

The Problem of "Sleeping Gls" – How Unattended Gls Can Have a Negative Effect on Communities

Ms. Claire DURAND - GI Expert | 26 January 2022

Promoting Intellectual Property Rights in the ASEAN Region









INTRODUCTION

Geographical Indication

No effect

Sleeping GIs

No appropriation by local actors No collective action No development process

Very commun situation

Geographical Indication

Negative effects

Ineffective, unfair, irrelevant GIs

Not all the actors perceive the same effects



1. The problem of Sleeping GIs

2. Negative effects of GIs

- 2.1. Negative economic impact : ineffective GIs
- 2.2. Negative social impact : unfair GIs
- 2.3. Negative impact on the product: irrelevant GIs



After the GI registration, the local actors do not use the GI

- The registration project remains an administrative action
- Most of the producers (farmers, collectors, processors, sellers) and most of the buyers do not even know that a GI had been registered

How to find incentive to start collective action?

>>> What was the rationale behind the GI registration?



Commercial advantages

- Reserved use of the name
- Fight against usurpations and infringement

Protect or Maintain an existing added-value

Defensive strategy

Original justification of GIs:

Protect producers by ensuring the quality to consumers who agree to pay a premium

Greater competitiveness

Differentiation strategy

Create new addedvalue for the product

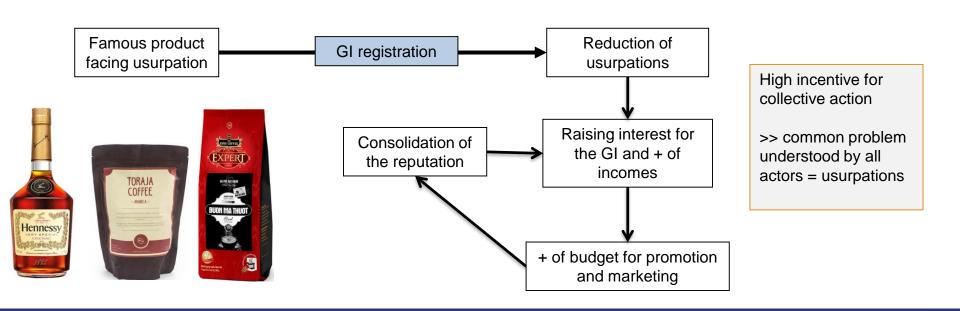
Offensive strategy

Innovative way to use GIs:

There is no problem of usurpation. The GI is used to « de-commodify »

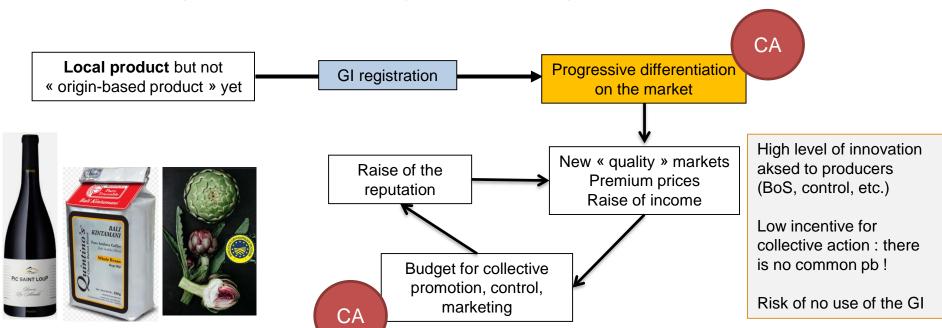


Context 1 : famous origin-based product facing usurpation > Historical model of GIs





Context 2 : local product with moderate reputation ; NO usurpations > Innovative model of GIs





- Risk factors that induce sleeping GIs
- Lack of information and investment of producers in the GI registration process
- No demand for origin-based product on the market
- No GI managing group: who will coordinate local collective action then?
- No budget for the GI managing group
- Challenges at national level
- Inform domestic consumers about the GIs: what is this label?
- Implement a system of control of usurpation



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2.1. Negative economic impact : ineffective GIs

GI aim to increase producers' income

- Raise of production costs due to the implementation of the BoS
- Raise of cost of control/certification
- Subsidies for 2 or 3 years > costs remain for producers







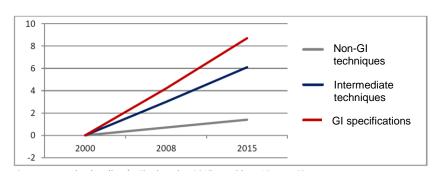
Source: Charbonnier (2015)

2. NEGATIVE EFFECTS OF GIS

2.1. Negative economic impact : ineffective GIs

GI aim to increase producers' income

Profitability /year /ha for Penja Pepper (FCFA)



Honey from Oku (Cameroon)

- > A high demand for honey as it is produced
- High production costs to comply with the specifications

Pico Duarte Coffee (Dominican Republic)

Profitability is questionned: increase in price is uncertain and the increase in costs is high due to restrictive norms

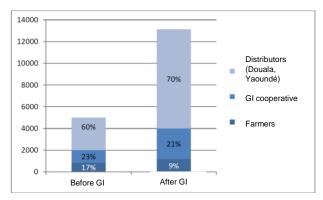
Source: Balineau and Faure (2018); Galtier et al (2008)



2.1. Negative economic impact : ineffective GIs

Unfair distribution of added-value along the value-chain: how much for farmers?

Added-value distribution for Honey from Oku (Cameroon) Before and After GI



Very difficult to calcultate!

Source : Balineau and Faure (2018)



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2.2. Negative social impact : unfair GIs

- Inclusive vs. Exclusive approaches
- > Delimitate an area + Implement a BoS > it will *de facto* exclude some producers
- Gls as "club goods" vs. "common resources"
- The questions are :
 - ✓ What are the criteria of inclusion/exclusion?
 - ✓ Who will be excluded and why?
 - ✓ What are the social impacts on the local community?



Risk of appropriation: case of Meo Vac Honey (Viet Nam)



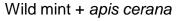
2.2. Negative social impact : unfair GIs













Traditional honey in H'Mong market

Source : Durand (2011)



2.2. Negative social impact : unfair GIs

Established reputation of origin-based product, for medicinal use

Price premium (10x standard honey) + touristic market

2000 : program to increase and "modernize" the production





Extractors

Wooden hives

Source : Durand (2011)



2.2. Negative social impact : unfair GIs

2008 : GI project initiated by local authorities

Difficult cooperation between local authorities and H'Mong families

2013 : GI registration



GI specifications : The modern « model of honey production »

No reference to the traditional H'Mong practices.

H'Mong families interviewed in 2011 :

- « not interested in the GI » or
- « feel excluded »





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2.2. Negative impact on the product: irrelevant GIs

- GI specifications > standardization of practices
 "Good Agricultural Practices" vs. Typicity (ex. Coffee sector)
- By authorizing some varieties (and not others), GIs > induce varieties specialization > reduce the biodiversity Thomas (2011): GIs in the Red River Delta (Vietnam) reduced the global biodiversity of rices (Nép Cái Hoa Vàng)
- Gls can create "museums of production": from an orign-based product to "folklore"!

Amed Salt (Bali, Indonesia)







CONCLUSION

- Unattended GIs can remain sleeping GIs and even have negative effects on communities.
- Crucial to anticipate the impact of GI registration and keep in mind the success factors that make a GI an effective tool of rural and community-based development

Recommendations for Practitioners

Day 2 :

The experience of UE public policies to support/promote GIs





Thank you!

Claire Durand c.durand@istom.fr





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