



Market Access – Update August 2017

International Protection of Terms

AUSTRALIA

Australia EU FTA negotiations

22 August 2017 – Industry sources have indicated that the EU intend to again seek to protect Prosecco in upcoming Australia-EU FTA negotiations. WFA has advised the relevant government departments (Trade and Agriculture) of this issue and the importance of the retention of protection of the term Prosecco in Australia. WFA are working to ensure that the government understand the importance of the protection of Prosecco and that it will not be given up as a bargaining chip in upcoming FTA negotiations.

Australia EU GI register

On 8 August 2017 the EU lodged a list of 906 European GIs for protection in Australia. In order to complete the registration of these GIs, the GIs need to undergo an objection process through IP Australia in accordance with Division 2 of the Australian Grape and Wine Authority Regulations 1981.

Most of the terms on the list are slightly different iterations of terms already recognised as European GIs in Australia, the purpose being to update the Australian Register of Geographical Indications and Other Terms (Register) to ensure all terms are expressed in the same way as they appear on the E-Bacchus Register in Europe. However, there are some terms included in the application that have not previously been afforded protection.

WFA have reviewed the list of terms and on 21 August 2017 lodged an objection to the registration of the term 'Avola' on the grounds that 'Nero d'Avola' is a commonly used grape variety and this registration could impact Australian wineries producing the variety.

JAPAN

Japan-EU FTA negotiations

On 6 July 2017 the EU and Japan announced an agreement in principle on a Free Trade Agreement which would remove barriers on virtually all traded goods between the economies. Following the announcement, on 13 July 2017, a list of protected GI's under the agreement for alcoholic beverages was released. Included within the list were the terms Conegliano - Prosecco/Conegliano Valdobbiadene - Prosecco/Valdobbiadene – Prosecco, Montepulciano d'Abruzzo, Prosecco and Vino Nobile di Montepulciano. The document notes that "If a GI is composed of multiple terms, independent use of the underlined term will not be acceptable (it shall be protected as GI)." Japan's National Tax Agency will accept notice of opposition until 12 October 2017.

Of greatest concern to Australian wine within these lists are the inclusion of Prosecco and Montepulciano as part of a GI reference. These are commonly and internationally recognised grape varieties, which are produced in Australia. If they were to be protected it could restrict future trade of these varieties in Japan. WFA will lodge an



opposition to these terms. In addition WFA has raised our concerns directly with the Australian government and will continue working with them to protect our rights to use grape variety names such as 'prosecco' on wine exported to Japan.

A full list of the proposed protected GIs is provided in a summary report [here](#)

CHINA

China- EU FTA negotiations

On 2 June 2017 EU and China agreed to formally publish a list of two hundred European and Chinese geographical indications -100 from each side- that will be considered for protection through a bilateral agreement to be concluded in 2017. The publication of these lists is part of the standard procedure and opens a period of 60 days for interested parties to present their comments. Included within the EU list for protection in China are the terms Prosecco and Montepulciano as part of a GI reference.

On 28 July WFA submitted a formal objection to the registration of three of the listed terms ("Conegliano- Valdobbiadene- Prosecco", "Montepulcian d'Abruzzo" and "Vino Nobile di Montepulciano") on the basis that their registration as a compounded term could impact trade of wine made from Prosecco and Montepulciano grapes.

Registration of the term Prosecco China

6 April 2017 - The Italian 'Consorzio Di Tutela Della Denominazione Di Origine Controllata Prosecco' (Consortium) has attempted to register the term Prosecco (in English) in China. They have already been successful in registering a Chinese version of Prosecco: "普罗塞克" ("PU LUO SAI KE in Chinese") The transliteration registered by the Consortium varies from that recognised under the PRC industry

standard 'Norms on the Terminology of Imported Wines' issued by the PRC's Ministry of Commerce in 2015. Under that standard, the term has already clearly been recognised as the standard varietal name and translated into Chinese as 普塞克 ("PU SAI KE in Chinese"); a name that is slightly different than the one registered by the Consortium.

Regardless, the latter is likely to be sighted against the former. This poses great risk to any party wanting to use the term as a grape variety in China. Australia is currently developing an approach to oppose the registration of Prosecco in China.

MALAYSIA

Prosecco GI registration

In early 2017 The Italian Consorzio Di Tutela Della Denominazione Di Origine Controllata lodged an application to protect the term "Prosecco" as a Geographical Indication in Malaysia. The application is currently listed as a New Application and we are seeking clarification of the process for opposition.

OTHER

WFA has also previously lodged objections to the protection of Prosecco in India and Vietnam. In 2012, The Australian Government through IP Australia upheld an objection by WFA to the application of the EU for protection of the lodged GI "Prosecco" in Australia. The objection was upheld on the basis that the word Prosecco was found to have been in common use in Australia as the name of a grape variety.

For more information on the international protection of terms and the potential impact on Australian Wine producers please contact Damien Griffante – Manager Policy & Market Access (damien@wfa.org.au 0423 094 943).