

22 August 2012

The Registrar of Trade Marks
(Attn Michael Arblaster)
PO Box 200
WODEN ACT 2606

Objection to the registration of the geographical indication 'Prosecco'

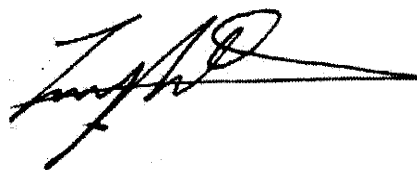
The Winemakers Federation of Australia filed an objection to the registration of the Geographical Indication 'Prosecco' set out in the published notice- *NOTICE OF APPLICATION FOR REGISTRATION OF EUROPEAN UNION GEOGRAPHICAL INDICATIONS Opportunity to object based on pre-existing trade mark rights*.

The European Union (EU) applied for additional geographical indications for wine to be included in Annex IIA of the Australian-European Community Agreement on Trade in Wine which entered into force on 1 September 2010. The list of new EU GIs can be found at www.wineaustralia.com. Number 167 in this list is the term 'Prosecco'.

We objected to the protection of 'Prosecco' as a Geographical Indication under article (5) of Regulation 58. Specifically, Prosecco is a name of a variety of grapes and has been used as a grape variety name in Australia and internationally for many years. We believe the application lodged by the European Union for "Prosecco" to be included in Annex II A of the Australian-European Community Agreement on Trade in Wine which entered into force on 1 September 2010 is inconsistent with the Agreement on Trade Related Aspects of Intellectual Property Rights.

On 20 June, the Department of Agriculture, Fisheries and Forestry (DAFF) wrote to us in reference to the objection the WFA lodged with the Registrar of Trade Marks to the protection, by Australia, of the Geographical Indication (GI) "Prosecco" seeking advice on whether we wished to negotiate with the European Union over the use of the grape variety name "Prosecco" as a GI. We advised DAFF that we see no possibility of a negotiated settlement on this issue and we wish to proceed with the objections process. We look forward to receiving your advice on the next steps.

Tony Battaglione will be the WFA contact on this issue. I can be contacted on 0413014807 or tony@wfa.org.au.



Tony Battaglione
General Manager, Strategy & International Affairs

