

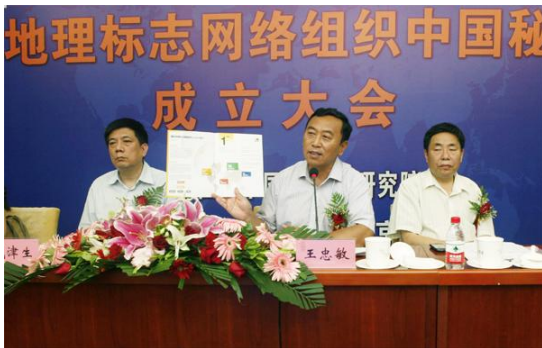
oriGIn Report



Highlight of the month

Inaugural Ceremony of oriGIn office in China

On 10 June, the inaugural ceremony of oriGIn's office in China was held in Beijing at the China National Institute of Standardization (CNIS). According to a cooperation agreement signed between the CNIS and oriGIn, the General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China (AQSIQ) authorised the CNIS to establish an oriGIn office in China in November 2010. The inaugural ceremony was chaired by Mr. Wang Zhongmin, CNIS President, Vice President of oriGIn and the Chairman of oriGIn office in China. oriGIn Secretary General, Mr. Massimo Vittori, sent a message of congratulations from Geneva on behalf of oriGIn and its members.



This event was attended by the leaders of the Department of Science and Technology and the Department of International Cooperation of AQSIQ, the personnel responsible for GIs of the quality and technical supervision bureaus, of the entry-exit inspection and quarantine bureaus, of the bureaus of agriculture, of the bureaus of forestry in the Chinese provinces, senior experts in the field of GIs, as well as the representatives of Chinese GIs, such as Longjing Tea, Pinggu Peach, Jinxiang Garlic, Wuyi Rock-essence Tea, Shuijingfang Liquor, and Shanxi Extra-aged Vinegar.

oriGIn office in China aims to build an exchange platform for the members of the Association, share successful experience in the production, management, protection and operation of Chinese as well as foreign GIs, promote bilateral or multilateral recognition of protecting products with GIs and boost the continuous development of China's GI products.

International Affairs

At Global Level

Anti-Counterfeiting Trade Agreement: The Mexican Congress asked the President not to sign the Treaty

The Anti-Counterfeiting Trade Agreement was opened for signature on 1st May. On 22 July, the Mexican Congress rejected the ratification of Agreement and asked the Mexican President not to sign the treaty. The Congress is concerned by the lack of transparency of ACTA negotiations and thinks that the ACTA is unconstitutional. The recommendation of the Congress does not bind the President, but he is unlikely not follow the recommendation because Presidential elections will take place in 2012.

The ACTA has to be signed and ratified by Australia, Canada, the European Union, Japan, Korea, Mexico, Morocco, New Zealand, Singapore, Switzerland and the United States before entering into force.

Brazil: registration of four GIs including two handicraft products

During the last two months the Brazilian Instituto da Propriedad Industrial (INPI) granted protection to four GIs. The golden grass "Jalapão" and the clay pots "Goiabeiras" are for handicrafts. The other 2 are "Camarões da Costa Negra" (shrimps cultivated in artificial ponds in the towns of Acaraú, Itarema and Cruz, which obtained the

Appellation of Origin status) and “Doces de Pelota” - sweets from Pelota.

The other GIs protected in Brazil are: “Região do Cerrado Mineiro” for a coffee, “Vale dos Vinhedos” for a wine, “Pampa Gaúcho da Campanha Meridional” for a meat, “Paraty” for cachaça, “Vale do Submédio São Francisco” for grape and mango, “Vale do Sinos” for leather, “Pinto Bandeira” for a wine, “Região da Serra da Mantiqueira de Minas Gerais” for a coffee and “Litoral Norte Gaúcho” for a rice.

There are five pending applications in Brazil: “Cerrado Mineiro” for coffee, “Vale dos Vinhedos” for wines, and “Região Pedra Carijó-Paduana”, “Região Pedra Madeira-Paduana” and, “Região Pedra Cinza-Paduana” for stones.

First foreign GI recognised in Chile

On 2 August, the Chilean National Institute of Industrial Property (INAPI) registered the Peruvian pottery “Chulucanas” as Denomination of Origin in Chile. This is the first foreign product to be protected in Chile.

For further information (only in Spanish): http://noticias.123.cl/noticias/20110803_41cf08aab8a899a5e50fc985d46a382c.htm

India: publication of a manual on GI practice and procedure

On 27 July, the Indian office of the controller general of patents, designs and trademarks & registrar of geographical indications published on its website a “*Manual of Geographical Indications practice and procedure*”. This Manual will act as a practical guide to prospective applicants and GI practitioners in India.

