The background of the slide is a dark grey map with white contour lines. In the bottom-left corner, there is a compass rose with a dark grey needle pointing towards the top-left. The compass rose is labeled with 'N' for North, 'NE' for Northeast, 'SE' for Southeast, and 'SW' for Southwest. There are also some other markings like 'NW' and 'S'.

NEW WORLD DEVELOPING COUNTRIES AND THEIR VIEWS ON GEOGRAPHICAL INDICATIONS

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National Directorate for International Agri-Food Affairs
Ministry of Agriculture, Livestock and Fisheries
Argentina - 2010

BACKGROUND



A topographic map with a compass rose is the background of the slide. The map shows contour lines and a compass rose with cardinal and intercardinal directions labeled: N, NE, E, SE, S, SW, W, NW. The text is overlaid on this background.

Paris Convention 1883 -1967

Repression of False Indications

Madrid System – 1891


Repression of False or Deceptive Indications in Products (35 M)

Stresa Convention – 1951

International Convention on the Use of Appellations of Origin and Cheese Designations (4 M)

Lisbon Agreement - 1958

Protected Designations of Origin and International Register.
Repression of False or Deceptive Indications (26 M)

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Economic effects of each agreement on GI products?

MULTILATERAL FRAMEWORK

TRIPS - WTO

(153 M)

RELEVANT ASPECTS OF THE AGREEMENT

- Regulates *private rights*
- Creates an "*International Public Law System*" applicable to "disputes between public organizations"
- **Territorial** rights

TRIPS Implementation

Art. 1.1

States are sovereign to establish a *broader protection* than required under the agreement, although this is not mandatory.

"Members shall be free to determine the *appropriate method* of implementing the provisions of this Agreement within their *own legal system and practice*"

TERRITORIALITY

- ▶ Intellectual property rights are territorial, i.e. they are valid in an area limited to the territory of the granting state.
- ▶ Protected GIs in a Member will not necessarily be protected in others.

GEOGRAPHICAL INDICATIONS

Article 22

They 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."

TRIPS PROTECTION

a. General protection system applicable to all products

▶ Prevent misleading consumers

▶ Prevent unfair competition

b. Special system applicable to wines and spirits

ARTICLE 22 TRIPS

IT IS THE LEVEL OF PROTECTION
APPLICABLE TO:

▶ OLIVE OIL

▶ TABLE OLIVE

Not necessarily positive recognition

EXCEPTIONS TO WINE GI PROTECTION

ART. 24

- Applied for or registered trademarks
- Generic names
- Grape varieties
- Names of people or their predecessors used in trade transactions
- GIs **not protected** in origin or in disuse
- Recognition of homonymy (art. 23)

WTO DOHA ROUND

The extension of additional GI protection to other agricultural products

- ▶ No negotiating mandate
- ▶ Under discussion
- ▶ Uncertain outcome

Now minimum mandatory GI protection for agricultural products (art.22)

INTERNATIONAL AGREEMENT ON OLIVE OIL AND TABLE OLIVES, 2005

- ▶ Commitment to detailed consideration of the definition of designations and geographical indications of **economic interest** to Members
- ▶ **Minimum national legal provisions** necessary to ensure their protection in the territory and in international trade related with designations and GIs
- ▶ Creation of a **"system of mutual recognition"** of geographical de indications

PARAMETER DEFINING OLIVE OIL

The IOOC should adopt decisions to ensure that all **genuine olive oils** are covered by its **standards** and can be protected by GIs

NEW WORLD'S VIEW ON GEOGRAPHICAL INDICATIONS



- 
- The background of the slide is a dark gray map with white contour lines. A compass rose is visible on the left side, and a dollar sign (\$) is located near the bottom left corner.
- ▶ Europe first to protect products with a **reputation** due to **origin** with intellectual property rights.
 - ▶ Around the world there are products with **reputation** attributable to the **origin** even if they are not protected with intellectual property rights

GEOGRAPHICAL INDICATIONS

- ▶ Are a **policy tool** to differentiate products
- ▶ The quality or **reputation of the product** is essentially attributable to its **geographical origin**
- ▶ Policy promoted by the **EU** in CAP II
- ▶ No **uniform definition** of GIs and PDO in international agreements

SITUATION IN DEVELOPING COUNTRIES

WEAKNESSES

- ▶ High system **costs** for the state and producers
- ▶ **Competes** with other "quality" programmes, Kosher, Halal, collective trademark, organic, etc.
- ▶ Benefits: **uncertain** and very limited

Cont.

