

The protection of **Geographical Indications** on the **Internet**

Arnaud LELLINGER, LLF Avocats for AREPO

AREPO EU event on Quality and Origin products

In the framework of AGROSMARTglobal

March 30th, 2023, Brussels



Interreg 
EUROPEAN UNION

Sudoe

 **AGROSMART**
global

European Regional Development Fund

AREPO Practical Guide



AREPO practical guide

Practical guide to better protect GIs on the Internet



The protection of GIs on the Internet, why a practical guide?

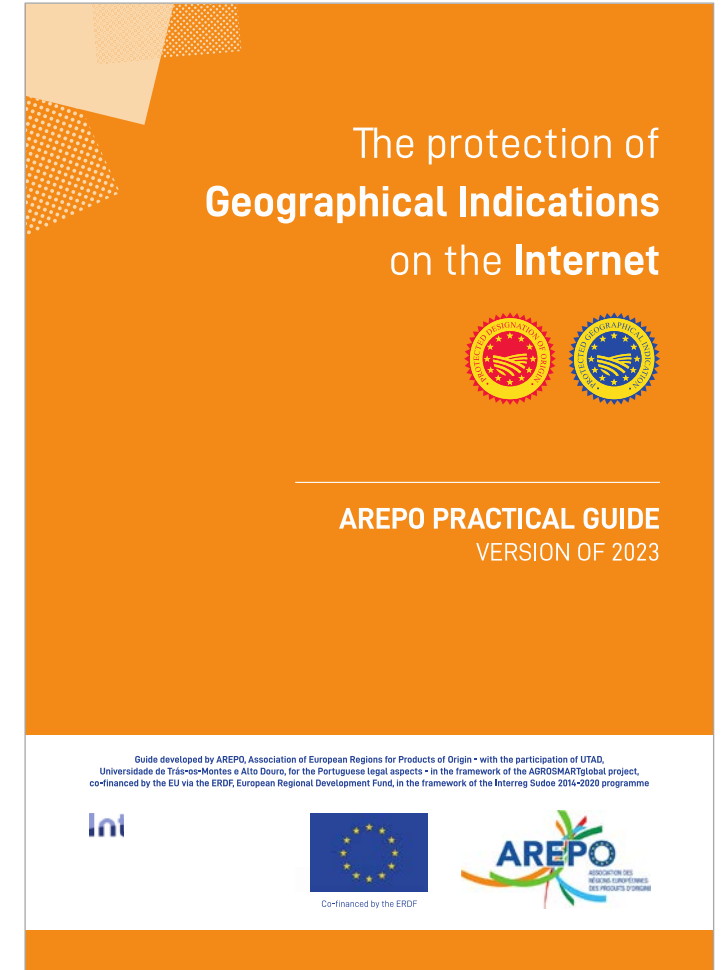
[AREPO](#), the Association of European Regions for Products of Origin, identified the **need for clear and concrete information on how to protect GIs on the Internet** and decided to draw up a **practical guide** for **GI producer groups and their members** in the framework of the Interreg Sudoe project [AGROSMARTglobal](#), with the aim of :

- Provide clarified information on how the Internet works in terms of intellectual property rights
- Provide operational tools and concrete steps to be taken to effectively protect a PDO or PGI from infringements on the Internet

To carry out its work, AREPO called on intellectual property experts, specialised in French, Spanish and Portuguese regulations, the 3 countries covered by the project.



The fight against Internet fraud is essential to protect producer and consumer rights!





