Geographical Indications
a way forward for local development

Summary of the International Training Module
held on May 14th - 25th 2007
in Prangins (near Geneva), Switzerland

Scientific Editors
Astrid GERZ
Dominique BARJOLLE
Denis SAUTIER

Training coordinators
Peter DAMARY
Anna PERRET
Pascale MOITY-MAIZI
# Table of contents

| PARTNERS | 4 |
| ACRONYMS | 5 |
| PREFACE | 6 |
| ACKNOWLEDGEMENTS | 8 |
| INTRODUCTION | 9 |
| **PART I - CONTEXT OF GI DEVELOPMENT AND LEGAL FRAMEWORK** | 13 |
| STAKES AND QUESTIONS RELATED TO THE PROTECTION OF GIs | 14 |
| THE PROTECTION OF GEOGRAPHICAL INDICATIONS AT THE INTERNATIONAL LEVEL | 18 |
| GEOGRAPHICAL INDICATIONS: ONGOING NEGOTIATIONS/ DISCUSSION IN THE WTO | 26 |
| GIs, TRADEMARKS & INDICATIONS OF SOURCE: THE SWISS LEGAL FRAMEWORK AND INSTITUTIONS | 29 |
| GEOGRAPHICAL INDICATIONS: THE SITUATION IN FRANCE | 31 |
| COLLECTIVE MARKETING AND STATE SUPPORT TO SALES PROMOTION | 32 |
| ROLES AND STRUCTURES OF GI SUPPLY CHAIN COLLECTIVE ORGANISATIONS | 34 |
| **PART II - PRACTICAL EXPERIENCES IN CONTEXTS WITH A LONG GI TADITION AND METHODICAL APPROACHES** | 35 |
| "FROM TOMME CHEESE TO TOMME CHEESE" | 36 |
| PROMOTION OF A REGIONAL IDENTITY: THE VALAIS RYE BREAD PDO CASE | 38 |
| DAMASSINE CASE STUDY | 41 |
| GRUYÈRE CASE STUDY | 43 |
| IMPACTS ON RURAL DEVELOPMENT | 45 |
| EFFECTS OF TWO DISTINCT GI PROTECTION SYSTEMS ON RURAL DEVELOPMENT | 47 |
| FACTORS OF RELEVANCE AND SUCCESS FOR THE PROTECTION OF GIs | 49 |
| COMPARISON OF INVENTORIES OF ORIGIN BASED PRODUCT IN SWITZERLAND AND LEBANON | 52 |
| A METHODOLOGICAL GUIDE FOR THE ANALYSIS OF GI FIELD STUDIES | 49 |
| **PART III - PARTICIPANTS COUNTRY SITUATIONS** | 51 |
| KENYA: PERSPECTIVES ON GIs | 52 |
| SOUTH AFRICA: PERSPECTIVES ON GIs | 54 |
| INDIA: LEGAL FRAMEWORK OF GI PROTECTION AND POCHAMPALLY IKAT CASE | 60 |
| INDONESIA: INITIATIVE ON GEOGRAPHICAL INDICATIONS | 62 |
| LAOS: SITUATION AND PERSPECTIVES ON GIs | 64 |
| GEOGRAPHICAL INDICATIONS IN MONGOLIA | 66 |
| GIs IN DENMARK: A FOCUS ON CARROTS FROM LAMMEFJORDEN | 68 |
| ITALY: AN OVERVIEW ABOUT THE PROTECTION OF GIs | 70 |
| PROTECTION OF GEOGRAPHICAL INDICATIONS IN THE REPUBLIC OF SERBIA: LEGAL FRAMEWORK AND CASE STUDY | 72 |
| BRAZIL: LEGAL FRAMEWORK OF GI PROTECTION AND “VALE DOS VINHEDOS” CASE | 74 |
| HONDURAS: TOWARDS A DENOMINATION OF ORIGIN FOR “MÁRCALA” COFFEE | 77 |
| JAMAICA: RECENTLY ESTABLISHED REGISTRATION SYSTEMS FOR GI | 78 |
| **FOLLOW-UP TOPICS** | 81 |
| CLOSING SESSION: OPEN QUESTIONS AND DISCUSSION | 81 |
| **CONCLUSIONS: A SHORT ASSESSMENT AND FUTURE PERSPECTIVES** | 83 |
| ANNEXES | 85 |
| LIST OF PARTICIPANTS | 85 |
| TRAINING PROGRAM | 89 |
This training was possible thanks to

