

NZ GEOGRAPHICAL INDICATION (GI)

EXAMINATION CHECKSHEET

Application information (reg 7) and formalities

Box Reference Number			
1	GI Number: 1018	GI Name: Auckland	
2	New Zealand GI correctly selected (cf foreign)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
3	Goods GI for	<input checked="" type="checkbox"/> Wine	<input type="checkbox"/> Spirit

4	GI correct?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Comment(s):	
5	Applicant/ Agent details correct	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Comment(s):	
6	Wine or spirit correctly stated	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Comment(s):	
7	Geographical co-ordinates relate to the place of geographical origin to which the GI relates	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Comment(s):	
8	Description of Conditions provided	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> NA	Comment(s):

Additional Information required before Acceptance (reg 8(1))

9	Explanation of characteristic essentially attributable to the GI	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Comment(s):
10	Evidence of characteristic essentially attributable to the GI	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Comment(s):

Examination

11	GI identical to registered GI (s10)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Comment(s):
12	GI identical to customary name of grape variety (s11)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Comment(s):
13	GI identical to common name for wine or spirit (s12)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Comment(s):
14	GI use or registration likely to be offensive (s13A)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Comment(s): Note Auckland not a Maori word.
15	GI identical to trade mark for identical goods or services	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Comment(s): Acepto searches have been completed.

	(s14)				
16	GI identical to trade mark for similar goods or services (s15)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Comment(s): Accepto searches have been completed.	
17	GI similar to trade mark for identical goods or services (s16)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Comment(s): Accepto searches have been completed.	
18	GI similar to trade mark for similar goods or services (s17)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Comment(s): Accepto searches have been completed.	
19	Conditions of use Entered (s41)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> NA	Comment(s):

Reference Searches

20	Accepto searches saved to MAKO	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Comment(s):
21	Internet searches saved to MAKO	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Comment(s):

Evidence

22	Statutory declaration/ affidavit complies with s9 of Oaths and Declarations Act 1957 (for statutory declarations) or the High Court Rules (for affidavits)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Comment(s): Note page 9 description of sensory Attributes by Emma Jenkins. "hearsay"
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Quality, reputation or other characteristic

<p>The Applicant should explain and provide evidence of the quality, reputation or other characteristic of the wine or spirit that is attributable to the GI (reg 8(1)).</p> <p>The explanation and evidence should show how the specific characteristic(s) of the wine and/or spirit are linked to features (whether natural or human) within the geographic area.</p> <p>The below template includes headings that reflect the type of information that IPONZ typically expects to receive as part of an application (reg 8(2)).</p>
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History and background

The quality, reputation and other characteristics of wine or spirits from a particular area will often be linked to the founding and development of the area for wine or spirit production. Background may also include a description of the history relating to the word that indicates the area as a GI.

23	Comment(s): The Declarant sets out history at Page 3: <ul style="list-style-type: none"> - First commercial vineyard established in the AUCKLAND GI in 1863. - 1900s increase of winegrowers including Croatian gum diggers and the Corbans family.
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	<ul style="list-style-type: none"> - Auckland historically one of NZ's bigger wine growing regions. From 1900s to 1970's one of the two major centres for wine in NZ (other being Hawkes Bay). - 1970's onwards seeking more cost effectiveness grape growing sent more to Gisborne or Marlborough. - 1980's-1990's expansion into other areas within Auckland area, such as Matakana, Kumeu, and Waiheke Island. <p>The history provided above shows how the reputation for the GI AUCKLAND has developed over time.</p>
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Geographical features in the area

Geographical features may include general topography, elevation, natural features that provide shelter or that alter wind direction, ridges, valleys, plains, underground waterways and water tables, proximity to the coast or other bodies of water, slope, aspect and accessibility.

