

# Geographical Indications as a tool for development

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# Table of contents

- I. Introduction
- II. Birth in France
- III. Extension at EU and international level
- IV. Objectives
- V. The pillars of the EU system
- VI. GIs in ASEAN
- VII. International registration of GI
- VIII. Conclusions



# I. INTRODUCTION

# A global trend...towards origin products

- Globalization of agro-food industrial production
  - homogenized, standardized food products
- Consumers show an increased interest in local, traditional, ecofriendly and reputed origin food products: ready to pay a premium

# Origin products exist for long time

- Reputed origin products existed for a long time : Since Antiquity, foodstuff, agricultural goods, handicraft –wines, marble, bronze, silk, incense were highly reputed thanks to their place of origin
- Products designated with the name of the place of origin
- Which then becomes protected as an appellation of origin or geographical indication

# In France : CHAMPAGNE



# In France: ROQUEFORT



# In Italy: Parmigiano Reggiano (Parmesan)





# In Colombia: Café de Colombia



# In India: Darjeeling tea





# In Vietnam: Nuoc Mam from Phú Quốc



# In Vietnam: conic hat from Hué



# In Cambodia: Kampot pepper



**Green pepper**



**Red pepper**



**Black pepper**



**White pepper**



# In Thailand: Khao Hom Mali Thung Kula Rong Hai (Rice)

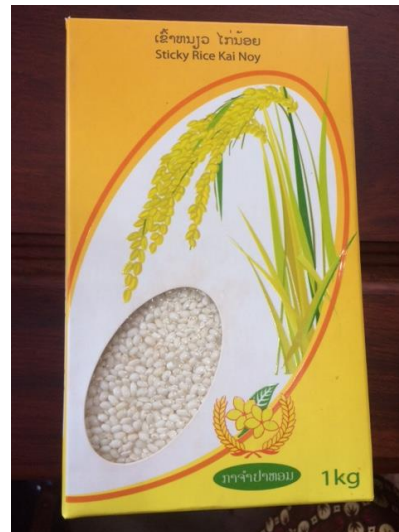


# In Thailand : Chiang Rai Phulae Pineapple



# Possible GIs in Laos

- Khao kay noi (small chicken rice)
  - from Houaphan and Xieng Khouang provinces



- Bolovens Coffee





## **II. BIRTH IN FRANCE**

# A need for market regulation at the origin of GIs (1/3)

- **French wine sector in the 19<sup>th</sup> century : a “golden era” ... :**
  - liberalization after the French Revolution
  - improvement of transportation (railways)
  - local consumption and free trade agreements
- **Production :**
  - 1788 : 30 M hectoliters
  - 1875 : 85 M hectoliters



Sources: site «Histoire pour tous», Union des Maisons de Bordeaux, ville de Saint-Christol

# A need for market regulation at the origin of GI (2/3)

- **... but not sustainable :**
  - strong focus on quantity not quality
  - high variability of production, notably due to regular grape diseases (phylloxera)
  - multiple frauds : wine falsification (water, sugar,...), misuse of origin, counterfeiting,...



Source: site «Histoire pour tous»



# A need for market regulation at the origin of GI (3/3)

- **...with strong social consequences:**
  - low income for producers and poverty in rural areas
  - social unrest and demonstrations of winegrowers
  - violent revolts



Sources: site «Histoire pour tous», archives municipales de Narbonne et de Troyes

# Geographical indications to better control wine production

- **Definition of wine :** Griffe law of 1889 defining true/fake wine + following laws forbidding artificial wines and fraudulent practices
- **Invention of geographical indications :**
  - **Step 1 - Law of August 1, 1905 :** concept of “appellation of origin” (fraud control) : link between a name and a geographical origin
  - **Step 2 - Law of July 30, 1935 :** concept of “**controlled** appellation of origin” : link between a name and a geographical origin + specific characteristics

# Progressive extension of the GI system in France (1/2)

- **1935:** creation of a national institute in charge of GIs (**INAO**) – with a public/private governance
- **Law of July 2, 1990:** extension of the concept of GIs to all agricultural products

# Progressive extension of the GI system in France (2/2)

- **Law of March 17, 2014 :**  
extension of the concept of GIs to non-agricultural products
- **Decree of 2 juin 2015**
- Non-agricultural GIs under the responsibility of **INPI**
- Management rules similar to those for agricultural GIs



Sources: Institut National de la Qualité et de l'Origine (INAO), Institut National de la Propriété Industrielle (INPI)



### **III. EXTENTION AT EUROPEAN AND INTERNATIONAL LEVEL**



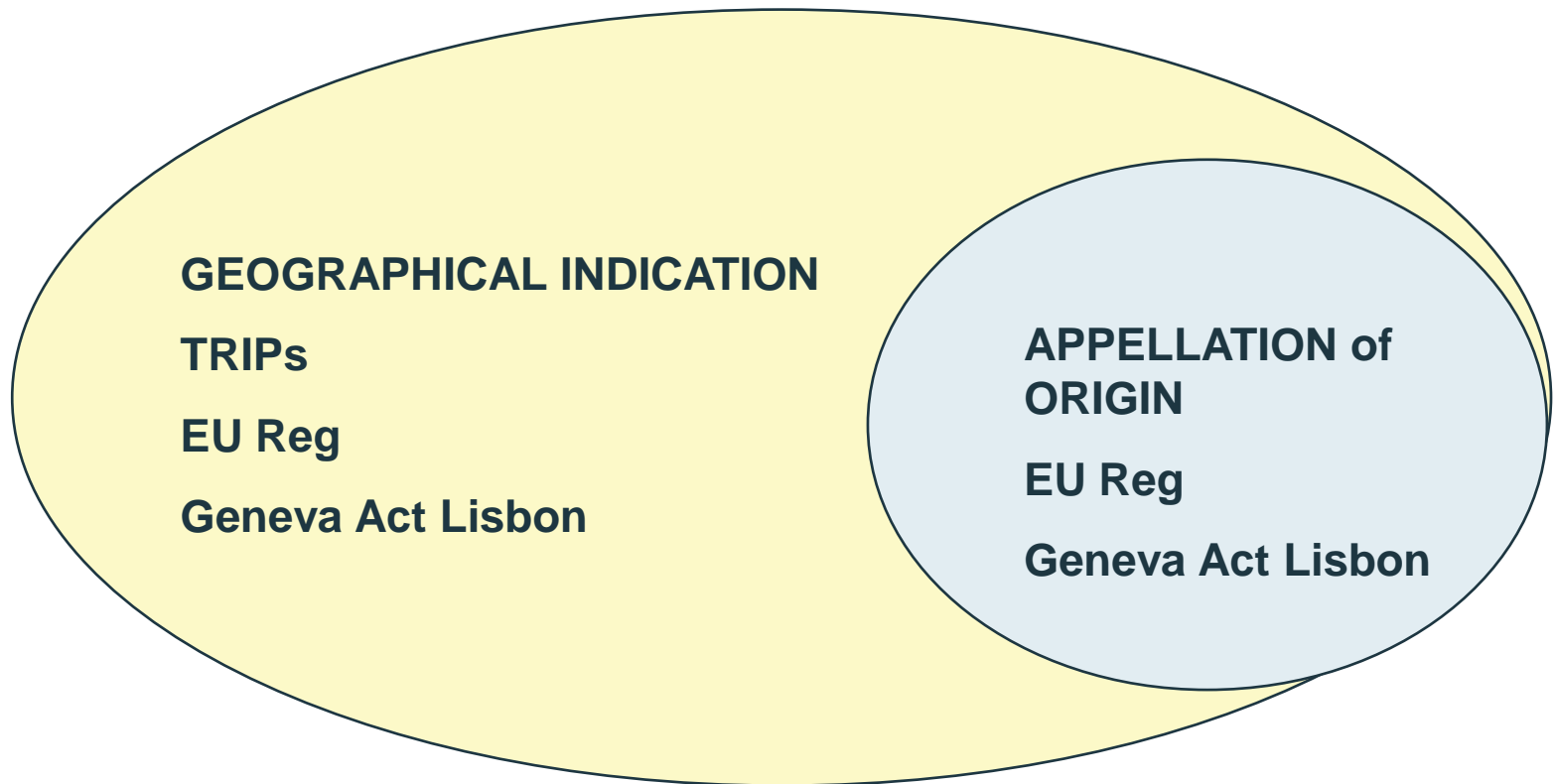
# Extension of AO and introduction of GI

- In the 1990's : Introduction of the new concept of GI with same principle of a link with the origin, but not so strong as AO
- In the EU since the harmonization with Reg 2081/1992
  - In the TRIPs Agreement in force in all WTO members (1994): GI
  - In the Geneva Act of the Lisbon Agreement of WIPO (2015): GI + AO

# TRIPS Agreement (art 22): Geographical indications

- 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

# Related concepts



# EU system : 2 types of geographical indications

## PROTECTED DESIGNATION OF ORIGIN (PDO)



## PROTECTED GEOGRAPHICAL INDICATION (PGI)



### COMMON CHARACTERISTICS

- the **name of a region/specific place/country** used to **describe** an agricultural product or a foodstuff **originating** in that area

### DIFFERENCE : THE LINK TO THE ORIGIN

- quality or characteristics **essentially or exclusively due to** a particular geographical environment with its inherent natural and human factors
- **production, processing and preparation** in the defined geographical area
- specific quality, reputation or other characteristics **attributable** to the geographical origin
- **production and/or processing and/or preparation** in the defined geographical area



# Geneva Act Lisbon Agreement :

## 2 types of geographical indications

**Appellation  
OF ORIGIN**

**GEOGRAPHICAL INDICATION**

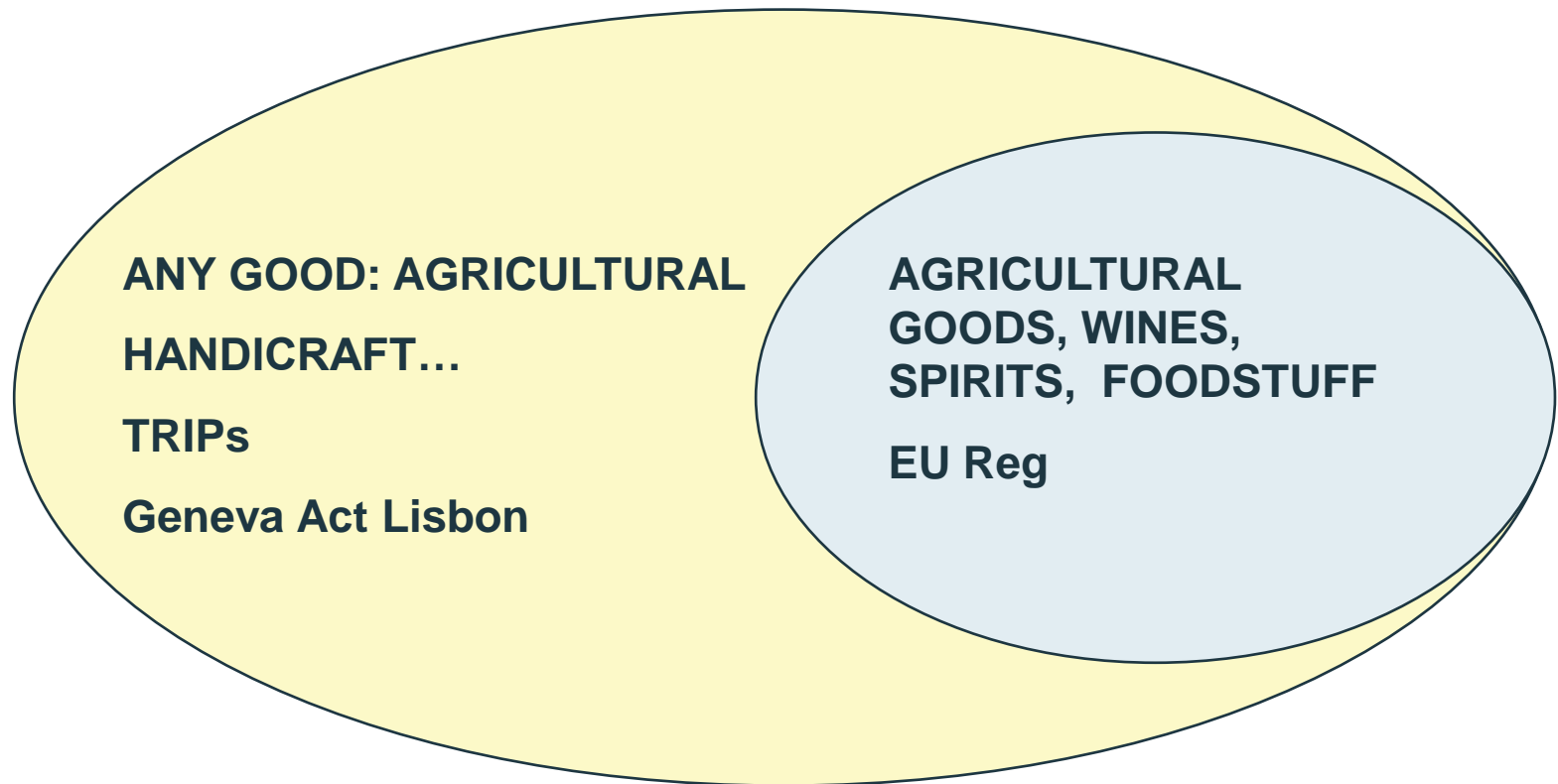
### COMMON CHARACTERISTICS

consisting of or containing the name of a geographical area, or another denomination/indication known as referring to such area, which serves to designate a good as originating in that geographical area,

### DIFFERENCE : THE LINK TO THE ORIGIN

- quality or characteristics of the good are due exclusively or essentially to the geographical environment, including natural and human factors, and which has given the good its reputation
- where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin

# Kind of goods



# GI = right protecting the link between product and its geographical origin

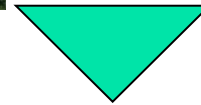
- IPR especially for signs designating product having a link with the place of origin
- Origin:
  - Natural environment: natural factors
    - Biological resources: cultivated and processed
    - Climate, water of river, wood used for smoking...
  - Ancient collective know-how: human factors
    - In using elements of the environment for producing the product
    - But also taken alone without natural factors
- Exclusive right of use of the GI open to all producers complying with specification: no exclusion
- Usually higher level of protection than trademarks

# GI : a link between nature, culture and a product

Natural environment  
(topography, climate, soil,...)



