

**BOARD NOTICE 26 OF 2014****PROPOSED PROTECTION OF EUROPEAN UNION GEOGRAPHICAL INDICATIONS  
FOR WINES AND SPIRITS**

The Wine and Spirit Board hereby –

- (a) give notice that proposals have been made for the protection, in the territory of the Republic of South Africa, of the European Union geographical indications for wines and spirits set out in the Annexure hereto in accordance with the provisions set out in said Annexure:
  
- (b) invite interested persons to submit, in writing, such representations as they may care to make in regard to this matter to the Secretary of the Wine and Spirit Board, at [hugo@wsb.org.za](mailto:hugo@wsb.org.za) (Hugo van der Merwe), to reach him within 30 days of the publication of this notice.

**M H VAN DER MERWE**

**SECRETARY: WINE AND SPIRIT BOARD**

## **ANNEXURE**

### **SECTION 1: GEOGRAPHICAL INDICATIONS**

#### **Article 1. Scope**

1. This Section applies to the recognition and protection of geographical indications designating products falling under the categories of products indicated in the section headings of Annex III and originating in the territories of the Parties.
2. The provisions of this Section shall complement and specify the rights and obligations of the Parties under the TRIPS Agreement and other multilateral agreements to which the Parties are party, and therefore, no provision of this Section will contradict or be detrimental to the provisions of such multilateral agreement.

#### **Article 2 – Protection of established geographical indications**

1. The European Union shall protect the geographical indications of the Republic of South Africa listed in Annex III according to the level of protection laid down in this Protocol.
2. Republic of South Africa shall protect the geographical indications of the European Union listed in Annex III according to the level of protection laid down in this Protocol.

3. When all the geographical indications respectively of the European Union or of the Republic of South Africa listed in Annex III and identified therein as geographical indications for which the priority date is indicated as 'entry into force', have been protected according to paragraphs 1 or 2, each Party shall notify the other that the protection has been applied.

### **Article 3 – Right of use of geographical indications**

1. A geographical indication protected under this Section may be used by any operator marketing agricultural products, foodstuffs, wines, aromatised wines or spirit drinks conforming to the corresponding product specification.
2. Once a geographical indication is protected under this Section, the use of such protected name shall not be subject to any registration of users, or further charges.

### **Article 4 – Scope of protection**

1. Geographical indications referred to in Article 2 and listed in Annex III as well as those added pursuant to Article 5 shall be protected against:
  - (a) any direct or indirect commercial use of a protected name:
    - for comparable products not compliant with the product specification of the protected name, or

- in so far as such use exploits the reputation of a geographical indication;

(b) any misuse, imitation or evocation including:

- use in connection with an indication of the true origin of the product in question;
- use in translation, transcription or transliteration;
- use together with words such as "kind", "type", "style", "imitation", "method", or similar words or expressions;

(c) any other false or misleading indication as to the provenance, origin, nature or essential qualities of a like product, on the inner or outer packaging, advertising material or documents relating to that product, and the packing of the product in a container liable to convey a false impression as to its origin;

(d) any other practice liable to mislead the consumer as to the true origin of a like product.

2. Protected geographical indications shall not be deemed to become generic in the territories of the Parties.

3. (a) The Parties shall refuse to register or shall invalidate a trade mark that corresponds to any of the situations referred to in paragraph 1 and which relates to same type of product, provided an application to register the trade mark is submitted after the date of application for protection of the geographical indication in the territory concerned. In the case of invalidation, a competent authority of a Party may provide that invalidation shall only be effected pursuant to an application duly lodged by an interested party and brought in a manner prescribed in applicable legislation.
- (b) For the geographical indications listed in Annex III at the entry into force of this Protocol, the date of application for protection shall be the priority date indicated in Annex III, without prejudice to the continued validity, in respect of a trade mark that was earlier in time than the said date, of priority rights that applied in the territory of a Party immediately before the entry into force of the Protocol.
- (c) For geographical indications referred to in Article 5, the date of application for protection or recognition shall be the date of receipt of a request by the other Party to protect a geographical indication provided the said geographical indication is subsequently protected by the receiving Party.
4. The protection of a geographical indication under this Article is without prejudice to the continued use of a trade mark which has been applied for, registered or established by use in good faith, in the territory of a Party before the date of the application for protection or recognition of the geographical indication provided that

