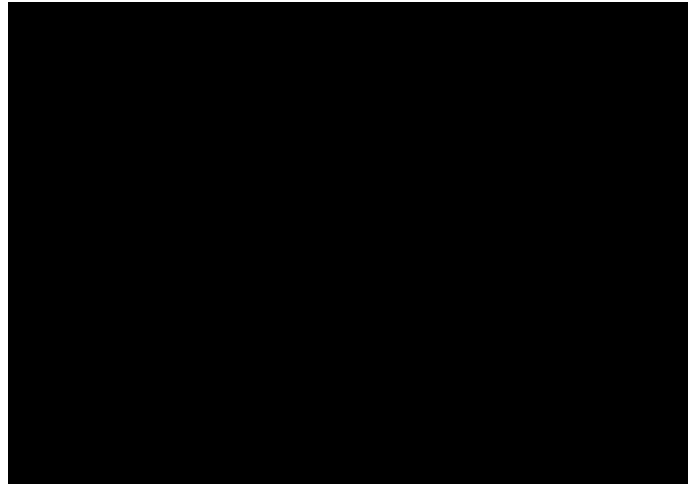


***PUBLIC OBJECTIONS:
EU WINE GEOGRAPHICAL INDICATIONS***



SUBMISSION OF:

[REDACTED]

ABN:

[REDACTED]

ADDRESS:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

DATE:

20 April 2023

██████████ is a not-for-profit incorporated association, funded by voluntary member subscriptions, grants and fee for service activities, whose mission is to provide leadership, advice and support to South Australian grape and wine businesses assisting them to prosper within a dynamic, diverse industry.

██████ has a strong track record as an industry leader and innovator in many areas. ██████ pro-actively represents members and the greater wine industry with government and related agencies in all aspects of business in the wine sector.

- Representation and Leadership
- Advice and Information
- Products and Services; and
- Promotion and Opportunities.

Basis of submission

The objection primarily focuses on proposed EU Wine GI, **No. 52** – Prosecco, but also to the additional compound terms, **No. 53** - Colli Asolani - Prosecco / Asolo – Prosecco and **No. 54** Conegliano Valdobbiadene - Prosecco / Valdobbiadene - Prosecco / Conegliano – Prosecco.

Grounds of objection

In South Australia and commencing in 2005, 27 hectares of Prosecco is planted, in 9 wine regions across 15 vineyards¹. In 2022, more than 500 tonnes of Prosecco grapes were crushed in South Australia².

² Wine Australia 2022, SA Winegrape Crush Survey 2022

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.

██████ 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 US³ and Singapore⁴ 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.'*⁵

³ United States Patent and Trademark Office, Office Action (Official Letter) About Applicant's Trademark Application 2 September 2022, Reference/Docket No. 113246-99672
https://tsdr.uspto.gov/#caseNumber=88392015&caseType=SERIAL_NO&searchType=statusSearch

⁴ The High Court of The Republic of Singapore, [2022] SGHC 33, https://www.elitigation.sg/gd/s/2022_SGHC_33

⁵ United States Patent and Trademark Office, 2 September 2022

██████ 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. SAWIA 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, SAWIA 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.

██████ 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, ██████ **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**.