



4th Quarter 2022

NEWSLETTER

Chairman's Column

As we close out a very successful 2022, we wanted to take a moment to celebrate the ten-year anniversary of CCFN and look ahead to what CCFN will need as we enter the second decade of our work.

CCFN was founded in 2012 in response to emerging and increasing threats from overseas producers who sought to constrain our ability to market and sell our products using common names – like parmesan and bologna – that had long been a part of the public domain. Across continents and industries, we came together to stop the monopolization of generic names and fight for common sense.



*CCFN Chairman
Errico Auricchio*

The decade since then has not been easy. The European Union (EU) has continued to aggressively confiscate common names through the misuse and abuse of geographical indications and intellectual property laws. Frequently, they have then pressured other countries to adopt these misguided policies as a condition of a trade deal with Europe.

Exacerbating the problem has been the sizable gap between the U.S. government's actions to tackle this issue versus the strong-arm tactics employed by the European Commission to advance its overreaching GI policies. The U.S. Trade Representative's office has accurately recognized the threat that the EU's GI campaign poses to American producers and exporters. But with the exception of a commitment secured with Mexico under USMCA, USTR hasn't succeeded in securing commitments from countries to establish concrete protections for common names.

Looking ahead to 2023 and beyond, we know that the EU is not going to stop. Our best chances are to stand up and make it as hard as possible for the EU to claim for their own the names customers have known and used for generations as generic. We will continue to stay vigilant and fight for America's dairy, meat, wine, and other producers who use common names. Succeeding in the coming decade will require far more help from the U.S. government than we have gotten in the past. We are confident that with the strong support and engagement from our members, though, we can continue to make it as difficult as possible for the EU to confiscate your right to use common terms.

Thank you for your continued support for CCFN. We are proud to represent you and your interests around the world.

Errico Auricchio
CCFN Chairman
President and Founder, BelGioioso Cheese

Marking a Decade of Defending Common Food Names

As part of celebrating its ten-year anniversary, CCFN spoke with dairy and agriculture media about the importance of defending common food names and pushing back against the EU's attempts to confiscate generic names from American producers.



For [Hoard's Dairyman](#), Executive Director Jaime Castaneda and Chairman Errico Auricchio discussed CCFN's roots, its progress over the last decade and the organization's operating philosophy.

In an [interview](#) with the Cheese Reporter, Castaneda argued for deeper engagement from the U.S. government to complement CCFN's work and match the EU's zeal on this issue. He also spoke about what CCFN's role may look like down the road.

Finally, as a guest on Agri-Pulse's podcast, [Open Mic Interview](#), Auricchio shared his story of bringing his family's tradition of producing fine cheeses to the United States in the late 1970s, and how CCFN is pressing Congress and the Administration to be better global advocates for food and beverage companies that rely on export markets.

Featuring Common Name Cheeses in Europe

CCFN member, the U.S. Dairy Export Council (USDEC), sent a delegation of staff and members to Europe in October to discuss strengthening trade relations and promoting more common-sense policies around food regulations and sustainability. The trip



culminated in a policy dialogue and reception in Paris, where USDEC's President and CEO, Krysta Harden, spoke to the attendees about the legitimacy of common food names, among other messages designed to foster smoother trading conditions. USDEC and the U.S. embassy followed up the policy discussion with a reception showcasing the high quality of many common name cheeses – including parmesan, asiago, and fontina – sourced from several American companies. The combination event, coupled with participation by several CCFN members at the Paris SIAL trade show that week, helped to underscore the breadth and open eyes to the top-notch taste of many non-European cheeses.

CCFN Pushes the Philippines to Reject Harmful Regulations

Following a multi-year process of engagement by CCFN, the Intellectual Property Office of the Philippines issued final geographical indication regulations, which took effect November 20.

The new regulations establish a GI protection system that:



1. Does **not** provide automatic GI protection, including for terms identified in a trade agreement, and
2. Lays out a process requiring transparency steps and opposition procedures.

