

Italian Sounding

Avv. Lisa Gaspari

Refers to the phenomenon where products, especially food, are marketed using names, logos, images, flag colors or labels that evoke Italy, despite not being produced in Italy.

Hereunder some cases of Italian Sounding products identified and reported in EU markets:

“Cambozola” (Germany), “Zottarella” (Germany) , “Spagheroni” (Netherlands), “Pamesello” (Belgium), “Barbera bianco” (Romania), “Palenta” (Croatia), “Parmezan” (Romania).



It can clearly misleading consumers to believe that the product is genuinely Italian, exploiting the prestige and reputation of the "Made in Italy" and takes revenue away from real Italian producers.

Several European regulations protect against such practices by focusing on product origin labeling, geographical indications, and intellectual property rights.

The aim is twofold: to **protect producers who operate within the rules and to guarantee transparency and reliability for consumers.**

Legal Framework Regarding Geographical Indications (GIs)

At international level, Geneva Act of the Lisbon Agreement

Is an international instrument, administered by WIPO, which allows:

- the international registration of Protected Designations of Origin (PDO) and Protected Geographical Indications (PGI),
- the protection of such designations in the countries party to the Geneva Act,
- the integration of national or regional protection systems into a single international register.

In February 2020, the EU has joined the Geneva Act, making it possible for GIs registered in the EU to also be protected in non-EU Geneva Act countries through a single application.

Legal Framework Regarding Geographical Indications (GIs)

At EU level, Regulation (EU) No 2024/1143 (entered in force in May 2024 and repealing previous Regulation (EU) No 1151/2012) finalized to create a **unitary and exhaustive system of geographical indications** dictating a common and uniform discipline for all GIs for wines, spirits and agricultural products (previously divided into three different regulations).

It provides:

- easier criteria for registration of GIs (reduced to 6 months the Commission's review of applications; further, amendments to production regulations not involving restrictions on single market competition will be handled at the national level).
- stricter methods of control and stricter rules on labeling of GIs within the EU internal market

Regulation (EU) No 2024/1143

Further, it has introduced following innovations:

- protection of GIs is now extended to **domain names**; national authorities must take measures aimed at removing domain names accessible in the EU that illegally use GIs. EU top-level domain name registries must include GIs among the rights that can be invoked in alternative dispute resolution procedures (UDRP) relating to domain names.
- specific provisions regarding **GIs as ingredients** : processed products including GIs as ingredients may use the GI in their own name, label or advertising material only if: a) the product does not contain any other product comparable to the ingredient designated by the GI; b) the ingredient in question is used in sufficient quantities to confer an essential characteristic on the processed product; c) the percentage of the ingredient designated by the GI is indicated on the label.
- **greater powers for protection consortiums**, such as the possibility of taking legal and customs actions aimed at guaranteeing the protection of GI

Regulation (EU) No 2024/1143

The protection consortium (collective organization of producers representing and defending the interests of the GIs)

- a) can request to customs authorities to seize products usurping a GIs
- b) can take legal action against the usurpation of a GIs
- c) can report the abuse to the relevant authorities (Guardia di Finanza, State Police, Competition and Market Authority), which can also intervene *ex officio* against fraudulent practices of counterfeiting a GIs and
 - seize the counterfeit goods
 - order to stop sales
 - order a market recall
 - impose corrective labeling obligations
 - impose administrative fines.

Regulation (EU) 2023/2411 - GIs for handcraft and industrial products

The Geneva Act provides the possibility of including both agricultural and **nonagricultural** products under the aegis of protection provided by geographical indications.

As a result, EU has elaborated **Regulation (EU) 2023/2411**, entered into force on November 16, 2023 and **applicable as of December 1, 2025** introducing the possibility of applying for registration of a Geographical Indication (GI) also **for handcraft and industrial products**.

This new IP title will be valid throughout the European Union, will extend to handcraft and industrial products the same protection provided for protected GIs in the agri-food sector.

Regulation (EU) 2023/2411

Products such as natural stones, wooden objects, jewelry, textiles, fabrics, cutlery, glass, porcelain, leather might benefit from this new regime provided that following requirements are met:

- products originate from a specific place, region or country;
- a specific quality, reputation or other distinguishing characteristic is essentially attributable to the geographical origin;
- at least one of the stages of production takes place in a defined geographical area.

Regulation (EU) 2023/2411, as of December 1, 2025.

Obtaining a GI for an handcraft or industrial product requires that :

- the application is submitted by an association of producers;
- the application contains a production regulation, describing the features of the raw materials used and the producing methods;

Regulation (EU) 2023/2411

Introduces a **two-step registration process** for the protection of GIs for craft and industrial products. This process **involves both national and EU-level procedures**

Step 1: National Phase

In the initial phase, applicants submit their GI applications to the designated national authority in their Member State. This authority is responsible for:

- **Examining the Application:** Assessing whether the product meets the criteria for GI protection
- **Publication:** Making the application publicly available to allow oppositions from interested parties.
- **Decision:** Granting or rejecting the application based on the examination and any opposition received.

If the application is approved, the national authority forwards it to the EUIPO for the second phase.

Regulation (EU) 2023/2411

Step 2: EU-Level Examination

The EUIPO conducts a thorough examination of the application, including:

Verification: Ensuring that the application complies with EU regulations and that all necessary information is provided.

Publication: Publishing the application at the EU level to allow for opposition from any party with a legitimate interest (including from third countries).

Final Decision: After considering any oppositions, the EUIPO makes a final decision on the registration.

Once registered, the GI protection applies uniformly across all EU Member States

This protection includes the right to prevent misuse, imitation, or evocation of the GI name.

Regulation (EU) 2023/2411

National authorities in EU member states will be responsible for both controls and enforcement of the new rules.

