



Members' Voice

Thank you Anne!

By Mr. Dominique Chambon, President of CNAOL and
Mr. David Thual, Managing Director of Insight Consulting, oriGIn Advisor for the EU policies



On January 15, Anne Richard left the CNIEL ("Centre National Interprofessionnel de l'Économie Laitière") after 10 years spent at the service of the French dairy sector as CNIEL Director for Economic and Quality Issues.

Since her arrival at the CNIEL, she brought her passion for Geographical Indications (GIs), which she had previously developed at the Confederation of Roquefort. Among several key achievements, she managed to federate the various French actors concerned with dairy GIs within the CNAOL ("Conseil National des Appellations d'Origine Laitières"). In 10 years, she contributed to enhance the visibility of GIs and take into account

their specificities in the construction of dairy and quality policies both at the French and the European level.

But GIs have no borders. Back in 2003, Anne and some friends decided to try what seemed to be a "crazy" challenge: meeting in Geneva with representatives of GI producers from all over the world and set up a worldwide network. On 11 June 2003, over a hundred producers from Africa, America, Asia and Europe, met on the Geneva's lake shores. Soon the producers realized they have the same interests and concerns and unity makes the sector stronger in the search for better GI protection at the international level. The oriGIn family, which will celebrate its 10th birthday later this year in Bordeaux, became then a reality!

Anne Richard left the CNAOL and the dairy French GIs for the poultry sector. She took the direction of the ITAVI (Technical Institute of Poultry). Good luck Anne, we look forward to working with you again, together with the representatives of GI poultry sector!

INTERNATIONAL AFFAIRES

AT THE GLOBAL LEVEL

WTO: Director-General selection process

Nine candidates to the post of Director General of the WTO, including three women, have presented themselves at a meeting of the General Council, held from 29 to 31 January. Each of them has made a brief presentation, including their vision for the WTO, followed by a question-and-answer session.

With one exception, the list is composed by nominees coming from self-designated "developing countries": three from Latin America, (Brazil, Costa Rica and Mexico); two from Asia (Indonesia and South Korea); two from Africa (Kenya and Ghana); one from Jordan and one from New Zealand.

The next step of the selection process will be in April and May and consists in iterative rounds of consultations conducted by the General Council Chair. The goal is to choose the new Director General by consensus.

The final decision should be taken by the General Council no later than the 31st of May 2013.

Further information at:

<http://ictsd.org/i/news/bridgesweekly/152584/>

WTO: Ministerial Conference in Bali

During the 9th WTO Ministerial Conference scheduled for the next December (3 to 6) WTO Members hope to clinch a small package of deliverables from the larger Doha Development Agenda. This should include components on Agriculture, Trade Facilitation and items of special interest to developing and least developed country countries.

Further information at:

<http://ictsd.org/i/news/bridgesweekly/153158/>

Consortium for Common Food Names (CCFN): Meeting with WTO delegations

On February 7, the representatives of the CCFN met with several WTO delegations in Geneva. According to oriGIn's sources, the main purpose of the meeting was to push for an international list of generic names together with criteria to update periodically such list.

The criteria presented - especially a significant production outside the GI applicant region - are extremely worrying and show how the CCFN approach does not take into account the protection of quality, tradition and investments behind the GI scheme. oriGIn will keep monitoring these developments.

Moreover, in a bilateral meeting with the EU Member States, the Consortium strongly criticized the EU policy to secure a strong protection of European GIs in key export markets through a web of bilateral agreements.

Africa: Registration of 3 GIs by the AOIP

In February, the African Organization for Intellectual Property (AOIP) - which covers 16 Member States in Western and Central Africa - has awarded for the first time the Protected Geographical Indication status to three African product names:

- Pepper Penja (Cameroun): cultivated in the tropical lowlands of Cameroon, its "terroir", combined with the expertise of local producers gives the product a unique taste.
- Oku honey (Cameroun): grown and harvested according to ancient traditions in Cameroon, it is recognizable by its white color, its natural creamy texture and its aromas of flowers and citrus. It has medicinal properties.
- Café Ziama-Macenta (Guinea): Robusta which approximates Arabica but with a tangy flavor and little bitter. Its features come from the forest soil and microclimate which gives a persistent aroma, at once strong and fine.