Financial support from

[Image]

Special thanks to

[Image]

Thanks also to

SDC Swiss development cooperation
CIRAD - Centre for international cooperation in agronomic research for development
PI – Swiss Federal Institute of Intellectual Property

Hosting by the Château de Prangins, Swiss national museum.

Content contribution by

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alexandra Grazioli</td>
<td>IPI (Swiss Federal Institute of Intellectual Property)</td>
</tr>
<tr>
<td>Lionel Lalague</td>
<td>INAO (French National Institute of Origin and Quality)</td>
</tr>
<tr>
<td>Sophie Réviron et Marguerite Paus</td>
<td>Institute for Environmental decisions the Swiss Federal Institute of Technology Zürich – ETHZ</td>
</tr>
<tr>
<td>Jacques Henchoz</td>
<td>OFAG (Federal Office for Agriculture)</td>
</tr>
<tr>
<td>Corinne Couillerot</td>
<td>OIC Swiss Intercantonal Certification Organization</td>
</tr>
<tr>
<td>Bernard Klein</td>
<td>Food Law Enforcement Agency (Laboratoire cantonal du Canton de Vaud),</td>
</tr>
<tr>
<td>Martine Jacques-Dufour</td>
<td>Association Suisse pour la Promotion des AOC-IGP (Swiss Association for the Promotion of PDO-PGI)</td>
</tr>
<tr>
<td>Stéphane Boisseaux</td>
<td>Swiss culinary heritage association</td>
</tr>
<tr>
<td>Päivi Lähdesmäki</td>
<td>WIPO</td>
</tr>
<tr>
<td>Thu-Lang Tran Wasescha</td>
<td>WTO</td>
</tr>
<tr>
<td>Philippe Bardet</td>
<td>Interprofession du Gruyère</td>
</tr>
<tr>
<td>Michel Thentz</td>
<td>Fondation Rural Interjurassienne</td>
</tr>
<tr>
<td>Alain Perret</td>
<td>Interprofession de la Damassine</td>
</tr>
<tr>
<td>Sarah Bowen</td>
<td>University of Wisconsin</td>
</tr>
<tr>
<td>Christian Balet</td>
<td>Boulangerie-pâtisserie, St Léonard (VS)</td>
</tr>
<tr>
<td>Distillerie Schneider</td>
<td></td>
</tr>
<tr>
<td>Nelly Claeyman</td>
<td>Chambre Valaisanne d’agriculture</td>
</tr>
<tr>
<td>Stéphane Kalbermatten</td>
<td>Moulin de Sion</td>
</tr>
</tbody>
</table>

The organizing and training team was composed of

For AGRIDEA: Peter Damary, Anna Perret (-Klingemann), Erik Thevenod-Mottet, Dominique Barjolle, Frédéric Brand, Magali Estève

For the UMR Innovation: Pascale Moity-Maizi, Denis Sautier, Hubert Devautour, Astrid Gerz, Jean-Pierre Boutonnet

