

## OTHER ACTS

## EUROPEAN COMMISSION

## INFORMATION NOTICE — PUBLIC CONSULTATION

## ‘Cacao Arriba’ Geographical Indication from Ecuador

(2014/C 246/09)

The negotiations for the accession of Ecuador to the Trade Agreement between the European Union, and its Member States, and Colombia and Peru<sup>(1)</sup> are underway. In this context, the protection in the European Union, as Geographical Indication, of the name set out below 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 email address:

AGRI-A1@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 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<sup>(2)</sup>, or contained in the agreements the Union has concluded with the one of the following countries:
  - Bosnia and Herzegovina: Council Decision 2008/474/EC<sup>(3)</sup> 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 — Protocol 7,
  - Montenegro: Council Decision 2007/855/EC<sup>(4)</sup> 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,
  - Switzerland: Decision of the Council, and of the Commission 2002/309/EC, Euratom as regards the Agreement on Scientific and Technological Cooperation, of 4 April 2002 on the conclusion of seven Agreements with the Swiss Confederation<sup>(5)</sup>, and in particular the Agreement between the European Community and the Swiss Federation on trade in agricultural products — Annex 7,
  - Republic of Korea: 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<sup>(6)</sup>,

<sup>(1)</sup> OJ L 354, 21.12.2012, p. 1.

<sup>(2)</sup> OJ L 343, 14.12.2012, p. 1.

<sup>(3)</sup> OJ L 169, 30.6.2008, p. 10.

<sup>(4)</sup> OJ L 345, 28.12.2007, p. 1.

<sup>(5)</sup> OJ L 114, 30.4.2002, p. 1.

<sup>(6)</sup> OJ L 127, 14.5.2011, p. 1.

- Peru and Colombia: Council Decision 2012/735/EU of 31 May 2012 on the signing, on behalf of the Union, and provisional application of the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part <sup>(7)</sup>,
  - Central America: Council Decision 2012/734/EU of 25 June 2012 on the signing, on behalf of the European Union, of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other, and the provisional application of Part IV thereof concerning trade matters <sup>(8)</sup>;
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 Union, which in the case of intellectual property rights refers only to the territory or territories where the said rights are protected. The protection of this name in the European Union is subject to the successful conclusion of these negotiations and subsequent legal act.

#### **List of GIs for agricultural products and foodstuffs <sup>(9)</sup>**

Class of product	Name as registered in Ecuador
Other products of Annex I to the Treaty: Cacao	Cacao Arriba

<sup>(7)</sup> See footnote 1.

<sup>(8)</sup> OJ L 346, 15.12.2012, p. 1.

<sup>(9)</sup> List provided by Ecuador, in the framework of ongoing negotiations.