

oriGIn Report



CONTENTS

MEMBERS' VOICE	PAGE 02
Expo 2015 – a window for GIs (I) Implications of the UE-CA Association Agreement and the reform of the Industrial Property Law in Guatemala (II)	
LEGAL AFFAIRS	PAGE 03
AFRICA Uganda: Implementation of the GI Act	
AMERICAS Brazil: New GI registrations Canada: Public Consultation for the appellation application of “Fromage de vache de race Canadienne” Colombia: SIC delegated to FNC the management of DOs "Café de Nariño", "Café de Cauca" y "Café de Huila" El Salvador: Recognition of “Pisco” as a Peruvian “DO” Mexico: New GI law under discussion	
EUROPE Germany: Products infringing Italian Protected Designations of Origin (PDO) seized in Cologne Italy: Supreme Court landmark decision on the “Budweiser” dispute Spain: Court rules in favor of “Consejo Regulador de la IGP Esparragos de Navarra”	
EUROPEAN UNION (EU) oriGIn has been awarded a EU-sponsored project on PDO-PGI official controls EP adopted CAP 2014-2020 EU approves € 35 million agricultural promotion fund EC addresses the UK “traffic light” nutrition labelling scheme “Pisco” registered in the EU as a GI from Peru News on PDO/PGI	
INTERNATIONAL, REGIONAL AND BILATERAL NEGOTIATIONS	PAGE 06
WIPO: Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) ICANN: update on new gTLDs & GIs EU-Canada: Political Agreement on CETA TPP: IPRs draft chapter Jamaica-Switzerland: Agreement on the protection of GIs	
GI EVENTS	PAGE 08
Brazil: International Seminar on GIs & V Grand Shrimp Festival Turkey: National Seminar on the Lisbon System for the International Registration of AOs REDD: Seminar on PDO/PGI – national label and traceability	

MEMBERS' VOICE (I)

Expo 2015 – a window for GIs

by Mr. Riccardo Deserti, Director General, Consorzio del Formaggio Parmigiano Reggiano
and oriGIn Vice-President for Europe



There are less than 20 months away from the opening of the Universal Exposition, EXPO Milan 2015, "Feeding the Planet, Energy for Life". This six-month event will take place in Milan (Italy), from 1 May to 30 October 2015 and for the first time will be devoted to global challenges related to earth sciences, agriculture, food and nutrition. As of today, it is officially confirmed the presence of 140 countries, representing over 80% of the world population and over 21 million visitors are expected to come.

EXPO 2015 will be not only a magnifying glass on fundamental issues such as food safety and quality, innovation in the food supply chain, sustainability, etc. but also an opportunity for different cultures to meet and dialogue through their food traditions. From this point of view, EXPO 2015 offers an extraordinary opportunity of promotion and communication for our Geographical Indications (GIs), which beyond of representing historical and cultural values, are a model of economic sustainability for territories and communities that would otherwise be exposed to speculation in the global market.

During the six month of the event we have the chance to bring the "GI model" to the attention of visitors coming from all around the world as well as in the debate with Governments of the numerous countries participating. This is why, we are thinking about a "strategic" presence of oriGIn and its members.

The idea is to use the exposition spaces and the discussion platforms available to organize debates and events. Furthermore, we could arrange meetings with the delegations of the various countries in visit as well as field trips to discover Italy, its culture and of course its quality food chains. The appointment is getting close but we still have enough time to organize our joint participation as Organization. For this reason, I invite you to express your interest, even with possible ideas and concrete proposals, so that we can verify the modalities and organizational management.

For more information mailto: deserti@parmigianoreggiano.it

EXPO Milan 2015 Official Website @ <http://en.expo2015.org/>

MEMBERS' VOICE (II)

Implications of the UE-CA Association Agreement and the reform of the Industrial Property Law in Guatemala

by Mercedes Sanchez,
in charge of the GI "Rones de Guatemala", "Asociación Nacional de Fabricantes de Alcoholes y Licores"
(ANFAL) and oriGIn Vice- President for Central America and the Caribbean



Among the implications of the Association Agreement between the European Union (EU) and Central America - in addition to those related to tariff benefits - it is worth to mention the improvements with respect to intellectual property rights, including GIs, to eliminate anti-competitive practices and foster a fair and competitive business environment. The Association Agreement includes a list of European and Central American GIs whose registration must be requested by interested parties. To fulfill the obligations under the Association Agreement, the Parliament of Guatemala recently approved the Decree 3-2013 amending the Law on Industrial Property, which concerns among others the protection "Denominaciones de Origen" (DOs) and GIs.

These measures represent a significant progress in the country regarding industrial property protection, especially considering that earlier only "DOs" could be registered, as the Law did not provide protection for national GIs nor for foreign GIs/DOs.

