



The Ongoing Quarrel about the Famous Gianduiotto Chocolates of Turin

As those with a sweet tooth will certainly know, the so-called **Gianduiotto** chocolates are among the most widely known gastronomic specialties and **symbols of our town Turin** in particular and of Piedmont in general.

In March 2022, the Committee for the Protection of Gianduiotto of Turin, formed and supported by large Piedmontese confectionery companies and Turin renowned chocolatiers, applied for the 'Gianduiotto di Torino' to be certified as a **Protected Geographical Indication (PGI)**.

The aim of the PGI certification is to **protect and enhance quality agri-food production** and to develop and strengthen the link between the territory and its products. PGIs identify products that are linked to a specific geographical area either because at least one of their production steps takes place within the area or because of their quality or reputation is attributable to their geographical origin.

Another requirement for PGIs is that their production must follow a specific recipe.

The product specification proposal for the 'Gianduiotto di Torino' provides for production in the entire territory of Piedmont as well as for the exclusive use of the toasted 'Nocciola del Piemonte Igp' (Piedmont hazelnuts PGI).

After the favourable opinion issued by the Regional Council of Piedmont in September 2022, the application was transferred to the Ministry of Agriculture, Food Sovereignty and Forestry in order to be later transmitted to the European Commission.

In 2023 the Swiss confectionery giant **Lindt opposed the registration of the Gianduiotto as PGI**, claiming that milk powder, i.e. an ingredient used only in industry, should be inserted in the product specification and the percentage of the precious Piedmont hazelnut PGI should be reduced.

Piedmontese master chocolatiers, on their part, maintain that the real Gianduiotto is made with only three ingredients: hazelnuts, sugar and cocoa mass, no milk at all.

Lindt, which currently owns the firm Caffarel - the well-known Piedmontese company that first marketed the industrial version of the Gianduiotto in 1865 - is holder of the Italian trademark 'Gianduia 1865 - L'autentico Gianduiotto di Torino' and produces Gianduiotto chocolates with 10% milk powder.

Therefore, the reason for Lindt's request that the parameters for granting PGI protection be widened is quite clear and lies in their need to fall within such parameters.

In the hope nobody will cry over spilled milk, we will monitor all developments and will keep you informed about this chocolate dispute that concerns us very closely.



Patent Dilution Recently Acknowledged Also by the Italian Supreme Court

In a long-standing dispute, started in 2008 between two Italian companies on one part and the well-known, much bigger companies Samsung Electronics Italia s.r.l. and Samsung Electronics Co. Ltd. on the other part, the Italian Supreme Court issued Decision No. 31170 on 9 November 2023.

The subject of this dispute was the **infringement** by Samsung of a patent, owned by one of the two Italian companies and licensed to the other one, concerning **dual SIM phones**.

In all grades of judgement of this complex 'David vs Goliath' dispute, the Samsung companies were found guilty of patent infringement and ordered to pay damages.

Apart from giving the encouraging signal to smaller companies that they can be **victorious even against much more powerful entities**, one of the most relevant aspects in the said decision by the Italian Supreme Court is the recognition of the so-called "**patent dilution**" and the related consequences in terms of damages, which is a relatively new concept now starting to consolidate in the Italian case law, too.

The Supreme Court has indeed confirmed what had already been acknowledged by the Court of Appeal, i.e. that the loss of value of a patent (or "patent dilution") as a consequence of an infringement gives the patent owner the entitlement to a corresponding due compensation.

The recognition of patent dilution therefore introduces a **further means for owners of patents valid in Italy** to effectively defend their rights, even against big companies such as those of the Samsung group.

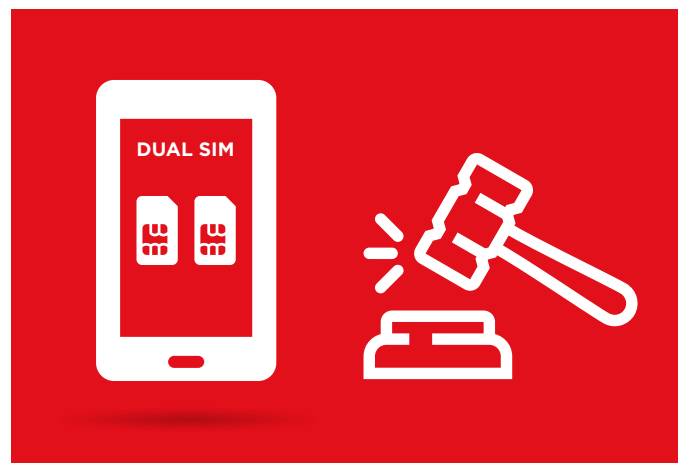
According to the Italian Supreme Court, not only do the infringing actions committed by competitors cause loss of profit, but they also affect the exclusive rights of patent owners by weakening their market position, and in some cases even irreversibly jeopardizing it, thereby reducing the potential profitability of their patents.

In view of this, compensation can be awarded based on a calculation of the royalties the patent owner might have received from their licensees over a given time period if the infringement had not taken place.

It should be noted in this connection that any form of overcompensation of damages is to be avoided. In other words, disgorgement of profits on one hand and actual loss compensation on the other hand can both be awarded only where they refer to different time segments.

Not only Italian but also foreign companies having commercial interests in Italy have therefore one more good reason to have their inventions patented in Italy.

For more information or for assistance in obtaining patent protection in Italy, please contact us at email@interpatent.com



The aim of this newsletter is to keep our Clients and Associates updated about developments in the sector of Intellectual Property in general and our firm in particular. In this way, we wish to provide a broader view of the tools that the field of trade marks, domain names, patents, designs and related rights offers to entrepreneurs to enhance and protect their efforts in researching and developing new solutions and ideas.



www.interpatent.com - email@interpatent.com

Members of FICPI and AIPPI

INTERPATENT Studio Tecnico Brevettuale S.R.L. - Registered Office Via Caboto, 35 - 10129 TORINO - Share Capital € 50000

Company Register of Torino 08327040013 - Fiscal Code and VAT Registration Number 08327040013

REA (Economic and Administrative Index) Number 963838