

Conference „Future of IP in Europe - Challenges and perspective”
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Conflict between PGI, PDO and TSG

Delia Belciu

Attorney-at-law

Romanian and European Trademark and Design attorney

GENERAL CONSIDERATIONS

- The protection of geographical indications (« PGI ») is of both economic and cultural importance
- A PGI creates value for the local communities through products that have roots in tradition, culture, and can sustain the rural development of communities as well as to create opportunities at the level of the labor market
- A PGI allows farmers and producers to give information to consumers on the quality of the product linked to its origin
- A PGI is important for producers – both on internal and external market, for consumers – as they obtain a guarantee of the quality, of the production method
- The national identity can be expressed through a PGI
- A PGI is an intellectual property right. This guarantees to consumers that the protected name is only used by the producers and operators respecting the rules of production of the product

There are three quality schemes at EU level that guarantee the traditions and the specific qualities of the agricultural products and foodstuffs, wines, spirits drinks, aromatised wines, namely:

PDO (Protected Designation of Origin)

PGI (Protected Geographical Indication)

Traditional Specialities Guaranteed (TSG)

Protected designation of origin (PDO)

Product names registered as PDO are those that have the strongest links to the defined geographical area in which they are produced. All the production steps have to take place in the defined geographical area.

Products

Food, agricultural products and wines

Specifications

Every part of the production, processing and preparation process must take place in the specific region.

For wines - the grapes have to come exclusively from the geographical area where the wine is made.

Label:



mandatory for food and agricultural products

optional for wine

► **PGI (Protected Geographical Indication)** emphasises the relationship between the specific geographic region and the name of the product, where a particular quality, reputation or other characteristic is essentially attributable to its geographical origin.

Products

Food, agricultural products and wines

Specifications

For most products, at least one of the stages of production, processing or preparation takes place in the region.

In the case of wine - at least 85% of the grapes used have to come exclusively from the geographical area where the wine is actually made.

Label:



mandatory for food and agricultural products

optional for wine

▶ **PGI of spirit drinks and aromatised wines**

The geographical indication protects the name of a spirit drink or aromatised wine originating in a country, region or locality where the product's particular quality, reputation or other characteristic is essentially attributable to its geographical origin.

Products

Spirit drinks and aromatised wines

Specifications

For most products, at least one of the stages of distillation or preparation takes place in the region.

The raw products do not need to come from the region.

Label:



optional

► **Traditional Specialities Guaranteed (TSG)** safeguards traditional methods of production and recipes by helping producers of traditional product in marketing and communicating the value-adding attributes of their traditional recipes and products to consumers.

The TSG highlights the traditional aspects such as the way the product is made or its composition, without being linked to a specific geographical area.

Products

Food and agricultural products

Label



mandatory for all products

Thus, the first two quality schemes, the PDO and the PGI have a link with the geographical area from which the product comes from - this can be the name of the region, a specific place or in exceptional circumstances, a country used to describe an agricultural product or foodstuff; traditional geographical or non-geographical names designating an agricultural product or a foodstuff can also be considered. E.g. Feta while the third one, the TSG, it values a production process of a traditional product

- The most importance step in order to be register as a PDO or PGI in the EU register is the preparation of a application by a producer group
- The main document is the product specification, which describes the practice of production, defines the delimited area in which it can be obtained, as well as some other rules applying to the PDO/PGI
- Drafting the specifications can be difficult sometimes, e.g. if the producers do not agree on a common method of production or are not located within the delimited area as well as costly

- Exclusivity of the European Union system: CJUE, C-478/07, Budějovický Budvar, point 114: "**the aim of Regulation No 510/2006 is not to establish, alongside national rules which may continue to exist, an additional system of protection for qualified geographical indications, like, for example, that introduced by Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark (OJ 1994 L 11, p. 1), but to provide a uniform and exhaustive system of protection for such indications**"
- **National systems are in place to regulate the process of application (including national objection) and ensure the administrative enforcement of the protection to all PDO/PGIs**

Legislative framework

Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs.

In what concerns foodstuff, currently, in Romania, in addition to the above, there is an addition protection ensured through Order 394/2014 regarding the certification of foodstuff obtained according to Romanian well-known recipes.

A well-known Romanian recipe is defined under this regulation as the foodstuff produced by observing the composition used for more than 30 years before the day of entry into force of this Order (02.04.2014)

The registration of the foodstuff obtained in accordance with a Romanian well-known recipes is made on a voluntary basis within the National Registry of Well-Known recipes

REGULATION (EC) No 110/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89

Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007

For all PDOs and PGIs the EU legislation **has defined the same level of protection across the EU**. It reserves the use of the name exclusively to the operators that comply with all the requirements of the specification (including the geographical delimitation), by protecting against:

- a) any direct or indirect commercial use of a registered name in respect of products not covered by the registration insofar as those products are comparable to the products registered under that name or insofar as using the name exploits the reputation of the protected name, including when those products are used as an ingredient;
- a) any misuse, imitation or evocation, even if the true origin of the product is indicated or if the protected name is translated or accompanied by an expression such as "style", "type", "method", "as produced in", "imitation" or similar, including when those products are used as an ingredient;

) any other false or misleading indication as to the provenance, origin, nature or essential qualities of the product, on the inner or outer packaging, advertising material or documents relating to the product concerned and the packing of the product in a container 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.

> PDOs and PGIs do not become generic

> Enforcement of protection of the names is responsibility of Member States and is organised in different ways depending of the administrative and territorial organisation of a Member state.

