



GEOGRAPHICAL INDICATIONS

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Consortium for Common Food Names

CCFN: Who We Are

Purpose

- Protect rights of producers and consumers to use common food names

Structure

- Based in Washington, members and supporters from countries in the Americas and Oceania
- Many of our members represent small manufacturers.

www.commonfoodnames.com

CCFN Supports GIs

WE BELIEVE:

- GIs are a legitimate form of intellectual property.
- Registration systems that guard against consumer confusion and the use of misleading information are appropriate.
- Not seeking right to use specific names such as “Parmigiano Reggiano”.

However, We . . .

- Object to GI registrations that unduly restrict use of common names.
- Regret the failure of the Lisbon Agreement to adequately address interests of users of common names.
- Believe these shortcomings are also a concern in some national systems.

Crux of the Current Issue

- New World countries are nations of immigrants that brought their culture to the New World.
- In addition, global influences over time have spread due to trade, colonization, etc.



Built businesses and markets using knowledge and skills



Example: introduced Italian-style cheeses, used Italian names, created market demand

Crux of the Current Issue

Result: Many European food names used commonly throughout world



Current challenges mainly cheeses & meat products



Used for generations; now traditional names for types of food

- e.g., mozzarella, parmesano, chorizo, pizza, hamburger, china (dinner ware)

A Global Challenge

- Clawback of common names & lack of clarity in GI regulations pose risks to many producers and consumers:
 - Raises prices for consumers
 - Limits selection
 - Consumer confusion and misinformation



Real World Impacts: Examples in Asia



Indonesian feta & gorgonzola producer:
Rosalie Cheese

“We highly support the local Indonesian dairy farmers by purchasing significant amount of milk in a routine basis with a fair price point.”



Indonesian gouda & mozzarella producer: PT Bukit Baros Cempaka

“Previously PT BBC once brought in a Gouda cheese expert from the Netherlands to teach how to make Gouda cheese to 11 employees taken from local residents.”

Real World Impacts: Examples in Asia



Filipino bologna & salami producer:
King Sue Ham & Sausage

“The quest to satisfy the Filipino palate and changing lifestyle is what drives King Sue Ham to introduce wider varieties of products each year.”



Thai feta producer: Bangkok Fine Foods/
Caroline Cheese Thailand

“At Caroline, we fashion our cheese by hand, we hand turn them, hand mould them, and most significantly, there are no modification of the milk, nothing is added to the milk but only real freshness of Thai milk that arrives early every morning.”

Real World Impacts: Examples in Latin American



Colombian parmesan & gruyere
producer: Alpina

Two immigrants from Switzerland founded Alpina in 1945 and introduced parmesan, gruyere ad emmental to Colombia. The company has grown to become the 3rd largest dairy company in Colombia.



Uruguayan danbo & parmesan producer:
CALCAR

CALCAR is a dairy cooperative founded in 1956. They make danbo and parmesan cheese in Uruguay.

A Careful Balance



- Common names in public domain
 - All producers should have right to use them without interference
- GIs merit protection, but not at expense of users of legitimate common names.
- Clawback of use of common names can have serious adverse effects on New World producers taking away markets they created and served while putting them in legal jeopardy.

Common Name Users' Challenges

- Insufficient safeguards in GI systems



GIs may benefit from permanent IP protection and the broadest imaginable scope of protection.

-Yet common name safeguards not well developed

Lisbon Agreement compounds this by:



1- Facilitating GI registration without properly safeguarding the rights of other economic actors, for example by:

-Mandating proper objection procedures, and

-Providing criteria for identifying common names

2- Registration likely to be automatic

3- Permits coexistence of GIs and pre-existing TMs

Common Name Users' Challenges

- Politicization of GIs by some countries



Treated in a manner entirely unlike other forms of Intellectual Property

- Government negotiation, with the benefits of an FTA on the line, of specific lists of other forms of IP uncommon



Countries too often face high degree of pressure to abandon their own GI / IP systems to arrive at outcomes sought in a trade negotiation

- Undermines integrity of IP systems and existing TRIPs obligations

Common Name Users' Challenges

- WTO rights violated



- TBT Agreement protections to pursue least trade restrictive policies disregarded in order to advantage companies from one trading partner at expense of others & at times domestic industries
 - Intentionally enticing countries to violate WTO commitments erodes confidence in integrity of rules-based trading system.

Common Name Users' Challenges

- Current Examples in Practice



- » EU seeking to use Mexico FTA, Mercosur FTA, Japan FTA negotiations to restrict use of many common names by local industry & trading partners

- Past Examples in Practice



- » Korean importers seeking supply source variety for gorgonzola and feta now forced to source only from one country due to FTA terms.



- » Danish feta producers & German parmesan producers forced to halt decades-long use in EU.

What is the Solution?



- Preserving rights to use common names does not need to prevent registration and protection of GIs
 - Possible to grant GI applicants protections they deserve without unduly affecting economic interests of producers in other countries.
- We can find common ground and work together to build world markets rather than erecting barriers to trade.

Pragmatic Approach

Require ALL GIs to submit to thorough application process in each country

- Transparency: identify restriction requests up front for compound terms and translations

Refuse to register as GIs names that have become part of the public domain

- Encourage compound term GIs as default
- Avoid registering common names as single term GIs
- Use indicators – i.e., international standards, production and trade data, etc.

Opportunities to Apply Pragmatic Solutions

- EU-China “100 for 100” GI Agreement
 - » Applaud the commitment to transparently conducted a review process & expect genuine due process evaluations to prevail
 - » As GIs evaluated, critical to know intended scope of the GIs & preserve common terms
 - » China has developed its own GI systems & rules; its independent functioning & decision-making will be key.



Opportunities to Apply Pragmatic Solutions

- Independent GI Evaluations via IP Systems

EU-Central America FTA example



- Allowed for publication & opposition process by countries post-FTA conclusion which aimed to separate results from political pressure of FTA.

Avoiding politicization still a challenge: FTA implementation with Costa Rica was put on hold when local producers opposed a GI



EU-Singapore FTA example

- GIs subject to Singapore IP system; no approved list as part of FTA.

Opportunities to Apply Pragmatic Solutions

- Japan GI System example



- Generally follows a compound GI model with a regional name plus the product.
 - » To date has worked well to safeguard unique Japanese specialties and not impact common names
 - » For example, GI for “Japanese sake”, not widely-made “sake”.
- Transparent & deliberate process followed in development of GI system
 - » Important now to follow that system and not grant foreign GIs preferential treatment over domestic GIs

Continue the Dialog



- Continuing and Expanding the dialog is critical to developing the approach that is fair and all parties can prosper in.
 - WIPO can play a critical role in this process.
- We welcome this opportunity and hope that we can expand the conversation to allow for diverse opinions and solutions.

CCFN's Goal

- Foster balance between appropriate protections for GIs and effective safeguards for common names

THANK YOU