in the register.

The regulations will be public, and any person will be allowed access to them.

According to Article 43 'a sign shall not be registered as a trade mark if in trade, it serves solely to

⁽²⁴²⁾ Republic of Slovenia, Trade marks: <https://www.gov.si/en/topics/trade-marks/>.

designate the type, quality, quantity, intended purpose, value, geographical origin or time of production of the goods or provision of services or other characteristics of the goods or services’.

A collective mark indicating the geographical origin of goods does not grant the holder the right to prevent a third party from using the sign in trade if it is used in accordance with good business practices or to stop a third party who is entitled to use the geographical origin from doing so (Article 49.1).

The holder of a collective mark that indicates the geographical origin of goods or services must allow any person whose goods or services originate in the relevant geographical area and meet the conditions specified in the regulations under Article 46 to become a member of the collective mark holder (Article 49.2).

The holder of an earlier trade mark has up to 3 months from the publication of a trade mark application to submit a written opposition against its registration (Article 101).

If no opposition has been filed against the registration of a trade mark, or if the opposition has been rejected or deemed not to have been filed, the Office will request the applicant to pay the trade mark registration fee within 3 months of receiving the request. This fee covers the first 10 years of the trade mark term (Article 103).

After the fee has been paid, the Office will issue a decision regarding the registration of the trade mark, enter the trade mark into the register, and publish a notice of the trade mark registration.

1.3. Unfair competition and consumer protection laws

If the practice causes or is likely to cause the average consumer to make a transactional decision they would not have made otherwise, it is deemed misleading. In Slovenia, unfair competition law is designed to protect the origin of goods and maintain fair business practices. The key provisions are encapsulated in the Industrial Property Act and the Prevention of the Restriction of Competition Act⁽²⁴³⁾.

⁽²⁴³⁾ Prevention of the Restriction of Competition Act (ZPOmK-1): https://www.varstvo-konkurence.si/fileadmin/varstvo-konkurence.si/pageuploads/ZPOmK-1-consolidated_version.pdf.

The Industrial Property Act addresses the protection of GIs, which designate the origin of goods. This act allows the use of GIs for handicraft and industrial products that have a quality, reputation, or characteristic attributable to their geographical origin. This ensures that consumers can trust the origin and quality of products based on their GIs.

Additionally, the Prevention of Restriction of Competition Act explicitly prohibits acts of unfair competition. This includes misleading consumers about the origin of goods, exploiting the reputation of other businesses, and engaging in deceptive trade practices.

These laws collectively safeguard the integrity of GIs and ensure that products maintain their unique identity tied to their place of origin.

Besides these two Acts, another important law in Slovenia is the new Consumer Act ('ZVPot-1')⁽²⁴⁴⁾, which entered into force on 26 October 2022, and was applied from 26 January 2023. It combines the provisions of the old Consumer Protection Act ('ZVPot')⁽²⁴⁵⁾ and the Consumer Protection against Unfair Commercial Practices Act ('ZVPNPP')⁽²⁴⁶⁾.

According to Article 1, the new Act 'regulates the rights of consumers in the offering, sale and other forms of marketing of goods, services and digital content by companies, and lays down the duties of companies, state authorities and other entities to ensure these rights'.

The Act states that 'unfair commercial practices are prohibited'. Article 47 states that a commercial practice is considered unfair if it fails to meet the standards of professional diligence and significantly distorts or risks distorting the economic behaviour of:

- the average consumer it reaches or is intended to reach, or
- the average member of a specific target group of consumers, if it is aimed at that particular group.

⁽²⁴⁴⁾ Zakon o varstvu potrošnikov (ZVPot-1) – Consumer Protection Act: <https://pisrs.si/pregledPredpisa?id=ZAKO7054>.

⁽²⁴⁵⁾ Zakon o varstvu potrošnikov (ZVPot) – Consumer Protection Act: <https://pisrs.si/pregledPredpisa?id=ZAKO513>.

⁽²⁴⁶⁾ Zakon o varstvu potrošnikov pred nepoštenimi poslovnimi praksami (ZVPNPP) – Consumer Protection Against Unfair Business Practices Act: <https://pisrs.si/pregledPredpisa?id=ZAKO5064>.

Article 48 states that a commercial practice is considered misleading if it contains false information and is therefore untrue. Additionally, a commercial practice is deemed misleading if, in any form, including the overall presentation, it misleads or is likely to mislead the average consumer, even if the information is accurate regarding one or more elements. This misleading nature must ultimately lead, or be likely to lead, the average consumer to make a transactional decision they would not have otherwise made, specifically:

(2) the main characteristics of the product, such as its availability, benefits, risks, performance, composition, additives, after-sales services to consumers and complaint handling, the procedure and date of manufacture or delivery, delivery, fitness for purpose, use, quantity, specification, geographical or commercial origin or the results that can be expected from its use, or the results and factual characteristics of tests or inspections of the product.

A commercial practice is also considered misleading if, in a particular case and taking into account all characteristics, circumstances, and limitations of the means of communication, the business omits essential information that the average consumer needs to make an informed decision. This omission must cause or be likely to cause the average consumer to make a transactional decision they would not have otherwise made (Article 49).

Article 51 contains a list of misleading commercial practices that are considered unfair in all circumstances.

1.4. Specific laws or decrees that protect a specific craft or industrial product

At present, no specific laws or decrees for the protection of a specific craft or industrial product are in force in Slovenia.

1.5. Current legislative proposals and initiatives to protect or enforce craft and industrial GIs

There are currently no legislative proposals to protect CI GIs in Slovenia.

2. List of National Registered and Pending Craft and Industrial GIs

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIs

The following CI GIs are currently registered:

1. <i>Idrijska čipka</i>	Lace
2. <i>Ribniška suha roba</i>	Woodware

3. List of Product Names Potentially Protectable by Craft and Industrial GIs at EU Level

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIs

The following names of CI products⁽²⁴⁷⁾ could potentially be protected as CI GIs:

1. <i>Panjske končnice</i>	Wooden painted panels
2. <i>Kropa</i>	Products of artificial blacksmith craft
3. <i>lončeni izdelki</i>	Pottery
4. <i>National costume from Gorenjska</i>	Costumes
5. <i>Pletna</i>	Boats
6. <i>Rogaska Crystal</i>	Glass

⁽²⁴⁷⁾ No further product names were added with respect to the list contained in the 2020 VVA/ECORYS/ConPolicy study.

STUDY ON EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GEOGRAPHICAL INDICATIONS

Spain



Abbreviations

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

ACCAs

Autonomous Community Competent Authorities
(Autoridades Competentes de la Comunidad Autónoma)

1. Legal Framework for the Protection of Names of Craft and Industrial Products

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

1.1. *Sui generis* protection system

In Spain there is no *sui generis* GI system protecting CI GIs. However, protection of names of CI products can be achieved through trade mark law and unfair competition laws.

The protection of the names of CI products has been achieved through alternative means, in particular:

- trade mark law;
- unfair competition law;
- specific laws and decrees protecting specific sectors.

Autonomous Communities in Spain also hold authority over GIs, but solely within their respective territories.

The only *sui generis* regulation for safeguarding craft or industrial products as GIs (in this case, PDO) is found in the Law of the Autonomous Community of Galicia 9/1985, enacted on 30 July 1985, to protect ornamental stones of Galicia (*Ley 9/1985, de 30 de julio, de protección de piedras ornamentales*) in the Autonomous Community of Galicia. As it is not a national law, its jurisdiction is limited to the Autonomous Community of Galicia.

1.2. Trade mark law

Spanish trade marks regulations currently in force are Law No. 17/2001 of 7 December 2001, on Trade marks (*Ley 17/2001, de 7 de diciembre, de Marcas*) and Royal Decree 687/2002, of 12 July

2002, approving the Regulation for the implementation of Law 17/2001, of 7 December, on Trade marks. (*Real Decreto 687/2002, de 12 de julio, por el que se aprueba el Reglamento para la ejecución de la Ley 17/2001, de 7 de diciembre, de Marcas*).

In particular, Law No. 17/2001 of 7 December 2001, on trade marks outlines the procedures for registering individual, collective, and guarantee trade marks (the same as certification trade marks). In Spain, the **collective trade mark** serves to differentiate the goods or services of members belonging to the association that owns the mark from those of other businesses. Conversely, the **guarantee trade mark** in Spain is designed to distinguish the goods or services certified by the trade mark owner in terms of materials, manufacturing processes, geographical origin, quality, precision, or other specified characteristics from those that lack such certification.

The name of a geographically rooted craft or industrial product may receive protection as a collective or guarantee trade mark. As an exception to the rules governing absolute grounds for refusal, both collective and guarantee trade marks may comprise a sign indicating the geographical origin of goods or services. However, the rights conferred by a collective or guarantee trade mark do not authorise the proprietor to prohibit a third party from using such signs or indications in trade, provided that such use is made in accordance with honest practices in industrial or commercial matters. Specifically, such a mark cannot be invoked against a third party authorised to use a geographical name.

In Spain, producers and public institutions register individual trade marks, collective trade marks and guarantee marks with the aim of providing some kind of protection for traditional artisanal and industrial products linked to the territories⁽²⁴⁸⁾.

This is the case, for example, of the Spanish guarantee trade mark 'AB CUCHILLERÍA DE ALBACETE' M2616905(3) (Albacete knife making) owned by the municipality of ALBACETE; or the Spanish guarantee trade mark 'T TALAVERA CERÁMICA' M2779373(7) (Pottery from Talavera) owned by a Local Autonomous Body (INICIATIVA PARA LA PROMOCION ECONOMICA DE TALAVERA (IPETA)); or the national guarantee mark M2611091(1) - ARTESANIA DE MENORCA

⁽²⁴⁸⁾ See MONTERO GARCÍA-NOBLEJAS, P., *La marca de certificación de la Unión Europea*, Tirant lo Blanch, Valencia 2023.

owned by public regional institution (CONSELL INSULAR DE MENORCA DEPARTAMENTO DE ECONOMIA).

Other public institutions register individual trade marks as a form of protection, for example, Spanish national individual trade mark M2100582(6) 'CERAMICA DE LA BISBAL' owned by the municipality LA BISBAL D'EMPORDA; and also collective as the EU collective trade mark 'CERÁMICA DE MANISES' (002897577) owned by the ceramics association ASOCIACION VALENCIANA DE CERAMICA AVEC-GREMIO.

1.3. Unfair competition and consumer protection laws

1.3.1. Regulations in force

- Law No. 3/1991 of 10 January 1991, on Unfair Competition (*Ley 3/1991, de 10 de enero, de Competencia Desleal*⁽²⁴⁹⁾)
- Royal Legislative Decree 1/2007, of 16 November 2007 approving the consolidated text of the General Consumer and User Protection Act and other complementary laws (*Real Decreto Legislativo 1/2007, de 16 de noviembre, por el que se aprueba el texto refundido de la Ley General para la Defensa de los Consumidores y Usuarios y otras leyes complementarias*⁽²⁵⁰⁾)

1.3.2. Unfair Competition Law as a complement to the protection of geographically rooted craft and industrial products

The Unfair Competition Act supplements the protection of intellectual property rights in general, with a particular focus on GIs. While the unfair competition law does not confer intellectual property rights, it enables the prosecution of conduct contrary to good faith. However, this law cannot be invoked to address an infringement already prosecuted under other intellectual property legislation.

⁽²⁴⁹⁾ <https://www.boe.es/buscar/act.php?id=BOE-A-1991-628>

⁽²⁵⁰⁾ https://noticias.juridicas.com/base_datos/Admin/rdleg1-2007.html

In Spain, in the absence of specific legal actions for the infringement of GIs, it is common to utilise unfair competition actions for their protection. Nevertheless, it is also possible in Spain to initiate legal actions solely based on the European Union Regulation governing this type of right.

The actions included in the unfair competition law are the following.

1. Action for declaration of unfairness.
2. Action for cessation of the unfair conduct or prohibition of its future repetition. Likewise, the prohibition action may also be brought if the conduct has not yet been put into practice.
3. Action to remove the effects produced by the unfair conduct.
4. Action to rectify misleading, incorrect or false information.
5. Action for compensation for damages and losses caused by the unfair conduct, if the agent has acted with malice or negligence.
6. Action for unfair advantage, which will only proceed when the unfair conduct damages a legal position protected by a right of exclusivity or another with a similar economic content.

Unfair competition law regulates different practices that are considered unfair. The system chosen is the establishment of a general clause that considers unfair all acts that are contrary to good faith, and a non-exhaustive list of specific cases that are considered unfair. Within this list, reference is made to GIs in the following Articles.

Article 10 Acts of comparison: Public comparison, including comparative advertising, by means of an explicit or implicit reference to a competitor shall be permitted if it complies with the following requirements: (...) (c) **In the case of products covered by a designation of origin or geographical indication, specific designation or traditional specialty guaranteed, the comparison may only be made with other products of the same designation.**

Article 12 Exploiting reputation: It shall be considered unfair to take unfair advantage, for personal gain or for the benefit of others, of the advantages of the industrial, commercial or professional reputation acquired by another person on the market. In

particular, **the use of another's distinctive signs or false designations of origin accompanied by an indication of the true origin of the product or by expressions such as 'model', 'system', 'type', 'class' and the like shall be considered unfair.**

Within the framework of the Consumer and User Protection Act, provisions are established to address grievances faced by consumers and users due to unfair commercial practices, offering corrective measures as a recourse.

Article 20-*bis* outlines corrective measures available to consumers and users affected by unfair commercial practices:

1. actions outlined in Article 32.1, 1st to 4th of Law 3/1991 of 10 January 1991, on unfair competition, may be pursued if unfair commercial practices against consumers and users are proven by a final decision of a competent authority or court, unless evidence suggests otherwise;
2. individuals jointly responsible for the aforementioned infringement are jointly and severally liable for compensating the damages incurred;
3. the existence of an unfair commercial practice may not, under any circumstance, be leveraged against the interests of consumers and users.

1.4. Specific laws or decrees that protect a specific craft or industrial product

In Spain, laws can have nationwide effects when enacted by the national parliament. However, Spain is comprised of 17 autonomous communities, each with jurisdiction over certain matters, such as handicrafts. Consequently, many autonomous communities have adopted laws to protect handicrafts. These laws do not confer national intellectual property rights leading to GIs, and their effects are limited to each respective autonomous community.

1.4.1. Regulations in force on geographical indications for a specific product

Law 9/1985, enacted on 30 July 1985, is known as the *Ley 9/1985, de 30 de julio, de protección de piedras ornamentales*⁽²⁵¹⁾ or the **Law to Protect Ornamental Stones of Galicia**. This law is specific to the Autonomous Community of Galicia and is designed to safeguard the ornamental stones found within its territory.

The Law, submitted for approval to the Parliament of Galicia, primarily considers the provisions of Article 30.1.4 of the Statute of Autonomy and acknowledges the interpretation of the competence assumed in the aforementioned Article by Royal Decree 4189/1982, dated 29 December 1982. It is divided into four titles, with a total of 20 Articles, complemented by an additional provision and a final provision.

Title I refers to the products that are protected by designation of origin and establishes the procedure to be followed for the recognition and authorisation of the corresponding designation of origin.

In particular, it provides that ‘products made from granite, slate or other ornamental stones which have differential qualities and characteristics due to the natural environment and/or their workmanship shall be protected under a designation of origin’. For the purposes of the Law, designation of origin means the name of the district, locality or geographical place used to designate the products, which, extracted and/or processed in this area, are referred to.

The distinctive manner of treatment of the raw material is of purely human intervention, which turns into an industrial product, is sufficient to guarantee protection under the system. Extractors and processors of ornamental stones seeking recognition and authorisation of a designation of origin must apply to the **Department of Industry, Energy and Trade**.

Title II demonstrates the inevitable rigor with which protection must be extended, rightly granted by a designation of origin, and introduces, regarding its use, the necessary principle of reservation and the equally necessary precautions concerning the use of the protected names.

⁽²⁵¹⁾ <https://www.boe.es/buscar/doc.php?id=BOE-A-1985-26010>

Title III, after outlining the functions, competences, and composition of the Regulatory Councils, focuses on the fees they must charge and specifies the sources of financing for the obligations of the Councils themselves.

Title IV strictly outlines the obligations of the holders of exploitations registered in the Register of each designation of origin, specifies the penalties for infractions they may commit, and assigns to the Regulatory Councils and the Department of Industry, Energy, and Commerce the initiation and instruction of the proceedings derived from them.

The additional provision contains the mandate committing the *Xunta de Galicia* to guide, monitor, and coordinate the 'production, processing, and quality' of the 'products protected by designation of origin'.

1.4.2. Regulations in force relating to the craft sector

Current regulations pertaining to the craft sector typically do not acknowledge intellectual property rights. Instead, in many instances, autonomous regions opt to register guarantee trade marks to distinguish their products. For example, the region of Murcia has registered the guarantee trade mark '**Artesanía Región de Murcia**' at the Spanish Patent and Trade mark Office (National mark M2831469(7) - ARTESANIA REGION DE MURCIA. CERTIFICATION MARK) owned by regional public institution (Autonomous Community of the region of Murcia):



Below is a list of regulations related to the craft sector currently in force in Spain:

- Royal Decree 1530/1982, of 18 June (rectified) on Organisation and Regulation of Crafts. (*Real Decreto 1520/1982, de 18 de junio (rectificado), sobre ordenación y regulación de la artesanía*)
- Law 14/2002, of 11 July, to Order and Promote Craftwork of Castilla la Mancha (*Ley 14/2002, de 11 de julio, de Ordenación y Fomento de la Artesanía de Castilla la Mancha*)
- Law 15/2005, of 22 December of Craftwork of Andalusia (*Ley 15/2005, de 22 de diciembre, de Artesanía de Andalucía*)
- Law 8/2023, of 14 December of Craftwork of Galicia (*Ley 8/2023, de 14 de diciembre, de artesanía de Galicia*)
- Law 1/1984, of 18 April, to Order Craftwork of The Comunidad Valenciana (*Ley 1/1984, de 18 de abril, de ordenación de la Artesanía*)
- Law 21/1998, of 30 November, to Order, Protect and Promote Craftwork in the Madrid Region (*Ley 21/1998, de 30 de noviembre, de Ordenación, Protección y Promoción de la Artesanía en la Comunidad de Madrid*)
- Decree 182/2014, of 30 December, of Craftwork in Catalonia (*Decreto 182/2014, de 30 diciembre, sobre la actividad artesanal en Cataluña*)
- Law 3/2001, of 26 June, of Craftwork of Canary Islands (*Ley 3/2001, de 26 de junio, de Artesanía de Canarias*)
- Law 1/2014, of 13 March, of Craftwork of Murcia Region (*Ley 1/2014, de 13 de marzo, de Artesanía de la Región de Murcia*)
- Law 4/1985, of 3 May, to Order Craftwork of The Balearic Islands (*Ley 4/1985, de 3 de Mayo, de Ordenación de la Artesanía*)
- Law 1/1989, of 24 February, of Craftwork of Aragón (*Ley 1/1989, de 24 de febrero, de Artesanía de Aragón*)
- Law 2/1994, of 24 May, of Craftwork of La Rioja (*Ley 2/1994, de 24 de mayo de Artesanía de La Rioja*)
- Decree 188/1988, of 17 June, to Order and Develop Craftwork sector in Navarra (*Decreto Foral 188/1988, de 17 de junio, de Ordenación y Desarrollo del sector artesanal navarro*)
- Decree 16/2021, of 24 June, to Order and Promote Craftwork in Castilla y León (*Decreto 16/2021, de 24 de junio, de ordenación y fomento de la artesanía en Castilla y León*)

- Decree 51/2013, of 31 December, which approves the legal framework of the Craftwork sector in Álava (*Decreto Foral 51/2013, del Consejo de Diputados de 31 de diciembre, que aprueba el marco regulador del sector artesano alavés*)
- Decree 157/2021, of 30 November, to Regulate Craftwork and the Registry of artisans of Bizkaia (*Decreto Foral 157/2021, de 30 de noviembre, de la Diputación Foral de Bizkaia, sobre la regulación de la artesanía y del Registro de Entidades Artesanas del Territorio Histórico de Bizkaia*)
- Decree 28/2005, of 10 May, to Regulate Craftwork in Guipuzkoa (*Decreto Foral 28/2005, de 10 de mayo, sobre regulación de la artesanía de Guipuzkoa*)
- Law 3/1994, of 26 May, of Craftwork of Extremadura (*Ley 3/1994, de 26 de mayo, de Artesanía de la Comunidad Autónoma de Extremadura*)
- Decree 88/94, of 5 December, to Regulate Craftwork in Asturias (*Decreto 88/94 de 5 de diciembre, por el que se regula la actividad artesana en el Principado de Asturias*)
- Law 7/1998, of 5 June, of Craftwork of Cantabria (*Ley 7/1998, de 5 de junio, de Artesanía de Cantabria*)
- Decree 2713, of 24 June of 2003 to Regulate Craftwork in the Autonomous City of Melilla (*Decreto 2713, de 24 de junio de 2003, sobre la regulación de la actividad artesana en la Ciudad Autónoma de Melilla*).

1.5. Current legislative proposals and initiatives to protect or enforce craft and industrial GIs

At present, Spain is deliberating on the implementation of the European Union's system for CI GIs. However, there are currently no public legislative proposals or initiatives in place for the protection and enforcement of GIs in Spain.

2. List of National Registered and Pending Craft and Industrial GIs

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

There are currently no registered CI GIs in Spain due to the absence of a *sui generis* system but there are registered guarantee trade marks, such as *Cuchillería de Albacete*, *Artesanía region de Murcia*, *Piel de Ubrique* or *T Talavera Cerámica*.

3. List of Product Names Potentially Protectable by Craft and Industrial GIs at EU Level

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

The following names of CI products are potentially protectable by CI GIs⁽²⁵²⁾:

1. <i>Alfarería de Breda</i>	Pottery
2. <i>Alfarería de Buño</i>	Pottery
3. <i>Alfarería de Cespedosa de Tormes</i>	Pottery
4. <i>Alfarería de Navarrete</i>	Pottery
5. <i>Alfarería y cerámica de La Rambla</i>	Pottery
6. <i>Alfarería artística y alfarería tradicional de Alba de Tormes</i>	Pottery

⁽²⁵²⁾ The inventory of craft and industrial product names potentially protectable by CI GI contained in the study on the economic aspects of GI protection at EU level for non-agricultural products (VVA/ECORYS/ConPolicy), 2020, was integrated with information provided by local correspondents. In particular, the following product names have been added: *Calzado de Elda*; *Cerámica de Agost*; *Cerámica de Fajaluza*; *Cerámica de Níjar*; *Cerámica de Talavera*; *Cerámica y Loza de Puente del Arzobispo*; *Encaje de Almagro*; *Jarapa de Almería*; *Joyería de Santiago*.

7. <i>Alfombras de Crevillente</i>	Carpets
8. <i>Alfombras de esparto de Úbeda</i>	Carpets
9. <i>Azabache de Asturias</i>	Stone
10. <i>Belén de Murcia</i>	Nativity scenes
11. <i>Calzado de Elche</i>	Footwear
12. <i>Calzado de Elda</i>	Footwear
13. <i>Calzado de Menorca</i>	Footwear
14. <i>Calzado de Campaspero</i>	Footwear
15. <i>Cerámica de Agost</i>	Pottery
16. <i>Cerámica de la Bisbal</i>	Pottery
17. <i>Cerámica de Fajaluza</i>	Pottery
18. <i>Cerámica de Lorca</i>	Pottery
19. <i>Cerámica de Manises</i>	Pottery
20. <i>Cerámica de Muel</i>	Pottery
21. <i>Cerámica de Níjar</i>	Pottery
22. <i>Cerámica de Talavera</i>	Pottery
23. <i>Cerámica de Totana</i>	Pottery
24. <i>Cerámica y Loza de Puente del Arzobispo</i>	Pottery
25. <i>Cuchillería de Albacete</i>	Cutlery
26. <i>Cuchillería de Taramundi</i>	Cutlery
27. <i>Encaixe de Camariñas</i>	Lace
28. <i>Encaje de Almagro</i>	Lace
29. <i>Encajes de Zamora</i>	Lace
30. <i>Espadas y cuchillos de Toledo</i>	Swords and knives
31. <i>Fallas de Valencia</i>	Carnival floats
32. <i>Filigrana charra (Joyería de Salamanca – Botón Charro)</i>	Jewellery
33. <i>Goyescas, mantillas y velos de Granada</i>	Lace

34. <i>Jarapa de Lorca</i>	Textiles
35. <i>Jarapa de Almería</i>	Textiles
36. <i>Joyería de Córdoba</i>	Jewellery
37. <i>Joyería de Santiago</i>	Jewellery
38. <i>Madera de olivo de Castro del Río</i>	Wood
39. <i>Madera de Sènia</i>	Wood
40. <i>Mármol de Alicante</i>	Stone
41. <i>Mármol de Macael</i>	Stone
42. <i>Mueble de Sonseca</i>	Furniture
43. <i>Mueble de Yecla</i>	Furniture
44. <i>Muñeca de Onil</i>	Dolls
45. <i>Piedra natural de Castilla y León</i>	Stone
46. <i>Piel de Ubrique</i>	Leather
47. <i>Puros de Canarias</i>	Cigars
48. <i>Vidrio de Granja</i>	Glass

STUDY ON EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GEOGRAPHICAL INDICATIONS

Sweden



Abbreviations

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS



PRV	Swedish Intellectual Property Office (<i>Patent- och registreringsverket</i>)
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1. Legal Framework for the Protection of Names of Craft and Industrial Products

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

1.1. *Sui generis* protection system

Swedish legislation does not provide for a *sui generis* system of protection for CI GIs.

