

Call for Prior Uses: parmesano and gruyère in the framework of the modernization of the Chile-EU Association Agreement.

On December 9, 2022, Chile and the European Union announced an Agreement in Principle¹ concerning the modernization of their Association Agreement (AA).² As part of that negotiation, the European Union requested protection for a list of 216 food terms as geographical indications (GIs)³. Among other common names, the list includes the terms Gruyère and Parmigiano Reggiano.

Due to prior uses of the terms “**gruyère**” and “**parmesano**” in Chile, both parties agreed that users who can prove use of either term in the Chilean market during the twelve months prior to the Agreement in Principle (the twelve months prior to December 9, 2022), may continue using these terms moving forward. Therefore, last week Chile published a **call for prior users**.

In order to receive the information from interested persons, Chile published an electronic [form](#), which is available on a Chilean government website (www.subrei.gob.cl). Those interested in being listed as prior users of “gruyère” and/or “parmesano” must follow a procedure which includes the submission of background information and evidence.

1. The following documents need to be submitted; confidential information such as the traded products’ volumes and prices may be redacted:

- A copy of two (2) labels of the product in question that make express reference to the terms “parmesano” and/or “gruyère” and must also include evidence (for example, a printed date on the label) proving that the label was in the Chilean market on a recurring basis within the twelve (12) months prior to December 9, 2022.
- OR -
- A copy of two (2) invoices that expressly refer to the specific term “parmesano” and/or “gruyère” and that each include a different date within the 12 months prior to December 9, 2022.
- It is also possible to submit a combination of these, i.e., a label and an invoice, provided that the submitted documents have different dates.

2. In addition to the aforementioned documents (labels and/or invoices), the following information should also be provided by applicants:

¹ The texts of the Agreement in Principle are available at: <https://www.subrei.gob.cl/acuerdos-comerciales/modernizacion-ue-chile/textos-del-acuerdo>. The English version of the texts is available here: https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/chile/eu-chile-agreement/text-agreement_en

² Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Chile, of the other part, signed on November 18, 2002, in Belgium, and entered into force on February 1st, 2003.

³ Geographical Indications are terms that identify a good as originating in the territory of a Member or in a region or locality of that territory, when a given quality, reputation, or other characteristic of the good is essentially attributable to its geographical origin.

- From a prior user:
 - Name/Business Name.
 - Tax ID.
 - Mailing address to receive notifications.
 - Region.
 - Contact email address.
 - Phone number.
 - Terms used (“parmesano” or “gruyère” or both).
 - Statement declaring that the information is true and is submitted in good faith, and that the documents that accompany the application are a true copy of their original versions.

- From the person submitting the information on behalf of a prior user:
 - Full name.
 - Tax ID.
 - Email to receive notifications.
 - Phone number.
 - Gender.
 - Region.