Comments by the Consortium for Common Food Names Regarding the 2026 Special 301 Review (Docket: USTR-2025-0243)
January 28, 2026

The Consortium for Common Food Names (CCFN) submits these comments in response to the notice of request for public comments concerning the 2026 Special 301 Review: Identification of Countries Under Section 182 of the Trade Act of 1974 (Docket Number USTR-2025-0243). CCFN values this opportunity to present its views on this important annual report.

In addition to these written statements, CCFN requests the opportunity to testify to the points cited below at the Special 301 Public Hearing to be held by the Special 301 Subcommittee on February 18, 2026. CCFN Senior Director Shawna Morris will be available to serve as the witness.

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. Our 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.

Last year represented a breakthrough year in the protection of common names for U.S. producers – driven primarily by this Administration's ability to deliver results through its proactive trade agenda. As CCFN has detailed in previous submissions, the European Union (EU) has been a leading offender of the rights of common name food and beverage producers. While the EU has sought to impose its own, discriminatory GI rules on its trading partners, the Trump Administration has fought back and advanced its own groundbreaking model to combat the EU's anti-competition strategy and safeguard American producers' common name rights in global markets.

The trade frameworks with Malaysia and Cambodia represent the best examples to date of this progress. Both finalized agreements establish unprecedented provisions that will guard against the monopolization of widely used food and beverage names, and – cementing clarity surrounding those expectations – both agreements include lists of generic terms that the trading partner has committed to protect. Upon implementation, these sets of complementary commitments—as well as the encouraging inclusion of common names provisions in additional trade frameworks announced to date—will help safeguard U.S. exporters' ability to market products under terms recognized and understood around the world.

Considering the timely importance of this issue, we are eager to see the Administration build on this success in 2026 and beyond, by incorporating this new, groundbreaking common names model into all ongoing and future trade negotiations with additional trading partners.

CCFN strongly supports the Administration's action-oriented approach to trade, and its commitment to supporting U.S. farmers' and manufacturers' ability to compete fairly in foreign markets. Securing explicit commitments ensuring the future ability to use specific commonly used generic food and beverage terms will continue to be a critical component of leveling the playing field for U.S. farmers and exporters.

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Bilateral and Selected Multilateral Issues

Australia

In June 2018, Australia and the European Union commenced negotiations on a free trade agreement (FTA). As in other trade negotiations, the EU sought to impose restrictions on the use of common names through the recognition of geographical indications (GIs). Negotiations broke down in July 2023, and a renewed stalemate in October 2023 ultimately led to the suspension of trade talks and further negotiations. Over the past year, however, both parties have expressed interest in resuming discussions, and the EU has recently indicated optimism that Australia and the EU could enter final FTA negotiations as early as March 2026.

The absence of an agreement with the EU offers a critical window of opportunity with this U.S. FTA partner. CCFN strongly encourages the Administration to seize this moment by engaging closely with its Australian counterparts to ensure that this key U.S. partner preserves the unrestricted use of common food and beverage names. Doing so would help prevent renewed efforts by the EU to appropriate generic terms and would safeguard the full value of market-access concessions under the AU–U.S. FTA framework.

Canada

CCFN reaffirms the importance of closely monitoring any future approaches to geographical indication (GI) recognition in Canada, as well as any actions by the European Union aimed at leveraging or expanding the protection of names already recognized as GIs under the Comprehensive Economic and Trade Agreement (CETA).

Of particular concern in Canada have been trademark applications that seek protection beyond the defined scope of the corresponding GI—a tactic employed in the past few years by certain European consortia. Such applications could unduly restrict the use of these terms in sectors unrelated to the GI's legitimate protection. These practices risk extending exclusivity through alternative legal mechanisms, effectively circumventing the balance established under Canada's existing agreements. CCFN has previously opposed multiple applications of this nature in Canada and remains vigilant in addressing similar efforts that could further erode the lawful use of common names.

Separately, CCFN closely monitored the implementation of Quebec's Bill 96, which strengthened French as Quebec's official language and mandated French translations on product labels, with particular attention to ensuring that GI translations do not undermine the continued use of common names. CCFN understands that the final regulation was adopted on June 19, 2024, without incorporating the recommendations advanced by industry stakeholders, and the bill was ultimately approved as originally drafted. We continue to monitor the law for impacts on common name use; happily, as yet U.S. exporters have not yet encountered problems in practice.

Central America (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua & Panama)

CCFN commends the Administration for securing commitments in Agreements on Reciprocal Trade negotiations with El Salvador and Guatemala to protect certain cheese and meat terms. As trade negotiations continue toward final Agreements with both countries, CCFN encourages USTR to secure strong common name provisions that mirror those secured with Malaysia and Cambodia.

CCFN also urges USTR to pursue similar commitments with the remaining Central American countries so that exporters to the region can benefit from a consistently robust set of protections for products relying on commonly used terms.

Chile

CCFN greatly appreciated the agreement struck between the United States and Chile in June 2024 to protect common names through an exchange of letters[1], which has since been incorporated into the U.S.–Chile FTA. Modeled off the approach the first Trump Administration advanced under the USMCA[2], the agreement ensures that a broad range of U.S.-origin products exported to Chile will not be restricted based on the use of twenty-nine cheese terms and eight meat-related terms, including their corresponding translations or transliterations. Additionally, the agreement establishes grandfathering protections preserving Chilean market access for all U.S. parmesan producers by defining the term "prior users" in a manner that captures the full breadth of the U.S. parmesan production market. The agreement's incorporation into the U.S.-Chile FTA solidifies its strength as a market access bulwark against future trade barrier risks. Although the agreement is not as far-reaching as those the present Administration has been pursuing throughout the past year, it represented a vital and hard-fought win in an important market for U.S. exporters.

The agreement followed the December 2023 modernization of the EU–Chile Association Agreement that had been in force since 2003. The Advanced Framework Agreement (AFA) and Interim Trade Agreement (ITA), the latter of which entered into force on February 1, 2025, incorporates the provisions governing GIs and will automatically expire once the AFA enters into force. This step remains contingent upon ratification by the EU Member States, which has yet to occur.

