



USDA Foreign Agricultural Service

GAIN Report

Global Agriculture Information Network

Voluntary Report - public distribution

Date: 8/28/2003

GAIN Report Number: E23165

European Union

Trade Policy Monitoring

EU releases final list of Geographical Indicators for Cancun

2003

Approved by:

Norval Francis

U.S. Mission to the EU, Brussels

Prepared by:

Peter Talks

Report Highlights:

The European Commission has released a final list of Geographical Indicators which it will present to the WTO at Cancun in September. The EU is likely to demand that these 40 products be accepted by WTO members as non-generic, protected terms as part of the Market Access package for the Doha Round Negotiations.

Includes PSD Changes: No
Includes Trade Matrix: No
Unscheduled Report
Brussels USEU [BE2]
[E2]

The European Commission has released a final list of Geographical Indicators which it will present to the WTO at Cancun in September. The EU is likely to demand that these 40 products be accepted by WTO members as non-generic, protected terms.

Included in the list are products such as Feta cheese despite a pending court case at the European Court of Justice taken by Denmark and Germany who argue that Feta is a generic term. Should Germany and Denmark win their case, then Feta would be removed from the list as it would be considered generic.

Earlier versions of the GI list included the UK's Stilton cheese and Denmark's Danablu, though these countries requested that these products be removed from the list. Jambon de Bayonne was also removed from earlier versions of the list. Greece argued very strongly for the inclusion of Feta, Ouzo and Kalamata Olives, though only the first two were accepted by the 133 Committee in the Council.

In July, at the Montreal WTO Trade Meeting, US Trade Representative Robert Zoellick was critical of the EU's GI stance, "European countries spent 500 years colonizing us, and then we finally get free -- and now they want to have us to pay for the names". Commenting further on the list of names, he said "I noticed a lot of the names are in English, too, and I thought that was my language, not some of theirs". (Sherry, present on early versions of the list, has been replaced with the Spanish language version Jerez).

Related reports from USEU Brussels:

Report Number	Title	Date Released
E23108	EU ruling on geographical indicators	6/17/03
E23152	Geographical Indications: An Overview of the Arguments Surrounding Protections	8/08/03
E23154	EU and US present joint framework on agriculture negotiations to WTO	8/14/03

Visit our website: our website www.useu.be/agri/usda.html provides a broad range of useful information on EU import rules and food laws and allows easy access to USEU reports, trade information and other practical information. E-mail: AgUSEUBrussels@usda.gov

Other Useful Websites:

Office of the United States Trade Representative
<http://www.ustr.gov/>

United States Patent and Trademark Office
<http://www.uspto.gov/>

Full text version of TRIPS agreement:
http://www.wto.org/english/tratop_e/trips_e/t_agm3b_e.htm#3

GI protection in the European Union:
<http://europa.eu.int/scadplus/leg/en/lvb/l21097.htm>

Full text of the Commission Press Release including GI list follows overleaf:

DN: IP/03/1178 Date: 28/08/2003

TXT: [FR](#) [EN](#) [DE](#) [ES](#) [IT](#)
PDF: [FR](#) [EN](#) [DE](#) [ES](#) [IT](#)
DOC: [FR](#) [EN](#) [DE](#) [ES](#) [IT](#)

IP/03/1178

Brussels, 28 August 2003

WTO talks: EU steps up bid for better protection of regional quality products

EU Member States cleared a short list of 41 EU regional quality products whose names the EU wants to recuperate. This list will be negotiated in the agriculture negotiations within the Doha Development Agenda. Today's shortlist contains well established European quality products whose names are being abused today, such as Roquefort cheese, Parma ham or Rioja wine. In order to prevent current non-abused geographical indications (GIs) being usurped in the future, the EU is also negotiating the establishment of a multilateral register of GIs as well as the extension of the protection foreseen for wines and spirits to products other than wines and spirits.

"I am pleased that our Member States have cleared this list. Together with our allies, the EU will do its utmost to achieve better protection for regional quality products, from Europe's Roquefort Cheese to India's Darjeeling tea, from Guatemala's Antigua coffee to Morocco's Argan oil in the WTO talks. This is not about protectionism. It is about fairness. It is simply not acceptable that the EU cannot sell its genuine Italian Parma Ham in Canada because the trade mark "Parma Ham" is reserved for a ham produced in Canada", EU Farm Commissioner Franz Fischler said.

"Geographical Indications offer the best protection to quality products which are marketed by relying on their origin and reputation and other special characteristics linked to such an origin. They reward investment in quality by our producers. Abuses in third countries undermine the reputation of EU products and create confusion for consumers. We want this to cease for the most usurped products in the world", EU Trade Commissioner Pascal Lamy added.

