

THIS REPORT CONTAINS ASSESSMENTS OF COMMODITY AND TRADE ISSUES MADE BY
USDA STAFF AND NOT NECESSARILY STATEMENTS OF OFFICIAL U.S. GOVERNMENT
POLICY

Voluntary Public

Date: 9/8/2017

GAIN Report Number: JA7111

Japan

Post: Tokyo

Clarifications for Commenting on EU-Proposed GIs

Report Categories:

Agricultural Situation

FAIRS Subject Report

Approved By:

Christopher Riker

Prepared By:

Tomohiro Kurai

Report Highlights:

As a result of the Economic Partnership Agreement (EPA) between Japan and the European Union (EU), announced in early July 2017, Japan's government is reviewing a request to protect 210 EU-proposed geographical indications (GIs) -- see [JA7098](#) for additional information. This report contains additional clarifications for interested U.S. parties intending to submit comments on the proposed protections.

Keywords; JA7111, Geographical Indications, GI

General Information:

As a result of the Economic Partnership Agreement (EPA) between Japan and the European Union (EU), announced in early July 2017, Japan's government is reviewing a request to protect 210 EU-proposed geographical indications (GIs) -- see [JA7098](#) for additional information. Japan's Ministry of Agriculture, Forestry and Fisheries (MAFF) released a list of 71 EU-proposed GIs for agricultural products on July 11, 2017, followed by Japan's National Tax Agency (NTA) releasing another list of 139 EU-proposed GIs for wine, spirits, and other alcoholic beverages on July 12, 2017.

NTA and EU GI Proposals for Alcoholic Beverages

The NTA has noted that any term that is perceived to be a "common term" by interested parties (for example, a grape variety that might be considered by some to be a common term) will be evaluated based on domestic publications, media, and the volume of trade/distribution of that item in Japan. The NTA added that if a term is considered common by some, this, in and of itself, will not be enough to automatically consider the term a "common term" (i.e. a personal perspective is not sufficient by itself). Accordingly, interested parties are encouraged to submit comments on any terms they believe are "common," and justify why they are of the opinion. If such comments are received, the NTA noted that it will evaluate the comment(s) before making a decision as to whether or not to extend GI protections (basing its decision on the market situation in Japan).

The NTA also noted that a term on the proposed alcoholic beverage list will be protected as a compound term unless an element of the name is underlined (in which case protections will be extended to that as well). Specifically, the NTA clarified that protection of some of the proposed alcoholic beverage terms such as "Irish" and "Swedish" will be limited to the same category of the protected item (e.g., protections will be limited to a spirit or wine) and will not be extended outside of the registered category. For examples, if the term "Swedish" is protected as part of the request to protect "Swedish Vodka," the term will only be protected for spirits, and not in relation to other agricultural products (e.g., Swedish meatballs).

The NTA also confirmed that the proposed EU-GIs on alcoholic beverages will not be implemented until the Japan-EU EPA comes into effect. That being said, the NTA noted that after a decision is made on whether or not to extend a GI protection, but before the EPA is effectuated, it will be an exporting country's responsibility to ensure products are shipped in compliance with Japanese rules and regulations.

Lastly, the NTA confirmed that comments are being sought by close of business on October 12, 2017, Japan Standard Time (JST).

MAFF on EU GI Proposals for Agricultural Products

MAFF has noted, like the NTA, that a determination on whether or not a term will be considered a "common term" will be based on the market situation in Japan, rather than in another market (such as the EU or the United States). MAFF noted that interested parties are encouraged to submit justifications for why they believe a term(s) should be considered common. Interested parties are also encouraged to

comment on any concerns they might have relating to whether protections should be limited to full, compound terms or to the individual elements thereof. MAFF also added that even if a term is already established as a CODEX standard,¹ interested parties should still submit comments on why they believe the term should not be protected (and would evaluate information from other international criteria, if available and provided). MAFF further clarified that all proposed GI terms that are approved will be protected, per the World Trade Organization's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), in English, Japanese and any other translated languages with equivalent meaning.

Lastly, MAFF confirmed that comments are being sought by close of business on October 9, 2017 (JST).

¹ See, e.g., <http://www.fao.org/fao-who-codexalimentarius/standards/list-of-standards/en/>