

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



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ALERT

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Chairman's Message

A Unique Opportunity to Hear from USPTO

U.S. food and beverage companies have a unique opportunity later this month to hear directly from the U.S. Patent and Trademark Office on how intellectual property and geographical indications can affect their sales.

On Tuesday, June 21, USPTO and CCFN are teaming up for a one-day seminar in Chicago focused on protecting common food names from the European Union's campaign to capture them for its exclusive use. Seminar attendees will interact directly with senior USPTO staff, as experts explain why companies **need to consider acting** to preserve their ability to use threatened terms. Also discussed will be how trademarks and common names interact and why both matter for protecting property rights and preserving the use of generic terms.

There is no registration fee for the seminar, which is being held just minutes from O'Hare International Airport. Major supporters are the Wisconsin Cheese Makers Association and the International Dairy Foods Association. Other sponsors include the Grocery Manufacturers Association, North American Meat Institute, Covington & Burling LLC, U.S. Dairy Export Council and National Milk Producers Federation. Complete agenda and registration information can be found on the seminar [website](#). There are a few seats left. I look forward to seeing you in Chicago on June 21.

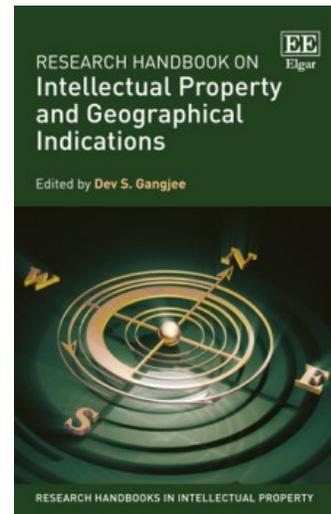
Errico Auricchio
CCFN Chairman



Support & Successes

Book Calls CCFN 'Emerging Voice' on Restrictive GIs

A new book taking a scholarly look at geographical indications calls CCFN an "emerging voice" critical of EU attempts to monopolize common food names. The 581-page Research Handbook on Intellectual Property and Geographical Indications was put together by Oxford University GI expert Dev S. Gangjee. In a chapter titled Genericide: the Death of a Geographical Indication, Gangjee mentions CCFN as an "emerging voice" objecting to the EU's use of free trade agreements to restrict the use of generic food terms. The book is available in hardback from Edward Elgar Publishing and can also be downloaded to Google Play.



USDEC Advertorial, Sargento Column Target Cheese Buyers and Retailers

The U.S. Dairy Export Council put a two-page [advertorial](#) in the May edition of *Cuisine and Wine Asia* on European efforts to claim sole ownership of popular cheese names. The article says the EU's actions

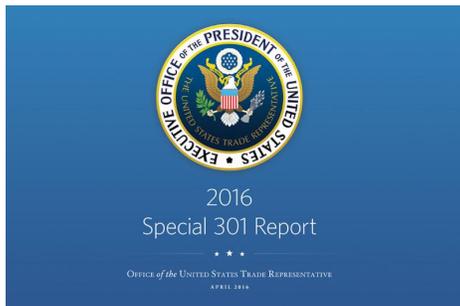
could harm both cheese suppliers and their customers around the world. "Geographical indications for various foods have been in place for years without issue," it says. "Extending these protections to generic cheese names ... is overreaching and will reduce supply options over time..." That, in turn, will affect buyers' market shares, business sales and profitability, it says. The advertorial follows a four-page [brochure](#) on European GI abuse published by USDEC in March. The brochure, aimed at international cheese buyers, was developed with help from CCFN.

[Read more](#)

Citing GI Provisions, Dairy Industry Unites to Support TPP



After months of deliberations, the National Milk Producers Federation, U.S. Dairy Export Council and International Dairy Foods Association jointly endorsed the 12-nation Trans-Pacific Partnership trade agreement, citing in part its groundbreaking commitments on geographical indications. In a [letter](#) to Congress, the three organizations said TPP would establish a more equitable process for considering GIs while also emphasizing the need to safeguard common food names. "This is a key priority for our industry as we face the European Union's global efforts to wield GIs as nontariff barriers to trade ..." the letter said. At the same time, the organizations noted implementation issues that need to be addressed to make sure TPP works as planned. In particular, the dairy groups urged the U.S. Administration to ensure other countries adhere to their commitments under the pact, including in the area of GIs and common name safeguards.



