

# oriGIn Report



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## MEMBERS' VOICE (I)

### A new concept for GI development and defence: "the match-making"

By Dominique Chaillouet, Chief Editor of Origines et Qualités



At the last oriGIn General Assembly held in Bordeaux, an innovating concept, available on the internet, tablets and smartphones, reserved exclusively to products benefiting from a GI and intended for consumers, was introduced: Face2Food.

Face2Food meets the needs of producers' groups with an innovating system based on facilitating the "matchmaking" between products and consumers. Mainly oriented towards France in its first phase, this platform will soon be open to PDO, PGI and TSG registered under the relevant European Regulations, the bilateral agreements, national laws outside the EU as well as non-food products. The specific certification "Label rouge" is also concerned.

The platform is composed by three tools:

- An institutional website: It is the unifying element of the system. It contains the most important information related to the product, with pictures, definitions of signs, history of the origin and quality policies, and the role played by public actors. Moreover, a "Frequently Asked Questions" section gives additional information on the product and its environment.
- Tablet and smartphone applications: Face2Food is able to offer a completely innovative and unique bilingual tool in Europe, linking authenticity to modernity.

Making origin products known to consumers, regardless of where they are. Showing the people behind those products. Allow consumers to participate in the "life" of origin products. Inform consumers about product specifications as well as on the origin, history and events related to origin products. Help consumers to distinguish origin products from standard products. Use modern communication tools to reach out to consumers. Help consumers to find origin products through "geo-location". Inform consumers about specific events related to origin products, such as fairs, shows, stores, promotion initiatives, etc. And finally denounce origin products' usurpation. This summarizes the concept of Face2Food.

The objective of this platform is not to carry out e-commerce activities, but to connect consumers to origin products through animations, promotions, and national, regional and local communications.

The platform has obtained the support of the "Institut National de l'Origine et de la Qualité" (INAO).

For more information: see <http://www.face2food.com/> and/or contact [dominique.chaouillet@free.fr](mailto:dominique.chaouillet@free.fr)

## MEMBERS' VOICE (II)

### **The Mexican Institute of Industrial Property (IMPI) cancelled the trademark "Strawberries & Champagne" in defence of the designation of origin "Champagne"**

*By M. Luis Miguel Hernández, Hernández et associés*

In Mexico, the importance of protecting of geographical indications, in particular with respect to the attempts by illegitimate parties to register trademarks in relation with products of the same or similar category compared to the one of the geographical indication, is well understood. The situation is still unclear when trademarks are requested in relation to products without any relation with the class of product to which the geographical indication belongs.

In this respect, on 27 March 2013, the IMPI issued a very important and innovative decision in Mexico, concerning the cancellation of a cosmetic trademark (class 3), ruling in favour of the designation of origin Champagne, which considered that such trademark contained a false indication of provenance as well as a false indication as to the very nature of the product.

Mr. Luis Miguel Hernandez, representative of the "Institut National de l'Origine et de la Qualité" (INAO) and of the "Comité Interprofessionnel du Vin de Champagne" (CICV), in a letter on 31 October 2012, had requested the administrative cancellation of the trademark 1247039 STRAWBERRIES & CHAMPAGNE, property of VICTORIA'S SECRET STORES BRAND MANAGEMENT, INC, considering that it contained a false indication of provenance as well as a false indication as to the very nature of the product. This based on article 90 of the sections X and XIV of the Mexican Intellectual Property Law.

Despite the three elements contained in the trademark - "STRAWBERRIES","&" and "CHAMPAGNE" - the IMPI considered that the trademark strength lied mainly on the word Champagne. In the mind of consumers such word establishes a link with the origin and the characteristics of the product. As those did not correspond to the ones of the designation of origin Champagne, the Institute decided to cancel the trademark at issue.

This is another decision in favour of the French organism CIVC, in charge of protecting the designation of origin "Champagne", together with the INAO. Such a decision shows the determination of the new administration to strengthen the protection of geographical indications in Mexico. A lot of work though remains to be done in Mexico to implement adequate and efficient mechanisms for the protection of geographical indications.

