



“Members’ Voice”

GIs and agriculture: new development opportunities in Panama

By Mrs Maria Arrocha, Director
ARROCHA-CASTRELLÓN & ASOCIADOS

As a transit point of excellence, Panama has always been known for its canal. Over the past 2 years though, a clear trend towards the protection of the most traditional cultural products of the local culture through intellectual property has emerged. Agricultural products – coffee in particular – has been experiencing an increasing international demand.



Coffee plantation in Boquete, Panamá

The “boom” of coffee began around 2004, when the exotic flavours of the “Geisha Coffee Boquete” were discovered. This coffee is a variety of Arabica from Ethiopia. According to Francisco Serracin - a coffee producer from the region - the fact of growing in the soil of Boquete gives it the following profile: *“The characteristics of this coffee cup are very particular in its*

fragrance and floral aroma, with a Jasmine tone, fruity flavours such as peach, black fruits, orange citrus acidity, slightly bitter such as the papaya, make this coffee one of the most coveted beverage in the world of gourmet coffees”.

With such a profile, the demand grew faster than the production. This coffee variety in fact grows exclusively in about 200 hectares, in Boquete. This area of around 488 km² in total, benefits from 5 different microclimates, which contribute to the exquisite coffee cup profiles.

In parallel, different coffee groups started in the area of Boquete, with the objective to obtain the recognition of a “denominación de origen”. The precursor was the “Ambec group” (united producers for export), and others followed later on, such the “APRE group”. oriGIn collaborated in this process of raising awareness on GIs, by coordinating a study tour in Spain, through which the Panamanian producers were able to exchange their experiences with their Spanish counterparts. Likewise, the World Intellectual Property Organisation (WIPO) supported producers and public authorities in Panama to use intellectual property rights as a tool for the agricultural sector development.

In 2011, the “APRE group”, submitted the first application for a “denominación de origen” in Panama for “Café de Renacimiento”; it was granted in the same year becoming the first “denominación de origen” of Panama.

In light of the increasing demand for Panamanian traditional products in the world market and the positive example of “Café de Renacimiento”, a proliferation of requests for “denominaciones de origen” in Panama is expected in the following years.

For further information, please contact:
maria.arrocha@arocpanama.com

International Affairs

At the Global Level

EMMI abandons its project to produce “Gruyère” in the USA

Early in April, the group « Emmi », first processor of milk in Switzerland and first exporter of Swiss cheeses in the world, including the Gruyère AOC, announced the building of a new factory in Wisconsin to produce “Gruyère”, in violation of the Swiss AOC.

In light of the “weak” multilateral legal framework on GIs, obtaining protection in key export markets must remain a priority for GI groups. The campaign carried out by oriGIn in the USA, in particular with the USPTO, is intended to facilitate the registration (and subsequent protection) of GIs in this country through certification marks (yet the only legal instrument available to groups in this country).

Following the pressure of the Swiss civil society (including our member the “Association Suisse des AOC-IGP”) and public authorities, on May 3 Emmi announced its intention to abandon the use of the name “gruyere” in relation with its cheese production in USA as well as its commitment to secure - in cooperation with the “Interprofession du Gruyère” - the protection of the name “Gruyère” in the USA as a certification mark.

For further information, please consult (only in French): http://www.aoc-igp.ch/upl/files/CP_AOC-IGP_Emmi-gruy_re-12-05-04.pdf

Anti-Counterfeiting Trade Agreement (ACTA): Difficult ratification process at the EU level

The Committee of International Trade (INTA) of the European Parliament has been working on the ACTA, as it has to prepare a report indicating whether it advises to ratify the Treaty or not. During the discussion, the possibility to refer the ACTA to the European Court of Justice (ECJ) was raised.

On 27 March, the INTA Committee voted against referring the ACTA to ECJ. As a result, the Parliament will follow the original timetable for ACTA with a vote in the Committee of International Trade expected on 29-30 May and a vote in the plenary session in June. The Parliament will have to either accept or reject the overall Agreement, without the possibility of introducing amendments.

In parallel, on 4 April, the European Commission decided to refer the Agreement to the ECJ, asking whether the ACTA is compatible with the European Treaties, in particular with the Charter of Fundamental Rights of the European Union, which includes the freedom of expression and information, data protection and the intellectual property rights.

