



**2018/0189(COD)**

8.1.2019

# **AMENDMENTS**

## **19 - 48**

**Draft report**

**Virginie Rozière**

(PE631.792v01-00)

Action of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications

Proposal for a regulation

(COM(2018)0365 – C8-0383/2018 – 2018/0189(COD))



**Amendment 19**  
**Jiří Maštálka, Kostas Chrysogonos**

**Proposal for a regulation**  
**Recital 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**(1 a) In this context on 6.10.2015 the European parliament adopted a resolution <sup>1a</sup>on the possible extension of geographical indication protection of the EU to non-agricultural products**

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**<sup>1a</sup> P8\_TA (2015)0331**

Or. en

**Amendment 20**  
**Daniel Buda**

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

*Amendment*

(2) It is appropriate to establish rules allowing the Union to fully exercise all its rights and obligations following its accession to the Geneva Act.

(2) It is appropriate **and also necessary** to establish **a harmonised legal framework containing clear and appropriate** rules allowing the Union to fully exercise all its rights and obligations following its accession to the Geneva Act, **with a view to effective participation in the Special Union.**

Or. ro

**Amendment 21**  
**Angel Dzhambazki**

**Proposal for a regulation**  
**Recital 4**

*Text proposed by the Commission*

*Amendment*

(4) *Following the accession of the Union to the Geneva Act, the Commission should as a first step file with the International Bureau of the World Intellectual Property Organization ('the International Bureau') an application for registration of a list of geographical indications originating and protected in the territory of the Union in their register ('the International Register'). The criteria for the establishment of such a list should, as it is the case for some of the bilateral and regional agreements of the Union regarding protection of geographical indications, take into account in particular the production value and export value, protection under other agreements as well as current or potential misuse in the third countries concerned.*

*deleted*

Or. en

## **Amendment 22**

### **Ana Miranda**

### **Proposal for a regulation**

#### **Recital 4**

*Text proposed by the Commission*

(4) Following the accession of the Union to the Geneva Act, the Commission should as a first step file with the International Bureau of the World Intellectual Property Organization ('the International Bureau') an application for registration of a list of geographical indications originating and protected in the territory of the Union in their register ('the International Register'). The criteria for the establishment of such a list should, as it is the case for some of the bilateral and regional agreements of the Union regarding protection of geographical indications, take into account in particular the production value and export value, protection under other agreements as well as current or potential misuse in the third countries

*Amendment*

(4) Following the accession of the Union to the Geneva Act, the Commission should as a first step file with the International Bureau of the World Intellectual Property Organization ('the International Bureau') an application for registration of a list of geographical indications originating and protected in the territory of the Union in their register ('the International Register'). The criteria for the establishment of such a list should, as it is the case for some of the bilateral and regional agreements of the Union regarding protection of geographical indications, take into account in particular the production value and export value, protection under other agreements as well as current or potential misuse in the third countries concerned. ***The Commission should be***

concerned.

***able to object to the addition of a geographical indication into the International Register and should justify its decision.***

Or. en

## **Amendment 23**

**Daniel Buda**

### **Proposal for a regulation**

**Recital 4**

#### *Text proposed by the Commission*

(4) Following the accession of the Union to the Geneva Act, the Commission should as a first step file with the International Bureau of the World Intellectual Property Organization ('the International Bureau') an application for registration of a list of geographical indications originating and protected in the territory of the Union in their register ('the International Register'). The criteria for the establishment of such a list should, as *it* is the case for some of the bilateral and regional agreements of the Union regarding protection of geographical indications, take into account in particular the production value and export value, protection under other agreements ***as well as*** current or potential misuse in the third countries concerned.

#### *Amendment*

(4) Following the accession of the Union to the Geneva Act, the Commission should as a first step file with the International Bureau of the World Intellectual Property Organization ('the International Bureau') an application for registration of a list of geographical indications originating and protected in the territory of the Union in their register ('the International Register'), ***in close cooperation with the Member States, trade associations and producers concerned.*** The criteria for the establishment of such a list should, as is the case for some of the bilateral and regional agreements of the Union regarding protection of geographical indications, take into account in particular the production value and export value, protection under other agreements, ***balance between Member States and*** current or potential misuse in the third countries concerned.

