

*Strengthening International Research
on Geographical Indications*

Geographical indications in developing countries today: **trends, hinders and opportunities**

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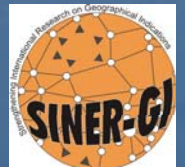
Conference SINER-GI Montpellier, 7 septembre 2006

**Les indications géographiques
dans les pays en
développement aujourd'hui:
tendances, écueils et
opportunités**

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1. From Origin Products to recognized GI in the developing world: Why ?

- An accelerated widening and protecting process:
 - regarding countries
 - regarding products ...
- *But :*
 - still a very unequal North-South balance
 - Southern Europe : « berth » and reference
 - GI = « EU model », or tool for international public good ?

'Products x Place x People' linkages: worldwide evidence

- Multiplicity and anteriority of « Origin products » throughout the world : Africa, Asia, Latin America
- National markets : Origin = 'proxy' for trust
 - *Vietnam : 265 « local specialty products » (Tran, 2005)*
- International markets : place sometimes means more than provenience.
 - *Case of Coffee : Origin = 'proxy' for aroma, non-standardized quality attribute. Defines premium*
- **New** : recognition and institutionalization of GI s

GI recognition and protection: Why?

1. Ancient : economic stakes for export products
 2. Recent: liberalization and DE-protection process
 - WTO (2000 and 2006 deadlines)
 - « Fame without protection » = risks !
 - Frauds and usurpations
 - Intense regional names trademarking: EU-US-Japan
 3. Global markets : strategic identity advantage
 - Aiming at premium specialty markets
 - Mainly export-oriented
 - Monopoly rent seeking: IPR
 4. Recent rural policy interest
 - Govts ; NGOs ; ..Communities?
- .. But not for *all* Origin products



Recognized GI in devping world: strong political and institutional involvement

- Significant DC participation in WTO GI negotiations
- Stake: reciprocity : international recognition of their GI
 - *Multinational register ?*
- Debate on extension of additional protection (Art.23):
 - not a North-South, rather a « new » vs. « old world» divide
 - *Example : Basmati Rice*



No standard model regarding GI protection schemes

- WTO : « freedom of implementation ». No obligation of positive protection.
- GI in TRIPS: predominance of Intellectual property definition and paradigm
 - NOT on quality insurance, nor on collective agreements
- Suspicion about EU-centered tool: less and less true !
- Diversity of GI implementation worldwide:
 - ... Negative ?
 - ... Positive ?
- National level : determines GI legitimacy and conditions for success.



2. Origin products and GIs in developing countries : an overview of their diversity

- Question is no longer **WHETHER** GIs are growing worldwide, but **HOW** ?
 - Which actors, which rules ?
 - For which stakes /objectives and with which effects ?
 - Will producers receive benefits ?

GI in developing countries : heterogeneous stakes / justifications

- GI justifications in the EU: from counterfeiting to organization of production, rural development, environmental issues (Sylvander et al. 2005)
- In developing countries, either /and :
 - Reappropriation of usurpated or trademarked geographical names
 - Improved access to markets, mainly external
 - Biodiversity conservation tool
 - Traditional knowledge and communities
 - Collective initiatives for rural development
- Several aspects simultaneously –potential conflicts ?
- IP aspect first – less on values and rural development

OP and GIs in developing countries: heterogenous actors

- Individual, collective, firm, NGO, public enterprises ...mainly state-driven initiatives
- Strong states x weak states
- Varying role and recognition of Producers' and interprofessional organisations
- Local, national and international supply chains



North – South dissonances :

- The role of producers' organisations
- Consumers' expectations
- Guarantee systems
- Capacities of public agencies (and of institutions at large)

(Casabianca 2002)



3. Four exemplary cases



1. Tequila (Mexico)

- Justification
 - Lisboa Arrangement, 1958
- Market:
 - x 8 in 20 years ; export boom
- Production Rules
 - Norm (1949), PDO (1974) and adaptations
 - Bottling still done outside the GI area
- Institutions and governance
 - Consejo Regulador: distillers
 - 4 companies : 4 = 67%