In addition to the above mentioned procedures, the reform also includes changes in the definitions of GIs and DOs, and covers other issues such as requirements for protection, relationship with trademarks, inadmissibility, cancellation, nullity, homonymy, etc., in order to update and harmonize the Guatemalan legislation to the international standards.

The Decree came into force last 26 June, but the publication of a regulation complementing the amendments and establishing the official fees for the new procedures, is still pending. Likewise, the date of the Association Agreement's entry into force is also pending.

For further information, please contact to mercedes.sanchez@ronesdeguatemala.com

LEGAL AFFAIRS

Africa

Uganda: Implementation of the GI Act

The Uganda Registration Services Bureau (URSB) is in the process of implementing the Geographical Indications Act (2013) recently passed by Parliament.

The Act will allow the protection of high quality Ugandan product names, among others vanilla, coffee, sesame, sheer butter and cotton.

More information:

<http://www.newvision.co.ug/news/648273-gov-t-to-brand-agricultural-products-based-on-origin.html>

&

[http://www.africanmc.org/index.php/knowledge_-_portal/itemlist/tag/Uganda%20Geographical%20Indications%20Act%20\(2013\)](http://www.africanmc.org/index.php/knowledge_-_portal/itemlist/tag/Uganda%20Geographical%20Indications%20Act%20(2013))

Americas

Brazil: New GI registrations

On 24 September, “Cariri Paraibano” was registered by the Brazilian Institute of Industrial Property (INPI) as an “Indicação de Procedência” (term used in the Brazilian Law corresponding to the concept of GI). “Cariri Paraibano” is a handmade lace produced in Cariri, a region of Paraíba located on the western fringe of Planalto da Borborema. This craftsmanship has been mainly manufactured by women for over 70 years. This is the second “Indicação de Procedência” granted in Brazil regarding handmade lace, after the registration of *renda irlandesa de “Divina Pastora”* last year.

Likewise, on 1 October, “Monte Belo” was registered by INPI as an “Indicação de Procedência” for wines. The tradition of grape production in Monte Belo do Sul has its origin in the second half of the nineteenth century and its quality has been recognized in several wine competitions. In this region, the wine industry represents more than 90% of the agricultural production which in its turns

represents over 40% of local GDP. Currently, Brazil has 6 GIs for wines.

With 38 registered GIs as to date, Brazil GI sector remains one of the most dynamic in Latin America.

More information (only in Portuguese) @

http://www.inpi.gov.br/portal/artigo/inpi_conce_de_registro_de_indicacao_geografica_para_renda_do_cariri_paraibano#

&

http://www.inpi.gov.br/portal/artigo/vinhos_da_regiao_de_monte_belo_rs_recebem_registro_de_indicacao_geografica

Canada: Public Consultation for the appellation application of “Fromage de vache de race Canadienne”

Following the application for the registration of “Fromage de vache de race Canadienne” as an “appellation de spécificité” (AS) submitted by the “Association de mise en valeur de la race bovine Canadienne”, the “Conseil des appellations réservées et des termes valorisants” (CARTV) launched a 45-days public consultation from 16 October, in compliance with the provisions of the “Loi sur les appellations réservées et les termes valorisants” (hereinafter referred to as the “Canadian Law”).

The Canadian Law provides in its Article 3 protection for 3 appellations’ categories: i) those relating to their production’s method, such as organic farming; ii) those based their geographical origin, such as the AOs or GIs; and iii) those relating to their specificity (AS), as is the case of the “Fromage de vache de race Canadienne”. (The text of the Canadian Law is available @ <http://www.cartv.gouv.qc.ca/lartv>). In the case of an AS, the article 3 of the “Règlement sur les appellations réservées” establishes that the product must have certain characteristics which distinguish it from other similar products of the same category. (The text of this regulation is available @ <http://www.cartv.gouv.qc.ca/reglement-sur-appellations-reservees>).

After analyzing the results of the public consultation, approving the product specification and deciding on the accreditation of one or more certification bodies, the CARTV will send the

Minister of Agriculture, Fisheries and the Food of Quebec its recommendation on whether to recognize the AS "Fromage de vache de race Canadienne".

More information (only in French) @ http://www.cartv.gouv.qc.ca/sites/documents/fr/omageVacheCanadienne/avis_consultation_publicue_fromage_vache_canadienne.pdf & <http://www.cartv.gouv.qc.ca/fiche-resume-demande-reconnaissance-AS-fromage-au-lait-vache-canadienne>

Colombia:
SIC delegated to FNC
the management of DOs "Café de Nariño",
"Café de Cauca" y "Café de Huila"

On 26 November, the "Superintendencia de Industria y Comercio" (SIC) delegated to the "Federación Nacional de Cafeteros de Colombia" (FNC) the management of DOs "Café de Nariño", "Café de Cauca" and "Café de Huila" considering that the representation's conditions to authorize and control the use of such as DOs are accomplished to the extent that FNC represents 80.63% of the Nariño producers, 63.90% of the Cauca producers and 72.58% of Huila producers.

