



Promoting Intellectual Property Rights in the ASEAN Region

QUALITY MANAGEMENT, PROMOTION AND ENFORCEMENT

Delphine MARIE-VIVIEN, PhD
CIRAD – FRANCE
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Table of contents

1. GI Quality Management by the collective organization of producers
 - Controls before the product is put into the market
 - Controls in the market
2. GI promotion by the collective organization of producers
3. Revenues sources of the collective organization of producers

GI QUALITY MANAGEMENT by the collective management organisation

GI: an exclusive right of use

The GI name can only be used to designate the product complying with the book of specifications including the labelling rules

- If there is no control of the use of the GI
- for products that do not comply with the book of specifications,
- all the efforts to protect the reputation of the product are jeopardised

Defining the quality: establishment of the GI specification

- Name
- Qualities/characteristics of the product
- Method of production
- Geographical area
- Link between the quality of the product and the geographical area
- Labelling rules

Controlling the quality: 2 steps

Before GI product is SENT on market



*Control at GI producers,
processors,
1st traders sites and of product*

ON the MARKET (enforcement)



*Control of frauds, infringement,
counterfeiting, misuses and imitations
of GIs on the product label in any
trade places*

+ legal proceedings

*+ opposition against registration of
trademarks*

Controls before the product is commercialised

Management of the Quality before commercialisation

Most countries:

- Controls before commercialization of the GI product: Responsibility of the GI collective Management Organisation
- In partnership with third party control and/or certification organisations

Three parts

Controls of respect
of the practice rules
of the specification

ON SITE

Test on the final
product

Physical and
chemical analysis

Organoleptic
analysis

Traceability

(paper or other
system)

Objectives of the controls

- 1) Producers at the different levels of the chain respect the BoS in their every day practices.
- 2) The final product respects the minimum specific quality defined in the Specification (note: this is not always required).
- 3) The traceability system aims at ensuring that volumes of product are correct throughout the value chain.


Control of the respect of the rules

External – Internal – self control



Traceability: ensuring volumes of product are correct throughout the value chain

- **Up-stream**
- Good record keeping
- Sharing info with the Collective management organisation
- Information management by the collective management organisation

 វស្សា ២០០៩ (Season 2009) ផលិតផល ខ្នុរ (PEPPER PRODUCTION)			
កាលបរិច្ឆេទ Date	បរិមាណផលិតផលខ្នុរ (គ.ក្រ) black pepper quantity (kg)	បរិមាណផលិតផលខ្នុរ (គ.ក្រ) Red pepper quantity (kg)	បរិមាណផលិតផលខ្នុរ (គ.ក្រ) White pepper quantity (kg)
01/01/2009 To 15/01/2009	_____ kg	_____ kg	_____ kg
16/01/2009 To 31/01/2009	_____ kg	_____ kg	_____ kg
01/02/2009 To 15/02/2009	_____ kg	_____ kg	_____ kg
16/02/2009 To 28/02/2009	_____ kg	_____ kg	_____ kg
01/03/2009 To 15/03/2009	_____ kg	_____ kg	_____ kg

Traceability: ensuring volumes of product are correct throughout the value chain

- **Down Stream**
- **Traceability Markers**
- **Numbered and recorded**



Kampot Pepper Promotion Association (K.P.P.A)

No: 075/2019

CERTIFICATE OF CONFORMITY

Kampot Pepper Promotion Association (KPPA)

Certify that:

No.	Kind of Pepper	Volume (Kg)	Lots Number
01	Kampot Black Pepper	5	B19-P0-000-068-001
02	Kampot Red Pepper	5	R19-P0-000-068-001
03	Kampot White Pepper	5	W19-P0-000-068-001
Total		15	

This is genuine Kampot Pepper quality produced strictly in accordance with the book of specification of Kampot Pepper. Sold by producer who registered and accredited with Kampot Pepper Promotion Association (KPPA).

Angkor Chey 1, June 11th, 2019

President of KPPA




Example: Organisation of the controls by collective management organisation

- Habilitation of the producers, updating of the list
- Planification of the Controls
- 10% of the seedlings are controlled on site
- 100% of the annual production of onion is controlled
- Follow up of the corrective actions
- Organisation of the sensorial analysis commission
- Traceability: software and data base



Controls on the market : Enforcement Actors & Actions

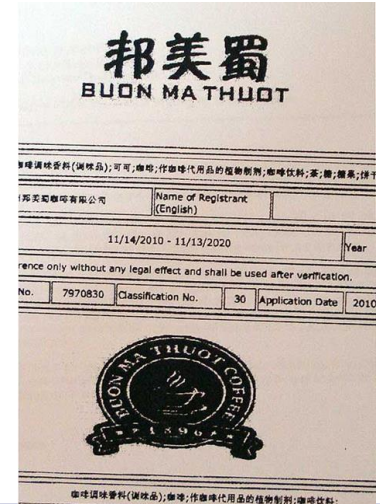
Role of Collective Management Organisation in fighting against frauds in the market

