



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B. Quality, Research & Innovation, Outreach
Director

Brussels,
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Dear Delegates,

We would like provide you with some information on the European Union Intellectual Property Office (EUIPO) decision of 25/09/2018 concerning the revocation of the collective figurative trade mark featuring the euro-leaf organic EU logo registered by the EU in November 2011.

The EU registered in the past 2 figurative trademarks featuring the euro-leaf organic EU logo:

- An "individual" one, still in force, was registered on 4.11.2010, expiring on 4.11.2020¹
- A "collective" one, registered in May 2010 and which should have expired also in 2020²

Furthermore, several single international registrations took place (i.e. Norway, Japan, China, US, Switzerland).

The collective trade mark registered by the EU was challenged by a German law office, which requested on 9.3.2018 its revocation due to an alleged non-use of it, resulting in the EUIPO decision of 25/09/2018.

The Commission is still assessing the decision of the European Union Intellectual Property Office (EUIPO) to revoke the collective figurative trade mark featuring the euro-leaf organic EU logo.

However, this decision does not change the legal status of the organic EU logo within the EU since an individual trade mark featuring the same logo was also registered and is valid until 2020, featuring the euro-leaf EU organic logo in a same way than the collective trade mark.

Moreover, within the EU territory, the use of the EU logo is anyway governed by the Regulation (EC) No 834/2007, see notably Articles 23 to 25 thereof, determining the

¹ <https://euipo.europa.eu/eSearch/#details/trademarks/009496936>

² <https://euipo.europa.eu/eSearch/#details/trademarks/009136714>

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conditions under which it may – or not – be used by interested operators. This Regulation is fully binding, directly applicable/having direct effects within the EU.

Concerning non-EU countries where the logo has been registered, this protection is not affected by the EUIPO decision.

As a precautionary measure, the Commission, through the Joint Research Centre (JRC) has already lodged a new request for a certification/collective trade mark to EUIPO on 26.9.2018. In parallel, the possible ways to challenge the revocation decision are currently assessed.

Yours sincerely,



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