



6th MEETING OF THE EU-CENTRAL AMERICA ASSOCIATION AGREEMENT

Subcommittee on Intellectual Property

16 November 2020
Videoconference
JOINT MINUTES

1. Welcome

The EU and Nicaragua (PPT) welcomed the participants.

2. Approval of agenda

The EU requested to add an additional point regarding information on the state-of-play of the ratification process for the Geneva Act to the Lisbon Agreement on the protection of Denominations of Origin and Geographical Indications and to respond to a written request by Costa Rica to share the advancement on the process of protection for the GI *Tarrazú* in point 5.

The Parties agreed on the adoption of the agenda with said amendments.

3. Update from the EU concerning legislative developments

The EU presented the ongoing revision of the EU GI policy and legislation having also in mind the role that GIs will play in the EU's Farm-to-Fork strategy.

This includes a process for revising the existing EU legislation for the protection of agricultural GIs as well as the consideration to set-up a system for protection of non-agricultural products at EU level. This includes a public consultation process, to which third countries can contribute, as well as an impact assessment to be carried out.

The EU referred to a recent published study on “the economic value of EU quality schemes, geographical indications (GIs) and traditional specialties guaranteed (TSGs)” which illustrates the importance of the sector for the EU agriculture production (<https://op.europa.eu/en/publication-detail/-/publication/a7281794-7ebe-11ea-aea8-01aa75ed71a1>).

Central America asked to share the impact assessments and any legislative proposals, once they are published for further discussions in this Sub-Committee.



Central America expressed an interest in principle in further recognition of Central American GIs through the agreement.

Agreements:

- ✓ EU will share with Central America relevant information on public consultations for amending GIs legislation as well as the mentioned study on economic value of GI's.

4 Update from Central America concerning legislative developments

Nicaragua communicated certain amendments to the IP legislation, notably concerning trademarks and patents law.

Nicaragua stated that the only denomination of origin protected so far is *Café Dipilto*. It referred to its intention to ask the EU for its protection through the Agreement.

Furthermore, Nicaragua informed that is currently working on the protection of further GIs for coffee, honey, cocoa and crafts. Tobacco and rice are also being studied.

Agreements:

- ✓ The Parties will continue sharing information on legislative developments.

5 State of play Central America new GIs (including those under the joint declaration)

The EU referred to the list of 54 GIs mentioned in the Joint Declaration of the Association Agreement, which are under consideration by Central America to be protected.

The EU clarified that the list was not meant to be exhaustive, and that it is possible to ask for protection of new GI's not included on the list.

The EU asked for information, whether from CA counterparts if there are products in the process of being registered within the next few months.

Honduras asked to check the status of the protection of *Café Marcala*. The EU confirmed that *Café Marcala* is included in the Joint Decision 05-2014 published by the EU on 24 July 2015.



Costa Rica referred to its interest to protect *Tarrazú* for coffee; an application has been sent to the EU in July 2020, and informed that “*Queso Turrialba*” for cheese is also protected under domestic legislation.

El Salvador referred to a potential interest to protect the spirit drink – *Chaparro*, a number of types of coffee: *Alotepec*, *Cacauhatique*, *Balsamo Quezaltepec*, *Chichontepec*, *Tecapa Chinameca*, as well as other agricultural products: *Jocote Baron Rojo San Lorenzo*, *Camarón Bahía de Jiquilisco*, *Loroco San Lorenzo*, among others.

The EU updated on the process for registration of the GI *Tarrazú*.

The EU asked whether there is any framework that exists at the CA level in terms of GI protection.

Central America stated that there is no regional GI protection instrument. However there is a harmonized manual for trademarks examination for all Central American Industrial Property offices.

Agreements:

- ✓ EU and Costa Rica to agree on a date to discuss in detail the current process for protection of the GI “*Tarrazú*” for coffee.

6 State of play protection EU GIs in Central America

The EU presented the issue of adequate protection of GIs by the respective Parties, and reiterated the importance of agricultural exports in bilateral trading relations, of which GI protection constitutes one of the key elements.

