



USTR Special 301 Review

Oral Comments
February 19, 2025

Good afternoon, my name is Shawna Morris.

Thank you for the opportunity to testify today on behalf of the Consortium for Common Food Names. CCFN's focus is on protecting producers', consumers', and retailers' rights to use generic food and beverage terms that consumers have known and loved for generations.

About a dozen years ago, the European Commission began systematically using its bilateral trade agreements to confiscate common names – terms like “parmesan” and “bologna” – by claiming them as protected geographical indications. By essentially monopolizing these generic terms – and hundreds more – the European Commission began to strip away the ability of U.S. producers of cheeses, meats, wines, and beers to market and sell their products in key markets all around the world.

While we have notched some great accomplishments in recent years, Europe's campaign has not only continued but escalated. Not content to just set the rules in their own market, the EU has ramped up its use of free trade negotiations with third-party countries to impose their geographical indication rules on markets all around the world and intentionally crowd out products from competitors – particularly those from the United States.

These GI regulations and restrictions are **not** impartially developed and enforced – quite the opposite. Unlike most intellectual property rules, a foreign government is primarily driving these GI registrations, not individual private sector applicants. This creates a deeply imbalanced power and funding dynamic that advantages GI applicants and exacerbates the challenges that opponents defending common names face in most IP systems.

Additionally, these government-filed GI applications are almost always handled through a biased, ambiguous, and obscure process. Public records and the results of EU trade agreements are entirely clear – even where a public opposition process is conducted, the decisions about how – not whether – to register the EU's requested GIs are conducted at the trade negotiating table. This has been perhaps clearest in the EU's deeply flawed GI deals with Mexico and Mercosur, both of which stand to impose new bans on the use of various common names.

These are government-driven barriers to trade that require a government-driven response to counteract.

On the ground, the detrimental effects are clear:

- American farmers and food producers lose markets and consumer bases that they have built up over years.
- Consumers are forced to settle for fewer choices and higher prices as a result of less competition.
- Finally, exporters face the loss of consumer awareness and marketing investments as well as the erosion of their brands.

These impacts are why CCFN has fought so diligently to defend the rights of consumers, producers, manufacturers, and exporters to continue the use of common food names at every turn.

And they are why the U.S. government must utilize all available tools to match the EU's passion on this issue and stand up for American agriculture.

The United States has unmatched economic and political influence – now it's time to use it. U.S. farmers and manufacturers deserve an administration that will support them and their ability to compete fairly on a level playing field with European producers who for too long have enjoyed unfair and anticompetitive advantages. As the new Administration looks to implement its "fair and reciprocal" trade plan to correct trade imbalances and ensure fairness, we urge USTR to address the EU's GI misuse head on.

We call on this administration to secure explicit commitments from trading partners, ensuring the future ability to use commonly used generic food and beverage terms that are being targeted by the EU. Failing to do so will force American producers and exporters, selling American-made products from American farms, to compete in a distorted global market, subjected to ever-growing foreign blockades against the high-quality, award-winning products that they produce.

The prior Trump Administration was the first to pilot this approach with Mexico in a side letter to USMCA. Building on that precedent to expand and strengthen market access protections for U.S. producers is vital and urgent.

Thank you for your time.