Workshops on Geographical Indications

Development and use of specific instruments to market origin-based agricultural products in African-ACP countries
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ACKNOWLEDGEMENT

This brochure builds upon and partly includes some of the excellent work already published by a number of key international organisations in this field, namely: CTA, FAO, UNIDO, WIPO. We have tried to identify sections where material has been incorporated from these guides, which are then listed in the final section. We highly recommend using these resources for further in-depth information on this topic.
1.1 Why market products based on origin branding?
Many farmers hold valuable assets in their traditional and regional product. These derive from:

- Local production features (e.g. climate, soil) that give a product particular characteristics.
- Traditional and artisanal savoir faire of local producers.
- Biodiversity and genetic resources in crops and animals.
- The indigenous knowledge of producers.

There are many ways to distinguish products in the market place, including company branding and various certification labelling schemes. But of these, linking products to their origin can be one of the most effective marketing strategies available.

Origin-linked products in a general sense can be defined as local products based on a territorial identity and reputation, and/or products based on specific modes of production and whose quality, reputation or any other characteristics are attributable essentially to their geographical origin. The geographical origins can be provinces, states, departments, countries, but also cross-border areas that are culturally, naturally or climatically homogeneous.

In the market place, origin-linked products that have a specific quality, attributes or a reputation linked to the places where they are produced can secure price premiums, provided they are clearly differentiated and identifiable to consumers. Geographical indications (GIs), indications of source and other devices for origin labelling, are the tools that enable the differentiation and help producers access the added value of origin-linked products. They can be specific names or in some countries specific symbols that convey the reputation of the product linked to origin to the consumer.

1.2 What’s in a name?
Any product can be described by an “indication of source”. The indication tells the consumer that the product or service originates in a country, a region or a specific place. It is not necessary for the characteristics or reputation of the product to be due to its geographical origin – any commodity or standardised product can be described by an indication of source.

A “geographical indication” (GI) is a specific name of a product that can apply if it has characteristics or reputation due to its origin. Generic names and names of non-specific products cannot be considered as geographical indications – nor can names of products whose characteristics or reputation are not linked to, or due to, their origin. GIs are equally applicable to the fisheries sector.

GIs can be identified and protected in a variety of ways, including consumer protection laws and trade marks. However, the most effective and useful mechanism is a specific intellectual property scheme for GIs. These systems offer a mechanism to protect the collective intellectual property rights (IPR) in indigenous and regional product. Without access to protection, tailored to their circumstances and needs, few producers can secure the benefit of these rights. The benefits then accrue to downstream operators or are dissipated as product passes into commodity channels.

GIs may therefore enable producers, especially small holders, in developing countries to exercise more control over the marketing of their products, combat counterfeiting, and secure a higher share of the value added by distinguishing their product in the marketplace. The benefits of GI systems have been shown in many parts of the world, notably in countries in Asia (especially China, India and Thailand), Latin America and Europe. The Agreement on Trade related Aspects of Intellectual
Property [TRIPS] administered by WTO includes a requirement for a minimum protection for GIs to be made available in the territories of all member states.

1.3 What’s it worth?
The market for GI products is significant, especially in the United States, Europe and more affluent countries, with the estimated value for sales of GI products worldwide well over US$ 50 billion. The majority of that is for wines and spirits. A number of countries, ranging from the UK (Scotland) to Australia and China to Chile have GI exports in excess of US$ 1 billion. Data suggest that the market value for French GI products is almost €19 billion, or close to 10% of the national food market total value. Agri-food products registered under Italy’s 450 agri-food GIs generate a value of some €12 billion and employ about 300,000 persons, while Spain’s 133 GIs designated products generate approximately €3.5 billion. Food and agricultural products with GIs in seven other EU countries generated value of about €5.2 billion annually.

Of course, not all the sales value of a product sold under a GI can be attributed solely to the GI – by definition, products registered under GIs have certain qualities or reputation, which may be due to the skill and dedication of the producers over many years, and these attributes themselves attract a price premium. However, the data shows that GI-designated products sell for higher prices and have significant overall value. There is no doubt in many cases that the GI both contributes to that value and, equally important, fastens the intrinsic added-value of the name to the product, its producers and its place.

Does this work in Developing Countries?
Economic data on developing countries is harder to obtain, but some estimates do exist. For example, Basmati rice exports in 2007 were about US$ 1.5 billion from India alone and Pakistani exports in 2001 were US$ 250 million. Tequila export sales were estimated at US$ 725 million in 2007 and Blue Mountain green coffee earned US$ 24 million for Jamaican exporters in 2008. A number of coffee and tea origins using GIs add several billion dollars to the trade figures.

A higher selling price is often one of the first aims of supporting a strategy for an origin-linked product. The increased economic returns can facilitate improved marketing and access to new markets – building further on the differentiation of the product. A successful strategy for value-added origin-linked product should allow local producers to participate in markets where they can obtain a price that covers production costs despite the presence of more lower-priced products from outside the area.

### PREMIUM PRICE FROM DIFFERENTIATION

Comparison of prices between origin-differentiated and non-differentiated roasted coffees on international markets August – December 2006 (US dollars/pound).

<table>
<thead>
<tr>
<th>Product</th>
<th>Average retail price</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colombian Supremo</td>
<td>3.17</td>
</tr>
<tr>
<td>Guatemala Antigua</td>
<td>9.92</td>
</tr>
<tr>
<td>Costa Rica Tarrazu</td>
<td>10.07</td>
</tr>
<tr>
<td>Tanzanian Peaberry</td>
<td>10.09</td>
</tr>
<tr>
<td>Sumatra Mandheling</td>
<td>11.14</td>
</tr>
<tr>
<td>Papua New Guinea</td>
<td>11.16</td>
</tr>
<tr>
<td>Ethiopia Harar/Harrar</td>
<td>11.22</td>
</tr>
<tr>
<td>Java Estate</td>
<td>11.28</td>
</tr>
<tr>
<td>Ethiopia Yirgacheffe</td>
<td>11.36</td>
</tr>
<tr>
<td>Sulawesi</td>
<td>11.45</td>
</tr>
<tr>
<td>Kenya AA</td>
<td>11.91</td>
</tr>
<tr>
<td>100% Kona</td>
<td>12</td>
</tr>
<tr>
<td>Jamaica Blue Mountain</td>
<td>29.87</td>
</tr>
<tr>
<td></td>
<td>43.44</td>
</tr>
</tbody>
</table>

Source: Teuber R., 2007
Wake up and smell the coffee!
The table on page 4 extracted from the FAO guide (Box 2, p. 20) shows the price premium attached to coffees marketed on the basis of origin compared with standard product. This illustrates the potential for using origin designations for accessing a higher price point. These names are not necessarily protected as trade marks or under GI systems (e.g. the Ethiopian names are protected as trade marks in the EU and US), but for all these named products, the origin identity is maintained through the trading system and commodity exchanges.