The Manual can be read at: http://www.ipindia.nic.in/girindia/GI_Manual_27July2011/Htm%20and%20pdf/Manual%20of%20Geographical%20Indications%20Practice%20and%20Procedure%20-%20pdf/Manual%20of%20Geographical%20Indications%20Practice%20and%20Procedure.pdf

“Café de Cauca”: 2nd Appellation of Origin for Regional Coffee in Colombia

On 10 August 2011, the Superintendency of Industry and Commerce (SIC) granted the Appellation of Origin (AO) to the “Café de Cauca”

for a regional coffee in Colombia. The new AO joined “Café Nariño” in the Colombian portfolio of premium regional coffees.

The Café de Cauca’s production involves some 90,000 producers, mostly semi-subsistence farmers on micro holdings, who are dependent on coffee for their livelihood. The area of production is higher than the national average going over the 2,000 metres.

The AO has been the result of the implementation of a regional differentiation strategy for Colombian coffees with the aim to increase the international competitiveness of Colombia’s small coffee producers.

For more information (only in Spanish):

http://www.federaciondecafeteros.org/particulares/es/sala_de_prensa/detalle/superintendencia_industria_y_comercio_reconoce_cafe_del_cauca_como_denomina/

The Coffee Cultural Landscape of Colombia on the UNESCO’s World Heritage List

On 25 June, the United Nations Educational, Scientific and Cultural Organization (UNESCO) added the Coffee Cultural Landscape of Colombia to World Heritage List. The UNESCO described the landscape as an “exceptional example of a sustainable and productive cultural landscape that is unique and representative of a tradition that is a strong symbol for coffee growing areas worldwide. It reflects a centennial tradition of coffee growing in small plots in the high forest and the way farmers have adapted cultivation to difficult mountain conditions.”

More information at: <http://whc.unesco.org/en/news/771>

At the European Level

EU – South Korea: Entry into force of the FTA

On 20 June, the South Korean Parliament approved the entry into force of the Free Trade Agreement (FTA) between the EU and South Korea. On 1st July, the FTA provisionally entered into force in some sectors, such as the electronic devices. Discussions are still ongoing concerning the agriculture chapter which should enter into force at a later date.

EU – Georgia Agreement on the protection of GIs of agricultural products and foodstuffs

On 12 July, the Council of Ministers of the EU authorised the signature of the “Agreement between the European Union and Georgia on protection of geographical indications of agricultural products and foodstuffs”. This Agreement grants the protection in the EU to 18 Georgian wines with GI. Now, the European Parliament has to authorise the signature of the Agreement.

The list of GIs can be consulted at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:040:0018:0020:EN:PDF>

EU – China trade talks

On 14 July, EU Trade Commissioner, Mr. Karel De Gucht, met the Chinese Commerce Minister, Chen Deming, in Beijing to discuss the trade and investment relations between the EU and China, in the framework of the annual EU-China Joint Committee. The talks focused on how European companies can get a better access to the Chinese market. The protection of intellectual property rights was also discussed.

More information at:
<http://trade.ec.europa.eu/doclib/press/index.cfm?id=727>

EU – Singapore Free Trade Agreement Negotiations

On 15 July, EU Trade Commissioner, Karel De Gucht, met Singapore's Minister for Trade and Industry, Lim Hng Kiang, as well as the Minister for Foreign Affairs and for Law, K Shanmugam. They discussed the state of play of the negotiations of the Free Trade Agreement between the EU and Singapore. Discussions covered the need to improve access to each other's markets and to strengthen the protection of intellectual property rights, notably GIs. The EU and Singapore expect to conclude the negotiations at the end of the year.

More information at:
<http://trade.ec.europa.eu/doclib/press/index.cfm?id=727>

Legal Affairs

The international rules on internet domain names do not protect GIs

On 12 April 2011, the Comité Interprofessionnel du vin de Champagne of Épernay (the CIVC) filed a complaint with the WIPO Arbitration and Mediation Center with respect to the domain name “champagne.co”, registered by Steven Vickers, who operates an IT consultancy and computer sales business in the UK. Steven Vickers had registered the domain name on 21 July 2010 with the objective to sale it in the future.

The CIVC is in charge of protecting and promoting the Champagne wine. It owns a number of domain names and operates several websites related to the Champagne wine. The CIVC asked the WIPO Arbitration and Mediation Center to obtain the transfer of the domain name at issue.

