

ALERT

1st Quarter 2015

Chairman's Message

Aggressive Push to Own Common Names is Stronger than Ever



It can be more energizing than a shot of espresso to hear what people are saying on the other side of our issue. If you wonder if the heat will let up, if we need to stop fighting for our right to use common names, here's a taste of [what was said](#) last month in Brussels during the eighth round of talks on the Trans-Atlantic Trade and Investment Partnership (TTIP). As you'll see in the article further below, CCFN was well represented and gave remarks during the stakeholders presentations, including reiterating the message that we are not anti-GI, since that seemed to have been the opposition's battle flag. But here were some of the other voices from presentations posted by the organization OriGIn:

- Flavio Innocenzi, director general of the Consorzio di tutela del formaggio Asiago, posted a presentation that says, "Pretending that Asiago is a generic name would mean denying and erasing centuries of history and the culture of a whole community." He included this photo of cheese which just happens to be from my company (with our company's name whited out) and the caption: "What we hope not to see in the future," referring I believe to be the proud display of both the American and Italian flags on our label.

Check out our new Spanish Website!

Go to

www.CommonFoodNames.com and choose "Espanol" at the top right.



Support and Successes

China and U.S. Agree on GI Approach:

CCFN hailed as a positive first step the agreement in principle between China and the United



States in December to ensure there are appropriate avenues available to protect common names of key food products that are important to trade between the two nations. The agreement, which came during the 25th session of the U.S.-China Joint Commission on Commerce and Trade in Chicago, provides hope for a more workable model for GI policies as other nations enter into agreements with the EU or set their own internal policies.

My thoughts: Don't make the mistake of thinking the Italian producers are backing off on the "asiago" issue. They're more determined than ever to own the name. And they're hotter than ever about trying to stop things that draw on Italian culinary influences but are not from Italy.



- Michele Spangaro, speaking for the Istituto Salumi Italiani Tutelati on "GI Italian deli meats in USA", notes in his presentation that "The Italian and the EU market are going through... a general state of crisis and decline in consumption. To increase the export in non-EU countries ...seems to be the only 'wayout' for the Italian deli meat sector." For this purpose, it is necessary that the U.S. and others work to: "Contrast frauds or other irregularities, and Contrast the well known problem of 'Italian Sounding'; Prevent and remedy situations in which a non GI product, emulating, evoking or recalling the distinctive characteristics of a GI protected product, can mislead consumers."

My thoughts: If there's been any doubt that the aggressive stance on GIs has to do with increasing market share, Spangaro comes right out and says it. And the vision presented here is that any Italian-sounding product could come under fire. This "Italian-sounding" campaign is pushing the envelope way past GIs, to hundreds if not thousands of foods that have no fault except for evoking the food tradition of the country that first created the product (e.g., pasta, pizza, spaghetti sauce, etc.).

- Giorgio Bocedi on behalf of Consorzio di tutela del formaggio Parmigiano Reggiano

Negotiators laid out common principles for how GIs should be handled, as well as a commitment to future dialogue on GIs between the two countries.

"We applaud U.S. officials in their unflagging commitment to common food names during this pivotal meeting, and we applaud China's recognition that this is a critical issue in the discussion of agricultural trade," said CCFN Executive Director Jaime Castaneda. "The protection of common food names is an issue of enormous importance for producers of cheeses, meats, beverages and other foods around the globe. Getting it right between China and the United States will be huge."

Passion from U.S.

Congress on GI Issue:

In a series of congressional hearings on trade in January, members of the U.S. Congress had the opportunity to reiterate their zeal for preventing the use of GIs as barriers to trade:



- Senate Finance Committee Chairman Orrin Hatch (R-UT) told U.S. Ambassador Michael Froman that the Trans-Atlantic Trade and Investment Partnership (TTIP) "must effectively address the systematic misuse of geographical indications to create market barriers."
- His colleague Sen. Pat Roberts (R-KS), chair of the Agriculture Committee, put it more succinctly: "Thank goodness we don't have an Italian community named 'cheese.'"

and Consorzio di Tutela del formaggio Gorgonzola, notes in his presentation, "The question concerning the possible genericness of a name should follow all times a case by case approach, for each country, based on the IP principle of territoriality, and several grounds should be studied and justified in order to ascertain the genericness of a name."

My thoughts: But this "case by case" approach is a large part of the problem. How can "Gouda Holland" be an acceptable approach on the one hand, with "gouda" recognized as generic; and on the other hand "havarti" is at risk of becoming a protected GI? How can we ever be certain of which generic term is next on the EU's hit list? We need consistent rules: a consistent, fair approach to how GIs - all GIs - are managed.