24	<p>Comment(s):</p> <p>The geographical factors indicated by the Declarant (page 5) confirming the limited number of suitable sites for winegrowing (as well as demands of urban growth).</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Auckland lies between the Hauraki Gulf of the Pacific Ocean to the east, the low Hunua Ranges to the south-east, the Manukau Harbour to the south-west, and the Waitakere Ranges and smaller ranges to the west and north-west. The region's topography is a series of rolling and broken hill country with valleys within valleys, small river flats and reminisces of sand dune complexes. Surrounding hills are covered in rainforest and the landscape is dotted with dozens of dormant volcanic cones.</p> <p>Auckland is built on a basement of greywacke rocks that form many of the islands in the Hauraki Gulf, and the Hunua Ranges and land to its south. Waitakere Ranges in the west are the remains of a large andesitic volcano, and Great Barrier Island was formed by the northern end of the Coromandel Volcanic Zone. The main isthmus and North Shore are composed of Waitemata sandstone and mudstone, and portions of the Northland Allochthon extend as far south as Albany. The Manukau and South Kaipara Harbours are protected by the recent sand dune deposits of the Awhitu and South Kaipara Peninsulas. Recent basaltic volcanic activity has produced many volcanic cones throughout the Auckland Region, including the iconic Rangitoto Island.</p> </div>
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Soil composition in the area

Soil composition in the area may include the soil type or types (such as sandy, clay, silt or loamy soils), and the presence of particular rock (such as gravel, schist or slate). The characteristics of the soil such as its temperature, pH, drainage, salinity and nutrient/mineral profile may also be relevant.

25	<p>Comment(s):</p> <p>The variety of soils, as discussed below by the Declarant (page 5 and 6) add to complex flavours of the GI wines.</p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <p>The soils of the AUCKLAND GI are very diverse. The parent materials include a range of sedimentary and igneous rocks, which were broken down over millennia into clays under the influence of the moist climate and native vegetation.</p> <p><i>Clay Soils:</i> Vegetation has had the most effect on the sedimentary sandstones and greywacke clay soils parent materials. Under broadleaf trees such as Puriri the clay soils have retained nutrients and soil fertility, whereas under podocarp forest (Kauri predominant known as “gum land” soils) the clay soils are moderately to strongly leached and only maintain a moderate to poor fertility which is low in lime.</p> <p>These yellow -Brown “gum land” soils extend from Henderson northwards past Kumeu, Huapai, Waimauku and Matakana they are also found south in the Clevedon-Hunua area.</p> <p><i>Sand Soils:</i> The yellow brown sands formed along the west coast were stabilised by weathering and vegetation. Some have very low organic matter. The Red Hills sands and sandy clay loams are what a lot of vineyards are found on throughout the region. The sand soils have low water holding capacity and can make supplemental irrigation necessary and ironstone pans that occur within these soil types can cause drainage and root growth problems.</p> </div>
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	<p>Volcanic Soils:</p> <p>a. Brown granular loams originating from volcanic ash. This volcanic soil and the south-western regions soils tend to be well structured soil but potassium deficient. Weymouth clay loam and slit loam of the Mangere district.</p> <p>b. Yellow Brown loams light textured, moderately free draining soils, poor structure and low water holding capacity found in pockets in Waiheke Island, Kumeu, Riverhead, and Clevedon.</p> <p>c. Brown Granular Clays originating from andesite rocks these red-brown clays formed on the slopes of the Waitakeres have a strong angular structure. They are wet in winter and dry and crack in winter. Soils similar to these are found on the eastern end of Waiheke Island</p> <p>Peat Loam soils: Formed in low lying areas are found in Kumeu and Omaha Flats, need drainage to control its naturally high water table. When drained they have good structure and aeration. Due to their location there is high risk of late season frosts.</p> <p>Complex soil types: Due to the different types of parent materials and soil forming vegetation it is common for Auckland Soils to be very complex. Examples are soils known as the “Waitemata Complex” in the Kumeu and Waimauku sub districts and the “Karakara Complex” south of the Manukau Harbour. In these areas it is common to find different soils, e.g. clay, volcanic and peat soils, occurring of short distances – even over one vineyard, adding complexity to the flavour profiles of the wines on these soils.</p>
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Climate in the area

Applicants may like to include relevant climate data from the geographical area such as rainfall, temperature, prevailing winds and hours of sunshine. Ideally, such evidence should comprise or be supported by research data from a reputable institution.

