



Global Wine Law

An AIDV Guide

2nd edition

Edited by

Theodore Georgopoulos

Rein-Jan Prins

Stephen Stern

Helbing Lichtenhahn

Georgopoulos • Prins • Stern (eds.)

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Contributing authors

Argentina

Pablo A. KUCK a Law graduate of the UBA (Universidad de Buenos Aires) specialised in Public International Law. He has done various specialisation courses in Trademarks and Geographical Indications at the WIPO and the OEPM (Oficina Española de Patentes y Marcas) and also postgraduate courses in the ESCP (École Supérieure de Commerce de Paris-École Européenne des Affaires) and in the UBA.

He has acted as Deputy Director of the Argentinean Trademark Office and at present is the Legal Representative of French and Swiss state interests and those of private institutions, for the defence of their industrial production assets, particularly concerning the Geographical Indications related to alcoholic beverages and other products in Argentina, Uruguay and Paraguay.

As the Head of the Kuck Law Firm and on behalf of the French State and the CIVC (Comité Interprofessionnel du Vin de Champagne) he has been granted Court orders refusing the registration of the denomination “LA CHAMPAÑERIA” for IC43 services and “MARTINIQUE” for IC33 products and denominations similar to CHAMPAGNE, COGNAC, BORDEAUX, BOURGOGNE, BEAUJOLAIS, ROMANÉE-CONTI and others before the Argentinian, Paraguayan and Uruguayan Trademark Offices.

Australia

Stephen STERN Stephen Stern is a partner of Australian law firm Corrs Chambers Westgarth and the Chairman of its National IP Group. Stephen's principal practice is in intellectual property litigation with wine law as one of his focal points.

He was the AIDV (International Wine Law Association) International President from 1996 to 1999 and has since remained one of its Vice-Presidents.

Much of Stephen's work has been involved in the geographical indications area, registering and protecting wine GIs from a number of countries in the Asia Pacific region. He has been involved in disputes dealing with GI delimitations and between trade marks and GIs.

Many of Stephen's clients are involved in the wine and spirit sector, be it as growers, winemakers, producers, importers, distributors, vigneron associations or governmental instrumentalities. He also drafts and negotiates distribution, supply and vineyard

lease agreements as well as grape purchase and wine production agreements and advises on labelling issues.

He teaches annually at Bordeaux and Reims law schools and has also taught at a range of other universities such as Monash University, UC Berkeley, UC Davis, Victoria University and others.

Amongst his many wine law publications and articles, Stephen was the author of a chapter entitled “Wine & Place” on Australian wine law in the book *Global Wine Regulation* (Thomson Reuters, 2014) and is a contributor to and on the Editorial Board of *Jus Vini*, the *Journal of Wine & Spirits Law*.

He was appointed a Chevalier de l'Ordre du Mérite Agricole by the French Republic. On 30 May 2017, he received the Diplôme d'honneur de la Corporation des Vignerons de Champagne.

Stephen is and has for several years been the Honorary Solicitor for the Mornington Peninsula Vignerons Association and for Wine Victoria.

Austria

Sascha SALOMONOWITZ MBL-HSG, LL.M (NYU); Attorney-at-law, admitted before all Austrian courts and administrative authorities including the Austrian Patent Office, as well as WIPO and EUIPO.

Areas of practice: IP/IT, litigation, prosecution, licensing.

Publications: Contributor to *Kucsko/Schumacher, Markenschutz* (Mainz 2013-2020) and various other publications on IP law.

Florian RATH LL.M; Attorney-at-law, admitted before all Austrian courts and administrative authorities including the Austrian Patent Office, as well as WIPO and EUIPO.

Areas of practice: IP/IT, litigation, prosecution, licensing.

Brazil

Roner GUERRA FABRIS was born at Porto Alegre, Brazil, in 1964.

He graduated in Law at PUCRS/Brazil in 1988.

He specialized in Industrial Property matters at CEIPI – Strasbourg, France, in 1988/89.

He received his master's degree (DESS) in 89/90 from Robert Schuman University, France, 1989/90, and his doctorate in Law (PhD) in 2012, from Strasbourg University and the Brazilian Federal University –UFRGS.

He was professor at the UNISINOS University between 1993 and 2014.

He is a lawyer and IP agent at his office RGF-IP in Porto Alegre and dedicates a lot of his work to the wine sector, with several clients in this domain.

He is a member of the following associations: ABPI, ABAPI, ASIPI, INTA, AIPPI, AIPLA, FICPI and AIDV.

He speaks Portuguese, English, French, and has good knowledge of Italian and Spanish. He has written many articles and has given many speeches. Besides his professional career, he is French Consul at Porto Alegre, Brazil.

Canada

Ekaterina TSIMBERIS is a barrister and solicitor, trademark agent, and partner in Smart & Biggar's Montreal office. Drawing on more than two decades of experience in all areas of intellectual property, she regularly assists wine producers and governmental bodies seeking to protect and enforce their IP rights, including some of the world's most recognized geographical indications (GIs), in Canada. She also frequently assists clients in the beverage sector on various issues pertaining to labelling and advertising.

Ekaterina is one of the founding members and board members of the Canadian Chapter of the *Association Internationale des Juristes du Droit de la Vigne et du Vin* (AIDV)/International Wine Law Association. She is a member of INTA, currently serving on the Geographical Indications Committee. Ekaterina has authored numerous publications on GIs and is regularly invited to speak at conferences on IP related to wine law and GIs across North America and Europe.

