

NZ GEOGRAPHICAL INDICATION (GI) EXAMINATION CHECKSHEET

Application information (reg 7) and formalities

Box Reference Number			
1	GI Number: 1006	GI Name: Nelson	
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): Region identified on the application also includes Tasman (however note, vineyards on Tasman are referred to as Nelson.)	
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):
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10	Evidence of characteristic essentially attributable to the GI	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Comment(s):
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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):	
15	GI identical to trade mark for identical goods or services (s14)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Comment(s):	
16	GI identical to trade mark for similar goods or services (s15)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Comment(s):	
17	GI similar to trade mark for identical goods or services (s16)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Comment(s):	
18	GI similar to trade mark for similar goods or Services (s17)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Comment(s):	
19	Conditions of use Entered (s41)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	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	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Comment(s):

	MAKO			
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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):
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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	<p>Comment(s):</p> <ul style="list-style-type: none"> Commercial quantities of wine have been produced in Nelson since 1868. (Page 2) Nelson has been used consistently and continuously on wines since 1977. Wines from Nelson have never used any other regional or geographical indicator. (Page 11) Recognition of Nelson wines on the international stage in the 1990's. (Page 2) 15.81 million litres of export wine (2009 – 2016) (Page 11) Focus on the production of premium aromatic varieties, Chardonnay and Pinot Noir (J Page 3). <p>The above information shows the growing reputation in the Nelson GI for wine both nationally and internationally</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> <ul style="list-style-type: none"> • Declarant highlights that the geographical features of the area have an effect on the sensory attributes of the wines • The rock formations underlying the soil and subsoil also have an impact on drainage, water availability, root penetration and nutrient uptake of the vines. (Page 6) • The mountain ranges to the west, south and east protect it from weather extremes. The Tasman Mountains to the west, climbing to 1775 metres, act as a barrier to the prevailing westerly winds, and ranges to the south and east protect the region from cold weather systems. Close to the sea, and less windy than most parts of the country, the Nelson GI has a calmer, more temperate climate than most parts of the South Island. On a typical summer's day, temperatures peak at around 25°C, with an overnight low of 14°C. (Page 6)
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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> <ul style="list-style-type: none"> • Declarant highlights that the soil composition of the area have an effect on the sensory characteristics of the wines • While the soils within the Nelson GI are diverse, the soils in which grapes are currently grown are generally categorised into two main areas —the Hills and the Plains. • Soil from the Plains are formed from stony gravel. The soil has somewhat unusual properties for a stony soil in that within the upper part of the soil profile, the texture of the fine fraction is clay loam, with the stony fraction making up around 60- 65% of the soil'. This is beneficial for viticulture on the Waimea Plains as moisture retention in the upper soil profile is better than in many stony river terrace soils found elsewhere. Beneath the weathering soil profile the gravels are unconsolidated and free draining, allowing deep root penetration. The soil has been derived from a variety of rock types in the Richmond Ranges including greywacke, argillite, sandstone, limestone and a variety of ultrabasic rocks giving rise to a moderate natural level of fertility. • The upper soil surface of "The Hills" does vary giving rise to a variety of soil types but these have been shown to be related and derived from the same parent material. The soil is considered a
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	<p>sandy loam which is characterised as having a deep heavy clay sub soil overlying very to extremely stony subsoils. Soil fertility is naturally low which helps control vine vigour. The clay subsoil has very good water holding capacity which is beneficial for viticulture as it allows for cultivation without irrigation during the drier summer months. Wines from the Hills tend to be more robust with the higher clay content giving good texture and weight to the wine, and density to the tannin. (Page 5)</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> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>Climate is one of the primary determinants of the growth and ripening of the grapes grown within a GI, which in turn contributes to distinctive sensory attributes in the wine produced in the GI. It affects the development of fruit, the duration of ripening and the timing of harvest, as well as impacting upon fruit quality and vine health.</p> </div> <p>(Page 6)</p> <ul style="list-style-type: none"> • The Nelson GI's key climatic factors are its high sunshine hours, close proximity to the sea and sheltered topography courtesy of surrounding mountain ranges to the west, south and east. Respectively these elements allow optimum fruit ripening conditions, reduced frost risk and deliver marked protection from the prevailing westerly winds and cold southerly weather systems. • The significant height of Tasman Mountains to the west protect it from the prevailing westerly weather extremes and the Richmond and Hope Ranges to the east and south provide shelter from the colder southerly weather systems. The combination of this shelter and the proximity to the relatively settled Tasman Bay water mass contribute to the GI's calm, temperate climate. • a notable diurnal temperature variation across the growing season. The net effect on the GI's fruit quality and intensity helps to emphasize ripe varietal characters and gives a strong fruit-driven purity across its varieties. (Page 6)
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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>
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NELSON GI wines are specialised in a particular suite of classic grape varieties and wine styles suited to both the physical environment and the market, in particular: aromatic varieties, Chardonnay and Pinot Noir.

