

oriGIn

Organization for an International
Geographical Indications Network

Volume No.8

Date: March 2008

President's message



Luis F. Samper
President of OriGIn

Dear OriGIn members, dear GI friends,
As you may know, the Third General Assembly of OriGIn, which took place in Agadir (Morocco) on 22 & 23 November 2007 elected the Management Committee of OriGIn for 2008, renewing OriGIn's Presidency held by the National Federation of Coffee Growers of Colombia.

First of all let me thank all members for your confidence and trust in renewing our mandate as President of OriGIn for 2008. Secondly, I wish to take this opportunity to summarize our forthcoming challenges for our organization.

As you will see on this edition of our newsletter, the Doha Round negotiations are reaching their breaking point.

I personally had the opportunity to exchange views regarding the WTO negotiations with the European Commissioner for Trade, Mr. Peter Mandelson, reminding him OriGIn's call for a non discriminatory approach towards GI protection, hence the need for the extension and for a multilateral register open to all products. Likewise, the GI Friends Group (which includes the European Union, Bulgaria, Cuba, the Czech Republic, Egypt, Iceland, India, Jamaica, Kenya, Liechtenstein, Mauritius, Nigeria, Pakistan, Slovenia, Sri Lanka, Switzerland, Turkey, Venezuela and Thailand, among others) remains strongly in favor of the extension of Art. 23 TRIPs to all products, while furthermore countries like India, Morocco and China, among others, have also stressed their support to the multilateral approach, with the

establishment of a multilateral register. This obviously requires that this instrument needs to be opened to all products and not only to wines and spirits. Given that more and more countries have adopted a *sui generis* GI system in their legislations, we must remain strongly committed urging our respective national representatives at the WTO to ensure concrete progress on the enhancement of GI protection in the context of the Doha Round. During the past months, OriGIn has remained actively present on the GI scenario, participating in multiple seminars and conferences on GIs at worldwide level. But furthermore, OriGIn has also taken action towards important issues that have occurred in relation to GIs: OriGIn's position paper on the Chinese proposal to review their Trademark Law, the follow up and welcome of the Moroccan GI Law adopted on January 2008 and the celebration of the recent judgment on the Parmesan case by the European Court of Justice.

Among the main achievements reached during our Assembly in Agadir, OriGIn members agreed on an Action Plan for 2008, as well as elected the Management Committee and Technical Committee of OriGIn for 2008. I wish to welcome Christian Amblard and Alain Farine, our new Technical Committee members that are ready to spend their time and energy together with Luis Berenguer and Stefano Fanti. I also want to thank, on behalf of all our members, the great work and contribution made by Anne Richard and Louis Fleury, our departing Technical Committee members.

Furthermore, the Technical Committee was entrusted by the General Assembly with the difficult task of finding a Secretary General to take over the important role played by Ms. Ester Olivas, who officially announced her decision to leave her

position on 31 of March 2008, moment in which OriGIn's Secretariat will be transferred to Geneva. In this sense, the Technical Committee held a selection process during the past months and unanimously agreed on recruiting Mr. Massimo Vittori to be the new Secretary General of OriGIn from 1 of April 2008. On behalf of all OriGIn members, I profit this opportunity to thank Ester for her commitment to OriGIn since its creation in 2003 and her outstanding work as Secretary General of OriGIn for 2006 and 2007. I would also like to welcome Massimo Vittori to OriGIn's family where all members will work together with him in moving forward OriGIn towards achieving our mutual goals.

In spite of all our efforts up to now, there is still a lot of work to be done. The new location of OriGIn's Secretariat in Geneva will allow us to be in the front line of the GI debate on the most crucial months of the Doha Round negotiations. But at the same time, we all have the responsibility of keeping the interest in GIs as well as the GI spirit alive.

Allow me to thank you in advance for your help and support during the forthcoming months. We need an engaged community, committed on defending our right to maintain the livelihood of millions of people as well as proactive in explaining how important Geographical Indications are to help us recognize our traditions, sustain our competitiveness and preserve our reputation. We are counting on you!!

Luis F. Samper
President of OriGIn

Update on WTO Negotiations on GI Protection

Geneva: work in progress

After six years of discussions, the Doha Round negotiations continue in Geneva. As a result of the TRIPs Negotiations Council on 30 of November, WTO Member States agreed that securing an agreement on "modalities" (Agriculture and NAMA) continues to be their primary focus.

Reflecting the progress on the debate during the last months, Agriculture negotiations Chairperson Ambassador Crawford Falconer and non-agricultural market access (NAMA) Chairperson Don Stephenson circulated their latest draft "modalities" on 8 February 2008.