In 2015, she was the only Canadian recognized by Euromoney LMG America's Women in Business Law Awards as a Rising Star in IP. She is listed annually in Euromoney's *Expert Guides: Guide to the World's Leading Trademark Law Practitioners* and *Expert Guides: Women in Business Law* as a top female legal trademarks practitioner. Since 2018, she is annually listed in *Best Lawyers* in Canada under Intellectual Property Law and in the *Lexpert Legal Guide*. In 2020, Ekaterina was named an IP Litigation Star by *Benchmark Litigation* Canada as well as a leading trademark professional in litigation and enforcement by *World Trademark Review*.

Olivier JEAN-LÉVESQUE is a lawyer and trademark agent. His practice focuses on a wide range of intellectual property and technology law issues. Drawing upon his years in France, Olivier's practice and interests notably involve the protection of shared goodwill and protected geographical indications (*Appellations d'Origine Contrôlée*) for wine, spirits and food products in Canada. In this context, he regularly assists wine producers and governmental bodies in the protection, management and enforcement of geographical indications. Olivier co-authored various publications on Canadian intellectual property law and regularly speaks at conferences on intellectual property, including on geographical indications.

Andrea KROETCH is an associate in the Intellectual Property and Privacy & Data Protection Groups in the Ottawa office of Stikeman Elliott LLP. Her practice focuses on federal regulatory law in the areas of intellectual property, marketing and advertising, and privacy, including Canada's Anti-Spam Legislation (CASL). Andrea is experienced in the acquisition and protection of intellectual property rights, with a particular emphasis on trademark counselling, prosecution, and litigation covering all aspects of the trademark life cycle.

She also has extensive experience in providing strategic technical and business advice on intellectual property issues with respect to IP acquisitions, licensing, and commercialization. In addition, Andrea frequently advises clients on marketing and advertising law (both federal and provincial, including issues arising under the Competition Act), as well as federal and provincial privacy law compliance.

Andrea is an active member of the International Trademark Association (INTA) and the Intellectual Property Institute of Canada (IPIC). She is also a lecturer for The Osgoode Certificate in Intellectual Property (IP) Licensing Program and a contributing author of the Advertising and Marketing Law section of the Lexis Practice Advisor. Registered Trademark Agent, 2013. B.Sc. Hons. (Genetics, International Relations); M.A. (International Affairs); J.D. Called to the Ontario Bar in 2012.

Chile

Andrés MELOSSI Andrés Melossi, is a graduate from the Universidad de Chile (1991), has been a partner of Beuchat, Barros & Pfenniger for 25 years, with expertise in assisting national and foreign clients in IP matters, in the broadest sense.

Andrés has been an active member of the Chilean IP Association (ACHIPI), being President of the same for two periods (2006-2011) and an active member of organizations like AIPPI, INTA, ASIPI, FICPI and also a permanent attendee of annual meetings of ECTA and APAA organizations.

He is an author of numerous articles on IP law.

China

Paul RANJARD is a partner at Wanhuida Intellectual Property Agency and Law Firm.

Paul, member of the Paris Bar since 1972, moved to Beijing in 1997, where he represented the French association Unifab (for the protection of intellectual property).

Since 2000, he has been actively involved in the drafting of the IP Position Papers submitted by the European Chamber of Commerce.

In 2015, within the framework of the European funded IP Key program, he made a study on problems related to adulterated and counterfeited alcoholic beverages in China.

In 2020 and 2021, within the framework of the Action to Support the Implementation of the EU-China Agreement on Geographical Indications, he drafted a study on the protection of GIs in China.

Paul is a member of Geographical Indications team of MARQUES.

France

Rein-Jan PRINS practices as an independent French attorney in Aix en Provence, France, since 2002.

Previously, he was a partner of international law firms in Amsterdam, Brussels and Paris and has been member of the Amsterdam and Brussels Bars for many years.

His area of practice covers all aspects of IP law, with a particular focus on the wine, beer and spirits sector, including business contracts in that sector.

He is author and co-author of various publications and articles on intellectual property and wine law in French, Dutch and English, has taught at the ESSEC Business School in Paris (MBA International Luxury Brand Management) from 1996 to 2000, and currently gives lectures at the Reims law school (Wine and Spirits Law Program). He is also a jury member of its yearly AIDV-Robert Tinlot Moot Court competition and contributor to Jus Vini, Journal of Wine & Spirits Law.

He was the AIDV – IWLA International President from 2014 to 2016 and is currently one of its Vice-presidents.

Georgia

Maka NUTSUBIDZE is Master of Public Law (Comparative Law in European Countries, Sorbonne University, France), and has a PhD in Public Law (University Paris Ouest, France). She is Assistant Professor of Theory of Law in the Faculty of Law, Ivane Javakhishvili Tbilissi State University, Georgia, as well as a wine law researcher, trainer. She is a legal expert of various local and international organizations since 2005. For over 20 years, Dr. Nutsubidze has been working in the government, NGOs, domestic and international projects and academia on a wide range of issues, including legal drafting and legal practice.

Dr. Nutsubidze is the founder of the Wine Law Research and Study Center in Georgia. She started Vine and Wine Law research and study in Georgia in 2019, within the framework of the Tbilisi State University research grant, working on the legal regulations of vine and wine in the Georgian legal system.