(page 1)

- Declarant highlights that the viticultural and winemaking practices within the Nelson GI are adapted to the production of wine from specific grape varieties in the range of physical environments that exist within the GI and across a number of tiers within the market, more specifically the premium and ultra-premium end.

- Vines are typically, but not exclusively trained using the VSP system.
- Grapes are either machine harvested or hand harvested, however wines at the ultra-premium end of the market are hand harvested.
- There is very little irrigation of vines grown in the Hills soils - most vines are dry farmed.
- 20% of producers in the region are certified organic with these wines being pitched at the ultra-premium end of the market.
- Wines are typically made in small batches, often from single vineyards or vineyards owned by the winery. In many instances, wines are made and bottled on the property.
- Aromatic varieties are predominantly fermented in stainless steel tanks, with aging on lees, lees stirring and residual sugar levels determined by individual winery style.
- More producers in the region are experimenting with barrel fermented Sauvignon Blanc – made in the traditional ‘fume blanc’ style.
- Chardonnay is either fermented in stainless steel, or fermented and matured in oak depending on the style.
- Red wines are typically aged in oak. Red wines are macerated on their skins for extended periods resulting in red wines with significant aging potential, and some being matured in oak beyond 12 months.
- Un-inoculated ferments (referred to as wild ferments) are common in Pinot Noir and Chardonnay; and there are an increasing number of Pinot Noirs made within the GI that are un-fined and un-filtered.
- Grape growers and winemakers within the Nelson GI have a strong commitment to sustainable winegrowing, with all those producing wine for export participating in the Sustainable Winegrowing New Zealand programme and many using organic practises or having organic certification.

(Page 9)

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 varietals.

28

Comment(s):

The Declarant’s evidence includes descriptions of the sensory attributes typically associated with wines from Nelson 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

	<p>information. (Pages 10/11)</p> <p>That said information about quality attributes of the wines from the GI has also been provided elsewhere in the submitted evidence (see boxes 24, 25, 26 and 27)</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>Evidence relating to reputation</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p><i>Premium positioning</i></p> <p>Wines from the Nelson GI are typically positioned at the premium end of the wine market with some producers at the "ultra-premium" end. This premium positioning is reflected in the average score that wines from the Nelson GI receive of 86¹⁰ points on the 100 point scale, which is considered 'Very good: a wine with special qualities'¹¹. Additionally, 48% of wines scored an average of 4 to 5 stars by Michael Cooper (MW) which is recognised as being a wine of excellent or outstanding quality.¹²</p> </div> <p>(page 11)</p>
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Reputation

The Nelson GI has established a reputation for the production of premium wines – particularly aromatic white varieties, chardonnay and pinot noir. The region, with its 3 national parks, diversity of agriculture, artisan food producers and climate attracts large numbers of both national and international tourists which in turn contributes to both the renown and the image of Nelson as a winegrowing region.

The geographical factors outlined above contribute to the specific characteristics of wines bearing the Nelson GI also contribute to their reputation. These factors both dictate the necessity for production of premium, distinctive wines, and provide a suitable environment for the production of such wines. The reputation of wines bearing the Nelson GI is built upon and justified by the longstanding production of premium, distinctive wines and enhanced by the tourism values of Nelson

(JDpg11)

Formal recognition of the Nelson GI

While New Zealand has not had a formal registration system for GIs in place, the New Zealand Government has formally recognised “Nelson” on several occasions where this has been necessary to facilitate exports. This provides evidence that the Nelson GI is already recognised by the New Zealand Government to the extent possible under the current New Zealand law, and that such recognition has been accepted by the governments of other countries.

In 1981, the New Zealand Government requested that “Nelson” be included as a viticultural region on the European Union’s official list of “geographical ascriptions”¹ to be used on New Zealand wines exported to that market.²

The New Zealand Government included “Nelson” in the list of “Appellations of Origin” submitted to the United States Department of the Treasury Bureau of Alcohol Tobacco and Firearms as the official list for use on wines exported to that market.