After a period of further discussion in the Negotiating Groups for each subject, members intend to move to a new phase where these and some other areas of the Doha Round can be negotiated concurrently with each other, with the hope that agreement can be reached in the next few months. OriGIn strongly believes that results on GIs must be achieved at such stage.

As regards to Agriculture negotiations, intensive talks among a group of importing and exporting countries are taking place in an effort to achieve a breakthrough that would also allow progress in the agriculture talks as a whole. According to WTO sources, by 31 March or earlier Ambassador Crawford Falconer, who chairs the talks, will reconvene multilateral talks so that representatives of the full membership can negotiate the outcome and continue with other major issues, leading to a revised draft blueprint of the final deal.

Nevertheless, this of course allows some 6 to 8 months after the modalities are established for the scheduling exercise in Agriculture and NAMA, as well as to conclude the negotiations in the other areas.

The question remains how to achieve progress on issues like GIs simultaneously with a decision on "modalities".

On the extension of TRIPs Article 23 protection to all products

Deputy Director General, Mr. Rufus Yerxa, has continued holding

consultations on GIs extension. After the 30 November informal Trade Negotiations Committee (TNC), Mr. Yerxa held open-ended consultations on GI extension, which did not reveal changes in delegations' positions.

In December 2007, the GI Friends Group proposed an amendment to the TRIPs agreement to be added on the decision about horizontal modalities, according to which WTO Members should agree to extend the protection of Art. 23 TRIPs to GIs of all products, applying the conditions of Art. 24 mutatis mutandis.

Mr. Yerxa will continue his consultations with a view to finding common ground, crucial step for any agreement on GIs in parallel with the establishment of "modalities".

OriGIn will continue to lobby strongly for results on the extension of TRIPs Article 23 protection to all products in order to get the extension by the end of the Round.

On the establishment of a multilateral register for wines and spirits

As regards to the register, the Chairperson of the TNC on Special Sessions of the TRIPs Council undertook informal consultations in December. The discussion was long and useful. The participation as proposed is possible, while the major disagreement remains on the legal effects of the register.

The main point of discussion is about the legal effects that such register would have (proposed by EC) or leaving it as a simple database (USA and others).

The EC presented its latest proposal based on a more flexible procedure and implementation, showing certain flexibility to the register with the irrefutable presumption at any time. There is therefore no time limit for opposition at multilateral level. India, Turkey and Switzerland have supported the proposal of the EC.

OriGIn welcomes the fact that several developing countries would be ready to take position in favour of the new EU proposal on a multilateral register on the condition that it will be opened to all GI products and not only to wines and spirits. Such is the case of China, which stressed its support to the register proposed by the EU in December 2007 if opened to all products.

OriGIn will continue to support the creation of a legally-binding register,

opened to all GI products in a non-discriminatory manner.

Crucial negotiations ahead

Under the aforementioned circumstances, what does the future of the Doha Round hold for GIs? Geographical Indications are important development tools that need to be adequately protected. The Doha Development Round offers a unique opportunity to recognize that local and traditional products can enjoy the benefits of trade globalization. OriGIn members will therefore continue to urge decision-makers to deliver on the enhancement of GI protection.



Third General Assembly

The growing OriGIn family calls for the promotion and protection of GIs



Official opening at the General Assembly of OriGIn

On 22 and 23 of November 2007, OriGIn hosted its Third General Assembly in Agadir (Morocco), with the valuable support of the Argan Oil producers members of OriGIn, the Regional Council of Souss Massa Drâa and the Moroccan Ministry of Agriculture and Fisheries.

GI producers from all over the world exchanged views on the key role of GIs as rural development tools and the importance to protect GIs around the world. In particular, Moroccan producers presented the work in process to develop and protect the local value of their Argan Oil production.

During this meeting, representatives from key WTO Members, such as Thailand and Kenya, shared concerns on the insufficient while discriminatory protection that the TRIPs agreement confers to GIs. They encouraged OriGIn members to join forces and remain actively committed on the call for better GI protection at the Doha Round negotiations within the WTO.

Among the main achievements of the General Assembly, OriGIn members...

- Welcomed new members from Canada, France, Morocco, Guinea and Peru among others.
- Strengthened the exchange of experience and expertise between all OriGIn members.
- Jointly defined OriGIn's strategy for 2008, including the transfer of OriGIn Secretariat to Geneva (Switzerland).
- Agreed on minor changes on OriGIn Statutes.
- Agreed on an Action Plan and Budget for 2008.
- Elected the new Management Committee and Technical Committee for 2008.
- Re-elected the National Federation of Coffee Growers of Colombia as holder of the new Presidency of OriGIn for 2008.
- Unanimously chose Teruel (Spain) as the future venue to celebrate the Fourth General Assembly of OriGIn in May 2009.
- Agreed on opening an OriGIn delegation in Europe in order to promote the involvement and cooperation in projects organized by the European Union.



