

BOARD NOTICE 26 OF 2014**PROPOSED PROTECTION OF EUROPEAN UNION GEOGRAPHICAL INDICATIONS
FOR WINES AND SPIRITS**

The Wine and Spirit Board hereby –

- (a) give notice that proposals have been made for the protection, in the territory of the Republic of South Africa, of the European Union geographical indications for wines and spirits set out in the Annexure hereto in accordance with the provisions set out in said Annexure:

- (b) invite interested persons to submit, in writing, such representations as they may care to make in regard to this matter to the Secretary of the Wine and Spirit Board, at hugo@wsb.org.za (Hugo van der Merwe), to reach him within 30 days of the publication of this notice.

M H VAN DER MERWE

SECRETARY: WINE AND SPIRIT BOARD

ANNEXURE

SECTION 1: GEOGRAPHICAL INDICATIONS

Article 1. Scope

1. This Section applies to the recognition and protection of geographical indications designating products falling under the categories of products indicated in the section headings of Annex III and originating in the territories of the Parties.
2. The provisions of this Section shall complement and specify the rights and obligations of the Parties under the TRIPS Agreement and other multilateral agreements to which the Parties are party, and therefore, no provision of this Section will contradict or be detrimental to the provisions of such multilateral agreement.

Article 2 – Protection of established geographical indications

1. The European Union shall protect the geographical indications of the Republic of South Africa listed in Annex III according to the level of protection laid down in this Protocol.
2. Republic of South Africa shall protect the geographical indications of the European Union listed in Annex III according to the level of protection laid down in this Protocol.

3. When all the geographical indications respectively of the European Union or of the Republic of South Africa listed in Annex III and identified therein as geographical indications for which the priority date is indicated as 'entry into force', have been protected according to paragraphs 1 or 2, each Party shall notify the other that the protection has been applied.

Article 3 – Right of use of geographical indications

1. A geographical indication protected under this Section may be used by any operator marketing agricultural products, foodstuffs, wines, aromatised wines or spirit drinks conforming to the corresponding product specification.
2. Once a geographical indication is protected under this Section, the use of such protected name shall not be subject to any registration of users, or further charges.

Article 4 – Scope of protection

1. Geographical indications referred to in Article 2 and listed in Annex III as well as those added pursuant to Article 5 shall be protected against:
 - (a) any direct or indirect commercial use of a protected name:
 - for comparable products not compliant with the product specification of the protected name, or

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- in so far as such use exploits the reputation of a geographical indication;
- (b) any misuse, imitation or evocation including:
- use in connection with an indication of the true origin of the product in question;
 - use in translation, transcription or transliteration;
 - use together with words such as "kind", "type", "style", "imitation", "method", or similar words or expressions;
- (c) any other false or misleading indication as to the provenance, origin, nature or essential qualities of a like product, on the inner or outer packaging, advertising material or documents relating to that product, and the packing of the product in a container liable to convey a false impression as to its origin;
- (d) any other practice liable to mislead the consumer as to the true origin of a like product.
2. Protected geographical indications shall not be deemed to become generic in the territories of the Parties.

3. (a) The Parties shall refuse to register or shall invalidate a trade mark that corresponds to any of the situations referred to in paragraph 1 and which relates to same type of product, provided an application to register the trade mark is submitted after the date of application for protection of the geographical indication in the territory concerned. In the case of invalidation, a competent authority of a Party may provide that invalidation shall only be effected pursuant to an application duly lodged by an interested party and brought in a manner prescribed in applicable legislation.
- (b) For the geographical indications listed in Annex III at the entry into force of this Protocol, the date of application for protection shall be the priority date indicated in Annex III, without prejudice to the continued validity, in respect of a trade mark that was earlier in time than the said date, of priority rights that applied in the territory of a Party immediately before the entry into force of the Protocol.
- (c) For geographical indications referred to in Article 5, the date of application for protection or recognition shall be the date of receipt of a request by the other Party to protect a geographical indication provided the said geographical indication is subsequently protected by the receiving Party.
4. The protection of a geographical indication under this Article is without prejudice to the continued use of a trade mark which has been applied for, registered or established by use in good faith, in the territory of a Party before the date of the application for protection or recognition of the geographical indication provided that

no grounds for the trade mark's invalidity or revocation exist in the legislation of the Party concerned. The date of application for protection or recognition of the geographical indication is determined in accordance with paragraph 3.

