

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



*3rd Quarter 2016*

# ALERT

## Chairman's Message

### Working Hard for a Just Cause

Sometimes hard work and a just cause pay off. A few months ago, a new book on geographical indications called us an "emerging voice" critical of EU attempts to monopolize use of food names long consider generic here and elsewhere. More recently, the French financial newspaper LesEchos noted that CCFN carries "considerable weight" in negotiations between Washington and Brussels on the planned Trans-Atlantic trade agreement. While still a relatively young organization, the Consortium is making progress and getting noticed on an issue crucial to many food companies, both in the United States and around the globe. That's due in part to the work of the organization's staff, members, and board of directors. But it's also due to the strength of our arguments.



The European Union's abuse of geographical indications is simply wrong, and we are right to call it out as thinly disguised protectionism. Still, this fight is a long way from over and there is lots to do. This summer alone, CCFN has opposed geographical indications for gorgonzola and asiago in Mexico, monitored an uptick in cease-and-desist letters from Italy seeking to dissuade companies from using common terms, increased its international outreach in a variety of ways, and countered a rash of media coverage of a book that erroneously calls non-

European parmesan "fake." I look forward to working with all of you on these and other issues in the months ahead.

Errico Auricchio  
CCFN Chairman

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## USDEC Makes CCFN Case at Latest Negotiations over Trans-Atlantic Trade Agreement

The U.S. Dairy Export Council, a CCFN founder and leading contributor, represented the U.S. dairy industry at the 14th negotiating round over the Trans-Atlantic Trade and Investment Partnership, held in Brussels in mid-July.

USDEC criticized as unacceptable Europe's attempts to eliminate competition by clawing back use of a growing list of common food names. Stopping U.S. production of these products, it said, would have a "devastating impact" on the U.S. dairy industry since roughly \$21 billion in U.S. cheese production uses European-origin names. Despite pressure to conclude negotiations before the end of 2016, USDEC said negotiators should take the time to get the Trans-Atlantic trade agreement right. "Otherwise no deal is better than a bad deal," it said. [Read More](#)



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## At Summit, U.S.-Mexico Dairy Leaders Agree to Defend Common Names from Confiscation by EU

In August, CCFN Executive Director Jaime Castaneda participated in a two-day U.S.-Mexico dairy summit in Colorado. By the end of the meeting, industry leaders from the two countries had agreed to work together to defend the rights of consumers, producers and manufacturers to use common food names as Mexico-European Union free trade negotiations move ahead. In recent trade talks with other countries-including Korea, Canada and Costa Rica-the EU has aggressively pursued the extension of GI protections in a manner that undermines current food name users. For that reason, the U.S.-Mexico agreement on GI policies is an important step toward defending both countries' interests. Participants in the summit signed a memorandum creating a US-Mexico Dairy Alliance that will meet annually to exchange information, review industry trends, and seek solutions for problems affecting either country.



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## WIPO Conference, Chinese Delegation Meeting Highlight Summer of CCFN International Outreach

Highlighting a busy summer of CCFN

international outreach were participation in a regional conference of the World Intellectual Property Organization and a meeting with officials who administer China's geographical indications system. CCFN consultant Craig Thorn participated in a panel discussion on geographical indications and collective trademarks at the regional WIPO conference in Brazil. Thorn focused on the considerations countries should consider when evaluating either type of intellectual property to avoid creating barriers to trade in common product categories. Also on the panel were representatives of the U.S. Patent and Trademark Office and the European Union. The invitation to speak came as a result of the Consortium's efforts to urge balance in WIPO's treatment of geographical indications. [Read More](#)

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## CCFN Monitoring Uptick in Legal Threats from Italy over Common Terms

The Consortium is monitoring an uptick in legal threats from Italian geographical indications consortiums seeking to dissuade companies, particularly in Latin America and Asia, from using common terms. CCFN member companies should talk to their customers about the potential for receiving a cease and desist letter and the need to consult with their suppliers if they do. Members are encouraged to discuss those situations with the Consortium as well, so that it can lend support and share information about ongoing activities in that market.



