„NICOLAE TITULESCU" UNIVERSITY OF BUCHAREST

DOCTORAL SCHOOL

PhD THESIS

PROTECTION THROUGH INTELLECTUAL RIGHTS OF DISTINCTIVE SIGNS AND INDICATIVE SIGNS USED IN COMMERCE

SUMMARY

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In commerce, you do not exist without signs, respectively without a company, without signs indicating the commercial origin of the goods and/or services provided or performed (trademarks), without signs indicating the geographical origin of quality products (geographical indications), without domain names that make you visible in the digital world, all of these being a vital necessity in the current state of economic organization[1].

These signs, consisting of names (only trademarks can take the form of other representations, such as graphic or sound representations), are elements of designation and seduction of the public, they attract, convince, and remain in the public's mind, constituting an instrument that designates a company, as well as its goods, being nowadays a strategic element for the success of companies[2].

I chose as my research topic the *Protection through intellectual rights of distinctive signs and indicative signs used in commerce* with the subtitle *Companies names, Trademarks, Geographical indications, Designations of origin, designations of traditional specialty guaranteed, Optional quality terms, Domain names. Protection systems and conflicts* for several reasons. **The first reason** is that production, but also commerce as we knew it not many years ago, have changed and will change even more in the near future because their rules must be adapted to the digital world. A world in which distinctive and indicative signs have already come into conflict with domain names, but in which they must coexist. Conflicts arise although all these signs have their own regulatory systems. **The second reason** is that all these signs represent important intangible assets of a company, and according to a 2022 study by EUIPO, 75% of small and medium-sized enterprises (SMEs) respondents mentioned that they use domain names as a measure for protecting their innovations introduced in the last 3 years prior to the study. Domain names are followed by other measures for protecting innovation, which are not necessarily signs, but which I mention to show the actions of companies for protecting their assets: confidentiality (62%), trade names (61%), exploitation of complementary assets (42%), market time (36%), product design complexity (36%), trademarks (36%), databases (33%), geographical indications (29%), copyright (28%), drawings (24%), industrial designs (20%), inventions (19%), plant varieties (14%), semiconductor topographies (12%)[3]. More statistics from this study are presented in the Introduction of the doctoral thesis.

Compared to the above, as outlined in the **introductory chapter**, the objective of my research is represented by the analysis of company names,

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[1] Paul Mathély, *Le droit français des signes distinctifs*, Librairie du Journal des notaires et des avocats, Paris, 1984, p. 4.

[2] Alexandra Mendoza, *Les noms de l'entreprise*, Presses Universitaires d'Aix-Marseille, 2003, p. 21 și p. 35.

[3]For more details, see EUIPO, *2022 Intellectual Property SME Scoreboard*, September 2022, p. 36, https://euipo.europa.eu/tunnel-web/secure/webdav/guest/document_library/observatory/documents/IP_sme_scoreboard_study_2022/IP_sme_scoreboard_study_2022_en.pdf (consulted on 27.03.2025).

distinctive signs (trademarks), indicative signs (geographical indications), and domain names with reference to their protection systems, the similarities and differences between them, and the situations in which these coexist or conflict, where only one of the signs survives.

I believe that the novelty of this research lies in the chosen theme and the perspective from which I analyse the various categories of signs (some scarcely, others not at all addressed in Romanian doctrine), the conflicts between them which represent a controversial and relevant issue for legal practitioners, and the possible protection systems. Although the Romanian legal literature analyses all these signs separately, some more thoroughly than others, trademarks enjoy a more in-depth analysis compared to the other signs, including in university courses. Very few doctrinal studies in Romania delve deeply into geographical indications or offer a comparative analysis between the four signs or the conflicts among them. Most doctrinal studies in Romania focus on comparative and conflictual analysis between company names and trademarks or between trademarks and domain names, but very few or none deal with comparisons or conflicts between company names and domain names, or between trademarks and geographical indications, or between geographical indications and domain names.

I developed the research topic into 8 chapters, in addition to the *Introduction and the Final Conclusions and Recommendations*, which I present briefly below.

In the **Introduction**, I presented the above statistical data as well as the reasons that motivated my research, including its novelty and objectives. I also highlighted the link between industrial property and the signs that are the subject of the research, with trademarks or service marks, company names (trade names), and indications of origin being recognized as industrial property rights by the Paris Convention as revised through the Hague Act of 1925, and trademarks or service marks and indications of origin being directly recognized by the TRIPS Agreement. Indirectly, the other signs are also recognized since this instrument refers to the Paris Convention.

In **Chapter I**, entitled *Protection of the Company Name*, I analysed the concept of the company name in relation to conventional regulations (the Paris Convention and the TRIPS Agreement) as well as national ones. I presented the national legislative acts related to company names that have evolved over time and the changes in the content of company names. Furthermore, I outlined the conditions a company name must meet to be registered (availability, distinctiveness, legality, specificity, and uniqueness). Subsequently, I discussed the actions against which the company name is protected, this analysis being conducted in relation to both conventional and national regulations.

The conclusions of the chapter are as follows:

a) The company name is an **attribute identifying** a professional (individual or legal entity) whose right to use it is acquired through registration in

the trade register. The company name is **mandatory** rather than optional, with each professional required to have a **single company name**.

b) To be registered in the trade register, the company name must meet several **conditions**, both regarding its content and its substance.

c) Regarding the **content** of the company name, it will consist **exclusively of verbal elements**, and these verbal elements must include a variable part (the name that provides distinctiveness and varies according to the legal form of the entity) and an invariant part (the legal form under which the entity is organized and whose company name is to be registered).

d) As for the **substantive conditions** for registering the company name, they pertain to availability, distinctiveness, legality (revised in recent legislation to specificity), and uniqueness. As we will see in the following chapters, some of these conditions are shared with other signs.

e) Following the registration of the company name, the issue of its **protection** arises. However, it does not have a specific regulatory framework for protection; its protection derives from protection against unfair competition as well as from trademark legislation, particularly in sections dealing with relative grounds for refusal to register a trademark or its cancellation.

f) The importance of the company name lies in the fact that, once the professional is registered in the trade register, it becomes an element that attracts clientele, acquiring economic value and thus conferring a proprietary right.

In **Chapter II**, titled *Protection of Distinctive Signs (Trademarks) in Romania and the European Union*, I analysed the notion of trademarks in relation to (i) international regulations, (ii) national regulations, and (iii) EU regulations (*i.e.*, EU trademarks). Similar to company names, I examined the general conditions that trademarks must meet to be registered (representation conditions, distinctiveness, legality, availability), as well as specific conditions for certain types of trademarks, such as collective trademarks and certification trademarks.

Given that trademarks often conflict with geographical indications, I also addressed *domain trademarks* as well as *trademarks with geographical elements*.

I noted that legislation does not explicitly provide for a category called "domain trademarks", but this is implicitly derived from legislation regarding wine labeling[4]. The term "*domain trademarks*" is borrowed from French legal literature. The importance of these types of trademarks lies in the fact that they concern the viticulture domain. French doctrine shows that domain trademarks are *tied to vineyard operations, exclusively designating wines from respective operations*[5]. More specifically, they represent the *name of the vineyard registered as a trademark and protected as such*[6]. Most often, *they consist of the name and*

[4] Eric Agostini, *Les marques domaniales*, article published in *Les grands Arrêts du droit vitivinicole*, Sous la direction de Théodore Georgopoulos, Mare & Martin, 2022, p. 202.
[5] Fédération des Grands Vins Bordeaux, *Charte d'utilisation des marques commerciales reprenant un nom d'exploitation*, https://fgvb.fr/wp-content/uploads/2021/10/CHARTE-MARQUES-DOMANIALES.pdf (condulted on 28.01.2025).
[6] Eric Agostini, *op. cit.*, 2022, p. 203.

mention designating a "castle," "domain," etc[7]. Therefore, domain trademarks cannot be separated from the property to which they are attached. Together with the sale of the property, the associated trademark must also be transferred, as the trademark holder cannot retain it since the domain trademark cannot designate wines other than those originating from the place it specifies[8]. This dependency of the domain trademark on the land makes it less useful than a commercial trademark[9].

