



Members' Voice

The 5th Swiss Local Products Competition

By Olivier Girardin & Olivier Boillat, Fondation Rurale Interjurassienne



In Switzerland there is a vast array of regional food specialties. They represent cultural specificities and traditions, and establish a unique link between towns and countryside.

Meanwhile, tradition and taste are currently important values for consumers. According to a recent study by the University of Pisa, 42.5% of people interviewed consider taste significant criteria in their purchasing choices. Likewise, 25% consider the tradition and the region of origin an important decision

making criteria.

In this context, the "Swiss Local Products Competition" provides local producers with the opportunity to get an evaluation for their products and promote them on the Swiss market. It is a high level meeting of the best products from all Swiss Cantons! The 5th edition of the Competition - organized by the "Fondation Rurale Interjurassienne" (www.frij.ch) - will take place on 28-29 September 2013 in Delémont-Courtemelon. A hundred-member jury, composed of experts, producers and consumers will evaluate the products and medals will be awarded. More than 1000 regional products will take part in the Competition and 150 producers will participate.

In parallel, a market of Swiss local products will give fine-food amateurs the opportunity to discover and taste Swiss specialties: from dairy products to pastry cook, meat based products, honeys and fruit- vegetables based specialties as well as spirits.

The partners in this initiative, the Swiss Confederation and its research points, as well as PDO/PGI producers, will participate in the event, together with small producers from various Swiss regions.

The medals ceremony of the "Swiss Local products Competition" will take place during the market of Swiss local products on 28-29 September 2013 (<http://www.concours-terroir.ch/Default.asp?Language=EN>). Prior to the Competition, an international conference will be held, with the participation of 13 European regions, which are part of the European project "Locfood: local food as engine for local business" (www.locfood.no). Conference registration @ info@concours-terroir.ch

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INTERNATIONAL AFFAIRES

AT THE GLOBAL LEVEL

WTO:

Talks stalled on the multilateral register

In December, in his statement Ambassador Agah of Nigeria, the Chair of the negotiations on the establishment of a GI multilateral register for wines and spirits, explained that the deadlock in negotiations is over the mandate. Should it concern only wines and spirits or could it be extended to other products and include talks on other topics?

Mr. Agah said that he will hold the discussions on technical issues in early 2013, but with a slightly different approach. Most of the delegations have indicated their willingness to unbundle the three topics temporarily to move forward technical work on the first topic concerning the registration of wines and spirits.

Indeed, this solution will allow the differentiation of two others topics which raise different problems. One concerns the proposal to extend the current higher level of protection granted to wines and spirits to other products. The other refers to the obligation of the patent applicant to disclose the origin of genetic resources and traditional knowledge used in the invention.

This strategy would ensure that detailed technical issues will not be an obstacle for a future deal that might be concluded if differences are resolved in the broader Doha Round package.

Further information at:

http://www.wto.org/english/news_e/news12_e/trip_07dec12_e.htm

WTO:

Ministerial conference in Bali & Director-General selection process

The 9th WTO Ministerial Conference will take place in Bali from 3 to 6 December 2013. It will be the occasion to introduce the new Director-General (DG) and make a statement on the Doha round negotiations.

Concerning the DG selection process the nomination period closed on the 31st of December 2012. The 3rd of January the WTO announced that nine candidates have been nominated by their respective governments for the post. A formal general Council meeting was held on the 29th of January to allow candidates to present themselves to the membership. The selection process will conclude with a decision by the General Council no later than 31st May 2013.

Further information at:

http://www.wto.org/english/news_e/news13_e/dgssel_03jan13_e.htm

WIPO:

Worldwide Symposium on GIs

The next International Symposium on Geographical Indications, organized every two years by the WIPO, will take place in Bangkok (Thailand) from 27 to 29 March 2013.

oriGIn has been invited to deliver a presentation on GIs for non agricultural products, an emerging issues in the global context that our Organization has been focusing on, over the last few years, both at the international and European level.

Further information at:

http://www.wipo.int/meetings/en/details.jsp?meeting_id=28143

India:

Latest GI developments

As explained in the oriGIn manual on "Protecting Geographical Indications in Emerging Economies" published last year, since the GI Act and GI rules entered into force, respectively in 1999 and in 2002, the recognition of GIs in India experienced a fast development.