	Control on the Market	Legal proceedings Civil/criminal courts	Surveillance of TM applications
Market controls authorities - customs	In the domestic and at borders - inspection Detention of goods	Send case to prosecutor	
IP/GI authorities	Provide IP expertise	Support plaintiff?	Examine trademarks, can reject on their own
GI users and Collective Management Organisation	Send alert to market control authorities	Lodge legal action	Oppose a TM application
Sanctions	Administrative sanctions of the fraudster no compensation to GI user	Sanctions of the fraudser + compensations (remedies) to GI user	Refusal of registration of TM

Examples

GI Buon Ma Thuot Coffee: action of PC of Province of Dak Lak (GI management body) against the use as a trademark in China

- GI in Viet Nam
- Registered in 2005
- Trade Mark registered in China in 2010



Examples

Opposition against a trade mark in Singapore by the collective management organisation

CHAMPENGWINE
UNIQUE. BOUTIQUE. SPARKLING WINES OF CHILE



- GI = Champagne
- Trade Mark ChamPengWine for Sparkling wines from Chile
- Opposed by Champagne producers organization + French national authority INAO
- Rejected: copy of the GI + bad faith of Trade Mark applicant
- IPOS, 6 August 2020

GI PROMOTION by the collective management organisation

Promotion by GI Collective Management Organisation

- Promotion of the GI name: not the promotion of a particular producer/enterprise
- Use of the product GI logo + national GI logo
- Events / Fair/Festival
- Sales and tasting
- Flyers and booklets for consumers and producers, connoisseurs (chef...)
- Press file for media
- Website of the Collective management organisation
- Collaboration with tourism offices
- Picture exhibition, museum...

Promotion of GI name

Promotion of GI name, can be combined with trademark
Use of the national logo



Example in Thailand: Khao Hom Mali Thung Kula Rong Hai (Rice)

Promotion of GI

Promotion of GI name, can be combined with trademark
Use of the national logo +EU logo



Example in Cambodia: Kampot Pepper

Promotion of GI through festivals

Example in Viet Nam





HỘI TRÀ MỘC CHAU 2017

ỦY BAN NHÂN DÂN TỈNH QUẢNG NINH
THÀNH THỦY QUẢN HỮNG BÀN
Số Quyết định: 1000/...
Ngày ban hành: 10/01/2017

HỘI TRÀ MỘC CHAU 2017
Thời gian: Từ 07/10/2017 đến 08/10/2017
Địa điểm: Công ty Cổ phần Vinatea Mộc Châu, Thị trấn Ngã Thét, Huyện Mộc Châu
Chủ nhân được đón tiếp: Phạm Văn Thủy

CHƯƠNG TRÌNH HỘI TRÀ MỘC CHAU 2017		
CÁC HOẠT ĐỘNG CHÍNH	THỜI GIAN	ĐỊA ĐIỂM
Trưng bày quảng bá các sản phẩm chủ yếu làm ảnh: "Bà mẹ Cao nguyên" Tham quan du lịch các đồi chè Khởi mạc Hội trà, chương trình trình duyệt: "Thương hiệu Thấu người"	Ngày 07/10/2017 Từ 08h00 - 18h00 Từ 08h00 - 18h00	Công ty CP Vinatea Mộc Châu Công ty CP Vinatea Mộc Châu Cảnh sát giao thông của Công ty CP Vinatea Mộc Châu
Thủ tục lễ Tham quan du lịch truyền thống của Công ty CP Vinatea Mộc Châu Tham quan du lịch truyền thống của Công ty TNHH LEAGARDEN Việt Nam Đón tiếp học bổng của tỉnh, các sản phẩm trà, nghệ thuật trình diễn Chương trình: "Hàng hóa người làm chủ" và chương trình văn nghệ "Tất cả cùng người làm chủ"	Ngày 08/10/2017 08h00 - 18h00 15h00 - 18h00 18h00 - 20h00	Là chủ trì, giám sát Chủ tịch Công ty CP Vinatea Mộc Châu Chủ tịch Ủy ban Quản lý và Phát triển Thương hiệu Mộc Châu Công ty CP Vinatea Mộc Châu
Trưng bày quảng bá các sản phẩm chủ yếu làm ảnh: "Bà mẹ Cao nguyên" Tham quan du lịch các đồi chè	Ngày 09/10/2017 Từ 08h00 - 18h00	Công ty CP Vinatea Mộc Châu Công ty CP Vinatea Mộc Châu Cảnh sát giao thông của Công ty CP Vinatea Mộc Châu

