Geographical indication and electronic traceability – opportunities and challenges

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GI, an intellectual property right

• The GI is a specific, distinctive intellectual property right (Section 3).
  – Copyright and related rights.
  – Trade marks.
  – Geographical Indications.
  – Industrial designs.
  – Patents.
  – Plant Varieties protection
  – Etc.

• It is an intellectual property right recognised in over 150 countries (WTO TRIPS Agreement)

• It is a collective right of use.
GI: Relations between the product, the producers and the production area

**Product with a specific name and reputation**
(The consumers make a direct connection between the origin of the product and its quality)

**PRODUCTION AREA**
(Due to natural conditions, the product is different from the ones produced in different regions)

**PRODUCERS' KNOW-HOW**
(GI product are generally traditional product, with a connection to the local wisdom and heritage).
GI specifications

- **Name**: the name of the product, including the GI
- **Description**: raw materials to be used, key physical (shape; color, weight; etc.); chemical (minimum fat content, maximum water content, etc.); biological or microbiological characteristics, etc.
- **Geographical Area**: the definition of the geographical area covered
- **Proof of Origin**: traceability (evidence that the product originates in that area)
- **Method of Production**: a description of the method of obtaining the product or/and the authentic and unvarying local methods (as well as information concerning the packaging in origin if important for the product),
- **Link**: the effect of geographical environmental or other local conditions on the quality of the product should be emphasized
- **Control system**: details of the organisation/body in charge of the control system and system of control of the specifications
- **Labeling** (for the recognition by consumers): the specific labeling details relating to the GI

Databases needed
GI System, a global perspective

- Protection in local & Foreign Markets
- Promotion
- Enforcement
- Legal Framework
- Administration (GI Registration, GI organizations)
- Control

Public Awareness and GI recognition
Setting up the system
first challenges

• Dedicated Legislation.
• Commitment on the part of groupings of sector professionals (producers, traders, etc.), association of consumers as well as local authorities.
• Joint definition of mandatory product specifications (“book of requirements”).
• GIs verified and approved by the authorities.
The experience of South East Asia
GI legal framework

GI Legislations:

- **Malaysia**: Geographical Indications Act 2000 (Act 602) and Geographical Indications Regulations 2001

- **Indonesia**: Chapter VII of the Law on Marks (Law n15/2001 on Marks) and Government Regulation No. 51/2007 regarding Geographical Indications signed by the President on 4 September 2007

- **Thailand**: Act on Protection of Geographical Indication in 2003 (B.E.2546)

- **Vietnam**: the Intellectual Property Law No. 50/2005/QH11 enacted in nov.2005 and entered into force since 1 July 2006 replacing protection given by various texts


- **Cambodia**: Law on Geographical Indications, January 2014
  - preparing guidelines and application forms as well as regulation on controls:
GI: a concept in rapid expansion in Asia

Examples of Asian GI


- **Malaysia (35)**: Sarawak Pepper; Sabah Tea; Borneo Virgin Coconut Oil; Tenom Coffee; Sabah Seaweed, Bario Rice, Limau Bali Sungai Gedung, etc.

- **Vietnam (41)**: Phu Quoc (fish sauce); Coffee Buon Me Thuot, Pomelo Doan Hung, Hoi Lang Son, fish sauce Phan Thiet, Orange Vinh, Tea Tan Cuong, Tea Shan Tuyet Moc Chau, Rice Hong Dan, Litchi Luc Ngan, Dragon fruit Binh Thuan, Rice Tam Xoan Hai Hau, Litchi Thanh Ha, etc.

- **Cambodia**: Khampot Pepper; Kampong Speu Palm Sugar.
GI: a concept in rapid expansion in Asia

Thai GIs (64)

Khao Hom Mali Thung Kula
Rong Hai (Rice)

Khao Hom Mali Surin (Rice)

Trang Roast Pork

Sangyod Maung Phatthalung Rice

Khao Leuang Patew Chumphon (Rice)

Khao Jek Chuey Sao Hai (Rice)

Surat Thani Oyster
Nakonchaisri Pomelo

Chainat Khaotangkwa Pomelo

Phetchabun Sweet Tamarind

Sriracha Pineapple

Kafae Doi Chaang (coffee)

Phuket Pineapple

Kafae Doi Tung (coffee)

Phurua Plateau Wine

Chiangrai Phulae Pineapple

NangLae Pineapple
Economical Benefits
Kafae Doi Chaang (Thailand)

• Coffee Cherry Price
  4.50 baht/kg → 15 baht/kg → 28-32 baht/kg
  Before → Doi Chaang Start → Now

• Green Bean Price
  12 USD/kg → 65 USD/kg

Source: Department of Intellectual Property, Ministry of Commerce of Thailand, 2013
Chiang Rai Phulae Pineapple (Thailand)

Price Comparison
year 2004 (before GI registration) → now
- **Price at Farm**
  8 baht/kg → 23 baht/kg
- **Retail Price**
  35 baht/kg → 50 baht/kg
  Reaching 60 baht/kg soon

Source: Department of Intellectual Property, Ministry of Commerce of Thailand, 2012
13 Handicrafts

Chiang mai Celadon (Pottery)

Lamphun Brocade Thai Silk

Mae Jaem Teen Jok Fabric

Yok Mlabri Nan

Chonnabot Mudmee Thai Silk

Praewa Kalasin Thai Silk

Ban Chiang Pottery
The promotion of national products

Creation of National labels for GI

Ex: Thailand

Ex: Cambodia
Lamphun Brocade Thai silk
Promotion
Local Market

Promotion in the Department Stores, local market, events and Exhibitions

Pictures: Department of Intellectual Property, Ministry of Commerce of Thailand
International registration

Khao Hom Mali Thung Kula Rong-Hai
12/02/2013
Class 1.6. Fruit, vegetables and cereals fresh or processed

Packages must be labeled with the weight, the date of packing, the name of the mill or the name of the cooperative. Each package must bear the words ‘ข้าวหอมมะลิภู่งกุลาร้องไห้’ and/or ‘Khao Hom Mali Thung Kula Rong-Hai’

The Thai GI logo plus the EU logo (after European registration) are also mandatory.
For more information:

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As from January 2015, consult : www.GI-Asia.org
Thank you