The challenges for GIs on the Internet

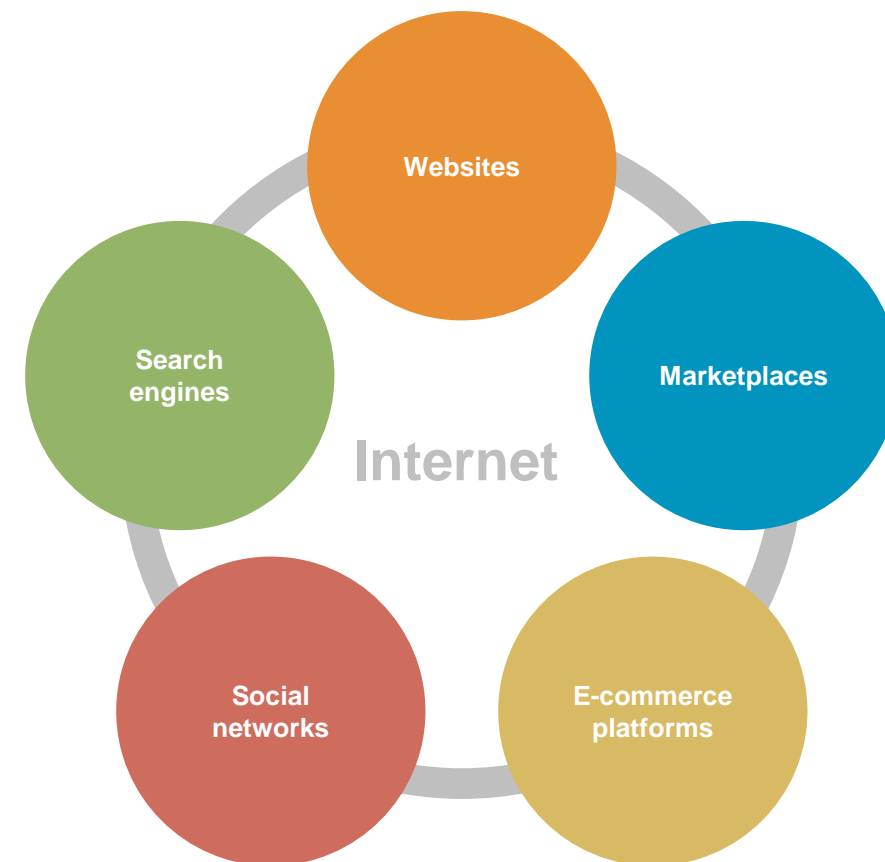
Why protecting GIs on the Internet?

Internet is a crucial vector of economic development for the agricultural sector and in particular for the GI sector

- A **new showcase** with new distribution channels around the world
- **New consumers**, who may not be familiar with the products sold online
- A **new competitive space** with new **threats** and **limits**:
 - Dynamism of counterfeiting on the Internet
 - Anonymity of counterfeiters
 - Fragmentation of violations
 - Ephemeral character
 - Abolition of borders



Fig. 1: The mosaic of Internet channels (AREPO, 2022)





The challenges for GIs on the Internet

Why protecting GIs on the Internet?



GIs are an attractive marketing tool as consumers give more importance to the origin of the products they buy

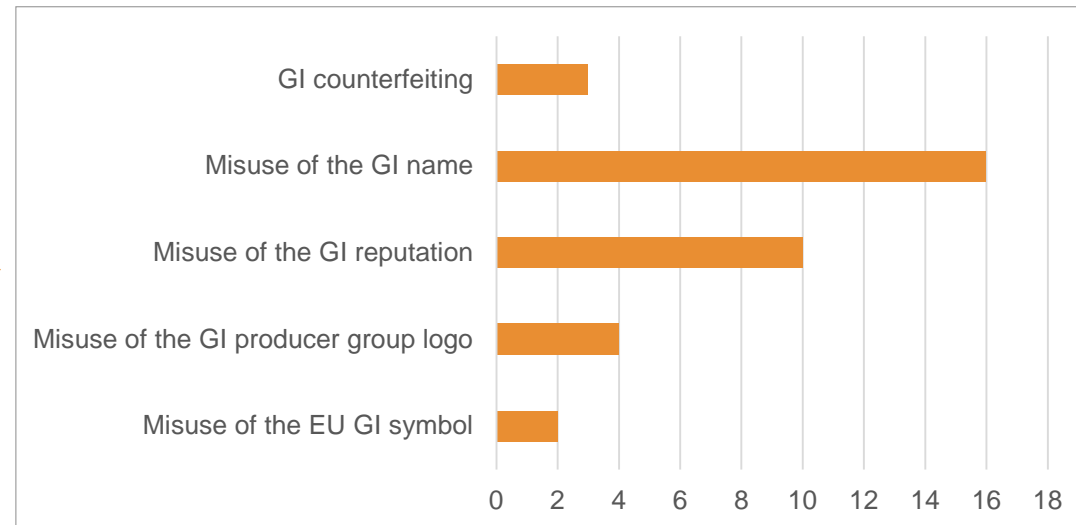
- ▷ **Reputation of quality** attached to GIs
- ▷ A **multitude of elements** associated with the GI must be protected (image, reputation, etc.)
- ▷ The GI attracts the consumer and therefore the **counterfeiters/infringers**

