

June 17, 2011

Ms. Maria Angeles Benitez Salas
Director - Sustainability and Quality of agriculture and rural development
Directorate H – DG Agriculture and Rural Development

Ms. Margot Froehlinger
Director – Intellectual Property
Directorate D – Internal Market and Services

European Commission
Brussels

Re: Proposal for a Regulation on Agricultural Product Quality Schemes

Dear Ms. Benitez Salas and Ms. Froehlinger:

The International Trademark Association has been following with extreme interest the development of the Commission's proposed revisions to the Agricultural Product Quality Schemes dealing with geographical indications. As the legislative process advances in the Parliament and the Council, we would like to bring to the attention of the European Commission the enclosed comments and key concerns about some of the provisions of the draft proposal.

INTA's key concerns with the draft Regulation are:

- possible increase in conflicts between geographical indications and trademarks due to broader definitions in the draft Regulation and less predictability on what may be protectable terms;
- changes to the opposition procedure, which might raise doubts on the extent to which national trademark rights can serve as a basis for challenging later GI applications;
- the maintenance of a reference to "reputation, renown and length of time of use" in the ground of refusal of prior trademarks;

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- the possible establishment of a general coexistence between prior trademarks and later geographical indications;
- uncertainties on a possible impact of the proposed changed status for traditional specialities guaranteed on trademark rights; and
- possible restrictions to the cancellation procedure.

Our paper discusses these issues and others in greater detail.

INTA would be happy to meet with you to answer any questions and to further assist in finding ways to improve the final text. Our Europe Representative, Christina Sleszynska (csleszynska@inta.org or +32 2 550 3833), will contact your office in the near future to this effect.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Gerhard Bauer". The signature is fluid and cursive, with the first name "Gerhard" being more prominent and the last name "Bauer" following in a similar style.

Gerhard Bauer
President

Enclosure

Cc: Mr. Yves Madre
Deputy Head of Cabinet
Cabinet of Commissioner Dacian Ciolos

Mr. Georg Riekeles
Member of the Cabinet of Commissioner Michel Barnier