

ALERT

Chairman's Message

The Ownership Myth



In a recent event in Washington, D.C. (see the news item below), CCFN's Senior Director Shawna Morris addressed among other things the myth that the European Union's position on geographical indications (GIs) spans back in time to the very creation of these terms. Yes, the current names of foods themselves - like all words and names - may date back for centuries. But the EU's efforts to insist that one particular group of Europeans owns a particular term - this is a relatively new phenomenon.

When non-Europeans insist on the right to use generic terms like "parmesan" and "feta" for cheese exports to Europe or elsewhere, "that's not looking to upend ancient history - it's simply looking to course-correct the past decade's bad decisions," she said.

In fact, EU GI legislation is less than 20 years old. EU limits on "parmesan" and "feta" are less than 10 years old. Even within the EU, until about a decade ago, "parmesan" and "feta" were widely considered types of cheeses, made by many EU countries. Consider that when exporting, EU parmesan and feta makers who don't hold the GI protection for those terms often revert to using the generic names - the names they are now forbidden to use within the EU.

Consider also that a decade ago, the EU agreed that the name "havarti" was generic by approving an international standard for it under Codex Alimentarius. Yet today the EU is entertaining a



Support and Successes

CCFN On the Move - CCFN Executive Director Jaime Castaneda was in China, Mexico, Singapore, Peru and Belgium this quarter working with local food industry representatives, embassy officials and government officials on efforts to protect common food names.



For the Brussels trip, Castaneda focused on the current EU-U.S. trade negotiations and the critical importance of protecting generic names and terms. CCFN also had two representatives at the Lisbon Diplomatic Conference in May, including a longtime CCFN consultant and a CCFN member from Australia.

U.S. Government Continues to Show Support for Common Names -

Two recent U.S. trade and intellectual property reports, and a major congressional bill, spotlight the GI/common names issue.



- [The 2015 National Trade Estimate Report on Foreign Trade Barriers](#), issued by the Office of the U.S. Trade Representative (USTR), includes references in numerous areas to how inappropriately applied GI restrictions can act as

GI application for "havarti", which would give the Danes exclusive right to use the name in the EU.

Using common terms that have become part of the public domain does not equate to "stealing" a term from old world producers, to paraphrase the argument of some European groups. Parmesan is a style of cheese, manufactured by many companies, in many places. In fact, much more parmesan is made outside Italy than within it! Parmigiano Reggiano is identifiable as a specialty Italian cheese. Both "Parmigiano Reggiano" and "parmesan" can and must co-exist in the global marketplace.

Yes, the rich heritage of the foods we eat is almost as old as the hills. As people have moved, food and culture have moved with them, spreading around the world. But the idea that a GI should entitle one small group of European producers to own a generic name? That is a new fad among European politicians, and a bad one.

Errico Auricchio

CCFN Chairman

Current Threats and New Restrictions

WIPO Members Question Legitimacy of Revised Lisbon Agreement - New revisions to the Lisbon Agreement system for GIs have been adopted using an illegitimate process, and the resulting agreement will be problematic for the countries that choose to use it, particularly in terms of protecting common food names and the erosion of existing intellectual property rights. These were messages shared in May by a strong coalition of nation members to the World Intellectual Property Organization (WIPO) during the Lisbon Agreement Diplomatic Conference in Geneva.

a barrier to trade. Particularly important is a statement describing the European Union's (EU) quality schemes, including for GIs. The NTE this year included support of a long-time CCFN view that more objective criteria are needed in helping determine if a name is eligible for a GI or not, stating that, "If a Codex standard exists, or if a name is used in a tariff schedule or by the World Customs Organization...the name should be excluded from the quality schemes." See the [report](#).

- [USTR's annual "Special 301 Report"](#) on the state of intellectual property rights protection around the world also includes a section on GIs and the threat to common food names, as well as extensive commentary on this issue in country-specific write-ups. In a section on market access challenges affecting multiple industry sectors, USTR notes that it is working to protect access to foreign markets for "U.S. exporters whose products are identified by common names or generic terms, like parmesan and mozzarella for cheese," and that the U.S. "is pursuing these objectives in international fora, including in APEC, WIPO, and the WTO as well as in bilateral agreements." The U.S. is also engaging bilaterally to address GI-related concerns, including with Canada, China, Costa Rica, El Salvador, the EU and its Member States, Jordan, Morocco, the Philippines, South Africa, and Vietnam, among others. See the full report [here](#).



The heated debate demonstrated that protecting generic food and beverage terms is gaining increasing attention as a critical, global market access issue.

"We saw a tremendous show of strength during the conference from the United States, Argentina, Australia, Chile, Israel, Japan, South Korea, Uruguay and other nations, calling on WIPO to create an inclusive and legitimate process in discussing the revisions, and fighting for targeted improvements to the proposal," said Jaime Castaneda, CCFN Executive Director. "The leadership of these governments has shone a spotlight on the flaws in the current Lisbon Agreement, and has bolstered the resolve of many nations to defend the rights of their consumers and food producers in using generic names and terms." [Read more](#)

Mexico in the News - CCFN Files Oppositions on Asiago and Gorgonzola in Mexico - CCFN has filed oppositions in Mexico to applications to protect the names "asiago" and "gorgonzola" submitted by the Italians as part of the Lisbon Agreement. Mexico is one of the current Lisbon Agreement nations, and as such has a limited period of time in which to decline to protect submitted terms. To date Mexico has not taken action, and it is unclear what system if any Mexico has in place to evaluate and enforce GI registrations. CCFN will continue to work with Mexico and local producers to try to ensure that the use of common terms is not threatened.