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## LEGAL AFFAIRS

### Asia

#### **India (I): GIs in Goa to revive the local economy**

Three handicrafts names from Goa requested the statute of Geographical indication (GI) to preserve local art and to promote the city of Goa. Those handicrafts are the azulejos (painted panel of earthenware tiles), the crochet craft, and the coconut-shell carvings. Registration requests have been filed at the Indian GI Office in Chennai.

More information @:

[http://articles.timesofindia.indiatimes.com/2013-06-13/goa/39950648\\_1\\_goan-artisans-goan-handicrafts-azulejos](http://articles.timesofindia.indiatimes.com/2013-06-13/goa/39950648_1_goan-artisans-goan-handicrafts-azulejos)

#### **India (II): European wines and spirits seek protection in such an emerging market**

India is progressively becoming an attractive market for GIs. For instance, the Indian wine market grows from 20 to 30 % per year and offers the opportunity to European producers to expand their markets.

In this context, out of the 200 GI requests currently pending at the Chennai Office, more than half concern wines and spirits from the European Union (EU).

At the same time, negotiations for a free trade agreement (including a chapter on GIs) between the EU and India proved difficult to conclude. Amongst the very problematic issues under discussion, the EU insists on India to lower its taxes on wine, spirits and dairy products and to reinforce the legislation on intellectual property rights (IPRs).

Further information @:

[http://articles.economictimes.indiatimes.com/2013-06-21/news/40119219\\_1\\_india-wine-cheaper-wine-commandaria](http://articles.economictimes.indiatimes.com/2013-06-21/news/40119219_1_india-wine-cheaper-wine-commandaria)

&

<http://zeenews.india.com/business/news/eco>

[nomy/india-eu-fta-talks-fail-to-bridge-gaps-ministerial-meet-unlikely\\_76378.html](http://nomy/india-eu-fta-talks-fail-to-bridge-gaps-ministerial-meet-unlikely_76378.html)

### Americas

#### **Chile: Another GI to be registered within the “Sello de Origen” framework**

The Program “Sello de Origen” was launched in Chile in 2011 to add value to products that could benefit from the GI status. The Program is financed by the State of Chile and is implemented in close collaboration with the INAPI (National Institute of Intellectual Property).

Thanks to this Program, over the last few years several product names have been recognized as GIs in Chile, such as “Atùn de la Isla de Pasqua” and “Langosta de Juan Fernández”. One of the latest products about to get a GI status is “Cordero de Magallanes”. This product is found in the Magallanes y la Antartica Chilena Region that is situated in the South of Chile. Its main distinction lies in its high protein, iron and zinc content.

More information (only in Spanish) @:

<http://elpinguino.com/noticias/141689/Sello-de-origen-del-limn-de-Pica-al-cordero-magallnico>

&

<http://www.sellodeorigen.cl/611/w3-article-3038.html>

#### **United States (I): “Champarty” vs. “Champagne”**

The United States Patent and Trademark Office (USPTO) ruled against the “Comité Interprofessionnel du Vin de Champagne” (CIVC) and of the “Institut National de l’Origine et de la Qualité” (INAO) in the case concerning the trademark Champarty.

In March this year, the CIVC and the INAO had opposed the registration of the trademark Champarty for alcoholic beverages (except beer). The opposition was based on the fact that the similarity of the names at issue (Champagne and Champarty) could be confusing for consumers and as a result be misleading.

Despite the fact that the products at issue belong to the same category, the USPTO considered that the word “party” (in the Office view, the most important element of the trademark Champarty) is enough to differentiate the trademark at issue and “to counteract the visual similarities between the two marks in the perception of the consumers”. **This decision shows once again the limits of a system of GI protection based on trademarks. On this, please see Chapter 2 of the oriGIn manual on GIs in the United States @ [http://www.origin-gi.com/images/stories/PDFs/English/oriGIn\\_Publications\\_2010/American\\_Origin\\_Products\\_Protecting\\_a\\_Legacy\\_Final\\_23.02.pdf](http://www.origin-gi.com/images/stories/PDFs/English/oriGIn_Publications_2010/American_Origin_Products_Protecting_a_Legacy_Final_23.02.pdf)**

More information on the USPTO decision @: <http://lexvini.blogspot.ch/2013/07/uspto-finds-trademark-champarty-not.html>

### **United States (II): Napa Valley protected as a trademark in New Zealand**

On 25 June, the Napa Valley Vintners (NVV) association obtained the registration of “Napa Valley” as a trademark at the Intellectual Property Office of New Zealand.