The WIPO policy regarding domain names (which aims to prevent the phenomenon of “cybersquatting”), covers exclusively trademarks (and as a result it excludes GIs). In order to win the case, the CIVC had to prove that the registered domain name is identical or confusingly similar to a trademark or service it owns. The Panel noted that the CIVC is the beneficiary of an appellation of origin in France and a PDO at the EU level. However, it does not own a trademark under the UK law. The Panel considered that the CIVC could not prove that the PDO can be considered an unregistered trademark (acquired *de facto* through use) under UK law. It noted that GIs do not fulfil the function of trademarks, which is to distinguish goods from an undertaking to those of another. As the GI is not an “identifier of an individual trade source”, the CIVC cannot prove that the domain name in question infringes its right and cannot ask for the transfer of the domain name. The Panel rejected its complaint.

oriGIn will revamp its advocacy campaigns aimed at ensuring fair GI protection in domain names.

The decision can be read at: http://www.wipo.int/amc/en/domains/search/text.jsp?case=D_CO2011-0026

Case Tomme de Savoie vs McDonald's France: McDonald's misled the consumers

In 2000, McDonald's France launched a campaign called "the cheeses saga" through which it proposed McCheeses" with a sauce made of melted "Tomme de Savoie". The Organisation Savoicime, on behalf of the "Syndicat interprofessionnel de la Tomme de Savoie" (the organisation representing the producers of the cheese) and the Federal Union of consumers of Albertville, attacked McDonald's France based on the unfair use of the reputation of the PGI "Tomme de Savoie". The cheeseburgers at issue contained a slice of emmenthal or cheddar to which the sauce of "Tomme de Savoie" was added. This sauce only represented 6% of the overall product.

In a ruling of 5 April 2011, the "Cour de Cassation", the French High Court, confirmed the ruling of the Appeal Court of Paris of the 15th June 2010, and judged that the advertisement made for the cheeseburgers could mislead the consumers as to the composition of the burgers. McDonald's campaign was putting an exaggerated emphasis on the PGI, whereas the quantity of the concerned cheese "was not sufficient to confer to the sandwiches a particular characteristic". Furthermore, the "Cour de Cassation" confirmed the appreciation of the Court of Appeal which judged that this use in small quantity of the PGI could deceive the consumer and thus be prejudicial to the producers of the "Tomme de Savoie". The French High Court" rejected the appeal of McDonald's France, which will have to pay damages.

"Bud" case: Another victory for the PGI

On 4 August, Budweiser Budvar announced on its website that it had succeeded in its actions to protect the PGI in Bulgaria.

In July, three administrative proceedings before the Bulgarian courts ended in favour of Budweiser Budvar. One of these actions concerned the use of the name "Bud" by

Anheuser-Busch Inbev. Last spring, the US company attacked the use of the PGI by Budweiser Budvar in Bulgaria and asked the Court to cancel the right of Budweiser Budvar to use "Bud" as a PGI. The Court judged that the demands were not admissible because the name is protected at the EU level and the Court is not competent to cancel the PGI. As a result of this ruling, Anheuser-Busch Inbev withdrew its appeal of a court ruling concerning the cancellation of two of its registered trademarks "Bud" and "American Bud."

Another case is still pending and concerns the request of Budweiser Budvar to cancel Anheuser-Busch Inbev's trademark "Anheuser-Busch Bud". Budweiser Budvar argues that these marks should be cancelled because they are not used in Bulgaria. The Bulgarian Supreme Administrative Court is competent in this case and should come up with a decision in the following months.

CJEU: trademarks containing evocation of GIs contravene the EU law

On 31 January 2003, the Finnish National Board of Patents and Registration had registered two figurative marks for spirit drinks containing the GI Cognac. The "Bureau national interprofessionnel du Cognac" asked for the cancellation of these trademarks.

The Finnish Court referred the case to the Court of Justice of the European Union (CJEU). On 14 July 2011, the CJEU rules that Regulation n°110/2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks is applicable to cases like the one at stake (the validity of the registration of a trademark containing a GI protected under the Regulation), even when the registration of the trademark took place before the regulation entered into force. The CJEU noted that Cognac is protected under EU law since 1989. As a result, the owner of the trademark cannot benefit from the derogation of Article 23(2) Regulation n°110/2008, which provides that marks registered or acquired in good faith before the date of entry into force of the protection of the GI in the country of origin can coexist with the GI. The CJEU decided that Regulation n°110/2008 indicates that the

competent national authorities must refuse or invalidate the registration of a mark which contains a protected GI and which is not covered by the temporary derogation provided for in Article 23(2) of that Regulation, when it would lead to mislead the public as to the origin of the product or to enable the trader to take unfair advantage of the reputation of the GI concerned. The CJEU also ruled that a mark containing a GI or a term corresponding to it or its translation, but which do not meet its specifications, constitutes a direct commercial use of the GI at issue. The Finnish trademark is thus an evocation of the Cognac GI, which contravenes to Regulation n°110/2008. The case has been sent back to the Finnish Court which will judge it based on the elements provided by the CJEU).

