



## U.S. Dairy Industry Position on Geographical Indications

Background: According to the WTO Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS), geographical indications (GIs) are identifications of the country or region where the quality, reputation or other characteristic of a product is essentially attributable to the geographical region. Additional protection of GIs already exists for wines and spirits (e.g. Champagne, Bordeaux and Cognac). Some countries, led by the European Union are calling for this protection to be extended to other products (e.g. Basmati rice, Darjeeling tea or Camembert cheese). Others, however, including the United States, are concerned that GIs will only impose new obligations on WTO members for an area that is already sufficiently addressed using trademark rights and the current TRIPS statutes.

The EU's proposals would likely impact several product names that are considered generic terms in the U.S., as well as in several other countries, such as parmesan, mozzarella, feta and cheddar. If the EU's attempts are successful, producers everywhere in the world except in the designated region would be required to change the names of their products. (View a copy of the **EU's paper on the establishment of a multilateral GIs register.**)

USDEC Position: USDEC is strongly opposed to the "claw-back" clause affecting generic terms. This EU action clearly violates the established principles of "first in time, first in right" by voiding many existing trademark rights and imposing tremendous cost burdens on U.S. producers and processors.

USDEC is making every effort to reject the EU's actions and to create a coalition of countries that understand the consequences of extending GIs to an unprecedented number of products. Under no terms should the U.S. government agree to a trade-off between GIs and progress in the agricultural negotiations.