In Colombia, under the provisions of the Decision 486 of the Andean Community (http://www.sic.gov.co/documents/10157/397811/Decision_486_2000.pdf/f8b7bd6e-eda1-4f75-b54a-ff08a2822012), the State is the DO holder, in charge of the DO's management and therefore responsible of giving the authorization of use to the interested parties. However the DO management may be delegated in terms of the provisions of the Decree 3081 of 2005 and the Resolution 33190 of 2007 SIC (http://www.sic.gov.co/documents/10157/397811/Decreto_3081_2005.pdf/a7346656-2edf-4b87-b0aa-8db5cf048fd2 & http://www.avancejuridico.com/actualidad/documentosoficiales/2007/46779/r_siyc_33190_2007.html)

As to date, only the FNC has obtained the management of some DOs of which it is beneficiary ("Café de Colombia", "Café de Nariño", "Café de Cauca", "Café de Huila"). The delegation for the DO "Queso del Caquetá" requested by the "Comité Departamental de Ganaderos del Caquetá" is still

pending. The remaining fifteen DOs are managed by the SIC but may be subject to future delegation.

More information (only in Spanish) @ <http://www.sic.gov.co/es/1674>

El Salvador:
Recognition of "Pisco" as a Peruvian "DO"

After 14 years, "Pisco" was recognized in El Salvador as a Denominación de Origen (DO) from Peru. In mid-September, the decision of the Supreme Court of Justice of El Salvador invalidating the registration of "Pisco" as a Chilean DO and imposing restrictions to Chile for using this spirit name, was notified to the "Consejo Regulador del Pisco" of Peru.

Some background on the case: In early 1999, the National Registry Center of El Salvador (CNR) denied the registration request for "Pisco" from Peru, arguing that there was no applicable law for the protection of GIs and DOs in El Salvador at that time. When in 2002 the Law on Trademarks and other Distinctive Signs came into force in El Salvador, Peru applied and obtained the protection for Pisco as a Peruvian DO. Despite this, in 2005 "Pisco" was also registered as a DO from Chile in the framework of the Free Trade Agreement (FTA) between Chile and Central America (Costa Rica, El Salvador, Guatemala and Honduras), and the opposition filed by Peru against this registration was rejected. The opposition refusal was appealed resulting in 2008 in a dispute before the Supreme Court of Justice of El Salvador.

More information (only in Spanish) @ <http://romeropineda.wordpress.com/2013/10/10/rpa-obtuvo-la-denominacion-de-origen-de-pisco-para-peru/>

Mexico:
New GI law under discussion

On 15 October, the legislative initiative to approve a new GI law ("Ley sobre Indicaciones Geográficas y Denominaciones de Origen") was presented in the Mexican Chamber of Deputies.

As currently the protection is provided by the Industrial Property Law only for DOs, this Bill extends the scope of protection to GIs providing for a single level of protection for both DOs and GIs. In

addition, the new rules proposed in the Bill aiming at boosting the establishment of Regulatory Councils (Consejos Reguladores) as a pillar to promote GI protection and carry out compliance controls. Currently, only 2 of the 14 Mexican DOs operate under a Regulatory Council basis: “Tequila” and “Café de Veracruz”. It is worth to mention that the successful experience of the DO Tequila is largely due to the commitment work of the “Consejo Regulador del Tequila” in the promotion of this emblematic Mexican spirit.

Moreover, the Bill foresees for the Mexican Industrial Property Institute (IMPI) the possibility to carry out GI promotion activities and to impose sanctions for GI infringements.

The draft Bill is available @ http://sil.gobernacion.gob.mx/Archivos/Documentos/2013/10/asun_3021658_20131017_1381936360.pdf

Europe

Germany: Products infringing Italian PDO seized in Cologne

On 8 October – in the context of the international food exhibition “Anuga” in Cologne (Germany) - products bearing labels infringing the rights deriving from the Italian Protected Designations of Origin (PDO) Parmigiano Reggiano, Asiago, and Pecorino Romano were seized by German authorities at the request of the 3 Consortia.

This was possible thanks to Regulation 1151/2012 on quality schemes for agricultural products and foodstuffs which provides, among others, for a solid protection for PDO/PGI (which covers as well evocations of registered names), as well as the obligation for EU Member States to protect “ex officio” PDO/PGI.

Further information @: http://www.parmigianoreggiano.com/en/news/2013_2/parmigiano_reggiano_asiago_pecorino_romano_falsi.aspx
& http://www.asiagocheese.it/uploads/news_243_52581559931a0.pdf

Italy: Supreme Court landmark decision on the “Budweiser” dispute

In early October, the Supreme Court of Italy ruled in a dispute between one of the world’s largest beer company “Anheuser-Busch InBev” (part of the group AB InBev) and the Czech brewer “Budejovicky Budvar”. The two brewers have been fighting for years over the rights to use the name “Budweiser” in various jurisdictions around the world.

