

# PRESENTATION OF THE MANUAL on Geographical Indications

FOR CARIFORUM STATES

Meeting with Grenada stakeholders

On Wednesday, March 22, 2023



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**CARIFORUM**



# Overview of presentation

- Introduction on the CarIPI GI Manual project
- Snapshot: objectives and approach
- Presentation of the GI Manual:
  - ▶ Chapter 1 | Understanding GIs
  - ▶ Chapter 2 | GIs Manual for Producers
  - ▶ Chapter 3 | GIs Manual for IPO Examiners
  - ▶ Chapter 4 | GIs Manual for Control Bodies

# Introduction

The GI Manual



# Snapshot of the project

## Target Audience/Beneficiaries

IPOs, Control Bodies, Producers etc.

## Objective 1

To develop a CARIFORUM regional GI Manual to serve as a practical guide for IPOs, producers and control bodies etc.

## Objective 2

To support the CARIFORUM States in the implementation of the GI Manual - through a series of capacity building actions and workshops/webinars

# Approach in implementing the project

• Undertook a Legislative Review and Analysis of each of national laws available for the protection of GIs

Undertook an analysis of GI protection practices

Undertook an analysis of products' control practices

Convened Interviews and obtained information from producers, IPOs and other stakeholders across the region to obtain information regarding legislative and regulatory framework, processes and controls.

Regional GI Manual to serve as a practical guide on - the steps, requirements, and effects of GI protection; "best practices" in examining and registering GIs and; guidelines to develop and implement a GI SOPs and provide GI controls.

# THE GEOGRAPHICAL INDICATIONS MANUAL

# Chapter 1

## Understanding GIs

# Chapter 1 | Understanding GIs

- What is a GI?
- Importance of GIs
- Protection of GIs
- International Agreements, Standards, and Best Practices

