

**ADVANT** Nctm

# **COMPREHENSIVE PROVISIONS FOR THE ENHANCEMENT, PROMOTION, AND PROTECTION OF MADE IN ITALY**

PROMOTING AND PROTECTING ITALIAN BRANDS | APRIL 23, 2024

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## **DISCLAIMER**

*The presentation covers one of the most significant regulations, related also to the agri-food sector, under Law No. 206 of 27 December 2023 for the valorisation, promotion and protection of made in Italy.*

# AGENDA

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# PRINCIPLES AND OBJECTIVES

# ARTICLE 1

## GENERAL PRINCIPLES

### Principles

*"This law provides comprehensive provisions aimed at **enhancing** and **promoting**, both in Italy and abroad, the **productions of excellence**, the **cultural heritage**, and the national **cultural roots**, as factors to be preserved and handed down not only for identity purposes, but also for the growth of the national economy within the framework and in accordance with the rules of the European Union's internal market."*

# ARTICLE 3

## MADE IN ITALY NATIONAL DAY

### **“Made in Italy” National Day**

**April 15** is designated as the **National Day of Made in Italy** to celebrate Italian creativity and excellence across public institutions, schools, and production sites.

# NATIONAL STRATEGIC SUPPLY CHAIN

# ARTICLE 4

## NATIONAL FUND FOR MADE IN ITALY

It supports growth and revitalization of national strategic supply chains in line with national industrial and economic policies.

### *Initial funding*

€700 million for 2023.  
€300 million for 2024.

### *Additional resources*

Increased with contributions from private entities and other funds.

**Investment Strategy:** the fund can invest directly or indirectly, including through other funds, in compliance with EU state aid rules.



# ARTICLE 7

## PROTECTION OF TRADEMARKS OF NATIONAL INTEREST

### Notification Requirement

- Companies owning or licensing a trademark registered or in continuous use for at least **50 years** must **notify the Ministry of Enterprises and Made in Italy**, before ceasing operations, detailing the economic, financial, or technical reasons for cessation.

### Ministry Intervention

- The Ministry may **take over ownership** of the trademark if it has not been commercially transferred to prevent the extinction of trademarks of significant national interest and ensure their continuity.

### Registration of Unused Trademarks

- The Ministry may **file for registration** under its name for trademarks unused for at least five years.

### Use of Trademarks

- The Ministry is **authorized to use** the aforesaid trademarks solely to support companies, including foreign ones, investing Italy or relocating production activities in Italy.

# SECTOR SPECIFIC MEASURES

# ARTICLE 17

## MEASURES FOR ACCURATE CONSUMER INFORMATION ON BREAD AND PASTA

### Technical Commission Establishment

- A **technical commission** is established within the Ministry of Enterprises and Made in Italy, including representatives from the Ministries of Agriculture, Environment, and Health, plus an expert from major sector associations.

### Purpose and Function

- The commission's task is to conduct technical investigations and **draft guidelines identifying high-quality processes** in the production of fresh bread (as per Ministerial Decree, October 1, 2018, No. 131) and durum wheat pasta (as per Presidential Decree, February 9, 2001, No. 187).
- These guidelines aim to assist producers in providing **accurate and relevant product labeling information.**

# EDUCATIONAL INITIATIVES

# ARTICLE 18

## MADE IN ITALY HIGH SCHOOL

### "Made in Italy" High School Course:

- A **specialized high school** is established to enhance knowledge, skills, and competencies related to "Made in Italy" products, aligning with job market demands.
- The course will emphasize deep understanding in economics, law, historical-geographic scenarios, entrepreneurial skills, and modern languages.

### Course Objectives

- Foster **deep knowledge in economic and legal sciences** while also appreciating natural sciences to understand interdisciplinary connections.
- Develop **entrepreneurial skills** tailored to promote and enhance sectors producing "Made in Italy" goods.
- Support **internationalization processes** through enhanced foreign language learning and integration of content in a foreign language.
- Connect educational pathways with local socio-economic fabrics, emphasizing **practical learning** through collaborations with local businesses and ITS Academies.

# INCENTIVE MEASURES

# ARTICLE 34

## QUALITY CERTIFICATION OF ITALIAN RESTAURANTS ABROAD

The certification aims to promote and to support authentic Italian culinary traditions abroad and counteract the misuse of Italian-sounding practices in food preparation and ingredient usage.

### Certification "**Italian Restaurant in the World**"

- Awarded to **restaurateurs operating abroad**, upon request.

### Certification Process

- Issued by a **certified body** accredited by the Italian national accreditation entity.

