



GEOGRAPHICAL INDICATIONS

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Consortium for Common Food Names



Purpose

- Protect ability of producers and consumers to use common food names

Structure

- Based in Washington, members and supporters from countries in the Americas and Oceania
- We have a number of members from Latin American countries such as Argentina, Uruguay and Chile. Many of our members represent small manufacturers.

www.commonfoodnames.com

CCFN Supports GIs

WE BELIEVE:

- GIs are a legitimate form of intellectual property
- Registration systems that guard against consumer confusion and the use of misleading information are appropriate

Not seeking right to use specific names such as “Parmigiano Reggiano”



However, we . . .

- Object to GI registrations that unduly restrict use of common names
- Regret the failure of Lisbon Agreement to address adequately interests of users of common names.

Origin of the problem

- New World countries are nations of immigrants
- Immigrants brought their culture to the New World



Built businesses and markets using knowledge and skills



Example: introduced Italian-style cheeses, used Italian names, created market demand

Origin of the problem

Result: Many European food names used commonly throughout world



Mainly cheeses & meat products



Used for generations; now traditional names for types of food

- e.g., mozzarella, parmesano, reggianito, chorizo, pizza, hamburger, china (dinner ware), afghan (blanket)

Origin of the problem

- Clawback of common names can damage interests of producers and consumers.
 - Examples:



Guatemalan
parmesano
producers



Singaporean
feta importers



Uruguayan
danbo
producers



Japanese
camembert
producers

A Careful Balance

- GIs merit protection, but not at expense of users of legitimate common names.
- Common names in public domain
 - All producers should have right to use them without interference
- Clawback of use of common names can have serious adverse effects on New World producers
- Examples: 1) Costa Rican parmesano; 2) Argentine and Uruguay danbo

Potential Problems with Lisbon Agreement

- Facilitates GI registration without:
 - mandating proper objection procedures, and
 - providing criteria for identifying common names
- Makes registration automatic unless member exercises right of refusal
- Permits co-existence of GIs and pre-existing trademarks
- Creates risk of countries violating WTO commitments (TBT Agreement)

What is the Solution?

- Preserving rights to use common names does not need to prevent registration and protection of GIs
- Possible to grant GI applicants protections they deserve without unduly affecting economic interests of producers in other countries.



Pragmatic Approach

Require ALL GIs to submit to thorough application process in each country

- Transparency: identify restriction requests up front

Refuse to register as GIs names that have become part of the public domain

- Encourage compound term GIs as default
- Avoid registering common names as single term GIs
- Use indicators – i.e., international standards, trade volumes

Pragmatic Approach

- Equitable solutions exist.
 - We can find common ground and work together to build world markets.
- Acknowledge commercial realities
 - Emmental & Gouda examples
 - These are WTO-consistent, non-trade-distorting approaches



CCFN's Goal



- Foster balance between appropriate protections for GIs and effective safeguards for common names

THANK YOU