

ALERT



4th Quarter 2014

Chairman's Message

Defending Common Names: A Winning Team Effort in 2014



This has been a year of enormous progress in the protection of common food names. The threats as we move into 2015 are as strong as ever -- and continue to spread to new regions and in new ways, but we are also stronger. I am convinced that our success is the result of our collaboration as members. Your monetary contributions, essential to our work, are just one of the many ways in which you have made a difference. Your active participation in meetings with your own government officials, or traveling to Geneva to speak before the WTO and WIPO, or providing feedback and information -- these are all the things that have truly made CCFN an enormous success.

Your participation has enabled CCFN to launch serious resistance in key places, especially Latin America, the United States, Asia and Europe. We have been able to engage governments and to convince their representatives to pull the issue of GI abuse into the spotlight, and put real force behind defending the right of all food producers to use generic terms. I am repeatedly impressed by the influence our staff is able to exert with government officials in the U.S. and many other countries. CCFN has become a well-known and serious international presence. We have been working with the membership across the Americas and in Oceania, homing in on hot spots of activity. Our work



Support and Successes

Statements We Loved in 2014 - We heard some great statements in the media and in public discourse this year in support of generic food names. Here's a sample:



- "Where is Feta?" and "Feta is not a place, it's a process." -*U.S. Department of Agriculture Secretary Tom Vilsack in [The New York Times](#) and [Euractiv](#)*
- "If all nations followed this mentality, where do you draw the line? Would all manufacturers of spaghetti, lasagna, beef stroganoff, Hungarian goulash, hummus, salami, lavash in this country someday fall victims to such irrational claims, which are purely motivated by greed and desire to artificially manipulate supply and demand?" - *Farr Hariri, president of Belfiore Cheese Company in [SpecialtyFood.com](#).*
- Restrictions on cheese names presents a "serious impediment in marketing products around the world. -*Australian Dairy Products Federation CEO*

with local food industry associations in Guatemala, Colombia and Costa Rica, for example, demonstrated the effectiveness of developing good relationships at the local level. And when we take our message directly to Geneva and Brussels to debate GI policy, it's not just on behalf of one or two countries but for food producers everywhere.

CCFN's consistent efforts with the media have made a huge impact. We enjoyed broad coverage in the influential U.S. media this year, especially in the spring as CCFN helped rally members of the U.S. Congress to call for holding the line against EU over-reach on GIs. This ongoing media coverage is spreading the word that we must set the right policies worldwide on GIs. In this newsletter you'll also see some of the great statements of support that appeared this year from officials and producers condemning the EU for their attempts to confiscate generic terms.

I want to thank all CCFN members and supporters for all you have done. We can be proud of the major strides we have been made, especially efforts that have hindered the EU's tactics of registering common names within the EU and its trading partners' countries. This is in large part due to the outreach efforts conducted by CCFN members and staff.

We have faced a tough fight in 2014, and the pressure will be even higher in the new year. The EU has been very aggressive in its tactics, and it continues to enter into trade agreements around the world that can undermine our work. However, we have built a strong, well-organized and devoted effort to drive our cause. Now more than ever, we must work together with local industries and governments to ensure that we do not lose our rights to use common names. Together I know we will continue to build on our successes.

Peter Stahle, to Australia's [The Weekly Times](#).

- "It's outrageous, really, that anyone would claim to have sole ownership of these names.... This is an economic issue for us, certainly, but it's also personal - it's about what's right and fair." - *Ron Buholzer, Klondike Cheese in a CCFN [UnCommon Hero](#) profile.*
- "This attempt on behalf of the EU to appropriate the names of cheeses that have become commonly used and are of public domain in our countries has become a clear and evident attempt to limit free trade and competition." - *[resolution of FEPALE, the Pan-American Dairy Federation \(Federación Panamericana de Lechería\)](#)*
- A Whiff of Hypocrisy: Pointing out the inconsistencies in EU positions: "I've discovered the phenomena of something called German feta cheese...and something called French gruyere. I'm not an expert on cheese...but I do know that Gruyere is not in France. [It's in Switzerland.] And so that's the type of anomaly that we're pointing out to our European colleagues...." - *Michael Punke, U.S. deputy trade representative and ambassador to the World Trade Organization in [The Washington Post](#)*
- "When food producers in countries trading with the EU aren't paying attention, they may wake up to find they suddenly have serious

Thank you again for your support and here's to a prosperous and productive 2015!