5. This Agreement shall in no way prejudice the right of any person to use, in the course of trade, that person's name or the name of that person's predecessor in business, except where such name is used in such a manner as to mislead consumers.
6. Where the Republic of South Africa or the European Union, in the context of negotiations with a third country, proposes to protect a geographical indication of the third country, and the name is homonymous with a geographical indication of the other Party, the latter shall be informed and be given the opportunity to comment before the name becomes protected.
7. Nothing in this Section shall oblige the Republic of South Africa or the European Union to protect a geographical indication which is not or ceases to be protected in its country of origin. The Republic of South Africa and the European Union shall notify each other if a geographical indication ceases to be protected in its country of origin.
8. In respect of the geographical indications listed in Annex III of this Protocol and identified therein as geographical indications for which the priority date is indicated as 'entry into force', a trade mark applied for between the date of publication for comments or opposition of the said geographical indications and the date of entry

into force of the Protocol that corresponds to any of the situations referred to in paragraph 1 shall be presumed to have been applied for in bad faith.

Article 5 – Addition of Geographical Indications for protection

1. The Republic of South Africa and the European Union may add geographical indications to the lists in Annex III in accordance with the procedures set out in Article 7.
2. A name may not be included in the list in Annex III where it conflicts with the name of a plant variety, including a grape variety, or an animal breed and as a result is likely to mislead the consumer as to the true origin of the product.
3. If a geographical indication referred to in Article 2 or Article 5 is wholly or partially homonymous with a geographical indication protected in the territory of the Party concerned:
 - (a) protection shall be granted to each indication provided that it has been used in good faith and with due regard for local and traditional usage and the actual risk of confusion;
 - (b) without prejudice to Article 23 of the TRIPS Agreement, the Republic of South Africa and the European Union shall mutually decide the practical conditions of usage under which the homonymous geographical indications will be differentiated from each other, taking into account the

need to ensure equitable treatment of the producers concerned and that consumers are not misled;

- (c) a homonymous name which misleads the consumer into believing that products come from another territory shall not be protected even if the name is accurate as far as the actual territory, region or place of origin of the product in question is concerned.

4. The Republic of South Africa and the European Union shall have no obligation to protect a geographical indication where, in the light of a reputed or well-known trade mark, protection is liable to mislead consumers as to the true identity of the product concerned.
5. Without prejudice to paragraph 4, the Parties shall protect a geographical indication also where a prior trademark in the sense of Article 4(4) exists.

Annex III

Part B: Geographical indications of the European Union

B.3. Wines

| | Country | Geographical indication | Priority date |
|----|---------|---|------------------|
| 1 | Germany | Franken | 1.2.2002 |
| 2 | Germany | Mittelrhein | 1.2.2002 |
| 3 | Germany | Mosel | 1.2.2002 |
| 4 | Germany | Rheingau | 1.2.2002 |
| 5 | Germany | Rheinhessen | 1.2.2002 |
| 6 | Greece | Αμύνταιο / Amynteo | entry into force |
| 7 | Greece | Κρήτη / Crete | entry into force |
| 8 | Greece | Μακεδονία / Macedonia | entry into force |
| 9 | Greece | Μαντινεία / Mantinia | entry into force |
| 10 | Greece | Νάουσα / Naoussa | entry into force |
| 11 | Greece | Νεμέα / Nemea | entry into force |
| 12 | Greece | Πελοπόννησος / Peloponnese | entry into force |
| 13 | Greece | Ρετσίνα Αττικής / Retsina of Attiki | entry into force |
| 14 | Greece | Ρόδος / Rhodes | entry into force |
| 15 | Greece | Σάμος / Samos | entry into force |
| 16 | Greece | Σαντορίνη / Santorini | entry into force |
| 17 | Greece | Στερεά Ελλάδα / Sterea Ellada | entry into force |
| 18 | Greece | Θράκη / Thrace | entry into force |
| 19 | Spain | Cataluña | entry into force |
| 20 | Spain | Cava | 1.2.2002 |
| 21 | Spain | Empordà | entry into force |
| 22 | Spain | Jerez-Xérès-Sherry / Jerez / Xérès / Sherry | 2.2.1659 |
| 23 | Spain | Jumilla | 1.2.2002 |

