

NZ GEOGRAPHICAL INDICATION (GI)

EXAMINATION CHECKSHEET

Application information (reg 7) and formalities

Box Reference Number			
1	GI Number: 1013	GI Name: KUMEU	
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 KUMEU GI discussed with Karen from Maori Advisory Committee. Determined that GI would not be offensive for the purposes of indicating the area as a GI.
15	GI identical to trade mark for	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Comment(s): Accepto searches

	identical goods or services (s14)			completed	
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 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 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 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): Accepto searches completed
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 reference to Emma Jenkins comments is hearsay
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Quality, reputation or other characteristic

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)**).

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.

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)**).

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): Declarant confirms at page 2 the Kumeu area has historical connections to Croatian settlers who were the pioneers of the NZ wine industry.
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	<p>Declarant explains the wine history of the area at page 3:</p> <ul style="list-style-type: none"> • Winemaking began in early 1900s and continued until 1930s. • In 1940s Croatian settlers (Nobilo and Brajkovich families) established vineyards in KUMEU. • In 1960's KUMEU were 20% of all plantings in the Auckland region. • 1970's saw expansion from smaller wineries, as well as larger companies like Hendersons. • In late 1970's-1980 land values increase and urban pressure saw larger companies withdraw and vine yard area reduced. • 1990's boutique wineries had started and this has continued. <p>The history provided above shows how the reputation for the GI KUMEU 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>KUMEU has a distinctive physical environment as confirmed by the declarant on pages 2 and 5 (see below). KUMEU is surrounded by hills and contains a series of river valleys. The rock formations underlying the soil and subsoil, as well as the areas exposed to sun, wind and rain effect vine growth and fruit ripening. Therefore, the geographic features, including surrounding hills and soil impacts the sensory characteristics.</p>
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Geographical features in the area

KUMEU GI lies between the inner Waitemata Harbour to the south-east and the Waitakere Ranges and smaller ranges to the west and north-west. Kumeu topography is a series of rolling hills with a series of river valleys feeding the Kaipara River to the North and Brigham's Creek to the south.

Surrounding hills are covered in pasture and ancient rainforest. The Waitakere Ranges in the West are the remains of a large andesitic volcano. The base of KUMEU GI is Waitemata sandstone and mudstone, and portions of the Northland Allochthon. To the north of the KUMEU GI, the South Kaipara Harbours are protected by the recent sand dune deposits of the South Kaipara Peninsula.

This geology of the KUMEU GI also contributes to the distinctive sensory characteristics of wines. The rock formations underlying the soil and subsoil also have an impact on drainage, water availability, microbial population, root penetration and nutrient uptake of the vines. The landform surrounding and within the GI affects exposure of vineyard areas to the sun, wind and rain. These elements also affect vine growth and the ripening of fruit and contribute sensory characteristics both across the KUMEU GI.

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 Comment(s):

The KUMEU GI soil is diverse. The differences in the soils resulting in wines with different flavours. Declarant confirms in detail on Page 5 and 6.

