



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT
Directorate F – Outreach, Research & Geographical Indications
The Director

Brussels
AGRI.F.3/

Email: [REDACTED]

Subject: Question regarding the name of a company that is the same as the name of the geographical indication, article 9(1) of Regulation (EU) nr. 2024/1143

Dear Mr [REDACTED]

Thank you for your e-mail dated 21 March 2025 in which you inquire whether a company, in which individual pig farms (producers) and a central butchery hold ownership and whose name is the same name as the product produced by those producers, may apply for registration of the name of that product as geographical indication.

In addition, from your enquiry, we understand that the company has registered a figurative trade mark at EUIPO, under the same name. Therefore, the trade mark, the name of the company and the name to be applied for registration as a geographical indication appear to be the same.

There is no requirement in the Union legislation on geographical indication for a name of a geographical indication to be different from the name of its producer group. Therefore, the identity of the name of the company with the name of the geographical indication applied for is not an obstacle for the registration under Regulation (EU) 2024/1143. On the basis of the information you gave, the concerned company (association of several producers of the same product in the form of a limited liability company) seems to fulfil the requirement for an ordinary applicant producer group, in accordance with Article 9(1) of Regulation (EU) 2024/1143. The special provisions concerning the single producers, referred to in Article 9(3) of that Article, do not seem relevant.

In accordance with Article 30 and 31, paragraph 3 of Regulation (EU) 2024/1143, a geographical indication may be registered although conflicting with a trade mark registered or applied before the submission of the application for registration of the geographical indication to the Commission, unless the name of the geographical indication is liable to mislead the consumers as to the true identity of the product.

Conversely, a trade mark applied for, registered, or established through use in good faith within the territory of the Union before the date of submission of the application for registration of a conflicting geographical indication to the Commission, may coexist with a that geographical indication.

Therefore, the registration of the trade mark in EUIPO does not inherently affect the registration of the geographical indication under Regulation (EU) 2024/1143 and the registration of the geographical indication does not inherently invalidate the trade mark or prevent it from being used.

Furthermore, in the specific case, the trade mark and the geographical indication concern the same product. Therefore, there is no conflict. Only different and parallel protection systems using the same sign to protect the same product. However, it is important to note that, once the name is protected as geographical indication, any producer complying with the product specification, including producers that are not members of the concerned company or producers that are not associated with the trade mark registration, will be allowed to use it, although the same name is protected under a trade mark. Finally, please note that if the figurative trade mark owned by the applicant producer group (association of producers or single producer) is obligatory on the label of the registered geographical indication, that specific logo must be freely available for all producers complying with the product specification whether or not the producers and processors are members of said producer group.

The above information is based solely on the facts set out in your e-mail of 21 March 2025 expresses the view of the Commission services and does not commit the European Commission. In the event of a dispute involving Union law it is, under the Treaty on the Functioning of the European Union, ultimately for the Court of Justice of the European Union to provide a definitive interpretation of the applicable Union law.

Yours sincerely,

A black rectangular box redacting the signature of Diego CANGA FANO.

Diego CANGA FANO