Producers  
(tradition, know-how)



Specific product (quality, reputation)



# An intellectual right: human creation

- all geographical signs are not GIs:
  - only those which designate a product created by people in a given place
- Intellectual creation = transforming an pre-existing name into a notorious name
- A creation which is innovative
  - Environment is changing: climate change impact on the vineyards
  - as well as human practices: AO/GI Specification amended very often
  - Social innovation: creation of the producers group



## **IV. OBJECTIVES**

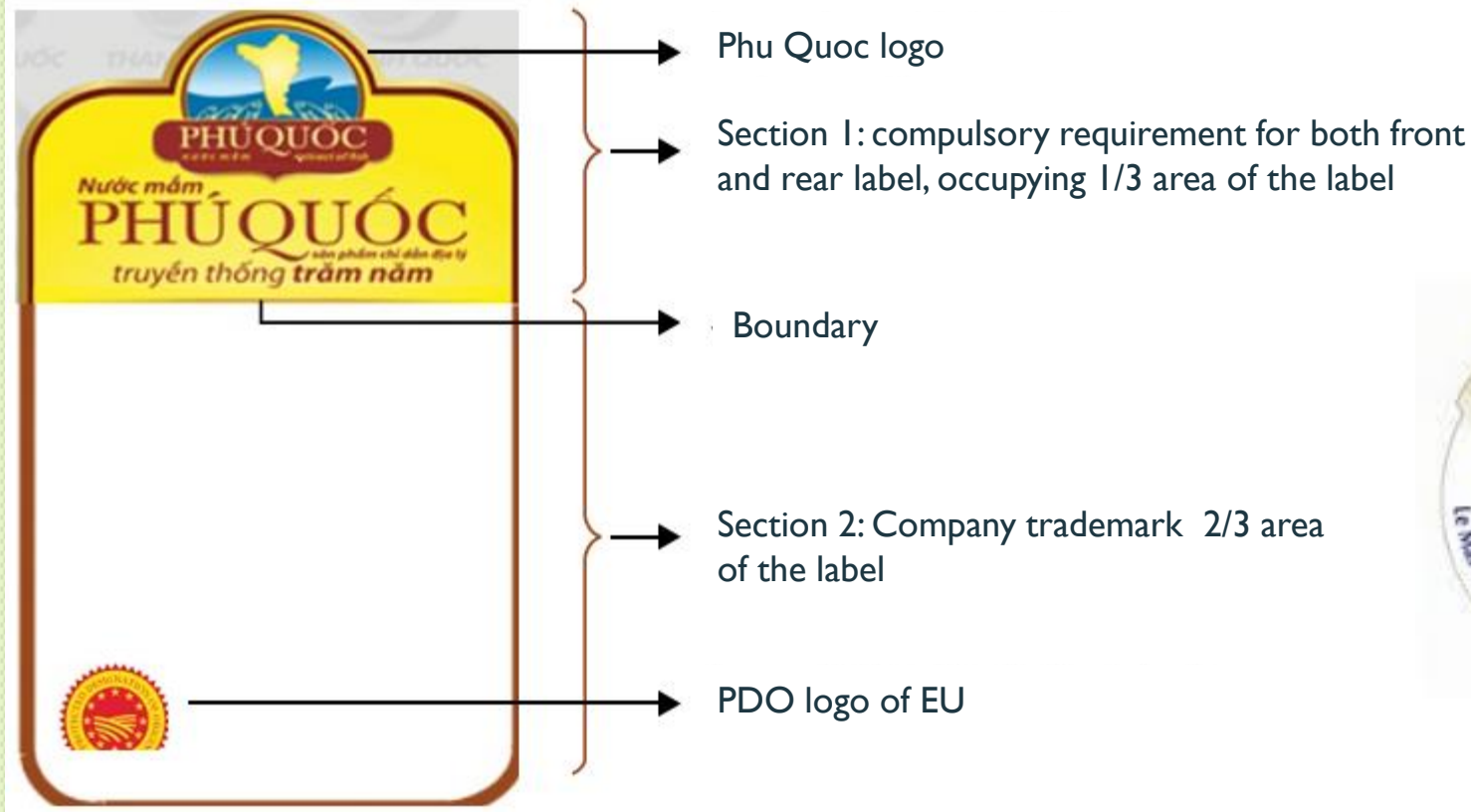
# Function of GI

- confer a
- non-exclusive (to all in the collective)
- individual right of use
- to each producer complying with the specification

# Collective Use combined with individual trademarks



# Collective Use combined with individual trademark



# Objectives of GI

- Fight against usurpation of the name
- Protect added value of the product
- Territorial development
- Protection of TK and landscape

# Objective 1: fight against usurpation

- Scope of protection implementing following TRIPs which provides for a minimum :
  - countries can provide more protection as in the EU
- TRIPs standard protection:
  - Vietnam, Thailand, Malaysia, Singapore
- EU-model of high protection
  - Cambodia, Lao PDR, Indonesia (lower)
  - Countries member of Lisbon Agreement

# Various scope of protection

**LOW PROTECTION**  
TRIPs standard

**HIGH PROTECTION**  
TRIPs additional  
protection wines/  
spirits

**SUPER HIGH  
PROTECTION**  
Lisbon/Geneva Act  
EU Regulation



# Use/Imitation of GI:

## No proof of confusion of consumers

EU	Lisbon/Geneva	TRIPs additional	TRIPs basic
No direct or indirect commercial use	No use not complying with AO/GI requirements	No use	no use if misleads public as to origin
No misuse, imitation, evocation	No imitation	X	X
even if true origin is indicated, if in translation, if use of delocalisers: style, type, method, as produced in, imitation or similar			X

# Use/imitation of GI



- FETA is a PDO (Greece)
- But use for cheese made in Thailand
- EU + Lisbon: prohibited
- TRIPs standard: prohibited if consumer is misled

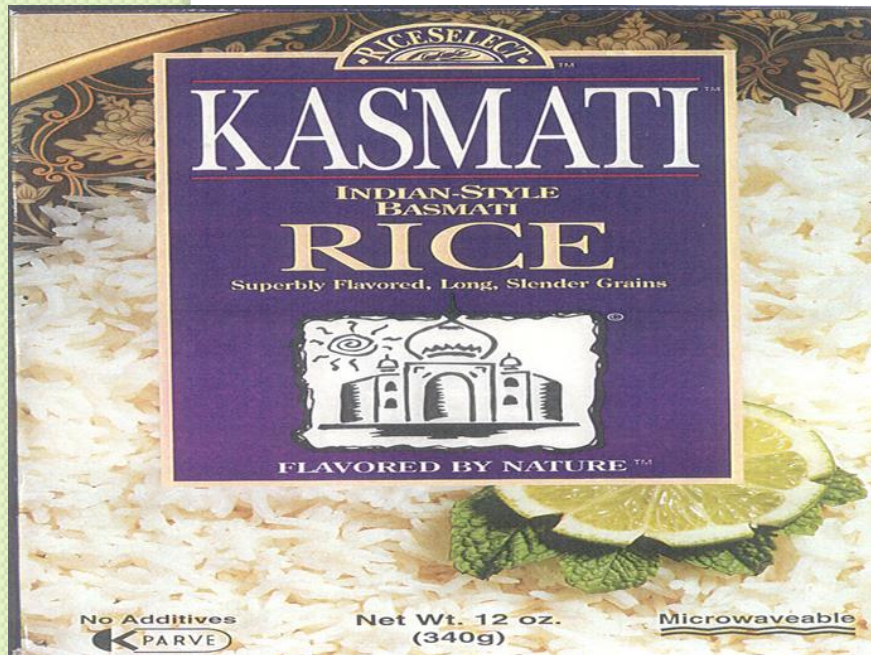
# Evocation/Imitation



- Gorgonzola: PDO (Italy)
- But use of Cambozola for other cheese
- EU + Lisbon  
= evocation of Gorgonzola  
= prohibited
- TRIPs protection standard  
+ additional = not prohibited

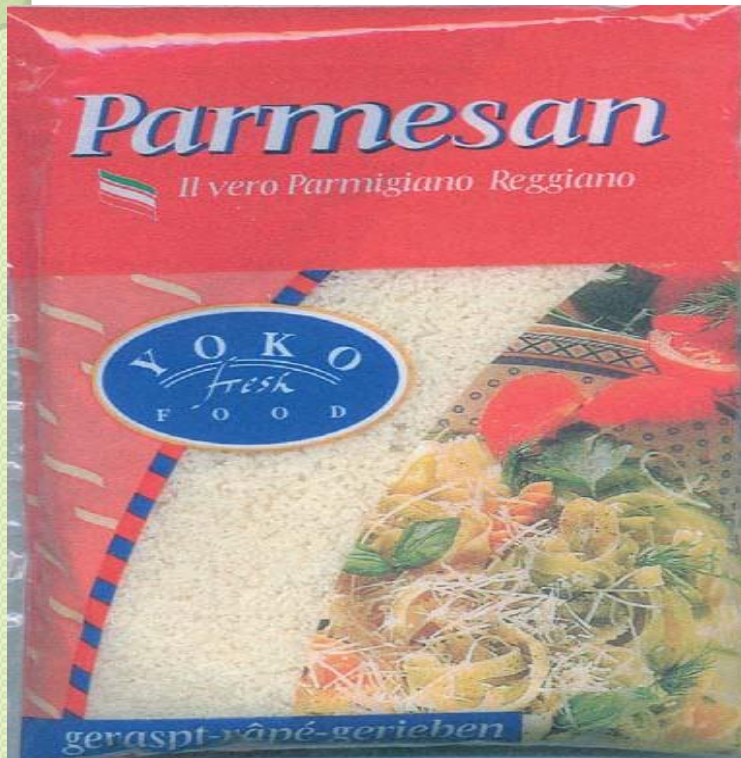
# Use of delocalizer

- Basmati= GI (India, Pakistan)
- Use of Kasmati + « Indian style Basmati Rice » (back of packaging) for rice grown in the US
- EU + Lisbon: prohibited
- TRIPs Standard protection: authorised if not misleading of the public





# Translation



- PDO= Parmigiano Reggiano (Italy)
- Use in English translation for cheese produced in Japan
- High protection EU + Lisbon  
= prohibited
- TRIPs protection basic + additional = not prohibited

# Use of GI for Dissimilar Goods

EU	Lisbon/Geneva	TRIPs additional	TRIPs standard
No use which exploits reputation	No use which indicate connection with AO/GI, damage interests, take unfair advantage of reputation	X	X

# Dissimilar goods



- Champagne = PDO (France)
- Use for a perfume
- EU : prohibited
- TRIPs: authorised



# Dissimilar goods



**Darjeeling**  
collection de lingerie

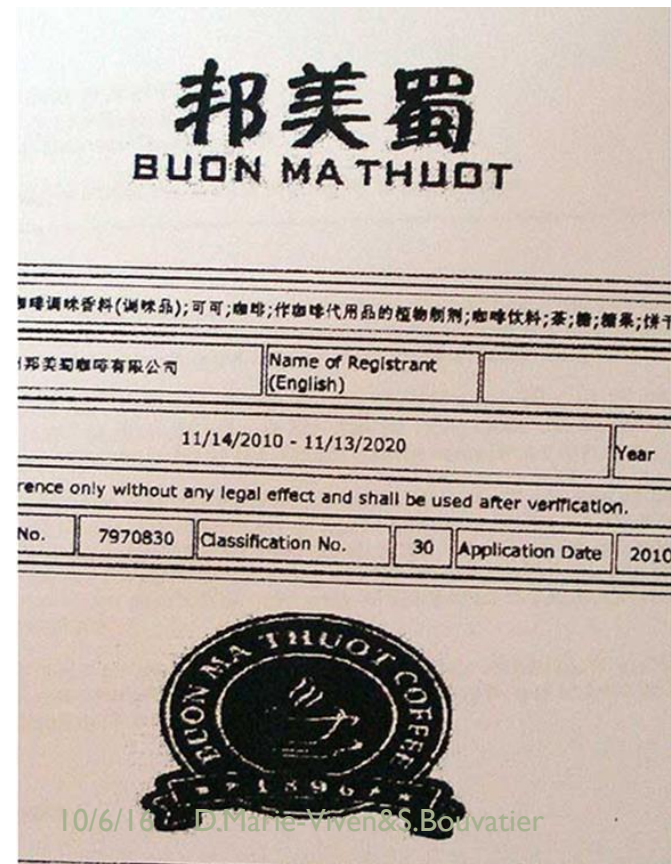
- GI « Darjeeling tea » (India) + collective TM in EU
- TM Darjeeling for woman underwear
  - EU: prohibited
  - TRIPs: authorised