### Criteria for Certification

- Emphasis on the use of high-quality ingredients and **products from Italian gastronomic traditions** including protected designations of origin and geographical indications.
- Ensures **adherence to Italian culinary traditions** and knowledge by the restaurant staff.
- Valid for three years from the date of issuance and renewable upon request

# ARTICLE 35

## PROMOTION OF ITALIAN CUISINE ABROAD

### Funding Allocation:

- A **1 million euro fund** is established within the budget of the Ministry of Agriculture, Food Sovereignty, and Forestry.

### Purpose of the Fund:

- To **promote the consumption of high-quality national products** abroad essential for preparing authentic Italian dishes.
- To **enhance** these products and to **train** staff, including through cultural exchanges, on the correct preparation of dishes and product use.



# ARTICLE 37

## FUND FOR GLOBAL PROTECTION OF ITALIAN GEOGRAPHICAL INDICATION

A **fund** is established in order to protect agricultural, food, wine, and spirits geographical indications (GIs) registered under various EU regulations

### Eligible Activities for Funding

- Registration of GIs as private trademarks or geographical indications in **third countries**, where no similar legal protection exists.
- **Legal actions** against registrations in third countries that conflict with international agreements to which Italy or the EU is a party.
- Applications to assign **internet domain names** to Italian GIs and actions against improper domain name assignments.
- Initiatives to **enhance the recognizability** of Italian GIs, including domain names and internet platforms.
- Communication and **promotional activities** to counteract negative impacts from third-country legal systems that limit full legal protection of Italian names.
- Efforts directed towards third countries to **improve and promote awareness** of Italian GIs among importers, distributors, and end consumers.

# ARTICLE 39

## FUND FOR DISTRICTS OF THE TYPICAL ITALIAN PRODUCT

A fund is established within the Ministry of Agriculture, Food Sovereignty, and Forestry.

### Definition of Districts

- Defined as **local production systems** characterized by the synergy of entities collaborating to produce a specific agricultural or agri-food product with strong territorial significance.

### Recognition Process

- Criteria for recognition include:
  - **Development potential** of the territory and product in quantitative and qualitative terms.
  - **Representativeness of the product** concerning the territory.
  - **Strategic role** of the product within the production chain.

# ARTICLE 40

## NATIONAL REGISTER OF IDENTITY'S CITIES ASSOCIATIONS

To ensure broad participation of agricultural sector operators in the strategic planning of enhancement and promotion of premium and renowned agricultural productions.

### Establishment

- A **register** is established within the Ministry of Agriculture, Food Sovereignty, and Forestry for national associations of identity cities.

### Definition of Identity Cities

- Defined as cities or territorial realities characterized by **premium agricultural productions**.
- These cities feature common associative bodies aimed at **promoting and enhancing the cultural identities** of their territories in national and international markets.

# PROTECTION OF MADE IN ITALY

# ARTICLE 41

## MADE IN ITALY LABEL

A decree to be issued within 90 days from the law's effective date, will define the official made in Italy label certifying the Italian origin of goods, with usage strictly regulated under Law of December 27, 2023, No. 206.

Italian manufacturers can **voluntarily apply** the label to their products to **protect and promote** intellectual and combat counterfeiting.

### Label Characteristics

- The label will be considered a **security document**, featuring anti-counterfeiting technologies such as watermarked paper, magnetic and electronic elements to ensure protection from forgery.

### Decree Provisions

- Graphic design and acceptable types of supports for the label.
- Criteria for companies to apply and maintain the label on their goods.
- Product categories eligible for labeling.
- Rules for using the label and descriptive signs to maintain decorum.
- Technologies for guaranteeing certification and product chain traceability.

### Exclusions

- The label regulations do not apply to protected geographical indications of agricultural and agri-food products, which continue under existing specific provisions.

# ARTICLE 42

## SURVEY OF TYPICAL INDUSTRIAL AND ARTISANAL PRODUCTS

### Recognition and Promotion

- The law recognizes the value of traditional artisanal and industrial productions that are closely linked to local production methods in specific geographic areas, promoting them as significant elements of the national cultural heritage.
- It ensures **consumer access to reliable information** about these productions and supports artisans and producers in preserving traditional practices and reputations associated with their origins.

### Regional Survey for Protection System

- In preparation for a uniform European-level protection system based on geographical indications, regions are tasked to **survey typical productions already recognized or protected**, or those whose reputation and quality are intrinsically connected to local territories.

# ARTICLE 43

## DECLARATION OF INTEREST FOR RECOGNITION OF TYPICAL ARTISANAL OR INDUSTRIAL PRODUCTS

### Purpose

- To enhance the value of typical artisanal and industrial products and to support the processes for their protection under the Industrial Property Code.