	<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 predominate known as gumland soils) the clay soils are moderately to strongly leached and only maintain a moderate to poor fertility which is low in lime. These yellow -Brown “gumland” soils extend from Henderson northwards past Kumeu, Huapai, Waimauku 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 though out 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> <p><i>Volcanic Soils:</i></p> <ol style="list-style-type: none"> a. Yellow Brown loams light textured, moderately free draining soils, poor structure and low water holding capacity found in pockets in Kumeu and Riverhead. b. Brown Granular Clays originating from andesite rocks these red-brown clays formed on the slopes of the Waitakeres have a strong angular structure. <p><i>Peat Loom soils:</i> Formed in low lying areas are found in Kumeu particularly the Waitakere road area, need drainage to control its naturally high water table .When drained they have good structure and aeration. Due to their location is high risk of late season frosts.</p> <p><i>Complex Soil types:</i> 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 “Karaka 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.</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 climate of the KUMEU area impacts the sensory attributes of the wine. KUMEU GI being surrounded by hills “large river valley” influences the local</p>
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	<p>climate and weather. The climate is cool and sub-tropical with moderate high humidity and regular rainfall. This impacts the fruit development, duration of ripening, time of harvesting, as well as fruit quality and vine health. This is discussed by Declarant at page 6 and 7.</p>
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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 confirmed that only a particular suite of grape varieties produced in KUMEU (Page 2). Details of viticulture and winemaking practice confirmed on page 8 including 98% of harvesting carried out by hand and that most wines are “dry land” farmed.</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 KUMEU GI. About 98% of all harvesting is carried out by hand. • A majority of vines in the KUMEU GI are “dry land” farmed .There is very little irrigation of vines less than 5% of vineyards in the KUMEU GI. • A majority of the grapes grown in the KUMEU GI are cropped at the premium end levels, yields are typically restricted to between 2.5 and 6 tonnes per hectare for red grape varieties and 3.75 to 7.5 tonnes per hectare for white grape varieties. • 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 generally macerated in their skins for extended periods (25 to 30 days) resulting in red wines with significant aging ability. • The use of indigenous yeast in fermentations is a common practice. • Barrel fermentation of white wines is a commonly used technique in the KUMEU GI.
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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>KUMEU is mainly known for “hero wines” in particular chardonnay (Page 2). The GI’s wine has recognisable and consistent sensory characteristics across a range of varieties and styles due to the physical environment (Page 2).</p> <p>Sensory attributes:</p> <p>The Declarant’s evidence includes descriptions of the sensory attributes typically associated with wines from the KUMEU 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 8-10).</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 Comment(s):

Boundary

The geographical indications boundary claimed appears to fall within what is generally considered to be Kumeu.

Evidence relating to reputation

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. The declarant has provided wine labels attempting to show use of the KUMEU GI. There is only one exhibit which is clear and shows use of the term KUMEU as a GI. The remaining exhibits are blurry and KUMEU cannot be read or the exhibits show use of the term KUMEU in a trade mark sense. The Office will require a supplementary declaration providing clear exhibits showing use of KUMEU as geographical indication in relation to wine.

Reputation

History

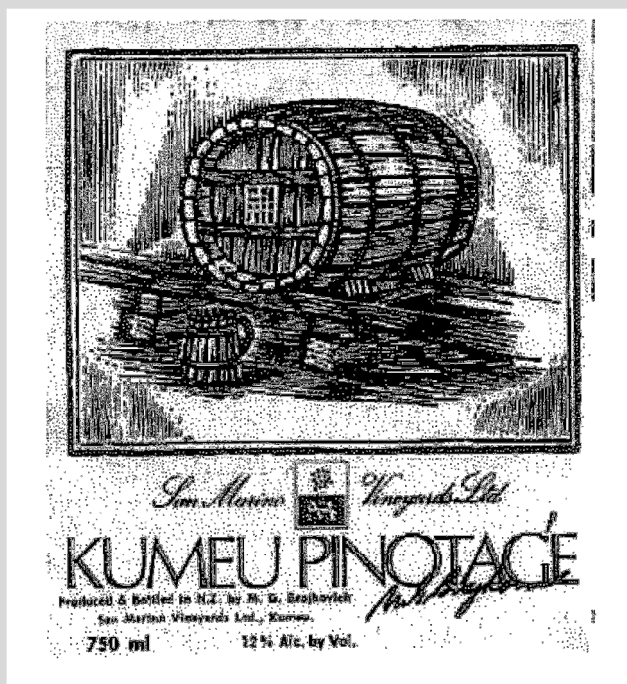
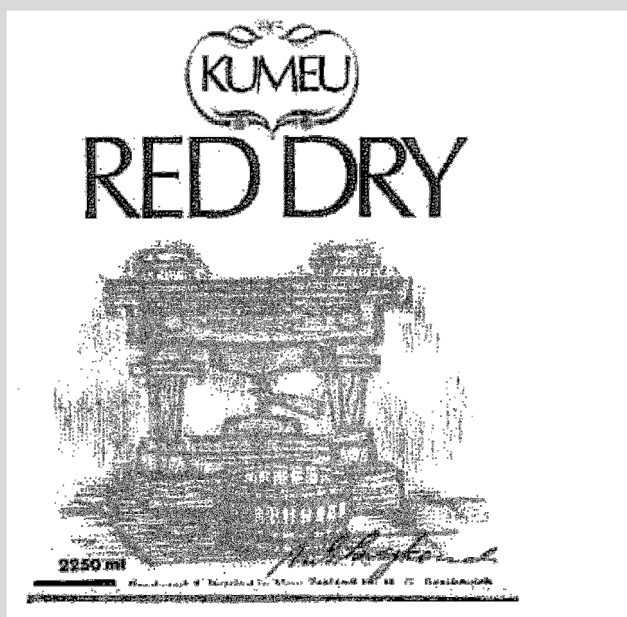
Wine has been produced in KUMEU since continuously for over 100 years. Initially from 1930s-1970's more vineyards were planted due to the cheaper land prices and being located close to Auckland (Henderson). The 1970's-early 80's saw land values increase, therefore the larger producers withdrew. The 1990's saw boutique wineries use the remnants of older vineyards from larger withdrawn producers. (See page 3)