# Relation with trademarks

EU	Lisbon	TRIPs additional	TRIPs basic
Co-existence PDO/PGI + prior TM registered in good faith	Co-existence possible with Prior TM in good faith	Grandfather clause Co-existence possible in domestic legisl.	Grandfather clause Co-existence possible in domestic leg.
No Posterior Trademark			No posterior TM if misleads the public

# Posterior trademark

- GI in Vietnam
- Registered in 2005
- TM registered in China in 2010, cancelled following action of VN government



# Prior trademark Beef of Kobé

CERTIFIED KOBE  
BEEF



KOBE STYLE BEEF



- Kobe beef is a GI in Japon since 2015
- Prior Registered as TM in US, Canada and Australia for beef of the Wagyu breed raised in US
- EU: trade marks would probably not being accepted as considered to have been registered in “bad faith”,

# Trademark and GI co-existence

- PDO « Moules de Bouchot de la baie du Mont Saint-Michel » recognised on 11 July 2006
- Prior trademark « Moules de Bouchot de la baie du Mont Saint-Michel et Cancale » filed in 2000, in good faith = co-existing



# Objective 2

- Protect added value of the product

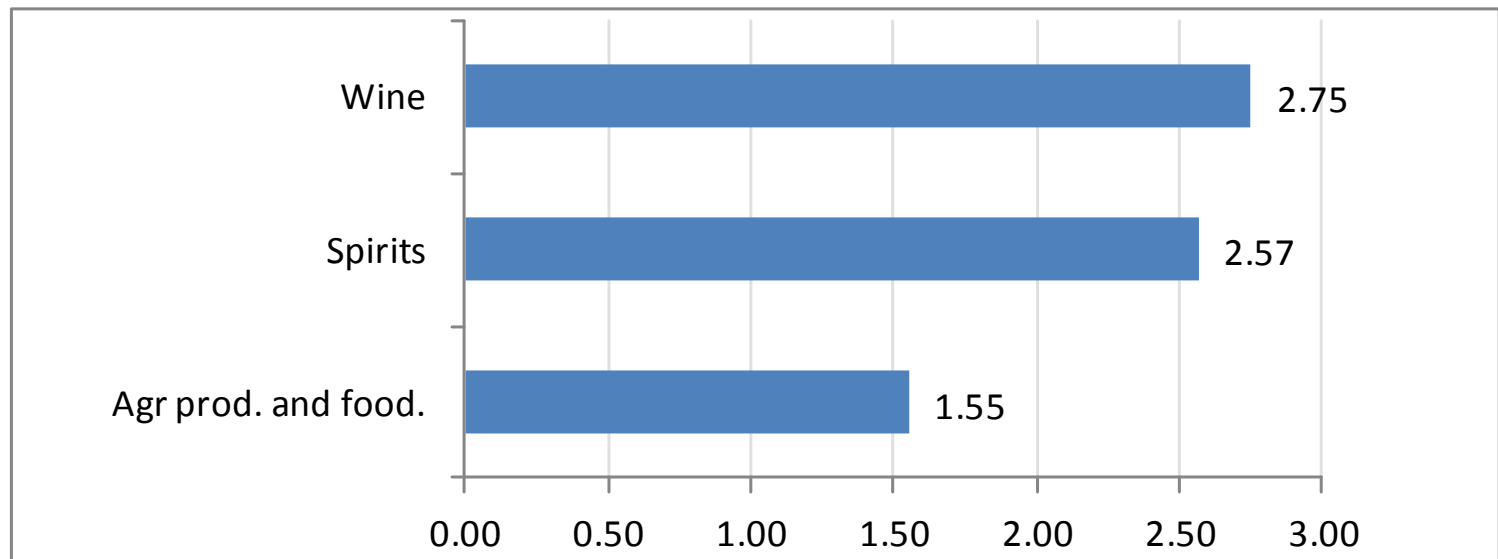


# Market differentiation and price premium <sup>(1/2)</sup>

- IP protection :
  - name is reserved to products respecting the specification and are produced in a delimited geographical area ;
  - administrative protection by public authorities.
- Name is not reserved to 1 single owner (TM), but can be used by all producers respecting the specification
- Differentiation on the market allows a better price and a better division of the added value

# Market differentiation and price premium <sup>(2/2)</sup>

- GI = value premium = "ADDED VALUE"
- The price of a GI product is **2.23** times the price of a comparable non-GI product (in average)



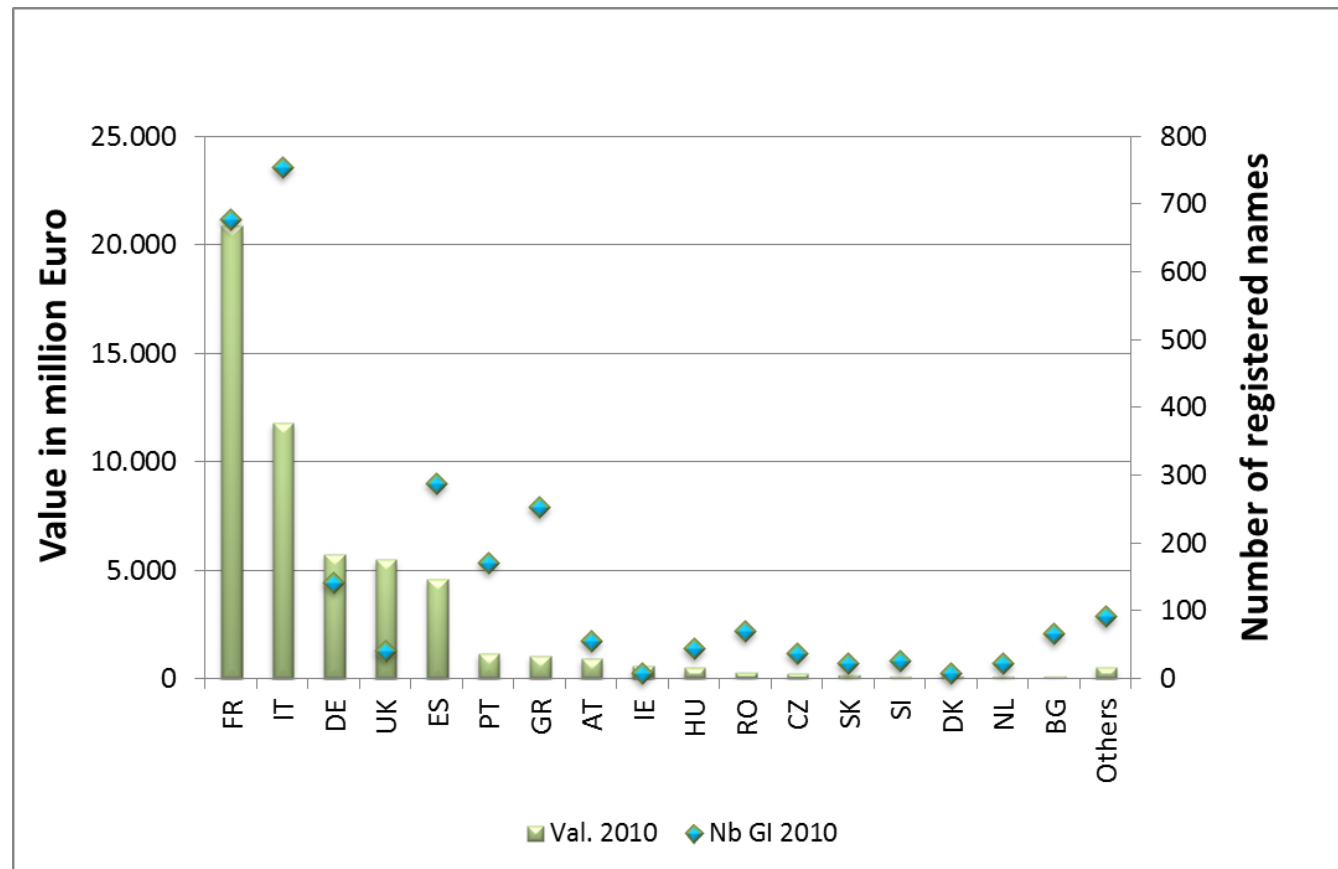
!/\ does not reflect profitability of the GI schemes as it does not take into account the additional cost of compliance with GI specifications

# GIs: a strong impact in the agricultural sector <sup>(1/2)</sup>

**GI = A SIGNIFICANT PART OF FRENCH/EUROPEAN AGRICULTURE**

France (2010) : 677 GIs – turnover : 20,9 billion € (excluding VAT)

UE (2010) : 2768 GIs - turnover : 54,3 billion € (excluding VAT)



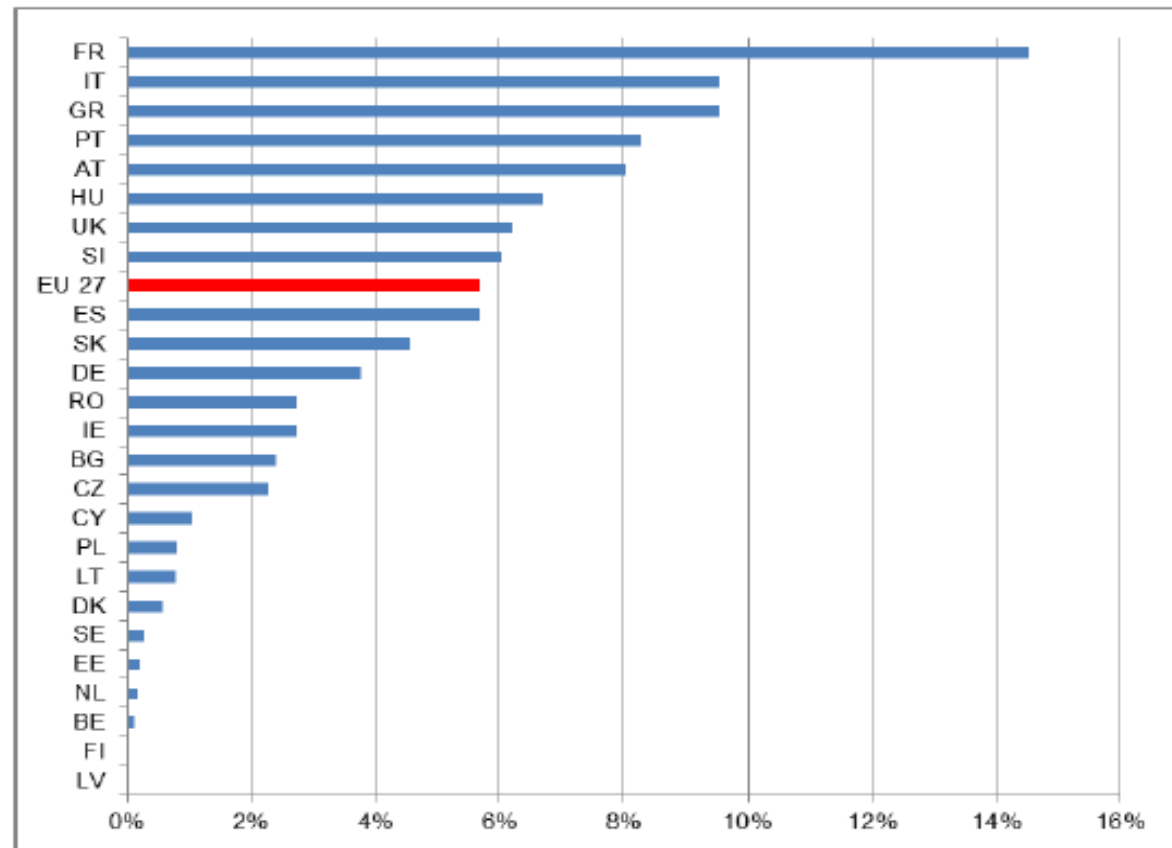
Source: AND-International survey for DG AGRI (2012)

# GIs: a strong impact in the agricultural sector (2/2)

**GI = A SIGNIFICANT PART OF FRENCH/EUROPEAN AGRICULTURE**

France : GI sector = 14,5 % of the food and drinks sector

France : 1 farmer out of 4 is involved in GI production



Source: AND-International survey for DG AGRI (2012)

# How to maximize economic benefits ?

- **Study** : Assessment of added value of GIs – sample of 13 GIs - by comparison with standard products
- **Results** :
  - better prices for GIs (up to x2)
  - better gross margins for GIs (up to x3)
  - impact stronger for final products vs raw materials
  - even if strong variability between GIs
- **Success factors** :
  - main factor : intrinsic product differentiation
  - secondary factors : marketing strategy (more direct marketing channels + orientation towards export) and greater production volumes
  - “context” factors : awareness, willingness to pay,...