In 2008, the New Zealand Government included “Nelson” as a New Zealand geographical indication for use on wines exported to the European Union in the *European Union: Wine: Overseas Market Access Requirements Notice*.³

In 2010, the New Zealand Government included “Nelson” as a New Zealand geographical indication for use on wines exported to Brazil in the *Brazil Wine Notice of Overseas Market Access Requirements*.⁴

In 2013, the New Zealand Government included “Nelson” on the list of New Zealand wine regions⁵ notified pursuant to Article 4(3)(e) of the World Wine Trade Group *Protocol to the 2007 World Wine*

Trade Group Agreement on Requirements for Wine Labelling Concerning Alcohol Tolerance, Vintage, Variety, and Wine Regions.⁶

Nelson is included as a New Zealand GI on the International Organisation for Wine and Vine’s *International Database of Geographical Indications*.⁷

(JDpg14)

Quality reputation of the Nelson GI

The Declarant states that Nelson is globally recognised as a location for the production of premium wines. Wines from the NELSON GI are recognised in leading national and international wine publications and media.

For example, the current (2nd) edition of Michael Cooper's *Wine Atlas of New Zealand* states "... Riesling and Chardonnay perform strongly throughout the region. Some highly aromatic, richly flavoured Gewurztraminers and Pinot Gris are also produced, and Pinot Noir is yielding superb wines at Upper Moutere and on the edge of the Plains in heavier, clay-based soils at the base of the hills."¹⁴

Nelson is also referred to in *The World Atlas of Wine* (7th Edition), written by two of the foremost, and well regarded wine writers internationally - Hugh Johnson & Jancis Robinson as: "A versatile region, producing freshly herbaceous Sauvignon Blanc and sturdy, rich Chardonnay and Pinot Noir, it also has a strong reputation for aromatic whites, especially Riesling and increasingly popular Pinot Gris."¹⁵

Appendix 2 is a selection of national and international publications and media articles which refer to the Nelson GI.

Appendix 3 is an indicative list of national and international awards won by wines bearing the Nelson GI

(JDpg15)

Wine labels





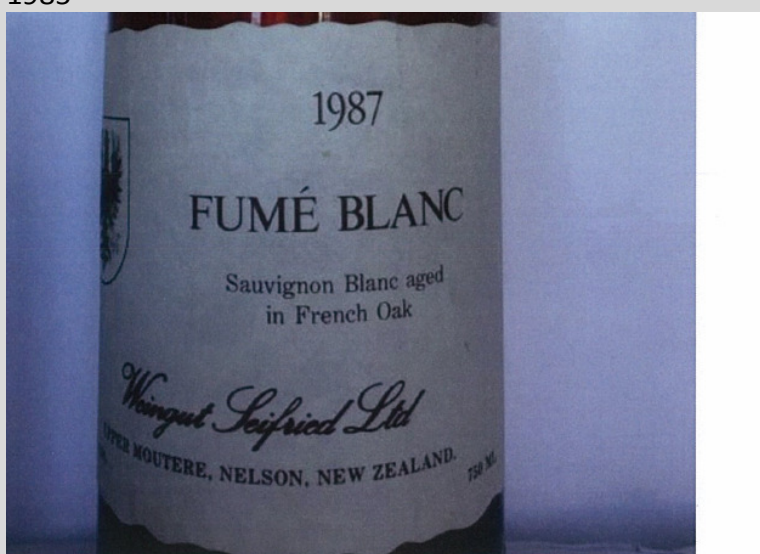
The applicant has provided some examples of wine labels, however they are not very clear and it is difficult to make out NELSON on the labels.

Consider that the strongest evidence for accepting the GI Nelson is going to be based on the reputation evidence of the GI. This needs to be supported through evidence which shows use of NELSON as a GI. The evidence provided at this time is unclear and the labels cannot be read easily. The applicant will need to provide the Office with additional examples of use of NELSON as a GI, for example clear examples of wine labels.

26/01/2018 Additional examples of use of NELSON provided. Consider the applicant has provided sufficient evidence which shows NELSON as a GI. The evidence is clear.



1985



1987



2004-2007



NEW ZEALAND
INTELLECTUAL
PROPERTY OFFICE



2012



2015



BOUNDARY

The boundary is broader than the Nelson province but the submitted evidence and OMAR list support the definition of the boundary for the GI (see also *box 30*)

Other relevant information:

<p>30</p>	<p>Comment(s):</p> <p>Boundary</p> <p>We have conducted research into the scope of the Nelson GI:</p> <p>The EU OMAR list for 2009 (on the case file) refers to the Nelson GI as including both Nelson and Tasman districts. The boundary is in line with Nelson and Tasman districts.</p>
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Part 2 Geographical Indications

