

oriGIn Report



Highlight of the month

Brazil: registration of the 1st GI "Arroz do litoral norte gaúcho"

On 25 August, the "Arroz do litoral norte gaúcho" - a rice produced in the north coast of the "Rio Grande do Sul", became the first agricultural GI registered in Brazil. In the region about 600.000 tonnes of rice are produced annually and this activity generates 5.000 direct jobs as well as some 20.000 indirect jobs.

oriGIn is also very pleased to announce that the association of producers of "Arroz do litoral norte gaúcho" (Aproarroz) joined the Organisation.

For further information, see (only in Portuguese):
<http://www.inpi.gov.br/noticias/inpi-concede-primeira-denominacao-de-origem-para-brasileiros>

International Affairs

Pruneau d'Agen: French producers fight for the protection in Chile

French producers are trying to secure some level of protection of the GI "Pruneau d'Agen" in Chile. "Agen" is a town situated in the south-west of France where the genuine "d'Agen prunes" are produced. The protection as a GI would enable consumers to have more information on the products they wish to buy and avoid confusion as to the true origin and quality of the prunes.

Chilean producers have been using this name in connection with dried prunes. The Chilean prunes' processor and exporter association - APECS - opposed the request of protection, based on various arguments, such as the fact that "d'Agen" is used as a plant variety name and that is a generic term in Chile. Chile and Argentina are the only prune producers in the world using that so-called "variety" name as a commercial name.

The protection of "Champagne" in Peru

In August, the Trademark Office of Peru (INDECOPI) published an important resolution (1404-2010/CSD-INDECOPI) protecting the appellation of origin "Champagne" and setting the framework for the protection of appellations of origin for wines and spirits, as provided by the Andean Community Decision n°486. This resolution of the INDECOPI was published within the administrative process of opposition to the registration of the mark "Champagne Room", requested in connection with restaurant services. The opposition had been filed by the Institut National de l'Origine et de la Qualité (INAO) and the Comité interprofessionnel du vin de Champagne (CIVC).

INDECOPI rejected the application for registration of the above-mentioned mark on the following grounds:

- the appellations of origin registered in the International Register under the WIPO Lisbon Agreement are protected in Peru (which is a contracting party of this Treaty);
- As "Champagne" is a designation of origin protected in Peru, paragraph k) of Article 135 of Decision 486 of the Andean Community, which provides that signs containing a protected designation of origin for wines and spirits cannot be registered as trademarks, fully applies;

The resolution INDECOPI is important because it

- Clarifies that "Champagne" is not a generic name in Peru;
- Confirms that article 23 of the TRIPS Agreement is a powerful instrument (the prohibition contained in paragraph k) of Article 135 of Decision 486 of the Andean Community of Nations reproduces that article;

- Creates a precedent in Peru: every denomination of origin designating foreign wines and spirits - and protected within the framework of the Lisbon Agreement - is protected against any trademark application that "contains" the appellation of origin, regardless of the class of goods or services.

UE – Australia: Entry into force of the agreement on trade in wine

On 1 September 2010, the Agreement between the European Community and Australia on trade in wine, signed on 1 December 2008, entered into force.

This Agreement, replacing the one signed in 1994, safeguards the EU's wine labelling regime, gives full protection to the EU GIs, including for wines intended to be exported to third countries, and includes a clear commitment from Australia to protect EU traditional expressions. The Agreement also provides for the immediate protection of other European GIs for wines. For some terms, transition periods have been agreed. From 1 September 2011, i.e. one year after the entry into force of the agreement, the Australian producers will not be able to continue the use of important EU names such as "Champagne", "Port", "Sherry" nor some traditional expressions such as, "Amontillado", "Claret", and "Auslese".

For further information:
<http://europa.eu/rapid/pressReleasesAction.do?reference=P/10/1078&format=HTML&aged=0&language=EN&guiLanguage=en>

EU – Switzerland: Bilateral Agreement on the protection of GIs

On 11 December 2009, the EU and Switzerland concluded negotiations on a bilateral agreement for the protection of their respective GIs for agricultural products and foodstuffs (see oriGIn Report of December 2009 –January 2010). After the opposition procedure, in August, the 2 parties reached an agreement on the products covered by the agreement: 818 GIs protected in the EU and 22 GIs protected in Switzerland. The Agreement is now to be ratified by the 2 parties.