The EU asked about issues relating to the effective protection of three GIs protected through the agreement:

a Manchecho cheese – Costa Rica

Costa Rica reported on the efforts made to reduce the risk of confusion by amending the labels for “*Queso Manchecho*” and provided evidence that the three manufacturers have been commercialising their products prior to the entry into force of the Association Agreement, according to official sanitary registries issued by the Ministry.



The EU requested to follow up on this, in particular by requesting further evidence, to demonstrate that the product had been continuously commercialized before the entry into force of the Agreement.

b Oporto – Panama

EU reported the use of “*Oporto*” label in Panama despite its protection as GI in the territory of Panama.

Panama confirmed that the term is fully protected in Panama and that there were no objections in 2013 when “*Oporto*” was registered as a protected GI (denomination of origin). Panama stated that it will investigate such sales that are done in Panama and will make the necessary recommendations.

c Parmigiano Reggiano – Guatemala

The EU requested an update as regards the registration of “*Parmigiano Reggiano*”.

Guatemala indicated that this GI was registered in 2013 and that administrative and judicial appeals were submitted. Further information will be provided once available. .

Guatemala indicated that the competent authorities are following this issue.

Agreements:

- ✓ Costa Rica to provide additional information on commercialization of “*Queso Manchego*”.
- ✓ Panama to provide further information on products sold with the label “*Oporto*” in Panama;
- ✓ Guatemala to update the EU on the state of protection of “*Parmigiano Reggiano*”.

7 Exchange of views on the procedure for future modifications of Annex XVIII (working document)

The EU thanked Central America for the comments submitted earlier this year to the non-paper and proposed scheduling a new virtual meeting to discuss the issue, within the next weeks following comments provided by the EU and on the basis of the discussion that took place in the Sub Committee.



Agreements:

- ✓ Parties agreed to continue work on the document through written procedure and to convene a meeting for further discussion;
- ✓ EU will submit its comments to latest comments by Central America in writing and propose dates for dedicated meeting to carry the work forward within the next weeks.

8 Information exchange on best practices for protection of geographical indications and its underlying principles

The EU proposed technical meetings in the near future with the objective to have a continuous dialogue about GIs protection and its underlying principles before the next meeting of the IP Sub-Committee.

CA welcomed the offer, and expressed the need to coordinate to agree on possible dates.

Agreements:

- ✓ Parties to hold dialogue on GIs policy
- ✓ EU to submit proposals for dates for such a cooperation.

9 Technical cooperation on different intellectual property topics, such as trademarks, industrial designs, plant varieties, IT Tools, geographical indications and enforcement (follow-up/feedback IPKEY LA 2019 in San Jose, BTSF)

The EU described the technical cooperation as a means of an approach between the Parties and referred to the positive experience in the past of this program. The EU invited Central American countries to provide feedback, in particular as regards the satisfaction with the virtual format of these meetings.

Central America expressed satisfaction with the activities offered in 2020 and the interest in the events to take place in 2021.

Agreements:

- ✓ Both parties confirmed their interest to continue preparation of IP KEY events for 2021.

10. AOB



The EU consulted Costa Rica regarding the ratification of the Geneva Act to the Lisbon Agreement.

Costa Rica informed that the legislative process has not yet started.

Agreements:

- ✓ Costa Rica to keep the EU informed about future steps regarding the ratification progress.



At the end of the meeting, delegates of the Parties reviewed the draft minutes and reached consensus.

Final minutes have been approved on 26 November 2020 as an expression of all Parties agreement.



List of participants

European Union

- Jaime DE MENDOZA FERNANDEZ, DG TRADE
- Giulio MENATO, DG AGRI
- Felix LUTZ, DG AGRI
- Miltiades KRIMIZIS, DG AGRI
- Stefan KRAUSE-MONTALBERT, EU Delegation in Costa Rica Trade and Economic Section to Central America

Costa Rica

- Leonor OBANDO

Nicaragua

- Humberto Javier COLLADO

El Salvador

- Gloria PORTILLO

Honduras

- Arturo DÍAZ
- Jorge ALBERTO PINEL

Guatemala

- Velveth BERG
- Francico FERNANDO
- Vasquez COLLADO

Panama:

- Ana Elena AROSEMENA
- Milagros VELARDE