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United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

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February 3, 2017

Ms. Maria Pagan
Acting United States Trade Representative
Office of the United States Trade Representative
600 17th Street, N.W.
Washington, D.C. 20508

Dear Acting USTR Pagan:

We write to you to express concern regarding ongoing trade negotiations that Mexico is holding with the European Union (EU). We are concerned that the EU is seeking an inappropriate expansion of geographical indications registrations in Mexico and that other negotiating partners of Mexico may also be seeking to otherwise restrict the use of common food terms. In too many cases around the world, U.S. producers have to contend with geographical indications registrations that block the use of common food names or that negatively impact existing protections for established trademarks.

Due process, transparency and fair competition are critical to a well-functioning intellectual property system. Applications for intellectual property protections – whether for trademarks or geographical indications – must be handled in a consistent, transparent and equitable manner. The outcome of Mexico's discussions with the EU or other trading partners should not change these principles. For example, producers of feta and bologna should not be discriminated against by efforts to restrict common product categories widely produced and consumed throughout the North American Free Trade Agreement (NAFTA) region.

Just as Mexican companies have invested in building markets for their products around the world, so have American businesses. These international sales support the jobs of American workers. They provide markets for the food that our farmers produce and that U.S. companies in turn use to create high-quality foods.

Numerous members of Congress have expressed serious concern when geographical indications have been used to arbitrarily restrict the use of common food names, including generic uses of references to countries. NAFTA has greatly benefitted U.S. and Mexican producers and consumers in the sectors most affected by improper geographical indications restrictions. We do not want to see one of the great success stories of NAFTA put at risk. We urge you to work to ensure that new restrictions are not imposed on U.S. products and that U.S. trademarks are not undermined as a result of the EU-Mexico or other negotiations on geographical indications and related issues.

Sincerely,

A handwritten signature in blue ink that reads "Orrin Hatch". The signature is fluid and cursive, with a large, circular initial "O".

Orrin Hatch
Chairman
Senate Committee on Finance

A handwritten signature in blue ink that reads "Ron Wyden". The signature is cursive and somewhat stylized.

Ron Wyden
Ranking Member
Senate Committee on Finance

Cc: Ambassador Sada Solana, Embassy of Mexico