

**COMMONWEALTH OF AUSTRALIA  
TRADE MARKS ACT 1995**

**IN THE MATTER OF Australian trade  
mark application no. 1999987 KRAFT  
PARMESAN CHEESE in class 29 in  
the name of KRAFT FOODS GROUP  
BRANDS LLC**

**and**

**IN THE MATTER OF opposition by  
CONSORZIO DEL FORMAGGIO  
PARMIGIANO REGGIANO**

**DECLARATION OF TERRY RICHARDSON**

I, **TERRY RICHARDSON** of HWT Tower, Level 6, 40 City Rd, Southbank VIC, do solemnly and sincerely declare that:

**Background**

1. I am Chair of The Australian Dairy Industry Council (**ADIC**).
2. ADIC is the peak national representative body of the Australian dairy industry. It represents the interests of dairy farmers and processors across the entire dairy value chain to create a more prosperous and sustainable future for local industry and the regional communities that rely on it.
3. The following statements are made either based on my own personal knowledge or as a result of enquiries that have made of employees and officers of ADIC. I have full access to the records and files of ADIC. The contents of this declaration are true to the best of my knowledge, information and belief.
4. I have been requested by H. J. Heinz Company Australia Limited to provide a declaration concerning Parmesan cheese in Australia.
5. The ADIC considers the term "Parmesan" to be a generic term in Australia.
6. Developments in the international dairy industry over the past century have resulted in the term Parmesan becoming a common, generic name for a style of hard (cow's milk) cheese that is widely produced and sold around the world including Australia.

Unfortunately, Parmesan is not yet listed as a CODEX standard cheese. The Codex Alimentarius (**Codex**) is a collection of internationally adopted food standards and related texts presented in a uniform manner. These food standards and related texts aim at protecting consumers' health and ensuring fair practices in the food trade. The publication of the Codex is intended to guide and promote the elaboration and establishment of definitions and requirements for foods to assist in their harmonization and in doing so to facilitate international trade.

The Codex includes standards for all the principal foods, whether processed, semi-processed or raw, for distribution to the consumer.

There has been a long debate in the FAO Codex Alimentarius Commission (**Codex Commission**) going back 20 years as to whether this body should establish an agreed international standard to cover the production and trade of Parmesan cheese - as Codex has done for other common cheese names such as Brie, Cheddar and Mozzarella.

Draft standards have been prepared and debated within the Codex Commission reflecting the views of many countries that Parmesan is a generic cheese name. Since the Codex Commission can only reach decisions on a consensus basis, European opposition has prevented the finalisation of any Parmesan standard. However, it should be noted that, at various stages of this debate, even individual European member states have supported the view that a Parmesan standard should be finalized, confirming the generic nature of this cheese name.

7. The ADIC has been actively involved in negotiations towards a free trade agreement (**FTA**) with the European Union and has provided submissions to the Australian Government opposing the European Union's moves to protect Parmesan as a Geographical Indication. Australia's dairy industry has argued that any Australia-European Union FTA must not inhibit the continued, proper use of the generic name, Parmesan, for Australian cheese that is produced for sale in either the domestic or export markets.
8. Local Australian cheese producers have a strong track record of supplying Parmesan cheese lines to Australian consumers at both retail and food service levels for well over 40 years. The industry has been meeting domestic consumer needs since well before the European Union moved to formalise its Geographical Indication regulations in the 1990s.
9. Parmesan is manufactured in Australia and is sold under a number of brands. The Dairy Australia website - *Who Makes What?* – currently lists 24 Australian dairy manufacturers as registered producers of Parmesan cheese in Australia. The Dairy Australia website indicates that there are local firms producing Parmesan cheese in every state of Australia to help meet the annual domestic retail and food service demand for Parmesan cheese of around 10,000 tonnes. These local Parmesan cheese manufacturers range in size from:
  - Small artisanal producers who focus on hand made production techniques (such as La Vera Fine Cheeses in South Australia), through
  - Medium-sized family-based firms such as Floridia Cheese (Victoria) and La Casa Formaggio (South Australia); and
  - Farmer-owned cooperatives such as Norco (NSW); up to
  - Large local and international dairy companies including Saputo, Fonterra and Bega Cheese

**AND I MAKE** this declaration conscientiously believing the same to be true.  
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**DECLARED** at

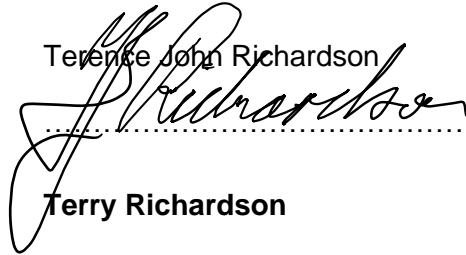
) Melbourne

By

) Terence John Richardson

This 3rd day of February 2021

) .....

A handwritten signature in black ink, appearing to read 'Terry Richardson', is written over a dotted line. The signature is stylized and cursive.

**Terry Richardson**