Separately, Chile signed an FTA with the European Free Trade Association (EFTA) on June 24, 2024. While the agreement regrettably restricts the use of the term "gruyere," it notably does not impose restrictions on the generic term "emmental," despite efforts by Switzerland to secure such protection. This outcome is particularly significant given that "emmental" is expressly recognized as a generic term under the U.S.–Chile exchange of letters, underscoring the importance of preserving the use of common names and preventing their inappropriate enclosure through trade agreements.

[1] https://ustr.gov/about-us/policy-offices/press-office/press-releases/2024/june/us-and-chile-sign-exchange-letters-protect-market-access-us-cheese-and-meat-products-chile

[2] https://ustr.gov/sites/default/files/files/agreements/FTA/USMCA/Text/MX-US_Side_Letter_on_Cheeses.pdf

Considering these developments and last year's implementation of Chile's updated FTA with the EU, CCFN urges USTR to ensure Chile is fully complying with the common names protections secured by the United States.

China

Currently, the common-names issue of greatest concern in China is the lack of consistency in the government's approach to geographical indications (GIs) and generic terms. By way of example, a trademark application filed by a CCFN member was repeatedly refused by the China National Intellectual Property Administration (CNIPA) based on the asserted protection of the "Parmigiano Reggiano" GI, notwithstanding that the EU–China GI Agreement expressly excludes the term "parmesan" from the scope of that protection. Following appeals to the Beijing High People's Court and, subsequently, the Supreme People's Court of China, the courts held on January 25, 2025 that, although the EU–China Agreement permits the use of the term "parmesan," the registration of a trademark containing that term is nevertheless prohibited due to an alleged likelihood of confusion with the "Parmigiano Reggiano" certification mark.

This outcome underscores the uncertainty and practical limitations faced by rights holders despite clear provisions protecting common names in China's applicable international agreements. It also calls into question China's commitments under the U.S.–China Phase One Agreement, including the following:

- *"China shall ensure that any measures taken in connection with pending or future requests from any other trading partner for recognition or protection of a geographical indication pursuant to an international agreement do not undermine market access for U.S. exports to China of goods and services using trademarks and generic terms."*
    - CNIPA's acquiescence to the Parmigiano Reggiano Consortium's efforts to expand trademark protection beyond the scope established in the EU–China GI Agreement appears inconsistent with this commitment.

- *"Each Party shall ensure that an individual component of a multi-component term that is protected as a geographical indication in the territory of a Party shall not be protected in that Party if that individual component is generic. When China provides geographical indication protection to a multi-component term, it shall publicly identify which individual components, if any, are not protected."*
    - China determined under the EU–China GI framework that "parmesan" is not covered by the GI for "Parmigiano Reggiano." CNIPA's subsequent rulings run counter to this common usage determination and therefore appear to be at odds with China's Phase One obligations.

In addition, CNIPA has denied a trademark application containing the generic term "bologna," citing an opposition filed by the Mortadella Bologna Consorzio and stating only that the term is a well-known geographical name. Such decisions undermine the generic use of common terms by all market participants and create unnecessary barriers for U.S. businesses.

During the opposition period for the 173 names for which the EU sought GI protection under Phase Two of the EU–China GI Agreement—including numerous food and beverage terms commonly used and widely understood as generic—CCFN filed an opposition in February 2023 to the recognition of “fontina” as a GI. In April 2024, CNIPA rejected CCFN’s opposition on the grounds that CCFN had failed to demonstrate that “fontina” is a generic term. That decision was upheld by the reviewing authorities in July 2024. These rulings lacked adequate justification, as the authorities failed to explain their reasoning or meaningfully address the evidence of generic use submitted by CCFN. The resulting lack of transparency has left the process shrouded in uncertainty and undermined confidence in the system, while also raising concerns regarding undue EU influence.

CCFN urges the Administration to ensure that measures taken by China do not undermine market access for U.S. exports or restrict the use of trademarks incorporating common names, and that China fully complies with its commitments under the U.S.–China Phase One Agreement.

Colombia

CCFN requests the Administration’s attention and engagement concerning developments that putting at risk the use of common food and beverage names in Colombia.

Colombian IP authorities have adopted interpretations that resulted in cancellation processes of trademark registrations comprising common names, such as “parmesan”, on the grounds that they may mislead the consumer public, even if those trademarks were registered in good faith and have been in force for several years. Additionally, these interpretations have resulted in trademark refusals based on opposition from European entities citing GI recognition, even when the terms involved, such as "parmesan" and "Parmigiano Reggiano," are distinct. These actions have effectively broadened the scope of GI protection in a way that restricts the use of common names.

These actions by Columbian authorities raise concerns about the certainty and predictability for U.S. traders regarding the IP rights they have acquired in good faith in Colombia and the IP system in general. We ask the Administration to engage with their Colombian counterparts to discuss and address this situation and ensure continued use of common names in this FTA partner market.

Ecuador

CCFN is encouraged by the Nov. 13 Framework for a U.S.-Ecuador Agreement on Reciprocal Trade, which committed Ecuador to ensuring that market access will not be restricted due to the use of common cheese and meat names. The framework specifically protects fontina, gruyere, mozzarella, parmesan, provolone, black forest ham, prosciutto, and salami – terms that the European Union frequently seeks to protect and monopolize as geographical indications.

CCFN encourages the Administration to finalize this agreement and work with its counterparts in Ecuador to enforce these important common names protections.

European Union

In 2025, the EU continued its campaign to confiscate common names as GIs around the world via FTA and standalone GI negotiations. Internally, the EU moved forward with trade-restricting changes to its GI regime.

The Regulation (EU) 2023/2411 entered into force in November 2023 and established a GI protection regime for craft and industrial products; the registration system entered into force on December 1, 2025. This is of relevance for CCFN's global work on GIs and common names as this type of GI has been of notable interest for several of the EU's developing country trading partners.