BT: Ban chấp hành Hội trà Mộc Châu 2017, chủ tịch hội trà: Hồ Văn Cường - Phó Chánh văn phòng HĐND, UBND huyện Mộc Châu. ĐT: 0935 402 588

SƠ ĐỒ CHỈ DẪN ĐƯỜNG ĐẾN KHU VỰC TỔ CHỨC HỘI TRÀ HUYỆN MỘC CHAU NĂM 2017





GI communication

Example: Chili Espelette



- ❑ Opening a museum of Piment d'Espelette

👉 30 000 visitors per year



- ❑ Participating to events

- ✓ Salon International de agriculture (Paris)
- ✓ Local and national flavors competition



- ❑ Offer communication tool

- ❑ Communication in social media

- ❑ Link between media and producers



2310 followers

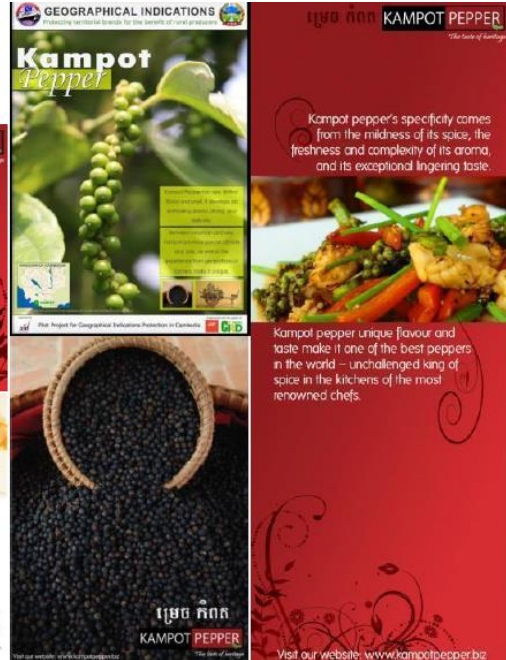
Syndicat du Piment d'Espelette AOP
EZPEIETXO BIPERRAREN SINDIKATUA



Promotional flyers

Example: Kampot Pepper

2.5. Promotion tools of Kampot pepper



REVENUE SOURCES of the Collective management organisation

How to collect money?

GI collective management organization does:

- NOT buy, process nor sell the product: no income from sales!
- It is a “Not for profit” organization
- But needs income to cover the cost of its functions!

How to collect money?

- The main Value of the GI Collective action is:
 - **An increase in the price**
- To the benefit of the Value-chain producers
- Who will then contribute to the functioning of the Collective management organization
 - **The contribution per volume:** a tax Proportional to volumes: utility of traceability

Amount of the Contribution per volume

- Small percentage of consumer price (usually 0,5 to 5%)
 - 0,5% Kampot Pepper
 - 4% Kampong Speu Sugar Palm
 - 1 % Sweet Oignons Cevennes
 - 4,5% Gruyère
- Depends on needs of GI collective management organization
- Can be through sales of the Labels / traceability marks

Secondary revenue sources

- From the members:
 - Annual membership fees
 - Payments for direct services to members
- From local, regional, national governments or institutions, international donors, NGOs
 - Project financing
 - Subsidies or grants – in the form of cash or work.

Ex: Budget of the Kampot Pepper Promotion Association

	Revenue	Expenses	%
CpV (0.5\$/kg)	16000		
New Members fees	290		
Organisational meetings		1104	7%
General Assembly		1120	7%
Internal control		1759	11%
External control		6100	37%
Sensorial analysis		150	1%
Promotion and Marketing		1692	10%
Staff salary		3600	22%
Other expenses		765	5%
TOTAL	16290	16290	100%



Example: Budget Onions from Cévennes organization

- Internal income
 - ✓ Contribution per volume: fees of 30 € / ton sold with the AO (1%) = 75% of total revenue.
- External income
 - ✓ from Provincial authority + EU
 - ✓ for promotion and communication
- Expenses:
 - ✓ 60% for the GI Association (particular internal control)
 - ✓ 30% for the external control
 - ✓ 10% for INAO



Conclusions

- Collective organisation of producers/processors is the key player for managing the GI and have it successful:
 - ✓ many origin products exist but only those supported by collective action will become successful GIs

- Better to create is as soon as possible:
 - ✓ when the GI is under construction
 - ✓ As deciding on the GI requirements for the product is motivating!



Thank you for your attention

delphine.marie-vivien@cirad.fr



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THANK YOU



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