Regarding *trademarks with geographical elements*, the approach to them was necessary, particularly from the perspective of conflicts between trademarks and geographical indications, given that some applicants seek to register trademarks containing such geographical elements. These geographical elements may infringe upon geographical indications. The analysis was conducted concerning individual trademarks, collective trademarks, and certification trademarks. The significant distinction is that in the case of individual trademarks, the legislation expressly stipulates that they cannot consist exclusively of signs or indications designating geographical origin. However, for collective and certification trademarks, Romanian law permits such composition, while EU legislation allows it only for collective trademarks. Despite this exception provided by the legislation, I emphasized that European case law **does not exempt the distinctiveness requirement for trademarks**. Thus, trademarks with geographical elements must also possess distinctiveness, which implies they cannot consist solely of indications that designate geographical origin. In this regard, I referenced the Halloumi case, where the earlier EU collective trademark Halloumi was contested against the individual EU figurative trademark BBQLOUMI. 

I also provided examples of national trademarks that incorporate geographical indications and have been approved for registration, such as Salinate Produs tradițional crud-uscat, maturat în Salina Turda (in English: *Salinate Traditional raw-dried product, matured in Salina Turda*)[10] 

, Pită de

[7] Jocelyne Cayron, *La protection des appellations d'origine contre les marques en matière vitivinicole*, article published in *Les grands Arrêts du droit vitivinicole*, Sous la direction de Théodore Georgopoulos, Mare & Martin, 2022, p. 360.
[8] Supreme Court, commercial matters, decision no 1398 issued on 18.01.1955, Cassevert apud. Eric Agostini, op. cit., 2022, p. 199.
[9] *Idem*, p. 216
[10]The details of the trademark Salinate Traditional raw-dried product, matured in Salina Turda https://api.osim.ro:8443/tm-registry/detail/trademark.htm?idappli=X8374891%20%20%20%20 (consulted on 28.01.2025).

Pecica[11] 

, Mirdatod Lactate de Ibănești[12] 

, Bunătăți de Topoloveni Fondat 1901 (in English: *Bunătăți de Topoloveni Founded in1901*)[13] 

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Next, I proceeded to present the actions against which trademarks are protected, also highlighting the limitations of such protection. The analysis was conducted with reference to (i) conventional regulations and (ii) national and EU regulations, with the latter two being treated together due to their multiple legislative similarities.

The conclusions of the chapter are as follows:

a) Distinctive signs (trademarks) are signs (a condition stipulated from the first regulations to the present day, both in national and EU legislation) that can be registered by professionals as well as individuals. Exclusive rights to these signs are acquired based on the principle of "*first come, first served*" by registering them at OSIM (for national trademarks) or at EUIPO (for EU trademarks).

b) A sign can be any symbol, with the term being broadly defined, as evident from the wording of legal provisions that merely exemplify what can constitute a sign.

c) The sign is limited by legislation concerning the other conditions it must meet to qualify as a trademark, namely: (i) formal conditions and (ii) substantive conditions.

d) Regarding the **formal conditions** of trademarks, they concern the elements from which a trademark can be composed (*e.g.*, verbal, graphic, sound elements, or combinations thereof) and the boundaries outlined by legislation to fulfill substantive conditions, with distinctiveness being the most important.

e) Also with reference to the formal conditions for trademarks, it is observed that in recent years, there has been a shift from mandatory graphic representation of trademarks to representation that must meet the following requirements: (i) clear, (ii) precise, (iii) autonomous, (iv) easily accessible, (v) intelligible, (vi) durable, and (vii) objective. Currently, the possibility of registering olfactory, tactile, or taste trademarks remains under question.

[11]The details of the trademark Pită de Pecica, https://api.osim.ro:8443/tm-registry/detail/trademark.htm?idappli=X8328024%20%20%20%20 (consulted on 28.01.2025).
[12]The details of the trademark Mirdatod Lactate de Ibănești, https://api.osim.ro:8443/tm-registry/detail/trademark.htm?idappli=Y37530%20%20%20%20%20%20 (consulted on 28.01.2025).
[13] The details of the trademark Bunătăți de Topoloveni Fondat 1901, https://api.osim.ro:8443/tm-registry/detail/trademark.htm?idappli=X8329468%20%20%20%20 (consulted on 28.01.2025).

Additionally, legislation changes have mandated that figurative trademarks must be represented in the colours intended for use, with protection limited to those colours.

f) Regarding the **substantive conditions** for registering a trademark, these were divided into general conditions applicable to all types of trademarks and special conditions specific to certain types of trademarks. The **general conditions** analysed include (i) the representation condition, (ii) the distinctiveness condition, (iii) the legality condition, (iv) the availability condition. The last three conditions are also shared by substantive conditions required for registering a company name, supplemented by conditions stemming from reasons for refusal to register a sign as a trademark. This includes avoiding absolute grounds for refusal or cancellation (public order) invoked *automatically by the examiner* during the application process and relative grounds (private order) raised by interested parties during opposition or cancellation proceedings.

g) **The special conditions** analysed pertain to collective trademarks and certification trademarks. The **special conditions** for **collective trademarks** include (i) the existence of usage regulations for the collective trademark and (ii) the entity eligible to hold it. The special conditions for certification trademarks include (i) the prohibition against the trademark holder engaging in economic activities involving the provision of certified products or services, (ii) the holder's competence to certify the relevant products or services, (iii) the existence of usage regulations for the certification trademark, (iv) eligibility of the holder. Notably, the last two conditions are shared with collective trademarks.

h) These signs are **optional**, and a professional can hold **multiple such signs**.

i) After trademark registration, the issue of its **protection** arises. Unlike company names, trademarks benefit from a specific regulatory framework, protecting their use under certain conditions and within legislatively defined limits. Additionally, like company names, trademarks are protected against unfair competition.

j) From analysing the types of trademark use that may constitute infringement, it emerges that the first three types involve signs infringing upon trademarks used as trademarks, while the fourth type pertains to a sign used for *alternative purposes rather than distinguishing products or services*.

k) To initiate an infringement action, general conditions established by legal norms must first be met, followed by the third party's action falling within one of four stipulated types of use, with corresponding conditions, without the trademark owner needing to demonstrate any harm.

l) Both earlier and current provisions in EU directives provide trademark protection in cases of conflict with other signs, even if the other sign serves purposes other than distinguishing products or services, provided that the other sign (i) is used without legitimate reasons, (ii) derives undue benefits from the distinctiveness or reputation of the trademark or harms them.

m) An EU trademark has its own regulation compared to national trademarks and involves filing a single trademark application which, if accepted, will be valid across all EU member states. It is subject to the same registration conditions as national trademarks. Regardless of type, the economic value of trademarks remains significant for their holders, as trademark rights can be transferred independently of business assets, except in the case of *domain-based trademarks*, which are transferred only with the associated property.

In **Chapter III**, titled *Protection of Indicative Signs (Designations of Origin, Geographical Indications, Traditional specialities guaranteed) in Romania and the European Union*, I began the analysis of indicative signs by examining their legal nature and classification, trying to determine whether to refer to them as *indicative or distinctive signs*. Most legal literature classifies them as distinctive signs. I pointed out that this classification is not incorrect, but I prefer to call them *indicative signs*, as they indicate the geographical location from which products originate, with products having varying degrees of connection to the geographical location depending on the type of geographical indication (designation of origin or geographical indication).

Next, similar to the analysis of the two previous signs, I examined the concept of geographical indications following (i) international regulations, (ii) EU regulations, and (iii) national regulations. Regarding geographical indications in the European Union, the analysis was conducted based on the type of product (spirit drinks, agricultural and food products, flavoured wines, wines, crafts and industrial products) and the type of geographical indication (Protected Designation of Origin and Protected Geographical Indication), highlighting similarities and differences between these two notions. I noted that **Protected Designation of Origin** can be registered for agricultural and food products and wines, while **Protected Geographical Indication** can be registered for agricultural and food products and wines. **Geographical Indications** can be registered for spirit drinks and crafts and industrial products.

I also mentioned the situation of compound names from Romania, such as PDO Telemea de Ibănești, PGI Cașcaval de Săveni, and PGI Plăcintă dobrogeană, which overcame objections from other states to be registered.

Subsequently, I analysed the designation of Traditional Specialties Guaranteed starting from its first EU regulation, noting that similar signs exist at the national level, such as Romanian consecrated recipes and traditional Romanian products, briefly presenting their regulatory system.

Additionally, I briefly examined optional quality terms, such as mountain product and the national voluntary certification scheme "De origine România" – D.O.R. (in English: *Of Romanian origin*).