In the case of the Ethiopian Harrar, Sidamo and Yirgacheffe coffees, prior to a government IP protection initiative, Ethiopia was receiving between 5 to 10 percent of the final retail price for its coffees. Against the average final retail price ranging from US$ 48 to 52 per kilogram, the farmers were receiving as little as US$ 1 per kilogram. A trade marking and licensing scheme helped improve the situation: Yirgacheffe farmers’ income doubled in 2007 in comparison with their income in 2006, with estimation that over the years the producers could secure their income at around US$ 6–8 per kilogram. Overall, Ethiopia’s total coffee exports are expected to reach the level of US$ 1.2–1.6 billion compared with US$ 400 million prior to the Initiative.

1.4 Working towards the protection of origin
Progress in protecting GIs in sub-Saharan African and other ACP countries has been slow. Studies have identified successful examples and the potential for development of GIs. Studies also indicate that regional and national branding, could be used to market product That constitutes an important source of income for rural populations (mainly smallholder farmers) in sub-Saharan African and other ACP countries. In some cases the private-rights trade mark systems have been used, which are not easily accessible for producers acting collectively. Also the registration of geographical names as trade marks can present difficulties. In other cases, systems of protection for GIs and/or for traditional and indigenous products of farmers have been initiated, but not fully implemented due to a lack of capacity and knowledge of the mechanism.

Institutions
At trans-regional level in Africa, 2 Intellectual Property Rights (IPR) organisations cover 34 countries in sub-Saharan Africa. The Francophone Organisation Africaine de la Propriété Intellectuelle (OAPI) covers 16 countries in west and central Africa, and the African Regional Intellectual Property (ARIPO) counts 18 mainly Anglophone countries in its membership. OAPI has in place a system for GI protection, managed by its office in Cameroon. ARIPO, at its Council meeting in Accra in December 2011, decided to develop a GI system. ARIPO also signed the Stone Town Administrative Memorandum of Understanding on 26 November 2012 with DG Agriculture and Rural Development of the European Commission, making a commitment to working together to help build capacity and promote the practical use of GIs across Africa.

Collaboration
Under the initiative agreed at the AU-EU College-to-College meeting in June 2011, a workshop on Geographical
indications was organised on 11–12 November in Kampala (Uganda). This workshop brought together government officials and stakeholders to examine the potential and use of origin as a tool for development and the challenges to develop and protect GIs in Africa. In March 2012, under the framework of the Joint Africa-EU Strategy, it was agreed to take forward development of GIs to contribute to improving the value adding for farmers in Africa by developing a series of workshops to raise awareness on GIs in Africa.

1.5 Aim of Workshop

- To study practical ways of developing GIs and protection systems in sub-Saharan African countries by enhancing capacity building (public administration and farmers).
- To connect all stakeholders in the supply chain (such as farmers, processors, traders and exporters).
- To raise awareness of GIs and identify potential for marketing under origin-linked names or GIs, as well as creating a strengthened network for information sharing among stakeholders.

Discussion:

- What are the nature and benefits of GI IPR protection? What are the key challenges?
- What is the role of intellectual property offices and national policy in your country?
- Which products in your country can be identified for marketing under origin-linked names or as potential GIs?
- What roles can different institutions dealing with the agricultural sector play? (ministry, agency, research and development ...)

SECTION 2
Protecting rights: The legal framework

2.1 Indication of Source vs. Geographical Indication

Indications of Source
According to the World Intellectual Property Organization (WIPO) an indication of source means any expression or sign used to indicate that a product or service originates in a country, a region or a specific place. They can therefore cover a broad scope and do not contain any intrinsic reference to a specific quality or reputation.

Source indications may be useful tools to market product and geographical provenance. Two international agreements (the Paris Convention for the Protection of Industrial Property and the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods) use the term indications of source, although neither gives a formal definition.

Geographical Indications (GIs)
GIs are defined by the TRIPS Agreement in 1994 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”.

<table>
<thead>
<tr>
<th>QUALITY CHARACTERISTICS/REPUTATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>NO CHARACTERISTICS &quot;ATTRIBUTABLE TO ORIGIN&quot;</td>
</tr>
<tr>
<td>ESSENTIALLY &quot;ATTRIBUTABLE TO ORIGIN&quot;</td>
</tr>
<tr>
<td>EXCLUSIVELY</td>
</tr>
</tbody>
</table>

| GEOGRAPHICAL INDICATIONS |
| INDICATIONS OF SOURCE |
| GENERIC PRODUCT |
| SPECIFIC PRODUCT |
Section 2: Protecting rights: The legal framework

2.2 Control over origin-linked names

Let us look now at three main ways for providing protection of origin-linked products:

A. Labelling Laws and Listing Schemes

Names of origin-linked product and geographical indications may be protected through certain laws that focus on business practices, such as laws relating to the repression of unfair competition, consumer protection laws or laws on the labelling of products. These laws do not create an individual industrial property right over the GI. However, they indirectly protect GIs insofar as they prohibit certain acts that may involve their unauthorized use. (WIPO)

Some countries and regions have in place schemes listing the names of origin-linked products as having a reputation or traditional qualities. These are mainly marketing and publicity schemes and have no specific

<table>
<thead>
<tr>
<th>GIs are ...</th>
<th>Comments for agricultural, fisheries, and foodstuff product</th>
</tr>
</thead>
<tbody>
<tr>
<td>... indications</td>
<td>names of places compound names other names and non-geographical names are possible logo, graphic or visual representation</td>
</tr>
<tr>
<td>... which identify a good ...</td>
<td>the indication must be understood by the consumer to describe a specific product</td>
</tr>
<tr>
<td>... as originating ...</td>
<td>the indication must show the consumer that the product has a particular origin</td>
</tr>
<tr>
<td>... in the territory of a country or region or locality</td>
<td>in a geographical place</td>
</tr>
<tr>
<td>... where a given quality of the good ...</td>
<td>specific chemical composition (sugar level, acidity, ingredients), physical attributes (size, shape, colour, texture, appearance ...), microbiological, organoleptic, etc.</td>
</tr>
<tr>
<td>... or reputation of the good</td>
<td>the public knows of the specific product originating in that place (agronomic literature, newspapers, books, consumer survey ...)</td>
</tr>
<tr>
<td>... or other characteristic of the good</td>
<td>other characteristics possible – such as traditional or indigenous knowledge</td>
</tr>
<tr>
<td>... is essentially attributable to its origin.</td>
<td>the quality or reputation must be due to its origin. There is a link between the product and its original place of production. the “essentially attributable” link can be due to environmental factors and/or the traditions or skills or know-how of the local/indigenous population. The link to origin must be demonstrated or justified</td>
</tr>
</tbody>
</table>
Section 2: Protecting rights: The legal framework

Protection attached to the listing. However, by publicising the product and its association with the region, these lists of regional products can help to consolidate the reputation of the origin-linked product.