Or. ro

## **Amendment 24**

**Daniel Buda**

### **Proposal for a regulation**

**Recital 5**

*Text proposed by the Commission*

(5) In order to ensure that additional geographical indications protected and registered in the Union are registered in the International Register, it is appropriate to authorise the Commission, at a later stage, to file applications for the international registration of such additional geographical indications, on its own initiative or at the request of a Member State or of an interested group of producers or, in exceptional cases, at the request of a single producer.

*Amendment*

(5) In order to ensure that additional geographical indications protected and registered in the Union are registered in the International Register, it is appropriate to authorise the Commission, at a later stage, to file applications for the international registration of such additional geographical indications, on its own initiative or at the request of a Member State or of an interested group of producers or, in exceptional cases, at the request of a single producer. ***The accession of the Union to the Geneva Act does not prejudice the current and future protection of geographical indications in bilateral free trade agreements.***

Or. ro

**Amendment 25**  
**Ana Miranda**

**Proposal for a regulation**  
**Recital 5**

*Text proposed by the Commission*

(5) In order to ensure that additional geographical indications protected and registered in the Union are registered in the International Register, it is appropriate to authorise the Commission, at a later stage, to file applications for the international registration of such additional geographical indications, on its own initiative or at the request of a Member State or of an interested group of producers or, in exceptional cases, at the request of a single producer.

*Amendment*

(5) In order to ensure that additional geographical indications protected and registered in the Union are registered in the International Register, it is appropriate to authorise the Commission, at a later stage, to file applications for the international registration of such additional geographical indications, on its own initiative or at the request of a Member State, ***of relevant trade associations*** or of an interested group of producers or, in exceptional cases, at the request of a single producer. ***Such consultation of relevant stakeholders should be conducted by the Commission on a regular basis.***

Or. en

**Amendment 26**  
**Jiří Maštálka, Kostas Chrysogonos**

**Proposal for a regulation**  
**Recital 5**

*Text proposed by the Commission*

(5) In order to ensure that additional geographical indications protected and registered in the Union are registered in the International Register, it is appropriate to authorise the Commission, at a later stage, to file applications for the international registration of such additional geographical indications, on its own initiative or at the request of a Member State or of an interested group of producers or, in exceptional cases, at the request of a single producer.

*Amendment*

(5) In order to ensure that additional geographical indications protected and registered in the Union are registered in the International Register, ***as well as including the extension of protection to geographical indications for non-agricultural products***, it is appropriate to authorise the Commission, at a later stage, to file applications for the international registration of such additional geographical indications, on its own initiative or at the request of a Member State or of an interested group of producers or, in exceptional cases, at the request of a single producer.

Or. en

**Amendment 27**  
**Ana Miranda**

**Proposal for a regulation**  
**Recital 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***(5 a) The addition of geographical indications to the International Register should serve the purpose of quality products, fair competition and consumer protection. While bearing a significant cultural and economic value, the addition of geographical indications should be assessed with respect to the value created for local communities, with a view to supporting rural development and promoting new job opportunities in production, processing and other related services.***

Or. en

**Amendment 28**

**Ana Miranda**

**Proposal for a regulation**

**Recital 10**

*Text proposed by the Commission*

(10) In order to defray any shortfall in relation to the operating budget of the Special Union, the Union should be able to provide for a special contribution within the means available for this purpose in the annual budget of the Union.

