

October 3, 2017

The President
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Re: The danger to U.S. food producers from current negotiations between the European Union and key U.S. export markets on geographical indications

Dear Mr. President,

On behalf of American farmers and food manufacturers across this country, we ask for your direct attention to an issue that could have a significant negative impact on U.S. market access with two major trade partners, Mexico and Japan. The European Union is currently negotiating with both of these nations on lists of protected geographical indications, and seeks to secure a monopoly on certain common names for meats, cheeses, wines and other beverages – such as “parmesan”, “bologna” and “vintage”. Both nations are closing their comment periods in early October, after which they will likely finalize their negotiations with the EU.

If the U.S. government firmly expresses its concerns now to Mexico and Japan regarding the importance of safeguarding common names and terms for all to use, both nations might be more inclined to take the right and just steps in these discussions. For the same reason, we strongly encourage firm and clear communications on these points with the Mercosur bloc of countries, the U.S. trading partner region most likely to next initiate a similar process to the ones currently underway in Mexico and Japan in light of ongoing EU-Mercosur FTA negotiations.

A geographical indication (GI) is a term identifying a product originating from a specific geographical location. For example, in the United States, “Idaho” is a protected geographical indication for potatoes grown only in Idaho. We do not object to the protection of proper GIs – such as “Idaho Potatoes” or “Parmigiano Reggiano” to denote specialty foods. But the EU has been aggressively seeking to confiscate generic terms that derive from part of the protected name or are otherwise in common usage – such as “parmesan”.

The Office of the Trade Representative has recognized the severity of this problem, noting in this year’s intellectual property report that, “The EU GI agenda remains highly concerning, especially because of the significant extent to which it undermines the scope of trademarks and other IP [intellectual property] rights held by U.S. producers, and imposes barriers on market access for American-made goods and services that rely on the use of common names, such as parmesan or feta.” Moreover, it is an agenda that continues to expand and is likely to threaten even more products such as plant varieties moving forward, as is evidenced by the EU’s market-share grab of deeming long-standing and widely used grape varieties such as “prosecco” to now be GIs reserved exclusively for Italian use.

Many U.S. companies – and the farmers who provide them with raw goods – will be harmed if Japan and Mexico fully accept the EU lists as-is, without pushing back and objecting to the

inclusion of common terms. For example, cheese producers in Wisconsin, Pennsylvania, New York, Vermont, California and other states create award-winning cheeses that may be forced to be sold under different, unfamiliar names in Mexico and Japan if the EU has its way. This is a costly proposition and one that puts the U.S. at a distinct and lasting disadvantage in these markets. Moreover, it is U.S. producers and processors themselves that have often built markets for these products – as can be seen for example by current growing cheese trade with these two countries.

Some nations have already carelessly given the EU virtually everything it asked for on its GI lists, in disregard of their own intellectual property laws. The result – seen most notably today with Canada – is confusion and potential disruption in the marketplace, with a direct negative impact on U.S. food and beverage producers and the farmers who support them.

Through industry submissions coordinated by the international Consortium for Common Food Names (CCFN), Japan and Mexico are being urged to carefully review these GI lists to ensure that they include no common names, and that only legitimate, compound terms (such as “Greek Feta” or “Italian Asiago”) would be protected, and not the generic terms “feta” or “asiago”. A fair, acceptable protection of GIs that does not distort trade and negatively impact America’s ability to compete globally can only be achieved by ensuring that it also robustly safeguards the usage of common names.

This is a critical moment. We stand ready to assist you as needed. We hope the United States will make its voice heard with Mexico and Japan, and in turn with Mercosur countries as well, clearly stating that we expect them to respect current trade agreements, including our market access rights under those agreements, and that it is in their best interests to safeguard common terms for all producers.

Sincerely,

American Farm Bureau Federation
Brewers Association
Consortium for Common Food Names
Grocery Manufacturers Association
International Dairy Foods Association
National Council of Farmer Cooperatives
National Milk Producers Federation
North American Meat Institute
United Fresh
U.S. Dairy Export Council
USA Rice
Wine Institute

cc:

The Honorable Sonny Perdue, U.S. Department of Agriculture
The Honorable Robert Lighthizer, U.S. Trade Representative
The Honorable Wilbur Ross, U.S. Secretary of Commerce

The Honorable Joseph Matal, Undersecretary of Commerce for Intellectual Property and
Director of the U.S. Patent and Trademark Office
The Honorable Kevin Brady, Chairman, House Ways and Means Committee
The Honorable Mike Conaway, Chairman, House Agriculture Committee
The Honorable Bob Goodlatte, Chairman, House Judiciary Committee
The Honorable Charles Grassley, Chairman, Senate Committee on the Judiciary
The Honorable Orrin Hatch, Chairman, Senate Committee on Finance
The Honorable Pat Roberts, Chairman, Senate Agriculture, Nutrition & Forestry Committee
The Honorable John Conyers, Ranking Member, House Judiciary Committee
The Honorable Dianne Feinstein, Ranking Member, Senate Committee on the Judiciary
The Honorable Richard Neal, Ranking Member, House Ways and Means Committee
The Honorable Collin Peterson, Ranking Member, House Agriculture Committee
The Honorable Debbie Stabenow, Ranking Member, Senate Agriculture, Nutrition & Forestry Committee
The Honorable Ron Wyden, Ranking Member, Senate Committee on Finance