



His Excellency Mr. Clodoaldo Huguency
Ambassador
Permanent Representative
Permanent Mission of Brazil

Geneva, 14 June 2008

Re: Proposed standards for “Tequila” notified by Brazil to the WTO Technical Barriers Committee

Dear Ambassador,

The Organization for an International Geographical Indications network – OriGIn – is a worldwide network of geographical indications (GIs) representing some 80 organisations and more than two-million producers. OriGIn promotes the concept of geographical indications as a tool of sustainable development and helps its members to ensure the protection of their geographical names around the world in accordance with international rules.

OriGIn presents its compliments to the Permanent Mission of Brazil and would like to draw your attention on the proposed quality standards regarding a certain number of spirits, which was notified by the “Secretaría de Salud Animal y Fitosanitaria de Brasil” to the WTO Technical Barriers Committee on 8 May 2008. Among others, standards are proposed for “Tequila” and another spirit indicated as “Tiquira”.

“Tequila” is not a generic name for spirits. “Tequila” is rather a geographical indication according to the internationally-recognized definition provided for in art. 22 of the TRIPs Agreement. “Tequila”, whose Regulatory Council is a member of our organization, is a well-know GI protected under the Mexican law (as well as several foreign jurisdictions). “Tequila” has its own code of conduct which sets out clear standards for producing this unique product. Those standards have been developed throughout centuries of hard labor by the local population.

As a geographical indication, “Tequila” can only be produced in a specifically defined area of Mexico and following the strict regulation fixed by the Mexican Government being certified and verified by the Conformity Assessment Agency the “Consejo Regulador del Tequila” (CRT). By virtue of article 23 of the TRIPs Agreement, producers or retailers based in other WTO Member States cannot produce Tequila, nor commercialize their spirits with similar names such as “Tiquira”, even where the true origin of the goods is indicated.

We think that the proposed standards for “Tequila” notified by Brazil to the WTO Technical Barriers Committee could prevent Mexican producers to legitimately sell the original “Tequila” in Brazil. Moreover, it might induce other producers outside Mexico to think that “Tequila” and “Tiquira” can be produced and commercialized in the Brazilian market according to the standard fixed by “Secretaría de Salud Animal y Fitosanitaria de Brasil”. This would result in a violation of the TRIPs Agreement, and will have to be prevented or stopped by the Brazilian authorities.



We believe that States have their right to fix technical standards to trade as well as sanitary and phytosanitary measures to protect the health of their citizens. However, according to the WTO law, this cannot be done in breach of internationally accepted criteria and existing WTO rules.

In light of that, we would like to ask your Government to fully consider the implications of the above-mentioned decision.

I take this opportunity to mention OriGIn's availability to work with you and the competent authorities in Brazil to promote GIs and help national producers to take full advantage for the huge potential existing in your country in this regard.

I remain at your disposal for any further clarification.

Yours sincerely,

A handwritten signature in blue ink that reads "Luis F. Samper." The signature is written in a cursive style and is placed on a light blue grid background.

Luis Fernando Samper
President, OriGIn

Copy:

His Excellency Mr. Fernando De Mateo Venturini
Ambassador of Mexico at the World Trade Organization