*Source: Areté study for DGAGRI (2013)*

# Case study : Comté Cheese in France (1/4)

Comté vs Emmental: close origins but opposed developing strategies

- Origins :**
- Geographical area
  - Technical constraints to preserve the milk

**COMTE**

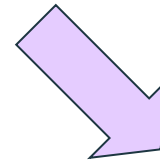


P.D.O. strategy

Heritage protection and local  
development

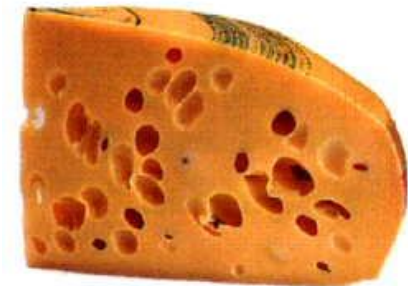


**EMMENTAL**



Industrial strategy

Generic product and  
production delocalization

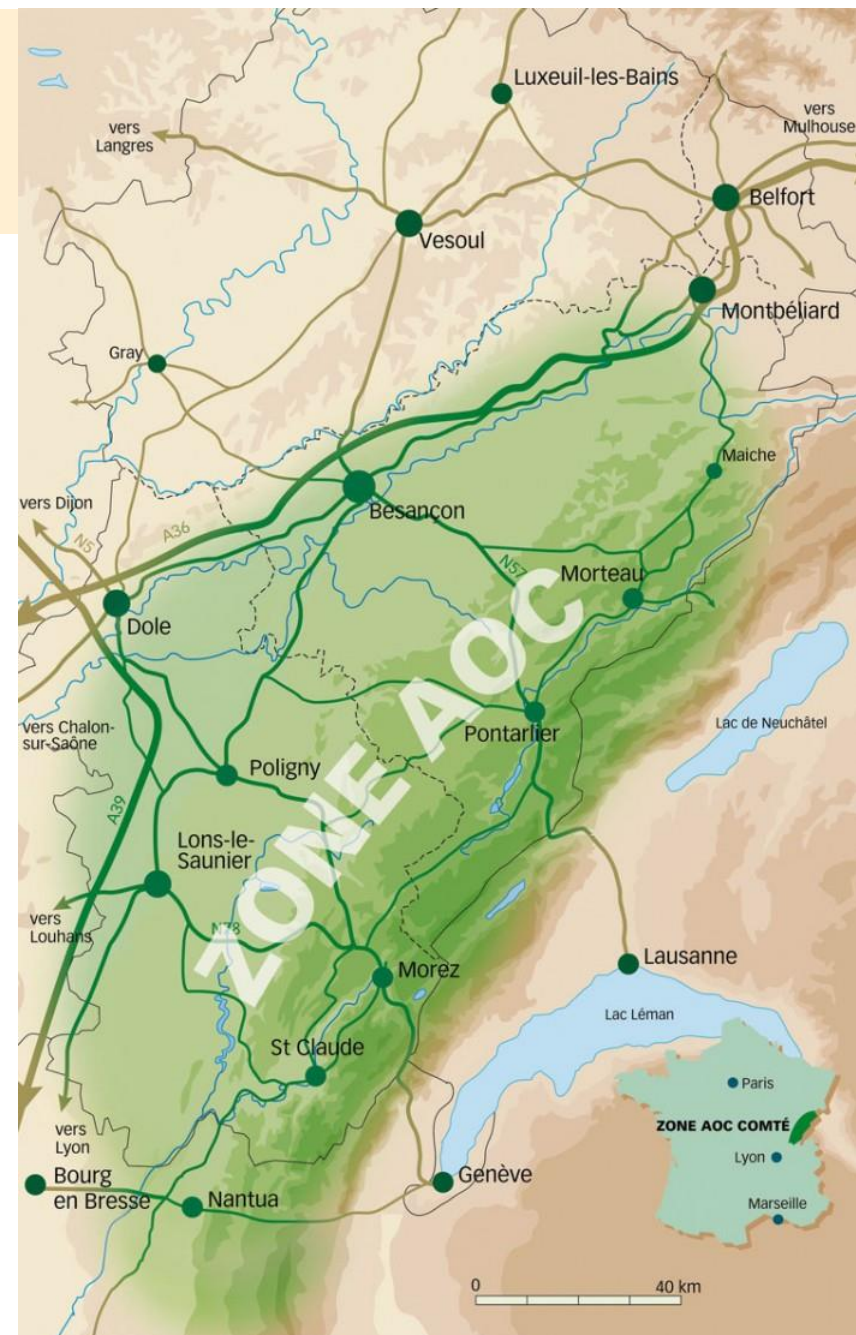




# Comté Cheese : geographical area



Produced in Franche-Comté  
Adapted to local conditions (mountain area)  
Since the Middle Ages  
AOC since 1958



# Comté Cheese: Specifications

- BREEDING
- Breed = Montbéliarde
- 1 acre of grassland per cow



## PROCESS

- Transformation within 24 hours
- Limited area of milk collection

- MATURING
- Minimum 4 months
- Storage on planks of epicea



**Name:** Comté  
**Countries of Origin:** FR  
**Dossier Number:** FR/PDO/0117/0116  
**Status:** Registered

**Application Type:**  
**Type of Product:**

**PDO**  
**Class 1.3. Cheeses**



**Date of Registration:** 21.06.1996

**Date of 1st Amendment:** 15.05.2003

### Authority/Control Body

**Name:** Bureau Véritas Certification France  
**Address:** Immeuble le Guillaumet 60 avenue du Général de Gaulle  
**URL:** [Authority/Control Body](#)

2 [jean-michel.lefevre@fr.bureauveritas.com](mailto:jean-michel.lefevre@fr.bureauveritas.com) [www.bureauveritas.com](http://www.bureauveritas.com)

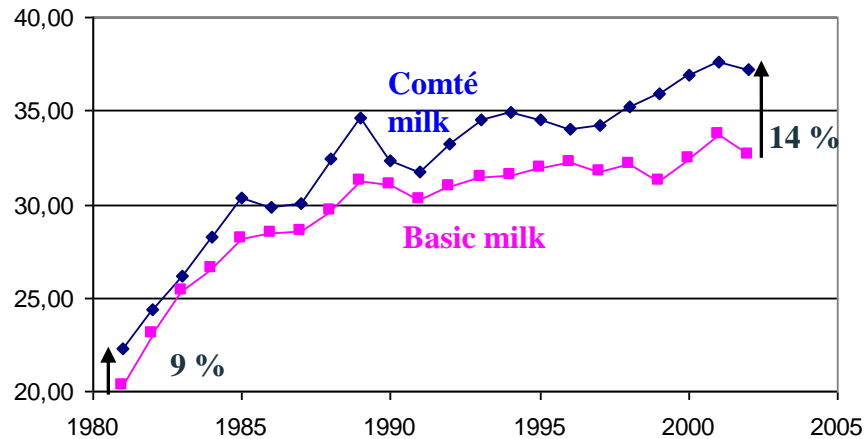


### Official Journal Publications

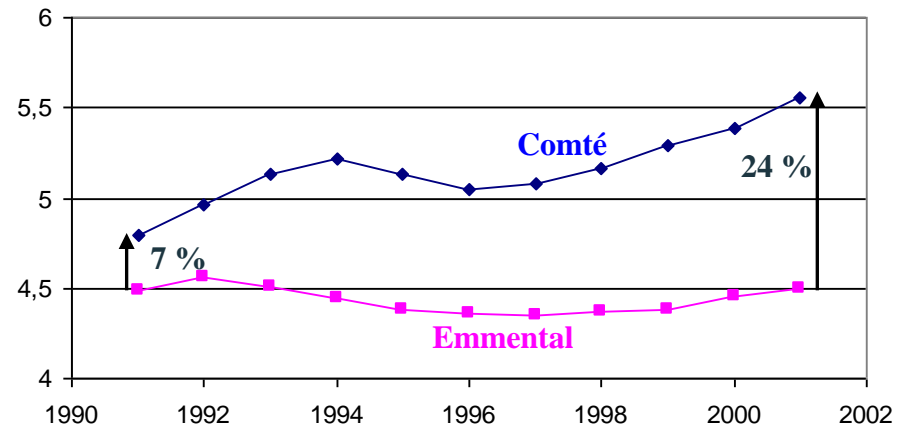
[Official Journal L148 21.06.1996](#)  
[Official Journal L43 18.02.2015](#)  
[Official Journal C356 09.10.2014](#)  
[Official Journal L120 15.05.2003](#)

# Case study : Comté Cheese in France (2/4)

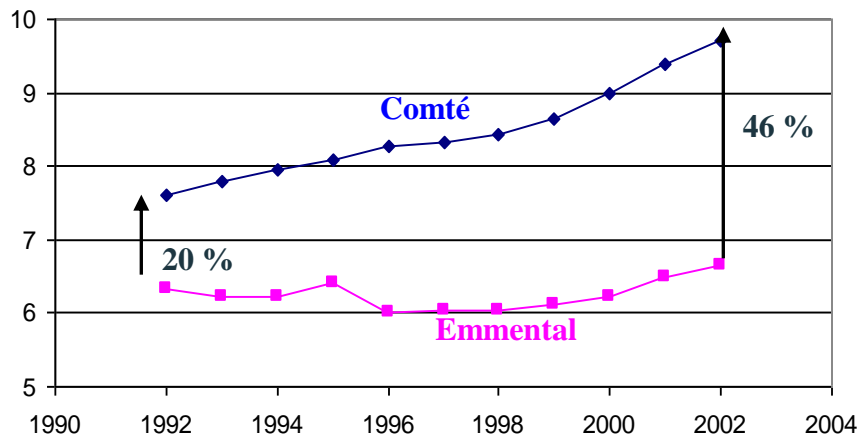
*Milk price (€/hl)*



*Gross price - maturing (€/kg)*



*Consumer price (€/kg)*

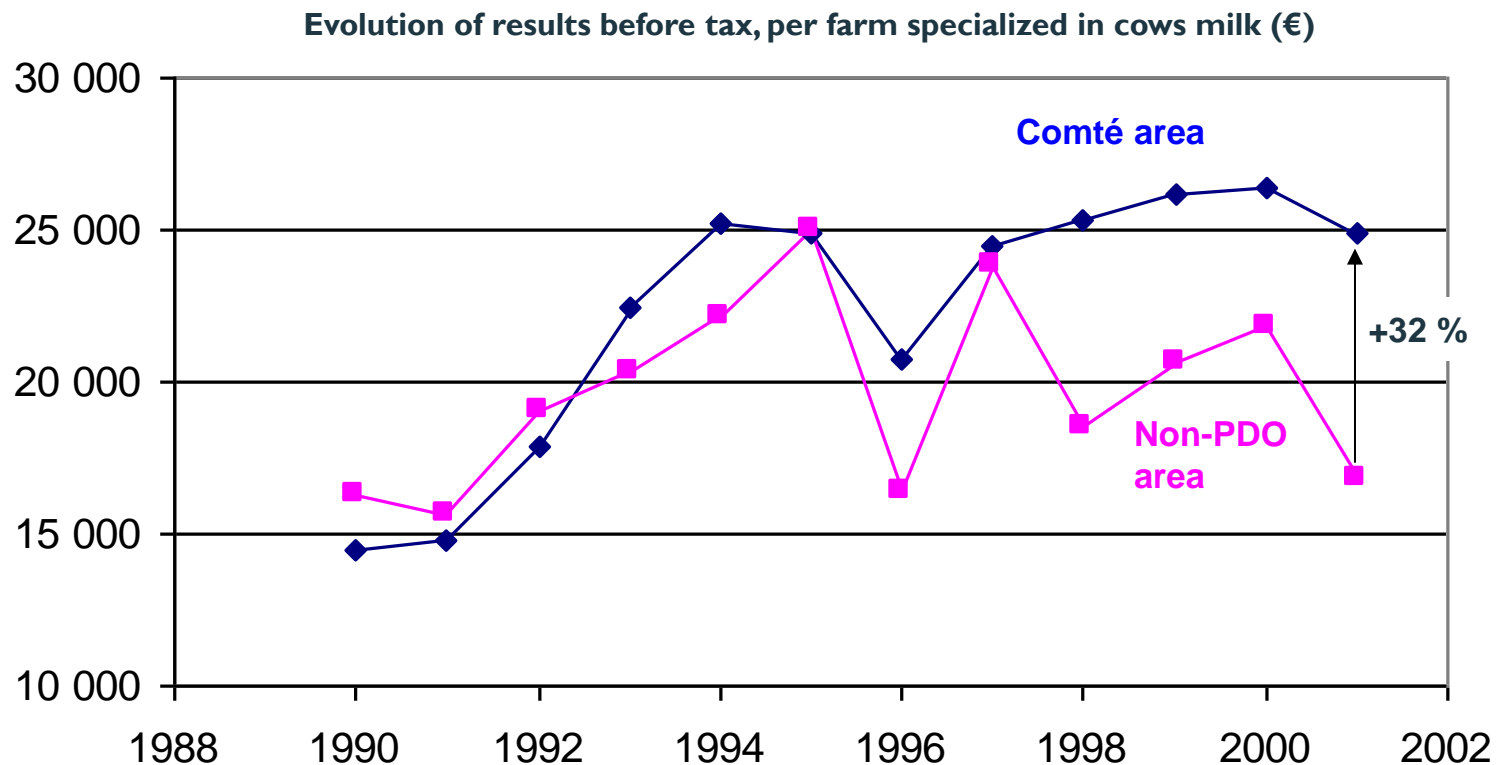


- Positive economic impact at every stage of the value chain
- Increase of price gap along the value chain



