



Wine Brands and Labelling: EU Perspective

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Abstract

The presentation will cover EU legislation and case-law on wine-related (i) geographical indications, (ii) labelling and presentation requirements, and (iii) trademarks.

The talk will first focus on EU Regulation No 1308/2013 establishing a common organisation of the markets in agricultural products, which also provides a framework for the protection of wine-related Designations of Origin (PDOs) and Geographical Indications (PGIs). The application process (including opposition) and the scope of protection offered to such PDOs and PGIs will be highlighted. Issues related to homonymous wine names, generic wine names and the relationship between wine-related geographical indications and trademarks will also be briefly analysed. And so will be labelling and presentation requirements in the wine sector.

Wine names are often incorporated into commercial brands. An analysis of trademark provisions which are relevant to wine names will therefore be included (for example, under the revised EU Trademark Regulation, it is not possible to register as trademarks traditional terms for wine). Particular attention will be paid to recent cases on acquisition of secondary meaning of wine-related brands (T-104/11 Ferrari F.LLI Lunelli Spa V OHIM) and the refusal of a trademark application for a sign incorporating an earlier PDO (Madrid Superior Court of 8 and 15 November 2012: Lambrusco case).