However, the names of CI products can be protected by means of other legal tools such as:

- trade mark law;
- unfair competition law.

1.2. Trade mark law

The rules for the registration and use of trade marks in Sweden are provided under the **Trade marks Act (2010:1877)**⁽²⁵³⁾, and subsequent amendments of the Swedish Act 2018:1652, which provided for, inter alia, specific rules for collective, guarantee, and certification marks. The Swedish Patent and Registration Office is responsible for the registration process.

VVA's study of 2020⁽²⁵⁴⁾ evidenced that in Sweden certain names of geographically rooted craft and industrial products have been registered as individual trade marks. An example is 'Morakniv', which has been registered in Sweden as an individual mark since 11 September 2009, with trade mark n. 2005-09844, owned by Mora of Sweden AB (Box 407, 792 27 MORA, Sweden).

⁽²⁵³⁾ Trade marks Act (2010:1877) <https://www.wipo.int/wipolex/en/legislation/details/20593>.

⁽²⁵⁴⁾ Economic aspects of geographical indication protection at EU level for non-agricultural products in the EU, 2020: <https://op.europa.eu/en/publication-detail/-/publication/c210fcc6-5463-11ea-aece-01aa75ed71a1/language-en>.

Morakniv refers to a range of popular belt-knives manufactured in the town of Mora in Dalarna, Sweden. These knives are widely used as everyday tools in Scandinavia, particularly within the bushcraft community. In Finland and Sweden, *Morakniv* knives are extensively utilised in construction and various industries as general-purpose tools. Knife production in Mora and its surroundings dates back to the 17th century. Today, Mora of Sweden, the sole manufacturer of these knives, was formed by the merger of Sweden's two major knife producers: K. J. Eriksson and Frosts Knife Manufacturing.

Individual trade marks used to designate geographically rooted products face the same issues as in other European Union countries (i.e. genericity, lack of distinctiveness, use that does not justify the trade mark's registration, etc.). According to Article 6, Chapter 2, of the Trade marks Act 'signs or indications which may serve in the course of trade to designate the geographical origin of the goods or services may be registered as collective, guarantee or certification marks, even if they lack distinctiveness pursuant to Chapter 1, Article 5, second paragraph, item 1'.

For such reason, notwithstanding specific cases where only one producer exists, the names of CI products whose characteristics are essentially linked to a certain origin might be protected by collective and certification marks. In particular, the Swedish Trade marks Act includes the following.

- **Collective marks:** an association, a company or any other organisation may acquire exclusive rights for its members to use common trade marks (collective marks) and other trade symbols in an economic activity. Trade marks are owned by an association of business operators, undertaking or any other organisation. The main function of this trade mark is that members of the association can use the collective mark as long as they are members of the association, and in this regard, they need to comply with the provisions set by the association. If the association establishes a specific standard, the use of the collective trade mark will inform the consumers about the fact that the operator is a member of this association and consequently that the products or services meet a consistent standard. This is a way to promote trust and quality among consumers.
- **Certification marks:** these marks serve as a guarantee or certification, indicating that products or services meet specific criteria set by the trade mark holder. Typically, an authority or a designated entity owns the certification mark and is responsible for inspecting and verifying that

the products or services comply with the established standards. This type of mark assures consumers of characteristics of the products or services, such as their quality and origin. The owner can be any public authority issuing regulations on, or exercising control of, goods or services that may acquire exclusive rights in trade marks (guarantee or certification marks) and other trade symbols for use for the goods or services that are subject to the regulations or the control on condition that the public authority does not make available goods or services of this kind. The same applies to others that establish conditions for, or exercise control of, goods or services.

In addition, the use of collective and certification marks may help producers to have some kind of protection, on a voluntary basis. Producers can register those trade marks providing more stringent requirements in order to use the protected name. This not only benefits consumers by providing an assurance of quality but also supports local economies by promoting regional products.

A collective, guarantee or a control mark may designate a geographical origin, and can be registered even if they lack distinctiveness, but must not be registered if the conditions for the use of the mark violates morality or public order.

However, they do not prevent a third party from using in the course of trade signs or indications indicating geographical origin, provided that the use accords with honest practices in industrial or commercial matters. Such exclusive rights do not prevent a third party entitled to use a geographical name from doing so. Furthermore, a collective mark must not be registered if the conditions do not permit membership in the association for everyone who makes available such goods or services to which the mark refers, and the goods or services originate in the geographical area to which the mark relates.

Article 1, Chapter 2, states that a party wishing to register a trade mark must apply for it before the Patent and Registration Office. The application must contain:

- information as to the name or trade name and address of the applicant,
- information as to the name and address of any representative,
- a clear representation of the trade mark,

- a list of the goods or services for which the trade mark is intended and the classes they belong to (list of goods or services).

An application for the registration of a collective, guarantee or certification mark must, in addition, contain indications about which parties are entitled to use the trade mark and the other conditions under which the trade mark may be used. In respect of a collective mark, information should also be provided about the conditions for membership of the association.

Article 23: when a collective, guarantee or certification mark is registered, information about the conditions under which the trade mark may be used must also be recorded in the Register and announced.

Article 3: registration of a collective, control or guarantee mark may be revoked, on grounds mentioned in Article 1 or Article 2, and, in addition, if 1. the mark has been used in a manner incompatible with the conditions under which the mark may be used, and the holder has not taken reasonable steps to prevent that use, 2. the conditions for the use of the mark have been altered and the holder has failed to notify the Patent and Registration Office pursuant to Chapter 2, Article 33, first paragraph, or 3. the conditions for the use of the mark have been altered and recorded in the Trade mark Register in contravention of this Act and the conditions are still incompatible with the Act (Act 2018:1652).

Article 33: if, after the registration, the conditions under which a collective, guarantee or certification mark may be used are altered, the holder must notify the Patent and Registration Office. The altered conditions will be recorded in the Trade Mark Register and announced, provided that the conditions for the use of the trade mark still satisfy the conditions in Article 1, second paragraph, and that no obstacles exist to the recording of the altered conditions pursuant to Article 7, second paragraph (Act 2018:1652).

1.3. Unfair competition and consumer protection laws

In Sweden, misleading practices regarding the origin of goods are primarily addressed under the **Marketing Practices Act (*Marknadsföringslagen*)** rather than the Competition Law

(*Konkurrenslagen*). This is not a direct protection of GI products through intellectual property rights, but an indirect protection. This is because certain unfair practices are prohibited. The application of this law requires a case-by-case analysis and does not confer any exclusive rights. While the Competition Law primarily addresses anti-competitive practices between businesses (e.g. price-fixing or abuse of dominant market positions), it may also indirectly cover certain aspects related to misleading practices if they involve competitive practices.

However, for specifically misleading claims about the origin of goods, the **Marketing Practices Act (2008:486)**⁽²⁵⁵⁾ provides the more direct and comprehensive framework in Sweden. It ensures that businesses accurately represent the origin of their products and do not deceive consumers through misleading advertising or unfair commercial practices.

The Act prohibits unfair commercial practices. A practice is deemed misleading if it contains false information about a product's origin (Section 10) and significantly impacts, or is likely to impact, the recipient's ability to make an informed transactional decision (Section 6).

The **Swedish Consumer Agency (*Konsumentverket*)** and the **Consumer Ombudsman (*Konsumentombudsmannen*)** oversee compliance with several consumer laws, including the Marketing Practices Act. Traders engaging in unfair marketing can be prohibited from continuing such practices (Section 23), with the prohibition potentially carrying a conditional financial penalty (Section 26). The Consumer Ombudsman has the authority to issue orders concerning these prohibitions or the provision of information (Section 28). According to Section 43, individuals subject to such prohibitions must provide necessary information, documentation, samples of goods, and similar materials upon the Consumer Ombudsman's request to verify compliance.

Proceedings regarding the prohibition of misleading marketing and behaviour are conducted at the Market Court. As per Section 47, these proceedings can be initiated by:

- the Consumer Ombudsman,

⁽²⁵⁵⁾ The Marketing Act (*Marknadsföringslagen*): <https://www.government.se/government-policy/consumer-affairs/the-marketing-act-marknadsforingslagen/>.

- a trader affected by the marketing in question, or
- a group of consumers, traders, or employees.

There is no need to prove a legitimate interest for initiating proceedings. However, the Swedish Consumer Agency and the Consumer Ombudsman act on behalf of consumers and will only further investigate complaints that pertain to consumer interests, which are established when a consumer files a complaint. The administrative authorities are not obligated to investigate every complaint.

According to Section 37 of the Marketing Act, consumers who suffer damages from unfair commercial practices are **entitled to compensation** if the trader acted intentionally or negligently. This compensation is limited to pure financial losses. The provision mainly governs non-contractual relationships. Its primary objectives are to prevent improper marketing activities and to offer financial redress to affected consumers. This section applies to all violations of national regulations that are based on the Unfair Commercial Practices Directive.

Section 23 of the Marketing Act states that traders using improper marketing practices may face penalties for intentional or negligent violations of specific provisions within the Marketing Act, Annex I of Directive 2005/29/EC (the 'Unfair Commercial Practices Directive'), and other relevant regulations. They may be ordered to stop the improper marketing practice or any similar practice. Section 24 states that a trader who does not provide essential information when marketing a product may be required to supply such information. Any prohibition or requirement will be accompanied by a conditional fine unless deemed unnecessary for special reasons.

1.4. Specific laws or decrees that protect a specific craft or industrial product

At present, no specific laws or decrees for the protection of specific craft or industrial products are in force in Sweden.

1.5. Current legislative proposals and initiatives to protect or enforce craft and industrial GIs

At present, no specific legislative proposal or initiative for the protection of specific CI GIs have been enacted in Sweden but discussions are ongoing with respect to the implementation of the CIGI Regulation.

2. List of National Registered and Pending Craft and Industrial GIs

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIs

To date, there are no registered or pending CI GIs in Sweden.

3. List of Product Names Potentially Protectable by Craft and Industrial GIs at EU Level

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIs

The following names of CI products⁽²⁵⁶⁾ are potentially protectable by CI GIs:

1. <i>Dalahäst</i>	Wooden figurine
2. <i>Duodji</i>	Handicraft
3. <i>Falsterbotofflan</i>	Shoes
4. <i>Lovikkavantar</i>	Gloves

⁽²⁵⁶⁾ No further product names were added with respect to the list contained in the 2020 VVA/ECORYS/ConPolicy study.

5. <i>Morakniv</i>	Knives
6. <i>Smaland glass</i>	Glass

VI. Local Interest in the Protection of Craft and Industrial GIs in the 27 EU Member States

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

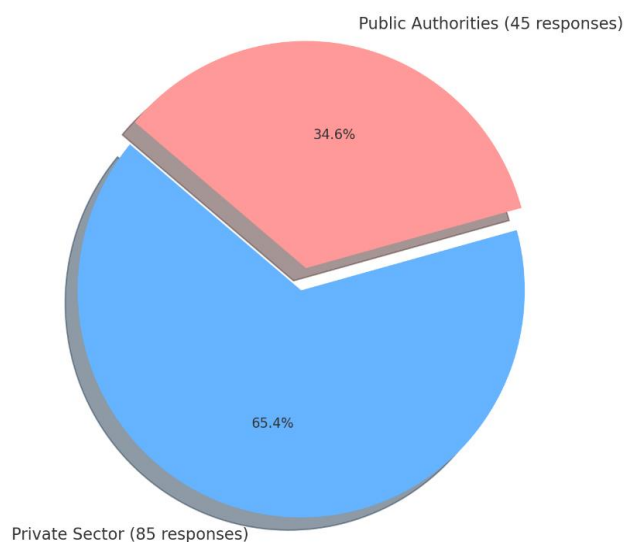
This chapter presents the results of four surveys conducted between February and June 2024 through semi-structured questionnaires sent to relevant stakeholders within the EU Member States, addressing both **public authorities** and stakeholders of the **private sector**.

The main objective of the consultation was to estimate the level of interest from the private and public sector in protecting CI GIs in each country. The survey aimed to identify the existence of producers or producer groups that might be interested in submitting applications for the registration of CI GIs, as well as ascertain which Member States will designate a competent authority for the national phase of the registration of CI GIs, and which Member States are likely to request the opt-out as per Article 19 of the CIGI Regulation.

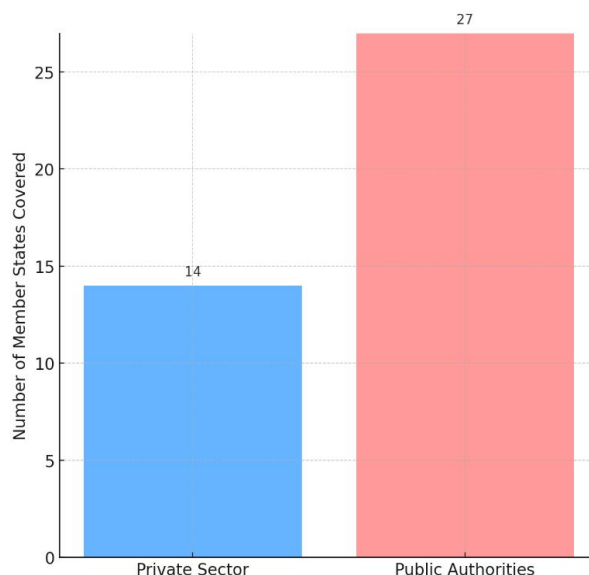
To this end, **493 stakeholders were contacted via email**, out of which 314 stakeholders were from the private sector (including producers, producer associations, and chambers of commerce) and 179 stakeholders were from the public sector (including national, regional and local authorities).

The consultation was open for approximately 20 weeks between 1 February 2024 and 15 June 2024 via the EU Survey online system in five EU languages (English, French, German, Italian and Spanish), and received a total of **130 responses** from 27 EU Member States. In particular, there were a total of **85 responses from the private sector**, covering 14 Member States, and **45 responses from public authorities**, covering all Member States.

Responses Distribution



Member States Coverage



The findings are presented separately for the private and public sectors to maintain clarity and distinction in the analysis. For both sectors, a quantitative analysis was performed according to three dimensions:

- (i) **survey participation statistics:** this section provides data on the responses obtained;
- (ii) **respondent segmentation:** this section helps analyse responses according to the nature and characteristics of the participants, providing insights relevant to the context of CI GIs;
- (iii) **local interest in the protection of CI GIs:** this section explores the levels and types of interest expressed by respondents regarding the protection of CI GIs.

Furthermore, according to the level of interest outlined by the respondents, and the existence of a national *sui-generis* protection system for CI GIs, Member States were clustered in different categories. Starting from this classification, a qualitative analysis of the results was carried out.

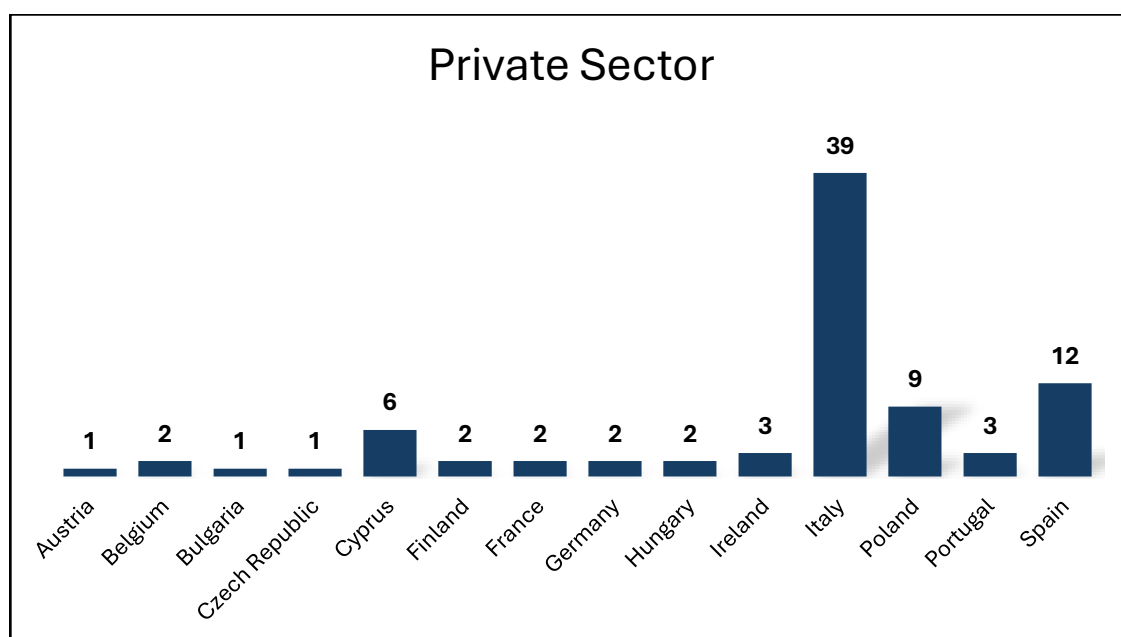
1. Private Sector

A. Quantitative analysis

1.1. Participation statistics

The **private sector answers totalled 85** and originated from **14 Member States**: Austria, Belgium, Bulgaria, Czech Republic, Cyprus, Finland, France, Germany, Hungary, Ireland, Italy, Poland, Portugal and Spain.

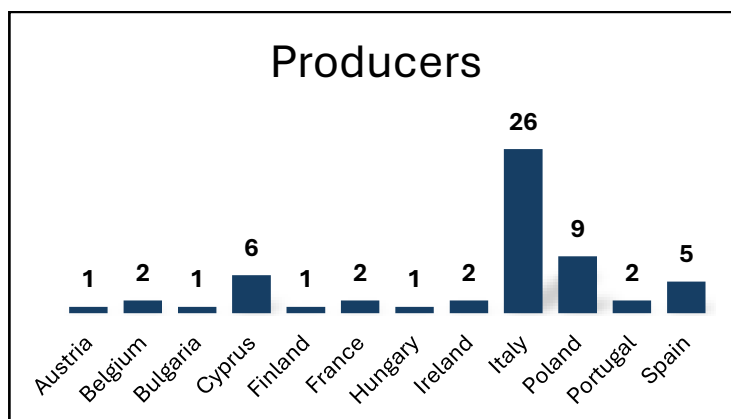
Responses by country of origin:



Countries from which **no replies** from the private sector were received are Denmark, Estonia, Greece, Croatia, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Romania, Slovakia, Slovenia and Sweden.

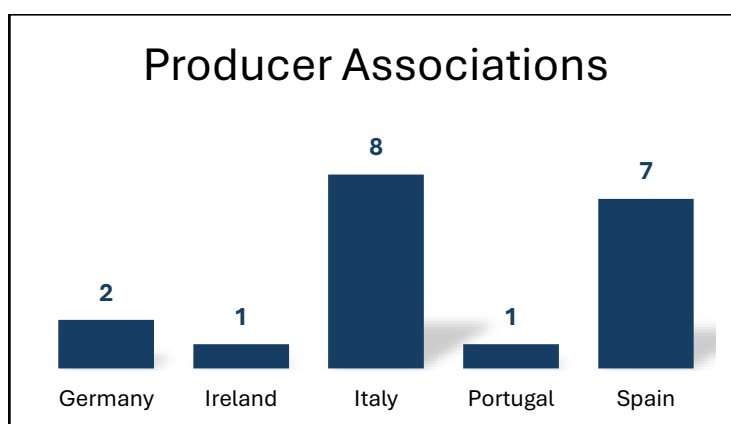
The participation statistics from the three considered private sector sub-categories are shown below.

Responses of producers:



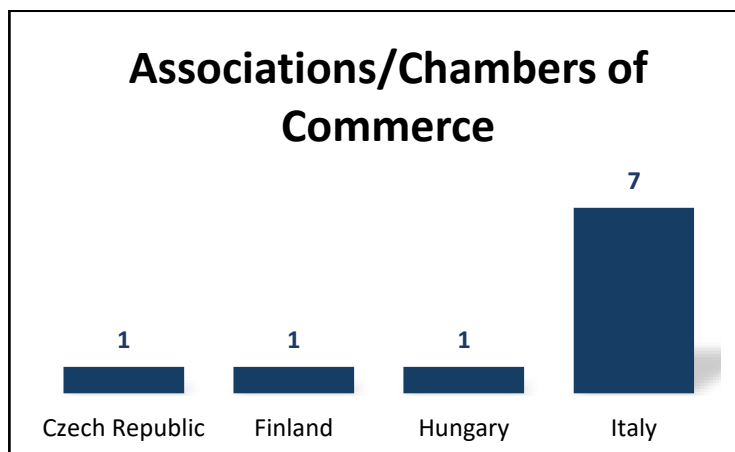
The data collected from **producers** includes answers from 12 Member States. Italy has the highest number of responses (26), followed by Poland (nine), Cyprus (six), Spain (five), Ireland (two) and Belgium (two). The responses from producers are 58 in total.

Responses of Producer Associations:



The data collected from **producer associations** are 19 in total, coming from Italy (eight), Spain (seven), Germany (two), Ireland (one), and Portugal (one).

Responses of Associations / Chambers of Commerce:



In relation to **associations and chambers of commerce**, the answers amount to 10 in total, most of which come from Italy (seven) with the remaining ones from Czech Republic (one), Finland (one) and Hungary (one).

NOTE: While the responses received provide valuable insights, they should not be viewed as fully representative of the local private sector's interest in CI GIs, especially in countries where feedback from the targeted subcategories was minimal (one reply) or non-existent.

Despite extensive outreach efforts, the lack of responses from several EU Member States aligns with trends observed in previous consultations on non-agricultural GIs⁽²⁵⁷⁾. This absence can be interpreted as an indicator of several potential factors.

Firstly, there may be a lack of awareness regarding the legal concept of GIs, hindering the ability of relevant stakeholders to participate. Moreover, some respondents may be currently unable to provide

⁽²⁵⁷⁾ See the public consultation launched by the Commission from 29 April 2021 to 22 July 2021 on the problems related to the existing legal protection of authentic geographically-rooted non-agricultural products within the internal market, on the benefits and risk of EU action; on the available policy options including the control and enforcement of a future EU-protection system for such products, on the potential impacts of these policy options: https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12778-EU-wide-protection-of-geographical-indications-for-non-agricultural-products/feedback_en?p_id=16232468, as well as results of the public consultation on the Green Paper 'Making the most out of Europe's traditional know-how: a possible extension of geographical indication protection of the European Union to non-agricultural products', European Commission, 2014.

feedback due to other pressing priorities or constraints. Lastly, the relatively low significance of geographically rooted CI products in certain Member States could also contribute to the low response rate.

1.2. Segmentation

1.2.1. Size of producers

Q: What is the size of your company? (Ref: Question 9 of producers' questionnaire)

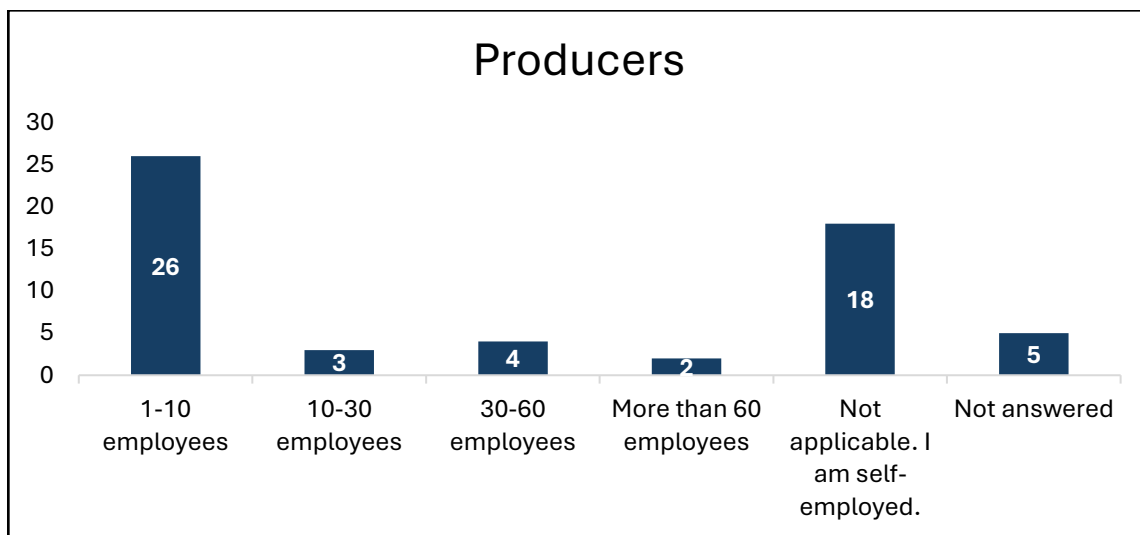
The data on producer sizes indicates that the vast majority have fewer than 10 employees, potentially qualifying them as **micro-enterprises**⁽²⁵⁸⁾. The remaining responses likely pertain to small and medium-sized enterprises (SMEs)⁽²⁵⁹⁾.