**B. Trade Marks**

Some countries protect origin-linked names and GIs under trade mark law, more specifically through collective marks or certification marks. This is the case, for example, in Australia, Canada, China and the United States of America.

Trade marks are “distinctive signs whose purpose is not to protect an invention but to distinguish products for consumers and vis-à-vis competitors” protected by intellectual property law. Article 15.1 of TRIPS gives a definition of the trade mark: “Any sign, or any combination of signs, capable of distinguishing the goods or services of one undertaking from those of other undertakings, shall be capable of constituting a trade mark”.

A trade mark provides its owner with an exclusive right to designate products and services, or to authorize another entity to use it, usually but not always in return for payment. The length of the protection varies (approximately ten years), but a trade mark can be renewed indefinitely on application and payment of a renewal fee.

To be considered as a lawful trade mark, a chosen sign must be, inter alia:

- **Distinctive**: the sign must distinguish goods and services from other goods and services in the same category. In general, geographical names are likely to be considered non-distinctive and be ineligible for registration as trade marks.
- **Non-deceptive**: the sign must not be of a nature that can generate confusion among consumers, including confusion as to origin.

There are basically three legal forms of trade marks:

1) **Individual trade marks**: owned by a single specified natural or legal person. They apply to particular firms or other single organisations, and as such, are restrictive as they do not give rights to new producers within a geographical zone to use the registered name without the consent of the owner;

2) **Collective trade marks**: owned by a public or private group of more than one legal entity (e.g. trade association) and commercial use of them is made via membership of the group. These trade marks are mainly used to guarantee product characteristics – such as geographical origin;

3) **Certification mark**: the property of a group which does not trade in the relevant product itself. Certification marks indicate that products have been produced subject to given standards which may include a geographical region of production. A certification mark is the instrument that “comes closest to the one established in Roman law countries regarding appellations of origin” (OECD, 2000).

Further Information:

What is meant by a *collective mark* or *certification mark* (or, in some countries, guarantee mark) differs from country to country. However, a common feature of these types of marks is that they may be used by more than one person, as long as the users comply with the regulations of use or standards established by the holder. Those regulations or standards may require that the mark be used only in connection with goods that have a particular geographical origin or specific characteristics.

In some jurisdictions, the main difference between collective marks and certification marks is that the former may only be used by members of an association, while certification marks may be used by anyone who complies with the standards defined by the holder of the mark. The holder, which may be a private or a public entity, acts as a certifier verifying that the mark is used according to established standards. Generally, the holder of a certification mark does not itself have the right to use the mark.

Protection for GIs registered as collective or certification marks is provided for under general trade mark law. In other words, protection is afforded against use in the course of trade by third parties without the owner’s consent, of identical or similar signs for identical or similar goods, where such use would result in a likelihood of confusion. (WIPO, GIs an introduction)
C. Geographical Indication System

Any of the systems referred to above can be used to identify and/or protect a GI – general labelling rules; a regional list of local or traditional product; or a trade mark. A specific or sui generis GI protection system is one that both identifies GIs (by definition non-GIs cannot be registered) and provides specific IP protection to them. The elements of a GI system are summed up in the box.

Elements of a GI system:

1. A list containing geographical indications protected in the territory.

2. An administrative process verifying that geographical indications identify a good as originating in a territory, region or locality of one of the parties, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.

3. A requirement that a protected geographical indication shall correspond to a specific product or products for which a product specification is laid down, which can only be amended by due administrative processes.

4. Control provisions applying to production.

5. Enforcement of the protection of geographical indications by appropriate administrative action by the public authorities within the structures and norms that apply to such names.

6. Legal provisions laying down that a protected geographical indication:
   a. may be used by any operator marketing the agricultural product or foodstuff conforming to the corresponding specification;
   b. is protected against:
      − any direct or indirect commercial use of a protected geographical indication for comparable products not compliant with the product specification of the protected name, or in so far as such use exploits the reputation of a geographical indication;
      − any misuse, imitation or evocation, even if the true origin of the product is indicated or if the protected name is translated, transcribed, transliterated or used together with words such as “kind”, “type”, “style”, “imitation”, or similar words or expressions;
      − any false or misleading indication as to the provenance, origin, nature or essential qualities of the product, on the inner or outer packaging, advertising material or documents relating to the product concerned, and the packaging of that product in a container liable to convey a false impression as to its origin;
      − any other practices liable to mislead the consumer as to the true origin of the product concerned.

7. A rule that protected names shall not become generic in the territory of the Parties.

There is no limit to the product list that can be covered by GIs. However, by the nature of the link to the territory most systems of GI protection focus on agricultural product, fisheries product, foodstuff, handicraft, traditional product and other rural product and forestry product. Products of mining have also been included in GI systems.
2.3 Choice of Legal Instrument
Choosing the appropriate system for protection and promotion of an origin linked name or GI depends on a number of factors:
• Organisation of the producers, which usually implies a collective approach.
• Production capacity of producers to adhere to a specification - if this cannot be guaranteed to be met by all producers or met each year (depending on the climate), then a certification trade mark or GI that depend on conformity with a specification may be difficult to follow.
• Resources to exploit the name and origin-linked identity in the market place.
• Proving and maintaining link to origin.
• Control requirements or regime.
The modes of protection for GIs do not necessarily apply on a mutually exclusive basis. In some jurisdictions, it is possible to combine different means of protection. Thus, a GI can be protected through a sui generis system, and also as an individual or a collective trade mark. A trade mark may be used to protect the product label, which can include the GI and an additional figurative element affixed to the product to indicate to consumers that it complies with the product specifications for the appellation of origin. (WIPO)

Discussion:

- What are the advantages and disadvantages of the different systems?
- How do you think origin-linked products can best be protected and promoted in your country?
- Would it work to follow a combined means of protection in your country?
SECTION 3

The Producers: Development of a GI specification

This section covers three elements which are fundamental to the development of a GI specification:

• Forming producer groups
• Product specification
• Product Control

3.1 Ownership and Producer Groups

Origin-linked indications and geographical indications are collective instruments: they describe a product produced by many producers and are usually managed or owned by a collective group. GI and trade mark registration systems should also be open to receiving an application from a single applicant, but the system must take care to ensure that a single entity cannot deprive other legitimate producers and users from using the GI or indication of source.

