



Comments By the National Milk Producers Federation, U.S. Dairy Export Council and the Consortium for Common Food Names Regarding the Modernization of the African Growth and Opportunities Act

Docket Number USTR-2026-0166

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The National Milk Producers Federation (NMPF), U.S. Dairy Export Council (USDEC) and the Consortium for Common Food Names (CCFN) appreciate the opportunity to submit comments in response to the Federal Register Notice Docket Number USTR-2026-0166.

NMPF develops and carries out policies that advance the well-being of dairy producers and the cooperatives they own. The members of NMPF's cooperatives produce over two thirds of the U.S. milk supply, making NMPF the voice of dairy producers on Capitol Hill and with government agencies. NMPF provides a forum through which dairy farmers and their cooperatives formulate policy on national issues that affect milk production and marketing. NMPF's contribution to this policy is aimed at improving the economic interests of dairy farmers, thus assuring the nation's consumers an adequate supply of pure, wholesome, and nutritious milk and dairy products.

USDEC is a non-profit, independent membership organization representing the global trade interests of U.S. dairy farmers, dairy processors and cooperatives, dairy ingredient suppliers and export trading companies. Its mission is to enhance U.S. global competitiveness and assist the U.S. industry to increase its global dairy ingredient sales and exports of U.S. dairy products. USDEC and its 130-plus member companies are supported by staff in the United States and overseas in Mexico, South America, Asia, the Middle East and North Africa.

CCFN is an independent, international non-profit alliance that represents the interests of consumers, farmers, food producers and retailers. Membership includes companies and organizations from around the world, including several emerging economies. CCFN's mission is to preserve the legitimate rights of producers and consumers worldwide to use common names, such as "parmesan" or "feta," through actions such as informing relevant stakeholders and officials of the damage that will be caused in their own countries if efforts to restrict the use of common food names go unchecked; working with policymakers to protect common food names in domestic regulations and international agreements; developing a clear and reasonable scope of protection for geographical indications (GIs), and fostering the adoption of high-standard and model GI guidelines throughout the world.

Modernization of the African Growth and Opportunities Act (AGOA) presents an opportunity to strengthen the program in a manner that supports U.S. economic policy and commercial

relationships in sub-Saharan Africa while simultaneously strengthening U.S. food and agricultural export opportunities to an emerging consumer base. As cited in the Federal Register notice, the U.S. share of agricultural exports to the region “declined from 15 percent to 3 percent from 2000 to 2025” while global agricultural exports have surged more than tenfold. Despite receiving preferential tariff treatment for certain exports to the United States, AGOA beneficiaries have increased their agricultural import reliance on markets like the European Union, including by adopting problematic standards that are designed to advantage European suppliers over their competitors.

Among the most notable examples of this strategy is the European Union’s misuse of geographical indications (GIs) to monopolize common food and beverage terms. Individual European consortiums and the European Commission have increasingly abused GI protections to claim exclusive use rights for certain generic terms like “parmesan” and “feta” in third country export markets, effectively locking U.S. suppliers out of key markets. The United States has rightly identified this behavior as an abuse of intellectual property tools, with USTR adding the European Union to its “Watch List” in the 2026 Special 301 Report¹ on intellectual property issues due in key part to its growing prevalence of GI misuse worldwide. The Report details the extent of GI abuse worldwide:

Despite these troubling aspects of its GI system, the EU continues to seek to expand its harmful GI system within its territory and beyond. ... As noted above, the EU has also sought to advance its agenda through trade agreements, which impose the negative impacts of the EU GI system on market access and trademark protection in third countries, including through exchanges of lists of terms that receive automatic protection as GIs without sufficient transparency or due process.

USDEC, NMPF and CCFN commend the Administration for taking significant, concrete steps to counter the European Union’s destructive campaign by securing breakthrough obligations for trading partners to protect common names in nine of the Agreements on Reciprocal Trade signed to date, with many additional reciprocal trade frameworks also committing markets to pursue a fair and balanced approach to protecting U.S. agricultural exporters’ rights to use generic terms. The America First Trade Policy strategy ensures that U.S. farmers, ranchers, winemakers and food manufacturers can continue marketing the common name products that consumers globally recognize.