Dr. Nutsubidze is author and co-author of various articles on wine law in Georgia. She is a lecturer and trainer on wine law.

Germany

Wiebke GORNY is partner with GORNYLAW, a boutique law firm in Frankfurt, Germany. In her daily practice, she is among others dealing with Wine Law, both as consultant and as litigator.

She was admitted to the Bar in 1999, after having been an assistant lecturer at Johann-Wolfgang-Goethe Universität in Frankfurt, where she also post graduated with a doctor's grade in law (Administrative Law).

Wiebke worked for a local law firm and an American law firm before she joined GORNYLAW in 2003.

Wiebke is Board member of the AIDV (International Wine Law Association).

She participated with a chapter in *"Administrative Controls in the Wine Sector"* (2021, edited by Theodore Georgopoulos), and together with Thomas Schmitz in *"Weinrecht"*, Vol. 53 of the publications of the German Brazilian Lawyers Association (2017, edited by Wolf Paul, Irene Hagen).

Greece

Theodore GEORGOPOULOS is the Director of the Wine & Law Program, holder of the Jean Monnet Chair in Wine Regulation, at the University of Reims (Champagne,

France). As Professor he mainly teaches Wine Law, Food Law and European Law. He is Director of the Wine Law Clinics Program, and he is the Founding President of the “Georges Chappaz” Champagne Wine Institute. He also is Adjunct Professor at the Burgundy School of Wine and Spirits Business. A former Fulbright Scholar (NUY, 2006), he teaches wine law in Europe and in the US as well as at the MSc of the OIV (Organisation Internationale de la Vigne et du Vin).

He is the author of six books and the editor of seven more and has published approx. 90 articles in legal journals. An Attorney-at-Law and Managing Partner of Georgopoulos & Associates Law Firm (Athens), specializing in Wine and Food Law, as well as in IP and European Law, he has an extensive experience in representing international clients before national courts as well as before the European Court of Justice.

He is also the Director (of counsel) of the Department Wine, Spirits & Terroirs of the International Law Firm Casalonga (Paris).

He furthermore is General Director of the Greek Wine Federation; Vice-President of the OIV Law and Consumption Group of Experts; member of the National University Council of France; member of the International Wine Academy. He also is the immediate past (2020–2022) International President of the International Wine Law Association (AIDV).

Hungary

Attila JÁSDI is partner at Szecskay Attorneys at Law (Budapest, Hungary) and co-owner of one of the most recognized Hungarian vineyards, Jásdi Pince (Csopak, Hungary).

He received his JD from Pázmány Péter Catholic University (Budapest) in 2000. He participated in the Post-Graduate Course on International and European Union Affairs organized by Pázmány Péter Catholic University, the Robert Schuman Institute (Budapest) and the College of Europe (Bruges, Belgium) in 1998. He worked at the Central and Eastern European Law Initiative of the American Bar Association from 1998 until 1999. He received a Master of Law degree in Global Law and Technology in 2012, in the international LLM program of the Suffolk University Law School (Boston, USA).

Apart from wine law, he specializes in high value real estate, M&A, commercial and corporate cases. He has been the President of the International Committee of the Budapest Bar Association since 2010. He has been a member of the Executive Committee of *Union des Avocats Européens* (UAE) since 2006 and was the Vice-President of UAE between 2008 and 2012.

Israel

Shlomo COHEN

He received his LL.B. (1971) and LL.M. (1973) from the Tel Aviv University Law School and JSD (1976) from the New York University School of Law.

Education: Tel Aviv University (LL.B., 1971; LL.M., 1973); from New York University (LL.M. Trade Regulation; J.S.D., 1976); University of Brussels (Diploma)

Teaching: Adjunct Professor, New York University School of Law (1976-1995); Adjunct Professor, Hebrew University School of Law, Jerusalem (1980-1992); Adjunct Professor, Tel-Aviv University School of Law (1988-).

Highlights: President, Israel Bar Association (1999-2007); Chairman, Justice Ministry Committee to Revise the Registered Designs Act (1985-1990); Member, Justice Ministry Committees to Revise the Patent and Copyright Acts (1985-1995); Israeli Representative to WIPO Convention to Draft Treaty for the Protection of Semiconductor Chip Design (1989); Founder and president (1998-2006), Licensing Executives Society Israel Chapter; Board member, International Trademark Association (1994-1996). Chairman, Public Committee for the Protection of Privacy; Board member (two terms), Israel Civil Rights Association; Founding member, Betselem, human rights watch organization.

Memberships: INTA; IPO; AIPPI; AIPLA; ECTA; LESI; ALAI; Israel Press Council;

Publications: Dr Schlomo Cohen is the author of numerous publications, among which: Israel Chapter, "International Design Protection", ed: Clive Thorne, Globe Law and Business, p.191, 2012; "Jurisdiction over Cross-Border Internet Infringements", 20 EIPR 294, 1998; "GATT: a TRIPS in the right direction", Trademark World, January 1995; Israel Chapter, "Worldwide Trademark Transfers", Clark-Boardman, 1992; "Securities Interest in Intellectual Property in Israel" (with Ron Klagsbald), Intellectual Property Journal, Vol. 2, p. 148, 1991; Israel Chapter, "Enforcement of U.S. Judgments Abroad", ABA Publication, 1989; and many other earlier publications.