26	<p>Comment(s):</p> <p>The AUCKLAND GI has a challenging environment climate, as discussed by the Declarant in at pages 2, 6 and 7. The Auckland GI has a number of sub regions which vary in relation to rainfall, sunshine hours and temperature. Site selection is important to ensure vigour concentration and disease pressure in the grapes. The cloud-less weather in spring and summer-early autumn and warm temperatures ensures viticulture success.</p>
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	<p>Declarant confirms (Page 2)</p> <p>The warmer climate, proximity to the moderating influence of the sea, and mix of clay, sand and volcanic soils provide an environment where distinctive wines can be made, with some examples recognised as being among the best in the world. Rainfall and humidity in the sub-tropical climate, as well as heavy, poorly draining soils can be a challenge for viticulture, making site selection important.</p> <p>Declarant confirms (Page 6)</p> <p>The AUCKLAND GI's key features are its moderately warm, sub-tropical maritime climate with relatively mild winters, accompanied by regular rainfall and moderately high humidity levels. Data on key indices of the AUCKLAND GI climate is attached as Appendix 1.</p> <p>Declarant confirms (Page 7)</p> <ul style="list-style-type: none"> - Several intensive and distinctive sub regions. -Stable sea temperatures -Annual temperature 14-16 degrees- few extremes -Frequent rainfall
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Methods of producing wines and spirits

Human factors such as viticulture, winemaking or spirit-making practices may also be relevant. These factors are likely to be linked closely to natural factors such as steep, inaccessible terrain which can mean that less mechanisation is feasible. This in turn may mean that the wines or spirits from that area must be premium goods that are sold at a high price point in order to be profitable.

27	<p>Comment(s):</p> <p>The Declarant confirms at pages 8 and 9 the viticulture and winemaking practice in the AUCKLAND GI. Given the difficult terrain and to ensure quality 98% of harvesting is carried out by hand. Wines are also generally produced in small batches.</p>
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	<p>Particular features of viticulture and winemaking practices within the AUCKLAND GI are as follows:</p> <ul style="list-style-type: none"> • Continued innovations mixed with traditional practices are a common thread in all aspects of viticulture and winemaking practises. • For reasons not only of quality and due to the difficult terrain, there is almost no mechanical harvesting within the AUCKLAND GI. About 98% of all harvesting is carried out by hand. • A majority of vines in the AUCKLAND GI are “dry land” farmed. There is very little irrigation of vines less than 5% of vineyards in the AUCKLAND GI. • A majority of the grapes grown in the AUCKLAND GI are cropped at the premium end levels, and yields are typically restricted to low levels. • Wines are made in small batches, often predominantly from single vineyards or vineyards owned by the winery. In a majority of cases, wines are made or bottled on the property. • Red wines are typically aged in oak. Red wines are macerated in their skins for extended periods (25 to 30 days) resulting in red wines with significant aging ability.
	<ul style="list-style-type: none"> • The use of indigenous yeast in fermentations is a common practice. • Barrel fermentation of white wines is a commonly used technique in the AUCKLAND GI. • Due to factors such as the capital intensive nature of winemaking facilities, fluctuations in vintages, and multi-regional ownership models, winemaking processes may occasionally take place outside the GI. This is a widely accepted practice within New Zealand and within the GI itself and does not detract from the expression of characteristics typical of the GI in the resulting wine. • Wines from the GI may be made in styles that are lower in alcohol, including sweet wines and lower alcohol dry wines produced using permitted viticultural and winemaking practices.

Quality

The qualities of a wine or spirit from a particular area may include its aroma, flavour profile, sweetness, acidity, tannin, fruit, colour, structure, body, texture and viscosity, alcohol by volume, cellaring potential, typicity, signature characteristics, and varieties.

