



March 24, 2021

The Honorable Katherine Tai
U.S. Trade Representative
600 17th Street, N.W.
Washington, DC 20508

Dear Ambassador Tai:

On behalf of the Consortium for Common Food Names (CCFN) and the undersigned allied organizations, we would like to congratulate you on your recent confirmation as the United States Trade Representative. Your prior experience in the Office of the USTR, your expertise on China and your work with the Ways and Means Committee uniquely qualifies you for this new role. We look forward to working with you in the coming months and years. As you and your team at USTR work to advance this Administration's approach to trade policy, we urge you to forge a new path forward in the effort to preserve the use of common food and beverage terms on American-made products by securing concrete and effective protections for key terms with important trading partners.

Although you may already be familiar with CCFN due to your prior work on trade issues, as a reminder, CCFN is an independent non-profit alliance that represents the interests of consumers, farmers, ranchers, food industry workers, food producers and exporters in their efforts to preserve the ability to use common food and wine names (more can be found about CCFN at www.commonfoodnames.com). CCFN does not oppose proper geographical indication (GI) protections for certain geographical terms that are produced in a specific region and in a specific manner. However, we do oppose attempts to place limits on the use of terms that have become generic due to wide-spread usage in the public domain.

Our organizations believe that the policies of the EU unfairly restrict much-needed opportunities for US workers, farmers, and manufacturers by using GI registrations to monopolize common food names, wine grape varietal designations and traditional wine terms, not only in its home market but around the world and reserving those terms for use by producers from the EU only. As you know, the EU is carrying this out through its free trade agreements, skirting existing regulations and normal procedures for the protection of intellectual property rights and intentionally impairing agricultural market access opportunities secured by the U.S.

We appreciate the ongoing relationship we have had with the Office of the USTR, as well as its interagency partners, to address the EU's interferences with the use of common names in various markets and we are certainly grateful for those extensive efforts. However, developments over the past few years have underscored that a strategy employing IP tools and regulations alone to combat the EU government's actions is insufficient. Through its novel side letter on a subset of common names, USMCA piloted an incremental improvement to the U.S. toolkit on this topic, yet much more is needed to truly restore predictability and market access rights for U.S. food and beverage exporters.

Specifically, we echo the strongly bipartisan requests from the House and Senate last year calling on the U.S. government to secure specific market access assurances for certain common food and beverage terms. This tactic is urgently needed to complement the existing set of IP-focused approaches the U.S. is already employing and can be carried out in a manner that is compliant with U.S. law (as illustrated in a confidential memorandum provided to USTR last year).

In order to Build Back Better, it is critical that the U.S. not only retain existing American jobs but also expand employment and ensure that jobs growth reaches all corners of this country, including our rural areas. To that end and in keeping with the request of so many members of Congress, we urge you to adopt as a strong and consistent U.S. policy objective in all trade-related discussions concrete agricultural market access assurances regarding specific widely used common food names, wine grape varietal designations, and traditional terms. We ask that this framework be implemented in all ongoing and future trade negotiations. In addition, we recommend that this approach be initiated by selecting key target markets, starting with the countries with which we currently have free trade agreements.

The continuing efforts of the EU to create barriers to trade using GI protections underscores the need for this urgent and decisive approach. To combat the efforts of the EU, effective protections for American-made products utilizing common food terms must be established, cloaked barriers to trade must be rejected, and legitimate intellectual property system checks and balances must be strengthened. Only then will U.S. producers be able to compete on a level playing field.

Thank you for your dedicated attention to this important issue. We look forward to working with you to protect common food and beverage terms on a global basis.

Sincerely,

Consortium for Common Food Names
American Farm Bureau Federation
Brewers Association
National Association of State Departments of Agriculture
National Council of Farmer Cooperatives
National Milk Producers Federation
North American Meat Institute
U.S. Dairy Export Council
The Wine Institute