



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

Brussels
AGRI.F.3/ [REDACTED]

Subject: Protection of Geographical Indications in Domain Names

Dear [REDACTED],

Thank you for your email of 16 December 2024 (our ref. Ares(2024)8985815), in which you seek clarification on the implementation of Articles 26, 27 and 42 of Regulation (EU) 2024/1143 regarding the protection of geographical indications (GIs) in domain names. Please accept our apologies for this delayed reply.

1. Administrative and Judicial Steps for Addressing GI Violations in Domain Names

Member States should apply Article 42 of Regulation (EU) 2024/1143 (GI Regulation) and the available enforcement mechanisms.

- Domain name pre-registration preventive action (Option a in your email): The GI Regulation does not require Member States to implement an ex-ante verification system for domain name registrations concerning existing GIs. However, Member States have a general obligation to take appropriate steps to prevent the use of names that contravene Articles 26 and 27. In addition, they may adopt national measures to promote best practices in domain name registrations, in cooperation with EU-based domain name registries.
- Domain name post-registration enforcement (Option b in your e-mail): The Regulation establishes that Member States should act once a GI violation occurs, meaning intervention should be based on actual infringement – either in the way a domain name is used or in the content of a website (Article 26(2) and (4)(b)).

Since no domain name information and alert system under Article 35 has been established to date, direct preventive action at the registration stage would be difficult to implement in practice. However, post-registration enforcement remains an effective tool under Article 42(3) and (4), allowing Member States to take administrative or judicial action to remove unlawful content or disable access to infringing domain names from their territory.

2. Compliance with Alternative Dispute Resolution (ADR) under Article 26

[REDACTED]

The GI Regulation formally recognizes GIs as enforceable rights in ADR procedures for country code top-level domains (ccTLDs) within the EU (Article 35(1)). The aim is to provide GI right holders with an alternative mechanism to challenge abusive registrations without needing lengthy court procedures.

- Option (a) in your e-mail (preventive measures before domain registration) does not contradict ADR requirements, but it is not a mandatory requirement under Article 26.
- Option (b) in your e-mail (acting post-registration) aligns with ADR mechanisms, as the ADR system primarily functions after a disputed domain name has been registered.

Therefore, ADR mechanisms under Article 35(1) are complementary to the GI enforcement mechanisms laid down in Articles 42 and 43 of the GI Regulation.

3. Meaning of “Disabling Access” under Article 42

Articles 26(2) and 42(4) of the GI Regulation empowers Member States’ authorities to take enforcement actions to disable access to GI infringing domain names. The interpretation of “disable access” may involve orders to national Internet Service Providers (ISPs) to block access to domain names hosted inside or outside the Member State, making it inaccessible to end users in the Member State.

A registry/ccTLD cannot adopt an action of disabling the access to a domain name for a territory. The only action that a registry/ccTLD can take vis a’ vis a domain name is to remove it, and this action is not limited to a specific territory it is valid *erga omnes*.

4. Obligations of providers on the online market under Article 43

In addition, in accordance with Article 43(2) of Regulation (EU) 2024/1143, the relevant national judicial or administrative authorities may issue orders to act against illegal content, as defined in Article 3, point (h), of Regulation (EU) 2022/2065 (Digital Services Act - DSA). These orders may be addressed to intermediary service providers, including ISPs and domain name registries to adopt enforcement measures against any information related to the advertising, promotion and sale of products that is accessible to persons established in the Union and that contravenes the protection of geographical indications provided for in Articles 26 and 27 of Regulation (EU) 2024/1143.

5. Terminology: “Disable Access to Domain Names”

The term “disable access to domain names” under Article 42 refers to technical, administrative or judicial measures that competent authorities may use to prevent (block or suspend) public access from their territory to a GI infringing domain name.

For comparison:

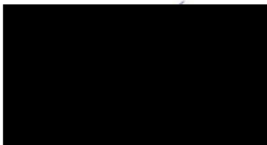
- “Disable access to domain names” (Article 42 of Regulation (EU) 2024/1143) refers to blocking an entire domain name (e.g., example.eu).
- “Disable access to content” (under the DSA - Regulation (EU) 2022/2065 and Article 43 of Regulation (EU) 2024/1143) refers to removing or restricting access to specific infringing content within a domain.

This distinction means that Article 42 enables broader enforcement action by Member States, allowing the disabling of access from their territory to entire domain names violating GI protection.

The Commission services stress the importance of ensuring effective enforcement of GI protection on the online market and will continue working with Member States to provide guidance on the implementation of the Regulation.

The above information is based solely on the facts set out in your e-mail of 16 December 2024, 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,



Diego CANGA FANO