Given the need to consider the conditions for protecting geographical indications, I also briefly presented names that cannot be protected as geographical indications (generic names – *e.g.*, Brie, Camembert, Cheddar, Edam, Emmentaler,

Gouda – and homonymous names), designations of Traditional Specialties Guaranteed, and optional quality terms.

At the end of the chapter, I analysed the actions against which indicative signs of geographical origin are protected, again covering all three levels of regulations: (i) international, (ii) EU, and (iii) national.

Regarding the protection of indicative signs under EU law, I presented general rules of interpretation derived from CJEU case law for each action against which these signs are protected. Establishing these rules forms the foundation of the chapter addressing conflicts and coexistence situations between distinctive and indicative signs. Thus, I analysed the notions of "*use*", "*direct use*", "*indirect use*", "*exploitation of reputation*", "*abusive use*", "*imitation*", "*evocation*", "*any other practice*" from the perspective of the CJEU.

In summary, the chapter's conclusions are as follows:

a) The concept of *geographical indication* in the EU evolved from the idea of the *name of a region, specific location, or country to describe a product* to the concepts of designation or indication identifying a product. It is no longer necessary for the product to bear the name of the geographical area from which it originates, with EU regulations aligning with the TRIPS Agreement. Nonetheless, differences remain in definitions for various products at the EU level, with the term "*designation*" being used for agricultural and food products, wines, and crafts and industrial products, and the term "indication" for spirit drinks and, in the past, flavoured wines. While both terms allow for the registration of geographical indications without requiring them to represent the name of the geographical area of origin, "*designation*" necessarily involves a verbal element, whereas "indication" can take the form of a symbol, drawing, etc.

b) Regarding *Protected Designation of Origin* for agricultural and food products, this has evolved over time from the *name* of a region, specific location, or country (in exceptional cases), meaning only a geographical name could represent the name of such a product, to the *designation that identifies a product*. The same applies to Protected Designation of Origin for products in the wine sector. Although the term "designation" is used in both regulations regarding wine sector products, it has the meaning of "*name*" under Regulation (EEC) No. 816/70 (repealed) as it refers to the *name of a region, specific location*, while under Regulation (EU) No. 1308/2013 it refers to the name identifying a product, making it evident that Protected Designation of Origin cannot take the form of an image, but only of words.

c) Regarding *designations of Traditional Specialties Guaranteed*, unlike geographical indications, these **have no geographical implications and are not linked to a specific geographical area**. Instead, they describe *a specific product or food resulting from a production process, processing, or composition corresponding to traditional practices for that product or food or made from raw materials or ingredients traditionally used*.

d) To be registered, all indicative signs must meet various conditions, both (i) formal conditions and (ii) substantive conditions. While classification criteria for conditions are the same as for company names and trademarks, the types of substantive conditions are entirely different from those for these signs.

e) For **formal conditions**, these concern the elements from which these signs can be composed.

f) For **substantive conditions**, in the case of geographical indications, these include (i) conditions the product must meet, including its link to the geographical area of origin, (ii) conditions regarding lack of genericity or homonymous situations, the latter being permitted only with certain exceptions (these conditions resemble the distinctiveness requirement for trademarks, but distinctiveness of geographical indications is not similar to that of trademarks), (iii) conditions regarding lack of conflict with trademarks.

g) For **designations of Traditional Specialties Guaranteed**, substantive conditions refer to (i) the traditional use of the product name and (ii) identifying the traditional character of the product, while substantive conditions for **optional quality terms** refer to (i) the characteristic condition, (ii) the addition of value to the product condition, and (iii) the specific EU dimension condition.

h) Thus, it should be noted that for indicative signs, conditions must be met both by the sign itself and by the product it designates.

i) After obtaining the registration of indicative signs, the issue of their **protection** arises. Like trademarks, they have a specific regulatory system for protection, which targets certain types of infringements, which are quite broad, but to activate them, corresponding conditions must be met. Additionally, like company names and trademarks, indicative signs are also protected against unfair competition. As presented in the chapter on conflicts between signs, their protection also results from trademark legislation under certain conditions.

j) The key aspect of actions against which geographical indications are protected is that they must not mislead the consumer. Geographical indications function in the relationship between those who legitimately use them and the consumer, and both parties should rely on the information provided.

k) Regarding **the effects of registering indicative signs**, it should be noted that unlike other intellectual property systems that generate exclusive rights, registering indicative signs only generates the right to use them. These signs are not exclusively owned by any individual, cannot be assigned, licensed, or subject to real rights.

l) Individuals wishing to use a geographical indication for their products must comply with technical specifications; otherwise, they may face civil, administrative, or even criminal liability.

m) Indicative signs are **optional in nature**.

In **Chapter IV**, titled *Protection of Domain Names*, I also started with the analysis of the concept and continued with the conditions required for these signs to be protected, presenting including the special conditions for domain names

registered under the ".eu" extension, concluding with the actions against which these signs are protected.

The conclusions of the chapter are as follows:

a) Domain names do not have specific regulations as is the case with other signs, such as company names, trademarks, or geographical indications. The few regulations that contain references to domain names provide the registration procedure and the conditions that must be met either by the applicant or the sign for it to be registered.

b) A domain name is an **optional** sign, the right to use it is acquired on a contractual basis, and the contractual rules are also the ones that establish the conditions to be met by the domain name to be registered.

c) Similar to the other signs analysed earlier, domain names must also meet certain (i) formal and (ii) substantive conditions to be registered.

d) Regarding **formal conditions**, domain names are very similar to company names, considering that both signs can only be composed of verbal elements or numerical characters, with graphic, sound, and other representations not being allowed. Also, depending on the domain (*i.e.*, TLD) where the domain name will be registered, it must comply with more or fewer rules in terms of content, depending on the contractual clauses.

e) And regarding **substantive conditions**, domain names resemble company names but also trademarks, as these three signs have some common conditions to meet, namely (i) the availability condition, (ii) the distinctiveness condition, (iii) the lawful character condition.

f) Regarding the uniqueness condition, which is common only with that of company names, it should be mentioned that it has a different meaning depending on the sign. Thus, while for the domain name, the uniqueness condition means that there cannot be two identical domain names under the same TLD, in the case of company names, it means that an enterprise can only have one company name. Therefore, if the company name or domain name does not meet this condition, it will be denied registration by the registrar. In contrast, for trademarks, such a refusal is not applied by the examiner, but only if the holder of the prior right acts to invoke relative grounds for refusal of the later trademark registration.

g) In addition, domain names may be subject to other substantive conditions if they are registered under the ".eu" extension, namely (i) the condition of the applicant's location, (ii) the condition of good faith at registration, and (iii) the condition of accurate data.

h) After registering the domain name, the issue of its **protection** arises and, just as with company names, it does not have its own regulatory framework in this sense, with its protection resulting from protection against unfair competition, but also from protection granted by trademark legislation in the sections related to relative grounds for refusal of trademark registration or cancellation thereof.

In **Chapter V**, titled *Comparative Analysis of Signs – Company Names, Distinctive Signs (Trademarks), Indicative Signs (Designations of Origin, Geographical Indications, Designations of Traditional Specialities Guaranteed), Domain Names*, I presented the similarities and differences among these four types of signs based on various criteria (*e.g.*, the object of protection, the legal nature of the sign, territoriality, functions, parties who can hold the signs, parties who can use the signs), starting from the criterion of the concept. This analysis was later materialized in a table that briefly presents the similarities and differences among signs according to the chosen criteria, this table serving as the chapter's conclusions.

From the first five chapters, it became evident that although all these signs have their own regulatory and protection systems and hence several aspects distinguishing them, they also share similarities. Thus, conflicts often arise between signs when products or services on the market bear them. Therefore, **Chapters Six through Eight** were drafted to address the situations of **conflict and coexistence** among the four signs. To organize these situations, I divided the conflicts and coexistence scenarios into three chapters: on the one hand, regarding the scope of conflicts between trademarks and geographical indications; on the other hand, because conflicts and coexistence situations between domain names and other signs do not differ substantially, the distinctions can be better presented in a single chapter that generates conclusions with a comprehensive overview of these types of conflicts.

