



# CONTROLS & ENFORCEMENT OF IGs IPR IN THE ON-LINE MARKET



Francisco Javier Maté Caballero  
Ministry of Agriculture, Fisheries and Food - SPAIN

# 1. Sources about misuse of GIs protected names

Ministry of Agriculture, Fisheries and Food (MAPA) receives a misuse case of a protected name such as PDO, PGI or TSG through one of the following sources:

- Report from competent authorities (regional or other Member State/TC embassy)
- Report from consumers (inc. tourist)
- Report from management bodies of the PDO/PGI/TSG

# 2. Amazon's Procedure

**A statement** signed by the Director for Food Quality Schemes-MAPA with the next points:

- 1. The Product detected with a misuse of the protected term**
- 2. Where misuse has been detected: labeling or advertising or both.**
- 3. Websites links where the misuse is detected.**
- 4. Company/enterprise who sells the product.**
- 5. Registration in EU register of the PDO/PGI and related Regulations published in the OJEU**
- 6. Transcription of Articles of European Regulation about protection**
- 7. Explanation about specific elements that must be contained in products PDO/PGI/TSG.**
- 8. Justification of why that product detected not compliance the PDO/PGI/TSG requirements**

9. **Who has made the report.**(Spain Competent Authority-MAPA)
10. **The name of right's holder** (MAPA in representation of all)
11. **Identification of the claimed IPR** (ex. Art. 1 & 11 of Reg 1151/2012)
12. **The e-Ambrosia link** where it is registered.
13. **The URL is included.**
14. **Amazon identification code, called ASIN, for that product.**
15. **Declaration** that everything above reported is true and accurate.
16. **Signed** the statement.
17. **Sent** by email to the Amazon Fraud Unit: [eu-authority-takedown@amazon.com](mailto:eu-authority-takedown@amazon.com)

# 3. Ebay´s procedure

Ebay has “**Vero program**” to send reports of misuse products sold on its platform.  
Its necessary to register as an authorized contact as the holder of the IPR

**Infraction claim notice form** that contains:

1. **Intellectual Property holder** (MAPA representative of all PDO/PGI/STG of Spain)
2. **Information about person who signs** (e-mail, phone, company, address, website).
3. **Code number:**
  - 1.1 Label product misuse
  - 1.2 Website product advertisement misuse
4. **PDO/PGI/TSG name unduly used**
5. **Ebay Article number**
6. In addition, a **statement** like Amazon´s.
7. **Send** the infraction claim notice form with statement to [vero@es.ebay.com](mailto:vero@es.ebay.com)

# Results with Big Platforms

- **Experience: Very Positive**
- Amazon: In 2 days the webpage is blocked. To unblock the operator must contact MAPA and demonstrate that misuse has been solved. Then MAPA will ask Amazon for unblocking.
- Amazon acts according to every country legislation. The experience is satisfactory in EU, but when is in a TC website without protect GI legislation, the platform does not act properly.
- Ebay: One week to reaction. It is a more guaranteeing procedure: **LEGAL SOLIDITY**
- Ebay: The same to unblock the website

# 4. OTHER WEBPAGES EXPERIENCE

## 4.1. Supermarket websites (3-4 complaints/year)

We send Ministry warning emails, receiving good reaction (usually they didn't know IPR) and they recall the product or solve the problem

## 4.2. Private enterprises websites (9-10 complaints/year)

In last 4 years we send Ministry warning emails. They usually ask some questions and then they resolve the problema (usually the matter is food advertisement)

## 4.3. Newsletters, blogs, sector media, menú (4-6 complaints/year)

Specialy in the wine and spirit drinks sector, with little details mistakes. We send warning email and sometimes they asking about IPR reasons and they solved the problems.

## 4.4. Facebook

Only 2 cases in last year, and they solved the problem

It's very important create a direct email relationship with the person/enterprise involved, with Ministry seal, in a didactic warning style, because in general it's ignorance on the part of advertisers and sellers about this PDO/PGI foods has Intellectual Property Rights