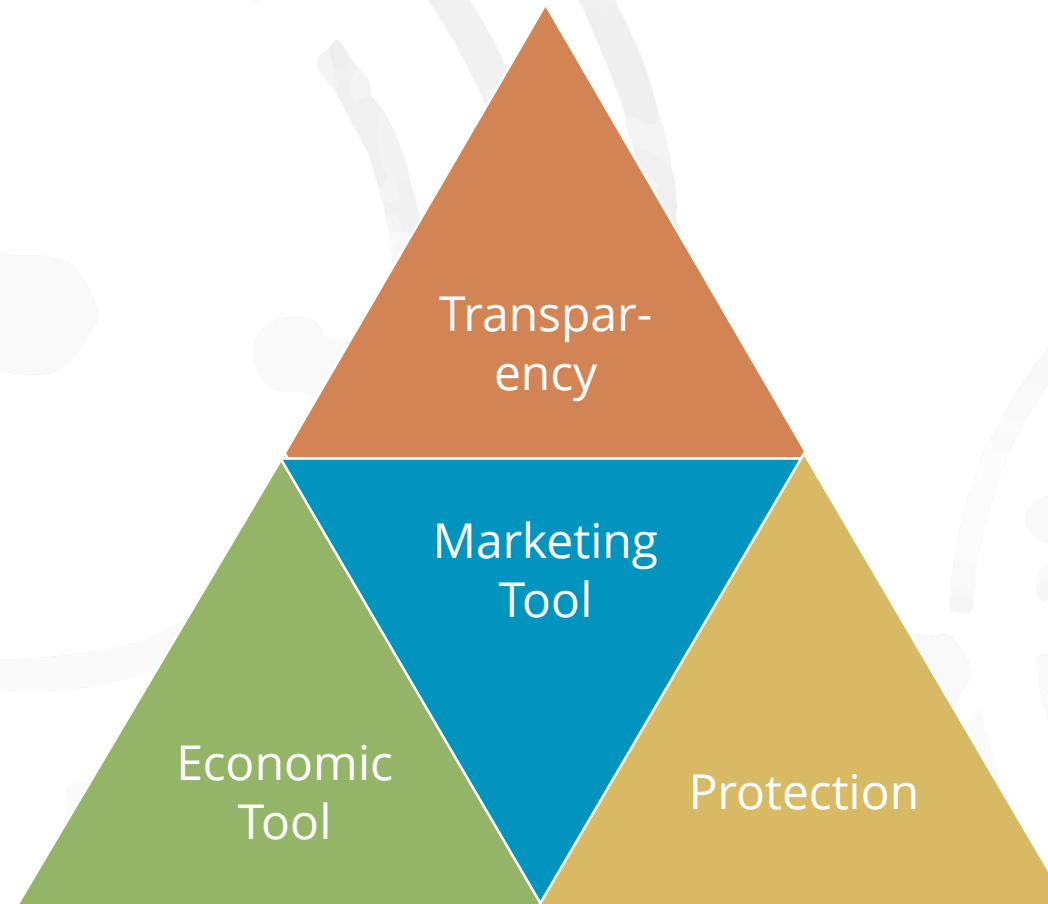


# What is a GI?

- A sign (understood mainly as a name) used on products that have a specific geographical origin and possess qualities, characteristics, or a reputation that are linked to that origin
- **Purpose of GI:**
  - ▶ To identify a product's origin and its link with particular characteristics related to that origin
- **Well known GIs which have already been protected:**
  - ▶ "Rhum of Martinique"
  - ▶ "Habanos" for cigars in Cuba
  - ▶ "Trinidad Monserrat Hills Cocoa" in Trinidad and Tobago
  - ▶ "Jamaican Jerk" in Jamaica

# Importance of GIs

- The concept of "**Geographical Indications**" benefits from an international dimension

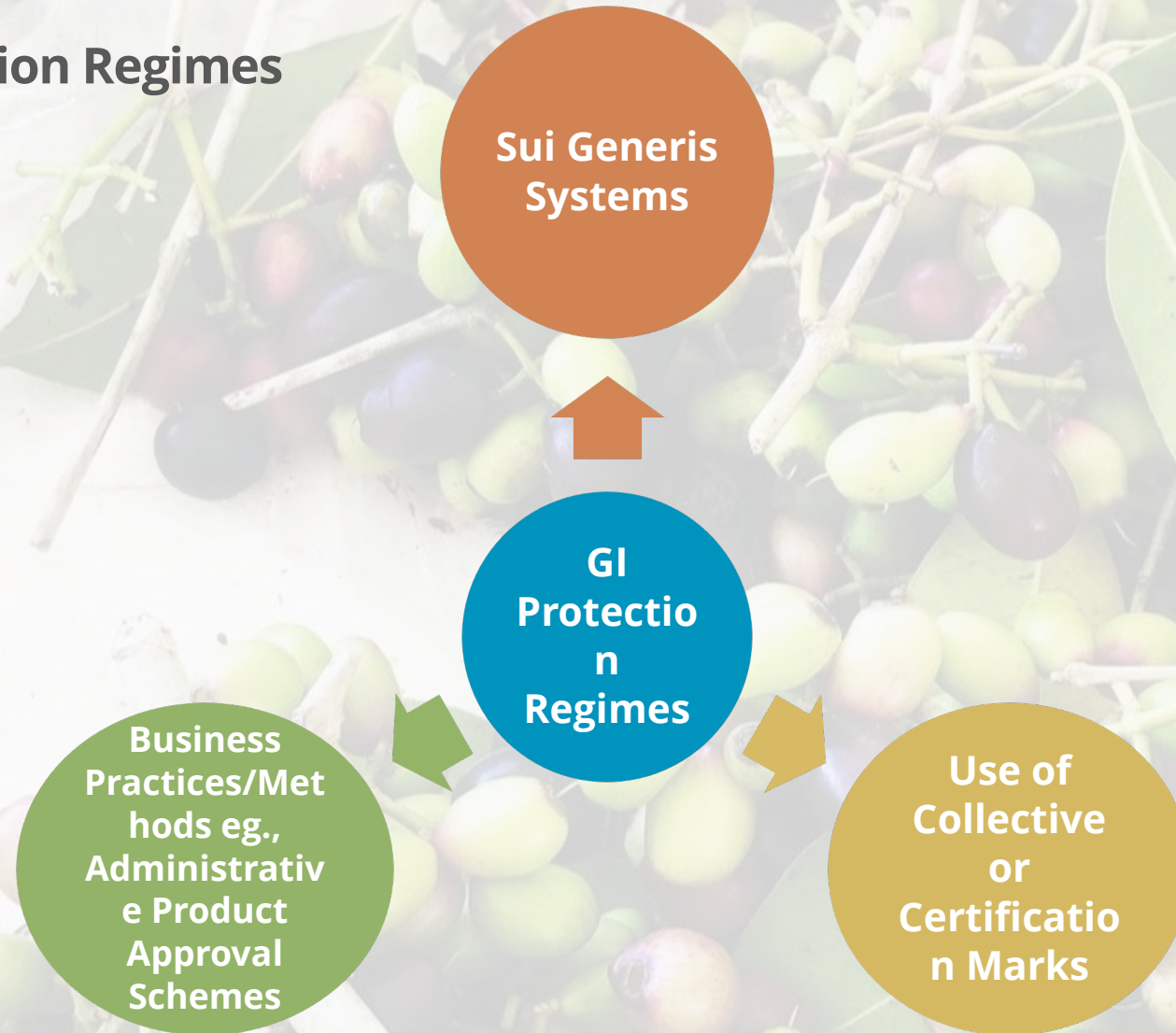


# Importance of GIs

- Enable **traditional know-how to be recorded** and passed on from generation to generation
- Are an **economic tool**, enabling value to be generated from a rigorous procedure that protects producers
- Are a **vehicle for local development**
- Are a tool for the benefit of consumers, **meeting and guaranteeing** not only the origin but also a certain quality
- Are a tool to **protect products, producers, and consumers**