To be noted that:

- the Regulation will also make the protection of handcraft and industrial GIs applicable to the **domain name** space and the online environment in general;
- the Regulation facilitate the internationalization of EU handcraft and industrial products by offering GI protection to EU producers in third-country markets that are contracting parties to the Geneva Act, administered by the WIPO (See Decision(EU) 2023/2412.).

Regulation (EU) 2023/2411

EUIPO is working on the development and maintenance of IT tools and solutions to manage and promote GIs for handcraft and industrial products. These tools include:

- a) the **GI portal**, operational from December 1, 2025, which will function as an electronic filing and application management system: applications for registration of handcraft and industrial GIs in the EU will be submitted through GI portal by applicants from EU member states and/or **applicants from third countries**.
- b) the **Union registry** dedicated to GIs for handcraft and industrial products (the names of GIs registered or applied for will be available on such Union Registry, managed by the EUIPO)

Regulation (EU) 2023/2411

Also producers from non-EU countries may apply for protection of their GIs for craft and industrial products in the EU.

Both EU and third-country applicants must use the **EU GI portal** to submit their applications.

For third-country applicants:

- They must demonstrate that the GI is **recognized and protected in their country of origin** under a national or regional GI system.
- The application must include documentation showing that the name is protected in the third country.
- The application can be submitted **directly** to the EU Intellectual Property Office (EUIPO), bypassing any national authority.

Italian Law No. 206 of December 27, 2023 for the Valorization, Promotion and Protection of the Made in Italy – entered in force last 11th January 2024

Main contents:

A) it introduced the “**historical trademarks of national interest**” (registered or used in Italy for more than 50 years) - if the proprietor intends to close down definitively, it must notify MIMIT in advance which may take over ownership of the trademark free of charge (unless it has been assigned onerously by the proprietor or third parties).

B) set up the “**Fund for the protection in the world of Italian GIs**” - charged to the budget of the Ministry of Agriculture, financing activities such as: the registration and renewal of GIs in third countries (with support also in possible opposition phases), UDRP for the re-assignment of internet domains illegally registered by third parties, containing Italian GIs; support for legal actions brought by Italian companies to protect their agri-food products.

Italian Law No. 206 of December 27, 2023 for the Valorization, Promotion and Protection of the Made in Italy

C) it introduces an **official label certifying the Made in Italy** that can be used, on a voluntary basis, by companies producing goods in Italy – such label, realised with security techniques (such as watermarked paper or magnetic and electronic systems) should ensure adequate protection against counterfeiting).

D) valorizes handcraft and industrial products, somehow anticipating Regulation 2023/2411, defining minimum contents to be included in the production regulation of the GIs for craft and industrial products.

E) amends already existing legislative provisions: by extending the functions attributed to the public prosecutor's office with regard to offences of counterfeiting GIs of agri-food products; strengthens administrative sanctions for those who purchase counterfeit goods ; introduces new rules for the destruction of counterfeit goods.

Italian Decree-Law (DDL) on Agro-food approved by the Italian government on April 9, 2025.

In detail, the new decree just approved has introduced:

- A) **new agri-food crimes**, aimed at stopping and sanctioning illegal conduct along the entire supply chain, from production to distribution (food fraud, trading with false signs, agro-piracy)
- B) **unannounced inspections** in case of urgent food sampling
- C) extension of wiretapping and undercover operations to crimes of food fraud
- D) strengthen protection for GIs
- E) charitable destination of confiscated perishable foods

Decree-Law (DDL) approved on April 9, 2025.

New agri-food crimes:

- **food fraud:** punishes misleading conduct to the detriment of the consumer, including violations of the origin, quality and quantity of products; we no longer speak only of altered products, but of any practice that may deceive the consumer about the origin, quality or quantity of products
- **trading with false signs:** which punishes those who use false indications, unauthorized marks or misleading labels;
- **agro-piracy:** configured to more effectively target systematic and organized fraud, causing damages to consumers and to proper operators in the supply chain. Agropiracy concerns those who systematically usurp, imitate or unduly exploit a protected name (PDO or PGI), without meeting the criteria set forth in the production regulation.

Decree-Law (DDL) April 9, 2025

Strengthened protection for GIs

The April 2025 bill provides:

- a) **harsher penalties for abusers** (imprisonment of up to 6 years for GIs counterfeit).
- b) **Higher fines:** Fine of up to 500,000 euros for those who counterfeit protected food products.
- c) the possibility to apply **precautionary interdictory measure** allowing the authorities to temporarily prohibit to use GIs to entities non-compliant with the products regulations, such as the **temporary official block**: this is a measure to temporarily suspend the sale of products and/or the manufacturing process thereof, in case of minor administrative irregularities, giving the operator time to rectify the situation without suffering disproportionate damage.
- d) **proportionality of administrative sanctions.** In the past, fines for food violations could affect small companies or multinational companies in the same way. The new DDL introduces a fairer criterion, linking the amount of the sanctions to the turnover of the companies, with the intention of making the system fairer and more dissuasive.

Decree-Law (DDL) April 9, 2025

Traceability for transparent supply chains

The bill provides **increased controls on the origin and methods of breeding and processing.**

Particular attention is paid to the “**mozzarella di bufala campana PDO**”.

A **digital platform** will be established for the **daily recording of buffalo milk movements**, involving all actors in the supply chain: breeders, processors and intermediaries.

This system will make it possible to:

- clearly distinguish Italian milk and derivatives from those coming from other EU or non-EU countries,
- sanction irregularities more effectively, with fines differentiated according to the size of the enterprise.

The background features a series of concentric circles in shades of blue and green, centered on the left side. A wavy white line separates the blue and green areas, extending from the bottom right towards the center. The text "Thank you for your attention" is centered in the blue area.

Thank you for your attention