EU – Canada trade negotiations

In July, the latest negotiations on EU – Canada trade agreement resumed in Brussels. The EU is currently trying to enhance the protection of GIs in bilateral free trade agreements.

In the framework of the negotiations with Canada, the EU seeks the protection of agricultural products with GIs (wines are covered by an agreement concluded by the 2 parties on 16 September 2003 this agreement provides that the classification as generics of 21 European wine names will end in Canada in three phases, the last by 31 December 2013). Canada however is reluctant to include agricultural GIs in the scope of the future trade agreement. The next meeting is scheduled in Ottawa in October.

ACTA: no consensus on GIs

At the end of the 9th round of negotiation which took place at the beginning of July in Switzerland, the negotiators published a press communiqué in which they affirmed that ACTA will be consistent with World Trade Organization Agreements. However, no new draft negotiating text was published after one delegation blocked the move.

The 10th round of negotiation of the ACTA took place in the USA at the end of August. During this meeting, the EU, Mexico and Switzerland repeated that they want GIs to be included in the scope of the ACTA and the agreement to protect them "ex officio". However, the USA and Canada are not willing to include this intellectual property right in the agreement.

oriGIn, which has been in touch with various negotiators and insisted on the fact that an exclusion of GIs from the scope of ACTA would miss any legal or economic justification and be dangerous for consumers who rely on GIs to obtain key information about the quality of the products they wish to purchase, will continue its campaign in this respect.

The next round of negotiation will take place in Japan in September.

WTO: 'New Dynamic' in Doha Talks

On 28 July, WTO Director General, Pascal Lamy affirmed that a "new dynamic" has emerged in the negotiations. However he stated that it is too early to see if this dynamic can apply to all the issues being negotiated. Furthermore, it seems that the cocktail approach put forward by Mr Lamy in June (see oriGIn report of June) has helped the talks to continue. The talks resumed early in September.

EU Issues

Policy Developments

GI Policy

Court of Appeal of Berlin: "parmesan" is not generic but an evocation of the PDO Parmigiano-Reggiano

On 15 July, the Court of Appeal of Berlin rejected the appeal made by Allgäuland-Käsereien GMBH against the judgement of the Tribunal of Berlin published on 22 April 2008. In this judgement, the Tribunal forbade the German enterprise to produce, advertise, sell or put on the market cheeses with the denomination "Parmigiano", "Bio-Parmesan" or "Parmesan" which are not in conformity with the specifications of the PDO Parmigiano-Reggiano. This action before the German Courts was made by the Consorzio del Formaggio Parmigiano-Reggiano. The Court of Appeal rejected the argument of the German enterprise according to which the denomination "Parmesan" would be generic. The Court stated that the denomination is protected through a European norm, and is an evocation of the PDO Parmigiano-Reggiano, as decided by the European Court of Justice in its decision of 26 February 2008. The Court also made it clear that it considers the Consorzio entirely legitimate to defend the PDO before the Courts. The German enterprise has the possibility to appeal to the German Supreme Court.

oriGIn welcomes the decision of the Court of Appeal of Berlin!

The French Gruyère applies for PGI protection

The Swiss Gruyère is about to obtain the protection as PDO within the framework of the EU – Switzerland Agreement on the protection of GIs (see above). On the other hand, the "French" Gruyère producer organisation, which had sent the European Commission an application for a PDO in 2007, decided to reformulate it and apply instead for a PGI.

oriGIn contribution to the EU Public Consultation on a future trade policy

At the beginning of June, DG Trade launched a broad public consultation on the future of EU trade policy (see: oriGIn report of June). This public consultation was closed on 28 July. This consultation covered a broad range of issues, notably GIs and aims at explaining how trade policy can help achieve the objectives of the 'Europe 2020' Strategy. DG Trade will now prepare a report and then define its policy at the end of 2010.

oriGIn sent its comments to the European Commission. oriGIn final position can be consulted at: http://www.origin-gi.com/images/stories/PDFs/English/Lobby/Future_EU_TP.pdf