The WTO negotiations on GIs focus on three main issues:

- the establishment of a multilateral register of GIs (TRIPs),
- the extension of the protection foreseen for wines and spirits to other products (TRIPs)
- and the claw-back of certain EU's GIs whose names are usurped worldwide (Agriculture).

The EU and countries like India, Thailand, Kenya, Switzerland, Turkey and several Eastern European countries, such as Poland and Hungary, support an enhanced protection of GIs in the WTO negotiations. Some of them have presented specific proposals in the WTO.

Why Geographical Indications (GIs) are important - not only to the EU

It is in the general interest to ensure that export products whose reputation and/or characteristics and quality are linked to their unique geographical origin due to a particular geographical environment with its inherent natural and/or human factors, are protected from the use of that denomination by other producers in other parts of the world.

This is why the EU will be pushing hard for tougher rules to protect high quality and regional products, a position we are confident will be supported by other exporting countries with similar interests. The EU argues that consumer demand for specific products from specific regions provides sound business opportunities for producers all over the world. But to ensure that producers and consumers get a fair deal, these products will need to be protected against usurpation.

An essential part of the value of many agricultural products is the well-established link to the territories where they are produced. This is expressed in Geographical Indications. Examples of GIs include Italian Parma Ham, French Roquefort cheese, India's Darjeeling tea, Sri Lanka's Ceylon tea, Guatemala's Antigua coffee, Morocco's Argan oil, or Switzerland's Etivaz cheese. If not protected, the value of such products is seriously eroded.

In order to remedy this situation, in January 2003, the EC proposed that a short list of names currently used by producers other than the right-holders in the country of origin should be established so as to prohibit such use. The Commission believes it is now time to clarify in detail the names that the EC wants to be included in this list, so that WTO Members can have a more focused discussion on the issue and move the negotiations forward.

The names the EC intends to protect are listed in the attached Annex. These names are included in the EU's register of GIs and have been selected on the basis of the fact that, in many third countries, they are claimed to be generic terms and/or have been registered as trademarks by local producers. Attention has been focused on those third countries where these kinds of abuses have been most frequently observed and which are also the most important markets for these products.

There is a major difference with trademarks or branded goods: the linkage with the territory. Trademarks can be sold and delocalised. Not the geographical indication. The trademark is an exclusive individual right. The geographical indication is accessible to any producer of the locality or region concerned.

Geographical indications strengthen competitiveness. In Europe this is a strategic tool in the development of our agriculture. This can also be true at international level, where they can contribute to economic development, particularly for raw materials exchanged at world level. The case of coffee is significant. International trade in coffee is almost liberalised, but an excess of production has led to a world wide collapse of prices. Only high quality coffees of a given geographical origin obtain higher prices. This experience shows that geographical indications, or similar steps, encourage quality rather than quantity.

Further information on why Geographical Indications matter can be found at:

http://europa.eu.int/comm/agriculture/foodqual/quali1_en.htm

http://europa.eu.int/comm/trade/issues/sectoral/intell_property/argu_en.htm

In addition, all the EC's proposals regarding GIs (both on the multilateral register and extension) can be found at:

http://europa.eu.int/comm/trade/issues/sectoral/intell_property/wto_nego/index_en.htm

Annex

Geographical indications originating in the European Communities ⁽¹⁾ ⁽²⁾

Wines & spirits
Beaujolais
Bordeaux
Bourgogne
Chablis
Champagne

Chianti
Cognac
Grappa di Barolo, del Piemonte, di Lombardia, del Trentino, del Friuli, del Veneto, dell'Alto Adige
Graves
Liebfrau(en)milch
Malaga
Marsala
Madeira
Médoc
Moselle
Ouzo
Porto
Rhin
Rioja
Saint-Emilion
Sauternes
Jerez, Xerez
Other products
Asiago
Azafrán de la Mancha
Comté
Feta
Fontina
Gorgonzola
Grana Padano
Jijona y Turrón de Alicante
Manchego
Mortadella Bologna
Mozzarella di Bufala Campana
Parmigiano Reggiano
Pecorino Romano
Prosciutto di Parma
Prosciutto di San Daniele
Prosciutto Toscano
Queijo São Jorge
Reblochon
Roquefort

[\(1\)](#) *In conformity with the ECs proposal of modalities, the protection proposed also covers translations, such as "Burgundy", "Champaña", "Coñac", "Port", "Sherry", "Parmesan/o", "Parma ham", etc. Transliterations in other alphabets, such as "ÊÏÛË" for Cognac, are also covered.*

[\(2\)](#) The present list will be completed with geographical indications originating in the Acceding States (to the EU)