SEMINAR ON GEOGRAPHICAL INDICATIONS

Denis SAUTIER, PhD
Senior Agrofood economist, CIRAD - FRANCE
Bali, Indonesia | 23 September 2019
GEOGRAPHICAL INDICATIONS
PROTECTION AND PROMOTION
IN THE EUROPEAN UNION
INDEX

- Definitions and benefits
- GI registration in EU and international markets
- Examples of successful GI cases in the EU and the ASEAN region
Introduction
Origin products exist for long time

• Reputed origin products existed for a long time: since Antiquity, foodstuff, agricultural goods, handicraft – wines, marble, bronze, silk, incense were highly reputed thanks to their place of origin.

• Name of the place of origin protected as an appellation of origin or geographical indication.

• Legally recognized first in the EU and since TRIPs in all WTO members.
GI at international level

• **1905**: First law: Appellations of Origin (France) + 1935: Controls

• **1958**: Extension of concept of Appellation of Origin (AO):
  – Lisbon Agreement, WIPO (28 members)

• Since the **1990’s**: new concept of Geographical Indication, with weaker link with the origin than for AO:
  – **EU** since 1992 (28 members): GI + AO
  – **TRIPs Agreement** in force in all WTO members, 1994 (164 members): GI
Globally: A trend towards origin products

– Globalization of industrial production
   • homogenized, standardized products

– Consumers show an increased interest in local, traditional, ecofriendly and reputedorigin products: ready to pay a Premium

– From “commodities” to “products with a name” = heritage, traceability, quality.
In France: CHAMPAGNE
In France: ROQUEFORT
In Italy: Parmigiano Reggiano (Parmesan)
In Colombia: Café de Colombia
In Vietnam: Nuoc Mam Phú Quốc
In India: Darjeeling tea
In Japan: Kobé beef
In Thailand: Khao Hom Mali Thung Kula Rong Hai (Rice)
In Thailand: Lamphun Brocade Silk
In Indonesia: coffee Kintamani (12/2008)
Geographical Indications: Definitions
• “identify a good as originating in the territory of a Member, or a region or locality in that territory,
• where a given quality, reputation or other characteristic of the good
• is essentially attributable to its geographical origin “

(art. 22)
PROTECTED DESIGNATION OF ORIGIN (PDO)

PROTECTED GEOGRAPHICAL INDICATION (PGI)

COMMON CHARACTERISTICS

- the name of a region/specific place/country used to describe an agricultural product or a foodstuff originating in that area

DIFFERENCE : THE LINK TO THE ORIGIN

- quality or characteristics essentially or exclusively due to a particular geographical environment with its inherent natural and human factors
- production, processing and preparation in the defined geographical area

- specific quality, reputation or other characteristics attributable to the geographical origin
- production and/or processing and/or preparation in the defined geographical area
GI = right protecting the link between the product and its geographical origin

- **Natural environment**: natural factors
  - Biological resources: cultivated and processed
  - Climate, water of river, wood used for smoking...
- **Ancient collective know-how**: human factors
  - In using elements of the environment for producing the product
  - But also taken alone without natural factors
- **Such link is reflected in the GI specification**:  
  - Description of the product, method of production, geographical area
  - Examined by public authority
  - Usually high level of protection
GI: a link between place, people and a product

Production Place
(climate, soils, altitude...)

Producers
(know-how, organisations, history...)

Product
(Quality, characteristics, reputation...)

 GI : a link between place, people and a product
GI Objectives and Benefits
Objectives of GI

• 1. Protect added value of the product
• 2. Fight against usurpation of the name
• 3. Rural/Territorial development
• 4. Protection of traditional knowledge and landscape
Objective 1

• Impact on prices
Price premium in the EU

- GI = value premium
- The price of a GI product is **2.23** times the price of a comparable non-GI product (in average)

Source: AND-International survey for DG AGRI (2012)

/\ does not reflect profitability of the GI schemes as it does not take into account the additional cost of compliance with GI specifications
Sales Destination

60% of sales: domestic market
20% on the EU market
20% in third countries

- 663 EU GIs sold only in country of production
- 1525 EU GIs exported
  - 1224 wines,
  - 231 agri products
  - 70 spirits)
• Very old traditional seaside production
• The salt price was very cheap, only IDR 3,000-5,000/kg and the land lost due to tourism development.
• Following GI registration
• 2018: in Bulk : IDR 27,000-35,000/kg packaged: IDR 60,000-70,000/kg
Objective 2