On the same day, the EU trade commissioner, Karel De Gucht had asked the European Parliament to wait for the EJC opinion before voting on the ratification of the Agreement. As the ECJ process could take up to two years, the Parliament decided not to wait for the ECJ opinion.

Peru: oriGIn pushes for GIs to be included in rural development projects

The “Peruvian Instituto Nacional de Defensa de la Competencia y de la Protección de la Propiedad Intelectual” (INDECOPI) is implementing a program to promote the competitiveness of agricultural products focused on collective marks. This program is carried out in cooperation with the United Nations Industrial Development Organization (UNIDO).

On 30 March, oriGIn sent a letter to Mrs. Gamboa, Director of the distinctive signs at INDECOPI, encouraging the Institute to include “denominaciones de origen”, provided by the Peruvian law, in such a program. oriGIn stressed the fact that “denominaciones de origen” are an ideal tool to promote rural development with respect to products which quality is deeply linked to their geographical area and allow a producers’ collective approach.

See the letter in the Members' area of our website: http://www.origin-gi.com/index.php?option=com_content&view=article&id=37&Itemid=84&lang=en

Chile: new GI application

On 5 April, the Association of cattlemen of Magellan filled the application for the registration of "Cordero Magallánico" (the Magellan lamb) as a GI at the Instituto Nacional de Propiedad Industrial (INAPI) of Chile.

In parallel, the Ministry of Economy, Development and Tourism and the INAPI are working to recognise domestic GIs, within a program to promote the use of industrial property. This process is encouraging in a country such as Chile that at the WTO opposes the stronger protection for GIs.

Further information at (only in Spanish): http://www.inapi.cl/index.php?option=com_content&view=article&id=398%253A09042012-solicitan-indicacion-geografica-para-el-cordero-magallanico-en-inapi&catid=3%253Adestacadas&lang=es

Bilateral / Regional Issues

EU – Ukraine: conclusion of the FTA negotiations

On 30 March, the EU and Ukraine concluded the negotiations of the Free Trade Agreement (FTA), which will now have to be ratified by the parties (the European and Member States Parliaments for the EU).

The FTA will give immediate protection to the GIs from the EU. However, transition periods are set for some EU GIs, for example Champagne and Porto will be recognised in Ukraine after 10 years from the entry into force of the Agreement and Parmigiano Reggiano after 7 years from the entry into force of the Agreement.

Chile and Nicaragua Trade Agreement: « Pisco Chileno » will be recognized in Nicaragua

On 11 April, the Chilean Chamber of Deputies approved the Draft Agreement on the bilateral

Protocol between Chile and Nicaragua, signed on 22 February 2011. It was then sent to the Chilean Senate for the second stage of ratification.

Such Draft Agreement is part of the Free Trade Agreement (FTA) between Chile and Central America (Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua), which entered into force in 2002. The FTA establishes a mechanism by which it will gradually come into force. This mechanism covers a set of provisions to be negotiated bilaterally between each signatory country through protocols.

Under the Chile – Nicaragua Protocol, which covers amongst others GIs, Nicaragua will recognize the Chilean Pisco as a GI within three years from the date of entry into force of the Treaty and its Protocol.

Further information at (only in Spanish): http://www.camara.cl/prensa/noticias_detalle.aspx?prmId=48785

EU Affairs GI Policy

Another Chinese GI on its way for registration in the EU

On the 3rd March, the registration request of 东山白芦笋 ("Dongshan Bai Lu Sun") - a canned asparagus cultivated by traditional production techniques in Dongshan (Island) County in Zhangzhou City in the Fujian province - was published.

This was accomplished within the framework of a pilot project between the EU and China launched in July 2007 – the so-called 10 plus 10 project – based on which both countries lodged applications for the protection of 10 agricultural GIs in the partner's jurisdiction.

For further information, please consult: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:099:0014:0017:EN:PDF>

In the framework of the same, the situation of the 10 EU products which asked to be registered in China is the following:

7 products have been registered:

- Comté
- Priego de Córdoba
- Pruneaux d'Agen/Pruneaux d'Agen mi-cuits
- Roquefort
- Scottish Farmed Salmon
- Sierra Mágina
- West Country Farmhouse Cheddar

3 registrations are pending:

- Grana Padano, which is about to be registered
- Prosciutto di Parma
- White Stilton Cheese/ Blue Stilton Cheese

These last registrations should take place in the next months. The files are examined by the Administration of quality supervision, Inspection and Quarantine (AQSIQ).

