

# WORLD TRADE ORGANIZATION

RESTRICTED

**IP/C/W/76/Add.8**

29 September 1997

(97-4049)

**Council for Trade-Related Aspects  
of Intellectual Property Rights**

Original: English/French/Spanish

## INFORMATION FROM MEMBERS ON ANY SYSTEMS FOR THE REGISTRATION OF GEOGRAPHICAL INDICATIONS WHICH THEY OPERATE

### Communication from the European Communities and their Member States

#### Addendum

At its meeting of 27 February 1997, the Council for TRIPS agreed to initiate preliminary work on issues relevant to the negotiations specified in Article 23.4 of the TRIPS Agreement through an information-gathering activity. In this connection, the Council invited Members to submit information on any systems for the registration of geographical indications which they operate. Reference is made to paragraph 73 of document IP/C/M/12.

The present document reproduces the information received from the European Communities and their Member States by a communication from their Permanent Mission, dated 17 September 1997.

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In response to the conclusions of the Council for Trade-Related Aspects of Intellectual Property Rights of 27 February 1997, WTO Members will find below information on systems for the notification and registration of geographical indications under Community law. Community law relating to geographical indications is agricultural in origin, hence it applies almost entirely to agricultural and agri-food products included in Annex II to the Treaty of Rome, within which one can distinguish between alcoholic beverages and other agri-food products.

## **LIST OF GEOGRAPHICAL INDICATIONS IN THE WINES AND SPIRITS SECTOR**

In respect of alcoholic beverages, recognition, control and protection of geographical indications, including designations of origin, is a matter for the laws of Member States, or even of regional bodies, within the framework of criteria defined by Community law. The Commission is in the process of assembling information on registration systems in the Member States of the Community. This information, in consolidated form, will be communicated to Members later.

A list of geographical indications for wines originating in Member States of the European Community is included in Part A of Annex II to the Agreement between the Community and Australia on trade in wine of 1994.

A subsequent updating of the lists was largely published in Official Journal No C 344 of 15 November 1996. It includes references to the legal instruments enacted by Member States in order to recognise these geographical indications.

Geographical indications for spirits and other wine-based beverages are listed, respectively, in Annex II to Council Regulation (EEC) No 1576/89 laying down general rules on the definition, description and presentation of spirit drinks and Annex II to Regulation No 1601/91 laying down general rules on the definition, description and presentation of aromatised wines, aromatised wine-based drinks and aromatised wine-product cocktails. Article 1 of Regulation (EEC) No 1576/89 also includes several denominations protected in the Community. These regulations have already been communicated to Members of the WTO.

One shall add to these lists the protected denominations according to agreements between the Community and third countries in the wine sector and in the spirits sector.

## REGISTRATION SYSTEMS PROVIDED FOR UNDER REGULATION (EEC) NO 2081/92

Regulation (EEC) No 2081/92 lays down two registration procedures for agri-food products other than wines and spirits. The first is the “normal” one: it is always applicable and includes provision for objecting to a registration. The second method enabled Member States to grant protection at Community level to geographical indications already recognised or established by usage in their territory.

### Normal registration procedure (Articles 5, 6 and 7)

- An application for registration prepared by a group of producers must **substantiate** the fact that the relevant designation fulfils the definitions in Article 2 (protected designation of origin or protected geographical indication) and supply particulars of the specification (Article 4).
- The application is sent to the **competent national authority** of the Member State in which the group is established, which has to carry out the preliminary check of the application documents and, if necessary, forward it to the Commission.
- The **Commission**, after **checking** that everything required by the Regulation is present and in accordance with the Regulation, publishes details in the *Official Journal of the European Communities* (“OJ”) setting out the main points of the application for registration. Publication in this way confers the right of objection on any legitimately concerned person. The **objection** must be substantiated and only based on certain grounds.<sup>1</sup> These steps must be taken within six months of publication in the OJ.

The Commission may propose to the Regulating Committee that a designation shall not be published if it has reached the conclusion that the designation does not fulfil the requirements.

- If **no objection** is lodged with the Commission, the designation concerned is registered and published for the second time in the OJ (“second publication”).
- If **objections are forwarded** to the Commission by Member States, the Commission calls on the Member States concerned to come to an agreement. Should agreement be reached with

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<sup>1</sup>To be admissible an objection must:

- either show non-compliance with the conditions referred to in Article 2;
- or show the proposed registration of a name to jeopardise the existence of an entirely or partly identical name or trademark, or the existence of products which have been legally on the market for at least five years before the date of first publication;
- or indicate the features which demonstrate that the name whose registration is applied for is generic in nature.

the original application for registration unchanged, the designation is registered. If there are changes, publication in the OJ is required which, again, confers a right of objection. Should agreement not be reached, the Commission may put a proposal to the Regulating Committee, on which all Member States are represented.

