

OTHER ACTS

COMMISSION

Notice — Geographical indications from the Republic of Korea

(2008/C 141/15)

In the framework of the ongoing negotiations for concluding a Free Trade Agreement with the Republic of Korea, the protection in the European Community as geographical indications of the names set out below and registered in the Republic of Korea under the 'Agricultural Products Quality Control Act' is under consideration. As far as products falling within the scope of Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾ are concerned, protection by means of inclusion in the register as provided for by Article 7 of that Regulation is under consideration.

The Commission invites any Member State or third country or any natural or legal persons having a legitimate interest, established or resident 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 European Commission within 2 months from the date of this publication.

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

1. for products falling within the scope of Regulation (EC) No 510/2006:
 - (a) 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 (Article 3(2) of Regulation (EC) No 510/2006);
 - (b) be wholly or partially homonymous with that of a name already registered under Regulation (EC) No 510/2006, and give rise to the situations described in Article 3(3) thereof;
 - (c) 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 (Article 3(4) of Regulation (EC) No 510/2006);
 - (d) 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 (Article 7(3)(c) of Regulation (EC) No 510/2006);
 - (e) or if they can give details from which it can be concluded that the name for which protection is considered is generic within the meaning of Article 3(1) of Regulation (EC) No 510/2006;

⁽¹⁾ OJL 93, 31.3.2006, p. 12.

2. for products falling within the scope of Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89 ⁽¹⁾:
- (a) be wholly or partially homonymous with that of a name already registered under Regulation (EC) No 110/2008, and give rise to the situations described in Article 19 of Regulation (EC) No 110/2008;
 - (b) in the light of a trade mark's reputation and renown and the length of time it has been used in the Community, be liable to mislead the consumer as to the true identity of the product (Article 23(3) of Regulation (EC) No 110/2008);
 - (c) or if they can give details from which it can be concluded that the name for which protection is considered is generic within the meaning of Article 15(3) of Regulation (EC) No 110/2008.

The criteria referred to above shall be evaluated in relation to the territory of the Community, which in the case of intellectual property rights refers only to the territory or territories where the said rights are protected.

Statements of objection should be sent to the following e-mail address: AGRI-A2@ec.europa.eu

The present notice is without prejudice to the possibility of applying for registration of names from the Republic of Korea under Article 5(9) of Regulation (EC) No 510/2006 or Article 17(3) of Regulation (EC) No 110/2008.

List of geographical indications for agricultural products and foodstuffs ⁽²⁾

Note: A: agricultural product, P: processed product, W: wine, S: spirits, L: livestock product, F: forest product.

1. Agro-livestock products

| Reg. No ⁽¹⁾ | Item ⁽²⁾ | Registered name ⁽³⁾ | Note ⁽⁴⁾ | Possible corresponding Trademark Class ⁽⁵⁾ | Comments ⁽⁶⁾ |
|------------------------|---------------------|--|---------------------|---|---|
| 1 | Green Tea | Boseong Green Tea (보성녹차) | P | 30 | |
| 2 | Green Tea | Hadong Green Tea (하동녹차) | P | 30 | |
| 3 | Wine | Gochang Black Raspberry Wine (고창복분자주) | W | 33 | Fruit 'wine' covered by Regulation (EC) No 510/2006 |
| 4 | Garlic | Seosan Garlic (서산마늘) | A | 31 | |
| 5 | Red Pepper Powder | Yeongyang Red Pepper Powder (영양고춧가루) | P | 30 | |

⁽¹⁾ OJL 39, 13.2.2008, p. 16.

