

## oriGIn newsletter



### Message from the President



Ramón González Figueroa

Dear oriGIn Members, dear GI Friends,

As the year comes to an end, I would like to take this opportunity to review with you the moments that marked our Organisation as well as the world of geographical indications (GIs) in 2010.

In 2010, oriGIn consolidated its role as a leading international opinion maker in the field of GIs as well as its position as vehicle for dialogue and cooperation among GI producers.

In March, our manual on geographical indications in the US was launched. Having put together an amazing team of experts, composed among others by Patrick J. Kole (Vice President for the Idaho Potato Commission), Stanton J. Lovenworth (global co-chair of both the Intellectual Property Transactions Group and the Life Sciences practice at the global law firm of Dewey & LeBoeuf) and Richard Mendelson (Professor at the University of California, Berkeley School of Law), oriGIn came up with an innovative publication that tackles both the economic potential of American origin products as well as the shortfalls of the trademark system.

With respect to international talks, we kept encouraging negotiators as to the need to establish a more transparent and fairer legal framework for GIs. In this respect, oriGIn played a key role in making sure GIs were included under the scope of the Anti-Counterfeiting Trade Agreement (ACTA) as

well as in shaping the debate within the WIPO Working Group on the development of the Lisbon System.

Moreover, in cooperation with "l'Organisation internationale de la Francophonie" (OIF) and the French Delegation to the WTO, oriGIn kept the attention on GIs high among the diplomatic community in Geneva, through a cycle of breakfast meetings on origin products and sustainable development. We intend to continue this activity in 2011.

2010 has seen oriGIn working closely with "the Centre for Technical Assistance and Rural Policy" (CTA) and "Trade.Com Facility" in various African, Caribbean and Pacific countries to raise awareness on the economic potential of local GIs as well as to facilitate the exchange of best practices with consolidated worldwide GI associations.

On the other hand, geographical indications in 2010 showed once more its truly global nature. Just to mention a few examples: in countries such as Cambodia, Argentina and the Dominican Republic the first national GIs were registered; an American appellation, "Napa Valley" became the 1<sup>st</sup> American GI recognized in India; "Longkou Fen Si", a Chinese threadlike dry starch product made from green beans and peas, was registered as PGI under Regulation 510/2006; following the signature of the FTA between the EU and South Korea in 2010, 64 Korean GIs will be protected in Europe; some 19 non European agricultural GIs are poised to obtain recognition in the EU (9 from China, 3 from Thailand, 2 from Turkey, 2 from India and 3 from Vietnam); with the support of the "Agence française de développement" (AFD), the African Organization of Intellectual Property (OAPI) is selecting promising GIs in member States and helping producers to structure the production chain and obtain legal protection for the GIs. Likewise, oriGIn welcomed new members from Brazil, Canada, Chile, China, Germany, Guatemala, India, Italy, Spain, Panama and Malaysia.

All this is certainly the result of our joint work and efforts and I would like to thank all of you for your commitment and support to the cause of GIs. As many challenges remain ahead, I look forward to working with you in 2011, with renewed energy and enthusiasm! A crucial moment will be for sure our next General Assembly, which will be celebrated in Guadalajara (Mexico) in September 2011 (more details concerning the date and the activities will be communicated early next year). I look forward to welcoming all of you in Guadalajara!

I take this opportunity to wish all of you and your families my best wishes for the forthcoming holiday season.

## Reform of the EU quality policy and of the Common Agriculture Policy: An intense year for oriGIn

David Thual & Fanny Lossy, oriGIn's experts on EU issues

2010 has been an intense year for Geographical Indications (GIs) at the European Union level (EU) because the European Commission has been preparing two crucial reforms for the sector: the reform of the quality policy and the reform of the Common Agriculture Policy (CAP). oriGIn has been working on these two fronts in order to preserve and enhance the protection that GIs enjoy at the moment at the EU level.

