



FICPI SWEDEN

**FICPI Sweden's comments on:
EU-wide protection of geographical indications for non-agricultural products**

FICPI Sweden welcomes the European Commission's work on this topic, with the goal to implement an EU wide protection system in the Member States.

FICPI Sweden is the Swedish national association of FICPI (the Fédération Internationale des Conseils en Propriété Intellectuelle), which is an international organization with members from more than 80 countries. FICPI represents patent and trademark attorneys in private practice and handles issues related to their work, both the practical day-to-day work and legislative issues worldwide, including both traditional trademark protection as well as name and origin protection in general, both for the sake of the interest of owners of the specified rights as well as for the sake of customers.

The Commission's IP Action Plan Roadmap is a good and welcomed initiative, having in mind that a strong IP and name protection framework is a necessary key to sustainable innovation, leading to safe goods on the market and creating new jobs.

With a majority of goods being sold either only online or at least 50/50 online and on traditional markets and shops, it is also more important than ever to have a safe and efficient system to identify the original goods – trademarked or not.

FICPI Sweden notes that the best protection is still, and will always be, traditional registered trademark protection, thereby also including special forms of protection such as collective, guarantee or control marks. When it comes to problematic actions on the market, such as misuse, unfair competition, and/or fake products, there is an existing well-established and functional legal system in place for stopping, or even preventing, such abuse. It is always possible to identify the origin of traditional trademarks, or guarantee marks, and thus, a customer buying trademarked goods can be safe when it comes to the quality of the goods related to the mark.

We note that in the present Inception Impact Assessment, Geographical Indications (GIs) are identified as “names of products linked to products' geographical origin and the producers' know-how, and have the status of intellectual property (IP) rights...contributing to the social and environmental sustainability of the economy”.

In addition to that identification, FICPI Sweden would like to add the importance of the quality guarantee related to GI protected goods. Infringing goods lack that guaranteed quality, which is especially important as traditional GI goods are agricultural products and foodstuffs, spirit drinks, wines, and aromatised wines. Infringement may therefore even lead to health problems for affected consumers.

Producers of GI protected goods may be well-organized (like in the wine industry) and have the possibilities to monitor the whole EU market and act quickly in case of misuse/infringement.



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However, a significant part of the producers of other GI foodstuff does not have the same possibilities. They are therefore depending on how the responsible authority in each member state handles the problem – an authority that often outsources the responsibility to local authorities in each country, with the result that the infringer can oftentimes continue the infringing action or simply move to another part of the country in order to evade responsibility.

Expanding the EU-wide protection to geographical indications for non-agricultural products is, as noted initially, a good and welcomed initiative, being an interesting idea that indeed also can lead to better consumer protection as well as supporting local industry.

In the opinion of FICPI Sweden, however, it would be beneficial to first make some improvements of the existing Agri GI protection, including considering the possibility to centralize both legal actions and investigations, before expanding the GI protection to non-agricultural products.

Once an improved Agri GI protection is in place, one that is more similar to the traditional trademark protection, there will be a better base for “Phase 2”, namely:

Considering a similar, but not identical, protection for Non-Agri GI's.

As FICPI Sweden's members represents IP attorneys with long experience of different kinds on name protection, we hereby also offer our further assistance to the European Commission in any specific or general question relating to GI protection.

Stockholm, January 14, 2021

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Petter Rindforth, LL M
Member of the Board