- ▶ **Little interest** of governments in promoting the system.
- ▶ Lack of funding to develop GIs.
- ▶ **Uncertain results.**
- ▶ It raises **false hopes** in small producers.
- ▶ No **international obligation** to protect them with positive rights.

Cont.

- ▶ Low or zero consumer demand for GI products. Interest in real origin.
- ▶ GIs don't necessarily change the price of products.
- ▶ It requires a greater effort for market placement.
- ▶ Advance of private label brands.
- ▶ Competition with leading brands to differentiate products.
- ▶ Little interest of producers in GIs.

Occasional Benefits

- ▶ Promotion of associativism between producers.
- ▶ Compliance with quality protocols.
- ▶ Uniformity in production.
- ▶ Products with local identity.
- ▶ Promotion of the **name of the country** abroad as producer of foods associated or not with actual **"top quality"**.

CONCERNS ABOUT GIs

- ▶ GIs are most developed in **Europe** but **few are known worldwide**.
- ▶ The use of **GIs has not proved** to guarantee greater market access or bigger commercial success in relation to other strategies.
- ▶ **It has not been proved** that all **GI products** have a special quality.
- ▶ **It has not been proved** that the use of **GIs** provide more economic benefits than **TRADEMARKS** or that **economic benefits** are distributed in the chain.

Results of Study by Insight Consulting

Olive Oil and Olive GIs

▶ 120 of the EU

▶ 5 of Turkey

▶ 1 of Tunisia

▶ Other countries... Potential GIs

We should ask...

- ▶ How many **GI IOOC products** are traded at national level within the EU?
- ▶ How many **GI IOOC products** are exported?
- ▶ What studies have been conducted to evaluate **differential benefits** among origin-associated collective trademarks, GIs and provenance?
- ▶ Who **is benefitted** by a GI IOOC system?

