Using Geographical Indications for Product Branding

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Brands and Designs Sector
WIPO
What is a Brand?

- Name, term, design, symbol, or any other feature that identifies one seller's good or service as distinct from those of other sellers. A brand may identify one item, a family of items, or all items of that seller.

- Personality that identifies a product.
What is a Brand?

Consumers

- psychological aspect, brand associations like thoughts, feelings, perceptions, images, experiences, beliefs, attitudes
What is a Brand?

Brand owners

- name, trademark, communications, and visual appearance (industrial design),
- command higher prices
Geographical indications
The common feature? 

- BASMATI
- ROQUEFORT
- DARJEELING
- HAVANA
- TEQUILA

Geographical connotation!
Intellectual Property Tools to build a brand based on origin

- **sui generis** GI laws,
- Collective and Certification marks,
- Modalities focusing on business practices including administrative product approval schemes (special laws)
Distinctive signs: Sui generis GIs and AOs

- appellations of origin,
- controlled appellations of origin,
- protected designations of origin,
- protected geographical indications,
- or simply geographical indications,
Distinctive signs: Sui generis GIs and AOs

- A delimitation of the geographical area
- A description of the product's characteristics, quality or reputation,
- The standards of production
- The link between the product's characteristics and the geographical area
- Verification and control schemes

Right to prevent unauthorized persons from using geographical indications;

ROQUEFORT
SPECIAL LAWS
CRICOVA case
Collective and Certification Marks

- **General Trademark Law**
- May be used by more than one person
- Regulations or standards

**Collective mark**
- Holder: association of producers
- Holder may use the mark
- Control by association

**Certification mark**
- Holder: independent entity
- Holder cannot use the mark
- Control by independent entity
Individual Trademarks

Collective Trademark
Cricova

- The company has more than 50 registered trademarks

Registered by third parties in the United Kingdom, United States of America, Netherland, France, Germany
Designs

- The ornamental or aesthetic aspect of an article
- Shape, surface of an article or two-dimensional features such as patterns, lines or colors.
Cricova designs
Marketing and Promotion

- Brand recognition – essential aspect of marketing
- product, place, promotion and price
- Reputation, image, culture

**CERTIFICATE**

The cellars of the Mileștii Mici winemaking plant in Moldova contain over 1.5 million bottles of wine. The bottles are stored in 55 km (34 miles) of underground galleries excavated in lime mining operations. The first bottle was stored in 1968, and new vintages are added each year.

Keeper of the Records
GUINNESS WORLD RECORDS LTD
Marketing and Promotion

- distribution channels, on-farm sales, producers’ markets, market channels
- agri-tourism, hotels, restaurants, hospitals and schools
Protecting legally a brand based on origin – what for?

• GI is more than just a name or a symbol
• collective, intangible asset
• Enables preventing the unauthorized used of GIs
• Forestall registration of the geographical indication as a trademark by a third party
Protecting legally a brand based on origin – what for?

- Limit the risk of the geographical indication becoming a generic term: common name to designate the product the indication can be used by anyone
Protecting a brand based on origin – what for?

- Preserving Traditional Knowledge

- Origin Based Products
- Traditional Process and Knowledge
- Traditional Cultural Expressions
Traditional Knowledge
- Remains in the public domain

Geographical Indications
- Contribute to TK indirect protection: against misleading and deceptive trading practices
GIs and TK

- GIs benefit indigenous communities
- GIs – tool to create value and enhance the development of rural and indigenous communities
Protecting a brand based on origin – what for?

• Preserving Traditional Knowledge: the “code of practice” or the “regulations of use”, may include a description of a traditional process or knowledge
Conclusion

Regardless of differences in approach, IP tools underline the fundamental value of GIs, properly managed, in –

- helping producers obtain a premium price for their products;
- providing guarantees to consumers as to the qualities of products;
- developing the rural economy;
- protecting local knowledge and strengthening local traditions.
The Lisbon Agreement for the Protection of Appellations of Origin and Their International Registration of 1958

27 Members States
Article 2(1)

“Appellation of origin” means the geographical denomination of a country, region, or locality, which serves to designate a product originating therein, the quality or characteristics of which are due exclusively or essentially to the geographical environment, including natural and human factors.”
The main principle of the Lisbon Agreement

- The States undertake to protect on their territories, in accordance with the terms of the Agreement, the appellations of origin ... recognized and protected “as such” in the country of origin and registered at the International Bureau of WIPO.
### Lisbon Agreement

#### 892 registrations – 818 in force

<table>
<thead>
<tr>
<th>Country</th>
<th>Registrations</th>
</tr>
</thead>
<tbody>
<tr>
<td>France</td>
<td>508</td>
</tr>
<tr>
<td>Czech Rep.</td>
<td>76</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>51</td>
</tr>
<tr>
<td>Slovakia</td>
<td>37</td>
</tr>
<tr>
<td>Italy</td>
<td>31</td>
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<td>Hungary</td>
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<tr>
<td>Georgia</td>
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<td>Cuba</td>
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<tr>
<td>Mexico</td>
<td>12</td>
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<tr>
<td>Algeria</td>
<td>7</td>
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<tr>
<td>Portugal</td>
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<td>Tunisia</td>
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<td>DPR of Korea</td>
<td>6</td>
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<td>Peru</td>
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<tr>
<td>Montenegro</td>
<td>2</td>
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<tr>
<td>Moldova</td>
<td>1</td>
</tr>
<tr>
<td>Israel</td>
<td>1</td>
</tr>
<tr>
<td>Serbia</td>
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</tbody>
</table>

**Total** registered since 1995: 162  
- of which since 2003: 47

**Wines** registered since 1995: 91  
- of which since 2003: 23
Important issues

**Article 3**

Protection shall be ensured against any usurpation or imitation, even if the true origin of the product is indicated or if the appellation is used in translated form or accompanied by terms such as "kind," "type," "make," "imitation," or the like.

