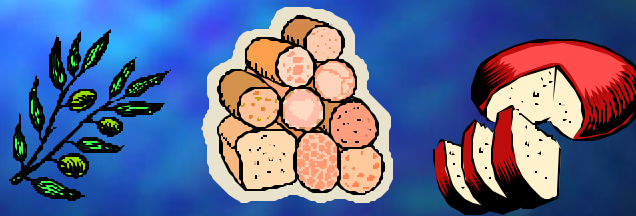


Geographical Indications: IP or “Feta-compli”?



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Introduction



- v What are Geographical Indications (GIs)?
- v What is extension?
- v Why should you be concerned about extension?
- v Examples for discussion



What are Geographical Indications?

- v "GIs" are ...
- v INDICATIONS that
- v IDENTIFY a good as originating in the territory of a WTO Member
- v Where a given *quality, reputation* or other *characteristic* of the good is essentially attributable to its geographical origin.



What Are Geographical Indications?

- v No International Consensus on Eligibility...
- v Country names?
- v Fanciful names?
- v City names?
- v Designs?



What Do You Have to Lose?

- ✓ Use of Generic (Common) names, such as...
- ✓ parmesan...



Feta, Gorgonzola...



...And not just “cheese terms”



- Use of terms such as “Port Wine” might be prohibited

Why You Should Be Concerned About WTO Proposals in the TRIPs Council and Agriculture Committees

Loss of trademarks

Loss of Generic Terms



“No Pilsner Allowed”

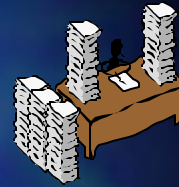
Burden of renaming, re-branding, marketing common terms & company names

Potential loss of markets domestically and abroad

Why Are WTO Members Concerned About Some GI Proposals?

Government:

- v Need to change laws and regulations
- v Burden of monitoring and enforcement
- v New bureaucracy
- v Unfair exchange? (Protect thousands of others' GIs in exchange for protection of only 1 or 2 local names?)



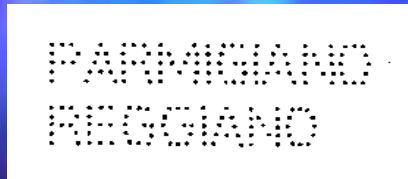
Monitoring & Enforcement

- v WHO PAYS FOR...
- v **Customs?**
 - Border interdiction for mislabeled foodstuffs?
 - Border interdiction of non-conforming foodstuffs?
- v **Regulation?**
New Agencies to control production, packaging and marketing of regulated foodstuffs?
- v **Intellectual Property?**
Ensuring terms aren't used in trademarks or trade names



Examples of Foreign GIs Protected In the United States

"Parmigiano Reggiano"



- v U.S. Trademark Registration Nos. 1,754,410; 1,892,496; 1896,683; 2,320,595
- v For "Cheese"
- v "The certification mark, as used by person authorized by the certifier, certifies that the goods originate in the Parma-Reggio region of Italy, specifically the zone comprising the territory of the provinces of Parma, Reggio Emilia, Modena and Mantua on the right bank of the river Po and Bolgona on the left Bank of the river Reno."

"DARJEELING"

- v U.S. Reg. No. 2,685,923
- v For "Tea"
- v Word Mark (Word "DARJEELING" protected)
- v As used by authorized persons, certifies that the tea contains at least 100% tea originating in the Darjeeling region of India and that the blend meets other specifications established by the certifier.



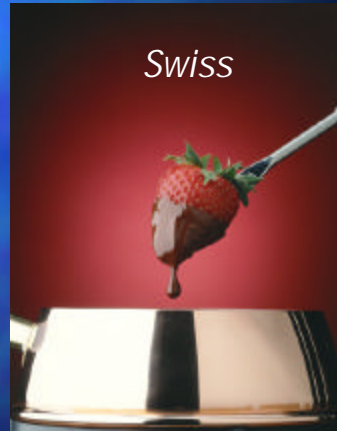
"Roquefort"



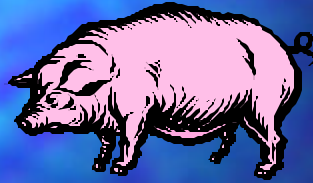
- v U.S. Trademark Registration No. 571,798 (Registered March 10, 1953)
- v For "Cheese"
- v "The certification mark is used upon the goods to indicate that the same has been manufactured from sheep's milk only, and has been cured in the natural caves of the Community of Roquefort, Department of Aveyron, France."

"Swiss"

- v U.S. Registration No. 1,570,455
- v For "Chocolate and products made from chocolate..."
- v "The certification mark, as used by persons authorized by the certifier, certifies geographic origin of the goods in Switzerland."



Examples for Discussion



✓ **PARMA** for ham

Examples for Discussion



✓ **SARDINE** for fish

Examples for Discussion



√ FETA for cheese

Examples for Discussion



√ Mineral Waters