### Process

- Producer associations operating within a specific geographic area are required to **adopt production specifications**.
- They must submit a **declaration of interest** to the competent regional authority for the purpose of the survey described in Article 42.

# NEW TECHNOLOGIES



# ARTICLE 47

## BLOCKCHAIN FOR TRACEABILITY OF MADE IN ITALY SUPPLY CHAINS

### National Catalog

- A **national catalog** is created within the Ministry of Enterprises and Made in Italy. The catalog lists technology solutions that comply with the blockchain law.
- The catalog includes infrastructure nodes that meet the standards set by the European Blockchain Services Infrastructure. The catalog supports a network of distributed technologies and helps them work together with Italy's own Blockchain Services Infrastructure.

### Catalog Establishment and Operation

- The catalog aims to **coordinate with European and National institutions**, to perform **checks and inventories**, and to showcase examples of how blockchain can track Italian products. It might be managed by a specific organization dedicated to this purpose.

# ANTI-COUNTERFEITING

# ARTICLES 50 AND 51

## SPECIALIZED TRAINING AND CHANGES TO SANCTIONS FOR COUNTERFEIT GOODS

### Specialized Training for Judicial Operators

- The Minister of Enterprises and Made in Italy can provide recommendations to the Minister of Justice regarding specific topics that focus on **combating violations of industrial property rights** in civil and criminal cases.

### Modifications to Sanctions for Purchasing Counterfeit Goods

- Modifications aim to strengthen the deterrent effect **of monetary penalties** on purchasers of counterfeit goods and ensure greater local authority involvement in anti-counterfeiting efforts.

**SPEAKER**

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## FOCUS ON

Paolo Quattrocchi deals with Corporate and Commercial Law and assists Italian and foreign groups in international transactions. He works for the International Desk of ADVANT Nctm and deals with International public institutions, with a particular focus on relations with Canada. Paolo has several institutional positions, including Vice President of the Italian Chamber of Commerce in Canada West, Founder and Director of "Centro Studi Italia Canada", President of "Confassiaciazioni Canada", Italian Champion for the EU Project "Support and promote the implementation of the EU Canada Comprehensive Economic and Trade Agreement (CETA) - 5 years anniversary and beyond".

# ADVANT NCTM

AT A GLANCE

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## AT A GLANCE

Founded in 2000, **ADVANT** Nctm is an independent law firm with about 260 lawyers and tax advisors, and is one of the leading commercial law firms in Italy. It advises companies, banks and financial institutions, multi-national corporations and public entities on all areas of business law from its offices in Milan, Rome and Genoa, as well as London and Shanghai.

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- Being a leading law firm and market leader with many awards, recognitions and 'firsts'
- Tailor made services, specifically focused on clients' businesses
- Significant presence in cross border and international deals
- History of innovation and unique ability to develop truly dedicated solutions for clients

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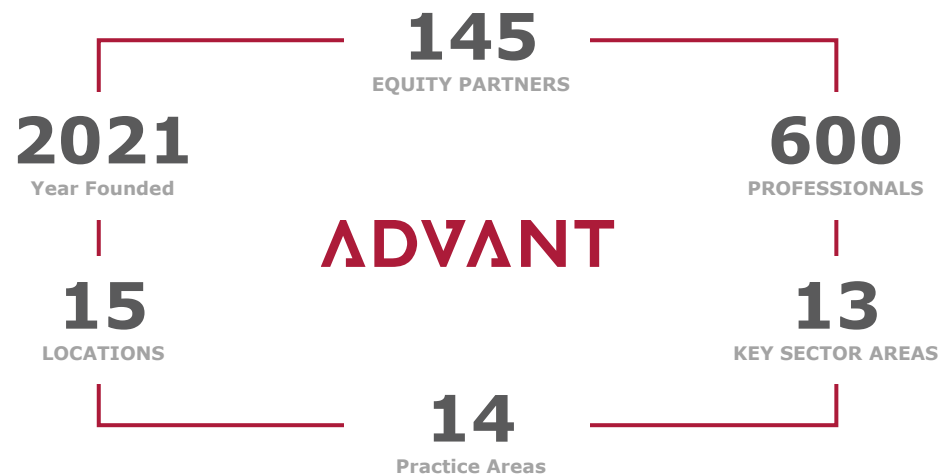
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**ADVANT** is a unique venture in the European legal market, bringing together strong national players to provide clients with the 'best of both worlds': deep local foundations and an international vision and reach.

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