

INFORMATION NOTICE — PUBLIC CONSULTATION**Geographical indications from Japan**

(2017/C 25/06)

Within the ongoing negotiations with Japan for a Free Trade Agreement (hereafter 'the Agreement') including a chapter on Geographical Indications, the Japanese authorities have presented, for protection under the Agreement, the attached list of Geographical Indications. The European Commission is currently considering whether these Geographical Indications shall be protected under the Agreement as Geographical Indications within the meaning of Article 22(1) of the Agreement on Trade-Related Aspects of Intellectual Property Rights.

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

Statements of opposition must reach the Commission within two months of the date of this publication. Statements of opposition should be sent to the following email address: AGRI-A4@ec.europa.eu

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

- (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;
- (b) be wholly or partially homonymous with that of a name already protected in the Union under Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, or contained in the agreements the Union has concluded with the following countries:

— SADC EPA States (comprising Botswana, Lesotho, Mozambique, Namibia, Swaziland and South Africa) ⁽²⁾

— Switzerland ⁽³⁾

— Korea ⁽⁴⁾

— Central America ⁽⁵⁾

— Colombia and Peru ⁽⁶⁾

— Montenegro ⁽⁷⁾

— Bosnia and Herzegovina ⁽⁸⁾

— Serbia ⁽⁹⁾

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ Council Decision (EU) 2016/1623 of 1 June 2016 on the signing, on behalf of the European Union and provisional application of the Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other part (OJ L 250, 16.9.2016, p. 1).

⁽³⁾ Decision 2002/309/EC, Euratom 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 (OJ L 114, 30.4.2002, p. 1) and in particular the Agreement between the European Community and the Swiss Federation on trade in agricultural products — Annex 7.

⁽⁴⁾ Council Decision 2011/265/EU of 16 September 2010 on the signing, on behalf of the European Union, and provisional application of the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part (OJ L 127, 14.5.2011, p. 1).

⁽⁵⁾ Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other (OJ L 346, 15.12.2012, p. 3).

⁽⁶⁾ Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part (OJ L 354, 21.12.2012, p. 3).

⁽⁷⁾ Council Decision 2007/855/EC 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 (OJ L 345, 28.12.2007, p. 1).

⁽⁸⁾ Council Decision 2008/474/EC of 16 June 2008 on 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 (OJ L 169, 30.6.2008, p. 10) — Protocol 6.

⁽⁹⁾ Council Decision 2010/36/EC of 29 April 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 the Republic of Serbia, of the other part (OJ L 28, 30.1.2010, p. 1).

— Moldova ⁽¹⁾

— Georgia ⁽²⁾

- (c) in the light of a trade mark'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;
- (d) jeopardise the existence of an entirely or partly identical name or of a trade mark 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.
- (e) or if they can give details from which it can be concluded that the name for which protection is considered is generic.

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

List of Geographical Indications ⁽³⁾

Protected name in Japan	Transcription (for information purposes only)	Product category
‘くまもと県産い草’/‘KUMAMOTO-IGUSA’/ ‘KUMAMOTO-RUSH’	‘Kumamoto Kensan Igusa’	Rush
‘市田柿’/‘ICHIDA GAKI’	‘Ichida Gaki’	Fruit, vegetables and cereals, fresh or processed — dried persimmon
‘鳥取砂丘らっきょう’/‘ふくべ砂丘らっきょう’/ ‘TOTTORI SAKYU RAKKYO’/‘FUKUBE SAKYU RAKKYO’	‘Tottori Sakyu Rakkyo’/‘Fukube Sakyu Rakkyo’	Fruit, vegetables and cereals, fresh or processed — shallot
‘加賀丸いも’/‘KAGAMARUIMO’	‘Kaga Maruimo’	Fruit, vegetables and cereals, fresh or processed — round yam
‘下関ふく’/‘SHIMONOSEKI FUKU’	‘Simonoseki Fuku’	Fresh fish, molluscs and crustaceans and products derived therefrom — fish
‘十勝川西長いも’/‘TOKACHI KAWANISHI NAGAIMO’	‘Tokachi Kawanishi Nagaimo’	Fruit, vegetables and cereals, fresh or processed — long yam
‘能登志賀ころ柿’/‘NOTO-SHIKA KOROGAKI’	‘Noto Shika Korogaki’	Fruit, vegetables and cereals, fresh or processed — dried persimmon

⁽¹⁾ Council Decision 2013/7/EU of 3 December 2012 on the conclusion of the Agreement between the European Union and the Republic of Moldova on the protection of geographical indications of agricultural products and foodstuffs (OJ L 10, 15.1.2013, p. 1).

⁽²⁾ Council Decision 2012/164/EU of 14 February 2012 on the conclusion of the Agreement between the European Union and Georgia on the protection of geographical indications of agricultural products and foodstuffs (OJ L 93, 30.3.2012, p. 1).

⁽³⁾ List provided by the Japanese authorities in the framework of the ongoing negotiations, registered in Japan.