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

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