# Protection of GIs

## Three GI Protection Regimes



# Illustrations of Sui Generis GI protection

## Jamaica



## Japan



# Illustrations of Certification Marks or Collective Marks

Jamaica



Trinidad and Tobago



# International Agreements, Standards, and Best Practices



# Chapter 2

## GIs manual for producers



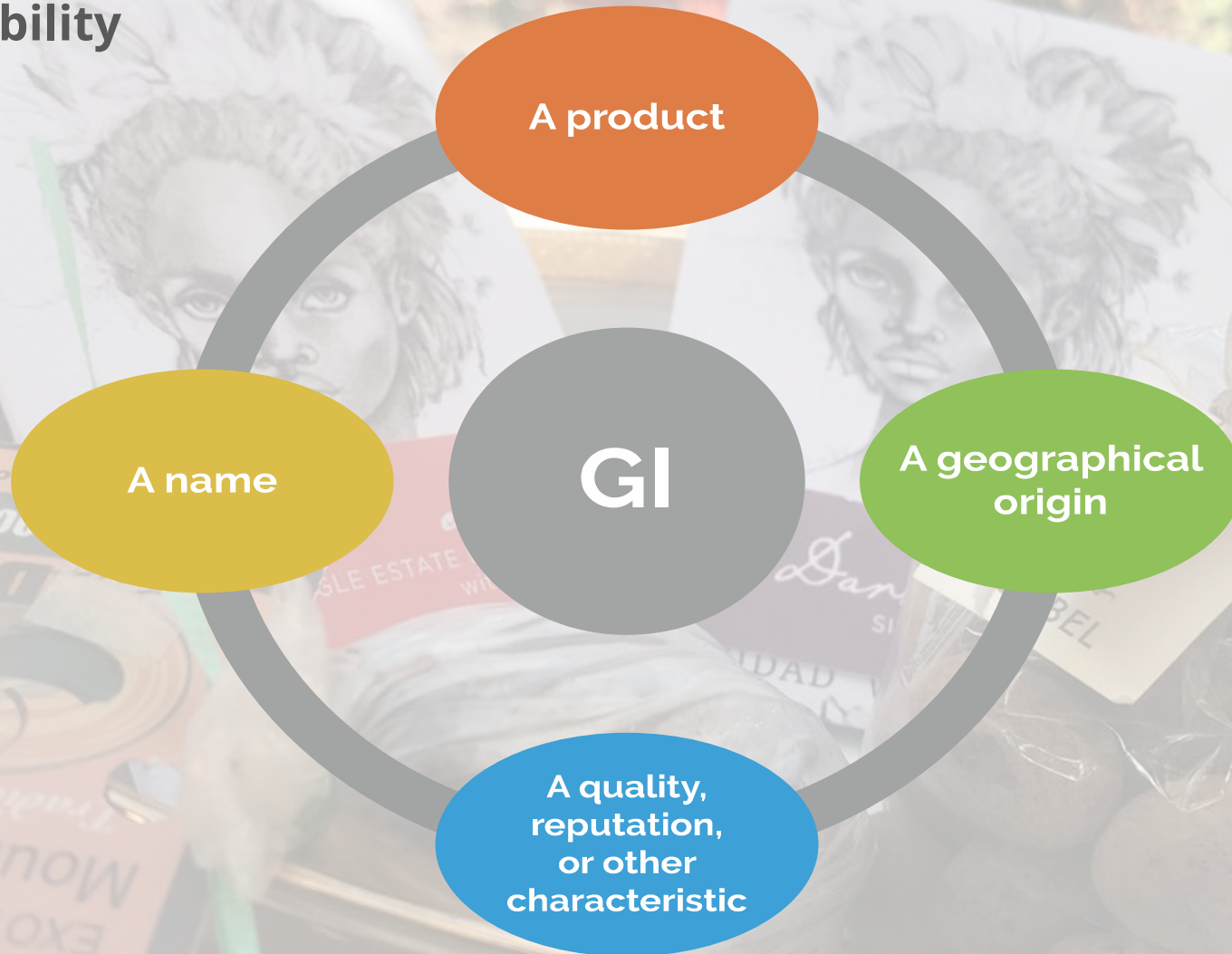
### This chapter mainly describes:

- **The GI eligibility**
- **The content of a GI application:**
  - GI applicant information
  - GI specifications
  - Controllability document/control plan
  - Note for instance
- **The registration procedure**
- **The GI daily management**