**Article 6**

An appellation which has been granted protection in one of the countries of the Special Union pursuant to the procedure under Article 5 cannot, in that country, be deemed to have become generic, as long as it is protected as an appellation of origin in the country of origin.
## (463) NOIX DE GRENOBLE

<table>
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<tr>
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<td>Producteurs ou groupements de producteurs des produits bénéficiant de l’appellation d’origine en cause / Producers and groups of producers enjoying the appellation of origin in question / Productores o agrupaciones de productores de los productos con la denominación de origen en cuestión</td>
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<tr>
<td>Appellation</td>
<td>NOIX DE GRENOBLE</td>
</tr>
<tr>
<td>Publication</td>
<td>N° 2 : 08/1968</td>
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<tr>
<td>Country of Origin</td>
<td>FR</td>
</tr>
<tr>
<td>Nice Classification</td>
<td>31</td>
</tr>
<tr>
<td>Product</td>
<td>Noix / Walnut / Nueces</td>
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<td>Area of Production</td>
<td>Territoire délimité dans les départements de l’Isère, de la Drôme et de la Savoie / Delimited territory within the departments of Isère, Drôme and Savoie / Territorio delimitado en los departamentos de Isère, Drôme y Saboya</td>
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## (80) BORDEAUX

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<tr>
<td>Holder</td>
<td>Producteurs ou groupements de producteurs des vins bénéficiant de l’appellation d’origine en cause / Producers and groups of producers of vines enjoying the appellation of origin in question / Productores o agrupaciones de productores de vinos con la denominación de origen en cuestión</td>
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<td>Appellation</td>
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<td>Nice Classification</td>
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<tr>
<td>Product</td>
<td>Vin / Wine / Vino</td>
</tr>
<tr>
<td>Area of Production</td>
<td>Territoire délimité dans le département de la Gironde / Delimited territory within the department of Gironde / Territorio delimitado en el departamento de Girona</td>
</tr>
</tbody>
</table>
(669) TEQUILA

Number 669
Date 06.03.1978
Holder Gouvernement du Mexique / Government of Mexico / Gobierno de México
Appellation TEQUILA
Publication Nº 12 : 06/1978
Country of Origin MX
Nice Classification 33
Product Eau-de-vie / Spirit / Aguardiente
Area of Production Territoire de l'Etat de Jalisco, territoire des communes de Abasolo, Ciudad Mamele Doblado, Cueramaro, Huanimalo, Pénjamo y Purisma del Rincón, Romita, dans l'Etat de Guanajuato; territoire des communes de Briseñas, de Matamoros, Chavinos, Dulceta, Churintzio, Cotija, Ecuaandaro, Jacona, Iquilpan, Maravatio, Nuevo Parangaricutiro, Numarán, Pajaruarán, Peribán, La Piedad, Régules, Los Reyes, Sahuayo, Tampico, Tampullin, Tepalcatepec, Tepatitlan, Tizapán, Nayarit, Venustiano Carranza, Villamar, Vistahermosa, Yurécuaro, Zamora y Zinaparo, dans l'Etat de Michoacán; territoire des communes de Ahuacatlan, Amatilán de Cañas, Ixtlán, Jala, Jalisco, San Pedro de Lagunaillas, Sta. Maria del Oro y Tepic, dans l'Etat de Nayarit; territoire des communes de Alclaya, Alamán, Antiguo Morelos, Gómez Farias, González, Llera, Mante, Nuevo Morelos, Ocampo, Tula y Xicotencatl, dans l'Etat de Tamaulipas, commune de Marcos Castellanos / Territory of the State

(512) JAFFA JAFFAS

Number 512
Date 17.10.1969
Holder The Citrus Marketing Board, Tel-Aviv
Appellation JAFFA JAFFAS
Publication Nº 5 : 02/1970
Country of Origin II.
Nice Classification 31
Product Oranges Chamouti, oranges tardives, pamplemousses de l'espèce Marsh sans graine et citron saigné / Jaffa oranges, late oranges, Marsh seedless grapefruits and sour lemons / Naranjas de Jaffa, naranjas tardias, pomelos de la especie Marsh sin semillas y limones agrios
Area of Production Oranges Chamouti: la région comprenant la plaine côtière d'Israel qui s'étend de Roche Hanüra au nord à Yad Mordekchai au sud et s'élargit vers l'intérieur d'une profondeur de 25 km. et, en outre, la région située à l'ouest de la route de Sal'ad et s'étendant de Yad Mordekchai à Nahal Oz. Oranges tardives: - 1) la région comprenant la plaine côtière d'Israel qui s'étend de Roche Hanüra au nord à Yad Mordekchai au sud et s'élargit vers l'intérieur d'une profondeur de 25 km. et, en outre, la région située à l'ouest de la route de Sal'ad et s'étendant de Yad Mordekchai à Nahal Oz. - 2) la partie occidentale
• Proposal to open up the Lisbon system to the accession of competent intergovernmental organizations (IGOs);

• Proposal to introduce two separate definitions in the Lisbon Agreement: one for appellations of origin, and the other for geographical indications
**FUTURE WORK**

- Definitions
- Scope of protection
- Prior users
- Applications for trans-border AOs and GIs
- Accession criteria for IGO’s
- to prepare a study on the possibility of dispute settlement within the Lisbon system.