

ALERT



First Quarter 2014

Dear Colleague:

We continue to see alarming developments in the struggle to protect common food names, as well as some signs of positive progress.

There's no doubt that the work we're doing is critical - and that there's still much work to do!



On the down-side this quarter is the EU's decision to proceed with a geographical indication (GI) application for the common term "**havarti**" (see below). Be assured that we are exercising our rights to push back on that ill-advised decision. Another concerning development was a United Kingdom (UK) court ruling that a U.S.-based dairy company could not use the term "**Greek yogurt**" when selling its product in that country despite there not even being a registered GI for this name.

On the upside, we've seen positive recognition of our issue both by the U.S. Senate and in the media, and in preliminary response from El Salvador to some of our filings. In addition, several countries are in the midst of developing new regulations pertaining to GIs and seeking robust input on these policies. CCFN, in conjunction with a number of governments around the world, has seized this opportunity to effect the outcome of those draft regulations. Such developments offer a real possibility to create a viable working global model for GIs moving forward.

As always, thank you for your continued interest and support!

Errico Auricchio
CCFN Chairman



Support and Successes

Media Coverage - CCFN helped generate and participated in several positive articles and interviews in the U.S. media, bringing more attention to our issue. Here are some highlights:

- Associated Press: [Europe wants its Parmesan back, seeks name change](#)
- Wall Street Journal: [What's More American Than Parmesan Cheese?](#)
- LA Times: [Europe wants the U.S. to call domestic Parmesan something else](#)
- NPR: [Popular cheeses could be in line for a name change due to EU's proposed restrictions](#)
- Wisconsin State Journal: [Europe should drop cheesy demand](#)

Letter from U.S. Senators: In the midst of continuing trade negotiations in March between the EU and USA on the Trans-Atlantic Trade and Investment Partnership (TTIP), the U.S. Senate sent a strong message to the EU that it will not tolerate EU efforts to restrict U.S. production and exports through use of overly restrictive geographical

Current Threats and New Restrictions

Havarti GI Application Moves Forward

CCFN decried the EU's decision in January to allow Denmark to move forward with an application for a GI that would grant it exclusive use of the name 'havarti' in the EU. The decision is noteworthy not only because the term is used widely around the world, but most of all because there is an international product standard for havarti set by the Codex Alimentarius. This is particularly significant, given the role that international standards typically play in preventing barriers to trade.



A major reason that a Codex standard was formed for havarti in 2007 was its fairly robust international production. In the U.S. alone, havarti is produced by over 40 companies in a dozen states. CCFN believes the EU's GI application directly undermines the Codex standard for havarti, and calls into question the EU's commitment to the international standard setting process.

"The EU's implied permission to let one single nation own the common name havarti flies in the face of international commerce, and - by disregarding the Codex standard - raises the question of whether any generic food term is safe from being confiscated by the European Commission," said Jaime Castaneda, CCFN executive director. "We will fervently contest this application."

CCFN believes a better model for GIs is easily achievable - as seen with EU rulings CCFN worked to secure late last year on "Orkney Scottish Island Cheddar" and "Holsteiner Tilsiter", which are protected only as complete names and accompanied by safeguards related to the continued free usage of cheddar and tilsiter respectively. [Read more](#)

indications (GIs). The letter urges the U.S. Administration to defend common names, and helps call attention to a fast-growing type of agricultural trade barrier that is challenging not only U.S. farmers and businesses, but also those in many other countries around the world. [Read more](#) (*press release and letter*)

Progress in El Salvador: In response to CCFN's filed opposition, the El Salvador IP Registrar has ruled favorably that certain cheese terms will only be protected as compound terms - the common generic term within the GI remains generic. While the ruling is still subject to an appeals process, the decision lists these protected names: Parmigiano Reggiano, Provolone Valpadana, Grana Padano, Brie De Meaux and Emmental De Saboya. The common names "parmesan", "provolone", "grana", "brie" and "emmental" remain generic.

