

Creating conditions for the development of GIs: the role of public policies

Promoting quality linked to geographical origin by means of Geographical Indications (GIs) can support rural development. In this respect, governmental authorities at national, regional and local level, as well as other officials with public duties or representing public interests have an important stake in ensuring the sustainability of the GI system framework, especially when targeting initiatives at the local level.

The public sector can play a key role at all levels of government, including intergovernmental cooperation, in providing the conditions to ensure that GIs are adequately protected, regulated and supported. The sustainable development of GI products requires:

- A sound legal (legislative and regulatory) and institutional framework, enabling the recognition and the protection of collective property rights over the GIs on a given territory, by the legitimate territorial community of owners and with the adequate local rules (code of practice) (chapter 5.1).
- An integrated rural development policy that supports local stakeholders throughout the various phases of the quality circle. In order to establish and regulate a sustainable framework for GIs, several different factors should be taken into account by public authorities, including the need to promote fair trading relations and encourage value redistribution along the food chain and for the entire territory, as well as the need to protect and support public goods, including the environment and cultural values (chapter 5.2).

5.1 The legal protection of Geographical Indications

Introduction

Under the World Trade Organization (WTO) Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPs), WTO members have a mandatory responsibility to recognize and protect GIs as intellectual property rights. This can be done in many ways, and many countries have developed their own legal frameworks to enforce these rights. This section provides an overview of the variety of legal tools available to protect GIs that can be tailored to the needs and priorities of countries and their product markets.

Legal tools

Since 1995, the TRIPS Agreement has required all WTO members to establish a national legal framework for the protection and use of GI names for specific products (see box 1).

Most Governments have adopted legal instruments to protect GIs, although there are significant differences among them. Tools for GI protection range from general national laws on business practices relating to the repression of unfair competition or the protection of consumers, to specific regulations for the registration of GIs.

Two main approaches can be distinguished at the national level:

- Public law approach: this is the case when public authorities enact legislation dedicated to the specific protection of GIs (*sui generis* system). This approach generally consists of an official recognition of GIs, by granting the status of a public seal of quality, often through a common official logo.
- Private law approach: using laws against unfair competition, passing off, and trademark laws, where the protection is based on private actions.

Other intellectual property rights may also be used to protect GI products. For example, GIs may involve logos or distinctive shapes. However, they are generally registered as graphic trademarks. They may also involve the use of patents for processing or packaging, as well as industrial models and designs, etc.

Registration is the most common legal tool to define the circle of legitimate users and ensure protection for GIs. *Sui generis* systems and trademark laws can also be used to this effect.

Sui generis systems and trademark laws

Sui generis (from the Latin meaning “of its own kind”) is a term of art used to identify a legal classification that exists independently of other categorizations because of its uniqueness or as a result of the specific creation of an entitlement or obligation. *Sui generis* methods of intellectual property protection may provide legal protection for

BOX 1: TRIPS AGREEMENT AND GEOGRAPHICAL INDICATIONS

In 1995, the World Trade Organisation (WTO) as an intergovernmental organization, was assigned the mandate to regulate international trade. The WTO provides a global forum for negotiations on trade for goods and services that gave rise to the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPSs).

Article 22. 1 of the TRIPS Agreement defines GIs as “indications which 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.”

Under the TRIPS Agreement, three different levels of protection are provided for GIs:

- 1- Article 22 provides for a minimum standard of protection for all products in connection with misleading of consumer and unfair competition.
- 2- Article 23.1-2 provides for a higher level of protection, for wines and spirits only. It strictly prohibits the use of a GI on wines and spirits that have not specified a corresponding place of origin, even if used in translation or accompanied by expressions such as “kind”, “type” or “imitation”.
- 3- Art. 23.3-4 provides the highest level of protection for wines with homonymous indications (with the same name). It requires each Member state to determine the practical conditions under which the homonymous indications will be different from each other in order to avoid misleading the public.

The establishment of a multilateral system of notification and registration of GIs for wines and spirits under Art. 23.4 raises the following key international issues :

- a) the legal effects of the GI registration, and the scope of application of the registry;
- b) the establishment of a dispute procedure to deal with notifications are not considered eligible for protection by one or several members; and
- c.) the costs and administrative burdens of such a register, in particular for developing countries.

The extension of the level of protection provided for wines and spirits to other products under Art. 24.1 of the TRIPS Agreement is also a topic of current international debate.

signs and characteristics associated with a product, such as a logo or specific shape, by including them in the related product specifications.

