

# Geographical indications and innovation : two conflicting concepts ?

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A concept of Geographical Indication  
based on a conservative approach  
of production processes

# GI : back to the TRIPS definition

## Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS – 1994)

### Article 22 :

«Geographical indications are [...] **indications** which identify a good as **originating** in the territory of a Member [=country], 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.**»

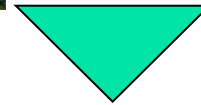
# GI : a link between nature, culture and a product

**Geographical area + Specific product + Causal link = GI**

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



Producers  
(tradition, know-how)



Specific product (quality, reputation)

# GI : a product of history <sup>(1/3)</sup>

- GI = a pre-existing product
- Impossibility to “create” a GI
- France : use of the expression “GI recognition” instead of “GI registration”
- Registration of a GI = process of identification of a product as a GI + codification of tradition

# GI : a product of history (2/3)

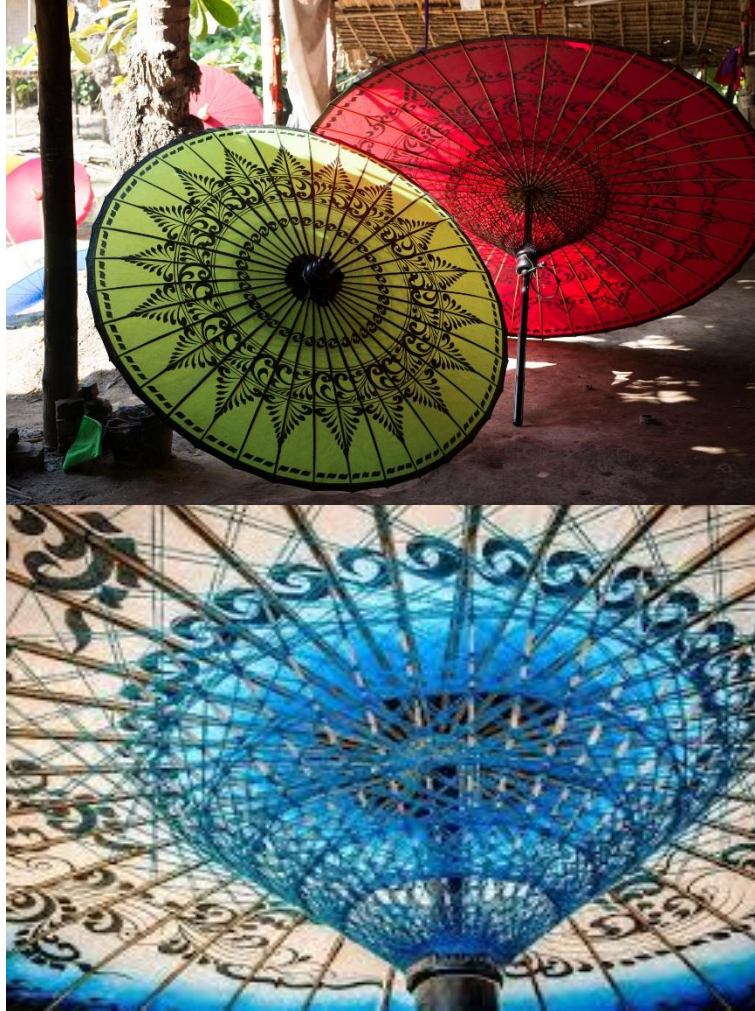
- GI = more than a mere indication of origin
- Main additional features :
  - a specific product (“given quality”) – linked to market differentiation/added value ( $\neq$  standard product) based on natural factors and human factors (linked to production processes)
  - a reputation – linked to history of the product/region idea of tradition, including for production processes

# GI : a product of history (3/3)

- Key role of the GI specifications = set of rules to ensure the preservation of the specificity of the product – based on traditional practices
- Cover all stages of production processes :
  - type of plant varieties/animal breeds
  - cultivation/husbandry practices
  - harvesting methods
  - processing methods
  - etc.
- GI : a prisoner of history ? closed to innovation ?