Notably, in Italy, a significant portion of responses came from self-employed producers. To gain a more comprehensive understanding of the size of these producers, it is essential to consider these

⁽²⁵⁸⁾ A micro-enterprise in the European Union is defined as an enterprise that employs fewer than 10 persons and has an annual turnover or balance sheet total not exceeding EUR 2 million. This definition is set out in the Commission Recommendation 2003/361/EC, which establishes the criteria for identifying micro, small, and medium-sized enterprises (SMEs): [EUR-Lex - 32003H0361 - EN - EUR-Lex \(europa.eu\)](#). The category of micro, small and medium-sized enterprises (SMEs) is made up of enterprises that employ fewer than 250 persons and have an annual turnover not exceeding EUR 50 million, and/or an annual balance sheet total not exceeding EUR 43 million.

⁽²⁵⁹⁾ Within the SME category, a small enterprise is defined as an enterprise that employs fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million.

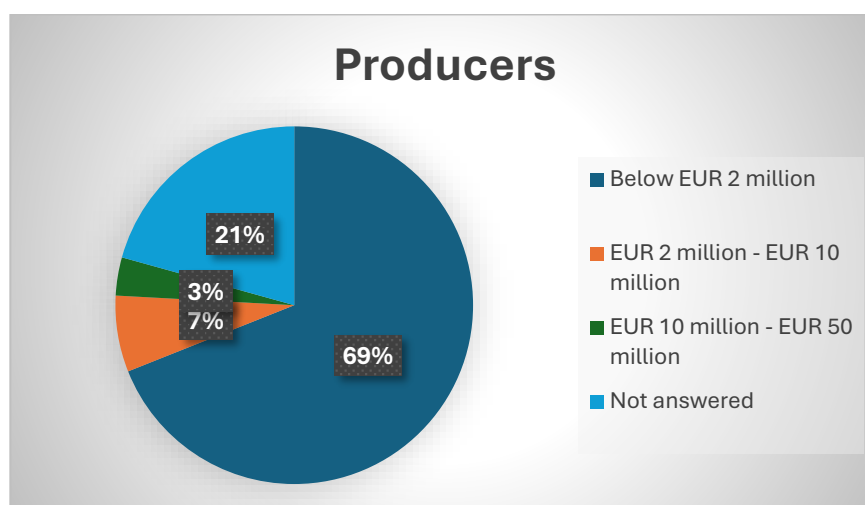
employment figures alongside the data from question 10 of the producers' questionnaire, which pertains to annual turnover.



1.2.2. Annual turnover of producers.

Q: What is the annual turnover of your product? (Ref: Question 10 of producers' questionnaire)

The table below, which details the declared annual turnover, further illustrates that **the majority of respondent producers are classified as micro-enterprises**, with 69 % reporting an annual turnover of less than EUR 2 million.



The dimensions of the producers participating in the questionnaires can be directly connected to specific characteristics of this sector.

- **Nature of production:** CI products are often produced using traditional methods that prioritise quality and craftsmanship over quantity. These production methods typically do not scale easily to large-scale operations, making it more feasible for smaller enterprises to maintain the necessary quality standards and authenticity.
- **Local and specialised markets:** CI products are often tied to specific geographic regions and cater to niche markets that value the unique characteristics of these products. This geographic and market specialisation supports smaller-scale operations.
- **Cultural and heritage preservation:** many CI products are intrinsically linked to cultural heritage and traditional knowledge passed down through generations. Microenterprises, often

family-run, are uniquely positioned to preserve these traditions and maintain the cultural significance of these products.

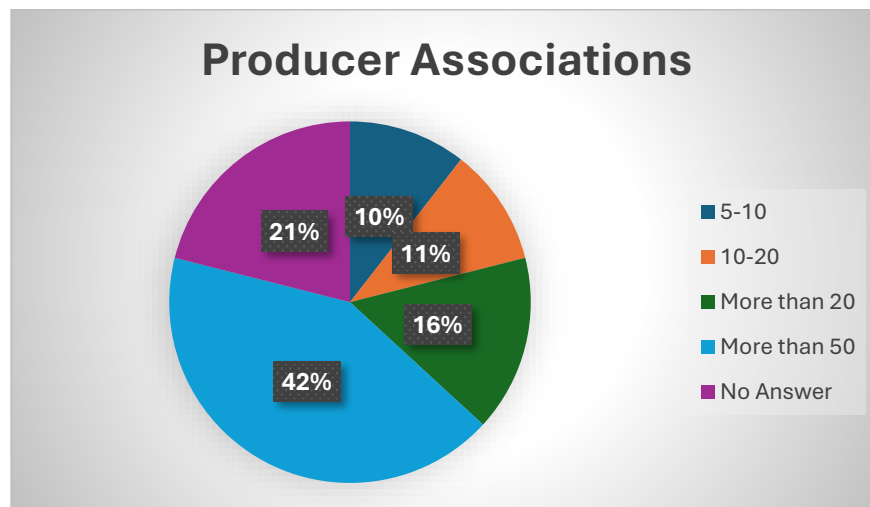
- **Market positioning and branding:** the unique, high-quality nature of CI products often allows microenterprises to command premium prices. This business model is well-suited to smaller producers, who can focus on maintaining high standards and building strong brand identities without needing to scale up significantly.

1.2.3. Dimension of the craft and industrial sector.

Q: To the best of your knowledge, how many producers manufacture the craft and industrial product that you represent in your country? (Ref: Question 7 of the Producer Associations' questionnaire)

Feedback from **producer associations stems from only five countries: Italy, Spain, Germany, Portugal and Ireland**. An analysis of the survey responses reveals the following insights:

- 10 % of producer associations indicated that there are **no more than 10 producers** manufacturing the CI products they represent;
- 11 % estimated **between 10 and 20** producers;
- 16 % estimated **between 20 and 50** producers;
- 42 % reported **more than 50 producers**;
- 21 % did not respond to this query.



This data aligns with the self-representation of the market provided by producers in countries where comparisons are feasible, such as Italy, Spain, Portugal and Ireland, where responses are available from both producers and producer associations. However, the self-representation from all producers suggests a lower number of enterprises manufacturing CI products in their respective countries:

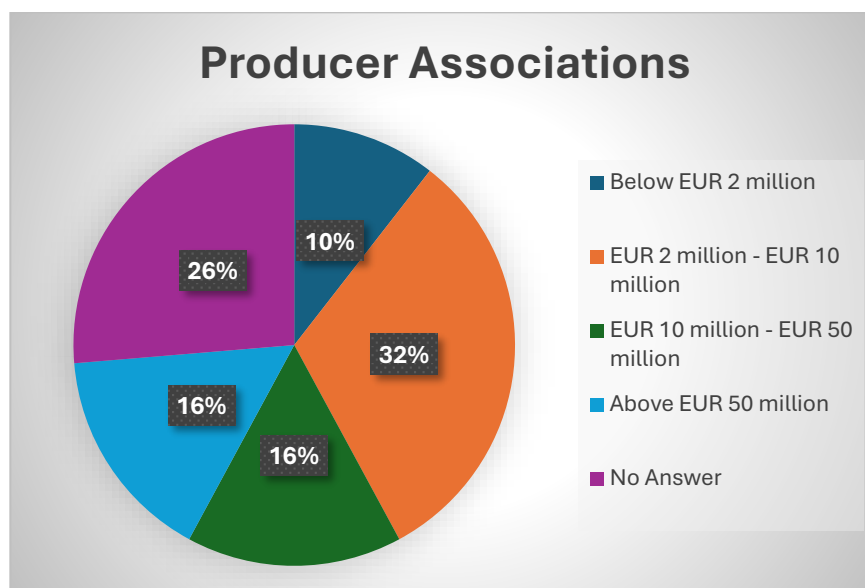
- 35 % of producers estimated **between 1-10 producers** manufacturing the same CI product, indicating a perception of a small market;
- Only 33 % estimated **more than 50 producers** manufacturing the same CI product.

These results are significantly influenced by the varying dimensions of CI products across EU Member States, with countries like Italy and Spain indicating a higher level of market importance.

1.2.4. Annual turnover of producers associations.

Q: What is the annual turnover of the craft and industrial product you represent? (Ref: Question 6 of the Producer Associations' questionnaire)

The responses provided by **producer associations** offer a comprehensive view of the turnover for the CI products they represent:



- 10 % of producer associations reported an annual turnover **of less than EUR 2 million** for the product they represent;
- 32 % indicated a turnover **between EUR 2 million and EUR 10 million**;
- 16 % indicated a turnover **between EUR 10 million and EUR 50 million**;
- 16 % declared their turnover to be **over EUR 50 million**;
- 26 % of producer associations did not provide data.

It is important to note that 26 % of producer associations did not provide turnover data. This lack of information could be due to various factors, including confidentiality concerns, lack of precise data, or the administrative burden of reporting. The absence of data from over a quarter of the associations

suggests that there might be additional nuances in the market that are not fully captured by the available responses.

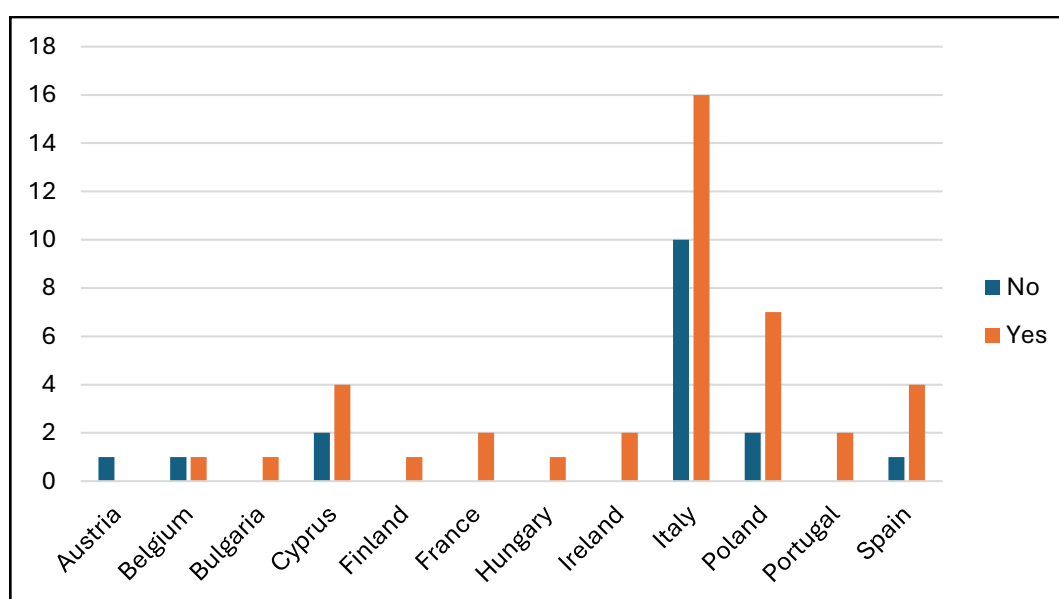
Overall, the reported turnovers indicate a diverse market landscape, with a significant presence of both small-scale and large-scale producers, particularly in countries like Italy and Spain where the CI market is notably robust. This diversity underscores the varying economic impact and market importance of CI products across different EU Member States.

1.3. Analysis of the Private Sector's Interest

1.3.1. Awareness about CI GIs

Q: Before this questionnaire, did you know about the existence of craft and industrial geographical indications? (Ref: Question 3 of the Producers' questionnaire)

Out of the 58 responses received from producers, 41 confirmed their awareness of CI GIs, while 17 did not. This means that approximately **70 % of the respondents are aware of CI GIs**, indicating a substantial level of recognition within the sector.



However, producers within the same Member States – specifically Belgium, Poland, Spain, and particularly **Italy** and **Cyprus** – provided conflicting answers. This divergence suggests a lack of uniform understanding or communication regarding CI GIs across these regions. It highlights the potential for confusion and underscores the need for clearer guidelines and more effective dissemination of information about CI GIs to ensure consistent awareness and compliance among producers.

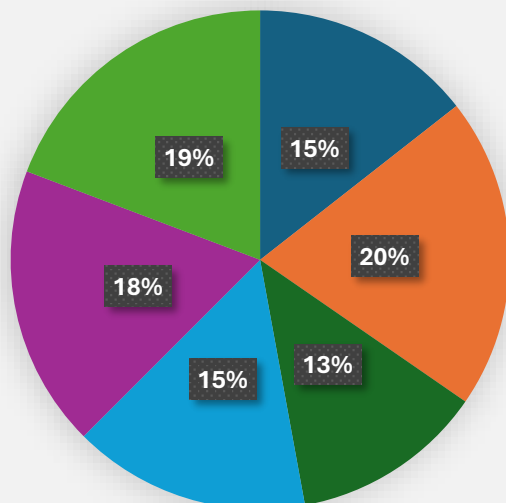
A qualitative analysis of the responses will be crucial in assessing the depth of this self-reported awareness and determining whether it is backed by a genuine understanding of the technical aspects of the CIGI Regulation.

1.3.2. Main benefits

Q: What do you expect to be the main benefits of the new EU Regulation on the protection of craft and industrial geographical indications? (Ref: Question 15 of the Producers' questionnaire; Question 10 of the Producer Associations' questionnaire; Question 10 of the Associations and Chambers of Commerce' questionnaire)

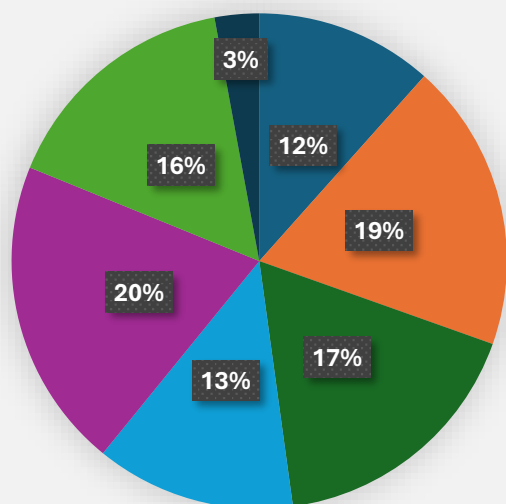
Regarding the potential main benefits of the CIGI Regulation, the results of the surveys show a consistent and balanced distribution of answers, although the question was addressed to different categories (producers, producer associations, and associations/chambers of commerce).

Producers



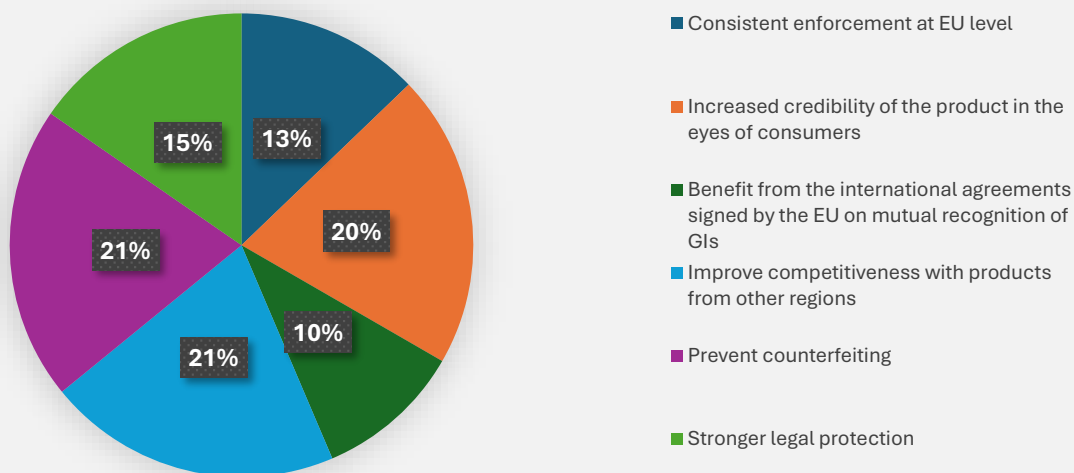
- Consistent enforcement at EU level
- Increased credibility of the product in the eyes of consumers
- Benefit from the international agreements signed by the EU on mutual recognition of GIs
- Improve competitiveness with products from other regions
- Prevent counterfeiting
- Stronger legal protection

Producer Associations



- Consistent enforcement at EU level
- Increased credibility of the product in the eyes of consumers
- Benefit from the international agreements signed by the EU on mutual recognition of GIs
- Improve competitiveness with products from other regions
- Prevent counterfeiting
- Stronger legal protection
- More predictable and lower costs

Associations - Chambers



The main expected benefits of the EU Regulation on the protection of CI GIs are as follows.

- **Increased credibility:** a key benefit is the enhanced credibility of the products in the eyes of consumers, leading to greater trust and added value.
- **Protection against counterfeiting:** another major advantage is the improved protection against counterfeiting. This safeguards the authenticity of the products and helps maintain their unique identity.

These benefits were the top responses across all categories, suggesting that producers, producer associations, and chambers of commerce see the CIGI Regulation as a valuable opportunity to enhance business value and safeguard the origin and quality of their products.

However, there are some differences in the emphasis placed on certain benefits:

- **international agreements:** producers (15 %) and chambers of commerce (10 %) view the benefits from international agreements on the mutual recognition of GIs as relatively less significant compared to other benefits;

- **competitiveness:** unlike producers and producer associations, chambers of commerce (21 %) place higher importance on the potential for improved competitiveness of CI GI products against products from other regions.

Despite these differences, there is alignment among the responses from the three categories regarding the importance of **stronger legal protection** (19 % producers, 16 % producer associations, 15 % associations/chambers of commerce). This indicates a shared understanding of the need for robust legal frameworks to protect the integrity and value of CI products.

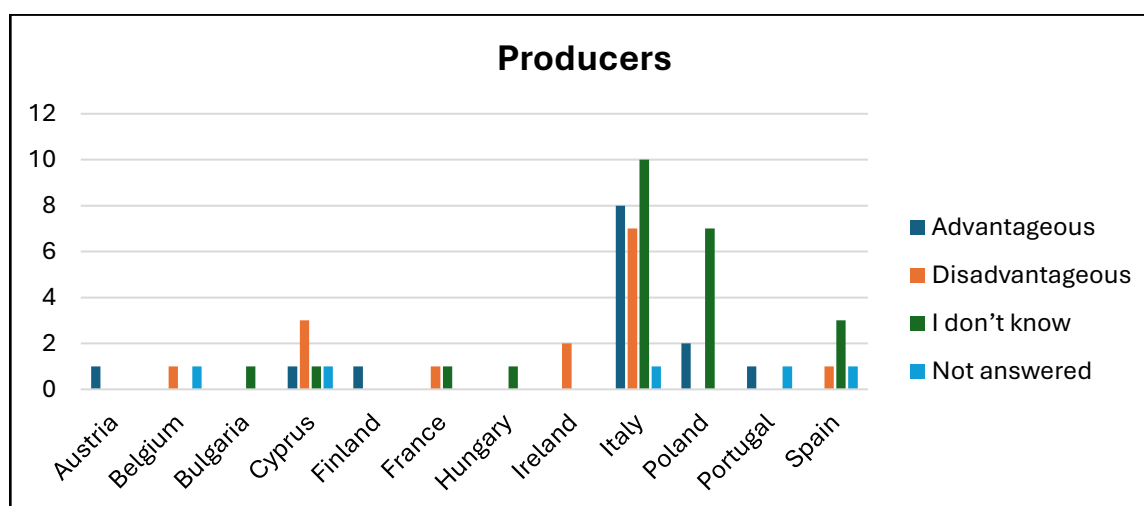
In addition to the expected benefits, responses from producer associations have highlighted several concerns regarding the CIGI Regulation. Predominantly, respondents are worried about increased bureaucracy and economic costs, which could burden artisans and producers. There are also concerns about the implementation of the new regulation, particularly with respect to the potential lack of understanding of local conditions and the risk of strict product specifications that might be difficult to amend. These potential disadvantages will be elaborated upon in the qualitative analysis of the responses.

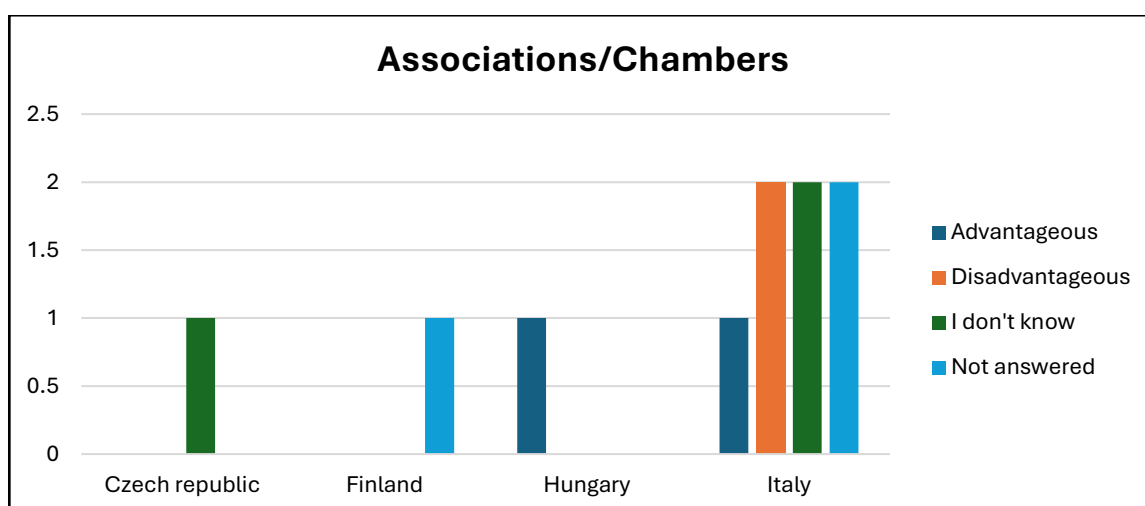
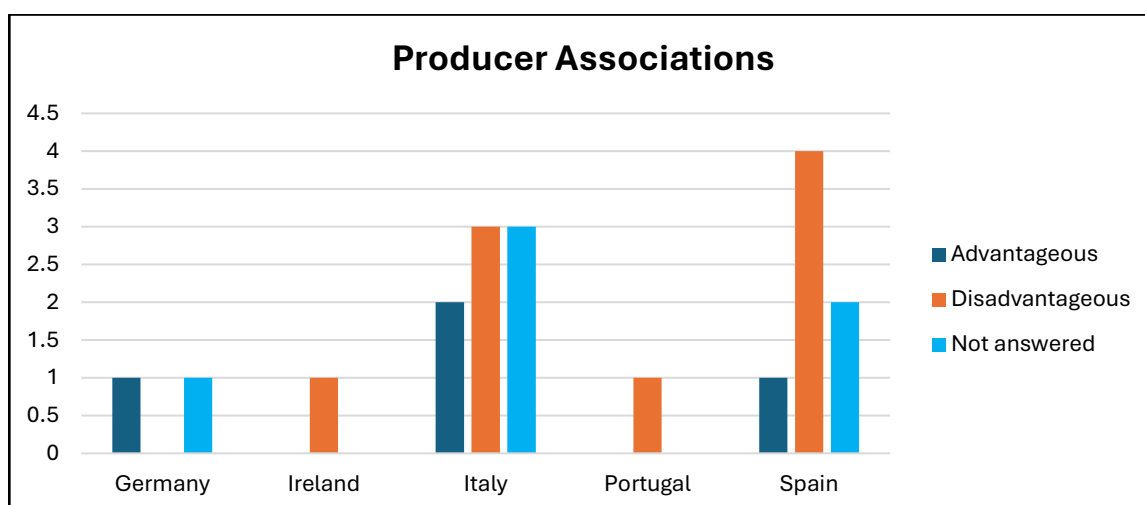
1.3.3. Registration process

Q: If it is proposed that your country will not designate a national authority to deal with applications for registration of craft and industrial geographical indications, and the EUIPO will handle the entire registration process, do you think this would be advantageous or disadvantageous for producers? (Ref: Question 16 of the Producers' questionnaire; Question 15 of the Producer Associations' questionnaire; Question 12 of the Associations and Chambers of Commerce' questionnaire)

Regarding the registration procedures established by the CIGI Regulation, which involve either a designated national authority and the EUIPO (two-stage procedure) or solely the EUIPO (in case of opt-out pursuant to Article 19), the following results have emerged.

- A significant number of **producers** (24) indicated no preference ('I don't know'), and five did not provide any answer. Among those who expressed an opinion, there are conflicting views: 14 producers consider it advantageous for the EUIPO to handle the entire CI GI registration process, while 15 believe that a centralised registration process at the EU level would not be beneficial.
- The majority of **producer associations** (10) consider it disadvantageous for the non-designation of a national authority, with the EUIPO handling the entire CI GI registration process, while only three consider it advantageous. A significant number of producer associations (six) did not provide any answer.
- In line with the responses of producers, the majority of **associations and chambers of commerce** indicated no preference (five). Among the rest, there is a slight majority who consider the non-designation of a national authority disadvantageous (three), while two respondents consider it advantageous.