no grounds for the trade mark's invalidity or revocation exist in the legislation of the Party concerned. The date of application for protection or recognition of the geographical indication is determined in accordance with paragraph 3.

5. This Agreement shall in no way prejudice the right of any person to use, in the course of trade, that person's name or the name of that person's predecessor in business, except where such name is used in such a manner as to mislead consumers.
6. Where the Republic of South Africa or the European Union, in the context of negotiations with a third country, proposes to protect a geographical indication of the third country, and the name is homonymous with a geographical indication of the other Party, the latter shall be informed and be given the opportunity to comment before the name becomes protected.
7. Nothing in this Section shall oblige the Republic of South Africa or the European Union to protect a geographical indication which is not or ceases to be protected in its country of origin. The Republic of South Africa and the European Union shall notify each other if a geographical indication ceases to be protected in its country of origin.
8. In respect of the geographical indications listed in Annex III of this Protocol and identified therein as geographical indications for which the priority date is indicated as 'entry into force', a trade mark applied for between the date of publication for comments or opposition of the said geographical indications and the date of entry

into force of the Protocol that corresponds to any of the situations referred to in paragraph 1 shall be presumed to have been applied for in bad faith.

#### **Article 5 – Addition of Geographical Indications for protection**

1. The Republic of South Africa and the European Union may add geographical indications to the lists in Annex III in accordance with the procedures set out in Article 7.
2. A name may not be included in the list in Annex III where it conflicts with the name of a plant variety, including a grape variety, or an animal breed and as a result is likely to mislead the consumer as to the true origin of the product.
3. If a geographical indication referred to in Article 2 or Article 5 is wholly or partially homonymous with a geographical indication protected in the territory of the Party concerned:
  - (a) protection shall be granted to each indication provided that it has been used in good faith and with due regard for local and traditional usage and the actual risk of confusion;
  - (b) without prejudice to Article 23 of the TRIPS Agreement, the Republic of South Africa and the European Union shall mutually decide the practical conditions of usage under which the homonymous geographical indications will be differentiated from each other, taking into account the

need to ensure equitable treatment of the producers concerned and that consumers are not misled;

- (c) a homonymous name which misleads the consumer into believing that products come from another territory shall not be protected even if the name is accurate as far as the actual territory, region or place of origin of the product in question is concerned.

- 4. The Republic of South Africa and the European Union shall have no obligation to protect a geographical indication where, in the light of a reputed or well-known trade mark, protection is liable to mislead consumers as to the true identity of the product concerned.
- 5. Without prejudice to paragraph 4, the Parties shall protect a geographical indication also where a prior trademark in the sense of Article 4(4) exists.



**Annex III****Part B: Geographical indications of the European Union****B.3. Wines**

	<b>Country</b>	<b>Geographical indication</b>	<b>Priority date</b>
1	Germany	Franken	1.2.2002
2	Germany	Mittelrhein	1.2.2002
3	Germany	Mosel	1.2.2002
4	Germany	Rheingau	1.2.2002
5	Germany	Rheinhessen	1.2.2002
6	Greece	Αμύνταιο / Amynteo	entry into force
7	Greece	Κρήτη / Crete	entry into force
8	Greece	Μακεδονία / Macedonia	entry into force
9	Greece	Μαντινεία / Mantinia	entry into force
10	Greece	Νάουσα / Naoussa	entry into force
11	Greece	Νεμέα / Nemea	entry into force
12	Greece	Πελοπόννησος / Peloponnese	entry into force
13	Greece	Ρετσίνα Αττικής / Retsina of Attiki	entry into force
14	Greece	Ρόδος / Rhodes	entry into force
15	Greece	Σάμος / Samos	entry into force
16	Greece	Σαντορίνη / Santorini	entry into force
17	Greece	Στερεά Ελλάδα / Sterea Ellada	entry into force
18	Greece	Θράκη / Thrace	entry into force
19	Spain	Cataluña	entry into force
20	Spain	Cava	1.2.2002
21	Spain	Empordà	entry into force
22	Spain	Jerez-Xérès-Sherry / Jerez / Xérès / Sherry	2.2.1659
23	Spain	Jumilla	1.2.2002

