

CONFLICT BETWEEN TRADEMARK AND GEOGRAPHICAL INDICATION. CASE OF PROTECTED DENOMINATION OF ORIGIN „SALAPARUTA”

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Abstract

Multiple signs are used in commerce for identifying traders and their products. These signs have usually their own system of protection, with their rules for registration and actions against they are protected. However, these signs often enter into conflicts. Depending on the signs entered into conflict, there are legal provisions which regulate the way in which these conflicts are solved. This is the case of conflicts between trademarks and geographical indications registered at EU level. Both these signs are part of intellectual property system, and their importance was proven over time both from consumer protection point of view, but also from business point of view.

This paper is proposing to present a case referred to the CJEU for a preliminary ruling related to the conflict between multiple earlier trademarks used for wine products and a geographical indication registered at EU level also for wine products.

Keywords: trademark with reputation, bad faith, wine products, national courts, cancellation.

1. Introduction

The EU legal provisions related to the protection of geographical indications for wine products changed multiple times. Since the first regulation in 1970 and until now, 6 regulations have succeeded each other and during time they were amended multiple times.

This raises the issue of the provisions which are applicable when the procedure of registration of a geographical indication takes place under a regulation and its registration is published when this regulation was replaced by a subsequent regulation.

This is the issue in the case of Duca di Salaparuta which was referred to the CJEU for a preliminary ruling (C-341/24) and in which we do not have until now the decision of the CJEU, but only the opinion of the Advocate General. This case consists of a conflict between multiple earlier trademarks with reputation and a subsequent geographical indication, both types of signs being registered for wine products.

The earlier trademarks with reputation were registered in 1989 and the Italian *denominazione di origine controllata* (DOC) containing the expression „Salaparuta”¹ for wines² was registered on 8 February 2006 and the registration of protected denominations of origin (PDO) „Salaparuta”³ was registered on 31 July 2009. We may notice that the trademarks are registered 17 years before the DOC and 20 years before the PDO.

At the time of registration of the DOC was in force a regulation and at the time of registration of the PDO another regulation.

DOC was registered when Regulation (EC) no. 1493/1999 on the common organisation of the market in wine⁴ (**Regulation no. 1493/1999**) was in force.

PDO was registered when Regulation (EC) no. 479/2008 on the common organisation of the market in wine, amending Regulations (EC) no. 1493/1999, (EC) no. 1782/2003, (EC) no. 1290/2005, (EC) no. 3/2008 and repealing Regulations (EEC) no. 2392/86 and (EC) no. 1493/1999⁵ (**Regulation no. 479/2008**) and Regulation (EC)

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¹ „Salaparuta” is a Sicilian locality.

² The name of the local administrative area of Salaparuta (Italy) was assigned to the quality wines grown in that area.

³ PDO-IT-A0795 of 8 August 2009.

⁴ Council Regulation of 17.05.1999 on the common organisation of the market in wine (OJ 1999 L 179, p. 1).

⁵ Council Regulation of 29.04.2008 on the common organisation of the market in wine, amending Regulations (EC) no. 1493/1999, (EC) no. 1782/2003, (EC) no. 1290/2005, (EC) no. 3/2008 and repealing Regulations (EEC) no. 2392/86 and (EC) no. 1493/1999 (OJ 2008 L 148, p. 1).

no. 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (**Regulation no. 1234/2007**)⁶ were in force.

Regulation (EC) no. 1493/1999 was applicable until 31 July 2008 and it was:

- amended by Regulation no. 479/2008 which was applicable until 31 July 2009;
- replaced by Regulation no. 1234/2007 which was in force from 23 November 2007 until 31 December 2013 and was amended by Regulation (EC) no. 491/2009 amending Regulation (EC) no. 1234/2007 establishing a common organization of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) which was in force from 24 June 2009 until 30 June 2015 (Regulation no. 491/2009).

From the case at issue, we will see that the holder of the trademarks tried to substantiate its request for cancellation of the DOC and PDO on provisions that started to apply after the registration procedure of the PDO was almost finished, but before the publication of its registration into the Official Journal of EU.

2. Relationship between trademarks and protected denominations of origin (PDO)/protected geographical indications (PGI) in the wine sector

We will present the relationship between trademarks and PDO/PGI in the wine sector as it was regulated at the time of registration of the DOC and PDO, as they were presented at the previous section.

In case of wine products, the relationship between trademarks and PDO/PGI was regulated starting with the Regulation no. 1493/1999.

