



## Members' Voice

### Managing production volumes: A landmark success the European for PDO/PGI cheese sector

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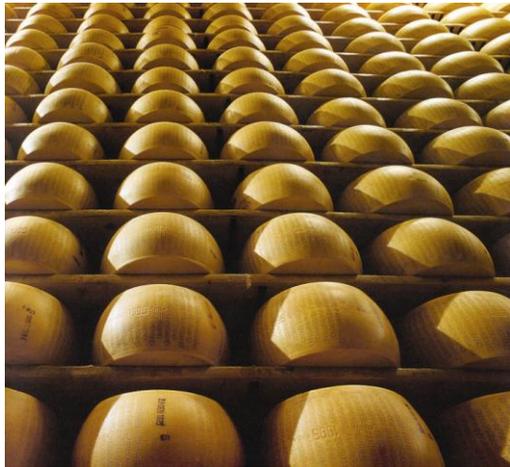
The necessity to adjust production to market requirements has been a long lasting objective for GI products. The recent "Milk Package" approved by the European Union has recognised the possibility for groups to regulate production volumes for PDO and PGI in the cheese sector. This represents a fundamental market tool to adapt PDO/PGI to the market and it has been particularly welcomed in Italy and France.

In France, a special legislation exists since 1976. It provides hard cheeses with the possibility to regulate their production growth. Two French PDO have used this opportunity for many years, 'Comté' and 'Beaufort'. This experience has been very useful to show the advantage of managing production volumes for PDO cheese products. It demonstrated that Comté, which began to regulate its volumes in the middle of the 90's, has improved the overall sector. Thanks to this special legislation, crises were avoided and the volume increased regularly, therefore milk producers and dairies had confidence in the sector.

The 'Franche Comté', where the Comté is made, is the region of France where the rate of new installations in farming is the highest. Furthermore, dairies here are very dynamic and invest significantly in production. Indeed, volumes' management proved to be an effective tool for developing cheese production in difficult areas, particularly in the mountains. Without these measures, production would have disappeared in these regions.



Those arguments were very pertinent and persuaded European deputies to defend the introduction of a special measure in the Milk Package.



In Italy, in December 1981, a ministerial decree had stated the possibility for the Consortia (producer's groups) of cheese products with designation of origin to draw annually a production plan, aimed to avoid overproduction with negative consequences on the market. Consequently, several Consortia set up annual plans aimed to regulate supply. A similar action was then taken by the Consortia of 'Prosciutto di Parma' and 'Prosciutto di San Daniele'. All this resulted in an important work of research, consultation and coordination among the members of the production chain and their organisations.

Appropriate programs of self-regulation were also defined and the quality of the GIs concerned was improved. In 1996, however, the Italian competition authority considered that these production programs were to be considered agreements restricting competition. Subsequently, the Consortia changed the plans to bring them into line with competition law. These changes were designed to convert the planning system based on quantities into ones under which it would be ascertained whether the product has the required quality. In 2005 the Italian Law N.231 gave to the Consortia in charge of PDO cheeses with long ageing, the possibility to adopt production plans to face situations of market crisis and improve quality. The plan had to include the possibility to improve annually the quantity of the production. Companies which produced more than their objective had to pay an additional cost to the Consortium. These funds were used to promote the PDO cheese and thus enlarge the market. A specific production plan was adopted for 'Grana Padano' and 'Parmigiano Reggiano', under the approval of the Italian Ministry of Agriculture. In 2011 the production plan was improved to increase quality, for a three-year period.

The recent EU "Milk Package" (Regulation N.261/2012) offers now a clear possibility to adopt binding rules for the regulation of the PDO/PGI supply according to market needs in the cheese sector. The main conditions are: the existence of an agreement between the parties in the geographical area; an open system which does not create discriminations, constitute a barrier for small producers or for new entrants and does not interfere with price fixing or damage the trade of other products. Furthermore, it is clearly stated that these rules shall contribute to maintaining the quality and/or the development of the products concerned. The guarantee of the respect of such rules is given by the supervision which should be carried out by Member States and the Commission.

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## International Affairs

### At the Global Level

#### oriGIn: Admitted at EU Observatory on IP Infringements

On 9 November, oriGIn was officially admitted as a private sector representative at the European Union Observatory on Intellectual Property Rights (IPRs) Infringements.

