

WRITTEN QUESTION E-2599/02
by Janelly Fourtou (PPE-DE)
to the Commission

Subject: Trademark law in Poland

The Polish Sejm (lower house of Parliament) is soon to decide on an amendment to the law on definitions and designations of spirituous beverages, which would make the Polish brand of vodka Wyborowa (duly registered for many years with the Polish Trademark Office on behalf of the producer company Pomos Poznan, which is owned by the company Pernod Ricard SA) into a generic name. Were it to adopt this amendment, the Sejm would be going against the government's original bill and the recommendations of the country's Minister for European Integration, the Polish Trademark Office and the Polish Senate. Apparently, the Commission's services also endorse these recommendations.

If adopted, the amendment would deprive the brand of its distinctive character, as the exclusive rights it enjoys would be lost, enabling anyone to produce spirits bearing the name Wyborowa. This would undermine the protection enjoyed by the name Wyborowa, rather than improving it.

What representations will the Commission make to the Sejm in order to avert what would be a flagrant breach of intellectual property rights in a country applying for accession to the European Union?