### *The reform of the EU quality policy*

This reform of the EU quality policy is of course the most important for the future of GIs in the EU. Since the publication of a European Commission Green paper on this issue in 2008, oriGIn has been at the forefront to voice GI producers' priorities. In 2010, it worked with both the European Parliament (EP) and the European Commission in order to shape the debate. It notably supported a round table organized by AICIG – "Associazione Italiana Consorzi Indicazioni Geografiche" – and CNAOL – "Conseil National des Appellations d'Origine Laitières", under the sponsorship of the Agricultural Committee of the European Parliament (EP), on 28 September 2010. This event provided an opportunity to discuss with policymakers the evolution of the quality policy at the European level. Commissioner for Agriculture and Rural Development, Dacian Cioloș, the Chair of the Agriculture Committee of the EP, Paolo De Castro, and Members of the European Parliament (MEPs), as well as more than 80 participants were present to this event. It was very useful to inform policymakers about the position and concerns of the sector. The MEPs welcomed the exchange of views and said that they want to work with GI producers to ensure that their preoccupations are taken on board.

The European Commission tabled its legislative proposals on the reform of the EU quality policy on December 10th. They cover four themes: the agricultural product quality schemes, marketing standards, certification schemes and the labelling of products using PDO-PGI ingredients.

The proposal on quality schemes only covers food products but excludes GI wines and spirits. oriGIn thinks that the text is globally satisfying. Indeed, some of oriGIn's demands have been heard by the Commission. Its proposal notably incorporates the recognition of the roles and responsibilities of producers groups and interbranch organisations, the reinforcement and clarification of the level of protection (ex officio protection is clearly defined) and the reinforcement of controls all along the food chain. However, the proposal does not include provisions that would allow the organizations in charge of the GI to manage the production of their products.



Round table on the evolution of the European quality policy, with the participation of the Commissioner for Agriculture and Rural Development Mr. Dacian Cioloș. European Parliament, Brussels (Belgium), 28 September 2010.

Another stumbling block and major concerns for oriGIn is the guidelines on the labelling of products using PDO-PGI ingredients adopted by the Commission. On December 3rd, oriGIn and several of its members sent a letter to the President of the Commission and all the Commissioners to ask the European Commission to postpone the adoption of this text. oriGIn considers that the guidelines do not contain mechanisms to protect GI products. Furthermore, neither do they take into account the EU legislation, nor the jurisprudence of the European Court of Justice.

The Commission proposals will now be discussed by the European Parliament and the European Ministers in charge of agriculture who need to agree on the texts before they become laws (with the exception of the guidelines which are voluntary but immediately applicable). oriGIn will thus work closely with the MEPs and Ministers in 2011 to ensure that the management of production volumes is allowed under the future legislation and that the rules concerning the use of PDO/PGI as ingredients are clarified. A report will be drafted by the European Parliament (EP). oriGIn will meet all key MEPs to explain to them its concerns and propose amendments to the Commission's proposal. The reform should be adopted in 2012-2013. oriGIn has thus an important role to play on this file in the coming years.

### *The reform of the CAP*

oriGIn has been active on the discussion relating to the reform of the CAP post 2013. When the EP was writing its own-initiative report on the matter, oriGIn tabled amendments concerning GIs and worked with MEPs to ensure they were adopted. The amendments which were taken on board by the MEPs covered a request for the creation of a title dedicated to GIs and the possibility to establish specific instruments to manage the potential of production of GIs in the future CAP legal framework.

The EP report was adopted on 18 July 2010 (all oriGIn's amendments were adopted).

On 18th of November 2010, the European Commission published its communication on the future of the CAP post 2013. A public consultation on the communication is currently under way. oriGIn will send its contribution to ensure that GIs are taken into account by this reform. The European Commission will publish its legislative proposals either in July or in September 2011. They will then be discussed by the EP and the Ministers in charge of agriculture.

