

oriGIn Report



Highlight of the month

oriGIn's role in promoting the GI concept in the USA

On 1 June, oriGIn presented its handbook "American Origin Products (AOPs): Protecting a Legacy" in Washington D.C, at the prestigious international law firm Dewey & LeBoeuf. The manual, published in March 2010, focuses on the socio-economic implications of GIs in the USA and highlights the adjustments the current legal framework would require for the American GI business to fully deploy its potential (http://www.origin-gi.com/index.php?option=com_content&view=article&id=110%3Alatest-origin-hanbook-qamerican-origin-products-aops-protecting-a-legacy&qlang=en).

Following the handbook's presentation, a seminar on "American Origin Products: Economic and Legal Perspectives" was organised in Washington D.C on 3 June. This event gathered more than 50 GIs specialists: among them American producers, lawyers, governments' officials, professors and lobbyists - in particular the representatives of the US Patent and Trademark Office (USPTO) and of the US Department of Agriculture (USDA) actively participated in the seminar. All presentations are available at http://www.origin-gi.com/index.php?option=com_content&view=article&id=116&Itemid=38&lang=en.

The discussions covered various themes: the economic potential of AOPs, how to provide an effective legal protection for origin products in the US and the need to reform the current legal system, as well as the main challenges in

protecting foreign GIs in the U.S. and AOPs in foreign jurisdictions.

From the presentations and lively debate, it appears that awareness of the benefits of origin products is rising in the US. It was said that origin products can be useful not only for supporting small scale and traditional production but also for opening new avenues for economic development, such as tourism. A number of products that could take advantage of the AOP concept in the US were presented. These range from small to large and illustrate different benefits of such a tool. For example, the "Missouri Pecan" case showed how traditional production can have environmental benefits, such as flood control. The "Kona Coffee" case showed how traditional production can have wider social benefits. Idaho Potatoes, with their annual 5 billion in economic activity generated within the State of Idaho, showed how origin products can achieve scale. On top of being an "economic success", the "Napa Valley" case shows how the specific protection of geographical names is not completely unknown in the US. The "American Viticultural Areas" (AVAs) concept for wines is a GI-like system and can provide some direction to the further evolution of the overall movement in the US.

Moreover, the USDA-sponsored project on the First Inventory of GI "Nominee" Products was presented at the seminar. It will certainly contribute to increase interest on GIs in the US.

The discussions also showed that the trademark system available in the US to protect geographical names (including certification and collective marks) presents several problems, in particular in relation with the costs of registration, monitoring and enforcement. The USPTO representative said the Office is open to receive concrete proposals to improve the system from its users. In particular, it was mentioned that one of the ideas contained in oriGIn's handbook "American Origin Products" - the one concerning a more active role of USPTO in policing and denying registration of applications for marks that include a prior registered certification mark – will be carefully analysed.

International Affairs

EU – China: Preparation of the negotiations of a bilateral agreement concerning the protection of GIs

The European Commission and the Council currently work on the preparation of a bilateral agreement between the EU and China concerning the protection as GIs of wines, spirits, agricultural products and foodstuffs. They are defining the negotiating mandate of the Commission. The negotiations will begin when this mandate will adopt by the Council.

EU – Ukraine: Bilateral Agreement on GIs

The European Commission is currently negotiating a Bilateral Agreement on GIs with Ukraine. In this regard, on 4 June, the Commission published a list of the 2 wines with GIs for which Ukraine seeks protection within the EU (list available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:14:6:0030:0032: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 4 August. For further information: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:14:6:0030:0032:EN:PDF>

European Union: Public Consultation on the future of trade policy

At the beginning of June, DG Trade launched a broad public consultation on the future of EU trade policy (see: <http://ec.europa.eu/yourvoice/ipp/forms/dispatch?form=FutureTradePolicy>).

This consultation covers a broad range of issues and aims at explaining how trade policy can help achieve the objectives of the 'Europe 2020' Strategy. Such strategy was launched on 3

March 2010. Its objective is to achieve a smart, sustainable and inclusive growth in the EU in 2020. For further information on the Europe 2020 strategy, please see: <http://ec.europa.eu/eu2020/pdf/COMPLET%20EN%20BAR%20%20%200007%20-%20Europe%202020%20-%20EN%20version.pdf>

The consultation on the future of EU trade policy is open to all stakeholders from the EU and third countries. Contributions can be sent to DG Trade until July 28. DG Trade will first prepare a report and then define its policy at the end of 2010.