Another element of the EU's November 2023 GI regulation updateswas the finalization of a reform of its GI regime for wines, spirits, and agricultural products, aimed at expanding protection under EU law. The reform was enacted as the Regulation (EU) 2024/1143[3], which came into force in May 2024. Some of the most notable provisions that pose concerns include the following:

- The expanded role of the EU Member States authorities in deciding if a GI application is eligible for protection and in amending GI specifications with the Commission checking only for "manifest errors" in applications.
- Procedural changes, such as the shortening of the opposition procedure deadline from 5 to 3 months.
- Extension of the scope of protection for GIs to e-commerce, domain names, goods in transit and goods destined for exports.
- EU Member States are now obliged to prevent illegal use of GIs online. This measure applies to all content accessible within the EU—regardless of its origin as long as a person located in the EU can access it.

Importantly, the measures lack—once again—a list of names that the EU considers to be generic, as well as objective criteria to determine what constitutes a common name. This merely preserves a status quo that does not provide much-needed certainty for users of common name products.

CCFN remains not only concerned with the negative effects of the procedural changes, such as the shortening of the opposition procedure, but also with the disproportionate expansion of the scope of protection. Additionally, the expanded role assigned to Member States in managing applications is likely to increase the opportunity for bias toward limiting the use of common food names, at the expense of non-EU producers. Given how politicized the EU's GI process is — having never resulted in the rejection of a GI application on generic grounds—we anticipate that this will exacerbate the current flaws in the system. Ultimately, the provisions represent further constraints to the right to use common names and related market access opportunities since the proposal includes elements that the EU is already pursuing as part of the GI provisions negotiated under FTAs and "standalone" GI agreements worldwide.

We would also like to reiterate our long-standing concerns with the EU's abusive restrictions on commonly used winemaking terms. Over centuries, European immigrants to the United States have

[3] Regulation (EU) 2024/1143 of the European Parliament and Council, dated 11 April 2024, on geographical indications for wine, spirit drinks and agricultural products, as well as traditional specialties guaranteed and optional quality terms for agricultural products, amending Regulations (EU) No 1308/2013, (EU) 2019/787 and (EU) 2019/1753 and repealing Regulation (EU) No 1151/2012.

brought with them the knowledge, language, and tradition of wine making from Europe. However, the EU continues to prohibit the use of certain descriptive or "traditional" terms on U.S. imported wine, claiming exclusive use of these terms for European producers and other wine regions through free trade agreements.

- As an example, a California Port producer interested in exporting to the EU will not be able to use "port" due to its GI status within the EU, nor will they be able to use terms relating to port production such as "ruby" and "tawny," thus being excluded from using common descriptions of the beverage. While the EU claims the terms are distinctive "European" expressions, the terms are not tied to a specific place; they are common nouns and adjectives associated with winemaking practices. Terms such as "chateau," and "clos" may only be used in the European market if approved by the EU. The 2006 Bilateral Agreement specifically allowed use of these terms for three years and, at the time, U.S. industry members expected that the EU would extend that period.

- The U.S. wine industry has long since applied for approval of their use and, to date, the EU has only approved two of the thirteen applications. Meanwhile, winemakers from other non-EU countries have been approved to use terms such as "chateau" in the EU, using definitions essentially identical to those contained in the U.S. submission. Moreover, the use of these terms in the European market and elsewhere has resulted in no consumer confusion. There is no health or safety issue, nor is there any consumer risk in using wine descriptive terms that have always been and continue to be in the public domain. The revision of the traditional terms regulation (G/TBT/N/EU/570) in 2018 by the European Commission did not address these concerns.

Separately, we remain concerned with the status of generic plant variety names within a compound GI which is recognized by the EU. For example, "montepulciano" is a wine grape varietal name which is official recognized by the U.S. Alcohol and Tobacco Tax and Trade Bureau. Montepulciano d'Abruzzo, an Italian wine GI, translated into English is "Montepulciano from Abruzzo". Any country negotiating a free trade or GI agreement should indicate which part of a compound GI is generic. Unfortunately, the EU-China GI agreement could potentially restrict any wine made with the montepulciano grape. "Vino nobile di Montepulciano" is protected in the agreement with a footnote stating, "the protection of the term 'vino nobile di' is not sought" thus designating montepulciano as the singular protected term.

Additionally, in November 2025, the European Commission adopted the so-called "Wine Package" in response to declining wine consumption and economic challenges by EU winemakers[4]. This package comprises a set of measures amending three existing EU legislative instruments governing the wine sector, with a particular focus on wines protected by geographical indications (GIs). The stated objectives include simplifying wine labeling requirements, increasing flexibility in the use of EU funds for competitiveness-enhancing measures, and expanding marketing and promotional support, including initiatives related to wine tourism.

- If ratified as currently scheduled in February, these measures could confer a significant competitive advantage on EU winemakers through enhanced access to subsidies and public support mechanisms, potentially to the detriment of U.S. producers.

[4] https://www.europarl.europa.eu/news/en/press-room/20251202IPR31730/eu-wine-sector-meps-and-council-agree-on-new-rules-to-support-producers#; https://winenews.it/en/eu-agriculture-commission-gives-green-light-to-wine-package-only-plenary-approval-remains_579599/; https://www.politico.eu/article/5-takeaways-in-the-eus-frothy-wine-package/

Furthermore, we remain concerned about how the Traditional Specialty Guarantee (TSG) program may be abused by the EU moving forward. The TSG program was initially a program whereby producers that fit a specified product definition earned the right to use a particular EU TSG logo on their packaging. However, in 2013 the EU reformed this program to instead require that new TSGs be implemented in a restrictive manner, blocking use of the registered term by any who do not meet the specific product definition. While to date the EU has not created a TSG for a common name yet, the strong potential for this exists. We note the following regarding this approach:

- Mandatory product standards and their enforcement are not in principle a concern. When properly employed, they can provide essential consistency and information to consumers. For instance, the United States has a standards of identity program that specifies what products can be accurately labeled as "milk" or as "gruyere cheese," regardless of where that product is produced.

