

Article 16

Protection of geographical indications

Without prejudice to Article 10, the geographical indications registered in Annex III shall be protected against:

- (a) any direct or indirect commercial use in respect of products not covered by the registration in so far as those products are comparable to the spirit drink registered under that geographical indication or insofar as such use exploits the reputation of the registered geographical indication;
- (b) any misuse, imitation or evocation, even if the true origin of the product is indicated or the geographical indication is used in translation or accompanied by an expression such as 'like', 'type', 'style', 'made', 'flavour' or any other similar term;
- (c) any other false or misleading indication as to the provenance, origin, nature or essential qualities on the description, presentation or labelling of the product, 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 the product.

Article 17

Registration of geographical indications

1. An application for a geographical indication to be registered in Annex III shall be submitted to the Commission in one of the official languages of the European Union or accompanied by a translation into one of those languages. That application shall be duly substantiated and shall include a technical file setting out the specifications with which the spirit drink concerned must comply.

2. With regard to geographical indications within the Community, the application referred to in paragraph 1 shall be made by the Member State of origin of the spirit drink.

3. With regard to geographical indications within a third country, the application referred to in paragraph 1 shall be sent to the Commission, either directly or via the authorities of the third country concerned, and shall include proof that the name in question is protected in its country of origin.

4. The technical file referred to in paragraph 1 shall include at least the following main specifications:

- (a) the name and category of the spirit drink including the geographical indication;
- (b) a description of the spirit drink including the principal physical, chemical and/or organoleptic characteristics of the

product as well as the specific characteristics of the spirit drink as compared to the relevant category;

- (c) the definition of the geographical area concerned;
- (d) a description of the method for obtaining the spirit drink and, if appropriate, the authentic and unvarying local methods;
- (e) the details bearing out the link with the geographical environment or the geographical origin;
- (f) any requirements laid down by Community and/or national and/or regional provisions;
- (g) the name and contact address of the applicant;
- (h) any supplement to the geographical indication and/or any specific labelling rule, according to the relevant technical file.

5. The Commission shall verify, within 12 months of the date of submission of the application referred to in paragraph 1, whether that application complies with this Regulation.

6. If the Commission concludes that the application referred to in paragraph 1 complies with this Regulation, the main specifications of the technical file referred to in paragraph 4 shall be published in the *Official Journal of the European Union*, C Series.

7. Within six months of the date of publication of the technical file, any natural or legal person that has a legitimate interest may object to the registration of the geographical indication in Annex III on the grounds that the conditions provided for in this Regulation are not fulfilled. The objection, which must be duly substantiated, shall be submitted to the Commission in one of the official languages of the European Union or accompanied by a translation into one of those languages.

8. The Commission shall take the decision on registration of the geographical indication in Annex III in accordance with the regulatory procedure with scrutiny referred to in Article 25(3), taking into account any objection raised in accordance with paragraph 7 of this Article. That decision shall be published in the *Official Journal of the European Union*, C Series.

Article 18

Cancellation of a geographical indication

If compliance with the specifications in the technical file is no longer ensured, the Commission shall take a decision cancelling the registration in accordance with the regulatory procedure with scrutiny referred to in Article 25(3). That decision shall be published in the *Official Journal of the European Union*, C Series.