



## 5<sup>th</sup> IP Case Law Conference

29 - 30 April 2024

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Decoding Decisions: Insights from Selected  
Case – Law

## Topic 4:

Too good to be true?

Exploring triangulation between  
GI Regulations and  
certification or collective marks

## Topic 4:

GI's accepted as collective marks

The good

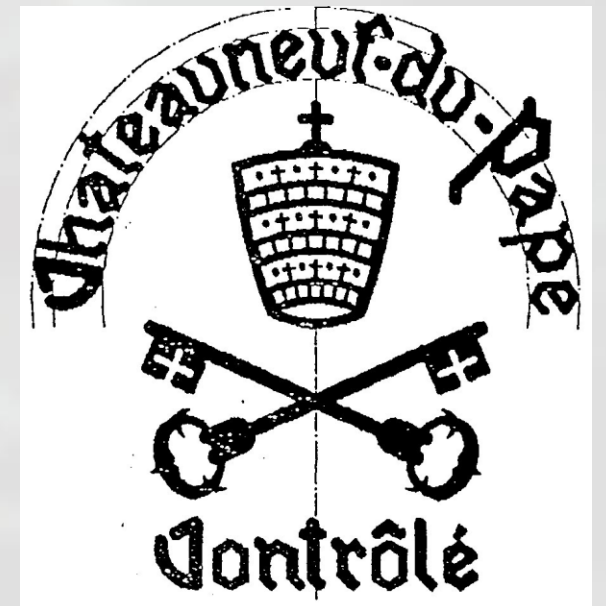
## ✓ Rioja

EUTM n° 226 118 (1998)



## ✓ Chateaufneuf du Pape controle

EUTM n°260 760 (1998)



# ✓ **Platano de canarias**

EUTM n° 2 965 937 (2004)



# ✓ **Chianti**

EUTM n° 11 291 085 (2011)

**Chianti**

✓ **Tequila** EUTM n<sup>o</sup>4 867 263 (2008)

✓ **Porto** EUTM n<sup>o</sup>5 165 444 (2011)

✓ **Valencia** EUTM n<sup>o</sup> 3 508 091 (2005)



✓ **Madeira** EUTM n° 3 540 911

✓ **Prosecco** EUTM n°11 619 764 (2013)



✓ **Grana Padano** EUTM n°1 753 284 (2001)



## Topic 4:

**GI's refused as collective marks**  
**The bad**

✓ **Patata di Sardegna**

EUTM n° 18 362 772, refusal 9/7/2021

✓ **Comte**

EUTM n° 18 791 948, refusal 13/1/2024

✓ **Südtiroler Schüttelbrot g.g.A.**

✓ **Südtirol Schüttelbrot Alto Adige** EUTM n° 18 681 994, refusal  
22/9/2022



✓ **Patata di Sardegna**

EUTM n° 18 505 445, refusal 9/12/2022



✓ **POMODORO SAN MARZANO  
DELL'AGRO SARNESE-NOCERINO**

EUTM n° 018 510 432, refusal 26/9/2022



# ✓ TRUITE DES PYRÉNÉES

EUTM n°18 387 510, refusal 9/6/2022

# ✓ DENOMINACIÓN DE ORIGEN PROTEGIDA PERSIMON KAKI RIBERA DEL XÚQUER

EUTM n°18 519 225, refusal 17/5/2022



# Case Law

**Collective marks accepted**



29

## GRANA PADANO (fig.)

No  
preview

*Appeal*

Decision date	<b>15/11/2023</b>	Case number	<b>R1073/2022-5</b> <a href="#">🔗</a> <a href="#">”</a>	PDF document(s)
Deemed delivered t...	<b>22/11/2023</b>	Entity result	<b>Application allowed</b>	Language of the case <b>IT - Italian</b>
Outcome	<b>Decision annulled</b>	Norms	<b>Article 76(2) EUTMR, Article 7(1)(b) EUTMR</b>	Machine Translation <a href="#">i</a>
Appealed	<b>No</b>			<input type="text" value="Select Transla"/> <a href="#">Download PDF</a>
IP right	<b>EUTM</b>			Related documents
Trade mark number	<b>018358002</b>			<b>Examination 018358002</b>
Keywords	Collective mark, Distinctive element			



## Schleswig-Holstein Der echte Norden (fig.)

No  
preview

Appeal

10 22 23 24 25 26 27 28 29 30  
31 32 44 45

Decision date **08/09/2021**

Case number **R0777/2021-4** [@](#) [”](#)

PDF document(s)  
Language of the case  
**DE - German**

Deemed delivered t... **14/09/2021**

Entity result **Application allowed**

Outcome **Decision annulled**

Norms **Article 74 EUTMR, Article 76(2) EUTMR**

Machine Translation [i](#)

Appealed **No**

English (en) [Download PDF](#)

