

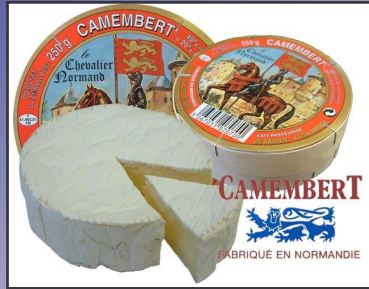
FICPI 9th Open Forum in Lisbon, 2-5 November 2005

**Certification Marks
&
Appellations of Origin**

Definition of « APPELLATION OF ORIGIN »

- Geographical name of a country, region or locality;
- To designate a product originating therein;
- Quality and characteristics are due to the geographical environment, including natural and human factors.

Identification of the product through its «Geographical Indications»



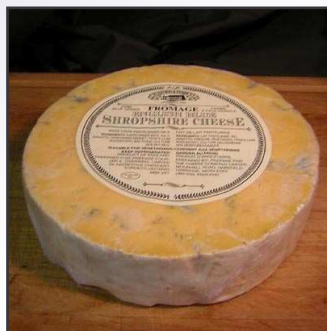
Feta



Scottish Farmed Salmon



Gorgonzola



Buxton blue



Jambon de Bayonne



Turrón de Alicante



L'appellation d'Origine Contrôlée :



- French protection equivalent to the Italian: "*Denominazione di Origine Controllata*"
- A strict protection, which refers to the origin of the product.
- In France, only the "AOC" are able to become European "PDO" (cf: next slides)
- Wines and Spirits cannot become PDO.

The Champagne example:



The « Comité Interprofessionnel de Vin de Champagne » is the group in charge, with more than 100 concerned producers.

This comity dedicated 35 rules specific to the Champagne:

- Specific area
- Production rules
- A maximum of 3 varieties of vine (cépage)
- Grape gathering hand made
- ...



The Certification



- The relationship between the product and its origin is lighter.
- The product has to respect some specifications (cahier des charges).
- The product is controlled by an organism called *COFRAC*:
"Comité Français d'Accréditation"
 - ✓ *Association created on the French State initiative.*
 - ✓ *Competences extended to European and International scales.*



➤ *This will lead to a European "Protected Geographical Indication" or "Traditional Specialty Guaranteed".*



A PDO (Protected Designation of Origin) covers the term used to describe foodstuffs produced, processed and prepared in a given geographical area using recognised know-how.



Coppa Piacentina



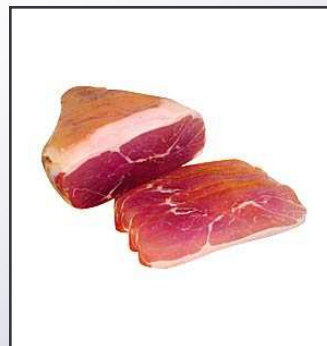
Gouda



Roquefort



Feta



Prosciutto di Parma

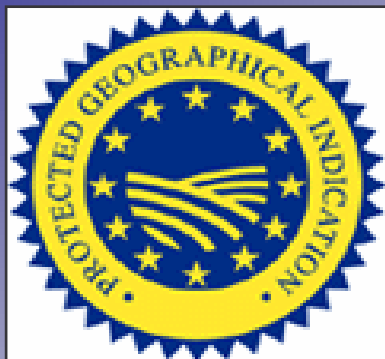


Neufchâtel

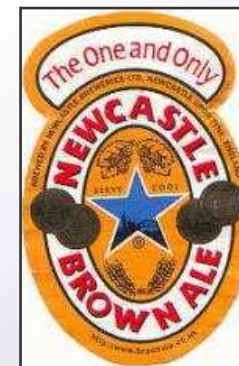


For **PGI (Protected Geographical Indication)**

the geographical link must occur in at least one of the stages of production, processing or preparation. Generally, the product will benefit from a good reputation.



Jambon de Bayonne



A **TSG (Traditional Speciality Guaranteed)**

does not refer to the origin, but highlights traditional character, either in the composition or means of production.