Given the commercial success of Napa Valley wines, over the years the NVV association has adopted a proactive and pragmatic approach on GI protection. Amongst others, Napa Valley is protected, in the EU, Brazil, Canada, India and Thailand; and in 2012, it has been the first wine region to obtain the GI recognition in China.

Further information @:  
[http://www.napavintners.com/trade/tm\\_3\\_release\\_detail.asp?ID\\_News=400038](http://www.napavintners.com/trade/tm_3_release_detail.asp?ID_News=400038)

## **Europe**

### **France: Debate on the GI law for manufactured products**

At the end of June, French members of Parliament completed the first evaluation of the law on consumers. In the second half of July, the law will be examined by the Senate.

One Chapter of this law, concerning GIs for manufactured products, offers interesting opportunities to local handicrafts negatively affected by the lack of protection and by counterfeiting. A study realised by the “Direction Générale de la Concurrence et de la Répression des Fraudes” (DGCCRF) estimated that more than one hundred products could be concerned by this law. Laguiole cutlery has been the most mediatised case, but other products, such as the porcelaine de Limoges and the tapisserie d’Aubusson, could be interested.

**In parallel, following the study realised by oriGIn in April 2013 on non-agricultural GIs in Europe, a similar debate should soon be introduced at the European Union level.**

More information @:  
<http://www.localtis.info/cs/ContentServer?pagename=Localtis/LOCActu/ArticleActualite&jid=1250265472205&cid=1250265465930>  
&  
[http://www.legifrance.gouv.fr/affichLoiPreparation.do?jsessionid=020B798991EECE6948F789BBAFB3BCA6.tpdjo09v\\_3?idDocument=JORFDOLE000027383756&type=contenu&id=2](http://www.legifrance.gouv.fr/affichLoiPreparation.do?jsessionid=020B798991EECE6948F789BBAFB3BCA6.tpdjo09v_3?idDocument=JORFDOLE000027383756&type=contenu&id=2)

## **European Union (EU)**

### **Reform of the Common Agricultural Policy (CAP)**

On 28 June, the European Commission, the European Parliament and the Council of the European Union (trilogue) reached a political agreement on the reform of the CAP.

The main aspects of this agreement, which should be implemented in January 2014 if a deal is secured on the European budget for the 2014-2020 period, lie on four pillars: Fairness: Direct payments will be distributed in a fairer way between Member States and in a more transparent way; only farmers currently active will be able to benefit from income-support schemes; young farmers will be strongly encouraged to set up business. Strengthening farmers’ associations: Professional and interprofessional organisations will be promoted, and, for certain sectors, there will be

specific regulations on competition law. Such organisations will be able to increase efficiency by negotiating sales agreements on behalf of their members; In addition, new crisis management tools will be put into place. The environment: 30% of direct payments will be linked to three environmentally-friendly farming practices: crop diversification, maintaining permanent grassland and conserving 5%, and later 7%, of areas of ecological interest as from 2018 or measures considered to have at least equivalent environmental benefits; efficiency and transparency: The amount of funding to support research, innovation and knowledge-sharing will be doubled.

**More specifically on GIs, the possibility to regulate the supply for PDO/PGI, obtained by the cheese sector in 2011 as part of the “milk package”, has been extended to PDO/PGI in the ham sector, which represents a major success for oriGIn.** Relevant as well is the extension of the control system for wine plantations until 2030.

More information @:

<http://www.europarl.europa.eu/news/en/pressroom/content/20130624IPR14341/html/EU-farm-policy-after-2014-MEPs-Council-and-Commission-strike-a-political-deal> &  
[http://europa.eu/rapid/press-release\\_IP-13-613\\_en.htm](http://europa.eu/rapid/press-release_IP-13-613_en.htm)

### **New EU Regulation concerning customs enforcement of IPRs**

On 11 June, the European Parliament passed Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003. The new Regulation, which covers as well the enforcement of GI rights at customs, will apply as of 1 January 2014.

