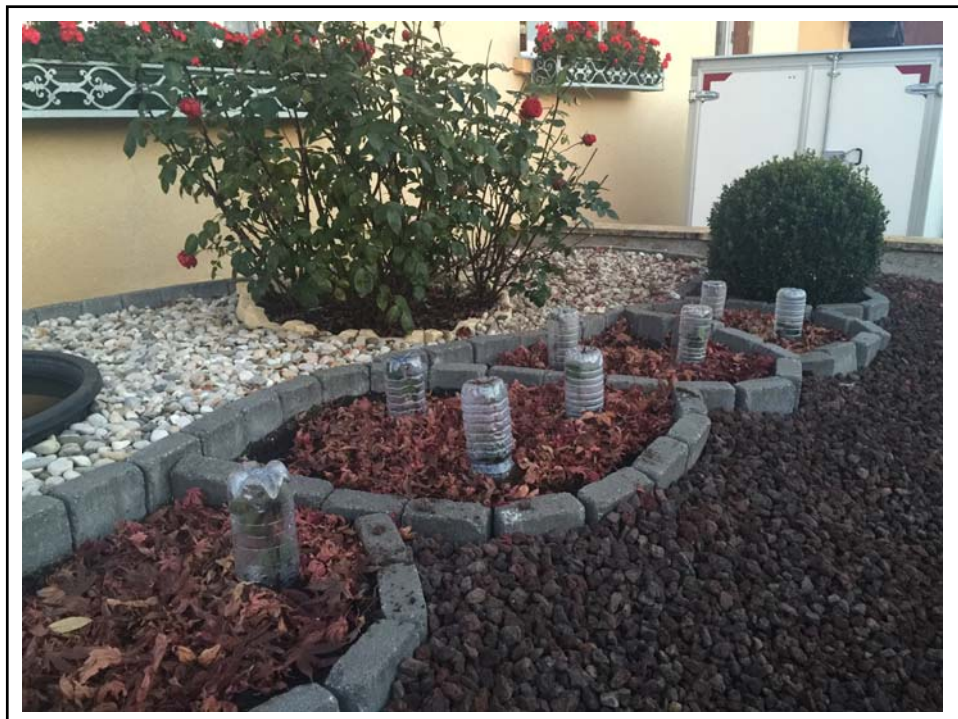
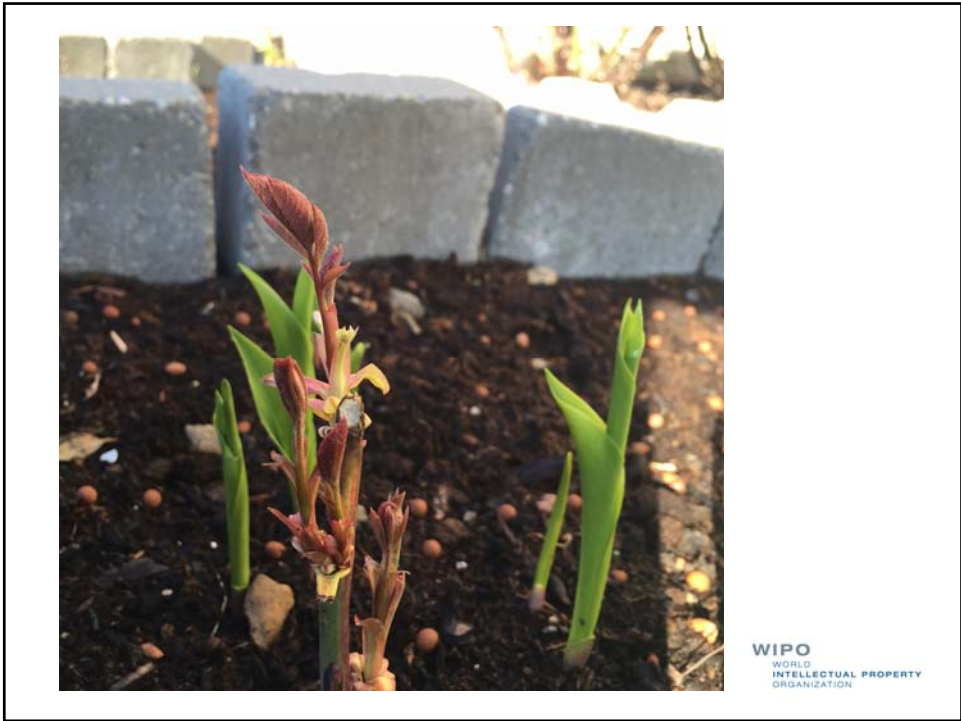