*Amendment*

(10) In order to defray any shortfall in relation to the operating budget of the Special Union, the Union should be able to provide for a special contribution within the means available for this purpose in the annual budget of the Union, ***given the economic and cultural value of geographical indications protection.***

Or. en

**Amendment 29**

**Jiří Maštálka, Kostas Chrysogonos**

**Proposal for a regulation**

**Recital 11 a (new)**

*Text proposed by the Commission*

*Amendment*

***(11 a) The Commission should submit a legislative proposal to extend the protection granted to geographical indications under Union law to non-agricultural products as soon as possible.***

Or. en

**Amendment 30**

**Daniel Buda**

**Proposal for a regulation**

**Article 1 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

This Regulation establishes rules concerning the implementation of the

This Regulation establishes rules concerning the implementation of the



rights and obligations of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications ('the Geneva Act').

rights and obligations of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications ('the Geneva Act'), *with a view to effective participation in the Special Union.*

Or. ro

## **Amendment 31**

**Axel Voss**

### **Proposal for a regulation**

#### **Article 2**

*Text proposed by the Commission*

*Amendment*

#### *Article 2*

*deleted*

#### ***International registration of geographical indications upon accession***

***Upon the accession of the Union to the Geneva Act, the Commission shall file with the International Bureau of the World Intellectual Property Organization ('the International Bureau') applications for the international registration of geographical indications protected and registered under Union law and pertaining to products originating in the Union pursuant to Article 5(1) and (2) of the Geneva Act.***

***The Commission shall adopt an implementing act establishing the list of geographical indications referred to in the first paragraph, in accordance with the examination procedure referred to in Article 13(2).***

***In order to establish the list referred to in the second paragraph, the Commission shall take into account, in particular, the following:***

***(a) the production value of the geographical indication;***

***(b) the export value of the geographical indication;***

- (c) the protection of the geographical indication under other international agreements;*
- (d) the current or potential misuse of the geographical indication in other members of the Special Union;*
- (e) the overall number of geographical indications originating in the territories of the other members of the Special Union and registered in the register of the International Bureau ('the International Register').*

Or. en

#### *Justification*

*It should be up to the Member States to decide whether their GIs need international protection and - if they do think so - have the right to demand their registration.*

#### **Amendment 32** **Ana Miranda**

#### **Proposal for a regulation** **Article 2 – paragraph 1**

##### *Text proposed by the Commission*

Upon the accession of the Union to the Geneva Act, the Commission shall file with the International Bureau of the World Intellectual Property Organization ('the International Bureau') applications for the international registration of geographical indications protected and registered under Union law and pertaining to products originating in the Union pursuant to Article 5(1) and (2) of the Geneva Act.

##### *Amendment*

Upon the accession of the Union to the Geneva Act, the Commission shall file with the International Bureau of the World Intellectual Property Organization ('the International Bureau') applications for the international registration of geographical indications protected and registered under Union law and pertaining to products originating in the Union pursuant to Article 5(1) and (2) of the Geneva Act. ***All geographical indications protected and registered under the law of a Member State shall be filed.***

Or. en

#### **Amendment 33** **Angel Dzhambazki**

**Proposal for a regulation**  
**Article 2 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

*The Commission shall adopt an implementing act establishing the list of geographical indications referred to in the first paragraph, in accordance with the examination procedure referred to in Article 13(2).*

*deleted*

Or. en

**Amendment 34**  
**Angel Dzhambazki**

**Proposal for a regulation**  
**Article 2 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

*In order to establish the list referred to in the second paragraph, the Commission shall take into account, in particular, the following:*

*deleted*

*(a) the production value of the geographical indication;*

*(b) the export value of the geographical indication;*

*(c) the protection of the geographical indication under other international agreements;*

*(d) the current or potential misuse of the geographical indication in other members of the Special Union;*

*(e) the overall number of geographical indications originating in the territories of the other members of the Special Union and registered in the register of the International Bureau ('the International Register').*

Or. en

## Amendment 35

Ana Miranda

### Proposal for a regulation

#### Article 2 – paragraph 3 – introductory part

##### *Text proposed by the Commission*

In order to establish the list referred to in the second paragraph, the Commission shall **take** into account, in particular, the following:

##### *Amendment*

In order to establish the list referred to in the second paragraph, the Commission shall ***include all the notified geographical indications received in accordance with paragraph 3.***

***However, the Commission may refuse to include a specific geographical indication in the list and shall justify its decision, taking*** into account, in particular, the following:

