

oriGIn *Report*



“Members’ Voice”

The German PDO/PGI Association is born

by Mr. Robert Scholz

*Legal Counsellor of the Bavarian Brewers’ Federation &
Deputy Chairperson HAL*

In the last few years, Germany has been characterized by a growing interest in origin products and GIs. Producers have been very active in protecting the uniqueness and high quality of their traditional products under the European Union (EU) quality schemes. At the moment, more than 80 German PDO/PGI are registered in the EU only for agricultural products and many others are on their way to get a registration. Moreover, consumers became more interested in the way food is produced, processed and marketed, giving more recognition to specific know-how, increasing the demand for high-quality products. Unfortunately, at the same time the phenomenon of GI misappropriation has been growing.

Concerned for abuses tarnishing their product reputation, in October 2011 in Munich, German PDO/PGI producers decided to join forces and established the “Herkunftsschutz Agrarerzeugnisse und Lebensmittel” - HAL (the Association for the Protection of Origin of Agricultural and Food Products). This new “think tank” will serve as an advocate for producers, creating a national voice and unified vision of the sector at the EU level. With regard to the process of the reform of EU quality policy, the “Quality Package” is still in discussion after years of consultations with the interested stakeholders. In this context, oriGIn played a key role urging measures for GI producers to be able to prevent crisis and to guarantee a long term economic sustainability to PDO/PGI. Along this line, the HAL will follow the quality policy developments to be sure that German PDO/PGI producers’ concerns about changes introduced in the

regulation will be considered by the European institutions.

Currently, only Bavarian protection collectives are Members of HAL, but the Association is open to any producer in Germany and German-speaking countries who want to campaign for an improvement of measures concerning PDO and PGI.

The HAL is led by a Managing Committee which includes: the chairperson of the association, the Bavarian State Legislative Assembly representative, Mr. Martin Neumeyer (from the Abensberg Growers’ Collective for Quality Asparagus), two deputy chairpersons, Mr. Robert Scholz (from the Bavarian Brewers’ Federation) and Dr. Maria Linderer (from the Federal State Association for the Bavarian Milk Industry). The association is also supported by an advisory board.



Left to right: Chairperson Martin Neumeyer, MdL, Deputy Chairperson Robert Scholz, Deputy Chairperson Maria Linderer, Secretary Hermann Schmitt, Treasurer Otmar Weingarten.

For additional information regarding HAL please contact:

scholz@bayerisches-bier.de,

brauerbund@bayerisches-bier.de

International Affairs

At the Global Level

oriGIn welcomes the Italian contribution for its online compilation of all GIs protected in the world

In September 2011, oriGIn launched an ambitious project of an online compilation of all GIs protected in the world and invited interested partners and donors to support such initiative. The compilation will list the GIs in an alphabetical order with the indication of the country of origin, the category of product as well as a report containing the key information on each product. The compilation will be on the oriGIn website and freely available to the public at large.

On 26 January, oriGIn received a contribution of 120.000 € for such project from the Ministry of Agricultural, Food and Forestry Policies of Italy. **oriGIn would like to thank the Italian Ministry of Agriculture for this generous contribution!** Meanwhile, discussions are being held with other potential donors.

As for partners, on 16 February, oriGIn launched a students' contest in partnership with the Berkeley Law School. The contest concerns a study of the trademarks, collective and certification marks (as well as of the American Viticultural Areas – AVAs) in force in the US and the selection of the ones corresponding to the GI internationally recognized definition. This initiative will lead to the establishment of a list of GIs protected in the United States. Likewise, oriGIn is in contact with a large number of institutions to finalize cooperation agreements.

Further information on this project can be found at: http://www.origin-gi.com/index.php?option=com_content&view=article&id=267:origin-database&lang=en&Itemid=0

Anti-Counterfeiting Trade Agreement (ACTA): ratification process and protests

On 26 January, the European Commission and 22 Member States of the EU signed the Anti-Counterfeiting Trade Agreement (ACTA) in Tokyo. Cyprus, Estonia, Germany, the Netherlands and Slovakia were the countries which have not signed it yet.

Meanwhile, protests took place in big cities in Europe, in particular in Central and Eastern Europe, and the "Anonymous" group of hackers brought down the website of the European Parliament and the ones of various Ministries in Member countries. Furthermore, Mr. Kader Arif, the rapporteur on the Agreement for the Committee on International Trade of the European Parliament, decided to step down to protest against the ACTA signature without a broad public consultation, the secrecy of the talks that led to the Agreement itself and the pressure on the Parliament to ratify the ACTA. Finally, Poland, the Czech Republic and Germany decided to suspend the ratification of the Agreement (in this respect, please note that the Agreement will enter into force after its ratification by the European Parliament and the 27 national Parliaments).

