

<https://doi.org/10.53656/str2025-1s-14-era>

A NEW ERA IN THE PROTECTION OF GEOGRAPHICAL INDICATIONS IN EU

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Abstract. Geographical indications (GIs) are a key part of maintaining high food quality and standards and ensuring that the cultural, gastronomic, and local heritage is preserved and certified as authentic across the European Union (EU) and worldwide. The article aims to look at opportunities and challenges at the forefront of geographical indications – the significant reform of GIs for wine, spirit drinks, and agricultural products, namely the brand-new Regulation (EU) 2024/1143 of the European Parliament and the Council.

In the new Regulation, emphasis is placed on the IP protection that regulates production and trade in all their aspects – environmental, social, and economic. Consideration is given to criteria for better legal protection against domain names and on the Internet and domain name dispute resolution. The new Regulation is intended to regulate the conditions under which the reference to a geographical indication can be used commercially when an ingredient is used on the product label. Another new obligation is to indicate the producer in labeling, the use of personal data in applications, and the role of producer groups as managing bodies for geographical indications.

The article aims to address the latest developments, challenges, and opportunities in the field of geographical indications in the European Union (EU). Moreover, comprehensive research is performed on registered GIs in the EU for wine, spirits, and food. The aim of the research is to analyze the applicants' activity and the registered GIs in the European Union to show trends and developments in the field.

Keywords: geographical indications; intellectual property protection; EU Regulation; gastronomic heritage

Introduction

The brand-new Regulation (EU) 2024/1143 of the European Parliament and of the Council on geographical indications (GIs) for wine, spirit drinks, and agricultural products, as well as traditional specialties guaranteed and optional quality terms for agricultural products (hereunder the Regulation), entered into force on 13 May 2024. The Regulation amends Regulations (EU) No 1308/2013,

(EU) 2019/787 and (EU) 2019/1753 and repealing Regulation (EU) No 1151/2012.

The Geographical Indications are currently undergoing significant changes. The introduction of the new EU Regulation for craft GIs on the protection of geographical indications for craft and industrial products (CIGIR) marks an important moment. Published on 27 October 2023 and entering into force on 16 November 2023, this legislation will allow producers to apply for GI protection from December 1st 2025. However, this regulation will not be the focus of the current article. Focus is placed on the agricultural GIs (food, wine, and spirits) that are also experiencing changes due to new legislation aimed at improving protection and streamlining the registration process. The collaboration between the European Commission and the EUIPO has been particularly effective. The EUIPO will play a crucial role in this new system, managing registrations and maintaining IT tools, such as the GIview database, GIportal, and the Union Register for GIs.

This joint effort has led to the creation of a system that protects GIs within the EU and facilitates their international registration through agreements like the Geneva Act of the Lisbon Agreement.

The aim of the changes is to develop and enhance the system for geographical indications in the EU. The focus is on protecting products' unique qualities linked to specific geographical origins by promoting gastronomic heritage, authenticity, and rural development. Moreover, "industrial property objects provide a number of advantages for their owners and a high return on investments made in the development" (Pacheva 2024). The price of registered GI could be double that of a similar product that is not registered as GI as "the rightsholder receives income from the use of his intellectual property" (Strizhlev 2020).

This paper performs comprehensive research on the new moments in protecting GIs in the EU. The search covers all registered GIs for wine, spirits, and food in the EU. The aim of the present research is to analyze the applicants' activity and the registered GIs in the European Union. The search is conducted according to a specific research methodology.

I. New moments in the protection of GIs

In 2021, the European Commission identified a lack of knowledge and understanding of GIs in the EU Member States, which laid the basis for a legislative proposal for a regulation on the protection of GIs. Environmental sustainability and animal welfare were also discussed. It was concluded that updating the current system will positively impact the economies of the Member States and the EU as a whole.

It should be noted that "state policies should create strategic synergy whereby creativity is developed, encouraged, and supported in all fields: science, education, health, priority sectors of the economy, energy, tourism, and transport." (Krushkov,

Krushkova 2024). The field of agriculture is extremely important for preserving local production and maintaining sustainability and diversity.

The new Regulation introduces several important changes in the registration procedure of the GIs. Not only the Union procedure will be reviewed, but also the national one, as “knowledge in national legislation is important to be able to adapt the documentary requirements without infringing the rights and economic interests of those involved in the creation of the product.” (Nachev 2024).