While a **significant number of respondents from the private sector either had no preference or did not provide an answer (40)**, those who did express an opinion are divided, with 21 viewing the centralisation as advantageous and 28 considering it disadvantageous. This division highlights the complexity and varied perspectives on this issue.

For instance, a Spanish producer association noted that having a national authority handle applications could be beneficial due to its better understanding of the territorial link. However, they also mentioned that this approach might increase the costs and administrative burdens of the registration process.

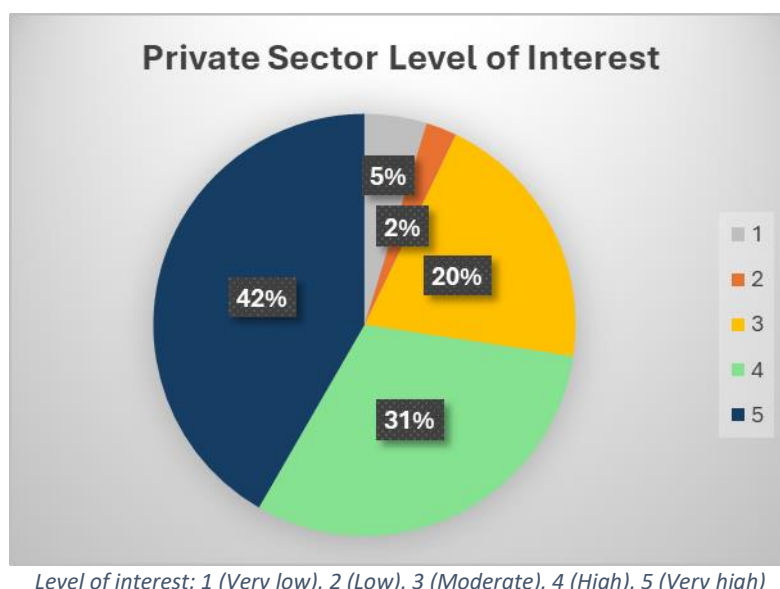
1.3.4. Level of interest.

Q: To the best of your knowledge, what is the level of interest in protecting craft and industrial geographical indications in your country? (Ref: Question 17 of the Producers' questionnaire; Question 16 of the Producer Associations' questionnaire; Question 13 of the Associations and Chambers of Commerce' questionnaire)

According to the aggregate replies from the private sector, the estimated level of interest concerning the protection of CI GIs is **relatively high**:

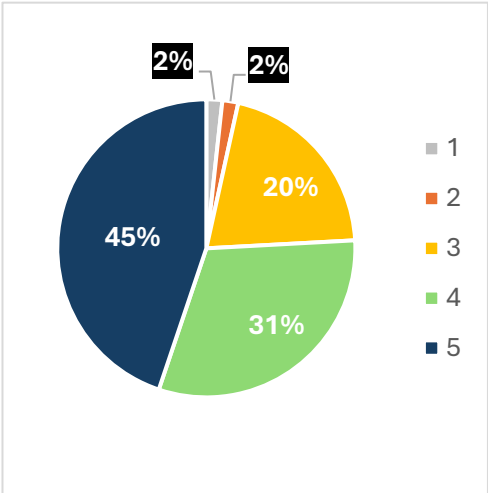
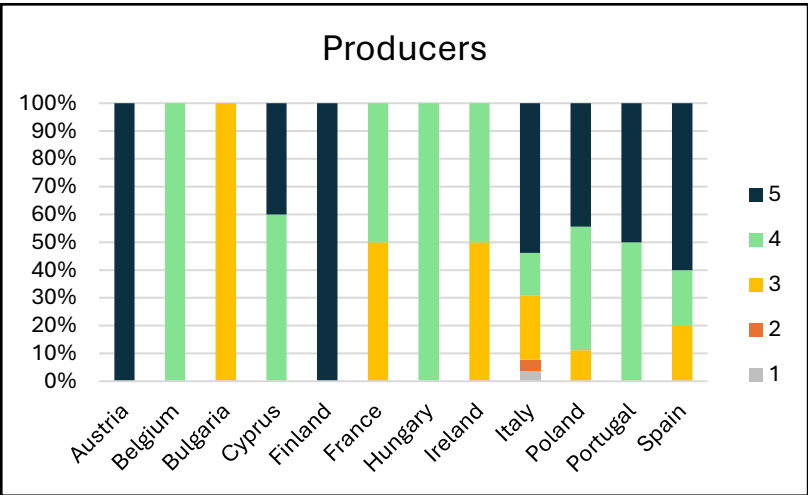
- **73 %** of the total respondents indicated a very high (5/5) or high (4/5) level of interest;
- **20 %** of the total respondents indicated a moderate interest (3/5);
- **7 % of respondents** indicated a low (2 %) or very low (5 %) interest.

The responses come from a limited number of countries: Italy (2 producers out of 26, one producer association out of six, and one chamber of commerce out of seven), Spain (one association out of seven) and Finland (one association of SMEs).

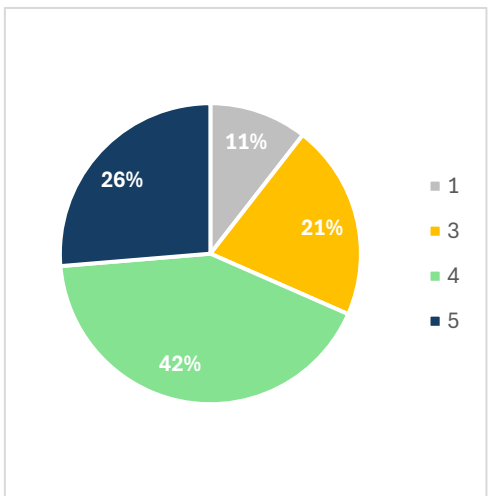
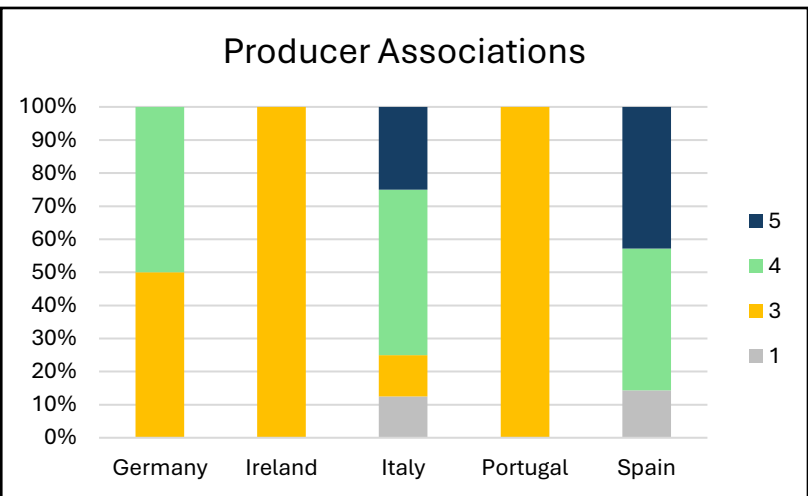


Level of interest: 1 (Very low), 2 (Low), 3 (Moderate), 4 (High), 5 (Very high)

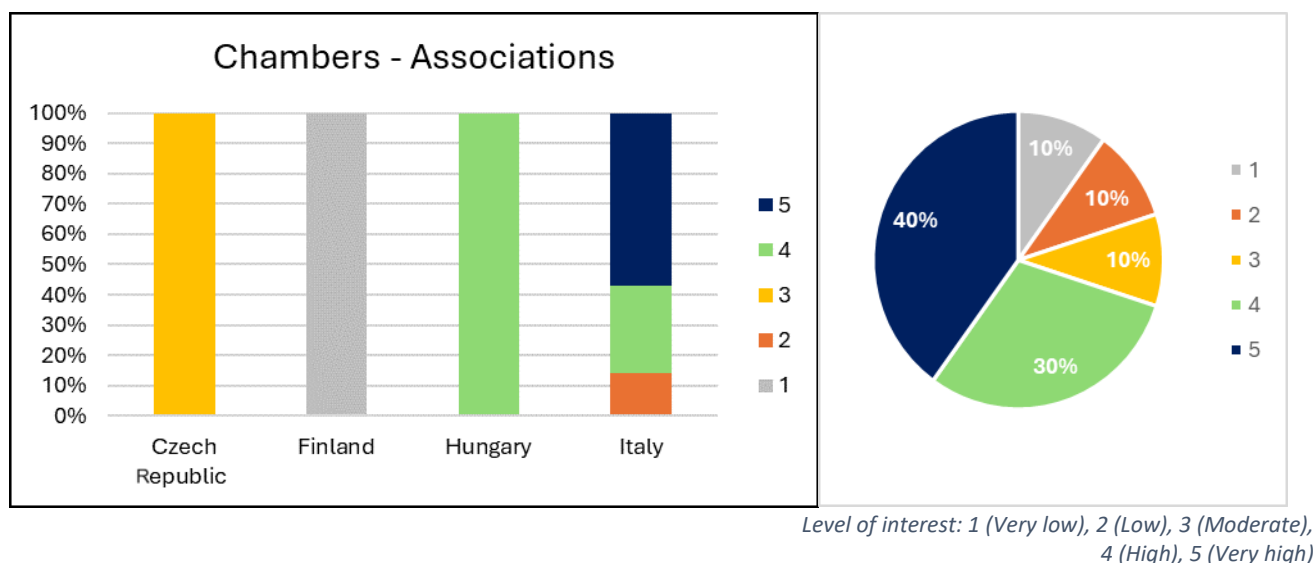
The following diagrams show the level of interest of the different categories of the private sector that participated in the survey.



Level of interest: 1 (Very low), 2 (Low), 3 (Moderate), 4 (High), 5 (Very high)



Level of interest: 1 (Very low), 2 (Low), 3 (Moderate), 4 (High), 5 (Very high)

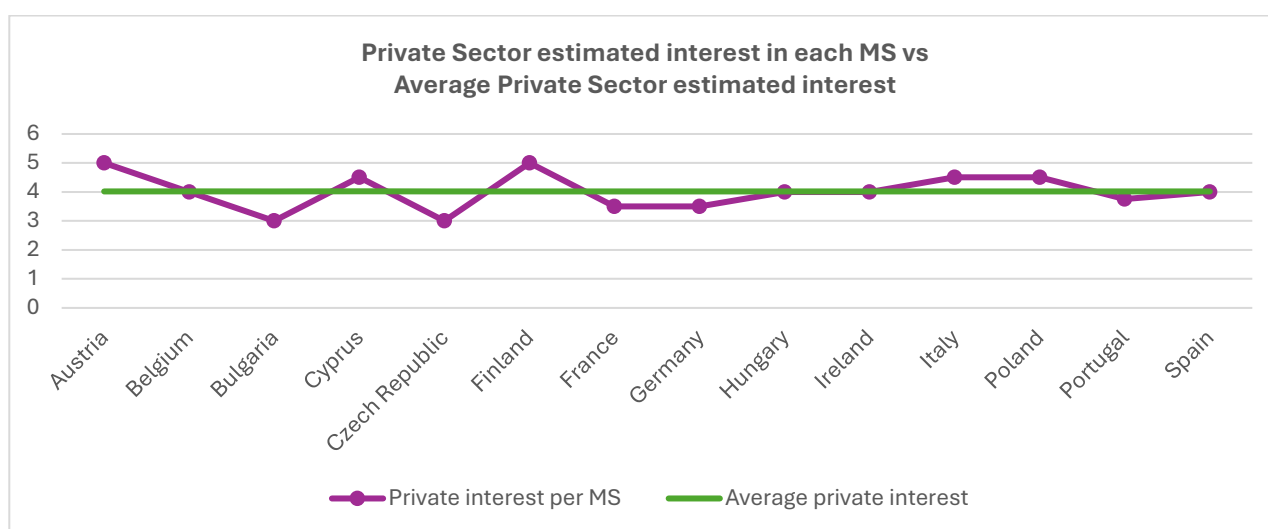


According to producers, producer associations and associations/chambers of commerce, the estimated level of interest concerning the protection of CI GIs in their respective Member States is represented as follows.

- (i) **Producers:** the majority assign a high level of interest, with **76 % of respondents selecting 4 or 5** on a scale of 1 to 5. Only 20 % indicate a medium level of interest (3), while in two instances, Italian producers assigned below-average levels of interest (2 and 1).
- (ii) **Producer associations:** similarly, producer associations generally value the protection of CI GIs positively, **with 68 % of respondents selecting 4 or 5**. Only two associations (one in Italy and one in Spain) indicated a low level of interest, assigning the lowest value (1).
- (iii) **Associations and chambers of commerce:** likewise, associations and chambers of commerce support CI GI protection, with **70 % of respondents selecting 4 or 5**. Four Italian associations and chambers of commerce assigned the highest level of interest (5), and two assigned a level of 4. One indicated a low level of interest (2), while associations and chambers of commerce from Czech Republic, Finland, and Hungary assigned levels of interest at 3, 1, and 4, respectively.

Despite a few negative responses, **the data collected from the private sector indicates a high level of interest in CI GI protection overall**. The **average level of interest is 4 out of 5**, suggesting strong interest among respondents.

The chart below compares the average level of interest in the private sector in each Member State – calculated as an average of all relevant responses in each country – with the average level of interest across all Member States from which responses were received.



Only Bulgaria, Czech Republic, France, Germany and Portugal estimate a level of interest slightly below the average level (4), suggesting a moderate to nearly high level of interest.

Notably, **producers showed significant interest**, providing the highest number of responses. This information is crucial, as producers will be the primary beneficiaries of the new CIGI Regulation and are more likely to recognise the advantages of enhanced protection, despite potential conflicts with local legislation, bureaucratic challenges, or cost-benefit considerations.

As already mentioned, the results from these surveys cannot be generalised. In some cases, the number of responses received from EU Member States came from a limited number of organisations, with 13 Member States not providing any feedback. This lack of responses could be considered an **additional indicator of the interest at the EU level**, balancing the positive feedback received in our surveys. This observation is particularly significant given that the lack of responses from certain Member States has also been noted in previous consultations.

1.3.5. Type of interest

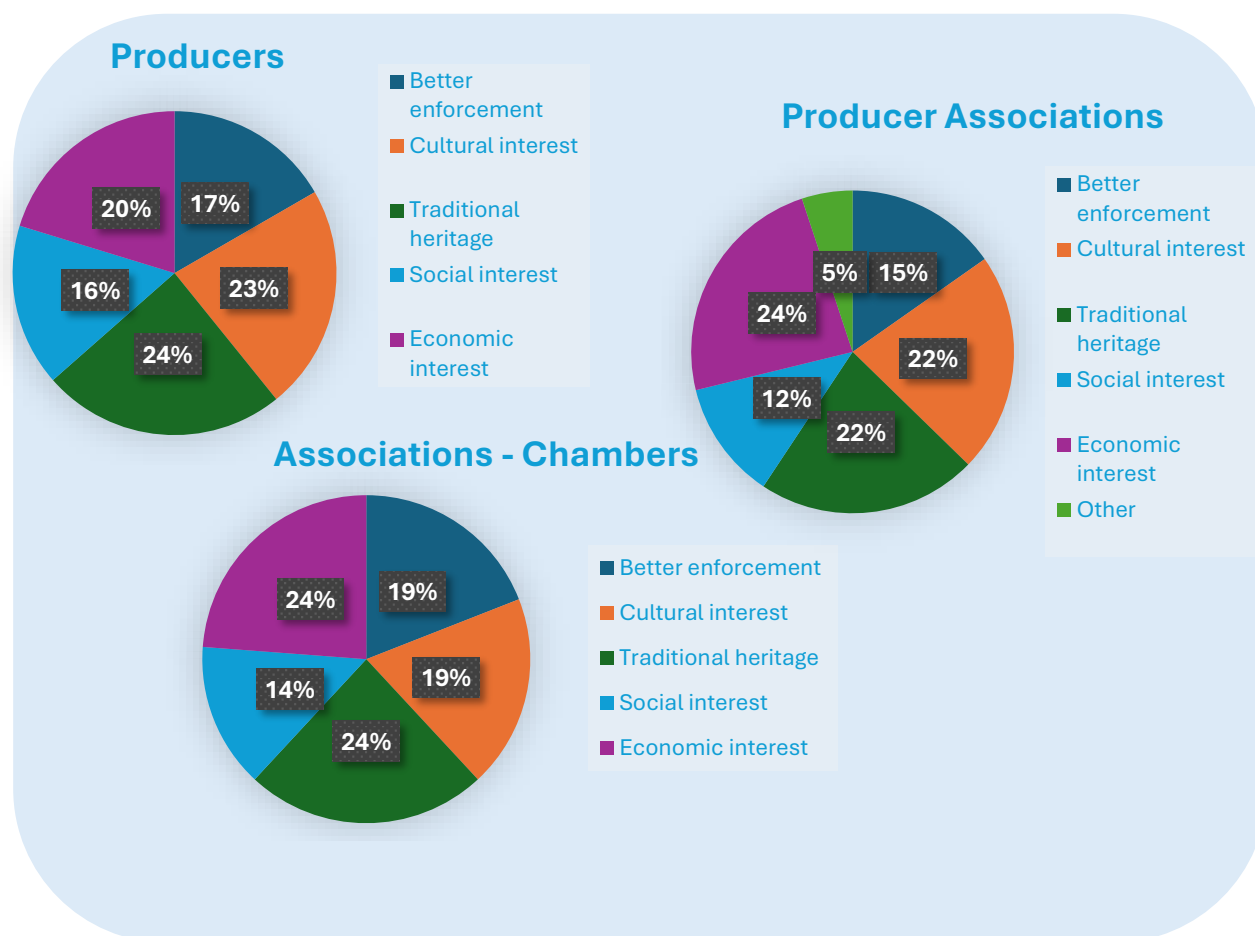
Q: Can you specify the type of interest you have in the protection of craft and industrial geographical indications? (Ref: Q 18 of the Producers' questionnaire; Q 17 of the Producer Associations' questionnaire; Q 14 of the Associations and Chambers of Commerce' questionnaire)

Although the question involves different categories (producers, producer associations, and associations/chambers of commerce), the tables show a consistent and balanced distribution of answers. The type of interest towards CI GI protection is almost equally distributed among 'better enforcement', 'cultural interest', 'traditional heritage', and 'economic interest', with the latter three being the prevalent answers. The percentages related to each type of interest, considering the **average responses received from the private sector**, are reported below.

- **Better enforcement: 17 %** of respondents expressed interest in better enforcement measures for CI GI protection. This indicates a desire for stronger legal frameworks and enforcement mechanisms to safeguard GIs against misuse and infringement.
- **Cultural interest: 21.3 %** of respondents showed a cultural interest in protecting CI GIs. This suggests a recognition of the cultural significance and heritage associated with these indications, with a focus on preserving traditional practices and knowledge.
- **Traditional heritage: 23.3 %** of respondents expressed an interest in protecting the traditional heritage embedded in CI GIs. This underscores the importance of maintaining and promoting traditional production methods, craftsmanship, and authenticity associated with GIs.
- **Economic interest: 22.6 %** of respondents prioritised economic interests in CI GI protection. This highlights the perceived economic benefits and value that GIs bring to producers, businesses, and local economies. It reflects a desire to capitalise on the commercial opportunities afforded by protected GIs.

- **Social interest: 14 %** of respondents indicated a social interest in CI GI protection. This may encompass broader societal benefits such as community development, rural revitalisation, and job creation associated with the production and promotion of GIs.
- **Other: 1.8 % of respondents** have indicated other types of interest such as implementing the development of rural areas (association from Portugal), better indication of origin (association from Spain), sustainable interest (Belgium producer), and additional tool to compete against lower cost producers in the far East (Irish producer).

Overall, the distribution across these categories highlights the multifaceted interest in protecting CI GIs and their importance across various dimensions. The prominence of economic and traditional heritage aspects emphasises the significance of both commercial and cultural factors in safeguarding these GIs. The diagrams below display the type of interest for each category.



B. Qualitative analysis

A qualitative analysis of responses from the private sector across 14 Member States provides valuable insights into several key areas: national legal tools for protecting the names of CI products, the existence of quality certification standards, specific interest in CI GIs, and primary challenges regarding the new CIGI Regulation. It explores preferences for either the designation of a national authority to handle the initial phase of the CI GI registration process or having the entire process managed by the EUIPO. Despite differences among entities from various Member States, several common themes have emerged, warranting further consideration.

To facilitate readability and enhance interpretation of responses based on perceived interest, countries were divided into **three clusters and distinct sub-categories**, based on the level of interest and the existence of a national *sui generis* GI system for the protection of CI products.

The estimated interest in protecting CI GIs in each Member State is derived from the values expressed by respondents from the private sector within each respective country.

In Member States where no responses from the private sector were gathered, a low level of interest (or lack thereof) has been presumed based on a) the absence of replies to the survey despite extensive efforts to reach at least one private sector entity, and b) the lack of participation in previous consultations on non-agricultural GIs.

CLUSTER 1: High interest (≥4)

1.1. Countries with high interest and no national *sui generis* GI system

- **Austria:** the respondent, a producer from Austria, owns a small-sized company that produces traditional Loden fabric. Although the respondent was not aware of CI GIs before receiving the questionnaire, they expressed interest in applying for CI GI registration. The respondent perceives the new EU Regulation on the protection of CI GIs as beneficial and values the protection of GIs for their significance in preserving traditional heritage, which the producer indicates as the sole area of interest. The respondent rated the perceived level of interest in the protection of CI GIs in Austria as very high (5/5).
- **Cyprus:** the country has provided one of the highest number of responses to the questionnaire, all coming from producers. The interested products range from embroidery and ceramics to handmade baskets. Most producers – 4 out of 6 – are aware of the existence of CI GIs, despite Cyprus lacking a *sui generis* protection for GIs for CI products at national level. Half of the respondents indicate that their products are potentially protectable by GIs, in one case the product is under the list of intangible craft techniques at UNESCO Cyprus. It is worth noting that there is some disparity regarding the authority indicated as responsible for protecting CI GIs: three respondents mention the Cyprus Handicraft Service as the responsible authority, one

mentions UNESCO, another mentions the Ministry of Commerce. Half of the respondents were unable to assess the impact of not designating a national authority, almost all perceive a high interest in protecting CI GIs (rating **4/5 or 5/5**).

- **Ireland:** the responses from Ireland come from producers and an association of producers of the textile sector, emphasising the historical significance and unique characteristics of their craft product. The producer association is extremely hopeful to get protection under PGI, as it is a product with a long history of production linked to a particular region of the country. The producer association is currently working on the product specification for the producers, and how they can certify the respective products. The level of interest in their country is perceived as moderate (**3/5**) or high (**4/5**). In particular, the respondents highlight the benefits of stronger legal protection, consistent enforcement at the EU level, increased product credibility, and improved competitiveness, specifically against lower-cost production countries. A producer specifically notes that the administrative and financial processes are expected to be significantly more accessible than the trade mark route. However, it also suggests that the GI system needs to mirror the trade mark system at a global level to have sufficient magnitude and impact.
- **Italy:** the country with the highest number of responses is Italy, with 26 received from producers, six from producers' associations, and seven from chambers of commerce. The qualitative analysis of the Italian responses captures various perspectives within these three categories, as well as common considerations.

Among **producers**, most respondents deal with artistic ceramics, with a significant number originating from Sardinia. Others produce furniture, textiles, marble, glass, and jewellery. It is important to note that about half of the respondents are unaware of the existence of CI GIs. This should be interpreted in conjunction with the fact that Italy does not have a national *sui generis* protection system, but rather several regional and local regulations aimed at protecting and supporting artisanal productions. Several ceramic producers highlight how a CI GI could cover all artisanal ceramic productions in Sardinia, due to its unique geographical, geological, historical, and cultural characteristics at the centre of the Mediterranean, which result in typical and original ceramic artifacts compared to other regions. Many producers affirm that the name of their CI product is protected by a trade mark.

Unlike in other Member States, in Italy, almost all respondent producers (21 out of 26) claim not to have groups or associations representing their product. Moreover, several producers indicate that their products do not have to meet product specifications defined by specific standards. Italian manufacturing production thus seems to be closely linked to a principle of self-regulation/self-definition, even in defending sectorial interests⁽²⁶⁰⁾.

Of the 26 respondents, 23 expressed a willingness to register their product as a CI GI if given the opportunity. There is a general consensus on the high level of interest in GIs, with an average rating of **4/5**. Eight respondents view the possible absence of the designation of a national authority as advantageous, believing it simplifies the process, while seven see it as a disadvantage, potentially leading to confusion or lack of support. Ten respondents are undecided on this matter, indicating a lack of sufficient information or experience to form a judgment.

There are divergent points of view regarding which entity should serve as the competent authority for GIs. Some suggest the Ministry of Tourism, others advocate for the Ministry of Made in Italy, some prefer the Chambers of Commerce, and others believe the autonomous regions should take on this role.