These three products will participate in the International Agriculture exhibition in Paris, from February 23 to March 6.

More information at (only in French):

<http://www.objectif-developpement.fr/blog/2013/02/20/agenda-miel-doku-poivre-de-penja-et-cafe-ziama-macenta-les-trois-premieres-indications-geographiques-proteges-africaines-au-salon-de-lagriculture-de-paris/>

& <http://www.cirad.fr/actualites/toutes-les-actualites/communiques-de-presse/2013/indications-geographiques>

South Africa: Rooibos producers fight to protect the geographical name

In 2012, a French company applied to register in France trademarks incorporating the terms “South African Rooibos” and “Rooibos”. If granted, the enterprise would own the exclusive rights on the name rooibos in France, the biggest export market for the famous South African tea.

As a plant grown solely in parts of Western Cape and Northern Cape the unique properties of rooibos could be protect as a GI, but there is no legal basis in South Africa. An alternative would be to pursue a domestic protection as either a collective or certification mark under the Trade Marks Act of South Africa. But this solution, which presents its own challenges, has so far not been finalized by the local producers.

The lack of national protection makes it weaker the case to oppose the above-mentioned trademarks requested in France. Likewise, the lack of protection in the country of origin has been an obstacle to obtain the GI status for Rooibos in the EU.

More information at:

<http://www.bdlive.co.za/business-times/2013/02/03/rooibos-fights-to-protect-its-name>

& http://www.ip-watch.org/2013/02/15/south-africa-beating-about-the-rooibos/?utm_source=twitterfeed&utm_medium=twitter&utm_campaign=Feed%3Aip-watch%28Intellectual+Property+Watch%29

USA: Fighting for the protection of “Idaho Potatoes” in Turkey

The State of Idaho is trying to block a trademark application filled by an agricultural company in Turkey on the word “IDAHO”.

The application is seen as a risk since the term can be diluted and become generic. Moreover, if the mark is granted, the legitimate American producers of Idaho potatoes would be barred from using or protecting the term “IDAHO” for their products in Turkey. As a result, a resolution against the trademark at issue was made by the Idaho legislature. Following this, the Turkish trademark institute is reconsidering the application.

The “Idaho Potatoes Commission” – the State Agency in charge of the GI – owns the trademarks “Idaho”, “Grown in Idaho” and others variations in the US (the trademark system is currently the only one available to secure GI protection in the US) and in other 10 countries. **This case confirms once again the problems and costs associated with the protection of GIs and the monitoring of infringements in foreign jurisdictions. Likewise, it confirms the urgent need for stronger international rules on GI protection and in particular an international register covering all GIs and having meaningful legal effects.**

More information at:

<http://www.opb.org/news/article/npr-keeping-idaho-potatoes-from-becoming-brussels-sprouts/>

USA: “Prosciutto Toscano” is only from Tuscany

After a long process started in 2008, **the Italian PDO “Prosciutto Toscano” obtained protection in the US as a certification mark.** It is intended to certify that the product originates in the region of Tuscany (Italy), and that the preparation, production, and processing of the ham take place in the area identified in the product specifications, hereby guarantying authenticity and traceability to consumers.

The *Consorzio del Prosciutto Toscano DOP* intends to seek GI protection also in Australia, Canada and Japan.

More information (only in Italian) at: <http://www.newsfood.com/q/ee234f35/usa-ufficialmente-registrato-il-marchio-del-prosciutto-toscano/>

Colombia:

Enforcement measures of the defense of its traditional products

On February 6, 75,000 counterfeited "Sombreros Vueltiaos" from China have been confiscated by the Colombian Police. By the end of January this year, 800 false hats had been also confiscated.

These measures were taken to enforce the **Resolution 439 of the Superintendency of Industry and Commerce (SIC) of Colombia, which ordered immediate suspension of manufacturing and marketing of hats which imitate the ones bearing the *Denominación de origen* (DO) "Tejeduría Zenú" (the name of the indigenous community "Zenú" from San Andrés de Sotavento), which are also identified with the collective mark "Sombrero Vueltiao".**

These measures aim at defending Colombian traditional products as well as protecting DO producers and consumers.