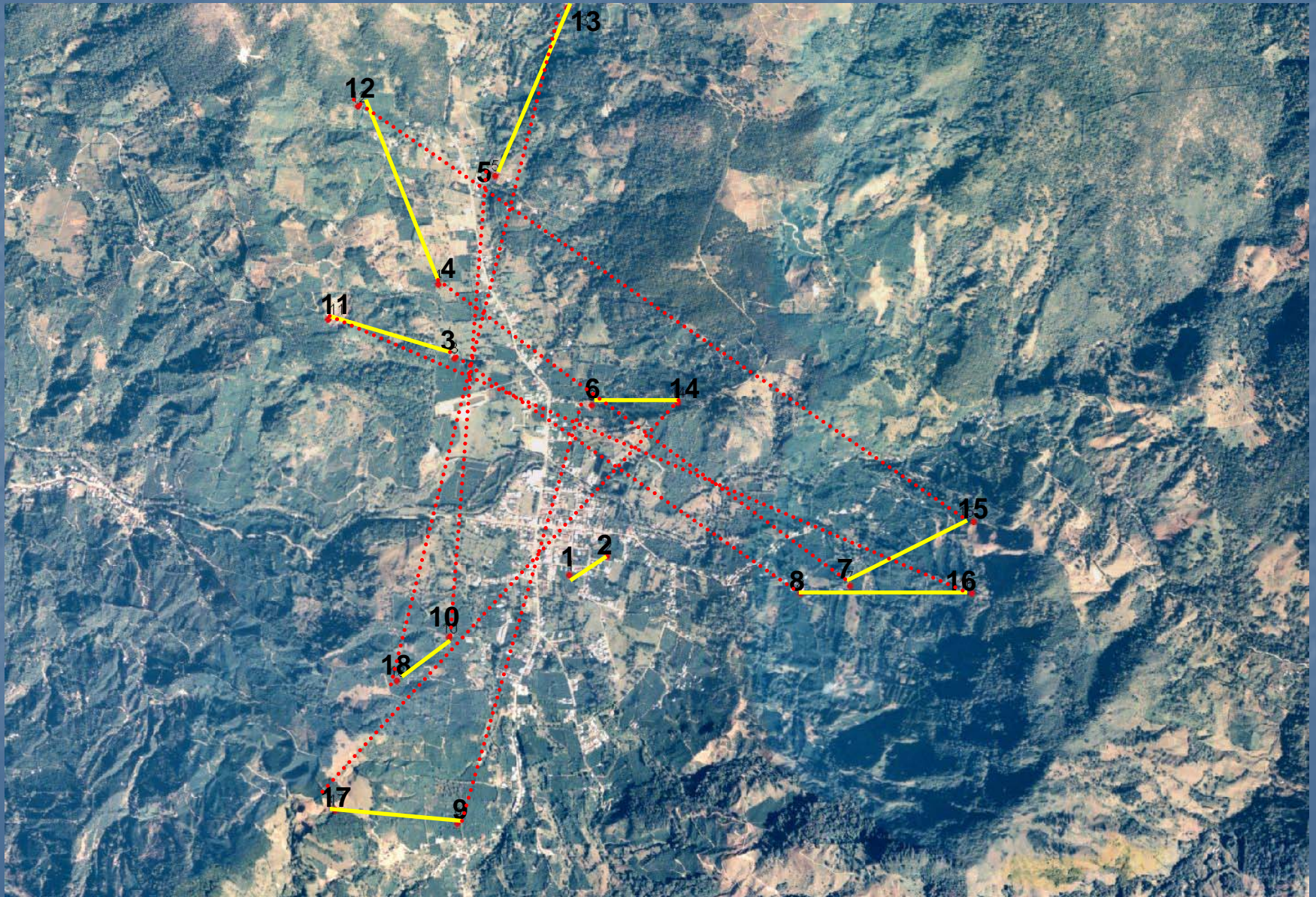
 - Crisis : agave disease ; 2 scénarii

2. Coffee (Costa Rica)



- Worldwide: overproduction, price collapses, specialty premium, differentiation strategies
- GI: the most sustainable differentiation ?
- Costa Rica: National Rule (1950's) vs. Free Trade Agreement
 - GI justification : keep the premium
 - Market = export
 - Rules and institutions : 2 co-existing approaches
 - « Country GI » – cf. Colombia
 - « Terroir approach » : Dota area

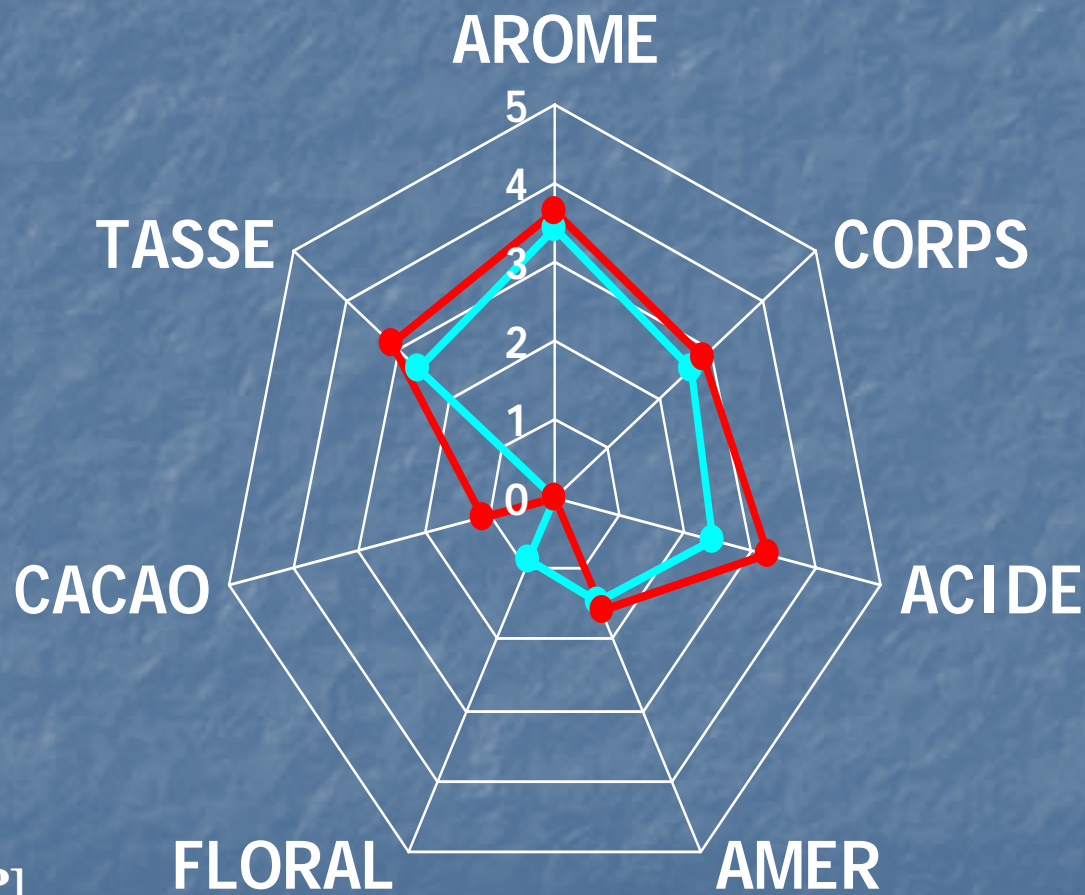
Environmental criteria for GI area delimitation in Dota



Product typicity: sensorial analysis

OROSI

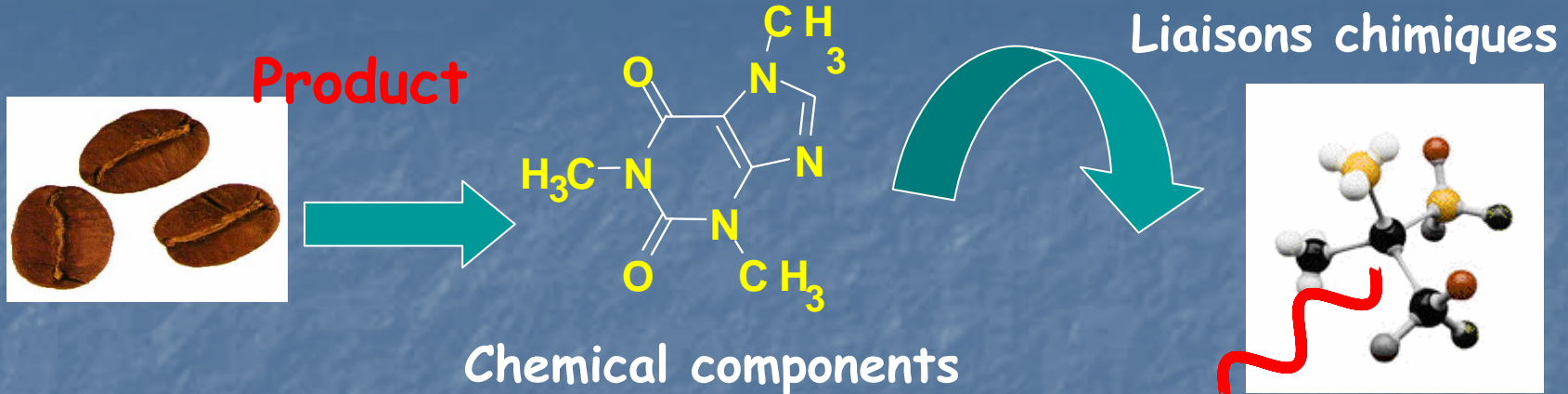
DOTA



[J.Avelino, Cirad-CP]