# GI eligibility

Link between a GI and its geographical origin

Product eligibility



# GI eligibility

## Product eligibility

### • What can be protected?

- ▶ Natural or agricultural products
- ▶ Processed products
- ▶ Product of handicraft or industry

### • What cannot be protected?

- ▶ Services

## Potential barriers to GI protection



# GI eligibility

## Applicant eligibility

- ▶ GIs are products/goods that belong to the **common heritage of a territory**
- ▶ The GI must belong to the **legitimate** producers/operators
- ▶ The GI registration should be requested by a **collective** group of producers/operators
- ▶ The producers/operators must unite around a **common strategy**



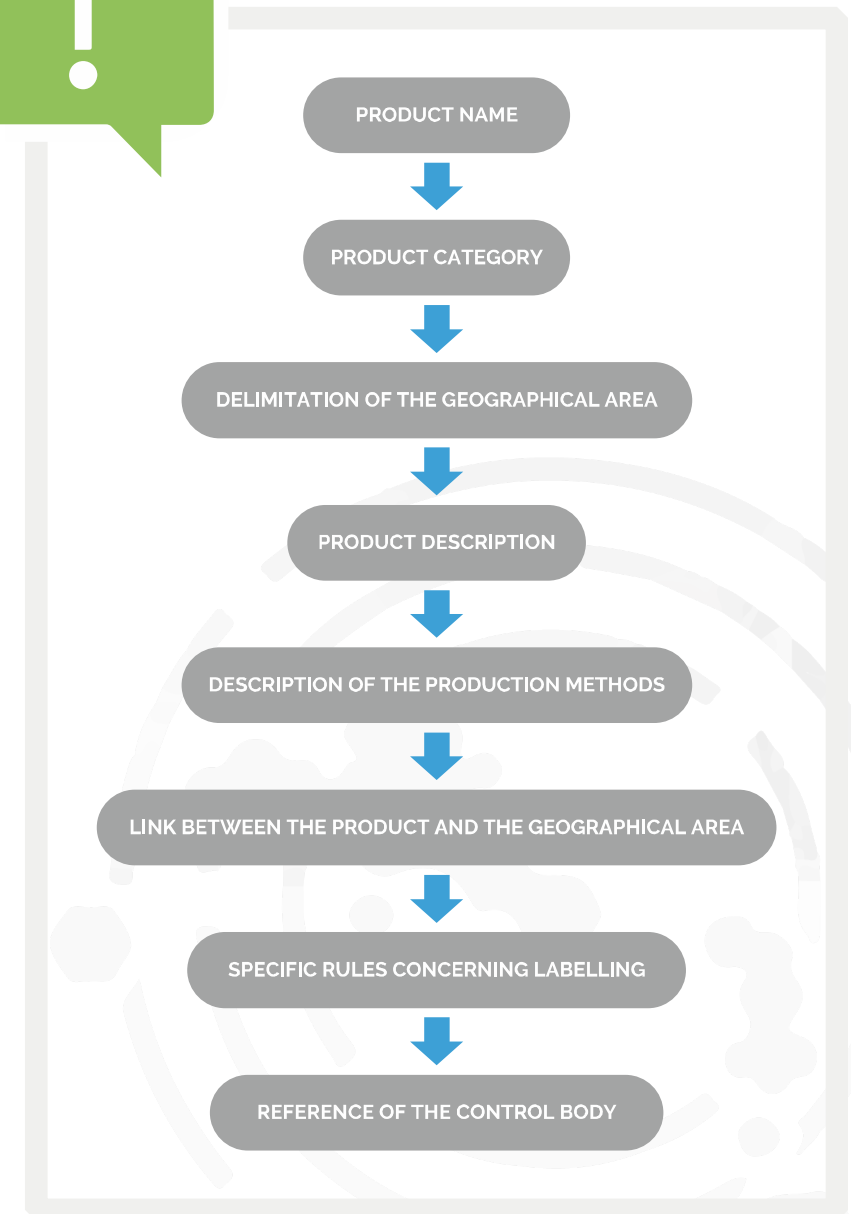
Applying as a collective group is a  
**key factor for the success of GIs**