Italy

Boris OSGNACH is a co-founder and partner with De Gaspari Osgnach (DeosIP), an IP firm based in Padova, Italy. He is an attorney at law as well as a design & trademark agent before the Italian PTO and the EUIPO. An active member of some of the major international IP, wine law and wine business associations (ECTA, INTA, AIPPI, AIDV, UIV), he is especially involved in the ECTA Geographical Indications Committee.

Much of Boris' practice focuses on the wine industry. He advises domestic and foreign leading players in the sector and with his team he is daily involved in trademark clearance and registration projects, administrative and judicial disputes between GIs and

trademarks, labelling, wine advertising, promotion and trade issues. He represents his clients in transactions and out-of-court contentious matters, as well in administrative procedures before the Italian Patent and Trademark, the European Union Intellectual Property Office (EUIPO) and in judicial procedures before Italian specialized IP Courts.

Before joining the private practice, he was General Counsel in San Margherita Spa, one of the most successful and globally reputed Italian wine business groups. He is a wine lover and a licensed Sommelier affiliated with *Associazione Italiana Sommelier* (AIS). He is often invited as a speaker at IP meetings and a lecturer at professional seminars on subjects such as wine law, GIs, certification and collective trademarks.

Japan

Teiji TAKAHASHI was born in 1944 in Japan. He graduated from the faculty of economics of Tokyo University, then joined the Ministry of Agriculture. From 1970 he studied in the doctorate course of Toulouse University. Returning to Japan, he made efforts for disseminating the concept of AOC in Japan. In 1997, he was appointed as the first Representative of FAO, UN to Japan. In 2008, he obtained the title of doctor in law of the Toulouse University. He conducted intense research for the introduction of a GI system in Japan.

His publications consist of the Japanese-written titles *The Australian Wine* (1996, Jiji Press), *French AOC system for Wine* (2004, Nobunkyo), *Food Safety and Food Quality* (2006, Nobunkyo), *Wine Laws in the World* (2009, Hyoronsha), *GIs for Foods and Beverages* (2015, Nobunkyo) as well as *La Sécurité et la Qualité des Denrées Alimentaires* (Thesis, 2008) and *Wines of Japan* (2017, Ikaros – both in English and Japanese).

He received the OIV Award for his book *Wines Japan*, and was awarded the Chevalier de l'Ordre du Mérite Agricole by the French Government.

Mexico

Oscar CRUZ BARNEY is a former President of the *Illustrious and National Bar Association* of Mexico. He is also member of the Madrid Bar Association, panelist of the NAFTA Chapter XIX Dispute Settlement Mechanism, arbitrator of the International Chamber of Commerce of Paris (ICC). He is participant in the “Cuarto de Junto” of the Private Sector in the international commercial negotiations of the Government of Mexico.

He is researcher at the Institute of Legal Research of the UNAM. SNI III at CONACYT.

He was decorated with the First Class Distinguished Cross of the *Order of Saint Raymond de Peñafort* by the Ministry of Justice of Spain and with the Great Cross of Merit in Service to Lawyers by the *General Council of Spanish Lawyers*. He is Cruz de San Ivo del Real and *Illustrious Bar Association of Zaragoza* and Medal of Merit from the *Illustrious Bar Association of Oviedo*.

He is President of the Mexican National Committee of the *Union Internationale des Avocats* since 2020.

Honorary Academician of the *Royal Academy of Jurisprudence and Legislation of Madrid* and Corresponding Foreign Academician of the *Colombian Academy of Jurisprudence*, he is also an Academician of the *Mexican Academy of Jurisprudence and Legislation*.

He has been Director of the *Mexican Law History Review* and is currently Director of the *Private Law Review*.

He is member of the *Société d'Histoire du Droit*, Paris, France ; of the *Société pour L'Histoire des Facultés de Droit et de la Culture Juridique*, Paris, France ; of the *International Institute of Indian Law History*; of the *Society of Chilean Bibliophiles*; of the *Association Internationale des Juristes du Droit de la Vigne et du Vin/International Wine Law Association* and member of the Mexican Delegation to the International Organization of Vine and Wine OIV.

Moldova

Diana LAZĂR, PhD, is the Director for the wine industry as part of the USAID funded projects in the Republic of Moldova and a preeminent thought-leader of the Moldovan wine sector. She has authored the cornerstone policy documentation for the strategic reform of the wine legal regulatory framework, and implemented transformational development programs that resulted in the establishment of the first public-private partnership in wine industry management, the activation of the wine PGI/PDO industry system, the development of leading local wine country and tourism brands, as well as the systemic marketing and promotion activities that resulted in an exponential growth of wine exports to EU markets.

She is the observing member of the National Vine and Wine Office of Moldova, member of the Strategic Wine Committee of the Moldovan Ministry of Agriculture and Food Industry, member of various groups for policy reforms, sustainable development, and SMEs support by the Moldovan Government authorities.

She has conceptualized and initiated wine tourism policies, regulations, and product certification, including the accreditation of the Wine Routes of Moldova as first European-cultural route accredited by the Council of Europe as part of *Iter Vitis: Les chemins de la vigne*, and was designated as Ambassador for Moldova.