News on GI registrations

GI Registration

- "Fasola korczyńska" (PGI) – 12/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:178:0011:0012:EN:PDF>
- "Miód kurpiowski" (PGI) – 12/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:178:0013:0014:EN:PDF>
- "Pesca di Leonforte" (PGI) – 15/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:182:0001:0002:EN:PDF>
- "Farro di Monteleone di Spoleto" (PDO) – 15/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:182:0003:0004:EN:PDF>

- “Melanzana Rossa di Rotonda” (PDO) – 15/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:182:0005:0006:EN:PDF>
- “Ricotta di Bufala Campana” (PDO) – 19/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:186:0014:0015:EN:PDF>
- “Traditionally Farmed Gloucestershire Old Spots Pork” (TSG) - 29/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:197:0001:0002:EN:PDF>
- “Fagiolo Cannellino di Atina” (PDO) – 05/08
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:203:0005:0006:EN:PDF>
- “Pemento de Herbón” (PDO) – 05/08
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:203:0007:0008:EN:PDF>
- “Pesca e Nettarina di Romagna” (PGI) – 05/08
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:203:0009:0010:EN:PDF>
- “Lüneburger Heidekartoffeln” (PGI) – 05/08
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:203:0001:0002:EN:PDF>
- “Mâconnais” (PDO) – 05/08
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:203:0003:0004:EN:PDF>
- “Podkarpacki miód spadziowy” (PDO) – 07/08
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:208:0001:0002:EN:PDF>
- “Saucisse de Morteau ou Jésus de Morteau” (PGI) – 21/08
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:220:0057:0058:EN:PDF>
- “Basilico Genovese” (PDO) – 12/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:178:0005:0010:EN:PDF>
- “Montasio” (PDO) – 05/08
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:212:0009:0015:EN:PDF>
- “Valle D’aosta Lard D’arnad”/ “Vallée D’aoste Lard D’arnad” (PDO) – 17/08
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:222:0014:0018:EN:PDF>
- “Fagioli Bianchi Di Rotonda” (PDO) – 29/06
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:169:0012:0015:EN:PDF>
- “Miele Delle Dolomiti Bellunesi” (PDO) – 08/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:184:0032:0037:EN:PDF>
- “Oravský Korbáčik” (PGI) – 13/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:188:0015:0019:EN:PDF>
- “Zázrivský Korbáčik” (PGI) – 13/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:188:0020:0023:EN:PDF>
- “Cornish Pasty” (PGI) – 14/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:190:0033:0036:EN:PDF>
- “Πράσινης Ελιές Χαλκιδικής” (Prasines Elies Chalkidikis) (PDO) 14/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:190:0037:0042:EN:PDF>

Amendments request

Registration request

Approval of amendments

- “Soprèssa Vicentina” (PDO) – 06/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:170:0001:0006:EN:PDF>
- “Montes de Toledo” (PDO) – 06/07
- “Alföldi Kamillavirágzat” (PDO) – 16/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:192:0010:0014:EN:PDF>
- “Mostviertler Birnmost” (PGI) – 16/07

- <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:192:0015:0018:EN:PDF>
- “Pera De Lleida” (PDO) – 16/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:192:0019:0022:EN:PDF>
 - “Českobudějovické Pivo” (PGI) – 24/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:202:0004:0007:EN:PDF>
 - “Tekovský Salámový Syr” (PGI) – 24/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:202:0008:0012:EN:PDF>
 - “Bayerisches Rindfleisch”/“Rindfleisch Aus Bayern” (PGI) – 28/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:204:0015:0018:EN:PDF>
 - “Farina Di Castagne Della Lunigiana” (PDO) – 14/08
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:220:0014:0017:EN:PDF>
 - “Formaggella Del Luinese” (PDO) – 14/08
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:220:0018:0021:EN:PDF>
 - “Φιρικί Πηλιού” (Firiki Piliou) (PDO) – 17/08
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:222:0009:0013:EN:PDF>
 - “Lapin Poron Kylmäsavuliha” (PDO) – 20/08
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:225:0012:0015:EN:PDF>
 - “Σταφιδα Ηλείας (Stafida Ilias)” (PGI) – 28/08
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:233:0020:0023:EN:PDF>