



GIs and Common Names

Allen Johnson | Consortium for Common Food Names

CCFN: Who We Are



PURPOSE AND STRUCTURE:

- CCFN works to protect the rights of producers and consumers to use common food names. We support protections for legitimate GIs while opposing the misuse of GIs to restrict common names.
- Office is based outside of Washington, DC with members and supporters from developing and developed economies in the Americas and Oceania, including many small manufacturers and farmer-owned cooperatives.

WE BELIEVE:

- GIs can be a legitimate form of intellectual property.
- Registration systems that guard against consumer confusion and the use of misleading information are appropriate.
- We are not seeking the right to use specific names such as “Parmigiano Reggiano” but do work to protect common names like “parmesan”.

Basis for Respecting Rights of Common Name Users

Rights & Reason:

- **Inherited tradition:** The producers of these products have existed for generations throughout the world with their products being used domestically and in trade continuously.
- **Quality products:** The quality of these products have not just been validated by consumer behavior but also by respected experts:
 - For example, while U.S. cheesemakers won 133 medals at the 2022 World Cheese Awards.
 - So did many other non-EU cheesemakers from around the world, winning dozens of Super Gold, Gold, Silver and Bronze medals in multiple classes.
- **Consumer preference:** Consumer is “king” and consumers have confirmed that they value these products through their purchases.



Basis for Respecting Rights of Common Name Users

Rights & Reason:

- **Part of public domain:** These generic product names, describing a type of product not a geographic location, have been used far and wide for many years by many people in many markets.
- **Many of these products have globally recognized objective measures:** global standards (e.g., CODEX), market and trade stats, trademarks, prior users, tariff lines, even been historically recognized in Europe itself as generic.
- **WIPO calls for protection of generic names, as part of public domain**
- **Protected by multilateral (e.g., WTO) and bilateral trade agreements**
- **Economic importance:** These businesses have been producing products, jobs and economic activity in non-European developing and developed economies for years and should have a right to continue.



What Common Name Users Want

All CCFN members want is to continue to offer their quality competitively priced products to customers as they and their predecessors have been doing for generations.

Confiscating Common Names is Not About...

- History or market presence
- Consumer desires
- Competitiveness
- Small producers
- Development
- Free and fair trade
- Intellectual property
- Quality
- Innovation
- Rights



Stamping Out Competition Has Real Consequences

Examples of Actors & Commitments Harmed

- **Consumers** – Fewer choices, higher prices and lower quality.
- **Private markets** – Up for bid by government-to-government negotiations, without compensation...principles of private IP ownership and public domain ignored.
- **IP system** – Damaged as names long in the public domain are lost, fundamentally undermining sacred IP principles in developing economies and globally.
- **Public confidence** – Lost as local investors and producers face uncertainty in the public domain because any foreign power may decide to force the local government to effectively nationalize any product for the benefit of a foreign interest.
- **Trading system** – Undermined as WTO obligations and other trade commitments to third parties are ignored, without the other parties being engaged or compensated.
- **Free Trade Agreement principles** – Reversed as the purpose of FTAs is to open markets but restrictions on common names eliminates competition. This also limits current and future trading partners interest as these common name markets are made unavailable.
- **International product standards** – Ignored, even standards GI-demandeur countries participated in creating.

How to Get From Bad to Better

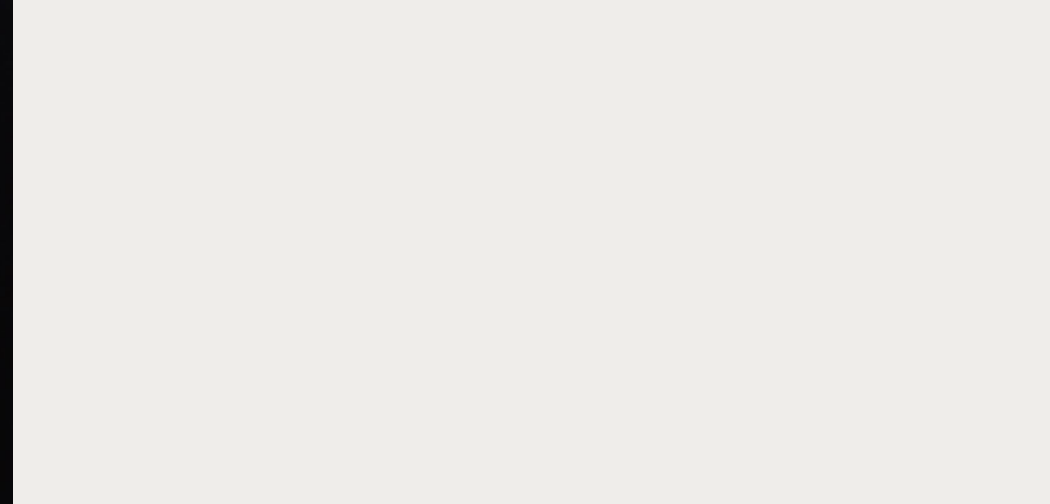
Objectives: Register legitimate GIs, Protect rights of common name users

Require ALL GIs to submit to thorough local application process in each Member Economy, free from political and economic influence

- Applicant seeks a monopoly, so should have burden to prove name is not generic
- Transparency requires all compound term/translation restrictions be identified

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

- Encourage compound term GIs as default with protection only for use in full
- Avoid registering common names as single term GIs
- Require disclaimers for generic portion(s) in all GI compound name applications
- Any of the following are indicators that a GI should not be accepted:
 - Non applicant users, production, IP owners (current and/or historical)
 - Public info (e.g., websites, recipes, dictionaries, menus, publications, POS/retail info, etc.)
 - Other relevant information (e.g., member economies' tariff lines, prior communications/policies, product standards including international ones set by Codex, etc.)



Thank you!

