

The Napa Valley Experience in Protecting NAPA VALLEY

Presented by:

J. Scott Gerien, Esq.

Outside Counsel, Napa Valley Vintners



napa valley vintners

Napa Valley

- Most acclaimed, profitable, well-known wine appellation in the United States
- American Viticultural Area (U.S. Appellation of Origin)
- Geographical Certification Mark Registration, Napa Valley Vintners Registrant



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Jurisdictions of Protection for NAPA VALLEY

Australia (CM)

Brazil (GI)

Canada (GI)

China (GI and CM)

EU (GI)

India (GI)

Israel (CM)

New Zealand (CM)

Norway (CM)

Singapore (CM)

Taiwan (CM)

Thailand (GI)

Turkey (CM)

U.S. (CM)

GI = Geographical Indication Registration

CM = Certification Mark Registration



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China Experience

- Could not register as certification mark until U.S. certification mark registration issued
- Napa Valley first foreign wine GI registered in China by AQSIQ
- \$100k+ in costs, travel, attorneys' fees, expert fees
- Seven years
- Challenges of being first



Switzerland Experience

- Madrid extension of certification mark to CH
- Treated as equivalent to Swiss guarantee mark
- Refused, geographic terms descriptive, not registerable without acquired distinctiveness evidence
- Potential appeal to Federal Supreme Court
- Potential path through Canton system for recognizing wine appellations



Chile Experience

- Refusal of both GI and Certification Mark Apps
- GI refused for failure to demonstrate sufficient connection between product characteristics and region, expert report required
- Certification mark refused because “Napa Valley” was found to be geographically descriptive



Vietnam Experience

- GI application filed nearly 10 years ago
- Refused during TPP negotiations on basis U.S. needed to provide some equivalent concession
- No action taken during pendency of TPP, NOIP said would not issue until TPP signed
- Unclear what will happen now given Trump administration position on TPP



Russia Experience

- AOC application is still pending, has been refused at examination stage and Rospatent Board of Appeal
- Basis is AVA not evidence of appellation, certification mark not evidence of appellation, and two things are contradictory
- NVV intends to appeal to IP Court



Multilateral System

- NVV supports Lisbon, but it is beyond control of NVV
- Multilateral system for registration of geographical indications for wine per TRIPS
- Madrid-Protocol type system
- INTA Proposal for Multilateral System
<http://www.inta.org/Advocacy/Documents/INTAProposalforMultilateralGIRegister.pdf>



Thank you!

J. Scott Gerien

Dickenson, Peatman & Fogarty

sgerien@dpf-law.com

Outside Counsel to Napa Valley Vintners



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