The GI may be considered as a collective *sui generis* right as its use is normally reserved to those producers who respect a CoP that are defined by a community of producers and approved by a competent authority. The GI is then linked to the geographical place, and becomes non- transferable.

GIs may also be protected under trademark law, in the form of a trademark (TM), a certification mark or a collective mark, depending on the categories existing in the country.

A trademark is a distinctive sign which is used by a firm to identify itself and its products or services to consumers. A trademark is a type of intellectual property involving a name, word, phrase, logo, symbol, design, image, or a combination of these elements. Trademarks do not refer to generic terms, nor do they exclusively refer to geographical terms. They do not protect against the use of terms such as “blend” and “type” in conjunction with a geographical origin.

BOX 2: THE *SUI GENERIS* SYSTEM FOR PROTECTED DESIGNATION OF ORIGIN (PDO) AND PROTECTED GEOGRAPHICAL INDICATION (PGI) IN THE EU

In 1992, the European Union introduced two regulatory tools for the protection of Geographical Indications: Protected Designation of Origin (PDO) and Protected Geographical Indication (PGI). These intellectual property rights extend to all food products with the exception of wine and spirits, and they have replaced national pre-existing intellectual property rights for these indications in many European countries.

The definition of PDO is close to the concept of Appellation of Origin, where all phases of the production process should be localised inside the production area and the quality of the product should be strictly related to a particular geographical environment with its inherent natural and human elements. The PGI covers agricultural products and foodstuffs closely linked to a geographical area, where at least one of the stages of production, processing or preparation takes place within the given area.

The EU PDO/PGI regulation provides EU-wide protection to names of agricultural products and foodstuffs that have a close link to their geographic region of production. The regulation aims to prevent the use of registered names unless the products are produced in a specified territory and according to a specified code of practice. Protection is also provided to names of products produced in countries outside the EU, if these names are themselves protected in their own country of origin.

In order to benefit from PDO/PGI protection, EU producers can apply to register a name with their national authorities. As a result of amendments introduced under EU Regulation 510/2006, the Commission can now receive applications not only from non-EU national authorities, but also directly from non-EU producers. The application for review and publication of a GI by the EU commission is free of charge.

All applications must refer to a code of practice that must include at least the following:

1. The name of the product comprising the designation of origin or geographical indication;
2. A product description, including raw materials, if appropriate, and principal physical, chemical, microbiological or sensory properties of a product (involving taste, colour, odour and feel);
3. The geographical region of production (and any details relating to the origin of raw materials used in production of the product);
4. A description of the method of production, including local know-how and packaging of the product, where appropriate;
5. Details of the relationship between the quality or characteristics of the product and the geographical environment in the case of a PDO or, as the case may be, the link between the specific quality, reputation or other characteristic of the product and the geographical origin in the case of a PGI;
6. The name, address and specific tasks of the authorities or bodies verifying compliance with the provisions of the specification;
7. Any specific labelling rules for the agricultural product in question; and
8. Evidence that some quality, reputation or other characteristic associated with the product is linked to the region of production.

If the application is successful and the name is registered, then any producer from within the region complying with the product specification and controlled by a control body or national authorities can use the name. Following registration of a name, PDO/PGI regulations are enforced by public authorities in EU member States. It is the national enforcement authorities who provide protection of the name and exclusive rights for its use to producers who can meet the product specification.



5.1

Two types of trademarks may refer to a geographical name to indicate specific qualities of goods : the certification mark and the collective mark (See glossary and table 1 in this chapter). It is important to note that standards and norms that have to be established in order to register a collective or a certification mark do not necessarily specify the links between the local resources and the quality of the product, nor provide a guarantee system.

Case Study

Case Study 1 : Generic name or not? A GI product with a collective trademark COTIJA CHEESE (Mexico)

The genuine Cotija cheese (see case study 10 in chapter 1.4) reputation has been under threat by producers using the designation “Cotija type” for cheeses that may have been produced outside the original production area. Consequently, the name Cotija is often used in a generic way. “Cotija type” cheeses are often made through industrial processes (through intensive production, without maturation and with fillings, etc) and as a result they tend to be cheaper, although the taste can still be distinguished from authentic Cotija cheese. In order to preserve the Jalisco mountain farmers’ distinctive way of life and to ensure a sustainable income for their products without having to relocate



