



ACCADEMIA DEI GEORGOFILII



LA NUOVA DISCIPLINA DELLA PRODUZIONE VITIVINICOLA CRITICITÀ E SFIDE TRA INNOVAZIONI NORMATIVE E TECNICHE

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Wine PDOs / PGIs under the new CMO: is the sky the limit of protection?

ABSTRACT

With regard to the European system of PDO/PGI for wines, the amendment of Regulation 1308/2013 in December 2021, confirms the ceaseless extension of the protection for PDO/PGI. Either by codifying previous case-law (like the Champagner Sorbet Case or the rich case-law of conflict between PDO/PGI and trademarks) or by adding new clauses of protection (weakening and dilution of the reputation) or, finally, by extending explicitly the protection to products in transit and distant selling. One may, however, ask whether some of these extensions were necessary (given, e.g., that other clauses have never been explored, like “imitation” and “usurpation”) and, above all, to what extent this high level of protection could “backfire” and provoke delicate problems of competition among PDO/PGI.

The upcoming unification of the various systems of PDO/PGI can be an opportunity to further enhance PDO/PGI for wines. However, the recent vote (20.04.2023) of the commission on agriculture of the European Parliament against the transfer of the Commission’s power to the EUIPO for the wine sector shows that the wine sector is ready to defend its specificities.