In **Chapter VI**, titled *Conflicts and Coexistence Situations Among Signs [on the one hand between company names, distinctive signs (trademarks), indicative signs (designations of origin, geographical indications, designations of traditional specialities guaranteed), and domain names; on the other hand]*, I chose to analyse conflicts and coexistence situations between domain names and other signs in a single chapter because there are common rules and conditions considered to ascertain whether a domain name infringes another sign.

Thus, in this chapter, I started with the analysis of common rules by defining the concept of cybersquatting and its forms, continued with the rules for resolving conflicts in the registration procedure of new GTLDs, as per ICANN's new open program for 2025, showing that conflict situations can be resolved either (i) through common law or (ii) extrajudicial procedures (UDRP proposed by WIPO and approved by ICANN).

Regarding **conflicts and coexistence situations between company names and domain names**, I showed that although they share very few similarities, such as both being distinctive signs composed only of verbal elements without the possibility of modification over time and exclusive usage rights, these signs may come into conflict due to the malicious registration of domain names.

Additionally, I presented the jurisprudence of the Arbitration Court in the Czech Republic concerning the situation where only a part or an abbreviation of the company name can constitute a prior right over a domain name with the ".eu"

extension, as well as the CJEU jurisprudence on the use of metatags corresponding to a professional's name in the metadata of a website (*i.e.*, keywords).

The conclusions of this subsection were as follows:

a) The conflict between a company name and a domain name frequently arises in situations of unfair competition when the domain name holder aims to create confusion, unlawfully attracting consumers, which may cause harm to the company name holder, including reputational damage.

b) The right over a company name can constitute a legitimate prior right in extrajudicial procedures for resolving disputes with a domain name under the ".eu" or ".ro" extensions, but the effectiveness of such a procedure depends on the domain name holder's ability to prove three cumulative conditions, namely: (i) the existence of their right, **as well as** (ii) the risk of confusion between signs **or** (iii) the lack of the domain name holder's interest in their sign **or** (iv) the malicious intent of the domain name holder.

c) Under EU legislation, abbreviations of the company name or only parts of it can be accepted as *prior rights*, but under certain conditions, such as the part of the company name used in the domain name being the dominant one or the abbreviation being protected by applicable national legislation.

d) Defending the company name through courts remains an essential tool, especially when the extrajudicial procedure is not applicable or when it fails.

e) Infringement on the company name through the metadata of a website represents a modern and subtle form of unfair competition, requiring the development of a legal and jurisprudential framework adapted to the digital environment.

f) Considering that the regulatory framework for company names is rather limited and has seen very little modification over time, I believe it should be further developed to explicitly include its protection in the online environment, particularly in relation to domain names. Furthermore, I believe it would be beneficial for Romanian legislation to incorporate the conditions from the extrajudicial procedure for defending company names concerning domain names.

g) I propose expanding Romanian legislation to include collaboration between ONRC and roTLD in cases of domain name registrations that replicate company names, creating: (i) an alert system during the registration of a domain name when it contains terms identical to those of a company name and (ii) during the registration of a company name, the option to temporarily block the corresponding domain name under the ".ro" extension for 30 days to allow the company name holder to register it.

Regarding **conflicts and coexistence situations between distinctive signs (trademarks) and domain names**, I analysed the rules for alternative conflict resolution both for domain names under the ".eu" extension and under other extensions, highlighting the differences between them.

Additionally, I analysed conflicts from the perspective of relative grounds for trademark refusal or cancellation, namely when a domain name can be

considered a prior right that can be opposed to trademark registration or cancellation, as well as from the perspective of common law considering various scenarios, such as: (i) the situation where the trademark is not protected on Romanian territory, (ii) the domain name is inactive and redirects the user to another domain name.

The conclusions of this subsection were as follows:

a) These two signs often conflict in a digitized and globalized economic environment through the practice of cybersquatting (most commonly used), and as with conflicts between company names and domain names, disputes can be resolved either through extrajudicial procedures or through common law procedures.

b) If the extrajudicial procedure is chosen, UDRP rules must be adhered to, and the cumulative fulfilment of conditions is required (three conditions for domain names under any extension and two conditions for domain names registered under the ".eu" extension), represented by: (i) identity or confusing similarity between the two signs, (ii) lack of legitimate interests of the domain name holder in their sign, (iii) malicious registration of the domain name.

c) Regarding the test of identity between the two signs, it is conducted similarly to the comparison between two trademarks, and similarity will be noted, for example, even when the domain name is spelled incorrectly compared to the trademark or when additional elements have been added or when the domain name is registered with characters other than those in the original language of the trademark or when the domain name represents a translation of the trademark into another language.

d) Regarding the lack of legitimate interests of the domain name holder, UDRP provides examples of situations that may constitute a legitimate interest of the domain name holder in their sign, as well as situations that do not constitute malicious registration of the domain name.

e) If the trademark precedes the domain name, the rules for infringement actions are applied, and if all conditions are met, the domain name is revoked. However, if the trademark is not used (*i.e.*, one of the conditions is not met), the infringement action will be dismissed.

f) The principle of registration priority is not absolute in the relationship between trademarks and domain names, as the real intention to use the domain name, its abusive nature, and the risk of public confusion are crucial for evaluation.

g) A domain name can also represent a prior right over a trademark, and the domain name holder can invoke this sign if it precedes the trademark, both in the opposition procedure for trademark registration and in the cancellation procedure of the registered trademark.

h) The use of a domain name does not necessarily imply infringement of trademark rights, this aspect being analysed on a case-by-case basis.

i) Additionally, similar to company names and domain names, I believe it would be beneficial to expand Romanian legislation to include collaboration between OSIM and roTLD in cases of domain name registrations that replicate trademarks, creating: (i) an alert system during the registration of a domain name when it contains terms identical to those of a trademark and (ii) during trademark registration, the option to temporarily block the corresponding domain name under the ".ro" extension for the entire period of resolution of the trademark registration request to allow the trademark holder to register it.

Regarding **conflicts and coexistence situations between geographical indications (designations of origin, geographical indications, designations of traditional specialities guaranteed) and domain names**, it was shown that geographical indications are affected not only by their total or partial inclusion or evocation within the domain name but also, for instance, through their presentations on the website, their use in the website's metadata, or on social networks.

Furthermore, it was noted that the new European regulations (*i.e.*, Regulation (EU) No. 2024/1143 and Regulation (EU) No. 2023/2411) explicitly provide protection for geographical indications concerning domain names, a welcome development considering that UDRP procedures do not recognize geographical indications as prior rights that can be opposed to domain names. In cases where WIPO's Center has acknowledged harm caused by domain names, this acknowledgment was possible because there was also a prior trademark on which the request for revocation or transfer of the domain name was based, or the procedure was resolved under national rules if it involved a domain name registered under a national extension, and those national rules recognized geographical indications as prior rights that could be opposed to the domain name.

It is worth emphasizing that this subsection was divided into the analysis concerning conflicts at the second level of the domain name and those at the top-level domain name, taking into account domain names such as ".wine," ".vin".

The conclusions of this subsection were as follows:

a) In the past, geographical indications enjoyed explicit protection only offline. Now, through the new EU regulations of 2023 and 2024, provisions have been introduced regarding their protection both in the online market and when they are used wholly or partially as domain names. These new provisions are welcome as they explicitly protect geographical indications in the online space, once again proving their economic significance as well as their role in defending cultural identity. However, the implementing legislation for these provisions has not yet been drafted, and as such, there is no judicial practice.

b) Additionally, the aforementioned legislative amendments are also beneficial because resolving conflicts between the two signs through common law requires extensive resolution times and complex evidence to prove acts of unfair competition or to demonstrate the harm caused to the geographical indication through one of the four protection scenarios detailed in Chapter III.

c) In this context as well, it would be beneficial to expand the legislation to include collaboration between EUIPO/national authorities and roTLD/eurID in cases where domain name registration replicates geographical indications. Such collaboration could involve: (i) an alert system during the registration of a domain name when it contains terms identical to those of a geographical indication, and (ii) during the registration request of a geographical indication, the option to temporarily block the corresponding domain name under the ".ro" and ".eu" extensions for the entire resolution period of the geographical indication registration request, thereby allowing its registration by its beneficiaries.

In **Chapter VII**, titled *Conflicts and Coexistence Situations Between Other Signs*, I addressed conflicts and coexistence situations between: (i) company names and distinctive signs (trademarks) and (ii) company names and indicative signs (designations of origin, geographical indications, designations of traditional specialities guaranteed).