La marca colectiva del queso “Cotija región de origen”

from the region, the producers of the Cotija cheese have been engaged since 1999 in a process of qualification. They have sought to obtain legal protection for the reputation of authentic Cotija cheese through the use of a denomination of origin (DO). The Mexican Intellectual Property Office rejected the DO request in 1994, as it considered the denomination to be generic and registered the name “Cotija region of origin” under collective trademark. Therefore, other producers can still use of the name “Cotija” for cheese even if it may have been produced elsewhere. The decision has been open to debate, as it did not rely on consumer studies to assess the generic character nor to criteria to differentiate the generic denomination from the denomination of origin (where a specific link to a territory and its potential for rural development should also be considered). Although the quality circle process engaged locally has resulted in positive impacts, including the development of the local economy through collective actions to support the development of direct sales, better market recognition of the specific quality and an increasing price (between 1997 and 2007 the price has doubled relative to “Cotija type” cheeses), local stakeholders are still concerned about the absence of special protection under *sui generis* DO system. There are increasing concerns over the potential for a shift away from local production, the transfer of intellectual property rights away from the local community, as well as misuse of the name by other producers outside the area who do not comply with local standards and code of practice.

Source: Poméon T., 2007



Table 1: Main differences between *sui generis* GI, certification TM and collective TM

	<i>Sui generis</i> GI	Certification trademark	Collective trademark
Right holder	Private right often with strong involvement of public authorities (definition, implementation, enforcement). There is often no definition of the owner of the right, as the public definition of the legitimate users makes it unnecessary. Identification/recognition is provided by the State and the administration generally corresponds to the regulating council.	Private right. The intellectual property and administration belong to a firm or an association which cannot directly use the certification mark.	Private right. The intellectual property and administration belong to an association of manufacturers or producers.
Definition	General definition applying to all GIs at the national level (e.g. PDOs and PGI defined under European Regulation 510/2006).	Rules and requirements defined and controlled by the owner of the certification mark	Rules defined by the owner, either through specific requirements or restrictions on the range of authorized users (for example membership of an association).
Purpose	To protect the authentic designation of origin of a given product and the link between the origin of a product, its quality and reputation	To certify quality, characteristics, geographical origin and/or a method of production, etc..	To indicate membership to an association or a group sharing product quality, characteristics, place of origin, and/or materials, etc..
Duration of protection	In principle, protected from the date of registration until the conditions of registration cease to exist. Generally no need to renew the registration. Registration is often free of administrative charges for applicants.	Must be renewed after a certain period of time. There are fees for the application of a TM and for each renewal of registration.	
Basis of protection	Based on the actions of national authorities (if provided by law) as well as private actions	Based on private actions only.	
Scope of protection	Exclusivity of denomination use (at least for identical/similar products) and often on associated characteristics (shape, packaging, etc.).	Generally a combined trademark (verbal and graphic elements). Exclusivity on a geographical denomination may be granted only as an exception to the general rules (public domain, distinctiveness, descriptive nature).	
Use	Close link between the GI and a specific product; in some cases, different types of the same product may also be labelled with the GI.	May cover several kinds of products or be limited to one specific product, depending on the trademark registration and marketing strategy.	
	Open to any producer who can meet the requirements for use of the GI or the certification mark	Membership in the association with entitlement to use the collective mark may be restricted upon a decision by members.	
Marketing issues	The pre-existing reputation of the denomination and/or the GI registration as a quality sign <i>per se</i> may mean that less marketing is needed, thereby lowering costs	High investments in advertising are necessary to establish the trademark reputation in the market.	

5.1

The choice of appropriate legal tools by local stakeholders

Generally speaking, the interest of local stakeholders in GI legal tools goes beyond the protection from misuse of geographical names on national and international markets even if it is an essential point to consider. The “protection only” purpose may exist in limited cases where the GI product is highly reputed, with a much higher price than similar products and where market imitations are widespread. Very often, local stakeholders are also interested in the overall approach to the codification of process, including product characteristics linked to geographical origin and in the official recognition that legal protection may provide. Recognition serves not only to provide consumers with a kind of guarantee but also to reinforce the local identity and pride in the product and the community, particularly in rural areas.

Each legal mechanism to protect a GI has its own constraints, costs and advantages which may differ from one national context

to another. GI producers should explore and use all the available means to obtain protection, considering the location of markets for their product. The protection of GIs must first be established within the domestic market before it can be obtained on international markets (See case study 2).

A GI protected under a *sui generis* system in the country of production may be registered as a certification or collective mark in countries where it is exported and where *sui generis* system does not exist. For example, GI producers of Champagne wine and Roquefort cheese in France had to register their GI as a collective TM in the United States in order to benefit from legal protection of their GI on the US market.

Early protection to prevent generalization and expropriation of the geographical indication

Two major problems can arise for producers in relation with the loss of their legitimate right: when the name becomes generic or synonymous (common use outside the area, generalization) and when the GI has been registered outside the territory (expropriation).