Participants to the Third General Assembly of OriGIn during the visit to a cooperative producing Argan Oil

New Secretary General of OriGIn



Massimo Vittori
New Secretary General of OriGIn

After four years of commitment and outstanding work within the organization, Ms. Ester Olivas Cáceres, current Secretary General of OriGIn,

announces her decision to leave her position on 31 of March, moment in which OriGIn's Secretariat will be effectively transferred to Geneva, in Versoix (CH-1290), Villa Grand-Montfleury - 48, chemin du Grand-Montfleury.

Upon request of the General Assembly, OriGIn's President together with the Technical Committee of OriGIn held a selection

process and unanimously agreed on recruiting Mr. Massimo Vittori to take over the Secretariat from 1 of April 2008.

Mr. Vittori holds an outstanding background on International Trade Law and Intellectual Property, as well as 7 years of working experience in Geneva within various international organizations dealing with Intellectual Property and GIs. He is a tremendously committed and energetic individual that no doubt will leave his mark in our organization.

After an introductory period at OriGIn's Secretariat, he will start his duty as new Secretary General of OriGIn, working together with all members in moving forward OriGIn towards new successes.

New committees

Since its launch in Geneva on 11 June 2003, OriGIn has continued growing. It now represents more than two million producers of traditional products from more than 30 countries and most continents: Africa, North and Latin America, Asia, Eastern and Western Europe.

In order to fulfil the needs of the geographical development of the organization, OriGIn members have elected a new Management Committee for 2008:

- President: *Mr. Luis Fernando Samper* (Colombian Coffee – Colombia)
- Vice-President for North Africa and Middle East: *Mrs. Zoubida Charrouf* (Argan oil – Morocco)
- Vice-President for Sub-Saharan Africa: *Mrs. Agnes Nyaga* (Tea – Kenya)
- Vicepresident for North America: *Mr. Ramón Gonzalez Figueroa* (Tequila - Mexico)
- Vicepresident for Central America and Caribbean: *Mr. Adargelio Garrido de la Grana* (Habanos - Cuba)
- Vicepresident for South America: *Mr. Carlos Mejía* (Pisco - Peru)
- Vice-Presidents for Asia: *Brig. Anil Adlakha* (Basmati rice- India) and *Mr. Zheng Weihua* (National Institute of Standardization - China)
- Vice-President for Eastern Europe: *Mr. Tomislav Galovic* (Slavonski Domaci Kulin - Croatia)
- Vice-Presidents for Western Europe: *Mr. Stefano Tedeschi*

(Parma ham - Italy) and *Mr. José Enrique Garrigós* (Jijona y Turrón de Alicante - Spain)

- Secretary General of OriGIn: *Ms. Ester Olivas Cáceres* (until 31 of March 2008) and *Mr. Massimo Vittori* (from 1 of April 2008)

OriGIn General Assembly also elected the Technical Committee for 2008, in charge of assisting OriGIn Secretariat on its activities:

- *Mr. Luis Berenguer* (Spain)
- *Mr. Stefano Fanti* (Italy)
- *Mr. Christian Amblard* (France)
- *Mr. Louis Fleury* (Switzerland) until 31 of March 2008 and *Mr. Alain Farine* (Switzerland) from 1 of April 2008

The willingness of many members to play a more active role will ensure a more efficient service to all OriGIn members as well as to all interested GI producers around the world.



Mr. Luis Fernando Samper (President of OriGIn), Ms. Ester Olivas (Secretary General of OriGIn) and Technical Committee 2008

In Action

OriGIn's President meets the EC Commissioner for Trade

On 21 December 2007, Luis Fernando Samper, President of OriGIn, met Peter Mandelson, European Commissioner for Trade, in Bogotá (Colombia).

OriGIn's President thanked the Commissioner and his services for their support in favour of a better protection of GIs at international level. He also pointed out that more than 80 countries have adopted a sui generis GI system, mostly developing countries and that some developed countries are now looking at the GI system as a local development tool.

Mr. Samper reminded OriGIn's call for a non discriminatory approach towards GI protection, hence the need for the extension and for a multilateral register open to all products. In this regard, he insisted on the importance to establish a multilateral register based on the essence of the Doha Round, which is

to be a “development” round, where most WTO members have many other products, besides wines and spirits, in need of international protection.