Regarding **conflicts and coexistence situations between company names and distinctive signs (trademarks)**, I showed that the relationship between company names and trademarks is not as developed in legislation as it is in the case of trademarks and geographical indications. Subsequently, I presented the effects of trademarks concerning company names and their limitations, as well as the conditions established by the CJEU in case Céline for analysing conflicts between the two signs, which are as follows: (i) the use of the company name must occur within commerce; (ii) the use of the company name must occur without the trademark owner's consent; (iii) the use of the company name must be for products and services identical or similar to those for which the trademark has been registered; (iv) the use of the company name must harm or be likely to harm the essential function of the trademark, which is to guarantee consumers the origin of products or services, due to a risk of confusion in public perception.

Subsequently, I analysed conflicts between the two signs concerning company names registered prior to trademarks and company names registered subsequently to trademarks.

In cases where **the company name precedes the trademark**, I showed that conflicts arise when the company name is used with the function of a trademark or when the subsequent trademark falls under one of the relative grounds for refusal or cancellation, namely (i) the existence of a prior right represented by the company name or (ii) bad faith in registering the trademark. Thus, I analysed case law concerning, among others: (i) conflicts between a prior company name composed of the verbal element of the subsequent trademark, which was also practically used together with a graphic element that was part of the same subsequent trademark, (ii) registering the subsequent trademark by one of the former associates of the company name holder. I also analysed relative grounds for refusal to register a trademark or for its cancellation based on a prior right represented by the company name.

In cases where **the company name follows the trademark**, I showed that infringement actions are applicable and presented Romanian case law concerning, among others: (i) the act of using the trademark by the company name, (ii) factors that must be considered in analysing the conflict, (iii) using the sign for products, (iv) using the company name with the function of a trademark (*e.g.*, Steaua București case).

Regarding **conflicts and coexistence situations between company names and indicative signs (designations of origin, geographical indications, designations of traditional specialities guaranteed)**, I showed that, theoretically, such situations could arise insofar as the company name is used with the function of a trademark, namely to distinguish products or services. However, given that no legal literature or case law was identified on this subject, the aspects analysed regarding conflict and coexistence situations between trademarks and geographical indications will also apply to situations of conflict and coexistence between company names used with the function of a trademark and geographical indications. Thus, these were not presented in this subsection.

The conclusions of this chapter were as follows:

a) Company names and trademarks coexist in the marketplace.

b) There are situations where the company name is used beyond its primary function, namely with the function of a trademark, to distinguish products or services, thus entering the realm of trademarks and causing harm to them. There are both situations where the company name precedes the trademark and situations where it follows the trademark.

c) Regarding the first situation (*i.e.*, the company name preceding the trademark), the general tendency may be to prioritize the company name in case of conflict, given that it was registered first. However, given that the company name exceeds its protection scope, entering the realm of trademark infringement and consequently being used in commercial activity, priority will be given to the trademark, provided that the signs are similar or identical, and if the products or services for which they are used are similar or identical. In cases where similarity is noted, the condition concerning the risk of confusion, including the risk of association, must also be met. Therefore, in such a situation, the fact that the company name was registered before the trademark becomes irrelevant.

d) There are also situations where a subsequent trademark may harm a prior company name, considering relative grounds for refusal to register the trademark or cancellation of the registered trademark. These are threefold: (i) the existence of a company name preceding the trademark, (ii) the existence of the company name preceding the date of filing the trademark registration application, and (iii) bad faith in registering the trademark, grounds that can be invoked through opposition to the trademark registration or through action to cancel the registered trademark.

e) In the case of the second situation, the following cumulative conditions must be met: (i) a sign must precede the trademark, (ii) the prior sign

must contain the right to prohibit the use of a subsequent trademark, (iii) the sign opposing the trademark must be used in commerce – *explicitly provided only in the case of EU trademarks*, (iv) the sign opposing the trademark must have an application scope exceeding the local domain – *applicable only for EU trademarks*, (v) the prior right must be acquired based on EU or member state legislation, failing which the company name will not prevail over the trademark or trademark registration application.

f) There may also be situations where the company name follows the trademark, in which case an analysis of the two conflicting signs is conducted, considering the same factors as in the conflict between two trademarks.

g) Through the trademark protection action, the owner requests the prohibition of the company name's use, a prohibition materialized by changing the company name in the trade registry into a form no longer in conflict with the respective trademark. Regarding this request to change the company name in the trade registry, it should be noted that, since it is considered the equivalent of a name for a natural person, theoretically, no one should be able to prohibit its use for this purpose but should only prohibit its use with the function of a trademark, as stipulated in the provisions of Directive (EU) No. 2015/2436, which includes in the concept of trademark infringement the use of the sign as a company name but only when this use is made to differentiate products or services, thus with the function of a trademark.

h) There is no specific developed legislation regarding conflict situations between these two signs, and the criteria and factors to be considered are outlined by case law, especially by CJEC/CJEU case law. Thus, I proposed, as de *lege ferenda*, to introduce provisions in both national and union legislation regarding the relationship between trademarks and company names, so as to outline the limits of their coexistence or the situation where one sign prevails over the other, as exists in the case of trademarks and geographical indications.

i) I will not propose, as de *lege ferenda*, to interconnect the trade registry system with that of national, EU, and international trademarks. Other authors have proposed this solution, but I do not see how it could have practical applicability. In such a situation: (i) trade registry registrars would be granted competencies to evaluate the identity or similarity of signs, aspects that are private in nature and not public, and thus we would find ourselves in a situation where the trade registry registrar would refuse the reservation or even registration of a company name, insofar as trademark registration authorities do not act *ex officio* regarding private aspects; (ii) the duration of company registration would be unjustifiably prolonged due to procedural incidents that may arise regarding the verification and reservation of the company name.

In **Chapter VIII**, titled *Conflicts and Coexistence Situations Between Distinctive Signs (Trademarks) and Indicative Signs (Designations of Origin, Geographical Indications, Designations of Traditional specialities guaranteed)*, I presented the relationship between signs as provided by previous EU legislation and current legislation for all types of products that can be registered as

geographical indications (*i.e.*, agricultural and food products, spirits, wines). I showed that there are four such types of relationships, in the first prioritizing the geographical indication, in the second allowing coexistence between the two signs, and in the last two prioritizing the trademark. I also presented this relationship according to national regulations concerning wines.

Furthermore, based on these rules of relationship, as well as those outlined in Chapter III regarding the protection of geographical indications, I analysed the types of conflicts between the two signs. Thus, I examined the absolute and relative grounds for refusal to register a trademark or for its cancellation when the prior sign is a geographical indication. **Four absolute grounds for refusal** to register or cancel a trademark were analysed. **The first ground** - composing the trademark exclusively from signs or indications that can serve in commerce to designate geographical origin—covered, among other things, the relevant territory for demonstrating the acquisition of distinctiveness of the trademark, the link with the category of targeted products, generic terms that cannot be registered as geographical indications, trademarks composed of other elements/signs besides geographical names, vague terms that cannot designate a specific geographical place. **The second ground -** the possibility of misleading the public regarding geographical origin - addressed, among other things, the analysis of deceptive character in EU case law, the case of the trademark "Prisecco" registered after the PDO "Prosecco." **The third ground** - the harm caused by the subsequent trademark to a geographical indication - examined trademarks for wines, trademarks composed of Chinese characters, trademark families composed of prior registered trademarks and attempts to register a trademark subsequent to the geographical indication, and coexistence between the two signs. **The fourth ground** - the harm caused by the subsequent trademark to a designation of traditional specialty guaranteed - focused on presenting several cases from EUIPO proceedings.

Regarding the **relative ground for refusal** or cancellation of a trademark, this was represented by the existence of a geographical indication registration application submitted before the date of the trademark registration application or the priority date claimed. Thus, I presented the cumulative conditions that must be met for this relative ground for refusal or cancellation of the trademark to apply, namely: (i) the existence of a geographical indication registration application based on national or EU legislation submitted before the submission of the trademark registration application; (ii) admission to register the geographical indication; (iii) the right of the person using the geographical indication to prohibit the use of a subsequent trademark.

Additionally, I analysed conflicts between indicative signs and other types of signs (*e.g.*, colour identifiers and names used on labels) by presenting case law from other states concerning the PDO "Champagne".