Unfortunately, the European Union’s destructive campaign has already limited U.S. exporters’ opportunities in sub-Saharan Africa. The European Union-Southern African Development Community Economic Partnership Agreement (EU-SADC EPA) fully ratified in 2018 includes a series of illegitimate GI restrictions on certain common terms.² The six AGOA-eligible markets of

¹ Office of the United States Trade Representative. (2026). 2026 Special 301 Report.

<https://ustr.gov/sites/default/files/files/Press/Releases/2026/2026%20Special%20301%20Report.pdf>

² European Union & SADC EPA States. (2016). *Agreement establishing an Economic Partnership Agreement between the European Union and its Member States, of the one part, and the SADC EPA States, of the other*

Botswana, Eswatini (formerly Swaziland), Lesotho, Mozambique, Namibia and South Africa agreed to grant exclusive use rights to European suppliers for certain generic terms, including “asiago,” “feta,” “fontina,” “gorgonzola” and “mortadella bologna,” among others. In addition to outright bans on the rights of third-party countries like the United States to use the aforementioned generic terms, the EU-SADC EPA is typical of other EU agreements that include common name restrictions by committing parties to an overly broad scope of protection. For example, the agreement prohibits “any misuse, imitation or evocation” of a protected GI, including “use in connection with an indication of the true origin of the product in question; use in translation, transcription or transliteration; or use together with words such as ‘kind,’ ‘type,’ ‘style,’ ‘imitation,’ ‘method,’ or similar words or expressions.” The agreement also stipulates that the “protected GI shall not deem to become generic in the territories of the Parties,” despite longstanding global demonstration of the generic nature of several of the protected terms.

The EU-SADC EPA provides a mechanism for adding additional GIs as the parties determine necessary. The open-ended provision threatens future access for U.S. exporters as the European Union has characteristically sought to expand the scope of its GI restrictions. This means that terms not currently captured on the EU-SADC EPA list of restricted GIs like “parmesan” are likely to be included as the European Union seeks to expand its practice of monopolizing common names. The 2026 Special 301 report calls out the breadth of this problem:

Within its borders, the EU is enlarging its system beyond agricultural products and foodstuffs to encompass non-agricultural products, including apparel, ceramics, glass, handicrafts, manufactured goods, minerals, salts, stones, and textiles.

It is imperative that U.S. exporters’ rights in markets like those party to the EU-SADC EPA are protected from future EU attempts to expand the scope of its GI restrictions in a blatant attempt to confiscate market share and shut out competition. Last year the European Union exported just under \$1 billion in dairy products to countries eligible for AGOA benefits in 2025 while the United States exported just \$22 million.³ While sub-Saharan African markets are largely in the developing stage for many products with generic terms at risk, the European Union has sought to preempt U.S. dairy’s market presence on the continent by misuse of trade tools to further drive the export disparity.

Beyond the EU-SADC EPA, the European Union is actively laying groundwork to establish additional GI restrictions in the region. The Economic Partnership Agreement (EPA) between the EU and Kenya entered into force in 2024. While falling short of including an explicit list of terms subject to restrictions, the agreement includes provisions addressing GIs in a general manner, including by referring to their contribution to sustainable agriculture and rural development, as well as the need to cooperate in the identification, recognition, and registration of products that could benefit from protection as GIs. The European Union’s interim Eastern and Southern Africa EPA with AGOA-

part. Official Journal of the European Union, L 250, 3-524. [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22016A0916\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22016A0916(01))

³ Trade Data Monitor, U.S. Dairy Export Council

eligible markets Mauritius, Madagascar and Comoros (among other AGOA-ineligible markets) includes similar concerning GI provisions. A proposed EU EPA with the Economic Community of West African States is yet another example of the European Union's attempt to set the stage for GI prohibitions in developing West African markets.

The European Union has also successfully pressured the African Intellectual Property Organization (OAPI) to accede to the Geneva Act of the Lisbon Agreement on Appellation of Origin and Geographical Indications in 2022.⁴ This captures the AGOA-eligible markets of Benin, Chad, Comoros, Republic of the Congo, Cote d'Ivoire, Guinea-Bissau, Mauritania, Senegal and Togo. Under the Act, registered geographical indications receive broad protections, "evocation," and the use of qualifiers such as "style," "type," or "kind," even when the true origin of the product is clearly disclosed. The system favors European producers by providing a mechanism under which bad-faith GIs can be registered in multiple countries simultaneously, including those party to OAPI.

