

Geneva, 14 November 2012

Karel De Gucht, EU Commissioner for Trade
Dacian Ciolos, EU Commissioner for Agriculture and Rural Development

European Commission
200, rue de la Loi
BE-1049 Brussels
Belgium

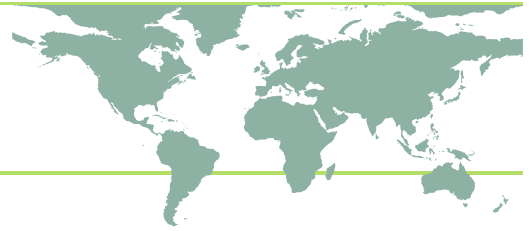
Protected Designations of Origin (PDO) and Protected Geographical Indications (PGI) in the EU/Canada Comprehensive Economic Trade Agreement (CETA)

Dear Commissioners,

Since the CETA negotiations were launched in 2009, the European Commission's services have been constantly in touch with our Organization to understand the problems faced by European PDO-PGI in Canada. We would like to thank you for this coordination effort as well as for the European Commission commitment to consistently seek a better protection for European PDO-PGI in bilateral trade agreements.

With respect to the CETA, we are fully aware that Canada strongly opposes the protection of a number of European PDO-PGI and that a certain level of flexibility is needed to address these issues.

On the one hand, we believe that any list of EU PDO/PGI to be protected in Canada should in principle include those names that conflict with existing trade marks in Canada (each European PDO/PGI group concerned should be consulted and informed in this respect). Moreover, we believe that, at the very minimum, a standstill clause should be inserted in the Agreement, for instance through a reference to existing prior trade marks, so that no other operators can secure new trade mark registrations (or simply use) these names in the future.



On the other hand, we consider that it would be an extremely dangerous precedent to include in the CETA a list of PDO/PGI that the Canadian believe to be generic names or variety names. The EU should maintain its stance that this issue has to be dealt in accordance with the principle of territoriality and that courts should have the final say to determine whether a name is generic or a variety name.

We remain at your disposal for any further clarification and look forward to hearing from you about the level of flexibility that the Commission is ready to accept within the framework of the CETA for the protection of European PDO-PGI.

Sincerely Yours,

L. Bertozzi
Director,
Consorzio per la tutela del
formaggio Parmigiano-
Reggiano
et Vice President, oriGIn

P. Chassard
President,
Conseil National des
Appellations d'Origine Laitières
(CNAOL)
et Vice President, oriGIn

J.E. Garrigós Ibañez
President,
Asociación Española de
Denominaciones de origen
(ORIGEN España)
et Vice President, oriGIn