The conclusions of the chapter were as follows:

a) Situations of coexistence and conflict between trademarks and geographical indications are best regulated. Trademark legislation contains absolute and relative grounds for refusal to register or cancel trademarks when they conflict with a geographical indication, while geographical indication legislation contains provisions regarding the relationship between these and trademarks, outlining situations where the two coexist or where one sign takes precedence over the other.

b) Both past and current provisions exist regarding the relationship between geographical indications and trademarks for all types of products that can be covered by geographical indications. Mechanisms for resolving conflicts between the two signs are mainly based on the principle of priority and protection against the risk of misleading consumers.

c) Regarding trademarks for wines in conflict with geographical indications, the decision in the CJEU case "Duca di Salaparuta" is awaited to determine whether the owner of an earlier trademark to the registered geographical indication must act within a certain period to oppose the registration of the geographical indication or can do so at any time.

d) Typically, EUIPO or national offices do not invoke, *ex officio*, absolute grounds for refusal to register a trademark that conflicts with a geographical indication when evidence regarding the reputation of the geographical indication would need to be presented. This means that beneficiaries of geographical indications will have to invoke either relative grounds for refusal in opposition to the trademark registration procedure or in the trademark cancellation procedure. Thus, in relation to these aspects, I believe that legislation should be supplemented or amended so that EUIPO or national offices, when finding that an absolute ground for refusal to register a trademark might apply but requires evidence from geographical indication beneficiaries, notify these beneficiaries *ex officio* to submit the requested evidence, failing which the trademark will be admitted for registration. In this way, the procedure would be simplified, and beneficiaries of geographical indications would be relieved of the need to monitor independently certain infringements of the geographical indication.

e) From the functions of the two signs, it is evident that conflict situations between them reflect a tension between divergent economic interests: on the one hand, the trademark owner seeks to protect an individual distinctive sign of private interest, and on the other hand, beneficiaries of geographical indications aim to preserve the collective name, which reflects the origin, tradition, and quality of a product, defending public interests. Thus, although the two signs reflect parallel interests, they intersect significantly in practice.

f) Romanian case law is still limited on conflicts between the two signs compared to EU case law. Moreover, the latter is quite coherent and shaped by legislation-established priorities and factual evaluations, even a minor detail in the factual situation potentially determining a different solution from a similar case.

From these last three chapters, it emerges that these conflicts between signs can arise from multiple reasons, one being that certain signs, like domain names, are sometimes used by third parties to mislead consumers, registering domain names identical or similar to registered trademarks or other signs. On the other hand, there may also be situations where trademarks are submitted for registration with the aim of misleading consumers to buy products bearing these trademarks, composed of designations of origin, geographical indications, or designations of traditional speciality guaranteed.

Additionally, conflicts between signs arise in the context of a global market, even though signs are, in principle, territorially protected. Conflicts arise even more given that the rule, at least in the EU, is determined by the free movement of goods and services between states. However, this rule of free movement of goods and services is not absolute but limited by the exception that this free movement must not infringe, among other things, industrial and commercial property, an exception that must be interpreted restrictively.

Another reason for conflicts between signs can be represented even by product labels. Although food products are subject to strict labelling rules, these rules do not oppose that, in addition to certain mandatory mentions, firms, trademarks, or other signs can also be mentioned. Thus, on the packaging of a product, we can find both the sign associated with the geographical indication and the manufacturer's trademark or firm name or any other distinctive sign which may be similar or identical to that of another producer.

Finally, the chapter titled **Final Conclusions and Recommendations** presents the overall conclusions of the doctoral thesis. However, in this summary, I would like to focus on the recommendations made for the holders of signs, namely:

a) Conducting preliminary research on the prior rights of third parties by the holders of signs or, more precisely, by those who wish to become holders of signs before submitting or adopting the sign for registration.

b) Extending the aforementioned research to include other types of signs (*e.g.*, if the registration of a trademark is intended, its composition should guide verification of previously registered geographical indications or those submitted for registration) and not limiting such research solely to signs of the same nature (*e.g.*, if intending to register a trademark, only analysing existing or pending trademarks). The fact that there are separate registers for each type of sign can complicate this research for applicants, but they should not omit it since they may later find themselves infringing on another party's sign, potentially facing liabilities for damages caused as well as being prohibited from further using that sign.

c) Adopting appropriate conduct by sign holders, including proper use of their sign. For instance, if we refer to a company name that has been used within its sphere of protection and is later intended to be used as a trademark (*e.g.*, unregistered), further research into prior rights, especially regarding trademarks, is

necessary to ensure no infringement occurs. Otherwise, the holder of the company name may be required, among other things, to change the name in the commercial register.

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Law no. 879/1879 regarding trademarks of manufacture or trade

Law no. 1252/1931 for the establishment of a trade register

Law no. 28/1967 regarding trademarks of manufacture, trade, and service

Law of vineyards and wine no. 21/1971

Law no. 15/1990 regarding the reorganization of state economic units as autonomous administrations and commercial companies

Law no. 26/1990 regarding the trade register

Law no. 31/1990 regarding companies

Law no. 11/1991 regarding the fight against unfair competition

Law of vineyards and wine no. 67/1997

Law no. 84/1998 regarding trademarks and geographical indications

Law of vineyards and wine in the system of common market organization no. 244/2002

Law no. 365/2002 regarding electronic commerce

Audiovisual Law no. 504/2002

Law no. 535/2004 regarding the prevention and combating of terrorism

Law no. 287/2009 regarding the Civil Code

Law no. 66/2010 for amending and supplementing Law no. 84/1998 regarding trademarks and geographical indications

Law no. 134/2010 regarding the Code of Civil Procedure

Emergency Ordinance no. 6/2011 for stimulating the establishment and development of micro-enterprises by beginner entrepreneurs in business

The Law of Vine and Wine in the system of the common organization of the wine market no. 164/2015

Law no. 362/2018 regarding ensuring a high common level of security for networks and information systems

Law no. 112/2020 for amending and supplementing Law no. 84/1998 regarding trademarks and geographical indications

Law no. 81/2022 on unfair commercial practices between businesses within the agricultural and food supply chain

Law no. 265/2022 regarding the trade register and for amending and supplementing other normative acts impacting registration in the trade register

Law no. 418/2023 on the establishment of the voluntary Certification Scheme "Of Romanian Origin - D.O.R."

Implementation rules, Technical rules

Technical norm for the execution of the Law of Vine and Wine (Law no. 21/1971), from January 6, 1972

Norm no. 3021/1994 regarding the method of keeping and completing the Trade Register issued by the Chamber of Commerce and Industry of Romania

Methodological norm no. 608/773/1998 regarding the method of keeping trade registers and carrying out registrations

Order MADR no. 690/2004 approving the Norm regarding conditions and criteria for certifying traditional products

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Order MADR no. 724/1082/360/2013 regarding the certification of traditional products

Order MADR no. 394/290/89/2014 regarding the certification of food obtained according to established Romanian recipes

Methodological norms for the application of the Law of Vine and Wine in the system of common organization of the wine market no. 164/2015

Government Decision no. 1480/2008 regarding the implementation of the gov.ro internet domain at the level of public administration

Order MADR no. 119/2010 approving the Preliminary Procedure for registering requests for the protection of new designations of origin, geographical indications, and traditional mentions of wine products at the national level, as well as for modifying the specific conditions of wine products obtained under a controlled designation of origin or a geographical indication

Government Decision no. 512/2016 for the approval of the Methodological Norms for the application of the Vine and Wine Law in the system of common organization of the wine market no. 164/2015

Order MADR no. 151/1,460/213/2021 regarding the registration of established recipes, as well as the certification of food products obtained according to established recipes

Regulations for the application of Law no. 84/1998 regarding trademarks and geographical indications from 10.11.2010 adopted through Government Decision no. 1134/2010

European Union legislation

Grouped in chronological order by number and year of adoption

Directives

First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks

Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks (Codified version)

Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce')

Directive (EU) 2015/2436 of the European Parliament and of the Council of 16 December 2015 to approximate the laws of the Member States relating to trade marks

Regulations

Regulation (EEC) No 816/70 of the Council of 28 April 1970 laying down additional provisions for the common organisation of the market in wine

Regulation (EEC) No 817/70 of the Council of 28 April 1970 laying down special provisions relating to quality wines produced in specified regions

Commission Regulation (EEC) No 1608/76 of 4 June 1976 laying down detailed rules for the description and presentation of wines and grape musts

