



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate F – Outreach, Research & Geographical Indications
The Director

Brussels
AGRI.F.3/

Dear Ms [REDACTED],

Thank you for your email dated 9 April 2024, concerning implementation of certain articles of the Regulation (EU) 2024/1143 on geographical indications for wine, spirit drinks, and agricultural products, as well as traditional specialities guaranteed and optional quality terms for agricultural product (GI Regulation). We apologise for the delay.

You have posed several questions on implementation of GI regulation provisions, mostly on the implementation of GI Regulation provisions related to domain names.

a) Is there a plan to further clarify in a delegated act how Article 27 paragraph 1 point b should be implemented – the point that states that the ingredient designated by the geographical indication is used in sufficient quantities to confer an essential characteristic on the processed product concerned?

The current priority for the Commission is to adopt without delay Delegated and Implementing Regulations that allow the system to function properly. Upon the adoption of those Regulations, the Commission may reflect on using the empowerment contained in Article 27 to adopt rules on comparable products used as ingredients and on criteria on conferring essential characteristics on the processed product. However, the provisions of Article 27 of the GI Regulation provide the necessary margin of discretion to allow Member States to appropriately apply them in their own legal systems.

b) Implementation of Article 26(2) of the GI Regulation. Does Article 26(2) apply to domain names that use geographical indications in the domain name or does it also mean any other misuse?

Article 26(2) of the GI Regulation states that provisions mentioned in paragraph 1 of the said article shall apply to all domain names accessible within the EU. This means that requirements outlined in paragraph 1 of this article will be applicable to any domain name that can be accessible by users within the EU, regardless of the domain name's origin. This ensures consistent application of the rules across all domain names accessible within the EU. The protection applies to domain names that would contravene Article 26 of GI Regulation. It is important to note that the protection applies only to the name of a registered geographical indication used in the actual domain name, e.g. estonianvodka.ee,

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but not to the content of the website accessible through that domain name, the latter being regulated by other provisions of the GI Regulation. In addition, acts and situations referred to in paragraph 1 of Article 26 of the GI Regulation would also be relevant in case of domain names that include or can be linked with geographical indications.

c) Will the competent control authority decide to issue an order to restrict access to the domain name?

Under Article 42(4) of the GI Regulation, Member States shall take appropriate administrative and judicial steps to disable access to domain names that contravene Article 26(2) from their territory. Enforcement of protection of geographical indications is the competence of Member States. The specific procedure and conditions for the enforcement of geographical indications are determined by the national laws of each Member State. The scope of this enforcement obligation also covers the rules on the use of geographical indications. Article 42(4) of the GI Regulation foresees that these steps are taken when a domain name contravenes Article 26(2), which subsequently refers to acts and situations described in Article 26(1). It implies that the Member States must use their national administrative processes (e.g. competent authorities, regulatory agencies) or/and judicial recourse (courts, legal systems) to disable access to domain names from their territory. Provisions of this paragraph leave it to Member States to decide on actors and processes concerning disabling access of domain names from their territory.

d) What happens if there is a case when the operator responsible for the infringement is established in another Member State, but the blocking of a domain name should be done on the level of the domain name register that is in another Member State. Which Member State competent authority should decide in this case and issue an order for blocking the domain name?

The provision at stake concerns the ‘access’, not the ‘registration’. A domain name may be registered in another Member State or outside the Union, but each Member State is obliged to take the appropriate steps that access in its own territory to a domain name contravening the protection of geographical indications be disabled. Article 42(4) entails that it should be for a Member State where an infringement is verified to initiate the action to disable access to domain name from its territory following the appropriate national procedures. In most cases, disabling of access to domain names is done by the internet service providers (ISP), on order of the Member State. However, the access to the domain name would only be disabled in the Member State(s) which has/have adopted such measure to disable the access. The same domain name would remain accessible in other Member States if no decision to disable it from their territories has been taken by these Member States.

The above information is based solely on the facts set out in your email of 9 April 2024, expresses the view of the Commission services and does not commit the European Commission. In the event of a dispute involving Union law it is, under the Treaty on the Functioning of the European Union, ultimately for the Court of Justice of the European Union to provide a definitive interpretation of the applicable Union law.

Yours faithfully,



Diego CANGA FANO