Forming a group can be a vital step to developing a GI and can function in a number of ways:

• Ensuring standard production and quality of the product – managing the product specification.
• Marketing the product and representing the product to consumers and authorities.
• Protecting the product name.
• Through coordination among producers.
• Developing rural activities around the product.

What kind of group?

There is potential for a number of actors to get involved:

• farm union
• cooperative
• consortium
• specific group of producers who come together to create the GI
• local community (e.g. village)
• municipality/regional authority
• marketing board or commodity exchange
• processors of the product
• traders and distributors (e.g. persons selling product to consumers)
• informal association or single operator
In working together to develop and apply for a GI, it is vital to develop a system which allows all stakeholders to be involved, without each one of them being able to stop a project. This will require a robust opposition procedure – to allow all interested parties to have their views heard and taken into account. This is a key issue. The FAO in Linking People, Places and Products, identifies (page 98–102) the following key principles for a GI organisation: representativeness of the management board; transparency and democracy in its decision making; equitable financial contribution from members on the basis of costs and benefits; participation with the administration; and a focus on communication and networking.

Origin Consortia are voluntary alliances of individual producers, companies or cooperatives in the same value chain whose aim is to “create” and promote a quality product with high added value. A consortium can group economic operators from one or various links of the territorial value chain. Such a consortium is not usually commercially active; therefore members can maintain their financial and legal independence and preserve their freedom of commercial, technical and administrative action, within the framework of not affecting the good reputation of the product and the success of the joint valorization strategy. (UNIDO: Origin consortia. June 2011)

UNIDO suggests 10 actions for getting an origin consortium to act on a GI:

1. Analysis of potential of the traditional product
2. Promotion of the initiative at the regional level
3. Creation of initial group and definition of objectives
4. Initial structuring and first base of trust
5. First pilot actions
6. Long-term strategy
7. Territorial marketing, quality and visibility
8. Legal constitution, appointment of manager
9. Obtaining collective label and certification
10. Growth of consortium, monitoring and evaluation
### 3.2 Product specification

**Identifying and describing the product(s) and names**

A product specification is a description of the characteristics and production method for the origin linked product. In the case of a GI a product specification has legal significance as only product corresponding to the specification is entitled to use the GI. For a GI, the product specification ensures that the product meets the requirements contained in the TRIPS definition of a GI. The following are the elements of a GI product specification:

| GIs name | The only requirement for a name to be a GI is that it identifies the product as having a specific origin. A GI is often a geographical name or contains a geographical name. Non-geographical names can also be GIs – provided they identify to the consumer product coming from a specific geographical zone. Some names of GIs should not be protected if they have become widely used as:
|          | • the name of a plant variety or the breed of animal that is used outside the original zone, and use of the name as a GI would confuse consumers;
|          | • generic names (meaning the common name of a product that has lost its geographical association);
|          | • private trade marks that are well known and long used so that the consumer would be misled as to the identity of the product if the name were also registered as a GI. In other cases, the earlier trade mark and the GI can “coexist” meaning both can be used on the market. |

| Description of the agricultural product or foodstuff | The description should be precise and scientific. It describes the specific product as it is produced in the region. The description must be realistic and cover the range of production intended to be covered by the GI, including any variations allowed. At the same time, the description should exclude product that does not reach the standard to be covered by the GI. If relevant to the specificity of the product and its link with the geographical area, other elements can be included:
|          | • the production method
|          | • feeding regime for livestock
|          | • plant varieties and animal breeds used
|          | • traditional practices. |

| Description of the geographical area | Describe the geographical area in detail, by reference as far as possible to physical boundaries (e.g. rivers, roads) or administrative boundaries. It must be clear to a farmer and to an inspector whether each individual field is in the area or outside the area. Include its boundaries and particular geographical and environmental features. The geographical area must be delimited with regard to the link between the place and the product. A map may prove useful. |

| Link between a specific quality, the reputation or other characteristic of the agricultural product or foodstuff and the geographical origin | The link with the geographical area is the essential product specification. It comprises 3 elements:
|          | • Specificity of the geographical area (environmental conditions and skills of the local producers) relevant to the production;
|          | • Specificity of the product Identity and describe what makes this product special compared to similar products.
|          | • Causal link between the geographical area and the quality or characteristics or reputation of the product. |
Identifying potential for the product

Consideration of the extent to which the product meets these 15 criteria, developed by UNIDO (Cairo Workshop, 9/10/2012, Nuria Ackermann), may help to identify its economic potential.

<table>
<thead>
<tr>
<th>Criteria</th>
<th>score</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Traditional product</td>
<td></td>
</tr>
<tr>
<td>2. Producers have a socio-economic, cultural, ecological need on promoting the traditional product</td>
<td></td>
</tr>
<tr>
<td>3. Market potential</td>
<td></td>
</tr>
<tr>
<td>4. Possibility to produce big quantities</td>
<td></td>
</tr>
<tr>
<td>5. Homogeneity of the producers (size, management capacities, production techniques, distribution channels)</td>
<td></td>
</tr>
<tr>
<td>6. Reduced size of the production area, but with possibility to create economies of scale</td>
<td></td>
</tr>
<tr>
<td>7. Experience of collaboration among producers</td>
<td></td>
</tr>
<tr>
<td>8. Existence of support institutions assisting the producers</td>
<td></td>
</tr>
<tr>
<td>9. Adequate product quality at a regional level</td>
<td></td>
</tr>
<tr>
<td>10. Cultural identity, traditions, landscape linked to product</td>
<td></td>
</tr>
<tr>
<td>11. Good reputation of the product</td>
<td></td>
</tr>
<tr>
<td>12. Unique product – natural, climatic and know-how resources</td>
<td></td>
</tr>
<tr>
<td>13. Region has a positive image and coherent historical, political, geographical, cultural, etc. factors</td>
<td></td>
</tr>
<tr>
<td>14. Region is a (potential) tourist destination (nature, culture)</td>
<td></td>
</tr>
<tr>
<td>15. Proximity to areas of commercial activity</td>
<td></td>
</tr>
</tbody>
</table>

**Total (out of 150)**
3.3 Controlling the production

Systems of control on production are needed to offer guarantees to the consumer that the product has been produced in accordance with its specification and has the origin claimed on the label. Control systems that need to verify a multiplicity of production elements, including activities that take place at different times of the year, can be burdensome and costly. So the control system is a factor to take into account in the design of a product specification.

Two elements need to be taken into consideration:
- What aspect of the product is being controlled?
- What is the appropriate system of control?

What is being controlled?