# Case study : Comté Cheese in France (3/4)

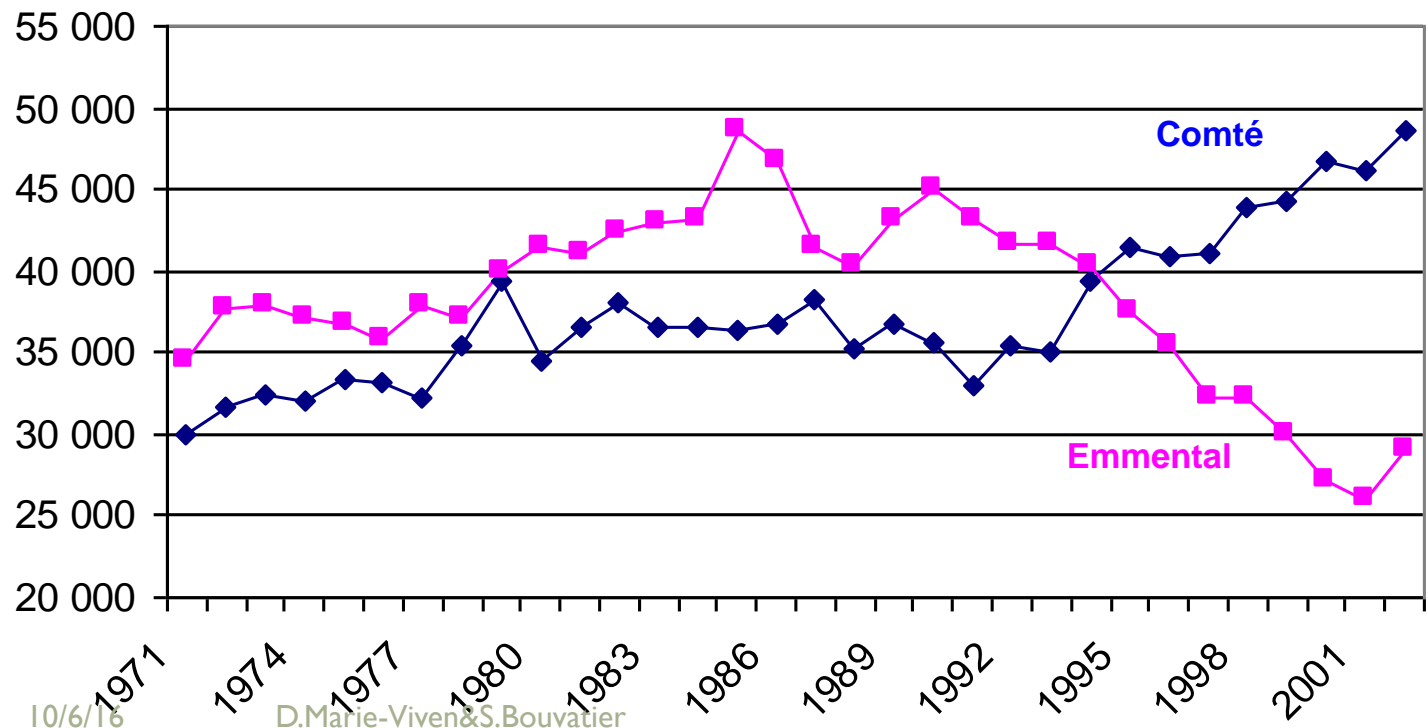
- In addition to better prices :
  - improved profitability for farmers
  - lower volatility



# Case study : Comté Cheese in France (3/4)

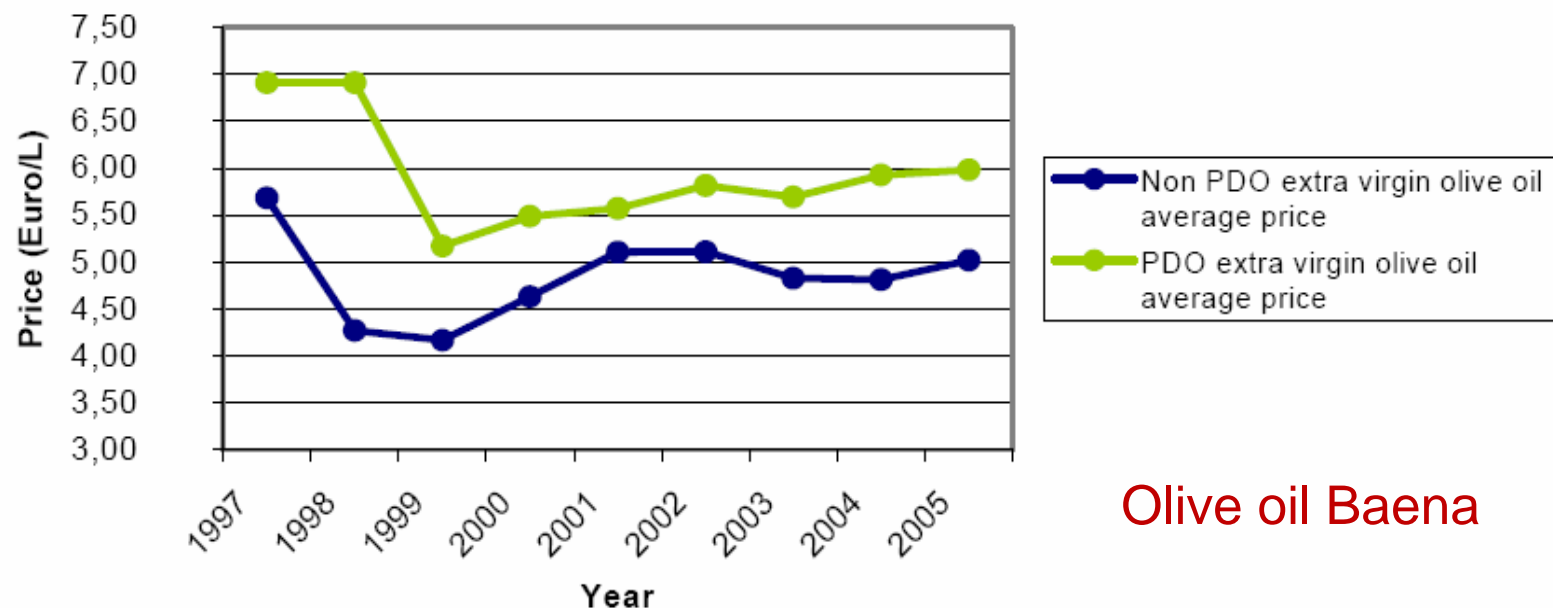
- Positive impact on production volumes :
  - Comté cheese production : + 3%/year during previous 10 year (GI registration in 1992)
  - Drop of local Emmental production

Evolution of Comté/Emmental production in Franche-Comté (t)





# Case Study: Olive Oil of Baena: GI Price Premium



Olive oil Baena

**Source :** Case study « Baena » PDO extra virgin olive oil. F. Caceres Clavero, C. Riccioli, E. Martinez Navarro, R. Garcia Collado. Junta de Andalucia/JRC-ITPS

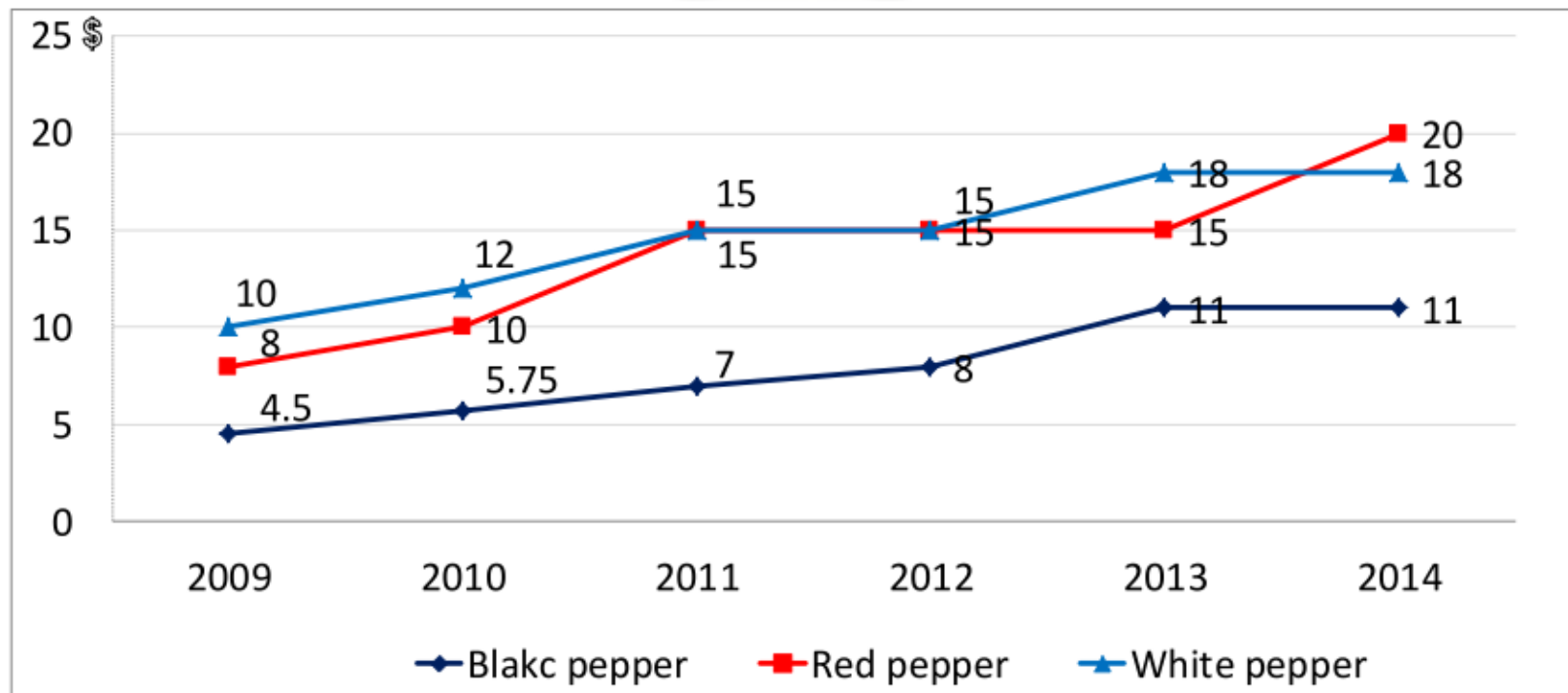
# Case study: Fried Calamari Ha Long, Vietnam



- The use of the GI : increase in their selling price by about 15% to 17 US\$/kg
- By comparison, the price of the fried calamari misusing the name 'Ha Long' is about 9,3 US\$/kg (55% of the price of the GI product)



# Case study: Kampot Pepper, Cambodia



សមាគមលើកកម្ពស់ព្រៃចក្រ "ស.ល.ប.ក"  
Kampot Pepper Promotion Association (KPPA)



# Case study: Chiang Rai Phulae Pineapple (Thailand)



Price Comparison  
year 2004 (before GI  
registration) to now

- Price at Farm  
8 baht/kg to 23 baht/kg
- Retail Price  
35 baht/kg to 50 baht/kg
- Reaching 60 baht/kg soon

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

# Objective 3

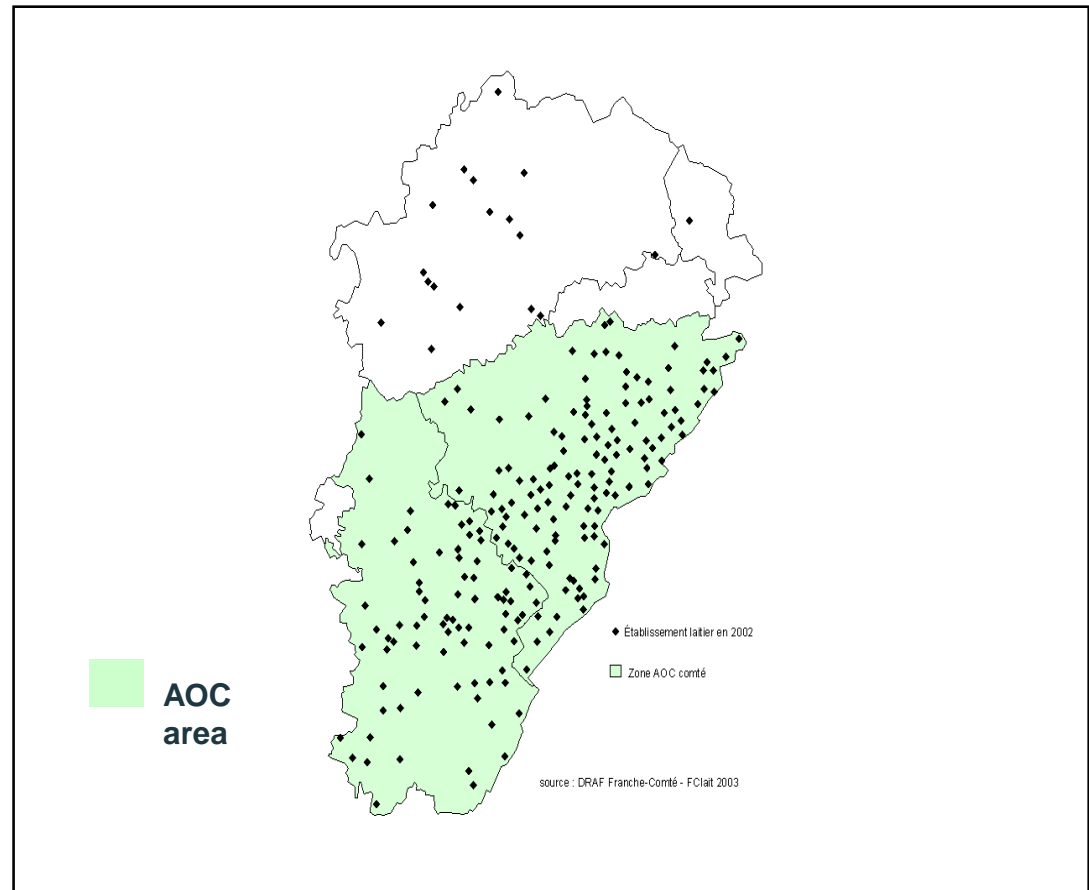
- Contribute to rural/territorial development
  - Maintain populations
  - Valorise with ecotourism



# Comté and Local Farms

- The PDO requirements impose retaining a large number of cheese-making units
- Product valorisation makes small units profitable
- Small size of cheese units guarantees employment

## Cheese units in Franche-Comté





# Chili from Espelette (France)

Después de fraudes :

- creación de una asociación de productores para proteger la Pimienta d'Espelette.
- DO en Francia en 2000, DOP en la UE en 2002.