28	<p>Comment(s):</p> <p>Sensory attributes: -The Declarant’s evidence includes descriptions of the sensory attributes typically associated with wines from the AUCKLAND GI. However, as this information has been provided by a person other than the declarant (namely Master of Wine Emma Jenkins) and is essentially hearsay, we are placing a low weighting on this information (pages 9-11).</p>
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Reputation

Where relevant, applicants should provide evidence that demonstrates the extent of the reputation of the wines or spirits from the relevant geographical area. This may include, for example:

- Evidence that wines or spirits are sold and/or promoted by reference to the GI.
- Statements from chambers of commerce and industry or other trade and professional associations that the wine or spirit has a reputation that is essentially attributable to its origin.
- Evidence that the GI influences consumer purchasing decisions.
- Evidence of tourism linked specifically to the wines or spirits from the relevant area, such as vineyard or distillery tours.
- Sales figures, export figures and/or market share (may be provided on a confidential basis).
- Marketing spend (may be provided on a confidential basis) and marketing activities such as advertising, tastings and other promotional events.
- References to the GI in books, articles, blogs, social media, websites and menus from restaurants and bars.
- Evidence of national and international awards won by wines and/or spirits from the relevant geographical area.

29	<p>Comment(s):</p> <p>Boundaries</p> <p>Research indicates the area included within the geographical indication boundaries is considered to be the greater Auckland area.</p> <p>Evidence relating to reputation</p> <p>In terms of the submitted evidence, we are of the view that the evidence provided goes some way towards indicating reputation of the wines from the area to which the GI relates. However, the declarant has not provided any wine label evidence showing use of the GI AUCKLAND on the goods. The Office will require a supplementary declaration providing exhibits showing the GI AUCKLAND being used on wine.</p>
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No use of GI on wine goods

The declarant has not provided an exhibits showing use of the GI AUCKLAND on the wine. The Declarant confirmed that 1.26 million litres of wine identified as being labelled with Auckland GI were exported to the EU from the vintages 2010-2017. Research conducted by the Office has found one instance of the term AUCKLAND being used by Villa Maria (see Box 3). In order for the Office to be satisfied that there is sufficient reputation in the GI AUCKLAND we will require exhibits showing use of the GI in relation to the wine goods. A supplementary declaration will need to be provided by the declarant providing the necessary information.

History/ Duration and continuity of use of Auckland

Auckland is a historic wine growing area including for Croatian and Lebanese family winegrowers.

Page 2

The AUCKLAND GI covers the greater Auckland region and includes the sub-regional GIs MATAKANA, KUMEU and WAIHEKE ISLAND, as well as several other small winegrowing areas. It has a long history of wine production that is strongly associated with the Croatian and Lebanese family winegrowing enterprises that developed the New Zealand wine industry throughout much of the 20th century.

The declarant at page 3 confirms the first commercial vineyard established in the AUCKLAND GI in 1863. This increased in the 1900s and Auckland was one of NZ's bigger wine growing regions from 1900s to 1970's one of the two major centres for wine in NZ (other being Hawkes Bay). 1970's onwards seeking more cost effectiveness grape growing sent more to Gisborne or Marlborough. 1980-1990 saw expansion into other wider areas of Auckland. The focus for AUCKLAND wines now is on low yield premium products.

Export market/Premium market position

The Declarant states that wines from Auckland overtime are now small scale and seen as premium wines. Given the competition for land in Auckland overtime there has been a decrease in large scale production to the premium wine focus.

The declarant confirms at page 2 "AUCKLAND GI" wines are high quality products produced either as quality mainstream wines with mid-price market positions or "boutique" wines with premium market positioning.

Auckland is international hub from which wine can be exported. The declarant confirms data from the Ministry for Primary Industries shows that 1.26 million litres of wine identified as being labelled with Auckland GI were exported to the EU from the vintages 2010-2017.

Page 2

The city of Auckland is integral to the GI, proving a ready market, a vital national and international distribution hub, and a source of international and domestic wine tourism. Land use competition from the growing urban centre has shaped winegrowing in the GI, pricing out large scale vineyards and pushing production towards premium wines produced at high-amenity locations that can sustain the capital investment required.

