



Geographical Indications:

Issues for the Transatlantic Trade and Investment Partnership

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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
- ❖ *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:

- Giovanucci, D., T. Josling, W.A. Kerr, B. O'Connor and M.T. Yeung (2009) *Guide to Geographical Indications – Linking Products and Their Origins*, Geneva, International Trade Centre**
- Yeung, M.T. and W.A. Kerr (2011) Are Geographical Indications a Wise Strategy for Developing Country Farmers?, *Journal of World Intellectual Property*, 14 (5): 353-367.**
- Viju, C. and W.A. Kerr (2011) Agriculture in the Canada-EU Economic and Trade Agreement, *International Journal*, 76 (3): 677-694.**
- Viju, C., M.T. Yeung and W.A. Kerr (2013) Geographical Indications, Conflicted Preferential Agreements, and Market Access, *Journal of International Economic Law*, 16 (2): 409-437.**