A. Origin and Traceability

For an origin-linked product this is the fundamental verification that is needed. The control plan should identify the level to which the verification is needed: to the individual farm or local community; or to a bulking-up centre, like a packing station; or to the province/country concerned. The normal distribution chain is likely to preserve origin in a general sense, which may be sufficient for a product being sold under an indication of source.

B. Specific Quality of Final Product

If the product specification lists a specific quality (such as the moisture content, protein content, or size colour and texture, or variety of plant), this needs to be verified. Elements that can be verified in a laboratory on the final product can be verified away from the farm or cooperative, for example at a washing or packing station.

C. Production Method (process activity)

Verification of the production method (such as cultivation technique, use or non-use of pesticides, cultivation activities at certain times of year), necessitates controls to be in place at the production level. This can be on-farm or wherever the activity that is being controlled is taking place.

What is the appropriate system of control?

The different verification systems (FAO, People, places and product, 2nd edition 2010, page 74)

A first-party verification consists of guarantees provided by producers themselves, based on auto controls (by individual producers) or internal controls (by the GI producer organization). Without other external controls, this self-verification system means the producers take responsibility for the reliability of quality attributes. They can sign a formal document (the self-attestation) either individually or through the GI association. Social sanctions and trust relationships based on cultural and geographical proximity contribute to making sure that the rules are respected. Self-verification works when the production system is mainly composed of small-scale agricultural and artisan producers directly selling on local markets.

A second-party verification system involves a trade agent who verifies that suppliers comply with the product specification requirements. Many retailers are using second-party verification systems, also for GI products. The degree of effectiveness of this system depends largely on the agent’s reputation.

A participatory guarantee system is based on the active participation of stakeholders, both internal and external to the GI value chain (even consumers) and is built on a foundation of trust, social networks and knowledge exchange. Such an alternative is entirely realistic in the context of the small-scale farms and local direct markets. This can be managed by a local association of stakeholders (including producers, local authorities and buyers) which carries out its own GI supply chain control.

A third-party certification system involves an independent and external body (private, public or joint public-private) without direct interest in the economic relationship between the supplier and the buyer and which provides assurance that the relevant requirements have been followed. Standards for certified products are now recognized worldwide (independent third party certification – ISO/IEC 65). All countries participating in international trade and negotiations, are establishing, or have established, a national framework for guarantee systems which complies with these international standards (official accreditation service, certification bodies, etc.) for products to be exported. This trend is prompted by requests from traders, retailers and consumers, especially in developed countries.
Discussion:

- What are the challenges involved in forming producer groups?
- What are the potential difficulties in preparing a product specification?
- Who is best placed to prepare a specification?
- How can differences of view about the extent of the geographical zone or about the production requirements be resolved?
- How can controls of origin-linked products be linked to other government or private control systems in place?
- What are the costs implications of different control systems?
- What are the implications for the design of the product specification of the control systems?
SECTION 4
The Administrators:
Light administration of an origin-linked or GI scheme

4.1 Legal devices for protection
Any of the legal regimes devised for identification and protection of an origin-linked indication need an administrative framework.

Trade mark systems are well known and widely used. They are managed by an office of a government department or a government agency tasked with receiving, examining, registering and making public trade marks. However, trade marks can refer to many attributes of a product, and do not intrinsically identify origin linked product or geographical indications. For these a specific system is needed that provides for the management of officially recognised indications of source and particularly for geographical indications.

Any system needs to serve the needs of the stakeholders who use or have reference to it. In particular in the case of a geographical indications system, the registration of a name will allocate legal rights over use of the name to some operators and deny the names to other operators. While there is no definitive model for an administrative system, it would normally cover the following functions:

1. Receipt of applications from producer groups
2. Assessment of applications
3. Publication of applications for opposition
4. Final assessment of an application
5. Registration

In some countries a two-stage process is used for registration of geographical indications: first, assessment by regional authorities and then by the national. An assessment may involve different departments, for example the agricultural department to assess an application and an intellectual property office to manage oppositions and registration of the names.
In the EU, a two-stage process is used: a first assessment and opposition is conducted by Member States of the EU, before submitting applications to the European authorities (the European Commission) for checking and running opposition at EU level.

4.2 Receipt of applications from producer groups
The administrative system must identify who may file an application. This can either be:

- **restrictive** – for example only a specified group or consortium can apply. The advantage is that the producers must be organised into a consortium and so the project has a better chance of being a success. The disadvantage is that it may take many years and resources for the group to be formed. Certain participants may hold an effective veto over formation and so block the process.

- **open** – allowing any person to apply (normally producers or traders who have a direct interest in the protected name). In this case the opposition process will be essential to ensure that all stakeholders can have their views and interests represented.

Administrative fees are common for applications for intellectual property rights and allow the authorities to recover costs and so help provide a service. While a fee can be a disincentive for producers with limited access to resources, without fees the administrative system can be under strain from resource constraints in the public sector.

Producers may consider they need to have professional assistance to submit an application, for example from a legal advisor. The administrative system should be clear enough to allow producers to submit applications themselves, but also allow for agents and representatives to apply on their behalf.

An application should normally comprise:

1. Details about the applicant (e.g. the producer consortium) and contact details
2. The product specification:
   a. The name of the geographical indication or origin-linked product proposed for registration.
   b. Technical description of the final product.
   c. Description of the farming and production process of the product.
   d. Definition of the geographical area, including a map of the production zone, if possible.
   e. (GIs only) Causal link: For GIs, the key factor distinguishing a GI from any other origin-linked name (like an indication of source) is the link with the geographical area.

3. Proof of the origin in the geographical area concerned: list of the production steps that must take place in the identified geographical area.

4. The control body, or control system, used to verify or audit the production process.

On receipt of an application, a quick assessment should be made to check that the application is admissible, i.e. that all the information required has been submitted. This is not a qualitative assessment and is only to check that some information is provided in each section, not whether it is sufficient for registration.

4.3 Assessment of applications
Checking and approving applications requires administrative resources. It is essential not to build a system that is too heavy to operate where there is not a realistic prospect of securing the administrative resources necessary. To an extent the lightness or heaviness of the system depends on how detailed the requirements are and the extent of legal protection intended to be given to the name:

- An indication of source may have no specific protection for a group of producers. It could be necessary to ensure the product originates from the region claimed in order not to mislead consumers, but a detailed verification of the production method is unlikely to be necessary.

- A trade mark needs to be checked for formal and substantive requirements. The latter includes elements like distinctiveness of the sign (this could be a name, device, logo etc.). Trade mark systems often rely on the opposition procedure – requiring other operators to make their views known if they detect a deficiency in the application.