Page 11

Data from the Ministry for Primary Industries shows that 1.26 million litres of wine identified as being labelled with the Auckland GI were exported to the EU from the vintages 2010 – 2017.

Reference to the GI in Wine Books/ Government and Wine Association

The AUCKLAND GI is referred to in national and international wine reference books (page 12)- Appendix 2 examples below:

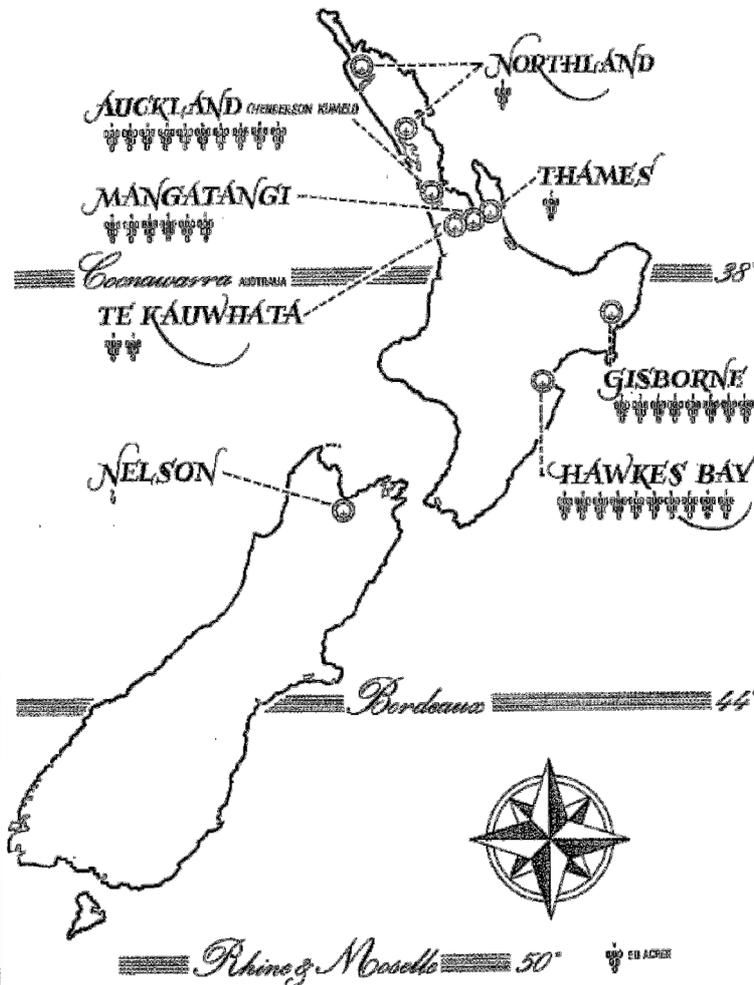
1971- Wine in New Zealand



NEW ZEALAND
INTELLECTUAL
PROPERTY OFFICE

Vineyards of New Zealand

Sketch map to show the main centres & latitudinal comparison with European & Australian vineyards



Cuisine Wine Country 2015
New Zealand Wines 2016

Auckland

The 2015 year was a 'good, average' one, according to a top Waiheke Island winery, which singled out Chardonnay and Syrah as the best performers.

New Zealand Winegrower reported a wet start to the season, encouraging a lot of vegetative growth. Kumeu River was hit by frost, and at Cable Bay a windy spring laid the basis for reduced yields.



