

AREPO CONTRIBUTION TO THE EC CONSULTATION ON THE DIGITAL SERVICES ACT PACKAGE

The [Association of European Regions for Products of Origin \(AREPO\)](#) is a network of Regions and producer associations that deals with products of origin and EU quality schemes. It represents 33 European regions and over 700 associations of producers for more than 50% of European Geographical Indications (GIs).

In the general framework of the European Commission public consultation on the Digital Services Act, attention must be paid to EU GIs in relation with the **development of online intermediaries**. **The online market brings numerous challenges, notably regarding the protection of Intellectual Property Rights (IPRs)**.

The fight against internet fraud is essential to protect both the rights of producers and consumers. To date, there is **no strong protection of GIs with regard to the attribution of domain names**. Their protection is currently threatened by the new approach proposed by ICANN.

AREPO is dealing with these issues in the context of the Interreg Sudoe 2014-2020 programme, with the project **AGROSMARTglobal "Space for the competitiveness, promotion and intelligent international expansion of agri-food cooperatives in rural areas of the Sudoe"**, which aims to **strengthen the visibility and competitiveness of agri-food cooperatives and SMEs in the digital market place**.

AREPO is in charge of the **activities dedicated to the protection of Geographical Indications on the Internet** and has in particular the task of drawing up a **guide to good practices** for agri-food cooperatives in the Sudoe region, which would aim to improve their knowledge of the topic and **provide them with operational tools to protect their products on the Internet**, particularly PDO and PGI products. To this end, AREPO is starting **working closely with competent experts on intellectual property issues (lawyers/practitioners)** who are specialists in the regulations applicable for each Sudoe country involved in the project (France, Spain and Portugal, one specialist per country).

Consequently, AREPO would like to echo the position presented by EFOW (European Federation of Origin Wines) and oriGIn EU (the European antenna of the global alliance of geographical Indications), laying stress on the importance of creating an **EU overarching framework guaranteeing a level playing field for GI products on the Internet and especially on digital platforms**, since EU GIs account for an **estimated sales value of €77.15 billion** and **represent 15.5% of the total EU agri-food exports**¹.

Appreciating the work carried out for years by EFOW and oriGIn EU on this topic, we would like to support these two organizations in urging the European Commission to ensure that the Digital Services Act is guided by the principle of **"what is illegal offline is also illegal online"**, **thus ensuring the implementation of simple and unified rules on the whole EU territory, in order to allow GI producers and their organisation to protect their IPRs**. Without a level playing field in the internal market between the platform economy and the "traditional" offline economy, the interest of GI producers and consumers will not be safeguarded.

The digital transition must guarantee **equal rights and fair competition between operators in the digital field**, as well as accurate information and therefore **consumer protection**.

Furthermore, we endorse their request for a **dispute resolution mechanism** to ensure that GIs are **intellectual property rights also linked to domain names** and therefore sufficient reason for the

¹ Study on economic value of EU quality schemes, geographical indications (GIs) and traditional specialities guaranteed (TSGs), 2020. AND-International, Directorate-General for Agriculture and Rural Development (European Commission), ECORYS



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domain to be recovered by the legitimate holders of their IPRs without having to prove an infringement or go through the standard system.

In their position EFOW and oriGIn EU recall the recent [study on evaluation of practices for combating speculative and abusive domain name registrations](#), which states that GI right holders “*only have access to curative measures when the abusive registration under the .eu has already occurred*”. The authors argue that “*the .eu Registry ought to study solutions for setting up collaborations with entities and agencies to carry out (directly or indirectly) checks in databases (e.g., the European Commission's EU Geographical Indications register - eAmbrosia209) and, in case of identity (or similarity) with the .eu domain names, notifies (directly or indirectly) the rightsholder enabling this latter to take action; or takes action directly (ex officio)*”. Our organisation fully back these recommendations and share with EFOW and oriGIn EU the suggestion to **also apply them to Internet traders and platforms operating in the EU territory**. In fact, new technologies (AI, algorithms etc.) allow data from an official register, such as e-Ambrosia for GIs in the EU, to be cross-checked easily with those of a sales platform.

To conclude, the Commission should consider whether online trading or sales platforms should be required **to provide some form of anti-counterfeiting commitments**.