Fig. 2: PDO and PGI EU symbols (European Commission, s.d.)



Main infringements on Geographical Indications

According to AREPO's survey among EU GI producer groups and agri-food cooperatives





What can be done?

Role of the producer group

What should I do as a producer group?



- ▷ **Knowing** and **understanding** my rights and their limits
- ▷ **Anticipating** potential conflicts (monitoring, filing additional rights, etc.)
- ▷ **Enhancing** the value of my rights
- ▷ **Defending** my rights

By implementing:

1. A **defensive** strategy **before** the rights breach
2. An **offensive** strategy **after** the rights breach



What strategies should be implemented?

A defensive strategy before the rights breach



Once the GI is registered, the producer group and its members must not remain inactive

- To ensure **full protection of the GI name** against domain name reservations through **domain name** and **collective trademark** applications

Fig. 3: What is a domain name? (AREPO, 2022)

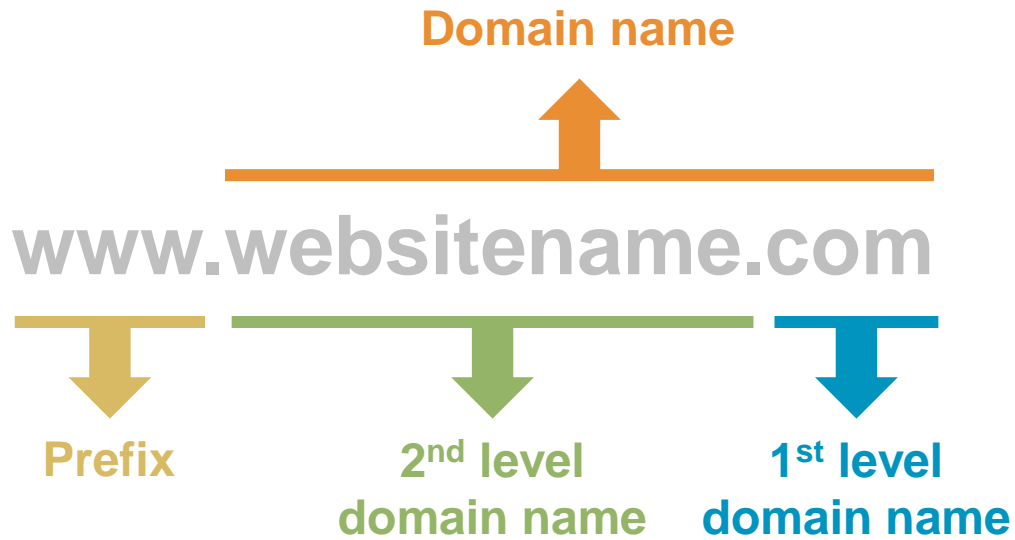
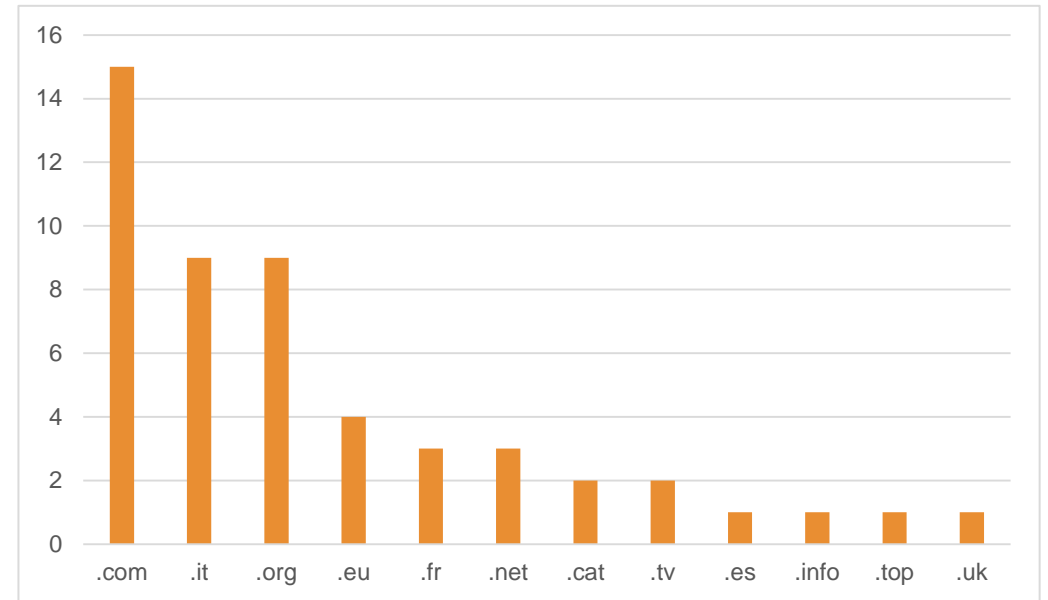