This variety of opinions underscores the need for clear guidelines and effective communication to ensure that stakeholders understand the new regulation and its implementation. It also highlights the importance of considering different administrative structures and regional specificities when designating the competent authority for GI protection.

Respondents from **producers' associations** represent a diverse array of industries, including Neapolitan tailoring (*Le Mani di Napoli, Sartoria napoletana e guanteria napoletana*), marble (*Marmo Botticino*), glass (*Vetro di Murano*), construction of stringed instruments such as violins/violas/cellos (*Liuteria Cremonese*), lighting (*Luminarie Puglia*) and ceramics (*Città della*

⁽²⁶⁰⁾ Among the other objectives, the Italian Law no. 206 of 27 December 2023, containing 'Comprehensive provisions for the enhancement, promotion, and protection of Made in Italy' foresees a stimulus to associationism among producers by granting financial support for the drafting of product specifications.

Ceramica). While none of these associations provide quality certification, the majority of them protect the names of such renowned products by collective marks. There is unanimous support among producers' associations for applying to register the names of the products they represent as protected GIs under the CIGI Regulation. They identify numerous benefits that may arise from the application of the new regulation. One of them also noted, as a potential disadvantage, an increased bureaucratic burden on producers. There is also a division in opinion regarding the absence of a national authority. Some associations find this advantageous, while others are concerned about the logistical difficulties of dealing directly with the EUIPO. In any case, the perceived local interest in GIs remains high among associations, with an average rating of **4/5**.

The responses from the **Chambers of Commerce** mention the national law no. 206/2023, entitled '*Organic provisions for the valorisation, promotion and protection of Made in Italy*' (see chapter above on the national legal framework in Italy) as the first step towards the implementation of the CIGI Regulation. Respondents highlight that in Italy the enhancement and protection of craftsmanship falls under the jurisdiction of regional authorities.

Several advantages of the CIGI Regulation are recognised. However, one chamber of commerce raises concerns regarding the potential for consumer confusion if the same PGI logo used for food is applied to artisanal and industrial products. The respondent points out that food products adhere to strict specifications and undergo external controls by independent certification bodies, whereas the control system for artisanal and industrial products would be based on self-declaration. This discrepancy could lead consumers to attribute the same value to products with vastly different quality control systems, potentially devaluing food products with PGI certification.

Despite these concerns, the respondent perceives a high interest in CI GI protection, with an average rating of **4/5**. Additionally, chambers of commerce unanimously consider national legislation for protection against counterfeiting to be insufficient.

In conclusion, the Italian responses from the private sector demonstrate a strong interest in the protection of CI GIs, despite differing opinions on their implementation and management. This

highlights the need for a balanced approach that considers the unique characteristics and requirements of various sectors and regions.

- **Spain:** Spain ranks second in terms of the number of responses received (12), respectively five from producers and seven from producer associations. The represented products include knives, jewellery, ceramics, artistic ceramics, and traditional rugs. Spanish **producers** are generally small, employing between 1 and 10 employees, with annual turnovers below EUR 2 million.

Most respondents (four out of five) are familiar with CI GIs. Several producers protect the names of their products under trade mark law, using individual or collective marks, and many believe their products could qualify for GI protection due to unique characteristics or traditional production methods. Similar to Italian producers, Spanish CI products generally lack specific production standards or regulations that all must adhere to. Most are associated with groups representing their interests, although these associations typically do not certify product quality.

All respondents expressed a keen interest in registering their products as CI GIs. Anticipated benefits include stronger legal protection, enhanced credibility, reduced administrative burden, improved competitiveness, and prevention of counterfeiting. Similar to responses from other countries, most producers are unsure whether having the EUIPO handling the entire registration process would be advantageous or disadvantageous. The perceived importance of CI GI protection is uniformly high among respondents (**4/5 or 5/5**).

The majority of responses in Spain come from **producer associations**. These associations represent traditional craft products such as cutlery from Albacete, ceramics from La Bisbal, leather goods from Ubrique, and jewellery from Cordoba. They use trade mark law and specific national laws to protect the names of their CI products. Like the producers, associations unanimously express the desire to apply for GI registration according to the new EU Regulation on the protection of CI GIs.

Similar to the concerns raised by Italian respondents, issues regarding the CIGI Regulation include bureaucratic procedures, economic costs, and ensuring proper use of certification. In

alignment with producers, the majority of respondent associations view the protection of CI GIs as highly important, rating it **4/5** or **5/5**, and emphasising the need to safeguard these designations.

1.2. Countries with high interest and a national *sui generis* GI system

- **Belgium:** the two respondent producers from Belgium own companies involved in the production of natural ornamental stones and polished diamonds, respectively. The first producer is familiar with CI GIs and has clear expectations about the benefits of the CIGI Regulation. This producer emphasises the importance of national oversight for registrations, indicating a preference for strong national involvement in the GI protection process. In contrast, the second producer was not previously familiar with CI GIs and provided less detailed responses, suggesting a need for more information or guidance on the subject.

Despite their differing levels of familiarity with CI GIs, both producers rate the interest in GI protection in Belgium highly, with scores of **4 out of 5**. This high rating reflects various interests and motivations driving their support for GI protection. Additionally, the first producer expressed hope that CI GIs could be considered in public procurement processes, indicating a belief that such recognition could enhance market opportunities and credibility for products bearing the GI designation.

- **Hungary:** the responses from Hungary include a porcelain producer and a chamber of commerce. According to the producer, national protection for the name of its craft product is ensured by *sui generis* GI protection. While the producer has limited knowledge of the new CIGI Regulation, there is strong support for enhanced GI protection at EU level. This support is driven by the desire to leverage these protections to boost the competitiveness and reputation of traditional local products.

Similarly, the chamber of commerce representative also supports CI GI protection, indicating a high level of interest (rated **4/5**) in protecting CI GIs in Hungary. The representative views the potential non-designation of a national authority positively, suggesting that it could 'ensure

access to European markets in one step'. This perspective may reflect concerns about the potential administrative burden associated with a two-stage registration procedure.

- **Poland:** Poland ranks third in terms of number of responses received, confirming a significant interest on the topic of CI GIs, with interest levels in protection generally rated high (4/5), very high (5/5), and only in one case moderate (3/5). All responses originate from producers of ceramics, many of whom are affiliated with associations or groups.

Most respondents demonstrate awareness of GIs. Protections in Poland encompass a diverse array, including trade mark law, listing on national intangible cultural heritage registers, and recourse to unfair competition or consumer protection laws. Producers of pottery crafts point out that they are facing counterfeiting issues with China, and that a legal tool to protect long lasting traditions in producing pottery with local craftsman techniques is welcome. However, knowledge gaps exist concerning current registration costs under national *sui generis* legislation and the status of pending applications for national CI GIs. Key challenges highlighted in the responses include the need for clearer understanding of GI application processes and associated costs.

CLUSTER 2: Moderate interest (between 4 and 3)

2.1 Countries with moderate interest and no national *sui generis* GI system

- **Finland:** the answers from this country come from a knife producer and a representative of a business confederation promoting the interests of business owners and small and medium-sized enterprises. **The responses are contrasting.**

The producer affirms that the name of his craft product is currently protected by a widely registered trade mark but expresses interest in applying for registration of a CI GI. He anticipates benefits from the new CIGI Regulation, such as stronger legal protection, consistent EU-level enforcement, increased consumer credibility, and improved competitiveness against products from other regions. He finds it advantageous for the EUIPO to handle the entire registration process for CI GIs, indicating confidence in centralised EU oversight for robust protection and recognition. He rates the interest in protecting CI GIs as **5 out of 5**.

Conversely, the representative of the business association indicates a minimal level of interest (rated **1/5**) in protecting CI GIs in Finland. The respondent believes that trade mark legislation and general consumer protection laws provide effective protection for these products. While preventing counterfeiting is acknowledged as a benefit of the CIGI Regulation, administrative costs and issues related to non-usage are cited as disadvantages. Further details and stakeholder contacts are not provided, suggesting limited engagement with the issue of GI protection at the national level.

- **Germany:** the responses from Germany come from a chamber of commerce and a producer association of the embroidery and lace sector.

Both respondents recognise common benefits from the new CIGI Regulation, such as strengthening legal protection, enhancing international recognition, and preventing counterfeiting. However, they also express concerns. According to the chamber of commerce, there is a risk that specifications cannot be easily changed, even by the producer group that made the application. It is essential that specifications can be amended and revised without excessive delays. The CIGI Regulation includes procedures that could potentially be too cumbersome and time-consuming, depending on their practical execution. For instance, if a change in specifications is considered a union amendment, it requires an opposition procedure at the EU level (Article 31), allowing third parties to submit remarks. This can result in a very lengthy process, hindering innovation, which must be executed swiftly to remain economically relevant.

The producer association raises concern about potential double costs and/or lower protection if the new CIGI Regulation turns out to be less effective. The level of local interest in protecting CI GIs is rated as moderate (**3/5**) and high (**4/5**) respectively by the two respondents.

2.2 Countries with moderate interest and a national *sui generis* GI system

- **Bulgaria:** the respondent from Bulgaria, who owns a small mineral production company, is aware of GIs and currently relies on trade mark law and specific national laws for protection. The producer expresses a potential interest in applying for GI protection to enhance legal standing and market credibility. The respondent recognises benefits to EU-level regulation, particularly in terms of strengthened legal protection, increased market competitiveness, and boosted consumer trust. However, there is some uncertainty regarding the pros and cons of EU-level management of GI registrations. Overall, the perception of interest in GI protection in Bulgaria is moderate, rated at **3/5**.
- **Czech Republic:** the respondent from the Czech Republic stems from a union of glass and jewellery producers. This entity certifies product quality through a collective trade mark. While there is awareness and a positive view of the national legal framework, enforcement at the national level is perceived as insufficient. The respondent anticipates several benefits from the new CIGI Regulation, including enhanced legal protection and improved competitiveness. Economic benefits and the preservation of traditional heritage are primary motivations. However, potential administrative burdens are noted as a disadvantage.

There is a perception of moderate interest in CI GI protection, rated **3/5**, driven by limited awareness of the new procedures. As part of their recommendations, the respondent suggests the necessity of a simple and easily understandable guide on GI protection for CI products.

- **France:** the respondents from France are producers of clay and stone products. They differ in scale: one operates as a small-sized company, while the other one is a medium-sized company with a significant annual turnover. Both respondents have a national registered CI GI and are affiliated with industry groups that certify product quality and adhere to specific product standards. There is disparity in their levels of perceived interest, with the small-sized company rating it at **4/5** and the medium-sized company at **3/5**. The types of interest also vary between the two companies. The small-sized company is interested in economic benefits, traditional heritage, and better enforcement, suggesting that they anticipate economic advantages from broader protection of CI GIs at the EU level. In contrast, the medium-sized company's interest

is solely in traditional heritage. This indicates that the smaller company may foresee more comprehensive benefits from the new regulation, whereas the medium-sized company prioritises cultural and heritage preservation.

- **Portugal:** the responses from Portugal include perspectives from a self-employed producer of the embroidery sector and a Portuguese not-for-profit association advocating for GI protection.

Both respondents support the new CIGI Regulation, anticipating benefits such as enhanced legal standing, market credibility, and competitiveness. They emphasise the importance of preventing counterfeiting to safeguard the unique characteristics and heritage of their products. However, there is a difference in how they rate the level of interest in protecting CI GIs in Portugal. The producer rates this interest as very important (**5/5**), while the association perceives it at a moderate level (**3/5**), despite recognising multiple interests connected to the protection of CI GIs. Similarly, the producer views the possibility of the EUIPO handling the entire registration process as advantageous, whereas the association sees it as disadvantageous, stressing the necessity for a competent national authority.

Additionally, the association identifies potential disadvantages of the CIGI Regulation, such as the absence of a robust control system like agri-food GIs, which it believes could impact effective enforcement and credibility.

CLUSTER 3: Probable low interest (absence of responses to the survey)

3.1. Countries with probable low interest and no national *sui generis* GI system

- Denmark
- Greece
- Lithuania
- Luxembourg
- Malta
- The Netherlands
- Romania

- Sweden

3.2. Countries with probable low interest and a national *sui generis* GI system

- Croatia
- Estonia
- Latvia
- Slovenia
- Slovakia

As outlined in the introduction regarding private sector results, despite extensive outreach efforts and reminders, no replies were received from 13 Member States. The absence of responses may indicate a potential lack of specific interest in the subject matter. To verify this possibility, the participation results from previous consultations regarding those Member States that did not respond to our surveys were reviewed. Specifically, participation statistics from the following public consultations promoted by the European Commission were analysed:

- 'Study on Geographical Indications Protection for Non-Agricultural Products in the Internal Market' (2013);
- 'Making the Most out of Europe's Traditional Know-How: A Possible Extension of Geographical Indication Protection of the European Union to Non-Agricultural Products – Results of the public consultation' (2014);
- 'EU-wide protection of Geographical Indications for Non-Agricultural Products - Summary Report of the public consultation' (2021).

Disclaimers:

Regarding the 2014 and 2021 consultations, the available reports did not allow for the participation statistics between the public and private sectors to be disaggregated. **Therefore, the data related to 2014 and 2021 may also include responses from public bodies.** Furthermore, for the reasons

explained under footnotes 9 and 11, the total responses from the private sector **also include replies from some non-EU countries.**

From the mentioned reports, it was noticed that **Latvia (LV) and Malta (MT)** did not respond to any of the considered consultations. **Romania (RO) and Slovenia (SL)** did not provide any replies to the last three consultations (including the current one). **Denmark (DK) and Lithuania (LT)** provided a limited number of responses (three and four in total respectively), which possibly include responses from public bodies in 2014 and 2021 consultations. Slightly higher but still low (less than 1 % over the total responses in all consultations) and decreasing numbers of responses were obtained from **Estonia (EE) and Slovakia (SK)** (four in total respectively, which may also include responses from public bodies).

Participation statistics from previous consultations

	HR	DK	EE	GR	LV	LT	LU	MT	NL	RO	SL	SK	SE	Total Private
2013 ⁽²⁶¹⁾ (Private only)	n/a	0	3	9	0	0	0	0	3	9	2	3	0	151 ⁽²⁶²⁾
2014 ⁽²⁶³⁾ (Private + Public)	0	1	1	3	0	2	0	0	2	0	0	1	2	81 ⁽²⁶⁴⁾
2021 ⁽²⁶⁵⁾ (Private + Public)	3	2	1	0	0	2	1	0	0	0	0	0	4	103 ⁽²⁶⁶⁾

The limited interest can be attributed to several factors. It may reflect insufficient awareness of GIs, an inability to respond due to administrative or resource constraints, or the perceived relatively low significance of the CI sector in the respective jurisdictions.

As a final consideration, it is important to note that **six of the Member States mentioned above** (Denmark, Lithuania, Luxembourg, Malta, the Netherlands, Sweden) are also countries whose public authorities have indicated that they could make use of the opt-out provided for by Article 19 of the new Regulation (see part 2.2 of the public sector consultation results).

⁽²⁶¹⁾ 'Study on geographical indications protection for non-agricultural products in the internal market', *Stakeholders' survey on the needs and expectations in relation to potential future instruments of legal protection for non-agricultural GIs in the EU*, 2013:

https://upv.gov.cz/files/uploads/PDF_Dokumenty/eurostranky/information_eu/geographical_indications_Study.pdf.

⁽²⁶²⁾ **Total private 2013 calculation method:** 110 (no. of answers of producers from EU MS) + 95 (no. of answers of non-producers from EU MS) – 54 (no. of answers of public bodies from EU MS).

⁽²⁶³⁾ Green Paper 'Making the most out of Europe's traditional know-how: a possible extension of geographical indication protection of the European Union to non-agricultural products', *Results of the public consultation and public conference*, 2014-15:

https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://ec.europa.eu/docsroom/documents/10565/attachments/1/translations/en/renditions/pdf&ved=2ahUKewj7t4Can_gGAxVM_7sIHVjoCHUQFnoECBQQAQ&usq=AOvVaw1tg2MnO7IAdevr3fBPMqDH.

⁽²⁶⁴⁾ **Total private 2014 calculation method:** 136 (total responses) * 59.5/100 (producer response rate). The total responses also include 10 responses from non-EU countries. They have been considered for the calculation, as producer response rate limited to EU MS is not available in the report.

⁽²⁶⁵⁾ 'EU-wide protection of Geographical Indications for Non-Agricultural Products - Summary Report of the public consultation', 2021:

https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12778-EU-wide-protection-of-geographical-indications-for-non-agricultural-products/F_en.

⁽²⁶⁶⁾ **Total private 2021 calculation method:** 68 (no. of answers from companies/business) + 35 (no. of answers from business associations). The total responses also include responses from non-EU countries, as a categorisation between private and public sectors by country of origin is not available in the report.

Behind the Producers' interest: some common trends

The answers provided by producers offer insights into why various respondents believe their products are potentially protectable by CI GIs.

A notable response from Cyprus mentions Lefkara lace, which is already recognised by UNESCO as part of the Intangible Cultural Heritage. This recognition underscores the lace's deep historical and cultural significance, suggesting that its traditional techniques and materials have remained unchanged since the Middle Ages.

Italian producers from Sardinia emphasise the unique geographical, geological, historical, and cultural characteristics of Sardinian ceramic production. They argue that Sardinia's isolation as an island, its rich history, and the survival of numerous micro-enterprises justify GI protection. These producers highlight that while the region's ceramics are diverse in style, they share common roots in Sardinia's distinct cultural and environmental context.

Spanish respondents also stress the importance of protecting local craftsmanship against unfair competition and counterfeiting. They argue that recognising the origin of their products significantly enhances their value, supports local economies, and preserves cultural traditions. This sentiment is echoed by producers of Donegal Tweed in Ireland, who cite the fabric's long history and distinctive characteristics as a basis for seeking PGI protection, emphasising the need to uphold the region's reputation for quality and craftsmanship.

In Poland, *Bolesławiec* pottery producers highlight the challenges posed by counterfeit products. They advocate for GI protection to preserve their long-standing traditions and local resources, such as unique clay and glaze deposits. This broader concern among producers reflects a desire to maintain the authenticity and economic viability of their traditional crafts in the face of global competition.

In summary, the responses collectively underscore a recognition of the potential benefits of GI protection for CI products. This diverse set of justifications points to a common recognition of the value that GI protection can bring, not only in terms of preserving cultural and traditional practices but also in enhancing market credibility and economic sustainability.

These insights should be considered alongside responses regarding the willingness of producers to register their respective products (*Q 11. Would you apply for registration of the name of your craft and industrial product as a protected geographical indication in your country?*). From the questionnaire, **49 producers out of 57 (86 %)** expressed a willingness to apply for registration. However, **only 20 producers** indicated that their products have formalised specifications (regulations of use, production standards) that all producers must comply with. This discrepancy reveals a significant challenge: while there is a high level of interest in obtaining GI protection, many producers lack the necessary formalised standards and regulations to support such applications. Addressing this gap will be crucial for maximising the benefits of GI protection.

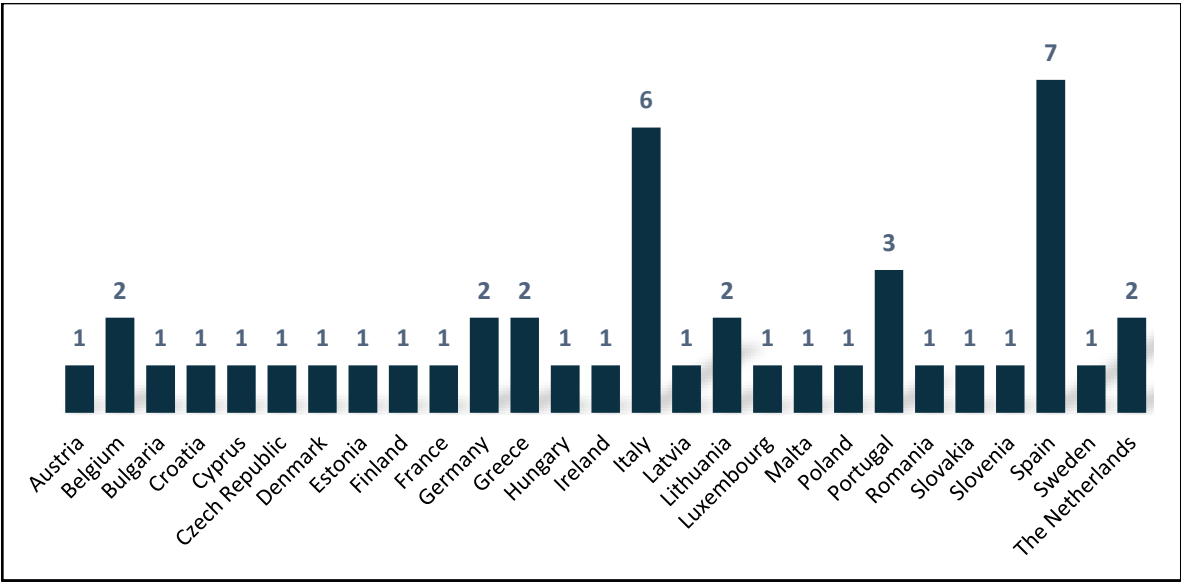
2. Public Sector

A) Quantitative analysis

2.1. Participation statistics

The data includes responses from **all 27 Member States**. The responses from the public authorities are 45 in total, with the highest number of responses received from Spain (seven), followed by Italy (six) and Portugal (three). The respondents include national intellectual property offices, ministries and, in some cases such as Spain and Italy, regional authorities.

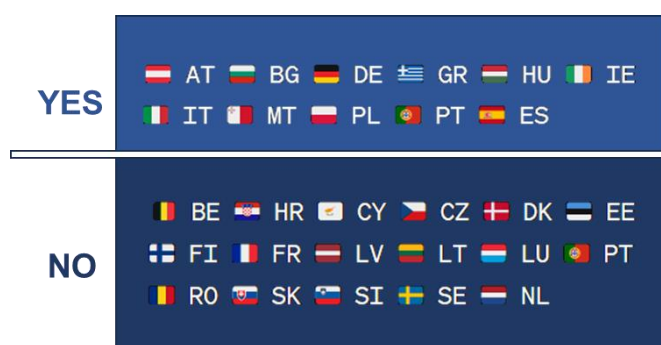
Distribution by Country



2.2. Segmentation of participants on the implementation of the CIGI Regulation

2.2.1. Steps towards new EU craft and industrial GI system

Q: Have you already taken any steps to get the new EU craft and industrial GI system up and running? (Ref: Question 4 of the Public Authorities' questionnaire)



The gathered data presents a detailed picture of the implementation of the new EU system for CIGIs among the Member States. According to the responses received from 27 Member States, **11 public authorities have taken tangible steps towards implementing the new system.** However, the response from the majority of public

authorities, representing **19 Member States**, indicates an absence of action (at least, at the time of submitting their survey, with a deadline of 30 June 2024), hinting at potential delays or hurdles in the adoption process.

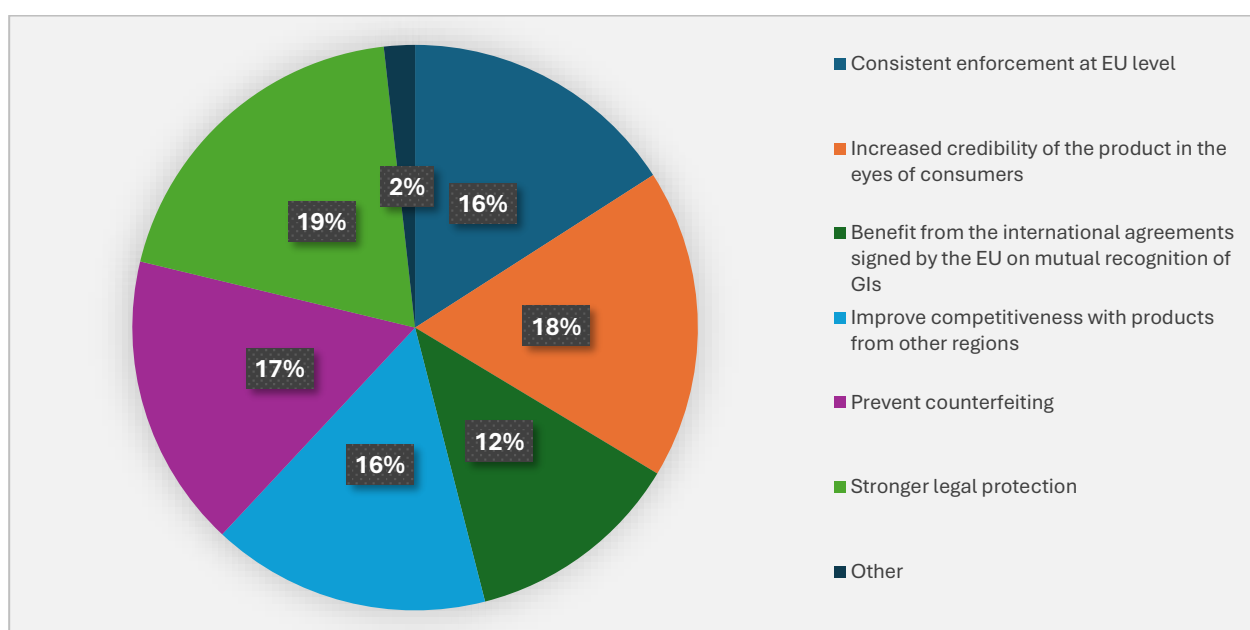
This contrast prompts a deeper inquiry into the factors behind these divergent responses. Understanding the reasons behind the lack of progress could unveil crucial insights into the challenges or reservations hindering the swift implementation of the CIGI Regulation.

