

The **i**NTERPATENT newsletter



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PRODUCTION OF NON-ALCOHOLIC WINE NOW AUTHORIZED IN ITALY: DON'T FORGET IT WHEN REGISTERING WINE TRADEMARKS

Until a short time ago, the processing of wines for the purpose of reducing their alcohol content was allowed only if the relevant processes were carried out abroad.

On 20 December 2024, the Ministerial Decree No. 672816 issued by the Italian Ministry of Agriculture, Food Sovereignty and Forestry (MASAF) introduced significant **innovations in the Italian wine sector authorizing the production of dealcoholized and partially dealcoholized wines within the Italian territory**, on condition that such production is implemented based on predetermined methods set forth in a specific annex to said decree in order to guarantee quality and safety of non-alcoholic wines.

The new provisions, though highly controversial among representatives of the wine supply chain, bring Italy in line with European regulations, eliminating previous restrictions that penalized domestic producers compared to foreign competitors.

The **reduction of the alcohol content is admitted in**

respect of several categories of grapevine products, including wines, spumante wines, quality spumante wines, quality aromatic spumante wines, carbonated spumante wines, sparkling wines and carbonated sparkling wines. However, this possibility is excluded for Protected Designation of Origin (PDO) and Protected Geographical Indication (PGI) wines, thus maintaining the integrity and specificity of these categories.

Although it is forbidden to increase the sugar content of the grape must or add external flavours, the recovery of water and endogenous flavours in a closed circuit is allowed, which can be reused for the production of dealcoholized wines, thus preserving the organoleptic characteristics of the original product.

With the introduction of dealcoholized wines into the Italian market, wine producers also have to face new challenges related to the protection of their trademarks in Italy. Traditionally, wines are classified in class 33 of the Nice Classification, which covers most of the alcoholic beverages, including different types of wines. However,

the so-called non-alcoholic wines, having reduced or null alcohol content, **might not fall within class 33** (especially if they completely lose their alcohol content), **so that the relevant trademarks should be protected in class 32**, which covers non-alcoholic beverages.

Therefore, for effective protection of wine trademarks, it may be advisable to proceed with registration in both classes. This approach might prevent potential conflicts and guarantees complete protection to the trademark, particularly in an evolving market where the distinctions between alcoholic and non-alcoholic beverages are becoming increasingly blurred.

The increasing commercial importance of dealcoholized wines is enhanced by the fact that a few days before the aforementioned decree new provisions for road users came into effect in Italy, reducing the admitted blood alcohol level to 0.5 g/l (0.00 g/l for novice drivers) and tightening penalties for driving under the influence of alcohol.

These new drunk driving rules are likely to affect drivers' drinking habits, making non-alcoholic

wines an attractive alternative for those who wish to enjoy a glass of wine without risking penalties. This trend might provide an opportunity for wine producers to expand their product range, satisfying a growing demand for low or no-alcohol beverages, which seems to be on the rise particularly among that segment of the population most sensitive to health issues.

In summary, the liberalization of dealcoholized wines represents a significant step for the Italian wine industry, opening up new market prospects and bringing domestic production in line with European standards. In addition, the recent changes to the road traffic code outlined above could encourage a greater diffusion of non-alcoholic wines, giving consumers safe and legal options for responsible consumption.

However, as highlighted above, wine producers should pay attention to the legal aspects of trademark protection and consider registration of their trademarks in the appropriate classes of the Nice Classification before the Italian Patent and Trademark Office, with the **advice and assistance of our trademark professionals.**

2025 EDITION OF EUIPO SME FUND TO BE LAUNCHED SHORTLY



On the strength of the increasing number of applications in the past years (over 31,000 in 2024), the **EUIPO SME Fund** has now been confirmed for the year 2025, too.

The fifth consecutive edition of this Fund, which is dedicated to assist the growth of EU small and medium-sized enterprises by making available partial reimbursement of costs for applications for patents, trademarks, designs and plant varieties as well as IP scan services rendered by an expert selected by the national/regional IP office of interest, **will be launched** by the European Union Intellectual Property Office (EUIPO) **on 3 February 2025.**

This year's edition focuses on **sustainability, digitalisation, and global competitiveness** and aims at engaging an increasingly wider range of SMEs in exploiting to the full the possibilities offered by the Fund.

Keep following us for more details in our next newsletters!

EPO FURTHER EXPANDS THE LIST OF VALIDATION COUNTRIES WITH THE ADDITION OF COSTA RICA

Since 2010 the European Patent Office (EPO) has signed validation agreements with third countries that are not members of the European Patent Organisation. Thanks to these agreements, it is possible to obtain a patent in such third countries based on a single European patent application, thus eliminating the need to file corresponding national patents in said countries.

The most recent of such agreements is the one dated 13 December 2024 with **Costa Rica**, which is **the first country in the Americas to join the EPO's validation system**, and brings the number of non-EPO validation states to seven, the other states being Morocco, Moldova, Tunisia, Cambodia, Georgia and Laos.

