

**Case law****Case Details****National ID:** C 4/10 and C 27/10**Member State:** European Union**Common Name:** Bureau national interprofessionnel du Cognac v Gust. Ranin Oy**Decision type:** Other**Decision date:** 14/07/2011**Court:** European Court of Justice**Subject:****Plaintiff:****Defendant:****Keywords:****Directive Articles**Injunctions Directive, [Article 1, 1](#). Injunctions Directive, [Annex I](#)**Headnote**

These references for a preliminary ruling concern the interpretation of Articles 16 and 23 of Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89 (OJ 2008 L 39, p. 16) and of First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks (OJ 1989 L 40, p. 1).

The references have been made in proceedings brought by the Bureau national interprofessionnel du Cognac ('the BNIC') concerning the registration in Finland, by the Patentti- ja rekisterihallitus (National Board of Patents and Registration), of two figurative marks for spirit drinks.

**Facts****Legal issue****Decision**

Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89 is applicable to the assessment of the validity of the registration of a trade mark containing a geographical indication protected by that regulation, where registration took place before the regulation entered into force.

Articles 23 and 16 of Regulation No 110/2008 must be interpreted as meaning that:

- the competent national authorities must, on the basis of Article 23(1) of Regulation No 110/2008, refuse or invalidate the registration of a mark which contains a protected geographical indication and which is not covered by the temporary derogation provided for in Article 23(2) of that regulation, where the use of that mark would lead to one of the situations referred to in Article 16 thereof;
- a situation such as that referred to in the second question referred for a preliminary ruling – that is to say, the registration of a mark containing a geographical indication, or a term corresponding to that indication and its translation, in respect of spirit drinks which do not meet the specifications set for that indication – falls within the situations referred to in Article 16(a) and (b) of Regulation No 110/2008, without prejudice to the possible application of other rules laid down in Article 16.

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