Currently, Romania has applied / registered at EU level, nine PGIs for agricultural foodstuff products, namely **(Magiunul de prune de Topoloveni, Salamul de Sibiu, Novac afumat din Tara Barsei**, while the applied **PC Scrumbia de Dunare afumata was published**, and the other products are under examination **Carnati de Plescoi, Cascaval de Saveni , Salata de icre de stiuca de Tulcea, Telemea de Sibiu, Magiun de Prune de Topoloveni** and one PDO (**Telemea de Ibanesti**).

PGIs for spirit drinks: Vinars Tarnave, Vinars Segarcea, Vinars Murfatlar, Vinars Vaslui, Vinars Vrancea, Palinca, Horinca de Camarzana, Tuica Zetea de Mediesu Aurit, Tuica de Arges.

PDOs / PGIs for wines: Bohotin, Cotnari, Dealu Mare, Dealu Bujorului, Dealurile Olteniei, Dealurile Munteniei, Dragasani, Dealurile Transilvaniei, Husi, etc.

roduced by SONIMPEX SERV COM SRL., registered on 08.04.2011 as PGI





Produced by the members of the group Asociația Producătorilor de Salam de Sibiu (APSS) - SC SALSI SA – Sinaia, jud. Prahova; SC H&E REINERT SRL – Feldioara, jud. Brașov; SC ALDIS SRL – Călărași, jud. Călărași; SC AGRICOLA INTERNAȚIONAL SA, Bacău, jud. Bacău; SC SCANDIA ROMÂNIA SA – Sibiu, jud. Sibiu, registered on 19.02.2016 as PGI



Produced by S.C. MIRDATOD PROD S.R.L., member of the group ASOCIAȚIA PENTRU PROMOVAREA PRODUSELOR TRADIȚIONALE DE PE VALEA GURGHIULUI, comuna Ibănești, sat Ibănești, nr. 273, județul Mureș, registered on 15.03.2016 as PGO



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EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B. Quality, Research & Innovation, Outreach
B.3. Geographical indications

Brussels, 22/10/2018



EXTRACT FROM THE REGISTER

OF PROTECTED DESIGNATION OF ORIGIN AND
PROTECTED GEOGRAPHICAL INDICATIONS
ESTABLISHED BY ARTICLE 104 OF REGULATION (EU) NO 1308/2013
E-BACCHUS: [HTTP://EC.EUROPA.EU/AGRICULTURE/MARKETS/WINE/E-BACCHUS](http://ec.europa.eu/agriculture/markets/wine/e-bacchus)

- 1. Protected designation: **Cotnari**
- 2. File number: PDO-RO-A0135
- 3. Registered as: Wine with a protected designation of origin (PDO)
- 4. Country or countries of origin: Romania
- 5. Date of registration (DD/MM/YYYY): 10/05/2007
Date of withdrawal (DD/MM/YYYY):
- 6. Legal instrument protecting the name: Article 107 of Regulation (EU) No 1308/2013
- 7. Reference to the single document: Not yet available

FRANK FAY



MINISTERUL AGRICULTURII
ȘI DEZVOLTĂRII RURALE

Registrul național al rețetelor consacrate (RNRC)
conform Ordinului nr. 394/2014
Anul 2019

Nr. atestatului din RNRC	Categorie	Nr. identificare operator/cod categorie produs/cod produs	Denumirea produsului alimentar atestat	Denumirea operatorului din sectorul alimentar	Adresă punct de lucru/Date de contact	Adresă sediu social
149/27.02.2019	produse din carne	52 – 01 - 01	cabanos	S.C. TCE AGROSUIND S.R.L.	localitatea Zănești, sat Traian, județul Neamț	București, sector 1, șoseaua București-Ploiești, nr. 172-176, clădirea A, corp A2, birou 6, etaj 2
150/27.02.2019	produse din carne	52 – 01 - 02	mușchi file afumat	S.C. TCE AGROSUIND S.R.L.	localitatea Zănești, sat Traian, județul Neamț	București, sector 1, șoseaua București-Ploiești, nr. 172-176, clădirea A, corp A2, birou 6, etaj 2
151/27.02.2019	produse din carne	52 – 01 - 03	jambon afumat fără os	S.C. TCE AGROSUIND S.R.L.	localitatea Zănești, sat Traian, județul Neamț	București, sector 1, șoseaua București-Ploiești, nr. 172-176,

						clădirea A, corp A2, birou 6, etaj 2
152/27.02.2019	produse din carne	52 – 01 - 04	parizer	S.C. TCE AGROSUIND S.R.L.	localitatea Zănești, sat Traian, județul Neamț	București, sector 1, șoseaua București- Ploiești, nr. 172-176, clădirea A, corp A2, birou 6, etaj 2
153/27.02.2019	produse din carne	52 – 01 - 05	crenvurști cu carne vită	S.C. TCE AGROSUIND S.R.L.	localitatea Zănești, sat Traian, județul Neamț	București, sector 1, șoseaua București- Ploiești, nr. 172-176, clădirea A, corp A2, birou 6, etaj 2
154/27.02.2019	produse din carne	52 – 01 - 06	salam Torpedo	S.C. TCE AGROSUIND S.R.L.	localitatea Zănești, sat Traian, județul Neamț	București, sector 1, șoseaua București- Ploiești, nr. 172-176, clădirea A, corp A2, birou 6, etaj 2
155/27.02.2019	produse din carne	52 – 01 - 07	ciolan presat	S.C. TCE AGROSUIND S.R.L.	localitatea Zănești, sat Traian, județul Neamț	București, sector 1, șoseaua București- Ploiești, nr. 172-176, clădirea A, corp A2, birou 6, etaj 2

Questions?

Thank you!

Delia Belciu

Attorney-at-law

Romanian and European Trademark and Design attorney

delia.belciu@db-law.ro; www.db-law.ro