- In [OriGIn's press release](#) on the TTIP talks we read, "Any attempt to describe GIs as a protectionist tool are far from ... the U.S. market reality."

My thoughts: The EU's rhetoric doesn't match its actions. We have seen over and over additional attempts by Europe to gain advantages in the U.S. market by seeking to block the use of names such as "gruyere", "asiago" and "parmesan" by others. So far, we are crushing those attempts, but they will not stop coming. Seeing all of this, it becomes quite clear that the effort to confiscate common names is not going away anytime soon, and in fact is quickly spreading to more sectors of the globe. Look at the evidence last year from Canada, Latin America, South Africa and elsewhere.... And what about the EU's goals for the U.S. market through TTIP?

We still have work to do, my friends. We must be more alert than ever, and be ready to respond.

- The House Ways and Means Chairman Paul Ryan (R-WI), held up a hunk of gouda to make his point: "This is my favorite cheese. It's Wisconsin gouda.... For generations, we've been making gouda in Wisconsin. And for generations to come, we're going to keep making gouda in Wisconsin. And feta, and cheddar, and everything else. So, it is extremely important that we do not allow these countries we're entering into trade agreements [with] to use these kinds of improper barriers to block U.S. dairy exports." See positive media pick-up of Chairman Ryan's comments [here](#).



Ambassador Froman assured the committees that their voices had been heard. "This is one of the toughest outstanding issues still in TTIP, because we and the EU have diametrically opposed positions," he said. "Our system, in our view, works for Europe and the rest of the world. There are 18 trademarks for Parmigiano Reggiano in the U.S., and Europe sells hundreds of millions of dollars of cheese in the United States, and we don't sell any in Europe. And so we have been out there fighting hard to make clear that we can have a system where countries can take into account common names and trademarks before they grant any geographical indications."

Fortunately, we can work together through CCFN to take action and make our voices heard.

Errico Auricchio
CCFN Chairman

Current Threats and New Restrictions

Regional Report: CCFN continues to monitor for new threats and to take action as needed in various regions:



- **Japan** is proceeding with its GI regulation implementation. CCFN filed comments on the country's draft regulations this month, stressing the importance of transparency, clarity and maintaining open competition from a variety of Japan's trading partners. Japan is one of the largest cheese markets in Asia.
- **Vietnam:** In late December CCFN filed comments in response to a large list of protected GIs published by the Vietnamese government. CCFN is seeking to ensure continued usage rights for numerous common terms included on Vietnam's list either as stand-alone GIs or as part of a

Speaking Up at the TTIP Talks:

A representative from the U.S. Dairy Export Council (USDEC), which is the founder of CCFN and an active member, briefed U.S. and EU negotiators in Brussels in February on deep-set concerns with the EU's current approach to GI protections. The presentation was made in conjunction with the eighth round of U.S.-EU talks on the TTIP.

USDEC's Brussels Representative Maïke Moellers noted that roughly \$21 billion in U.S. cheese production uses European-origin names, reflecting the immigrant roots in the U.S. that trace back to many European countries. She said that the approach to GIs used in the EU-Canada agreement is wholly unacceptable to producers that use common food names.

She also said that GIs can be workable when



approached correctly. "We do believe that products with a very specific geographic designation included in their compound name, such as 'Gouda Holland', can be protected to the benefit of producers and consumers, while the single word 'gouda' clearly remains unrestricted and in free usage," she said. She pointed out that such protections were already possible in the current U.S. system.

Moellers said that EU prohibitions are proliferating around the world, spread within trade agreements and new registrations. "As a result of these various efforts, competition to EU products is eliminated by restricting third-country markets for U.S. exports."

multi-term GI.

- **Clarification on Mozzarella in Central America:** "Mozzarella" has popped up on the landscape among names where new proposed regulations are too vague to safely ensure protection of the common name. CCFN has learned from vague registrations in Costa Rica that when generic terms are not specifically protected the common name may be in jeopardy. (Suddenly last year in Costa Rica, "parmesan" and "provolone" were in play despite both being simply part of - or similar to - multi-term GI registrations.) In both Nicaragua and Costa Rica CCFN has filed comments asking for clarification that mozzarella is protected as a generic term under the application for the GI "Mozzarella di Bufala Campana". At the same time, CCFN seeks clarification on "bologna" in Nicaragua; and "romano" in Costa Rica for similar reasons, while directly opposing GIs for "asiago" and "gorgonzola" in Nicaragua that would ban the use by all non-Italian exporters of those terms.
- **Guatemala:** The EU has appealed Guatemala's sound ruling last year that "parmesan" is generic; CCFN will continue to fight for protecting the generic term in this market.
- **Morocco:** In January the EU and Morocco announced they had reached agreement to mutually protect their GIs. In the broadest scope of a GI agreement to date, the EU and Morocco agreed to exchange protection for all GIs registered before January 2013. The EU reportedly wants to make further progress on a free trade agreement with Morocco this year. To CCFN's knowledge no