Wine labels

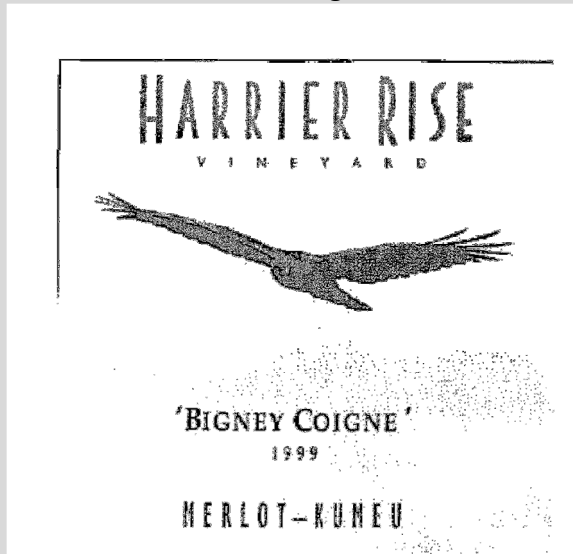
Examples of wine labels provided (Appendix 1), some shown below. Note many of the labels provided are blurry and the word KUMEU cannot be read. Furthermore, several of the exhibits show use of the term KUMEU as a trade mark, rather than use of the term as a geographical indication. Examples below:



NEW ZEALAND
INTELLECTUAL
PROPERTY OFFICE

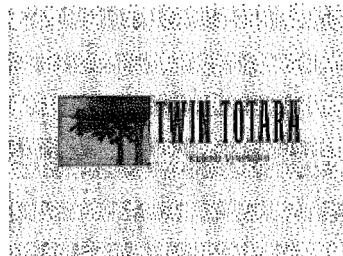


One clear exhibit showing use of the mark as a GI:



Blurry exhibits provided (KUMEU cannot be read):





Hero wines

Declarant confirms the “hero” wines from this GI are nationally and internationally famous, namely chardonnay (page 2). The physical environment of KUMEU suited to the production of Chardonnay and full-bodied red wines.

Declaration confirms recognition of these “hero” wines at page 12 as KUMEU wines mentioned in magazines and tasting awards:

Robert Parker:

The 2014 Kumeu River Chardonnay was listed in Robert Parkers Wine Advocate '50 Best New Releases' - selected from the 30,000+ tasting notes published by their reviewers.