Regulation no. 1493/1999 provided only one situation of relationship between trademarks and PDOs/PGIs for wine. As a **rule**⁷, if trademarks are used alongside the labelling used to describe a table wine, a liqueur wine, a sparkling wine, a sparkling aerated wine, a quality wine psr or an imported wine, then the trademarks may not contain words, parts of words, signs or illustrations which: (i) include the name of a quality wine produced in specified regions in the case of table wines, liqueur wines, sparkling wines and aerated sparkling wines; (ii) contain the name of a table wine in the case of a quality wine produced in specified regions; (iii) contain false information, in particular as to the geographical origin, vine variety, harvest year or references to a superior quality in the case of table wines with a geographical indication, quality wines produced in a specified region or imported wines; (iv) contain indications of a geographical origin, a vine variety, an exceptional year of production or another indication referring to a superior quality in the case of table wines other than those referred to in point (iii), liqueur wines, sparkling wines and aerated sparkling wines; (v) give rise to confusion through an illustration used to characterize a product described by means of a geographical indication in the case of imported wines.

By way of **exception** to point (iii), in this situation a registered trademark for wine or grape must identical with (i) the name of a geographical unit smaller than a specified region used to describe a quality wine produced in specified regions or (ii) the name of a geographical region used to describe a table wine designated by a geographical indication or (iii) the name of an imported wine designated by a geographical indication could be used until 31 December 2002 if the following **cumulative conditions** were met⁸:

- the trademark was registered before 31.12.1985 by the competent authorities of the Member State;
- the trademark was actually used until 31.12.1986 without interruption from the date of registration.

An **exception** also applied in the case of a **well-known trademark** registered for a wine or grape must containing words identical to the name of a specified region or to the name of a geographical unit smaller than a specified region if the following **cumulative conditions** were met⁹:

- the trademark corresponded to the identity of the original proprietor or the original supplier of the name;
- the trademark was registered at least 25 years before the official recognition of the geographical name in question by the producing Member State;
- the trademark had been actually used without interruption.

⁶ Council Regulation of 22.10.2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ 2007 L 299, p. 1). This regulation has been amended by Council Regulation (EC) no. 491/2009 of 25 May 2009 amending Regulation (EC) no. 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ 2009 L 154, p. 1).

⁷ Annex VII, Section F point 1 of Regulation no. 1493/1999.

⁸ Annex VII, Section F point 2 of Regulation no. 1493/1999.

⁹ *Ibidem*.

This Regulation provides that if trademarks are used in connection with the description, presentation and advertising of sparkling wines produced in the Community or in third countries, the trademarks may not contain words, parts of words, signs or illustrations which are in one of two alternative situations: (i) liable to give rise to confusion or to mislead or (ii) liable to be confused in whole or in part with the description of a type of wine or which are identical with the description of such a product, unless the products used to constitute the basic production of the wine are entitled to such a description or presentation¹⁰. By way of **exception** to the second situation, the use of the trademark is permitted if the following **cumulative conditions** are met: (i) the trademark is **known** and registered for a wine product containing words identical to the name of a specified region or to the name of a geographical unit smaller than a specified region; (ii) the trademark corresponds to the identity of the original proprietor or the original supplier of the name; (iii) the registration of the trademark took place at least 25 years before the official recognition of the geographical name in question by the producing Member State in respect of quality wines produced in a specified region; (iv) the trademark has been used without interruption¹¹.

From the above provisions it follows that as a rule, a trademark applied on wine labels cannot contain wine name, geographical origin etc. with the exception of two conditions that must be met by the trademark, conditions related to the date of its registration and of its use. Another exception is related to well-known trademarks that also must meet three conditions related to the identity of the original proprietor or original supplier, date of their registration and of their use.

Regulation no. 479/2008 amending Regulation no. 1493/1999 introduced multiple grounds for refusing the registration of a PDO/PGI and in our case it is applicable the ground related to the existence of an earlier trademark with reputation if the protection of the PDO/PGI is likely to mislead the consumer as to the true identity of the wine in question¹², provision which started to apply from 01.08.2009 and on which the holder of the earlier trademarks tried to substantiate its request for cancellation of the DOC and PDO.