Further information (only in Spanish) at:

<http://www.sic.gov.co/la-policia-metropolitana-de-cartagena-realizo-incautacion-de-sombreros-vueltiaos-falsos>.

and

http://www.sic.gov.co/documents/10157/0/Boletin_Sombreros_Vueltiaos.pdf/972f9381-d72e-47f4-b319-f1b38014f6f5

Colombia:

Launching of a DO label

On 19 February, within the seminar on "Intellectual Property and innovation: steps towards development" held in Bogotá, **the SIC of Colombia launched a label for Colombian DO**. Among others, the following names are currently protected in Colombia as DO: *Café de Colombia, Tejeduras de San Jacinto, la Cerámica*

Artesanal de Ráquira, Cholupa del Huila, Café de Nariño, and Tejeduras Zenú.

The Superintendent of Industry and Commerce, Mr. Pablo Felipe Robledo Del Castillo, said that this label is an additional element of protection for Colombian producers as well as for consumers, noting that it also contributes to the national brand development.

Further information (only in Spanish) is available at the following link:

<http://www.sic.gov.co/es/web/guest/colombi-a-ya-tiene-su-propio-sello-de-denominacion-de-origen>

Chile:

New GI granted to "Congrejo Dorado de Juan Fernández"

On January 30, "Congrejo Dorado de Juan Fernández" obtained the GI recognition by the Chilean Institute of Industrial Property, becoming the third GI granted to a sea food name, after "Langosta de Juan Fernandez" and "Atun de la Isla de Pascua".

This golden crab is a large brown crustacean found around the islands of the Archipelago Juan Fernandez, as well as around the islands San Felix and San Ambrosio (Islas Desventuradas), constituting the second most important economic resource exploited in this geographical zone.

Registration for this GI was requested as part of the program "Sello de Origen" launched by the Ministry of Finance of Chile and INAPI aimed at promoting geographical indications as a tool to protect the unique Chilean heritage and to support local development.

The Minister of Economy, Development and Tourism, Pablo Longueira noted that GIs are a huge development tool for Chilean producers in important economic sectors such as foodstuffs, handicrafts and manufactures. For its part, the National Director of INAPI, Maximiliano Santa Cruz, highlighted the benefit of strengthening the association between small producers to create a competitive advantage for these products.

Further information (only in Spanish) at: <http://www.inapi.cl/portal/prensa/607/w3-article-3139.html>

Brazil: Recognition of French PDO "Roquefort"

On 5 February, the Brazilian Institute of Industrial Property - INPI - recognized the French PDO "Roquefort" as a GI in Brazil.

This cheese comes from the region of Roquefort-sur-Soulzon in southern France. It is matured in underground caves located in Combalou, where it is exposed to the fungus *Penicillium roqueforti*, acquiring its unique features. Roquefort is exclusively made from raw coagulated sheep's milk. It has a cylindrical shape of 19-20cm green diameter with distinctive veins of green mold produced by the *Penicillium roqueforti* spores.

Further information (only in Portuguese) at: http://www.inpi.gov.br/portal/artigo/roquefort_e_reconhecido_como_indicacao_geografica

India: Latest GI developments

As announced in the last oriGIn's report, the GI application filed for "Meerut Scissors" was accepted on February 12. These historical scissors, which have to face counterfeited versions sold as "made in Meerut", are now protected by the GI status.

More information at: http://articles.economictimes.indiatimes.com/2013-02-12/news/37058877_1_gi-mark-gi-status-gi-tag

On the other hand, submitted in June 2010 by the "Thanjavur Musical Instruments Workers Co-operative Cottage Industrial Society Limited", the GI application to register "Thanjavur Veena" is currently under the examination stage. The formalities of registration should be completed by March 2013. The registration of this most ancient and revered musical instrument of South India is of special importance for the artisans who have a domicile in and around the town of Thanjavur. The variety of wood to realize the product is from a particular strain of matured jackwood

tree, which is unique in the area as well as the craftsmanship and the skill in making the functional resonator of the veena.