- Registration of a GI will convey to consumers that the product has certain characteristics and will protect the registered GI exclusively for producers of the specified product. This implies these elements should be verified prior to registration.

Checks can be made by administrators and by using the opposition process. Once a name is published for opposition, stakeholders can make their views known by filing observations and oppositions to registration. In this way the administration can in effect use the private sector to help analyse the dossier.

In checking the specification, particularly the agronomic and geographical aspects, the department responsible...
for the process can have recourse to technical expertise, for example from:

- Local/provincial authorities
- Ministry of agriculture or fisheries
- Commodity board
- External contractor
- Use of transparency and public consultation (which may need to be arbitrated)

### 4.4 Checking the production control system

The choice of the control system depends on the nature of the legal protection and use intended for the name of the origin-linked product. For indications of source that are not specifically protected a self-managed control system may be sufficient.

For GIs in international trade, a system of third party controls is needed. This must be compatible with ISO standards (for example ISO/IEC Guide 65 on General requirements for bodies operating product certification systems). In national or regional trade, a lighter system or even a self-managed system might provide the necessary controls, depending on national policy choices.

### 4.5 Checking the validity of the name

In addition to checking the validity of the name – for a GI the name must identify the specific product – the administrative system must ensure that the rights of prior users of the name are upheld. This is normally done through the opposition process. The name and possibly a summary of the specification is published in an official gazette and operators are given a time period in which to submit observations or oppositions to the proposed registration.

In relation to the prior uses of the name, the grounds for an opposition may include:

- The name is that of a variety or animal breed and used to refer to product of that type and not specifically from the region claimed;
- The name is generic – a common name for a type of product
- Rights in the name are already held by another operator (e.g. trade mark rights)
- The name or a homonymous name is already registered for another product – for example coming from a region having the same name as the region in another country
- Other operators have already used the name for different product, although they do not have trade marks.

Once the oppositions are received the claims must be assessed. An opposition may not necessarily prevent the registration of a name as a GI or other origin-linked name. For example if there is a prior trade mark, the administration can provide that the trade mark and the GI can “coexist” – both are used in the market. A prior use of a name that is not protected as a trade mark could be permitted to be used for a temporary period after a GI is registered.

### 4.6 Registration

Once the administrative process and oppositions have been addressed, and provided the name is successful in the examination process, it can be entered in the GI register or list of origin-linked products.

The register should be publically available and contain the precise name that is registered or listed, in its language(s) of registration.

For GIs, extracts from the register or certificates of registration should be available for producers to display and use in marketing campaigns.

### 4.7 Enforcement in the marketplace

In common with agricultural standards and product protection, the authorities should provide enforcement for origin linked names. This is necessary to ensure that consumers are not misled and producers holding the rights in the names are not undercut by non-originating product utilising the name.

The administrative authorities should provide enforcement commensurate with their capacity and level of enforcement given to other similar labelling claims and intellectual property rights. A trading board or auction house will quickly lose reputation if product is not of origin or standard claimed, so it is necessary to control the quality and origin of product.

For GIs, an administrative system of enforcement is an important feature. Even if there are problems and misuses result, it is also crucial that the legal system allows GI rights to be enforced at a later date – that non-enforcement does not lead to acquiescence.

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**Discussion:**

- What public administration is needed to manage GI registrations?
- What control mechanisms including private sector controls are needed for effective GI systems?
5.1 Is there consumer demand for GIs?

The demand for high quality attributes in food products has been increasing in recent years due to consumers’ interest in food safety, health, and the environment. They consume a wider range of products: they are less concerned with quantity and more with quality. And as the source of food becomes more distant both geographically and culturally, consumers tend to want to be reconnected with agriculture and the place their food comes from.

Regional products that are guaranteed to come from a specific area and are made in a particular way are one way to build trust among consumers. Food can carry values and link producers of a particular origin with consumers. These ties simply do not exist with manufactured products such as shoes or soccer balls – where the emotional link between consumer and product may be as strong, but it is with the brand-owner or the patent-holder, but rarely with the workers who made the product nor with their region.

But in order to demonstrate food product quality, differentiation, and safety, communication of this information is crucial. Informative food labels can help to promote market incentives and highlight product attributes that may be desirable for specific niche markets, conveying significant information to consumers in a simple manner.
5.2 What do EU Consumers think of Origin-linked Products?
The demand of EU consumers for quality and origin is clear, with a 2005 poll of 25,000 people revealing that these issues are of great importance to European consumers. Furthermore, according to a Eurobarometer poll, almost half of the European consumers surveyed claimed to be willing to pay a price premium for being guaranteed the origin of the product.

**EU Poll Statistics:**

- 37% think of GIs as a guarantee of origin
- 37% think of GIs as a guarantee of quality
- 56% think of GIs as a guarantee of place and method of production
- 17% associate GIs with tradition

European consumers’ willingness to pay price premiums:

- 43% were willing to pay up to an extra 10% for GI products
- 8% were willing to pay up to an extra 20% for GI products
- 3% were willing to pay up to an extra 30% for GI products

5.3 What do Consumers in Developing Countries think of Origin-linked Products?
There is also evidence of consumer preferences for regional products in developing countries, even though these are generally not labelled as such. A recent study showed urban consumers in Vietnam identify up to 265 ‘local specialty’ food products that associate the place of production with the expectation of a higher quality. Market data on coffee in Costa Rica show that customers in supermarkets and small shops alike rank place of origin as the first criteria that determines coffee quality. A review of local foods and the expertise of preparing it in West Africa shows the relevance of these foods for women’s employment and income generation, as well as their broad spread in urban diets, including restaurants and street food vendors.

5.4 Consumers need clear information on logos if they are to understand them
The logo can also facilitate communication and trade in a region, especially across language boundaries, provided it is primarily visual.

Once a scheme is in place, with criteria for inclusion of a product, the creation and optional marketing of a logo is a logical step. However, it is essential that the logo is not presenting a false impression to consumers or it risks to be discredited. For GIs, a logo for inclusion in the GI register is an evident bonus given the quality criteria that must be fulfilled for inclusion in the register. For indications of source however, the case for a logo is less persuasive.

Studies show that consumers see the regional certification labels as a guarantee of quality, as well as believing that they would support the local economy by buying these products. This results in a higher willingness-to-buy and willingness-to-pay. However, the results also stressed that just having the GI label, without additional information from the vendor, has no positive impact on perceived quality of the product. Providing information on the meaning of food labels – i.e. the story behind the product – changed in an economically important way consumers’ willingness-to-pay for a certain product.
Elements to consider for a logo:
• Visually simple and relevant
• Available in colour and black-and-white
• Optional or compulsory use
• Verification and controls: Can the logo be protected as a figurative trade mark?
• The logo does not over-sell or misrepresent the product’s characteristics
• Use of the logo is conditional on clear criteria, e.g. that the product name is entered in an official GI register; it is only used in relation to the product and not used to indicate a derived product.