• GI Protection: Fight against usurpations of the name
### Use/Imitation of GI

<table>
<thead>
<tr>
<th>EU</th>
<th>Lisbon/Geneva</th>
<th>TRIPs additional</th>
<th>TRIPs basic</th>
</tr>
</thead>
<tbody>
<tr>
<td>No direct or indirect commercial use</td>
<td>No use not complying with AO/GI requirements</td>
<td>No use</td>
<td>no use only if misleads public as to origin: need to be proven</td>
</tr>
<tr>
<td>No misuse, imitation, evocation</td>
<td>No imitation</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>even if true origin is indicated, if in translation, if use of delocalisers: style, type, method, as produced in, imitation or similar</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
Evocation

• Gorgonzola: PDO (Italy)
• But use of Cambozola for other cheese
• EU + Lisbon
  = evocation of Gorgonzola
  = prohibited (case C87-97 EU Court of Justice)
Evocation

- TM applied for fish
- 2 PGI
- Scottish farmed salmon and Scottish Wild salmon
- Rejected by EUIPO
Evocation

- TM applied for edible oils
- PDO Chianti Classico
- Olive Oil
- Rejected by EUIPO (R 1474/2011-2, 16/1/2012)
- PDO Bordeaux (France)
- Name use for wine from South Africa: would be prohibited in EU
Use/imitation of GI

- FETA is a PDO (Greece)
- But use for cheese made in Thailand and sold in Thailand
- EU + Lisbon + TRIPs additional: would be prohibited
- TRIPs basic: prohibited if consumer is mislead
• PGI Pruneau d’Agen (France)
• Used for fruit from California
### Use of GI for Dissimilar Goods

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<th>TRIPs basic</th>
</tr>
</thead>
<tbody>
<tr>
<td>No use which exploits reputation</td>
<td>No use which indicate connection with AO/GI, damage interests, take unfair advantage of reputation; even if true origin is indicated, if in translation, if use of delocalisers: style, type, method, as produced in, imitation or similar</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
Dissimilar goods

- Champagne = PDO (France) for sparkling wine
- Use for a perfume
- France: prohibited (change of name to Yvresse)
- TRIPs: authorised
Relation with prior and posterior trademarks on same name as GI

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</thead>
<tbody>
<tr>
<td>Prior TM: Co-existence with PDO/PGI + if prior TM registered in good faith</td>
<td>Prior TM: Co-existence possible if prior TM registered in good faith</td>
<td>Prior TM: Grandfather clause Co-existence possible in domestic legisl.</td>
<td></td>
</tr>
<tr>
<td>No Posterior Trademark</td>
<td></td>
<td></td>
<td>No posterior TM only if misleads the public</td>
</tr>
</tbody>
</table>
Posterior trademark

Buôn Ma Thuột coffee, Việt Nam

- GI in Vietnam:
  Registered in 2005

- TM registered in China in 4/2011:
- Cancelled in 5/2014 following action of Association and Vietnam government
Objective 3

• Impact on rural development
• France: GI sector = 14.5% of the food and drinks sector
• France: 1 farmer out of 4 is involved in GI production
Development of Tourism: GI festival in France for Chili from Espelette

Touristic
- Village of Espelette, the shop window of the PDO
- In 2016: **500,000** persons came in Espelette
- Each year, **30,000** persons for traditional festival of Piment d’Espelette

Economic
- 65% of producers live with a Piment d’Espelette
- 77% of producers transform and sell their production
- 10% of producers have a shop
- 250 employment are guaranteed by the Piment d’Espelette in area
Development of Tourism: GI festivals in Vietnam
Objective 4

• Impact on the preservation of biodiversity and traditional knowledge
Preservation of traditional varieties

• Case of Ardèche Chestnut in France: 5 traditional varieties
• and traditional processing practices associated to them
• This benefit depends on the contents of GI specification
Preservation of traditional varieties

• Case of Khao Kai Noi in Laos (registered 11/2018):
  4 traditional varieties

• And traditional practices of cultivation associated to them
GI protection in foreign markets
3 different ways for registration in foreign markets

– Individual registration in each country of export
  • By the GI producers association

– Bilateral/multilateral trade agreement
  • Negotiated by the EU

– Lisbon system
  • By the GI producers association or by the competent authority of the state
1. Individually registered GIs (examples)

Individually registered GIs:

- Parmeggiano (Italy)
- Scotch Whisky (Scotland)
- Kopi Arabika Gayo

EU Geographical indications registered in Indonesia:

Indonesian GI registered in EU
Cross registration within ASEAN countries

- Lamphun Brocade Thai Silk
  - In Indonesia
  - In India
- Doi Tung Coffee
  - EU
  - Cambodia
- Isan Thai Lan silk
  - In Vietnam
  - In Malaysia
- Etc...
Prosciutto di Parma (Parma Ham) Italy

• DOUBLE REGISTRATION/PROTECTION:

• GI product logo: Trademarks (owned and enforced by GI Association)

  Prosciutto di Parma certification TM + collective trademark of the Consorzio

• GI (with enforcement by administrative bodies + GI Association)
2. Foreign GIs registration in EU through FTA

16 negotiations on-going

34 agreements concluded or in force
Advantages of Protection with FTA

«Prosciutto di Parma» ham, in Canada:

• CETA (Comprehensive Economic and Trade Agreement) with Canada, 2017

• Enables coexistence between prosciutto di Parma PDO and pre-existing Canadian TM used for ham processed in Canada

• Before, not possible for PDO producers in Italy to export to Canada
FTA for protection of Asian GIs in the EU

• 2007: EU and ASEAN launched negotiations
  – Lack of progress: pursue FTA negotiations in a bilateral format with countries of ASEAN.