She urged negotiators to restore more open competition by finding a solution for the reintroduction into the EU market of key U.S. products bearing names that until only recently had been viewed widely throughout the EU as generic - such as U.S.-made "parmesan" and "feta" cheeses. Read the full CCFN press release [here](#).

U.S. Congressional Leaders Urge WIPO to Allow Full Participation at Upcoming GI Conference:

Congressional leaders overseeing trade and intellectual property issues sent a letter in February to the Director General of the World Intellectual Property Organization (WIPO) expressing "serious concern" about



the lack of participation in a fast-moving process to adopt sweeping revisions to a global system for registering GIs. CCFN praised this powerful statement from the Chairs and Ranking Members of the U.S. House Judiciary and Ways and Means committees, and of the Senate Judiciary and Finance committees, and calls for other WIPO members to also express their concerns.

Revisions to the WIPO system, also known as the **Lisbon Agreement**, are scheduled to be considered for approval at a conference May 11-21 in Geneva, but non-parties to the agreement - including the United States, Chile, Argentina and Australia, among many others - are currently not permitted to fully participate. Only the

opportunity was afforded to outside interests to lodge opposition to any of these registrations nor seek clarification. CCFN is very concerned about the impact and uncertainty this agreement will create in the Moroccan market.

- **Europe:** CCFN filed final comments to the Danish government in January expanding upon its earlier objection to the GI application for "havarti". (See this 2014 [press release](#) for details.)



Champagne Jayne Asked to Put a Cork in It. In December, France's Champagne lawyers accused the Australian critic "Champagne Jayne" of trademark infringement, arguing that she damages the wine's reputation by discussing non-Champagne sparkling wines in her articles and presentations. The action underscores the extremely broad scope of EU ambitions for their GIs.

Rachel Jayne Powell has used the Champagne Jayne moniker since 2003 and trademarked the name in 2012. Clearly a Champagne fan, she is the author of the award-winning book, "Great, Grand and Famous Champagnes: Behind the Bubbles", and was also named a Dame Chevalier de L'Ordre des Coteaux de Champagne by the Champagne industry. But the Comite Champagne has [objected to her trademark](#) and is also demanding that Powell delete her Facebook account and Twitter handle, which has 21,000 followers. The two parties are now in mediation.

parties to the agreement - about 30 nations, roughly half of them in Europe - can fully participate in the May conference.

"We do not oppose countries entering into their own accords, as long as those agreements do not negatively affect other countries' exports and markets," said CCFN Executive Director Jaime Castaneda. "Unfortunately expansion of the Lisbon Agreement as currently proposed would certainly impact global trade between many non-Lisbon members, and would occur without the participation and approval of those nations."

Proposed changes to the Lisbon Agreement could severely impede the global use of common names for many cheeses, meats, beverages and other foods, across many more countries than are currently signed on to the agreement. In addition, these revisions could impact hundreds of thousands of small producers and consumers in developing countries. They could also affect the budgets of those that are parties to the Lisbon Agreement, since European GI holders could begin massive registration of GIs and Protected Designations of Origin (PDOs). [Read more](#)

In Other News on the Lisbon Agreement,

CCFN filed comments with WIPO at the end of January with specific objections and recommendations regarding preparations for the Lisbon Agreement diplomatic conference in May. CCFN is also grappling with several filings through the Lisbon Agreement process of key terms such as "asiago" and "gorgonzola"; these filings are now

The publication Decanter reported in 2013 that Champagne lawyers investigate up to 1,000 infringement cases a year - even for non-food items, such as their successful effort in 2010 to shut down Unilever's Champagne [shampoo](#), leading to a recall of the product from all stores and distribution centers. These aggressive efforts help illustrate just how far-reaching the restrictions can be that GI holders are seeking.

Uncommon Hero

A profile of one of the heroes who protect and promote common food names.

