



QUESTIONS & ANSWERS



Boost Your Origin-Linked Products

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Zoom

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Questions and Answers

1. What is the OLP used by Duppy Share for their Rhum? Is it "Caribbean Rum"?

The origin-linked product is the actual Rum product which is then protected by an IP tool such as a GI or TM.

It was assuming that the name "Caribbean Rum" could be used by a group of rum producers in the Caribbean as a name associated with their OLP (in this case Rum), and the product could be linked to the Caribbean as a geographical area which produces unique, distinctive rums.

The name "Caribbean Rum" could work as a Geographical Indication.

2. How many years does it take build a reputation or be eligible to be labelled as an OLP?

Traditionally in the EU for GI products, we recognize a reputation based on more or less 30 years. It tends to be less now, but GI products shall evidence their reputation in the specifications. For TMs, reputation is not needed when applying for trademark at the IPO. In this circumstance, it is important to distinguish between the GI and the TM on the reputation condition.

3. It will be useful for this case study to be available to others who may be missing this webinar to view.

The CarIPI project has planned for the second year to build similar case studies throughout the region and can consider using those presented during the webinar.

4. If a CARIFORUM GI is used inappropriately in the EU, what can or should be done to stop it?

It depends on the protection situation of the product.

One situation is that if the product is not protected as a GI in the EU. It will not benefit from the specific GI provisions. However, some national provisions concerning unfair competition or consumers' protection, or IP could be used to prevent the misuse of the GI.

However, if you protect your GI in the EU through bilateral agreement or direct registration, specific provisions concerning GI protection and *ex officio* protection (direct protection provided by national authorities such as frauds, customs, ministry of Agriculture etc.) would be implemented for your product.

The point is how to protect your GI in the targeted market. Protection strategy shall be defined by the stakeholders.

5. In terms of Global Value Chains, is it more profitable for a region to produce a finished product or to just be a part of the value chain by providing raw materials and can the raw materials be registered as an origin linked product?

Most of the time it is more profitable for the geographical area/specific value chain to produce finished products, as the added value will benefit the geographical areas stakeholders directly.

Raw material can be recognized as geographical indications, e.g. cocoa, green coffee, tobacco leaves.

Then you have to think about the final use and the real added value this “raw material” GI will have for the producers because this raw material is then processed and the origin-brand can disappear. That is what you have to consider when developing your OLP strategy.

6. Could you please do a quick comparison between the cost and jurisdiction protection of GIs and Trademarks?

In my practice, in terms of implementation of the protection of GIs and TMs you need to consider 2 things.

For TMs, you will benefit strictly from the TM protection provision and *ex parte* protection. TMs protection is managed directly by the owner of the TM.

In comparison with GIs, you will have an *ex officio* protection. When you realize there is a misuse, you can ask customs, consumer offices, to intervene and remove this product from the market in addition to specific legal provisions for protection of the GI name.

However, if you need to protect your GI or TM with a lawyer, it would be the same cost in terms of procedure.

But with the GI you have more protection because of the *ex officio* and broad protection provision. That will make it easier to remove the fake product if local authority implements the *ex officio* procedure correctly.

That will depend on the brand and if there is significant brand misrepresentation. Just maintaining the TM in different countries has a high cost. If you have significant actions to defend in a TM, every defense can be costly.

Developing GIs with the support that we have had can be a less expensive journey. It is difficult to put a number to it.

In terms of EU registration there will be some cost but there is significant protection.

It is important to note the 2 main benefits in having a GI. Having the clarity on what the product stands for and convince customers of the value. Then you can sell it at a higher price or sell more of it.

The costs depend on how detrimental the infringements are and who the infringers are as well.

7. Is the blending location specific or can it be done in any location? Same for aging.

Where you blend your rum is not important. Where you age your rum is because where you age the rum has an influence on the flavour of the finished product.

Blending influences consistency, aging influences the quality.