



COMPREHENSIVE ECONOMIC AND TRADE AGREEMENT (CETA)

MEETING OF COMMITTEE ON GEOGRAPHICAL INDICATIONS BY VIDEO CONFERENCE 17 MAY 2018

REPORT

The first meeting of the Committee on Geographical Indications (GIs) established under CETA took place on 17 May 2018 by video conference.

Canada and the EU had in-depth and constructive exchanges on the implementation of CETA provisions related to the protection of food GIs and a number of other issues of interest. The Parties agreed that wines and spirits GIs related issues will be discussed during the next CETA Wines and Spirits Committee meeting.

The EU asked Canada to provide information on several elements of its implementation of the CETA GIs obligations.

Canada provided an overview of the expansion of its pre-existing system for the protection of wine and spirits GIs via amendments to the Canadian *Trade-marks Act* that were provided for by Canada's legislation to implement CETA. These legislative amendments provided for both the protection of the EU GIs listed in CETA Annex 20-A as well as the expansion of its open, transparent and rule-based GI system to accept requests for GI protection from Canadian and foreign-based applicants, .

The EU raised concerns pertaining to how exceptions to the rights for certain GI terms enumerated in CETA Article 20.21 (Feta, Asiago, Fontina, Gorgonzola, Munster, Nürnberger Bratwürste, Jambon de Bayonne as well as Beaufort) are operationalized under Canada's infringement procedures. The EU explained that in its view Canada needs to develop a list of companies entitled to use the exceptions foreseen in CETA Article 20.21 as such a list is required as part of the administrative action necessary to ensure the proper implementation of the relevant CETA provisions. Canada explained that in its view the implementation of the CETA provisions on the grandfathering of the aforementioned terms does not require a list of prior users, and in any event this did not form part of the final negotiated CETA outcome.

The EU stressed the importance that EU GIs which have been granted protection under CETA are effectively protected in Canada. Canada provided an overview of changes made to its intellectual property rights border measures regime to implement the CETA to include GIs within its scope alongside other categories of IP that were covered prior

to CETA (trademarks and copyright). Applications can be made to the Canada Border Services Agency (called Request for Assistance) to assist Canada's Border Services Officers to effectively identify and detain counterfeit GIs at the border. Upon Canada's request the EU provided information of EU GI rights holders which Canada considered could be helpful in further operationalizing this system.

Concerning administrative action in respect of origin and food labelling, advertising and other activities associated with food commodities (as laid out in CETA Article 20.19 (4) and (5)), the EU expressed concerns regarding the scope of Canada's implementation of these CETA articles. Canada provided information at the EU's request concerning Canada's legislation as well as procedures in place for the filing of complaints to the Canadian Food Inspection Agency (CFIA) for food products placed on the Canadian market, as per Article 20.19(5). Canada further clarified that under Canada's pre-existing legislative framework, the CFIA is responsible for the enforcement of food labelling provisions related to food safety and consumer protection.

Finally, the EU informed Canada that a corrigendum was being prepared to correct a clerical change related to the listing of EU GI "Prosciutto di San Daniele" in the CETA agreement. This GI was originally registered as "Prosciutto di S. Daniele" in the EU legislation but this was changed in 2015, which was not reflected in the CETA list of EU food GIs. Canada took note of the information and indicated it would carefully review the matter once an official request was submitted by the EU under the CETA institutional framework.

Certain GIs related issues were also discussed that were not directly related to the implementation of the CETA:

- The Parties discussed the issue of reservation of internet domain names related to GIs' names;
- Upon Canada's request, the EU updated Canada on the state of play of on-going infringement procedures related to the application of EU GI legislation against Denmark and Bulgaria as well as on Italy's actions in relation to the alleged illegal use of certain breeds for the production of Prosciutto di Parma and Prosciutto di San Daniele; and
- Canada also inquired about why GIs were excluded from the scope of the European Commission's implementing regulation on origin labelling. The EU explained that the impact assessment for the regulation did not specifically address the issue and that more data and study is required.

Canada and the EU concluded that these issues may merit further updates and discussions at a later stage.