Government Intellectual Property Report Includes Strong Defense of Common Food Names

The federal government's [annual review](#) of intellectual property rights protection among U.S. trade partners included a strong defense of users of common food names. The 77-page document, known as the Special 301 Report, included an extensive section calling Europe's geographical indications agenda "highly concerning" both because it impairs the scope of trademark protection and because it harms non-EU producers of common name products. Despite this, the report said, the EU continues to expand GI protections within its territories and beyond. The report also touched on the Obama Administration's actions aimed at combating European GI abuses. "The United States continues its intensive engagement in promoting and protecting access to foreign markets for U.S. exporters whose products

are trademark protected or are identified by common names like parmesan and feta..." it said. CCFN submitted extensive [comments](#) to the Office of the U.S. Trade Representative before the report was issued and joined U.S. dairy organizations in [welcoming](#) the report when it was made public.

CCFN on Hand for Latest TTIP Negotiations; Media Highlights GI Problem



CCFN and two of its members were in New York at the end of April for the 13th negotiating session on the Trans-Atlantic Trade and Investment Partnership. Dairy Farmers of America made a presentation on abuse of geographical indications and Leprino Foods touched briefly on GIs in a presentation on a broader range of EU trade barriers confronting U.S. exporters. CCFN staff assisted both members in preparing for these important presentation to the U.S. and EU negotiating teams. While little progress was reported from the week of talks, common food names were front and center in the media in the aftermath of the session. A May 12 story in *Politico*, an influential Washington policy newspaper, was headlined "Trans-Atlantic trade deal could be bogged down - by feta cheese." The story said that, with both the United States and Europe digging in their heels, the fight over GI abuse "could be enough to kill the trade deal." [Read more](#)



Senators Remind Negotiators of Need to Address GI Abuse in TTIP

A week before the latest negotiating session on the Trans-Atlantic free trade pact, a bipartisan group of 26 senators, consisting of majorities of the Senate Agriculture and Finance committees, reminded U.S. Trade Representative Michael Froman that Europe's use of geographical indications as a trade barrier cannot be tolerated in a final TTIP agreement. In an April 22 [letter](#), the senators said

concerns expressed earlier over European GI abuse had not yet been addressed by U.S. negotiators. "The EU has continued to use Free Trade Agreements with trading partners to impose barriers on U.S. exports under the pretense of protecting GIs," the letter said. "This practice is undermining established FTAs as well as those being actively negotiated." The senators said a final EU-U.S. trade agreement that does not address this and other barriers plaguing U.S. agricultural exports could have trouble winning congressional support. CCFN staff encouraged Senate support of this important message on TTIP priorities. [Read more](#)

More Awards Undercut EU Argument that Non-EU Cheeses Are Low Quality

Continuing a trend, U.S. producers dominated the 2016 [World Championship Cheese Contest](#) awards for multiple European-heritage cheese categories.

U.S. cheesemakers swept the top three awards for parmesan, asiago, aged asiago, feta, flavored feta, havarti and flavored havarti. The awards blow a huge hole in the European argument that these cheeses simply aren't high quality unless they are made in Europe. The contest was held in March in Madison, Wisconsin. It is hosted annually by the Wisconsin Cheese Makers Association, a CCFN member.