Errico Auricchio
CCFN Chairman

Current Threats and New Restrictions



CCFN and Others Call for Open Door on Lisbon Agreement within World Intellectual Property Organization (WIPO):

Despite objections by more

than a dozen nations, including Australia, Argentina, Brazil, Canada, Chile, India, Japan, New Zealand, Russia, Saudi Arabia, South Korea, the U.S. and others, the Lisbon Agreement committee has decided for now to proceed with its current rules for a diplomatic conference next spring that would not allow for full and equal participation by all WIPO members regarding the ratification of expansions to the Lisbon Agreement GI scheme. Many countries had objected to the fact that only Lisbon Agreement members - mostly European - will be allowed to vote on the expansions next May, even though the proposal would have an enormous potential impact on countries around the globe. The opportunity remains to alter those procedures at the start of the diplomatic conference if the Lisbon Agreement members choose to permit equal participation in that event from all interested countries. CCFN was in Geneva for the late October proceedings to voice its objections to both the currently planned proposal's lack of safeguards for common names and the closed-door protocol. CCFN will keep working with concerned governments on a way forward with the Lisbon Agreement that is in the interest of all countries, not just current participants. CCFN members, as well as members of Lisbon Agreement countries, must now work closely with their governments to cultivate greater support within the Lisbon group

restrictions to deal with coming out of trade agreements. We are doing what we can now to make sure we will still be free to use generic names like 'gouda', 'edam', 'fontina', 'gruyere' and 'provolone', both here in Argentina and in trade with other nations around the world."

- *Pedro Garcia, Tregar Cheese Company in Argentina, in a CCFN [UnCommon Hero](#) profile*

- "The fact that we had to take 'gruyere' out definitely made it more difficult for consumers to understand the product, especially in supermarkets where no one is there to tell you." - *Emmi Roth USA representative, on the struggle to market the company's award-winning Grand Cru signature cheese since the Swiss government and Swiss Gruyere association pressured them to drop "gruyere" from the name; [Cheese Market News](#)*
- "We have invested years and years making these cheeses. You cannot stop the spreading of culture, especially in the global economy." - *Errico Auricchio, BelGioioso Cheese Inc., in the [Associated Press](#)*

And this...Los Angeles Times Talks

Wine and Cheese - A [Los Angeles Times](#) feature in October, "Stew over European food names complicates trade talks", featured CCFN member Sartori Foods: "The Europeans are scared because there are a lot of U.S. companies that are making



to address the concerns voiced by other WIPO nations.

Straight to the Source

(the EU): CCFN and government officials from the U.S., Australia and New Zealand are meeting with the Danes in



Brussels in early December to present objections to the Danes' Havarti GI application. Earlier this year the EU ruled that Denmark could proceed with the GI application that would grant it exclusive use of the name 'havarti' in the EU, even though there is already an international product standard (Codex) for havarti. While in Brussels, CCFN staff will meet with European Commission officials to express CCFN's concerns about the effect of EU actions on common name usage around the world. Also, in response to the EU's consideration of expanding GI protections to non-ag products, CCFN will take the opportunity to register comments on how the EU should be strengthening certain safeguards and legal certainty in the EU's GI regime to the benefit of all interested parties. (CCFN Members can access those comments in the CCFN website's [members-only section](#).)

Several Key Nations Working on GI Regulations and Applications - CCFN is working in key areas to battle current restrictions or weigh in on developing GI policies:

- **Mexico and Philippines** - CCFN is monitoring carefully as Mexico works on formulating new GI policies. And late last quarter CCFN submitted comments to the government in Philippines to urge clarity on protection of common names as that nation formulates new GI regulations.
- **Vietnam** - This fall Vietnam published numerous GI applications as part of its free-trade agreement talks with the EU.

great cheese," said Sartori President Jeff Schwager. Also quoted is The Wine Institute, a CCFN supporting organization, which takes issues with the idea that California vineyards could easily give up names that they've marketed for decades. "It is easy to say it is not onerous for someone else to do something," says the Wine Institute's Tom LaFaille. "It takes years to change a brand." The same story gives a peek at the resentment of some Italian producers who want exclusive rights to generic names that originated in that country - even names not currently restricted within the EU. Says Trademark Attorney Elio De Tullio, who represents numerous cheese producers in Italy, "If you make a cheese from Wisconsin, good, you can call it cheese of Wisconsin. But why do you call it Parma, or Taleggio or Provolone? It's not fair... You should pay royalty."

CCFN Presents During T-TIP Stakeholders Forum - During this fall's seventh round of U.S.-EU talks on the Trans-Atlantic Trade and Investment Partnership (T-TIP), CCFN had the



opportunity to brief U.S. and EU negotiators on the protection of common food names. CCFN's presentation, "Geographical Indications Wielded as Barriers to Trade," made the points that a key part of the EU's current GI strategy in trade agreements is about limiting trade, not protecting intellectual property rights; that the EU's demands and restrictions are new and different compared with

CCFN is evaluating this publication to determine any required action in this key developing market.