Council Regulation (EEC) No 337/79 of 5 February 1979 on the common organization of the market in wine

Council Regulation (EEC) No 338/79 of 5 February 1979 laying down special provisions relating to quality wines produced in specified regions

Commission Regulation (EEC) No 997/81 of 26 March 1981 laying down detailed rules for the description and presentation of wines and grape musts

Council Regulation (EEC) No 3309/85 of 18 November 1985 laying down general rules for the description and presentation of sparkling wines and aerated sparkling wines

Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine

Council Regulation (EEC) No 823/87 of 16 March 1987 laying down special provisions relating to quality wines produced in specified regions

Council Regulation (EEC) No 1576/89 of 29 May 1989 laying down general rules on the definition, description and presentation of spirit drinks

Commission Regulation (EEC) No 3201/90 of 16 October 1990 laying down detailed rules for the description and presentation of wines and grape musts

Council Regulation (EEC) No 1601/91 of 10 June 1991 laying down general rules on the definition, description and presentation of aromatized wines, aromatized wine- based drinks and aromatized wine-product cocktails

Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

Council Regulation (EEC) No 2082/92 of 14 July 1992 on certificates of specific character for agricultural products and foodstuffs

Council Regulation (EEC) No 2333/92 of 13 July 1992 laying down general rules for the description and presentation of sparkling wines and aerated sparkling wines

Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark

Council Regulation (EC) No 3288/94 of 22 December 1994 amending Regulation (EC) No 40/94 on the Community trade mark for the implementation of the agreements concluded in the framework of the Uruguay Round

Commission Regulation (EC) No 1107/96 of 12 June 1996 on the registration of geographical indications and designations of origin under the procedure laid down in Article 17 of Council Regulation (EEC) No 2081/92

Council Regulation (EC) No 535/97 of 17 March 1997 amending Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

Council Regulation (EC) No 1493/1999 of 17 May 1999 on the common organisation of the market in wine

Regulation (EC) No 733/2002 of the European Parliament and of the Council of 22 April 2002 on the implementation of the .eu Top Level Domain

Commission Regulation (EC) No 753/2002 of 29 April 2002 laying down certain rules for applying Council Regulation (EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products

Council Regulation (EC) No 692/2003 of 8 April 2003 amending Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

Commission Regulation (EC) No 874/2004 of 28 April 2004 laying down public policy rules concerning the implementation and functions of the .eu Top Level Domain and the principles governing registration

Council Regulation (EC) No 509/2006 of 20 March 2006 on agricultural products and foodstuffs as traditional specialities guaranteed

Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs

Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)

Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89

Council Regulation (EC) No 479/2008 of 29 April 2008 on the common organisation of the market in wine, amending Regulations (EC) No 1493/1999, (EC) No 1782/2003, (EC) No 1290/2005, (EC) No 3/2008 and repealing Regulations (EEC) No 2392/86 and (EC) No 1493/1999

Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark

Council Regulation (EC) No 491/2009 of 25 May 2009 amending Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)

Commission regulation (EC) No 607/2009 of 14 July 2009 laying down certain detailed rules for the implementation of Council Regulation (EC) No 479/2008 as regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products

Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs

Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007

Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91

Regulation (EU) 2015/2424 of the European Parliament and of the Council of 16 December 2015 amending Council Regulation (EC) No 207/2009 on the Community trade mark and Commission Regulation (EC) No 2868/95 implementing Council Regulation (EC) No 40/94 on the Community trade mark, and repealing Commission Regulation (EC) No 2869/95 on the fees payable to the Office for Harmonization in the Internal Market (Trade Marks and Designs)

Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark

Regulation (EU) 2019/517 of the European Parliament and of the Council of 19 March 2019 on the implementation and functioning of the .eu top-level domain name and amending and repealing Regulation (EC) No 733/2002 and repealing Commission Regulation (EC) No 874/2004

Regulation (EU) 2019/787 of the European Parliament and of the Council of 17 April 2019 on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008

Regulation (EU) 2021/2117 of the European Parliament and of the Council of 2 December 2021 amending Regulations (EU) No 1308/2013 establishing a

common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union

Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act)

Regulation (EU) 2023/2411 of the European Parliament and of the Council of 18 October 2023 on the protection of geographical indications for craft and industrial products and amending Regulations (EU) 2017/1001 and (EU) 2019/1753

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

Economic partnership agreement between the EU and Japan

Regulation (EU) 2019/1753 of the European Parliament and of the Council of 23 October 2019 on the action of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications

Delegated Regulations and Implementing Regulations

Commission Regulation (EC) No 753/2002 of 29 April 2002 laying down certain rules for applying Council Regulation (EC) No 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products

Commission Delegated Regulation (EU) No 665/2014 of 11 March 2014 supplementing Regulation (EU) No 1151/2012 of the European Parliament and of the Council with regard to conditions of use of the optional quality term ‘mountain product’

Commission Delegated Regulation (EU) 2018/625 of 5 March 2018 supplementing Regulation (EU) 2017/1001 of the European Parliament and of the Council on the European Union trade mark, and repealing Delegated Regulation (EU) 2017/1430

Commission Implementing Regulation (EU) 2018/626 of 5 March 2018 laying down detailed rules for implementing certain provisions of Regulation (EU) 2017/1001 of the European Parliament and of the Council on the European Union trade mark, and repealing Implementing Regulation (EU) 2017/1431

Commission Delegated Regulation (EU) 2019/33 of 17 October 2018 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards applications for protection of designations of origin, geographical indications and traditional terms in the wine sector, the objection procedure, restrictions of use, amendments to product specifications, cancellation of protection, and labelling and presentation

Commission Implementing Regulation (EU) 2020/857 of 17 June 2020 laying down the principles to be included in the contract between the European Commission and the .eu top-level domain Registry in accordance with Regulation (EU) 2019/517 of the European Parliament and of the Council

Proposed regulations

Proposal for a regulation of the European Parliament and of the Council on geographical indication protection for craft and industrial products and amending Regulations (EU) 2017/1001 and (EU) 2019/1753 of the European Parliament and of the Council and Council Decision (EU) 2019/1754

Regulations granting/refusing protection of geographical indications

Grouped in chronological order by number and year of adoption

Commission Regulation (EC) No 1829/2002 of 14 October 2002 amending the Annex to Regulation (EC) No 1107/96 with regard to the name "Feta"

Commission Implementing Regulation (EU) 2016/365 of 11 March 2016 entering a name in the register of protected designations of origin and protected geographical indications (Telemea de Ibănești (PDO))

Commission Implementing Regulation (EU) 2019/550 of 2 April 2019 approving an amendment to the specification for a Protected Designation of Origin or a Protected Geographical Indication ‘Tierra de León’ (PDO)

Commission implementing regulation (EU) 2019/1725 of 9 October 2019 entering a name in the register of protected designations of origin and protected geographical indications Telemea de Sibiu (PGI)

Commission Implementing Regulation (EU) 2021/591 of 12 April 2021 entering a name in the register of protected designations of origin and protected geographical indications (‘Χαλλούμι’ (Halloumi)/‘Hellim’ (PDO))

Commission Implementing Regulation (EU) 2021/657 of 21 April 2021 entering a name in the register of protected designations of origin and protected geographical indications (‘Caşcaval de Săveni’ (PGI))

Commission Implementing Regulation (EU) 2023/700 of 29 March 2023 entering a name in the register of protected designations of origin and protected geographical indications (‘Plăcintă dobrogeană’ (PGI))

Commission Implementing Regulation (EU) 2024/1966 of 16 July 2024 entering a name in the register of Traditional Specialities Guaranteed (Sardeluță marinată (TSG))

Commission Implementing Decision (EU) 2025/107 of 23 January 2025 refusing protection in the Union of the Appellation of Origin Emmentaler registered in the International Register of Appellations of Origin and Geographical Indications of the Geneva Act

Foreign legislation

French Intellectual Property Code

International legislation

Grouped in chronological order by number and year of adoption

Paris Convention for the Protection of Industrial Property of 20 March 1883

Madrid Agreement of 1891 for the Suppression of False or Misleading Indications of Origin of Products

Madrid Agreement Concerning the International Registration of Marks of 1891

Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950

Stresa Convention of 1951 on the use of designations of origin and cheese names

First Additional Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, concluded in Paris on 20 March 1952

Lisbon Agreement of 1958 for the Protection of Appellations of Origin and their International Registration