Los efectos de la protección entre 94 y 2004:

- precios más altos: 10 € a 20 €
- Más productores desde 30 a 58
- la zona más grande desde 8 hasta 28 hectáreas
- una media de edad más joven (entre 25 y 45)
- turismo: 600.000 visitas al año (600 hab):  
Fiesta del Pimiento, Confrérie du Piment ...



# Objectives 4

- Preservation of
  - landscape
  - biodiversity
  - natural resources and
  - traditional knowledge associated to it

# Comté and Impact on Landscape

Preservation of open spaces, transition between fields and forests, traditional in Jura cattle rearing areas



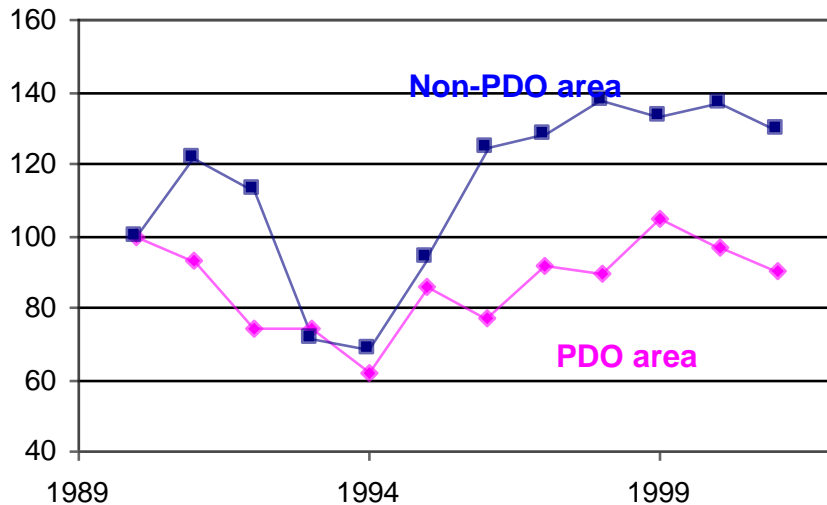
The Jura mountains,  
in the PDO area:  
open space



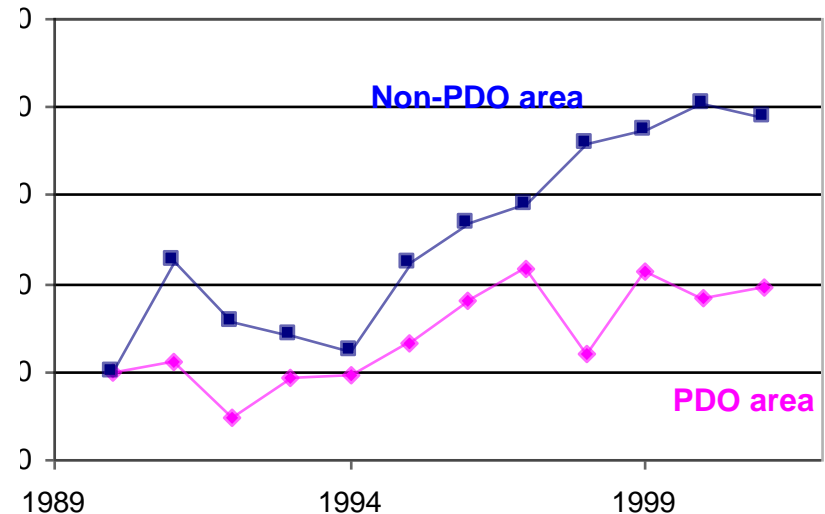
Landscape of Hautes-  
Vosges, outside the PDO:  
closing area

# Comté and Environment

Fertilizer utilization per ha – base 100 in 1990



herbicide utilization per ha – base 100 in 1990



- The use of fertilizers and herbicides increased 2,5 times less rapidly in the PDO area.
- The number of animals is 0,95/ha in the Comté area versus 1,11 in other areas.
- 30 to 65 botanic species have been identified per field in the PDO area vs only 10 species in artificial grasslands.



## Cévennes

[illegible]



# **V. THE PILLARS OF THE EU SYSTEM**



# Unique EU legal framework

- No common legal framework before 1992:
  - harmonization due to free trade of foodstuff
  - One exclusive title for all EU countries:
- Regulations / products :
  - (EC) No. 1308/2013 (**Wine**)/(EC) No. 119/2008 (**Spirits**)
  - (EC) No. 1151/2012 (**Agricultural Products/Foodstuff**)
  - Future Regulation for **handicraft goods**?

# A Producers' group

- Only a group or, subject to certain conditions, a natural or legal person, shall be entitled to apply for registration.
  - any association, irrespective of its legal form or composition, of producers and/or processors working with the same agricultural product or foodstuff
- France:
  - Organisation for the Defense and Management of GIs
  - Mandatory and automatic membership of all producers/processor
  - Representativity of all operators

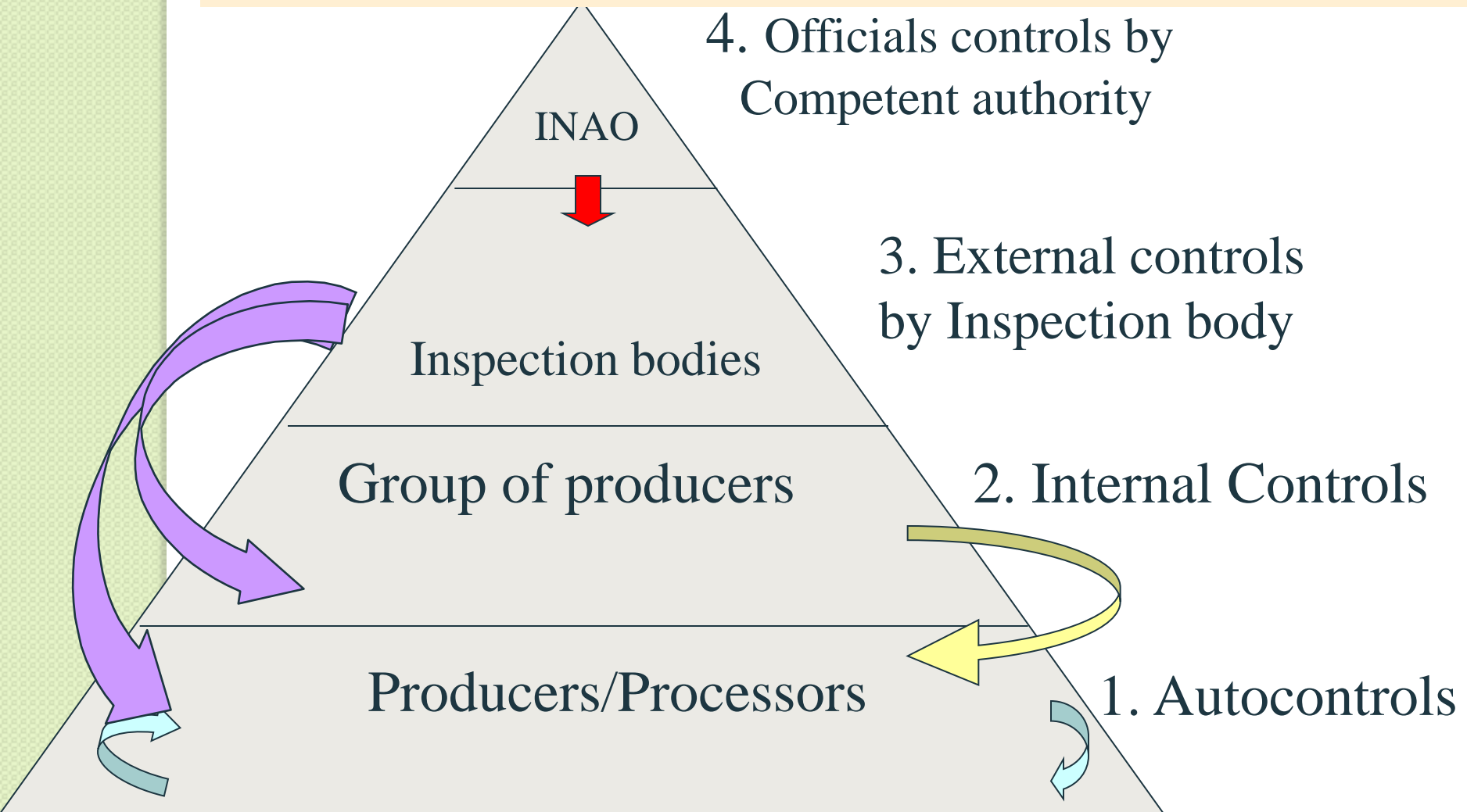
# A specification

- (a) the **name** of the agricultural product or foodstuffs
- (b) a **description** ... including the raw materials, and principal physical, chemical, microbiological and/or organoleptic characteristics
- (c) the definition of the **geographical area**
- (d) **evidence** that the product **originates** in the area,
- (e) a description of the **method of obtaining**... as well as ...the packaging, ...
- f) link between the quality/characteristics/reputation of the product and the geographical environment/origin
- (g) details of the **inspection structures**
- (h) the specific **labelling details**

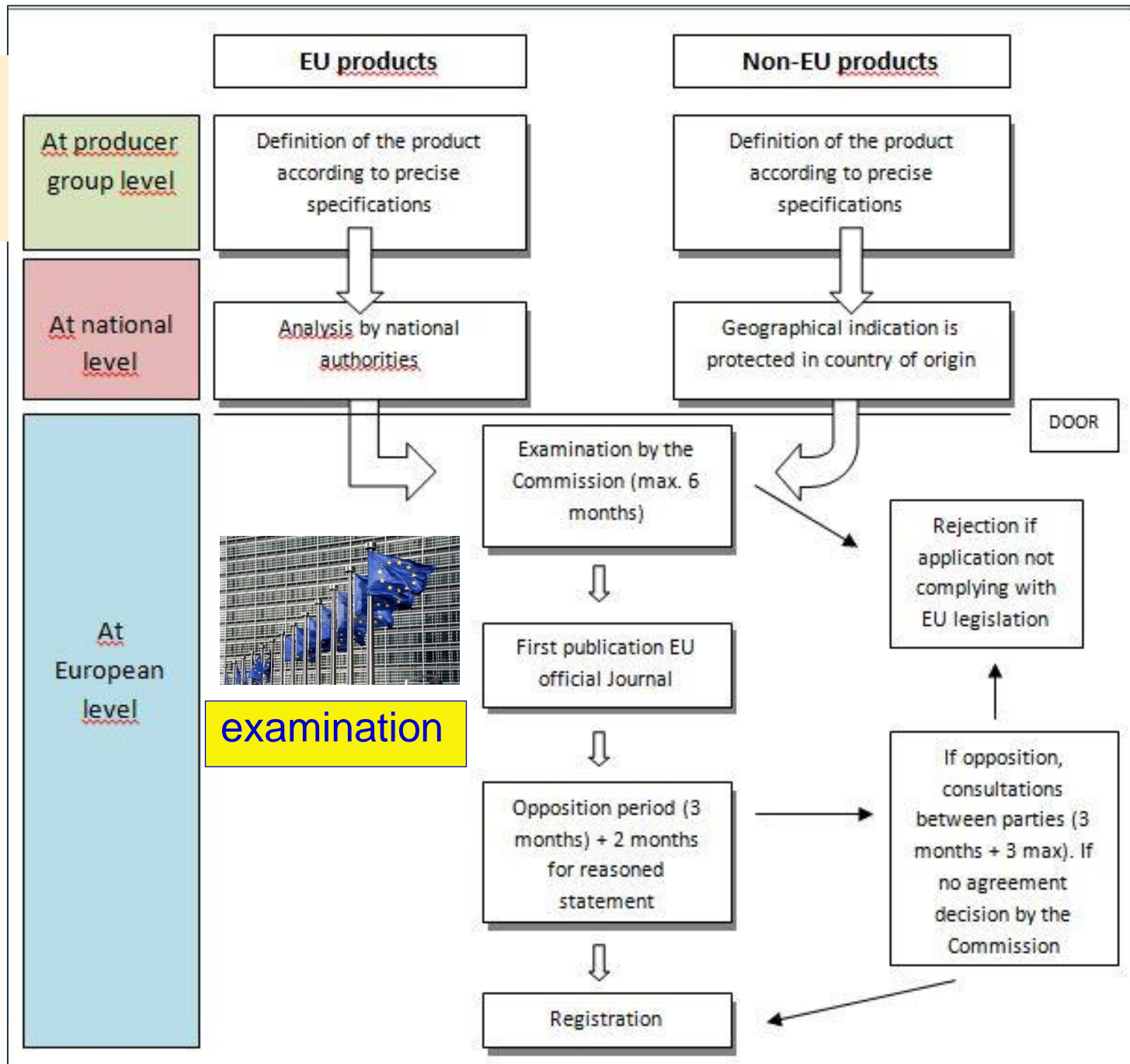
# Controls

- For EU member States : official controls (supervision controls)
- Control of compliance with specification before commercialisation (for EU and foreign GI) by :
  - Public (competent authority designated by the State) and/or
  - Private inspection/control/certification bodies accredited 17 065