Given the strategic importance for GIs of the EU trade policy, oriGIn intends to participate in this consultation with a common position and invites its members to send their comments to info@origin-gi.com (deadline: 16 July).

WTO: update on the Doha Round

On 11 June, Director-General Pascal Lamy affirmed before the Trade Negotiations Committee of the WTO that WTO members should be more ambitious, to reach an agreement on the Doha Round. M. Lamy suggested to follow a "cocktail approach": meetings organised by the Chairs of the negotiating groups, preliminary contacts between trade ministers and consultations between the various delegations and the Director-General himself. Moreover, M. Lamy reaffirmed the "single undertaking" principle, which means that all items of the Doha Development Agenda have to be agreed upon before a deal can be clinched.

On the other hand, the Group of Less Developed Countries (LDCs) asked for early deals to be signed in critical areas: quota-free, duty-free market access for LDC exports; preferential trade in services for LDCs; an ambitious package on cotton; and simplification of rules-of-origin.

Meanwhile, on 22 June, speaking at Trade Committee of the European Parliament, the European Commissioner for Trade, Karel De Gucht, affirmed that the USA bears the responsibility of the resumption of the negotiations.

EU – Mercosur: 1st round of negotiations

From 29 June to 2 July, the representatives of the EU and Mercosur meet in Buenos Aires for the first round of negotiations of a Free Trade Agreement (FTA). This meeting aims at drafting a state of play of the positions of the parties. The next steps in the trade talks will also be discussed. For the European Commission, the representatives of the Trade, Agriculture, Health and Consumers, Taxation and Customs Union, and Competition Directorate Generals will be present in Buenos Aires.

Meanwhile, in an Oral Question to be tabled at the July plenary session of the European Parliament, several MEPs have requested a clarification of the negotiations and have asked that the Parliament be given a detailed analysis of the impact of such FTA on European producers.

EU Issues

Policy Developments

GI Policy

Publication of a registration request for a Thaï GI

On 29 June, a registration request of the ข้าวหอมมะลิทุ่งกุลาร่องไห้ (Khao Hom Mali Thung Kula Rong-Hai), a rice produced in the Thung Kula Rong-Hai area in Thailand, has been published in the Official Journal of the European Union. This publication opens a six-month opposition period. Statements of objection must reach the Commission before the 29 December. If the Khao Hom Mali Thung Kula Rong-Hai rice is registered, it will become the first Thai GI to be register at the EU level.

For further details, please consult: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:169:0007:0011:EN:PDF>

The EU Commissioner for Agriculture in the Roquefort region

On 11 June, the EU Commissioner for Agriculture, Mr. Dacian Ciolos, visited the region of Roquefort (South of France) and participated in a meeting with the representatives of the

CNAOL (Conseil National des Appellations d'Origine Laitières – Dairy Products with GIs, France). The Vice President of the CNAOC (Confédération Nationale des producteurs de vins et eaux de vie de vin à Appellations d'Origine Contrôlées – Wines with GIs, France), the Vice President of the Agriculture Committee of the European Parliament, José Bové, and several representatives of the local authorities and the professional organisations of the region also attended the meeting.

During this meeting, the Commissioner raised some important points:

- The Commission will maintain the two concepts of PDO and PGI and will not introduce a national level of protection of GI;
- Shorter registration procedures for PDOs and PGIs are currently envisaged;
- Mr. Ciolos intends to propose the management of production's volumes only for the dairy sector, in the framework of the legislative proposals concerning the dairy sector, which should be published at the end of the year. Mr. Ciolos did not specify if the Commission will address the issue under the GI perspective within the dairy sector (in such a case only the organisations in charge of GIs will be allowed to manage their potential of production), or if it will propose similar rules to the ones applying to the fruits and vegetables sector (in the latter case the possibility to manage the production's volumes would apply to the dairy sector in its entirety); **Although this could represent an encouraging precedent for the other GI sectors (especially if the first option is adopted), efforts remain to be done at the EU level to ensure the management of production's volumes for all GI groups. oriGIn will continue its campaigns in this respect.**
- The creation of a national label for "small products", such as "farm products", aimed at promoting the short retail channels and the local markets will be proposed within the EU;
- Mr. Ciolos mentioned as well that he plans to propose the creation of a structure, which would be autonomous from DG Agriculture, to deal with the promotion of quality products on international markets and the general promotion of the European standards of production used by the European farmers,

- which are often higher than the norms of the third countries.
- Finally Mr. Ciolos insisted on the fact that the CAP is not a “standardization” instrument of the European agriculture but rather a tool to manage its diversity.