| | Country | Geographical indication | Priority date |
|----|----------------|---|----------------------|
| 24 | Spain | La Mancha | 1.2.2002 |
| 25 | Spain | Málaga | 1.2.2002 |
| 26 | Spain | Manzanilla Sanlúcar de Barrameda / Manzanilla | 1.2.2002 |
| 27 | Spain | Navarra | 1.2.2002 |
| 28 | Spain | Penedés | 1.2.2002 |
| 29 | Spain | Priorat | 1.2.2002 |
| 30 | Spain | Rías Baixas | 1.2.2002 |
| 31 | Spain | Ribera del Duero | 1.2.2002 |
| 32 | Spain | Rioja | 1.2.2002 |
| 33 | Spain | Rueda | 1.2.2002 |
| 34 | Spain | Somontano | 1.2.2002 |
| 35 | Spain | Toro | 1.2.2002 |
| 36 | Spain | Utiel-Requena | 1.2.2002 |
| 37 | Spain | Valdepeñas | 1.2.2002 |
| 38 | Spain | Valencia | 1.2.2002 |
| 39 | France | Alsace | 1.2.2002 |
| 40 | France | Anjou | 1.2.2002 |
| 41 | France | Beaujolais | 1.2.2002 |
| 42 | France | Beaune / Côte de Beaune | 1.2.2002 |
| 43 | France | Bordeaux | 1.2.2002 |
| 44 | France | Bourgogne | 1.2.2002 |
| 45 | France | Cahors | 1.2.2002 |
| 46 | France | Chablis | 1.2.2002 |
| 47 | France | Chambertin | 1.2.2002 |
| 48 | France | Champagne | 26.6.1935 |
| 49 | France | Châteauneuf-du-Pape | 1.2.2002 |

| | Country | Geographical indication | Priority date |
|----|----------------|--|----------------------|
| 50 | France | Clos de Vougeot | 1.2.2002 |
| 51 | France | Corton | 1.2.2002 |
| 52 | France | Côte Rôtie | 1.2.2002 |
| 53 | France | Côtes de Provence | 1.2.2002 |
| 54 | France | Côtes du Rhône | 1.2.2002 |
| 55 | France | Côtes du Roussillon | 1.2.2002 |
| 56 | France | Graves / Graves de Vayres | 1.2.2002 |
| 57 | France | Crozes-Hermitage / Crozes-Ermitage / Hermitage / l'Hermitage / Ermitage / l'Ermitage | 1.2.2002 |
| 58 | France | Languedoc | 1.2.2002 |
| 59 | France | Margaux | 1.2.2002 |
| 60 | France | Médoc / Haut Médoc | 1.2.2002 |
| 61 | France | Meursault | 1.2.2002 |
| 62 | France | Montrachet | 1.2.2002 |
| 63 | France | Moselle | 1.2.2002 |
| 64 | France | Musigny | 1.2.2002 |
| 65 | France | Nuits / Nuits-Saint-Georges (Côte de Nuits-villages) | 1.2.2002 |
| 66 | France | pays d'Oc | 1.2.2002 |
| 67 | France | Pessac-Léognan | 1.2.2002 |
| 68 | France | Pomerol | 1.2.2002 |
| 69 | France | Pommard | 1.2.2002 |
| 70 | France | Quincy | 1.2.2002 |
| 71 | France | Romanée Contie | 1.2.2002 |
| 72 | France | Saint-Estèphe | 1.2.2002 |
| 73 | France | Saint-Émilion | 1.2.2002 |
| 74 | France | Saint-Julien | 1.2.2002 |

| | Country | Geographical indication | Priority date |
|-----|----------------|--------------------------------------|----------------------|
| 75 | France | Sancerre | 1.2.2002 |
| 76 | France | Sauternes | 1.2.2002 |
| 77 | France | Touraine | 1.2.2002 |
| 78 | France | Val de Loire | 1.2.2002 |
| 79 | France | Volnay | 1.2.2002 |
| 80 | Italy | Asti | 1.2.2002 |
| 81 | Italy | Barbaresco | 1.2.2002 |
| 82 | Italy | Bardolino / Bardolino Superiore | 1.2.2002 |
| 83 | Italy | Barolo | 1.2.2002 |
| 84 | Italy | Brachetto d'Acqui / Acqui | 1.2.2002 |
| 85 | Italy | Brunello di Montalcino | 1.2.2002 |
| 86 | Italy | Campania | 1.2.2002 |
| 87 | Italy | Chianti | 1.2.2002 |
| 88 | Italy | Conegliano Valdobbiadene Prosecco | entry into force |
| 89 | Italy | Dolcetto d'Alba | entry into force |
| 90 | Italy | Franciacorta | 1.2.2002 |
| 91 | Italy | Lambrusco di Sorbara | entry into force |
| 92 | Italy | Lambrusco Grasparossa di Castelvetro | entry into force |
| 93 | Italy | Marsala | 1.2.2002 |
| 94 | Italy | Montepulciano d'Abruzzo | entry into force |
| 95 | Italy | Sicilia | 1.2.2002 |
| 96 | Italy | Soave | 1.2.2002 |
| 97 | Italy | Toscana / Toscana | 1.2.2002 |
| 98 | Italy | Valpolicella | 1.2.2002 |
| 99 | Italy | Veneto | 1.2.2002 |
| 100 | Italy | Vino Nobile di Montepulciano | entry into force |