- In addition, a Congressional bill providing guidance to U.S. government on trade agreements also defends common food names. CCFN praised U.S. Congressional leaders in April for their inclusion of strong language in the Trade Promotion Authority (TPA) 2015 bill on the need to curtail improper use of GIs. The GI provision states that the U.S. should seek "...to achieve fairer and more open conditions of trade in bulk, specialty crop, and value added commodities by... eliminating and preventing the under-mining of market access for United States products through improper use of a country's system for protecting or recognizing geographical indications, including failing to ensure transparency and procedural fairness and protecting generic terms." ..."The TPA GI provision and USTR official reports recognize that we have a real problem of the EU wielding the leverage of its free trade agreements to give advantages to select EU producers, and this is unacceptable," said CCFN Executive Director Jaime Castaneda. "This abuse of GI policy is harmful to U.S. exporters, as well as producers in many developing countries around the world. Leaders in the U.S. Congress - as well as U.S. negotiators - have been doing a tremendous service to food producers by repeatedly and plainly stating that these abuses cannot be tolerated," Castaneda added. [Read more](#)

Separately, the EU and Mexico are expected to launch negotiations later this year on a new free trade agreement, Reuters reports. The negotiations would build on a pact with Mexico from 2000. "We are ready to commit to a highly ambitious deal," EU Trade Commissioner Cecilia Malmstrom told a forum in Brussels. Timing of the talks is expected to be announced soon; the deal could take several years to negotiate. CCFN anticipates that GIs will be one of the topics on the table.



More News from Costa Rica - Costa Rica's intellectual property tribunal has upheld decisions to block trademark applications that included the commonly used terms "provolone" and "parmesan" -- applications intended to help ensure that the terms could continue to be used. However, the tribunal indicated that

they don't consider the terms to be generic and suggested that the terms are for sole use by specific Italian producers.



CCFN had supported appeals of the first wave of Costa Rican decisions which resulted in similar findings last year. The rulings come in spite of the long-standing use of both terms in the Costa Rican market - by both importers and domestic producers. "The facts of the situation don't match the outcome," said CCFN Executive Director Jaime Castaneda. "For provolone the outcome is even more mystifying since the EU doesn't even restrict use of provolone within the EU, and there is an international standard for provolone, attesting to its generic usage." CCFN is working with CCFN members in Costa Rica to explore next steps with Costa Rican officials.

CCFN Speaks at Washington, D.C., Global Business Dialogue - The threat to food and beverage producers who use common names

for their products has gotten more widespread in the past three years, despite concerted efforts to push back on various EU negotiations and policies that improperly broaden the scope of GIs.



CCFN Senior Director Shawna Morris shared this warning in March with Washington, D.C., trade and government executives at a meeting of the Global Business Dialogue.

Morris noted that since CCFN was founded -- only three years ago, it has taken action in no less than 20 countries to seek to protect common food names from efforts by the EU that threaten to negatively impact the use of such generic names as "parmesan", "feta" and "bologna". She also noted that the threat continues to grow through such avenues as additional EU trade negotiations and the recently approved expansion of the World Intellectual Property Organization (WIPO) Lisbon Agreement. Morris also noted that because of the vague nature of some of the new regulations, sometimes other nations pick up where the EU left off and expand even further the damage to producers' rights.

"Fundamentally, trade agreements are supposed to tear down barriers to trade and commerce - not erect new ones," she said.

[Read more](#)

Greece Seeks Changes for "Feta" in EU-Canada Trade Deal

Greece has told EU trade ministers that it objects to terms in the EU-Canada trade agreement, solidified last year, that would allow Canadian companies that have used the name "feta" since before October 2013 to continue to do so. Greece



wants most Canadian companies to be barred from using the term. Reuters news service reports that Greek diplomats stated that, "We have informed the European Commission about the numerous usurpers of our famous feta cheese in the Canadian market.... [I]t would be extremely difficult, if not impossible for us, to endorse" an EU-Canada trade accord. The accord is yet to be ratified by the European Commission. Reuters notes that "unexpected wrangling over aspects of the final text have intensified in recent months and could delay its ratification... It is not yet clear if a Greek veto could sink the treaty." Further, the Greeks' "last-minute objections to the Canada deal are unlikely to go down well with most EU governments who are eager to see the economic benefits of the accord kick in as soon as possible." Read the article [here](#).

