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## **CCFN Cheers Common Name Protections in Phase One U.S.-China Deal**

**(Washington D.C., January 16, 2020)** The Consortium for Common Food Names (CCFN) commends the U.S. Administration for its accomplishments in the Phase One trade agreement between the United States and China, which creates safeguards regarding market access for generic or common-name products.

CCFN, together with its members, the U.S. Dairy Export Council and the National Milk Producers Federation, worked extensively with U.S. and Chinese trade officials to create new transparency and due process obligations regarding geographical indications (GI) to help guard against future restrictions on common food names in China.

“American producers and manufacturers are unduly harmed when foreign nations intentionally misuse geographical indications to restrict fair competition,” said CCFN Executive Director Jaime Castaneda. “We are grateful that the U.S. Trade Representative and his team of negotiators recognized the severity of these trade barriers to U.S. growth in China and took decisive action to improve protections for common food names.”

America’s competitors, notably the European Union, have sought to restrict U.S. exports of common food name products to markets such as China by weaponizing GI protections in bilateral and regional trade negotiations. Critically, China’s commitments on GIs in the Phase One deal prohibit future trade agreements from using GIs to undermine market access for U.S. exports of products using common food names, preserves the ability for the U.S. to challenge and pursue cancellation of any GI applications, lays out indicators of generic status and mandates greater clarity regarding the scope of protection for multi-term GIs.

Details of those provisions, contained in USTR’s Fact Sheet released yesterday, can be found below:

“The IP chapter will enhance protections for U.S. brand names and also will help address the potential for inappropriately “overprotecting” geographical indications (GIs) in ways that shut out U.S. agricultural and food producers. The IP chapter requires China to: Ensure that any GI measures taken in connection with an international agreement do not undermine market access for U.S. exports to China using trademarks and generic terms.

- For GIs, use relevant factors when determining whether a product is generic, including usage of a term in dictionaries, newspapers, and websites, how the good referred to by a term is marketed and used in trade, and whether the term is used in relevant standards.
- Not provide GI protection to individual components of multi-component terms if the individual component is generic.
- Publicly identify which individual components are not protected when granting GI protection to multi-component terms.”

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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](http://www.CommonFoodNames.com).*