The recognition of the generic nature of a geographical name may vary among consumers, producers and countries and has often caused disputes that have been very difficult to resolve. In some cases, producers in the original area have managed to obtain the “re-localization” of the GI. This is more likely to occur if the use of the geographical name is not too widespread, or if the geographical name is well-known and the economic and political stakes are high and favourable to the protection of the GI (see case study 5 and Box 3).

Generalization occurs when a non protected GI is used as a general term, thus also to designate products originating from outside the original area, as a result of the spread of reputation and specific characteristics of the original “model”. Such geographical names are said to have become generic or synonymous terms.

Expropriation occurs when the GI is registered outside the territory before the local legitimate stakeholders have been recognised as such and have protected their GI.

Conflicts, usually complex ones, can occur between the owner of a prior registered TM and local producers wishing to protect their GI. This often generates high costs for administrative and judicial procedures (See Box 4).

BOX 3: WHEN A GI BECOMES GENERIC, THE EXAMPLE OF CAMEMBERT

“Camembert” has been the name used for over a century to define a type of cheese that is produced in several countries. As a result, it has not been possible to reserve the right to use the term for producers localized in the region of Camembert (Normandy, France). The only intellectual property protection over the name has been granted to “Camembert de Normandie” as a PDO.

To avoid expropriation or generic use, it may be important to provide the basis for the required protection at a later date and consider early strategies to reinforce their legal rights. In particular, they should look for ways to increase public awareness of the GI product, with the support of public authorities if possible (See Box 5 on public inventories).

BOX 4: WHEN A GI IS REGISTERED OUTSIDE OF THE TERRITORY, THE EXAMPLE OF ROOIBOS

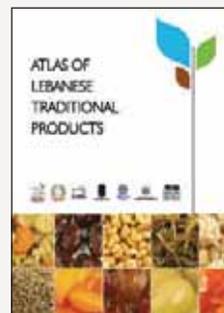
The problem of prior TM registration by external non-legitimate producers is well illustrated in the “Rooibos” case in South Africa. Rooibos was registered as a trademark in the US by an Rooibos exporter in 2001, giving rise to difficulties for South Africans to export Rooibos to the US. Litigation, in which a number of United States coffee houses participated, concluded reportedly with an out of court settlement at a cost to the industry of about US\$ 1 million.

Conveying the GI as the heritage of a local community of producers, in relation with a specific product and a defined geographical area may support a claim against infringement in good faith. The reputation of a GI may also be promoted through the internet (such as through a dedicated webpage or a definition in Wikipedia and references to websites), or through the participation in international associations such as OriGIn, etc.

BOX 5: EXAMPLES OF INVENTORY OF PRODUCTS

The Atlas of Lebanese Traditional Products is a collection of traditional products of the Lebanese cuisine with a strong link to the territory, the history and local production. It was developed in the framework of the cooperation project “Activation of Mechanisms to Sustain Rural Territories and Communities in Lebanon” (TerCom) promoted by the Italian Ministry of Foreign Affairs through the Italian Directorate-General for Cooperation and Development, in the frame of the “Early Recovery Assistance” with the contribution of the Apulia Region and implemented by CIHEAM- IAMB. The products included in the ATLAS have been identified through field visits of the TerCom team with the collaboration and support of the MoA experts, and the Local Action Groups established in the framework of the project. The information was collected by meeting local communities, mainly women producers, individual or organized into cooperatives. The objectives of the ATLAS are to promote the richness and uniqueness of Lebanese territory and communities and to preserve, encourage and promote the production and consumption of traditional foods in the era of globalization.

www.tercom.org/?q=content/atlas-lebanese-traditional-products



continue next page

5.1

Cybermontagne has been developed in the framework of the cooperation between FAO and the International Centre for Advanced Mediterranean Agronomic Studies (CIHEAM). This platform is both an internet-based information system concerning mountain products from four Mediterranean countries (Algeria, Morocco, Lebanon and Syria) and a tool for identifying and facilitating projects for the promotion of such products.

www.cybermontagne.org



The culinary patrimony of Switzerland: a website lists the traditional products for each of its region.

www.patrimoineculinaire.ch



The Register on Traditional Knowledge in agricultural products and food of Austria describes the different Austrian agro-food products linked to traditional local knowledge

www.traditionelle-lebensmittel.at



BOX 6 : THE ORGANIZATION FOR AN INTERNATIONAL GEOGRAPHICAL INDICATIONS NETWORK ORIGIN

In 2003, in response to the increasing risks in terms of abuse and misappropriations faced by GIs, producers from all over the world joined forces to advocate for the establishment of an effective international system of protection for GIs and to promote GIs as a tool for sustainable development for local producers and communities. OriGIn – the Organization for an International Geographical Indications Network – was launched in Geneva as a NGO for this purpose. Today, OriGIn represents some 80 organizations of producers from more than 30 countries from both the developed and developing world.