# Content of a GI application

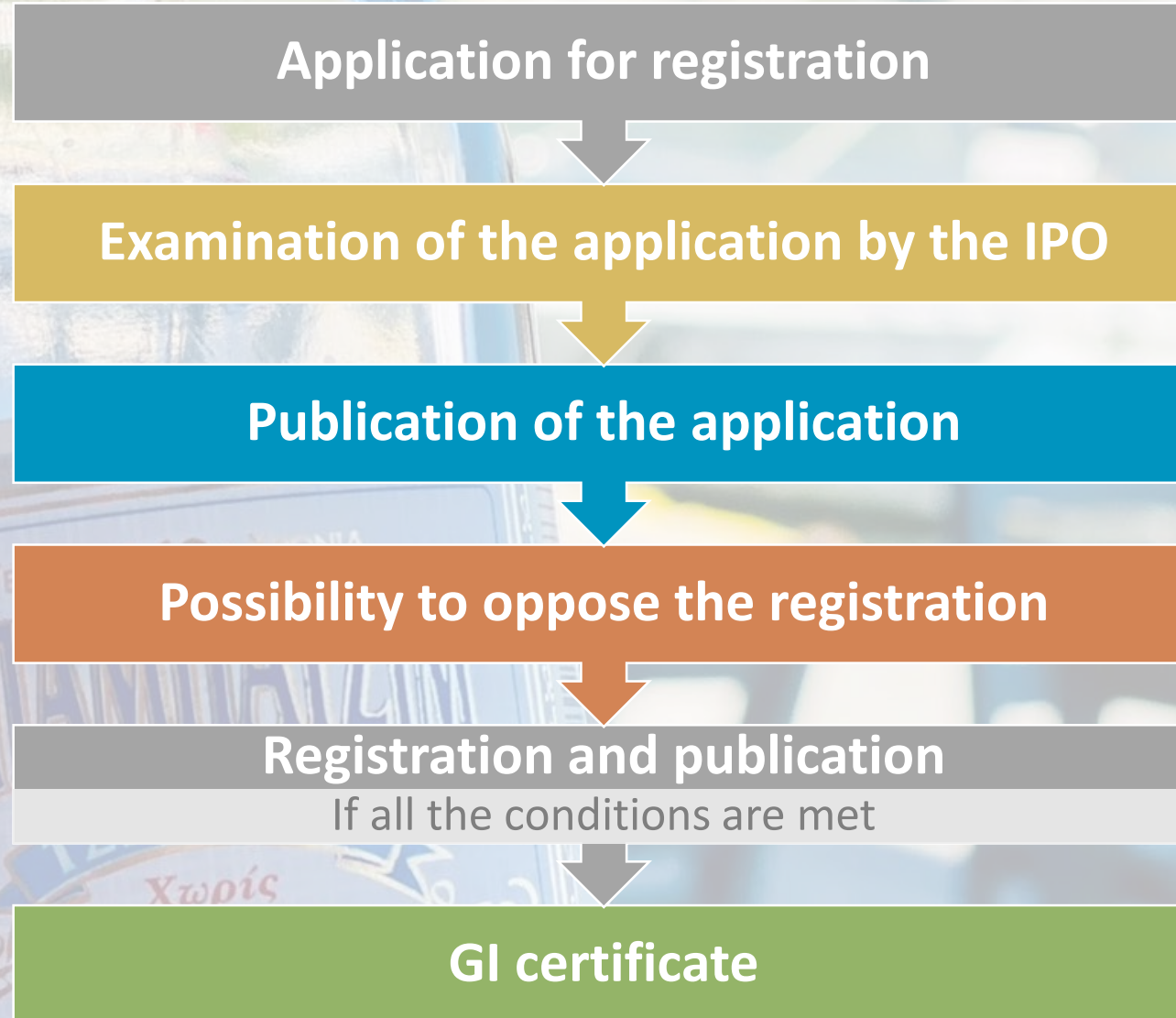
- **Information on the GI applicant**
- **GI specifications**
  - ▶ Conditions that must be shared and applied by all operators to benefit from the GI.  
It is the **main element of a GI application**.
- **Controllability document and control plan**
  - ▶ Traceability elements proving the origin of the product and compliance with the GI specifications
- **Note for instance**
  - ▶ Motivations and merits of a GI application

# Content of a GI specifications

1. Product name
2. Product category
3. Delimitation of the geographical area
4. Product description
5. Description of the production methods
6. Link between the product and the geographical area
7. Specific rules concerning labelling
8. Reference of the control body



# Registration procedure



# GI daily management

The GI rights holder,  
the center of it all

The GI rights holder is responsible for:

- ▶ The day-to-day management of the legal structure
- ▶ Managing the operating budget
- ▶ Ensuring that its members respect the specification
- ▶ Providing assistance to its members
- ▶ Providing statistical information on the sector
- ▶ **Promoting and defending the GI**