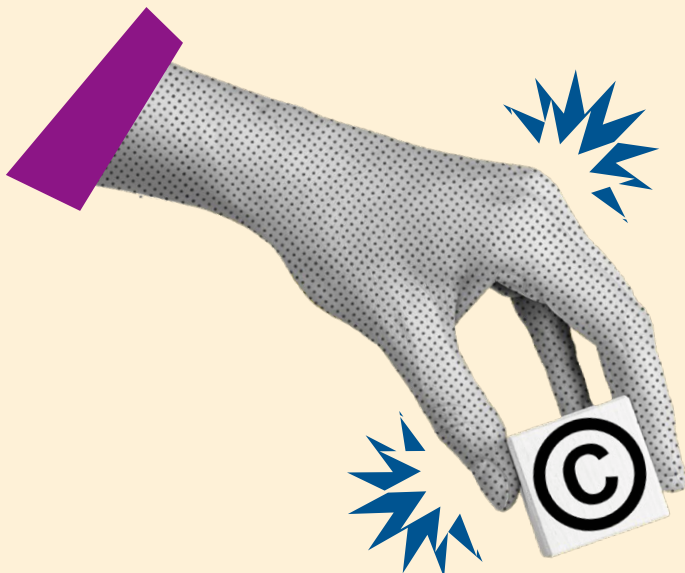
As a result of this agreement, which will become effective upon enactment of the necessary legislation, granted European patents validated in Costa Rica will have the same status and effect as Costa Rica national patents.

The EPO agreement with Costa Rica, offering simpler, more streamlined patent protection, opens

up **new possibilities for applicant businesses** with interests in said country and might hopefully be a trailblazer for other American countries, especially those which for the last few years have been experiencing strong growth in innovation.



INTELLECTUAL PROPERTY: THE KEY TO SUCCESS FOR EUROPEAN COMPANIES



We often hear about how owning intellectual property (IP) rights is critical for companies wishing to remain competitive and thrive in today's marketplace. Patents, trademarks, and designs not only protect a company's innovations and creations but also offer a significant economic advantage. Indeed, with IP rights, companies can safeguard their investments in research and innovation, laying the groundwork for further technological and creative advances. In addition, intellectual property rights can facilitate access to international markets, enhance corporate reputation, and attract investment.

The European Patent Office (EPO) and the European Union Intellectual Property Office (EUIPO) have recently conducted a **study that**

analyzes the relationship between IP rights and business performance in the European Union, going to corroborate with tangible data how beneficial and profitable it actually is for a company to invest in intellectual property.

Indeed, the main finding of the study is that **companies that own at least one type of IP rights generate higher revenues per employee and offer higher wages than those that do not.**

In fact, the data summarized in the table below show that **companies that own at least one type of IP rights (patents, trademarks and designs) have on average 23.79% higher revenue per employee than companies that do not.** If we then

look specifically at companies that own patents and those that own designs, the difference in revenue per employee compared to companies that do not own them rises to 28.7% and 29.34%, respectively.

Also, as far as wages are concerned, **companies that own IP rights pay on average 22% higher wages than companies that do not own them.** This difference increases considerably when looking specifically at companies that own patents, which pay salaries that are as much as 43.3 percent higher than companies that do not own patents.

		Revenue per employee ('000 Euro/year)	Wages per employee ('000 Euro/year)
Non-IP rights owner		147.23	25.43
IP rights owner	Any IP rights	182.27	31.04
	% difference compared with non-IP rights owners	23.79%	22.07%
	Patents	189.49	36.42
	% difference compared with non-patents owners	28.7%	43.26%
	Trademarks	181.56	30.74
	% difference compared with non-trademarks owners	23.32%	20.9%
	Designs	190.44	31.73
	% difference compared with non-designs owners	29.34%	24.79%

(source: [EPO](#))

Further econometric analysis of the collected data that takes into account multiple relevant factors (such as country, sector, company age, company size, IP rights status, etc.) shows that **the revenue per employee of companies that own active IP rights is 41% higher than companies that do not own IP rights.** If we then discriminate by company size, the difference in revenue between those who own active IP rights and those who do not own IP rights is even larger for small and medium-sized

enterprises (SMEs), reaching as high as 44%, compared with a difference of 16% for large enterprises. The data therefore suggest that **SMEs that own IP rights perform much better than their counterparts that do not.**

An additional notable finding from the study is the **disparity between SMEs and large enterprises in terms of ownership**, with a significantly higher percentage of companies owning IP rights among

large enterprises than among SMEs.

Indeed, the data, summarized in the table below, show that less than 10% of SMEs own at least one patent, trademark or design, while nearly 50% of

large enterprises own at least one. This disparity becomes even more pronounced when considering patent ownership alone, with only 1.09% of SMEs owning at least one patent versus 12.72% of large enterprises.

	Large enterprises (%)	SMEs (%)
IP rights owners	49.01	9.74
Patents owners	12.72	1.09
Trademarks owners	46.12	9.21
Design owners	10.71	1.11

(source: [EPO](#))

While the above data clearly show that in general investing in IP is a winning strategy for companies of all sizes, these implications are even more evident for small and medium-sized companies: although relatively few SMEs invest in IP rights (compared to large enterprises), those that do so perform significantly better than their counterparts that do not own IP rights.

Finally, with regard to the technology sector in which companies owning IP rights operate, the study found that the sector owning the largest percentage is information and communication (14.79%), followed by manufacturing (14.21%), water supply, sewerage, waste management and

remediation activities (11.98%), professional, scientific and technical activities (10.68%), and wholesale and retail trade, repair of motor vehicles and motorcycles (10.63%).

Although the data contained in the EPO study reported above do not demonstrate an immediate causal relationship, they strongly suggest that there is a systematic and positive relationship between IP rights ownership and companies' economic performance, which should encourage EU companies of all sizes to strengthen the protection of their innovations through intellectual property.

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.



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