The Supreme Court of Italy, which rules primarily on procedure, determined that the Lower Court decision was erroneous in considering that the term “Budweiser” has no connection with the Czech town of Budejovice (or Budweis in German), and therefore that there was no obstacle for AB InBev to use the name to commercialize its beer. The lower court of appeals must now rehear the case, and decide according to the parameters set out by the Supreme Court.

More information @ <http://www.dailyfinance.com/2013/10/08/budweiser-ban-italy-czech-budvar-wins-court-ab-inbev/>

Spain: Court rules in favor of “Consejo Regulador de la IGP Esparragos de Navarra”

In early October, the Commercial Court of Pamplona upheld the claim presented by the “Consejo Regulador de la IGP Esparragos de Navarra” against a Spanish company which used the term “Navarra” to commercialize asparagus from Peru and China. The company was condemned to immediately cease this practice and to pay a compensation of around € 30,000. This judgment represents an important precedent for PDOs and PGIs which constantly suffer the consequences of misuse and imitation.

More information (only in Spanish) @ <http://www.origenespana.es/origen-espana-celebra-la-primera-sentencia-judicial-que-indemnizara-a-una-igp-por-usos-fraudulentos/>

European Union (EU)

oriGIn has been awarded a EU-sponsored project on PDO-PGI official controls

Within the framework of the initiative “Better Training for Safer Food” (BTSF), launched by the European Commission (EC) to keep Member States’ competent authorities up-to-date with all aspects of Community food and feed law, animal health and welfare and plant health rules, oriGIn - in partnership with other international partners – has recently been awarded the EU-sponsored project “Training Programme on Quality Schemes: PDO/PGI/TSG” (<http://ec.europa.eu/eahc/food/>). Such project aims at providing EU Member States national authorities in charge of carrying out or supervising PDO/PGI compliance controls’ systems as well as authorities in charge of PDO/PGI market controls within the framework of Regulation 1151/2012, a comprehensive overview of the EU Legal Framework on PDO/PGI, thereby ensuring more harmonized and efficient controls within the EU. The initial phase provides 10 trainings for the staff of the above mentioned national authorities, to be held in the following locations:

Topic	Dates	Venue
PDO/PGI/TSG	12-15 Nov, 2013	Lisbon, Portugal
PDO/PGI/TSG	16-19 Dec, 2013	Milan, Italy
PDO/PGI/TSG	11-14 Feb 2014	Paris, France
PDO/PGI/TSG	1-4 April 2014	Lisbon, Portugal
PDO/PGI/TSG	20-23 May 2014	Milan, Italy
PDO/PGI/TSG	9-12 June 2014	Paris, France
PDO/PGI/TSG	8-11 Sep 2014	Lisbon, Portugal
PDO/PGI/TSG	21-24 Oct 2014	Milan, Italy

PDO/PGI/TSG	1-4 Dec 2014	Paris, France
PDO/PGI/TSG	23-26 Feb 2015	Lisbon, Portugal

EP adopted CAP 2014-2020

On 20 October the Common Agricultural Policy (CAP) 2014-2020 was adopted by the European Parliament (EP). This is the first time that the CAP was decided jointly by ministers and directly-elected Members of the European Parliament. The CAP, which will enter into force on January 1st, will put more emphasis on environmental protection, ensure a fairer distribution of EU funds between Member States and farmers, and provide direct aid to active farmers for helping them to cope better with market challenges.

More information @

<http://www.europarl.europa.eu/news/en/news-room/content/20131118IPR25538/html/EU-farm-policy-2014-2020-MEPs-give-final-blessing-to-greener-and-fairer-CAP>

&

http://europa.eu/rapid/press-release_SPEECH-13-946_fr.htm

EU approves € 35 million agricultural promotion fund

On 7 October, the European Commission (EC) approved a € 35 million fund for 22 programs to promote agricultural products (including PDO, PGI and Traditional Specialties Guaranteed - TSG): 15 programs for promotion in the EU Member States and 7 programs in third countries (North America, Russia, Latin America, Norway, Switzerland, Middle East, Serbia, Montenegro, the Former Yugoslav Republic of Macedonia, Bosnia and Herzegovina and Kosovo).

Further information @

http://europa.eu/rapid/press-release_IP-13-1039_en.htm

At the end of November, the EC presented a draft reform of the information and promotion policy for EU’s agricultural and food products. The main elements set out in this reform are: i) a significant increase in the aid allocated to information and

promotion initiatives with the aim of strengthening the competitiveness of EU agriculture; ii) the establishment of a EU promotion strategy, which will allow for promotion measures to be more targeted; iii) widening the scope of measures by allowing: a) labelling to specify the origin of products and their brands, b) extending eligible beneficiaries to include producers' organizations, and c) extending the range of products eligible for inclusion under EU quality systems, particularly to processed agri-food products; iv) simplifying administrative procedures, with selection henceforth taking place in one phase at the EC, rather than in two phases as is currently the case; and v) facilitating management of programs developed jointly by organizations from several Member States via a one-stop system at the EC.

