

**Respondent No:** 119**Login:** [REDACTED]**Email:** [REDACTED]**Responded At:** Apr 14, 2023 11:44:38 am**Last Seen:** Apr 14, 2023 11:44:38 am**IP Address:** n/a

Q1. Name

[REDACTED]
[REDACTED]

Q2. Email address

[REDACTED]

Q3. Mailing address

[REDACTED]

Q4. Phone

[REDACTED]

Q5. Organisation name (if applicable)

[REDACTED]

Q6. Entity type

Other (please specify)
Academic researchers

Q7. Please select which EU wine geographical indication (GI) your submission is against

Prosecco

Q8. Grounds of objectionA submission against one or more of the wine GIs must be based on at least one of the four grounds of objection.

The EU GI name is used in Australia as the name of a grape variety, plant variety, or an animal breed.

Q9. Please provide further details, based on the grounds of objection for each GI. (If submission based on existing trade mark please provide trade mark number. If submission based on unregistered trade mark please provide evidence of use on Australia).

This objection is made by [REDACTED]
[REDACTED] in relation to Prosecco and compound EU GI's containing the word 'Prosecco'. [REDACTED]
[REDACTED]. Our research in relation to Prosecco leads us to conclude that Prosecco is the name of a grape variety and has been for hundreds of years. In contrast, the claim that Prosecco is a geographical indication is both recent and fundamentally flawed. Prosecco was not recognised as a geographical indication anywhere until it was recognised as such in Italy in 2009. This objection summarises some of the copious evidence that Prosecco is the name of a grape variety. Leading Reference Works Numerous leading wine reference works have for decades described Prosecco as a grape variety. For example, Jancis Robinson, Julia Harding and José Vouillamoz, 'Wine Grapes: A Complete Guide to 1,368 Vine Varieties' (Penguin, 2012) has won every major prize for wine books, including the 2013 Prix de l'OIV. Among other statements in respect of Prosecco and criticising the renaming of Prosecco as Glera, it describes Prosecco as 'Misleadingly renamed Glera for commercially protective reasons.' See p 853. Italian organisations and publications The Italian Ministry for Agriculture and Food commissioned and published a 5 volume work on Italian wines and grape varieties in the 1960's. See Cosmo, Grafiche Longo & Zoppelli, 'Indici dei Principali Vitigni Da Vino Coltivati in Italia E Guida viticola D'Italia' Volume V (1st ed, Treviso, 1966); Commissione per Lo Studio Ampelografico dei Principali vitigni ad uve da vino coltivati in Italia Ministero Dell'Agricoltura E Delle Foreste. Volume V alone contains a number of lists and indices and is 485 pages long. Each of the other four volumes is significantly larger with detailed commentary on individual vine varieties. Volume V has an alphabetical list of vines, a list of synonyms and a list of the recommended vines for each region of Italy. The alphabetical list refers to Prosecco, but Glera does not get a mention. In the list of synonyms, Glera is not listed as the common name for any grape. It is listed as a synonym under the heading for Prosecco along with Prosecco Balbi, Prosecco Bianco, Prosecco Tondo and Serprina. Ampelology One of the best ways of identifying vines is by DNA testing. Those undertaking the testing would have clear views about the name to be accorded to

