

Mr. José Manuel Durão Barroso,
President of the European Commission
1049 Brussels, Belgium

Geneva, 15 April 2013

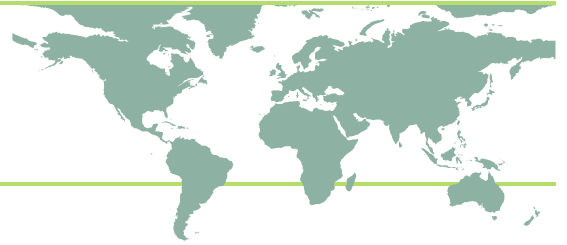
Re: Future negotiations for the Transatlantic Trade and Investment Partnership Agreement with the United States

Dear Mr. Barroso,

The Organization for an International Geographical Indications Network (oriGIn) is the global alliance of geographical indications – including some of the most internationally renowned European PDO/PGI – representing today some 350 groups and over two-million producers. oriGIn advocates for the effective legal protection and enforcement of geographical indications at the national, regional and international level.

In preparation of the talks for the Transatlantic Trade and Investment Partnership Agreement with the United States (U.S.), we would like to stress the importance of the American market for the European PDO-PGI sector as well as the problems encountered by the European groups in securing and enforcing protection in such a key market. In particular, the fact that geographical names (or part of them) are considered to have acquired a generic nature and the strict application of the “first in time, first in right” principle prevent the protection of several European PDO/PGI in the U.S. On the other hand – even when a minimum level of protection for European PDO/PGI is secured in the U.S. through the trademark system in its current form – the costs related to the control, the protection from dilution, the monitoring and fighting of infringing activities as well as the filing of oppositions against confusingly similar trademark applications, makes the system far from being satisfactory for European producers’ groups.

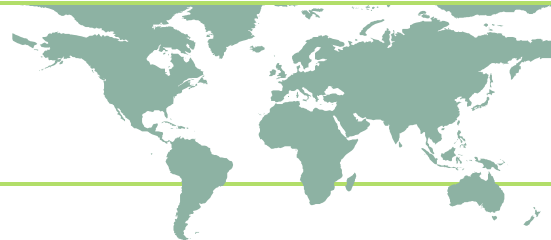
In light of the above, we strongly believe that geographical indications should be fully integrated in the negotiations for the Transatlantic Trade and Investment Partnership Agreement. Such an



agreement would indeed be the last opportunity for the European Union (EU) to seek an effective protection for PDO/PGI in the U.S., including the ones affecting specifically the European wine sector and were left unsolved by the previous bilateral agreement between the EU and the U.S. We are particularly concerned by the fact that the U.S. will seek to oppose discussion on the legally ambiguous U.S. “semi generic” regulation that would exclude 16 EU wine GIs from the negotiations.

We understand the level of opposition that some claim geographical indications face in the U.S. However, this argument is misleading and it is not reflected in U.S. consumer behaviour. The growth of U.S. American Viticultural Area (AVA) registrations as well as the consumer demand for greater understanding of food origin are just a few examples. In light of this, within the framework of the negotiations, it is crucial for the EU to request the U.S. to focus on practical solutions affecting geographical indications. In this respect, in a recent publication – *American Origin Products: Protecting a Legacy* – which we have transmitted to the services of the European Commission, oriGIn has offered pragmatic solutions with respect to the level of protection that geographical indications should enjoy in the U.S. Written by eminent American lawyers and practitioners, the publication proposes some incremental improvements of the trademark system (some of them requiring a modification of the U.S. Patent and Trademark Office practice rather than of the relevant laws) that would protect geographical names in a more effective way, without requiring a radical change of the system currently in force. It is interesting to note, in this respect, that the majority of examples mentioned in the oriGIn publication to highlight the shortfalls of the trademark system concerns American geographical indications. As a result, besides European PDO/PGI, the proposed incremental improvements would be largely beneficial to local producers in the U.S. (please note that some of them are members of the oriGIn alliance).

Likewise, we would like to draw your attention to the fact that, over the last few years, oriGIn has engaged in a constructive dialogue with several actors active in the field of geographical indications in the U.S. In this context, through a partnership with the Berkeley School of Law at the University of California, we have recently made a first attempt to come up with a preliminary list of candidate U.S. geographical indications. Such research, which will need to be further reviewed and improved, shows the growing importance of the geographical indications’ sector in the U.S. We have transmitted the results of such research to the services of the European Commission and of the USPTO. We hope this will contribute to pave the way for a more pragmatic discussion in the field of geographical indications within the framework of the transatlantic trade talks.



Persuaded that pragmatic solutions can be found for the protection of geographical indications in the U.S., to the benefit of quality products on both sides of the Atlantic, we thank you in advance for the kind attention you will give to this crucial issue for our members. Meanwhile, we remain at your disposal for any further information you might require.

Yours Sincerely,

A handwritten signature in black ink, appearing to be 'D Chambon'.

Dominique Chambon,
President, Conseil National des
Appellations d'Origine Laitières (CNAOL)
and Vice-president of oriGIn

A handwritten signature in black ink, appearing to be 'J. Garrigós'.

José Enrique Garrigós,
President, CRIGP Jijona
y Turrón de Alicante
and Vice-president of oriGIn

A handwritten signature in black ink, appearing to be 'C Amblard'.

Christian Amblard,
Director,
Syndicat du Pruneau d'Agen and
Member of oriGIn Executive Committee

A handwritten signature in black ink, appearing to be 'S Fanti'.

Stefano Fanti,
Director,
Consorzio del Prosciutto di Parma and
Member of oriGIn Executive Committee

CC: Mr. Karel De Gucht, Commissioner for Trade and Mr. Dacian Cioloș, Commissioner for Agriculture and Rural development