

“Members’ Voice”

The American Origin Product Association is shaping-up

by Mr. Colehour Bondera
President of the KCFA &
oriGIn VP for North America

Long awaited, an organization devoted to the promotion and protection of Geographical Indications (GIs) in the United States (US) is now forming. The American Origin Product Association (AOPA) has been championed by Dr. Elizabeth Barham of the University of Arkansas, with the founding board including representatives of Kona Coffee, Idaho Potatoes and Missouri Pecans. Many other US products are considering the membership, including Vermont Maple Syrup. With the US lagging behind Europe, South America, and Asia in federal and state protection of origin products, the AOPA will be an NGO looking to take on these issues.

While the protection of GIs in the US is improving, a lot remains to be done. Idaho Potatoes has a state level Association which has given producers a certain level of federal recognition. Napa Valley Wine was successful in establishing a California law on origin wine and even obtained a European PDO. On the other hand, Kona Coffee has struggled with a misleading “10% Hawaii state requirement” for blended coffees using the Kona name, but recent activity by Kona growers has led to a class action lawsuit filed against Safeway for deceptively labelling its “Safeway Select Kona Blend Coffee” (in 2010, the Kona Coffee Farmers’ Association had received the *Parmigiano-Reggiano Solidarity Award* for its struggle to protect the original “100% Kona Coffee”). Further, Missouri Pecans recently discovered Chinese-grown nuts bearing the origin label.

Thanks to the encouragement of oriGIn, with a manual on US origin products as well as the opportunity to meet regularly with other GI producers from several countries, AOPA has

moved forward toward the fight of misleading labelling and imitations of American GIs.

These efforts are raising awareness with consumers and policy makers about the importance of legal protection and promotion of long embattled heritage origin products.

The AOPA is currently seeking co-sponsors to support the founding conference in Fall, 2012 in Arkansas. For more information, please contact Elizabeth Barham (aopa.office@gmail.com).

International Affairs

At the Global Level

oriGIn-CTA practical manual on GIs

On 15 December 2011, oriGIn and the Technical Centre for Agricultural and Rural Cooperation (CTA) launched a “Practical Manual on Geographical Indications for ACP countries”, at an event on “GIs in Africa” organised by the French Mission to the WTO and the “Organisation de la Francophonie” within the framework of the 8th WTO Ministerial Conference. The manual aims to serve as a practical tool for GI producers and policy makers in ACP countries.

The book can be downloaded at: http://www.origin-gi.com/index.php?option=com_content&view=article&id=253%3Actaorigin-practical-manual-on-gis&lang=en

oriGIn makes its voice heard at the WIPO Working Group on the Lisbon System

On 12-16 December 2011, the WIPO Working Group (WG) on the Development of the Lisbon System held its 4th meeting.

oriGIn strongly opposed the draft provisions to amend the Lisbon Agreement presented by the WIPO Secretariat concerning a different

level of protection to be conferred to appellations of origin and geographical indications. A large majority of contracting parties and observers shared this position and supported a high and uniform level of protection for both geographical indications and appellations of origin. As a result, at the next WG meeting (tentatively scheduled in June 2012) new draft provisions will be presented for discussion.

For more information, see:
http://www.wipo.int/lisbon/en/news/2012/news_0001.html

Anti-Counterfeiting Trade Agreement (ACTA): Update on the ratification process

In December, the European Commission was given the authorisation to sign the ACTA on behalf of the EU.

The ACTA thus reached the final phase of ratification at the EU level, which involves 28 steps (the 27 national Parliaments and the European Parliament).

Kona Coffee: The “Coffee Origin Disclosure Bill”

The Kona Coffee Farmers Association (KCFA), a non-profit farmer organization dedicated to the protection of the heritage and reputation of Kona Coffee, has drafted a “Coffee Origin Disclosure Bill” for consideration by the Hawaii State Legislature in its 2012 session, which will open at the end of January.

For labels on packages containing 10% Kona coffee, the draft Bill would require to disclose the origin of the 90% not grown in Kona. Under the current regulation, such packages are only required to indicate “10% Kona Blend” (the disclosure of the origin of all coffee in a blend is voluntary in Hawaii). In the more than 20 years since passage of the law, none of the major Honolulu blenders has ever chosen to voluntarily disclose such information.