# GI : a prisoner of history ?

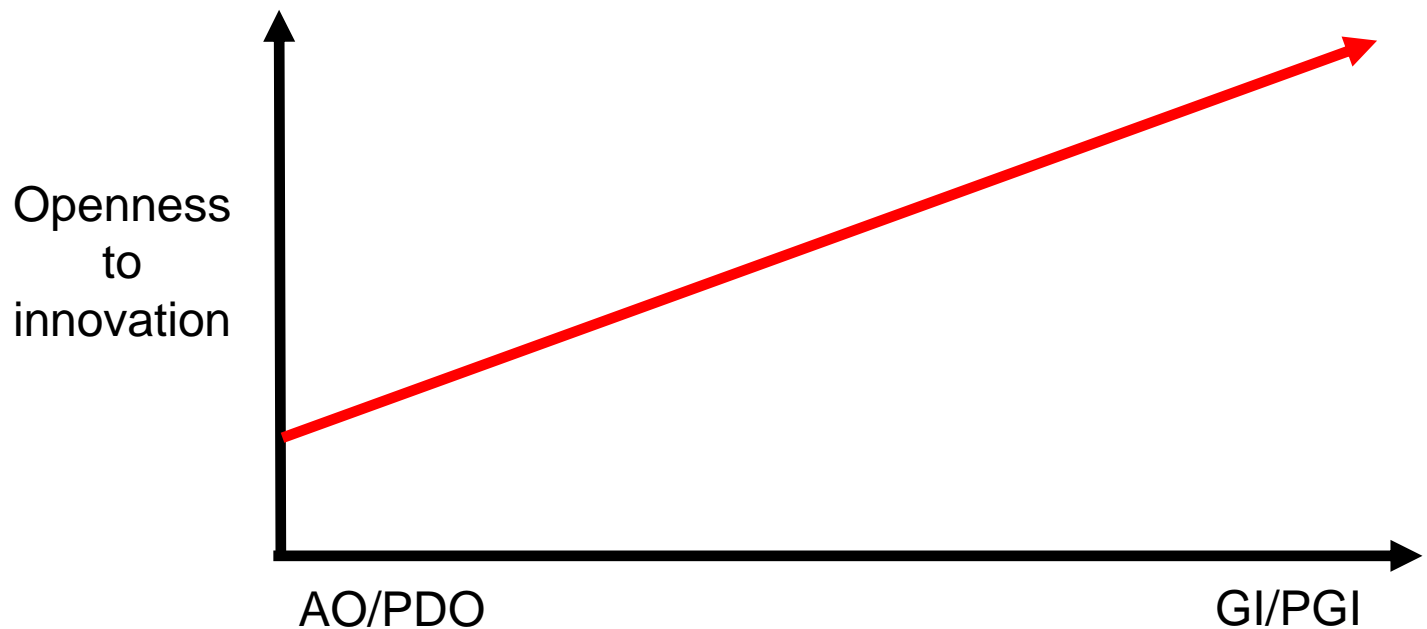




Which room left  
for the use of innovations  
by GIs ?

# GI : a conditional access to innovation

- GI specifications = open to modifications – but the specificity has to be preserved
- Definitions of GI vary across countries : more or less stringent criteria for GI registration



# GI/innovation : French practices <sup>(1/3)</sup>

- INAO (= National Institute in charge of GI) :
  - 5 national committees (by products/signs of quality and origin) : **examination** of GI applications (specifications) and of modifications requests
  - 5 cross-cutting commissions (notably the scientific and technical commission and the environmental commission) : provide **expertise** on potential impacts of innovations on GI products + **recommendations**
  - Recommendations = reference for decisions by national committees

# GI/innovation : French practices (2/3)

- Current discussions on GI and innovation mainly linked to the following topics :
  - climate change
  - environmental concerns (input use reduction, water management, biodiversity preservation,...)
  - consumers and civil society demands (evolution of consumers taste, GMO,...)
  - new technologies (milking robots, new grape varieties based on inter/intraspecific crosses to improve resistance to plant diseases,...)

# GI/innovation : French practices (3/3)

- Generally, open and balanced approach on innovations :
  - Yes...
  - But only if...
  - And beware of...
- Main concerns : preservation of the specificity and the quality of the GI product
- Cautious approach : impact assessment and progressive implementation

# Case study 1 : Milking robots for GI cheese producers ?

- Impact assessment :
  - Positive impacts on farmers work condition, animal welfare
  - Negative impacts on feed composition, animal diseases, milk quality
  - Risks : herd monitoring, group dynamic (not possible for all),...
- Conclusion : decisions to be made on a case by case basis
- Comté cheese : no milking robots (technical reasons + [image](#))



# Case study 2 : new grape varieties for GI wine producers ?

- Conclusion : possibility to use new varieties
- But :
  - specificity (typicity) of the wine must be preserved
  - introduction of new varieties must have a technical justification (resistance to diseases) – not for commercial reasons (“popular” varieties)
  - min. 10 years of experiment
  - max. 10 % of total area





Conclusion :  
Producers organization,  
more important than new technologies ?

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# Conclusion

- GI specification : based on existing/traditional practices – necessary rules to ensure the specificity of the product
- Nevertheless, GIs open to innovation as long as the specificity of the product is preserved
- Impact assessment needed and collective implication of producers
- Besides : Organization of producers and GI marketing = two open fields for innovation

*Thank you for your attention !*

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