To counter such criticisms, on 13 February, the European Commission published a report on the ACTA to show that the Agreement will be beneficial for EU citizens. The Commission also gave details on the negotiation process which led to the signature of the agreement (see: http://europa.eu/rapid/pressReleasesAction.do?reference=M_EMO/12/99)

On 22 February, the European Commission decided to refer the ACTA to the European Court of Justice to verify its compatibility with the EU fundamental rights and freedoms.

Internet domain names and GIs

The Internet Corporation for Assigned Names and Numbers (ICANN) is a not-for-profit corporation dedicated to keeping the Internet secure, stable and interoperable. The domain name system (DNS) is a system designed to make the Internet accessible. The main way computers that make up the Internet find one another is through a series of numbers, with each number (called an "IP address") correlating to a different device. However it is difficult for the human mind to remember long lists of numbers so the DNS uses letters rather than numbers, and then links a precise series of letters with a precise series of numbers. A domain name comprises two elements: before and after "the dot". The part after the dot, such as "com", "net" or "org", is known as a generic "top-level domain" or gTLD.

One company (called registry) is in charge of all domains ending with that particular gTLD and has access to a full list of domains directly under that name, as well as the IP addresses with which those names are associated. The part before the dot is the domain name that an individual, a company, an institution, etc. registers and which is then used to provide online systems such as websites, email and so on. These domain names are sold by a large number of “registrars”. ICANN draws up contracts with each registry and runs an accreditation system for registrars. These contracts provide a consistent and stable environment for the domain name system, and hence the Internet.

While the list of gTLDs has been so far limited, in January 2012 ICANN launched a program to create new gTLDs of an “open” nature, such as .[city], .[community], .[brand], .[language], .[culture], .[industry] or .[GI]. Furthermore, any word in any language (including non-Roman characters) can be used to establish a new gTLD. Established organisations (not individuals) can apply for a new gTLD by paying 185.000 US\$ for each request (see <http://newgtlds.icann.org/en/>).

The creation of hundreds of new gTLDs (some potentially conflicting with GIs) might pose risks to legitimate GI groups. oriGIn will follow closely the process and encourage ICANN to make sure the legitimate rights of GI groups are respected. Moreover, we would like to draw your attention to the fact that the ICANN gTLDs application Guidebook (available at <http://newgtlds.icann.org/en/applicants/agb>), provides a few limitations concerning geographical names: requests of gTLDs containing geographical names (see paragraph 2.2.1.4.2 of the Guidebook) and “community-based names” (see paragraph 1.2.3 of the Guidebook) follow specific procedures, with the objective to limit any abuse. Likewise, objections against requests of new gTLDs can be filled directly by interested parties (see Module III of the Guidebook). Otherwise, those parties can inform their Government about an “illegitimate” request, so it can issue an “early warning” within the ICANN Governmental Advisory Committee - GAC (see paragraph 1.1.4.2 of the Guidebook). In light of that, we encourage you to follow the

ICANN process to make sure the GIs you represent are not registered as new gTLDs by illegitimate parties.

Lisbon System: Registration of three appellations of origin

On 21 November, the World Intellectual Property Organisation (WIPO) registered three new appellations of origin:

- ‘CHILE HABANERO DE LA PENÍNSULA DE YUCATÁN’ (Mexico) for the famous chilli;
- ‘BEPMET – BERMET’ (Serbia) for an aromatized wine;
- ‘BANANO DE COSTA RICA’ (Costa Rica) for bananas.

We take this opportunity to congratulate our member, the “Comité Estatal Sistema Producto Chile del Estado de Yucatán”, for this important achievement!

More information at:

http://www.wipo.int/lisbon/en/news/2011/news_0010.html

FAO: Launch of a tool to identify potential origin-linked products

On the 1st of February, the “Food & Quality Program” of the FAO launched a web tool to identify potential origin-products. Such tool is intended to facilitate the identification of the link between a product and its geographical origin and the strengths/weaknesses of entering the “virtuous quality circle”.

For further information, please consult: www.foodquality-origin.org/webtool/en

Brazil in “pole position” on GIs

2011 was a positive year for GIs in Brazil and so far 2012 looks very promising.