Trademarks, Geographical Indications and their relationship with Plant Breeder's Rights

Violeta Ghetu
Legal Officer
Law and Legislative Advise Division







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Photo Credit: <https://www.flickr.com/photos/99796131@N00/91427450/>>The
Rocksteer via Complaint cc

The Market for Lemons: Quality Uncertainty and the Market Mechanism

THEORY OF ASYMMETRIC INFORMATION



George Akerlof

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FAIRTRADE



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Golden Melinda Red Melinda Renetta Melinda Fuji Melinda Gala Melinda Evelina Melinda MONDIALE
TE
LE



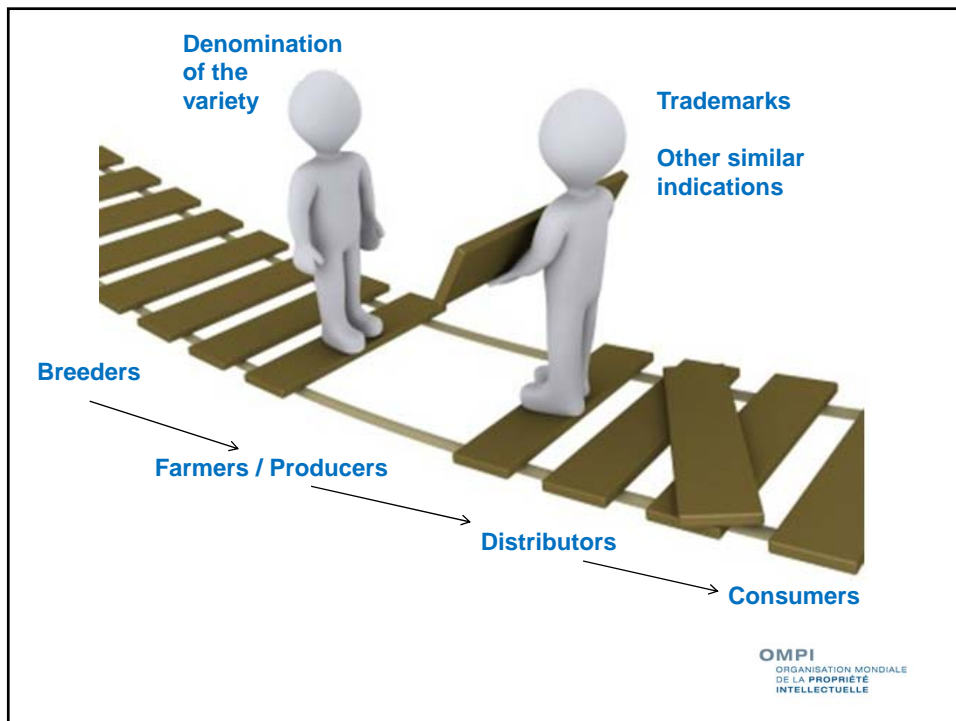
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UPOV Convention

Article 20(8)

(8) [Indications used in association with denominations]
When a variety is offered for sale or marketed, it shall be permitted to associate **a trademark, trade name or other similar indication** with a registered variety denomination. If such an indication is so associated, the denomination must nevertheless be easily recognizable.

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TRADEMARKS

- Individualizes a product of a given enterprise
- Distinguishes that product from other similar products of other enterprises



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Letters, words, slogans

plantui

HALO PURELY FOR PETS

dlh.

FRUITLEY

CHIQUITA. POUR UNE BANANE
ENCORE MEILLEURE

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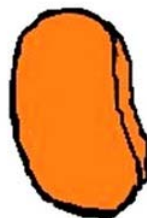
Numbers, logos

A·101 HARCA
HARCA
BITMEZ



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Figurative trademarks



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COMBINATIONS OF ELEMENTS



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THREE-DIMENSIONAL TRADEMARKS



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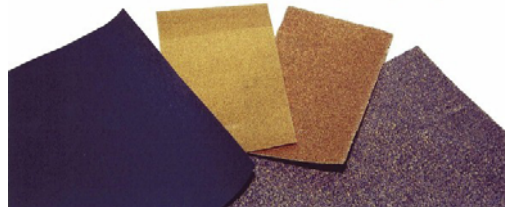
One color



US Registration

Grades of Sandpaper

From Left to Right - 400, 220, 150, 60



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SOUND MARKS

MUSICAL

EC Trademark, the tone of “Nokia Corporation”

(CTM registration No. 1040955)

<https://www.youtube.com/watch?v=ck7g5uu1cMA>

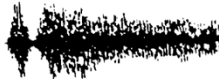


NON MUSICAL

(USPTO Registration No. 73553567)

THE MARK COMPRISES A LION ROARING.