The proposal will now be submitted to the EP and to the European Council.

The proposal's text is available @ http://ec.europa.eu/agriculture/promotion/policy/legislative-proposal/index_en.htm

More information @ http://europa.eu/rapid/press-release_IP-13-1139_en.htm?locale=en

In this context, oriGIn is exploring the possibility to serve as a platform through which producers groups from different Member States can meet and prepare joined proposals aimed at carrying PDO-PGI promotion campaigns in third markets.

EC addresses the UK "traffic light" nutrition labelling scheme

On 4 October, the so-called "traffic light" nutrition labelling scheme, recommended by the United Kingdom's authorities, was discussed at the EC's Standing Committee on the Food Chain and Animal Health (hereinafter, the SCoFCAH). The "traffic-light" labelling system classifies by colors (red, amber and green) the level of food's nutritional content (fat, saturated fat, salt, sugar and calories).

Italy and other EU Member States shared some concerns vis-à-vis the risks that this labeling system could represent for traditional food. The EU Commission stated that the establishment of additional forms of the nutrition information's

presentation is compatible with the system established in the Regulation (EU) No. 1169/2011 on food information to consumers –FIR– (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:304:0018:0063:EN:PDF>) as long as it complies with the criteria established therein.

Moreover, the EU considered that there is no obligation for United Kingdom to notify this schema under the Directive 98/34/EC of the EP and the Council laying down a procedure for the provision of information in the field of technical standards and regulations (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1998:204:0037:0048:EN:PDF>), as it does not constitute a mandatory labelling imposed by a EU Member States but a scheme agreed by food business operators, which ultimately should be considered as nutritional information and not as non-beneficial nutrition claims having to be notified according to the FIR.

Finally, the EC clarified that article 35.g of FIR about potential obstacle to the free movement of goods should be considered as a reference to Articles 34 to 36 of the Treaty on the Functioning of the EU (<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0047:0199:en:PDF>). The EC also stated that it will be vigilant that the UK scheme does not hinder the intra-Union trade and invited the UK authorities to follow the development of the use of the scheme on the market in order to avoid the creation of obstacles to trade.

The Summary Report of the SCoFCAH is available @ http://ec.europa.eu/food/committees/regulatory/scfcah/general_food/sum_04102013_en.pdf

"Pisco": registered as a GI from Peru

On 31 October, the EC published the "Commission Regulation (EU) No 1065/2013 of 30 October 2013 amending Annex III to Regulation (EC) No 110/2008 of the EP and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks", agreeing the register of "Pisco" as a GI from Peru, and establishing as well that the conferred protection for "Pisco" from Peru under this

Regulation shall be without prejudice to the use of the name “Pisco” for products originating in Chile protected under the Association Agreement between the EU and Chile of 2002.

The EC Regulation is available @ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:289:0048:0048:ES:PDF>

More information (only in Spanish) @ <http://www.larepublica.pe/07-11-2013/al-fin-la-comision-europea-reconoce-al-pisco-como-originario-del-peru>

& <http://www.lanacion.cl/comision-europea-registra-indicacion-geografica-pisco-procedente-de-peru/noticias/2013-11-06/161834.html>

News on PDO/PGI Registrations

“Bamberger Hörnla / Bamberger Hörnle / Bamberger Hörnchen” (PGI) Germany – 05/10:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:263:0011:0012:EN:PDF>

“Carn d'Andorra” (PGI) Andorra – 10/10:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:268:0003:0004:EN:PDF>

“Pasta di Gragnano” (PGI) Italy – 11/10:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:270:0001:0002:EN:PDF>

“Sklandrausis” (TSG) Latvia – 12/10:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:272:0033:0034:EN:PDF>

“Μεσσαρά/ Messara” (PDO) Greece – 12/10:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:272:0003:0004:EN:PDF>

“Fenland Celery” (PGI) United Kingdom – 15/10:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:273:0027:0028:EN:PDF>

“Travia da Beira Baixa” (PDO) Portugal – 05/11:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:293:0034:0035:EN:PDF>

“Plátano de Canarias” (PGI) Germany – 05/11:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:293:0022:0023:EN:PDF>

“Westfälischer Knochenschinken” (PGI) Germany – 05/11:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:293:0024:0025:EN:PDF>

“Poulet des Cévennes / Chapon des Cévennes” (PGI) France – 06/11 :

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:294:0034:0035:EN:PDF>

“Gâche vendéenne” (PGI) France - 06/11:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:294:0038:0039:EN:PDF>

“Basterdsuiker/Basterdsuicker/Basterdsuijcker/Basterdsuijker/Basterd/Bastardsuiker/Bastardsuicker/Bastardsuijcker/Bastardsuijker/Bastard/Bastert/Bastertsuiker” (TSG) – The Netherlands 07/11:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:296:0008:0009:EN:PDF>