In this context, on 16 January 2013, "Madurai Malli" became the first GI granted to a flower name in Tamil Nadu (State in South India). "Madurai Malli" is characterized by its heady fragrance, thick petals and lengthiest petiole.

Further information at:

<http://www.thehindu.com/news/cities/Madurai/geographical-indication-tag-for-madurai-malli/article4319235.ece>

Also in January, a GI application was filed for "Meerut Scissors". They are historical scissors of Meerut, a city in the Indian state of Uttar Pradesh, entirely handmade. Supported by the Federation of Indian Micro Small and Medium Enterprise (FISME), the protection of this age-old tradition against copy-cats will help to maintain employment and will give a support for modernisation of the traditional industries. The GI will provide legal protection and prevent unauthorised uses of the name.

More information at:

http://articles.timesofindia.indiatimes.com/2013-01-17/lucknow/36393076_1_geographical-indication-scissors-gi-certification

Guatemala: New GI for "Café Acatenango"

In October 2012, "Café Acatenango" was recognized as *Denominación de origen* (DO) in Guatemala. "Acatenango" is a valley in the region of Chimaltenango, surrounded by mountains and volcanoes, between the highlands and Pacific coast. Coffee is produced in an area of 9,663 hectares and the production is made by more than 3,000 people, organized in 56 farms, 2 cooperatives, 1 association, and other independent producers. The natural factors and region's climate allow farmers to produce a high quality coffee which is defined as a sweet and complex coffee, with full-bodied, with a fine aroma, pleasant acidity and long aftertaste.

One of the challenges for "Café Acatenango" is now to obtain recognition in the European Union, where the 30% of Guatemalan coffee is exported.

More information (only in Spanish) at:

http://www.anacafe.org/glifos/index.php?title=13NOT:BL_Acatenango_obtiene_denominacion_origen

Ecuador: Traditional weaving of the Ecuadorian toquilla straw hat got heritage of humanity status

On 5 December 2012, UNESCO inscribed the traditional weaving of the Ecuadorian toquilla straw hat on the representative List of Intangible Cultural Heritage of Humanity.

The fine Toquilla Straw Hat is the country's emblematic craft which gained international fame as "Panama hat" having been used during the construction of the Panama Canal channel. Moreover, the *Denominación de Origen* (DO) "Montecristi" was registered by the Ecuadorian Institute of Intellectual Property (IEPI) in 2007.

The "Montecristi" hat is woven with the fibers of a palm tree that grows in the coastal village of Montecristi, in the province of Manabi. The production process requires specific climatic conditions and can take up to eight months. These weavers are mostly peasant families and weaving techniques are transmitted to children at home, by observation and imitation of the activities from a very early age. This hat is the expression of traditional knowledge, including an exact number of points in each row of the weaving and traditional farming techniques representing an important element of the cultural heritage of the communities living in this region.

More information available (only in Spanish) at:

<http://www.turismo.gob.ec/sombrero-de-paja-toquilla-es-patrimonio-cultural-inmaterial-de-la-humanidad/> and <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00011&RL=00729>

Colombia: Defence of its traditional products

On January 17, the Ministry of Industry and Commerce of Colombia (SIC) issued an immediate suspension order of manufacturing and marketing of hats which imitate the ones bearing the *Denominación de origen* (AO) "Tejeduría Zenú" (the name of the indigenous community "Zenú" from San Andrés de Sotavento), which are also identified with the collective mark "Sombrero Vueltiao".

Based on this preventive measure any imitation of "Sombreros Vueltiaos" should be taken off the market. Furthermore, the SIC launched an important awareness campaign against counterfeiting.

On 19 January, with the aim to protect the "Zenú" culture, an agreement was signed between the Minister Mr. Díaz-Granado and the representatives of this indigenous community. In this regard, it is worth noting that the Ministry of Commerce, Industry and Tourism of Colombia and the organization "*Artesanías de Colombia*" have been working since 2008 on a draft project to encourage the use of intellectual property rights to protect the country's emblematic handicrafts, as a matter of state policy, raising standards to enhance competitiveness and sophistication of the handmade products.