More information at: <http://www.thehindubusinessline.com/features/thanjavur-veena-set-to-get-gi-tag-soon/article4341046.ece>

Moreover, on behalf of the "Dindigul Lock Workers Industrial Co-operative Society" an application has been filed to register "Dindigul Locks" as a GI. The features of Dindigul Locks are its twin keys or sometimes three keys for a single lock and locks with multi-locking system. The shackles are therefore meticulously designed and hard to break. The art of lock making is practiced within around five km radius of the town and gives jobs to over 3,000 families.

More information at: <http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/gi-tag-sought-for-dindigul-locks/article4376871.ece>

Finally, while there are on the verge of extinction, the horticulture department in Mysore, is seeking to protect through the GI appellation the crops Nanjangud Rasabale (banana), Mysore Mallige and Mysore veeledele (betel leaf). But they want the products to be recognized as an outcome of organic farming over the conventional system. Supporting by convincing researches the officials are now encouraging farmers in the region to grow those crops using organic method.

More information at: http://articles.timesofindia.indiatimes.com/2013-02-05/mysore/36763382_1_organic-method-mysore-mallige-three-crops

China: Latest GI developments

On January 21, "Taishan green tea" has been recognized as "Agro-Product Geographical Indication". This recognition will provide legal protection, reinforce its popularity and image.

More information at: http://www.chinadaily.com.cn/m/taishan/e/2013-01/21/content_16148618.htm

Switzerland: Registration of "Café de Colombia" as PGI

On January 31, the registration request for the PGI "Café de Colombia" has been published in Switzerland in the Swiss Official Gazette of Commerce. This is the first single registration procedure for a foreign name in Switzerland.

The Federal Register of Protected Designations of Origin and Geographical Indications has currently registered: 19 PGI and 9 PDO.

More information at (only in French):

<http://www.admin.ch/aktuell/00089/?lang=fr&msg-id=47615>

France: Decision on Argane

In a case brought by the company "Pierre Fabre", holder of the French verbal trademark "Argane", against the society Clairjoie, user of the name "Karité-Argane" for one of its products, on December 2010 the "Tribunal de Grande Instance" of Paris had considered the trademark at issue void. Following this, the company "Pierre Fabre" appealed the judgment.

On 30 January 2013, the Court of Appeal confirmed the Tribunal's judgment, stating that the term Argane had already acquired a generic nature in France at the time of the registration of the trademark by the company "Pierre Fabre".

Further information at:

<http://www.cabinetbouchara.com/P-23-2-A1-la-marque-argane-de-la-societe-pierre-fabre-dermo-cosmetiques-annulee-par-la-cour-d-appel-de-paris-le-30-janvier-2013.html>

BILATERAL / REGIONAL ISSUES

EU-USA Transatlantic Trade and Investment Partnership (TTIP)

The EU-US High Level Group (HLG), set up in 2011, has finally published on February 13 its final report. Therefore the US and EU have decided to initiate the internal procedures necessary to launch officially negotiations on a Transatlantic Trade and Investment Partnership. Concretely the Commission will

present a draft negotiating mandate to the Council in the second half of March, which has to get the green light from Trade Ministers normally in June 14 during the Trade Council. The US administration will, for its part, send a notification to Congress, which has 90 days to react.

EU representatives and President Obama strongly support this launch which should intervene before the end of the Irish Presidency that is to say mid-June at the occasion of the EU/USA Summit. The main points to discuss will be: the access to the market, services, tariffs and non-tariff barriers, investment, regulatory issues and public procurement and intellectual property rights (including GIs).

EU has insisted to have an explicit reference to GIs in the final report so they could mention their system of protecting goods other than wine and spirits in the agreement. On that point the report indicates that the two sides will "sustain and enhance" their work but also that neither side wants to cover the entire gamut of IPR issues in the talks.

The issue of GIs protection will be a strong topic during the negotiations taking into consideration the difference of views between the EU and US. Among others, exports of dairy products, especially cheese, will be at the heart of discussions.

More information at:

<http://ictsd.org/i/news/bridgesweekly/153859/>

EU - Canada

The hope to conclude the negotiations early 2013 is now gone. Indeed both sides remain far apart on crucial issues. It concerns investment, services but in particular agriculture.

