

**Comments by the Consortium for Common Food Names  
Regarding the 2020 Special 301 Review  
Docket Number USTR-2019-0023  
February 26, 2020**

The Consortium for Common Food Names appreciates the opportunity to bring attention to the trade barriers harming CCFN members. Our testimony today will highlight in particular the European Union's aggressive campaign to stifle trade through the misuse of geographical indications. The U.S. government has long worked to thwart the EU's efforts to monopolize the use of common food names. We strongly urge a continued opposition to the EU's misuse of GIs to impair competition and call for the importance of deploying an expanded set of tools to most effectively counteract the EU's protectionist policies.

I'd like to begin by asking you to consider how often you yourselves rely on every day product terms to make purchasing decisions.

- When you go to the grocery store to find the ingredients for a recipe, do you generally select the products it calls for or pick unfamiliar items and hope they'll work out?
- As you stock your cart with wine for a party you're hosting, do you use the common names of wine types (varietal terms like cabernet, chardonnay, and pinot noir) to help you select which bottles to purchase – particularly if you're trying out a new winery?
- When you look at a menu and pick a salad or a burger, do you check out the type of cheese on it in deciding whether to keep it or request a substitution?

Now imagine doing each of those with terms you've never heard of, particularly if your waiter isn't familiar with the novel word either, or there's no cheese or wine expert at your local grocery store to quiz about what an unfamiliar product would taste like. Food manufacturers, importers, distributors, retailers, restaurants and consumers – all these groups rely heavily on the use of numerous generic terms to make sense of what products to purchase and why consumers are likely to prefer to purchase.

The EU's common refrain that the US should "just invent new names" dramatically understates the challenge U.S. companies would face in abiding by a gag order on their use of common food names. Such restrictions amount to far more than simply the cost of creating and printing new product labels; it is instead a ground-up re-education process that forces non-European competitors to splinter their collective efforts to build consumer awareness around a common product category while the EU producers reap the rewards of decades of investments by others.

Over the past several years, the EU has erected numerous nontariff trade barriers under the guise of registering its geographical indications. These barriers impose unjustified restrictions that seek to eliminate competition from exceptional American-made goods. The EU's GI campaign is as deliberate as it is destructive. Effectively combating the EU will require continued vigilance and a coordinated U.S. government-wide effort.

We commend USTR for recognizing the grave threat these trade barriers represent and using the 2019 Special 301 Review to call attention to the EU's "highly concerning" GI agenda. We also appreciate the actions the U.S. has taken so far to protect American jobs as well as the legitimate rights of our food manufacturers, farmers and exporters.

However, the EU has made it clear that it will continue its government-driven effort to expand these restrictions and the U.S. government must use all tools at its disposal to boldly advance on common name safeguards in the strongest manner possible.

To most effectively combat the EU's insistence on imposing barriers to fair competition and on encouraging countries to put IP due process rights up for sale in trade negotiations, we urge the U.S. government to expand its actions in the coming year to keep doors around the world and here at home open for fair competition by securing firm and explicit commitments assuring the future use of specific generic food and beverage names targeted by EU monopolization efforts and rejecting the use of GIs as barriers to trade in products relying on common names.

We urge USTR to secure explicit commitments from our trading partners that build upon the framework established in USMCA whereby market access rights were clearly and definitively affirmed for a non-exhaustive list of commonly used product terms. We appreciate USTR's unwavering focus on pursuing a level playing field for U.S. companies and on tearing down trade barriers that hinder U.S. competitiveness. CCFN looks forward to continuing to partner together in order to keep markets open to American-made products.