



**Comments Regarding the 2025 Special 301 Review**  
**By the National Milk Producers Federation and the U.S. Dairy Export Council**  
**Docket Number USTR-2024-0023**  
**January 27, 2024**

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 Docket No. USTR-2024-0023.

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 strong support for the comments submitted by the Consortium for Common Food Names regarding the issue of geographical indications (GIs) and related restrictions on the use of common food names.

U.S. dairy exporters continue to grapple with the deepening impacts of the EU's misuse of GI policies to create non-tariff agricultural trade barriers to our products. U.S. dairy companies rely on the use of food names that long ago entered into the public domain as generic terms used to market their American-made products not only here in the U.S. but also around the world. When countries prohibit their usage in response to requests to do so by the EU government, it creates a deeply uneven playing field that makes it much more difficult to successfully export the products that American workers have created using milk from U.S. farms.

It's time to put a stop to this and we urge USTR to take robust action to do so.

To address the disparity directly created by the actions of the EU government and the acquiescence of their trading partners' governments, **we urge the Administration to secure firm and explicit commitments assuring the future use of specific generic food and beverage terms targeted by or at risk of EU monopolization efforts.** As noted in CCFN's comments, this approach is strongly supported by Congress as evidenced by the more than 160 Senators<sup>1</sup> and Representatives<sup>2</sup> that have voiced support for its pursuit, dating back to President Trump's first term. This approach is necessary in order to establish a more level playing field for American-made products and prevent overseas competitors from creating barriers specifically designed to block the sale of those products.

We would like to underscore the reality of two factors that make the challenges our industry faces

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<sup>1</sup> [https://www.nmpf.org/wp-content/uploads/2020/07/Final-Senate-Thune-Stabenow-Letter-on-Common-Names-Letterhead-7.30.20\\_200p.pdf](https://www.nmpf.org/wp-content/uploads/2020/07/Final-Senate-Thune-Stabenow-Letter-on-Common-Names-Letterhead-7.30.20_200p.pdf)

<sup>2</sup> <https://www.nmpf.org/wp-content/uploads/2020/11/Letter-House-Common-Food-and-Wine-Terms-Letter-USTR-USDA-11.02.2020.pdf>

distinct from those encountered by most other U.S. stakeholders in the IP arena:

1. The barriers to our products are primarily put in place as a result of the pursuit of GI registrations by a foreign government, not through the actions of individual GI applicants. This creates a deeply imbalanced power and funding dynamic that augments the greater challenge that opponents face in most IP systems vs. the advantages provided to applicants. Moreover, the foreign government incentivizing these restrictions does so intentionally to hamper competition from U.S. exporters.
2. With very rare exceptions, these government-filed GI applications are not dealt with objectively through an impartial and objective process. Public records and the results of EU trade agreements are entirely clear – even where a public opposition process is conducted, the decisions about how (not whether, as none appear to receive rejection notices) to register the EU’s requested GIs are conducted at the trade negotiating table by the EU’s agriculture ministry officials. The public comment process merely serves as an information gathering exercise for the EU to narrow the scope of GIs in contention during negotiations.

These dynamics have all the harbingers of the type of agricultural trade barriers our industry regularly encounters in other contexts – they are driven by the government, not private sector actors, and resolution demands specific government to government solutions to remove or pre-empt the barrier.

In order to effectively address this challenge, the U.S. must deal with it as such and work in a focused manner with key trading partners to secure specific market access confirmations in order to re-establish predictability for U.S. products. Without doing so and prioritizing the creation of agreements to create these protections for U.S. exporters, the U.S. will remain in a continually responsive dynamic on this topic and the private sector will continue to be pitted against the full weight of the EU government’s treasury and policy persuasion offerings.

We greatly appreciate the work the U.S. has done to grapple with this topic over the past several years, spanning multiple Administrations, and we look forward to working closely with USTR, USDA, PTO and other agencies to continue to find the best way possible to preserve the use of common food names of commercial importance to U.S. producers in order to create a more level playing field internationally.

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