5.5 Better labelling
The packaging and labelling contributes to value creation. Labelling provides important information about product characteristics (composition, nutritional facts, description of how to use the product), and about specificity related to the origin-linked product. Information can be given that reinforces the image of the product’s attributes; for example, information, on the specificity of the production process and on natural resources used in it, the know-how, the link with the culture of the production area, etc.
A label can also suggest possible utilization of the product in culinary preparations by non-expert consumers; for example, providing traditional recipes, suggestions for conservation, and so on. This can facilitate usage by consumers and increase opportunities to buy and consume the product.
In protecting a GI that may be used as an ingredient in other products, particular consideration is needed of the labelling. On the one hand, producers who use top-quality (and sometimes expensive) GI ingredients in a processed product want to tell consumers about these attributes of the final product. They can do this by referring to the GI on the label of the final product: “made with [name of GI],” etc.
On the other hand, deceptive practices should be prevented – for example using an insignificant quantity of the GI, bulked up with a larger quantity of a cheaper product. If the final product has no real characteristic “due to” the presence of the GI, the use of the registered name should be prohibited.

In general terms, laws on not misleading consumers should be sufficient to regulate this situation.
A strategy for positioning origin-linked product is to associate it with another differentiation label such as “fair-trade” or “slow food”, or to participate in national or international food fairs.
GIs that are protected in their home country can be protected also in countries of export destinations. For the EU market, it is important to note that as well as meeting the criteria for a GI, a third party control system compliant with the ISO 65 standard is needed.
Trade marks can also be protected in export markets.

5.6 Consumer support: example of Slow Food
As described in the FAO guide (box 7 p.44), Slow Food is an international association, operating since 1986, to safeguard the international oeno-gastronomic heritage through the enhancement of typical products and the promotion of agrifood quality and taste education of consumers. The Slow Food Foundation for Biodiversity was born in 2003 with the objective to protect agricultural biodiversity and the folk as well as food traditions in the world. More specifically, the Foundation is active in the realization of the following projects:
• the Ark of Taste, an inventory of traditional quality agrifood products that are disappearing.
• Slow Food Presidia, specific projects created to protect small producers and save plant species, animal breeds and quality folk products.
• The Earth Markets, focused on small-scale producers of origin-linked quality products, which offer an important commercial opening to local communities.

Every two years Terra Madre allows producers from all over the world and operators of the sector (cooks, academics, journalists; 167 000 visitors in 2006) to meet and raise awareness of their food products and sample other food products during the Salone del Gusto.

Discussion:

- How can product best be marketed on the strengths of its origin and local production?
- How can GIs be used as a tool to best exploit indigenous, traditional, speciality, and renowned products in national, regional and international markets?
SECTION 6
The Rural Community: How GIs support traditional knowledge, indigenous farmers’ rights, and rural development

6.1 Rural Development
A number of studies indicate how effectively GIs can contribute to development in rural areas. By linking the value-added of an origin-designated product to the geographical place, economic, social and environmental benefits that flow from the product and its production cannot be delocalised. These include:

- Maintaining and/or increasing local revenues and local employment in the different stages of the production process (production, processing, distribution).
- Securing jobs in production and associated activities so that local people to stay and live in the production area.
- Preserving the environment and biodiversity, insofar as it is linked to the product.
- Maintaining traditional farming with its potential positive contributions to the landscape, favourable habitats for biodiversity and soil preservation.
- Maintaining traditional processing systems and recipes.
- Keeping alive local traditions and local culture related to the product.
- Promoting the region as a whole through a ‘regional brand’, contributing to tourism and gastronomy.

A word of caution is, however, needed. The mere fact of developing a Gi for a product does not guarantee automatic success or development for the region. For GIs to contribute to development, the specific Gi scheme must be carefully designed to ensure economic, social and environmental sustainability.

6.2 Contribution to the Economy
Traditional products can obtain a good added-value with little investment in promotion/marketing and there is no need to create new products, as promotion is generally collective. Considering the different cost structures, traditional products may not be more expensive for consumers than innovative industrial products which require high research and development and advertising investments to enter markets.

Coordination of small-scale actors (horizontal and vertical relations along the supply-chain) of a traditional product both strengthens the local organizations and allows local actors to compete with integrated firms, thus realizing another model of reduction of the transaction costs rather than the mere vertical integration, and opportunity for public-private sector collaboration.

GIs can of course play a fundamental role in either increasing or maintaining rural employment and local revenues. In areas where mechanization is difficult or costly, such as mountainous areas, traditional production methods may be the only way to maintain activities and some employment. Production and supply costs of traditional products are generally higher than those of competitive industrial products; that is why their specific quality should be recognized and the consumer should be informed about their characteristics. Information on quality needs to be correctly shared throughout the market (individual consumer’s knowledge, official quality labels and regulations on claims).
6.2 Contribution to Local Society

Some origin-linked products have been produced for a long period in the same social and cultural environment, the result of traditional processes and knowledge carried forward by a community from generation to generation. Some products identified by a GI may embody characteristic elements of the traditional artistic heritage developed in a given region, known as "traditional cultural expressions" (TCEs). Geographical indications may therefore help to preserve and protect traditional knowledge and traditional cultural expressions.

The link between product, people and place often involves work undertaken by women, thus giving positive social and economic recognition to their work and providing an opportunity for their involvement in the creation of added value on farms or in small-scale factories (FAO guide, 2010, p. 23).

So protecting origin-linked products can acquire a strong social dimension, related to the preservation of the natural and cultural heritage, traditions, know-how and lifestyle in marginal areas which are an important part of the population's local identity. The development of origin-linked products can constitute the basis for a territorial quality strategy, where stakeholders are not only the supply-chain operators but also cover a large network involved in other economic activities and cultural values. The collective dimension of the origin-linked product contributes not only to strengthening social linkages between local actors, but also those with external stakeholders at the territorial level, such as public authorities, tourism industry, schools, etc.

6.3 Contribution to the Environment

For centuries, local communities have been using their practical knowledge to develop and maintain complex ecosystems, unique agroforestry systems and highly diversified local plant varieties and animal breeds, the diversity of which, together with traditional production methods, has also led to a variety of local agricultural foodstuff. Local ecological knowledge is characterized by the human interaction with the environment over centuries, by the conservation mentality of local communities, and as being "holistic, inherently dynamic and constantly evolving through experimentation and innovation, fresh insight and external stimuli."