Ministry for Primary Industries shows that 1.26 million litres of wine identified as being labelled with Auckland GI were exported to EU from vintages 2010-2017 (Government department) (Page 11)

National wine association included term AUCKLAND and reference to GI in many of its publications (page 11)

Supplementary Statutory Declaration

WINE LABELS

Appendix 1 of the supplementary declaration provides a number of wine labels showing use of the GI AUCKLAND. See below:



NEW ZEALAND
INTELLECTUAL
PROPERTY OFFICE

VILLA MARIA
NEW ZEALAND
Verdelho
IHUMATAO VINEYARD
AUCKLAND 2013

VILLA MARIA
NEW ZEALAND
Gewürztraminer
IHUMATAO VINEYARD
AUCKLAND 2017



NEW ZEALAND
INTELLECTUAL
PROPERTY OFFICE

VILLA MARIA
NEW ZEALAND
Ihumatao Vineyard
AUCKLAND
CHARDONNAY 2010

AUCKLAND
PINOTAGE
2006

Other relevant information:

30 Comment(s):

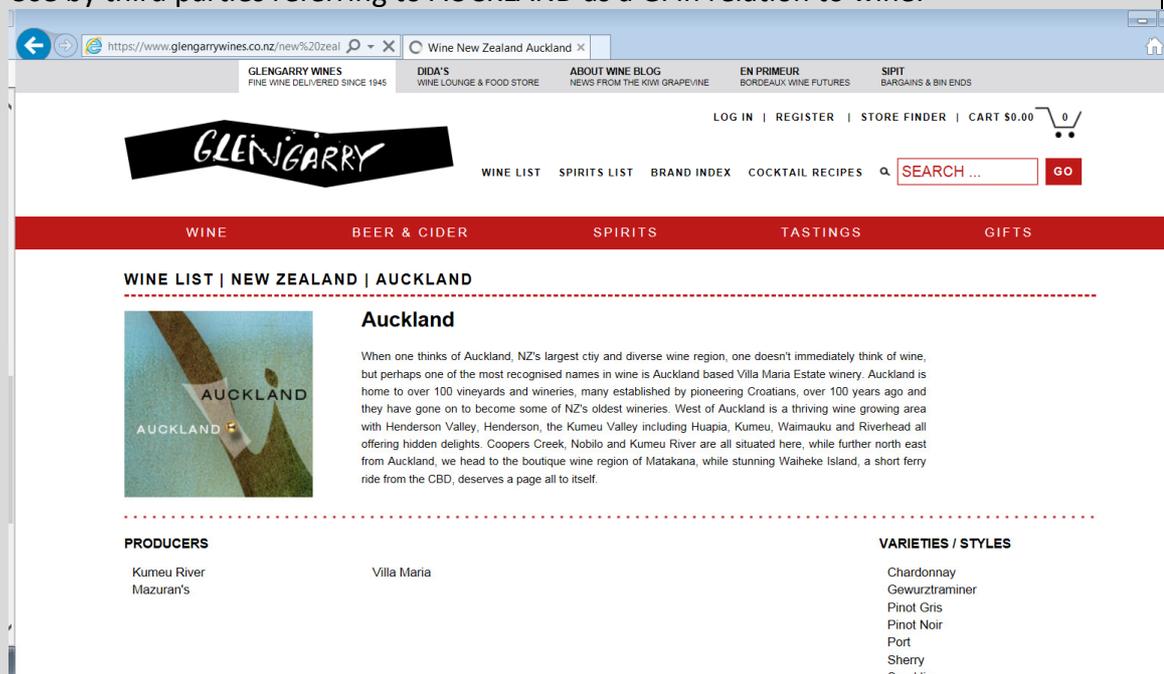
Research (by examiner) showing use of the GI AUCKLAND in relation to wine:



https://www.google.co.nz/search?q=Auckland+ihumatao+wine&rls=com.microsoft:en-NZ:IE-Address&dcr=0&source=Inms&tbn=isch&sa=X&ved=0ahUKEwi_3-LAI-

[zWAhUHVZQKHePgDFwQ_AUICigB&biw=1280&bih=627&dpr=1.25#imgrc=NJnwkPHWrtWaC
M:&spf=1507849070886](https://www.glengarrywines.co.nz/new%20zeal%20aukland)

Use by third parties referring to AUCKLAND as a GI in relation to wine:



The screenshot shows the Glengarry Wines website. The header includes the Glengarry logo and navigation links: GLENGARRY WINES (FINE WINE DELIVERED SINCE 1845), DIDA'S WINE LOUNGE & FOOD STORE, ABOUT WINE BLOG (NEWS FROM THE KIWI GRAPEVINE), EN PRIMEUR (BORDEAUX WINE FUTURES), and SIPIT (BARGAINS & BIN ENDS). There are also links for LOG IN, REGISTER, STORE FINDER, and a shopping cart showing 0 items for \$0.00. A search bar is present with a 'GO' button.