**It should have the capacity to organize its members to work collectively**

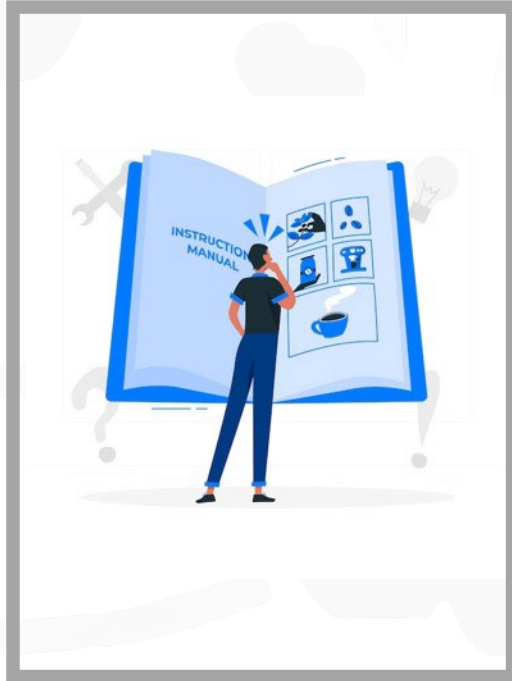
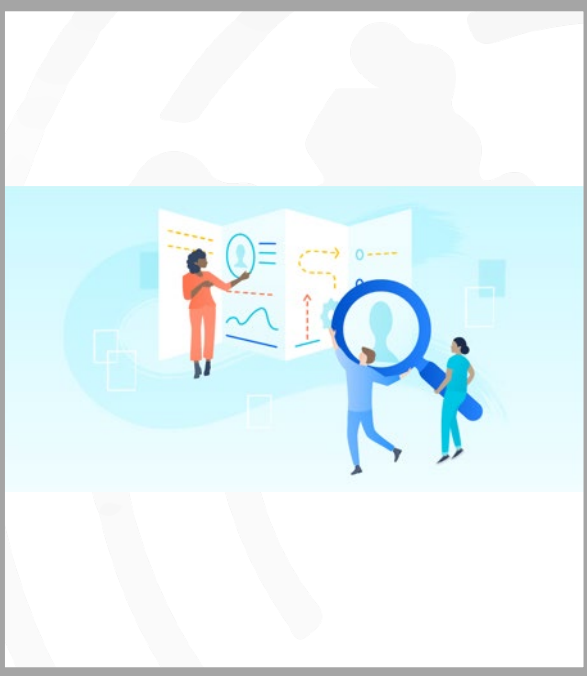




# Chapter 3

## GIs manual for IPO examiners

# Chapter 3 | GIs manual for IPO examiners



- GIs Application
- GIs Registration procedure
- GIs Protection

# GI application

- The Competent Authority (“the Authority”) plays a very important role in the protection of geographical indications.
- Key functions include:
  - ▶ Providing technical assistance
  - ▶ Receiving GI applications
  - ▶ Carrying out administrative and functional examinations
  - ▶ Monitoring and cancellation of GI protection
  - ▶ Monitoring TM containing GI name registration

# Types of applicants

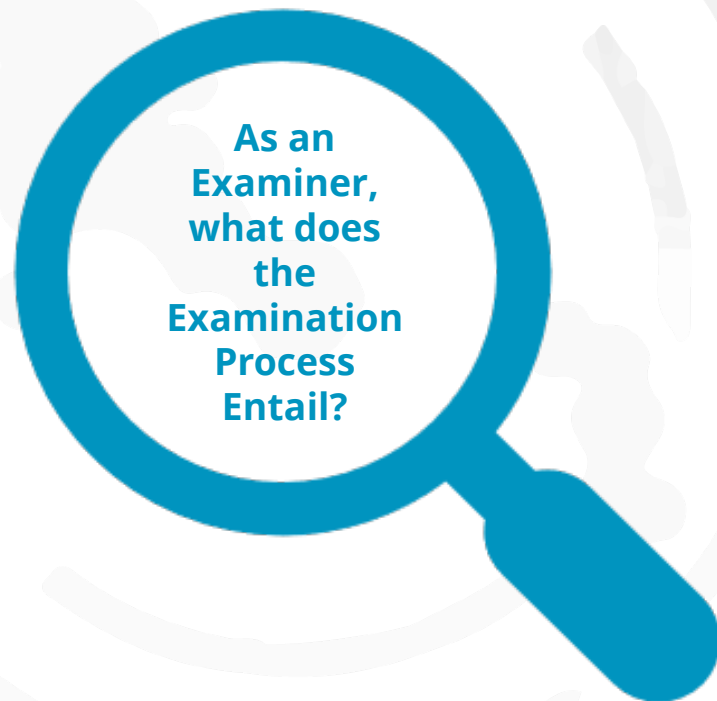
## Person/Group of Persons associated with Producers

- A person or a group of persons carrying on an activity as producers in the geographical area specified in the application, with respect to the goods specified in the application
- In the case of a single person, the geographical indication is open to any new producer(s) able to comply with the specifications.
- In the case of an interest group, the group shall have their statutory responsibility to administer and function, in practice on a non-profit basis. The membership of a geographical indication group shall be open to any producer in the geographical area and complying with the specification

