APPLICATION PROCESS FOR THE REGISTRATION OF A GEOGRAPHICAL INDICATION UNDER EC REGULATION 2081/92

WTO Member       EC member State

Is the person eligible to submit an application?

Yes  Yes

No  No

**Article 12(a)(1)**
Is the party an association of producers and/or processors working with the same agricultural product or foodstuff?

No  Yes

Cannot apply.  Yes

**Article 12(a)(2)(a)**
Is the product protected or established as a geographical indication in the WTO Member.

No  Yes

Cannot apply.  Yes

**Article 12(1)**
Has the WTO Member, in which the party resides, had their geographical indications systems approved by the Commission under the equivalence requirements of Article 12(3)?

No  Yes

Cannot apply.  Yes

Does the WTO member guarantee the information required for the product specification?

No  Yes

Cannot apply.  Yes

Does the WTO member have inspection arrangements and a right to objection equivalent to the EU?

No  Yes

Cannot apply.  Yes

Does the WTO member provide equivalent protection to that available in the European Community to corresponding agricultural products from the European Community?

No  Yes

Cannot apply.  Yes

1 Note this flow-chart excludes procedures relating to homonymous names and the procedures applicable to third countries that are not WTO Members.
Article 12(a)(1)  
The party submits the application to their WTO member government, with the product specification under Article 4.

Article 5(3)  
The Party submits the application to their EC Member State with the product specification under Article 4.

Article 5(5) [EC] or Article 12(a)(2) [WTO member]  
The relevant authority assesses whether the application is justified.

Does it meet the requirements of Regulation 2081/92?

Yes

Does it meet the definition of a geographical indication Article 2?

Yes

Article 12(a)(2)  
The WTO member Government submits the application to the European Commission including the following information:

- a copy of the registration application.

- description of the legal provisions and usage on basis the DOI or GI is protected or established in the country.

- a declaration the structures provided for in Article 10 that are established in their territory: ie the inspection procedures.

- other documents on which it based its assessment.

Article 5(5)  
The Member State submits the application to the European Commission including the following information:

- a copy of the application, including the product specification;

- other documents on which it based its decision.
Article 6(1) [EC] or Article 12(b)(1)(a) [WTO Member]
The Commission informs the Member State or WTO member of its findings.

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Application meets necessary requirements

Article 6(1) [EC] or Article 12(b)(1)(a) [WTO Member]
The Commission examines whether the application meets all the necessary elements. The Commission may decide to consult the Member State committee.

Article 6(2) [EC] or Article 12(b)(1)(a) [WTO Member]
The Commission examines whether the application meets requirements of Article 4. The Commission may decide to consult the Member State committee.

Article 6(3) [EC] or Article 12(b)(4) [WTO Member]
The Commission enters the geographical indication in its 'Register of protected designations of origin and protected geographical indications'.

Article 6(4) [EC] or Article 12(b)(4) [WTO Member]
The Commission publishes the geographical indication in the Official Journal of the European Communities.

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Application does not meet requirements

Article 12(b)(1)(b) [WTO Member]
The Commission consults with the WTO member and the Member State Committee and does not publish the application.

Article 6(5) [EC]
The Commission consults with the Member State Committee and does not publish the application.

No objections to application received within 6 months

Article 6(2) [EC] or Article 12(b)(1)(a) [WTO Member]
The Commission notifies the application in the Official Journal of the European Communities.
EXHIBIT NZ-2

OBJECTION PROCESS DURING THE REGISTRATION OF A GEOGRAPHICAL INDICATION UNDER EC REGULATION 2081/92

WTO Member Objection

Is the party eligible to access the application information?

- Article 12(d)
  - Does the party have a legitimate economic interest?

  - Yes
    - Article 12(d)
      - Has the WTO member, in which the party resides, had their geographical indications systems approved by the Commission under the equivalence requirements of Article 12(3)?

      - Yes
      - No

      - Unable to access.

      - No
      - Unable to access.

- No

EC Objection

- Article 7(2)
  - Does the party have a legitimate economic interest?

  - Yes
  - OR

  - Does the party have a legitimate interest?

  - No
    - Unable to access.

  - Yes
    - Does the WTO member have inspection arrangements and a right of objection equivalent to the EU?

    - Yes
    - No

    - Unable to access.

    - No
    - Unable to access.

- Does the WTO member provide equivalent protection to that available in the Community to corresponding agricultural products from the Community?

2 Note, this flow-chart excludes homonymous names and the procedures for third countries that are not WTO Members.
Is the person eligible to object to an application?

**Article 7(1)**
Is the party legitimately interested?

No

Unable to object

Yes

**Article 12(d)**
Is the party legitimately interested?

No

Unable to object

Yes

**Article 12(d)**
Has the WTO member, in which the party resides, had their geographical indications systems approved by the Commission under the equivalence requirements of Article 12(3)?

No

Unable to object

Yes

**Article 12(d)**
The party submits objections to their member state competent authority.

No

Unable to object

Yes

**Article 12(d)**
The party submits objections to their government.

No

Unable to object

Yes

**Article 12(d)**
WTO Member government refers the objection to the European Commission.

No

Unable to object

Yes

**Article 12(d)**
Does the WTO member guarantee the information required for the product specification?

No

Unable to object

Yes

**Article 12(d)**
Does the WTO member have inspection arrangements and a right of objection equivalent to the EU?

No

Unable to object

Yes

**Article 12(d)**
Does the WTO member provide equivalent protection to that available in the Community to corresponding agricultural products from the Community?
Article 7(5)
Member states consult among themselves.

Article 7(3)
Competent authority takes necessary measures to consider the comments or objections within the deadlines laid down.

Article 7(4)
A statement of objection is admissible if it:
- shows non-compliance with the conditions referred to in Article 2.
- shows the existence of the proposed name would jeopardise existence of entirely or partly identical name or of a mark or products that have been legally on the market for at least 5 years preceding date of publication in the Official Journal Article 6.2.
- can show the name being sought registration for is generic (in the EC).

Decide objection admissible

Decide objection admissible

Article 12(d)(3)
Commission consults with the WTO Member making the objection. Commission adopts a decision using the procedures in Article 15. (ie The Commission is assisted by the Member State Committee.)

Agree application ok despite receipt of objection

Agree application ok despite receipt of objection

Article 7(5)(b)
Commission takes a decision in accordance with the procedures in Article 15. (ie The Commission is assisted by the Member State Committee.)

Can’t agree whether application OK in light of receipt of objection

Agree application ok despite receipt of objection

Article 6(3) & Article 6(4) [EC] and Article 12(d)(3)
Name registered on the EC Register and published in the Official Journal.