



2025/107

24.1.2025

COMMISSION IMPLEMENTING DECISION (EU) 2025/107

of 23 January 2025

refusing protection in the Union of the Appellation of Origin ‘Emmentaler’ registered in the International Register of Appellations of Origin and Geographical Indications of the Geneva Act

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2019/1753 of the European Parliament and of the Council of 23 October 2019 on the action of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications ⁽¹⁾, and in particular Article 7(2) thereof,

Whereas:

- (1) In accordance with Article 5(1) and (2) of the Geneva Act, the Competent Authorities of each Contracting Party to the Geneva Act may file applications for international registration of an appellation of origin or geographical indication with the International Bureau of the World Intellectual Property Organization, which registers it in the International Register in accordance with Article 6 of the Geneva Act. In accordance with Article 9 of the Geneva Act, the other Contracting Parties shall protect registered appellations of origin and geographical indications within their own legal system subject to any refusal, renunciation, invalidation or cancellation.
- (2) In accordance with Article 6(4) of the Geneva Act, on 14 March 2024, the International Bureau of the World Intellectual Property Organization notified the Commission that the name ‘Emmentaler’, applied by Switzerland, had been recorded as Appellation of Origin in the International Register of Appellations of Origin and Geographical Indications under the Geneva Act.
- (3) Pursuant to Article 4(2) of Regulation (EU) 2019/1753, the international registration of the Appellation of Origin ‘Emmentaler’ was published in the *Official Journal of the European Union* ⁽²⁾ to enable possible opposition to be lodged.
- (4) Pursuant to Article 5 of Regulation (EU) 2019/1753, the Commission assessed the international registration of the Appellation of Origin ‘Emmentaler’ against the conditions laid down in that Article.
- (5) Several admissible oppositions under Article 6(2) f) of Regulation (EU) 2019/1753 have been received by the Commission claiming that the name ‘Emmentaler’ is historically and culturally linked to a wider geographical area than only Switzerland.
- (6) This is confirmed by the circumstance that three names protected in the European Union as geographical indications and containing the name ‘Emmentaler’ or a linguistic variation thereof refer to products produced outside the territory of Switzerland: ‘Allgäuer Emmentaler’ (PDO), produced in Germany, ‘Emmental français est-central’ (PGI) and ‘Emmental de Savoie’ (PGI) produced in France. In all these cases, the protection is granted to the compound name and not to the name ‘Emmentaler’ in itself.

⁽¹⁾ OJ L 271, 24.10.2019, p. 1, ELI: <http://data.europa.eu/eli/reg/2019/1753/oj>.

⁽²⁾ OJ C, C/2024/2686, 12.4.2024, ELI: <http://data.europa.eu/eli/C/2024/2686/oj>.

- (7) In particular, Commission Regulation (EC) No 1107/96 ⁽³⁾, which registered, among others, 'Emmental français est-central' (PGI) and 'Emmental de Savoie' (PGI), as well as Commission Regulation (EC) No 123/97 ⁽⁴⁾, which registered, among others, 'Allgäuer Emmentaler' (PDO), explicitly specify, in the footnotes referred to those names, that the protection of the names 'Emmental' and 'Emmentaler' is not sought.
- (8) In the light of the above, the name 'Emmentaler' is deemed to be a generic term in the territory of the Union.
- (9) The protection of the name 'Emmentaler', registered as Appellation of Origin from Switzerland in the International Register, should, therefore, be refused in the Union.
- (10) Given the simultaneous membership of EU, France, Hungary, Czechia, Portugal and Slovakia under the Geneva Act and considering the lack of competence of the Member States to decide on the national protection of an Appellation of Origin, it is necessary to clarify that the refusal applies to the whole territory of the European Union and that, for the sake of clarity and consistency, it should be notified to the World Intellectual Property Organisation also in the name of those Member States as members of the Geneva Act.
- (11) Although they are not competent to adopt decisions on the national protection of the Appellations of Origin registered under the Geneva Act, in order to ensure consistency in protection of those Appellations throughout the territory of the European Union, Member States that are members of the Lisbon agreement and that have not yet acceded to the Geneva Act should be authorised and obliged to notify the World Intellectual Property Organisation of the refusal of the protection of the Appellation of Origin 'Emmentaler', if they accede to the Geneva Act, within one year from that accession.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Quality Policy Committee for agricultural products, wine and spirit drinks under Regulation (EU) 2024/1143 of the European Parliament and of the Council ⁽⁵⁾,

HAS ADOPTED THIS DECISION:

Article 1

The protection of the name 'Emmentaler', registered as Appellation of Origin in the International Register, shall be refused in the Union.

The name referred to in the first paragraph identifies a product of the type 'Cheese'.

Article 2

The refusal of protection referred to in Article 1 applies to the entire territory of the European Union. It shall be notified to the World Intellectual Property Organisation also in the name of France, Hungary, Czechia, Portugal and Slovakia as members of the Geneva Act.

⁽³⁾ Commission Regulation (EC) No 1107/96 of 12 June 1996 on the registration of geographical indications and designations of origin under the procedure laid down in Article 17 of Council Regulation (EEC) No 2081/92 (OJ L 148, 21.6.1996, p. 1, ELI: <http://data.europa.eu/eli/reg/1996/1107/oj>).

⁽⁴⁾ Commission Regulation (EC) No 123/97 of 23 January 1997 supplementing the Annex to Commission Regulation (EC) No 1107/96 on the registration of geographical indications and designations of origin under the procedure laid down in Article 17 of Regulation (EEC) No 2081/92 (OJ L 22, 24.1.1997, p. 19, ELI: <http://data.europa.eu/eli/reg/1997/123/oj>).

⁽⁵⁾ Regulation (EU) 2024/1143 of the European Parliament and of the Council of 11 April 2024 on geographical indications for wine, spirit drinks and agricultural products, as well as traditional specialities guaranteed and optional quality terms for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2019/787 and (EU) 2019/1753 and repealing Regulation (EU) No 1151/2012 (OJ L, 2024/1143, 23.4.2024, ELI: <http://data.europa.eu/eli/reg/2024/1143/oj>).

Article 3

Bulgaria and Italy shall notify the World Intellectual Property Organisation the refusal of protection concerning the Appellation of Origin 'Emmentaler' within one year from their accession to the Geneva Act.

Article 4

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*. It shall be notified to the World Intellectual Property Organisation.

Done at Brussels, 23 January 2025.

For the Commission
The President
Ursula VON DER LEYEN