According to figures published by the European Commission, in 2011 customs detained 115 million suspected counterfeit articles, with a net value of nearly €1.3 billion.

The new Regulation is available @ <http://new.eur-lex.europa.eu/legal->

[content/EN/TXT/HTML/?uri=OJ:L:2013:181:FULL&from=EN](http://content/EN/TXT/HTML/?uri=OJ:L:2013:181:FULL&from=EN)

### **oriGIn actively involved in expert committees**

oriGIn participates as an observer in several EU expert committees touching upon GIs from various perspectives (IPRs, quality, international negotiations, etc).

In this respect, on 19 June, oriGIn attended in Brussels the public awareness working group on consumers of the OHIM European Observatory on Infringements of IPRs. The methodology and the results of the study “European Citizen and Intellectual Property” were presented during this meeting. It is a study about IP perception undertaken in nine countries, Germany, Sweden, UK, France, Italy, Spain, Lithuania, Poland, Croatia, and that covers 100 cumulated hours of conversation and debates with more than 250 European citizens, selected to build a representative sample of social, education and income level, gender, age, and geographical origin. The study will be officially presented in September 2013, together with another study on the economic impact of IPRs in the EU which, it was mentioned, contains interesting results on GIs.

**Moreover, the new version of the Observatory toolkit on IPRs campaigns (to which several of our members have already contributed) was also presented and will be online later this year (the current version is available at <https://iptoolkit.oami.europa.eu/>).**

**Meanwhile, we have the chance to further enrich this tool with the campaigns of our Members carried out with the objective to raise awareness as to the importance of GIs and the risks related to infringements and counterfeiting. Please do not hesitate to send us this kind of material, we will transmit it to the Observatory.**

All relevant documents of this meeting are available @

[http://oami.europa.eu/ows/rw/pages/OBS/Meetings/publicAwarenessMeeting\\_19-06-2013.en.do](http://oami.europa.eu/ows/rw/pages/OBS/Meetings/publicAwarenessMeeting_19-06-2013.en.do)



Likewise, on 25 June, oriGIn attended a meeting of the Quality Advisory Group of the DG Agricultural and Rural Development. The following issues were discussed:

- Regulation No 1151/2012 in particular the implementation of the optional term “mountain product” (Commission delegated acts on applying the optional quality term, art. 31 of Reg. 1151/2012); the optional term “from my farm” (Commission delegated acts reserving an additional quality term and conditions of use) and the preparation of the report on the case for a new term, “product of island farming” and possible legislative proposals (art. 32 of Reg. 1151/2012); The state of play of discussions regarding the legislative proposals on the future of the CAP; The European Commission’s proposal on official controls on food and feed safety, animal health and animal welfare (review of Regulation (EC) No 882/2004); the link to Quality Certification schemes; The state of play of the EU best practice guidelines for voluntary certification schemes for agricultural products and foodstuffs; The State of play of the Evaluation of the possibility of a system of non-agricultural Geographical Indications; The latest information concerning the preparation of implementing rules/reports on the issue of origin labelling (Article 26 of Regulation 1169/2011 on the provision of food information to consumers), in particular the implementation of mandatory origin labelling rules for unprocessed pig, poultry, sheep and goatmeat; And finally an update on the WIPO working group on the development of the Lisbon System on the protection of designations of origin and their international registration.

