

**Ms Cecilia Malmström**  
**Commissioner for Trade**

**Mr Phil Hogan**  
**Commissioner for Agriculture and Rural development**

Geneva, 17 September 2015

**Re: Free Trade Agreement (FTA) between the EU and Vietnam and the protection of the PDO Asiago**

Dear Commissioners,

oriGIn is the global alliance of Geographical Indications, which counts among its members 400 associations of producers from 40 countries, including some of the most famous European Protected Designations of Origin (PDO), Protected Geographical Indications (PGI) and Geographical Indications (GIs). oriGIn advocates for a more effective legal protection of Geographical Indications at the national, regional and international level and promotes them as a sustainable development tool.

Over the years we have been supporting the European Commission for the outstanding results achieved in opening up markets and creating business opportunities for the European private sector through FTA. Likewise, we have been praising the excellent job done in securing a solid level of protection for a large number of European PDO, PGI and GIs in strategic markets around the world.

According to our sources, a few European PDO to be protected in Vietnam via the FTA will be subject to limitations. In principle, we believe that in FTA and other GI Agreements a flexible approach can be useful under certain circumstances to resolve controversial cases. However, when a trademark corresponding to a European PDO, PGI or GI is already owned by the legitimate GI group in a country – like it is the case for the trademark “Asiago” in Vietnam currently owned there by the “Consorzio Tutela Formaggio Asiago”, and when products bearing unfairly the name corresponding to a European PDO, PGI or GI are practically not commercialized in a country – like it is currently the case in Vietnam with respect to Asiago produced in Wisconsin – any limitation to the



PDO, PGI or GI full protection appears difficult to justify. In particular, under those circumstances, safeguarding in Vietnam preexisting uses of the name Asiago at a date which goes far beyond the conclusion of the FTA would give American producers the chance to enter the Vietnamese market, generating meanwhile high legal expenses for the “Consorzio Tutela Formaggio Asiago”. This seems to us a dangerous precedent, both from a diplomatic as well as a legal point of view.

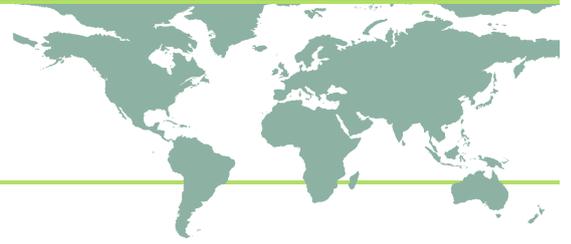
Diplomatically, it would weaken the EU position in other key negotiations, such as the one with China, Japan and the USA as well as future ones with Mexico and Chile. From a legal point of view, it might be considered as an indirect recognition of the ambiguous legal argument by which the alleged genericity of a name in a given country (genericity which by the way has never been legally established in the USA in relation to the name Asiago) would generate rights internationally or at least in key export markets.

In light of the above, we respectfully ask you to reconsider the potentially dangerous consequences of the legal solution which, according to our sources, was found in relation to the protection of the PDO Asiago in Vietnam. Likewise, we would like to invite you to discuss with the “Consorzio Tutela Formaggio Asiago” – the legitimate beneficiary of the rights deriving from the PDO – alternatives that would be fully satisfactory.

By doing so, we believe that the first recital to Regulation (EU) No 1151/2012 which provides that the protection of GIs is a means of protecting the EU's “living cultural and gastronomic heritage”, as well as Article 3(3) of the Treaty of European Union providing that “the Union must ensure that Europe's cultural heritage is safeguarded and enhanced” and Article 167 of the Treaty on the Functioning of the EU which provides that the Union shall take cultural aspects into account in all its actions, would be fully reflected in the FTA with Vietnam.

We remain at your disposal for any further information you might require and look forward to hearing from you.

Yours Sincerely,



A handwritten signature in blue ink that reads "Massimo Vittori".

Massimo Vittori  
Managing Director  
oriGIn

A handwritten signature in blue ink that reads "D. Chambon".

Dominique Chambon  
President  
Conseil National Appellations d'Origine  
Laitières (CNAOL)

A handwritten signature in blue ink that reads "Riccardo Deserti".

Riccardo Deserti  
Director  
Consorzio di tutela del formaggio  
Parmigiano Reggiano

A handwritten signature in blue ink that reads "José Enrique Garrigós Ibañez".

José Enrique Garrigós Ibañez  
President  
Asociación española de Denominaciones de  
Origen (ORIGEN España)