And Sonia Blind of the IPI
### ACRONYMS

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGRIDEA</td>
<td>The Swiss Association for Development of Agriculture and Rural Areas</td>
</tr>
<tr>
<td>AOC</td>
<td>Appellation d’Origine Contrôlée (Controlled Designation of Origin)</td>
</tr>
<tr>
<td>AOP</td>
<td>Appellation d’Origine Protégée (Protected Designation of Origin)</td>
</tr>
<tr>
<td>CNEARC</td>
<td>Centre National d’Etudes Agronomiques des Régions Chaudes (National Center for Tropical Agronomy Studies)</td>
</tr>
<tr>
<td>DOLPHINS</td>
<td>Development of Origin Labelled Products: Humanity, Innovation and Sustainability an EU Funded concerted action, 2000-2003</td>
</tr>
<tr>
<td>GI</td>
<td>Geographical Indication</td>
</tr>
<tr>
<td>ETH</td>
<td>Eidgenössische Technische Hochschule Zürich (Swiss Federal Institute of Technology Zürich)</td>
</tr>
<tr>
<td>EU</td>
<td>European Union</td>
</tr>
<tr>
<td>IGP</td>
<td>Indication Géographique Protégée (Protected Geographic Indication)</td>
</tr>
<tr>
<td>IPI</td>
<td>Institut de la Propriété Intellectuelle (Swiss Intellectual Property Institute)</td>
</tr>
<tr>
<td>INAO</td>
<td>Institut National de l’Origine et de la Qualité (French National Institute of Origin and Quality)</td>
</tr>
<tr>
<td>INRA</td>
<td>Institut National de Recherche Agronomique (French National Agronomic Research Institute)</td>
</tr>
<tr>
<td>OFAG</td>
<td>Office Fédéral de l’Agriculture (Federal Office for Agriculture)</td>
</tr>
<tr>
<td>OIC</td>
<td>Organisme Intercantonal de Certification (Swiss Intercantonal Certification Organization)</td>
</tr>
<tr>
<td>PGI</td>
<td>Protected Geographical Indication</td>
</tr>
<tr>
<td>PDO</td>
<td>Protected Domination of Origin</td>
</tr>
<tr>
<td>SECO</td>
<td>Secrétariat d’Etat à l’Économie (Secretary of the State for Economy)</td>
</tr>
<tr>
<td>SupAgro</td>
<td>Centre international d’études supérieures en sciences agronomiques Montpellier</td>
</tr>
<tr>
<td>TRIPS</td>
<td>Trade-Related Aspects of Intellectual Property Rights</td>
</tr>
<tr>
<td>UMR</td>
<td>Unité Mixte de Recherche (Joint Research Unit)</td>
</tr>
<tr>
<td>WIPO</td>
<td>World Intellectual Property Organization (OMPI = Organisation Mondiale de la Propriété Intellectuelle)</td>
</tr>
<tr>
<td>WTO</td>
<td>World Trade Organization (OMC = Organisation Mondiale du Commerce)</td>
</tr>
</tbody>
</table>
PREFACE

*Communication and summary:* Astrid GERZ, CIRAD, Montpellier, France

The international training module “Geographical Indications (GIs)-a way forward for local development” was held in Prangins (near Geneva, Switzerland) from May 14th to May 25th. This training, jointly organized by AGRIDEA and the UMR Innovation with the financial support of WIPO, SECO and IPI, joined together 16 participants from all continents of the world: Africa (3), Asia (4), Europe (4), Latin America and the Caribbean (5) as well as researchers and experts from France, Germany, Switzerland and the United States.

The training was mainly conducted by the members of AGRIDEA and the UMR Innovation, with the support of various Swiss and international organizations and agencies.

The present report provides an overview of the various contributions and activities that were addressed during the ten days training session. The summary made of presentations have been made on AGRIDEA’s and UMR Innovation’s own initiative and for indicative purposes only and might therefore not fully cover the entire content of the presentations made. The main purpose of the report is to strengthen the pedagogical approach characterized by an articulation between the theoretical framework and the practical experiences. The course was definitely based on an interactive pedagogy, which means a “coming and going”, between the general context (International and European framework) and concrete experiences/situations in Europe (GI supply chain analysis through field visits and case studies presentations) and in participants respective countries (existing and emerging GI approaches); a flow between plenary sessions (reports/discussions) and working groups (case studies/thematic analysis).

The presentations and reports are therefore organized in three main parts: presentations dealing with the context of GI Development and legal framework at international and European level (ch. 1), reports related to practical experiences in contexts with a long GI tradition and to methodical approaches (ch. 2), and presentations on the specific national situations of the participants (ch. 3).
We wish you a good reading and hope that this document will be a useful pedagogical support and tool to raise additional interest for sharing knowledge and experiences about GIs.
ACKNOWLEDGEMENTS

Workshop proceedings are primarily the product of the efforts of all the participants, the authors and the contributors to the workshop. The organizers and editors would therefore like to thank all those who contributed to this report and its publication.

