

**INFORMATION NOTICE — PUBLIC CONSULTATION****Geographical indications from Colombia and Peru**

(2010/C 103/08)

The negotiations for a Trade Agreement between the European Union, and its Member States, and Colombia and Peru are underway. In this context, the protection in the European Union, as geographical indications, of the names set out below is under consideration.

The Commission invites any Member State or third country or any natural or legal persons having a legitimate interest, resident or established in a Member State or in a third country, to submit objections to such protection by lodging a duly substantiated statement.

Statements of objection must reach the Commission within two months of the date of this publication. Statements of objection should be sent to the following e-mail address: AGRI-B1@ec.europa.eu

Statements of objection shall be examined only if they are received within the time limit set out above and if they show that the name for which the protection is proposed would:

1. conflict with the name of a plant variety or an animal breed and as a result is likely to mislead the consumer as to the true origin of the product;
2. be wholly or partially homonymous with that of a name already protected in the European Union under Council Regulation (EC) No 510/2006 <sup>(1)</sup> on the protection of geographical indications and designations of origin for agricultural products and foodstuffs and Regulation (EC) No 110/2008 <sup>(2)</sup> of the European Parliament and of the Council on the definition, description, presentation, labelling and protection of geographical indications of spirit drinks; or contained in the agreements the European Union has concluded with the one of the following countries:
  - Republic of Albania: Council Decision 2006/580/EC <sup>(3)</sup> of 12 June 2006 concerning the signing and conclusion of the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the Republic of Albania, of the other part (Protocol 3 on reciprocal preferential concessions for certain wines, the reciprocal recognition, protection and control of wine, spirit drinks and aromatised wine names),
  - Bosnia and Herzegovina: Council Decision 2008/474/EC <sup>(4)</sup> of 16 June 2008 concerning the signing and conclusion of the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and Bosnia and Herzegovina, of the other part (Protocol 7),
  - Canada: Council Decision 2004/91/EC <sup>(5)</sup> of 30 July 2003 on the conclusion of the Agreement between the European Community and Canada on trade in wines and spirit drinks,
  - Republic of Chile: Council Decision 2002/979/EC <sup>(6)</sup> of 18 November 2002 on the signature and provisional application of certain provisions of an Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, and in particular Article 90 establishing the Agreement on Trade in Spirit Drinks and Aromatised Drinks,

<sup>(1)</sup> OJ L 93, 31.3.2006, p. 12.

<sup>(2)</sup> OJ L 39, 13.2.2008, p. 16.

<sup>(3)</sup> OJ L 239, 1.9.2006, p. 1.

<sup>(4)</sup> OJ L 169, 30.6.2008, p. 10.

<sup>(5)</sup> OJ L 35, 6.2.2004, p. 1.

<sup>(6)</sup> OJ L 352, 30.12.2002, p. 1.

- Croatia: Council Decision 2001/918/EC <sup>(1)</sup> of 3 December 2001 on the conclusion of an Additional Protocol adjusting the trade aspects of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Croatia, of the other part, to take account of the outcome of the negotiations between the parties on reciprocal preferential concessions for certain wines, the reciprocal recognition, protection and control of wine names and the reciprocal recognition, protection and control of designations for spirits and aromatised drinks,
  - Former Yugoslav Republic of Macedonia: Council Decision 2001/916/EC <sup>(2)</sup> of 3 December 2001 on the conclusion of an Additional Protocol adjusting the trade aspects of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, to take account of the outcome of the negotiations between the parties on reciprocal preferential concessions for certain wines, the reciprocal recognition, protection and control of wine names and the reciprocal recognition, protection and control of designations for spirits and aromatised drinks,
  - Mexico: Council Decision 97/361/EC <sup>(3)</sup> of 27 May 1997 concerning the conclusion of an Agreement between the European Community and the United Mexican States on the mutual recognition and protection of designations for spirit drinks,
  - Montenegro: Council Decision 2007/855/EC <sup>(4)</sup> of 15 October 2007 concerning the signing and conclusion of the Interim Agreement on trade and trade-related matters between the European Community, of the one part, and the Republic of Montenegro, of the other part,
  - South Africa: Council Decision 2002/52/EC <sup>(5)</sup> of 21 January 2002 on the conclusion of an Agreement between the European Community and the Republic of South Africa on trade in spirits,
  - Switzerland: Decision 2002/309/EC <sup>(6)</sup> of the Council, and of the Commission as regards the Agreement on Scientific and Technological Cooperation, of 4 April 2002 on the conclusion of seven Agreements with the Swiss Confederation, and in particular the Agreement between the European Community and the Swiss Federation on trade in agricultural products — Annex 7;
3. in the light of a trademark's reputation and renown and the length of time it has been used, be liable to mislead the consumer as to the true identity of the product;
  4. jeopardise the existence of an entirely or partly identical name or of a trademark or the existence of products which have been legally on the market for at least five years preceding the date of the publication of this notice;
  5. be considered generic, if it can be concluded from details given.

The criteria referred to above shall be evaluated in relation to the territory of the European Union, which in the case of intellectual property rights refers only to the territory or territories where the said rights are protected. The eventual protection of these names in the European Union is subject to the successful conclusion of these negotiations and subsequent legal act.

This notice is without prejudice to the possibility of applying for registration of names from Colombia or Peru under Article 5(9) of Regulation (EC) No 510/2006 or Article 17 of Regulation (EC) No 110/2008 as appropriate.

<sup>(1)</sup> OJ L 342, 27.12.2001, p. 42.

<sup>(2)</sup> OJ L 342, 27.12.2001, p. 6.

<sup>(3)</sup> OJ L 152, 11.6.1997, p. 15.

<sup>(4)</sup> OJ L 345, 28.12.2007, p. 1.

<sup>(5)</sup> OJ L 28, 30.1.2002, p. 112.

<sup>(6)</sup> OJ L 114, 30.4.2002, p. 1.

**List of GIs for wines, spirit drinks and agricultural products and foodstuffs <sup>(1)</sup>**

Class of products	Name as registered in Colombia
Fruit	Cholupa del Huila

  

Class of products	Name as registered in Peru
Spirit drink	Pisco
Vegetable	Maíz Blanco Gigante Cusco
Vegetable	Pallar de Ica

<sup>(1)</sup> Lists provided by the Colombian and Peruvian Authorities, in the framework of ongoing negotiations.