Regulation no. 1493/1999 did not contain provisions regarding the situations of conflict between trademarks and PDO/PGI. These situations were introduced by **Regulation no. 1234/2007** and it provided for three situations. The **first situation** referred to the case when a subsequent trademark entered into conflict with an earlier PDO/PGI, case in which the PDO/PGI was granted priority. The **second situation** referred to the case when an earlier trademark entered into conflict with a subsequent PDO/PGI, case in which the signs would coexist. And the **third situation** referred to the case when an earlier trademark with a reputation entered into conflict with a subsequent PDO/PGI, case in which the trademark was granted priority.

3. The case brought to the CJEU for a preliminary ruling

3.1. Facts, dispute and questions referred for a preliminary ruling

Duca di Salaparuta SpA is a wine-producing undertaking that is the owner of certain renowned trademarks registered in 1989 distinguishing the wines it produces and these trademarks contain the expression „Salaparuta”¹³.

On 08.02.2006, an Italian *denominazione di origine controllata* (DOC) was registered for wines¹⁴ containing the expression „Salaparuta”¹⁵ when Regulation no. 1493/1999 was in force and in 2009 the name was registered on 31.07.2009 as a PDO at the EU level when Regulations no. 1234/2007 and 479/2008 were in force.

Duca di Salaparuta stayed passive until 08.02.2016 (*i.e.*, for 10 years in relation to the DOC and for approx. 7 years in relation to the PDO) when it requested before the Milan court (Italy) the cancellation and/or invalidity of the DOC and PDO arguing that those designations are misleading and/or applied for in **bad faith** and, in any event, **interfere with its trademarks**. The Milan court rejected this request on the grounds that Regulation no. 1493/1999 (in force when the national DOC was registered) did not provide for the possibility of declaring a PDO invalid where an earlier trademark had a reputation.

¹⁰ Annex VIII, Section H point 1 of Regulation no. 1493/1999.

¹¹ Annex VIII, Section H point 2 of Regulation no. 1493/1999.

¹² Art. 43 (2) of Regulation no. 479/2008.

¹³ Italian National trademark no. 511337, registered on 13.07.1989 and word EUTM registered on 25.10.2000 for alcoholic beverages.

¹⁴ The name of the local administrative area of Salaparuta (Italy) was assigned to the quality wines grown in that area.

¹⁵ „Salaparuta” is a Sicilian locality.

Duca di Salaparuta formulated appeal, and it was also rejected by the Milan Court of Appeal on the grounds that (i) the PDO takes precedence over the earlier trademark based on Section F in Annex VII to Regulation no. 1493/1999 and (ii) the PDOs already protected under art. 54 of Regulation no. 1493/1999 were automatically protected at EU level according to the transitional provision laid down in art. 51¹⁶ of Regulation no. 479/2008.

Duca di Salaparuta appealed the latter judgment before Italy's Supreme Court of Cassation for the following relevant grounds:

- The Milan Court of Appeal would have erred in holding that, for verifying the PDO, it was necessary to apply a transitional rule laid down in Article 51 of Regulation no. 479/2008, which in essence reproduces the provisions of art. 118s¹⁷ of Regulation (EC) no. 1234/2007 and establishes the automatic protection of PDOs. Therefore, Duca di Salaparuta argues that the applicable provision is art. 118k(2)¹⁸ of Regulation no. 1234/2007, which excludes the protection of a designation of origin where, in the light of a trademark's reputation and renown, consumers could be misled as to the true identity of the wine.
- The registration of wine names that could mislead consumers because of the reputation of an earlier trademark is not permitted even under the earlier legislation, namely Regulation (EC) no. 1493/1999. This ground is formulated as an alternative, if it is considered that art. 43 (2)¹⁹ of Regulation (EC) no. 479/2008 and art. 118k(2) of Regulation (EC) no. 1234/2007 are not applicable.
- The unreasonable difference in treatment in relation to the identical situation concerning the relationship between an earlier trademark with a significant reputation and a PDO subsequently registered under Regulation (EEC) no. 2081/1992 which states in art. 14 (3) that a PDO shall not be registered if it is liable to mislead the consumers as to the true identity of the production where there is an earlier trade mark with reputation and renown and considering the length of time it has been used.

Basically, Duca di Salaparuta SpA based its argument on art. 43 (2) of Regulation no. 479/2008 which entered into force on 01.08.2009, 7 days earlier than the registration of the PDO (*i.e.*, on 08.08.2009). However, this provision was not in force when the national DOC was registered in 2006 and there were not equivalent provisions in the previous regulations. Therefore, the registration of the PDO was made under Regulation no. 1493/1999 and reflects the situation on 31 July 2009.