1. National procedure

1.1. The applications for registration of agri-food GIs may be submitted by a producer group (an association, irrespective of its legal form, composed of producers of the same product, the name of which is proposed for registration). The applicant may also be a single producer under certain conditions.

1.2. A national opposition procedure is conducted by each Member State before sending the application to EUIPO. After the national examination and publication of the application, third parties with legitimate interest may file an opposition against the application for registration.

1.3. After the national stage, the application should be submitted for registration at the EU stage. Hence, the Member State may only grant transitional protection to the GI at the national level until the registration at the Union level is completed.

2. Union procedure

2.1. The Commission shall examine the application and verify that it meets all the requirements within 6 months of receiving it.

2.2. If there are no irregularities, the application and related specifications are published in the EU Official Journal. A notice of comments or an opposition may be filed by a third party within 3 months of publication.

2.3. Genetic terms could not be registered as GIs considering a) the existing situation in the areas of consumption of the relevant product and b) the relevant national or Union legal acts.

3. Strengthened protection and enforcement

3.1. The new Regulation provides the producer groups with more power to manage and develop their GIs, for example, through access to anti-counterfeiting and customs authorities in the Member States.

3.2. Better protection against infringing domain names is also considered for better legal protection on the Internet.

3.3. The new Regulation is intended to regulate the conditions under which the reference to a geographical indication can be used commercially when an ingredient is used on the product label. The recognised producer groups and the producers of prepacked food may agree on “specific technical and visual aspects of how the geographical indication of the ingredient is presented in the name of the prepacked food in labeling, elsewhere than in the list of ingredients, or in advertising material” (Regulation EU 2024/1143).

To summarize, the main objective of the new Regulation is to strengthen the protection and enforcement of GIs and to increase the uptake of GIs. Moreover, preserving the high quality and standard of EU food and building cultural, gastronomic, and local heritage through:

- Protection of product names from misuse and imitation;
- Name is reserved to products respecting the specification, it is not reserved to one single producer but can be used by all producers respecting the specification – Collective Right;
- Protection unlimited in time (possibility of cancellation if compliance with the product specification is no longer ensured);
- Administrative protection by public authorities;
- Better market opportunities and often allows a better price;
- Marketing tool: GIs are distinctive signs.

II. Methodology of the search in the filed of GIs

The present article performs comprehensive research on GIs registrations in the EU according to the methodology for conducting patent studies set by Prof. B. Borisov (1999).

The research was carried out in specialised databases in the field of GIs. The analysis methods used are comparative, structural, and statistical data analysis. The study used literature reviews and document analyses, observation, and trend tracking. The findings are presented in tabular form and through diagrams.

Determining the parameters of the search

Purpose of the research

This research aims to identify the agricultural products, wine, and spirit drinks that are registered and protected across the EU in order to reveal the trend of the development of the GIs.

Subject of the research

The research will focus on all agricultural products, wine, and spirit drinks registered in the EU as GIs.

Countries covered by the survey

The territory covered by this research is the territory of the European Union.

Depth (retrospective) of the research

The research covers all applied and registered GIs in Europe until 31 December 2024.

Information sources

The European Commission's online database eAmbrosia (www.ec.europa.eu) was used to implement this research. The database eAmbrosia is a legal register of the names of agricultural products, wine, and spirit drinks that are registered and protected across the EU. It provides direct access to information on all registered geographical indications, including the legal instruments of protection and product

specifications. It also displays key dates and links for applications and publications before the geographical indications are registered.

III. Search results

The registered geographical indications (GIs) for the territory of the European Union have been analyzed up to 31 December 2024, revealing a detailed breakdown of the different categories – food, wine and spirit drinks.

The different categories should be explained before revealing the search results.

1. A Protected Designation of Origin (**PDO**) is reserved for the names of products with the strongest link between their characteristics and geographical origin. Raw materials and production steps occur in a specific geographical area, and the final product is determined by these local ingredients and producers' knowledge, skills, and know-how.

2. A Protected Geographical Indication (**PGI**) also links a product to a geographical area through its quality, characteristics, and/or reputation. PGI registration requires at least one of the production, processing, or preparation processes to take place in the specific region. However, the ingredients do not need to come from that region.