**Special registration procedure (Article 17)**

This provision enabled the Member States, within six months of the entry into force of the Regulation on 26 July 1993, to apply for registration of designations which were already legally protected or established by usage in their territory. Only those designations which comply with Articles 2 and 4 of the Regulation shall be registered. The objection procedure is not applicable; in this case, however, the opinion of all Member States is sought in order that a geographical designation may be registered.

## **ANNEX**

### **REFERENCES OF PUBLICATIONS OF LISTS OF THE GEOGRAPHICAL INDICATIONS WHICH ARE RECOGNIZED AND PROTECTED IN THE COMMUNITY**

#### **LISTS OF GEOGRAPHICAL INDICATIONS FOR WINES**

- Lists included in Part A of Annex II to the Agreement between the Community and Australia on trade in wine (OJ No L 86, 31 March 1994).

#### **Updateings:<sup>2</sup>**

- Lists published pursuant to Article 1(3) of Regulation No 823/87 on quality wines produced in specific regions, published as No 96/C 344/07 in OJ No 344, 15 November 1996.
- List of table wines designated by means of a geographical indication in accordance with Article 2(3)(i) of Regulation No 2392/89 laying down general rules for the description and presentation of wines and grape musts, published as No 96/C 344/08 in OJ No C 344, 15 November 1996.

#### **Lists of geographical indications for third-country wines protected under agreements with the Community**

- Part B of each of the annexes to the agreements between the Community and Bulgaria, Romania and Hungary (Council Decisions Nos 93/722/EC, 93/724/EC, 93/726/EC, published in OJ No L 337, 31 December 1993).
- Part B of Annex II to the Agreement between the European Community and Australia (Council Decision 94/184/EC, published in OJ No L 86, 31 March 1994).

#### **LISTS OF PROTECTED DENOMINATIONS FOR OTHER ALCOHOLIC BEVERAGES**

- Spirits: Article 1 and Annex II to Regulation (EEC) No 1576/89 laying down general rules for the definition, description and presentation of spirituous drinks (OJ No L 160, 29 May 1989).
- Aromatised wines: Annex II to Regulation (EEC) No 1601/91 laying down general rules for the definition, description and presentation of aromatised wines, aromatised wine-based drinks and aromatised wine-product cocktails (OJ No L 149, 14 June 1991).

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<sup>2</sup>In the case of Germany, this publication has to be supplemented with the names included in the list published in German Official Journal No G 1990 A of 23 May 1996, which sets out all geographical indications recognised by the Member State. In the case of Austria, the list published in OJ No C 344 has to be supplemented by the names of "Grosslage", commune, part of a commune, vineyard or parcel. With regard to Italy, there is a more recent list than the one published in OJ No C 344. The relevant updating information will be published and communicated to WTO Members later.

**Lists of protected denominations under mutual recognition agreements between the Community and third countries**

- Paragraphs A and B of the Agreement in the form of an Exchange of Letters between the European Community and the United States of America on mutual recognition of certain distilled spirits/spirit drinks (Council Decision 94/357/EC, OJ No L 157/36, 24 June 1996).
- Annexes I and II to the Agreement between the European Community and the United Mexican States on mutual recognition and protection of designations for spirituous drinks (Council Decision 97/361/EC, OJ No L 152/15, 11 June 1997).

**LISTS OF REGISTERED DESIGNATIONS FOR OTHER AGRI-FOOD PRODUCTS**

- Commission Regulation (EC) No 2400/96 of 17 December 1996 on the entry of certain names in the “Register of protected designations of origin and protected geographical indications” provided for in Regulation (EEC) No 2081/92 (OJ No L 327, 18 December 1996, p. 11).
- Commission Regulation (EC) No 1107/96 of 12 June 1996 on the registration of geographical indications and designations of origin under the procedure laid down in Article 17 of Regulation (EEC) No 2081/92 (the “first list”) (OJ No L 148, 21 June 1996).
- Commission Regulation (EC) No 1263/96 of 1 July 1996 supplementing the Annex to Regulation (EC) No 1107/96 ( the “second list”) (OJ No L 163, 2 July 1996).
- Commission Regulation (EC) No 126/97 of 23 January 1997 supplementing the Annex to Regulation (EC) No 1107/96 (the “third list”) (OJ No L 22, 24 January 1997).
- Commission Regulation (EC) No 1065/97 of 12 June 1997 supplementing the Annex to Regulation (EC) No 1107/96 (the “fourth list”) (OJ No L 156, 13 June 1997).