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NAFTA Modernization Must Include Provisions on Geographical Indications That Safeguard Common Names for Cheese, Meat, Wine and Other Foods

(Washington D.C., June 28, 2017) Any new negotiations on the North American Free Trade Agreement (NAFTA) should include specific due process provisions on geographical indications (GIs) and should safeguard common food and beverage names, in continuation of existing U.S. priorities on the escalating issue of the role of GIs in global food and agricultural trade. That's the message sent by the Consortium for Common Food Names (CCFN) in testimony yesterday to the U.S. Administration on NAFTA modernization.

"CCFN and our allies want nothing more than to be able to enjoy the same rights that other agricultural exporters expect – the right to retain the ability to export our safe products – and to be afforded the same type of intellectual property (IP) system safeguards that are regarded as common place for other forms of IP. Nowhere is this more important than in the NAFTA region," said CCFN Senior Director Shawna Morris.

The European Union (EU) has been waging a predatory strategy on GIs that is designed to monopolize commonly used names for many cheeses, wines, meats and other foods, Morris said, including semi-generic, descriptive and traditional terms, even though it is often non-European producers who have built global markets for those products. The EU has already worked to disrupt North American trade in these products through provisions in the soon-to-be-implemented Canada-EU Free Trade Agreement (CETA). Those provisions were created in a manner that entirely bypassed Canada's intellectual property system, in the process trampling on the rights of Canada's trading partners.

On the heels of that, the EU is now involved in FTA expansion negotiations with Mexico and is believed to be pressing Mexico to similarly disregard intellectual property system safeguards and

prior trade commitments – to the detriment of both Mexico’s food industry and its trading partners.

Mexico and Canada each have unique situations regarding GIs and common food names, which need to be addressed in any NAFTA revision, Morris said.

For Mexico, where common food names are currently at risk on multiple fronts where IP and due process protections are not being respected, “We must require that Mexico uphold the letter and spirit of its NAFTA market access commitments by ensuring it does not impair the value of its prior market concessions to the U.S.,” Morris said.

For Canada, “We urge the Administration to use this opportunity to pursue a pledge from Canada to hold U.S. products harmless from the imposition of new barriers to trade established under CETA. Canada’s choice in that agreement with the EU to abandon the integrity of its IP system set a terrible example, by imposing new restrictions on common names and establishing new GI provisions directly through the FTA rather than as part of a transparent and genuine due process procedure. This must be firmly rejected,” she said.

Morris directed the Administration to the Trans-Pacific Partnership (TPP) IP Chapter text on GIs as a positive starting point from which to build further, and also touted the importance of including the Wine and Distilled Spirits Annex, which established parameters for the labeling of products while preserving the ability of regulators to ensure consumer protection.

“Including this language will significantly benefit U.S. exports to our NAFTA partners and, equally as important, will serve as a key precedent for future trade agreements with third countries,” Morris said.

CCFN’s submitted testimony can be found [here](#) [Under “Current Activities” at www.CommonFoodNames.com.]

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The Consortium for Common Food Names (CCFN) is an independent, international non-profit alliance whose goal is to work with leaders in agriculture, trade and intellectual property rights to foster the adoption of high standards and model geographical indication guidelines throughout the world. Those interested in joining can find information at www.CommonFoodNames.com.