Decanter Magazine (Tina Gellie):

“There are not too many New World Chardonnay producers confident enough to submit their wines for a blind tasting against top white Burgundy. But Kumeu River, from Auckland in New Zealand, is one of

them. Organised by UK merchant Farr Vintners, the tasting pitted one bottle of each of Kumeu River's four Chardonnays against a flight of premier cru and village Burgundies of the same vintage from leading producers including Leflaive, Lafon, Sauzet, Drouhin, Girardin and Niellon.

All scores are the average rounded scores of the 14 tasters (out of 20), and all prices are per bottle in bond from Farr Vintners.

Tasting Round One

Kumeu River, Estate Chardonnay 2012 **17.04** points; £11.67;

Sauzet, Puligny-Montrachet 2012 (**16.54 pts**, £29.17); Javillier, Clos du Cromin, Meursault 2012 **16.25 pts**, £26.67); Leflaive, Puligny-Montrachet 2012 (**16.04 pts**, £58.42); Niellon, Chassagne-Montrachet 2012 (corked, £26.67)"

Sue Courtney, Wineoftheweek.com

Kerr Farm, Kumeu Pinotage 1999, rating 4 stars: Some of the country's oldest Pinotage vines planted in 1963, with the addition of some newer clones. Pinotage has been produced under this label since 1995. The latest release, 1999, is full and rounded with spicy aromas, plum and raspberry fruit, light tannins, a touch of earthiness and a lingering fruitcake-like richness.

2015 New World Wine Awards:

"Soljans Estate Kumeu Pinot Gris 2014 won a gold medal, Coopers Creek Huapai Rose 2014 was awarded a silver, Kumeu Village Pinot Gris 2013 and Waiheke's Man O'War Sauvignon Blanc Semillion 2013 both won bronze.

A record number of 1165 wines were entered and judges said the standard of entries this year was particularly high."

(http://www2.nzherald.co.nz/auckland/lifestyle/news/article.cfm?c_id=1503372&objectid=11339117)

Ultra-premium product

The high cost of production and small number of owner-operated wine businesses ensures an "ultra-premium position in the market (Declarant page 2).

Making wine in the KUMEU GI is expensive; even within the context of New Zealand which is itself a high-cost producer in global terms.

Given KUMEU's topography, geology and climate there is limited availability of suitable vineyard sites. (Page 4)

All of these factors dictate that the KUMEU GI must operate mainly as a premium to ultra-premium wine region; producing locally grown fruit for the lower end of the market is not economically viable. Consequently, producers maximise the quality and distinctiveness of wines from the KUMEU GI in order to retain their position in the market.

(Page 8)

A majority of the grapes grown in the KUMEU GI are cropped at the premium end levels, yields are typically restricted to between 2.5 and 6 tonnes per hectare for red grape varieties and 3.75 to 7.5 tonnes per hectare for white grape varieties.

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.

Sensory characteristics

Physical environment results in recognisable and consistent sensory characteristics across range of wine varieties.

Proximity to Auckland

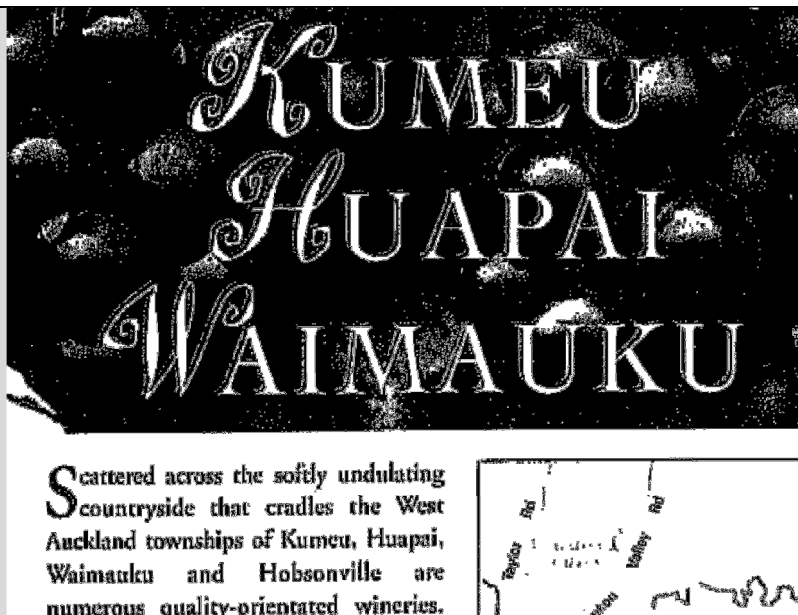
The KUMEU GI has a close relations with and is located in close proximity to AUCKLAND CITY (Page 2)