Of particular interest are the varying responses from Italy and Spain, where the feedback fluctuated depending on whether the responding public authority operated at the national or regional level. This divergence within the same countries underscores the intricacies involved in aligning national and regional agendas, priorities and actions, especially in those countries where multilevel governance models are established. Federal Member States, like Belgium, may experience different coordination challenges compared to unitary states such as France. This suggests a need for enhanced coordination and communication mechanisms to ensure a cohesive approach towards implementing the new system across all administrative levels.

2.2.2. Main benefits of applying the new EU Regulation

Q: What do you expect to be the main benefits of applying the EU Regulation on the protection of craft and industrial GIs? (Ref: Question 15 of the Public Authorities' questionnaire)

The analysis of the data reveals a **balanced perspective among public authorities** regarding the expected benefits of applying the EU Regulation on the protection of GIs for CI products.



The responses indicate overall recognition of the importance of various benefits, with **stronger legal protection (19 %)**, **increased credibility of products in the eyes of consumers (18 %)** and **prevention against counterfeiting (17 %)** deemed as primary expected benefits.

However, it is worth highlighting that public authorities rate the benefits stemming from **international agreements on mutual recognition of CI GIs as less significant**, with **only 12 % considering them a priority**.

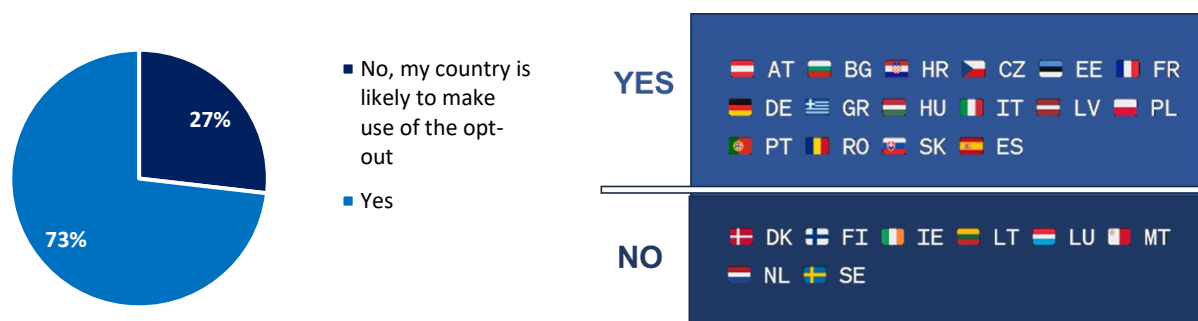
While legal protection and consumer trust are universally acknowledged as crucial for the success and integrity of GIs, the perceived importance of international agreements may vary depending on

factors such as regional trade dynamics, existing market access, and geopolitical considerations. Factors such as the level of engagement in international trade, existing bilateral agreements, and the perceived effectiveness of such agreements in facilitating market access and protecting GIs could influence public authorities' perspectives.

2.2.3. Designation of a national competent authority

Q: Do you think that your country will designate a national competent authority for the national phase of the registration of craft and industrial GIs? (Ref: Question 17 of the Public Authorities' questionnaire)

The data analysis highlights a prevalent anticipation among **most public authorities that their respective country will be unlikely to opt out** of the national phase for registering CI GIs. It is anticipated that these Member States plan to designate a national competent authority to oversee the national registration phase of CI GIs registrations.



However, a noteworthy aspect emerges from the data, indicating that **a subset of Member States is inclined towards requesting a derogation from the obligation to designate a national authority for the national phase of registration of CI GIs**. Specifically, the following eight Member States have indicated their intention to seek the opt-out option provided by Article 19 of the CIGI Regulation:

- Denmark

- Finland
- Ireland
- Lithuania
- Luxembourg
- Malta
- The Netherlands
- Sweden

The specific reasons for these inclinations will be explored in the qualitative analysis of the responses. Additionally, it is important to acknowledge that certain public authorities have noted ongoing discussions within their respective countries on this matter. Specifically, **Cyprus**, **Slovenia**, and **Belgium** have not yet finalised their positions on whether to seek the opt-out provided for in Article 19 of the CIGI Regulation.

It should also be mentioned that public authorities in Ireland and Luxembourg launched a public consultation⁽²⁶⁷⁾ to seek feedback from interested parties for the national implementation of the EU Regulation on the protection of CI GIs. At the time of the completion of this study, the results were not yet available.

⁽²⁶⁷⁾ Ireland: [Public consultation on the implementation of Regulation \(EU\) 2023/2411 on the protection of geographical indications for craft and industrial products](#).

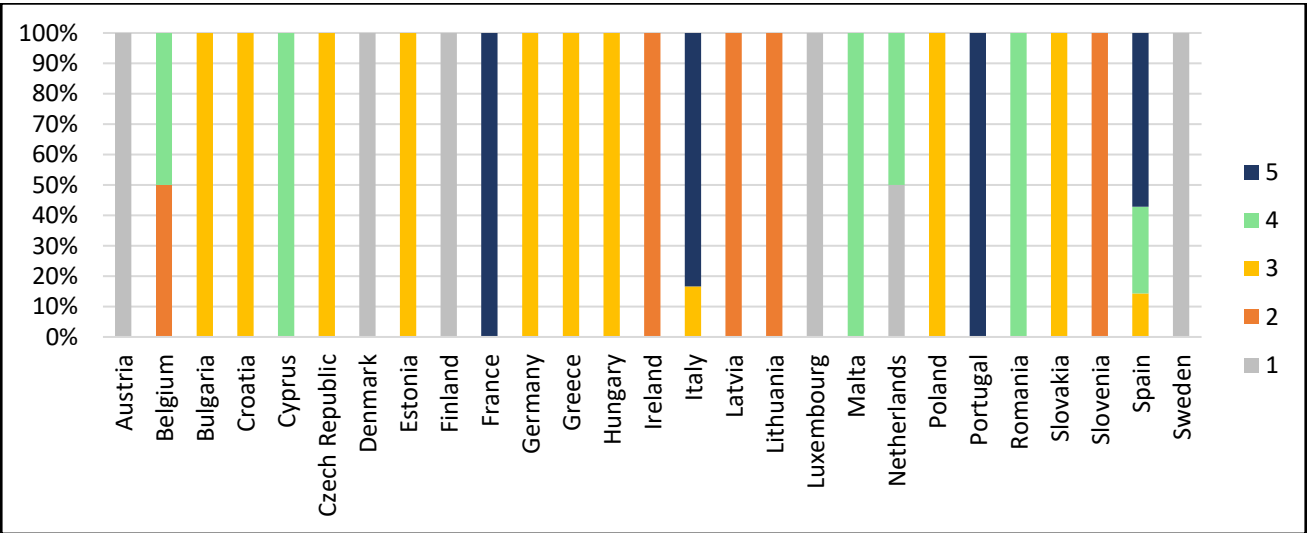
Luxembourg : [Lancement d'une consultation publique concernant le potentiel du Luxembourg en matière d'indications géographiques pour les produits artisanaux et industriels](#).

2.3. Analysis of the public sector’s interest

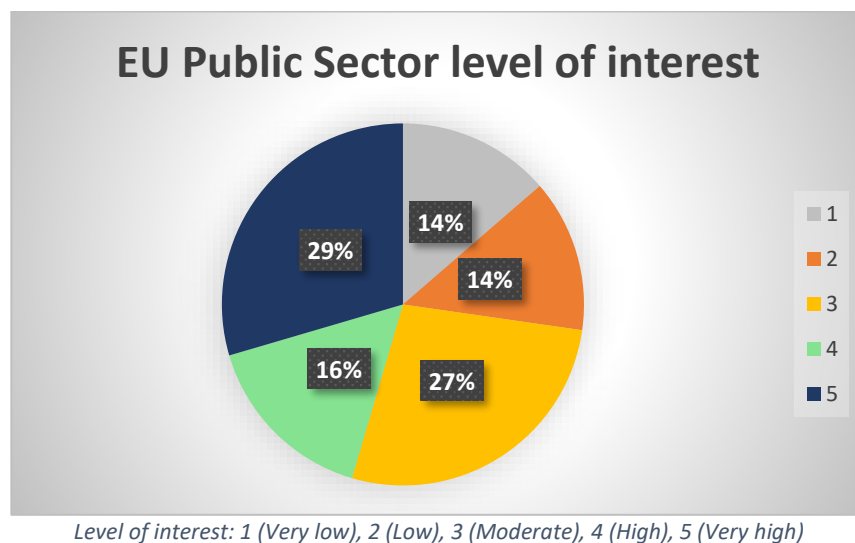
2.3.1. Level of local interest

Q: To the best of your knowledge, what is the level of interest in protecting craft and industrial geographical indications in your country? Please, indicate a value from 1 (not at all important) to 5 (very important) (Ref: Question 19 of the Public Authorities’ questionnaire)

The quantitative analysis of the responses from public authorities across different Member States reveals a varied landscape of interest levels in the protection of CI GIs within their respective countries. A **detailed breakdown** is reported below:



Level of interest: 1 (Not at all important), 2 (Not important), 3 (Moderately important), 4 (Important), 5 (Very important)



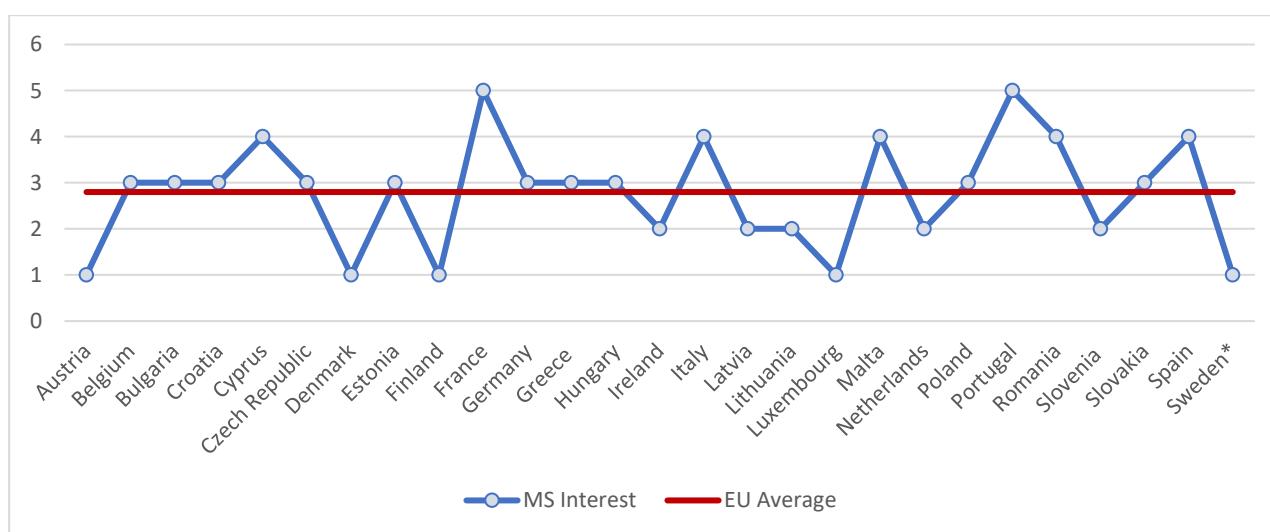
1. **Highest Level of Interest (5):** 29 % of respondents, corresponding to **13 public authorities**, expressed the highest level of interest in protecting CI GIs. They come from Italy (five), Spain (four), Portugal (three), and France (one), where the interest is, in general, high or very high.
2. **High Interest (4):** 16 % of respondents, corresponding to **seven public authorities**, reported a high level of interest, demonstrating significant attention and priority given to CI GI protection. They come from Cyprus (one), Malta (one), Romania (one), Spain (two), Belgium (one) and the Netherlands (one).
3. **Medium Level of Interest (3):** 27 % of respondents, corresponding to **12 public authorities**, indicated a medium level of interest, suggesting a moderate but discernible focus on CI GI protection. The majority come from the Eastern Europe countries, including Bulgaria (one), Croatia (one), Czech Republic (one), Hungary (one), Slovakia (one), Poland (one). The list also includes Estonia (one), Germany (one), Greece (two), Spain (one) and Italy (one).
4. **Low Level of Interest (2):** 14 % of respondents, corresponding to **six public authorities**, coming from Belgium (one), Ireland (one), Latvia (one), Lithuania (two) and Slovenia (one) reported a low level of interest in CI GI protection.

5. **No Interest (1):** 14 % of respondents, corresponding to **six public authorities**, including Austria, Denmark, Finland, Luxembourg, the Netherlands and Sweden (one respondent each) revealed no interest in CI GIs.

The German Patent and Trade mark Office has not replied to the question on the level of interest but relied upon the opinion of the Ministry of Justice.

It is important to note that, according to the answers provided, **the average level of interest across all Member States is slightly less than 3 out of 5.**

As a benchmark, from the image below, it is possible to compare the level of interest of each Member State (blue line) – calculated as an average value for those Member States with more than one public authority providing a response – with the average level of interest across all Member States (red line). Reasons behind significant variations in the level of interest among Member States, including factors influencing the differences, are explored in the qualitative analysis.

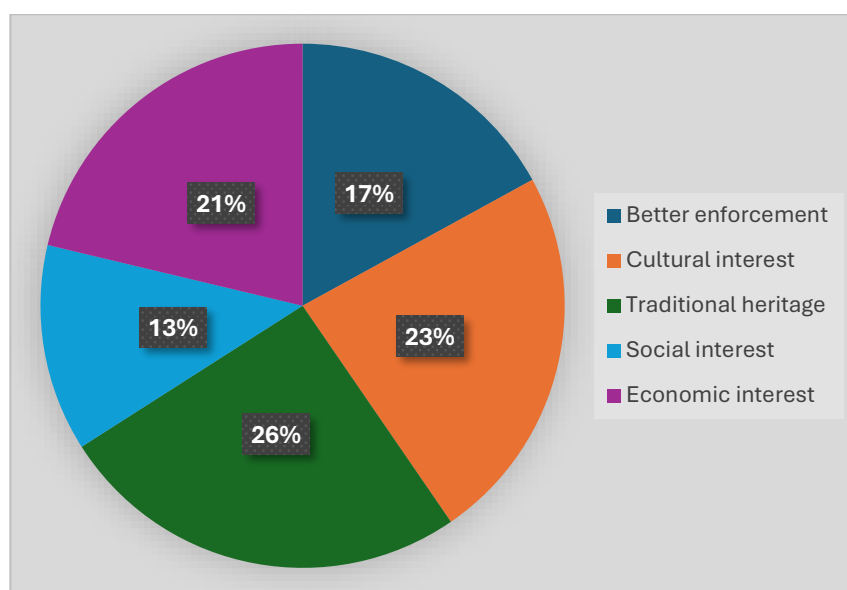


*Sweden has not indicated a value for the local interest in the reply. However, the Swedish IP Office stated that the country is likely to make use of the opt-out. This is, therefore, an indication that the interest is low.

2.3.2. Type of interest

Q: Can you specify the type of interest you have in the protection of craft and industrial GIs?
(Ref: Question 20 of the Public Authorities' questionnaire)

Based on the collected data, public authorities exhibit **various types of interest** in relation to the protection of CI GIs.



The table below shows the type of interest indicated by the public sector respondents of each Member State:

Country	Better enforcement	Cultural interest	Traditional heritage	Social interest	Economic interest
Austria	√				√
Belgium	√	√	√	√	√
Bulgaria	√	√	√	√	√
Croatia	√		√		√
Cyprus	√	√	√	√	√
Czech Republic	√	√	√		
Denmark					
Estonia	√	√	√		√
Finland					

France	√	√	√	√	√
Germany		√	√	√	√
Greece	√	√	√		√
Hungary	√	√	√		√
Ireland	√	√	√	√	√
Italy	√	√	√	√	√
Latvia		√			
Lithuania		√			√
Luxembourg		√	√		√
Malta	√	√	√	√	√
The Netherlands	√	√	√	√	√
Poland		√	√		√
Portugal	√	√	√	√	√
Romania		√	√		√
Slovakia	√	√	√	√	√
Slovenia		√	√		√
Spain	√	√	√	√	√
Sweden					

Notably, the data highlights several key categories of interest, with differing degrees of prominence.

1. **Traditional heritage (26 %):** the highest level of interest among public authorities is attributed to the preservation of traditional heritage associated with CI GIs. This reflects a commitment to protecting culturally and historically significant products.
2. **Cultural interest (23 %):** significant attention is given to the cultural importance of CI GIs, highlighting their role in cultural identity and heritage.
3. **Economic interest (21 %):** economic considerations also feature prominently, with public authorities acknowledging the potential economic benefits stemming from the protection of CI GIs. This includes factors such as market competitiveness, export opportunities, and job creation within CI GI-related industries.
4. **Enforcement interest (17 %):** while slightly less prominent, there is still notable interest in enforcement mechanisms for CI GI protection. This underscores the importance of robust legal frameworks and enforcement measures to combat misuse, imitation, and infringement of CI GIs.
5. **Social interest (13 %):** lastly, social considerations pertaining to CI GI protection are recognised, albeit to a lesser extent. This encompasses aspects such as community development, social cohesion, development of rural areas and the promotion of sustainable practices associated with CI GI production.

It is noteworthy that, despite variations, the overall distribution of interest types among public authorities aligns with patterns observed in the private sector. This consistency suggests a shared recognition of the multifaceted importance of CI GI protection across both public and private stakeholders.

B) Qualitative analysis

The clustering of Member States into **three clusters and distinct sub-categories** is based on the level of interest and possession of a *sui generis* GI system. The qualitative analysis of the answers received provides valuable insights into the diverse perspectives and motivations as well as a foreseeable approach about potential opt-out requests.

CLUSTER 1: Countries with no interest (1) or low interest (2)

1.1. Countries with no interest (1) and no national *sui generis* GI system

- **Denmark:** although the public authority did not specify a numerical value for the level of interest, it indicated that there is a very limited interest in a protection system for GIs for CI products. There might be some benefits thereto connected, but it is too early to determine. According to the respondent, Denmark is likely to make use of the opt-out.
- In **Luxembourg**, the public authority has expressed no interest in establishing a national-level protection system for CI GIs. Currently, no product in Luxembourg enjoys protection equivalent to that envisaged by the European regulation. The study conducted by VVA for the European Commission in 2020 highlighted the limited potential for this kind of GIs in Luxembourg. To gather comprehensive feedback, the Ministry of Economy has launched a consultation to identify potential products that meet the conditions set out by the European regulation and to assess the potential of this new scheme at the national level. At the moment of publication of this study, the results of this consultation were unknown. According to the survey respondent, Luxembourg is likely to request the derogation according to Article 19.

- **Finland's** public authority has indicated a lack of awareness regarding products eligible for CI GI protection within its jurisdiction. According to the respondent, Finland is likely to request the opt-out according to Article 19 of the CIGI Regulation.
- **Austria** is currently engaged in coordination efforts concerning domestic jurisdiction, particularly regarding the establishment and regulation of control structures for CI GIs. There is uncertainty about the role of the national Intellectual Property Office (OPA), which already manages national procedures for agri-food GIs. The new regulation is perceived to have several disadvantages, including concerns about the perceived complexity and effort involved.
- **Sweden:** the Swedish Intellectual Property Office responded to the survey without indicating a specific level of interest at the national level. However, it stated that Sweden is likely to opt-out of the new system due to a low level of interest.

1.2. Countries with low interest (2) and no national *sui generis* GI system

- **Lithuania's** State Patent Bureau reported a minimal number of products potentially eligible for CI GI protection. According to this respondent, Lithuania is inclined to make use of the opt-out.
- **Ireland** conducted a public consultation (closed on 17 May 2024) on the Regulation's implementation. The results of this consultation may provide the government with useful information on the further steps to take. At the moment of the publication of this study, the results of the consultation were not available. According to the Irish IP Office, Ireland is inclined to make use of the opt-out.
- **The Netherlands:** the response from the central public authority, the Ministry of Economic Affairs and Climate Policy, indicated a lack of perceived benefits from the application of the CIGI Regulation and expressed the intention to lodge a request for opting out according to Article 19. Conversely, the response from the Dutch Centre for Intangible Cultural Heritage showed a high interest (4) for the CIGI Regulation, considering the potential increase in the recognition of the

cultural value of CI products and the importance of intangible cultural heritage in accordance with the 2003 UNESCO Convention.

1.3. Countries with low interest (2) and a national *sui generis* GI system

- **Latvia:** according to the responding public authority, the work on establishing a national phase registration system is ongoing. The Patent Office of the Republic of Latvia should be the designated national competent authority for the national phase of the registration of EU CI GIs. The authority cites additional administrative burden and expenses as perceived disadvantages of the new CIGI Regulation.
- **Slovenia:** the Country has a *sui generis* GI system. According to the survey response, it is not yet decided whether a national authority will be appointed to manage the new system. However, the Slovenian Intellectual Property Office has indicated in its reply that it could handle the national phase of the CI GIs application process. Given that there are only two nationally registered GIs for CI products in Slovenia, the IP Office estimates that the current interest in registering a GI for these type of products in Slovenia is poor.

In general, the two most common factors contributing to **low interest** in the countries considered are:

- the perception that the associated costs and administrative burdens exceed the potential benefits, and
- the minimal or negligible domestic production of products qualifying for CI GI status.

CLUSTER 2: Countries with medium interest (3)

2.1. Countries with medium interest (3) and no national *sui generis* GI system

- **Greece** revealed that the preparation of national primary legislation concerning CI GIs is ongoing. A legislative proposal for a national protection system of CI GIs has been prepared by the Hellenic Industrial Property Organisation (OBI).

- **Germany:** reported to be in the initial stages of preparing national legislation to implement the necessary measures requested by the CIGI Regulation. The responsibility for this initiative lies with the Federal Ministry of Justice. While Germany already has regulations in place for certain products, there is currently no existing register for GIs and no specific authority responsible for managing these.

2.2. Countries with medium interest (3) and a national *sui generis* GI system

The public authorities from these countries have demonstrated a moderate level of interest (3) and have highlighted a number of enablers and challenges for potential implementation of the new Regulation. These authorities have highlighted various enablers and challenges and have confirmed their intent to designate a national competent authority for the national phase of registering CI GIs.

- **Belgium's** federal public authority indicated that it is too early to provide a definitive answer regarding the implementation of the obligations of the CIGI Regulation. Discussions are underway with regional authorities, and decisions regarding the national authority who will manage the national registration phase have not yet been taken. It was indeed specified that the federal government (IP Office) is responsible for GIs while the federated entities (regions) are responsible for the registration (allocation) of regional or local designations of origin and GIs. Regarding the disadvantages of the new CIGI Regulation, new administrative burdens for national administrations were mentioned.
- **Poland's** Patent Office is reported to be actively working to amend national IP law and incorporate the CIGI Regulation into the legal framework. The current efforts were focused on assessing the staffing requirements for processing new applications and determining the infrastructure needed for a national control and monitoring system. While there is an awareness of the necessity to update IT systems, financial constraints present a challenge.
- In **Croatia**, concerns have been raised regarding the potential administrative burdens associated with implementing the CIGI Regulation. This burden is particularly highlighted in relation to establishing verification and control systems, especially considering the small number

of expected applications/registrations. However, the State Intellectual Property Office is expected to be the designated national authority for handling the national phase of CI GI applications.

- **Bulgaria's** respondent from the public sector reported that authorities are in the process of internal coordination on how the obligations of the new CIGI Regulation will be implemented.
- In **Hungary** no concrete steps have been taken so far to get the new system up and running. However, Hungary's Intellectual Property Office (HIPO) is actively engaged in the legislative process at the EU level. HIPO is preparing to revise national legislation and operational schemes to align with the new EU regime for CI GIs. Due to the minimal number of domestic GI applications for CI GIs over the past decades, no additional resources will be allocated to implement these obligations.
- **Estonia, Slovakia and Czech Republic** did not provide any specific justifications about the selected level of interest.

In general, summarising the challenges identified by public authorities with **medium level interest**, the following considerations have emerged:

- ongoing efforts to align national legislation with EU requirements;
- challenges in assessing staffing needs and infrastructure requirements;
- financial constraints impeding updates to IT systems;
- preparation of national primary legislation for GI protection;
- concerns regarding administrative burdens in establishing verification and control systems;
- limited historical domestic GI applications affecting resource allocation decisions;
- lack of specific justifications indicating a potential lack of clarity or priority regarding the new regulation.

