



Proper use of the names of
« **Côtes du Rhône** »
and « **Côtes du Rhône Villages** »

GUIDELINE

for **marketers**

The purpose of this document is to inform marketers about the proper ways to use the names of Côtes du Rhône and Côtes du Rhône Villages. It was drafted and approved by both the Syndicat Général des Côtes du Rhône and the INAO.

The « Côtes du Rhône » appellation was approved as an AOC (Appellation d'Origine Contrôlée) by decree on 19 November 1937, and has been registered by the European Union since 18 September 1973. The Côtes du Rhône Villages appellation was recognized by the November 2 1966, decree and was registered by the European Union as of December 14, 2011.

PDO (Protected Designation of Origin) is the European designation that protects the name of a product throughout the European Union, including all the French AOC.

Unfortunately, in recent years, Côtes du Rhône and Côtes du Rhône Villages appellations, like many other appellations on the market, have often been usurped, and their names counterfeit or misused.

That is why the Syndicat Général des Vignerons des Côtes du Rhône, together with the INAO (Institut National des Origines et Qualité) the Fraud Department and a specialized consulting firm, all strive to ensure that the term Rhône be used appropriately and lawfully by all marketers and dealers. Our foremost goal is educational, and we aim to raise public and professional awareness for a proper usage of the term Rhône.

The following argument is based on rules and regulations, pointing out the essential guidelines that should be followed when using the name Côtes du Rhône. ●

1. The term Rhône is exclusively limited to wines with a Côtes du Rhône or Côtes du Rhône Villages appellation

Reminder of the rules and regulations

The term Rhône is the core element of Côtes du Rhône and Côtes du Rhône Villages appellations, whose specifications have been approved by decree. These appellations are jointly protected against any illicit use by both European and French regulations.

Indeed, European regulations¹ stipulate that appellations are protected against “any direct or indirect **commercial use** by comparable products **that does not respect all the specifications** in regard to the protected name, **or unlawfully and abusively exploits the reputation** of an appellation”.

This regulation also provides protection against forgery, copies or use of appellation names, even when for a different product.

Other provisions recall this principle³ and also protect appellations against any fraudulent practices, forgeries or erroneous description of a product as to its origin and its qualities and to whether it is indeed an AOC⁴. Following all the above-mentioned provisions, any direct or indirect use of a Côtes du Rhône appellation, as well as **any single use of the term Rhône**, is strictly prohibited, especially when comparable products do not comply with the specifications of Côtes du Rhône appellations.

This restriction also applies to any use of the Côtes du Rhône appellation, or any reference to its name, if it is likely to damage or weaken the reputation of the appellation or seek to exploit its reputation. This restriction applies to any use of the name as a trademark, a corporate name, trade name, brand, operating name, Internet domain or label, as well as any oral or written use aiming to promote or market a comparable product.

In short, the use of the terms Côtes du Rhône or Rhône is absolutely prohibited for any wines that have not been approved as Côtes du Rhône or Côtes du Rhône Villages AOC, notably when used as a trademark, trade name, brand, operating name, sign, Internet domain name, any reference on a label, etc. as well as any use aiming to promote or market a comparable product, whatever the medium.

Brands and trademarks containing the term Rhône for wines with a Côtes du Rhône or Côtes du Rhône Villages appellation

Regulations⁵ prohibit the registration of any trademark infringing prior rights, including a protected designation of origin (PDO). By way of derogation, it is tolerated that any brand containing the name Côtes du Rhône that are registered and used exclusively for wines, approved as a Côtes du Rhône or Côtes du Rhône Villages AOC, can be registered and used, provided the name only appears within a compound text (on a label for example) and/or associated to distinctive elements (producer's brand name and/or other verbal or figurative elements).

In addition, the appellation and use of an appellation name is a collective right that can be used by all those who comply with its specifications, which implies that a name cannot be the sole property of one or several exclusive persons. By registering and using a brand name containing (or imitating) the term Rhône, which constitutes the core definition of the Côtes du Rhône appellation, a holder misleads and diverts the appellation to his own advantage and profit (by seeking to secure a private trademark right by using or including the term Rhône) using it for other purposes: this is also abusive and must be avoided.



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- 1 Article 103 of UE regulation n°1308/2013 of the European Parliament and Council of 17 December 2013
A protected designation of origin and a protected geographical indication, as well as the wine using that protected name in conformity with the product specifications, shall be protected against: (a) any direct or indirect commercial use of that protected name: (i) by comparable products not complying with the product specification of the protected name; or (ii) in so far as such use exploits the reputation of a designation of origin or a geographical indication.
- 2 Any misuse, imitation or evocation, even if the true origin of the product or service is indicated or if the protected name is translated, transcribed or transliterated or accompanied by an expression such as «style», «type», «method», «as produced in», «imitation», «flavour», «like» or similar;
- 3 In French law, Article L643-1 of the Rural and Fishing Code stipulates that «The name of an appellation of origin or any other evocation may not be used for any similar product (...). The name may not be used for any commercial use nor any other product or service, where such a use is likely to damage or weaken the reputation of the appellation».
- 4 Cf. Articles L.121-1 of the Consumer Code relating to false and misleading statements. Refer to Articles 103, 2(c) and (d) of Regulation 1308/2013 mentioned above.
- 5 Article L711-4 of the Intellectual Property Code: «No term or reference can be used that would otherwise infringe earlier rights, and in particular: (...) (d) a Protected Designation of Origin or a geographical area.»

