



CASE STUDY: **TRINIDAD AND TOBAGO** **FINE COCOA COMPANY**

Background of Company

Company Name: Trinidad & Tobago Fine Cocoa Company

Legal Status: Public-Private Partnership

Sector: Agriculture/Agro-processing

Address: Trinidad & Tobago Fine Cocoa Company, La Reunion

Propagation Station, Ministry of Agriculture, Caroni North Bank
Road, Carapo, Trinidad & Tobago

Email: info@ttfinecocoa.com

Background

One of the finest flavoured cocoa beans in the world, Trinitario first grew in the Caribbean Island of Trinidad in the 17th century. A genetic hybrid of cocoa from Central and South America, Trinitario became one of the largest exported commodities in the 19th Century, with approximately 30,000 tonnes exported per annum. Unique for its fruity, floral flavours, it is considered one of the highest value cocoa crops in the world. Today however, only 400 tonnes are harvested and exported each year.

Did you know that new varieties of plants can be protected with a specific IP right? Rights granted to the breeder of a new variety of plant give the breeder exclusive control over the propagation. Legal protection of new plant varieties is available in several CARIFOURM countries. Internationally, the International Union for the Protection of New Varieties of Plants (UPOV) provides and promotes an effective system of plant variety protection, with the aim of encouraging the development of new varieties of plants, for the benefit of society. Trinidad and Tobago is a member of the UPOV convention (1978 Act)

<https://www.upov.int/about/en/>

Similar to a wine map of France or a whiskey map of Scotland, Trinidad and Tobago can claim over 100 varieties of Trinitario cocoa which have been developed in different regions of the country over the past hundred years, each producing different flavour profiles based on the genetic variety and terroir. The diverse variety, unique origin and storytelling of the farmers create an opportunity to reintroduce fine flavour Trinitario cocoa to the world.

The Trinidad and Tobago Fine Cocoa Company (TTFCC) was officially registered in 2014 and started production of cocoa products in 2016 upon completion of the state-of-the-art cocoa processing facility located in Central Trinidad. This processing facility is set up as a public-private partnership between private investors and the Government of Trinidad and Tobago with the aim of rehabilitating the cocoa sector.

This is achieved through improving yield and quality of bean production and developing value-added products for the local, regional and international markets. With a small team of 14 staff, TTFCC's primary focus is producing cocoa products for the hospitality and industrial sector. This includes cocoa nibs (cocoa beans which have been roasted and shelled), cocoa mass (milled coco nibs) and chocolate for use in restaurants and hotels.

There are many reasons for using intellectual property tools such as trademarks, geographical indications and industrial designs to protect a brand, product and intangible assets of a business. For TTFCC the most important issue was 'proof-of-origin' and ensuring quality standards are adhered to. False claims and misleading marketing campaigns about origin are rampant in the chocolate sector as there is little to no enforcement, thus leading to confusion among consumers. TTFCC has addressed this through a broad range of IP tools to ensure the company's claims of origin and quality are proven and protected from those who may seek to copy or replicate.

Developing the company brand

When registering the company, it was decided to use country of origin in the name to convey to consumers the providence of the cocoa. The trade mark pictured below was registered in Trinidad and Tobago and subsequently in the European Union in 2019. The purpose of this strategy was to not only differentiate our cocoa products around the world but also to highlight the message that Trinitario cocoa means 'origin of Trinidad and Tobago'.

In addition to the company's name, a unique and distinctive logo was needed to differentiate the company's products on the global market and also to allow for the logo to be registered as a trade mark, for goods related to cocoa and chocolate. The use of the distinct image also serves to encapsulate the brand. The 'cocoa dancer' image was created to represent its historical significance to the national cocoa story. Importantly, this image has also become an 'ad-hoc' quality assurance sign for customers using TTFCC products such as bakeries and cake makers to demonstrate that the cocoa is sourced locally.

NOTE: In order to be protected, you need to register your trade mark in every country you are selling your products in. Trade mark laws are not the same in each country, but certain basic requirements are present in all laws, such as the fact that a trade mark to be registered cannot be descriptive of the goods or services it is registered for, and it must be distinctive. Depending on the country's legislation, a trade mark can take many shapes, it can consist of words, letters, colors, logos, even sound or movement marks can be registered in some countries. The cocoa dancer logo adds the distinctiveness to the company's name.