Modernization of AGOA provides a unique avenue to build upon the Administration's momentum by including similar commitments for beneficiaries to preserve access for common names. Given AGOA's eligibility requirement that beneficiaries make continual progress toward elimination of barriers to U.S. trade and the European Union's continued attempts to tilt the playing field in its favor via GI abuse, USDEC, NMPF and CCFN urge the U.S. government to establish explicit obligations for AGOA beneficiaries to protect a list of terms frequently at risk and ensure that markets do not cede exclusive use rights to European suppliers. Preserving U.S. access to quickly developing African markets is critical as the European Union continues to aggressively pursue new trade agreements that tilt the playing field entirely in its favor for common name foods and beverages. AGOA provides significant leverage for the United States to address the problem and provide market assurances in accordance with an America First Trade Policy.

USDEC, NMPF and CCFN urge AGOA eligibility requirements to be expanded to include explicit protections for cheese and meat terms of concern against future attempts to restrict GI terms, including, but not limited to:

american, asiago, blue, blue vein, brie, burrata, camembert, cheddar, chevre, colby, cottage cheese, coulommiers, cream cheese, danbo, edam, emmental, feta, fontina, gorgonzola, gouda, grana, gruyere, havarti, limburger, mascarpone, monterey, monterey jack, mozzarella, munster, muenster, neufchatel, parmesan, pecorino, pepper jack, provolone, ricotta, romano, saint-paulin, samso, swiss, tilsiter, tomme, black forest ham, bologna, bologne, bratwurst, capicola, capocollo, chorizo, kielbasa, mortadella, pancetta, prosciutto, salame, and salami.

The 32 markets eligible for AGOA benefits as of 2025 represent important markets and in the future for many common-name food and beverage products. Unfortunately, as the European Union seeks

⁴ World Intellectual Property Organization (WIPO), "The Geneva Act of the Lisbon Agreement enters into force in the OAPI Member States," WIPO News (Mar. 16, 2022), https://www.wipo.int/en/web/lisbon-system/w/news/2022/news_0005

to expand its influence on the African continent, including by negotiating trade agreements with common name restrictions included under the guise of geographical indications protections, U.S. stakeholders have little to no recourse to preserve current and future market access.

AGOA beneficiaries should also commit to ensure a fair and transparent process for the evaluation of direct trademark applications for GIs. USDEC, NMPF and CCFN encourage to include as a prerequisite for AGOA benefits provisions similar to those included in the Agreements on Reciprocal Trade, including requiring AGOA beneficiaries to:

1. Ensure transparent and fair procedures for examination, opposition, and cancellation, including with respect to a translation or transliteration,
2. Provide that the grounds for refusal, opposition, and cancellation include the likelihood of confusion with a prior trademark and whether the term is the term customary in common language as the common name for the relevant good in its territory,
3. Publicly identify which component or components it is protecting and which it is not protecting,
4. Not protect an individual component of a multi-component term that is protected or is recognized as a geographical indication if that individual component is the term customary in common language as the common name for the relevant good in its territory,
5. In determining whether a term is the term customary in common language as the common name for the relevant good in its territory, have the authority to take into account how consumers understand the term in its territory and recognize that factors relevant to that consumer understanding may include:
 - a. Whether the term is used to refer to the type of good in question, as indicated by competent sources such as dictionaries, newspapers, and relevant websites,
 - b. How the good referenced by the term is marketed and used in trade in its territory,
 - c. Whether the term is used in relevant international standards to refer to a type or class of good in its territory, such as pursuant to a standard promulgated by the Codex Alimentarius,
 - d. Whether persons other than the person who claims rights in the term use the term as the name for the type of product in question
 - e. Whether the good in question is imported into its territory, in significant quantities, from a place other than the territory identified in the application or petition, and whether those imported goods are named by the term, and
 - f. Whether the product associated with the term is manufactured or traded in significant quantities from a place other than the territory identified in the application or petition.

Integration of the above requirements for AGOA eligibility requirements is an important step toward ensuring that the United States does not continue to cede ground to the European Union for common food and beverage exports. Given recent and ongoing steps that AGOA beneficiaries have taken to protect the European Union's bad-faith GIs, it is critical that the Administration leverage

the AGOA program to ensure that the market access rights of U.S. food and beverage exporters are preserved now and into the future.

USDEC, NMPF and CCFN appreciate the Administration's leadership on this topic and look forward to working with USTR and its interagency partners on this important issue.

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