Fig. 4: 1st level domain name most used among AREPO survey participants (AREPO, 2022)





What strategies should be implemented?

A defensive strategy before the rights breach

Once the GI is registered, the producer group and its members must not remain inactive

- If the producer group has a **common logo dedicated to the GI**, it should be protected through a **collective/certification trademark** application

Fig. 5: Examples of GI producer group logos (AREPO, 2022)

Logo of the PDO "Beurre Charentes-Poitou" <i>French butter</i>	Logo of the PDO "Queixo Tetilla" <i>Spanish cheese</i>	Logo of the PGI "Maçã de Alcobaça" <i>Portuguese apple</i>	Logo of the PDO "Prosciutto di Parma" <i>Italian ham</i>

- To build a **strong and coherent communication and image** to reinforce the "brand" of the GI



What strategies should be implemented?

A defensive strategy before the rights breach

Once the GI is registered, the producer group and its members must not remain inactive

- ▶ To ensure **proactive monitoring** of potential infringements



- ▶ Monitoring of trademarks and domain name registers
- ▶ Monitoring of online marketplaces, websites, social networks, etc.
- ▶ Monitoring of its brand image (especially on social networks)
- ▶ Application for action before the Customs and fraud control services

How to implement the monitoring?

- ▶ Search engine alert systems (e.g. Google Alerts)
- ▶ Monitoring tools/databases of intellectual property offices (national IPOs, EUIPO, etc.)
- ▶ Private monitoring platforms (e.g. Corsearch, CompuMark, EBRAND, etc.)
- ▶ Intellectual property law firms
- ▶ Customs authorities
- ▶ Fraud control services



What strategies should be implemented?

An offensive strategy after the rights breach



In the event of an infringement, 3 imperative qualities may ensure the defence of its rights

- ▶ **Speed:** the producer group must be proactive in his action and in the safeguarding of the elements of proof. The consequences of inaction can be multiple (more complex compensation of the prejudice; risk of dilution; risk of loss of the holder's right of action/ prescription)
- ▶ **Effectiveness:** choice of the most appropriate action
- ▶ **Measure:** privilege amicable solutions

Rapidity



Effectiveness



Measure

In case of infringement, the following strategy should be followed

- ▶ To have a **bailiff's report** made and to **collect evidences** online and/or purchasing some products
- ▶ To draft and send a **warning letter**, requesting the stop of the infringement
- ▶ To launch **appropriate administrative and/or judicial actions** (before the judicial courts, the IP offices, etc.)



Thank you for you attention!

Arnaud LELLINGER, LLF Avocats for AREPO

To contact me: arnaud.lellinger@llf-law.eu

For more information on the AREPO practical guide, please contact

Anne CLERMONTTELLE here: eu-projects@arepoquality.eu

