Applicable Procedures to Challenge and Enforce Rights in Appellations of Origin and Geographical Indications in the European Union

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The procedure applicable in the territory of the European Union to challenge applications for protection of appellations of origin and geographical indications originating in a third country, before the EU decides on the protection thereof, is provided in Article 6 of Regulation (EU) 2019/1753, of the European Parliament and of the Council, on the action of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications. After the EU decision on protection is taken (protection granted or refused) challenges in respect of such a decision may be introduced via the judicial ordinary procedures of the Member States of the European Union and the judicial procedures of the European Court of Justice.

The procedures applicable in the territory of the European Union to enforce rights in appellations of origin and geographical indications consist primarily in the administrative procedures of control Member States are obliged to perform in accordance with the provisions on control in the respective regulations providing for a protection scheme to Geographical Indications (Protected Designation of Origin, Protected Geographical Indications and Geographical Indications).

The relevant provisions are in the following Articles: Articles 42, 43 and 45 of Regulation (EU) 2024/1143 of the European Parliament and of the Council of 11 April 2024 on geographical indications for wine, spirit drinks and agricultural products, as well as traditional specialities guaranteed and optional quality terms for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2019/787 and (EU) 2019/1753 and repealing Regulation (EU) No 1151/2012.

Rights in appellations of origin and geographical indications may also be enforced by having recourse to the judicial ordinary procedures of the Member States of the European Union and the judicial procedures of the European Court of Justice.