



GEOGRAPHICAL INDICATIONS

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What is a GI?

- Geographical Indications (GIs): names that identify product as originating in specific region “where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.”
 - Mozzarella di Bufala Campana;
 - Parmigiano Reggiano;
 - Idaho potatoes
 - Napa Valley wines



WTO Obligations

- GIs are a legitimate form of intellectual property
- Under the *Agreement on Trade-Related Aspects of Intellectual Property Rights* (TRIPS Agreement) all WTO Member countries required to:
 - provide legal means for interested parties to protect GIs;
 - refuse to register trademarks containing GIs that mislead public as to place of origin;
 - prevent use of GIs that falsely represent that goods originate in another territory; and
 - provide additional protection for wines and spirits.

Various Paths to GI Protection

- Certification/collective marks (U.S.)
 - GIs registered as trademarks
 - Private right, enforcement through courts
- *Sui generis* system (EU)
 - Enhanced protection
 - *Ex officio* enforcement
- Ongoing debate in international forums (WTO, WIPO)

Economic & Trade Issues

- GIs can add value to product
 - Branding platform
 - Quality guarantee
 - Protect against misuse
- However, some approaches can create trade disruptions and domestic problems
 - Scope of protection
 - Registration of common names
 - Trademark infringement

Economic and Trade Issues

- EU system: Protection often extends to individual components (e.g., provolone) or derivative terms (e.g., parmesan). EU also protects some single names with no geographical component (e.g., feta).
- Many such terms are names used commonly throughout world
 - Mainly cheeses & meat products
 - Have been used for generations by descendants of European emigrants; have become traditional in areas of world exposed to Western foods (e.g., cheddar, mozzarella, pizza, spaghetti, hamburger, frankfurter. Non-food examples: china, afghan)
 - Incorporated in valuable company brand names

Production of Cheese Types

Cheese name	Production in EU (MT)	Production in rest of world (MT)
Mozzarella	790,000	1,944,000
Cheddar	550,000	1,925,000
Parmesan	91,000	116,000
Provolone	9,000	158,000
Feta	185,000	182,400

Economic and Trade Issues

- EU goal in previous trade negotiations: clawback of common names
- Clawback can have serious adverse effects on exports from “new world” producers of cheeses and other foods
 - Danbo example

Pragmatic Approach

- Grant protection without unduly disrupting marketing and trade
 - Register only legitimate GIs
 - Compound terms
 - Avoid registering common names as single term GIs
 - Indicators: Codex standard; standards-of-identity in multiple countries; significant production outside of applicant region; significant international trade; tariff schedule references
 - Acknowledge commercial realities
 - Emmental example
 - Gouda/Edam examples



Consortium for Common Food Names

- Formed one year ago
- Purpose: protect rights of producers to use common food names
- Based in Washington, members and supporters from nine countries (U.S., Canada, Mexico, Argentina, Chile, Costa Rica, Guatemala, Uruguay, Peru)
- www.commonfoodnames.com

THANK YOU

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