CCFN Asks Morocco for Clarity on EU Agreement

In April CCFN sent a letter to the Moroccan Ambassador to the U.S. requesting more information on Morocco's recent GI agreement with the EU. Press reports in January indicated that the EU and Morocco had reached an agreement whereby each would recognize all GIs registered by the other country as of January 2013. CCFN reminded the ambassador of Morocco's existing international trade commitments, and the need to ensure due process for all stakeholders and compliance with those commitments. CCFN asked for information on the intended scope of protection for any GIs so that trading partners can



CCFN Chairman Featured in Leading U.S. Cheese Publication

The May 8 issue of Cheese Market News featured a column by CCFN Chairman Errico Auricchio, entitled, "Looking for the 'Sweet Spot' on Geographical Indications in Trade Negotiations with the EU". Auricchio expressed hope that the U.S. and EU can find common ground on the thorny issue of GIs, but for that to happen the EU must establish GI policies that are based on consideration of the marketplace and consistent rules. He noted that a GI is a type of trademark. "Like our trademark system in the U.S., GI applicants should be held to certain criteria, namely: 1) a protected name should not infringe on the ability of others to use generic terms that are in the public domain; and 2) establishing a protected name should not create confusion to consumers in the marketplace, but rather should provide clarity by distinguishing the product from others." See the full column [here](#).

And a gem from the archives that still rings true...

Ballad of Parmesan Cheese

By Jack Bobo, Senior Advisor,
Office of Agricultural Policy,
U.S. Department of State

Inspired by the long-running battle to create an international standard for "parmesan" within the Codex Alimentarius, this ballad appeared in a 2005 newsletter of the Wisconsin Center for Dairy Research. (Page 9 of the [Dairy Pipeline](#))

In an age long ago

When men had ten-fold
The strength and endurance today,
A battle did rage in the chamber of
Delegates
In Rome on two hot muggy days.

have sufficient clarity about how Morocco intends to implement any new GI-related restrictions, particularly those that could have an impact on existing or future trading opportunities. CCFN members can read the letter [here](#).

Items of Interest

New Zealand Set to Implement GI System -

The New Zealand government recently announced it would put into practice the Geographical Indications (Wine and Spirits) Registration Act which was first passed in 2006 but has not yet been enforced. A bill to amend the Registrations Act will be introduced to the parliament later this year to implement a legal system for managing GIs. The system is expected to be used to protect the names of popular New Zealand wines, such as those from Marlborough and Hawke's Bay.



Japan Implements New GI System - On June 1 Japan rolled out its new GI registration system. This spring the country ramped up domestic efforts to promote the new system with a series of public information sessions across Japan. The U.S. Department of Agriculture noted in a recent report that Japan's focus on GIs underscores the importance the Japanese government is now placing on developing the nation's agricultural export potential.



Japan also unveiled a GI logo in April, which it has recently been registering for use in overseas markets. The GI mark is designed to be easily recognized by foreign consumers, who Japan hopes will pay a premium for Japanese GI products. CCFN filed comments on the country's draft GI regulations in March, 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.

The siege of Troy lasted ten years
And the Greeks gave no quarter it's true,
But the battle of Rome with the Italians at Home
Aged us like cheese as it grew.

The war of the cheeses divided the world
Between parmesan, big "P" and small.
Were we crazy to fight and lash out with Words
When a little "p" had gotten too tall?



The war of the cheeses began with a Bang,
With Canada's man in the Chair.
The EC began by planting its flag.
"Defend Parmesan cheese!" they Declared.

The U.S. intervened with a Homeric retort
And challenged the EC in its views.
The hard grating cheeses are hardly so Great.
Could this truly be groundbreaking news?

For one hundred years all nations have Made
A product called parmesan cheese.
What manner of magic will vanquish the Rights
Of companies to do as they please?

Must the Americas give up the right
To their name
If Amerigo Vespucci returns?
Good sense is not common
When passions are hot
And GI's are an issue that burns.

The light of the day was fading so fast

CCFN Mentioned in EU Parliamentary Motion:

As one indicator of CCFN's international reputation, an Italian member of the European Parliament submitted a motion in April regarding the Transatlantic Trade and Investment Partnership (TTIP), calling on the EU to protect its producers in light of CCFN's efforts. The motion states in part, that CCFN was established "to counter the legitimate protests of EU producers against this misleading use of food names..." and that "CCFN champions the marketing of products such as Wisconsin Asiago, Parmesan, Brie or Camembert and makes it difficult to protect EU products in the USA." It further "calls on the [European] Commission to take action on the issue of 'common names'";... and "Calls on the Commission to protect EU producers, who will be forced to fight the further invasion of their markets by low-cost, poor quality goods from not just China but also the United States." CCFN's members, in contrast, are confident in their products' ability to compete head-to-head with those made around the world.



We thought that the end must be near.
Then Singapore called for a vote of the Members
And the nuclear option was here.

Volcanoes erupted and spit forth their fire
And it appeared the world might end.
A long night of talking produced no results
For our principles we had to defend.

On day two of this epic in the annals of Man
Our labors produced no rewards.
The EC betrayed our efforts for peace
And the multitude fell on their swords.

While hope yet remains that in future fair Trade
Will protect us all if we pray.
For now, the consumer must weep as we
Acknowledge defeat
For there's no parmesan standard today.



Pass It Along!

Help spread the word by passing this newsletter on to other companies affected by the attack on common food names!



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.

www.CommonFoodNames.com

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