**This is a crucial step for oriGIn. Over the last few years, the market of GI products has been experiencing growing problems in terms of counterfeiting and infringements. Since GIs provide consumers with key information on the quality of products they wish to purchase, methods of production, etc., counterfeited foodstuff and beverage have not only the potential to mislead consumers as to the true origin of products, but also to generate serious health problems.**

**Cooperation among consumers' organisations, public administrations, industry representatives and other stakeholders is key in the fight against GI infringements, so the Observatory will play a crucial role in this battle.**

#### WTO: The new Director General will be appointed next year

On 31 August 2013, the term of current WTO Director General, Pascal Lamy, will come to an end.

The process for appointing a new Director General will begin on the 1<sup>st</sup> of December 2012, when WTO Members will submit their nominations. From January to the end of March, candidates will present themselves to WTO Members. Before the 31<sup>st</sup> of May, a General Council Meeting shall be held to conclude the process and announce the name of the Director General. New Zealand Trade Minister, Mr. Tim Groser, has already mentioned his interest in the post.

#### India: Registration request of four non agriculture GIs

On 30 October, four registration requests were published in the Indian Journal of the Geographical Indications Registry:

- 'Pattamadai Pai' ('Pattamadai mats'). The applicant is the Tamil Nadu Handicrafts Development.
- 'Nachiarkoil Kuthvilakku' ('Nachiarkoil lamps'). The applicant is the Tamil Nadu Handicrafts Development.
- 'Chettinad Kottans' (palm leaf baskets). The applicant is Revive Kottan (Palm Leafs Knitting) Society.
- 'Narayanpet Handloom Sarees'. The applicant is Narayanpet Silk & Cotton Handloom Sarees Apex Society.

If no opposition is lodged, the 4 GIs will be officially recognised at the end of January.

More information at:

[http://ipindia.nic.in/girindia/journal/Journal\\_47.pdf](http://ipindia.nic.in/girindia/journal/Journal_47.pdf)

#### Malaysia: Revision of the Geographical Indications Act

At the beginning of November, the Intellectual Property Corporation of Malaysia announced that the Geographical Indications (GI) Act 2000 will be revised.

Amendments will be prepared by the Domestic Trade, Cooperatives and Consumerism Ministry and should notably add provisions on the technical specifications which are currently lacking.

The current registration procedure takes about nine months. 22 GIs are registered under the current law (some examples are: Sarawak pepper, Bario rice, kek lapis Sarawak, and Sarawak sour eggplant). Another 29 product names are potential GIs, including 'tebaloi' (biscuit), 'belacan Miri' (shrimp paste), 'batik Sarawak' (textile), and 'pua kubu' (textile).

For more information:

<http://thestar.com.my/news/story.asp?file=/2012/11/7/sarawak/12280806&sec=sarawak>

### USA: Crucial decision concerning 'Asiago'

On 2 October, the United States Patent and Trademark Office (USPTO) issued a provisional refusal of the trademark application 'ASIAGO FRESCO' requested with respect to cheese products, applied for by Belgioioso INC from Wisconsin.

The USPTO considered that the trademark '*consists of or includes geographically deceptive and primarily geographically deceptively misdescriptive matter in relation to the identified goods*'. The USPTO took the view that the name is a known geographical place, the goods do not originate in the identified geographical place, and consumers would likely to make a goods-place association and be misled.

The decision, even if not definitive, is very important for Asiago producers, as it reverses a precedent decision concerning a trademark application which considered the name Asiago as generic.

### Costa Rica: Landmark recognition for 'Queso Turrialba'

On 4 November, 'Queso Turrialba' (cheese) was registered as 'denominación de origen' in Costa Rica, becoming the first GI to be granted to a dairy product in Central America.

'Queso Turrialba' is a natural, fresh, semi-hard, and low-fat cheese. Its colour can vary from creamy white to creamy yellow. It is produced in the district of Santa Cruz de Turrialba and part of Santa Teresita, in the foothills of Turrialba Volcano, by approximately 250 small producers according to manufacturing methods developed since the mid-nineteenth century. The unique taste, aroma and texture of the 'Queso Turrialba' are determined by the composition of local milk. The volcanic nature of the soil and other natural factors determine particular characteristics in the pastures of the region and therefore of the milk. Two type of cheese will bear the GI: 'Turrialba Fresco' (Fresh Turrialba) and 'Turrialba Maduro' (Mature Turrialba). Furthermore, both categories could carry the label 'artisanal cheese'. This information must be indicated on the product label.

By preventing misuses and misappropriation of the name 'Turrialba', the GI recognition aims to promote a productive sector that is central in the socio-economic structure of the region.