• Bilateral since
  – 2010: with Singapore (concluded 2018), Malaysia
  – 2012: with Vietnam (concluded 30/6/2019: 39 Vietnam GIs; 169 EU GIs)
  – 2013: with Thailand
  – 2015: with Philippines
  – 2016: with Indonesia, 8th round of negotiations (June 2019)
3. Lisbon System

• Lisbon Agreement of 1958 – 28 countries

• To facilitate the international protection of appellations of origin (AOs) through a single registration procedure
  – administered by WIPO: International Register of appellations of origin

• Geneva Act of 2015
  – To make the Lisbon System more attractive
  – Accession of Cambodia on March 9, 2018
Geographical Coverage:
Single application = protection in 28 (+1) Countries
Examples of successful GIs
Case study: Comté Cheese in France

Individual Trademark

European GI label (DOP)

GI Name (registered) + GI logo (Co.TM)
Comté Cheese vs Emmental

Comté vs Emmental: close origins but opposed developing strategies

**Origins**
- Geographical area
- Technical constraints to preserve the milk

**COMTE**
- P.D.O. strategy
- Heritage protection and local development

**EMMENTAL**
- Industrial strategy
- Generic product and production delocalization
Comté Cheese in France

- Positive economic impact at every stage of the value chain
- Increase of price gap along the value chain
Comté Cheese in France

- Positive impact on production volumes:
  - Comté cheese production: +3%/year during previous 10 years.
  - Drop of local Emmental production.

![Graph showing the evolution of Comté/Emmental production in Franche-Comté (t)](Image)

Source: F. Dupont MAAF
Promotion: multimedia strategy (web, paper, TV ..)
Olive Oil of Baena (Spain)

Source: Case study « Baena » PDO extra virgin olive oil. F. Caceres Clavero, C. Riccioli, E. Martinez Navarro, R. Garcia Collado. Junta de Andalucia/JRC-ITPS
GI “Duck fat liver from South-West” (France)

1) Information of consumer through labelling

Agreement of more than 7,000 labeling since 2003 (1,045 labeling in 2015).

Compulsory PGIs mentions on labeling:

Collective marks
GI “Duck fat liver from South-West” (France):

Labeyrie
Pur Terroir

Montfort
Les Authentiques

PGI Canard à Foie Gras du Sud-Ouest – 15th of May 2008

National trademarks

Combination GI, CoTM, TM

Retailers Stores
private labels

Auchan

Canard à Foie Gras du Sud-Ouest

(Chalosse - Gascogne
Gers - Landes
Périgord - Quercy)
EU Fund for Quality awareness (Regulation 226/2000)
• Inform, explain and valorize GIs concepts
• Support GIs message over time to stimulate demand
• Motivate producers to use GIs marks on their products.

Obligations (public subsidies):
• Communicate on EU symbols / guarantee official controls
• Do NOT communicate on companies’ names.

Budget for Collective Promotion:
• 65% : media and press
• 25% : trade fairs
• 5% : public relations, 5%: training for hotel business students
Chiang Rai Phulae Pineapple, Thailand

Price Comparison
year 2004 (before GI) to 2012

• at Farm
8 baht/kg → 23 baht/kg

• Retail Price
35 baht/kg → 50 baht/kg

Source: Department of Intellectual Property, Ministry of Commerce of Thailand, 2012
Gayo Arabica coffee, Aceh, Indonesia

Registered and potential production area: 3500 ha in 6 municipalities. Areas between 900 – 1300 m

Objective: to get a proper recognition and avoid misuse of local name.

- Less misuses of the name outside Gayo
- Increased quality and packaging
- Cup Testing team
- Price up from IDR 35-50,000 to 100-120,000/kg.
V. Conclusions
• GI: interesting tool to defend and promote origin products in a time of globalisation: long successful experience in Europe
• Many countries are very dynamic in Asia: numerous GIs with real success stories: Gayo Arabica Coffee and Kintamani Bali Coffee, Nước mắm Phú Quốc, Kampot Pepper..
• Protection in the EU is available for foreign GIs, via different routes: for access to the EU market... but also a sale argument to develop the national and regional market!
Thank you for your attention

denis.sautier@cirad.fr