Or. en

## Amendment 36

Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou

### Proposal for a regulation

#### Article 2 – paragraph 3 – point b

##### *Text proposed by the Commission*

(b) the export value of the geographical indication;

##### *Amendment*

(b) the export value of the geographical indication ***and/or their export potential;***

Or. en

## Amendment 37

Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou

### Proposal for a regulation

#### Article 2 – paragraph 3 – point b a (new)

##### *Text proposed by the Commission*

##### *Amendment*

***(b a) the special economic and regional importance of the geographical indication;***

Or. en

## **Amendment 38**

**Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou**

### **Proposal for a regulation**

#### **Article 2 – paragraph 3 – point e**

*Text proposed by the Commission*

(e) the **overall number** of geographical indications **originating** in the **territories of the other members of the Special Union and registered in the register of the International Bureau ('the International Register')**.

*Amendment*

(e) the **current or potential misuse** of geographical indications in the **third countries concerned**;

Or. en

## **Amendment 39**

**Kostas Chrysogonos, Stelios Kouloglou, Jiří Maštálka**

### **Proposal for a regulation**

#### **Article 2 – paragraph 3 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

**(e a) the protection of geographical indications under other agreements**;

Or. en

## **Amendment 40**

**Ana Miranda**

### **Proposal for a regulation**

#### **Article 3 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

Following the accession of the Union to the Geneva Act, the Commission may on its own initiative or at the request of a Member State or of an interested group of producers or of the single producer using a geographical indication protected and registered in the Union, adopt

Following the accession of the Union to the Geneva Act, the Commission may on its own initiative or at the request of a Member State or of an interested group of producers or of the single producer using a geographical indication protected and registered in the Union, adopt

implementing acts in order to file an application for international registration of a geographical indication protected and registered under Union law and pertaining to a product originating in the Union with the International Bureau.

implementing acts in order to file an application for international registration of a geographical indication protected and registered under Union law and pertaining to a product originating in the Union with the International Bureau. ***In that purpose, the Commission shall consult Member States, trade associations and Union producers on a regular basis.***

Or. en

**Amendment 41**  
**Angel Dzhambazki**

**Proposal for a regulation**  
**Article 3 – paragraph 2**

*Text proposed by the Commission*

***In order to assess whether or not to file an application for international registration, the Commission shall take into account the criteria set out in the third paragraph of Article 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13(2).***

*Amendment*

***deleted***

Or. en

**Amendment 42**  
**Ana Miranda**

**Proposal for a regulation**  
**Article 4 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

Where, based on the assessment carried out pursuant to paragraph 1, the Commission considers that the conditions laid down in that paragraph are not fulfilled, it shall take a decision to refuse protection of the geographical indication by means of an implementing act adopted in accordance with the examination procedure referred to

*Amendment*

Where, based on the assessment carried out pursuant to paragraph 1, the Commission considers that the conditions laid down in that paragraph are not fulfilled, it shall take a decision to refuse protection of the geographical indication by means of an implementing act adopted in accordance with the examination procedure referred to

in Article 13(2). *In respect of geographical indications covering products not falling within the competence of the Committees provided in Article 13(1) the decision will be adopted by the Commission without application of the examination procedure referred to in Article 13(2).*

in Article 13(2).

Or. en

#### **Amendment 43**

**Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 3 – subparagraph 1**

##### *Text proposed by the Commission*

Where, based on the assessment carried out pursuant to paragraph 1, the Commission considers that the conditions laid down in that paragraph are not fulfilled, it shall take a decision to refuse protection of the geographical indication by means of an implementing act adopted in accordance with the examination procedure referred to in Article 13(2). In respect of geographical indications covering products not falling within the competence of the Committees provided in Article 13(1) the decision will be adopted by the Commission without application of the examination procedure referred to in Article 13(2).