“Carne de Bravo do Ribatejo” (PGI) Portugal - 08/11:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:298:0017:0018:EN:PDF>

“Lietuviškas varškės sūris” (PGI) Lithuania – 08/11:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:298:0025:0026:EN:PDF>

“Melone Mantovano” (PGI) Italy – 08/11:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:298:0021:0022:EN:PDF>

“Pan de Alfacar” (PGI) Spain – 08/11:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:298:0027:0028:EN:PDF>

“Queso Los Beyos” (PGI) Spain – 08/11:
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:298:0023:0024:EN:PDF>

“Stromberger Pflaume” (PDO) Germany – 08/11:
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:298:0019:0020:EN:PDF>

“Fal Oyster” (PDO) United Kingdom – 13/11:
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:302:0014:0015:EN:PDF>

“Maccheroncini di Campofilone” (PGI) Italy – 13/11:
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:302:0016:0017:EN:PDF>

“Poperingse Hopscheuten / Poperingse Hoppescheuten” (PGI) Belgium – 13/11:
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:302:0018:0019:EN:PDF>

Tepertős pogácsa (TSG) Hungary – 14/11:
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:303:0017:0023:EN:PDF>

Rillettes de Tours (PGI) France – 15/11:
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:305:0007:0012:EN:PDF>

“Cebolla Fuentes de Ebro” (PDO) Spain – 15/11:
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:305:0001:0002:EN:PDF>

Registration requests

“Lammefjordskartofler” (PGI) Denmark – 2/10:
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:286:0003:0006:EN:PDF>

“Strachitunt” (PDO) Italy – 5/10:
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:290:0005:0008:EN:PDF>

“Bacalhau de Cura Tradicional Portuguesa” (TSG) Portugal – 08/10:
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:292:0008:0013:EN:PDF>

“Höri Bülle” (PGI) Germany – 09/10:
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:293:0016:0018:EN:PDF>

“Miele Varesino” (PDO) Italy – 31/10:
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:317:0013:0017:EN:PDF>

“Almendra de Mallorca” / “Almendra Mallorquina” / “Ametlla de Mallorca” / “Ametlla Mallorquina” (PGI) Spain - 31/10:
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:317:0008:0012:EN:PDF>

Modification requests

“Lenteja Pardina de Tierra de Campos” (PGI) Spain – 09-/10:
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:293:0010:0015:EN:PDF>

“Valençay” (PDO) France – 12/10:
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:296:0004:0010:EN:PDF>

“Hořické trubičky” (PGI) Czech Republic – 12/10:
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:296:0011:0015:EN:PDF>

“Antequera” (PDO) Spain – 15/10
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:299:0013:0026:EN:PDF>

“Neufchâtel” (PDO) France – 30/10:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:316:0014:0020:EN:PDF>

“Pecorino Sardo” (PDO) Italy – 01/11

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:318:0008:0013:EN:PDF>

“Lomnické suchary” (PGI) Czech Republic – 01/11:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:318:0014:0018:EN:PDF>

“Queso de Murcia” (PDO) Spain – 12/11:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:326:0011:0021:EN:PDF>

“Queso de Murcia” (PDO) Spain – 13/11:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2013:329:0004:0015:EN:PDF>

Cancellations

“Wernesgrüner Bier” (PGI) Germany – 14/11:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:305:0005:0006:EN:PDF>

INTERNATIONAL, REGIONAL AND BILATERAL NEGOTIATIONS

WIPO:

Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT)

From 4 to 8 November, the 13th Session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) was held at the World Intellectual Property Organization (WIPO).

Concerning GIs, a new proposal by the United States (US) was presented to reopen discussions on this matter. The US suggests two avenues of work: “1) to explore the feasibility of a GI filing

system that would be inclusive for all national law protection mechanisms; and 2) to request the Secretariat to undertake a study, or a series of studies, to examine the various national law approaches to specific geographical indications topics where there is a lack of international understanding. For example, the Secretariat could research and solicit input from WIPO Members as to the tests for evaluating whether an applied for geographical indication is generic in a territory.”

The Full text of the US proposal is available @ http://www.wipo.int/edocs/mdocs/sct/en/sct_30/sct_30_7.pdf

oriGIn, which regularly participates in the works of the STC, expressed its doubts about the need to discuss the topics mentioned in the proposal, which appear not to respond to any current practical problems faced by GI producers. Based on the current urgent issues, oriGIn proposed that, should an agreement to reopen discussion on GIs within the STC be reached, the issues how to ensure the full protection of GIs in the context of the domain name system, and in particular in new generic Top Level Domains (new gTLDs), should rather be discussed.

