



# **RULES for USE of “CERVIM – Viticoltura Eroica” COLLECTIVE TRADEMARK**



CERVIM - Centro di Ricerche, Studi, Salvaguardia, Coordinamento e Valorizzazione per la Viticoltura Montana (*Research and Coordinating Centre for the Protection, Promotion and Enhancement of Mountain Viticulture*) is an international body established under the law (regulation No. 17 of 18 August 2004) of the Autonomous Region of Aosta Valley. The aim of the Centre is to protect and safeguard wine-growing in mountain or steeply sloping areas or on small islands, namely what is now commonly known as “heroic viticulture”, due to the particular environmental and working conditions involved.

More than 50% of Italy is classified as mountainous terrain, whose distinctive features are officially acknowledged in the Constitution, and deserves the special safeguard that has been assigned to its products because over the centuries this particular terrain has contributed to the enhancement of the traits that these lands possess, giving rise to the development of specific agricultural practices and a know-how linked to tradition.

The combination of the natural, social and economic factors at work in mountainous or steeply sloping areas significantly influences business activities in these areas. Centuries of enforced separation have differentiated business activities in mountainous areas from those on flat land, both in terms of production processes, especially when it comes to food products, and in terms of their high level of variety, which springs from the presence of many limited production areas, perhaps adjacent but irrevocably divided for centuries

Agri-food products that capitalise on local raw materials, generally the result of small scale processing and encapsulating local technical expertise and traditions, are therefore inextricably connected to their area of provenance. This also applies to the social and cultural factors that lend products a dimension that goes beyond their nutritional, organoleptic and economic value, acquiring anthropological, historical and social significance.

Wine represents the ultimate combination of agricultural production and processing techniques, as well as playing a part in enhancing the landscape and rural culture, and in the case of “heroic viticulture” it encapsulates the life of a specific area. These wine makers, guardians of a special ‘savoir-faire’ which is transformed into something unique by the setting in which they work, are thus bearers of specific values, creators of a world that qualifies the product above and beyond the nevertheless important aspects of origin and taste.

Heroic viticulture also plays a significant role in terms of the countless tangible and intangible aspects that it safeguards and protects: from the man-made landscape to traditions, from biodiversity in wine-producing to cultivation techniques perfected over time which are capable of making impervious areas accessible and productive, those same areas that are assets of inestimable worth today.

CERVIM thus pursues its mission, coming up with solutions to protect the land, reduce production costs and enhance the quality of wine products, in order to safeguard the global heritage of heroic viticulture, also by means of scientific research, tried and tested experience and interaction with other national and international bodies.



The creation of the collective trademark “CERVIM” lies in the context of “safeguarding activities” aimed at protecting heroic viticulture. CERVIM has created this trademark for use on grant of licence for the producers who agree to respect the rules in question, ensuring that all requirements are met when joining and that they continue to be met over time. Accepting and respecting these rules will ensure the benefits of using a distinctive mark to denote your products that is unique and applies to the numerous countries in which CERVIM operates, with a consequent protection and promotion of CERVIM without precedent on the market.



## Rules for using “CERVIM – Viticoltura eroica” Trademark

### Clause 1 – Aims

**CERVIM** (Centro di Ricerche, Studi, Salvaguardia, Coordinamento e Valorizzazione per la Viticoltura Montana) established under **regulation No. 17 of 18 August 2004** by the Autonomous Region of Aosta Valley creates and manages the collective trademark named “CERVIM – Viticoltura eroica” (*CERVIM – heroic viticulture*), hereinafter referred to simply as ‘trademark’, with the following purposes:

- To distinguish viticulture in mountain or steeply sloping areas and on small islands;
- To promote and enhance the characteristic features and the authenticity of wine products coming from mountain or steeply sloping areas and small islands;
- To incentivise the consumption of wines from mountain or steeply sloping areas and small islands;
- To act as a guarantee of the origin and production techniques, for all the consumers purchasing wine products from mountain or steeply sloping areas and small islands;
- To safeguard the customs and traditions that typify mountain or steeply sloping areas and small islands;
- To provide incentives for local businesses to make wine using techniques and approaches which are compatible with the traditions and regional ecosystems found in mountain or steeply sloping areas and on small islands.