##### *Amendment*

Where, based on the assessment carried out pursuant to paragraph 1, the Commission considers that the conditions laid down in that paragraph are not fulfilled, it shall take a **sufficiently reasoned** decision to refuse protection of the geographical indication by means of an implementing act adopted in accordance with the examination procedure referred to in Article 13(2). In respect of geographical indications covering products not falling within the competence of the Committees provided in Article 13(1) the decision will be adopted by the Commission without application of the examination procedure referred to in Article 13(2).

Or. en

#### **Amendment 44**

**Ana Miranda**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 3 – subparagraph 2**

##### *Text proposed by the Commission*

In accordance with Article 15(1) of the  
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##### *Amendment*

In accordance with Article 15(1) of the

Geneva Act, the Commission shall notify the International Bureau of the refusal of the effects of the international registration concerned in the territory of the Union, ***within one year from the receipt of the notification of international registration in accordance with Article 6(4) of the Geneva Act.***

Geneva Act, the Commission shall notify the International Bureau of the ***withdrawal or of the*** refusal of the effects of the international registration concerned in the territory of the Union.

Or. en

#### **Amendment 45**

**Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou**

#### **Proposal for a regulation**

##### **Article 5 – paragraph 1**

###### *Text proposed by the Commission*

(1) Within ***two*** months from the date of publication of the name of the geographical indication in the Official Journal of the European Union in accordance with Article 4(2), the authorities of a Member State or of a third country other than the Contracting Party of Origin, or a natural or legal person having a legitimate interest and established in the Union or in a third country other than the Contracting Party of Origin may lodge an opposition with the Commission, in one of the official languages of the Union.

###### *Amendment*

(1) Within ***six*** months from the date of publication of the name of the geographical indication in the Official Journal of the European Union in accordance with Article 4(2), the authorities of a Member State or of a third country other than the Contracting Party of Origin, or a natural or legal person having a legitimate interest and established in the Union or in a third country other than the Contracting Party of Origin may lodge an opposition with the Commission, in one of the official languages of the Union.

Or. en

#### **Amendment 46**

**Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou**

#### **Proposal for a regulation**

##### **Article 5 – paragraph 2 – point d**

###### *Text proposed by the Commission*

(d) that the protection in the Union of the geographical indication proposed would jeopardise the use of an entirely or partly identical name or the exclusive

###### *Amendment*

(d) that the protection in the Union of the geographical indication proposed would jeopardise the use of an entirely or partly identical name or the exclusive



nature of a trade mark or the economic value of products which have been legally placed on the market ***for at least five years*** preceding the date of the publication of the name of the geographical indication in the Official Journal of the European Union in accordance with Article 4(2);

nature of a trade mark or the economic value of products which have been legally placed on the market preceding the date of the publication of the name of the geographical indication in the Official Journal of the European Union in accordance with Article 4(2);

Or. en

**Amendment 47**  
**Daniel Buda**

**Proposal for a regulation**  
**Article 5 – paragraph 2 – point e**

*Text proposed by the Commission*

(e) that the geographical indication registered in the International Register relates to a product in respect of which protection within the EU of geographical indications is ***currently*** not provided;

*Amendment*

(e) that the geographical indication registered in the International Register relates to a product in respect of which protection within the EU of geographical indications is not provided ***at the time of opposition***;

Or. ro

**Amendment 48**  
**Kostas Chrysogonos, Jiří Maštálka, Stelios Kouloglou**

**Proposal for a regulation**  
**Article 9 – paragraph 3**

*Text proposed by the Commission*

***(3) Without prejudice to paragraph 2, a prior trade mark applied for or registered in good faith in the territory of the Union, or acquired through use in good faith the use of which would contravene the protection of a geographical indication, may continue to be used and renewed for the product concerned notwithstanding the protection of a geographical indication provided that no grounds for invalidity or revocation exist under Regulation (EU) 2017/1001 of***

*Amendment*

***deleted***

*the European Parliament and of the Council<sup>9</sup>. In such cases the use of the geographical indication shall be permitted as well as use of the trade mark concerned.*

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<sup>9</sup> *Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark (OJ L 154 of 16.07.2017, page 1).*

Or. en