	<b>Country</b>	<b>Geographical indication</b>	<b>Priority date</b>
24	Spain	La Mancha	1.2.2002
25	Spain	Málaga	1.2.2002
26	Spain	Manzanilla Sanlúcar de Barrameda / Manzanilla	1.2.2002
27	Spain	Navarra	1.2.2002
28	Spain	Penedés	1.2.2002
29	Spain	Priorat	1.2.2002
30	Spain	Rías Baixas	1.2.2002
31	Spain	Ribera del Duero	1.2.2002
32	Spain	Rioja	1.2.2002
33	Spain	Rueda	1.2.2002
34	Spain	Somontano	1.2.2002
35	Spain	Toro	1.2.2002
36	Spain	Utiel-Requena	1.2.2002
37	Spain	Valdepeñas	1.2.2002
38	Spain	Valencia	1.2.2002
39	France	Alsace	1.2.2002
40	France	Anjou	1.2.2002
41	France	Beaujolais	1.2.2002
42	France	Beaune / Côte de Beaune	1.2.2002
43	France	Bordeaux	1.2.2002
44	France	Bourgogne	1.2.2002
45	France	Cahors	1.2.2002
46	France	Chablis	1.2.2002
47	France	Chambertin	1.2.2002
48	France	Champagne	26.6.1935
49	France	Châteauneuf-du-Pape	1.2.2002

	Country	Geographical indication	Priority date
50	France	Clos de Vougeot	1.2.2002
51	France	Corton	1.2.2002
52	France	Côte Rôtie	1.2.2002
53	France	Côtes de Provence	1.2.2002
54	France	Côtes du Rhône	1.2.2002
55	France	Côtes du Roussillon	1.2.2002
56	France	Graves / Graves de Vayres	1.2.2002
57	France	Crozes-Hermitage / Crozes-Ermitage / Hermitage / l'Hermitage / Ermitage / l'Ermitage	1.2.2002
58	France	Languedoc	1.2.2002
59	France	Margaux	1.2.2002
60	France	Médoc / Haut Médoc	1.2.2002
61	France	Meursault	1.2.2002
62	France	Montrachet	1.2.2002
63	France	Moselle	1.2.2002
64	France	Musigny	1.2.2002
65	France	Nuits / Nuits-Saint-Georges (Côte de Nuits-villages)	1.2.2002
66	France	pays d'Oc	1.2.2002
67	France	Pessac-Léognan	1.2.2002
68	France	Pomerol	1.2.2002
69	France	Pommard	1.2.2002
70	France	Quincy	1.2.2002
71	France	Romanée Contie	1.2.2002
72	France	Saint-Estèphe	1.2.2002
73	France	Saint-Émilion	1.2.2002
74	France	Saint-Julien	1.2.2002

