

**Judgment of the Court (Ninth Chamber) of 8 May 2014 (request for a preliminary ruling from the Corte suprema di cassazione — Italy) — Assica — Associazione Industriali delle Carni e dei Salumi, Kraft Foods Italia SpA v Associazione fra produttori per la tutela del ‘Salame Felino’ and Others**

(Case C-35/13) <sup>(1)</sup>

*(Agriculture — Agricultural products and foodstuffs — Regulation (EEC) No 2081/92 — Article 2 — Protection of geographical indications and designations of origin — Material scope — Protection on national territory — Absence of Community registration — Consequences — Protection of designations relating to products for which there is no specific link between their characteristics and their geographical origin — Conditions)*

(2014/C 202/09)

Language of the case: Italian

**Referring court**

Corte suprema di cassazione

**Parties to the main proceedings**

*Applicants:* Assica — Associazione Industriali delle Carni e dei Salumi, Kraft Foods Italia SpA

*Defendants:* Associazione fra produttori per la tutela del ‘Salame Felino’, La Felinese Salumi SpA, Salumificio Monpiù Srl, Salumi Boschi Fratelli SpA, Gualerzi SpA, Alinovi Tullio di Alinovi Giorgio & C. Snc, Salumificio Gastaldi di Gastaldi Franco & C. Snc, Boschi Cav. Umberto SpA, Fereoli Mario & Figlio Snc, Salumificio Ducale Snc di Morini & Tortini, Fereoli Gino & Figlio Snc, Ronchei Srl, Salumificio B.R.B. Snc

**Re:**

Request for a preliminary ruling — Corte suprema di cassazione — Interpretation of Article 2 of Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (OJ 1992 L 208, p. 1) — Designation of origin which has not been registered and in respect of which there is no legally binding measure establishing the boundaries of the geographical area of production, the rules and regulations governing production, and any requirements which producers may have to satisfy in order to be entitled to use that designation — Possibility of prohibiting, as an act of unfair competition, the use within the national territory of that designation in respect of national products which do not originate in the places covered by the designation

**Operative part of the judgment**

Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs, as amended by Council Regulation (EC) No 535/97 of 17 March 1997, must be interpreted as meaning that it does not afford protection to a geographical designation which has not obtained a Community registration, but that that geographical designation may be protected, should the case arise, under national legislation concerning geographical designations relating to products for which there is no specific link between their characteristics and their geographical origin, provided, however, that, first, the implementation of that legislation does not undermine the objectives pursued by Regulation No 2081/92 as amended by Council Regulation (EC) No 535/97 and, secondly, it does not contravene the principle of the free movement of goods under Article 28 EC, matters which fall to be determined by the national court.

<sup>(1)</sup> OJ C 86, 23.3.2013.