

Session 1.1: Defining an origin-linked product

Overview

In this session, participants will gain an understanding of **what is an origin-linked product (OLP)** and how they can be protected by intellectual property (IP) tools. Learning exercises are used throughout the session to allow participants to apply the knowledge transferred during each part.

Session learning objectives

- To better understand origin-linked products and **how producer groups can leverage the intrinsic value of these products**
- To understand how OLPs can be **identified and managed**
- To understand how IP tools can be used to **identify, prioritize, protect and market OLPs**

Session learning outcomes

By the end of this session participants must:

- Be able to **distinguish** between the terms and concept of **OLP and GIs**
- Be able to explain the **benefits** for having an OLP **strategy**
- Be able to explain how OLPs can be **differentiated** in the market using specific **IP tools**

Part 1: Understanding terms

An origin-linked product can be defined as **a local product which has a unique territorial identity, quality, specific modes of production and reputation linked to a geographical origin.**

These products are **eligible for protection** by using intellectual property (IP) tools such as a Geographical Indication or trade marks and in some cases both. The choice of the right IP tool will depend on the characteristics of the product, the producers, and the legislation in force in the country of origin and the export markets.

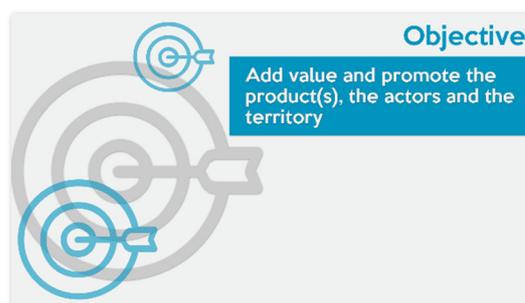
Examples of these products include:

Famous Italian cheese Parmigiano-Reggiano, Argan Oil from Morocco, Chulucana pottery in Peru and Montserrat Hills Trinidad and Tobago cocoa all of which are protected as Geographical Indications. Another example is Blue Mountain Coffee from Jamaica which is protected as a certification mark.

Implementing an origin-linked product strategy

The **key objective** of an OLP strategy is to **add value and to promote the products, the producers and the territory of production**. For this strategy to be implemented, the following conditions are essential.

- there must be **a product or some products**,
- there must also be **a specific quality or characteristic(s) of the product linked to the geographical origin / the territory**, and
- **human factors** in terms of the producers or the community of the OLP.



Learning exercise

The **Antigua Black Pineapple** has a known reputation for being very sweet and having a distinctive physical appearance.

Both these characteristics can be attributed to agronomic conditions (soil) and climatic conditions (low rainfall) typical of the geographical area where the pineapple is grown.

Question: Can the Antigua Black Pineapple be considered an origin-linked product?

Answer: The **Antigua Black Pineapple** can be considered an origin-linked product.



Because this product has a **local identity that is closely associated with the island**; it is depicted on the top of Antigua and Barbuda's national coat of arms; **it has a specific quality** based on geographical factors and it also has a **reputation as the world's sweetest pineapple**.

Therefore, different IP tools such as Geographical Indications or trade marks could be used to protect and market this product. The choice depends on features of the product, the value chain, and the legislation in force in the country of origin and the export markets.

Part 2: Scope of origin-linked products

Potential benefits of having an origin-linked product strategy

Producers of OLPs can secure **price premiums** once consumers can **identify these products** based on the quality characteristics they have and based on the links to a specific geographical area.

Additionally, the local community is developed through:

- **increased employment;**
- the opportunity to **develop specific agro-tourism and gastronomy activities in the area;**
- the potential for **developing partnerships with luxury brands**, and
- the development of a **regional (or country) brand**

Origin-linked products can be strategically managed to bring value to producers and consumers

Producers have also found that such strategies create a system for providing assurances to consumers about the authenticity of the product by ensuring compliance with **quality, improved traceability and food safety**.

Overall OLP strategies allow local communities to **maximize the potential value of their unique products and fairly share the benefits accrued along the value chain**.

Part 3: Strategic management of origin-linked products

Identifying origin-linked products

First there must be a **product** (agricultural, foodstuffs, handicrafts, industrial, mined products or any other goods) which has a characteristic(s), reputation, or quality **linked to its geographical origin** and which also has a **name or sign** associated with the product.

Tools for implementing an origin-linked product strategy

As part of an overall marketing strategy, OLP producers can use **IP tools** such as Geographical Indications, and trade marks (**Individual, Collective or Certification marks**) as well as **quality labels**, to protect their OLPs and unlock the potential added value which can be accrued to their products.

Defining Geographical Indication intellectual property tool

Geographical Indications are defined in the **TRIPS agreement of the World Trade Organization** as:

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.

