



## Position Paper on the possible extension of Geographical Indications to the non food sector

February 2015

EUROCHAMBRES<sup>1</sup> welcomes the public consultation on a possible extension of the geographical indications (GIs) system to non-agricultural products. Discrepancies between the degree of protection assured by Member States currently give rise to a lack of uniformity for the same products, which causes inequality among producers and creates different safeguards for consumers. A unitary system – as long as voluntary - could give a boost to the promotion of quality, especially in peripheral areas where traditional activities are often concentrated.

EUROCHAMBRES believes that this extension would also reduce the risk of a misleading use of GIs, counterfeiting and unfair competition and increase the guarantee of correct information to consumers. Finally, it would give new impetus to the preservation of traditional crafts and cultural heritage with positive effects in terms of employment and the development of local economies.

EUROCHAMBRES considers that the new system should have the following characteristics:

- A single EU level protection system is necessary in order to avoid the shortcomings and malfunctioning in mutual recognition between Member States. The current GI protection for agricultural products is a success and should serve as a model for the non-food sector.
- Qualifying conditions should be similar to PGI (protected geographical indication) ones and not to the agricultural PDO (protected designation of origin), because in most cases the products to register are transformed products deriving from one or more raw materials not originating from the geographical area concerned. This type of product is often affected by the “reputation” element, which is typical of PGI. In order to avoid any practice that is likely to mislead the consumer about the real origin of the product registered, the protection extended to non-agricultural GIs should be higher than that of general trademarks. Protection should be more specific than in trade mark law and as much as possible faster and less expensive to enforce.
- Quality, reputation and other characteristics should be compulsory requirements, either alternatively or cumulatively, otherwise the system would become extremely unrestrictive and lead to unreasonably wide protection of many products. The protection of geographical indications should not exceed the protection for trademarks.

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<sup>1</sup> This Position Paper does not reflect the views of the Finland Chamber of Commerce

- A voluntary registration process to protect a non-agricultural GI should be established. The introduction of a registration fee should be decided by each Member State. The duration of protection, except in the case of cancellation, should be unlimited, because in this way it would protect the name of a product and its connection with the cultural heritage of the area. Finally, the European Commission or the Member State should be able to cancel a GI after registration, either at their own initiative or on the basis of a request by an interested stakeholder. Chambers of Commerce and Industry, due to their locally based structure, could play a role regarding the determination of product criteria and their examination.
- National rules should be kept unchanged besides the adoption of new EU rules.

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