| | Country | Geographical indication | Priority date |
|-----|----------------|---|----------------------|
| 101 | Cyprus | Κουμανδαρία / Commandaria | entry into force |
| 102 | Cyprus | Πάφος / Pafos | entry into force |
| 103 | Hungary | Tokaj | entry into force |
| 104 | Portugal | Alentejo | 1.2.2002 |
| 105 | Portugal | Vinho Regional Algarve | entry into force |
| 106 | Portugal | Bairrada | 1.2.2002 |
| 107 | Portugal | Dão | 1.2.2002 |
| 108 | Portugal | Douro | 1.2.2002 |
| 109 | Portugal | Lisboa | entry into force |
| 110 | Portugal | Madeira / Madera / Vinho da Madeira / Madeira Weine / Madeira Wine / Vin de Madère / Vino diMadera / Madeira Wijn | 1.2.2002 |
| 111 | Portugal | Moscatel de Setúbal | 1.2.2002 |
| 112 | Portugal | Porto / Oporto / Vinho do Porto / Vin de Porto / Port / Port Wine / Portwein / Portvin / Portwijn | 2.2.1659 |
| 113 | Portugal | Tejo | entry into force |
| 114 | Portugal | Vinho Verde | 1.2.2002 |
| 115 | Romania | Cotești | entry into force |
| 116 | Romania | Cotnari | entry into force |
| 117 | Romania | Dealul Mare | entry into force |
| 118 | Romania | Murfatlar | entry into force |
| 119 | Romania | Târnave | entry into force |
| 120 | Slovakia | Vinohradnícka oblasť Tokaj | entry into force |

B.4. Spirits

| | Country | Geographical indication | Priority date |
|----|----------------|---|----------------------|
| 1 | - | | |
| 2 | Ireland | Irish Cream | 1.2.2002 |
| 3 | Ireland | Irish whiskey / Uisce Beatha Eireannach / Irish whiskey | 1.2.2002 |
| 4 | - | | |
| 5 | Greece | Τσίπουρο / Tsipouro | 1.2.2002 |
| 6 | Spain | Brandy de Jerez | 1.2.2002 |
| 7 | Spain | Pacharán Navarro | 1.2.2002 |
| 8 | France | Armagnac | 1.2.2002 |
| 9 | France | Calvados | 1.2.2002 |
| 10 | France | Cognac | 1.2.2002 |
| 11 | France | Rhum de la Martinique | 1.2.2002 |
| 12 | Italy | Grappa | 1.2.2002 |
| 13 | Cyprus | Ζιβανία / Τζιβανία / Ζιβάνα / Zivania | entry into force |
| 14 | - | | |
| 15 | Hungary | Pálinka | entry into force |
| 16 | Hungary | Törkölypálinka | entry into force |
| 17 | Austria | Inländerrum | entry into force |
| 18 | Austria | Jägertee / Jagertee / Jagatee | 1.2.2002 |
| 19 | Poland | Polska Wódka / Polish Vodka | entry into force |
| 20 | Finland | Vodka of Finland / Suomalainen Vodka / Finsk Vodka | 1.2.2002 |
| 21 | Sweden | Svensk Vodka / Swedish Vodka | 1.2.2002 |
| 22 | United Kingdom | Scotch Whisky | 1.2.2002 |

| | Country | Geographical indication | Priority date |
|----|---|--------------------------------|----------------------|
| 23 | More than one country: Belgium, Germany, Austria | Korn / Kornbrand | 1.2.2002 |
| 24 | More than one country: Greece, Cyprus | Ούζο / Ouzo | 1.2.2002 |