2.1 New Zealand Geographical Indications

2.1.1 For the purposes of clause 1.6.2 the geographical indications approved in New Zealand are specified in Table 2A:

Table 2A New Zealand Geographical Indications

Geographical Indication	Defined Area
NEW ZEALAND	The country of New Zealand.
EAST COAST	Northland Region, Auckland Region, Bay of Plenty Region, Coromandel District, Hauraki District, Gisborne Region, Hawkes Bay Region, Masterton District, Carterton District, South Wairarapa District, Marlborough District, Canterbury Region.
NORTH ISLAND	The North Island of New Zealand.
Northland	Northland Region
Auckland	Auckland Region
Clevedon	Winegrowing area in Auckland Region
Western Auckland (comprising Henderson, Huapai, Kumeu, Waimauku) ¹	Winegrowing area in Auckland Region
Matakana	Winegrowing area in Auckland Region
Waiheke Island	Waiheke Island
Waikato	Waikato Region
Coromandel Peninsula	Thames-Coromandel District
Lake Taupo	Taupo District
Te Kauwhata	Winegrowing area in Waikato Region
Bay of Plenty	Bay of Plenty Region
Gisborne	Gisborne Region
Hawke's Bay	Hawke's Bay Region
Central Hawke's Bay	Central Hawke's Bay District
Wairarapa	Carterton, Masterton and South Wairarapa Districts
Gladstone	Winegrowing area in Carterton District
Martinborough	Winegrowing area in Martinborough Ward
Wellington	Greater Wellington Region
SOUTH ISLAND	The South Island of New Zealand
Marlborough	Marlborough and Kaikoura Districts
Nelson	Nelson and Tasman Districts
Canterbury	Canterbury Region

<http://www.foodsafety.govt.nz/password-protected/omars/eun/wine/other/complete.pdf>

2006 CENSUS

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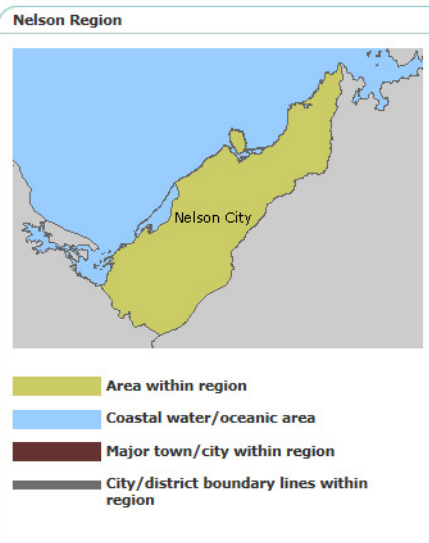
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Boundary Map of Nelson Region

This map shows the 2006 Census collection for the Nelson Region.



Note: Neighbouring regions are grey to show they are not the subject of this map. This map is not to scale.

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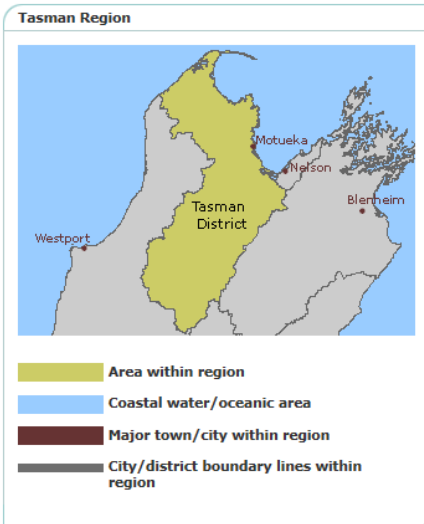
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GI's Reputation

- World Wine Trade Group (WWTG)

The list recognises the Nelson GI

				valley, Southern Valleys.
Nelson			<input checked="" type="checkbox"/>	May be accompanied by the name of a geographical sub-unit e.g.: Golden Bay; Motueka; Upper Moutere; Redwood Valley, Waimea Plains; Brightwater.
Canterbury				May be

[05%20New%20Zealand.pdf](#)

- Nelson is recognised as a GI on the International Organisation for Wine and Vine's International Database of Geographical Indications

Results count : 1

Nelson – New Zealand

Indication type (type 1) : GI

Indication type (type 2) : GI

Larger geographical unit (1) : SOUTH ISLAND

Larger geographical unit (2) : -

Product type : wine, special wine

Catégories du produit : wine; sparkling wine

Legal basis : [Wine Act 2003 Notice: Wine: Overseas Market Access Requirements: 1 December 2009](#)

<http://www.oiv.int/en/databases-and-statistics/database?bdd=IG>

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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	26/01/2018 – Additional evidence provided, consider the applicant has provided sufficient evidence of reputation attributable to the GI.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

32	Recommend for Acceptance?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	26/01/2018	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

This Summary may not explicitly refer to every matter that has been considered by the Examiner