The main navigation bar is red and contains: WINE, BEER & CIDER, SPIRITS, TASTINGS, and GIFTS.

The page title is "WINE LIST | NEW ZEALAND | AUCKLAND". Below this is a sub-section for "Auckland".

Auckland

When one thinks of Auckland, NZ's largest city and diverse wine region, one doesn't immediately think of wine, but perhaps one of the most recognised names in wine is Auckland based Villa Maria Estate winery. Auckland is home to over 100 vineyards and wineries, many established by pioneering Croatians, over 100 years ago and they have gone on to become some of NZ's oldest wineries. West of Auckland is a thriving wine growing area with Henderson Valley, Henderson, the Kumeu Valley including Huapia, Kumeu, Waimauku and Riverhead all offering hidden delights. Coopers Creek, Nobilo and Kumeu River are all situated here, while further north east from Auckland, we head to the boutique wine region of Matakana, while stunning Waiheke Island, a short ferry ride from the CBD, deserves a page all to itself.

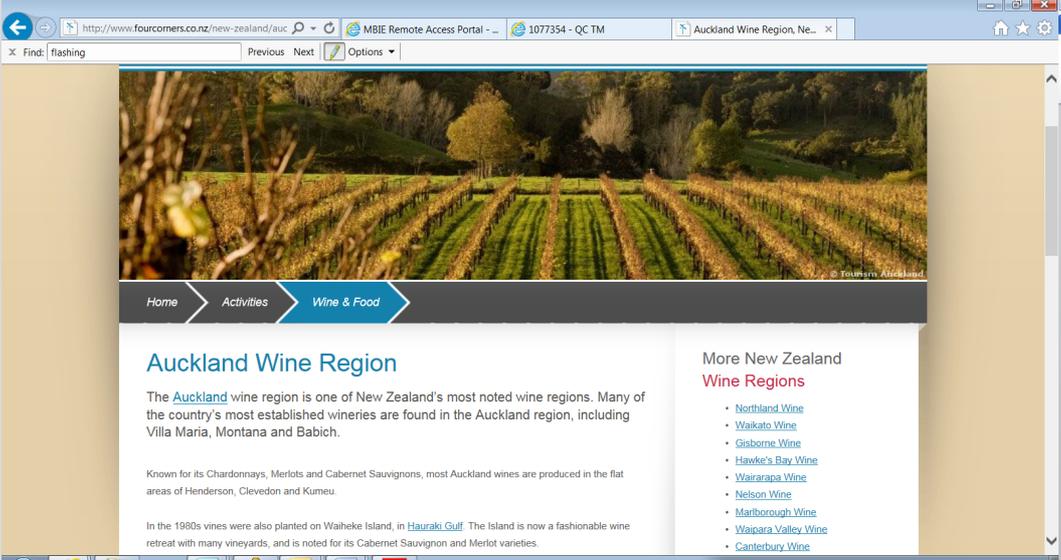
PRODUCERS

Kumeu River	Villa Maria
Mazuran's	

VARIETIES / STYLES

- Chardonnay
- Gewurztraminer
- Pinot Gris
- Pinot Noir
- Port
- Sherry
- Sparkling

<https://www.glengarrywines.co.nz/new%20zealand/aukland>



http://www.fourcorners.co.nz/new-zealand/auckland-wine/

31	Examiner is satisfied that the Applicant has provided sufficient explanation and evidence of: the quality, reputation or other characteristic of the wine or spirit that is essentially attributable to the GI	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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32	Recommend for Acceptance?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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This Summary may not explicitly refer to every matter that has been considered by the Examiner