

OTHER ACTS

EUROPEAN COMMISSION

INFORMATION NOTICE — PUBLIC CONSULTATION

Geographical indications from Ukraine

(2010/C 146/11)

In the framework of the ongoing negotiations for concluding a Free Trade Agreement with the Ukraine, the protection in the European Union, as geographical indications, of the names set out below and registered in the Ukraine under Law No 752-XIV on the Protection of Rights to Indication of Origin of Goods 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-B3-GI@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 protection of the name 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 1234/2007 ⁽¹⁾ establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation into which has been integrated the common organisation of the market in wine) and Regulation (EC) No 110/2008 of the European Parliament and of the Council ⁽²⁾ on the definition, description, presentation, labelling and protection of geographical indications of spirit drinks; or contained in the agreements the Community has concluded with the one of the following countries:
 - Republic of Albania (Council Decision 2006/580/EC 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 ⁽³⁾ (Protocol 3 on reciprocal preferential concessions for certain wines, the reciprocal recognition, protection and control of wine, spirit drinks and aromatised wine names)),
 - Australia (Council Decision 94/184/EC of 24 January 1994 concerning the conclusion of an Agreement between the European Community and Australia on trade in wine ⁽⁴⁾),

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 36, 13.2.2008, p. 16.

⁽³⁾ OJ L 239, 1.9.2006, p. 1.

⁽⁴⁾ OJ L 86, 31.3.1994, p. 1.

- Bosnia and Herzegovina (Council Decision 2008/474/EC of 16 June 2008 on the conclusion of an Interim Agreement on trade and trade-related matters between the European Community, of the one part, and Bosnia and Herzegovina, of the other part ⁽¹⁾ — Protocol 7),
- Canada (Council Decision 2004/91/EC of 30 July 2003 on the conclusion of the Agreement between the European Community and Canada on trade in wines and spirit drinks ⁽²⁾),
- Republic of Chile (Council Decision 2002/979/EC 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 ⁽³⁾),
- Croatia (Council Decision 2001/918/EC of 3 December 2001 on the conclusion of an Additional Protocol adjusting the trade aspects of the Stabilisation and Association Agreement between the European Community 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 ⁽⁴⁾),
- former Yugoslav Republic of Macedonia (Council Decision 2001/916/EC of 3 December 2001 on the conclusion of an Additional Protocol adjusting the trade aspects of the Stabilisation and Association Agreement between the European Community and the former Yugoslav Republic of Macedonia, 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 ⁽⁵⁾),
- Mexico (Council Decision 97/361/EC 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 ⁽⁶⁾),
- Montenegro (Council Decision 2007/855/EC of 15 October 2007 concerning the 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 ⁽⁷⁾),
- South Africa (Council Decision 2002/51/EC of 21 January 2002 concerning the Agreement between the European Community and the Republic of South Africa on trade in wine ⁽⁸⁾) and Council Decision 2002/52/EC of 21 January 2002 concerning the Agreement between the European Community and the Republic of South Africa on trade in spirits ⁽⁹⁾),
- Switzerland (Council Decision 2002/309/EC, Euratom 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 ⁽¹⁰⁾, and in particular the Agreement between the European Community and the Swiss Federation on trade in agricultural products — Annex 7),
- United States of America (Council Decision 2006/232/EC of 20 December 2005 on the conclusion of the Agreement between the European Community and the United States of America on trade in wine ⁽¹¹⁾).

⁽¹⁾ OJ L 169, 30.6.2008, p. 10.

⁽²⁾ OJ L 35, 6.2.2004, p. 1.

⁽³⁾ OJ L 352, 30.12.2002, p. 1.

⁽⁴⁾ OJ L 342, 27.12.2001, p. 42.

⁽⁵⁾ OJ L 342, 27.12.2001, p. 6.

⁽⁶⁾ OJ L 152, 11.6.1997, p. 15.

⁽⁷⁾ OJ L 345, 28.12.2007, p. 1.

⁽⁸⁾ OJ L 28, 30.1.2002, p. 3.

⁽⁹⁾ OJ L 28, 30.1.2002, p. 112.

⁽¹⁰⁾ OJ L 114, 30.4.2002, p. 1.

⁽¹¹⁾ OJ L 87, 24.3.2006, p. 1.

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. 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 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.

List of geographical indications for agricultural products and foodstuffs ⁽¹⁾

Class of products	Name as registered in Ukraine	Transcription in Latin characters
Wine	Сонячна Долина	Soniachna Dolyna (Soniachna Dolina)
Wine	Новий Світ	Novyj Svit (Novy Svet)

⁽¹⁾ List provided by the Ukrainian Authorities, in the framework of ongoing negotiations. Excerpt from the Ukrainian GI Register, Law No 752-XIV on the Protection of Rights to Indication of Origin of Goods 16 June 1999 (<http://www.sdip.gov.ua>).