OriGIn is a key actor on the international stage for GIs, as well as an excellent communication vehicle for GI producers worldwide.

The goals of OriGIn are to promote GIs as a tool for sustainable development and an instrument to protect local knowledge. OriGIn also advocates for more effective legal protection of GIs at the national, regional and international levels, through campaigns aimed at decision-makers, media and the public.

More information is available at www.origin-gi.com.



Case study 2: Different legal tools used for protection

DARJEELING TEA (India)

Darjeeling Tea benefits from a global reputation. It is cultivated, processed and manufactured in the hilly areas of the Darjeeling district in the state of West Bengal in India. About 10 000 tonnes are produced in a year, 70 percent of which is exported, but it is believed that much more of tea labeled as “Darjeeling” was sent to the world market as a result of blending with other teas and GI misuse. This situation has led the Tea Board of India to protect the name and the logo of the Darjeeling Tea by different legal means. On the national market, Darjeeling tea is protected under the Geographic Indication Act, registered in 2004 as the first GI product registered in India, and as a certification trademark under Trade Marks Act. The artistic work is protected under the Copyright Act. At the international level, the logo and the word “Darjeeling” are registered as Certification Trademarks in the United Kingdom, United States and Australia. The word Darjeeling has been registered as a community collective mark in the European Union.



Source: Datta T.K., 2009

TEQUILA (Mexico)

Legal tools used by the Tequila organization (provisions are illustrative, not exhaustive).

Provisions	Objective
1949: Defined by the law as an industrial standard for spirits made from blue agave, distinguishing aged (2 years) and non-aged tequilas.	To prevent unfair competition and avoid misleading consumers.
1968: Extension of the geographical area, obligation to mention “tequila” on the bottles, and obligation to indicate the addition of flavours or colorants.	To extend the supply area in order to satisfy growing consumer demand and to meeting information requirements for consumers.
1974: Recognition of tequila as the first Mexican “Denominación de Origen” (DO), according to the law adopted in 1972.	To protect the Tequila GI from misuse in other countries on the basis of the national registration.
1977: Tequila is registered under the Lisbon Agreement for the Protection of Appellations of Origin.	To ensure protection for the use of the Tequila GI in other countries.
1993: Creation of the Consejo Regulador de Tequila (interprofessional body) which began to manage controls.	To manage the supply-chain and ensuring that quality requirements are met.
1994: Recognition of the DO Tequila by the United States and Canada under the North American Free Trade Agreement.	To protect the Tequila GI in its main foreign markets.
1997: Recognition of the DO Tequila by the European Union through a bilateral agreement; thereby extending the geographical area.	To maintain the added-value within the geographical area and to prevent potential misuse of the name when the product is bottled abroad.
2004: Obligation to bottle the Tequila DO in the DO territory.	

Source: Bowen S., 2008

Tools for an effective legal framework

The level of protection offered to GI products is a very important but not an exclusive aspect of the legal framework that national governments can promote. The recognition of the GI as intellectual property right also requires the establishment of “rules of the game”. These rules needed to ensure the participation of all relevant stakeholders in the development and management of a GI system, to avoid the exclusion of local, traditional producers, and to ensure that both social and economic issues are addressed.

The existence of a sound legal framework for the protection of GI-related intellectual property rights, both inside the country and at the international level, is an important condition for the economic sustainability of a GI system. This requires the integration of many different policy aspects at the local, national, regional and international level to ensure the system is transparent, enforceable and efficient.

A transparent registration procedure is necessary to balance the development of meaningful designation criteria and the need for simplicity in application process. Small-scale producers are likely to be discouraged from using the GI system if it involves highly technical, bureaucratic or complex registration procedures. In these circumstances, large producers, who may have more resources to devote to the process are likely to gain an unfair advantage in the GI market.

In addition to registration, it is also important to establish an efficient system for the enforcement of GIs in practice. The national institutional framework will greatly influence the effectiveness of the GI system in this regard. Nevertheless, local stakeholders also have an important role to play in ensuring adequate self-regulation and internal controls such as through the establishment of a participatory guarantee system (See chapter 3.5).

