

# oriGIn Report



## Highlight of the month

### The European Parliament meet the expectations of GI producers

On 21 June, the report on agricultural product quality schemes of Ms. Iratxe García Pérez was adopted by the Agricultural Committee of the European Parliament (33 votes in favour and 4 abstentions). The report on marketing standard, which is part of the quality package, will be voted by the Agricultural Committee on 4<sup>th</sup> July.

oriGIn welcomes Ms. Pérez report which improves significantly the European Commission's proposal on quality policy, in particular with regard to agricultural products and foodstuffs benefiting from PDO and PGI. oriGIn welcomes in particular the recognition of the role played by groups in charge of PDOs and PGIs, notably the possibility to manage production. The report also strengthens PDO-PGI protection, including when quality products are used as ingredients. It clarifies labelling, as well as control rules, and streamlines the registration procedures for PDOs and PGIs. **oriGIn is pleased to note that the amendments it pushed through were all adopted.**

The report will be submitted to the plenary vote of the European Parliament in September. The Council of the Ministries of Agriculture will have to adopt its position and find an agreement with the European Parliament on the overall reform of the quality policy. In this respect, Ms. García Pérez was given a mandate by the Agricultural Committee of the European Parliament to negotiate with the Council. The Parliament and the Council aim at reaching an agreement during the 1<sup>st</sup> reading.

Poland will take over the EU Presidency from Hungary on 1<sup>st</sup> July. Poland has already explained that its priorities will be the Traditional Specialities Guaranteed (STG); optional quality terms, including mountain food products; local farming and local sales; the definitions of PDO and PGIs and the timeframe for the registration procedure.

## International Affairs

### At Global Level

#### WTO negotiations: An "early harvest" seems to fade away

On 31 May, an informal Trade Negotiations Committee meeting took place. During this meeting, WTO Director-General Pascal Lamy explained the WTO Members that a "three lane" approach exists to conclude the Doha Round:

- A "fast lane" focused on Least Developed Countries (LDC) ;
- A "middle lane" covering a LDC plus package, including issues which are near conclusion; and
- A "slow lane", which would cover the more controversial issues, such as agriculture, services, intellectual property rights and non-agricultural market access, and which would be discussed after the December Ministerial Conference in Geneva.

WTO Members acknowledged that the conclusion of the Doha Round before the end of the year is unlikely and that the draft agreement proposed in December is the best basis. They thus said that they are ready to negotiate an "early harvest", that is to say a package focused on LDC countries. The "three lane" proposal is thus broadly supported by WTO members.

Even if most countries reminded that the "single undertaking" should remain the main objective of the negotiations, the WTO members are ready to use Paragraph 47 of the Doha Declaration, which allows agreements reached at an early stage to be "implemented on a provisional or a definitive basis". However, there is no agreement on the scope of the "middle lane", notably whether to include or not special and differential treatment proposals, trade facilitation or cotton.

The informal Trade Negotiations Committee meeting, which was supposed to take place on 9 June, has been cancelled and no new date has been scheduled. The cancellation was caused by

the impossibility for WTO Members to define the scope of the “early harvest”.

**WTO TRIPs Council:  
the Australian draft legislation  
on packaging for tobacco products**

On 7 June, at the meeting of the WTO Council on Trade-Related Aspects of Intellectual Property Rights (TRIPs), an Australian draft legislation on tobacco products to be sold in plain packages without logos or trademarks was discussed. According to this draft law, only large graphic health warnings would be allowed, and brands will be indicated in a standard typeface. In April 2010, Australia had announced that such legislation should be in place on 1<sup>st</sup> January 2012, with no transitional period. The draft law will be discussed by the Australian Parliament during the winter 2011.

Such draft legislation created a debate at the WTO level on the right balance between the protection of health and WTO obligations regarding international trade in tobacco products, the rights of trademark holders and the applications by WTO Members of technical regulations which can be assimilated to non-tariff barriers. Some WTO members affirmed that the draft law violates the provisions of the WTO TRIPs Agreement and the Paris Convention for the Protection of Intellectual Property.

If this draft law enters into force, it will probably be challenged under the WTO dispute settlement mechanism. The main legal problem would be to assess if the law is more restrictive than necessary to achieve the public health interest which it wants to protect.