Indeed, Canadians are asking for a greater market access for beef, pig meat and sweet corn and are ready to make effort on the access of European dairy products in exchange for an increased market share for non agricultural products. EU for its part is calling for a Tariff Rate Quota to protect sensitive products such as beef and pork as well as for a duty-free access into Canada for eggs and poultry.

Besides European system of GIs emerged as a major stumbling block as Canadians continue to label their products with protected geographical names. Moreover points of views are diverging on “rule of origin” particularly for processed agricultural products.

The conclusion of the talks is rescheduled for March or April.

EU – India

Waited since last autumn, EU and India should conclude the talks in April just after the last round of negotiations scheduled for March.

The EU-India Ministerial meeting, which took place January 30, was the occasion to stocktaking of progress made since the last summit (February 2012). In particular progresses have been achieved with regard to sanitary and phyto-sanitary rules.

The negotiations cover as well intellectual property rights, but this issue has not yet advanced. In this respect, the main obstacle to an agreement on GIs is the fact that India’s law cover non agricultural GIs (which indeed represent the large majority of GIs currently protected in India), while the EU does not provide yet a sui generis legal framework for non agricultural GIs.

More information at:
<http://ictsd.org/i/news/bridgesweekly/154767/>:

EU – Mercosur

The negotiations were launched in May 2010 and, after more than two years of technical work; the EU has proposed an exchange of market access concessions in order to give a new impetus to the talks.

More information at:
[http://europa.eu/rapid/press-release MEMO-13-113 en.htm?locale=en](http://europa.eu/rapid/press-release_MEMO-13-113_en.htm?locale=en)

FTA Costa Rica – Peru

The FTA between Costa Rica and Peru, which recognizes the protection of several GIs in the

partner’s jurisdiction, will be approved in the next 3 months by the Parliament of Costa Rica.

This FTA establishes in its Article 9.4 rules for GI protection and expressly recognizes in its Annex 9.4. protection for Pisco, Maíz Blanco Gigante Cusco, Chulucanas, Pallar de Ica, Café Villa Rica, Loche de Lambayeque, Café Machu Picchu –Huadquiña from Peru, and Banano de Costa Rica from Costa Rica.

Further information at:

<http://www.andina.com.pe/Espanol/noticia-asamblea-legislativa-costa-rica-aprobaria-tlc-peru-primer-trimestre-444895.aspx>

and

http://www.sice.oas.org/TPD/CACM_PER/Draft_Text_CRI_PER_26.05.2011_s/Cap%209-%20Propiedad%20Intelectual.pdf

EUROPEAN AFFAIRS

GI POLICY

OHIM:

Refusal to register “PERLE” as mark

Confirming the OHIM’s judgment, the General Court refused to register the name “PERLE” as a trademark with respect to wines, spirits, liquors, sparkling wines, alcoholic extracts (Class 33), due to the fact that the term is descriptive and both in English and French it refers to slightly sparkling wine.

The applicant, who had applied for a figurative Community trademark, was asked to submit more proof of the distinctiveness for the name. The General Court concluded that he failed to do so.

More information at:
https://www.marques.org/class46/default.asp?D_A=20130205#3103

French “Gruyère”: Registration of the PGI

On February 7, the European Commission registered the name “Gruyère” on the PGI list. It will therefore coexist with the Swiss “Gruyère” protected within the European Union in the

framework of the EU-Switzerland Agreement signed in 2011.

French producers should not put on their packaging “any flag, emblem, sign or other graphic representation which may induced the consumer into error”.

More information at (only in French):
<http://www.rts.ch/info/suisse/4636812-le-gruyere-francais-peut-garder-son-nom-a-condition-d-avoir-des-trous.html>

Foreign GIs on the Common Market: 1st registration from South Asia

On 12 February, the registration of « ข้าวหอมมะลิทุ่งกุลาร้องไห้ » (the Khao Hom Mali fragrant rice from Thailand) was published in the Official Journal.

Further information at:
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:041:0003:0008:EN:PDF>

Wine: Controversy on the labels Château and Clos

In the framework of trade talks with the US, the possibility to allow "Château" and "Clos" labels to be used on American wines sold in the EU is under discussion. France opposes this, arguing that while in the EU the term "Chateau" means that the wine was made from grapes grown in a single vineyard, in the US the term may be used generically, as a marketing label.