To be effective, the legal framework should be accompanied by the adequate provision of information on the objectives and characteristics of the normative framework, as well as capacity-building measures, both for public institutions and production system stakeholders. Naturally, a lack of basic awareness among public authorities and local stakeholders (farmers/processors) on the meaning, characteristics, and evolution of the GI system, or the scope of regulation of GIs, may pose serious obstacles for implementation.

PRACTICE

Think about the issues raised in this chapter in relation with your situation.

Answer the questions

- What are the available legal tools to protect the GI?
- Are there any other intellectual property rights that should be taken into account?
- What would be the expected outcomes of a legal protection of the GI?
- Is there a representative group of producers interested in defining the GI products through a legal protection of the GI?

List in the table

Analyse and list in the table the opportunities offered by different legal means of protection with regard to objectives of the collective action (examples are provided in the table).

Objectives	Requirements, opportunities and constraints of the legal means		
	Collective/certification TM	<i>Sui generis</i> registration	Other
Counter imitations based on a distinctive shape	Very difficult to get a protection on the shape through a TM	Description of the distinctive shape in the code of practices	Patent?
Access to remote markets in other (developed) countries	High costs for monitoring in third countries	Benefit from the quality standard associated to PDOs and PGIs	
Collective management of the supply-chain	The power of a collective organization is related to the degree of protection granted	Need to establish an efficient organization that continues to manage the supply-chain after the GI registration	
FILL-IN:			

5.2 Supporting GI system through public policies

Introduction

As a result of the characteristics of the GI products and to their potential links with economic, social and environmental considerations for sustainable development, there is a growing demand for an involvement of public stakeholders in the GI system. Public stakeholders are needed to support these products and to ensure the effective regulation of these tools. Public policies, at different levels, can play an important role in ensuring the success of GI protection systems. Local stakeholders involved in the GI system need to become familiar with the policy tools that are available to them. Therefore, cooperation between public and private stakeholders is of fundamental importance in order to effectively develop the GI product system and ensure its sustainability.

Different approaches and different roles for public policies

As we have seen, public actors play an important role in providing a sound legal framework for the recognition of GIs, but the role of public stakeholders goes beyond simply establishing the legal framework. The value of the origin-based quality virtuous circle is subject to constant review and evaluation. The effects of this quality circle are not automatic: they depend on effective strategies from both private (individual and collective) and public stakeholders to define the relationships between a GI product, local resources, communities and markets.

BOX 7: POSSIBLE ROLES OF PUBLIC ACTORS ALONG THE QUALITY CIRCLE

Identification: information and sensitization of stakeholders on the nature of GI products and their potential for rural development; support for the identification of this potential; providing legal tools and an institutional framework to protect the reputation of these products.

Qualification: support for conducting necessary studies, for establishing a participatory process and for a sustainable approach in elaborating rules and codes of practice; information on the national procedure for the recognition/protection of GIs.

Remuneration: enforcement of legal protection, nationally and worldwide; information to consumers on the nature of GIs, communication tools (see box 5 in chapter 5.1).

Reproduction: support for assessing the impacts for ensuring the sustainable evolution of rules and codes of practice for GIs.

5.2

Public policies can provide an important contribution to creating favourable conditions for harnessing the potential of GI products. Public stakeholders at various levels have a diversified set of policy tools at their disposal. Many of these tools are not specific for GI products, but they can be used and coordinated into a comprehensive and proactive “GI policy” approach. A “proactive” GI policy is a policy that spans the entire GI constitution and valorization process to maximize the potential positive effects and minimize the negative ones. In this process, it is essential to evaluate the positive and the negative elements on the basis of the principles of economic, social and environmental sustainability criteria. In this context, GI products are only part of the broader policy options that may be implemented and GI protection schemes can be seen as only one of many available tools for promoting rural development.

It is also essential to ensure that there is an appropriate mix of public and private initiatives for the GI system to function correctly, the balance will depend on the context. In some cases, public actors can intervene directly on the GI implementation by participating together with the producers and other private stakeholders to the elaboration of the rules (CoP) or the control of their compliance. In these situations, the direct intervention of public stakeholders should not replace the private and economic functions. In other situations indirect intervention may be more effective, for example by supporting producer organizations to accomplish some of the relevant activities and functions of the process (identification, qualification, remuneration, reproduction). (see chapter 1.4 “Sharing a common approach” and case study 3 in this chapter).

In any case, benefiting from public support, it is important that producers’ organizations really represent the various categories and interest of the GI system and act with transparent and balanced rules allowing the participation of all interested parties to decisions (see chapter 3.1 : “Building an organization to manage the GI system”).

