

Case study: The legal protection of the *Saper fare liutario di Cremona* (Traditional violin craftsmanship in Cremona)

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The case

This case study is aimed at investigating the relative protective efficacy of the inscription as a UNESCO Element on the Representative List of Intangible Cultural Heritage, trademark law and unfair competition law as applicable legal schemes (on one side) and an EU-wide protection of GIs for non-agricultural products as an instrument to be experienced (on the other) when coming to *Cremonese violin craftsmanship*, highly renowned for its traditional process of fashioning and restoring violins, violas, cellos and contrabasses.

The law

Cremonese violin craftsmanship is currently experiencing two main layers of protection. These are the (non-EU-wide) collective TM “Cremona Liuteria” registered by the “Consorzio Liutai Antonio Stradivari” in more than 30 States, including outside the EU; and the Safeguarding Plan of the UNESCO Element “Traditional violin craftsmanship in Cremona” (also including the TM as a safeguarding measure) for which the referent body is the Municipality of Cremona¹, a craft city world-renowned for its violin-making traditional craftsmanship, whose mayor also went to Brussels to support the establishment of EU-wide protection of GIs for non-agricultural products². Additionally, unfair competition laws could also apply, both within and outside the relevant community of craftspeople in relation to risks of industrialisation and globalisation that may disturb the viability of the practice. Further, the idea to register the collective TM “Cremona Liuteria” as a collective EUTM is under consideration.

It is notwithstanding worth exploring if and to what extent EU-wide protection of GIs for non-agricultural products would, EU-wide, be a better instrument in the context of Cremona, if compared to EU collective TM; as well a scheme capable of extending to third countries the scope of their protection through their inclusion in free trade agreements, and of neutralizing at least in part the contingencies currently affecting the *Cremonese violin craftsmanship* legal protection experience.

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¹ Under national law 20 February 2006 n. 77 and the Regional Government Deliberation n. XI7377 of 23 July 2018 by the Lombardy Region.

² See here attached the minutes of the speech given by the mayor of Cremona, Gianluca Galimberti in Brussels on 18 November 2019.