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

Denis SAUTIER, CI RAD Montpellier
Les indications géographiques dans les pays en développement aujourd’hui: tendances, écueils et opportunités

Denis SAUTIER, CI RAD Montpellier
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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 developing 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 paradigma
  - 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 GISs in developing countries: an overview of their diversity

- Question is no longer WHETHER GISs 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
- Garantee 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, differenciation strategies
- GI: the most sustainable differenciation?
- 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

[J. Avelino, Cirad-CP]
Product typicity: chemical analysis

Chemical components
Ex: Cafein

Analyse qualitative
Analyse quantitative

Comparaison avec bases de données spectrales interprétations / predictions

(F. Davrieux CIRAD-CP)
Control mechanisms: Chemical trace

Fonctions discriminantes canoniques

I G et AOC Café:
- Pas incompatibles
- Pas les mêmes acteurs
- Différentiation durable

Resultats de la classification
100.0% des échantillons classifiés correctement.

Función 1 (91.12%)

Función 2 (8.87%)

Classes prévues

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3. Red herbal tea: *Rooibos* (South Africa)

- **Justification**
  - Endemic species within specific ‘*fynbos*’ ecosystem
  - Trademark (USA) → Cancelation

- **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](http://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 developing countries:
  ■ Potential, even for subsistence economies
  ■ Protection of traditional knowledge, biodiversity usage
  ■ Negotiation 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)