### Clause 2 – Object

The collective trademark "CERVIM – Viticoltura eroica" is made of the graphic elements and the denomination "CERVIM – Viticoltura eroica", approved on 16 December 2010 by the Board of Directors of CERVIM, taken singularly or combined as shown in Enclosure 1 which forms an integral part of these rules.

CERVIM is the sole owner of this trademark and reserves all rights concerning its use. CERVIM can licence the use of this trademark to the subjects and in the ways described in these rules and monitors on the correct use of the trademark directly or through an independent third-party verifier.

### Clause 3 - Definitions

**For the purposes of these rules, we consider:**

- a) “*Viticulture in mountain or steeply sloping areas and on small islands*” as the winemaking which is practiced in the presence of one or more of the following characteristics:
- wine production on land with a terrain gradient greater than 30%;
  - wine production at an average altitude of over 500 metres a.s.l.;
  - wine production on terraces and steep slopes;
  - wine production on small islands.



b) “*Rules*” as the document which defines the compliance requirements for the product which is subject to control.

c) “*Applicant*” as

- any public body, legal or natural person which is a member of CERVIM or belongs to any bodies or associations which are members of CERVIM, who applies to use this trademark for any promotional, cultural or commercial initiatives linked to Viticulture in Mountain and steeply sloping areas or on small islands;
- any natural or legal person, member of CERVIM, who creates **products** according to the law and under paragraph e) of this clause, which have the specific traits of Viticulture in Mountain or steeply sloping areas and on small islands;

d) “*Licensee*” as the public body, legal or natural person that has been authorized to use the collective trademark;

e) “*Products*” as the wines or wine products like cooked must, vinegars, distilled goods that are in keeping with European laws which regulate their production, with particular emphasis on their salubrity, safety and environmental impact;

f) “*Initiatives*” as the single promotional or commercial actions that are intended to be denoted by this trademark and have been approved by the Board of Directors of CERVIM;

g) “*Production area*” as the site including the administrative territories which possess the characteristics listed in paragraph a) of clause 3.

#### **Clause 4 – Trademark Authorisation Request and Licence Grant Procedure**

Applications for trademark use can be made for products or initiatives which comply with Clause 3, paragraphs e) and f). Besides, the trademark can only be used alongside commercial or collective marks which denote the product, displayed at the same size or smaller as compared to the other brands.

Anyone wishing to use CERVIM’s collective trademark has to submit a written request to CERVIM, using the form provided in the standards manual with all the necessary enclosures.

With regard to the promotional, cultural and commercial initiatives, in compliance with Clause 3 paragraph f), licence for trademark use is granted upon a written request thoroughly detailing the characteristics of the initiative and also guaranteeing payment of CERVIM’s membership fee by the applicant, conforming with Clause 3 paragraph c).

As far as the products are concerned, trademark use is granted upon request made by the producers (taken singularly) of PDO and PGI products who, if required by CERVIM, must provide the necessary documentation relating to their production. These documents must be suitable for verification of compliance with the requirements established in Clause 3 paragraph a).

Each application must in any case contain:

- proof of payment of CERVIM membership fee;
- all the necessary documents as established by the standards manual for trademark use.



CERVIM's Board of Directors can resolve, by means of a detailed authorisation, that the trademark can also be licensed for products other than PDO or PGI ones, as long as proof of membership payment and all the necessary documents (as stated in the standards manual), the georeferencing and photographic documentation (including the suitable cartography allowing for the precise location of the vineyards where the products originate) together with the request for the trademark license are provided, besides any other document demanded by CERVIM.

The role of CERVIM is to receive all applications and verify that the documentation attached is complete, by asking to provide further information or clarification if needed and also by ensuring that all the requirements are met. The examination procedure follows a chronological order which relates to the application submission date.

The Board of Directors decides, on the basis of the outcome of the verification exercise as mentioned in the previous paragraph, the acceptance or refusal of the applications submitted.

Trademark use is granted or denied, by means of a reasoned decision delivered by CERVIM's President, for a period of three years from the date of the licence agreement, in consideration of the Board of Directors' pronouncement.