⁽²⁾ List as provided by the Authorities of the Republic of Korea in the framework of the ongoing negotiations for concluding a Free Trade Agreement. Excerpt from the Korean GI Register base on the Agricultural Products Quality Control Act No 7675, 4 August 2005.

| Reg. No ⁽¹⁾ | Item ⁽²⁾ | Registered name ⁽³⁾ | Note ⁽⁴⁾ | Possible corresponding Trademark Class ⁽⁵⁾ | Comments ⁽⁶⁾ |
|------------------------|---------------------|---|---------------------|---|-------------------------|
| 6 | Garlic | Uiseong Garlic (의성마늘) | A | 31 | |
| 7 | Red Pepper | Goesan Red Pepper Dried (괴산고추) | A | 30 | |
| 8 | Kochujang | Sunchang Traditional Kochujang (순창전통고추장) | P | 30 | Chili pepper paste |
| 9 | Red Pepper Powder | Goesan Red Pepper Powder (괴산고춧가루) | P | 30 | |
| 10 | Melon | Seongju Chamoe (성주참외) | A | 31 | |
| 11 | Cabbage | Haenam Winter Baechu (해남겨울배추) | A | 31 | |
| 12 | Rice | Icheon Rice (이천쌀) | A | 30 | |
| 13 | Rice | Chorwon Rice (철원쌀) | A | 30 | |
| 14 | Citron | Goheung Yuja (고흥유자) | A | 31 | |
| 15 | Waxy Corn | Hongcheon Waxy Corn (홍천찰옥수수) | A | 31 | |
| 16 | Mugwort | Ganghwa Mugwort (강화약쑥) | A | 31 | |
| 17 | Beef | Hoengseong Hanwoo Beef (횡성한우고기) | L | 29 | |
| 18 | Pork | Jeju Pork (제주돼지고기) | L | 29 | |
| 19 | Red Ginseng | Korean Red Ginseng (고려홍삼) | P | 31 | |
| 20 | White Ginseng | Korean White Ginseng (고려백삼) | P | 31 | |

| Reg. No ⁽¹⁾ | Item ⁽²⁾ | Registered name ⁽³⁾ | Note ⁽⁴⁾ | Possible corresponding Trademark Class ⁽⁵⁾ | Comments ⁽⁶⁾ |
|------------------------|---------------------|---------------------------------------|---------------------|---|-------------------------|
| 21 | Taekuk Ginseng | Korean Taekuk Ginseng (고려태극삼) | P | 31 | |
| 23 | Apple | Chungju Apple (충주사과) | A | 31 | |
| 24 | Apple | Miryang Eoreumglol Apple (밀양얼음골사과) | A | 31 | |
| 26 | Spirits | Jindo Hongju (진도홍주) | S | 33 | |
| 27 | Milk Vetch | Jeongseon Hwanggi (정선향기) | A | 29 | |
| 28 | Garlic | Namhae Garlic (남해마늘) | A | 31 | |
| 29 | Garlic | Danyang Garlic (단양마늘) | A | 31 | |
| 30 | Onion | Changnyeong Onion (창녕양파) | A | 31 | |
| 31 | Onion | Muan Onion (무안양파) | A | 31 | |
| 32 | Rice | Yeoju Rice (여주쌀) | A | 30 | |
| 33 | White Lotus Tea | Muan White Lotus Tea (무안백련차) | P | 30 | |
| 34 | Apple | Cheongsong Apple (청송사과) | A | 31 | |
| 35 | Black Raspberry | Gochang BlackRaspberry (고창복분자) | A | 31 | |
| 36 | Apricot | Gwangyang Maesil (광양매실) | A | 31 | |
| 37 | Waxy Corn | Jeongseon Waxy Corn (정선탈옥수수) | A | 31 | |

| Reg. No ⁽¹⁾ | Item ⁽²⁾ | Registered name ⁽³⁾ | Note ⁽⁴⁾ | Possible corresponding Trademark Class ⁽⁵⁾ | Comments ⁽⁶⁾ |
|------------------------|----------------------|--|---------------------|---|-------------------------|
| 38 | Angelica Gigas Nakai | Chinbu Dangui (진부당귀) | A | 31 | Plant |
| 39 | Fresh Ginseng | Korean Fresh Ginseng (고려수삼) | A | 31 | |
| 40 | Red Pepper | Cheongyang Hot Pepper (청양고추) | A | 31 | |
| 41 | Red Pepper Powder | Cheongyang Powdered Hot Pepper (청양고춧가루) | P | 31 | |
| 42 | Sweet Potato | Haenam Sweet Potato (해남고구마) | A | 31 | |
| 43 | Fig | Yeongam Fig (영암무화과) | A | 31 | |
| 44 | Sweet Potato | Yeoju Sweet potato (여주고구마) | A | 31 | |