3. A Geographical Indication (**GI**) applies to spirit drinks distilled or manufactured in a specific geographical area.

It should be noted that only foodstuffs and agricultural products must have the PDO/PGI symbols on their packaging. EU symbols are optional for wines and spirit drinks. (European Commission, 2023)

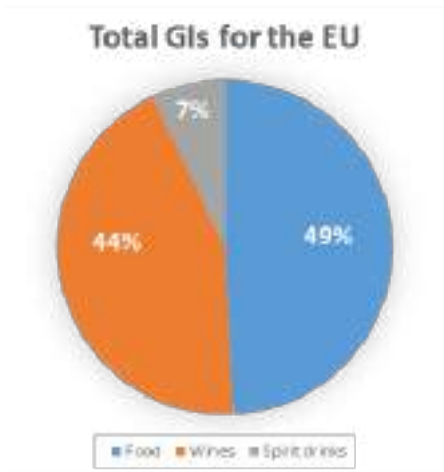


Figure 1. Total GIs for the European Union until 31 December 2024

Source: eAmbrosia online database – www.ec.europa.eu

According to the data, there are a total of 1,929 GIs registered for food products, which constitutes 49% of the total. Wines account for 1,712 GIs, making up 44% of the total. Spirit drinks represent the smallest category, with 279 GIs, comprising 7% of the total.

These statistics highlight the significant emphasis on food and wine GIs within the EU's registration system, reflecting the region's strong agricultural heritage and its reputation for high-quality, geographically distinctive products. The smaller proportion of spirit drink GIs indicates that this sector, while important, has a relatively limited number of registered indications compared to the other categories.

Geographic indications (GIs) within the European Union (EU) have also been analyzed by type up to 31 December 2024.

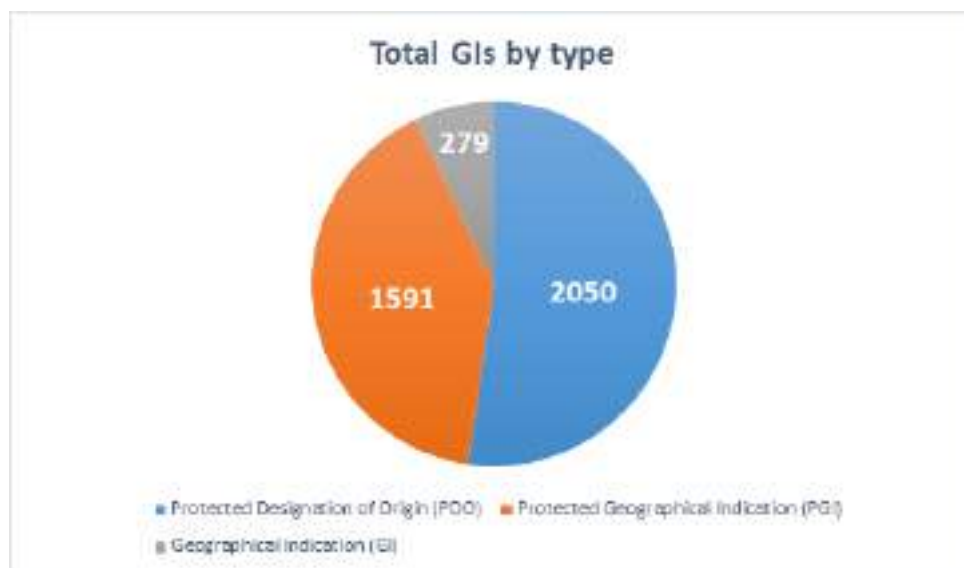


Figure 2. Total GIs by type for the European Union until 31 December 2024

Source: eAmbrosia online database – www.ec.europa.eu

The data reveals the following distribution of GIs:

- **Protected Designation of Origin (PDO):** A total of 2,050 GIs fall under this category, making it the most prominent type of registration.
- **Protected Geographical Indication (PGI):** There are 1,591 GIs registered under this designation, reflecting a significant proportion of the total.
- **Geographical Indication (GI):** This category accounts for 279 registrations, representing a smaller share of the overall GIs.

