

oriGIn Report



Highlight of the month

Registration of the 1st Chinese GI at the EU level

On 30 November, **龙口粉丝** ("Longkou Fen Si"), a threadlike dry starch product made from green beans and peas, has been registered at the EU level as PGI. It is the first Chinese agricultural product (and the second non-European GI after "Café de Colombia") to be registered at the European level under Regulation 510/2006. Some other 19 non-European agricultural GIs are seeking protection within the EU (9 from China, 3 from Thailand, 2 from Turkey, 2 from India and 3 from Vietnam).

For further information, please consult the registration page at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:285:0017:0018:EN:PDF>, and the specifications at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:044:0018:0020:EN:PDF>.

International Affairs

"Café de Valdesia" becomes the 1st domestic DO in the Dominican Republic

On 4 November 2010, the "Café de Valdesia" became the 1st domestic "Denominación de origen" (DO) protected in the Dominican Republic. According to the Office of Industrial Property of the Dominican Republic ("Oficina Nacional de la Propiedad Industrial", Onapi), the

country has a huge potential in terms of GIs, so other registrations might be finalised in the near future.

For further information:

<http://www.cig.gob.do/app2/article.aspx?id=17157>

"Napa Valley" appellation protected in India

On 26 October, the Napa Valley Vintners (NVV) announced that India has granted a GI to the Napa Valley appellation. This was a crucial step in the efforts to protect the name "Napa Valley" from mis-descriptive labelling in a key emerging market such as India.

"Napa Valley" - which in 2007 became the first non-EU wine to be protected within the Union - is now the 1st American GI recognized in India.

ACTA:

Final text to be adopted in Australia

Following the publication of the Anti-Counterfeiting Trade Agreement (ACTA) consolidated text on 2 October (see oriGIn report of October 2010), the negotiating parties agreed to meet in Sydney, from 30 November to 3 December, to finalise the text. The objective of this meeting is to verify the legal drafting of the treaty and not to revise substantial clauses. See: <http://www.origin-gi.com/images/stories/PDFs/English/Lobby/Finalized-Text-of-the-Agreement-subject-to-Legal-Review.pdf>

While the inclusion of GIs under the scope of the Agreement represents an important achievement, oriGIn is still concerned with a number of issues, such as the inclusion of specific definitions for "counterfeit trademark goods" and "pirated copyright goods" under the Chapter 1, section B of the text to be approved in Sydney. As the Agreement covers all intellectual property rights, we think that a definition of counterfeiting must be provided in relation with any intellectual property assets. Alternatively, the Agreement should not provide definitions of counterfeiting (in this case the definitions of "counterfeit trademark goods" and "pirated copyright goods" should be removed from the text). Within Chapter 2, Section 2 of ACTA ("Civil Enforcement"), the application of specific measures exclusively to copyright and trademark counterfeiting is not satisfactory. In particular, the

power of judicial authorities in civil proceedings to order, at the right holder's request, the destruction of counterfeit goods is extremely useful and urgent in cases of GIs, also in light of the adverse health consequences that such products might have on consumers.

oriGIn will continue to advocate to improve the ACTA text and, in this respect, notes with satisfaction that the European Parliament, in its resolution of 24 November 2010 on ACTA, "finds it regrettable that, in its Article 1.X, the agreement does not define 'counterfeit geographical indications', as this omission could create confusion or at least complicate the tasks of administrative and judicial authorities in the interpretation and enforcement of ACTA." See: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2010-0432&format=XML&language=EN>

WIPO's Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT)

WIPO's SCT met from November 1 to 4 and discussed, inter alia, the expansion of the Domain Name System (DNS) planned by the Internet Corporation for Assigned Names and Numbers (ICANN).

A number of delegations expressed the need for effective protection of intellectual property rights in the DNS. Several delegations expressed concern regarding initiatives at ICANN to review and possibly amend the WIPO-initiated Uniform Domain Name Dispute Resolution Policy (UDRP). The document *WIPO Trademark and the Internet* was also discussed. The document explains that the WIPO "Joint Recommendation Concerning Provisions on the Protection of Marks, and Other Industrial Property Rights in Signs, on the Internet" are intended to be applied in determining whether, under the applicable law, use of a sign on the Internet has contributed to the acquisition, maintenance or infringement of a mark or another industrial property right in the sign, or whether such use constitutes an act of unfair competition. See the document at: http://www.wipo.int/edocs/mdocs/sct/en/sct_24/sct_24_4.pdf

oriGIn at the all ACP Conference on GIs

On 3-5 November, oriGIn participated in a conference on the GI potential in the African, Caribbean and Pacific (ACP) countries.