## USA: a new frontier for GIs?

Ida Puzone, oriGIn

Over the last years the phenomenon of Geographical Indications (GIs) has stimulated interest in the US. Both American producers and consumers are becoming familiar with and appreciate the benefits derived from GIs in terms of food quality, economic development, health, and environment. Likewise, the American understanding of local and traditional food has changed and a more recent desire to "eat locally" has gained momentum increasing demand for local food. In this context, the success of American GIs like Idaho Potato (Idaho), Kona Coffee (Hawaii), and Napa Valley wines (California), among others, shows the growing importance of those products in the US agricultural sector and raises a number of questions on the potential for American Origin Products and their contribution to the economy.



"Parmigiano Reggiano International Award", Mr. Giuseppe Alai (President of Consorzio del Formaggio Parmigiano Reggiano) gives the price to Mr. Colehour Bondera (Kona Coffee Farmers Association-KCFA). Salone del Gusto, Turin (Italy), 23 October 2010.

American GIs are gaining international reputation and markets. With those, imitations and usurpations come along, so American GIs seek more and more international protection. As an example is the appellation "Napa Valley" which in 2007 became the first non-EU wine to be protected within the European Union and which recently got protection in India becoming the 1st American GI recognized in this country.

Another example is the appellation "Kona Coffee", which in 2010 won the prestigious "Parmigiano Reggiano International award" at the Salone del Gusto, the Slow Food biannual event. The Hawaiian producers suffer market losses from the use by coffee exporters of "Kona Coffee Blend," a certification mark registered by the State of Hawaii. To use such certification mark (which specification was finalised without involving the producers), the coffee must contain only 10% Kona. As a result, the product commercialised under "Kona Coffee Blend," is often mixed with coffee of low quality from other places.

In light of the growing interest for GIs in the United States, on March 2010 oriGIn published its handbook "*American Origin Products (AOPs): Protecting a Legacy*". The handbook, written by eminent American experts, focuses on the economic and legal implications of GIs in the US as well as on the adjustments the current legal framework would require for the American GI business to fully deploy its potential. Furthermore the handbook suggests steps to follow in the way forward and different options to improve the protection of origin-based products in the US without a revolution in the current system.

Later in June, oriGIn presented the manual in Washington D.C. and organized a seminar on "American Origin Products: Economic and Legal Perspectives". This event gathered more than 50 GIs specialists among 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) participated actively. Indeed the interesting discussions and the numerous product presented, that could take advantage of the AOP concept in the US, confirmed the huge potential existing in the country. In terms of GI protection the debate showed that the system available in the US to protect geographical names (including certification and collective marks) presents several problems, especially in relation with the costs of registration, monitoring and enforcement as well as various challenges in protecting foreign GIs in the US and AOPs in foreign jurisdictions.

Moreover the experience of US producer groups in marketing and protecting AOPs proves they share the same needs and concerns of GI producers across the world, facing to fight imitations and misleading marketing techniques affecting origin products.

We believe that strengthening the international rules on GIs would benefit not only American producers and consumers but the entire food business, mainly because the future of agriculture seems to be linked more than ever to quality.

In light of this, in 2011 oriGIn will double its efforts to facilitate cross-cultural dialogue in the international negotiations on GIs.

## oriGIn consolidates its cooperation with ACP Countries

Monique Bagal, oriGIn

In 2009, oriGIn, in collaboration with the Centre for Technical Assistance and Rural Policy (CTA), had launched the E-forum on Geographical Indications (GIs) dedicated to African Caribbean and Pacific Countries' (ACP) stakeholders. Following this successful activity (the Forum counts today some 250 members). In 2010, oriGIn worked closely with "Trade.Com Facility" - an ACP-EU Programme focused on the implementation of trade policies in ACP regions - for the promotion of GIs as a tool for development.

First of all, oriGIn actively participated in the regional workshops organized at the request of African Organization on Intellectual Property (OAPI), African Regional Organization on Intellectual Property (ARIPO) and Pacific Islands Forum Secretariat's (PIFS) members states to raise awareness among the main actors on the nature, function, international legal framework, and economic potential of GIs in terms of access to niche markets.