In order to record and store the results of the examination procedure, CERVIM has created a "*Register of licensing applications and decisions*" which is kept in electronic format and allows for the issuance of certificates upon request.

The licence is automatically renewed every three years provided that the licensee:

1. has paid CERVIM membership dues and also, whether required, the fee that CERVIM sets annually for the use of the trademark;
2. maintains all the requirements established in the standards manual for trademark licence grant.

Upon submitting the application for licence grant, the applicant must specify all details concerning each single initiative or product or promotional, cultural and commercial campaign destined to be identified through use of this trademark, which must be approved by the Board of Directors. If the licence is granted, such specification provides the elements for the agreement that regulates the use of the trademark, by limiting this use to the initiatives and products mentioned in Clause 7.

### **Clause 5 - Inspections**

CERVIM defines the inspection schedule, also by agreeing the date and execution times of the inspection with the applicant. The aim of the inspection is to ascertain, directly on the site where the production or action meant to be identified through use of the trademark takes place, that the applicant fulfils all the requirements expressly described in these rules.

Inspections can be carried out directly, namely by means of examining documents or through the use of computer tools, and can be performed by CERVIM or another control body in collaboration or agreement with CERVIM or appointed by the latter.



The following elements will be assessed during the inspection procedure:

- a) compliance with the characteristics of viticulture in mountain and/or steeply sloping areas and/or on small islands, as defined in Clause 3 of these rules;
- b) observance of all the guidelines and rules established in the standards manual by CERVIM's Board of Directors.

Upon completion of the inspection, the applicant will be informed of any areas of non-compliance with the requirements of these rules and asked to take the necessary action steps, otherwise use of the trademark will not be granted or the licence will be revoked.

### **Clause 6 – Trademark use**

CERVIM trademark can be used by the licensee in combination with the designation of origin and the corporate or company brand, displayed on the product and during the promotional campaigns undertaken, in obedience to the licensing agreement with CERVIM, as established in the following Clause.

### **Clause 7 – The licensing agreement**

Trademark use is governed by the specific agreement between CERVIM and the licensee.

The agreement must explicitly describe:

- the list of goods and services with which the trademark will be used;
- fees;
- the guidelines for the graphic exploitation of the trademark.

The agreement may provide for specific cases in which the license for trademark use is automatically revoked, over and above the causes for revocation connected to the non-compliance with these rules and with all the conditions described in Clause 4 and in the standards manual.

### **Clause 8 – Fees**

Annually the Board of Directors draws up a table of fees for the use of this trademark, distinguishing between associates and non-associates, and between commercial and business uses and non-profit initiatives. For the latter purpose of use, the licence can be granted without payment of a fee.

CERVIM associates can use the trademark free of charge for purely institutional purposes, upon the express authorisation of CERVIM.

CERVIM may also, of its own accord, grant free trademark use for initiatives and products when it considers that they contribute to achieving the aims described in Clause 1.

### **Clause 9 – User's Rights and Obligations**

The licensee must:

- observe all rules established in the agreement as stated in Clause 7;
- accept all inspection procedures scheduled by CERVIM;



- undertake all corrective actions required by CERVIM;
- use the trademark only for the authorised products and initiatives;
- cease all use of the trademark in case of revocation or renunciation.

#### **Clause 10 – Unauthorised use of the trademark**

In the event of unauthorised use of the trademark, the Board of Directors, upon proposal by the President, will put a stop to all unauthorised use of the trademark and decide whether a legal action is advisable.

#### **Clause 11 – Appeal**

The user can appeal to the Board of Directors against the decision described in Clause 4, as established by the standards manual.

#### **Clause 12 – General revocation clause**

CERVIM can revoke the trademark licence at any time, not only when the clauses of these rules and the terms of agreement are not respected, but also when the action of identifying a particular initiative or product through the trademark no longer contributes to the achievement of one or more of the aims described in Clause 1. The revocation procedure takes place after the Board of Directors' ruling, through a reasoned decision provided by the President who resolves that the fee for trademark usage is refunded for the period of time during which this use is no longer authorised.



**Enclosure 1**

*Trademark A*

*Trademark B*