Geneva Act of 21 May 2015 on the Lisbon Agreement on Appellations of Origin and Geographical Indications

Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS/ADPIC)

Treaty of Rome of 1957 establishing the European Economic Community

Geneva Trademark Law Treaty of October 27, 1994

Treaty on European Union

Treaty on the Functioning of the European Union – consolidated version

ICANN's Uniform Domain Name Dispute Resolution Policy

Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 1957

Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, 1989

Agreement between the European Community and the Swiss Confederation on trade in agricultural products of 1999

Agreement between the European Communities and the United States on trade in wine of 2006

Case law

CJEC/CJEU case law

Grouped in chronological order by date of judgment

CJEC, Judgment of 31 October 1974 in case Centrafarm BV și alții/Winthorp BV, C-16/74, ECLI:EU:C:1974:115

CJEC, Judgment of 20 February 1975 in case Comisia/Germania, C-12/74, ECLI:EU:C:1975:23

CJEC, Judgment of 22 June 1976 in case Terrapin/Terranova, C-119/75, ECLI:EU:C:1976:94

CJEC, Judgment of 22 September 1988 in case Deserbais, C-286/86, ECLI:EU:C:1988:434

CJEC, Judgment of 9 June 1992 in case Delhaize Frères/Promalvin și altii, C-47/90, ECLI:EU:C:1992:250

CJEC, Judgment of 10 November 1992 in case Exportur/LOR și Confiserie du Tech, C-3/91, ECLI:EU:C:1992:420

CJEC, Judgment of 18 May 1994 in case Codorniu/Consiliul, C-309/89, ECLI:EU:C:1994:197

CJEC, Judgment of 29 June 1994 in case Baux/Château de Calce, C-403/92, ECLI:EU:C:1994:269

CJEC, Judgment of 13 December 1994 in case SMW Winzersekt/Land Rheinland-Pfalz, C-306/93, ECLI:EU:C:1994:407

CJEC, Judgment of 29 June 1995 in case Zentrale zur Bekämpfung unlauteren Wettbewerbs/Langguth, C-456/93, ECLI:EU:C:1995:206

CJEC, Judgment of 7 May 1997 în joined cases Pistre și alții, C-321/94, C-322/94, C-323/94 și C-324/94, ECLI:EU:C:1997:229

CJEC, Judgment of 4 November 1997 in case Parfums Christian Dior/Evora, C-337/95, ECLI:EU:C:1997:517

CJEC, Judgment of 11 November 1997 in case Sabel/Puma, C-251/95, ECLI:EU:C:1997:528

CJEC, Judgment of 11 November 1997 in case Loendersloot/Ballantine & Son și alții, C-349/95, ECLI:EU:C:1997:530

CJEC, Judgment of 9 June 1998 în joined cases Chiciak și Fol, C-129/97 și C-130/97, ECLI:EU:C:1998:274

CJEC, Judgment of 29 September 1998 in case Canon, C-39/97, ECLI:EU:C:1998:442

Opinion of the Advocate General in 17 December 1998 in case Gorgonzola, C-87/97, ECLI:EU:C:1998:614

CJEC, Judgment of 28 January 1999 in case Sektkellerei Kessler, C-303/97, ECLI:EU:C:1999:35

CJEC, Judgment of 23 February 1999 in case BMW, C-63/97, ECLI:EU:C:1999:82

CJEC, Judgment of 4 March 1999 in case Gorgonzola, C-87/97, ECLI:EU:C:1999:115

CJEC, Judgment of 16 March 1999, Joined cases Danemarca/Comisia, C-289/96, C-293/96 și C-299/96, ECLI:EU:C:1999:141

CJEC, Judgment of 4 May 1999, Joined cases Windsurfing Chiemsee, C-108/97 și C-109/97, ECLI:EU:C:1999:230

CJEC, Judgment of 11 May 1999 in case Pfeiffer, C-255/97, ECLI:EU:C:1999:240

CJEC, Judgment of 22 June 1999 in case Lloyd Schuhfabrik Meyer, C-342/97, ECLI:EU:C:1999:323

CJEC, Judgment of 14 September 1999 in case General Motors, C-375/97, ECLI:EU:C:1999:408

CJEC, Judgment of 16 May 2000 in case Belgium v Spain, C-388/95, ECLI:EU:C:2000:244

Judgment of 7 November 2000 in case Haus Cramer, C-312/98, ECLI:EU:C:2000:599

CJEC, Judgment of 7 November 2000 in case Consorzio del Prosciutto di Parma și Salumificio S. Rita, C-108/01, ECLI:EU:C:2003:296

CJEC, Judgment of 6 December 2001 in case Carl Kühne and Others, C-269/99, ECLI:EU:C:2001:659

CJEC, Judgment of 12 November 2002 in case Arsenal Football Club, C-206/01, ECLI:EU:C:2002:651

CJEC, Judgment of 21 November 2002 in case Robelco, C-23/01, ECLI:EU:C:2002:706

CJEC, Judgment of 12 December 2002 in case Sieckmann, C-273/00, ECLI:EU:C:2002:748

CJEC, Judgment of 6 March 2003 in case Commission v France, C-6/02, ECLI:EU:C:2003:136

CJEC, Judgment of 20 March 2003 in case LTJ Diffusion, C-291/00, ECLI:EU:C:2003:169

CJEC, Judgment of 8 April 2003, Joined cases Linde și altii, C-53/01- C-55/01, ECLI:EU:C:2003:206

CJEC, Judgment of 6 May 2003 in case Libertel, C-104/01, ECLI:EU:C:2003:244

CJEC, Judgment of 20 May 2003 in case Ravil, C-469/00, ECLI:EU:C:2003:295

CJEC, Judgment of 18 November 2003 in case Budějovický Budvar, C-216/01, ECLI:EU:C:2003:618

CJEC, Judgment of 23 October 2003 in case Adidas-Salomon și Adidas Benelux, C-408/01, ECLI:EU:C:2003:582

CJEC, Judgment of 27 November 2003 in case Shield Mark, C-283/01, ECLI:EU:C:2003:641

CJEC, Judgment of 7 January 2004 in case Gerolsteiner Brunnen, C-100/02, ECLI:EU:C:2004:11

CJEC, Judgment of 12 February 2004 in case Koninklijke KPN Nederland, C-363/99, ECLI:EU:C:2004:86

CJEC, Judgment of 29 April 2004 in case Henkel/OAPI, C-456/01 P și C-457/01 P, ECLI:EU:C:2004:258

CJEC, Judgment of 29 April 2004 in case Procter & Gamble/OAPI, C-473/01 P și C-474/01 P, ECLI:EU:C:2004:260

CJEC, Judgment of 24 June 2004 in case Heidelberger Bauchemie, C-49/02, ECLI:EU:C:2004:384

CJEC, Judgment of 15 July 2004 in case Douwe Egberts, C-239/02, ECLI:EU:C:2004:445

CJEC, Judgment of 16 November 2004 in case Anheuser-Busch, C-245/02, ECLI:EU:C:2004:717

CJEC, Judgment of 12 May 2005 in case Regione autonoma Friuli-Venezia Giulia și ERSA, C-347/03, ECLI:EU:C:2005:285

CJEC, Judgment of 6 October 2005 in case Medion, C-120/04, ECLI:EU:C:2005:594

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CJEC, Judgment of 27 April 2006 in case Levi Strauss, C-145/05, ECLI:EU:C:2006:264

CJEC, Judgment of 7 September 2006 in case Bovemij Verzekeringen, C-108/05, ECLI:EU:C:2006:530

CJEC, Judgment of 25 January 2007 in case Dyson, C-321/03, ECLI:EU:C:2007:51

CJEC, Judgment of 12 June 2007 in case OAPI/Shaker, C-334/05 P, ECLI:EU:C:2007:333

CJEC, Judgment of 11 September 2007 in case Céline, C-17/06, ECLI:EU:C:2007:497

CJEC, Judgment of 25 January 2008 in case Adam Opel, C-48/05, ECLI:EU:C:2007:55

CJEC, Judgment of 26 February 2008 in case Comisia/Germania, C-132/05, ECLI:EU:C:2008:117

CJEC, Judgment of 12 June 2008, Joined cases Confcooperative Friuli Venezia Giulia și alții, C-23/07 și C-24/07, ECLI:EU:C:2008:341

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