Mozzarella





Registration Procedure

1. The group of producers send the application to the **Member State** in the geographical area from which the product originates.
2. The relevant national authority checks and forwards the application to the European Commission.
3. Publication at the Official Journal of the European Communities.
4. If no objection is notified within three months, the PGI or PDO is entered in a register kept by the Commission.

Some examples of responsible authorities:

France:

- Direction des politiques économique et internationale (DPEI): *for quality signs and biological agriculture.*
- Institut national des appellations d'origine (INAO)

Germany:

- 6 different organisms such as « Bundesministerium der Justiz »

UK:

Only one:

- Department for Environment, Food and Rural Affairs Regional and Local Foods Branch”



The appellations belong to:

- A State Organization
- Farmers and producers (comities and association), or
- Most often legal entities, but not individual one.

These protections can be reinforced by trademarks.

e.g.: a « collective certification mark »

(NB: French Label Rouge)



➤ The certification trademark must fulfil some specifications.



**It's very clear from the label that it's
« Yorkshire feta »**

The European Court of Justice confirmed the registration of «Feta» as a Protected Geographical Indication.

The 25th of October 2005



US Trademarks:

• *Protection of GIs in the USA: trademarks, collective marks and certification marks.*
States give the authorisation to some producers to use the name and the logo.

• They do not have to pay to use it. The Intellectual Property law is the most important source to consider.

• They can be controlled at any time. Basic principle: « first in time, first in right »



Collective marks: (Group of people who has the right to use the mark)

• Defined as signs which distinguish the geographical origin, material, and/or mode of manufacture of different enterprises using the collective mark.
Washington (Apple) **Georgia (Onions)**

• The owner may be either an association of members or any other entity, including a public institution or a cooperative.

• Most of the time, a production quality process is associated to the collective Mark.

• Users need to have a license.

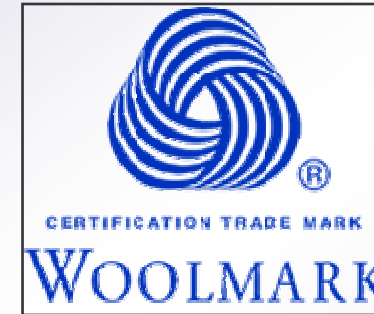


1st Example: « ILGWU » is a collective mark for the members of International Ladies Garment Workers Union

2nd Example: Girl Scouts sell cookies with their collective mark on the package



Idaho Potato Commission" is the owner of the "Idaho potatoes" certification mark



For goods containing wool

The certification mark: (most often used)

- Certifies the nature or origin of the goods or services to which the certification mark applies.
- Certification rules include, for example, region, location or origin, materials of construction, method or mode of manufacture, quality assurance...
- One owner "offers" the right to use the mark under the condition that they respect the rules.
- No need for a license.

Other
Examples:

"ROQUEFORT" for cheese - France
"DARJEELING" for tea - India
"PARMA HAM" for ham products - Italy
"SWISS" for chocolate - Switzerland
"STILTON" for cheese - United Kingdom

"Roquefort" cheese is protected:



as a "Protected Designation of Origin" in the EU

and



as a "US Certification Mark" in the USA
(belonging to the *Community of Roquefort*)



Particular situation of Wines & Spirits



- “Champagne” is controlled and managed by the “Comité Interprofessionnel de Vin de Champagne” in Europe.
- While in the US, there are 650 trademarks containing the word “Champagne”.

*WTO decision of the
15th of March 2005*



- GIs and Trademarks systems are compatible
- Wants the “geographical indications (GIs) to be protected and respected”
- Does not specify how...

First element of response: “Wine Agreement” (15th of September 2005):

Proposal to US Congress to change the status of names of European wines such as Burgundy, Champagne, Chablis, Chianti, Madeira, Malaga, Port, Sherry and Tokay currently considered as semi-generic terms in the US, and limit their use in the US.

**Could traditional knowledge be
protected and managed ?**

**Thanks to a private right system, like
in the USA by certification mark**

or better

**Through National or Regional
organizations like in Europe.**