IP right **EUTM**

Related documents

Trade mark number **018126991**

**Examination 018126991**

Keywords **Collective mark, Function of trade mark**

<a href="#">No preview</a>	33 35 39	<b>CAVA DE PARAJE CALIFICADO</b>	<a href="#">No preview</a>	<i>Appeal</i>
Decision date	<b>15/09/2017</b>	Case number	<b><a href="#">R0500/2017-2</a></b>  	PDF document(s)
Outcome	<b>Decision annulled</b>	Entity result	<b>Application allowed</b>	Language of the case
Appealed	<b>No</b>	Norms	<b>Article 7(1)(b) EUTMR, Article 7(1)(c) EUTMR, Article 74(2) EUTMR</b>	<b>ES - Spanish</b>
IP right	<b>EUTM</b>			Translation
Trade mark number	<b>015711609</b>			<b>EN - English</b>
Keywords	Collective mark, Geographical origin			Machine Translation 
				<input type="text" value="Select Transla"/>  <a href="#">Download PDF</a>
				Related documents
				<b><a href="#">Examination 015711609</a></b>

# Case Law

## Collective marks refused

<a href="#">No preview</a>	<b>33</b>	<b>CASTELNUOVO BERARDENGA</b>	<a href="#">No preview</a>	<i>Appeal</i>
Decision date	<b>07/09/2023</b>	Case number	<b><a href="#">R0727/2023-4</a></b>  	PDF document(s)
Deemed delivered t...	<b>14/09/2023</b>	Entity result	<b>IR designating EU rejected</b>	Language of the case <b>EN - English</b>
Outcome	<b>Decision confirmed</b>	Norms	<b>Article 7(1)(b) EUTMR, Article 7(1)(c) EUTMR, Article 7(2) EUTMR, Article 74(1) EUTMR, Article 74(2) EUTMR, Article 76 EUTMR, Article 193 EUTMR</b>	Machine Translation 
Appealed	<b>No</b>			<input type="text" value="Select Transla"/> <a href="#">Download PDF</a>
IP right	<b>IR designating the EU</b>			Related documents
Trade mark number	<b><a href="#">W01659875</a></b>			<b><a href="#">Examination W01659875</a></b>
Keywords	<b>Collective mark, Geographical origin</b>			

<a href="#">No preview</a>	<b>33</b>	<b>SAN CASCIANO</b>	<a href="#">No preview</a>	<i>Appeal</i>
Decision date	<b>07/09/2023</b>	Case number	<b>R0728/2023-4</b> <a href="#">🔗</a> <a href="#">🗨</a>	PDF document(s)
Deemed delivered t...	<b>13/09/2023</b>	Entity result	<b>IR designating EU rejected</b>	Language of the case <b>EN - English</b>
Outcome	<b>Decision confirmed</b>	Norms	<b>Article 7(1)(c) EUTMR, Article 7(1)(b) EUTMR, Article 7(2) EUTMR, Article 76 EUTMR, Article 74(1) EUTMR, Article 74(2) EUTMR, Article 193 EUTMR</b>	Machine Translation <a href="#">i</a> <input type="text" value="Select Transla"/> <a href="#">Download</a>
Appealed	<b>No</b>			Related documents <b>Examination W01659878</b>
IP right	<b>IR designating the EU</b>			
Trade mark number	<b>W01659878</b>			
Keywords	<b>Collective mark, Geographical origin</b>			

## Topic 4:

Certification marks with geographical elements:  
The good

✓ **X agree par l'état du Luxembourg**

EUTM n°18 459 935, 15/9/2021



✓ **ESTATE WHISKEY,**

EUTM n° 18 574 194, 31/8/2022



✓ **IBAW IBERICO ANIMAL WELFARE**

EUTM n°18 570 883, 12/05/2022



## Topic 4:

**Certification marks with geographical elements:  
The bad**

# ✓ Vinagre de vinho do Porto

EUTM n° 17 868 687 refusal 17/9/2021

# ✓ Nepal tea

EUTM n°17 932 282, refusal 25/11/2021



## ✓ Irish angus

EUTM n°18 156764, refusal 22/6/2021



## ✓ Brazilian angus beef

EUTM n°18 792 240, refusal 31/1/2024





# Case law on Certification marks



29

## DAIRY FARMERS OF CANADA QUALITY MILK LES PRODUCTEURS LAITIERS DU CANADA LAIT DE QUALITÉ (fig.)

No preview

Appeal

Decision date	<b>16/03/2021</b>	Case number	<b>R2205/2020-4</b> <a href="#">🔗</a> <a href="#">”</a>
Deemed delivered t...	<b>17/03/2021</b>	Entity result	<b>Application rejected</b>
Outcome	<b>Decision confirmed</b>	Norms	<b>Article 75(2) EUTMR, Article 83(1) EUTMR, Article 94(1) EUTMR</b>
Appealed	<b>No</b>		
IP right	<b>EUTM</b>		
Trade mark number	<b>018209306</b>		

PDF document(s)  
Language of the case  
**EN - English**

Machine Translation [i](#)  
 [Download PDF](#)

Related documents  
**Examination 018209306**

Keywords      Function of trade mark, Geographical origin, Right to be heard, Certification mark

Summary      The mark certifies geographic origin (milk from Canada), which is prohibited by Article 83(1) EUTMR. This resulted from the Regulations of use, whether or not as amended. It first and foremost results from the representation of the mark. As is stated in the Guidelines the prohibition under Article 83(1) to certify geographic origin may stem either from the mark or from the Regulations of use (or both). If an individual entity could certify geographic origin by way of an EU certification mark, the safeguards laid down in the legislation governing the protection of GIs would be circumvented. [Show less](#)



Thank you.