Fig 1. TTFCC registered company logo and cocoa dancer image used on products.

Another common feature is that a trade mark is registered for a set of specific goods and services. The Nice classification is widely used to identify and classify exactly which products and services are to be covered with this trade mark. For TTFCC, these are goods in the Nice Class 30.

<https://caribbean-tmclass.euipo.europa.eu/ec2/>

In addition, there are certain prohibitions, for example you will not be able to register a trade mark that includes a country flag unless you have explicit permission from the relevant country to do so. (This is regulated internationally via the Paris Convention for the Protection of Industrial Property).

Throughout the world fine flavour cocoa and chocolate is becoming more popular with consumers. Driven by social media and the ability to connect directly with farmers and food manufacturers, the consumer has become more aware of the social, environmental and economic impacts large scale farming has on our planet. Fine flavour cocoa, a category which is determined by the International Cocoa Organisation (ICCO), has enhanced the consumer appetite for high quality cocoa and thus promoting sustainability of bean-to-bar producers. TTFCC also uses the colour scheme of the Trinidad and Tobago country flag as shown in **figure 2** on in-shop products intended for the tourist market. This however is not a registered trade mark. Other national emblems such as Proudly T&T, are being used industry-wide, by the membership of the Trinidad and Tobago Manufacturers' Association. Registered and used as a collective trademark, Proudly T&T is designed specifically for its membership to identify their products as authentically 'manufactured in Trinidad and Tobago' and endorses the 'support local' message which has become mainstream throughout the world since the start of the Covid-19 pandemic.



Fig 2. TTFCC 'country 'origin' label' used of export products. TTMA Proudly TT label

Brand innovation

A key component to TTFCC's business strategy is production innovation for both process and product development. 2017 saw the launch of the company's 'steel pan' single estate chocolate tin which won the UK's Academy of Chocolate Award for innovative packaging. The tin profiled Trinidad and Tobago's musical heritage whilst creating a unique product offering for the tourist and export market. The steel pan tin has been shipped worldwide and has become a key marketing and brand tool for TTFCC.

In 2020, due to the Covid-19 pandemic, the Company experienced a dramatic increase with online sales leading to the exploration of retailing the tin on mainstream e-commerce platforms such as Amazon. To achieve this, it was decided to seek industrial design protection for the steel pan tin in key export markets such as US, Canada, UK, Europe and China. TTFCC anticipates that more and more mainstream consumers, such as the mid-20s to 40s professionals, who are familiar with online shopping and social media trends will move towards e-commerce as convenience of purchase and next-day delivery becomes the norm. TTFCC plans to address this growing trend through the development of an app for smart phones, use of blockchain technology to demonstrate origin and social media tools to educate the consumer about fine flavour cocoa.



Fig 3. TTFCC Steel pan tin design.

What is an industrial design? Design is where function meets form. From tables to telephones, industrial design is one of the key factors that attracts us to a product, or leads us to prefer using one product over another. In a legal sense, an industrial design constitutes the ornamental aspect of an article. An industrial design may consist of three dimensional features, such as the shape of an article, or two dimensional features, such as patterns, lines or color. Design protection can apply to the good itself, or its packaging like in the case of the steel-pan tin design

www.wipo.int/designs/en

Like so many brands which are known for their distinctive design, the steel pan tin has been selected as TTFCC's primary product identifier. The tin is unmistakable in its appearance, but it also ensures the quality of the chocolate as it is both airtight to prevent oxidation and has a temper seal to ensure it has not been opened. Together with the use of blockchain technology, we help connect the consumer to the cocoa estate, which itself should also be protected by trademarking its name. In addition, TTFCC is looking into the possibility of using the Geographical Indication system. There is no concrete proof that geographical indication protection provides an automatic price premium, however there is an expectation that it will provide market protection, and thus a more stable and secure market for the product.

Geographical indications are indications which 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. (source: TRIPS)

If you would like to learn everything about Geographical Indications, visit our new e-learning course which is free of charge and available to anyone without prior registration.

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Why are IP issues relevant to TTFCC?

With increasing interest in travel, unique experiences for tourists, culinary programmes focusing on promoting local and the opportunity for growers and chocolate-makers to connect directly with the consumer or end-user, there is a clear need to protect the brand and the story it represents.

