



**Comments by the Consortium for Common Food Names
Regarding the 2018 Special 301 Review
Docket Number USTR–2017-0024
March 8, 2018**

The Consortium for Common Food Names appreciates the opportunity to highlight the persistent and serious problem of the European Union's transgressions regarding geographical indications. This issue continues to be highly problematic for the U.S. food and agriculture sector. It will require continued vigilance and action on the part of the U.S. government.

CCFN is a non-profit alliance that represents the interests of consumers, farmers, food producers and retailers. Our primary mission is to preserve the legitimate right of producers and consumers worldwide to use generic names.

A year ago we appeared before this body and laid out some of our greatest concerns regarding a coming escalation of EU activities in this area. And in fact, in 2017 we saw EU GI efforts reach a fever pitch which necessitated an unprecedented level of response from both our organization and the Administration.

Last year the EU forged ahead with its trade agreement agenda with many of our largest and most important trading partners: Mexico, Japan, China, and the Mercosur nations. We strongly believe the U.S. must also pursue trade deals with these types of key markets in 2018. Last year, as part of each of these agreements, the EU consistently sought to confiscate common food and beverage names to block competition in those markets.

Those efforts were largely beaten back last year in Japan, although work remains to ensure the rights of prior users of key terms, preservation of cancellation rights and establishing a reasonable approach to related labeling requirements. We commend the Administration for its considerable work to educate Japan on the importance of ensuring that the EU-Japan FTA will not negatively impact U.S. market access rights to the Japanese market, and that Japan upholds the principles enshrined in its own GI regulations.

In Mexico, China and the Mercosur region, we hope to see similar successful results from the intensive combined industry and government efforts that have been devoted to upholding the rule of law and U.S. market access rights.

In Mexico, in particular, we seek nothing less than what the Mexican government has touted as its goal for the NAFTA modernization negotiations – that existing market access rights be preserved and that any new commitments be incorporated to complement those existing, preserved rights. We remain committed to this outcome in the NAFTA process and it is essential that Mexico remain committed to it as well – including within its continuing negotiations with the EU.

As for the EU's GI strategy, it continues to expand beyond just free trade deals. Indeed, this past year illustrated more clearly than ever that the EU is executing a global policy agenda across many key U.S. export markets with the express goal of hamstringing competition from American and other companies. An important point is that the EU is not just targeting a set scope of products –



rather the list of products it attempts to protect is changing and expanding all the time. This was best illustrated by the EU's decision last year to abandon its commitment to uphold standards set through the Codex Alimentarius process by approving a GI for a term with an existing international standard.

We expect that the EU and any other U.S. trading partner would be quick to condemn the U.S. if the shoe were on the other foot. If this government sought to enshrine into legal text requirements that barred competition from other countries globally, rather than pursuing a market-opening approach to benefit all, the EU and others would be quick to criticize. It is therefore natural that the U.S. and others should condemn and combat the EU's tactics in the clearest manner.

Finally, in the area of GIs and trademark filings, we continue to see entities supported by European governments attempting to misuse the U.S. trademark system to try to inappropriately register certification marks here for terms that have long been generic in the U.S. The U.S. government must remain vigilant to avoid that outcome, and recognize such applications for what they truly are: brazen attempts to clear the field of non-EU competitors. In fact, we strongly recommend that further improvements are made to the PTO trademark review process to more effectively ensure that the U.S. system can safeguard common names.

We greatly appreciate the strong and swift U.S. government responses over the past year to the EU's competition-restricting efforts on GIs. These actions have been critical to supporting U.S. farmers and food & beverage manufacturers.

In conclusion, we ask you to continue the core objectives outlined in the 2017 Report and to continue to enhance U.S. efforts to hold our trading partners to their commitments. We will continue to work closely with government agencies to achieve these ends. Thank you.

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