

Developments in protecting common food names, as well as new threats and restrictions facing food producers globally.



4th Quarter 2016

# ALERT

## Chairman's Message

### A Groundbreaking Analysis

In October, I was honored to help CCFN roll out a 60-page economic analysis detailing the disastrous consequences for the U.S. dairy industry of surrendering to Europe's agenda for geographical indications. The analysis was conducted by Informa Economics IEG and jointly issued by CCFN, the U.S. Dairy Export Council, the National Milk Producers Federation and the International Dairy Foods Association. It was widely cited in the agricultural media and was also detailed in the influential policy journal [Politico](#). Europe's totally unjustified plans to seize the right to use common cheese names is everyone's fight—not just cheesemakers and farmers but grocery stores, consumers and the entire U.S. economy. That's why CCFN's work is so important. This is no time to let up. We simply must preserve the right to use these common food names in the face of Europe's global campaign to keep them for its exclusive use.



On another topic, the United States—a country with numerous CCFN members and a leader on common names defense—is now preparing to welcome a new president. CCFN will be educating the Trump administration about the harmful impact of the European Union's attempts to expand the concept of GIs on a broad range of food sectors. This issue has enjoyed strong bipartisan support from both

Congress and the executive branch; we look forward to continuing that track record in the coming year.

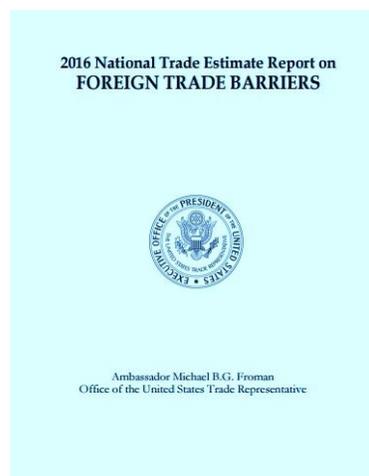
Errico Auricchio  
CCFN Chairman

## Disastrous Impact of European GI Agenda on U.S. Farmers and Cheese Industry Detailed in Analysis

Surrendering to the European Union's agenda for the seizure of common food names would cost the U.S. dairy industry up to \$59 billion in revenues and slash domestic cheese consumption up to one-fifth, according to an independent economic [analysis](#) commissioned by CCFN. At today's prices, the decline in cheese consumption could amount to \$2.3 billion in lost sales in three years, and \$5.2 billion in 10 years. It could push dairy farm balance sheets below the break-even point for six out of 10 years and force thousands of farms out of business. It would also raise prices and reduce choices for consumers and hurt the overall U.S. economy, the analysis said. Jim Mulhern, president and CEO of the National Milk Producers Federation, said the study, done by Informa Economics IEG, showed that Europe's GI agenda would do "severe damage" to the U.S. dairy industry. Senate Agriculture Committee Chairman Pat Roberts (R-Kans.) added that, if the U.S. gives in to Europe's demands, it will impact the U.S. economy "from the dairy farmer to the local grocer to the consumer at home." [Read More](#)



## Wine Institute, Manufacturers Join Dairy Industry in Asking USTR to Include Common Food Term Restrictions among Most Serious Trade Threats



In October, the Wine Institute and the National Association of Manufacturers joined the dairy industry in urging the Office of the U.S. Trade Representative to include restrictions on the use of common food names among the most serious threats to global trade. The groups offered their views as part of the process for preparing the annual National Trade Estimate, which identifies the most significant global barriers to U.S. exports and foreign investment. The [Wine Institute](#) noted that the European Union now restricts use of terms like "chateau" and "ruby" by non-European winemakers in the European market, even though these terms were routinely permitted

before 2006. "There is no health or safety issue, nor is there any consumer risk in using wine descriptive terms that have always been and continue to be in the public domain," it said. The [National Association of Manufacturers](#) added that the EU's push to protect its own producers through geographical indications

undermines the ability of the United States to protect trademarks and to "ensure fair treatment for those making products on terms already treated as generic." [Read More](#)

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## Amid a Swirl of Activity in Latin America, Mexico Approves Trademarks Upholding Generic Use of Mozzarella and Parmesan Cheese

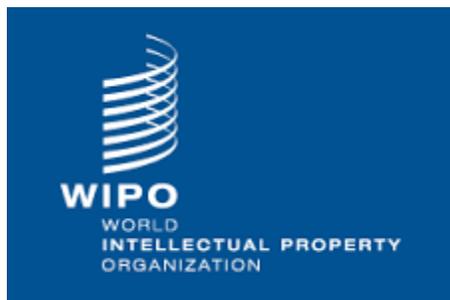
In September, CCFN's Jaime Castaneda and Shawna Morris traveled to Mexico, where a wave of GI-related replies by Mexican intellectual property officials were setting off alarm bells just as Mexico had begun gearing up to relaunch trade negotiations with the European Union. A key EU goal in those negotiations has been to impose new GI provisions in Mexico. Following CCFN's visit and extensive previous engagement with Mexican officials, the country's Institute of Industrial Property indicated it would register trademarks for mozzarella and parmesan cheeses that include the names of their U.S. manufacturers. The trademarks help to establish clear indications of generic use in Mexico's trademark system for these widely used cheese names. The approvals were a particularly critical clarification, since they followed preliminary determinations this spring that rejected several similar trademarks on the grounds that the two terms should be restricted due to GIs.