On 6 January, the Brazilian National Institute of Industrial Property (INPI) announced the recognition of the “Queijos da Canastra” (cheese) and “Calçados de Franca” (shoes) as “Indicação de Procedência”. Likewise, on 17 January, the

“Opalas e joias artesanais de Pedro II” (precious stones) obtained the protection as “Indicação de Procedência”. The Opals and Opal jewelry are produced in Pedro II, in Piauí, one of the states of Brazil, located in the north-eastern part of the country.

On 14 February 2012, INPI announced the recognition of three “Denominações de Origem” for decorative stones from the Northwest Fluminense, State of Rio de Janeiro, under the names: “Região Pedra Cinza Rio de Janeiro”, “Região Pedra Madeira Rio de Janeiro” and “Região Pedra Carijó Rio de Janeiro”. The applicants have to pay the fees during the next 60 days to finalize the procedure. See, only in Portuguese: <http://www.inpi.gov.br/index.php/quem-somos/noticias/530-inpi-defere-igs-para-pedras-decorativas-do-noroeste-fluminense>

Other GIs are on their way to obtain protection in Brazil. Early in January, “Cachaça de Abaíra”, a spirit from “Abaíra”, a town and municipality in the state of Bahia, in the North-East region of Brazil, filed an application. The “Peças artesanais em estanho de São João del Rei” and the “Vinhos da Uva Goethe” are also working to get protection. The “Peças artesanais em estanho de São João del Rei” are tin products, used as household items, produced in the region of São João del Rei. The “Vinhos dos Vales da Uva Goethe” are produced in the region of Urussanga (a town and municipality in the state of Santa Catarina, in the South region of Brazil) from a grape variety created by the botanist Edward Roger mixing American and European grapes.

The list of GIs currently registered in Brazil is available at: <http://www.inpi.gov.br/index.php/indicacao-geografica/registros>

Chile: Growing interest in GIs

On 19 December 2011, the “Langosta de Juan Fernández” (lobster) obtained the GI recognition becoming the second GI - after “Limone di Pica” - to be protected in Chile and the first GI granted for sea food. This lobster which belongs to the species *jasus frontalis*, has been recognized as unique in the world and is only present in the geographic zone corresponding to the

archipelago of Juan Fernandez (islands Robinson Crusoe, Alexander Selkirk and Santa Clara) and to the Desventuradas Islands.

On 3 February, the Chilean National Institute of Industrial Property (INAPI) received the GI application for the “Atún de Isla de Pascua” (tuna). This tuna comes from Easter Island (Chile) and enjoys a very good reputation thanks to its own qualities.

These initiatives are part of a broader strategy launched by the Ministry of Economy and INAPI aimed at promoting geographical indications as a tool to protect the unique Chilean heritage and to support local development.

For more information (only in Spanish): http://inapi.cl/index.php?option=com_content&view=article&id=383:03022012-presentan-en-inapi-nueva-solicitud-para-producto-maritimo-de-chile-atun-de-isla-de-pascua&catid=3:destacadas&lang=es

GIs speed up in Mexico

On 14 February 2012 the “Arroz del Estado de Morelos” (rice) became the 14th Mexican denomination of origin (DO), following the registration done by the Mexican Institute of Industrial Property (IMPI).

This rice is produced in the State of Morelos, in the South of Mexico, where its cultivation has been crucial for the development and the economy of the region. Actually, Morelos ranks first in rice production in Mexico with 600.000 hectares devoted to rice cultivation and 16.000 tons produced per year. The DO will guarantee a high level of quality to consumers, and defend the product against the increasing number of imitators and free riders abusing its reputation in the market.

According to Mr. Roque, Director General of IMPI, in order to enhance competitiveness of the Mexican quality products on the international market, the next step for “Arroz del Estado de Morelos” will be the international registration under the Lisbon Agreement.

For more information (only in Spanish): <http://www.economia.gob.mx/delegaciones-de-la-se/159-delegaciones-de-la-se/estatales/morelos/7389-morelos6>

Bilateral / Regional Issues

EU - Georgia: Approbation of the Agreement on the protection of GIs of agricultural products and foodstuffs

On 14 February, the EU formally approved the EU – Georgia Agreement on the protection of GIs of agricultural products and foodstuffs, which was concluded on 29 July 2010. The agreement will enter into force when published in the Official Journal of the European Union. It grants the protection in the EU to 18 Georgian wines with GI.

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 - Morocco: Approval of the Agriculture Trade Agreement

On 16 February, the European Parliament voted in favour of the Agriculture Trade Agreement between the EU and Morocco. This Agreement will lift duties on 70% of EU agricultural exports to Morocco and on 55% of Moroccan agricultural exports to the EU.

