

# oriGIn Report



## Highlight of the month

### The new European Commission

A new European Commission will be taking office on 10 February. Each Member State of the EU has designated a candidate. They will be part of a new team chaired by the President of the European Commission, J.M. Barroso.

As to the portfolios that most concern GIs, the Commissioner-designated for Agriculture is the former Agriculture Minister from Roumania, Mr. Dacian Ciolos and the Commissioner-designated for Trade is a Belgian, Mr. Karel De Gucht. In the EU Issues / Institutional Developments section, you will find a short overview of the main points raised by the 2 Commissioners in their hearings before the European Parliament (EP), where they had to expose their strategies and respond to questions. oriGIn got in touch with various EP members (MPs) and suggested them to raise the attention of the 2 designated-Commissioners on key issues, such as the extension of TRIPS art. 23 to all products and the management of production's volumes by GI groups. Various questions by MPs addressed those issues but (as you will see from the overview of the main points raised during the hearings) work remains to be done to make sure they will be high in the agenda of the new Commissioners. In this respect, oriGIn is planning meeting with the new Commissioners and their respective Cabinets. We have also developed excellent relations with various MPs from a variety of political groups. This for sure can help us to push our agenda through.

## International Affairs

### Cognac: first non-Chinese GI recognised in China

On 18 December, the Chinese General Administration of Quality Supervision, Inspection and Quarantine recognised and protected as a GI the denomination Cognac. As a result, Cognac became the first non-Chinese GI protected in China. While the Chinese legislation does not provide a specific procedure for foreign GIs the procedure used for national GIs was applied to Cognac. This opens the way for European as well as other foreign GIs willing to be protected in China. For further information: [http://www.cognac.fr/cognac/pdf/Presse/091221\\_cognac\\_chine.pdf](http://www.cognac.fr/cognac/pdf/Presse/091221_cognac_chine.pdf)

### WTO: negotiations on GIs

A meeting on GI Extension took place on 9 December in the framework of the informal consultations led by Lamy. Representatives of Argentina, Australia, Brazil, Canada, Chile, India, Egypt, the EU, Japan, New Zealand, Norway, Peru, Switzerland, Tanzania and the USA attended the meeting. Experience in the implementation of GI protection under the various legal systems, the special character of GIs vis-à-vis other forms of Intellectual Property Rights and the continuing role of exceptions and limitations under extended GI protection were discussed. The next meeting on GI Extension should take place before the stock-taking exercise to assess whether the Doha Round can be concluded by the end of 2010 – to be held in March – is organised.

### EU – Switzerland: Bilateral Agreement on GIs

On 11 December, the EU and Switzerland concluded negotiations on a bilateral agreement for the protection of their respective GIs for agricultural products and foodstuffs. The draft agreement must now be signed by the parties. It covers 800 EU GIs and around 20 Swiss GIs. It introduces a mechanism for updates which will allow the integration of new GIs. Thanks to this agreement, agricultural GIs will be mutually

protected (wines and spirits were already protected in light of the agricultural trade agreement between the EU and Switzerland, in force since 1 June 2002).

The Commission published the list of the GIs for which Switzerland seek protection within the EU (list available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:32:0:0039:0040:EN:PDF>). Any Member State, third country, natural or legal persons having a legitimate interest, established or resident in a Member State or in a third country can submit objections to such protection by lodging a duly substantiated statement. Those statements of objection must contain an explanation of the objection, notably based on the list contained in the published document, and must reach the Commission before the 24 February. For further information: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:32:0:0039:0040:EN:PDF>

### Negotiations EU – Morocco: signature of agreed minutes

On 17 December, EU negotiators and their counterparts from Morocco signed agreed minutes to conclude an agreement on improving bilateral trade conditions for products of the agri-food and fisheries sector. In order to enter into force, the respective authorities must now approve the agreement. In the agricultural products sector, the agreement plans the immediate liberalisation of 45% of the value of EU exports and 70% in ten years. The tinned food, dairy products, oilseeds and fruit and vegetable sector will benefit from total liberalisation. The agreement also provides that negotiations on the protection of geographical indications will be opened. According to our information, this issue which is quite sensitive is not going to be dealt with by the Spanish Presidency of the EU. As a result, the agreement will be discussed under the Belgian Presidency (July-December 2010).