Towards a EU agency for the promotion of European products

On 21 June, Mr. Ciolos, presented in details his proposal to create an agency to promote the European food products at a meeting with Cocard (the European cereal trade Committee). Mr. Ciolos believes that the EU must deploy more important means in order to promote its food products on the internal as well as international markets. He highlighted the fact that the USA established such an instrument several years ago.

While recognising that such an Agency is important to give the EU financial and organisational means in order to ensure the success of the promotional campaigns, the Commissioner has not given any details on:

- the products to be covered by this agency;
- the exact role of the agency;
- the budget to be available.

European Agricultural Policy

Future of the CAP post 2013: Adoption of the Report by the Agriculture Committee of the Parliament

George Lyon Report on the future of the CAP post 2013 was adopted on 15 June by the Agriculture Committee of the European Parliament. Over 700 amendments and 50 compromise amendments were tabled.

OriGIn, in collaboration with EFW (European Federation of Origin Wines) proposed to the MEPs various amendments concerning GIs. All those amendments, covering the creation of a title dedicated to GIs and the possibility to establish specific instruments to manage the potential of production of GIs, were adopted..

The main points of the Report are as follows:

- Maintaining the CAP budget;
- Maintaining the 2 pillars structure;
- The refusal of the CAP nationalisation;

- The support of the less-favoured areas;
- The stabilisation of the markets through the fight against market and prices volatility;
- The adaptation of the competition rules to the agriculture sector;
- The possibility to use public and private storage;
- The key role of environmental issues and of public goods in the agricultural sector.

Calendar:

- 19-20 July: Conference on the Future of the CAP
- November 2010: Publication of the communication of the Commission
- After the publication of the communication of the Commission: public consultation on the communication & probably organisation of another conference on the subject
- 1 Jan. 2014: New CAP rules enter into force.

Future of the CAP post 2013: More than 5.000 contributions received within the public consultation

On 12 April, Dacian Ciolos, Commissioner for agriculture and rural development launched a public debate on the future of the CAP (see oriGIn report of May 2010). The consultation was closed on 3rd June. More than 5.000 contributions were received from stakeholders, think-tanks and the public at large. Most of the responses come from Germany, Poland, France, Latvia, Austria and Spain. A synthesis of the contributions will be presented at the Conference organised in Brussels on 19-20 July.

oriGIn's position can be consulted at http://ec.europa.eu/agriculture/cap-post-2013/debate/documents/contributions/contrib-stake-origin-25-05-5_fr.pdf (in French only).

News on GI registrations

GI Registration

- “Csabai kolbász/Csabai vastagkolbász” (PGI)
– 18/06
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:154:0003:0004:EN:PDF>
- “Gyulai kolbász/Gyulai pároskolbász” (PGI) – 18/06

- "Robiola Di Roccaverano" (PDO) – 26/06
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:54:0001:0002:EN:PDF>
- "Campo de Montiel" (PDO) – 21/06
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:55:0027:0028:EN:PDF>
- "Farine de blé noir de Bretagne/Farine de blé noir de Bretagne — Gwinizh du Breizh" (PGI) – 26/06
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:60:0001:0002:EN:PDF>

Amendments request

- "Cerezas De La Montaña De Alicante" (PGI) – 10/06
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:151:0023:0027:EN:PDF>
- "Welsh Beef" (PGI) – 18/06
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:158:0012:0018:EN:PDF>
- "Pecorino Sardo" (PDO) – 22/06
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:162:0007:0010:EN:PDF>
- "Chianti Classico" (PDO) – 23/06
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:163:0016:0021:EN:PDF>

Registration request

- "Carciofo Spinoso Di Sardegna" (PDO) – 18/06
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:149:0009:0013:EN:PDF>
- "Oie D'anjou" (PGI) – 22/06
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:162:0011:0014:EN:PDF>
- "Piacentinu Ennese" (PDO) – 24/06
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:164:0026:0029:EN:PDF>
- "Chosco De Tineo" (PGI) – 25/06
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:166:0008:0012:EN:PDF>