



**Comments Regarding the 2020 Special 301 Review  
By the National Milk Producers Federation and the U.S. Dairy Export Council  
Docket Number USTR-2019-0023  
February 6, 2020**

The National Milk Producers Federation (NMPF) and U.S. Dairy Export Council (USDEC) appreciate the opportunity to submit comments in response to the Federal Register Notice FR Docket No. USTR-2019-0023.

NMPF develops and carries out policies that advance the well-being of dairy producers and the cooperatives they own. The members of NMPF's cooperatives produce the majority of the U.S. milk supply, making NMPF the voice of dairy producers on Capitol Hill and with government agencies. NMPF provides a forum through which dairy farmers and their cooperatives formulate policy on national issues that affect milk production and marketing. NMPF's contribution to this policy is aimed at improving the economic interests of dairy farmers, thus assuring the nation's consumers an adequate supply of pure, wholesome, and nutritious milk and dairy products.

USDEC is a non-profit, independent membership organization that represents the global trade interests of U.S. dairy producers, proprietary processors and cooperatives, ingredient suppliers and export traders. Dairy Management Inc. founded USDEC in 1995 and, through the dairy checkoff program, is the organization's primary funder.

We would like to express our support for the comments submitted by the Consortium for Common Food Names regarding the issue of geographical indications and related restrictions on the use of common food names.

The U.S. dairy industry is gravely concerned about the abuse by certain countries of intellectual property tools, namely, but not exclusively, geographical indications (GIs), at the intentional expense of American companies, their employees and supplying farmers.

We applaud the Administration for defending American-made exports in the recently approved USMCA and the recently concluded Phase One deal with China. The Administration was wise to build on the work invested in USMCA's IP framework for GIs by working to secure similar intellectual property commitments in its agreement with China. We urge the Administration to continue its advancements on GI protections by building upon not only these USMCA provision, but also the agreement's ground-breaking GI-related side letters with Mexico in other trade discussions with key trading partners.

The European Union has made a concerted push to dismantle competition and erect barriers to trade through the adoption of overly broad GI policies and by pressuring countries to grant EU



producers monopolies in their markets in exchange for market access into the EU. The EU's GI policies are anti-trade, anti-competitive, anti-free market, and undermine the integrity of global intellectual property systems. America and developing nations alike are harmed greatly by EU efforts to erect onerous trade barriers for common food name products, resulting in lost sales, jobs and economic development and undermining our existing free trade agreements.

The comments submitted by CCFN detail concerns with respect to these issues on a country-by-country basis, as well as provide information on newly emerging types of potentially restrictive approaches, such as limits on the generic use of country names or the prospect for intentionally restrictive product standards.

We echo CCFN's support for the U.S. government's work to confront this critical issue in order to protect American jobs as well as the legitimate rights of our food manufacturers, farmers and exporters. We also join CCFN in urging a more aggressive posture to proactively obtain affirmative market access commitments from our trading partners that preserve the value of WTO and FTA market access concessions secured by the U.S.

The EU is intent on establishing monopolies for its producers at the expense of American food producers. The U.S. must be no less resolute in its determination to insist upon preserving the hard work invested in past years in opening markets for U.S. products and upon rejecting the EU's protectionist tactics in order to uphold U.S. companies' ability to compete head to head with European suppliers in common food categories. We look forward to continuing to partner together to address the misuse of GIs and establish clear protections for common food name products.

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