### OHIM and WIPO sign classification agreement

On 3 December, the World Intellectual Property Organization (WIPO), which administers the Madrid System for the International Registration of Marks, and the trade marks and designs registration office of the EU (OHIM), signed an agreement on future cooperation on trade mark

classification. The aim of the agreement is to establish a common database of acceptable indications of goods and services. It has the potential to lead to an expansion of the number of commonly accepted terms for goods and services in IP offices around the world. OHIM will share with WIPO its classification list of goods and services terms comprising 100,000 terms translated into 22 languages. WIPO seeks to expand its goods and services database and make it available on online in 2010. For more information see: [http://oami.europa.eu/ows/rw/resource/documents/OHIM/news/newsItem/common\\_understanding\\_wipo\\_ohim.pdf](http://oami.europa.eu/ows/rw/resource/documents/OHIM/news/newsItem/common_understanding_wipo_ohim.pdf)

### EU-China call for robust Intellectual Property Rights

At the 12<sup>th</sup> EU-China summit held on 30 November, the EU and China published a joint statement which covers Intellectual Property Rights (IPRs). They “acknowledged the need for a robust, efficiently enforced and well functioning IPR system for continued economic development. They committed to step up their cooperation on intellectual property rights. Leaders also welcomed the launch of negotiations on a EU-China Geographical Indications bilateral cooperation agreement.” The EU-China Joint Statement can be consulted at: [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/er/111567.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/111567.pdf)

## EU Issues

### Policy Developments

#### Intellectual Property Rights

##### Evaluation of the European Trademark System

Following the publication in July 2008 of a communication laying out a new strategy in the domain of industrial property, the European Commission launched, in November 2009, a study in order to evaluate the EU trademark system. The study is carried out by the Max Planck Institute for Intellectual Property, Competition and Tax Law in Munich, which should published its final report in November 2010. The goal of the study is to identify the potential improvements and strengthening of the system in order to develop the future system of

EU trademark protection with potential regulations and directive modifications. The results of the study should also help to reinforce the cooperation between OHIM and the national offices. Proposals for modifications from the Commission could be issued at the beginning of 2011. oriGIn took this opportunity to remind the DG Internal Market the urgent need to address the key issue of the relation between Protected Designation of Origin (PDOs) and Protected Geographical Indications (PGIs) on the one hand, and national and Community trade marks on the other.

### **EU Member States and the Commission mobilise to fight counterfeiting and piracy**

On 14 December, Member States and the Commission met with the European Observatory for Counterfeiting and Piracy, to build on initiatives to fight counterfeiting and piracy in the EU. The Commission defined as its aim to ensure that an efficient and proportionate system of enforcement of intellectual property rights.

### **European Agricultural Policy**

#### **Promotion of EU agricultural products outside the EU**

On 30 November, the European Commission approved programmes from France, Greece, Italy, Lithuania, Poland, Portugal and Romania to provide information on, and to promote agricultural products in third countries. The EU and the Member States are contributing equally to the budget of the programmes. Some programmes cover PDO/PGI and wines. For further information see: <http://europa.eu/rapid/pressReleasesAction.do?reference=P/09/1849&format=HTML&aged=0&language=EN&guiLanguage=en>

#### **Study on "Public Goods provided by Agriculture in the European Union"**

As the debate about the future of the Common Agricultural Policy (CAP) is intensifying and the priorities of the CAP for the period after 2013 are being discussed, the Institute for European Environmental Policy published on 25 January a report on the public goods. This report affirms that the CAP encourages farmers to deliver public goods, defined as environmental goods

and services, provided that policies are targeted in the right way. The researchers made a list of environmental public goods provided by European farmers, as the preservation of landscapes, the protection of threatened animals, and the preservation of high quality water and soils. The study considers that public goods are not being provided on a sufficient scale and that a proper policy with sufficient budgetary resources should be defined. For further information:

[http://ec.europa.eu/agriculture/analysis/external/public-goods/index\\_en.htm](http://ec.europa.eu/agriculture/analysis/external/public-goods/index_en.htm)

### ***Institutional Developments***

#### **Hearing of Dacian CIOLOȘ, designated Commissioner for agriculture and rural development**

On 15 January, M. Dacian Cioloș, designated Commissioner for agriculture and rural development, appeared before the Agriculture and Rural development Committee of the European Parliament. In presenting his strategy, he stated that the CAP must ensure the security of the markets' supply and salaries for farmers. The future of the CAP post 2013 will be the priority of his mandate and the designated Commissioner reaffirmed that the CAP must have a budget to match its objectives. Three key elements of the CAP were mentioned by Mr. Cioloș: direct payments, which have to be revised; market regulation mechanisms (insurance guarantee schemes and contractualisation); and the rural development policy.

Mr. Cioloș declared that GIs are an integral part of the negotiations with third countries because they are the basis of the EU quality policy. Concerning the management of production volumes by GIs groups Mr. Cioloș affirmed that a reflection will determine the best mechanism to be implemented.

#### **Hearing of Karel DE GUCHT, designated Commissioner for international trade**

During his hearing before the International Trade Committee of the European Parliament, on 12 January, Mr. De Gucht, mentioned five priorities:

- The need to conclude the Doha Round negotiations;

- The need to strengthen the multilateral trade system;
- Trade relations with Russia, Asia and the USA;
- The need to support European companies;
- The fight against counterfeiting with the framework of ACTA.