Furthermore, to be valid a brand or brand name must be distinctive: that is to say it must comprise all the appropriable elements (wording, letters, digits, images, logos, etc.) that identify the holder and only the holder. It would otherwise be impossible to distinguish a producer among others if its brand is essentially based on the name of an appellation (for example: "Super Rhône" "Rhône Tradition" etc.).

In other words, to include the term Rhône, trademarks must contain several highly distinctive or identifiable elements of the trademark, and be solely used for Côtes du Rhône or Côtes du Rhône Villages appellation wines.

Referring to larger geographical areas •2

Article 55 of European Regulation n°2019/33, 17 October 2018, stipulates that larger or smaller geographical areas can also be indicated on the labels or in the marketing of wines, when these areas are within or based on an appellation, under certain restrictive conditions.

First, such labeling is reserved for wines under a PDO (Protected Designation of Origin) or a protected geographical indication (PGI); this implies that a wine without a specific geographical indication cannot refer to any geographical area.

Furthermore, the same regulation states that Member States are entitled to establish more stringent rules, specifically when pertaining to geographical units. France furthered restrictions with Decree n°2012-655, 4 May 2012, for the labeling and traceability of wine products and specific oenological practices, stating in Article 5 that "the labeling of wines with a protected designation of origin or a protected geographical indication may bear the name of a geographical unit that is larger than the protected appellation or the geographical indication protected, **if the specifications of an appellation or protected geographical unit comprise this possibility.**"

Accordingly, the only elements that can be included or added must be specified in the designation of origin or geographical specification sheet. Consequently, Côtes du Rhône wines can use the term Cru des Côtes du Rhône and/ or Vignobles de la Vallée du Rhône, **provided they comply with the specifications.**

In addition, the Syndicat des Côtes-du-Rhône drafted an agreement on November 6 1998 with Inter-Rhône, the Union des Maisons de Vins du Rhône (UMVR) and various DMOs (Defense and Management Organizations) located around the Côtes du Rhône appellation, stating there was a tolerated use, for certain wines of the Rhône Valley, to use no other but Vignobles de la Vallée du Rhône, or the English translation Rhône Valley Vineyards, listed in the specifications of the appellations concerned. Listed below are those Defense and Management Organizations that signed the agreement: Clairette de Bellegarde; Costières de Nîmes; Côtes du Vivarais; Duché d'Uzès; Grignan les Adhemar; Luberon and Ventoux.

The above-mentioned appellation wines must comply with the following labeling: be placed in the same area as all the mandatory specifications of the label, be in the same graphic charter (font, size) and the same color as those of the appellation, not exceed two thirds (2/3) of the size of the appellation name. The latter must remain the predominant visual element.

It is strictly forbidden for any of the above-mentioned appellations to use the term Rhône whether as a trademark, a commercial name, advertising or sign, caption, Internet Domain, label or any other medium. The only authorized term is "Vignobles de la Vallée du Rhône" or "Rhône Valley Vineyards". 🟡



I'm using or intend to use the term « Rhône »



1 As a brand or brand name

To designate Côtes du Rhône and Côtes du Rhône Villages

To designate other wines

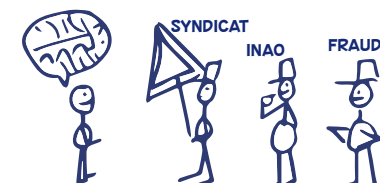
I can use my own brand name for these wines, as long as they are distinctive*

EXAMPLES OF NON-DISTINCTIVE BRAND NAMES:

~~Super Rhône~~
~~Château Rhône~~

Or else I have to find another idea!

2 On my labels



"MY BRAND CONTAINS THE WORD RHÔNE"

3 To present and describe my products

(On the Internet, in social media, advertising, marketing tools and documents, etc.)

I only use the exact wording provided in the specification sheet of my appellation.

EXAMPLES:

For a Tavel, I can use Cru des Côtes du Rhône and for a Costières de Nîmes Rhone Valley Vineyards.

I make sure I don't use the term Rhône for my wines when they are not strictly Côtes du Rhône or Côtes du Rhône Villages AOC, unless otherwise specified in the appellation specification sheet.

In shops or online stores, I make sure not to list or rack wines that do not qualify for a Côtes du Rhône appellation, and I don't list them under a designation that includes the term Rhône, unless they qualify in the Rhône Valley Vineyards appellation of the specification sheet.

"I MAKE SURE I'M FOLLOWING ALL THE RULES AND REGULATIONS."



INSTITUT NATIONAL DE L'ORIGINE ET DE LA QUALITÉ

* A distinctive brand name is a legal limitation imposed by the Intellectual Property Code. A trademark may only be registered if it is distinctive; that is to say it is not the usual name of the product or service, nor a description of the product, its nature or quality, nor its geographical origin. For example, the brands "Beau Côtes du Rhône", "Super Rhône", "Rhône" or "Domaine du Rhône" are not considered sufficiently distinctive.



IF I HAVE EVEN THE SLIGHTEST DOUBT, I MUST CONTACT THE LEGAL DEPARTMENT OF THE SYNDICAT DES CÔTES DU RHÔNE!

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