- However, given the EU's track record of using its quality labeling programs to deter competition for groups of producers in specific regions of the EU, CCFN is concerned about how this regulation may be applied in practice and the lack of sufficient, clear protections for generic names under the regulation. The EU's propensity to "export" its regulations in the form of global regulatory and standards restrictions around the world could ultimately create challenges for restaurants and their global suppliers, including U.S. companies, if an overly restrictive standard for the term were imposed worldwide.

- Although not strictly an IP issue itself, the development of the TSG program must be viewed in the context of what the EU has done with its established GI system and policies. It is important for the U.S. government to monitor evolution of this program and to discourage its incorporation into EU FTAs. As we stated before, should the EU wish to create global product standards for products, the proper pathway for doing so is through the established Codex process.

In light of developments in the EU during 2025, CCFN urges the Administration to pursue alternatives to address the longstanding imbalance in U.S.–EU trading conditions. While the EU continues to benefit from broad access to the large and lucrative U.S. market, it simultaneously imposes arbitrary restrictions and unfair competitive conditions on U.S. food and beverage products bearing common or generic names—both within the EU market and globally. Such practices are inconsistent with the principles that should guide relations between close allies and major trading partners.

India

Since June 2022, the European Union and India have been engaged in negotiations on a bilateral free trade agreement (FTA), an Investment Protection Agreement (IPA), and a standalone Agreement on Geographical Indications (GIs). This marks the second attempt by the parties to reach a GI agreement since 2010. Unlike the earlier effort, the EU now has a domestic legal framework for the protection of craft and industrial products, which is likely to address India's prior concerns regarding the protection of non-agricultural GIs.

With respect to the GI agreement specifically, public reporting confirms that technical work continued throughout 2024 and 2025, including the exchange and refinement of proposed GI lists. However, the shortlists of approximately 200 GIs that the parties agreed to exchange in 2024 have not to our knowledge been made public. In 2025, official statements from India's Ministry of Commerce and EU trade officials reiterated that the GI chapter remains part of the broader negotiating package and that discussions are ongoing to bridge differences on intellectual property–related issues, alongside market access and regulatory chapters.

Given that the India–EU GI Agreement is at an advanced but unresolved stage, and that the contents of the exchanged GI lists remain non-public, engagement with India has become increasingly time-critical if the U.S. is to preserve the industry's future ability to export common name products to this growing market. CCFN therefore urges the Administration to intensify discussions with Indian authorities—both bilaterally and through coalitions focused on common food names—to secure explicit protections for such terms and to obtain clear assurances that India will retain sufficient policy space to treat generic terms as freely usable notwithstanding any future India–EU GI commitments – drawing on the model established in the U.S.-Malaysia Agreement of Reciprocal Trade.

Indonesia

CCFN is encouraged by provisions in the U.S.-Indonesia trade framework that include an Indonesian commitment to ensure "transparency and fairness" in respect to GIs and common names. As negotiations continue, CCFN asks USTR to build on this momentum to secure explicit commitments that mirror the sets of complementary common names commitments included in the Agreements on Reciprocal Trade with Malaysia and Cambodia.

This is increasingly pressing given that in September 2025, the EU and Indonesia finalized negotiations on their Comprehensive Economic Partnership Agreement (IEU CEPA). An EU briefing and subsequent public communications confirm that the CEPA will provide protection for 221 EU agricultural and food GIs, incorporating an expanded GI subsection—including craft and industrial GIs. There are several common names important to U.S. exporters on the CEPA list.

In light of the now-concluded CEPA, CCFN strongly recommends that the Administration intensify engagement with Indonesia in the ongoing trade negotiations to obtain concrete assurances that specific common food and beverage terms will remain freely usable by U.S. exporters and that Indonesia will use a thorough and fair process for considering any future GI applications.

Japan

While the EU-Japan Strategic Partnership Agreement (SPA) had been provisionally applied since February 1, 2019 - including its provisions on geographical indications – the agreement officially entered into force on January 1, 2025. The SPA establishes broad areas of cooperation, with agriculture being a key focus, and includes commitments by both parties to strengthen cooperation on the protection of GIs[5]. These

[5] Pursuant to article 27 of the SPA.

provisions signal an increased emphasis on GI protection in Japan's trade and regulatory framework, with potential implications for the use of common names.

In August 2025, the government opened a comment period to gather input and objections on thirteen newly proposed EU food names seeking GI protection under the EU–Japan SPA. This list included certain terms that have been in common use for decades and are of particular importance to U.S. exporters, including "halloumi," which CCFN opposed. The process is ongoing and CCFN has yet to receive a response from the Japanese government ruling on the merits of its opposition.

Taken together, these developments heighten the risk of further restrictions on the use of common food and beverage terms in Japan. In light of this trend, it is increasingly important for the Administration to engage with Japanese authorities to secure explicit protections for specific common names, ensuring their continued free use and preserving market access opportunities for U.S. producers and exporters.

Kenya

On July 1, 2024, the Economic Partnership Agreement (EPA) between the EU and Kenya entered into force. This agreement includes provisions addressing GIs in a very general way, only 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.

However, those provisions included cooperation to develop policies and legal frameworks on GIs, as well as to establish regulations on GIs, which could serve as the starting point for the EU to attempt imposing its inequitable GI model onto Kenya's legal framework.

As the EPA's implementation phase advances after its entering into force, the Administration should engage proactively with Kenya under the EPA's cooperation and dialogue provisions to secure clear, written understandings that common food and beverage terms will remain available for use by U.S. producers and exporters, and to ensure that any future GI commitments in the Kenya–EU framework do not erode that access. While U.S. exports to Kenya are presently quite limited, this growing market offers strong opportunities for future sales if the Administration is successful in resolving other tariff and nontariff barrier impediments through the ongoing negotiations. Given those prospects, ensuring that the market remains open for future common food name products is essential.