CCFN has participated in filing comments and testifying at hearings throughout multiple rounds of revisions to the regulations, in addition to working with the U.S. government to secure bilateral commitments regarding due process considerations for GIs and common names. Most recently, CCFN wrote to the Philippines in November to underscore finer points of the final regulations that merit consideration as implementation commences. The final set of regulations creates a framework that has various pro-GI elements included in it yet also certain tools for defending the rights of common name users.

The Philippines has a track record of protecting the use of common food names, a practice that benefits both its trading partners and its own domestic food industry. Building upon this, CCFN will continue to engage with Filipino officials to minimize any potential impacts of the new regulations on common name users.

Highlighting Common Names Issues to USTR

Recent years have seen a growing trend of countries ignoring previously established trade commitments and laws to impose regulations that restrict the use of common names at the behest of EU trade negotiators. On December 7, CCFN wrote to U.S. Trade Representative (USTR) Ambassador



Katherine Tai, emphasizing those concerns and laying out the countries where those developments pose particularly acute concerns. CCFN underscored that only the U.S. government can fully combat the present uneven global playing field dynamic as decisions on common name restrictions are made by official government trade negotiators.

From Mexico to Mercosur to Malaysia, CCFN detailed various examples of the EU using free trade agreement (FTA) negotiations to pressure other countries to adopt common name restrictions. It's more important than ever that governments take a stand in defense of fair competition and stop the EU's monopolization of common names.

Building Support for Common Names in Latin America

While Europe continues to try to flex its muscles through FTAs in Latin America, CCFN has been active in strengthening relationships and building a consensus around common names protections.



CCFN members USDEC and National Milk Producers Federation (NMPF) [formalized an agreement](#) with Argentine agricultural association Sociedad Rural Argentina (SRA) on September 8th to collaborate on promoting common trade and food policy objectives. A few weeks later, USDEC and NMPF also [signed a memorandum of understanding](#) with the Chilean Federacion Nacional de Productores de Leche (Fedeleche). Both agreements include coordinating with CCFN to defend common food names in trade negotiations as a specific objective of the partnership. These agreements will facilitate a more fulsome response to threats to common names in both markets.

For Your Information

Update on WIPO Standing Committee

Given its global reach with government intellectual property officials, CCFN continues to engage with and closely track World Intellectual Property Organization (WIPO) developments. In September, CCFN met with the WIPO Director General and several other WIPO officials in Geneva to discuss opportunities to educate WIPO members on common names. In addition, CCFN met with U.S. government officials including U.S. Deputy United States Trade Representative María Pagán and USPTO, USDA and State Department representatives. In mid-November, CCFN was an official WIPO Observer during the WIPO's Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) and an accompanying GI information session. USPTO participated in the SCT meeting advocating for common sense GI policies and served on a panel discussion during the GI information session.

CCFN will continue to monitor WIPO discussions and provide input when necessary to ensure a balanced discussion of GIs and common name protections.

Other GI News From Around the World...

French Ruling Forbids Cheese Production based on "Appearance"

In yet another example of Europe's abuse of GI protections, the Paris Court of Appeals ruled in favor of the Interprofessional Syndicate of Morbier in November, in its lawsuit against a producer in France who sold cheese that featured a black horizontal stripe ("ash line"), like Morbier.

While the lower court originally determined that the protected designation of origin (PDO) status covered only the product's name – not appearance – the Court of Appeals ruled that the visual specification of the product could cause confusion for consumers.

This overly broad and subjective standard furthers the EU's monopolization of GIs to seize market share and box out American producers.

China Follows Due Process Route for New EU GI Requests

On December 2nd, the China National Intellectual Property Administration (CNIPA) published for public comment a list of 173 names for which the EU is seeking GI recognition in China under the Agreement on the Protection and Cooperation of Geographical Indications between China and EU. In compliance with earlier commitments secured by the U.S. government to publish GI applications for opposition, China is inviting input on the proposed GIs before February 2, 2023. This [list](#) includes terms like fontina and Camembert de Normandie. CCFN is preparing to file evidence and comments to defend the ability of companies everywhere to continue to use common names appearing on the GI proposal list in China.

About CCFN

The [Consortium for Common Food Names](#) 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.

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Pass It Along!

Help spread the word about GI abuse 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.



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