Different levels in the definition of GI public policies

Different public stakeholders may be involved in developing GI policies, both in terms of operational and geographical perspectives. Public institutions involved in the agricultural sector are key stakeholders from a functional perspective, but there may also be institutions involved in cultural, education, training, and industrial activities, for example.

From a geographical standpoint, international (United Nations organizations such as FAO), national (central governments or individual ministries), regional and local public institutions should also play important roles in the definition and implementation of GI policies. The distribution of public functions within these levels and the integration and harmonization of policies at these levels are important factors to consider.

The integration of public policies in the local project around the GI

There is no single “appropriate policy” for all GI products. Different support tools are required for the various types of GIs, from long standing and well known GIs (where protection of the name is the primary goal) down to “new” GIs (where the main objective is to bring stakeholders together around a common identity for a product name or project). The specificities of the product, its production system, and the individual goals of each

BOX 8: MAIN ROLES OF LOCAL PUBLIC ACTORS

Public stakeholders at the national level should guarantee a sound regulatory framework from both a legal and economic standpoint. However, regional and local public stakeholders should also play a very important role in the design and management of these policies, promoting GI initiatives, and supporting them in the field.

As a result of their proximity to the GI product supply chain, local stakeholders should play the following main roles:

- Ensuring a balanced representation of stakeholders in the GI system and ensuring that smaller players are given an equal voice;
- Regulating the definition process of the GI, mediating potential conflicts in the light of general aims, and orientating collective choices if needed;
- Encouraging stakeholders to take into account local specific resources and the environment; and
- Supporting the operation of the GI system through capacity-building measures to encourage GI product market development.

stakeholder, particularly at the local level, also need to be taken into account. The success of a GI policy is dependent on coordination between various stakeholders and the different policy tools, where local stakeholders are given special attention.

There are many possible tools for implementing and/or strengthening the value quality circle of a GI product. Table 2 provides some examples of these tools and is categorized according to the various stages of the value circle.

Public policies can enable local stakeholders to develop value creation initiatives for GI

Case Study**Case Study 3: Public and local authorities support LIMON OF PICA (Chile)**

In 1999, the cooperative of Pica was nominated by the Foundation for Agrarian Innovation of the Ministry of Agriculture to participate in an initiative aimed at establishing a differentiation strategy and system for Limón de Pica (see case study 11 in chapter 3.3). Three projects followed, from 1999 to 2007, to provide investments, studies, capacity building and organizational support. The project also received support from the Chilean Government to build the packing house. Finally, the National Institute of Agricultural Development, supported additional capacity building measures, including visits for producers to learn about specific marketing channels for fruit export (such as PROCHILE).

Source : Vandecandelaere E., 2007



products as long as they are designed in consultation with them. For local stakeholders, it is important to identify the different policy tools and initiatives that can be used in a developing collective strategy for GI products, and to initiate discussions with local institutions to assist in developing local policies that are tailored to suit their needs.

Table 2: Examples of policy tools and possible actions

Phase	Policy aim	Possible actions/tools
Identification	Improve awareness by producers and other local stakeholders of GI characteristics and potential	<ul style="list-style-type: none"> • Design technical and socioeconomic assistance programmes for GI product characterization; • Raise awareness of GI products in Public Administrations; • Support local actors involvement (also through producer and consumers associations, etc) in national inventories; and • Support the establishment of "GI local groups" to discuss GI products specificities and their links with the territory.
	Strengthen knowledge of the roles of local specific resources (biodiversity, human capabilities, etc) for GI specificities (characterization)	<ul style="list-style-type: none"> • Support studies to analyse the role of specific local resources for the quality of the GI product; • Encourage debate between local stakeholders on the importance of local resources for GI specificity; • Promote the identification and characterization of local production practices; and • Provide technical assistance, research programmes, and training courses.
	Integrate GI schemes with initiatives linked to the protection of biodiversity, and preservation of the environment	<ul style="list-style-type: none"> • Consider the link with the ecosystem as one of the criteria for GI recognition; • Support technical and economic inputs into the environmental criteria for GI codes of practice; and • Consider the potential for creating a quality hallmark to identify "good, clean and fair" GI products.
	Support local initiatives to apply for the GI protection/ recognition – Support local engagement and knowledge awareness for GIs in the community	<ul style="list-style-type: none"> • Support innovative policies to encourage collective and multidisciplinary actions; • Provide financial mechanisms to increase public access to the GI application process; • Provide technical assistance for the GI application process; and • Use local and regional discussion forums to evaluate the strengths and weaknesses of GI schemes and applications.
	Enhance community engagement towards the GI product	<ul style="list-style-type: none"> • Take into account cultural aspects in the GI recognition process, • Assign value to culturally significant practices, such as festivals, educational events, etc; and • Support popular festivities that are associated with the GI product.
	Allow the participation of all the categories of local stakeholders in defining the CoP.	<ul style="list-style-type: none"> • Empower local stakeholders by improving access to information; • Create local discussion forums for GIs and encourage the active participation of stakeholders, especially small producers; • Carefully consider the effects of the CoP on the distribution of benefits between stakeholders; and • Promote the involvement of public stakeholders at the regional, provincial and municipal levels in the formation of a committee product.
Qualification	Improve knowledge of GI protection schemes and minimize confusion between the different legal tools that use geographical names	<ul style="list-style-type: none"> • Provide clear information on GI protection schemes and their benefits/risks; • Provide training for local administration staff to increase their ability to assist consumers and consumers; • Provide instructions on how to apply for GI protection from regional/ local authorities and Producers organizations (booklets, websites, training courses); and • Emphasize practical examples of related GI systems and the potential benefits for local stakeholders.
	Enhance community engagement towards the GI product	<ul style="list-style-type: none"> • Promote national information awareness campaigns as well as information on CoP and consumer information regarding the differences between legal tools that use geographical names; and • Make websites and other information tools accessible for GI representative associations.

