

2. A trade mark the use of which corresponds to one or more of the situations referred to in Article 21(2), which has been applied for, registered, or established by use, if that possibility is provided for by the legislation concerned, in good faith within the territory of the Union, before the date on which the application for protection of the geographical indication was submitted to the Commission, may continue to be used and renewed notwithstanding the registration of a geographical indication, provided that no grounds for its invalidity or revocation exist under Directive (EU) 2015/2436 of the European Parliament and of the Council ⁽²⁴⁾ or Regulation (EU) 2017/1001 of the European Parliament and of the Council ⁽²⁵⁾.

Article 37

Existing registered geographical indications

Geographical indications of spirit drinks registered in Annex III to Regulation (EC) No 110/2008 and thus protected under that Regulation shall automatically be protected as geographical indications under this Regulation. The Commission shall list them in the register referred to in Article 33 of this Regulation.

Article 38

Verification of compliance with the product specification

1. Member States shall draw up and keep up to date a list of operators that produce spirit drinks with a geographical indication registered under this Regulation.

2. In respect of the geographical indications that designate spirit drinks originating within the Union registered under this Regulation, verification of compliance with the product specification referred to in Article 22, before placing the product on the market, shall be carried out by:

- (a) one or more competent authorities referred to in Article 43(1); or
- (b) control bodies within the meaning of point 5 of the second subparagraph of Article 2 of Regulation (EC) No 882/2004, operating as a product certification body.

Where a Member State applies Article 24(2), verification of compliance with the product specification shall be ensured by an authority other than that deemed to be a group under that paragraph.

Notwithstanding the national law of Member States, the costs of such verification of compliance with the product specification may be borne by the operators which are subject to those controls.

3. In respect of the geographical indications that designate spirit drinks originating within a third country registered under this Regulation, verification of compliance with the product specification, before placing the product on the market, shall be carried out by:

- (a) a public competent authority designated by the third country; or
- (b) a product certification body.

4. Member States shall make public the names and addresses of the competent authorities and bodies referred to in paragraph 2, and update that information periodically.

The Commission shall make public the name and address of the competent authorities and bodies referred to in paragraph 3 and update that information periodically.

5. The control bodies referred to in point (b) of paragraph 2 and the product certification bodies referred to in point (b) of paragraph 3 shall comply with and be accredited in accordance with European standard ISO/IEC 17065:2012 or any applicable future revision or amended version thereof.

⁽²⁴⁾ 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 (OJ L 336, 23.12.2015, p. 1).

⁽²⁵⁾ Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark (OJ L 154, 16.6.2017, p. 1).