The Agreement should be formally adopted by EU ministers in the coming weeks and should enter into force in May or June.

EU – Armenia: Launch of trade negotiations

On 20 February, the EU and Armenia launched negotiations on a "deep and comprehensive" free trade area. The free trade area will be part of the broader Association Agreement which has been negotiated with Armenia since July 2010, in the framework of the Eastern Partnership and the European Neighbourhood Policy. The negotiations will cover a broad range of topics, including the protection of intellectual property rights. The first round of negotiations will take place soon.

More information at:
<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/12/150&format=HTML&aged=0&language=EN&guiLanguage=en>

EU Affairs

GI Policy

First Lithuanian and trans-national PDO protected at the EU level

On 31 January, "Seinų / Lazdijų krašto medus / Miód z Sejneńszczyzny / Łódzkiej szczyzny" was registered as Protected Designation of Origin (PDO) at the EU level. **The registration of this honey was jointly submitted by Lithuania and Poland. This is not only the first Lithuanian PDO, but also first trans-national PDO registered at the EU level.**

For further information, please consult: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:027:0003:0004:EN:PDF>

Another Chinese GI on its way for registration in the EU

On 18 February 2011, the registration request of “平谷大桃” (Pinggu Da Tao) was published in the Official Journal (submitted within the framework of a pilot project between the EU and China launched in July 2007 – the so-called *10 plus 10 project* – see previous oriGIn report).

Pinggu Da Tao is a peach, which comes from the shallow hills and rolling countryside of the Yanshan Mountains in the Pinggu District of Beijing, (China).

For further information, please consult: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:048:0028:0031:EN:PDF>

“Milk Package”: Adoption by the European Parliament

On 15 February, the European Parliament approved the “Milk Package” by 574 votes in favour, 97 against and 18 abstentions. This regulation notably aims at favouring the contractual relations in the dairy sector, at reinforcing the organisation of the sector through producers’ organisations or “interbranches”, at reinforcing the power of negotiations of producers,

and allows the management of the growth of the volumes of production of PDO and PGI cheeses. The Council has to formally approve the text before it is published in the Official Journal of the European Union and it enters into force. It will be in force until June 2020.

oriGIn welcomes the adoption of the “Milk Package” and its provision allowing the groups in charge of the PDO and PGI cheeses to manage the growth of the volumes of production. oriGIn is currently working to make sure that all PDO and IGP products will be allowed to benefit from the same tool, which is essential for the sustainable development of traditional products.

News on GI Registrations

Registration of GIs

- “Miód z Sejneńszczyzny / Łódzieszczyzny” / “Seinu / Lazdijų krašto medus” (PDO) Poland – 31/01
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:027:0003:0004:EN:PDF>
- “Holsteiner Katenschinken / Holsteiner Schinken / Holsteiner Katenrauchschinken / Holsteiner Knochenschinken” (PGI) Germany – 31/01
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:027:0005:0006:EN:PDF>
- “New Season Comber Potatoes/Comber Earlies” (PGI) UK – 21/02
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:048:0009:0010:EN:PDF>
- “Limone di Rocca Imperiale” (PGI) Italy – 21/02
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:048:0011:0012:EN:PDF>

Approval of modification

- “Queso Manchego” (PDO) Spain – 16/02

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:043:0001:0005:EN:PDF>

Registration request

- “Pimiento de Fresno-Benavente” (PGI) Spain – 01/02
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:027:0017:0021:EN:PDF>
- “Fränkischer Karpfen” / “Frankenkarpfen” / “Karpfen Aus Franken” (PGI) Germany – 03/02
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:030:0010:0012:EN:PDF>
- “Isle Of Man Queenies” (PDO) UK – 11/02
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:038:0032:0036:EN:PDF>
- “Filderkraut/Filderspitzkraut” (PGI) Germany – 16/02
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:044:0045:0048:EN:PDF>
- “Kranjska Klobasa” (PGI) Slovenia – 18/02
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:048:0023:0027:EN:PDF>
- “平谷大桃” (Pinggu Da Tao) (PDO) China – 18/02
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:048:0028:0031:EN:PDF>
- “Kraška Panceta” (PGI) Slovenia – 18/02
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:048:0032:0035:EN:PDF>
- “Cabrito do Alentejo” (PGI) Spain – 22/02
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:052:0022:0024:EN:PDF>
- “Ciliegia di Vignola” (PGI) Italy – 22/02
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:052:0017:0021:EN:PDF>