## In *Politico* Article, CCFN Member Debunks EU Argument on GIs

"A professor of mine once distilled all of corporate law into four simple words: Don't be a pig. Europeans negotiating a free trade deal with the U.S. aren't heeding that sound advice." That's how Clay Hough, senior group vice president and general counsel of the International Dairy Foods Association, opened an [article](#) in *Politico* blasting the European Union for its position on geographical indications in the TTIP negotiations. Titled "The EU tries to grab all the cheese," Hough's article noted that the EU, despite a huge advantage in cheese trade with the United States, is trying to win even more market share by claiming sole rights to generic cheese names. "This would deny U.S. cheese producers the ability to use those common monikers not just in Europe but in the United States," Hough wrote. He added that many of the cheeses at issue have been made by family-owned companies in the United States for decades.

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## Brexit Vote Offers United Kingdom Chance to Get GI Policy Right

In the wake of the United Kingdom's vote to leave the European Union, news stories suggested geographical indications for everything from Scotch to Cornish pasties were suddenly in jeopardy across Europe. In fact, the European GI system is required to continue to cover UK products in the EU, just



as the U.S. intellectual property system covers foreign products. The EU system already has multiple foreign GIs from non-European countries registered; maintaining the existing protection for UK GIs and even approving new ones would simply be in keeping with the EU's international trade obligations. In addition, while they may be less inclined to do so, EU authorities still have an obligation to chase down GI offenders in the EU market. [Read More](#)

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## Also ...

### **June Seminar Advises Food Companies on Protecting Common**

At a well-attended June 21 seminar in Chicago, CCFN and the U.S. Patent and Trademark Office raised awareness of geographical indication abuse and how it might impact food companies' use of common names. [Read More](#)

### **Decision Expected Soon in Appeal of Guatemala Parmesan Ruling**

A decision is expected in the next few months on the European Union's appeal of administrative rulings that declared parmesan a generic term in Guatemala. [Read More](#)

### **CCFN Corrects Author on His Charge that Most Parmesan is 'Fake'**

Also keeping the Consortium busy this summer was a rash of media coverage of a book claiming parmesan cheese is "fake" unless it is made in or near Parma, Italy. [Read More](#)

### **EC Overlooks Terroir in Granting GI for Portuguese Sponge Cake**

Remember the concept of terroir, the all-important connection between a food product and the land that produces it? [Read More](#)

### **Vietnam Postpones Law Making GI Violations a Crime**

Technical errors by the lawmakers caused Vietnam's National Assembly to delay the implementation of a new penal code, which would have made it a crime to violate trademarks and geographical indications. [Read More](#)

### **Are You Listening, EU?**

Several spirits manufacturers in Slovakia have declined to seek geographical indications from the European Commission, apparently preferring trademark designations. [Read More](#)

### **Ahead of Bill in Parliament, NZ Officials Consult on Regs for Wine**

Anticipating passage of legislation before Parliament, New Zealand officials have announced the start of consultations over draft regulations spelling out procedures for registering geographical indications for wines and spirits. [Read More](#)

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## UnCommon Hero

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

**Neal Schuman**  
**CEO, Schuman Cheese**

As the chief executive of a U.S. company making Italian heritage cheeses, Neal Schuman is concerned about Europe's campaign to gain exclusive rights to names like parmesan, asiago and mozzarella. So Schuman supports the work of the Consortium for Common Food Names. "I do believe that the European negotiating position is an attempt to try to undermine well-established businesses that were predicated on our traditional system of standards of identities, Code of Federal Regulations, and long-standing trademark law," Schuman said. "Any attempt to change our past and deeply ingrained rules neglects the many years of investment people and companies have made to build their brands, their businesses, and risks putting many U.S. citizens out of work. In addition, it limits consumer options in countries abroad. They deserve a choice of products and products at different price." [Read more](#)



**Neal Schuman**

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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.



