



International Dairy Foods Association
Milk Industry Foundation
National Cheese Institute
International Ice Cream Association



June 4 2010

The Honorable Ron Kirk
Office of the President
600 17th Street, NW
Washington, DC 20508
United States of America

Honourable Tim Groser
Minister of Trade
Parliament Buildings
Private Bag 18041
Wellington 6160
New Zealand

Honourable Simon Crean
Minister for Trade.
PO Box 6022
House of Representatives
Parliament House
Canberra ACT 2600

Ambassador Kirk, Minister Groser and Minister Crean:

On behalf of the dairy industries in Australia, New Zealand, and the U.S., we write to express our appreciation for the attention that is being devoted by many of your Ministries to an issue of considerable importance to global dairy trade: Geographical Indications (GIs). As is well known, the European Union, as well as other European allies such as Switzerland, has been working for many years now to advance its own commercial interests for food products through advocating for wider use of GIs. Our industries acknowledge that properly constructed GIs can serve as a useful intellectual property tool to protect the rights of truly specialized products that possess a strong tie to a single region. However, the Europeans have clearly sought to push the scope of protection for its GIs beyond the realm of appropriate protection of product niches in order to try to appropriate for themselves many cheese names that are commonly used around the world, including in international trade.

We recognize that there has been a strong and effective opposition mounted in Geneva to the efforts by the Europeans to extend the scope of coverage of GIs. With the stalling of the Doha Development Round, the EU has now clearly switched its main activity to the bilateral approach. The same level of opposition must be maintained to this approach as at the multilateral level.

The EU-Korea FTA, concluded in October 2009, gave the first indication that the EU has expanded their effort to claw back widely used cheese terms for their sole usage beyond the WTO negotiations and is pressing strongly to include these provisions in its FTAs. A variety of news reports and intelligence gathering from foreign embassies have indicated that this effort is being pursued both with new deals, as well as some of the EU's existing FTAs. We have heard of efforts to expand the scope of GIs with Canada, Chile, Peru, Colombia and India.

This effort seeks to erode the use of common cheese names in wide-spread usage throughout the world, particularly by the New World cheese industries signing this letter. Names at risk from threats by the EU or Switzerland include: Asiago, Emmental, Feta, Fontina, Gorgonzola, Grana, Gruyere, Manchego, Munster, Neufchâtel, Parmesan, Provolone, Ricotta, and Romano. Additionally, although at this time the EU does not appear to be seeking to lay sole claim to the generic names Brie, Camembert, Cheddar, Edam, Gouda and

Mozzarella, the relatively recent EU court ruling on the extent of protection for “Parmigiano Reggiano” calls the safety of even these terms into doubt.

These names hold significant commercial importance for our industries. International evidence exists in many cases to indicate the common-use nature of them such as references to cheese types in by World Customs Organization, CODEX Alimentarius cheese standards, the long-standing existence of U.S. cheese product standards, World Cheese Contest categories, and the EU’s own tariff schedule descriptions. We would like to express our thanks for the attention being devoted to this issue by some of our governments already and to respectfully urge you to work together to combat this strong offensive by the EU that will be poised to significantly impair current cheese exports and more importantly to greatly limit the future global potential for all of our industries. We have been reviewing the best means of protecting common cheese names with FTAs and other agreements and would like to discuss this further with our Government.

Thank you for your attention to this issue so important to the continued growth and prosperity of the dairy industries in Australia, New Zealand and the U.S.

Sincerely,



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Chairman
ADIC



Malcolm Bailey
Chairman
DCANZ



Connie Tipton
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