OriGIn met the Deputy Director General of the WTO, Mr. Harsha V. Singh, in India

On 4 of January, Brig. Anil Adlakha (Vice-president of OriGIn for Asia) met Mr. Harsha V. Singh DDG of the WTO at an interactive session organized by FICCI and World Bank.

During the meeting, both representatives exchanged views on GI matter and Mr. Adlakha insisted in the importance to extend the protection of Art.23 TRIPs provided to wines and spirits to all GI products.



Mr. Harsha V. Singh (DDG of the WTO) & Brig. Anil Adlakha (Vice-president of OriGIn for Asia)

Trademark revision in China: two systems to protect Geographical Indications co-existing

On 29 of January, OriGIn sent an OriGIn’s position paper on the Chinese proposal of Trademark revision to the Chairman of the IP Working Group of the EU Chamber of Commerce in China, Mr. Paul Ranjard.

Through such document, OriGIn stressed concerns with regard to the development of several legal frameworks for the protection of Geographical Indications in China. On one side, the General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) issued the Regulation on Protection of Products of Geographical Indications In June 2005, establishing a sui generis protection for GIs, while the draft law on Trademark also contains a chapter on GIs.

The coexistence of two systems raises several questions with regard to the coherence of the legal framework for the protection of GIs in China and GI producers fear that the two systems could lead to multiple registrations and possible conflicts between GI registrations.

OriGIn welcomes the new Moroccan law on GIs

On 23 January 2008, the Moroccan Parliament adopted the Law 25/06, “relative aux signes distinctifs

d’origine et de qualité des produits agricoles et des denrées alimentaires”. Inspired on the European GI system, the existing legal framework for wine PDOs is completed with a new GI law for the other GI products, which includes among others cosmetic products, essentials oils and aromatic plants.

OriGIn welcomes the adoption of the new legislation, which allows Moroccan producers to consolidate production systems to enable the protection of their traditional products.

Mongolian delegation visits Europe on a GI Study tour

From 9 to 18 December 2007, a Mongolian delegation, consisting in officers from major Mongolian ministries and institutions as well as producers and exporters of Camel wool, cashmere, cheese, garlic, spirits and other products took part on a GI Business Study Tour in Europe.

Besides celebrating meetings with national and European organizations in Spain and France, such as the Office of Harmonization of the Internal Market (OHIM), OriGIn’s Secretariat in Alicante, and the Institute National des Appellations d’origine française (INAO), they visited the production of several GI products, such as the fabrics of CRIGP Turrón de Jijona and Alicante and the Comté Fruitière in France, among others.



Meeting between the Mongolian delegation with Ms. Ester Olivas, Secretary General of OriGIn

Database of GIs as a tool for CTM examination procedure

On 24 of January, the OHIM published a database containing protected geographical indications of wines, spirits, agricultural products and foodstuffs under Community Regulations and bilateral treaties between the EU and third countries. The database, which is used by examiners, is reproduced in an Excel table containing the GI name, the region of origin and the legal reference and will be used as a tool on the CTM examination procedure. We encourage OriGIn members to ensure that their products are included in this list if they have achieved GI protection in the European Union.

OriGIn: Seminars and Conferences

OriGIn continues promoting the GI route through the organization and participation at seminars and conferences around the world. Among many others attended since our last newsletter, we can outline events concerning GIs in Washington D.C. (USA), Bogotá (Colombia), Budapest (Hungary), Rome (Italy), Madrid (Spain) and Agadir (Morocco).

Goodbye to the misleading use of the term “Parmesan” in European Member States

OriGIn members welcome the publication of the Ruling by the European Court of Justice on 26 of February 2008.

According to the Court Judgment, the term “Parmesan” must be regarded as an evocation of the PDO Parmigiano Reggiano and therefore such term cannot be used for cheese which does not comply with the specifications for the PDO Parmigiano Reggiano.

- Interregional Workshop on Geographical Indications, organised by the World Intellectual Property Organization (WIPO) and the Organization of the Islamic Conference, in Ankara (Turkey), April 3 and 4, 2008
- 10ème Assises Nationales de l’Origine. Bordeaux (France), 6 of May
- World Intellectual Property Day, organized by WIPO, 26 of April.
- International Training Module on “Geographical Indications (GIs): a way forward for local development” in Montpellier (France), from 12 to 23 of May.
- Two-week colloquium for teachers of intellectual property from developing countries and countries with economies in transition, organized by WIPO and the World Trade Organization (WTO) in Geneva from June 30 to July 10.
- WTO Public Forum 2008: “Trading into the future” in Geneva (Switzerland) on 24 & 25 September.

* * *