Reference to GI in text, NZ Wine association, national/international blogs

The KUMEU GI is referred to in national and international wine reference books (page 11)- appendix 3

THE PRINCIPAL WINE REGIONS

KUMEU/HUAPAI/
WAIMAUKU



Formal recognition of KUMEU

Declarant confirms (page 12) NZ government has recognised KUMEU for export purposes including:

- KUMEU included as viticultural region on European Union's official list of "geographical ascriptions" as a sub-region of Rodney viticultural region.
- KUMEU in list of "appellations of Origin" submitted to United States Department of Treasury Bureau of Alcohol Tobacco and Firearms (list of wines exported to market).

Global reputation

KUMEU GI has global reputation and is recognised by consumers, tourists, wine experts and visitors to the area.

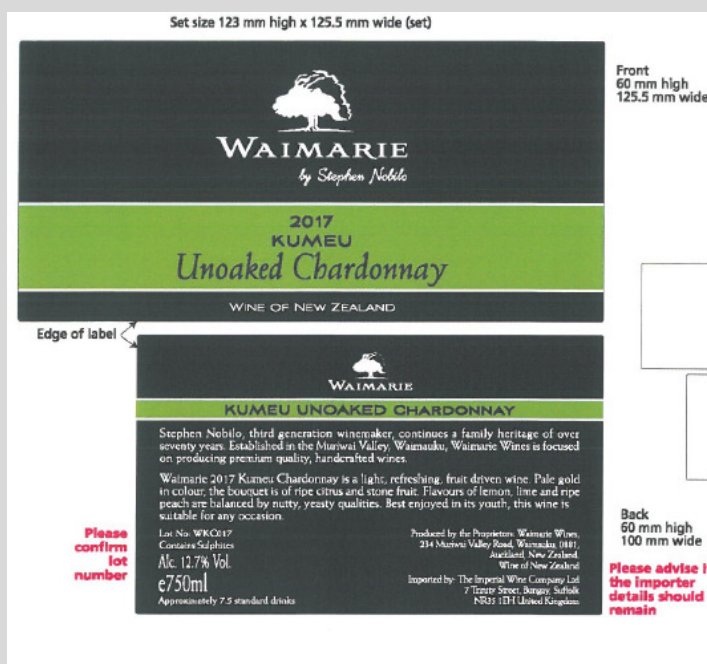
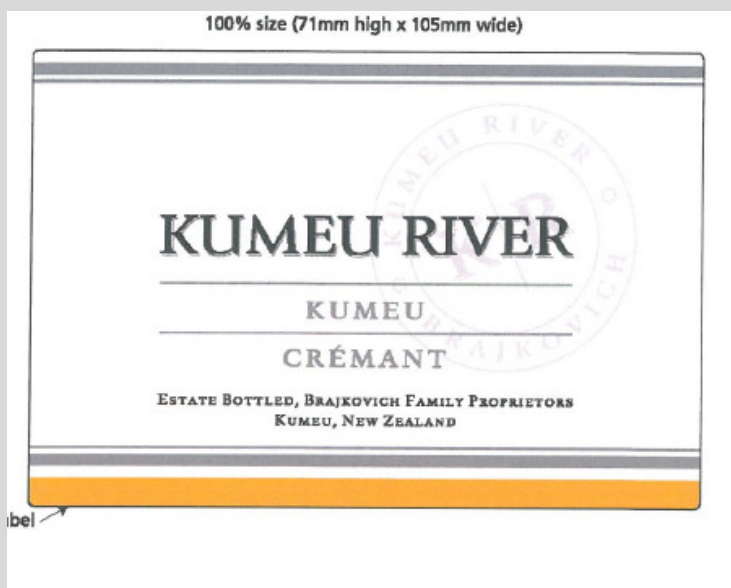
The declarant confirms at page 10 there are several businesses offering wine tours to KUMEU.