The analysis clearly emphasizes the PDO category, with the strongest link to their geographical origin regarding quality, reputation, and tradition. The PGI designation, which is slightly less stringent in its requirements, also holds substantial importance. Meanwhile, the GI category (spirit drinks), though smaller in number, remains an integral part of the EU's system for protecting geographically distinctive products. This distribution underscores the EU's commitment to preserving and promoting its agricultural and food-related heritage.

Table 1. Total GIs by product type by country in the EU until 31 December 2024

COUNTRY	WINE	FOOD	SPIRIT DRINKS
Austria	36	17	10
Belgium	10	20	9
Bulgaria	55	6	12
Croatia	19	52	6
Cyprus	13	14	2
Czechia	13	30	0
Denmark	6	8	0
Estonia	0	1	1
France	450	289	54
Finland	0	16	2
Germany	47	102	35
Greece	147	122	15
Hungary	56	33	16
Italy	536	334	36
Ireland	0	13	3
Latvia	0	6	0
Lithuania	0	8	7
Luxembourg	1	2	0
Malta	3	2	0
Netherlands	21	11	0
Portugal	44	156	15
Poland	0	38	2
Romania	59	18	11
Slovakia	10	21	2
Slovenia	17	21	4
Spain	153	240	20
Sweden	0	29	5

Source: eAmbrosia online database – www.ec.europa.eu

Italy and France dominate in GI protection of wine and food, with Italy having the highest amount of GIs for wine (536 units) and food (334 units), closely followed by France. Spain and Greece also have significant results, while Germany ranks high only in the food type. On the other hand, several countries, including Estonia, Finland, and Ireland, report zero wine GIs, indicating potential cultural or economic factors for lack of protection. Bulgaria has significantly good results with 55 registrations for wine and 6 for food.

In terms of spirit drinks, France leads with 54, followed by Italy (36) and Germany (35). The analysis suggests that southern European countries tend to prioritize wine over spirits, while central and northern European countries show relatively low consumption across all categories, with a few exceptions.

All data in Table 1 has been summarised in Figure 3 below for better visualization of the results.

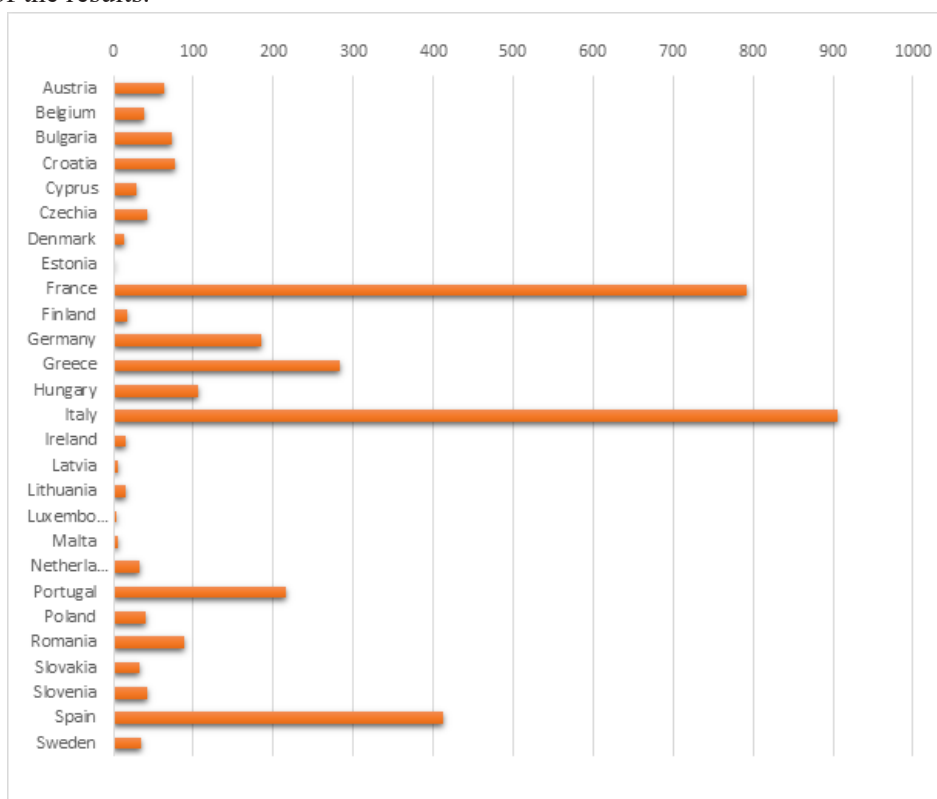


Figure 3. Total of registered GIs in the European Union until 31 December 2024, selected by countries in the EU only

Source: eAmbrosia online database – www.ec.europa.eu

The GIs applied and registered for the territory of the EU by non-EU countries have been also analyzed. A total of 36 countries that sought the protection of GIs in the EU have been researched and analyzed. The search results are presented in Table 2 below.

