

Hon Judith Tizard Member of Parliament for Auckland Central
**Minister of Consumer Affairs, Minister for Auckland Issues,
Associate Minister for Arts, Culture and Heritage, Associate
Minister of Transport, Associate Minister of Commerce**



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Media Statement

Wine Industry Gets Boost from Geographical Indications Act Changes

~~[Comment: The problem is that the registration has already been introduced but it is not in force, and we want to move away from the idea of wine makers being able to claim a right. How about:~~

In a move to support the growing reputation of New Zealand wines internationally, the government plans to bring into force a geographical indications registration system for wine and spirits, Associate Minister of Commerce, Judith Tizard today announced.

A geographical indication indicates that a wine or spirit comes from a specific geographical origin and possesses a particular quality, reputation or other characteristic that arises from that place of origin. Famous international examples include Champagne for sparkling wine and Scotch for whiskey.

"Geographical indications are a valuable marketing tool for New Zealand wine. Distinctions between our regional varieties, such as Marlborough and Hawkes Bay, are increasingly recognised and sought after by consumers domestically and internationally," Judith Tizard said.

New Zealand has a Geographical Indications Act that establishes a registration system for recognising and protecting geographical indications in New Zealand. Although passed in 1994, the Act has not come into effect.

"The New Zealand wine industry has matured considerably since the 1994 Act was passed. It's now in a position to really exploit the geographical branding opportunities that New Zealand wines have and the Act provides a useful support for those branding efforts."

The proposed changes will streamline the process for registering geographical indications and provide greater certainty for users of registered geographical indications, including users of foreign geographical indications seeking protection in New Zealand. Registration will continue to be voluntary and existing measures to ensure truthfulness in labelling, such as the Fair Trading Act 1986, will continue to apply.

It is hoped that amending legislation will be introduced in the New Year.

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Further Information

What are the changes?

The key amendments will:

- Align the Act more closely with the provisions of the TRIPS Agreement¹, this includes:
 - limiting the scope of the Act to wine and spirits geographical indications only. The Act is currently worded in a manner that potentially allows its application to all goods. Limiting the Act to wines and spirits clarifies the purpose of the Act; and is consistent with New Zealand's obligations under the TRIPS Agreement;
 - replacing the definition of "geographical indication" with the TRIPS definition. The current definition simply refers to indications that identify a good as originating from a particular area. The TRIPS definition requires the good to possess a certain quality, reputation or other characteristic due to its geographical origin; and
 - including all of the exceptions and limitation to protection as provided in the TRIPS Agreement. This would allow a geographical indication to be excluded from registration on the basis that, for example, it is considered a generic term in New Zealand.
- Streamline the process for registering geographical indications:
 - applications will be made to and considered by the Intellectual Property Office of New Zealand (IPONZ); and
 - the role of the Geographical Indications Committee will be altered so that it does not sit to consider every application, but can be used to provide advice if, for example, an application is opposed on accurate boundary demarcation.

What is a Geographical Indication?

The TRIPS Agreement defines geographical indications as "indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin." Examples include Champagne for sparkling wine, Scotch for whiskey and Roquefort for cheese.

¹ The WTO's Agreement on Trade Related Aspects of Intellectual Property Rights (the TRIPS Agreement) establishes minimum standards for intellectual property rights that WTO Members are required to provide.