# Ex of Management of Controls in France



# Two tier Procedure

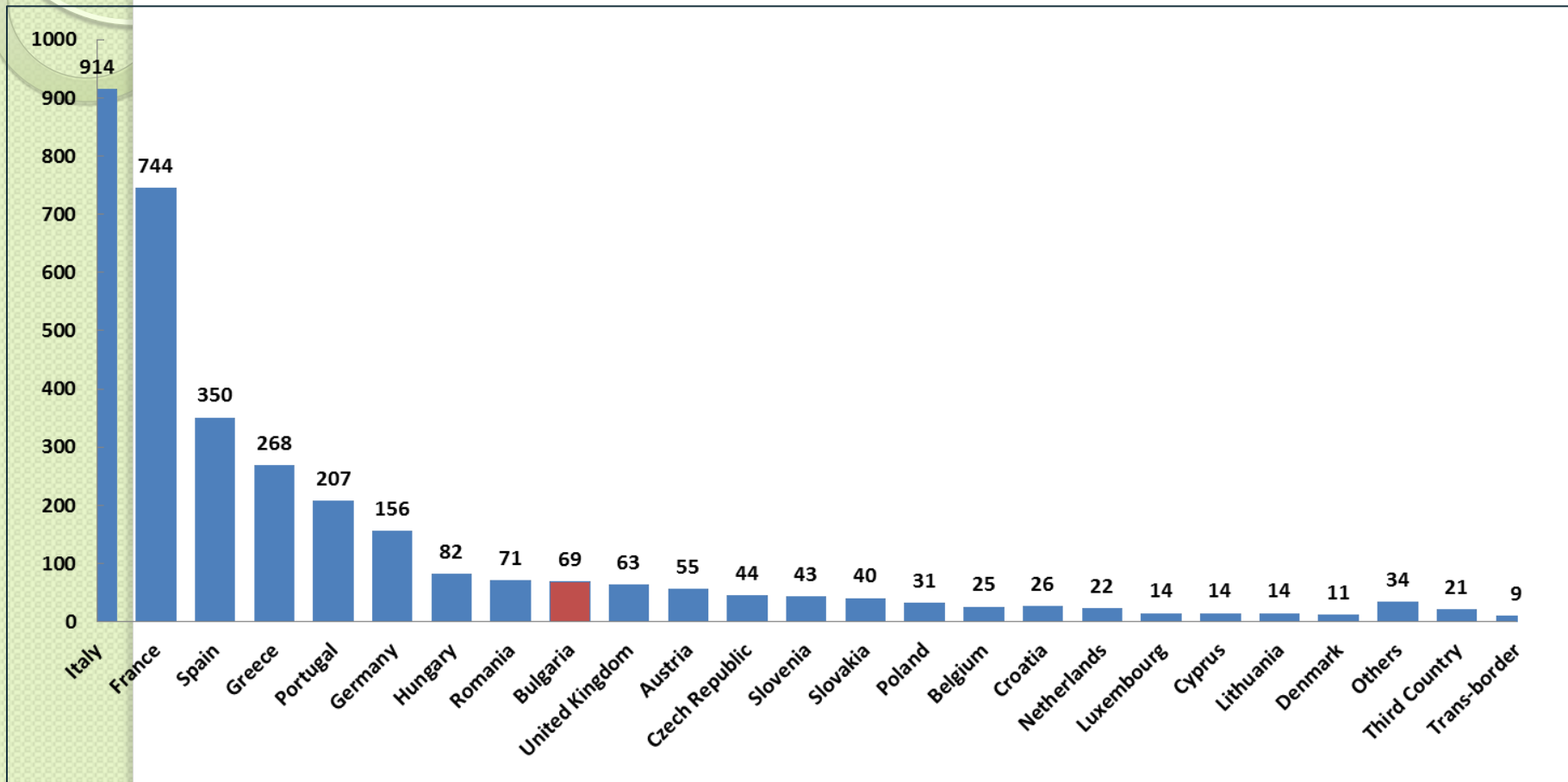




# Development of a rich collection of GI

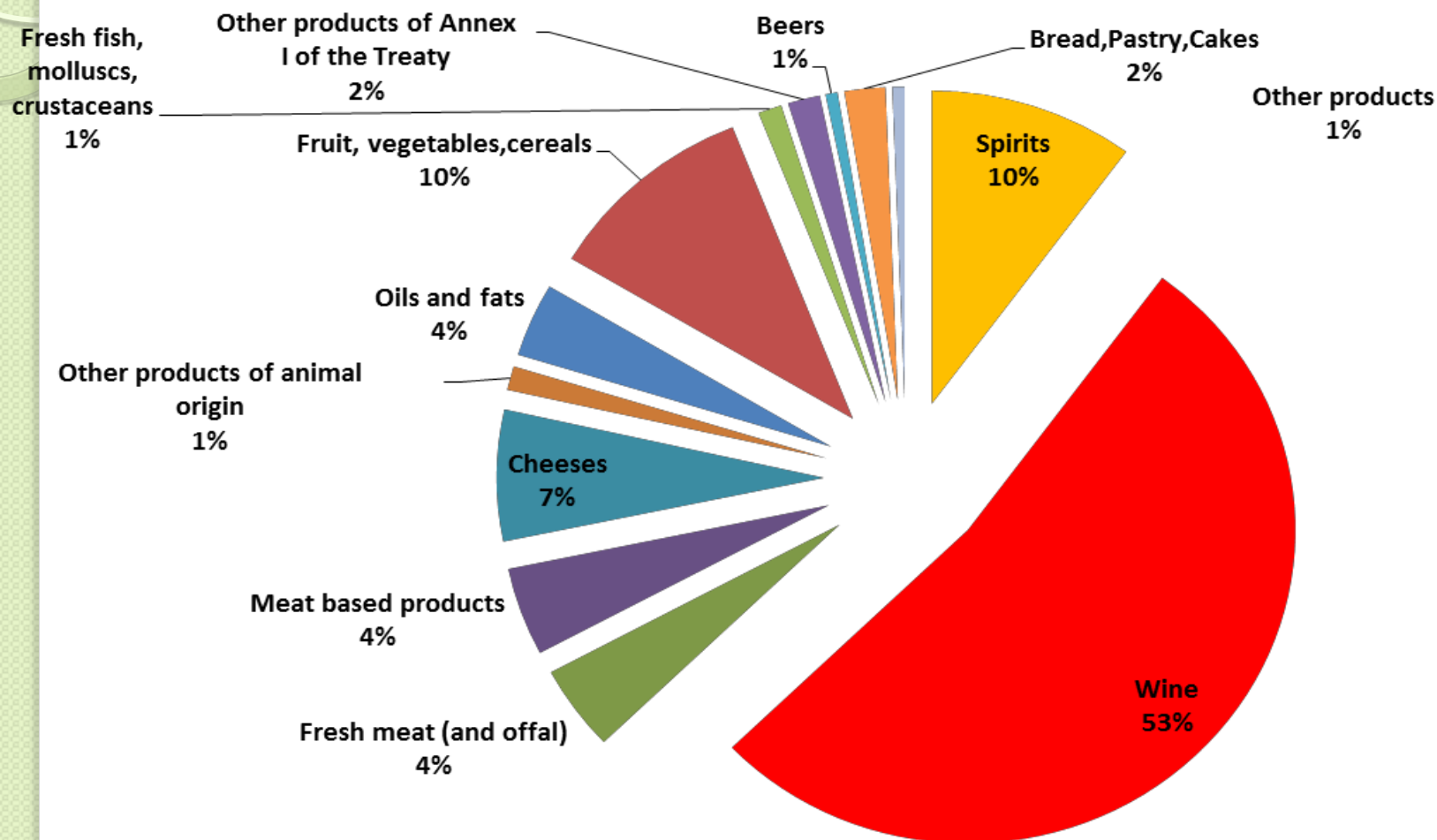
- All EU Member States have GIs
- Total number of GIs in the EU (23/03/2016) :
  - 1750 GI wines
  - 332 GI spirits
  - 1260 other agricultural GIs (dairy, meat, fruits, vegetables, etc.)
- Number of GIs for France :
  - 451 GI wines
  - 77 GI spirits
  - 227 other agricultural GIs

# Number of GIs by EU Member State (July 2015)



Source EU Commission, DG AGRI

# GIs by Type of Products (updated July 2015)



Source EU Commission, DG AGRI

# DOOR Register



## AGRICULTURE AND RURAL DEVELOPMENT DOOR

Legal n

European Commission > Agriculture and Rural Development > Agriculture and food > DOOR > Browse

- Latest [registered](#) designations
- Latest [published](#) designations
- Latest [applied](#) designations



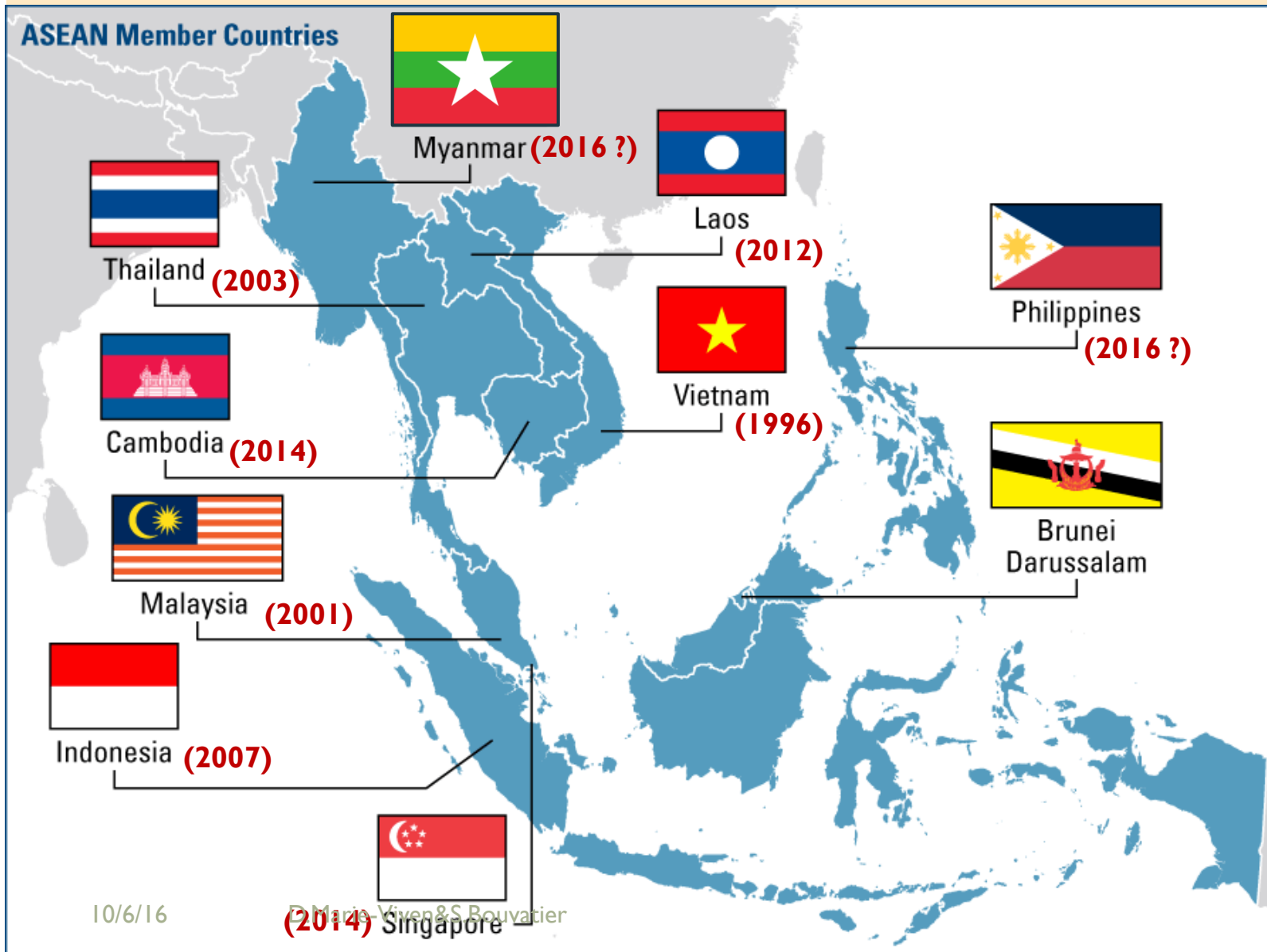
10 rows view 1 - 10 from 1.291 rows. 1 2 ... 130 >>