Examples of Geographical Indications

Most commonly, a Geographical Indication consists of the **name of the place of origin** of the OLP, for example, Monserrat Hills Trinidad and Tobago for cocoa or Darjeeling for tea. It can also be a **name accompanied by a common name** e.g. Saffron of Taliouine which comes from Morocco; or Cafe de Colombia from Colombia. GIs **can also have non-geographical names** if the GI is linked to a place of production of the product e.g. Vinho Verde in Portugal for wine; Reblochon in France for cheese, and Argan oil from the Argan tree in Morocco.

Terroir and Geographical Indications

Origin-linked products which can be protected as GIs have a **distinct quality or characteristic(s) strongly linked to the terroir/territory**. The terroir is composed of several elements such as climate, soil, surrounding plants and topography and constitutes multiple interactions within a specific geographical area between local value-chain stakeholders/community, their environment and the product they produce.

Learning exercise

Grenada nutmeg

Grenada has a **history of growing nutmeg** which goes back to the 19th century.

Globally, the bulk of nutmeg traded commercially normally comes from Indonesia and the Moluccas islands. The nutmeg grown in Grenada, however, has several **specific and unique quality characteristics which can be attributed to the geographical area of production and to local know-how**.

Additionally, it has a distinctive flavour profile, is low in aflatoxin which is not the case for other nutmeg grown in other countries, and there is no adulteration of the final product.

Grenada nutmeg also has a **global reputation** for being of an extremely high quality. In addition, the **local producers** grow, harvest and process the nutmeg based on **traditional know-how**.

Question: Can Grenada nutmeg be considered an origin-linked product? If yes, explain why.

Answer: Grenada nutmeg can be considered as an origin-linked product.

- The product has a **geographical name**
- It has a **wide reputation** of being a high-quality product
- The quality characteristics are strongly **linked to geographical factors**



This link also covers **human factors** related to know-how on processing the product that has been developed and improved from generation to generation

Some of the IP tools explained in this training module (GIs, trade marks, etc.), could be used to protect and market this product, depending on several other factors related to the product and the value chain.

Part 4: Origin-linked products and marketing strategies

Strategies to differentiate OLPs in the market

Registering an OLP as a protected Geographical Indication allows producers to provide information on the origin and specific quality/characteristics of an OLP, which consumers find useful when making a purchasing decision.

Identifying the product as a GI also acts to brand the product.

GIs are based on a philosophy of collective action. Producers of OLPs then use the GIs as collective signs to promote their products in the market. Therefore, GIs identify the products of a specific quality and characteristics, produced by a group of producers in the geographical area.

This informs interested consumers, and avoids confusion with competitors' products, produced outside of the geographical area.



Challenges to protection of an OLP using GIs tools

- If the producers in the geographical area **do not collaborate or are unable to reach an agreement** on the details regarding the product's main quality features or production methods.
- Conflict with a **prior trade mark**
- The name/sign used may be considered to be **generic**
- **Homonymous** Geographical Indications - GIs spelt or pronounced alike, but which identify products originating in different places.
- If the name to be used is the same **name of a plant variety or animal breed**

Learning exercise

Example of Barbados rum

Barbados rum is **specific and traditional to Barbados** and the **rum producer group has been active for over ten years**, however, they **cannot agree on the common practices** associated with the production of the product.

Over the years, new products have also been developed and placed on the market.

Question: Is a geographical indication feasible in this context?

Answer: The current situation makes it **difficult for Barbados rum to be protected as a GI** because there is a **lack of common vision** among the producers and there is **no consensus on common production** and processing practices.



New products developed will **not qualify for GI protection** but **other IP tools** such as trade marks **can be effective**.

However, if producers were to come together to **agree on common elements** for Barbados Rum specifications and code of practice, **the traditional rum product would be eligible for GI protection.**

Example Jamaica wine

There is a producer in Jamaica who **produces wine from local grape varieties.**

This product is a **new product** and there are **no specific characteristics** to define the product. Additionally, the producer has applied for a trade mark "Jamaican wine".

Question: Can this product be considered as an origin-linked product?

Answer: "Jamaican wine" cannot be considered as an origin-linked product.



Since it is a **new product** and it **does not have any unique features linked to the geographical area of production**, thus there is currently **no reputation** associated with the product.

Additionally, there is a single producer who has applied for a for the trade mark "Jamaican wine". The name "Jamaican Wine" alone, would in most jurisdictions not qualify to be registered as (individual) trade mark, because **the term is descriptive** (composed of words that merely describe a product or that identify the characteristics of a product).

In the future however, if the product gains reputation, specific quality linked to the geographical area of production, and if there are other producers that want to produce the same type of product, an origin-linked strategy which may include application for the GI (or collective or certification marks), bearing in mind the potential limit of the trade mark ownership, if any, by the first producer.