ICANN: Update on new gTLDs & GIs

GI protection in the new gTLDs system was one of the major points addressed in the 48th meeting of the Internet Corporation for Assigned Names and Numbers (ICANN) held in Buenos Aires from 17 to 21 November.

In the framework of this meeting, the Governmental Advisory Committee (GAC) considered that, appropriate safeguards against possible abuse are needed for the new gTLDs [.wine] and [.vin]. However, while some countries call for the full protection of GIs, others consider that current safeguards are enough. The GAC mentioned as well that the ICANN Board should seek a clear understanding of the legally complex background on this matter to determinate the appropriate next steps in the process of delegating these two strings. The GAC’s release is available @ <http://www.icann.org/en/news/correspondence/gac-to-board-20nov13-en.pdf>

It is worth to mention that, on 7 November, the EC sent a letter to the new gTLD Program Committee of ICANN on the issue of the two new gTLDs .wine and .vin. Among others, the EC proposed: i) the establishment of a GIs Dispute Resolution Policy, ii) the concession of prior rights to the Wines GIs producer's organizations and Governing Bodies to opposite to the wine-conflicting new gTLDs, iii) the obligation to explicitly inform of applicable GI legislation in the registration policies and terms of use, and iv) the commitment to guarantee GIs right-holders of sufficient representation in the registries' policy drafting committees, cooperating with them in the implementation of such registration policies.

The EC's letter is available @ <http://www.icann.org/en/news/correspondence/kroes-to-icann-board-07nov13-en.pdf>

oriGIn, which has been following closely the ICANN new gTLD program since the beginning, has been working to ensure the full respect of GIs in the process of attribution of new gTLDs. More information on the oriGIn's worldwide campaign on new gTLDs & GIs is available @ http://origin-gi.com/index.php?option=com_content&view=article&id=2338:09072013-origin-letter-on-the-icann-process-for-the-attribution-of-new-gtlds-and-gis&catid=26:news&lang=en&Itemid=

EU-Canada: Political Agreement on CETA

After months of intense negotiations, a political agreement on the key elements of the Comprehensive Economic and Trade Agreement (CETA) between the EU and Canada was reached on 18 October.

With respect to GIs, a list of 145 European PDO/PGI (which can be extended) is poised to be recognized in Canada with a level of protection which corresponds to art. 23 of the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS). Likewise, solid enforcement mechanisms (including administrative enforcement and border measures) will be provided.

The protection of some EU's PDO/PGI will however be subject to some limitations: the use of

translations in English and French of 8 PDO/PGI will be allowed in Canada, provided that other signs or element, which can confuse the consumers, such as the country of origin flag, are not used in connection with them: Bayerisches Bier, Münchener Bier, Schwarzwälder Schinken, Queijo S. Jorge, Tiroler Speck (what will be allowed is Tiroler Bacon which is not the exact translation), Parmigiano Reggiano, Comté ("county" with the name of the administrative department translated in English, and "comté" with the name of the administrative department translated in French) and Cítricos Valencianos / Cítricos Valencians. Furthermore, for 5 PDO/PGI terms such as "style" will be authorized in connection with the corresponding names for entities which had already been using such names: Feta, Asiago, Fontina, Gorgonzola and Munster / Munster Géromé. Finally, 5 PDO/PGI (including Prosciutto di Parma and Prosciutto di San Daniele) will be protected in coexistence with the corresponding trademarks in force in Canada.

Based on this political agreement, technical discussions are needed to finalize the legal text of the CETA. Subsequently, the CETA will need to be approved by the Council of Ministers and the EP.

More information @ http://europa.eu/rapid/press-release_IP-13-972_en.htm
& [http://europa.eu/rapid/press-release MEMO-13-911_en.htm](http://europa.eu/rapid/press-release_MEMO-13-911_en.htm)

TPP: IPRs draft chapter

On 13 November 2013, IPRs draft chapter of the Trans-Pacific Strategic Economic Partnership Agreement's (TPP) was made publicly available.

Some draft provisions raise serious questions about their compatibility with internationally accepted IPRs rules. As a way of example, the draft provides that a registered trademark's owner shall have the exclusive right to prevent third parties from using identical or similar signs - including GIs - for similar or related goods or services, where such use results in a likelihood of confusion (QQ.C.3: {Use of Identical or Similar Signs}) Likewise, art. QQ.D.4, which would prevent Countries to go beyond art.23 of TRIPS in the protection of geographical indications via bilateral or

multilateral agreements. As is indicated in the draft's text, many countries such as Mexico and Peru, are opposing such provisions.

oriGIn considers that such rules, as currently drafted, may prove to be incompatible with the TRIPs Agreement rule on GIs as well as with the ones of several bilateral trade agreements currently in force. oriGIn will keep monitoring this negotiation process and encourages its members from negotiating Countries to approach their respective authorities to make sure that TPP provisions will not threaten the legitimate rights deriving from GIs in the countries that would be part of this Agreement.

