

Ms. Pei Xiaoyin,
Deputy Director General,
Department of Science and Technology of AQSIQ

Geneva, 11 September 2017

Re: Ongoing negotiations between the People's Republic of China and the European Union (EU) on a GIs Agreement

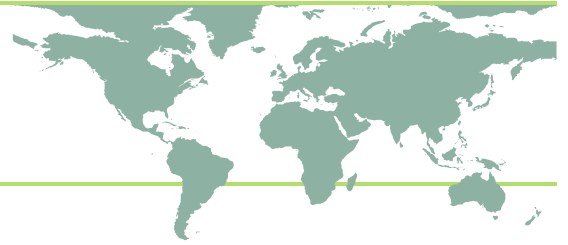
Dear Ms. Pei Xiaoyin,

I respectfully write to you on behalf of oriGIn concerning the ongoing negotiations between the People's Republic of China and the European Union (EU) on a GIs Agreement, on which lie the foundations for the protection of 200 Chinese and EU Geographical Indications (GIs).

oriGIn is the global alliance of GIs, which counts among its members 400 associations from 40 countries, including Chinese GIs and institutions, such as Pinggu Da Tao, Longjing Cha and the China National Institute of Standardization (CNIS). oriGIn believes that GIs play a key role in the sustainable development of rural area and that an effective legal protection is needed at the national, regional and international level for GIs to be fully beneficial for producers and consumers.

oriGIn strongly supports the conclusion of the GIs Agreement between the People's Republic of China and the European Union (EU). We believe that, through the forthcoming Agreement, the concerned GIs associations will be able to better plan their export strategies in a framework of legal certainty and security. Moreover, consumers from both parties will benefit from a larger choice as well as reliable information on quality products.

In this context, we have recently learnt from the press about the opposition to the protection of some EU GIs submitted under the Agreement. While we believe that the opposition phase is an important component of any GI recognition process, we are worried about the arguments upon which such oppositions might have been based. In particular, arguments based on common names and semi-



genericity clash in our view with internationally recognized Intellectually Property Rights (IPRs) rules and principles, in particular with the GIs provisions of the WTO TRIPs Agreement. Rather than common names, genericity is an exception to GIs protection. But it should be substantiated with proofs by the party claiming it with respect of the very jurisdiction where the GI at issue is poised to be protected. On the other hand, semi-genericity is an extremely vague concept, which generates labels that are misleading for consumers. Even when applied in some jurisdictions, semi-generic terms were supposed to have a temporary nature before full protection was recognized to the concerned GIs.

Given the importance of the GIs sector for both parties, we believe the GIs Agreement between People's Republic of China and the EU can become a template for future similar treaties. We therefore hope that it will provide solid and meaningful protection for all the GIs submitted by the parties.

I thank you in advance for the kind attention you will give to this matter and remain at your disposal for any further information you might require.

Yours Sincerely,

A handwritten signature in blue ink that reads "Massimo Vittori". The signature is written in a cursive style and is placed on a light blue rectangular background.

Massimo Vittori
Managing Director of oriGIn

CC:

Mr. Yao Zehua, Director of the GIs Division and **Mr. Li Yue**, Vice-director of the GIs Division, Department of Science and Technology of AQSIQ