She is an attorney-at-law and a university lecturer at Moldova State University, teaching International Commercial Arbitration, Alternative Dispute Resolution, and a contributor to other local education programs in wine, tourism, and innovation programs.

Mrs. Lazăr is an alumnus of a leading French University (Montesquieu Bordeaux IV) in wine law, economics and management in the wine sector and of George Washington University in sustainable tourism development.

New Zealand

John BARKER is the Principal of John Barker Law, a specialist wine, alcoholic beverage and food law practice based in Auckland, New Zealand. His practice areas include: geographical indications and intellectual property, regulatory compliance, contracts, sectoral governance and international trade. He also consults on wine business and sectoral strategy. He has advised clients from many countries including New Zealand, Australia, UK, USA, Georgia, Moldova, Canada, Singapore, China and France as well as the *UN Food and Agriculture Organisation*.

He has over 20 years' experience in the international wine sector in private practice, government and sectoral organisations. He has held the roles of Wine Programme Manager for the *New Zealand Food Safety Authority* and General Counsel for New Zealand Winegrowers. He is a former President of the OIV's Economy and Law Commission and Industry Chair of the World Wine Trade Group. He regularly lectures on the wine sector and wine law and has authored several papers and book chapters – including as wine law contributor to the *Oxford Companion to Wine*. He was awarded the *Chevalier de l'Ordre du Mérite Agricole* by the French Republic.

Portugal

João ANTUNES was born in Porto, Portugal, in 1958. He graduated in law at the *Faculdade de Direito da Universidade Católica Portuguesa* (Lisbon). João works for Sogrape Vinhos, S.A., as company legal adviser and company secretary and is based in Vila Nova de Gaia, Portugal.

João has been a speaker in postgraduate studies on wine law and a part of OIV – International Organisation of Vine and Wine – Law and Consumer Information Expert Group. He also is a member of AIDV – Association Internationale des Juristes du Droit de la Vigne et du Vin and Master of the Porto Wine Brotherhood.

Rodrigo JARDIM GONÇALVES was born in Lisbon (Portugal) in 1971. He is the only partner in the law firm he founded in 1997.

Along with years of experience in civil, litigation, commercial and corporate law, the commitment to the success of his law firm (JGSA) led him to reinforce the presence of his team in others areas of specialization, such as Intellectual Property and Wine Law, balancing the demanding day-to-day work with the presence of his office in professional associations, such as the AIDV – Association Internationale du Droit du Vin et de la Vigne (International Association of Wine Law).

JGSA is also an active member of the EALG – Euro American Lawyers Group, maintaining a network of correspondent offices in Europe and in the American Continent.

In parallel with his law practice, he and his family are wine producers in the unique region of Sintra/Colares, leading the wine project “Infinitude” which, until now, has produced wines of recognized quality from the Merlot and Pinot Noir varieties, with the extension of the territorial scope of this project for the region of Távora-Varosa, in the North of Portugal.

The “Infinitude” wine project has deserved due recognition as attested by the various distinctions received from leading wine publications.

Francisco VAN ZELLER was born in Porto, Portugal, in 1968. He graduated in law at the *Faculdade de Direito da Universidade Católica Portuguesa* (Porto). Francisco is the founder and the senior partner at his law firm – van Zeller Advogados – which is based in Porto, Portugal, the main hub of the port wine trade.

His areas of practice apart from wine law are corporate, commercial and civil law, administrative and tax law, administrative penal law, litigation.

Francisco has been a speaker in postgraduate studies on wine law and has published works on wine law.

He is a member of the Ordem dos Advogados Portugueses and of AIDV – Association Internationale des Juristes du Droit de la Vigne et du Vin.

His family goes back several generations in wine making and its trade.

Romania

Elena Ramona BĂDESCU, currently acting as judge, was registered at the Bucharest Bar, practicing as an associate lawyer at Stoica & Associates, where she assisted and represented corporations in civil law disputes, in IP matters (trademarks, domain names, GI), and in advisory work related to the wine industry.

She is a graduate of a local sommelier course, and she is co-author of several articles regarding wine geographical indications. She is very dedicated to wine law research.

Irina-Andreea MICU, partner at Stoica & Associates, a Romanian law firm based in Bucharest, assists and represents corporations in IP dispute resolution cases (trade-marks, domain names, GI), in international arbitration, data protection and public procurement.

Co-owner of the Avincis winery estate in Romania, she is experienced in matters related to IP law and the wine industry.

Author of various articles and speaker at conferences, she is also a member of the International Wine Law Association AIDV.

Cristiana-Irinel STOICA, Ph.D., founding partner at Stoica & Associates, a Romanian law firm based in Bucharest, has an intensive experience as practicing lawyer, assisting and representing corporations in international and domestic disputes.

Associate professor at the Faculty of Law, Bucharest University (LL.M. International Arbitration) and member of the ICC International Court of Arbitration, she is author of various articles and contributor to legal books, published in Romania and abroad.

For almost 15 years she is a co-owner of the family wine estate Avincis, one of the famous wine producers of Romania and provides legal advice on wine law related cases.

Member of AIDV, she is also former president of the AIDV-European Section (2015-2018).

Russia

Tatiana SVINARTCHUK holds the position of Head of the Economy and Law Unit in the International Organisation of Vine and Wine since 2011. The OIV is the “United Nations” of the vitivinicultural sector, where member countries discuss major preoccupations of the sector in view of their harmonisation. Among other issues, the OIV works on the standardisation of product categories, oenological practices, methods of analysis and labelling.