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## U.S. Groups Object to WIPO Strategic Plan Encouraging Steps to Make Registering GIs Easier



In September, the Consortium led 11 other U.S. food and agriculture organizations in objecting to a move by the United Nations' intellectual property agency to help promote an agreement designed to make it easier to register geographical indications. In a letter, the groups urged the World Intellectual Property Organization to reconsider a draft strategic plan

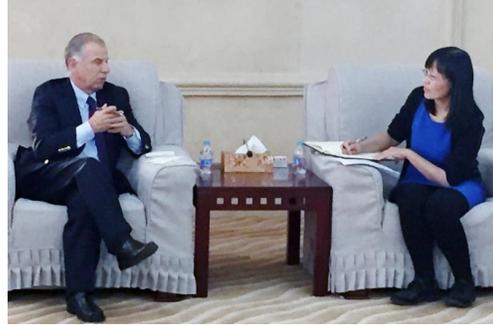
urging WIPO staff to promote implementation of the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications. Negotiated last year over the objections of numerous WIPO countries, the Lisbon Agreement's Geneva Act facilitates GI registrations without allowing sufficient objection procedures and makes registrations automatic in WIPO-member countries unless the country objects. [Read More](#)

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## CCFN Executive Director Travels to China, South America for Talks on Geographical Indications

In mid-November, Consortium Executive Director Jaime Castaneda traveled to China for talks with that country's officials on geographical indications. Last year, the

United States and China reaffirmed an understanding that product names are not eligible for GI protections if they are in common use in a country or territory. But China continues to negotiate a trade agreement with European Union, so CCFN remains vigilant about the risks posed in this major market. Also in November, Castaneda participated in the annual assembly of the Pan American Dairy Federation and met with representatives of the six South American Mercosur countries. At the dairy meeting, attended by more than 15 countries, Castaneda offered a detailed review of the dangers of the European Union's aggressive stand on common food names. With the Mercosur countries, organized to promote free trade, Castaneda discussed negotiations with the European Union and the U.S. position regarding geographical indications in the Trans-Atlantic Trade and Investment Partnership.



**CCFN Executive Director Jaime Castaneda talks GIs in China**

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## Consortium Protests U.S. Trademark for Gruyere



Noting extensive generic use of the term in this country, CCFN has protested a U.S. trademark application for gruyere filed by French and Swiss cheesemakers. In an extensive filing submitted to the U.S. Patent and Trademark Office in September, CCFN said non-Swiss or French gruyere is found on the menus of at least 19 chain restaurants with 2,674 locations across the United

States. In addition, CCFN said, there are at least seven brands of Wisconsin-made gruyere in U.S. retail stores and more than 90 percent of imported processed gruyere comes from countries other than France and Switzerland. CCFN is now working with several companies concerned about the trademark to further oppose monopolization of the term gruyere in the U.S. market.

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## Also ...

### **Congressional Briefing Spotlights Cross-Sector Concerns with Common Food Name Restrictions**

In September, the Consortium helped U.S. Representatives Christi Noem (R-S.D.) and Jim Costa (D-Calif.) organize a well-attended briefing offering the opportunity to further educate congressional staff on the perils of permitting unchecked expansion of the EU's strategy of restricting common names. [Read more](#)

### **EU Rules 'Greek Yogurt' Can Only Come from Greece**

Attention Greek yogurt makers worldwide! The European Commission has decided that, even though "Greek yogurt" is not protected by a geographical indication, using the term on products made outside Greece deceives consumers and creates unfair competition. [Read More](#)

## Canada's Short-Sighted GI Decision in Trade Agreement Bites U.S.

The European Union and Canada signed a long-pending trade agreement on October 30 that doubles EU access to the Canadian cheese market and establishes geographical indications restricting use of multiple generic cheese names. The GIs grandfathered in current generic term users but requires newer users to label their products things like "feta-type" or "similar to muenster." [Read More](#)

## GI Is No Magic Bullet for India's Prized Darjeeling Tea

When it comes to its prized Darjeeling tea, India has found that geographical indications alone are not enough to solve market problems. Darjeeling is made in limited quantities from plants grown in the foothills of the Himalayas. But, over the years, a common practice has been to blend Darjeeling tea leaves with other types of teas. [Read More](#)

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## UnCommon Hero

(A profile of one of the heroes who protect and promote common food names)

### Jaime Olvera Kipper, Owner, Kipper Cheese from Mexico

Jaime Olvera Kipper is the owner and CEO of Kipper Cheese from Mexico, a manufacturer of gourmet cheeses, most of them French. A biochemical engineer, Jaime graduated from the Monterrey Institute of Technology and Higher Education and then pursued a master's degree in dairy products and milk at Cornell University in New York. He began a successful, 40-year career in food and dairy businesses in Japan, after studying food science there. Jaime became the general manager of several companies, but was always linked to the production of specialty cheese. He is known as a "cheese master."



**Jaime Olvera Kipper**

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## 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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