With many false claims of origin, TTFCC aims to strengthen its proof-of-origin and farm-to-table approach, thus creating a unique brand value and a niche marketplace for its product. The genetically unique raw material known as Trinitario cocoa also creates a geographically specific culinary consumer experience akin to champagne, scotch whiskey or Jamaican Blue Mountain coffee. This also creates a wider opportunity for the cocoa sector and the country through the promotion of agro- and culinary tourism aimed at food enthusiasts.

Opportunities for co-branding

From 2016 to 2019 TTFCC focused primarily on the hospitality sector, working with partners such as the Hilton Hotel Trinidad, Hyatt Regency Trinidad and Caribbean Airlines. In 2018 Harrods Stores UK, in partnership with TTFCC, launched their first ever co-branded chocolate selection box. TTFCC was selected for this because of its unique variety of Trinitario cocoa profiling the flavours from four distinct cocoa-growing regions of Trinidad, along with its history and heritage and the story of each cocoa grower.

Harrods Stores understood the value of supporting a small-scale producer like TTFCC, and we received publicity and recognition for producing quality cocoa to the highest standard for their store. It was a mutually beneficial partnership which engaged the customer and created a platform for storytelling.



Fig 4. TTFCC and Harrods Trinidad Single Estate Selection Box

Partnerships for new product development and distribution logistics

During the COVID-19 global pandemic all our hospitality and retailing partnerships stopped immediately. With no international flights the company could not export and there were no international visitors to the hotels. This resulted in TTFCC focusing mainly on online retail, both domestically and internationally through a partnership with DHL. This partnership allows us to ship globally and drive sales directly through our website, thus bypassing importer and retailer costs. We also focused on industrial sales, which saw an operational increase of 15 metric tonnes in 2020 and 35 metric tonnes in 2021, as there were many food processing and manufacturing companies importing cocoa for their product lines. Working closely with these companies we developed a range of new cocoa-based products, although as it was for industrial applications it did not always profile TTFCC directly. Online sales, however, was a boost for increasing brand awareness and promoting direct sales to consumers. For this purpose, IP was important to communicate a strong brand message, not only about our products but also on our mission and values since 'supporting local' and the need to boost domestic agriculture has been increasingly in the public conscience.

Exporting Internationally: Why the Madrid system is important to TTFCC?

From its inception, TTFCC has focused on promoting in-country cocoa processing to ensure the majority of the product value is retained in country whilst still leveraging the export market potential and volume. Initially the company focused on markets in the UK and Europe, followed by North America and the Far East. These are key markets for fine flavour cocoa products in both the culinary and retail market. It was therefore vital that TTFCC protected its brand in these markets and in 2021 TTFCC has submitted its application through the Madrid system for protection of its trade mark in the UK, US, Canada, EU, Switzerland, China and Japan.

The decision to use the Madrid System was driven by the efficient administrative and cost saving approach offered. In January 2021, The Republic of Trinidad and Tobago ratified the Madrid Protocol allowing companies and legal entities to simultaneously apply for trademark protection in over 180 countries. The advantage of this approach allows TTFCC to reduce the number of individual country applications which can be costly and time consuming, as well as ensure protection when new products and sub-brands are launched globally. Hence it supports the wider business growth strategy.

The TTFCC partnerships with hotels such as Hilton and Hyatt would have a significant international coverage, especially for their hotels in the US, however, it was important that the brand was also protected in China as much of the packaging is sourced from there. Further mechanisms will be used to protect other IP assets internationally, such as the Hague System for the International Protection of Industrial Designs, which will be used to protect industrial designs such as the steel pan chocolate tin, once it has been ratified by the Government of Trinidad and Tobago.

The Madrid protocol allows for a smooth and efficient application process through the TT Intellectual Property Office (TTIPO) when filing for trademark protection in the designated countries.

**Interested in how the Madrid System can be used
to expand your brand protection internationally?**

Consult our:



Fact sheet



**Full guidebook for
entrepreneurs**

The technical assistance and advice provided by TTIPO and the EUIPO, specifically through the CarlPI project, have been invaluable to help navigate the issues, provide feedback on the process and assist with the application, thus ensuring that a valuable country-led IP brand retains its value to the benefit of not only the company but also the country.

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