The judgement can be read at:

<http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=EN&Submit=rechercher&numaff=C-4/10>

EU Issues

Policy Developments

Other EU Policies

Promotion of agricultural products at the EU level

On 5 July, the European Commission has approved 26 programmes in 13 Member States to provide information and promote agricultural products in the EU. The total budget for the programmes is €75.1 million and the EU contributes to half of it. The programs covers PDOs, PGIs and TSGs, wine, organic food and farming, fruit and vegetables, horticulture, milk and milk products, olive oil and table olives, eggs, seed oil and meat. The list of programmes can be consulted at:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/829&format=HTML&aged=0&language=EN&guiLanguage=en>

Enlargement of the EU: Negotiations on the accession of Iceland to the EU

On 27 June, the first four chapters of negotiations on Iceland's accession to the EU were opened. They cover public procurement, information society and media, science and research, and education and culture. Iceland has already taken

on a large part of EU legislation on these matters because it is a member of the European Economic Area. The chapters on science and research and on education and culture were thus provisionally closed because the country has the same legislation than the EU. New chapters will soon be opened and the Commission will assess if Iceland's legislation match the EU's. More information on these negotiations can be found at http://ec.europa.eu/enlargement/candidate-countries/iceland/index_en.htm

News on GI registrations

GI registration

- "Aceite Campo de Calatrava" (PDO) Spain – 30/06
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:170:0026:0027:EN:PDF>
- "Moules de bouchot de la Baie du Mont-Saint-Michel" (PDO) France – 30/06
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:170:0028:0029:EN:PDF>
- "Cornish Pasty" (PGI) UK – 23/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:193:0013:0014:EN:PDF>
- "Prosciutto Amatriciano" (PGI) Italy – 27/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:195:0028:0029:EN:PDF>
- "Göttinger Feldkieker" (PGI) Germany – 27/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:195:0030:0031:EN:PDF>
- "Kołocz śląski/kołacz śląski" (PGI) Poland – 27/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:195:0032:0033:EN:PDF>
- "Αρνάκι Ελασσόνας (Arnaki Elassonas)" (PDO) Greece – 27/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:195:0034:0035:EN:PDF>
- "Göttinger Stracke" (PGI) Germany – 27/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:195:0036:0036:EN:PDF>

- "Karlovarské oplatky" (PGI) Czech Republic – 30/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:197:0003:0004:EN:PDF>
- "Karlovarské trojhránky" (PGI) Czech Republic – 30/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:197:0005:0007:EN:PDF>
- "Bœuf de Vendée" (PGI) France – 03/08
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:200:0008:0009:EN:PDF>
- "Porc d'Auvergne" (PGI) France – 03/08
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:200:0010:0011:EN:PDF>
- "Ξύγαλο Σητείας (Xygaló Siteias) / Ξίγαλο Σητείας (Xigaló Siteias)" (PDO) Greece – 03/08
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:200:0012:0013:EN:PDF>
- "Melon De Guadeloupe" (PGI) France – 29/06
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:189:0037:0041:EN:PDF>
- "Sel de Guérande / Fleur de Sel de Guérande" (PGI) France – 29/06
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:189:0042:0045:EN:PDF>
- "Schwäbische Spätzle / Schwäbische Knöpfle" (PGI) Germany – 01/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:191:0020:0023:EN:PDF>
- "Κουφετα Αμυγδαλου Γεροσκηπου» (Koufeta Amygdalou Geroskipou)" (PGI) Greece – 01/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:191:0020:0023:EN:PDF>
- "Béa Du Roussillon" (PDO) France – 02/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:193:0022:0027:EN:PDF>

Approbation of amendments

- "Beaufort" (PDO) France – 30/06
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:170:0030:0031:EN:PDF>
- "Riviera Ligure" (PDO) Italy – 23/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:193:0015:0016:EN:PDF>
- "Saucisson de l'Ardèche" (PGI) France – 23/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:193:0017:0018:EN:PDF>
- "Parmigiano Reggiano" (PDO) Italy – 09/08
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:204:0019:0020:EN:PDF>

Registration request

- "Rheinisches Zuckerrübenkraut / Rheinischer Zuckerrübensirup / Rheinisches Rübenkraut" (PGI) Germany – 29/06
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:189:0033:0036:EN:PDF>

- "Cinta Senese" (PDO) Italy – 08/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:200:0016:0019:EN:PDF>

Rejection of application

- "Eilenburger Sachsenquelle" (PDO) & „Eilenburger Sanusquelle“ (PDO) Germany – 25/07
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:194:0034:0035:EN:PDF>