In light of the above, the Italy's Supreme Court of Cassation formulated the following questions to the CJEU for a preliminary ruling:

- Are PDO/PGI registrations, in the wine sector, of designations that existed prior to Regulation no. 1234/2007 – subsequently replaced by Regulation no. 1308/2013 – subject to an impediment to registration based on an earlier trademark that, because of its reputation and renown, is liable to render the PDO/PGI in

¹⁶ Art. 51 (*Existing protected wine names*) states as follows: 1. *Wine names, which are protected in accordance with art. 51 and 54 of Regulation (EC) no. 1493/1999 and art. 28 of Regulation (EC) no. 753/2002, shall automatically be protected under this Regulation. The Commission shall list them in the register provided for in art. 46 of this Regulation. / 2. Member States shall, in respect of existing protected wine names referred to in para. 1, transmit to the Commission: (a) the technical files as provided for in art. 35(1); (b) the national decisions of approval. / 3. Wine names referred to in para. 1, for which the information referred to in para. 2 is not submitted by 31 December 2011, shall lose protection under this Regulation. The Commission shall take the corresponding formal step of removing such names from the register provided for in art. 46. / 4. Article 50 shall not apply in respect of existing protected wine names referred to in para. 1.*

It may be decided, until 31 December 2014, at the initiative of the Commission and in accordance with the procedure referred to in art. 113(2), to cancel protection of existing protected wine names referred to in para. 1 if they do not meet the conditions laid down in art. 34. Council Regulation (EC) no. 1493/1999 of 17.05.1999 on the common organization of the market in wine, OJ L 179/14.07.1999, p. 0001-0084.

¹⁷ Art. 118s (*Existing protected wine names*) states as follows: 1. *Wine names, which are protected in accordance with art. 51 and 54 of Regulation (EC) no. 1493/1999 and art. 28 of Commission Regulation (EC) no. 753/2002 of 29 April 2002 laying down certain rules for applying Council Regulation (EC) no. 1493/1999 as regards the description, designation, presentation and protection of certain wine sector products, shall automatically be protected under this Regulation. The Commission shall list them in the register provided for in art. 118n of this Regulation. / 2. Member States shall, in respect of existing protected wine names referred to in para. 1, transmit to the Commission: (a) the technical files as provided for in art. 118c(1); (b) the national decisions of approval. / 3. Wine names referred to in para. 1, for which the information referred to in para. 2 is not submitted by 31 December 2011, shall lose protection under this Regulation. The Commission shall take the corresponding formal step of removing such names from the register provided for in art. 118n. 4. Art. 118r shall not apply in respect of existing protected wine names referred to in para. 1.*

The Commission may decide, until 31 December 2014, at its own initiative and in accordance with the procedure referred to in art. 195(4), to cancel protection of existing protected wine names referred to in para. 1 if they do not meet the conditions laid down in art. 118b.

¹⁸ Art. 118k (*Grounds for refusal of protection*) states as follows: A name shall not be protected as a designation of origin or geographical indication where, in the light of a trademark's reputation and renown, protection is liable to mislead the consumer as to the true identity of the wine.

¹⁹ Art. 43 (*Grounds for refusal of protection*) states as follows: (2) A name shall not be protected as a designation of origin or geographical indication where, in the light of a trademark's reputation and renown, protection is liable to mislead the consumer as to the true identity of the wine.

question misleading („protection is liable to mislead the consumer as to the true identity of the wine”) – to art. 43 (para. 2) of Regulation no. 479/2008, recte [art.] 118k of [Regulation no. 1234/2007] [then art. 101 (para. 2) of (Regulation no. 1308/2013)], which excludes protection of the PDO or PGI where the name in question is liable to mislead the consumer, „in the light of a trademark’s reputation and renown”? Or is that rule inapplicable to names already enjoying national protection prior to unitary European registration being granted, in application of the principle of legal certainty (CJEU, judgment of 22.12.2010, Bavaria, C-120/08, EU:C:2010:798), according to which a factual situation must, as a general rule, unless otherwise expressly provided, be assessed in the light of the legal rules in force at the time when the situation obtained, with the consequent application of the earlier regulatory situation as laid down in Regulation no. 1493/1999, and with the conflict between the designation of origin and the earlier trademark to be resolved on the basis of the provisions of that legislation, laid down in Section F [para.] 2(b) of Annex VII to that regulation?