### Chile: New GI application

On 5 November, the 'Asociación Gremial de Agricultores de la Provincia del Huasco' submitted to the 'Instituto Nacional de Propiedad Industrial' (INAPI) a registration request as 'Denominación de Origen' for 'Aceite de Oliva de Huasco'. It is an olive oil made from the Sevillana variety and produced in the Valle del Huasco since the early establishment of a group of olive growers.

This was done in the framework of the program called 'Sello de Origen' (Seal of Origin) launched by the Chilean Ministry of Finance and the INAPI to protect and promote typical Chilean product names. It is the 11<sup>th</sup> application filed under this program and the 4<sup>th</sup> Chilean product to request registration as a 'Denominación de Origen'.

Further information (only in Spanish): at: <http://www.inapi.cl/portal/prensa/607/w3-article-2908.html>

### Brazil: A new 'Indicação de Procedência'

On 13 November, the Brazilian National Institute of Industrial Property (INPI) announced the recognition of 'Renda irlandesa de Divina Pastora' (Irish lace) as 'Indicação de Procedência'.

In the municipality of Divina Pastora, located in the State of Sergipe in the north East of Brazil, the art of lace making is the expression of a local savoir-faire transmitted through generations. The 'Renda irlandesa de Divina Pastora' is classified as a 'renda de agulha' (needle lace). Thanks to specific raw material used - generating a product with a glossed and embossed texture - as well as to the sinuous drawings combined in a special way, the 'Renda irlandesa de Divina Pastora' is original and sophisticated.

In 2000, the 'Associação para o Desenvolvimento da Renda de Divina Pastora' (ASDEREN) was established to promote this artistic work and

transmit it to new generations. Actually, it gathers more than 100 women working with this lace. The ASDEREN sought the GI status, believing in its potential in terms of linking handicraft products to their place of origin, attracting more customers and therefore increasing the contribute of this traditional art to family incomes.

Before, in 2008, the art of making the 'Renda irlandesa de Divina Pastora' was recognised as Cultural Heritage of Brazil by the Institute of Historical and Artistic Heritage (Iphan).

More information (only in Portuguese) at: [http://www.inpi.gov.br/portall/artigo/renda\\_de\\_divina\\_pastora\\_sera\\_a\\_primeira\\_indicacao\\_geografica\\_de\\_ser\\_gipe](http://www.inpi.gov.br/portall/artigo/renda_de_divina_pastora_sera_a_primeira_indicacao_geografica_de_ser_gipe)

### **Italy: Report on counterfeited food products**

On 6 November, the 9<sup>th</sup> Report on Food Safety, prepared by the 'Movimento difesa del cittadino' and 'Legambiente' was published. It was finalized in collaboration with the customs, the police services working on health, as well as on agriculture and food, the harbours authorities, the Forestry services, the Central Inspectorate for quality and fraud prevention and the Ministry of Health.

The report shows that over 1 million controls were carried out by these authorities in 2011, and 24 million kilos of food products were seized for a value of around 850 million Euros. The report highlights that Italy has one of the best system of protection of the food health in the EU, but asks for the creation of a unique Italian food safety Agency for improving coordination between the different actors involved. This Agency should be in charge of controls, research and also communication. The report also recommends the establishment of a centralized Anti-counterfeiting service which consumers could contact to ask for information on food labels and signal frauds.

The report notably covers counterfeited GI products in Italy. Among others, it gives the example of fake 'Mozzarella di Bufala Campana PDO' made with French, Belgian or Luxembourgish milk, of which more than 12.000 tons, of a value of more than 17 million Euros, were seized. 34 tons of fake 'Pomodoro San Marzano dell'Agro sarnese-nocerino' PDO were

also seized (they were intended to be sent and commercialized in the USA market).

Further information (only in Italian) at: <http://www.italiaatavola.net/images/articoli/Rapporto-Italia-a-Tavola-2012.pdf>

### **Switzerland: Seminar on PDO and PGI: Protection, management of supply and opening of the markets**

On 18 December, REDD organises at Morges (Switzerland) a day of seminars on the European and Swiss recent developments concerning PDO and PGI quality signs. The themes which will be covered are the national and international protection, the management of supply and the opening of the markets. This event is organised in partnership with the Swiss Association of PDO and PGI, the Federal Office for Agriculture and the Agriculture unit of the County of Vaud.

The aim of this day is to allow Swiss and European stakeholders to share their experiences and ideas to ensure a better protection of their PDO and PGI at the international level and to anticipate future developments (management of supply and opening of markets). Participants will be able to ask questions to the speakers to clarify the covered subjects, as well as to keep updated on international protection and management of production issues.

This seminar is open to any person (producers, , interbranch organisation, civil servants...) in Switzerland and abroad who is interested in PDO and PGI.