*the examiner shall determine if the applicant is entitled to apply for a GI – prescribed in the national laws*

## Organisation/Competent Authority

- Any organization or competent authority linked to producers of goods specified in the application



**Step 1:  
Marking application**

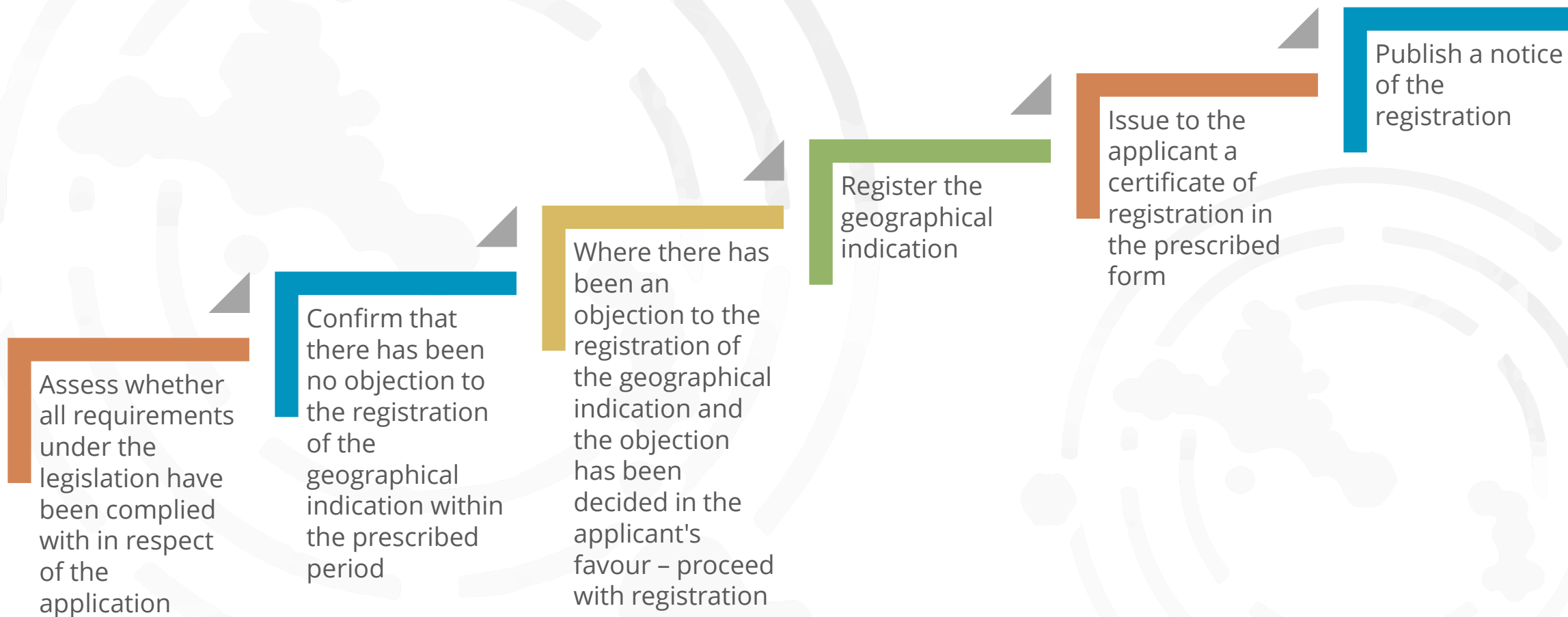
**Step 2:  
Examination of  
application**