	Country	Geographical indication	Priority date
75	France	Sancerre	1.2.2002
76	France	Sauternes	1.2.2002
77	France	Touraine	1.2.2002
78	France	Val de Loire	1.2.2002
79	France	Volnay	1.2.2002
80	Italy	Asti	1.2.2002
81	Italy	Barbaresco	1.2.2002
82	Italy	Bardolino / Bardolino Superiore	1.2.2002
83	Italy	Barolo	1.2.2002
84	Italy	Brachetto d'Acqui / Acqui	1.2.2002
85	Italy	Brunello di Montalcino	1.2.2002
86	Italy	Campania	1.2.2002
87	Italy	Chianti	1.2.2002
88	Italy	Conegliano Valdobbiadene Prosecco	entry into force
89	Italy	Dolcetto d'Alba	entry into force
90	Italy	Franciacorta	1.2.2002
91	Italy	Lambrusco di Sorbara	entry into force
92	Italy	Lambrusco Grasparossa di Castelvetro	entry into force
93	Italy	Marsala	1.2.2002
94	Italy	Montepulciano d'Abruzzo	entry into force
95	Italy	Sicilia	1.2.2002
96	Italy	Soave	1.2.2002
97	Italy	Toscana / Toscana	1.2.2002
98	Italy	Valpolicella	1.2.2002
99	Italy	Veneto	1.2.2002
100	Italy	Vino Nobile di Montepulciano	entry into force

	Country	Geographical indication	Priority date
101	Cyprus	Κουμανδάρια / Commandaria	entry into force
102	Cyprus	Πάφος / Pafos	entry into force
103	Hungary	Tokaj	entry into force
104	Portugal	Alentejo	1.2.2002
105	Portugal	Vinho Regional Algarve	entry into force
106	Portugal	Bairrada	1.2.2002
107	Portugal	Dão	1.2.2002
108	Portugal	Douro	1.2.2002
109	Portugal	Lisboa	entry into force
110	Portugal	Madeira / Madera / Vinho da Madeira / Madeira Weine / Madeira Wine / Vin de Madère / Vino diMadera / Madeira Wijn	1.2.2002
111	Portugal	Moscatel de Setúbal	1.2.2002
112	Portugal	Porto / Oporto / Vinho do Porto / Vin de Porto / Port / Port Wine / Portwein / Portvin / Portwijn	2.2.1659
113	Portugal	Tejo	entry into force
114	Portugal	Vinho Verde	1.2.2002
115	Romania	Cotești	entry into force
116	Romania	Cotnari	entry into force
117	Romania	Dealul Mare	entry into force
118	Romania	Murfatlar	entry into force
119	Romania	Târnave	entry into force
120	Slovakia	Vinohradnícka oblasť Tokaj	entry into force

**B.4. Spirits**

	Country	Geographical indication	Priority date
1	-		
2	Ireland	Irish Cream	1.2.2002
3	Ireland	Irish whiskey / Uisce Beatha Eireannach / Irish whiskey	1.2.2002
4	-		
5	Greece	Τσίπουρο / Tsipouro	1.2.2002
6	Spain	Brandy de Jerez	1.2.2002
7	Spain	Pacharán Navarro	1.2.2002
8	France	Armagnac	1.2.2002
9	France	Calvados	1.2.2002
10	France	Cognac	1.2.2002
11	France	Rhum de la Martinique	1.2.2002
12	Italy	Grappa	1.2.2002
13	Cyprus	Ζιβανία / Τζιβανία / Ζιβάνα / Zivania	entry into force
14	-		
15	Hungary	Pálinka	entry into force
16	Hungary	Törkölypálinka	entry into force
17	Austria	Inländerrum	entry into force
18	Austria	Jägertee / Jagertee / Jagatee	1.2.2002
19	Poland	Polska Wódka / Polish Vodka	entry into force
20	Finland	Vodka of Finland / Suomalainen Vodka / Finsk Vodka	1.2.2002
21	Sweden	Svensk Vodka / Swedish Vodka	1.2.2002
22	United Kingdom	Scotch Whisky	1.2.2002

	Country	Geographical indication	Priority date
23	More than one country: Belgium, Germany, Austria	Korn / Kornbrand	1.2.2002
24	More than one country: Greece, Cyprus	Oúζο / Ouzo	1.2.2002