

Press Release

++ 21.06.2012 – Fiebinger Polak Leon Attorneys-at-Law represent RADATZ in KRAINER WURST designation of origin case.

On 18.06.2012, Constantin Kletzer and Sabine-Katharina Andreasch of the law firm Fiebinger Polak Leon & Partner objected on behalf of a large family company in the meat processing industry to a request concerning the naming rights of KRAINER WURST.

Slovenia has filed a request for "KRANJSKA KLOBASA" (which translates to "KRAINER WURST" in German) to be registered as a protected name. Whether or not this request will be granted is now to be decided by the European Commission.

If the European Commission decides in favour of Slovenia, use of the term KRAINER will only be permitted for sausages that have a clear connection (as defined by an EU regulation) with the region Krain. Due to the similarity between KRAINER and KÄSEKRAINER, the latter – another type of sausage widely popular in Austria and beyond – could also be affected by the ruling. A new name may be required for Austrian KÄSEKRAINER made with ingredients that do not originate from Krain in Slovenia.

"Practically no one in Austria associates the term KÄSEKRAINER with a region in Slovenia. It is instead seen and used as a generic term for a certain type of sausage containing pockets of cheese that seep out of the product when fried," says associate Sabine-Katharina Andreasch.

Even with an agreement reached at a political level – as has been reported in the media – many points have yet to be clarified:

"Such an agreement concerns a deal between the two states involved, but it does not extend to companies and citizens. A sausage stand owner could not defend itself if taken to court by Slovenia for use of the term KÄSEKRAINER without the help of the Austrian Republic," says attorney Constantin Kletzer.

"The objection has been lodged with a view to preventing the term from being registered. Should the registration be completed regardless, we hope that the European Commission makes clear that KRAINER and KÄSEKRAINER sausages are two different products and that the ruling on KRAINER will not also apply to KÄSEKRAINER."

The verdict, however, is also significant for a number of further reasons:

Should the name KRAINER WURST be registered, it may open the floodgates in terms of naming rights for other foodstuffs, particularly other types of sausage that are household names in Austria, such as 'Polnische', 'Pariser' and 'Krakauer'.

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About Fiebinger Polak Leon Attorneys-at-Law:

Fiebinger Polak Leon Attorneys-at-Law was founded in 1990. It is an internationally oriented, commercial attorney law firm, which has proven expertise in consulting multinational clients in Austria and Eastern Europe. It regularly accompanies large Austrian companies as they undertake commercial activities both in Austria and abroad. The law firm's clientele comprises companies of all sizes, both private and listed, as well as national and multinational organisations. Artists, cultural institutions, universities, local and national governments, non-profit organisations and private individuals are also among its clients.

For further information about Fiebinger Polak Leon Attorneys-at-Law, visit www.fplp.at.