**Step 3:  
Acceptance of  
application**

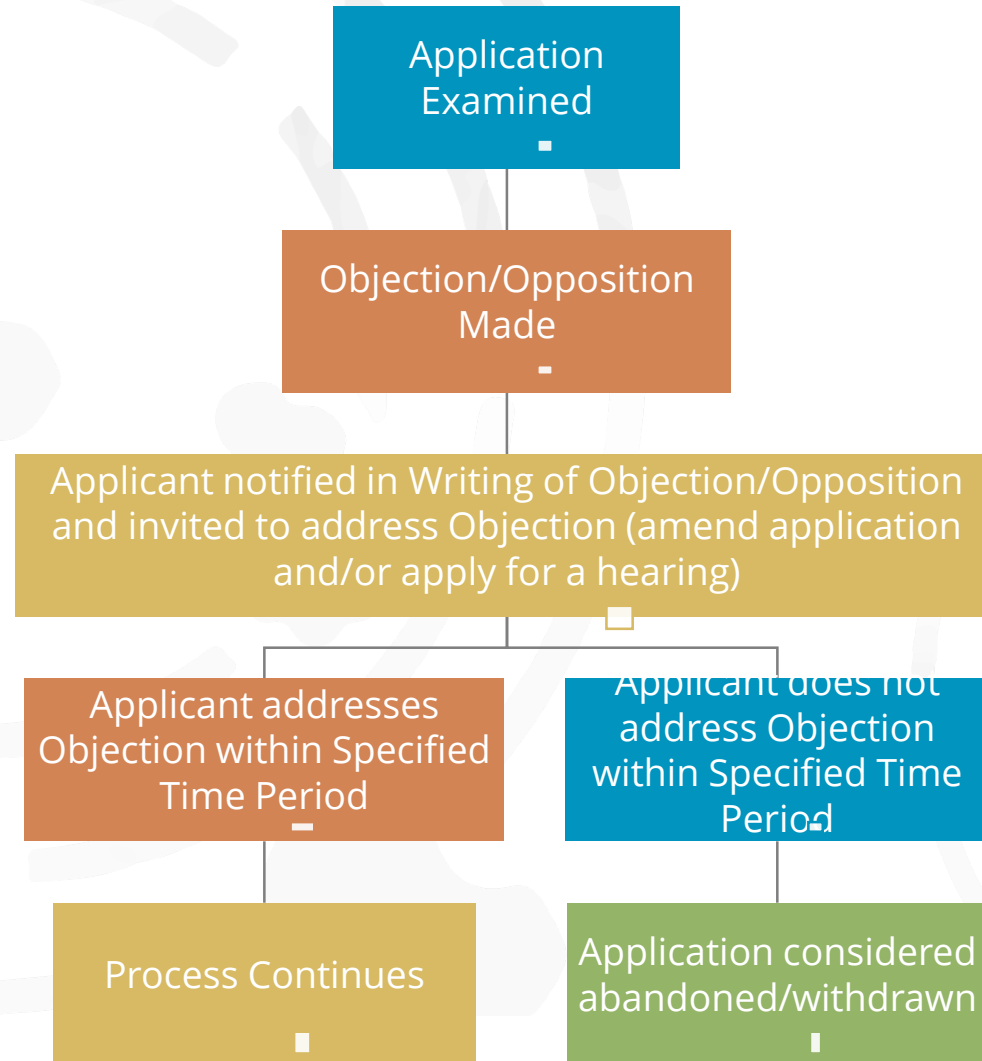


# GIs Registration Procedure

# Understanding the GI registration process: key steps to be undertaken by an examiner



# Steps to be undertaken by an examiner when there is an objection or opposition to an Application





# GI protection

## GI protection covers in practice:

- ➔ cases of GI abuses/misuses
- ➔ Relationships between GIs and trademarks
- ➔ Enforcement aspects and ex officio actions (such as reference in other legal texts as IP law, Criminal enforcement etc.) and definition of ex officio competent authorities.

**GI users shall be clearly identified**

# Chapter 4

## GIs manual for control bodies

### This chapter mainly describes:

- The importance to implement controls
- The GI control procedures

### Objectives of this chapter:

- ▶ Have a better understanding of the mechanisms of GI controls and certification process
- ▶ Understand traceability requirements
- ▶ Be able to explain and draft the key elements of a control plan

# Why is it important to implement controls for GIs

- The **specific link between the product and its origin** is the core element of any GI, and hence also what is monitored by the GIs controls.
- GIs controls are performed on a **compulsory basis** for the stakeholders who wish to benefit from the use of the GI designation.
- The role of the GI [owner\*]/group of producers is fundamental **to guarantee the correct implementation of the production rules.**



« *I say what I do and I do what I say* »



Compliance between specifications and control plan



I make « easy » close relationships between the specifications and the control plan



Controls mean COSTS!



The control system must be adapted for the production situation

## Some basics on GIs controls

# Objectives of GI controls

- **Impartial** and **objective** controls
- **Assurance to consumers** that the products covered by the scheme have guaranteed characteristics, quality and/or origin
- Give producers/group of producers **a sense of responsibility**
- Profit from a **value-added product for the producers** on the national and/or international market

# GI controls



The origin of the product  
(traceability's respect of the  
production chain)



The respect of the  
specifications and the  
production conditions



The products,  
their specificities  
and quality

# Which controls?

3 levels of  
control may  
exist

**Self-control or auto control** (by producers and other operators of the chain if possible)

**Internal** (by the group of producers, regularly)

**External** which consists in the checking up of the internal control by the group of producers as well as the auto-control



# Key information on GI control

- Type of evaluation
- Type of bodies
- Criteria for establishing a control plan
- Typology of sanctions to be implemented
- Explanation of the GI control process by type of stakeholder

# Thank you \* Gracias \* Merci \* Bedankt



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