Other Policies

Milk Package: Entry into force of the legislation

On 30 March, the Regulation n°261/2012 of the European Parliament and of the Council of 14 March 2012 amending Council Regulation (EC) No 1234/2007 as regards contractual relations in the milk and milk products sector ("the Milk Package") was published in the Official Journal of the European Union. It entered into force on 2 April.

It has to be noted that articles 126c (Contractual negotiations in the milk and milk products sector), 126d (Regulation of supply for cheese with a protected designation of origin or protected geographical indication), 185e (Compulsory declarations in the milk and milk products sector) and 185f (Contractual relations in the milk and milk products sector) will be applicable as of 3 October 2012.

oriGIn welcomes the entry into force of this legislation as we have been working hard to obtain article 126d on the possibility for the groups of producers in charge of PDO or PGI to manage the growth of production volumes!

oriGIn will continue our efforts to ensure a similar provision is included in the Quality Package.

More information on the regulation at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:094:0038:0048:EN:PDF>

Promotion of agricultural products: Communication of the European Commission

On 30 March, the European Commission published a communication on the "promotion measures and information provision for agricultural products: a reinforced value-added European strategy for promoting the tastes of Europe" (see <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2012:0148:FIN:en:PDF>).

This Communication, which follows the Green Paper published at the end of 2011 and the public consultation, identifies four objectives for the new EU promotion policy:

1. Create more European dimension and added value. This implies to better target markets, products and messages to be highlighted;
2. Be more appealing, especially for programs in third countries;
3. Have a simpler management;
4. Be more coherent with the promotion actions of the CAP.

The European Commission specified that local markets and short supply chains will be covered by rural development programmes and thus excluded from the future promotion scheme. From the oriGIn point of view, which participated in the public consultation, the positive aspects of the Communication are:

- The proposal to modify the scope of the promotion policy with:
 - a. The creation of a single and homogeneous list of eligible

- products for internal and external markets which follows more closely the list of products covered by the quality policy;
- b. A reinforced support to the European food quality schemes (PDO/PGI/TSG);
 - c. The use of thematic messages illustrating the characteristics of European products, notably their quality, health, sustainable development or animal well-being.
- The possibility to mention the origin of the products only for PDO/PGI which can specify the geographical area of production;
 - The development of technical assistance for operators:
 - a. Information on the production methods used in the CAP (know-how and strict production standards unrivalled outside the EU),
 - b. Information and promotion of European quality symbols, notably PDO, PGI and TSG,
 - c. Information on and the promotion of agricultural products and agricultural product ranges,
 - d. Technical support (for example by providing market studies, importer lists or information on import standards).
 - The revision of multi-country programs to make them more attractive.

There are also problematic issues raised by the Communication are, such as the proposal to widen the beneficiaries of the promotion policy to private enterprises, when they propose programmes with high added value for the EU (we believe EU promotional programs should remain focused on quality in general rather than on individual companies). oriGIn will closely follow the next steps, in particular the realisation of the impact assessment, which will be

concluded before the end of 2012, and the adoption of the legislative proposal by the European Commission.

Meanwhile, the Agriculture Committee of the European Parliament, which will work on this issue (any legislative proposal touching upon agriculture has to be approved by the European Parliament), nominated Mr. Bové (Greens) as “rapporteur” and Mrs. Dăncilă (S&D), Mr. Fajmon (ECR) and Mr. Aylward (ADLE) as “shadow rapporteurs”.

News on GI Registrations

Modification request

- “Cabrito Transmontano” (PDO) Portugal – 27/04
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:122:0020:0023:EN:PDF>

Registration request

- “Pâté De Campagne Breton” (PGI) France – 28/03
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:091:0004:0008:EN:PDF>
- “东山白芦笋 (Dongshan Bai Lu Sun)” (PGI) China – 03/04
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:099:0014:0017:EN:PDF>
- “Sale Marino Di Trapani” (PGI) Italy – 03/04
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:099:0018:0021:EN:PDF>
- “Scottish Wild Salmon” (PGI) UK – 04/04
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:101:0013:0016:EN:PDF>
- “Queso Camerano” (PDO) Spain – 04/04
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:101:0006:0012:EN:PDF>