Further information at: <http://www.redd.pro/content/seminar-geographical-indications-international-protection-and-opening-markets>

### **Bilateral / Regional Issues**

#### **EU – Canada CETA: oriGIn opposes the inclusion of a list of generic names**

On 14 November, oriGIn sent a letter to the European Commissioner for Trade, Mr. Karel De Gucht, and the European Commissioner for

Agriculture and Rural Development, Mr. Dacian Ciolos, concerning the protection of PDO and PGI in the EU - Canada Comprehensive Economic Trade Agreement (CETA). The negotiation of this Agreement is ongoing and includes a chapter on intellectual property rights. Canada strongly opposes the protection of a number of European PDO-PGI.

oriGIn's letter highlighted the fact that any list of EU PDO/PGI to be protected in Canada should in principle include the names which conflict with existing trade marks in Canada. In this respect, oriGIn's letter mentioned that, at the very minimum, a standstill clause should be inserted in the Agreement, for instance through a reference to existing prior trademarks, so that no other operators can secure new trade mark registrations (or simply use) of these names in the future. Likewise, oriGIn stressed the fact that each European PDO/PGI group concerned should be consulted and informed in this respect.

**oriGIn's letter insisted that it would be an extremely dangerous precedent to include in the CETA a list of PDO/PGI that the Canadian believe to be generic names or variety names. The EU should maintain its stance that this issue has to be dealt in accordance with the principle of territoriality and that courts should have the final say to determine whether a name is generic or a variety name (this letter is available in the Members' area of our website).**

### **EU – Moldova: The European Parliament consents to conclusion of the Agreement**

On 25 October, the European Parliament adopted a legislative resolution on the draft Council decision on the conclusion of the Agreement between the European Union and the Republic of Moldova on the protection of geographical indications of agricultural products and foodstuffs in which it consents to conclusion of the Agreement.

Further information at:

<http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2012-0392&format=XML&language=EN>

### **Asia-Pacific: Launch of trade negotiations**

On 20 November, at the end of the East Asia Summit, the leaders of the Association of Southeast Asian Nations (ASEAN) - Brunei, Burma, Cambodia, Indonesia, Laos, Malaysia, the Philippines, Singapore, Thailand, and Vietnam- as well as the ones of Australia, China, India, Japan, New Zealand and South Korea, announced that, in 2013, negotiations for a Regional Comprehensive Economic Partnership will be launched. Such an agreement will cover, among others, intellectual property rights. They aim at finishing the negotiations by the end of 2015.

The ASEAN members also announced that the launch of the ASEAN Economic Community, the unified market of the ASEAN countries, will be delayed until end of 2015.

Further information at:

<http://www.meti.go.jp/press/2012/11/20121120003/2012112003-2.pdf>

### **TPP: The next round of negotiations**

The Trans-Pacific Partnership (TPP) Agreement is a plurilateral free trade agreement currently being negotiated by 11 countries: Australia, Brunei, Canada, Chile, Mexico, Malaysia, New Zealand, Peru, Vietnam, Singapore and the USA. The negotiations are supposed to be finalised by October 2013. Meanwhile, on 14 and 21 November, Japan and Thailand announced respectively that they will ask to enter the negotiations.

The next round of TPP negotiations will be held in Auckland, New Zealand, on 3-12 December. **As some of provisions proposed in the framework of such negotiations concern a very large interpretation of the concept of generic terms as well as controversial rules concerning trademark and GIs, oriGIn encourages its members from negotiating parties to approach their respective authorities and ask for more transparency on such talks. The overall objective is to make sure that TPP provisions will not jeopardize the legitimate rights deriving from GIs in the TPP negotiating countries.**

## EU Affairs

### GI Policy

#### Quality Package: Adoption by the European Council

On 13 November, the European Council adopted the regulation on quality schemes for agricultural products and foodstuffs (the so-called 'Quality Package'), following the vote in first reading of the European Parliament. The publication of the package in the Official Journal should take place before the end of the year.

Further information at:  
[http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/en/agricult/133455.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/agricult/133455.pdf)

#### EU PGI: Clarification on homonymy and coexistence with trademarks

On 2 October, 'Štajersko prekmursko bučno olje', a name identifying a vegetable oil from Slovenia, was registered in the EU as PGI.