Study on the Olive Oil Value Chain and Price Setting in Spain

g4

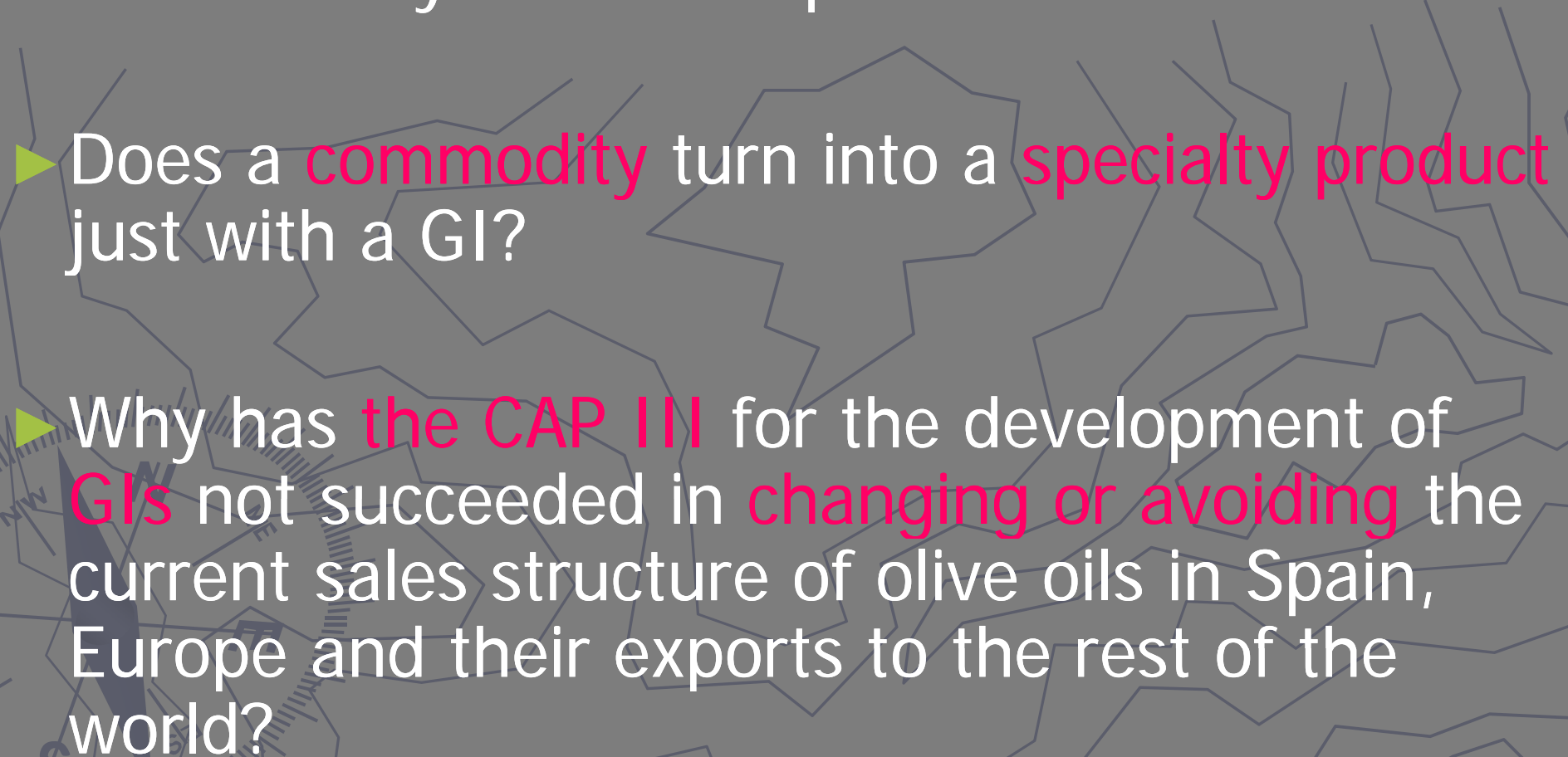
- ▶ + 50% of oils marketed with private label brands.
- ▶ 10%-12% leading brands.
- ▶ The rest corresponds to small producers that trade locally.
- ▶ 31 PDOs – 2% of total - 25,000 tons

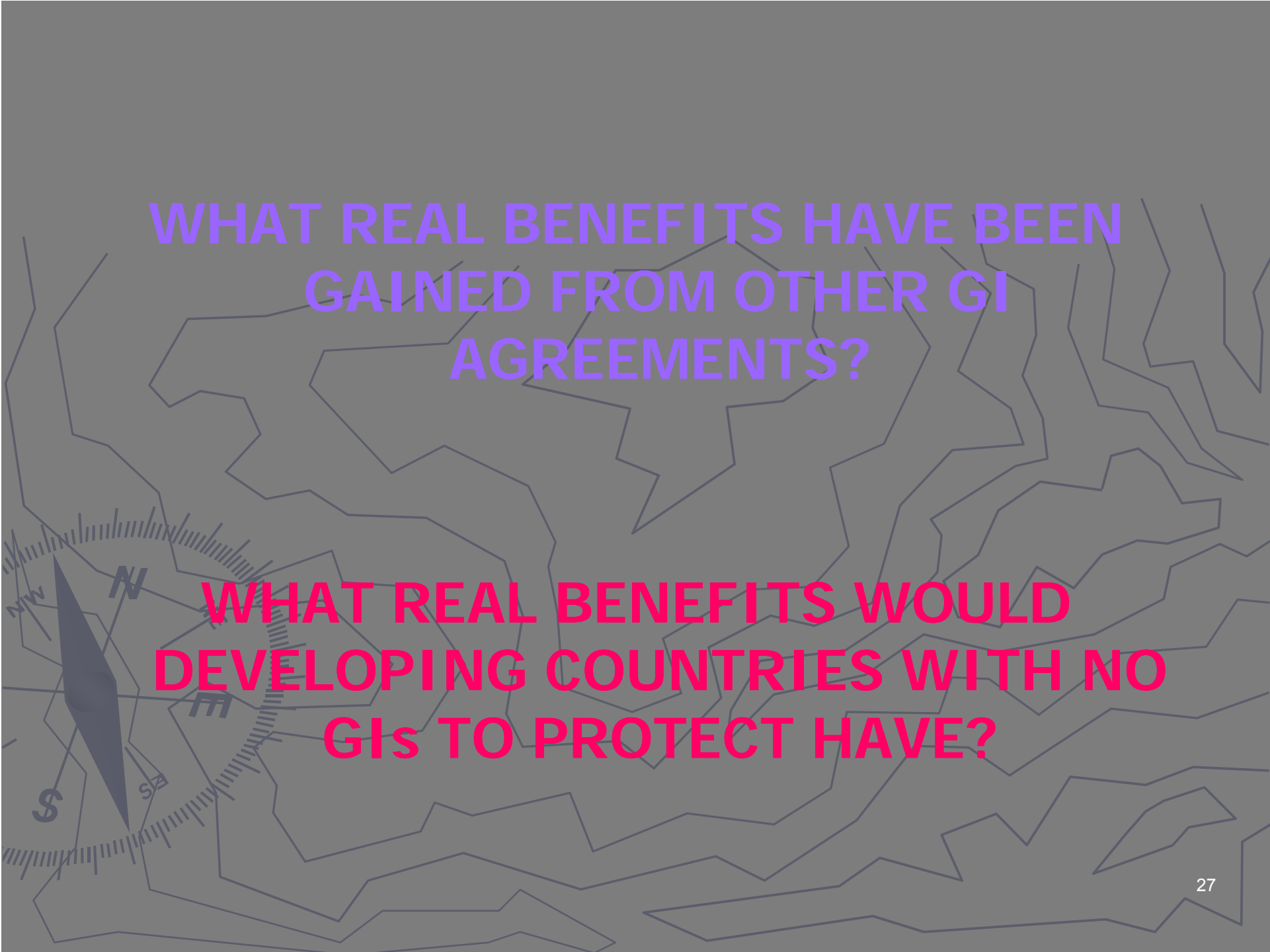
Diapositiva 25

g4

Estudio elaborado por la Agencia del Aceite de Oliva de España. Enero de 2010


gcatal_mecon; 13/10/2010

- 
- ▶ Will the current market equation change with the IOOC system of GI protection?
 - ▶ Does a **commodity** turn into a **specialty product** just with a GI?
 - ▶ Why has **the CAP III** for the development of **GIs** not succeeded in **changing or avoiding** the current sales structure of olive oils in Spain, Europe and their exports to the rest of the world?

A topographic map with contour lines and a compass rose in the bottom-left corner. The compass rose shows cardinal directions: N (North), S (South), E (East), and W (West). The map is rendered in shades of gray.

**WHAT REAL BENEFITS HAVE BEEN
GAINED FROM OTHER GI
AGREEMENTS?**

**WHAT REAL BENEFITS WOULD
DEVELOPING COUNTRIES WITH NO
GIs TO PROTECT HAVE?**

The background of the slide is a dark gray topographic map with white contour lines. In the lower-left corner, there is a compass rose with a dark blue needle pointing towards the top-left. The compass rose is labeled with 'N', 'NE', 'E', 'SE', 'S', 'SW', and 'NW'.

MARKET STRATEGIES IN NEW WORLD COUNTRIES

WHAT DO CONSUMERS LOOK FOR?

DO CONSUMERS IDENTIFY THE
INTRINSIC CHARACTERISTICS OF A
PRODUCT WITH ITS GEOGRAPHICAL
ORIGIN? OR MAKE A CHOICE BASED ON
ORIGIN?



Conclusions

- ▶ The TRIPS Council **has not managed to solve** the unresolved GI issues.
- ▶ To date, GIs remain an **EU policy**.
- ▶ Policy of **unclear results** in terms of costs and **consumer awareness**.
- ▶ The IOOC should **continue discussing GIs** before addressing the negotiation of a mutual recognition system.
- ▶ What is the benefit for **developing countries with no GIs?**

The background of the slide is a dark gray topographic map with white contour lines. In the lower-left corner, there is a compass rose with a dark blue needle pointing towards the top-left. The cardinal directions are labeled with letters: 'N' for North, 'S' for South, 'E' for East, and 'W' for West. The text 'THANK YOU' is centered in the upper half of the slide in a white, sans-serif font.

THANK YOU

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