Opportunities for Progress

GI Language in U.S. Draft Legislation: U.S. Trade Promotion Authority (TPA) legislation, introduced in January by the members of the U.S. Congress, specifically charged U.S. negotiators to focus on eliminating and preventing the undermining of market access for U.S. products through improper use of a country's GI system, including protecting generic terms. This sent a strong signal from the U.S. Congress that GI regulations are being abused to impair market access opportunities

UK Ruling on "Greek Yogurt"

- CCFN denounced a UK appeal court's ruling issued in January that declared that only yogurt made in Greece could be labeled as "Greek yogurt" despite the term's use to simply describe a type of strained yogurt. The ruling was issued in response to a court case brought against a U.S.-based company.



The term "Greek yogurt" does not appear on the EU's list of GIs, nor is it under consideration by the EU authorities for registration as a GI. Despite that, the court still found that the U.S. company was not permitted to sell "Greek yogurt" in the UK market.

"This ruling seeks to further broaden the already far-too-expansive scope of what European courts and officials are declaring to be off-limits for all but a select group of producers in one region of the world," said Jaime Castaneda, CCFN executive director. "This restriction, on a term that is not even a registered GI, indicates the continual creep of limitations on common food names and the upheaval this can cause in international trade."

[Read more](#)

Latin American Concerns: A number of countries are still working through their regulations regarding GIs, particularly whether they will extend protection only to the GI itself (such as "Brie de Meaux"), or whether they will infringe on generic terms within the compound name (such as "brie"). Where appropriate, CCFN is voicing concerns and working with local industries to object to harmful regulations.

Full of Air: In a somewhat amusing example of just how far some European groups will go to try to assert complete ownership of a word, the organization dedicated to protecting the name "Champagne" (*Comite Inter-professionnel du Vin*



and that these trade barriers must be a priority to address.

New GI Registration Systems:

CCFN is cautiously optimistic that nations working on new GI registration systems will bear in mind the need for clarity and compliance with their international trade obligations by safeguarding the use of common names. We are hopeful that officials in those countries will be able to view the experience of other nations - and weigh carefully the arguments made by CCFN and others in filed comments - and therefore recognize the need to protect common names for the good of their industry's trade, commerce, but more importantly their consumers.

Uncommon Hero

Jim Sartori, Sartori Company



One of the heroes who protect and promote common food names.

This year, Sartori Company is celebrating its 75th anniversary, looking back on an award-studded history that dates to 1939, when

de Champagne) has lodged three oppositions with the U.S. Patent and Trademark Office. The first is against a company that sells a sparkling tequila-based cocktail called TeQava and wants to register "Champagnator." But the other two aren't even beverage-related: a New York jewelry designer that wants to register "White Champagne" for a line of jewelry, and a California coffee shop called Champagne French Bakery Café.

About CCFN

The Consortium for Common Food Names (CCFN) is an independent, international non-profit alliance that represents the interests of consumers, farmers, food producers and retailers. We are working to protect worldwide the right to use common food names. For more information: www.CommonFoodNames.com

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Italian immigrant Paolo Sartori started making cheese in Wisconsin, USA. Among other things, Sartori Co. was a trailblazer in exporting its cheeses, and in 1970 was the first exporter of U.S. cheese to Japan ...and to Italy! Today the fourth-generation family-owned and operated company makes varieties of parmesan, asiago, fontina and romano cheeses.

Passionate about his cheese, CEO Jim Sartori is also passionate about protecting common cheese names.

"In open, global competition in the UK in 2011, our SarVecchio® Parmesan won first place in the Parmesan Cheese Category - even beating out Parmigiano Reggiano, and we remain extremely proud of that," he said. "Since that time, the UK competition no longer allows Italian and non-Italian versions of parmesan to compete head-to-head, which to us just doesn't make a whole lot of sense.

"The work of CCFN is very important," he continued, "because there's no other global, organized effort to stand up to the EU's attempts to own names that really belong to everyone. What happens to these names in the next few years - the decisions made in trade agreements and regulations around the world - will have a real impact on the ability of quality food businesses to compete fairly and successfully, no matter where their business is located."