The draft Bill can be consulted at:
http://www.konacoffeefarmers.org/10_Percent_Blend_Law.asp

Colombia:

7 handicraft product names protected as GIs

On 13 December 2011, seven handicraft product names were protected as “denominaciones de origen” in Colombia: “Mochilas Wayuú” (bags made by the Wayuu, a group of indigenous people who live in La Guajira Peninsula in northern Colombia. Each ‘mochila’ is hand-made by one woman and each woman has her own signature), “Tejeduría Zenú” (weaving), “Hamacas de San Jacinto” (hammock), “Sombrero Aguadeño” (hat), “Sombrero de Sandoná” (hat), “Cerámica de Carmen de Viboral” (ceramics) and “Mopa Mopa Barniz-Pasto” (a varnish used as a decorative technique. It is made by indigenous communities of Nariño in southern Colombia. Mopa-mopa is extracted from a plant which grows in the district of Putumayo in the Colombian jungle. The plant produces a gelatinous pulp, which through a traditional process of heating is converted into thin resin sheets. The artisan, with the help of his hands and even teeth, stretches them. they are then coloured with vegetable dyes and will cover wooden objects). **This shows once again that the GI scheme is an excellent means to protect traditional knowledge!**

Two “denominaciones de origen” for artisanal product names were already protected in Colombia: “Cerámica de Ráquira” and “Cestería en rollo de Guacamayas”.

For more information (only in Spanish):
http://www.sic.gov.co/en/c/document_library/get_file?uuid=e808a0db-2f57-48e4-8c05-1f4d5e76ca0d&groupid=10157

Vietnam:

Beginning of a legal fight on “Buon Me Thuot”

“Buon Me Thuot” is a coffee produced in the Central Highlands province of “Dak Lak” in Vietnam and is protected in the country as a GI. Meanwhile, the name was registered as a trademark by a Chinese company, “Guangzhou Buon Ma Thuot Coffee Co. Ltd”.

In January 2012, following the failure of an attempt to settle the dispute outside courts, the

“Buon Me Thuoc” Coffee Association and the province of “Dak Lak” decided to reclaim the name and sued the Chinese company.

More information at:
<http://www.thanhniennews.com/index/pages/20120108-vietnam-to-sue-chinese-company-to-get-back-coffee-brand-name.aspx>

Mexico: Appellations of Origin Promotional Event

In December, the Mexican Ministry of Agriculture sponsored the first exhibition of Mexican Appellations of Origin (AO).

The event aimed at promoting Mexican AO and supporting their access to international markets. The 13 AO protected in Mexico were represented at the event: Ámbar de Chiapas; Bacanora de Sonora; Café de Chiapas; Café Veracruz; Charanda de Michoacán; Chile Habanero de la Península de Yucatán; Mango Ataulfo del Soconusco, Chiapas; Mezcal de Guerrero, Oaxaca, Durango, San Luis Potosí y Zacatecas; Cajitas de Olinálá, Guerrero; Sotol de Chihuahua, Coahuila y Durango; Talavera de Atlixco, Cholula, Puebla y Tecali; Tequila de Jalisco, Nayarit, Michoacán, Guanajuato y Tamaulipas and Vainilla de Papantla.

Further information (only in Spanish) at:
<http://www.sagarpa.gob.mx/saladeprensa/boletines2/paginas/2011B746.aspx>

The WTO 8th Ministerial Conference

On 15-17 December, the 8th Ministerial Conference of the WTO took place in Geneva.

At the Conference, Ministers agreed to extend the mid-2013 deadline for least developed countries to implement the intellectual property provisions under the TRIPS Agreement. Furthermore, the membership of Vanuatu, Russia, Samoa and Montenegro was approved.

More info at:
http://www.wto.org/english/thewto_e/minist_e/min11_e/min11_e.htm

Bilateral / Regional Issues

Negotiations of the Trans-Pacific Partnership Trade Agreement

A Trans-Pacific Partnership Trade Agreement (TPP), a multilateral free trade agreement which aims to further liberalise trade and investments in the Asia-Pacific region, is currently negotiated by the following countries: Australia, Brunei Darussalam, Chile, Malaysia, New Zealand, Peru, Singapore, the United States and Vietnam. Canada expressed its interest in joining the talks. The above-mentioned countries will meet during a “mini-ministerial” meeting in Los Angeles from 31 January to 4 February to discuss Intellectual Property issues. The next formal round of negotiations will be held in on 1-9 March in Melbourne, Australia.

