Geographical Indications:

Issues for the Transatlantic Trade and Investment Partnership

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Presented to: The Farm Foundation Forum on Food and Agricultural Issues in the US-EU Transatlantic Trade and Investment Partnership, Washington, July 17,





Geographical Indications

- Legally protected as intellectual property
- Need legal protection because they are credence goods
- **A** divided world:
 - **▶**100+ countries (including EU): sui generis
 - >50+ countries (including US): trademarks
- Economic effect similar granting of a monopoly





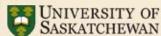
Geographical Indications (GIs) in EU Agricultural Policy

- **CAP** reform and reduced subsidies
- One alternative is to give groups of farmers (and others in the food industry) monopoly rights based on geographic indications
- geographic indications
 *Feel good factor for farmers whose products are deemed special
- **❖ Rapid expansion now over 5000 GIs**
- **Basis:**
 - **≻**Originally: *Terroir*
- Latterly: Human capital



Geographical Indications (GIs) in EU Trade Policy

- *****To increase returns for EU farmers have GIs recognized in foreign countries (i.e. extend the monopoly)
- **EU** has tried to strengthen GI protection at WTO
- **❖**EU pushes very hard for foreign protection of GIs in Preferential Trade Agreements − EU-South Africa, EU-South Korea, EU-Canada (now being negotiated)
- Included in TTIP agenda





European Union wish list for GIs in the TTIP

- **EU GIs that are considered** *Generic* terms in the US be protected as EU intellectual property
 - > e.g Port, Madeira, Feta cheese, Parmesan
- **❖If there is a conflict between a US** trademark and an EU GI the trademark be cancelled
- Recognition for all existing EU GIs by the US
- **Automatic recognition for all future EU**GIs by the US





What does recognition of EU GIs mean?

EU GI Port

Canadian Not Port but "Pipe"









Concluding Remarks

- *While the EU wish list is long, realistically they are interested in clawing back generic terms
- **❖In the EU-Canada negotiations no transparency so contentious it has been left to the end**
- *****US also needs to think about recognitions they want in the EU
- Granting recognition of EU GIs may lead to NAFTA trade disputes





Thank you

If you are interested:

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