European Union

“Syndicat interprofessionnel de défense du fromage Morbier”

**Decision of the European Court of Justice (Fourth Chamber)
17 December 2020 – Case No. C 490/19; ECLI:EU:C:2020:1043**

*Syndicat interprofessionnel de defense du fromage
Morbier v. Société Fromagère du Livradois SAS*

**Regulation (EC) No. 510/2006; Regulation (EU) No.
1151/2012, Art. 13(1)(d)**

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Keywords Agricultural products and foodstuffs · Misleading practice · True origin · Reproduction of the shape or appearance of a product · Protected designation of origin (PDO) · European consumer

1. Article 13(1) of Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs and Article 13(1) of Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs must be interpreted as meaning that they do not prohibit solely the use by a third party of a registered name.
2. Article 13(1)(d) of Regulation No 510/2006 and Article 13(1)(d) of Regulation No 1151/2012 must be interpreted as prohibiting the reproduction of the shape or appearance characterising a product covered by a registered name where that reproduction is liable to lead the consumer to believe that the product in question is covered by that registered name. It is necessary to assess whether such reproduction may mislead the European consumer, who is normally informed and reasonably observant and circumspect, taking into account all relevant factors in the case.

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Available at <http://curia.europa.eu>. Official wording of the Court.