



## RESOLUTION

The Annual General Assembly of the Pan American Dairy Federation - FEPALE- meeting in Havana, Cuba on November 30, 2017,

### Whereas

That in the framework of the negotiations of Free Trade Agreements that are ongoing between the European Union and the countries of the Americas, it is intended that the use of generic names of food products, and in particular of cheeses, be confiscated for exclusive use by some producers in Europe through the protection of illegitimate geographical indications.

That several countries in the region, such as those of Mercosur (Argentina, Brazil, Paraguay and Uruguay) and Mexico are involved in negotiation processes of Free Trade Agreements, where the subject matter related to intellectual property and the recognition of geographical indications are being discussed, as well as those countries that already have a free trade agreement in force.

That the Articles of Association of the Federation, in its 3rd article, letter c), state that it is the institution's objective "to preserve in a general manner the interests of the Pan-American dairy industry and in particular of the Latin American and Caribbean countries."

That the same rule in its letter f), indicates that FEPALE has as objective "To promote the constitution with effective mechanisms that aim to prevent or correct distortions in commercial competition."

### Resolve by majority

- 1) Respectfully request the governments of the countries of the Americas to maintain, as a result of the negotiation processes underway, positions that, at a minimum, ensure the following results:
  - a) Deny or reject the recognition and/or protection of foreign geographical indications as part of the negotiations of free trade agreements, if these could affect rights previously acquired in good faith or prevent that the common names in common language (also known as generic or of common use) can continue to be used to market dairy products in our countries;
  - b) In any case, ensure an open, transparent process and subject to disciplines previously established in the domestic legislation of each party regarding the scope of the rights conferred, to carry out the recognition and/or protection of foreign geographical





indications, avoiding at all costs automatic recognitions or that do not observe due process to ensure that previously acquired rights are respected, *inter alia*;

- c) Due to potential trade disruption, avoid agreeing on the recognition and applicable disciplines on foreign geographical indications, without conducting prior discussions and fully transparent consultations with the governments of other countries whose companies may be affected by the recognition of those geographical indications, and
- d) Reject the obstruction or complete impediment of market access that dairy products already have in the markets of the countries of the Americas, particularly if they originate in other countries of the continent.