Giorgio Linguanti, Proprietor and Cheesemaker, That's Amore Cheese



Giorgio Linguanti, "The Maestro of Mozzarella"
www.thatsamorecheese.com.au

In 2004 Giorgio Linguanti arrived on the shores of Port Phillip Bay in Melbourne, Australia. In only four years this young Sicilian went from not speaking a word of English to opening his own cheese shop and winning awards at the Royal Melbourne Show; he has won numerous awards since.

Linguanti came to Melbourne looking for a fresh start, leaving behind a career in advertising and his life in Italy. He got a job in an Australian cheese

making their way through unclear pathways in various Lisbon-member countries.

Protecting Every Bratwurst in

Germany: "If we want to seize the opportunity of free trade with the giant American market, we can no longer protect every sausage and every cheese as being a specialty," Germany's Agriculture Minister Christian Schmidt



told Der Spiegel in January. The minister's comments caused a brief outcry in the

European media. "When Nuremberg, Thuringia, or Black Forest is on the label, that is exactly what should be inside," demanded former German Agriculture Minister Renate Künast. Schmidt's spokesman quickly tried to reassure the public that Schmidt was primarily concerned about improving protection and ensuring clear labeling. The European Commission chimed in, saying the EU will not water down its strict GIs under TTIP. Nevertheless, one wonders if Schmidt's remarks reveal the existence within the various European constituencies of a more pragmatic approach to food names.

100 Years of Reggiano in Wisconsin:

Wisconsin is approaching its 100-year anniversary for producing Greek and Italian-style cheeses, based on a 1918 speech recently unearthed by John Umhoefer, executive director of the Wisconsin Cheese Makers Association. Umhoefer writes in the Cheese Market



factory where his interest and passion for making cheese ignited. "It looked challenging" he confessed.

He learned on his feet, and after washing a lot of cheese vats and stretching a lot of curd, in 2008 That's Amore Cheese was born. He made cheese on Sunday, and drove around to restaurants and shops on weekday mornings to give out product samples. He began with just one product - bocconcini leaf, which was a hit with the Italian restaurants. Before long he was also making burrata and smoked scamorza. Chefs admired his artisan skills in handmade cheeses. Now Linguanti's business, which has grown rapidly, is moving into a larger factory in Thomastown.

"I have great respect for these famous, delicate cheeses that we make by hand each day. We make mozzarella, bocconcini, ricotta, mascarpone, scamorza and others. Yes, these cheeses originated in my home country of Italy, but we proudly make them here according to those traditions, and spread the love for these cheeses - and the names of these cheeses - here in Australia."



That's Amore Cheese has won numerous awards for its specialty cheeses, including silver and gold medals from the Australian Grand Dairy Awards, Australian Dairy Product Competition, Australian Specialist Cheesemakers Association, Royal Melbourne Fine Foods Awards, and others.

"The key to cheesemaking is love. That's true for everything you do, not just cheese," said Linguanti. "If you do it with love, the results are obvious - it's got to be good. That's why my company's name, 'That's Amore', means 'That's Love.'"

News and Cheese Reporter that a 1918 speech given by Fred Marty includes the statement, "In the last two years, an addition of Italian and Greek origin [cheeses] today are manufactured in the state of Wisconsin.... These different types of cheese, such as Romano, Reggiano, Myzithra, etc., add a new branch of foreign cheese to our cheese industry...."

Umhoefer reminds us that it wasn't until 76 years later, in 1992, that the Consorzio del Formaggio Parmigiano-Reggiano in Italy earned a U.S. trademark for the words "Parmigiano Reggiano". And not until 1996 (80 years later) that the EU classified "Parmigiano Reggiano" as a protected designation of origin. Finally, it was ultimately 90 years later that the EU abruptly determined that "parmesan", a name used generically for generations in the EU itself, should now be the sole property of Italy because of the 1996 GI registration.

"Today's pitched battle by Europe to claw back cheese names is mocked by history. Cheeses such as Swiss, Romano, Reggiano, Feta, Asiago and Gruyere are cheese types, not location indicators. Certainly these cheeses have origins in Europe, but for more than 100 years immigrants have produced European cheese types in America and other New Worlds.... Europeans will continue to seek U.S. trademarks for cheese styles and will continue to seek protected designations...But this is an economic effort, not a cultural one." Read the column [here](#).

To hear from other CCFN "UnCommon Heroes", click [here](#).

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

[Join Our Mailing List](#)

Pass It Along!

Help spread the word by passing this newsletter on to other companies affected by the attack on common food names! Use the "Forward this email" feature at the bottom of this page.

