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 the 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

<table>
<thead>
<tr>
<th>Cheese name</th>
<th>Production in EU (MT)</th>
<th>Production in rest of world (MT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mozzarella</td>
<td>790,000</td>
<td>1,944,000</td>
</tr>
<tr>
<td>Cheddar</td>
<td>550,000</td>
<td>1,925,000</td>
</tr>
<tr>
<td>Parmesan</td>
<td>91,000</td>
<td>116,000</td>
</tr>
<tr>
<td>Provolone</td>
<td>9,000</td>
<td>158,000</td>
</tr>
<tr>
<td>Feta</td>
<td>185,000</td>
<td>182,400</td>
</tr>
</tbody>
</table>
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](http://www.commonfoodnames.com)
THANK YOU

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