More information (only in Spanish) at: <http://www.sic.gov.co/es/1013> and <https://www.mincomercio.gov.co/publicaciones.php?id=5462>

BILATERAL / REGIONAL ISSUES

EU-USA

In January, the Irish Presidency of the EU Council announced its will to rapidly give mandate to the European Commission to start the negotiation of the trade agreement with the United States. Negotiations could therefore be officially launched during the next Foreign Affairs Council to be held in Luxembourg on 18 June.

At present, the conclusions and recommendations of the EU-US High Level Group, set up in 2011, were not yet made public. Nevertheless, numerous potential obstacles to such an agreement have already appeared, for instance in the field of agriculture (such as the differences existing between US & EU phytosanitary standards; Europe's GMO process authorization; the Europe's ban on the use of lactic acid in slaughterhouses or on hormone-treated beef) and Intellectual Property Rights (GIs in particular).

Meanwhile, following a consultation with its members, oriGIn has provided the European Commission with a report concerning the major problems encountered by European PDOs/PGIs in the USA.

EU - Canada

Started in October 2008, the talks for the EU-Canada Comprehensive Economic and Trade Agreement (CETA) are on the finish line.

At first, the hope was to conclude the negotiations by the end of 2012 but due to contentious issues at a political level, the will is now to complete them early in 2013, in February for the more optimistic negotiators. Both the Irish Presidency of the EU Council and the Canadian government strongly supports this agenda.

For more information, see: <http://ictsd.org/i/news/bridgesweekly/152795/>

oriGIn has been pushing the Commission to remain ambitious on GIs, in particular with respect to European PDOs/PGIs considered generic in Canada and the ones conflicting with Canadian trade marks. See http://www.origin-gi.com/index.php?option=com_content&view=article&id=35&Itemid=82&lang=en (oriGIn letter on PDOs/PGIs in the CETA)

EU -Central America: The European Parliament votes in favor of the trade pact

On 11 December 2012, the EU Parliament met in plenary session and voted in favor of the Council decision on the conclusion of the Agreement establishing an Association between the European Union and Central America.

It is now up to the Council and Central America countries (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama) to take the measures for the ratification of the agreement.

Further information at:

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2012-0478+0+DOC+XML+V0//EN>

EU – Peru/Colombia

Following the signature of the Free Trade Agreement between the European Union, Colombia and Peru on 26 June 2012, the EU Parliament voted in favor of the Agreement's ratification during its plenary session on 11 December 2012.

Following the ratification process, Ecuador and Bolivia will have the opportunity to join the agreement.

Further information at:

<http://trade.ec.europa.eu/doclib/press/index.cfm?id=851>

EU – Singapore

Following the 11th round of negotiations in November 2012 and after two and a half years of talks, the European Union and Singapore concluded negotiations on a Free Trade Agreement on 16 December 2012. The parties will now submit the agreement to their respective legal authorities, before the official signature scheduled in spring 2013.

Singapore has agreed to establish a register of regionally-specific and recognized foodstuffs, wine and spirits. By offering a high level of protection to EU PDOs/PGIs, the agreement restricts at the same time the US and other third-country suppliers in the identification of products through names corresponding or conflicting to European PDOs/PGIs.

More information at:

<http://ec.europa.eu/trade/creating-opportunities/bilateral-relations/countries/singapore/>

EU – Japan

On 29 November 2012 the EU Council gave the European Commission the green light to start negotiations for a Free Trade Agreement with Japan.

Further information at:

<http://trade.ec.europa.eu/doclib/press/index.cfm?id=847>

EU – Russia

Currently, there is no mandate to negotiate a Free Trade Agreement between the EU and Russia, but only technical discussions. The last meeting took place on the 10th of December 2012 and the next one is scheduled for March 2013.

The talks deal notably with the applications for registration of Geographical Indications. The discussions reveal a fundamental difference of view on the inclusion or not of the applicants' names during the registration.

Nevertheless, Russia seems to be in favor of the conclusion of a general agreement without exception on GIs. In that way if it is possible to conclude the discussions before summer, the European Commission could ask the Council in May a specific mandate to negotiate on GIs.