The publication in the Official Journal of the EU indicated that objections to the registration were sent to the Commission. Objections were based on an earlier trademark ('including the name 'Steirisches Kürbiskernöl') and an earlier PGI ('Steirisches Kürbiskernöl'). As for the earlier trademark, no evidence was provided that consumers would be liable to be misled as to the true identity of a product marketed under the name 'Štajersko prekmursko bučno olje'. The Commission also stated that the trademark could continue to be used in spite of the Slovenian PGI registration (coexistence), unless grounds for its invalidity or revocation occur under trade mark law. With respect to the earlier PGI, the Commission concluded that, even if 'Steirisches' is the translation of 'Štajersko' in German, the names in their original languages are different, and thus not homonymous. The Commission decided that the Slovenian name can be registered; therefore the existence of the name 'Steirisches Kürbiskernöl' would not be jeopardised by the registration of 'Štajersko prekmursko bučno olje' within the meaning of point (c) of Article 7(3) of Regulation (EC) No 510/2006.

This is an interesting case which shows, on one hand, the conditions for the coexistence of a PDO/PGI with an earlier trademark. On the other hand, it clarifies that a name can be registered when it includes a region's name which is the exact translation of part of the name of an existing GI, as long as the consumer is not misled as to the true origin of the product.

Further information at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:268:0003:0004:EN:PDF>

#### Foreign GIs on the Common Market: Registration of the 9<sup>th</sup> Chinese GI

On 9 November, 平谷大桃 (Pinggu Da Tao) was registered as PDO in the EU. Pinggu Da Tao is a peach from the Yanshan Mountains in the Pinggu District of Beijing, 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. In this respect, it is worth recalling that the following Chinese product names 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, Jinxiang Da Suan (garlic) as PGI, Zhenjiang Xiang Cu (vinegar) as PGI, and Pinggu Da Tao (peach) as PDO. Finally, the application concerning Dongshan Bai Lu Sun (asparagus) has been submitted.

Further information at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:310:0017:0018:EN:PDF>

#### Registration of GI in the EU: 1<sup>st</sup> registration request from the Principality of Andorra

On 20 November, the registration request as PGI for "Carn d'Andorra" was published in the Official Journal. This is the 1<sup>st</sup> registration request from the Principality of Andorra.

Further information at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:356:0005:0009:EN:PDF>

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:352:0017:0021:EN:PDF>

## News on GI Registrations

### Registrations

- “Spalt Spalter” (PDO) Germany – 30/10  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:302:0001:0002:EN:PDF>
- “Papas Antiguas de Canarias” (PDO) Spain – 31/10  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:302:0003:0004:EN:PDF>
- “Carne de Ávila” (PGI) Spain – 31/10  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:302:0005:0006:EN:PDF>
- “Fränkischer Karpfen / Frankenkarpfen / Karpfen aus Franken” (PGI) Germany – 31/10  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:302:0007:0008:EN:PDF>
- “平谷大桃 (Pinggu Da Tao)” (PDO) China – 09/11  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:310:0017:0018:EN:PDF>
- “Aceituna Aloreña de Málaga” (PDO) Spain – 15/11  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:318:0003:0004:EN:PDF>
- “Newmarket Sausage” (PGI) UK – 15/11  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:318:0005:0006:EN:PDF>
- “Carne Marinhoa” (PDO) Portugal – 17/11  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:320:0001:0002:EN:PDF>

### Modification requests

- “Emmental Français Est-Central” (PGI) France – 15/11

## Registration requests

- “Oignon de Roscoff” (PDO) France – 31/10  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:334:0011:0015:EN:PDF>
- “Sklandrausis ” (TSG) Lithuania – 15/11  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:349:0023:0027:EN:PDF>
- “Aceite de Lucena” (PDO) Spain – 16/11  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:352:0013:0016:EN:PDF>
- “Fenland Celery” (PGI) UK – 17/11  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:353:0009:0013:EN:PDF>
- “Travia da Beira Baixa” (PDO) Portugal – 17/11  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:353:0014:0017:EN:PDF>
- “Carne de Bravo do Ribatejo” (PDO) Portugal – 17/11  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:353:0018:0022:EN:PDF>
- “Düsseldorfer Senf” (PDO) Germany – 17/11  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:353:0023:0027:EN:PDF>
- “Carn d’Andorra” (PGI) Principality of Andorra – 20/11  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:356:0005:0009:EN:PDF>
- “Basterdsuiker”/“Basterdsuicker”/“Basterdsuijker”/“Basterdsuijker”/“Basterd”/“Bastardsuiker”/“Bastardsuicker”/“Bastardsuijker”/“Bastardsuijker”/“Bastardsuijker”/“Bastard”/“Bastert”/“Bastert Suiker” (STG) The Netherlands – 23/11  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:363:0008:0014:EN:PDF>