Korea

The Korean government's assurances[6] to protect multi-term GIs, translations or transliterations of GIs, and generic terms are vital, yet would benefit from further expansion.

On July 2, 2024, during the 11th meeting of the EU-South Korea Working Group on GIs, both parties discussed legislative developments related to GIs, and exchanged information on their respective

[6] https://ustr.gov/trade-agreements/free-trade-agreements/korus-fta/exchange-letters-between-ambassador-kirk-and-trade-minister-kim-geographic-indications

trademark systems, including the tools and databases utilized during examination and registration processes, and shared experiences regarding enforcement mechanisms and control practices to ensure compliance with GI protections. The discussions clearly demonstrated the EU's proactive approach to influencing the evolution of GI protection in South Korea. Additionally, both parties committed to continuing the exchange of information and collaborating on monitoring the use of GIs in online markets.

In addition to all the above, the influence of the EU can be seen reflected in the decision by the Korean Intellectual Property Office to reject a compound trademark containing the term "parmesan" in 2024. This was done in response to opposition filed by the Consorzio, claiming that the term "parmesan" is similar to the Parmigiano Reggiano GI, which is protected under the EU-FTA. This is in direct contradiction, however, to the assurances provided by Minister Kim to Ambassador Kirk in 2011 regarding the treatment of compound GIs such as Parmigiano Reggiano. This type of decisions raises concerns about the potential limitations on the use of terms widely used by traders, producers and consumers in the local market.

Accordingly, we continue to urge the Administration to engage actively with Korea to secure a broader, explicit list of recognized common food and beverage terms whose use will not be restricted by current or future GI recognition under the Korea–EU FTA or any subsequent understandings, and to ensure that Korean authorities do not rely on EU-driven interpretations in ways that unduly limit labeling options for U.S. producers and exporters.

Malaysia

CCFN praises USTR for securing gold-standard commitments with Malaysia to protect common names in its Agreement on Reciprocal Trade negotiations[7]. The agreement includes an explicit, comprehensive list of more than three dozen common cheese terms and ten common meat terms that the Malaysian government has committed to protect. The provisions establish broad protection for the rights of U.S. suppliers to continue using common terms in a large and growing market. In addition, the agreement incorporates the strongest due process provisions to date in any trade arrangement addressing the protection of common terms. Taken together, these commitments will provide U.S. exporters with greater certainty and meaningful access to Malaysia's market, while also reinforcing broader U.S. national and economic security objectives by promoting fair competition, transparency, and predictability in trade.

As the Agreement on Reciprocal Tade is implemented, CCFN looks forward to working with USTR to ensure full implementation of the common name provisions, particularly as Malaysia and the EU advance FTA negotiations that launched in 2010. These talks remained on hold until December 11, 2024, when the EU announced the financing of the multiannual action plan in favor of Malaysia for 2025-2027 to strengthen its trade relations.

Following a joint "stocktaking" and scoping exercise completed in December 2024, the EU and Malaysia formally announced the resumption of negotiations in January 2025, aiming at a "comprehensive and modern" FTA that explicitly includes protection of intellectual property rights including GIs among its core objectives. The first renewed negotiating round took place in Brussels from June 30 to July 4, 2025,

[7] https://ustr.gov/about/policy-offices/press-office/fact-sheets/2025/october/fact-sheet-united-states-and-malaysia-reach-agreement-reciprocal-trade

and EU officials have since indicated an ambition to conclude the FTA by around 2027, in parallel with talks with Thailand and the Philippines, as part of a broader ASEAN strategy. This restart of negotiations could put the use of common terms at risk, which increases the importance of ensuring complete integration of the U.S.-Malaysia agreement into law to preempt EU monopolization of generic terms in the market.

CCFN encourages the Administration to remain vigilant and continue engaging proactively with Malaysia to promote and maintain a balanced GI regime that preserves opportunities for U.S. exporters, and to counter any expansion or evolution of EU–Malaysia GI commitments that may arise in the context of ongoing FTA negotiations.

Mexico

As noted in prior filings, CCFN was deeply disappointed by the Mexican government's decision to acquiesce to EU demands by relinquishing protection for several widely used common terms in the context of negotiations to modernize the EU–Mexico Global Agreement, including its dedicated chapter on geographical indications (GIs). Negotiations on the modernized agreement were formally concluded on January 17, 2025, and in September 2025 the European Commission adopted proposals for the signature of both the modernized agreement and an accompanying Interim Trade Agreement. This package is now proceeding through the EU's internal ratification and consent process and will likewise require completion of corresponding ratification steps in Mexico. Published consolidated legal texts indicate that, once the agreement enters into force, Mexico will grant extensive protection to a large number of EU GIs, with significant implications for the continued use of common names by U.S. exporters.

In parallel to this we continue to be alarmed that even prior to the conclusion of the negotiations, Mexico's intellectual property authorities began refusing trademark applications based on EU GIs that are not yet officially registered in Mexico. For example, in 2024 the Intellectual Property Chamber upheld the refusal of a registration for a compound trademark containing the term "feta," despite the applicant's express disclaimer of the term as generic. This decision was rendered notwithstanding that "feta" is not protected under the Lisbon Agreement (to which Mexico is a party), that the EU–Mexico FTA has not yet entered into force, and that substantial evidence was submitted demonstrating the term's common use in Mexico to designate a type of cheese without any geographical connotation. These actions have created significant legal uncertainty and risk erecting premature trade barriers.

Of greatest priority for the coming year are outstanding elements of U.S.–Mexico–Canada Agreement (USMCA) implementation and complementary steps to safeguard U.S. export access rights. The first Trump Administration secured important disciplines with Mexico in USMCA, including side letters addressing cheeses and prior users, as well as intellectual property chapter provisions governing the determination of whether a term is customary in the common language and the treatment of multi-component terms. Mexico has yet to fully and transparently implement these obligations, in part due to delays in finalizing the implementing regulations for the Federal Law for the Protection of Industrial Property.