Dossier Number	Country	Name	App Type	Date	Status:	.xls	
<input type="text"/>	<input type="text"/>	<input type="text"/> ... [ ALL Product Classes ] ...	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<a href="#">FR/PGI/0005/01208</a>	France	Jambon de Lacaune	PGI	27/08/2015	Registered		
<a href="#">HR/PDO/0005/01233</a>	Croatia	Ogulinski kiseli kupus/Ogulinsko kiselo zelje	PDO	21/08/2015	Registered		
<a href="#">BE/PGI/0005/01151</a>	Belgium	Plate de Florenville	PGI	31/07/2015	Registered		
<a href="#">ES/PDO/0005/01226</a>	Spain	Fesols de Santa Pau	PDO	31/07/2015	Registered		
<a href="#">FR/PGI/0005/01172</a>	France	Artichaut du Roussillon	PGI	31/07/2015	Registered		
<a href="#">UK/TSG/0007/0057</a>	United Kingdom	Traditional Bramley Apple Pie Filling	TSG	29/07/2015	Registered		
<a href="#">IT/PGI/0005/01237</a>	Italy	Salame Piemonte	PGI	16/07/2015	Registered		



## **VI. GI IN ASEAN COUNTRIES**

# Adoption of regulations on GIs in ASEAN



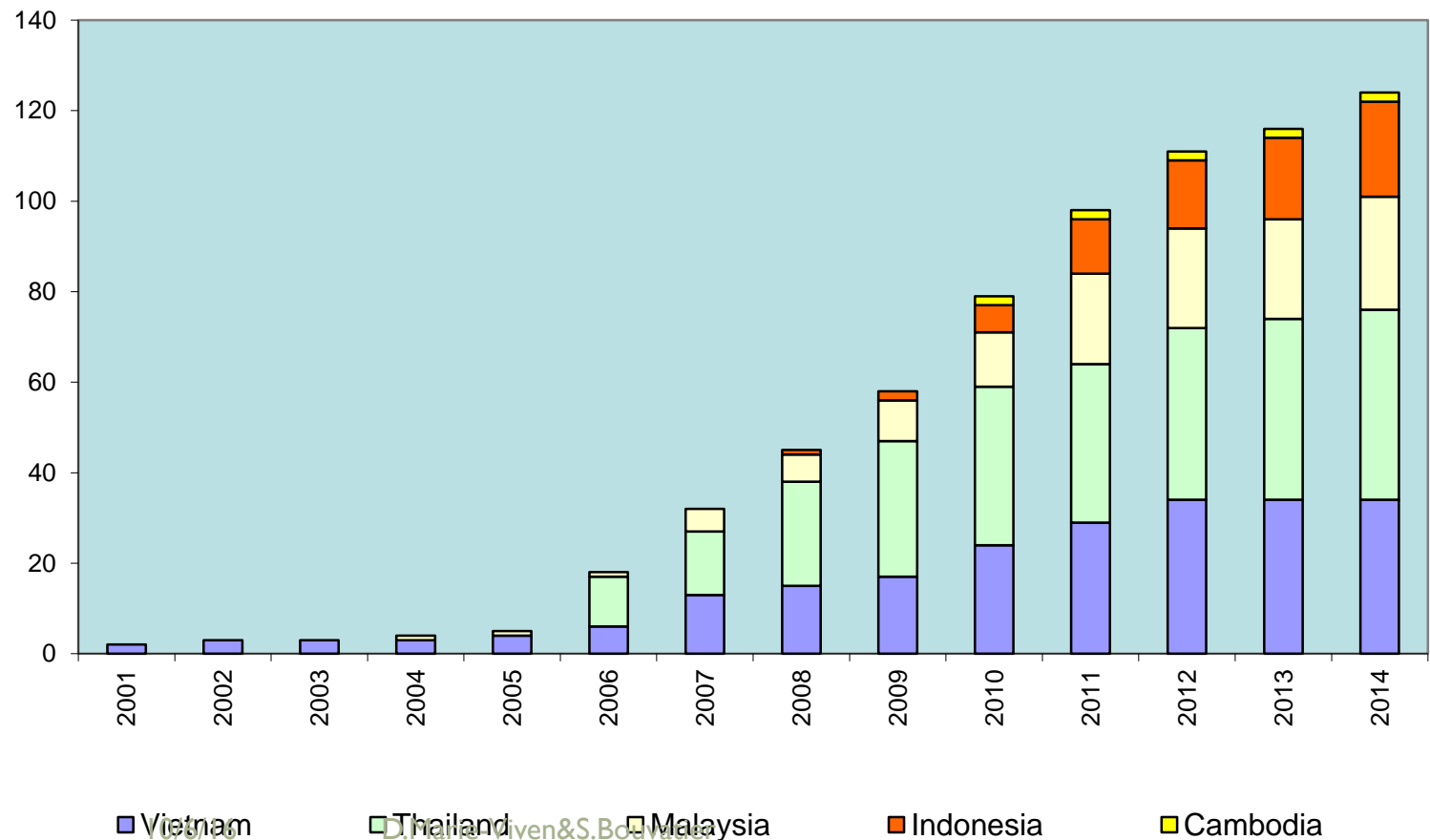


# GI legislations in Asean countries

- Singapore:
  - Geographical Indications Act of 14 April 2014
- 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:
  - 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
- Lao PDR :
  - The Law on Intellectual Property 2012, Ministerial Decision on the Implementation of the Law on IP concerning Geographical Indications , Sept 2012
- Cambodia: Law on Geographical Indications, January 2014
  - preparing guidelines and application forms as well as regulation on controls:

# Development of GIs in ASEAN

- More than 120 registered GIs in ASEAN countries in 2014
- Around 200 GIs registered today



# Registered GIs in some ASEAN countries - Nov 2015

- Thailand: 70 (59+11)
- Vietnam: 47 (43+4)
- Indonesia: 31 (28+3)
- Cambodia: 2
- Malaysia: 48 (41+7)

# Focus on Vietnam

## GI regulations in Vietnam

- Before 2005: first regulation on GI in 1996 (Decree No. 63/CP – Appellation of origin)
- After 2005: IP Law 2005 + Decrees (2006) + updates (2009/2010)

## Registered GIs :

- Today : 47 registered GIs
- Including 4 foreign GIs : Cognac, Pisco, Scotch Whisky and Isan silk.

# Examples of GIs in Vietnam



Phú Quốc fish sauce



Bình Thuận dragon fruit



Buôn Ma Thuột coffee



Văn Yên cinnamon



Thanh Hà litchi



Bạc Liêu salt

# Challenges at domestic level in Asean countries

- Lack of use of GIs : Producers not involved in drafting the GI specification
  - Vietnam : GIs owned by the State
  - No collective action and collaboration among stakeholders
- Lack of awareness of consumers:
  - Need to develop communications and marketing
  - National logo for GI in some countries
- Control schemes to be developed
- Confusion with collective, certification trademarks
  - Asean being stretched between EU and US models







## **VII. INTERNATIONAL REGISTRATION OF GI**

TRIP's mechanism

Lisbon Agreement mechanism

FTA mechanism

# TRIPs mechanism:

- Protection has to be achieved in all countries
  - according to its national legal framework
  - Very flexible system but very costly for producers
- Negotiations on an international system for the notification of GIs for wines and spirit (register) :
  - art 24 + Doha Declaration, §18
  - Frozen negotiations
- Ex of Procedure for registration of foreign GIs in the EU and in Asean

# Registration of foreign GIs in the EU

- Same criteria as for EU GIs
  - Specification: link with the origin
  - Nature of the applicant
- Proof that the GI is protected in its country of origin:
  - as a GI or as a collective/certification trademark
- Until now, only agricultural and foodstuff...but opening in the future to all products

# Foreign GIs in the EU

## 21 names registered ...


- Colombia (1)
- India (1)
- China (10)
- Vietnam (1): Nuoc Mam Phu Quoc
- Thailand (3):
- Cambodia (1): Kampot Pepper
- Andorra (1)
- Turkey (1)
- Norway (1)
- Etc.

# DOOR Register – NON-EU names

European Commission
**DOOR**

European Commission > Agriculture and Rural Development > Agriculture and food > DOOR > Browse

- Latest [registered](#) designations
- Latest [published](#) designations
- Latest [applied](#) designations



10 rows ▼ view 1 - 1 from 1 rows.

Dossier Number	Country	Name	App Type	Date	Status:	.xls
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<a href="#">VN/PDO/0005/0788</a>	Viet Nam	Phú Quốc	PDO	11/10/2012	Registered	

10 rows ▼ view 1 - 1 from 1 rows.

# DOOR Register – NON-EU names

European  
Commission

DOOR

Legal

European Commission > Agriculture and Rural Development > Agriculture and food > DOOR > Browse

- Latest [registered](#) designations
- Latest [published](#) designations
- Latest [applied](#) designations



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Dossier Number	Country	Name	App Type	Date	Status:	.xls	
<input type="text"/>	TH - Thailand	<input type="text"/> ... [ ALL Product Classes ] ...	...	<input type="text"/> <input type="text"/>	...	<input type="button" value="search"/>	<input type="button" value="showAll"/>
<a href="#">TH/PGI/0005/00814</a>	Thailand	Kafae Doi Tung / กาแฟดอยตุง <i>Kafae Doi Tung</i>	PGI	14/07/2015	Registered		
<a href="#">TH/PGI/0005/00815</a>	Thailand	Kafae Doi Chaang / กาแฟดอยช้าง <i>Kafae Doi Chaang</i>	PGI	14/07/2015	Registered		
<a href="#">TH/PGI/0005/01115</a>	Thailand	ข้าวสังข์หยดเมืองพัทลุง <i>Khao Sangyod Muang Phatthalung</i>	PGI	27/05/2013	Applied		
<a href="#">TH/PGI/0005/00729</a>	Thailand	ข้าวหอมมะลิทุ่งกุลาร้องไห้ <i>Khao Hom Mali Thung Kula Rong-Hai</i>	PGI	12/02/2013	Registered		



# Registration of foreign GI in ASEAN

Necessity to register each GI in each country according to domestic law:

- Tea Moc Chau in Thailand (forthcoming)
- Buon Ma Thuot Coffee in Thailand (forthcoming)
- Isan Indigenous Silk Yarn in Vietnam (2014)
- Cognac in Vietnam

## Automatic protection in all signatories countries

# Geneva Act of the Lisbon Agreement

- Application for AO/GI registration at International bureau (WIPO)
  - of any AO/GI protected in country of origin
  - For any kind of good
  - by the Competent Authority or by the beneficiaries (producers...)
- If no opposition, automatically protected without further procedure in all signatories countries :
  - directly enforceable in domestic courts
  - No substantive examination by WIPO

# Geneva Act of the Lisbon Agreement

- Very efficient system
- 819 AO registered up to now
- Since May 2015 also for GI
- Interesting for all countries having GI system:
  - any member of WIPO can join

# Free Trade Agreement mechanism

- Challenge of registration and enforcement in foreign countries, cost for producers
- Difficult negotiations at WTO
- Still few members of the Lisbon Agreement and Geneva Act
- Bilateral Agreement are becoming increasingly important to protect GIs in other countries:
  - List of GIs to be protected « automatically » according to the level of protection of the FTA

# FTA EU and ASEAN

- 2007: EU and ASEAN launched negotiations
  - Lack of progress: pursue FTA negotiations in a bilateral format with countries of ASEAN.
  - 2010: with Singapore (concluded), Malaysia
  - 2012: with Vietnam, concluded
  - 2013: with Thailand
  - 2015: with Philippines



# EU-Singapore and EU-VN FTAs

- Vietnam: lot's of GIs protected domestically:
  - FTA includes a list of 171 EU GIs and 39 VN GIs
  - automatically protected
  - according level of protection ruled by the Agreement:
    - same for VN GIs and EU GIs
    - higher than what is provided in the Vietnam law
    - but little less than what is provided in the EU Regulation
- Singapore:
  - GI list but each GI has to be examined individually
  - low protection of TRIPs except for wines/spirits
- FTA = lower protection / Lisbon Agreement + long time for negotiation but easier than TRIPs mechanism



## **VIII. CONCLUSIONS**

# Conclusions

- GI: interesting tool to promote origin products at the time of globalisation: long successful experience in Europe
- Asean countries are very dynamic : numerous GIs with real success stories: Kintamani Coffee, Kampot Pepper, Nuoc Mam Phu Quoc
- Still some challenges to overcome the lack of awareness among producers and consumers



Thank you for  
your attention