Table 2. Total GIs by product type and by country outside the EU

COUNTRY	WINE	FOOD	SPIRIT DRINKS
Andorra	0	1	0
Armenia	0	1	0
Belarus	0	2	0
Bosnia and Herzegovina	0	1	0
Brazil	1	0	0
Cambodia	0	4	0
Cameroon	0	1	0
China	4	99	7
Colombia	0	1	0
Cuba	0	0	2
Dominican Republic	0	1	0
Guatemala	0	1	1
Guinea	0	0	0
Guyana	0	0	1
Iceland	0	1	0
India	0	3	0
Indonesia	0	7	0
Mexico	0	0	1
Mongolia	0	5	0
Niger	0	1	0
Norway	0	3	2
Pakistan	0	1	0
Peru	0	0	1
Russian Federation	0	0	1
Sao tome and principe	0	1	0
Serbia	1	0	0
South Africa	0	1	0
Sri lanka	0	2	0
Switzerland	1	0	0
Thailand	1	4	0
Türkiye	0	107	1
United kingdom (northern Ireland)(UK)	0	1	3

United Kingdom	6	71	2
United States	2	0	0
Venezuela, the Bolivarian Republic	0	0	1*
Vietnam	0	1	0

*Applied, still not protected

Source: eAmbrosia online database – www.ec.europa.eu

Analysis of cross-national GI protection of the three categories of products by countries outside the EU reveals significant geographical disparities, with notable concentrations in specific regions. The data demonstrates a remarkable concentration of registrations of GIs for food in Türkiye (107), China (99), and the United Kingdom (71), which collectively dominate the rest of the countries in the analysis. The wine category is led by the United Kingdom with a total of 6 protected GIs, while spirit-based beverages show China as the leader with only 7 entries. Several Southeast Asian countries, including Cambodia, Thailand, and Mongolia, demonstrate moderate representation in registering GIs for food. However, many countries, particularly in South America and Africa, make minimal efforts to register in all categories, suggesting either lower levels of participation in the registration system or irregularities in the procedures for protecting non-EU geographical indications.

The registration of GIs aims not only to acquire IP rights but also to represent the EU's diverse culinary heritage, as well as higher market value and economic weight. According to a study made by the Eurobarometer, EU geographical indications accounted for an estimated sales value of € 74.76 billion in 2017, 6.8 % of the total sales value of the European food and drink sector estimated at €1,101 billion in 2017. Wines represented more than half of this value (€39.4 billion), agricultural products and foodstuffs 35% (€27.34 billion), and spirit drinks 13% (€10.35 billion). (European Commission, 2023). The above study, along with the comprehensive search of registered GIs in the EU, confirms the economic value of the GIs one more time.

Conclusion

GIs encourage the preservation of biodiversity and sustainable agriculture, local know-how and traditional methods, and landscapes concerning tourism. GIs also maintain jobs and economic activities in rural areas that create spillover effects into adjacent economic activities, because “in a free market economy, the products of creative labor have the characteristics of an economic good intended for market exchange and consumption” (Krushkov 2020).

This article covers the new legal protection of GIs in the EU and reveals a comprehensive search of all registered GIs for food, wine, and spirits on the EU territory until the end of 2024.

The reform on the protection of geographical indications in the European Union strives to improve the protection system for agricultural GIs as intellectual property, make it more effective, and fight IPR infringements.

Some of the main aspects of the reform concern strengthened protection of GIs, in particular on the internet; common provisions on the procedures for all sectors; common provisions on the controls for spirit drinks and agricultural products; grant with more powers for recognised producer groups; encouraging producers to adopt or enhance their sustainable practices.

Furthermore, the reform addresses the importance of craft GIs for employment, commerce, and tourism in the regions and the challenges thereof, as well as the main changes and opportunities regarding the system for wines, spirit drinks, and agricultural products.

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