As the United States enters the mandated 2026 USMCA Joint Review process, CCFN urges the Administration to prioritize engagement with Mexican authorities on these issues, insist on full and timely

implementation of USMCA's common-name and GI-related commitments, and ensure that Mexico does not restrict access for U.S. usage of common food names.

Mercosur: Argentina, Brazil, Paraguay and Uruguay

Free trade agreement negotiations between the European Union and the Mercosur countries initially concluded in June 2019. Following a prolonged hiatus, the EU–Mercosur Partnership Agreement was signed on Jan. 17, 2026. Although some in the EU are continuing to contest elements of the agreement, it appears to finally be moving toward implementation.

Throughout 2025, U.S. stakeholders and the Office of the U.S. Trade Representative (USTR) continued to highlight the EU–Mercosur GI outcome as a prime example of the EU's use of trade agreements to secure exclusive rights over terms that function as common names in foreign markets. Analysis of the final GI annexes confirms that the "prior user" carve-outs for operators in Mercosur countries are narrow and heavily conditioned. Notably, the announcement of the conclusion of the negotiations was accompanied by public lists of recognized prior users; no U.S. entity appears on these lists as a prior user of "parmesano," "parmesão," "gruyere," "fontina," "gorgonzola," or "grana" in any Mercosur country. As a result of this and other restrictions in the agreement, U.S. exporters are left with the prospect of new restrictions being imposed on numerous common names in the Mercosur region.

CCFN has previously documented adverse administrative actions in Brazil involving two registered trademarks incorporating the common terms "parmesan" and "asiago." The "asiago" case is particularly troubling, as the term had been expressly recognized as a common name by the Brazilian Trademark Office (BTO) under Brazil's domestic legal framework. Nevertheless, on November 21, 2023, the BTO declared the previously registered trademark null. Similarly, in the case of "parmesan," the trademark was registered in 2021, but months later the BTO initiated annulment proceedings—supported by the Parmigiano Reggiano Consorzio—and on May 21, 2024, approved the annulment on the grounds that "parmesan" is a translation of "parmigiano."

These decisions underscore the significant legal uncertainty faced by good-faith users of common terms and highlight the lack of consistent and impartial examination of common-name trademarks. By adopting an overly broad interpretation of alleged false indications of origin and potential consumer confusion, without providing thorough, reasoned explanations, the BTO's approach to refusing or canceling trademarks unjustly restricts the use of widely recognized generic terms.

As the EU–Mercosur Agreement moves toward signature and ratification, it is increasingly urgent for the Administration to engage directly with Mercosur governments to seek practical assurances and bilateral understandings to mitigate the impact of these GI commitments on U.S. market access. CCFN is encouraged by the Agreement on Reciprocal Trade framework secured with Argentina that references a commitment to not restrict the use of certain meat and cheese terms, but additional engagement is necessary to ensure comprehensive commitments are secured and implemented with Argentina and the three additional Mercosur markets party to the EU agreement.

New Zealand

On May 1, 2024, the New Zealand-EU FTA and New Zealand legislation implementing the EU FTA entered into force. Under the FTA, New Zealand agreed to recognize as European GIs a list of 1,967 terms. The provisions and the number of names recognized as GIs are deeply disappointing, considering that many of them are commonly used names. Moreover, the FTA allows for the introduction of additional GIs for protection in the future, further raising the likelihood that the limited pool of commonly used terms available to non-EU producers will face additional restrictions. This development underscores significant challenges for producers outside the EU who rely on these terms to describe their products.

Furthermore, New Zealand's concessions to the EU also contradict its CPTPP commitments to implement a fair and balanced GI recognition system.

Concerns regarding the geographical indications (GI) chapter of the New Zealand–EU Free Trade Agreement remain significant, both within New Zealand and among its trading partners, including the United States. There remains a need for the Administration to pursue concrete understandings with New Zealand regarding the treatment of common names. Such engagement should include explicit assurances that certain generic terms will remain available for use by U.S. producers, and that any future additions to the EU GI list will be subject to meaningful scrutiny, robust opposition procedures, and full consideration of prior use and generic status in non-EU markets.

Peru

In late 2024, the European Commission prompted the Peruvian Intellectual Property Office ("Indecopi") to issue letters to supermarkets threatening enforcement actions against the use of "parmesan" when marketing cheese despite long-standing government recognition of the term as generic for more than a decade after the EU agreement with Peru. Extensive efforts were required to correct this inaccurate assertion and ensure that the market remained open for U.S. and other non-EU products. This illustrated the importance of securing in writing explicit assurances regarding the use of common names with key trading partners to guard against shifting interpretations of their GI treatment over time.

While we noted no new developments or enforcement actions during 2025, there remains the risk of future shifts in interpretation. Accordingly, we urge the Administration to continue to engage with Peruvian authorities to reaffirm and preserve the generic status of common food terms, ensure their free and lawful use by U.S. producers, and seek formal written confirmations that provide long-term legal certainty. Continued monitoring and dialogue with Peruvian counterparts will be essential to prevent similar actions from arising in the future.

Philippines

During 2025, the European Union and the Philippines continued negotiations toward a comprehensive free trade agreement (FTA). Intellectual property issues—including geographical indications (GIs)—were addressed yet again during the fourth round of negotiations in October 2025.

Shortly thereafter, in October 2025, the Geographical Indications Registry of the Intellectual Property Office of the Philippines (IPOPHL) published a list of EU GIs that had been examined in connection with the prospective agreement and invited interested stakeholders to submit comments or observations. In response, CCFN submitted comments highlighting the generic nature of several widely used terms of particular importance to U.S. exporters—including "parmesan," "grana," "black forest ham," "romano," and "prosecco"—and emphasized the need to preserve their continued free use in the Philippine market. Subsequent lists have included the common names "gorgonzola", "asiago", "fontina", "feta", "gruyere", and "bologna" – each of which are a common name and as such threaten to limit export opportunities for U.S. companies.

