

Respondent No: 354

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Responded At: Apr 20, 2023 16:49:17 pm

Last Seen: Apr 20, 2023 06:48:52 am

IP Address: [REDACTED]

Q1. **Name**

[REDACTED]

Q2. **Email address**

[REDACTED]

Q3. **Mailing address**

[REDACTED]

Q4. **Phone**

[REDACTED]

Q5. **Organisation name (if applicable)**

[REDACTED]

Q6. **Entity type**

Industry body

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

Prosecco

Q8. **Grounds of objection**A 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).

South Australia is the pre-eminent wine producing State in Australia, representing 51% of the national grape crush, 52% of all Australia's vineyards and 70% of Australia's wine exports. In South Australia and commencing in 2005, 27 hectares of Prosecco is planted, in 9 wine regions across 15 vineyards. In 2022, more than 500 tonnes of Prosecco grapes were crushed in South Australia. A number of South Australian wineries produce wines using Prosecco grapes, including Jacob's Creek (Pernod Ricard Winemakers) (Barossa), Primo Estate (McLaren Vale), Taylors Wine (Clare Valley), Coriole (McLaren Vale) and Zonte's Footstep (McLaren Vale) to name a few. These producers have invested significant resources in vineyards and vineyard infrastructure, commercial arrangements with external winegrape growers, equipment, supplies, marketing and customer relationships and much more. [REDACTED] submits that the proposal by the EU for the inclusion of Prosecco and the relevant Prosecco compound terms should be rejected on the basis that there is substantial historic and contemporary evidence, as well as international wine authority to demonstrate that Prosecco is grape variety. Up until 2009, the EU used the term Prosecco to describe the grape variety, when it was changed to Glera within the EU and Prosecco then registered as a GI. Ever since, the EU has sought to prevent producers outside of the EU making products referring to the century old and globally recognised term Prosecco. According to the International list of vine varieties and their synonyms, which is recognised globally as the key resource for names of grape varieties, Prosecco is a grape variety. This resource is published by the International Organisation of Vine and Wine, which is tasked to set internationally accepted and harmonised standards for the production of products of viticultural origin. Leading international wine and grape experts Jancis Robinson (Master of Wine), Julia Harding (Master of Wine) and Dr José Vouillamoz in their seminal work, Wine Grapes published in 2012 which is globally recognised as the key authority on wine and grapes lists Prosecco as a grape variety. In addition, it states that prosecco has misleadingly been 'renamed Glera for commercially protective reasons. (p. 853) A recent research report by law academics at Monash University and Macquarie University further highlights that Prosecco has been recognised as a grape variety for centuries in Italy and internationally. They make the following key points demonstrating this: - Prosecco has been the name of a grape variety since at least the 18th century - Leading wine authorities confirm Prosecco is a grape variety - The international wine community confirm Prosecco is a grape variety - Previous agreements between the EU and Australia recognised Prosecco as a grape variety It should also be noted that recent decisions in both the US and Singapore has found that Prosecco is a grape variety and, on that basis, refused granting protection as a GI for Prosecco. The decision by the US Patent and Trademark last year, importantly concluded the following: 'The designation "prosecco" does not function as a certification mark to indicate regional origin of the wines of producers in a demarcated Italian region. The designation identifies a common wine varietal name and customary name of a grape variety from which such wine is made.' [REDACTED] notes that EU has previously and unsuccessfully sought GI protection of Prosecco in Australia. The claim was rejected in 2013 and since then further evidence has been presented demonstrating that Prosecco is a grape variety. [REDACTED] submits that Prosecco was a grape variety in 2013 and continues to be a grape variety in 2023. In relation to the GI claim for the Prosecco compound terms, [REDACTED] opposes them on the basis that Prosecco is a grape variety that has no specific geographic origin. The remaining terms within these compound terms are the relevant geographic origin of the GI. If these are genuine GI areas, then there is simply no need for the inclusion of a grape variety in the GI name. The latest GI claim by the EU in relation to Prosecco and Prosecco compound terms represents a slippery slope. If the EU is allowed to simply declare a term describing a globally and historically recognised grape variety as a GI, obtain GI protection for the term and compound terms internally, then this sets a very dangerous precedent for wine grape growing and wine production in Australia. This would prevent growers of the Prosecco grape and wine producers of products made with the Prosecco grape from using this term on labels et cetera. This would significantly damage such growers and wine producers as Australian consumers identify wines primarily by grape variety. [REDACTED] understands that the EU is now also pursuing GI protection for a number of other grape varieties internationally, that are grown and used in South Australian wines, including Montepulciano, Fiano, Vermentino, Barbera and Nero d'Avola to name a few. All these are globally recognised grape varieties. The Prosecco GI claim is only one part of an overall approach to seek to infringe on the right of grape growers and wine producers outside of the EU to refer to the globally recognised name of a grape variety in their branding and marketing. In conclusion, [REDACTED] objects to the EU Wine GI claims 52, 53, 54 as they all contain a term, Prosecco, which is used in Australia as the name of a grape variety.

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	Conegliano Valdobbiadene - Prosecco / Valdobbiadene - Prosecco / Conegliano - 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).

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If the EU is allowed to simply declare a term describing a globally and historically recognised grape variety as a GI, obtain GI protection for the term and compound terms internally, then this sets a very dangerous precedent for wine grape growing and wine production in Australia. This would prevent growers of the Prosecco grape and wine producers of products made with the Prosecco grape from using this term on labels et cetera. This would significantly damage such growers and wine producers as Australian consumers identify wines primarily by grape variety. SAWIA understands that the EU is now also pursuing GI protection for a number of other grape varieties internationally, that are grown and used in South Australian wines, including Montepulciano, Fiano, Vermentino, Barbera and Nero d'Avola to name a few. All these are globally recognised grape varieties. 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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

Colli Asolani - Prosecco / Asolo – 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).

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Q18. Would you like to make a fourth selection of EU wine geographical indications (GI)?	No
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Q19. Please select the fourth EU wine GI your submission is against	not answered
<hr/>	
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
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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	
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Q22. Would you like to make a fifth selection of EU wine geographical indications (GI)?	not answered
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Q23. Please select the fifth EU wine GI your submission is against	not answered
<hr/>	
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
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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	
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Q26. Upload your supporting evidence for each EU wine GI you have selected.	<div><div></div><div></div><div></div><div></div></div>
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Q27. Would you like to upload another supporting document?	not answered
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Q28. OtherAny other information on the impacts EU GIs may have on Australian businesses or industry.	
not answered	
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Q29. Is your response confidential?	No
<hr/>	
Q30. Please specify the parts of your response that are confidential.	
not answered	
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Q31. Do you agree to your response being published on our website?	Yes
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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
