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European Communities Trade Mark Association

“Lost in (geographical) indications”

The relevance of products when enforcing GIs

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Article 103(2) REG. 1308/2013 (wines)

A protected designation of origin and a protected geographical indication, as well as the wine using that protected name in conformity with the product specification, shall be protected against:

(a) any direct or indirect commercial use of that protected name:

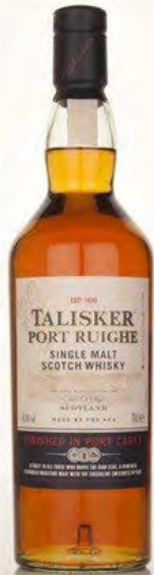
- (i) by **comparable products** not complying with the product specification of the protected name; or
- (ii) in so far as such use **exploits the reputation** of a designation of origin or a geographical indication;

(b) any misuse, imitation or evocation of the protected name, even if the true origin of the **product or service** is indicated or if the protected name is translated, transcribed or transliterated or accompanied by an expression such as 'style', 'type', 'method', 'as produced in', 'imitation', 'flavour', 'like' or similar;

(c) & (d) any other false or misleading indication as to the provenance, origin, nature or essential qualities of the **product**, (...) liable to convey a false impression as to its origin; any other practice liable to mislead the consumer as to the true origin of the **product**.

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PORT RUIGHE
BoA R2028/2019-2
11/05/2020



Cake Champagnola

CHAMPAGNOLA
BoA R1132/2019-4
17/04/2020

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Champanillo



C-783/19

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Tribunal Supremo (ES)
107/2016 01/03/2016



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Future Article 103(2) of the SIGIR (“Single GI regulation”)?

A protected designation of origin and a protected geographical indication shall be protected against:

- (a) any direct or indirect commercial use of that protected name for **comparable products** not complying with the product specification of the protected name;
- (b) any misuse, imitation or evocation, **for comparable and non-comparable goods or services**, likely to harm the specific function of the protected name, and / or to take unfair advantage or dilute its reputation. This provision applies even if the true origin of the **product or service** is indicated or if the protected name is translated, transcribed or transliterated or accompanied by an expression such as ‘style’, ‘type’, ‘method’, ‘as produced in’, ‘imitation’, ‘flavour’, ‘like’ or similar;
- (c) & (d) any other false or misleading indication as to the provenance, origin, nature or essential qualities of the **product**, (...) liable to convey a false impression as to its origin; any other practice liable to mislead the consumer as to the true origin of the **product**.

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Thank you
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