Supplementary declaration

Reputation/ Wine labels

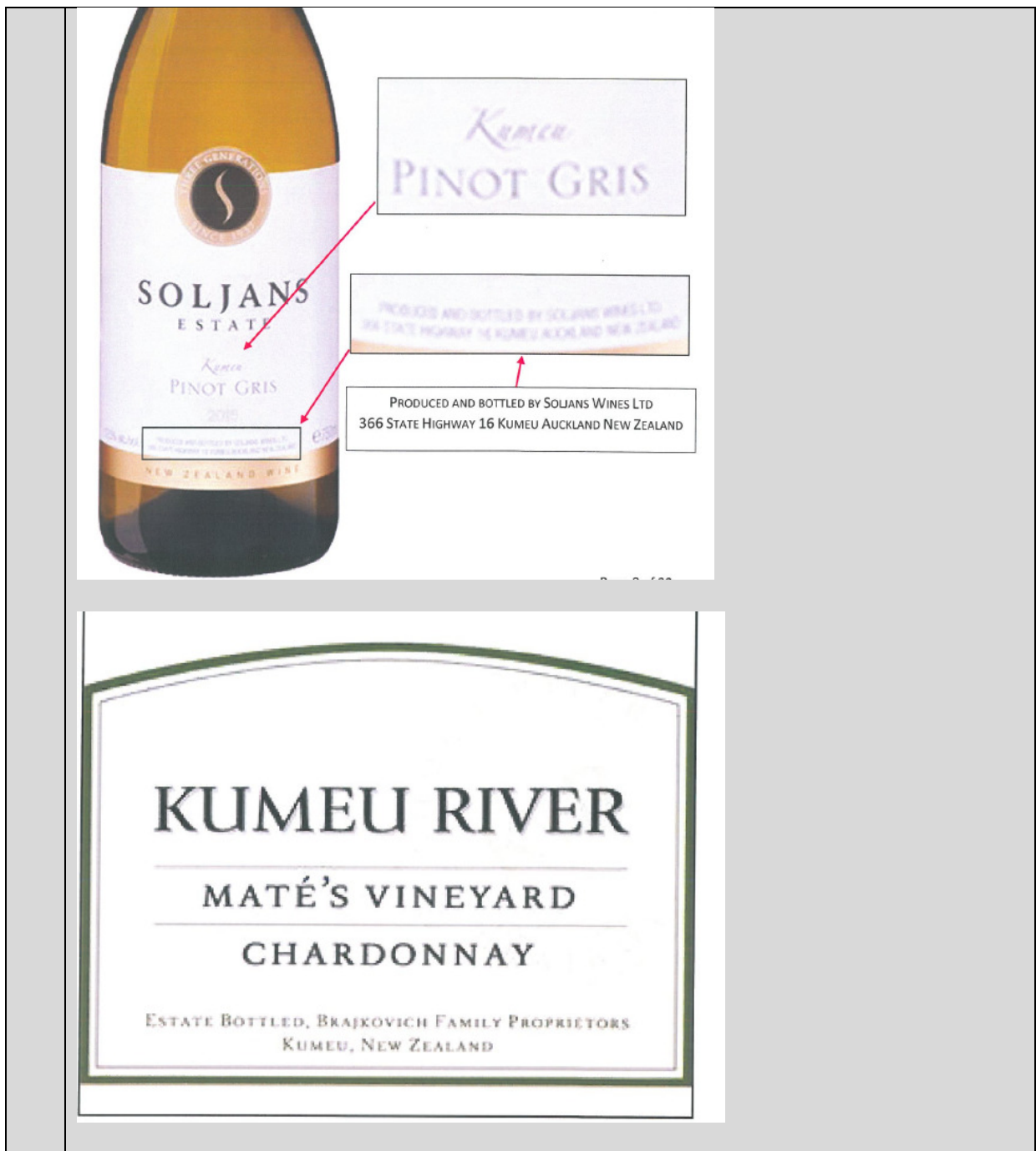
Examples of wine labels provided (Appendix 1), shown below. These labels are now