We note as well that the Philippines has advanced several policies pertaining to GIs over the past few years – questions remain regarding how exactly common name users' rights will be protected through these procedures:

- The Philippines' Rules and Regulations on Geographical Indications entered into force on November 20, 2022. CCFN participated in the consultation process for the development of this framework but remains concerned that the final regulations include provisions that depart from a balanced GI protection regime. These include an overly broad scope of protection for GI-recognized terms—closely mirroring the EU model and extending beyond the standards set under the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)—as well as uncertainty regarding the treatment of translations and transliterations of GI terms and limited timeframes for opposition procedures.

- In July 2023 CCFN submitted comments to the Philippine Senate Committee on Trade, Commerce, and Entrepreneurship on Senate Bill No. 1868, which proposes the establishment of protected geographical indications for locally produced agricultural, natural, processed, handicraft, and industrial products. These comments were consistent with CCFN's earlier submissions during the GI regulatory consultations and urged the Philippine government to work closely with the U.S. government to establish protections for key common food and beverage terms and to ensure the continued right of domestic and foreign companies to use such terms. Although the Committee Report was expected to be finalized before July 2023, to our knowledge no further updates have been made public to date.

In light of these developments, CCFN urges the Office of the U.S. Trade Representative to redouble efforts with the Philippines to include explicit protections for common names in the ongoing reciprocal trade negotiations to preserve U.S. market access rights in this key and growing market.

Singapore

Since the Singapore-EU FTA entered into force in 2019, the process for preserving the legitimate use of common names in Singapore has proven to be deeply flawed. Stakeholders have faced significant costs and procedural hurdles in navigating GI-related processes, making it far harder than it should be to obtain clarity regarding the use of common terms.

Despite these challenges, a positive development occurred in late 2024. In November 2024, the Singapore Court of Appeal issued a landmark ruling confirming that the term "parmesan" is not a translation of "Parmigiano Reggiano" and therefore remains available for use as a generic term in Singapore. This decision overturned a lower court ruling that had caused significant market disruption, including product relabeling and the delisting of non-Italian suppliers from supermarkets. The Court of Appeal's decision establishes an important precedent, both domestically and internationally, by reaffirming "parmesan" as a common name for a type of cheese.

Separately, in July 2024, the EU and Singapore concluded negotiations on a Digital Trade Agreement to complement their existing FTA. The agreement is intended to facilitate trade in goods and services through digital platforms and includes provisions requiring each party to adopt or maintain measures to prohibit misleading, fraudulent, or deceptive commercial practices that harm—or could potentially harm—consumers engaged in electronic commerce. However, CCFN is concerned that given the EU's position that certain common terms are misleading due to their recognition as GIs, these provisions raise concerns that they could be applied in ways that create new barriers to online trade, particularly for products using generic terms that the EU considers protected GIs.

In light of these developments, CCFN strongly urges the Administration to engage closely with Singapore to prevent further erosion of U.S. market access in this strategically important region. In particular, the Administration should seek assurances that specific common food and beverage terms will remain freely available for use by U.S. exporters. Proactive engagement will be critical to safeguarding fair trade practices and protecting U.S. interests in the evolving digital and in-person marketplaces.

Thailand

During 2025, the European Union and Thailand continued negotiations toward a free trade agreement, with the most recent negotiating round taking place in October 2025. Throughout these rounds, the parties exchanged information on developments in their respective internal processes, including steps leading to the publication of proposed GI lists for opposition. Negotiators also made progress in consolidating several provisions, including those relating to opposition criteria, general rules for GI protection, and the treatment of GIs in the domain name context.

On June 6, 2025, Thailand's Department of Intellectual Property (DIP) issued a notification inviting public and stakeholder comments on the EU's proposed GI list for protection under the FTA. CCFN submitted comments emphasizing that granting protection to terms such as "feta," "gruyere," "gorgonzola," and "parmesan" would undermine fair competition by conferring exclusive rights over names that are widely understood and used globally as common product descriptors.

Subsequently, the DIP published a draft *Ministerial Regulation on Applications for Registration of Foreign Geographical Indications under International Agreements*. CCFN also submitted comments on this draft, stressing that the GI recognition process must meaningfully assess the cultural and linguistic context of the local market in determining whether a term is generic or eligible for GI protection. On January 13, 2026, the Ministerial Regulation was published and entered into force. However, several provisions remain vague, which risks undermining transparency and due process in the application and enforcement of GI protections.

Given these developments and the advanced stage of the regulatory process, CCFN is encouraged by the ongoing U.S. reciprocal trade agreement negotiations that include commitments on protecting common names. Robust protections are essential to securing a transparent, inclusive, and procedurally sound process that is fully consistent with Thailand's domestic legal framework and international obligations. Meaningful consideration of objections based on generic use and market realities is critical to ensuring that the GI framework ultimately adopted appropriately protects legitimate geographical indications while safeguarding the continued use of common terms and preserving fair competition.

United Kingdom

CCFN urges the Administration to build on the Economic Prosperity Deal signed by the United States and the United Kingdom on May 8, 2025—in which both governments reaffirmed their intention to pursue discussions on high-standard intellectual property commitments and to work together to improve market access for agricultural products — by establishing robust protections for common name usage to support U.S. exports to the UK.

Such negotiations present a critical opportunity to pursue long-overdue reforms to the EU-style GI framework that the UK adopted as a consequence of the Brexit process. Moving away from the EU's restrictive and flawed GI model and toward a more balanced regime is important to support the EPD's goals of further US-UK agricultural market access. The UK should not be shouldering the burden of blocking competition from other suppliers in order to advantage EU exporters.

The UK's formal accession to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) in December 2024 further strengthens the case for reform. CPTPP membership subjects the UK to binding obligations requiring transparent, predictable, and consistent procedures for the recognition and protection of geographical indications. These commitments provide an additional legal and policy foundation through which the UK can—and should—align its GI regime with high-standard international norms that respect common terms and ensure due process.