As TPP involves Intellectual Property, oriGIn encourages its members from negotiating parties to closely follow such talks and make sure that any TPP proposed rule concerning trademarks would not jeopardise the legitimate rights deriving from GIs in their respective countries.

USA-Korea: Ratification of the FTA

On 22 November 2011, South Korea ratified the USA-Korea Free Trade Agreement (FTA). The FTA was negotiated in 2007 and ratified by the USA in October 2011. It should enter into force this year.

EU - Georgia and Moldova: Launch of trade negotiations

In December, the EU on the one hand, and Georgia and Moldova on the other, decided to launch negotiations on a deep and comprehensive free trade area.

The negotiations, which will take place in the framework of the Association Agreements with Georgia and Moldova, will tackle a broad range of trade and economic issues. These two set of

negotiations are part of the *Eastern Partnership* and the *European Neighbourhood Policy*.

More info at:
<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/1504>

EU – India: FTA Negotiations continue

In February, the EU and India will meet to continue the negotiations of the Free Trade Agreement. They hope to clinch a deal during this summit.

The talks were launched in 2007 and should have been completed in 2010 but were blocked by several issues, such as Intellectual Property rights.

EU Affairs

GI Policy

First Bulgarian GI protected at the EU level

On 22 December 2011, “Горнооряховски суджук (Gornooryahovski sudzhuk)” – the name of a dried sausage produced in the town of Gorna Oryahovitsa, in the North East of Bulgaria - was registered at the EU level as PGI.

For further information, please consult: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:341:0039:0040:EN:PDF>

First Vietnamese GI published at the EU level

On 4 December 2011, “Phu Quoc” – the name of an extract of anchovies of dark red-brown colour - became the 1st Vietnamese product name which application was published in the Official Journal of the EU.

“Phu Quoc” is produced in the biggest island of Vietnam (Phu Quoc Island), located in the Gulf of Thailand.

For further information, please consult: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:001:0012:0016:EN:PDF>

Another Chinese GI on its way for registration in the EU

On 9 December 2011, the registration request of 盐城龙虾 (Yancheng Long Xia) was published. Yancheng Long Xia is a crayfish, which comes from the Doulong River area, in Yancheng City (China).

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. The following products were registered in the EU: Longkou Fen Si (vermicelli) as PGI, Shaanxi ping guo (apple) as PDO, Longjing cha (tea) as PDO, Guanxi Mi You (honey pomelo) as PDO, Lixian Ma Shan Yao (yam) as PGI, and Jinxiang Da Suan (garlic) as PGI. On top of these six GIs for which protection has already been finalized, the other Chinese products are: Dongshan Bai Lu Sun (asparagus) – applied, Pinggu Da Tao (peach) – applied, and Zhenjiang Xiang Cu (vinegar) – published.

For further information, please consult: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:359:0017:0019:EN:PDF>

European Parliament: re-election of Paolo De Castro as Chair of the Agriculture Committee

On 23rd January, the Agriculture and Rural Development Committee of the European Parliament proceeded to the re-election of its President and Vice-President, as usual at mid-mandate.

Mr. De Castro (Socialist & Democrats, Italy) was re-elected as Chair, Mr. Czesław Adam Siekierski (European People’s Party, Poland) was re-elected 1st Vice-President, Mr José Bové (Greens, France) was re-elected 2nd Vice-President, Mr. Janusz Wojciechowski was elected 3rd Vice-President (European Conservatives & Reformists, Poland), and Mrs. Marit Paulsen (Liberals, Sweden) was re-elected 4th Vice-President.

Legal Affairs

OHIM:

Encouraging evolution in the Office's practice

On 22 September 2011, the 1st Board of Appeal of the Office for Harmonisation in the Internal Market (OHIM) published its judgement on the case opposing the "Federación Nacional de Cafeteros de Colombia" ("Federation") against the Fábrica de Licores y Alcoholes de Antioquia ("Fabrica").

The case concerned the application filed in 2006 by the Fabrica to register the trademark "Café Colombia" for Alcoholic beverages and liquors containing coffee with the PGI ("Café de Colombia"). The Federation opposed the registration based on the Community trademarks "Café de Colombia" and "100% Café de Colombia" as well as the PGI "Café de Colombia". In July 2010, the Opposition Division rejected the opposition because the signs were not identical, and thus distinctive enough for the public to believe that the goods come from different enterprises. It considered that there was no risk of confusion. The Federation appealed this decision.