any vine they test. A leading French Institute, the Institut Français de la vigne et du vin, undertakes this work on samples provided to it from all over the world. In 2011, the Institute received 11 samples of different vines from an Australian vineyard, and was asked to undertake DNA testing in order to identify the names of the vines from which they were taken. It determined that one of the samples was a Prosecco vine. The word Glera was not mentioned in the report. Report from the Institut Français de la vigne et du vin, held on file by the authors (11 April, 2011). Recognition by the Organisation of International Vine and Wine The Organisation of International Vine and Wine (OIV) is an international organisation, established by an international treaty in 2001 as the successor to the International Vine and Wine Office, created in 1924. Member countries include almost all of the major wine producing countries of the world. The OIV publishes a number of documents concerning grape varieties, which clearly indicate that Prosecco is understood to be a grape variety in a number of countries, including Australia, Slovenia and Argentina. Those publications also indicate that Prosecco was considered a grape variety in Italy itself until the recent change in the law. Finally, the OIV has a prize for the best publications in wine worldwide, which have been awarded to works including some of those mentioned above which, in turn, make it abundantly clear that Prosecco is the name of a grape variety. See for example the work by Jancis Robinson, Julia Harding and José Vouillamoz, 'Wine Grapes: A Complete Guide to 1,368 Vine Varieties' (Penguin, 2012) referred to in Leading Reference Works above. The EU's own statements The EU itself has expressly acknowledged in a treaty with Australia concluded in 1994 that Prosecco is a vine variety. On page 62 of that agreement, after claiming protection for the geographical indication 'Montello e Colli Asolani', the agreement follows reference to that geographical indication with the following statement: 'accompanied by one of the following expressions: - ... the name of one of the following vine varieties: - Prosecco - Merlot - Cabernet - Cabernet franc - Cabernet sauvignon - Chardonnay - Pinot bianco - Pinot grigio'. The word 'Glera' does not appear anywhere in the 1994 agreement. Agreement between the European Communities and Australia on trade in Wine – Protocol – Exchange of letters [1994] OJ L 86/3, annex II at p62. Note that the EU's 1994 statement is corroborated in Burton Anderson, The Wines of Italy (Italian Trade Commission, 7th ed, 2004) at pp 78 and 79. The book was published by the Italian Trade Commission. The lack of homogenous qualities or characteristics of Prosecco wine from the Prosecco DOC As part of our research, we found and translated the product specifications for Prosecco which allegedly support the proposition that the terroir of the Prosecco DOC region has common qualities or characteristics. A detailed commentary on that work has been published in the Journal of World Investment and Trade (see citation below). It concludes that the extremely general product specifications do not reveal any common characteristic or quality of Prosecco wine from the Prosecco DOC that is attributable to that region. What is common to wine called Prosecco is that it is made from the grape variety, Prosecco. Some of the many sources of evidence for our conclusions are referred to in the following publications: In *Vino Veritas? The Dubious Legality of the EU's Claims to Exclusive Use of the Term 'Prosecco'* by Mark Davison, Caroline Henckels, Patrick Emerton (2019) 29 Australian Intellectual Property Journal 110-126, a pre-print version of the article is available for free at SSRN. Lisa Spagnolo and Mark Davison 'Wine Geographical Indications and Product Specifications: A Case of Prosecco Quality and Characteristics?' *Journal of World Investment & Trade* 23 (2022) 218–259 available at [jwit-article-p218_4.pdf](#). A pre-print version is available for free at :: SSRN This article is based upon an analysis of the Italian product specifications that allegedly justify the claim that Prosecco produced in the Prosecco DOC region has some characteristics or qualities attributable to that geographical region. They do not justify the claim. Mark Davison, Caroline Henckels and Lisa Spagnolo "The European Union's attempts to limit the use of the term 'Prosecco'" available at www.agw.org.au.

Q10. Would you like to make a second selection of EU wine geographical indications (GI)?	Yes
Q11. Please select the second EU wine GI your submission is against	Colli Asolani - Prosecco / Asolo – Prosecco
Q12. Grounds of objectionA submission against one or more of the wine GIs must be based on at least one of the four grounds of objection.	The EU GI name is used in Australia as the name of a grape variety, plant variety, or an animal breed.

Q13. Please provide further details, based on the grounds of objection for each GI. (If submission based on existing trade mark please provide trade mark number. If submission based on unregistered trade mark please provide evidence of use on Australia).

See submission concerning Prosecco

Q14. Would you like to make a third selection of EU wine geographical indications (GI)? Yes

Q15. Please select the third EU wine GI your submission is against Conegliano Valdobbiadene - Prosecco / Valdobbiadene - Prosecco / Conegliano - Prosecco

Q16. Grounds of objectionA submission against one or more of the wine GIs must be based on at least one of the four grounds of objection. The EU GI name is used in Australia as the name of a grape variety, plant variety, or an animal breed.

Q17. Please provide further details, based on the grounds of objection for each GI. (If submission based on existing trade mark please provide trade mark number. If submission based on unregistered trade mark please provide evidence of use on Australia).

See submission re Prosecco

Q18. Would you like to make a fourth selection of EU wine geographical indications (GI)? No

Q19. Please select the fourth EU wine GI your submission is against not answered

Q20. Grounds of objectionA submission against one or more of the wine GIs must be based on at least one of the four grounds of objection. not answered

Q21. Please provide further details, based on the grounds of objection for each GI. (If submission based on existing trade mark please provide trade mark number. If submission based on unregistered trade mark please provide evidence of use on Australia).

not answered

Q22. Would you like to make a fifth selection of EU wine geographical indications (GI)? not answered

Q23. Please select the fifth EU wine GI your submission is against not answered

Q24. Grounds of objectionA submission against one or more of the wine GIs must be based on at least one of the four grounds of objection. not answered

Q25. Please provide further details, based on the grounds of objection for each GI. (If submission based on existing trade mark please provide trade mark number. If submission based on unregistered trade mark please provide evidence of use on Australia).

not answered

Q26. Upload your supporting evidence for each EU wine GI you have selected.

[REDACTED]

Q27. Would you like to upload another supporting document?

[REDACTED]

Q28. OtherAny other information on the impacts EU GIs may have on Australian businesses or industry.

not answered

Q29. Is your response confidential?

No

Q30. Please specify the parts of your response that are confidential.

not answered

Q31. Do you agree to your response being published on our website?

Yes

Q32. Please de-identify my response

not answered

Q33. Confirm that you have read and understand this privacy notice.

Yes

Q34. Confirm that you have read and understand this declaration.

Yes