- **South Africa** - CCFN is working with the U.S. government and others to try to address the announcement earlier this year that South Africa was planning to register the common names "feta", "gorgonzola" and "asiago" under the new South African-EU trade agreement.
- **Costa Rica** - The legal battle is still unfolding regarding "provolone" and "parmesan". The Costa Rican Intellectual Property Office stated in its initial review that the two names are not generic, but this is in direct contrast to the long-established use of both terms in Costa Rica to describe types of cheese rather than specific products from only Italy. In addition to other filings, those appealing the ruling have submitted to Costa Rican courts the briefs Guatemala issued in response to CCFN's objections in that country as an example of neighboring countries' rulings that "provolone"; and "parmigiano" (i.e., "parmesan") are generic.



CCFN Expands Monitoring

- CCFN continues to expand its monitoring of activities in key nations and regions throughout the world, in order to be aware of emerging threats to the right to use common food names. We will

continue to alert our members as we see issues arise, and do all we can to mobilize local food industries to help educate governments on the positive trade and other economic rationale for protecting generic terms.

An Eye on Future Trade Agreements - CCFN is watching closely as potential trade agreements emerge, such as EU-Mexico, EU-Mercosur and/or EU-Chile agreements. CCFN members

past policies; that only a handful of EU member states benefit the most from GI protections; that the EU's current behavior on GIs is not consistent and could impact virtually any generic name; and that the EU's argument that non-GI holders should just rename their foods is naïve and not even followed by Europeans themselves when marketing their products outside of the EU. The presentation was yet another step forward in highlighting to key negotiators the EU's abuse of GI policy, and the serious repercussions of that abuse.



CCFN Spreads the Word in Latin America

- CCFN was in Mexico in September and the topic of GIs came up during the program of the 13th Pan-American Dairy Conference, where more than 60 representatives from 15 Latin American countries came to hear about issues of key interest to the dairy industries through the Americas. Among those priority topics discussed were the threats to protections of common food names, and strategies for success moving forward. Tom Suber, head of the U.S. Dairy Export Council, echoed the CCFN message in his presentation on global trade in dairy products. While at the Conference, CCFN held a meeting with a number of representatives from leading Latin American countries and also distributed materials to all conference attendees.

may need to quickly mobilize on behalf of generic terms if such trade deals begin to move.

Pakistan and India Bicker Over Basmati - Pakistan has filed an objection to India's registration of 'basmati' rice for the Indian state of Madhya Pradesh, arguing that basmati is the name for a slender, aromatic and long grain rice grown in the foothills of the Himalayas in Pakistan. The appeal even quotes a renowned Punjabi poet Syed Waris Shah whose work "Heer", written in 1766, mentions basmati grown in an area that is now within Pakistan. Meanwhile, India is reportedly the largest producer of basmati rice in the world, followed by Pakistan. Could it be that both nations enjoy 'basmati', and that a compound name using a geographical indication might be a sensible approach? CCFN thinks it's worth considering. See more [here](#).



Web Resource for Members



Members: Check out the new members-only section of our website, www.CommonFoodNames.com for additional resources and to watch for upcoming meeting/conference call information!

About CCFN

The Consortium for Common Food Names (CCFN) is an independent, international non-profit alliance that represents the interests of

Uncommon Hero

Norberto Purtschert,
General Manager, Floralp SA

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



Norberto Purtschert, Floralp

In 1949, Norberto Purtschert's father Oskar left Switzerland for Ecuador with a specific two-year commission to make the Swiss cheeses he knew and loved from his homeland. But to Ecuadoreans, hard cheeses like gruyere were still eccentric, and didn't immediately catch on. In fact, Oskar nearly gave up and left Ecuador, until Ecuadorean President Galo Plaza Laso tasted his cheeses at an exhibition, was impressed, and convinced him to stay. After several years Oskar founded Floralp in the city of Ibarra. Appropriately, he named the new company Floralp, meaning flower of the Alps.

Now it's the 50th anniversary of Floralp, which has become a South American dairy industry leader in the production and marketing of fresh, semi-soft and hard cheeses. Over the years Floralp helped develop a taste and market for many European cheeses within Ecuador and neighboring Peru

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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and Colombia. Today the company offers parmesan, camembert, brie, gruyere, tilsiter, raclette, manchego, feta, emmentaler, cheddar, fontina, mozzarella and provolone. The company has received awards in social responsibility, as well as honors for its brie, camembert and other products.

"Looking at our product list, it's easy to understand why we are members of the Consortium for Common Food Names, and why we feel so strongly that these cheeses are just as much a part of our heritage and business as for anyone else who makes them," says Norberto Purtschert, who now leads the company. Oskar passed away in 2013.

"My father founded this company with the vision of applying the highest standards of quality to meet the demands of our customers," Purtschert continues. "This has always been a family company where everyone pitches in and helps out, where we try to promote a sense of community, protect the environment, and provide nutritious and delicious products.

"To us, the most important qualities are to be fair and considerate of others, both within our company operations and in the community. I believe the issue of protecting generic names fits absolutely into that mandate of fairness, so that everyone can use these names for products that many, many people have made, shared and enjoyed over many years," he said.