The discussion was taken straight to a plenary session of the European Parliament (EP) celebrated on 7 February. In the debate, MEPs highlighted the need to protect the EU's geographical indication system and cited imitations of quality-certified European products worldwide. They stressed that if EU traditional designations are authorized for use on imported products, the Commission must guarantee that same quality standards and rules apply. Moreover, Mr. De Castro, President of the Committee on Agriculture and Rural Development of the EP, stressed that it is not just a French concern but it could be a principle affecting the entire EU Quality Policy and asked the Commissioner Ciolos for clarification.

For more information:

<http://www.europarl.europa.eu/news/en/pressroom/content/20130201PR05584/html/Ch%C3%A2teau-wine-should-mean-the-same-for-everyone-say-MEPs>

and (only in Italian) at:
<http://www.ilsole24ore.com/art/impresa-e-territori/2013-02-08/allarme-denominazioni-vini-castro-171358.shtml?uuid=AbzuMZSH&fromSearch>

OTHER POLICIES

European Budget: Vote at the European Council on the MFF

February 8, during the meeting of the European Council, Heads of State and Chief of Government of the EU have agreed on the funding amount dedicated to the Multiannual Financial Framework (MFF) for the period 2014-2020.

Decreasing compared to the previous, the total amounts to 960 billion euro in commitments that is to say 1% of Gross National Income (GNI) while payment appropriations will not exceed 908.4 billion euro. In addition, a clause was inserted to review the implementation of the MFF in 2016.

The Common Agricultural Policy picks the highest endowment. Indeed, a third of the EU budget is granted that is to say 362.79 billion euro. 277.85 billion euro will be allocated to direct payments and market measures (including 2.8 billion euro in case of market crisis) and 84.94 billion euro will go to the financing of rural development.

If Member States were able to agree, the project must still be approved by MEPs. This task will be difficult since the President of the European Parliament and the four leaders of the political groups have expressed reluctance and even threatened a veto to oppose the adoption. Indeed the large gap between loans creates fear that the expenses will not be paid. More flexibility is also required for the redeployment of funds between years and between expenditures items.

Since there can be no MFF without the agreement of the EP, the Commission has asked the Irish Presidency to engage serious

negotiations with the EP on behalf of the Council.

Labelling for Mountain products

Inserted into the quality package, the new distinction, called optional quality, was firstly attributed to Mountain products.

It is reserved for products destined to human consumption which come mainly from mountain areas (that applies also to the composition of diet if livestock) and whose transformation also takes place in mountain areas.

Because of the features of the geographic area it is not easy for producers to fulfil all these conditions. The specifications must take into account that and then adapt the production processes but also the labelling. On this last point the European Commission is about to set up delegated acts and that is why a report was commissioned and published on February 1st. Entitled "*Labelling of agricultural and food products of mountain farming*", the report following a comparison of different labelling schemes in force, indicates that the Swiss model would be most suitable for the European Union. Indeed, it presents clear rules on the composition of foods that can be labelled "mountain products".

More information at:

http://ec.europa.eu/agriculture/newsroom/104_en.htm

Public consultation: The future of organic production

The European Commission launched on January 16 an online consultation on the future of organic production. As it has already consulted and worked with the organic sector to identify issues, it is now the turn to all citizens interested in the topic to feed the establishment of the new framework regulation.

Opened until the 10th of April the questionnaire can be accessed at:
<http://ec.europa.eu/yourvoice/ipm/forms/dispatch?form=orgagric2013&lang=en>

NEWS ON GI REGISTRATIONS

Registrations

- «Gruyère» (PGI) France - 07/02
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:036:0001:0002:EN:PDF>
- «Pa de Pagès Català» (PGI) Spain – 20/02
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:047:0018:0019:EN:PDF>

Registration Requests

- «Poulet des Cévennes»/« Chapon des Cévennes» (PGI) France - 5/02
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:033:0010:0014:EN:PDF>

Modification Requests

- « Jihočeská Niva» (PGI) Czech Republic- 5/02
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:033:0005:0009:EN:PDF>

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