Jamaica-Switzerland: Agreement on the protection of GIs

On 23 September, Jamaica and Switzerland signed a bilateral agreement on the protection of GIs, during the General Assembly of the WIPO in Geneva.

This agreement is part of the Swiss strategy to protect Swiss GIs through different bilateral treaties (contained in the motion 12.3642 of 19 June 2012 of the Legal Affairs Committee of the Swiss Council of States: http://www.parlament.ch/sites/kb/2012/Rapport_de_la_commission_CAJ-E_12.3642_2013-05-02.pdf). It is ultimately in line with the legislative amendment "Swissness" adopted by the Federal Assembly in June, whose purpose is to improve the protection of the indication of source "Switzerland" and of the Swiss cross and facilitate their defense abroad (<https://www.ige.ch/en/legal-info/legal-areas/made-in-switzerland.html>) & <http://www.kmu.admin.ch/aktuell/03397/03399/index.html?lang=fr>)

The agreement with Jamaica sets a high level of protection for GIs, higher than the minimum standard provided by art. 22 of the TRIPs agreement and it applies to all GIs including wines, spirits, agricultural products and also without distinction level to Swiss "indications of source" such as "Swiss Chocolate" or the term "Swiss" for watches (more on Swiss indications of source: <https://www.ige.ch/en/service/frequently-asked-questions/indications-of-source.html#c7582>). Likewise, products names such as Jamaican Rum, Blue Mountain Coffee and

Jamaican Jerk, among others, are also covered by this Agreement. The agreement also provides protection for the names of both countries and their territorial subdivisions, as well as their national emblems.

The approval of this Agreement is now subject to the internal procedures of each country. In the case of Switzerland, the Agreement must still be ratified by the Swiss Parliament before to enter into force.

More information @

<http://www.ejpd.admin.ch/content/ejpd/fr/home/dokumentation/mi/2013/2013-09-23.html> (in French)

&

http://www.ejpd.admin.ch/content/dam/data/pressesmitteilung/2013/2013-09-23/130923_abk-en.pdf

GI EVENTS

Brazil: International Seminar on GIs & V Grand Shrimp Festival

From 14 to 16 November, the V Grand Shrimp Festival ("V Festival Internacional do Camarão da Costa Negra") took place in Acaraú, State of Ceará, Brazil. **This annual event is organized by the "Associação dos Carcinicultores da Costa Negra" (ACCN), member of oriGIn and beneficiary of the GI "Costa Negra" (for high quality shrimps produced in this region), aimed to promote this unique product and thereby the region's tourism and culture.** The event, which gathered 5000 visitants and employed 1000 people, included international chefs' competitions and workshops all based on the "Camarao da Costa Negra".

In the framework of this huge festival, an international seminar was organized to provide a global overview on the role that GIs play for local development by presenting different success stories at national and international level. This seminar was also an opportunity to promote Brazilian GIs and generate synergies among producers encouraging further GI recognitions in this country.

oriGIn and some of its members, the "Associação de Produtores de Arroz do Litoral Norte Gaúcho" (Aproarroz) from Brazil, the "Consejo Regulador del Tequila" (CRT) from

Mexico, and the “Cámara Nacional de la Stevia Paraguaya” (CAPASTE), participated in the seminar. The program included a series of lectures, trainings and a field visit to the region “Costa Negra” to discover the shrimp production process, in the framework of the V Meeting of Shrimp Farming of Litoral Oeste (“V Encontro do Arranjo Produtivo Local da Carcinicultura do Litoral Oeste”).

More information (only in Portuguese) @ <http://www.pt.1siig.com.br/programacao.php> & http://origin-gi.com/index.php?option=com_morfeoshow&task=view&gallery=35&Itemid=110&lang=en

**Turkey:
National Seminar
on the Lisbon System
for the International Registration of AOs**

On 21-22 November, **oriGIn participated in the National Seminar on the Lisbon System for the International Registration of AOs**, organized by WIPO, in cooperation with the Turkish Patent Institute (TPI) in Trabzon, Turkey with the aim to illustrate the aspects of GI / AO protection in the Lisbon System and in other regional and national systems such as the EU’s and the Turkish system

More information @ http://www.tpe.gov.tr/dosyalar/haber/Trabzon_GI_11_2013.pdf

**REDD:
Seminar on PDO/PGI –
national labels and traceability**

On 29 November - during the fair “goût et terroir”- a seminar on the European and Swiss new policies on PDO and PGI labels, was organized by REDD and the “Organisme Intercantonal de Certification” (OIC), in partnership with the Swiss PDO-PGI Association, the Swiss Federal Office for Agriculture (FOAG) and the Inter-professional Wine’s Associations from Geneva, Neuchâtel, Valais and Vaud, and the “Bureau Sàrl and Biscuits de la fée verte SA”. The seminar was focused on Swiss labels and traceability.

More information @ <http://redd.pro/content/seminar-gis-national-labels-and-traceability>

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