CLUSTER 3: Countries with high-level interest (4-5)

3.1. Countries with high interest (4-5) and no national *sui generis* GI system

- **Malta** currently lacks national specific protection for GIs for CI products. Despite a high level of interest indicated in their response, the respondent public authority, Registrar of Crafts (DG Commerce), anticipates a low incidence of applications for CI GIs in the future. Malta has expressed concerns about the burden that the new regulation will place on national offices without an existing GI system, citing the lack of practical solutions within the regulation to address this issue and is considering requesting an opt-out from the obligation to designate a national competent authority for the national phase of CI GI registration. The main reason for opting out would be the belief that the EUIPO is better equipped to handle requests. Additionally, the expected low number of applications does not justify the establishment of a national competent authority.
- **Cyprus** does not provide for specific protection for GIs for CI products. This country anticipated several benefits from implementing the new CIGI Regulation, including stronger legal protection, consistent enforcement at the EU level, reduced administrative burden, and improved competitiveness with products from other regions. However, at the time of their response, discussions were ongoing among ministries and other authorities to decide whether to proceed with the 'opt-out' option. One of the primary challenges identified by the public authority, Cyprus Handicraft Service (Deputy Ministry of Culture), is the lack of resources, particularly a shortage of staff, which may hinder the establishment and management of a GI protection system. Some craft products in Cyprus are protected under the Representative List of the Intangible Cultural Heritage, indicating some form of recognition and protection at the international level. Additionally, there is an ongoing study supported by DG REFORM to create a Registry for Craftspeople and Designers, showing efforts towards establishing a more formalised system for protecting crafts and artisans.
- **Italy**, through the Ministry of Economic Development (MIMIT), has initiated the legislative process to allocate responsibilities to the Directorate General for the Protection of Industrial Property - Italian Patent and Trade mark Office (DGPI-UIBM). This body will handle the national phase of the registration procedure for CI GIs in alignment with the new EU Regulation. Separate

national authorities will be designated for control, supervision, and monitoring activities. Dialogue with regional authorities has begun to identify industrial and artisanal products that already have recognition or protection, making them potentially eligible for the new EU protection regime. To support this initiative, MIMIT has introduced a non-repayable grant in 2024 to assist producer associations with technical consultancy expenses for preparing product specifications.

As part of the legislative measures needed to implement the new EU regulation in Italy, a request has been made to provide DGPI-UIBM with additional human resources to manage the new administrative tasks. Additionally, EUR 3 million have been allocated in 2024 to support producer associations in drafting product specifications. These funds will help producer associations decide whether to proceed with the application process for the new EU protection regime.

- **Spain's** public authorities are currently in the initial stages of drafting national legislation, analysing IT requirements, and evaluating various legal aspects to assess the implementation of national regulations. They emphasise the crucial role of human resources, technical IT resources, and budgetary support in this initiative. In Spain, the Autonomous Communities hold exclusive competencies regarding craftsmanship. The new regulation is expected to offer significant benefits, notably the standardisation of the artisanal production process through a specification sheet that all producers must follow. This regulation will also encourage producers to form associations to submit their applications collectively. However, the IP Office acknowledges several challenges, including the administrative burden on applicants and the costs associated with obtaining recognition as a GI. These challenges are considered necessary counterbalances to achieve the desired level of protection.

3.2. Countries with high interest (4-5) and a national *sui generis* GI system

- **France** reported to plan an appropriate evaluation of the resources needed once the implementing regulation and delegated acts are published and the procedure established by the EUIPO is known, particularly its back-office operations. Meanwhile, the response from the National Institute of Industrial Property (INPI) indicated that legislative work has begun to adapt national law to the European regulation, demonstrating a proactive approach to compliance.

The public authority mentioned that there are currently 17 registered GIs under the *sui generis* national system. Among the challenges, it indicated that the European recognition phase managed by the EUIPO may face delays due to national appeals, which have a suspensive effect. The national opposition phase, which requires a legal dialogue between the applicant and the opponents, may be hindered by the lack of legal expertise and resources within the applicant associations, especially considering the size of the actors in the sector.

- **Portugal** public authorities indicated that they were in the process of selecting the competent authorities for both the national registration phase and product control. Among the main benefits of the regulation, an authority has emphasised the creation and adoption of specific support mechanisms across the EU, similar to PEPAC for agriculture, aimed at protecting and safeguarding cultural heritage and intangible assets. However, the respondent has also expressed concerns about the potential risk of overlooking the rights of historical institutions that promote, safeguard, and defend handicrafts, their production, and artisans. It was evidenced that it is crucial to ensure that the CIGI Regulation allows for adaptation in the Autonomous Ultraperipheral Regions, where public entities already exist, to maintain their effective work.
- **Romania** has a *sui generis* system for the protection of CI GIs. However, no steps have been taken so far to implement the new EU CI GI system. The Romanian State Office for Inventions and Trade marks (OSIM), which is the competent authority for trade marks and GIs, is likely to be the public authority in charge of handling the national phase of registration for the new EU system.

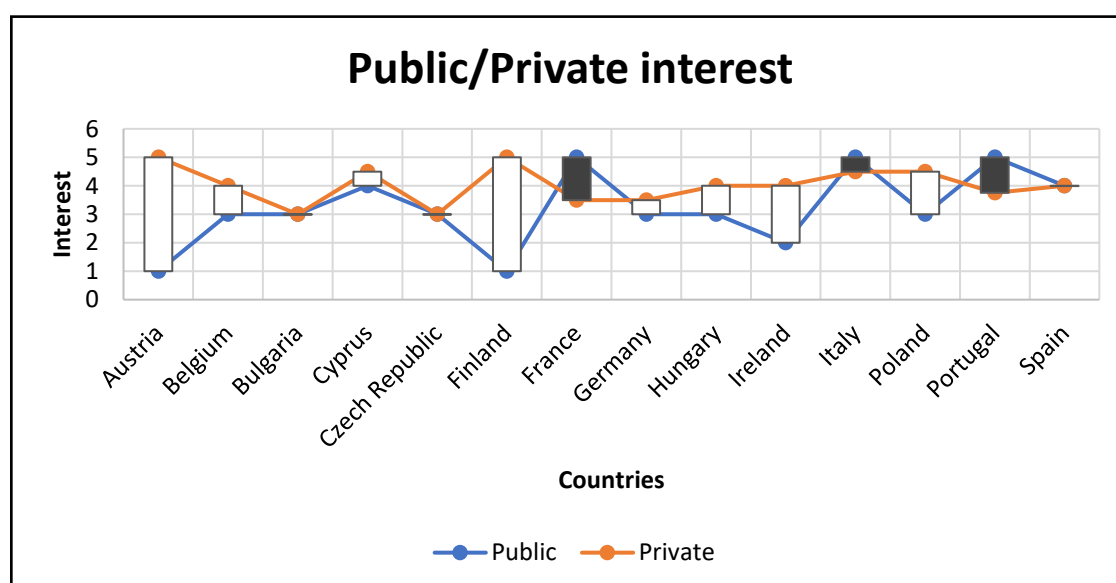
Overall, there are heterogeneous situations among countries reporting high or very high levels of interest in the protection of CI GIs. Some countries, like **Italy and France**, are actively engaging in the legislative process to implement the new Regulation and allocate responsibilities. They see potential benefits in terms of protecting cultural heritage and improving competitiveness. These proactive steps may be closely related to the significant size and importance of the craft and industrial sectors in these countries, as highlighted by responses from the private sector.

Others, like **Malta and Cyprus**, are facing challenges such as resource shortages and administrative burdens. However, they still recognise the importance of GI protection and are considering options to

address these challenges. Malta is considering an opt-out due to the anticipated low number of applications and the burden on national offices, while Cyprus is in discussions among ministries and authorities to decide on the opt-out option while also evaluating the benefits of the CIGI Regulation. **Spain** is also in the early stages of drafting national legislation and evaluating various aspects of deployment, highlighting the need for adequate human resources, technical IT resources, and budgetary support. Spain anticipates significant benefits from standardising artisanal production processes and encouraging collective applications by producers, despite acknowledging the associated administrative and financial challenges.

3. Comparison Between the Public and the Private Sector

The graph below illustrates the levels of interest perceived by the public and private sectors across various EU countries, with public sector interest indicated by blue lines and private sector interest by red lines. The y-axis measures the interest levels, while the x-axis lists the countries.



The data collected from the public sector and the private sector, divided into clusters and sub-categories mentioned in the previous chapter, allow for the comparison of the perceived levels of interest in those countries where data is available for both sectors. It is important to clarify that the results from the private sector cannot be considered representative of each country's corresponding sector. A much larger statistical sample of answers for each country would be required for a truly representative analysis. However, the data can be considered significant when the responses from all participating countries are aggregated. By performing this analysis, it is possible to identify relevant common trends at the EU level.

A common trend is that most countries show a higher perceived interest from the private sector compared to the public sector (shown as a white gap in the image above). This discrepancy may be attributed to the private sector, particularly producers and producer associations, which appear to be more motivated to seek more stringent protection to defend their interests. In contrast, public authorities are more inclined to consider several factors such as the relative impact on the internal economy, the existence of concurrent national legislation, and potential costs/benefits associated with the new regulation, which also implies the definition of internal responsibilities and procedures.

The image above highlights a notable contrast in responses between the private and public sectors, especially in **Austria and Finland**. In **Austria**, a private company, while not yet familiar with the new system, perceives it as advantageous and shows a high interest in traditional heritage. The case of **Finland** is different. As mentioned above, Finland is likely to request an opt-out according to Article 19 of the CIGI Regulation. While the interviewed producer of knives expresses a high interest in the system, the chamber of commerce, in line with the public authority, displays less interest.

On the other hand, in **France, Italy and Portugal**, the situation is reversed, with the interest perceived by the private sector being slightly lower than that of the public sector (shown as a black gap). However, this result might be primarily linked to limited knowledge of the new GI regime. Indeed, **over 36 % of the producers interviewed in these countries** are not aware of the existence of CI GIs, **and 40 % state they are unable to assess** whether the non-designation of a national authority to handle registration applications for CI GIs in the new system is advantageous or disadvantageous, with the EUIPO handling the entire registration process. However, **almost all of them express the**

intention to request the registration of their CI products as protected GIs in their respective countries.

In general, as outlined by the limited answers received from the private sector in certain geographical areas, the varying levels of awareness between sectors and countries underscore the need for targeted information campaigns and support to enhance understanding and participation in the new regulatory framework. This will ensure that all stakeholders can effectively leverage the benefits of GIs for CI products.

The table below summarises the results of the analysis regarding the public sector (covering 27 Member States) and the private sector (covering 14 Member States). Member States have been categorised based on the **level of interest indicated in the survey responses** and the **presence of a national *sui generis* GI system for CI products** within their respective jurisdictions.

Protection System Interest		A) No national <i>sui generis</i> GI system	B) National <i>sui generis</i> GI system
I) Low Interest	Public	Austria, Denmark, Finland, Luxembourg, Lithuania, Ireland, The Netherlands ⁽²⁶⁸⁾ , Sweden	Latvia, Slovenia
	Private	-	-
II) Medium Interest	Public	Greece, Germany	Belgium, Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Poland, Slovakia
	Private	Finland, Germany	Bulgaria, Czech Republic, France, Portugal
III) High Interest	Public	Cyprus, Italy, Malta, Romania, Spain	France, Portugal
	Private	Austria, Cyprus, Ireland, Italy, Spain	Belgium, Hungary, Poland

⁽²⁶⁸⁾ In the Netherlands, the Ministry of Economic Affairs and Climate Policy reported a lack of perceived benefits from the application of the Regulation and expressed the intention to request the opt-out pursuant to Article 19. However, the Dutch Centre for Intangible Cultural Heritage demonstrated a high interest in the new EU CIGI Regulation, highlighting the potential for increased recognition of the cultural value of CI products and the importance of intangible cultural heritage in accordance with the 2003 UNESCO Convention.

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EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

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VIII. ANNEXES

ANNEX I

Database of National Registered and Pending Craft and Industrial GIs

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

1. <i>La Dentelle de Binche</i>	Lace	BE
2. <i>La pierre bleue dite 'Petit granit d'âge géologique tournaisien'</i>	Stone	BE
3. <i>Tobacco Peruštica – Ustina</i>	Tobacco	BG
4. <i>Tobacco North Bulgaria (Severna Bălgarija)</i>	Tobacco	BG
5. <i>Tobacco Melnik</i>	Tobacco	BG
6. <i>Tobacco Harmanli</i>	Tobacco	BG
7. <i>Tobacco Dupnitsa</i>	Tobacco	BG
8. <i>Tobacco Krumovgrad- Kušukavak</i>	Tobacco	BG
9. <i>Tobacco Topolovgrad</i>	Tobacco	BG
10. <i>Tobacco Svilengrad</i>	Tobacco	BG
11. <i>Tobacco Nevrokop</i>	Tobacco	BG
12. <i>Trojanska Keramika</i>	Ceramics	BG
13. <i>Ilindentsi Marble (Mramor Ilindenci)</i>	Marble	BG
14. <i>Lepenitsa Marble (Mramor Lepenica)</i>	Marble	BG
15. <i>Muschelkalk Manastirishte (Mušelkalk Manastirište)</i>	Marble	BG
16. <i>Mramor Malko Târnovo</i>	Marble	BG
17. <i>Mramor Brekča-Čirpan</i>	Marble	BG
18. <i>Mramor Nanovica</i>	Marble	BG
19. <i>Mramor Topolovgrad</i>	Marble	BG
20. <i>Vyatovski kaolin</i>	Kaolin	BG

21. <i>Senovski kaolin</i>	Kaolin	BG
22. <i>Kaolinovski kaolin</i>	Kaolin	BG
23. <i>Perlite Kârdžali</i>	Perlite	BG
24. <i>Vračanski Varovik</i>	Limestone	BG
25. <i>Quartz sand Vyatovo (Kvarcov Pjasâk Iskâr)</i>	Quartz sand	BG
26. <i>Quartz sand Senovo (Kvarcov Pjasâk Senovo)</i>	Quartz sand	BG
27. <i>Quartz sand Kaolinovo (Kvarcov Pjasâk Kaolinovo)</i>	Quartz sand	BG
28. <i>Quartz sand Yunak (Kvarcov Pjasâk Junak)</i>	Quartz sand	BG
29. <i>Врачански Варовик / Vrachanski Varovik</i>	Calcerous stone	BG
30. <i>PAŠKA ČIPKA</i>	Lace	HR
31. <i>LEPOGLAVSKA ČIPKA</i>	Lace	HR
32. <i>SVETOMARSKA ČIPKA</i>	Lace	HR
33. <i>PRIMOŠTENSKA ČIPKA (pending)</i>	Lace	HR
34. <i>Kunštátská Keramika</i>	Ceramics	CZ
35. <i>Sokolovské Brikety</i>	Briquettes	CZ
36. <i>Sokolovské Uhelné Brikety</i>	Briquettes	CZ
37. <i>Chodská Keramika</i>	Ceramics	CZ
38. <i>Pirkenhammer</i>	Ceramics	CZ
39. <i>Vizovické Pečivo</i>	Christmas decorations	CZ
40. <i>Kraslické Hudební Nástroje</i>	Music Instrument	CZ
41. <i>Kraslické Krajky (Embroidery)</i>	Embroidery	CZ
42. <i>Český Porcelán (Porcelain)</i>	Porcelain	CZ
43. <i>Duchcovský Porcelán (Porcelain)</i>	Porcelain	CZ
44. <i>Karlovarský Porcelán (Porcelain)</i>	Porcelain	CZ
45. <i>Valašskomeziříčský Gobelin (Tapestry)</i>	Tapestry	CZ
46. <i>Jindřichohradecký Gobelin (Tapestry)</i>	Tapestry	CZ

47. <i>Jablonecké Sklo (Glass)</i>	Glass	CZ
48. <i>Jablonecká Krystalerie</i>	Chrystal	CZ
49. <i>Jablonecké Zboží</i>	Jewellery and glass	CZ
50. <i>Jablonecká Bižuterie</i>	Jewels	CZ
51. <i>Železnobrodské Sklo</i>	Glass	CZ
52. <i>Železnobrodské Figurky</i>	Glass	CZ
53. <i>Český Křišťál</i>	Glass	CZ
54. <i>České Sklo</i>	Glass	CZ
55. <i>Sedlecký Kaolin</i>	Clay	CZ
56. <i>Český Granát</i>	Garnet	CZ
57. <i>Český Granátový Šperk</i>	Jewellery	CZ
58. <i>Vamberecká Krajka</i>	Bobbin lace	CZ
59. <i>Poterie de Vallauris</i>	Pottery	FR
60. <i>Dentelle du Puy</i>	Lace	FR
61. <i>Tapisserie d'Aubusson</i>	Textile	FR
62. <i>Pierre de Bourgogne</i>	Stone	FR
63. <i>Tapis d'Aubusson</i>	Textile	FR
64. <i>Granit de Bretagne</i>	Stone	FR
65. <i>Absolue Pays de Grasse</i>	Cosmetic plant extract	FR
66. <i>Pierre d'Arudy</i>	Stone	FR
67. <i>Linge basque</i>	Textile	FR
68. <i>Poteries d'Alsace - Soufflenheim/Betschdorf</i>	Pottery	FR
69. <i>Porcelaine de Limoges</i>	Porcelain	FR
70. <i>Siège de Liffol</i>	Furniture	FR
71. <i>Grenat de Perpignan</i>	Stone	FR
72. <i>Pierres marbrières de Rhône-Alpes</i>	Stone	FR

73. <i>Charentaise de Charente-Périgord</i>	Shoes	FR
74. <i>Couteau Laguiole</i>	Knives	FR
75. <i>Argiles du Velay</i>	Clay	FR
76. <i>Pierre du Midi</i>	Stone	FR
77. <i>Dentelle de Calais-Caudry</i>	Clothing	FR
78. <i>Vannerie de Fayl-Billot (pending)</i>	Baskets	FR
79. <i>Bottes camarguaises</i>	Clothing	FR
80. <i>Pierre de Vianne</i>	Stone	FR
81. <i>Glashütte</i>	Watches	DE
82. <i>Solingen</i>	Cutlery	DE
83. <i>Herend</i>	Porcelain	HU
84. <i>Budafok</i>	Enamel pottery	HU
85. <i>Bonyhád</i>	Enamel pottery	HU
86. <i>Szentgotthárd</i>	Fencing blades, scythe	HU
87. <i>Gérce</i>	Alginate	HU
88. <i>Halas, Kiskunhalas</i>	Lace	HU
89. <i>Parád</i>	Salt	HU
90. <i>Hollóháza</i>	Porcelain	HU
91. <i>Hövej</i>	Lace	HU
92. <i>Koronka koniakowska (Koniaków lace)</i>	Lace	PL
93. <i>Bordado da Madeira</i>	Embroidery	PT
94. <i>Rendas de Bilros de Vila do Conde</i>	Lace	PT
95. <i>Bordado de Viana do Castelo</i>	Embroidery	PT
96. <i>Olaria de Barcelos</i>	Pottery	PT
97. <i>Olaria Negra de Bisalhães</i>	Pottery	PT
98. <i>Barro Negro de Vilar de Nantes</i>	Clay	PT

99. <i>Bordado de Guimarães</i>	Embroidery	PT
100. <i>Lenços de Namorados do Minho</i>	Textile	PT
101. <i>Bordado Terra de Sousa</i>	Embroidery	PT
102. <i>Granito Cinza Claro de Pedras Salgadas</i>	Stone	PT
103. <i>Granito Amarelo Real</i>	Stone	PT
104. <i>Tapete de Arraiolos de Portugal</i>	Carpet	PT
105. <i>Bordado de Tibaldinho</i>	Embroidery	PT
106. <i>Bordado das Caldas da Rainha</i>	Embroidery	PT
107. <i>Traje À Vianesa Viana do Castelo</i>	Textile	PT
108. <i>Bordado Castelo Branco</i>	Embroidery	PT
109. <i>Viola Braguesa – Portugal</i>	Musical Instrument	PT
110. <i>Filigrana de Portugal</i>	Jewellery	PT
111. <i>Viola Beiroa – Portugal</i>	Musical Instrument	PT
112. <i>Bonecos de Estremoz</i>	Ceramic	PT
113. <i>Bordado de Crivo De São Miguel da Carreira</i>	Embroidery	PT
114. <i>Barro Preto - Olho Marinho</i>	Clay	PT
115. <i>Renda de Bilros de Peniche</i>	Lace	PT
116. <i>Estanhos Artísticos de Bodiosa</i>	Tin figurines	PT
117. <i>Louça Preta de Molelos</i>	Tableware	PT
118. <i>Camisola Poveira - Póvoa de Varzim</i>	Textile	PT
119. <i>Piešťanské bahno</i>	Mud	SK
120. <i>Modranská majolica</i>	Ceramic	SK
121. <i>Sol'nobanská čipka</i>	Lace	SK
122. <i>Levický zlatý ónyx</i>	Stone	SK
123. <i>Slovenský opal</i>	Stone	SK
124. <i>Detvianska výšivka</i>	Textile	SK
125. <i>Sekulská keramika</i>	Ceramic	SK

126. <i>Kyjatické hračky</i>	Craft	SK
127. <i>Trstenská keramika</i>	Ceramic	SK
128. <i>Hornádska tkanina</i>	Textile	SK
129. <i>Senohradská výšivka</i>	Textile	SK
130. <i>Liptovská paličkovaná čipka</i>	Lace	SK
131. <i>Idrijska čipka</i>	Lace	SI
132. <i>Ribniška suha roba</i>	Woodware	SI

ANNEX II

Database of Product Names Potentially Protectable By EU Craft and Industrial GIs

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

1. <i>Alpenländischer Naturstein</i>	Stone	AT
2. <i>Augarten / Wiener Porzellan</i>	Porcelain	AT
3. <i>Ausseer Handdrucke</i>	Handprints	AT
4. <i>Ausseer Porzellan</i>	Porcelain	AT
5. <i>Ausseer Trachten</i>	Clothes	AT
6. <i>Berndorfer Metalware</i>	Metal	AT
7. <i>Burgenländischer Indigo-Handblaudruck</i>	Clothes	AT
8. <i>Embroidery of Vorarlberg</i>	Embroidery	AT
9. <i>Ferlacher weapons</i>	Weapons	AT
10. <i>Frauenthaler Porzellanwaren / Porzellanisolatoren</i>	Porcelain	AT
11. <i>Friesacher Leinen</i>	Linen	AT
12. <i>Gmundner Keramik</i>	Ceramics	AT
13. <i>Hirtenberger Patronen</i>	Cartridges	AT
14. <i>Ischler Hut</i>	Hat	AT
15. <i>Karlsteiner Uhren</i>	Clocks	AT
16. <i>Linzer Goldhauben</i>	Hat	AT
17. <i>Margarethner Kalksandstein</i>	Sand, brick	AT
18. <i>Montafon table</i>	Table	AT
19. <i>Mühlviertler Blaudruck</i>	Textile	AT
20. <i>Mühlviertler Leinen</i>	Linen	AT
21. <i>Naintscher Mineralprodukte</i>	Mineral products	AT
22. <i>Neue Wiener Geigen</i>	Musical instruments	AT

23. <i>Original Wiener Schneekugeln</i>	Snow globes	AT
24. <i>Österreichische Glasmanufaktur</i>	Glass	AT
25. <i>Schladminger Socken</i>	Socks	AT
26. <i>Schladminger Walkjanker (Lodenwalker)</i>	Clothes	AT
27. <i>Schladminger Loden</i>	Clothes	AT
28. <i>St. Peter Keramik</i>	Ceramics	AT
29. <i>Stoobar Tonwaren</i>	Ceramics	AT
30. <i>Stubai Eisenwaren</i>	Iron	AT
31. <i>Tauerngrün</i>	Stone	AT
32. <i>Tiroler Loden</i>	Clothes	AT
33. <i>Treibacher Feuerzeuge / Auerbacher Zündsteine</i>	Lighters	AT
34. <i>Veitscher Magnesit</i>	Stone	AT
35. <i>Viennese piano manufacturers</i>	Musical instruments	AT
36. <i>Vöcklabruck Keramik</i>	Ceramics	AT
37. <i>Vorarlberger Stickerei</i>	Embroidery	AT
38. <i>Wachauer Goldhauben</i>	Hats	AT
39. <i>Waldviertler Filetvorhänge, Tisch- und Bettdecken</i>	Textile	AT
40. <i>Waldviertler handgestochene Zwirnknöpfe</i>	Buttons	AT
41. <i>Waldviertler Strickwaren</i>	Clothes	AT
42. <i>Wiener Modemacher</i>	Clothes	AT
43. <i>Coticule d'Ardenne</i>	Stone	BE
44. <i>Diamant van Antwerpen</i>	Diamond	BE
45. <i>Etains de Huy</i>	Pewter	BE
46. <i>Val Saint Lambert Glass and Crystal</i>	Glass and Crystal	BE
47. <i>Kuyumdzhievo</i>	Jewellery / Goldsmithing	BG
48. <i>Gaitandzhiistvo gaitan</i>	Textile / Woolen braiding	BG