Ms. Svinartchuk has extensive knowledge of wine regulations all over the world. In the OIV she has successfully managed to be the driving element in the process of reaching an international consensus on subjects like the update of the definitions of GI/AO, and the update of the OIV international wine labelling standard. She has moreover been a key contributor to the consensual definition of dealcoholized and partially dealcoholized wines. To put in a nutshell, Ms Svinartchuk is a real “wine diplomat”, as well as an international policy and regulatory affairs specialist.

Ms. Svinartchuk regularly teaches Wine Law and the role of international cooperation in the wine industry at a master's degree level at the University of Burgundy, the Purpan Engineering School as well as the OIV Ms.

Ms Svinartchuk holds a masters' degree in Agricultural Economy from AgroParisTech.

South Africa

Eben VAN WYK is a partner at Spoor & Fisher, South Africa. He graduated with a BProc LLM (IP) (*Cum Laude*) and is an Attorney of the High Court of South Africa as well as Solicitor of England & Wales. He specializes in Intellectual Property and Advertising Law.

He is a member of the South African Institute of Intellectual Property Law; the International Trade Mark Association (INTA) and the INTA Geographical Indications Subcommittee; a member of the Licensing Executive Society (LES) of South Africa; a Board member of the International Wine Law Association (AIDV). He is the co-author of South African chapter in the Intellectual Property Review; the co-author of the "Unlawful Competition" chapter of *Dean & Dyer's Digest of Intellectual Property Law* (2014, Oxford University Press) as well as co-author of Sponsorship and Marketing Agreements chapter in *International Business Transactions* (2016, Kluwerlaw). He is also the author of South African chapter in *Geographical Indications, Certification Marks and Collective Marks: An International Guide* (INTA).

He is listed in the WTR 1000 as one of the World's Leading Trade Mark Professionals; ranked by *Legal 500 EMEA* as one of South Africa's Intellectual Property Law experts; listed by *Best Lawyers* as a "Best Lawyer" in Intellectual Property Law as well as in Litigation; ranked by *Chambers Global: The World's Leading Lawyers in Intellectual Property*; listed in *Who's Who Legal* as one of the leading Trademark Lawyers; listed in *World IP Review Leaders – Best IP Practitioners*; listed in the *Managing Intellectual Property IP Stars*; and listed as Cape Town Intellectual Property Law lawyer of the year by *Best Lawyers*.

Spain

Félix S. PÉREZ ÁLVAREZ, obtained his Law degree from the University of Zaragoza (Spain), is a practicing Lawyer, Founder and Partner of SEAIN, S.L. (BK ETL Global) in Logroño (Spain).

He is Vice President and former President of the International Wine Law Association (AIDV) and Secretary of the Regulatory Board of the PDO "Jamón de Teruel" / "Paleta de Teruel".

His main areas of expertise are Wine Law, Protected Designations of Origin, Intellectual Property and Unfair Competition.

He has been Lecturer in the Master of Oenology of the Oenology Superior School of the Basque Country (Spain) and the Master 2 Wine Law Professionals (Spanish Wine Law) at the University Montesquieu-Bordeaux IV.

Félix has been a speaker at Conferences related to the wine sector, such as, among others:

- “New models of wine distribution in Spain”. Spanish Wine Market Observatory (OEMV), Madrid (Spain), 2011.
- “Differences between PDO and trademarks”. 1st National Congress of Wine Law, Mendoza (Argentina), 2012.
- “Differences between PDO and trademarks”. Lisboa (Portugal), 2015.
- “Funding, structure and role of the different groups of producers. Spanish situation”. International Wine Law Association (IWLA – AIDV), Siena (Italy), 2016.
- “Differences between PDO and trademarks”. International Congress of Wine Law, Lima (Peru), 2016.
- “PDO and Quality marks”. General Council of the Judiciary, Peñafiel (Spain), 2019.

Javier PÉREZ-ITARTE, graduated with a degree in Law and Economics at the University of Deusto (Bilbao, Spain), and obtained an LLM Program in International Law and International Organizations at Rijksuniversiteit Groningen (The Netherlands). He was a lawyer at EY (Human Capital Resources) from 2006 to 2008 and at Miguel Torres Company (Legal Department) from 2008 to 2010. Currently he is partner lawyer and Director at SEAIN, S.L. (BK – ETL Global) in Logroño (La Rioja – Spain).

His main areas of expertise are Wine Law, Company Law, Intellectual Property, Protected Designations of Origin and Unfair Competition. He speaks Spanish, English and French.

He is a Board member of the International Wine Law Association (AIDV) since 2009, currently General Secretary of the European Section.

He has been Lecturer on Spanish Wine Law in the Master 2 Wine Law Professionals at the University Montesquieu Bordeaux IV (France).

He has written articles on commercial distribution, published in specialized magazines and has been a speaker at the following Conferences of the AIDV:

- “Spanish and EU wine legislation”. Beaujolais (France), 2009.
- “Protection of the wine-growing landscape”. Albi (France), 2013.
- “Law for the improvement of the functioning of the food chain in relation to late payment in commercial transactions”. Bucharest (Romania), 2015.