When such communities use their biological resources to develop marketable products based on their traditional knowledge, new challenges arise regarding governance of these resources and practices. This may lead to genetic preference in those instances where the product is derived from a specific resource to the exclusion of other species. Or greater product demand may lead to intensified production which results in the overexploitation of resources, like land or water.
However, there is an incentive to biodiversity conservation in the context of origin-linked products. Where market success depends on the sustainable use of specific biological and genetic resources, production will reinforce conservation of that resource. Thus, biological and genetic resource conservation can become a direct consequence of the product value chain development. GI registration can also create visibility for the sustainable use of wild biological resources and rare and endemic genetic resources in agriculture, both in public policy and in the minds of consumers.

Therefore, communities and organizations must build or strengthen such governance capacities; otherwise they run the risk of losing their resource-base or control over their traditional knowledge. GIs can be a means of providing the necessary governance to enhance local control over resources and promote the conservation of natural and cultural diversity. Where GI specifications lay down restrictions on the intensity of production, this is likely to impact positively on natural resource sustainability and on biodiversity conservation. In this way the GI can give rise to “rational land use strategies”.

Local actors should therefore look to develop collective product standards which follow rules for sustainable production. For example, the Rooibos industry in South Africa, located in an environmentally sensitive area, considered biodiversity concerns in the design of the product specification, aligning its code of practices with existing biodiversity initiatives.

### 6.4 Conclusion

**Questions that local actors could take into account in their planning for a sustainable GI strategy:**

**Economic sustainability**
- Did the GI system increase the product’s reputation in the market over time?
- Did the production volume and incomes grow as a result?
- Did it create new marketing opportunities? Did marketing relationships improve?
- To what extent are local actors actually receiving economic benefits from the GI’s reputation? Did local employment increase?
- What are the main obstacles that producers face in marketing their products?
- To what extent is the legal protection of the GI helping producers improve their income?
- What are the main obstacles for respecting the product specification? What are the consequences?
- Did consumer knowledge of and reliance on the GI product improve?
- What is the impact of GI product initiatives on the local economy? Did the acquired reputation of the product benefit other local actors outside the value-chain?

**Sociocultural sustainability**
- Which producers benefit the most? Which benefit the least?
- How are economic benefits distributed along the value-chain? Are there any bottlenecks preventing fair redistribution?
- To what extent do actors take part in the initiatives set up by the collective organization? Did local actors improve their technical, managerial or relationship skills?
- Are local actors effectively taking part in decisions and actions surrounding the GI product?
- Do we have an equitable distribution of the benefits among GI producers?
- Are there any gender equality issues (positive or negative)?
- Are there any conflicts that have emerged following initiatives surrounding the GI product?
- Are the rights of workers sufficiently respected?
- Are local actors aware and proud of their knowledge, traditions and work, as well as their cultural identity and way of living?
- Is local culture and savoir-faire threatened or negatively affected in any way by the functioning of the GI system?
**Discussion:**

- In your country, how can the protection and use of origin linked names and GIs be used to promote:
  - Traditional Knowledge
  - Indigenous farmers’ rights
  - Value adding for producers
  - Rural development

- How can GIs be integrated within linked schemes and policies to create added value for farmers and producers?
SECTION 7
Main lessons learnt on GIs

What’s the challenge?
In creating and managing GIs:
• Avoid poor design or inadequate governance structures. They can lead to domination by narrow interests or a single enterprise. If not well designed, GIs can exclude the poorest producers or stimulate inappropriate outcomes like ending traditional practices.
• Bear in mind GIs are not easy to establish – success on a large scale requires patient application and sustained commitment.
• Where the product lacks distinguishing characteristics or specific reputation, GIs should not even be encouraged. You could use the FAO web tool for identification of origin linked production and GI development potential at www.foodquality-origin.org/webtool.
• Keep costs down: costs can arise for organizational and institutional structures and ongoing operational costs, such as marketing and promotion. But many operations should be able to be done by the producers themselves: establishing producer organisations, defining the product specification, and achieving and maintaining the unique qualities of the product.
• Controls must be appropriate to the product and to the market: A 3rd party certification system is needed for internationally traded product, but is it needed for locally-distributed product? Could a self-certification scheme be used?
• Ensure your country has in place a simple, clear and functional GI registration system.

Don’t forget the alternative instruments
• Trade marks are always available to protect the interests of operators, including for origin-linked product and for GIs. The use of several IPR instruments is not uncommon in marketing of GI products. Both Café de Colombia and Darjeeling are prime examples of names protected as GIs that have figurative images protected as trade marks to promote their identity.
• Indications of source and lists of “local” or “national” products, not having any particular quality criteria, can also be useful tools to develop producers’ identity and pride in their origin-linked product.

What’s the good news?
On the positive side, GIs are not exclusively commercial or legal instruments; they are multi-functional and have multiple potential benefits:
• GIs exist in a broader context as an integral form of rural development that can powerfully advance commercial and economic interests while fostering local values such as environmental stewardship, culture and tradition.
• GIs are the embodiment of ‘glocalization’ i.e. products and services participating in global markets and at the same time supportive of local culture and economies.
• On the business side, GIs are market-oriented. They align with emerging trade demands since they tend to have standards for quality, traceability and food safety.
While GIs do have some private characteristics, they are intrinsically a ‘public good’. They broadly affect the people and the resources of a region so it is critical that GI governance and legal protection are both structured to serve the greatest number of people, rather than focusing on a few elites. In this way, GIs can drive an integrated form of market-oriented rural development for the benefit of all of its stakeholders.

What are the key components for the success of a GI?

1. Strong organizational and institutional structures to maintain, market, and monitor the GI. Local institutions and management structures need to show long-term commitment to cooperation on the core processes of (i) identifying and fairly demarcating a GI (ii) organizing existing practices and standards and (iii) establishing a plan to protect and market the GI.

2. Equitable participation among the producers and enterprises in a GI region – that is to say that all participating residents of a GI region should share reasonably in not only costs and benefits but also in the control and decisions regarding their public assets.

3. Strong market partners committed to promote and commercialize over the long term. Many of the GI market successes are the result of mutually beneficial business relations whereby consistent market positioning and effective commercialization have led to a long-term market presence.

4. Effective legal protection, including a strong domestic GI system. Carefully chosen protection options will permit effective monitoring and enforcement in relevant markets to reduce the likelihood of fraud that can compromise not only the GI’s reputation but also its legal validity.
Further reading and training materials

CTA, Technical Centre for Agricultural and Rural Cooperation ACP-EU:

FAO, Food and Agriculture Organization:

UNIDO, United Nations Industrial Development Organization:

WIPO, World Intellectual Property Organization: