

SINER-GI

Meeting Montpellier 6-7 September 2006

Main findings of WP1

Legal and Institutional Issues related to GIs



WP1 objectives (1)

- Characterisation of the **different legal and institutional frames** related to GIs, taking combinations between administrative scales into account
 - What are the legal concepts applying to GIs in different countries?
 - What are the institutions involved in the legal protection of GIs?
 - How do the system works, how much does the protection cost?

WP1 objectives (2)

- Identification of **methods of analysis** aimed at assessing the **effectiveness** and **effects** of different types and levels of legal protection (both in national and international scopes), in relation with different institutional frames
 - How the protection to GIs applies in different cases of usurpation?
 - Do the available means of protection for GIs have effects on the interest of producers for a legal recognition?
 - Are there problems for some kinds of products to benefit from the available legal frame for the protection of GIs?

WP1 objectives (3)

- Provide a database of information on GIs legal and institutional aspects
- Provide the other WPs with clear tools of analysis and workable categories

WP1 checklists

Europe: 15

Africa: 3

Asia: 8

America: 4



Difficulties in covering a large number of non European countries

WP1 difficulties with the basic material

- **Quality**

- Lack of information in many CL
- Contradictions, inconsistencies...
- information only on a part of a national context

- **Reviewing**

- Different issues would usually have required contributions from different people: legal issues, supply-chain, controls, consumers issues...

- **Implementation**

- In many CL, information only in formal aspects, no information on concrete implementation

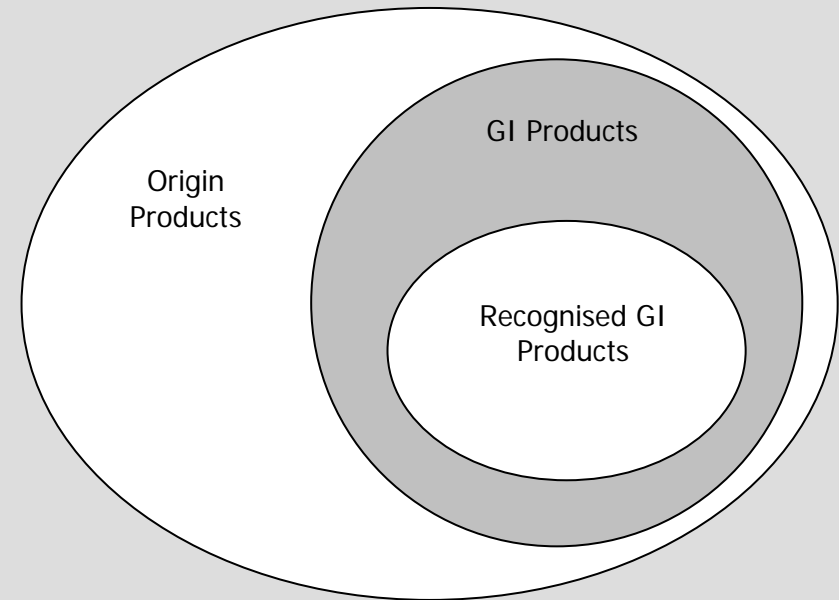
WP1 main findings (1)

- **Definitions**

- Origin Products
- GI Products
- Recognised GI Products

- **Research objects**

- Products
- Intellectual Property Rights
- Frames of legal protection
- Public policies related to GIs
- Legal and institutional frames related to GIs
- **Effects of the protection of GIs**



WP1 main findings (2)

- **Different levels of protection**

- according to the definition of GI
- according to the territorial effect
- according to the content of registers and agreements

- **Different tools of protection**

- different definitions
- different institutions in charge of the protection
- Relations with public policies

WP1 main findings (3)

- **Effects and effectiveness of legal protection**
 - conflicts of different natures
 - no assessment of the relation between a legal tool and effects
 - Lack of assessment of the effects (with necessity of taking all related public policies into account)

WP1 main findings (4)

- **Evaluation and typology**

- chronological perspectives which must be considered
- Evaluation: on a case? On GIs in general? On the national frame?
- Evaluation and typology of national frames: through ideal-types
- Evaluation and typology of each GI: through marks with 5 criteria

WP1 evaluation and typology GI Frames

International frames

International position

Bilateral frames

Specific legal means of protection

Public policy

Generics

Recognition

Requirements on GIs

Registration authority

Control

WP1 evaluation and typology

GI Products

1. Requirements on quality (methods of production, organoleptic characteristics...)
2. Involvement of public authorities (registration, administrative support, management...)
3. Control/certification (auto-control, control by public authorities, certification...)
4. Organisational strength (legal recognition of interprofessional body, promotion...)
5. Effectiveness of the protection (legal basis, support from authorities...)

Needs for further researches

- concrete implementation of new legal tools of protection

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- administrative management issues

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- relations between the protection and the management of the supply-chain

comparison of the effects of different legal tools of protection