Mr. De Gucht appeared not fully aware of the issues relating to the protection of GIs at the multilateral level.

### **News on GI registrations**

#### **GI Registration**

- “Agljo Bianco Polesano” (PDO) – 01/12  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:314:0060:0061:EN:PDF>
- “Redykolka” (PDO) – 01/12  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:314:0062:0063:FR:PDF>
- “Marrone di Combai” (PGI) – 03/12  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:317:0028:0029:EN:PDF>
- “Bremer Klaben” (PGI) – 03/12  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:317:0030:0031:EN:PDF>
- “Cornish Sardines” (PGI) – 03/12  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:317:0032:0033:EN:PDF>
- “Formaggio di Fossa di Sogliano” (PDO) – 03/12  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:317:0034:0035:EN:PDF>
- “Wiśnia nadwiślanka” (PDO) – 15/12  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:330:0068:0069:EN:PDF>
- “Marrone di Caprese Michelangelo” (PDO) – 17/12  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:332:0046:0047:EN:PDF>
- “Crudo di Cuneo” (PDO) – 17/12

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:332:0050:0051:EN:PDF>

- “Arzúa-Ulloa” (PDO) – 23/01  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:008:0001:0002:EN:PDF>
- “Pistacchio Verde di Bronte” (PDO) – 23/01  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:008:0003:0004:EN:PDF>
- “Jihočeská Niva” (PGI) – 13/01  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:009:0001:0002:EN:PDF>
- “Skilandis” (TSG) – 14/01  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:010:0001:0002:EN:PDF>
- “Pesca di Verona” (PGI) – 14/01  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:010:0003:0004:EN:PDF>
- “Idrijski žlikrofi” (TSG) – 14/01  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:010:0005:0006:EN:PDF>
- “Jihočeská Zlatá Niva” (PGI) – 14/01  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:010:0007:0008:EN:PDF>

#### **Amendments**

- “Pesca e Nettarina Di Romagna” (PGI) – 22/12  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:313:0027:0033:EN:PDF>
- “Mela Val Di Non” (PDO) – 23/12  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:315:0027:0032:EN:PDF>
- “Castelmagno” (PDO) – 24/12  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:320:0027:0032:EN:PDF>
- “CAPPERO DI PANTELLERIA” (PGI) – 29/01  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:022:0048:0051:EN:PDF>

### Registration request

- "Podkarpacki Miód Spadziowy" (PDO) – 09/12  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:299:0018:0022:EN:PDF>
- "Höllens Sprudel" (PDO) – 09/12  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:299:0023:0023:EN:PDF>
- "Rieser Weizenbier" (PGI) – 10/12  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:300:0022:0023:EN:PDF>
- "Fagiolo Cannellino Di Atina" (PDO) – 10/12  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:300:0024:0026:EN:PDF>
- "Lüneburger Heidekartoffeln" (PGI) – 15/12  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:299:0023:0023:EN:PDF>
- "Ovčí Salašnícky Údený Syr" (TSG) – 15/12  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:305:0027:0031:EN:PDF>
- "Mâconnais" (PDO) – 18/12  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:308:0047:0050:EN:PDF>
- "Pemento De Herbón" (PDO) – 18/12  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:308:0051:0056:EN:PDF>
- "Saucisse De Morteau" ou "Jésus De Morteau" (PGI) – 23/12  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:315:0012:0017:EN:PDF>
- "Queso De Flor De Guía/Queso De Media Flor De Guía/Queso De Guía" (PDO) – 23/12  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:315:0018:0025:EN:PDF>
- "Gögginger Bier" (PGI) – 23/12  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:315:0026:0026:EN:PDF>
- "Bratislavský Rožok" / "Pressburger Kipfel" / "Pozsonyi Kifli" (TSG) – 24/12  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:320:0041:0046:EN:PDF>
- "Hessischer Handkäse"/"Hessischer Handkäs" (PGI) – 24/12  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:320:0047:0050:EN:PDF>
- "Prosciutto Toscano" (PDO) – 30/12  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:322:0033:0038:EN:PDF>
- "Génisse Fleur D'aubrac" (PGI) – 30/12  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:322:0039:0044:EN:PDF>
- "Los Pedroches" (PDO) – 07/01  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:003:0007:0012:EN:PDF>
- "Mogette De Vendée" (PDO) – 23/01  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:018:0042:0046:EN:PDF>
- "Ovčí Hrudkový Syr – Salašnícky" (STG) – 27/01  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:020:0033:0037:EN:PDF>
- "Asparago Di Badoere" (PGI) – 29/01  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:022:0052:0055:EN:PDF>