EU system for geographical indications and TTIP

Minneapolis, 5 March 2015
The United States and the European Union have a rich tradition history of local and specialized agricultural production, and are home to famous food products that bear names symbolizing their authentic agricultural origins.

Behind these names are often centuries of respected culinary practices, agrarian traditions, and local expertise.

When their quality, reputation or other characteristic is linked to their geographical origin those products names can be called geographical indications (GIs). Much like a copyright, GIs guarantee consumers that a product is authentic honestly produced following an agreed recipe and ingredients content, while protecting the producer from those who might attempt to exploit the reputation.
Opportunities for the Rural Communities

- **Tradition:** GIs help to preserve the unique identity of traditional production from local communities.
- **Sustainable Development:** By protecting and preserving intellectual property related to traditional cultures, geographical diversity, and production methods,
- **Vibrant rural areas:** by creating jobs and injecting growth opportunities
- **Investment:** GIs protect the significant investment of producers who have all to abide to the product specification
- **Tourism:** Regions that feature local certified products attract tourism and provide ample opportunity for recreational activities.
Transparency for the consumers

- **Authenticity:** Buyers are guaranteed that the products they purchase have been developed using traditional methods in the geographic region associated with the particular GI.

- **Quality:** products and their recipes/ ingredients are certified by the European Union and traceable to their roots – from farm and vine to fork and glass.

- **Variety:** allow buyers to access a wider range of genuine natural tastes.

- **Value for money:** by guaranteeing that a product is authentic, GIs justify a premium price.
Sales value

- **Sales value** of EU GIs: **€54.3 billion** in 2010 (estimated at wholesale stage in the region of production)
- 5.7% of the total EU food and drink sector
- Estimate of EU GI **exports** value: **€11.5 billion**
- 15% of EU food and drink industry exports
Value GIs (2010)

Source: Study done by AND-international in 2012 for European Commission, DG AGRI
Overview PDO/PGI all sectors

- Wines: 58%
- Meat-based products: 5%
- Fresh meat (and offal): 5%
- Cheeses: 8%
- Other products of animal origin: 1%
- Oils and fats: 4%
- Fruit, vegetables, cereals: 12%
- Other products of Annex I of the Treaty: 2%
- Beers, Bread, Pastry, Cakes: 1%
- Fresh fish, molluscs, crustaceans: 1%
Overview PDO/PGI foodstuff

- Fruits and vegetables: 28%
- Cheeses: 19%
- Fresh meat: 12%
- Meat products (cooked, salted, smoked, etc.): 12%
- Oils and fats: 11%
- Bakery products: 5%
- Other products: 4%
- Fishery products: 3%
- Beers: 2%
- Other products (animal origin): 3%
- Other: 3%
Legislation

- **Spirits** – Regulation (EC) No 110/2008
- **Agricultural products and foodstuffs** - R(EU) No 1151/2012
GIs - 2 types: PDO and PGI

1. geographical area
2. specific product
3. causal link

= 4. PGI or PDO
PGI and PDO

COMMON POINTS
- Type of products
- Geographical names
- Products have to fully originate in the region of which they bear the name
- Registration Procedure
- Protection level
- Controls

DIFFERENCES
- Link to the geographical environment (stronger for PDO)
- Reputation (only PGI)
- Number of production steps to be realized in the region (one is enough for PGI) – for Wines all in the region
- All raw materials originate from the region (only PDO)
Scope of Regulation (EU) 1151/2012

Reg. 1151/2012 on Geographical Indications and Designations of Origin

- **Agricultural Products**: Fresh meat, dairy, honey, oils & fats, fruit & vegetables, fresh fish, spices
- **Foodstuffs**: beers, beverages from plant extracts, pasta, pastry, mustard paste, bread, cereal products
- **Other agricultural products**: hay, cork, essential oils, wool, flowers & plants, wicker
- **Not covered**: Wines & Spirits, handcrafts products, mineral waters
Database of origin and registration: 
**DOOR** (agricultural products and foodstuffs)

- Full data
- Date of submission
- Links to summaries and specifications
- Links to official publications
- Links to control body
- For non-EU persons and bodies:
  - On-line applications
  - On-line objections
DOOR Register page

- **Name**
- **PDO or PGI**
- **Product category**
- **Country of Origin**
- **Legal act of registration**
E-Bacchus register – Wine products

- Only official register
- 1723 Wine names

http://ec.europa.eu/agriculture/markets/wine/e-bacchus/
E-Spirit-Drinks

- Only a database
- 331 GI names for Spirits

http://ec.europa.eu/agriculture/spirits/
GIs IP protection: certainty for producers and consumers

- Protection to the NAME not to the product.
- Right to use: applies to ‘any operator’ respecting product specification
- Indefinite protection
- Administrative enforcement
GIs IP protection: certainty for producers and consumers

Protection against wrongful uses:

• direct or indirect use (like, style) of a registered name on non-originating product;
• misuse, imitation or evocation (use of symbols), even if name is translated;
• any other false or misleading indication or other practice liable to mislead consumer
IP protection - Relation GIs/TM

• Prior GI prevents the registration of a trademark → relation with TM offices.

• Prior trademark which has been applied or registered, or established by use, in good faith, before the date of protection in the country of origin → coexistence

• Conflict with renown TM prevents GI registration → if registration is liable to mislead the consumer as to the true identity of the good.
Non-EU countries registrations

- **2 wines:** Napa Valley, 1 Brazil
- **17 foodstuff:**
  - Colombia (1)
  - India (1)
  - China (10)
  - Vietnam (1)
  - Thailand (1)
  - Andorra (1)
  - Turkey (1)
  - Norway (1)
  - Cambodia (1)
GIs legislation progressing

- Japan
- China
- India
- Thailand
- Morocco
- Brazil
EU Agreements on GIs

- Self-standing or within FTAs
- Mutual recognition
- Fast Track registration procedure
- Protection within the Agreement
- Solution of conflicting cases (generics/TM/uses)

Positive effects on marketing
Export destinations

GI main export destinations

- US: 30%
- Switzerland: 7%
- Singapore: 7%
- Canada: 6%
- China: 6%
- Japan: 6%
- Hong Kong: 6%
- Russia: 4%
- Korea: 2%
- Others: 26%
The composition of the EU agri export to the US: made by 70% of high value processed food.
EU GIs asks within TTIP

- Protection
- Enforcement
- Solution for difficult cases
More information

**Agricultural products and foodstuffs:**

- Council and European Parliament Regulation (EU) No 1151/2012

- **DOOR database**

- **Quality policy web-pages:**

**Wines**

- **General website**