The conference was an opportunity for several producers from ACP countries to meet and benefit from the experience of various GI producers' groups from the EU. Mr. Vittori, Secretary General of oriGIn, was invited to present oriGIn's activities to promote a more effective protection of GIs at the international level. Chosen as "Conference Rapporteur", Mr. Vittori stressed the need to strengthen the EU technical assistance policy vis-à-vis producers in ACP countries.

For more information have a look at: <http://www.abc.es/agencias/noticia.asp?noticia=577966>

EU – Switzerland: Adoption of a draft agreement on the protection of GI

On 11 November, the European Commission adopted a decision "*on the conclusion of the Agreement between the European Union and the Swiss Confederation on the protection of designations of origin and geographical indications for agricultural products and foodstuffs, amending the Agreement between the European Community and the Swiss Confederation on trade in agricultural products*". This agreement aims at protecting the GIs of both parties on the territory of the other. It covers all GIs registered before 15 September 2009, that is to say approximately 800 PDOs-PGIs registered in the EU and 20 AOC-IGP in Switzerland. It also introduces a mechanism for updates.

The decision was sent to the Council and European Parliament for approval. Within the Parliament, the "Rapporteur" has not been chosen yet but for sure the International Trade Committee will be in charge of the file.

You can consult the draft decision at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0648:FIN:EN:PDF>

EU Issues

Policy Developments

GI Policy

Reform of the EU quality policy

On 8 December, as part of the “Quality Package”, the European Commission will publish its legislative proposal on the reform of the quality policy, in particular a Draft Regulation on agricultural product quality schemes (please see document attached available for the time-being only in English). The Regulation is intended only for agricultural products, and not to wines and spirits.

As a matter of fact, the “Quality Package” brings about positive changes, such as the fact that the proposed Regulation provides for the recognition of the roles of producers organisations in protecting and promoting GIs (art. 47), reinforces and clarifies the *ex officio* protection as well as the controls along the food chain and shortens the registration procedures. However, the lack of provisions on the management of production volumes by GI groups as well as the reference to the obligation for OHIM and national trademark offices to refuse “the registration of a trademark corresponding to one of situations referred to in Article 13...” (see art. 14) which *de facto* consolidates the current practice of OHIM obliging GI groups to oppose trademarks’ applications conflicting with PDOs-PGIs, are for sure negative news.

The Proposal of Regulation on agricultural product quality schemes will be sent to the European Parliament and the Council. In this respect, the European Parliament appointed the “Rapporteur” on quality policy (Mrs. Iratxe Garcia Perez, a Spanish MEP from the S&D party and member of the Agriculture and Rural Development Committee). oriGIn will work to make sure that the above-mentioned concerns are addressed by the European Parliament, with the goal to optimize the overall “Quality Package”.

Italy:

discovery of counterfeited Feta cheese

On November 15, during institutional controls, the Italian Food and Forestry Unit (“Nucleo Agroalimentare e Forestale”, NAF) found in a selling point of a distribution chain located in Rome examples of cheeses illegally labelled as “Feta PDO”.

The “Feta” is a Greek cheese, which is registered at the EU level as PDO, and as such protected against misuse, imitation and evocation of the name. The fake product found by the NAF was produced in Denmark (it was wrongly labelled after having been sliced). The NAF ordered the withdrawal of the product from the market (it was present in 13 stores) and its seizure.

This demonstrates once more Italy's stance on the protection of PDOs/PGIs, regardless of the country where they originate.

Other EU Policies

Draft Communication of the Commission on the future of the CAP

The Communication of the European Commission on “*The CAP towards 2020: Meeting the food, natural resources and territorial challenges of the future*” was published on 18 November (see: http://ec.europa.eu/agriculture/cap-post-2013/communication/com2010-672_en.pdf). The oriGIn report of October contains a summary of its provisions.

The publication launched the institutional debate. Legislative proposals will be presented in 2011. In the meantime, the European Commission launched a public consultation on the subject. oriGIn will answer to this public consultation. See: http://ec.europa.eu/agriculture/cap-post-2013/consultation/index_en.htm#

High Level Forum for a better functioning of the food supply chain

On 16 November, the first meeting of the High Level Forum for a Better Functioning Food Supply Chain took place in Brussels. The aim of this meeting was to adopt a work plan to improve competitiveness and to promote best contractual

practices in the European food sector. The Forum is the extension of the previous High Level Group on the Competitiveness of the Agro-Food Industry. However, unlike the latter, its reflection covers the whole supply chain. Commissioner for Industry and Entrepreneurship, Antonio Tajani, Commissioner for Health and Consumer Policy, John Dalli, Commissioner for Internal Market and Services, Michel Barnier, and Commissioner for Agriculture and Rural development, Dacian Cioloș, who are at the initiative of this Forum, highlighted that it should lead to a more competitive agro food sector for the benefit of consumers, farmers and the industry.