- “Regulations on distribution and commercial agency in the wine industry”. Mendoza (Argentina), 2015.
- “Vineyard control in La Rioja”. Bordeaux (France), 2017.

Switzerland

Philippe O. HUNZIKER obtained a Master of Laws degree at the University of Zurich.

For nearly three decades he served as director of the Swiss Wine Trade Inspection. He participated in federal commissions for the protection of geographical indications of processed agricultural products in Switzerland.

Philippe was Swiss expert at the OIV and is a past president of its Economy and Law Commission.

He was the AIDV International President from 2008 to 2010 and has since remained one of its Vice-Presidents.

United Kingdom

Andrew PARK was a solicitor and director of APP Law, Solicitors, a UK commercial law firm based in the South of England. He specialized in legal and regulatory issues concerning the production and commercialization of wine, spirits and other alcoholic beverages in the UK.

He worked mainly for wine producers around the world who export to the UK and/or the EU. He also acted for foreign producers of spirits and other alcoholic drinks in connection with their UK and EU trading activities and regulatory matters as well as for UK importers and others involved in the UK wine & spirits trade.

He was a member of the International Wine Law Association (AIDV), and has written numerous articles for both wine trade and legal publications.

United States of America

Scott GERIEN is the head of the Intellectual Property practice group for Dickenson, Peatman & Fogarty in Napa, California. Scott represents hundreds of wineries in protecting their intellectual property interests in the U.S. and abroad and has filed and prosecuted over 2,000 class 33 trademark applications at USPTO on behalf of his clients. Scott is also very active in the protection of geographical indications and acts

on behalf of the Napa Valley Vintners, the Cognac Bureau, Consorzio Vini Venezia, and others.

Richard MENDELSON is a wine law attorney at Dickenson, Peatman & Fogarty in Napa, California. He also directs the *Wine Law and Policy Program* at the University of California Berkeley Law School.

He also directs the Wine Law Program at the University of California Berkeley School of Law and is the author of *From Demon to Darling: A Legal History of Wine in America*, *Wine in America: Law and Policy*, and *Appellation Napa Valley: Building and Protecting an American Treasure*.

Richard is a Founding Member and Past President of AIDV.

John TRINIDAD is a partner at Dickenson Peatman & Fogarty (Napa, California) and is part of the firm's Wine Law, Business, Alcohol Beverage, and Geographical Indications practice groups.

John advises wine and alcohol beverage industry clients on a broad range of legal issues, including licensing, business contracts, and the purchase and sale of winery brands and assets. John also advises clients on federal and state alcohol beverage regulations such as franchise laws, tied-house laws, labeling requirements, and the protection and promotion of American Viticultural Areas.

He is a lecturer at the University of California Berkeley School of Law and has also taught wine law classes at Sonoma State University's Executive MBA Program and the University of California Davis Executive MBA Program. John is a graduate of Harvard College and the New York University School of Law.

Reading Guide and Disclaimer

Reading guide

All country chapter authors received and answered the same questionnaire about wine law. Thus, the reader can easily compare specific issues in various countries “at a glance” by clicking on the hyperlink of the chosen question, which leads to a Horizontal Index.

The chapters are arranged in alphabetical order of the English names of the countries.

Short biographies of the country chapter authors are available at the beginning of the book or by clicking on their names.

The peer review having been a “double-blind” peer review, there are no biographies of peer reviewers.

This book contains many hyperlinks to local legislation, making it directly consultable.

Disclaimer

This is a handbook and does not constitute legal advice. Although the texts are updated regularly and have been thoroughly reviewed through a double-blind peer review system, neither the publishers nor the individual authors can accept any liability for possible mistakes.

This guide was up to date as at the date of each author’s contributions. However, the law is dynamic and there have doubtlessly been some changes in some countries since these authors finished the final versions of their chapters.

Introduction

The *Association Internationale des Juristes du Droit de la Vigne et du Vin* (AIDV), also known as International Wine Law Association (IWLA)

The AIDV is a unique international association of wine law experts founded in 1985, with members from over 30 countries, disseminating their sector-specific knowledge and expertise through, among other means, regular e-newsletters and, for more than 35 years, international wine law conferences. It has created an ongoing lively exchange between private and institutional legal practitioners, academics, regulators, and industry professionals, while actively involving students, thus preparing the succeeding generations of practitioners and professionals.

A multitude of leading-edge wine law topics are studied and discussed during the annual AIDV International Conferences, and the various regional conferences organized by AIDV's Regional Sections.

The AIDV has official observer status at both the OIV and WIPO and interacts regularly with national and international supervisory and regulatory authorities in the wine sector. In this manner, AIDV, through its individual members, has contributed to the modernization and globalization of wine law.

This book

In 2021, the AIDV took the next step, consisting of providing the first edition of this book, both in paper and electronic version, as a guide for wine law practitioners, IP lawyers, consumer law practitioners, professionals in the wine industry, scholars or others seeking information about specific regulations concerning the marketing and sale of wine. It covered 20 wine producing/consuming countries.

The present second edition, electronic-only, now covers 26 countries.

The book provides a comparative perspective of wine law, which is an important element in the global context of wine trade.

This peer-reviewed guide is written by AIDV members. It will be updated and extended regularly, with subsequent editions on-line.

The goal of the book is to be the most practical, complete, and up-to-date international wine law book available. It provides an easy point-by-point systematic horizontal comparison between all these countries.

