

3. The third indent of Article 2(j) of Directive 2011/95, read in conjunction with Article 23(2) of that directive, must be interpreted as meaning that the rights that the family members of a beneficiary of subsidiary protection derive from the subsidiary protection status obtained by their child, in particular the advantages referred to in Articles 24 to 35 of that directive, persist after that beneficiary reaches the age of majority for the duration of the period of validity of the residence permit granted to them in accordance with Article 24(2) of that directive.

(¹) OJ C 19, 20.1.2020.

Judgment of the Court (Fifth Chamber) of 9 September 2021 (Request for a preliminary ruling from the Audiencia Provincial de Barcelona — Spain) — Comité Interprofessionnel du Vin de Champagne v GB

(Case C-783/19) (¹)

(Reference for a preliminary ruling — Agriculture — Protection of geographical indications and designations of origin for agricultural products and foodstuffs — Uniform and exhaustive nature — Regulation (EU) No 1308/2013 — Article 103(2)(a)(ii) — Article 103(2)(b) — Evocation — Protected Designation of Origin (PDO) ‘Champagne’ — Services — Comparability of products — Use of the trade name ‘Champanillo’)

(2021/C 462/07)

Language of the case: Spanish

Referring court

Audiencia Provincial de Barcelona

Parties to the main proceedings

Applicant: Comité Interprofessionnel du Vin de Champagne

Defendant: GB

Operative part of the judgment

1. Article 103(2)(b) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007, must be interpreted as meaning that it protects protected designations of origin (PDO) in respect of conduct relating to both products and services.
2. Article 103(2)(b) of Regulation No 1308/2013 must be interpreted as meaning that the ‘evocation’ referred to in that provision, first, does not require, as a prerequisite, that the product benefitting from a PDO and the product or service covered by the sign at issue are identical or similar and, secondly, is established when the use of a designation produces, in the mind of the average European consumer who is reasonably well-informed and reasonably observant and circumspect, a sufficiently direct and unequivocal link between that designation and the PDO. The existence of such a link may result from several elements, in particular, the partial incorporation of the protected designation, phonetic and visual similarity between the two designations and the resulting similarity, and even, in the absence of those elements, from the conceptual similarity between the PDO and the designation at issue and also from a similarity between the products covered by that PDO and the products or services covered by that designation.
3. Article 103(2)(b) of Regulation No 1308/2013 must be interpreted as meaning that the ‘evocation’ referred to in that provision is not subject to a finding of unfair competition, since that provision establishes a specific and related protection which applies regardless of the provisions of national law concerning unfair competition.

(¹) OJ C 19, 20.1.2020.