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Common Food Names and Geographical Indications

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Report Highlights:

If properly used, Geographical Indications (GIs) have important potential to add value for agricultural producers, but can also easily be misused to stifle trade in products with common food names. In September, FAS/Manila joined forces with the Philippine Intellectual Property Office to host a one-day workshop on Common Food Names and GIs. The audience included government officials, industry, and congressional staff. U.S. Patent and Trademark Office experts demonstrated how a sound trademark system balances branding goals with safeguards for common food names.

General Information:

Geographical Indications (GIs) are an important tool for marketing agricultural products, identifying products (such as *Florida* oranges or *Parmigiano Reggiano* cheese) with unique qualities based on their origins, and to protect against counterfeits. However, these same regulations can, if not carefully formulated, be misused to limit trade in products with common names that describe a product style, and which have a long history of production in many regions, such as *mozzarella* cheese or a *chorizo* sausage. This has become an issue of global importance, particularly for processed dairy and meat products, as many countries are newly implementing GI regulations, with the potential to either enhance, or damage trade. The Philippines is in the process of developing its GI laws and regulations, making this issue a top priority for FAS/Manila.

In response to this opportunity, FAS/Manila worked with the Philippine Intellectual Property Office (IPO) to host a one-day workshop on Common Food Names and Geographic Indications on September 25, 2017. The U.S. Patent and Trademark Office (USPTO) and the Consortium for Common Food Names (CCFN) provided speakers to demonstrate how a sound trademark system can achieve branding goals while at the same time maintain generic use safeguards for common food names. There were approximately 50 attendees including Philippine government officials, industry representatives, and congressional staff.

FAS/Manila also worked with participants in USDA food aid programs to provide their practical experience in obtaining and using legitimate GI designations as a means of building value for their products, while the Philippine IPO provided speakers to discuss the existing legal regimes and requirements for obtaining and registering GIs in the Philippines. The Philippine IPO also played a critical role in identifying stakeholders, officials and legislative staff most likely to benefit from the workshop. FAS made use of Country Strategy Support Funds to cover venue rental costs, and airfares for several key participants, as well as USPTO speakers, who traveled from the U.S. Embassy in India.



The workshop was led by FAS/Manila in conjunction with the Philippine IPO Office in response to news that the Philippines was revising its GI legislation. The Philippines interest was in creating a

policy framework that derived maximum benefit for its industry and was welcome to hear the U.S. perspective – that a sound trademark system can achieve branding goals while at the same time maintain generic use safeguards for common food names.

U.S. speakers included USPTO/Komal Kalha from the U.S. Embassy in India and a private attorney/former USPTO official, David Morfesi, who represented CCFN. On the Philippine side, speakers were from the Philippine IPO Office, Cooperative Development Authority, and Department of Agriculture.

Ms. Kalha explained how the U.S. trademark system can achieve branding goals while at the same time maintain generic use safeguards for common food names. Mr. Morfesi echoed USPTO's message while highlighting the detriment to Philippine industry should the Government of the Philippines not protect common food names.