**Anti-Counterfeiting Trade Agreement:  
Publication of a new draft**

A new draft of the Anti-Counterfeiting Trade Agreement has been published by the European Commission. The Agreement was adopted on 15 April and was opened for signature on 1<sup>st</sup> May. It 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. The text can be found at: [http://trade.ec.europa.eu/doclib/docs/2011/may/tradoc\\_1479\\_37.pdf](http://trade.ec.europa.eu/doclib/docs/2011/may/tradoc_1479_37.pdf)

**At the European Level**

**EU – China project on the protection of GIs**

As explained in oriGIn report of May, a total of five Chinese GIs have been registered in the EU, in the framework of a pilot project between the EU and China launched in July 2007 - "10 plus 10" project – based on which both countries lodged applications for the protection of 10 agricultural GIs in the partner's jurisdiction.

Concerning the 10 EU GIs:

- 5 EU names have been registered in China: Comté, Roquefort, Scottish Farmed Salmon, West Country Farmhouse Cheddar, and White Stilton Cheese/Blue Stilton Cheese;
- 3 other are very close to registration: Grana Padano, Priego di Córdoba and Sierra Mágina;
- There are still issues of translation that require attention for the last two products: Prosciutto di Parma and Pruneaux d'Agen/ Pruneaux d'Agen mi-cuits

**EU - Central America Association Agreement:  
ratification process**

On 21-23 June, EU Trade Commissioner Karel De Gucht travelled to Central America to discuss with his counterparts the ratification and implementation of the EU - Central America Association Agreement, which was concluded on 18 May. The legal review of the Association Agreement has been finalised. The ratification at the EU level implies the agreement of the Council and the European Parliament. Once ratified, the agreement will cover Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama and the EU.

The Association Agreement has three pillars: political dialogue, cooperation and trade. It will notably eliminate tariffs and reinforce regional economic integration in Central America. The Agreement includes a chapter on the effective protection of intellectual, industrial and commercial property rights and other rights covered by the WTO Agreement on trade-related aspects of intellectual property rights. Concerning GIs, a shortlist of EU products will be protected in Central America.

The text of the Association Agreement can be consulted at:

<http://trade.ec.europa.eu/doclib/press/index.cfm?id=689>

and more information on the scope of the agreement at:

<http://europa.eu/rapid/pressReleasesAction.do?reference=M/EMO/11/429&format=HTML&aged=0&language=EN&guiLanguage=en>

### EU-Canada: Negotiation of a Comprehensive Economic and Trade Agreement

The next round of negotiations will be held in Brussels on 11-15 July. The EU and Canada should exchange a second set of formal offers before this meeting. Up to now, they have agreed to eliminate tariffs on 90% of goods. One of the defensive interests of Canada is to maintain its supply management system in agriculture, through which the federal government restricts imports and maintains production quotas in several sectors. The EU notably aims at obtaining stronger rules of origin for exports of Canadian food products and a stronger protection for intellectual property rights in Canada. The Agreement should be finalised by the end of 2011.

On 8 June, the European Parliament adopted a resolution on EU-Canada trade relations, in which the MEPs welcomed an *“agreement with Canada going beyond the WTO commitments”* but emphasised *“the need to improve the protection of intellectual property rights including trademarks, patents and geographical indications”* in the framework of this Agreement. Furthermore, the report identifies the agriculture as an important issue for both parties in the talks. The MEPs are nonetheless *“concerned about possibly substantial concessions in the area of GMOs, milk and origin labelling”*. They thus affirm that *“the priorities in agriculture should be fully taken into account”*.

The resolution can be found at: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2011-0257&language=EN&ring=B7-2011-0344>

### EU-Russia Summit

On 9-10 June, the EU–Russia Summit took place in Nizhny Novgorod, in Russia.

The discussions focused on the global economy and global governance issues, the EU-Russia Partnership for Modernisation, Russia's accession to the WTO and the EU-Russia Agreement, which is currently under negotiation.