The regional workshops took place in Douala (Cameroon, April 2010), Cape Town (South Africa, May 2010) and Nadi (Fiji, August 2010). At those events, on top of its activities, oriGIn presented its preliminary study on the potential of GIs in Côte d'Ivoire. The report was welcomed by the assemblies insofar as it proposed a methodology for the stocktaking of GIs in ACP countries, address recommendations to relevant public authorities and encourage suitable legal and institutional initiatives for the smooth development of GIs.

Following the regional conferences, at the more global level, some 200 people gathered in Brussels from 3 to 5 November for the Conference "Adding value to limited volumes". The event consisted of presentations on various aspects of GIs, made by ACP and EU producers and experts, a match-making session between EU and ACP actors, an exhibition of promising or registered GIs products and a Round Table on cooperation needs.

Alongside with eminent GI experts such as Bernard O'Connor, David Thual and Professor Ruth Okediji, oriGIn has played a leading role in this producer-oriented Conference. In presence of ACP associations, experts from local IP Offices, representatives from the private sector, officials from different Ministries and resource persons from the EU, WIPO and WTO, oriGIn has brought to light the crucial role played by the civil society in promoting and protecting the concept of GIs worldwide. In particular, the Secretary General, Massimo Vittori, gave a highly relevant presentation on the importance of oriGIn in the context of globalization, its activities and the responses to common problems faced by GI producers' organizations.

Certain producers and participants have raised interest in joining the organization members or associate members. "Unity is strength", he said, which happened to symbolically reflect in the attendance at the Conference, of certain oriGIn members - Comité Interprofessionnel du Gruyère de Comté (CIGC), Associazione Italiana Consorzi Indicazioni Geografiche (AICIG)



Mr. Massimo Vittori, Secretary General, oriGIn



Mr. Jean Jacques Bret, Director, CIGC

Coffee Industry Board of Jamaica (CIB), Association Marocaine de l'Indication Géographique de l'Huile d'Argane (AMIGHA), Fédération Régionale des Coopératives Agricoles Aquitaine (FRCAA) - including the Consejo Regulador de Tequila (CRT),



Mr. Fernando Cano Treviño, Representative for Europe, CRT



Mr. Pier Maria Saccani, Secretary General, AICIG

which holds oriGIn's Presidency at present time. The international dimension of GIs was also tackled. "Since 2008, EU and ACP countries share the strategic objective of achieving a stronger protection of GIs at the multilateral level" said M. Vittori to BBC Africa and EFE in the Press Conference held at this event.

He was, thereby, showing the interest EU policy makers had in carrying technical assistance activities with ACP countries in the field of GIs and called upon further funding in accordance with the specific challenges they face. As a Chairperson during the recommendations session, Massimo Vittori has underlined that in addition to academic and practical insights, the Conference had reveal possible way forward for EU and ACP policy makers to deal collectively and efficiently with the GI issue. In his concluding remarks, H.E Ambassador Lingston Cumberbatch, who is Trade.Com Facility's Director, has advised the attending producers to turn to oriGIn for legal, institutional, as well as networking assistance considering its proven commitment to accompany GI projects, among which early initiatives.

## 2010, oriGIn in the front-line

United Nations, Presentation of the FAO Guide on GIs



18 February, UN, Geneva (Switzerland)

“Yorex”, Exhibition of regional products in Turkey



28 April-1 May, Antalya (Turkey)

“Assises de l’Origine”, Debate with Mr. Scottá on Quality Policy



11 May, Bordeaux (France)

“Cibus”, International Food Fair



10-13 May, Parma (Italy)

Prize to Kona Coffee, Salone del Gusto, Slow Food



23 October, Turin (Italy)

Meeting with African, Caribbean, Pacific producers



3-5 November, Brussels (Belgium)