Phase	Policy aim	Possible actions/tools
Remuneration	Consider bottlenecks in the GI product supply chain	<ul style="list-style-type: none"> • Establish credit programmes for structural investments in processing; and • Support local cooperatives and other community stakeholders
	Support joint (collective) marketing initiatives	<ul style="list-style-type: none"> • Create specific learning institutions dedicated to marketing; • Support collective promotion initiatives coherent with the values targeted by the product.
	Support the comprehensive value-added of the territory, mobilizing the image of the GI product	<ul style="list-style-type: none"> • Encourage ecotourism for GIs on commodities; • Encourage GI system actors to make synergistic links with complementary industries and other GI products; • Create "GI product" routes; • Encourage the development of tourism circuits in which valuable cultural elements are associated with traditional methods.
	Encourage the use of the GI in domestic markets	<ul style="list-style-type: none"> • Support local stakeholders in identifying coherent strategies for different market segments.
Reproduction of resources	Facilitate the use of GI protection schemes by all categories of local producers	<ul style="list-style-type: none"> • Develop temporary financial support programmes for producers seeking to apply for GI protection; • Target initiatives to strengthen the weakest and most marginalized producers, including the provision of information, technical assistance and financial support; and • Encourage the development of local stakeholders groups.
	Support the inclusion of the producers of the raw material and ingredients in the GI system	<ul style="list-style-type: none"> • Encourage the participation of farmers in the process of GI standard setting; and • Establish training centres for the dissemination of practical skills related to GI products.
	Support the equitable distribution of benefits from GI protection among different categories of stakeholders in the supply chain and within each sector	<ul style="list-style-type: none"> • Encourage cooperation agreements within the supply chain and among other producers and associations; • Encourage the establishment of professional associations to encourage fair and efficient negotiations among stakeholders; • Enable producers to access new market channels beyond local buyers (through producers' associations or other means); and • Ensure that the weakest stakeholders are granted equal access to information, technical assistance and financial support.
	Encourage more ecologically sustainable production practices into the GI local production systems	<ul style="list-style-type: none"> • Encourage GI system stakeholders to develop ecological practices by identifying and promoting them; • Incorporate rules of sustainability inside codes of practice for packaging, energy, transport, etc; • Develop links to product quality attributes and use them as a marketing resource, where relevant; and • Establish a system for ongoing monitoring and evaluation of the GI system.

Source: Belletti G., Marescotti A. (eds.) (2008), "Geographical Indications strategies and policy recommendations", SENER-GI EU Funded project, Final Report, Toulouse (F)

PRACTICE

Think about the issues raised in this chapter in relation with your situation.

Answer the questions

- What are the main needs of the GI production and marketing system, in its economic, environmental and social dimensions?
- What policies are currently available and how are the different stakeholders involved in the GI system?
- What are the problems stakeholders face in accessing information to policies affecting the GI system?
- What are the gaps that need to be addressed through local policies?

List in the table

- 1) The main needs of the GI system
- 2) Available policies and their characteristics related to each need
- 3) How to access these policies.

1) Needs of the GI system	2) Policies and their characteristics	3) How to access these policies
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