



European Observatory of counterfeit and piracy  
Legal Subgroup

The GI Champagne

# Challenges on the protection of GIs in the EU



## Main topics

- Regulation 1383/2003 : What is the status of goods in transit ?
- The scope of protection of GIs in EU regulations
- The use of GIs as an ingredient
- The necessity to enlarge the scope of the product specifications
- What type of goods might be GIs in the EC ?

## Additional topics

- Criminal penalties – Necessity for harmonization and tightening
- The necessity for special training sessions on GIs in Europe
- The capacity to go to Court for the interprofessional associations (ex. UK and Germany).



## The protection of Champagne

**2008 - 2011**



## Regulation 1383/2003 : What is the status of goods in transit ?



- Strengthen the system of seizure to goods in transit

Example: 3 200 counterfeit bottles originating from the USA sent to Nigeria found in Belgium



- Necessity to improve the protection of GIs for non-similar goods and services by including 2 concepts in the actual article 118 m:

(a) any direct or indirect commercial use of a protected name:

(ii) in so far as such use exploits the reputation of a designation of origin or a geographical indication;

- The dilution of the reputation
  - The risk of misappropriation and dilution
- Resolve the problems of harmonisation of the versions  
Ex: The French version does not include protection for misappropriation to designate services

**EN:** (b) any misuse, imitation or evocation, even if the true origin of the product or service is indicated or (..)

**FR:** b) toute usurpation, imitation ou évocation, même si l'origine véritable du produit est indiquée ou (..)



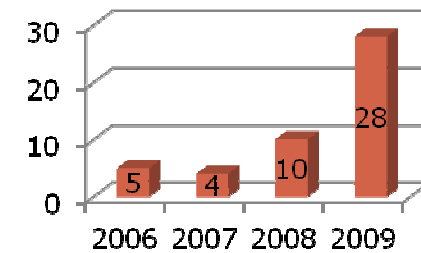
## The use of GIs as an ingredient (1/2)



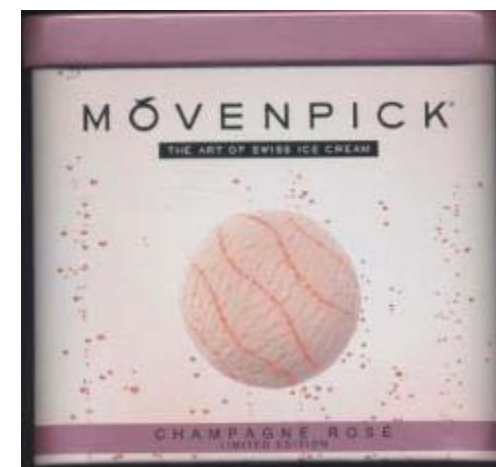
The necessity to take into account a new problematic :

The use of GIs as ingredients in processed goods to take illegitimate advantage of their reputation.

An increasing problem for Champagne



Champagne files



### Objectives :

- Provide the producers some efficient tools to prevent or stop those unfair uses of their name
- Responsabilize the producers on the preservation of their name

### 2 different situations :

- GIs which are *per se* ingredients (ex. Piment d'Espelette)
- GIs which are used as an ingredient in order to take advantage of their reputation



## Enlarging the scope of the product specifications



- The necessity to enlarge the possibility for producers to regulate their product in the specifications
    - Provisions regarding the presentation (labeling)
- Example – Provide some specific provision re: size and shape of the name of the GI

## A narrow concept of GI in Europe



### Propositions:

- Harmonization of the European regulations on the recognition and protection of GIs
  - Technical provisions in a political regulation => The GIs for wine are always one step behind
- Extension of the scope of the concept of GI to non-agricultural products
  - International cooperation activities of Comité Champagne





The necessity to increase the penalties in case of counterfeit of GIs

The example of a criminal organisation which counterfeited massively Champagne

- 27 prosecuted persons
- 40,000+ bottles (bought 2.5€ sold between 8€ and 10€) => profit= 220k€/300k€
- Fines from 600€ to 7,500€

**An encouragement to continue !!**

The inconsistency of penalties for GIs and other IPRs

The example of Italy

- 14 000 fake Champagne bottles: respectively 1,580€ and 2,250€ fines
- 900 fake Veuve Clicquot Champagne bottles : 15 months imprisonment + 1,000€



# The necessity for special customs training on GIs



## Findings:

- Customs and other control authorities do not know the concept of GIs
- When they know, they are particularly interested in protecting the European patrimony

## Propositions:

- Organisation of trainings specially dedicated to GIs



**Champagne only comes from Champagne**  
How to identify a fake champagne ?

COMITÉ INTERPROFESSIONNEL DE VIN DE CHAMPAGNE

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**WELCOME**

This website is intended as a quick, straightforward guide to recognising goods that infringe the rights of the Champagne appellation in particular.

Famous the world over, Champagne is an obvious prey for counterfeiters. As legislation tightens, imitations grow ever more ingenious but there are number of useful criteria by which they may be distinguished from the genuine article. These include the name "Champagne" in translation, a missing registration number or a place of origin outside France.

If in doubt, [contact us](#), we'll be glad to help.

gala : Quantum vitales natura teleendi in axes, tantum virtuti pervia terra tuas. Facidi patriam diversis gentibus anem. Profut injusis, te divinisio. capi, Dumose offers vobis proprii concordia juris, Urbem foelicti quod prius orbis erat. Auctions generis Venereis Martemque fatemur, Achcedum inatam Eamulidumquo detrem : Mitat

**SEARCH**

Imitations grow ever more ingenious there are number more ingenious but there are

[Start the research](#)

**APPLICATION FOR ACTION**

Find all the information you need to identify genuine and fakes

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To contact us :  
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**NEWS**

12/05/2007  
**Ter of useful crite via by which theful crite via beef**

Isolation tightens, imitations grow ever more ingenious but there are number of useful criteria by which they may be useful

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# 21 seizures by European customs authorities since 2006





- In UK  
the CIVC, as an inter-branch organisation, doesn't have the « *same interest* » to protect the GI Champagne as Champagne producers do.

As a consequence, CIVC cannot claim on its own and need to be associated to some of its members, which creates additional costs and burdens the proceedings

- In Germany  
German courts refuse to grant damages to CIVC considering that it does not suffer a personal damage



Thank you for your attention !