clear and should the word KUMEU being use in a GI sense. This removes the Office’s initial concerns.





NEW ZEALAND
INTELLECTUAL
PROPERTY OFFICE





NEW ZEALAND
INTELLECTUAL
PROPERTY OFFICE

HARRIER RISE

V I N E Y A R D

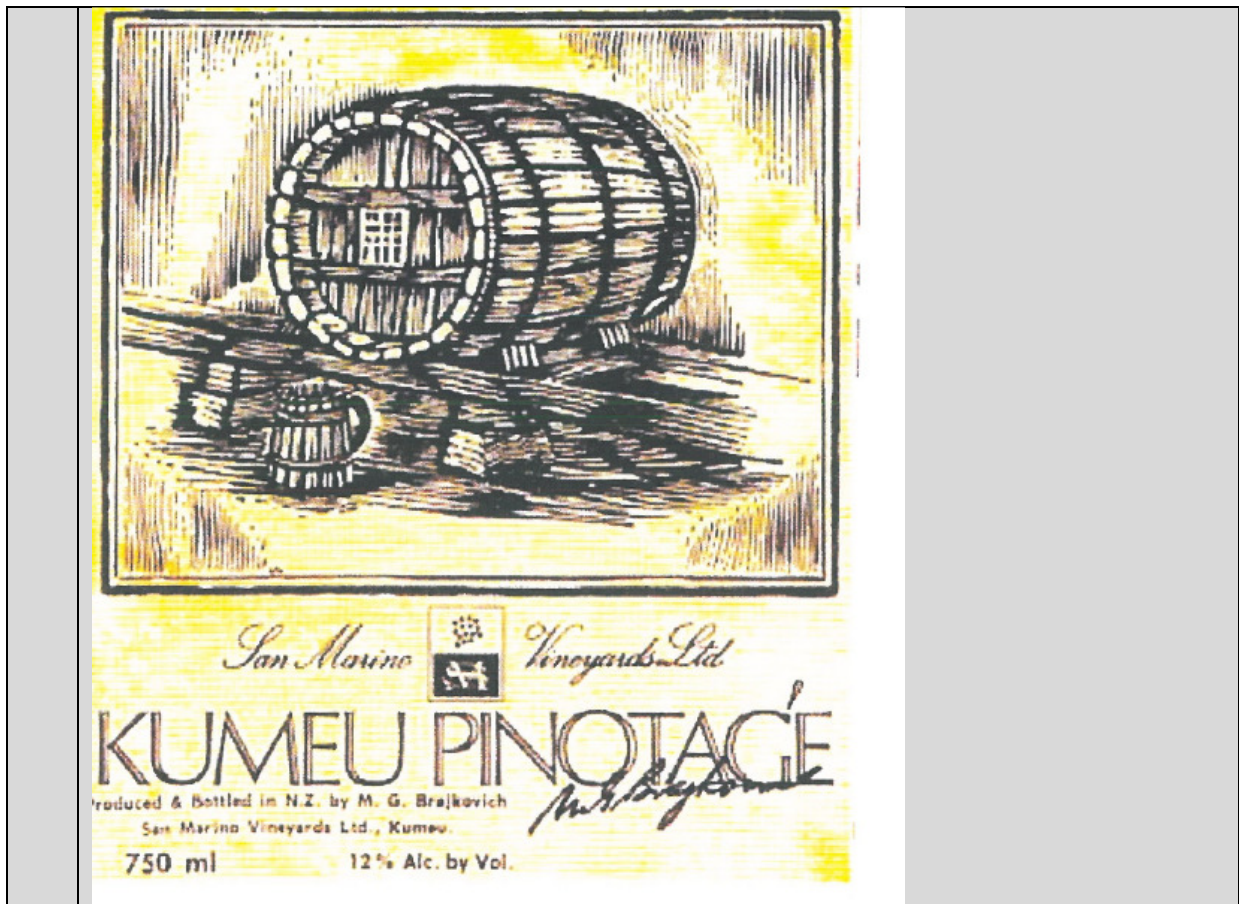


'BIGNEY COIGNE'
1999

MERLOT-KUMEU



75cl PRODUCED AND BOTTLED BY HARRIER RISE VINEYARD
748 WAITAKERE RD. KUMEU. CONTAINS PRESERVATIVE 220 12.5%Vol
PRODUCE OF NEW ZEALAND



Other relevant information:

30 Comment(s):

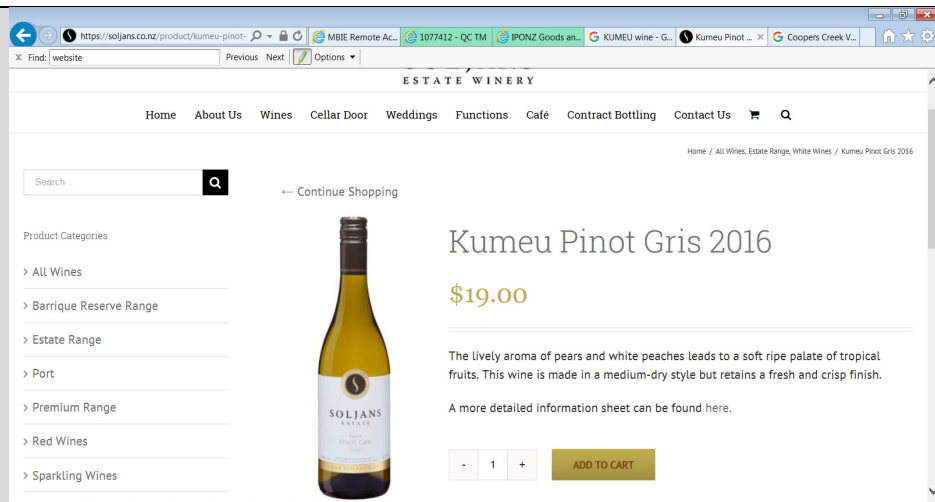
Our research suggests there are instances of at least two traders using KUMEU as geographical indication:



https://www.google.co.nz/search?q=KUMEU+wine&rls=com.microsoft:en-NZ:IE-Address&dcr=0&source=lnms&tbm=isch&sa=X&ved=0ahUKEwin6_yP_vjWAhUhr1QKH_YO3DsIQ_AUICygC&biw=1280&bih=598#imgrc=p3s8DNaBmgmXM:&spf=1508288943892



https://www.google.co.nz/search?rls=com.microsoft%3Aen-NZ%3AIE-Address&dcr=0&biw=1280&bih=598&tbm=isch&sa=1&q=KUMEU+wine+label&og=KUMEU+wine+label&gs_l=psy-ab.3...13071.13709.0.14002.6.5.0.0.0.0.0.0...0...1.1.64.psy-ab..6.0.0....0.7tIPa2OfdkQ#imgrc=JcEVAHAtGijhM:&spf=1508289032653



<https://soljans.co.nz/product/kumeu-pinot-gris-2015/>

OMAR

Note OMAR (Wine: Overseas Market Access Requirements) confirms that :

Western AUCKLAND (comprising Henderson, Haupai, Kumeu, Waimauku) is a Winegrowing area in Auckland Region.

31	<p>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</p>	<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