Vietnam

The EU–Vietnam Free Trade Agreement entered into force in August 2020 and includes provisions on geographical indications (GIs), as well as grandfathering clauses intended to preserve the pre-existing rights of prior users of several common terms, including "fontina," "gorgonzola," and "asiago." Notwithstanding these protections, since 2021 CCFN has repeatedly engaged the Vietnamese government—including through formal correspondence—to seek clarification regarding the companies entitled to benefit from the grandfathering provisions and to confirm that these rights take precedence over any trademark registrations that might otherwise restrict continued use. As noted in prior submissions, Vietnam has yet to provide written confirmation, leaving affected rights holders facing ongoing uncertainty as to the scope and enforceability of their protected use of these common terms.

In this context, and prior to implementation of the Agreement, CCFN opposed in 2016 the registration in Vietnam of two trademark applications containing the terms "fontina" and "gorgonzola". In 2025 the Office

indicated its intention to allow registration of both marks, subject to the inclusion of disclaimers intended to reflect the Agreement's grandfathering provisions for prior users – as CCFN had requested. The applicants ultimately accepted the disclaimers, and the trademark registrations were granted in Fall of 2025.

It is important to emphasize that the registration of these trademarks with disclaimers does not ultimately resolve the broader uncertainty surrounding implementation of the grandfathering framework, nor does it substitute for clear, written confirmation from Vietnamese authorities identifying the companies entitled to rely on grandfathered rights and affirming that such rights will be honored in practice.

Additionally, in 2016, CCFN filed a cancellation action against the registration of an "asiago" trademark in Vietnam. However the authorities still have yet to respond.

CCFN urges the Administration to engage with Vietnamese authorities to obtain the long-requested written confirmation regarding the application of the grandfathering provisions, to secure a response to the pending *asiago* cancellation action, and to pursue clear and enforceable commitments in the context of ongoing reciprocal trade discussions to protect the continued use of common terms. Doing so is essential to preserving legal certainty, protecting legitimately acquired rights, and ensuring that GI-related commitments are implemented in a transparent, fair, and predictable manner.

Multilateral and Regional Trade Agreements

World Intellectual Property Organization (WIPO)

As more countries ratify the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications, CCFN is concerned with the disadvantages this represents for users of common names of cheeses, meats, wines, and other products. CCFN has continued to reach out to stakeholders in the U.S. and other countries about the risks to trade presented by the adoption of this biased system.

While WIPO has historically favored GI interests to the detriment of non-EU producers, CCFN has worked diligently to try to shift this dynamic. As the leading advocate for common names, CCFN holds "observer status" at this forum, leveraging its position to promote more balanced policies that protect the rights of common name users and prevent monopolistic control over food and beverage terms.

However, WIPO as an organization has yet to take a fulsome approach to ensuring true balance between the interests of GI applicants and the rights of common name users. Without meaningful safeguards, such as robust opposition mechanisms and clear criteria for genericness, the system may inadvertently facilitate the exclusion of legitimate market participants, distort competition, and create unnecessary barriers to trade.

We urge the Administration to collaborate with like-minded partners to support initiatives within WIPO that elevate the perspectives and interests of common name users as an integral component of a fair, transparent and balanced GI protection regime. Addressing the current disparity in the multilateral

system, where GI holders often enjoy disproportionate rights compared to common name users, is essential for promoting equity and protecting global trade practices.

UN Food and Agriculture Organization (FAO)

The UN FAO plays a vitally important role, particularly through its work with the Codex Alimentarius Commission, where critical international food standards are being developed. As such, U.S. active membership and engagement in FAO—and Codex—is essential for U.S. exporters, to protect market access, prevent unjustified trade barriers and promote science-based, balanced approaches, especially with GIs and the use of the common names.

However, as an organization funded in significant part by dues from the U.S. and with a responsibility to represent the interests of the whole of the UN membership, within which there exists a broad diversity of views on the topic of GIs, it is notable that FAO's current approach to GI-related topics does not reflect the neutrality and balance that should characterize its role in this policy area. Rather, FAO has in recent years opted to encourage the use of GIs as a development tool without promoting appropriate and robust due process procedures to ensure that GIs are handled in a manner that avoids negative impacts on other stakeholders in the developing country's market that rely on common terms.

Moreover, FAO has not provided fully inclusive or comprehensive information as it works closely with developing countries to encourage the crafting of GI systems—namely, thanks to the WTO case that the U.S. won against the EU several years ago, GI holders all around the world have the right to register their GIs in the EU on their merits and there is no obligation for those countries to simultaneously recognize EU GIs in their own market if not merited. It is also important that FAO ensures that developing countries know that if they utilize *sui generis* systems to allow for free registration and enforcement of domestic GIs, to fulfill WTO national treatment obligations, they must also shoulder the cost and administrative burden of allowing for free registration and enforcement of all foreign GIs as well. A system based around certificate marks that puts the costs of registration and enforcement appropriately on the applicant would impose a far lower burden on developing country governments. These are clear information gaps in what FAO is sharing with countries regarding GI systems.

We urge increased engagement and collaboration with FAO to encourage a more balanced, neutral, and transparent approach to GIs, one that fully recognizes the coexistence of GIs and common names.

Conclusion

As we mentioned in the introduction, we are grateful for the Administration's ability to drive forward a results-focused strategy to protect the rights of common name producers. Your proactive and determined negotiating helped make progress on an issue where the U.S. has traditionally lagged its competitors.

As we look to 2026 and beyond, we are prepared to work closely with the Administration and look forward to reinforcing our collaboration with the Office of the United States Trade Representative (USTR), the United States Patent and Trademark Office (PTO), the United States Department of Agriculture (USDA), the Department of Commerce, and the Department of State to ensure compliance by our trading partners

with their international commitments with respect to common food and beverage terms, and guarantee market access rights for U.S. stakeholders.

Thank you for this opportunity to comment on these issues so important to U.S. companies, their employees, and their supplying farmers.

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