Product typicity: chemical analysis

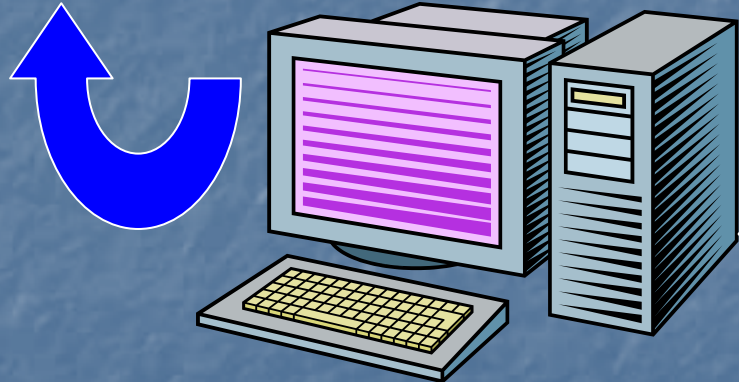


Ex : Caffein

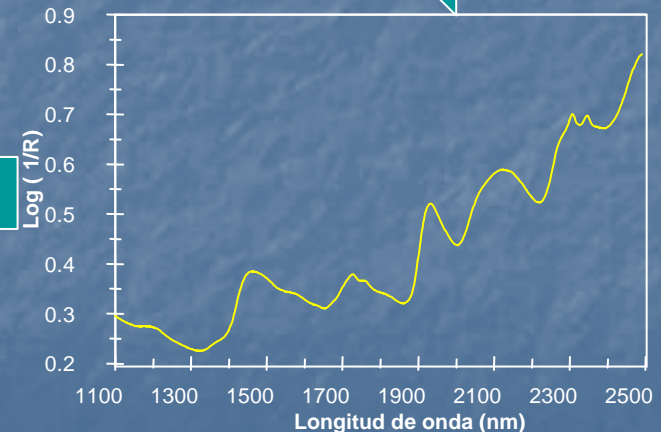
SPIR

Infrared
Light
Absorbed energy

Analyse qualitative
Analyse quantitative

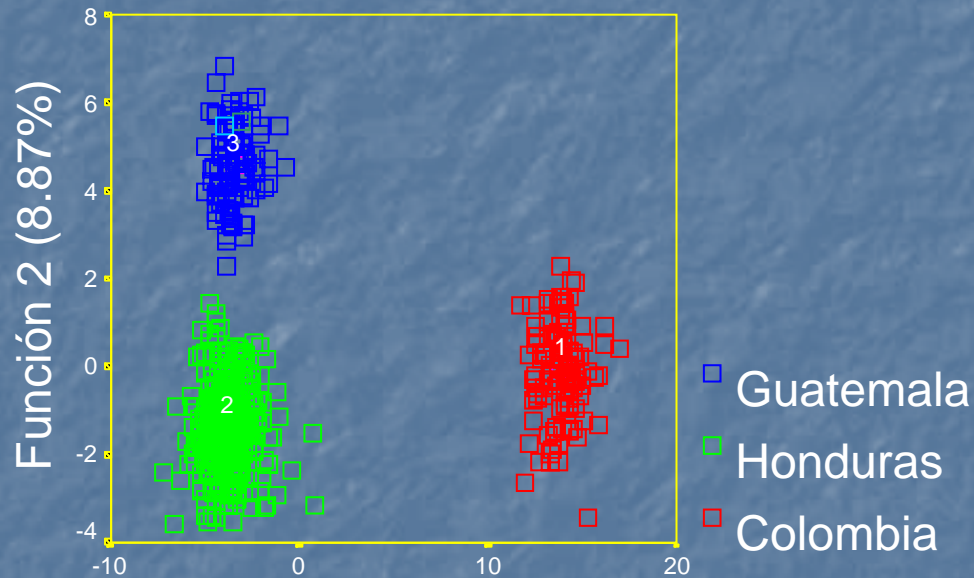


Comparaison avec bases de
données spectrales
interprétations / predictions



Control mechanisms : Chemical trace

Fonctions discriminantes canoniques



IG et AOC Café:

- Pas incompatibles
- Pas les mêmes acteurs
- Différentiation durable

Función 1 (91.12%)

Resultats de la classification

N° de echant.	Classes prévues			To	
	PAYS	C	H		G
	C	112	0	0	11
	H	0	320	0	32
	G	0	0	98	9

100.0% des échantillons classifiés correctement.

F. Davrieux CIRAD-CP

3. Red herbal tea: *Rooibos*

(South Africa)



- Justification
 - Endemic species within specific '*fynbos*' ecosystem
 - Trademark (USA) → Cancellation
- Market boom exports = 60%
- Structure
 - 1 dominant enterprise (previously public)
 - 3% small producers
- Collective rules ?
 - Collective action : will depend on external and internal threats

4. *Chanderi* Handloom (India)



Context: GI in India

- The Geographical Indications of Goods Act, 1999
- The Geographical Indications of Goods (Registration and Protection) Rules, 2002
- Entry into force: 15 sept 2003
- « All India Geographical Indications Registry »: Chennai , www.girindia.com
- 2003 – 2006 : already more than 50 GI applications
- National market first ; state enterprises
- 1) Textile 2) Other crafts 3) Agricultural products
4) ...Services ?

Chanderi Handloom (India)

- Justification
 - Geographical concentration of hand-made silk weaving fabric
 - Unique features: softness, permanent shine
 - Knowledge –human factors
- Market : national and export
- Structure
 - Traders, Master weavers and weavers
 - Coop and non-coop
- Collective rules
 - Bill book ; enforcement committee
 - GI logo and quality control laboratory



4. Conclusions

- for EU :
 - New EU regulation 510/2006 (20 march 2006)
 - May 2005: Colombia Coffee application
 - Management of external Gis
- for devping countries :
 - Potential, even for subsistence economies
 - Protection of traditional knowledge, biodiversity usage
 - Negociation of symbolic value
 - Strong impetus - stakes open
- international governance of GI ?

Conclusions

- Potential to localise economic control
- .. to promote rural socioeconomic development
- .. to enable economic returns to holders of traditional knowledge

BUT :

- Actualising this latent potential requires
 - .. the development of complementary institutions
 - .. and cooperation of all interested parties throughout the supply chain

(Rangnekar, 2004)