The Forum has of 45 members, who represent selected Member States, European companies dealing with food production, processing or distribution, as well as professional associations and non-governmental organisation representing citizens' interests. It will have to:

- Follow the recommendations of the High Level Group on the Competitiveness of the Agro-Food Industry;
- Ensure that the initiatives proposed by the European Commission in its Communication "A better functioning food supply chain in Europe" (See: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2009:0591:FIN:EN:PDF>) are implemented.

The Forum has a two-year mandate ending 31 December 2012. The Forum will meet once a year and will approve its final report by 2012. For more information:

http://ec.europa.eu/enterprise/sectors/food/competitiveness/forum_food/index_en.htm

News on GI registrations

GI Registration

- "Lapin Poron kuivaliha" (PDO) – 29/10
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:283:0021:0022:EN:PDF>
- "Vastedda della valle del Belice" (PDO) – 29/10

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:283:0023:0024:EN:PDF>

- "Śliwka sztydłowska" (PGI) – 30/10
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:285:0011:0012:EN:PDF>
- "Hessischer Apfelwein" (PGI) – 30/10
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:285:0013:0014:EN:PDF>
- "Obwarzanek krakowski" (PGI) – 30/10
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:285:0015:0016:EN:PDF>
- "龙口粉丝" (Longkou Fen Si)" (PGI) – 30/10
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:285:0017:0018:EN:PDF>
- "Porc de Franche-Comté" (PGI) – 30/10
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:285:0019:0020:EN:PDF>
- "Ovčí hrudkový syr — salašnícky" (TSG) – 04/11
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:286:0003:0004:EN:PDF>
- "Szegedi fűszerpaprika-őrlemény / Szegedi paprika" (PDO) – 04/11
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:286:0007:0008:EN:PDF>
- "Bruna bönor från Öland" (PDO) – 04/11
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:286:0005:0006:EN:PDF>
- "Marrone della Valle di Susa" (PGI) – 04/11
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:286:0009:0010:EN:PDF>
- "Jabłka łackie" (PGI) – 05/11
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:288:0010:0011:EN:PDF>
- "Olive de Nîmes" (PDO) – 05/11
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:288:0012:0013:EN:PDF>

- “Peperone di Pontecorvo” (PDO) – 13/11
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:296:0001:0002:EN:PDF>
- “Jambon de l’Ardèche” (PGI) – 13/11
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:296:0005:0006:EN:PDF>
- “Farine de châtaigne corse/Farina castagnina corsa” (PDO) – 13/11
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:296:0007:0008:EN:PDF>
- “Kalix Löjrom” (PDO) – 13/11
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:296:0009:0010:EN:PDF>
- “Porc d’Auvergne” (PGI) – 16/11
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:311:0018:0023:EN:PDF>
- “Boeuf de Vendée” (PGI) – 17/11
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:312:0019:0024:EN:PDF>
- “Ξυγαλο Σητείας” (Xygalos Siteias)/ “Ξυγαλο Σητείας” (Xigalos Siteias) (PDO) – 17/11
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:312:0025:0030:EN:PDF>
- “Fasola Piękny Jaś Z Doliny Dunajca” / “Fasola Z Doliny Dunajca” (PDO) – 18/11
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:312:0019:0024:EN:PDF>

Registration request

- “Gruyère” (PGI) – 04/11
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:298:0014:0019:EN:PDF>
- “Kołacz Śląski”/“Kołacz Śląski” (PGI) – 05/11
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:299:0007:0011:EN:PDF>
- “Moules De Bouchot De La Baie Du Mont-Saint-Michel” (PDO) – 09/11
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:299:0007:0011:EN:PDF>
- “Prosciutto Amatriciano” (PGI) – 12/11
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:307:0021:0023:EN:PDF>
- “Αρνάκι Ελασσόνας (Arnaki Elassonas)” (PDO) – 12/11
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:307:0024:0027:EN:PDF>
- “Göttinger Stracke” (PGI) – 13/11
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:309:0013:0015:EN:PDF>
- “Göttinger Feldkieker” (PGI) – 13/11
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:309:0016:0018:EN:PDF>
- “Vinagre del Condado de Huelva” (PDO) – 24/11
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:319:0006:0011:EN:PDF>
- “Vinagre de Jerez” (PDO) – 24/11
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:319:0012:0016:EN:PDF>

Amendment request

- “Beaufort” (PDO) – 09/11
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:302:0016:0023:EN:PDF>
- “Riviera Ligure” (PDO) – 11/11
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:305:0019:0023:EN:PDF>
- “Coppa Piacentina” (PDO) – 16/11
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:311:0024:0030:EN:PDF>