- This question was summed up by the Advocate General Campos Sánchez-Bordona as follows: Which rules of EU law are applicable to the case. The court would like to know, in particular, whether Regulation no. 1493/1999 applies, and on what terms.

- If the answer to the first question affirms the necessary application of Regulation no. 1493/1999 to the factual situation at issue in the present case, do the rules laid down in Section F of Annex VII to Regulation no. 1493/1999, which are intended to regulate the conflict between a trademark registered for a wine or a grape must that is identical to protected designations of origin or geographical indications for a wine, exhaust all possible circumstances of coexistence between the different signs and all possible mechanisms providing protection for the wine names, or does there still exist a possible situation where later PDOs or PGIs might be invalid or not subject to protection, in cases where the geographical indication is liable to mislead the public as to the true identity of the wine because of the reputation of an earlier trademark, by virtue of the general principle of non-deceptiveness of distinctive signs?

This question was summed up by the Advocate General Campos Sánchez-Bordona as follows: *If Regulation no. 1493/1999 applies, whether the conflict between a well-known trademark that has already been registered for wines and a subsequent PDO comprising the same term („Salaparuta”) can be resolved on the basis of the general principle that distinctive signs must not be misleading.*

3.2. Advocate General’s opinion

The CJEU did not rule until now on the above questions. However, the Advocate General Campos Sánchez-Bordona gave his opinion on 03.04.2025.

3.2.1. Advocate General’s opinion on the first question

Regarding the first question, the Advocate General mentioned that *the referring court wished to know, in essence, whether the registration of the name „Salaparuta”, which took place at national level (as an Italian DOC) in 2006 and at EU level (as a PDO) in 2009, is governed by Regulation no. 1493/1999 or by the EU rules applicable from 01.08.2009 (with the relevant consequences deriving from one or other option)*²⁰.

In order to offer his opinion, the Advocate General made the following analysis: (i) of the preliminary objections raised by the Italian Government regarding the fact that Duca di Salaparuta did not challenge (from 2006 to 2016) the recognition of the name „Salaparuta”, either as an Italian DOC or as a PDO, (ii) of the applicable legislation, (iii) of the quality wines produced in specified regions in the system under Regulation no. 1493/1999, (iv) of the situation regarding the pre-existing trademarks, (v) of the applicability of Regulation no. 1493/1999 to the dispute and (vi) of the impact of the subsequent regulation.

Regarding the **preliminary objections**, the Advocate General mentioned that the national court would have to assess the impact of failure by Duca di Salaparuta to challenge (from 2006 to 2016) the recognition of the name „Salaparuta”, either as an Italian DOC or as a PDO. Since this aspect does not affect the reference for a preliminary ruling, the Advocate General passed on to the other points of his analysis. However, the Advocate General mentioned that if the challenge against the DOC and PDO is accepted after 10 years of passivity, legal certainty would be affected and damages would be encountered by wine producers of the „Salaparuta” designation, who took advantage of the recognition of the national DOC and its extension as a PDO of the EU.

²⁰ Opinion of the Advocate General, 03.04.2025, *Case Duca di Salaparuta*, C-341/24, ECLI:EU:C:2025:247, p. 39.

Regarding of the **applicable legislation**, Duca di Salaparuta mentions that the *Regulation no. 479/2008* – which was replaced from 01.08.2009 by the provisions incorporated into Regulation no. 1234/2007 (as amended by Regulation no. 491/2009) – *must be applied* having in view that the conflict between its trademarks and the PDO arose in the period between 13.06.2008 (the date of entry into force of Regulation no. 479/2008) and 08.08.2009 (the date of registration of the PDO „Salaparuta” at EU level).

However, the Advocate General makes a **distinction between** the *entry into force* and the *applicability* of these texts showing that Regulation no. 479/2008 and Regulation no. 491/2009 entered into force seven days after they were published in the Official Journal of the European Union and started to be applied from 01.08.2009.

Regarding the **quality wines produced in specified regions in the system under Regulation no. 1493/1999**, the Advocate General showed that Regulation no. 1493/1999 provided for (i) the Member States the responsibility for approving the provisions on the production of quality wines produced in specified regions and the competence for recognizing them and for (ii) the Commission, the task to publish the list of such wines in the Official Journal of the European Union after their recognition by the Member States.

Regarding the **situation of the pre-existing trademarks**, the Advocate General mentioned that if a wine was recognised by a Member State as a quality wine produced in specified regions, the name of such wine is protected against any other sign, even if it is an earlier sign. However, if the earlier sign is a well-known registered trademark for wine, the two signs will coexist.