<https://www.youtube.com/watch?v=OVCxJ1aT24A>



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OLFACTORY SIGNS

“Plumeria blossom” scent for “sewing thread and embroidery yarn”



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Criteria for protection of a TM

- Distinctiveness
- Not descriptive
- Not generic
- Not misleading/deceptive
- Not contrary to public order or morality
- Any prior rights ?
- + other requirements

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**247 active international registration of trademarks (ROMARIN)
since 1950**

3070 variety denominations (PLUTO) since 1963

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151	Date of the registration	11.10.1950
180	Expected expiration date of the registration/renewal	11.10.2020
270	Language of the application	French
Current Status		
732	Name and address of the holder of the registration	DAME MARIE-LOUISE-EUGÉNIE PAOLINO, veuve de FRANCIS-JEAN MEILLAND, ALAIN-ANTOINE MEILLAND ET DAME MICHÈLE-FRANÇOISE-PAULE MEILLAND, épouse de RAYMOND-CLAUDE RICHARDIER Boulevard du Cap, ANTIBES, Alpes-Maritimes (FR)
811	Contracting State of which the holder is a national	FR
740	Name and address of the representative	Hélène Jourdan Domaine de Saint-Andre Le Cannet des Maures F-83340 Le Luc en Provence (FR)
540	Mark	ALTESSE
511	International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification)	31 Produits horticoles, entre autres des fleurs et, notamment, des roses.

<http://www.helpmefind.com/rose/plants.php?sbSearch=SEARCH&tab=5>

Altesse (hybrid tea, Meilland, 1990)	[MEIdinro]	A,C,F,G,L,O,P,V	
Hybrid Tea / Large-Flowered. Red blend. Mild fragrance. Blooms in flushes throughout the season. USDA zone 7b and warmer. Meilland International (1990).			
20 favorite votes.			
Altesse (hybrid tea, Meilland, 1950)		A,F,G,L,N,O,P,T,V	
Hybrid Tea / Large-Flowered. Red. Moderate fragrance. Large, full (26-40 petals), globular bloom form. Blooms in flushes throughout the season. USDA zone 6b and warmer. Height of 30" to 3' (75 to 90 cm). Francis Meilland (1950).			
4 favorite votes.			
Altesse ® (hybrid tea, Richardier,1999)	[RICHupare]	G,N,O,P,V	
Hybrid Tea / Large-Flowered. Apricot or apricot blend. USDA zone 6b through 9b (default). Height of 35" to 39" (90 to 100 cm). Michèle Meilland Richardier (1999).			
11 favorite votes.			
Altesse (hybrid tea, Meilland, 2007)	[Meinissime]	N,O,V	
Florists Rose. Apricot or apricot blend. Pale peach. Double (17-25 petals), high-centered bloom form. Blooms in flushes throughout the season. USDA zone 6b through 9b (default). Meilland International (2007).			Please help: We need your photo of this rose.
10 favorite votes.			
Altesse 75		F,G,O,P,R,V	
Hybrid Tea / Large-Flowered. USDA zone 6b and warmer. Marie-Louise (Louissette) Meilland (1975).			
26 favorite votes. Average rating: EXCELLENT.			

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ROSAA	NZ	PBR	Rosa L.	Rose	ROS073	1978-12-12	1979-11-02	Meidmo
ROSAA	FR	PBR	Rosa L.		798	1974-06-28	1976-06-15	MEIDINRO
ROSAA	ZA	PBR	ROSA	ROSE	PT 129	1978-08-21		MEIDINRO (RODIN)

ROSAA	FR	PBR	Rosa L.		15451	1997-03-20	1998-12-21	RICHPARE
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ROSAA	ZA	PBR	ROSA	ROSE	PT 4671	2006-02-16		MEINISSIME
ROSAA	OZ	PBR	Rosa L.		20032113	2003-11-13	2005-05-10	Meinissime
ROSAA	KE	PBR	Rosa L.	Rose	ROS 07 849	2007-04-24		Meinissime