European Union Developments

Whilst the present second edition of this book deals with the viticultural laws of 26 countries, the European Union continues to be a key region both as a production area and for laws dealing with the sale and advertising of wines.

Thus, recent changes to its laws that have occurred since the country chapter authors prepared their second edition contribution should not be seen as having been forgotten and, more importantly, in some cases, these changes need noting.

Therefore, we briefly set out below the most important changes to EU Regulations of relevance.

Needless to say, the present summary is not exhaustive, and these elements will be fully detailed and integrated in the next, third, edition of this book.

From the standpoint of EU Law, the present second edition does not include the enforcement, at the national level, of Regulation (EU) 2021/2117 amending the basic “Wine Regulation” 1308/2013¹.

Adopted in December 2021, the new reform calls for the adoption of delegated and implementing regulations. Thus, the corresponding evolution of wine law within the Member States is likely to occur in 2023 or even later.

The key points of the reform are the following:

(a) The scheme of authorisations for new plantings of vine (Article 64), have been slightly modified, especially to consider questions of the protection of the environment and the competitiveness of producers.

(b) The definition of protected designations of origin (PDO) evolves under the pressure of climate change. The new Article 95(2)(v), allows the production of wines from a cross between the *Vitis vinifera* species and other species of the genus *Vitis*, in the same way it is allowed already for wines with a protected geographical indication (PGI).

(c) The protection of PDOs/PGIs is enhanced in two ways: on the one hand, the “weakening” and “diluting” of the reputation of a PDO/PGI through commercial use are established as new forms of breach of European Law (Art. 103(2)(b)(ii)); on the other hand, the protection is extended to products in transit or sold by means of distance selling (Art. 103(4)). Moreover, Art. 103(2)(a) explicitly extends the protection to cases in which the PDO/PGI wine is used as an ingredient for downstream prod-

¹ Regulation (EU) 2021/2117 of the European Parliament and of the Council of 2 December 2021 amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union (OJ L 435, 6.12.2021, p. 262–314).

ucts, pursuant to the *Champagner Sorbet* ruling of the ECJ (Case C-393/16, C.I.V.C. v Aldi, ECLI:EU:C:2017:991).

(d) It is now explicitly provided that the product specification may contain the description of the contribution of the PDO/PGI to sustainable development (new Article 94(2)).

(e) With regard to the procedures of application for registration, amendment and cancellation of a PDO/PGI, a new paragraph 6 has been added to Article 94, following the ruling of the European Court of Justice (ECJ) in Case C-785/18 (*GAEC Jeanningros v Institut national de l'origine et de la qualité (INAO)* e.a., ECLI:EU:C:2020:46), in order to synchronise the proceedings before national courts or authorities and the scrutiny in parallel of applications for registration and amendment of product specifications. Articles 96 and 97 have been amended to provide more detailed rules of administrative procedure.

(f) The rules regarding the objection procedure, previously found in Delegated Regulation (EU) 2019/33, have been transferred to the main Regulation, while they have been further detailed (Article 98).

(g) “De-alcoholised wines” (with an alcohol content up to 0,5 %) and partially “de-alcoholised wines” (for products with an alcohol content above 0,5 % and below the minimum actual alcoholic strength of the category before de-alcoholising) are recognized in the wine regulatory framework (119(1)(a) and new Annex VII, Part II).

(h) New Article 147a allows Member States, by way of derogation, to provide that the prohibition of payments beyond 60 days does not apply to payments made under supply agreements between producers or resellers of wine and their direct buyers for sales transactions concerning wine in bulk.

(i) Interbranch organisations for the sale of grapes for wines with a PDO/PGI are authorised, under new Article 172b and by way of derogation to common rules of competition, to provide non-mandatory price guidance indicators concerning the sale of grapes for the production of wines, “provided that such guidance does not eliminate competition in respect of a substantial proportion of the products in question”.

Moreover, the European Commission presented on 31 March 2022 its proposal for the reform of geographical indications for wine, spirit drinks and agricultural products and quality schemes.

The reform results from the wish to unify the various regimes for geographical indications in EU Law, which is likely to further minimise the specificities of PDOs/PGIs for wine.

Furthermore, the proposal to entrust the management of PDO/PGI to the EUIPO is likely to change profoundly the specific legal “culture” related to geographical indications, especially for wines.

The particular production conditions consisting of the Farm to Fork Strategy, launched by the European Commission, will certainly result in a major reform of Regulation (EU) 1169/2011, on the provision of food information to consumers (OJ L 304 22.11.2011, p. 18), having thus an impact on the regulatory framework of wine labelling.

In memoriam

We are very saddened by the passing away of our good friend and UK country author Andrew Park, in June 2022. Unfortunately, his contribution in this edition will be his last.

He was an excellent professional, a relentless worker, and a very appreciated member of the AIDV.

Andrew, your competence, kindness, and humour will be greatly missed.

Acknowledgements

The editors wish to extend their sincere thanks to all the country chapter authors who have each freely given their time and efforts by contributing their national chapters to this book and making it a comprehensive guide.

Many thanks also to the anonymous peer reviewers in each country who were kind and unselfish enough to make their own contribution in the background, offering their knowledge and advice in reviewing their respective country's contributions.

And of course, *merci beaucoup* to our publisher, for getting this work in good shape and ... published.

The Editors