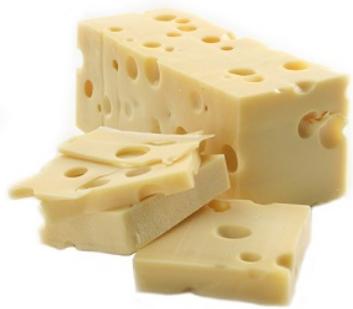
Threats & New Restrictions

TTIP Proposal Reinforces European Desire to Block U.S. Food Exports

Any doubts about Europe's designs on geographical indications in the Trans-Atlantic trade talks were erased in March, when the European



Commission made public its agricultural and GI negotiating proposal. The centerpiece of the proposal was a "short" list of more than 200 food terms the EU wants the U.S. government to commit to directly protect, including feta, asiago, gorgonzola and fontina cheeses, Mortadella Bologna and Valencia Citrus. A list of more than 3,000 European Union GIs would wait in the wings, pending future decisions to extend protection to them as the EU proposed doing down the road. [Read more](#)



Swiss Group Seeks U.S. Trademark for 'Save the Emmentaler'

An application for a U.S. trademark for "Save the Emmentaler" is under consideration by the U.S. Patent & Trademark Office. The application has been filed by a Swiss organization devoted to protecting emmental cheese and did not contain a disclaimer for the generic term emmentaler. Emmental is a widely used common name, as evidenced by an international Codex Alimentarius standard as well as a U.S. Standard of Identity set by the Food and Drug Administration. CCFN has helped U.S. emmental producers express concerns to USPTO about how the Save the Emmentaler trademark might be abused in ways designed to restrict the use of the generic term emmental. USPTO's review of the trademark is ongoing.

Effort under Way to Halt Loss of Cheese Exports to Mexico

A major effort is under way to head off a loss of cheese export avenues to Mexico, where recent decisions by the intellectual property office indicated a deeply concerning shift in how Mexico may be viewing the generic status of key



common cheese names. Separately, Mexico announced in mid-May it will begin talks with the European Union next month to renegotiate their free trade agreement from 2000. Geographical indications are expected to be

one of the topics on the table and the Consortium has urged the U.S. Trade Representative to work with Mexican officials to avoid the introduction of new restrictions on generic terms. The first round of talks between Mexico and the European Union is expected this month.

Items of Interest

New Zealand Poised to Allow GIs for Wine and Spirits



A long-awaited bill allowing geographical indications for wine and spirits has started moving through New Zealand's Parliament. The bill, which amends an earlier law never brought into force, passed first reading in mid-March and was sent to a legislative committee for review. New Zealand Commerce and Consumer Affairs Minister Paul Goldsmith told news media the bill will guard the reputation of New Zealand wines and spirits. "Being able to register geographical indications makes it easier for New Zealand exporters to promote and protect their products in competitive overseas markets," he said. New Zealand has been a U.S. ally on numerous GI issues, including the development of the GI provisions in the Trans-Pacific Partnership.



Study: India's Producers Should Leverage GIs as a Marketing Tool

A study commissioned by the government of India said that country's producers should do more to leverage their geographical indications. The study by the Centre for WTO Studies said simply registering GIs is not enough. "Most of the producers and artisans of GI products in India severely lack the wherewithal and the capacity to undertake post-registration activities for marketing and brand building of their products," the study said. It identified lack of producer databases, lack of proper

monitoring of compliance, and a low online presence as reasons for inadequate marketing and branding of these products. The study also touched on the issue of rampant GI misuse, citing as an example sales of Darjeeling tea far exceeding actual production.

UnCommon Hero

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

Emilio Karake

**Operations Director, Italiana de Alimentos, S.A.,
Guatemala**



Architect by profession and restaurateur by passion, Emilio Karake is the Guatemala franchise owner for Italianni's, a chain of casual, authentic Italian restaurants. After 10 years specializing in design and construction of commercial and corporate spaces, Karake in 2010 was offered an opportunity he couldn't turn down. After an exhaustive, 90-day hands-on program, he acquired the know-how for the restaurant business, and immediately proceeded to open the first Italianni's in Guatemala, in 2011. Italianni's was conceived in Texas in 1991 by the Carlson Group, creators of TGI Friday's. In 1996, it opened its first restaurants in Mexico and the Philippines. Today, it has 95 restaurants in the two countries - and it's still growing. Success comes in part from treating each customer as a guest in their own home. Food made from authentic Italian recipes is enjoyed in a family environment with surroundings that take guests for a few minutes to a bistro in Italy. [Read more](#)

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.

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.