Regarding the **applicability of Regulation no. 1493/1999 to the dispute**, the Advocate General shows that the entire procedure of registration of the national DOC and of the EU PDO was made during the period of application of Regulation no. 1493/1999.

Regarding the **impact of the subsequent regulation**, the Advocate General shows that under art. 118k(2) of Regulation no. 1234/2007, a name may not be accepted as a PDO if two cumulative conditions are met: (i) the PDO's protection is liable to mislead the consumer as to the true identity of the wine and (ii) the previously registered trademark has a reputation and renown. However, this provision cannot be applicable since it cannot preclude wine names already protected before 01.08.2009 under national law and at EU level by virtue of Regulation no. 1493/1999.

3.2.2. Advocate General's opinion on the second question

Regarding the first question, the Advocate General mentioned that *the referring court wished to know whether the „rules” laid down in the second subparagraph of para. 2 of Section F in Annex VII to Regulation no. 1493/1999 exhaust all possible circumstances of coexistence between the different signs and all possible mechanisms providing protection for the wine names, or does there still exist a possible situation where later PDOs or PGIs might be invalid or not subject to protection, in cases where the geographical indication is liable to mislead the public as to the true identity of the wine because of the reputation of an earlier trademark, by virtue of the general principle of non-deceptiveness of distinctive signs*²¹.

This question was raised as an alternative, namely for the situation when the answer to the first question states the application of Regulation no. 1493/1999 to the factual situation of the dispute.

The Advocate General made an analysis related to the *general principle of non-deceptiveness of distinctive signs* saying that *it is not necessary to appeal to a general principle when its embodiment (or ‘positivisation’) has been incorporated into the rule where the application of that rule will determine the fate of the dispute*. In the dispute such *general principle* was present in Article 48 of Regulation no. 1493/1999. However, the Advocate General mentioned that the application of such general principle in this dispute would also negatively affect Duca di Salaparuta having in view that it identifies its wines with the toponym of the territory („Salaparuta”) in which it acknowledges that it does not grow them, therefore having no connection with that geographical place.

Based on the above, the Advocate General says that the dispute must be resolved in accordance with para. 2 of Part F in Annex VII to Regulation no. 1493/1999.

²¹ *Idem*, p. 68.

3.2.3. Advocate General's suggestion to the CJEU to respond to the questions

Based on the above analysis, the Advocate General suggested to the CJEU to respond to the questions that art. 48, 52 and 54 and second and third subparagraphs of para. 2 of Section F in Annex VII of Regulation no. 1493/1999 must be interpreted as follows:

- they apply to the PDOs of wines which Member States have approved and forwarded to the Commission for publication in the list of quality wines produced in specified regions under art. 54(4) of Regulation no. 1493/1999;
- wine names that are protected under the above provision, automatically retain that protection under Regulation no. 1234/2007;
- the holder of a well-known registered trademark for wine containing words identical to the name of a specified region, or of a geographical unit smaller than a specified region, may continue to use that trademark only if it complies with the conditions in the second subparagraph of para. 2 of Section F in Annex VII of Regulation no. 1493/1999. The holder may not object to the use of the names of geographical units used in the designation of quality wines produced in specified regions. In other words, the two signs must coexist.

4. Conclusions

From the questions referred by the national court, it may be observed that the case *Duca di Salaparuta* put into discussion the applicable provisions for the cancellation of a subsequent PDO when it enters into conflict with an earlier trademark with reputation and that the Advocate's General suggestions of answering to the question are in line with the earlier rulings of the Italian national courts in this dispute.

This case underlines the need for further clarification on how EU law should balance the interests of trademarks with reputation and geographical indications.

References

- Council Regulation of 17.05.1999 on the common organisation of the market in wine;
- Council Regulation of 29.04.2008 on the common organisation of the market in wine, amending Regulations (EC) no. 1493/1999, (EC) no. 1782/2003, (EC) no. 1290/2005, (EC) no. 3/2008 and repealing Regulations (EEC) no. 2392/86 and (EC) no. 1493/1999;
- Council Regulation of 22.10.2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ L 299/2007, p. 1). This regulation has been amended by Council Regulation (EC) no. 491/2009 of 25.05.2009 amending Regulation (EC) no. 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation);
- Opinion of the Advocate General, 03.04.2025, *Case Duca di Salaparuta*, C-341/24, ECLI:EU:C:2025:247.