49. <i>Tyufekchiystvo</i>	Gunsmithing	BG
50. <i>Mutafchiystvo</i>	Textile	BG
51. <i>Bulgarian Rose oil</i>	Cosmetic oil	BG
52. <i>Chiprovski kilim</i>	Textile /Carpets	BG
53. <i>Ivaylovgrad Gneiss</i>	Stone	BG
54. <i>Lefkaritika</i>	Lace	CY
55. <i>Pipilla needlepoint lace</i>	Lace	CY
56. <i>Pittota or Venis needlepoint lace</i>	Lace	CY
57. <i>Athienou lace</i>	Lace	CY
58. <i>Livadia basket and straw weaving</i>	Basket	CY
59. <i>Mesogi basket weaving</i>	Basket	CY
60. <i>Akrotiri soft basket weaving</i>	Salt	CY
61. <i>Phythkiotika</i>	Carpets	CY
62. <i>Dry stone walling</i>	Stone	CY
63. <i>Fythkiotika loom embroideries</i>	Embroideries	CY
64. <i>Fervolites lace</i>	Lace	CY
65. <i>Agios Dimitrios red clay pottery</i>	Pottery	CY
66. <i>Lapithos red clay pottery</i>	Pottery	CY
67. <i>Lapithos knives / tschiakkouthkia</i>	Knives	CY
68. <i>Foini pottery</i>	Pottery	CY
69. <i>Lefkoniko textiles</i>	Textiles	CY
70. <i>Fini pottery</i>	Pottery	CY
71. <i>Lefkara jewelry</i>	Jewellery	CY
72. <i>Lemba Pottery</i>	Pottery	CY
73. <i>Benkovac stone</i>	Stone	HR
74. <i>Hvarska čipka od agave (very delicate and unique agave lace from the Benedictive Convent on the island of Hvar)</i>	Lace	HR

75. <i>Samobor kristal</i>	Crystal	HR
76. <i>Šestinski kišobran</i>	Craft	HR
77. <i>Wooden toys from Hrvatsko Zagorje</i>	Craft	HR
78. <i>Brački kamen</i>	Stone	HR
79. <i>Licitars</i>	Biscuits	HR
80. <i>Traditional wooden boat from the island of Murter (Betinska gajeta)</i>	Boat	HR
81. <i>Traditional jewellery from different coastal cities (Dubrovnik, Šibenik, Rijeka)</i>	Jewellery	HR
82. <i>Carlsbad thermal spring salt</i>	Salt	CZ
83. <i>Czech garnet jewellery</i>	Jewellery	CZ
84. <i>Gablonz jewellery, wares, crystal ware</i>	Jewellery and crystals	CZ
85. <i>Kaolin Sedlec</i>	Stones	CZ
86. <i>Bornholm glass</i>	Glass	DK
87. <i>Danish ceramics</i>	Ceramics	DK
88. <i>Holmegaard</i>	Glass	DK
89. <i>Royal Copenhagen porcelain</i>	Porcelain	DK
90. <i>Denmark jewellery</i>	Jewellery	DK
91. <i>Haapsalu Ravimuda</i>	Mud	EE
92. <i>Muhu tikand</i>	Textile	EE
93. <i>Saaremaa Sepad</i>	Craft	EE
94. <i>Setu pits</i>	Lace	EE
95. <i>Wendre textiles</i>	Textile	EE
96. <i>Littala glass</i>	Glass	FI
97. <i>Loutolainen</i>	Textile	FI
98. <i>Puukko</i>	Cutlery	FI
99. <i>Rauman pitsi</i>	Lace	FI
100. <i>Ryijy</i>	Textile	FI

101. <i>Kantele</i>	Music Instrument	FI
102. <i>Finnsheep wool products</i>	Wool products	FI
103. <i>Stuorraniiibi / Lapinleuku / Saamenpuukko</i>	Cutlery	FI
104. <i>Ardoise des Pyrénées</i>	Stone	FR
105. <i>Bérêt basque</i>	Clothing	FR
106. <i>Carrelage de Saint Samson la Poterie</i>	Ceramics	FR
107. <i>Chaussures/Cuir de Romans</i>	Clothing	FR
108. <i>Couteaux de thiers</i>	Knife	FR
109. <i>Cuir de Saint Junien</i>	Leather	FR
110. <i>Emaux de Longwy</i>	Ceramics	FR
111. <i>Espadrille de Mauléon - Mauleko espartina</i>	Clothing	FR
112. <i>Espadrilles catalanes</i>	Clothing	FR
113. <i>Faïence de Moustiers</i>	Earthenware	FR
114. <i>Faïence de Nevers</i>	Earthenware	FR
115. <i>Faïence de Quimper</i>	Earthenware	FR
116. <i>Faïences de Martres Tolosane</i>	Earthenware	FR
117. <i>Grès des Vosges</i>	Building materials	FR
118. <i>Imagerie d'Epinal</i>	Clothing	FR
119. <i>Perles de Tahiti</i>	Perls	FR
120. <i>Plastique d'Oyonnax</i>	Plastic	FR
121. <i>Porcelaine/Céramique de Sèvres</i>	Porcelain	FR
122. <i>Poterie de Betschdorf</i>	Pottery	FR
123. <i>Sabots Bressans</i>	Clothing	FR
124. <i>Sandales de saint tropez</i>	Clothing	FR
125. <i>Savon de Marseille</i>	Soap	FR
126. <i>Soie/Soieries de Touraine</i>	Textile	FR
127. <i>Soieries de Lyon</i>	Textile	FR

128. <i>Tissu des Pyrénées</i>	Textile	FR
129. <i>Toile de Geradmer</i>	Textile	FR
130. <i>Tuiles et Carreaux de Gironde</i>	Building materials	FR
131. <i>Vannerie de Vallabrègues</i>	Baskets	FR
132. <i>Vannerie de Villaines</i>	Baskets	FR
133. <i>Berliner Porzellan</i>	Porcelain	DE
134. <i>Dresdner Porzellan</i>	Porcelain	DE
135. <i>Dürener Teppiche</i>	Carpets	DE
136. <i>Echt Kölnisch Wasser/Original Eau de Cologne</i>	Cosmetics	DE
137. <i>Freiberger Porzellan</i>	Porcelain	DE
138. <i>Freiberger Präzisionsmechanik</i>	Watches	DE
139. <i>Fürstenberg Porzellan</i>	Porcelain	DE
140. <i>Gablonzer Industrie</i>	Gems and jewellery	DE
141. <i>Gmünder Gold- und Silberschmiedekunst</i>	Gems and jewellery	DE
142. <i>Hohnsteiner Handspielpuppen</i>	Toys	DE
143. <i>Holzkunst aus dem Erzgebirge</i>	Toys and wooden products	DE
144. <i>Hutschenreuter Porzellan</i>	Porcelain	DE
145. <i>Jenaer Glas</i>	Glass	DE
146. <i>Kannenbäcker Keramik/Westerwaldkeramik</i>	Ceramics	DE
147. <i>Karlsruher Majolika</i>	Ceramics	DE
148. <i>Krawatten aus Krefeld</i>	Clothing	DE
149. <i>Lauscha Glaskunst</i>	Glass	DE
150. <i>Lausitzer Glas</i>	Glass	DE
151. <i>Lausitzer Keramik</i>	Ceramics	DE
152. <i>Medizintechnische Instrumente aus Tuttlingen</i>	Medical instruments	DE
153. <i>Meissner Porzellan</i>	Porcelain	DE

154. <i>Mittenwalder Geigen</i>	Musical instruments	DE
155. <i>Musikinstrumente aus dem Vogtland</i>	Musical instruments	DE
156. <i>Nymphenburger Porzellan</i>	Porcelain	DE
157. <i>Oberammergauer Schnitzkunst</i>	Carved wood	DE
158. <i>Pforzheimer Uhren und Schmuckwaren</i>	Watches	DE
159. <i>Plauener Spitze</i>	Embroidery	DE
160. <i>Pulsnitzer Blaudruck</i>	Textile	DE
161. <i>Ravensburger Spiele</i>	Toys	DE
162. <i>Remscheider Werkzeuge</i>	Work instruments	DE
163. <i>Rhöner Holzschnitzereien</i>	Carved wood	DE
164. <i>Rügener Heilkreide</i>	Cosmetics	DE
165. <i>Schmuck- und Edelsteinindustrie Idar-Oberstein</i>	Gems and jewellery	DE
166. <i>Schwarzwälder Kuckucksuhr</i>	Watches	DE
167. <i>Schweinfurter Kugellager</i>	Ball bearings	DE
168. <i>Sebnitzer Kunstblumen</i>	Artificial flowers	DE
169. <i>Sonneberger Spielzeug</i>	Toys	DE
170. <i>Steinhuder Leinen</i>	Textile	DE
171. <i>Wetzlarer Optik</i>	Optical instruments	DE
172. <i>Cretan knives</i>	Knives	EL
173. <i>Greek marble</i>	Marble	EL
174. <i>Greek olive oil soap</i>	Cosmetic	EL
175. <i>Greek sponges</i>	Cosmetic	EL
176. <i>Navarino icons</i>	Icons	EL
177. <i>Greek leather sandals</i>	Clothing	EL
178. <i>Greek pottery</i>	Pottery	EL
179. <i>Kékfestés</i>	Textile	HU
180. <i>Waterford Glassn</i>	Glass	IE

181. <i>Aran jumpers</i>	Textile	IE
182. <i>Youghal lace</i>	Lace	IE
183. <i>Connemara marble</i>	Marble	IE
184. <i>Donegal tweed</i>	Textile	IE
185. <i>Alabastro di Volterra</i>	Stone	IT
186. <i>Basalto lavico dell'Etna</i>	Stone	IT
187. <i>Biella - the art of excellence</i>	Textile	IT
188. <i>Campane di Agnone</i>	Bells	IT
189. <i>Cappello di paglia di Firenze- Signa</i>	Hats	IT
190. <i>Cardato Pratese</i>	Textile	IT
191. <i>Carta di Amalfi</i>	Paper	IT
192. <i>Ceramica Artistica e Tradizionale del territorio di Acquapendente</i>	Ceramics	IT
193. <i>Ceramica Artistica e Tradizionale di Albisola Superiore, Liguria</i>	Ceramics	IT
194. <i>Ceramica Artistica e Tradizionale di Albissola Marina, Liguria</i>	Ceramics	IT
195. <i>Ceramica Artistica e Tradizionale di Appignano</i>	Ceramics	IT
196. <i>Ceramica Artistica e Tradizionale di Ariano Irpino</i>	Ceramics	IT
197. <i>Ceramica Artistica e Tradizionale di Asciano</i>	Ceramics	IT
198. <i>Ceramica Artistica e Tradizionale di Ascoli Piceno</i>	Ceramics	IT
199. <i>Ceramica Artistica e Tradizionale di Assemini</i>	Ceramics	IT
200. <i>Ceramica Artistica e Tradizionale di Bassano del Grappa</i>	Ceramics	IT
201. <i>Ceramica Artistica e Tradizionale di Borgo San Lorenzo</i>	Ceramics	IT
202. <i>Ceramica Artistica e Tradizionale di Burgio</i>	Ceramics	IT
203. <i>Ceramica Artistica e Tradizionale del territorio di Calitri</i>	Ceramics	IT
204. <i>Ceramica Artistica e Tradizionale di Caltagirone</i>	Ceramics	IT
205. <i>Ceramica Artistica e Tradizionale del territorio di Calvello</i>	Ceramics	IT
206. <i>Ceramica Artistica e Tradizionale del territorio di Castellamonte</i>	Ceramics	IT

207. <i>Ceramica Artistica e Tradizionale del territorio di Castelli</i>	Ceramics	IT
208. <i>Ceramica Artistica e Tradizionale del territorio di Cava de'Tirreni</i>	Ceramics	IT
209. <i>Ceramica Artistica e Tradizionale del territorio di Celle Ligure</i>	Ceramics	IT
210. <i>Ceramica Artistica e Tradizionale del territorio di Cerreto Sannita</i>	Ceramics	IT
211. <i>Ceramica Artistica e Tradizionale del territorio di Città di Castello</i>	Ceramics	IT
212. <i>Ceramica Artistica e Tradizionale del territorio di Civita Castellana</i>	Ceramics	IT
213. <i>Ceramica Artistica e Tradizionale del territorio di Collesano</i>	Ceramics	IT
214. <i>Ceramica Artistica e Tradizionale del territorio di Cutrofiano</i>	Ceramics	IT
215. <i>Ceramica Artistica e Tradizionale del territorio di Deruta</i>	Ceramics	IT
216. <i>Ceramica Artistica e Tradizionale del territorio di Este</i>	Ceramics	IT
217. <i>Ceramica Artistica e Tradizionale del territorio di Faenza</i>	Ceramics	IT
218. <i>Ceramica Artistica e Tradizionale del territorio di Fratte Rosa</i>	Ceramics	IT
219. <i>Ceramica Artistica e Tradizionale del territorio di Grottaglie</i>	Ceramics	IT
220. <i>Ceramica Artistica e Tradizionale del territorio di Gualdo Tadino</i>	Ceramics	IT
221. <i>Ceramica Artistica e Tradizionale del territorio di Gubbio</i>	Ceramics	IT
222. <i>Ceramica Artistica e Tradizionale del territorio di Impruneta</i>	Ceramics	IT
223. <i>Ceramica Artistica e Tradizionale del territorio di Laterza</i>	Ceramics	IT
224. <i>Ceramica Artistica e Tradizionale del territorio di Laveno Mombello</i>	Ceramics	IT
225. <i>Ceramica Artistica e Tradizionale del territorio di Lodi</i>	Ceramics	IT
226. <i>Ceramica Artistica e Tradizionale del territorio di Matera</i>	Ceramics	IT
227. <i>Ceramica Artistica e Tradizionale del territorio di Montelupo Fiorentino</i>	Ceramics	IT
228. <i>Ceramica Artistica e Tradizionale del territorio di Monreale</i>	Ceramics	IT
229. <i>Ceramica Artistica e Tradizionale del territorio di Napoli-Capodimonte</i>	Ceramics	IT

230. <i>Ceramica Artistica e Tradizionale del territorio di Nove</i>	Ceramics	IT
231. <i>Ceramica Artistica e Tradizionale del territorio di Oristano</i>	Ceramics	IT
232. <i>Ceramica Artistica e Tradizionale del territorio di Orvieto</i>	Ceramics	IT
233. <i>Ceramica Artistica e Tradizionale del territorio di Pesaro</i>	Ceramics	IT
234. <i>Ceramica Artistica e Tradizionale del territorio di Rutigliano</i>	Ceramics	IT
235. <i>Ceramica Artistica e Tradizionale del territorio di San Lorenzello</i>	Ceramics	IT
236. <i>Ceramica Artistica e Tradizionale del territorio di Santo Stefano di Camastra</i>	Ceramics	IT
237. <i>Ceramica Artistica e Tradizionale del territorio di Savona</i>	Ceramics	IT
238. <i>Ceramica Artistica e Tradizionale del territorio di Sciacca</i>	Ceramics	IT
239. <i>Ceramica Artistica e Tradizionale del territorio di Sesto Fiorentino</i>	Ceramics	IT
240. <i>Ceramica Artistica e Tradizionale del territorio di Squillace</i>	Ceramics	IT
241. <i>Ceramica Artistica e Tradizionale del territorio di Tarquinia</i>	Ceramics	IT
242. <i>Ceramica Artistica e Tradizionale del territorio di Terlizzi</i>	Ceramics	IT
243. <i>Ceramica Artistica e Tradizionale del territorio di Urbania</i>	Ceramics	IT
244. <i>Ceramica Artistica e Tradizionale del territorio di Umbertide</i>	Ceramics	IT
245. <i>Ceramica Artistica e Tradizionale del territorio di Vietri sul Mare</i>	Ceramics	IT
246. <i>Ceramica Artistica e Tradizionale del territorio di Viterbo</i>	Ceramics	IT
247. <i>Coltellerie di Maniago</i>	Knives	IT
248. <i>Coltelli di Frosolone</i>	Knives	IT
249. <i>Coltello artigiano di Sardegna</i>	Knives	IT
250. <i>Cremona liuteria</i>	Musical instruments	IT
251. <i>Divalenza</i>	Jewellery	IT
252. <i>Fango di Terme Abano Montegrotto</i>	Mud	IT
253. <i>Filigrana Sarda</i>	Jewellery	IT

254. <i>Gioielli di Torre del Greco</i>	Jewellery	IT
255. <i>Imbarcazioni in legno tipiche e tradizionali della laguna di Venezia</i>	Boat	IT
256. <i>Intreccio Sardo</i>	Baskets	IT
257. <i>Le borse di Tolfa</i>	Bags	IT
258. <i>Marmo Botticino Classico</i>	Marble	IT
259. <i>Marmo di Carrara</i>	Stone	IT
260. <i>Merletto di Burano</i>	Lace	IT
261. <i>Merletto di Offida</i>	Lace	IT
262. <i>Merletto di Orvieto (Ars wetana)</i>	Lace	IT
263. <i>Merletto Goriziano</i>	Lace	IT
264. <i>Mobile d'arte del Bassanese</i>	Furniture	IT
265. <i>Mobile d'arte in stile della pianura veronese</i>	Furniture	IT
266. <i>Ocarina di Budrio</i>	Musical instruments	IT
267. <i>Orificeria di Vicenza</i>	Jewellery	IT
268. <i>Pelle Conciata al Vegetale in Toscana (Conceria toscana)</i>	Leather	IT
269. <i>Pietra della Lessinia</i>	Stone	IT
270. <i>Pietra di Cuneo</i>	Stone	IT
271. <i>Pietra di Vicenza</i>	Stone	IT
272. <i>Pietre originali della Bergamasca</i>	Stone	IT
273. <i>Pizzo di Cantù</i>	Embroidery	IT
274. <i>Riviera del Brenta</i>	Textile	IT
275. <i>Tessitura di Sardegna</i>	Textile	IT
276. <i>Vetro di Murano</i>	Glass	IT
277. <i>Baltic block</i>	Woodcraft	LV
278. <i>Latvian mittens</i>	Textile	LV
279. <i>Lielvārde Belt</i>	Textile	LV
280. <i>Pampalu pots</i>	Craft	LV

281. <i>Lietuviški kryžiai (kryždirbystė)</i>	Wooden product	LT
282. <i>Lietuviška lininė tekstilė</i>	Textile	LT
283. <i>Vilniaus krašto verbos</i>	Bouquet of dried plants	LT
284. <i>Duch vum Séi</i>	Clothing	LU
285. <i>Péckvillchen</i>	Whistle	LU
286. <i>Stained glass</i>	Glass	LU
287. <i>The Slate of Haute Martelange</i>	Stone	LU
288. <i>Arloġġ Tal-Lira</i>	Clocks	MT
289. <i>Bizzilla</i>	Maltese lace	MT
290. <i>Ganutell</i>	Wire flowers	MT
291. <i>Gozo glass</i>	Glass	MT
292. <i>Mdina glass</i>	Glass	MT
293. <i>Boerenbont servies</i>	Ceramics	NL
294. <i>Delfts blauw</i>	Porcelain	NL
295. <i>Leerdam kristal</i>	Glass	NL
296. <i>Makkumer</i>	Ceramics	NL
297. <i>Texelwool</i>	Wool	NL
298. <i>Szkło krośnieńskie (Krosno Glass)</i>	Glass	PL
299. <i>Bursztyn bałtycki biżuteria (Baltic amber jewelry)</i>	Jewellery	PL
300. <i>Ceramika Bolesławicka</i>	Ceramics	PL
301. <i>Porcelana Ćmielów</i>	Porcelain	PL
302. <i>Mantas de lã de Mértola</i>	Textiles	PT
303. <i>Máscara de Ousilhão (Vinhais)</i>	Masks	PT
304. <i>Oraria de Nisa</i>	Pottery	PT
305. <i>Cestaria de Castelo Branco</i>	Basket weaving	PT
306. <i>Azulejo tiles</i>	Ceramics	PT

307. <i>Flower sticks of Vila Nova de Poiares</i>	Flower sticks	PT
308. <i>Ceramică de Cucuteni</i>	Ceramics / pottery	RO
309. <i>Ceramică de Horezu</i>	Ceramics / pottery	RO
310. <i>Ceramică de Marginea</i>	Ceramics / pottery	RO
311. <i>Ceramică de Săcel</i>	Ceramics	RO
312. <i>Vama Ceramics</i>	Ceramics	RO
313. <i>Covoare oltenești</i>	Carpet	RO
314. <i>Ceramică de Corund</i>	Ceramics / pottery	RO
315. <i>ouă încondeiate Bucovina</i>	Decorative eggs	RO
316. <i>Ia / Mărginimea Sibiului</i>	Textile	RO
317. <i>Scheii Brașovului</i>	Glass icon	RO
318. <i>Mobilier pictat manual săsesc din Transilvania</i>	Wooden products	RO
319. <i>Slovenský Magnezit</i>	Mineral	SK
320. <i>Panjske končnice</i>	Wooden painted panels	SI
321. <i>Kropa</i>	Products of artificial blacksmith craft	SI
322. <i>lončeni izdelki</i>	Pottery	SI
323. <i>National costume from Gorenjska</i>	Costumes	SI
324. <i>Pletna</i>	Boat	SI
325. <i>Rogaska Crystal</i>	Glass	SI
326. <i>Alfarería de Breda</i>	Pottery	ES
327. <i>Alfarería de Buño</i>	Pottery	ES
328. <i>Alfarería de Cespedosa de Tormes</i>	Pottery	ES
329. <i>Alfarería de Navarrete</i>	Pottery	ES
330. <i>Alfarería y cerámica de La Rambla</i>	Pottery	ES
331. <i>Alfarería artística y alfarería tradicional de Alba de Tormes</i>	Pottery	ES
332. <i>Alfombras de Crevillente</i>	Carpets	ES

333. <i>Alfombras de esparto de Úbeda</i>	Carpets	ES
334. <i>Azabache de Asturias</i>	Stone	ES
335. <i>Belén de Murcia</i>	Nativity scenes	ES
336. <i>Calzado de Elche</i>	Footwear	ES
337. <i>Calzado de Elda</i>	Footwear	ES
338. <i>Calzado de Menorca</i>	Footwear	ES
339. <i>Calzado de Campaspero</i>	Footwear	ES
340. <i>Cerámica de Agost</i>	Pottery	ES
341. <i>Cerámica de la Bisbal</i>	Pottery	ES
342. <i>Cerámica de Fajaluza</i>	Pottery	ES
343. <i>Cerámica de Lorca</i>	Pottery	ES
344. <i>Cerámica de Manises</i>	Pottery	ES
345. <i>Cerámica de Muel</i>	Pottery	ES
346. <i>Cerámica de Níjar</i>	Pottery	ES
347. <i>Cerámica de Talavera</i>	Pottery	ES
348. <i>Cerámica de Totana</i>	Pottery	ES
349. <i>Cerámica y Loza de Puente del Arzobispo</i>	Pottery	ES
350. <i>Corcho de Extremadura</i>	Cork	ES
351. <i>Cuchillería de Albacete</i>	Cutlery	ES
352. <i>Cuchillería de Taramundi</i>	Cutlery	ES
353. <i>Encaixe de Camariñas</i>	Lace	ES
354. <i>Encaje de Almagro</i>	Lace	ES
355. <i>Encajes de Zamora</i>	Lace	ES
356. <i>Espadas y cuchillos de Toledo</i>	Swords and knives	ES
357. <i>Fallas de Valencia</i>	Carnival floats	ES
358. <i>Filigrana charra (Joyería de Salamanca – Botón Charro)</i>	Jewellery	ES
359. <i>Goyescas, mantillas y velos de Granada</i>	Lace	ES

360. <i>Jarapa de Lorca</i>	Textile	ES
361. <i>Jarapa de Almería</i>	Textile	ES
362. <i>Joyería de Córdoba</i>	Jewellery	ES
363. <i>Joyería de Santiago</i>	Jewellery	ES
364. <i>Madera de olivo de Castro del Río</i>	Wood	ES
365. <i>Madera de Sènia</i>	Wood	ES
366. <i>Mármol de Alicante</i>	Stone	ES
367. <i>Mármol de Macael</i>	Stone	ES
368. <i>Mueble de Sonseca</i>	Furniture	ES
369. <i>Mueble de Yecla</i>	Furniture	ES
370. <i>Muñeca de Onil</i>	Doll	ES
371. <i>Piedra natural de Castilla y León</i>	Stone	ES
372. <i>Piel de Ubrique</i>	Leather	ES
373. <i>Puros de Canarias</i>	Cigars	ES
374. <i>Vidrio de Granja</i>	Glass	ES
375. <i>Dalahäst</i>	Wooden figurine	SE
376. <i>Duodji</i>	Handicraft	SE
377. <i>Falsterbotofflan</i>	Shoes	SE
378. <i>Lovikkavantar</i>	Gloves	SE
379. <i>Morakniv</i>	Knives	SE
380. <i>Smaland glass</i>	Glass	SE

ANNEX III

Project Contributors

EU MEMBER STATES' POTENTIAL FOR PROTECTING CRAFT AND INDUSTRIAL GIS

Project Management

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