Following a consultation with its members, oriGIn has provided the European Commission with a report concerning the major problems encountered by European PDOs/PGIs in Russia.

EU – Republic of Moldova

The negotiations to conclude a new association agreement between the Republic of Moldova and the European Union were launched in January 2010. Meanwhile, to add a chapter on trade to this agreement, discussions on a Deep and Comprehensive Free Trade Area have started on the 27 February 2012. The 5th round of negotiations took place from 21 to 25 January 2013.

In between, the EU negotiated and concluded on the 3rd of December an agreement on the protection of GIs of agricultural products and foodstuffs. It has been published on the 15th January 2013. This agreement allow a mutual recognition of GIs but also the possibility to add new ones and foresee a transition period of 5 years for Moldova to put in place all complementary actions necessary to stop any unlawful use of GIs.

The text of the agreement is available at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:010:0003:0170:EN:PDF>

EU – Africa

On the 26 November 2012, the European Commission signed a cooperation agreement with the African Regional Intellectual Property Organization (ARIPO) to improve the protection of GIs in Africa.

This agreement followed the ARIPO Council's decision taken in December 2011 to develop a system to protect GIs. This is why, with the help of the European Commission, ARIPO has worked to promote the use of intellectual property rights in inter-regional and international trade.

The results are crystallized in this administrative memorandum of understanding which, even if it is non-legally binding, will serve both parties to work together to promote GIs legal framework, to inform producers and other stakeholders and to enhancing the public awareness of GIs and their potential for African producers.

Further information at:

http://ec.europa.eu/agriculture/developing-countries/gi/memorandum-aripo/text_en.pdf

EUROPEAN AFFAIRS

GI POLICY

OHIM: Revision of the Manual concerning proceedings before the Office

In December 2012, the Office for the harmonization in the Internal Market (OHIM) finalized the revision of the Manual concerning proceedings before the Office.

Several changes concerning the absolute grounds of refusals go in the right direction. They ensure the correct application of the relevant EU Regulations on Geographical Indications as well as the Community Trademark Regulation, with respect to the

limitations in the registration of trademarks containing or conflicting with PDOs/PGIs.

The new version of the Manual is available at:

http://oami.europa.eu/ows/rw/resource/documents/CTM/legalReferences/manual/Part_B%20Examination.pdf

This revision follows the Court of Justice Judgment “Cognac II” and the General Court Judgment “Cuvee Palomar” rendered in 2011. **Some of criteria provided in the Manual reflect as well the recommendations made by oriGIn to OHIM in 2011 (see our Paper on the management of trademark applications conflicting with geographical names protected at the EU level by the OHIM at http://www.origin-gi.com/index.php?option=com_content&view=article&id=37&Itemid=84&lang=en).**

A few issues remain to be clarified in our view, such as the possibility for entities respecting the product specification to obtain a trademark consisting or containing a PDO-PGI (see pages 68 and 73 of the Manual). oriGIn will work to make sure they will be clarified in the next Manual's revision process, which should be finalised this year.

Quality Package: new Regulation entered into force

Adopted by the European Council on 13 November 2012, the Regulation No 1151/2012 on quality schemes for agricultural products and foodstuffs (the so-called ‘Quality Package’) was published in the Official Journal of the European Union on the 12 December 2012 and entered into force on 3 January 2013.

The new EU Regulation achieves a simplified regime for several quality schemes by putting them under one single legal instrument. Moreover, it creates a more robust framework for the protection and promotion of quality agricultural products including a reinforcement of the existing scheme for PDOs and PGIs.

The full text of the Regulation is available at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:343:0001:0029:EN:PDF>

CAP reform: Vote of the EP COMAGRI

The Agriculture Committee of the European Parliament (COMAGRI) voted on January 23 on the Report drafted by Michel Dantin (EPP/FR) on the reform of the single CMO.

All the compromise amendments were adopted, in particular the amendment n°112 on the management of production volumes for all PDOs and PGIs. This is very encouraging in light of the campaign oriGIn has been pushing over the last few years.