(1) Column 'Reg. No' as provided by the Authorities of the Republic of Korea.

(2) Column 'Item' as provided by the Authorities of the Republic of Korea.

(3) Column 'Registered name' as provided by the Authorities of the Republic of Korea.

(4) Column 'Note' as provided by the Authorities of the Republic of Korea.

(5) Column 'Possible corresponding Trademark Class' not provided by the Authorities of the Republic of Korea. For information only. Based on the International Classification of Goods and Services (Nice Classification).

(6) Column 'Comments' not provided by the Authorities of the Republic of Korea. For information only.

2. Forest products

| Reg. No ⁽¹⁾ | Item ⁽²⁾ | Registered name ⁽³⁾ | Note ⁽⁴⁾ | Possible corresponding Trademark Class ⁽⁵⁾ | Comments ⁽⁶⁾ |
|------------------------|---------------------|-------------------------------------|---------------------|---|-------------------------|
| 1 | Pine-mushroom | Yangyang Pine-mushroom (양양송이버섯) | F | 31 | |
| 2 | Oak-mushroom | Jangheung Oak-mushroom (장흥표고버섯) | F | 31 | |
| 3 | Persimmon Dried | Sancheong Persimmon Dried (산청곶감) | F | 29 | |

| Reg. No ⁽¹⁾ | Item ⁽²⁾ | Registered name ⁽³⁾ | Note ⁽⁴⁾ | Possible corresponding Trademark Class ⁽⁵⁾ | Comments ⁽⁶⁾ |
|------------------------|---------------------|-----------------------------------|---------------------|---|------------------------------|
| 4 | Chestnut | Jeongan Chestnut (정안밤) | F | 31 | |
| 5 | Wild Vegetable | Ulleungdo Samnamul (울릉도삼나물) | F | 31 | |
| 6 | Golden rod | Ulleungdo Miyeokchwi (울릉도미역취) | F | 31 | |
| 7 | Fern | Ulleungdo Chamgobi (울릉도참고비) | F | 31 | |
| 8 | Wild Vegetable | Ulleungdo Bujigaengi (울릉도부지갱이) | F | 31 | |
| 9 | Jujube(Date) | Gyeongsan Jujube (경산대추) | F | 31 | |
| 10 | Pine-mushroom | Bonghwa Pine-mushroom (봉화송이) | F | 31 | |
| 11 | Gugija | Cheongyang Gugija (청양구기자) | F | 31 | Self-grown plant on mountain |
| 12 | Persimmon Dried | Sangju Persimmon Dried (상주곶감) | F | 29 | |
| 13 | Fern | Namhae ChangSun Fern (남해창선고사리) | F | 31 | |
| 14 | Pine-mushroom | Yeongdeok Pine-mushroom (영덕송이) | F | 31 | |

(1) Column 'Reg. No' as provided by the Authorities of the Republic of Korea.

(2) Column 'Item' as provided by the Authorities of the Republic of Korea.

(3) Column 'Registered name' as provided by the Authorities of the Republic of Korea.

(4) Column 'Note' as provided by the Authorities of the Republic of Korea.

(5) Column 'Possible corresponding Trademark Class' not provided by the Authorities of the Republic of Korea. For information only. Based on the International Classification of Goods and Services (Nice Classification).

(6) Column 'Comments' not provided by the Authorities of the Republic of Korea. For information only.