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Scope of protection

Trademark

- Exclusive right
 - to use
 - to prevent unauthorized use
- Similar/identic TM for similar/identic goods/services

PBR

- Exclusive right
 - to produce for sale and to sell propagating material of the variety

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Duration of right

Trademark

10 years, renewable for an indefinite period



PBR

20 years /25 trees & wines



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Geographical Indications



© ZTC



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Source: www.pixabay.com

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A SIGN:

- Origin
- Quality/Reputation/Other characteristic
- Link

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■ Geographical Names

Bordeaux

Champagne

Coffee of Colombia

Scottish Wild Salmon

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■ Non Geographical Names

Feta

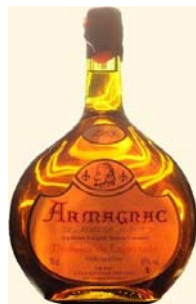
Basmati

Tequila

Argan Oil

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- WINE
- MINERAL WATER
- BEER
- SPIRITS
- COFFEE



Source: <http://www.armagnac-lapeyrade.fr/>



Source: www.coffeehabitat.com



Source: <http://kwg.ge>



Source: www.saku.ee



Source: www.najduzbozi.cz

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- CHEESE
- FRUITS
- MEAT
- OIL
- VEGETABLES



Source: <http://www.fromagerie-jacquin.com/>



Source: <http://www.mets-de-provence.fr/>



Source: <http://www.marketplacecostarica.biz/>



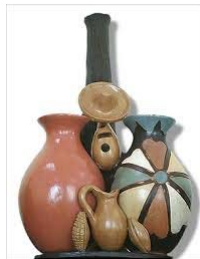
Source: <http://aoptaureaudecamargue.com/>

Maíz blanco gigante cusco



Source: <http://www.pe.all.biz/>

- STONES
- CERAMICS
- HANDICRAFT
- TEXTILES
- MUSICAL INSTRUMENTS



Source: www.chuluucas.com



Source: <https://www.towercrystals.com/amber/chiapas/>



Source: www.iranscarpet.com/



Source: <http://www.maurice-andre.fr/>



Source: <http://www.bohemiacrystalglass.cz>

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Two main modalities of protection for geographical indications:

- *sui generis* Geographical Indications Laws
- Collective and Certification marks

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Sui generis Geographical Indication Laws

- Appellations of Origin
- Geographical Indications
- Controlled Appellations of Origin
- Protected Designations of Origin
- Protected Geographical Indications

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***Sui generis* Geographical Indication Laws**



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***Sui generis* Geographical Indication Laws**

- Delimitation of the geographical area
- Description of the product's characteristics, quality or reputation,
- Standards of production
- Link between the product's characteristics and the geographical area
- Verification and control schemes

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Collective and Certification Marks

- General Trademark Law
- May be used by more than one person
- Regulations or standards

Geographical Indications

- Collective right
- Duration of protection – generally, no limitation in time
- No need to renew, except for TM
- Generally, cannot be deemed to have become generic in *sui generis* systems



COUNCIL REGULATION (EC) No 510/2006

'MELA VAL DI NON'

EC No: IT-PDO-0105-0197-10.12.2007

PGI () PDO (X)

1. **Name:**

'Mela val di Non'

2. **Member State or third country:**

Italy

3. **Description of the agricultural product or foodstuff:**

3.1. *Type of product (Annex II):*

Class 1.6. Fruit, vegetables and cereals, fresh or processed

3.2. *Description of the product to which the name in (1) applies:*

The 'Mela Val di Non' protected designation of origin is reserved for apples of the Golden Delicious, Renetta Canada and Red Delicious varieties that meet the following criteria.

External appearance when released for consumption:

intact, with a fresh, healthy appearance, clean and free of foreign matter and odours.

The fruit must be:

— oblong, truncated cone-shaped for Golden Delicious and Red Delicious;

— truncated cone-shaped or slightly flattened for Renetta Canada.

Final observations and practical guidelines

- GIs and TMs are in general complementary, non-equivalent ways of protecting distinctive signs because of the different aspects that they protect and communicate. Dual protection proved to be beneficial to producers.
- For services there are no other options than Trademarks. In few countries GIs are still available for services.
- A trademark scheme can be a good option to start in promoting awareness on a new plant variety [also to pave the way for a GI] and create a link in the mind of consumer to the breeder/producer after PBR had expired.