## News on PDO/PGI

### Registrations

“Saucisse de Montbéliard” (GIP) France – 21/06:  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:169:0028:0029:FR:PDF>

“Fraises de Nîmes” (GIP) France – 21/06:  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:169:0062:0063:FR:PDF>

“Pasas de Málaga” (PDO) Spain - 21/06 :

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:169:0022:0027:FR:PDF>

“Αγουρέλαιο Χαλκιδικής” / “Agoureleo Chalkidikis” (PDO) Greece - 21/06 :  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:133:0009:0010:FR:PDF>

### Registrations requests

“Τοματάκι Σαντορίνης” / “Tomataki Santorinis” (PDO) Greece - 13/06 :  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:167:0022:0026:FR:PDF>

“Liliputas” (GIP) Lithuania – 15/06:  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:170:0046:0050:FR:PDF>

“Cozza di Scardovari” (PDO) Italy – 15/06:  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:170:0051:0054:FR:PDF>

“Liers vlaaike” (GIP) Belgium – 22/06:  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:177:0008:0011:FR:PDF>

“Pembrokeshire Earlies / Pembrokeshire Early Potatoes” (GIP) United-Kingdom – 26/06:  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:180:0017:0020:FR:PDF>

“Cordero Segureño” (GIP) Spain – 26/06:  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:180:0021:0024:FR:PDF>

### Modification requests

“Cítricos Valencianos / Cítrics Valencians” (GIP) Spain – 14/06:  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:168:0026:0035:FR:PDF>

“Aceto balsamico tradizionale di Reggio Emilia” (PDO) Italy – 15/06:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:172:0008:0013:FR:PDF>

“Montes de Granada” (PDO) Spain – 22/06:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:177:0024:0029:FR:PDF>

“Selles-sur-Cher” (PDO) France – 25/06:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:179:0033:0039:FR:PDF>

“Jamón de Trevélez” (GIP) Espagne – 25/06:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:179:0040:0046:FR:PDF>

“Melocotón de Calanda” (PDO) Espagne – 25/06:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:179:0019:0026:FR:PDF>

“Ternera Gallega” (GIP) Espagne – 27/06:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:182:0016:0022:FR:PDF>

## INTERNATIONAL, REGIONAL AND BILATERAL NEGOTIATIONS

### UE-ASEAN: An update on negotiations

Over the past few years, the EU has been trying to extend its network of commercial agreements with the ASEAN members. The final goal is to establish a free trade agreement between the EU and the ASEAN.

In this context, having completed the free trade agreement with Singapore in December 2012, on 31 May the EU had its first round of negotiations with Thailand. The discussions concerned intellectual property rights and rules of origin. In parallel, a fourth round of negotiation with Vietnam will take place in July.

Discussions with Malaysia started in 2010 and are still ongoing.

Further information @:

<http://trade.ec.europa.eu/doclib/press/index.cfm?id=908>

### UE-Central America: New ratifications of the Association Agreement

On 13 June, 1 July and 5 July, Guatemala, Costa Rica and El Salvador ratified the Association Agreement between the EU and Central America. The Agreement includes a free trade component as well as a strong focus on intellectual property. It includes the registration of 10 Central American GIs in Europe and of 124 GIs of the EU in Central America. The Agreement will enter into force on 1 August 2013.

Further information (including the GI lists which will be protected in the framework of the Agreement) @ (only in French):

<http://www.tresor.economie.gouv.fr/7349-amerique-centrale-indications-geographiques-enregistrees-dans-le-cadre-de-laccord-dassociation-union-europeenne-amerique-centrale>

& (Spanish only):

<http://www.centralamericadata.com/es/search?q1=content+es+le%3A%22Acuerdo+de+Asociaci%C3%B3n+entre+Europa+y+Centroam%C3%A9rica%22&q2=mattersInCountry+es+le%3A%22El+Salvador%22>

& (Spanish only):

<http://www.newsinamerica.com/pgint.php?id=24333>

### UE-Japan: The negotiation process continues

The second round of negotiations of the free trade agreement between the EU and Japan took place in Tokyo from 24 June to 3 July.

The negotiations are still at an early stage. Both parties are still clarifying their positions on the different chapters of the future treaty. The goal of these negotiations is to open up the two markets to the different companies and to mutually reduce tariff barriers and non-tariff



barriers. The next round of negotiation will be held in Brussels, from 21 to 25 October.

More information @:

<http://trade.ec.europa.eu/doclib/press/index.cfm?id=933>

&

<http://www.dw.de/japan-eu-free-trade-talks-going-according-to-plan/a-16921564>

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