Finally, in September 2011, the 1st Board of Appeal annulled the decision of the Opposition Division and rejected the trademark application at issue.

ECJ:

Clarification of the possibility to seize goods infringing IPRs

On 1st December 2011, the European Court of Justice (ECJ) published the judgement in Joint Cases C-446/09 and C-495/09 concerning products infringing intellectual property rights (IPRs).

The ECJ was asked whether counterfeit goods from third countries transiting in the EU towards another third country could be seized. The decision clarifies the procedures for the customs seizure of goods which are alleged to violate IPRs protected in the EU. The ECJ emphasised

the territorial limits of the applicability of IPRs: the detention could be executed only when the goods coming from third countries are likely to be sold to EU consumers or when the sender disguises his commercial intentions. Only in that case, can imitations or copies of goods protected in the EU be classified as 'counterfeit' goods and seized.

The judgement can be found at: <http://curia.europa.eu/juris/document/document.jsf?text=&docid=115783&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=468977>

News on GI Registrations

Registration of GIs

- "Mantecados de Estepa" (PGI) Spain – 02/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:319:0032:0033:EN:PDF>
- "Πατάτα Νάξου (Patata Naxou)" (PGI) Greece – 02/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:319:0041:0042:EN:PDF>
- "Magyar szürkemarha hús" (PGI) Hungary – 14/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:330:0011:0012:EN:PDF>
- "Terre Aurunche" (PDO) Italy – 22/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:341:0019:0020:EN:PDF>
- "Ptujski lük" (PGI) Slovenia – 22/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:341:0021:0022:EN:PDF>
- "Ciliegia dell'Etna" (PDO) Italy – 22/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:341:0023:0024:EN:PDF>
- "Figue de Solliès" (PDO) France – 22/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:341:0031:0032:EN:PDF>

- “Горнооряховски суджук (Gornooryahovski sudzhuk)” (PGI) Bulgaria – 22/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:341:0039:0040:EN:PDF>
- “Mongeta del Ganxet” (PDO) Spain – 23/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:343:0014:0015:EN:PDF>
- “Salva Cremasco” (PDO) Italy – 23/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:343:0016:0017:EN:PDF>
- “Rheinisches Apfelkraut” (PGI) Germany – 23/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:343:0018:0019:EN:PDF>
- “Vulture” (PDO) Italy – 13/01
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:009:0001:0002:EN:PDF>
- “Fasola Wrzawska” (PDO) Poland – 13/01
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:009:0003:0004:EN:PDF>
- “Carne De Vacuno Del País Vasco / Euskal Okela” (PGI) Spain – 22/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:341:0027:0028:EN:PDF>
- “Pataca de Galicia / Patata de Galicia” (PGI) Spain – 22/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:341:0029:0030:EN:PDF>
- “Ricotta Romana” (PDO) Italy – 22/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:341:0088:0088:EN:PDF>
- “Dauno” (PDO) Italy – 13/01
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:009:0005:0006:EN:PDF>

Modification request

- “Oberpfälzer Karpfen” (PGI) Germany – 03/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:353:0019:0022:EN:PDF>
- “Jagnięcina podhalańska” (PGI) Poland – 13/01
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:011:0016:0020:EN:PDF>

Registration request

- ### Approval of modification
- “Riso di Baraggia Biellese e Vercellese” (PDO) Italy – 14/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:330:0003:0004:EN:PDF>
 - “Seggiano” (PDO) Italy – 14/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:330:0005:0006:EN:PDF>
 - “Pélardon” (PDO) France – 14/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:330:0007:0008:EN:PDF>
 - “Vitellone bianco dell’Appennino centrale” (PGI) Italy – 14/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:330:0013:0014:EN:PDF>
 - “Speck Alto Adige / Südtiroler Markenspeck / Südtiroler Speck” (PGI) Italy – 22/12
 - “Phú Quốc” (PDO) Việt Nam – 04/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:001:0012:0016:EN:PDF>
 - “盐城龙虾(Yancheng Long Xia)” (PGI) China – 09/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:359:0017:0019:EN:PDF>
 - “Bovški Sir” (PDO) Slovenia – 14/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:364:0025:0028:EN:PDF>