## EU Issues

### Policy Developments

#### GI Policy

#### “Bud case”: trademark “Budweiser” declared void in Italy

On 16 June, the “Corte d'Appello” of Milan declared void the registration in Italy of the trademark “Budweiser” - owned by the American company Anheuser-Busch - because misleading for the public. The Court based its judgment on the fact that at the EU level the PGI “Budweiser” is registered and identify a high-quality Czech beer. The Italian Ministry of Agriculture played a key role in this respect: it asked in fact the “Corte d'Appello” of Milan to declare void the trademark “Budweiser”.

Anheuser-Busch cannot currently use the trademark “Budweiser” in Austria, France, Germany, Portugal, Switzerland, as well as in the East of Europe. It sells its beer in those countries under the trademark “Bud”.

This judgement happens after the decision, in March, of the Court of Justice of the European Union (CJEU) to send back to the General Court a long running legal dispute between the American company “Anheuser-Busch InBev” and the Czech “Budejovický Budvar” over rights to the “Bud” trademark and which dates back to the late 1990s. For further information on the decision of the CJEU, please consult oriGIn report of April.

#### New emphasis on non agricultural GIs

On 25 May, the European Commission published a communication on *“a Single Market for Intellectual Property Rights - Boosting creativity and innovation to provide economic growth, high quality jobs and first class products and services in Europe”*.

Within this framework, the Commission stated that it will launch a feasibility study on the issue of GIs for non-agricultural and non-food products,

encompassing all areas of law in this context. This study will provide an analysis of the existing legal frameworks in the Member States, an in-depth assessment of the needs of the stakeholders and the potential economic impact of protection for non-agricultural GIs. It will follow the study realised by Insight Consulting, oriGIn and Agridea in 2009 on *“the protection of geographical indications for products other than wines, spirits, agricultural products or foodstuffs”*.

More information at:  
[http://ec.europa.eu/internal\\_market/copyright/docs/ipr\\_strategy/COM\\_2011\\_287\\_en.pdf](http://ec.europa.eu/internal_market/copyright/docs/ipr_strategy/COM_2011_287_en.pdf)

## Other EU Policies

### Update on the reform on the future of the Common Agricultural Policy

In the framework of the reform on the future of the Common Agricultural Policy (CAP), the European Parliament prepared a draft report on the subject entitled *“the CAP towards 2020: meeting the food, natural resources and territorial challenges of the future”*. This draft report of Albert Deß was adopted by the Agriculture and Rural Development Committee of the European Parliament adopted on 25 May. On 23 June, it was adopted during the plenary session of the European Parliament. It can be consulted at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A7-2011-0202+0+DOC+PDF+V0//EN&language=EN>

The European Commission will publish the legislative package on the future CAP in the 1<sup>st</sup> half of October. It should then be presented to the Agriculture Ministers at the Agriculture Council on 20 October. In the meantime, the next Multi-annual Financial Framework should be presented on 29 June. A political agreement is expected to be reached between the Council and the European Parliament in early 2013.

### Enlargement of the EU: Croatia to become the 28<sup>th</sup> member

The last chapter of the accession negotiations between the EU and Croatia were closed in May. On 21 June, the negotiations were officially concluded. The signing of the Accession Treaty is expected in the autumn. It will be subject to a referendum on EU membership in Croatia and to

the ratification by the 27 national parliaments. Croatia could thus become the 28<sup>th</sup> member of the EU on 1<sup>st</sup> July 2013.

## News on GI registrations

### GI registration

- “Chorizo de Cantimpalos” (PGI) Spain – 01/06  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:146:0011:0012:EN:PDF>
- “Porchetta di Ariccia” (PGI) Italy – 16/06  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:158:0025:0026:EN:PDF>
- “Miód drahimski” (PGI) Poland – 16/06  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:158:0027:0028:EN:PDF>
- “Fichi di Cosenza” (PDO) Italy – 22/06  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:162:0001:0002:EN:PDF>

### Approbation of amendments

- “Grana Padano” (PDO) Italy – 18/06  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:160:0065:0070:EN:PDF>

### Registration request

- “Susina di Dro” (PDO) Italy – 25/06  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:185:0010:0013:EN:PDF>
- “Tolminc” (PDO) Slovenia – 25/06  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:185:0014:0017:EN:PDF>
- “Armagh Bramley Apples” (PGI) UK – 25/06  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:185:0018:0021:EN:PDF>