EU CAP talks: Priorities of the Irish Presidency of the EU Council

Following the progress made by the Cyprus Presidency on the CAP reform, Ireland hope to conclude a deal among Farm Ministers at the Agriculture Council on 25 & 26 June in Luxembourg. Nevertheless the achievement will largely depend on the talks on the Multi-annual Financial Framework currently pending until the next EU Council Summit scheduled for 7 & 8 February.

An agreement on the future CAP will also depend on progress made in trilogue discussions between MEPs & Council negotiators and the adoption by the EP plenary of the text in March. The discussions on the reform are becoming more and more crucial. Indeed, Germany has scheduled elections for autumn and, with the renewal of the Commission college in 2014, talks will become more thorny if no agreement is concluded in June 2013. On the 23rd of January the Agriculture Committee of the European Parliament has adopted the amendments on the CAP reform and the mandate to open the inter-institutional negotiations. More precision on the agenda will then be given during the next Agriculture Council on 28 January.

In March, the Irish Presidency and the Ministers of Agriculture will also discuss the Commission

proposals for revising the rules for animal and plant health as well as marketing, controls & production of seeds. Other key dossiers for 2013 include the reform of promotion policy, new organic farming proposals & plants to regulate cloning and novel food.

Further information at:

http://eu2013.ie/media/eupresidency/content/documents/EU-Pres_Prog_A4.pdf (page 24 & 25).

Foreign GIs on the Common Market: Registration of the 10th Chinese GI

On 30 November, 东山白芦笋 (Dongshan Bai Lu Sun) was registered as PGI in the EU. 'Dongshan Bai Lu Sun' is a canned asparagus cultivated by traditional production techniques in Dongshan (Island) in Fujian Province, China.

This registration is the last in the framework of the 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.

The completion and the success of this project is an important step towards the negotiation of a broader bilateral agreement on GIs.

Further information at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:099:0014:0017:EN:PDF>

NEWS ON GI REGISTRATIONS

Registrations

- « Aischgründer Karpfen » “(PGI) Germany - 24/11
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:326:0001:0002:EN:PDF>

- « 东山白芦笋 » (Dongshan Bai Lu Sun) (PGI) China – 30/11
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:330:0012:0013:EN:PDF>
- « Queso Camerano » (PDO) Spain - 11/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:337:0013:0014:EN:PDF>
- « Sale Marino di Trapani » (PGI) Italy - 11/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:337:0020:0021:EN:PDF>
- « Μανταρίνι Χίου (Mandarini Chiou) » (PGI) Greece - 11/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:337:0022:0026:EN:PDF>
- « Scottish Wild Salmon » (PGI) UK – 11/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:337:0027:0028:EN:PDF>

Modification requests

- «Sierra de Cádiz» (PDO) Spain – 06/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:376:0008:0014:EN:PDF>
- «Jihočeská Zlatá Niva» (PGI) Czech Republic – 07/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:377:0019:0023:EN:PDF>
- «Lentilles vertes du Berry» (PGI) France 15/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:387:0016:0021:EN:PDF>
- «Caballa de Andalucía» (PGI) Spain - 15/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:387:0022:0026:EN:PDF>

Registration requests

- «Weideochse vom Limpurger Rind» (PDO) Germany - 30/11
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:370:0010:0014:EN:PDF>

- «Plátano de Canarias »(PGI) Spain – 01/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:372:0009:0012:EN:PDF>
- « Cebolla Fuentes de Ebro » (PDO) Spain – 05/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:375:0018:0021:EN:PDF>
- «Saint-Marcellin» (PGI) France - 13/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:384:0021:0025:EN:PDF>
- «Fal Oyster» (PDO) UK – 13/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2012:384:0017:0020:EN:PDF>

Registrations of modification

- « Coppia Ferrarese » (PGI) Italy – 04/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:332:0008:0009:EN:PDF>
- « Abbacchio Romano » (PGI) Italy - 11/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:337:0015:0019:EN:PDF>
- « Cecina de León » (PGI) Spain - 12/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:338:0016:0017:EN:PDF>
- « Castelmagno » (PDO) Italy - 15/12
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:347:0008:0009:EN:PDF>

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