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NOTE

From: General Secretariat of the Council
To: Special Committee on Agriculture
Subject: Regulation on geographical indications and quality schemes
– *Presidency background note on the tasks to be performed by EUIPO*

Delegations will find in the Annex a Presidency background note on the tasks to be performed by EUIPO for an exchange of views at the Special Committee on Agriculture on 20 February 2023.

The tasks to be performed by the European Union Intellectual Property Office (EUIPO)

With the aim of clarifying the Council's wishes as regards the conferral to the EUIPO of tasks related to geographical indications for agricultural products, wine and spirit drinks, this background note sets out three options for the SCA on 20 February.

Background

At the SCA on 5 December 2022, Member States were asked to express their opinion on, among other matters, the task to be performed by the EUIPO. However, there still lingers some uncertainty within the Council and the Commission as to the guidance given and as to what these tasks entail. Therefore, the Swedish Presidency wished to present Member States the three following options with clearly defined tasks for each of them.

Option 1

EUIPO shall not play any role regarding geographical indications for agricultural products, wine and spirit drinks. EUIPO is hence notably not involved in the examination of applications for registration, for amendments of product specifications and for cancellation of registration nor handle any of the administrative tasks. All tasks shall be the exclusive competence of the Commission without the assistance in any way or form of EUIPO.

Option 2

EUIPO is to handle only administrative tasks, which entail:

- (a) Managing the Union register,
- (b) Managing a domain name information and alert system (depending on the final wording on an agreement on Article 34 (Protection of geographical indication rights in domain names)).

This option does not allow EUIPO to assist the Commission in any way or form in dealing with applications for registration, amendments, opposition, cancellations of registrations or any other matters related to the scrutiny of GI's. These tasks shall solely be the responsibility of the Commission.

Option 3

EUIPO shall assist the Commission concerning applications for registration by providing a “preliminary assessment” while the final decision on applications stays with the Commission. This option would be largely inspired by the current cooperation practice between the Commission and EUIPO and build on the Presidency drafting suggestions set out in 15113/22.

Policy choice

Member States are invited to express their opinion on the preferred option and indicate which other option(s) also would be acceptable.