But without training no proceedings. That’s why our particular thanks go to the various supporting organizations who made the workshop possible, especially:

To SECO (State Secretary for Economy) and IPI (Swiss Intellectual Property Institute) for financial support; to WIPO (World Intellectual Property Organization), SDC, CIRAD and IPI for trainees’ grants.

WTO (World Trade Organization) and WIPO (World Intellectual Property Organization) for their presentations to the training group in their headquarters in Geneva.

Special acknowledgements to the experts of IPI (Swiss Federal Institute of Intellectual Property), INAO (French National Institute of Origin and Quality), Institute of Rural Economics ETHZ (Swiss Federal Institute of Technology Zürich), OFAG (Federal Office for Agriculture), OIC Certification Office (Swiss Intercantonal Certification Organization), Food Law Enforcement Agency (Laboratoire cantonal du Canton de Vaud), Association Suisse pour la Promotion des AOC-IGP (Swiss Association for the Promotion of PDO-IGP), Swiss culinary heritage association and the Association of Rye Bread of Valais, the interprofessional body of Grûère Cheese (IPG) and the “Fondation Rurale Interjurasienne FRI”, for their quality inputs and their great assistance.

We extend our appreciation to all of the workshop speakers and participants, who helped make the workshop a success.

Thanks also to the various producers and their respective organizations for the interesting exchanges and field visits. Their availability and contributions are gratefully acknowledged.

A special thank to the team of the “château of Prangins” where the workshop was hosted... and everyone around who contributed to the realisation and success of the training for their participation, creativity and expertise.
INTRODUCTION

Prangins castle where the training was held
Photo: Monica Stoye
AN INTERNATIONAL APPLIED SHORT COURSE TRAINING ON GEOGRAPHICAL INDICATIONS: WHY AND HOW?

Communication and summary: Denis SAUTIER, CIRAD, Montpellier, France and Dominique BARJOLLE, AGRIDEA, Lausanne, Switzerland

Several months ago, when we launched the idea of organising training modules devoted to Geographical Indications, we were enthusiastic but also apprehensive about the potential success. As soon as we began discussing about the objectives and the programmes, the trainers and the speakers, we became less and less uneasy. And once we began to draw up the list of participants it was already clear we were on the path to a rich experience, for many reasons.

First of all, Geographical Indications are currently a thematic of great relevance. In the old Europe, the concept is well known by the consumers and implemented in a number of countries with largely positive impacts. The internationalization of agro-food markets leads to a greater importance of property rights and other non-trade concerns. The protection of geographical names explains part of the increasing interest and ownership of farmers, artisan processors and governments for this topic. The preservation of traditional knowledge, the power that the image of the region exerts on consumer attractiveness, the local synergies with other economic sectors, are further arguments for this increasing interest. In the new world and in developing countries, a growing interest is also visible, partly because many of the drivers and trends playing at the international level are the same. Geographical Indications are one of the most debated Intellectual Property Rights at the World Trade Organization. This generates an intense activity at the level of intergovernmental negotiations. However, the need to create various technical forums with regulators in charge of applying the legal frameworks and with rural development practitioners is becoming more evident.

Second, we had the chance to bind up a strong partnership around the training. We asked WIPO, SECO and IPI in Switzerland, and they accepted immediately to support financially the elaboration of the concept and the realisation of the training. We were then sure that we could face the current events and needs. We thank them warmly for their support. AGRIDEA and UMR Innovation were very lucky to be assisted by prominent experts: WIPO, IPI, INAO and other international experts agreed also to participate in the seminar, giving human support and expertise. The quality of the speakers was judged as very good to excellent by the participants, and they are the better judges.

Third, we were largely strengthened by the participants themselves. All of them are very involved in the development of Geographical indications in their respective country, whether they are in charge of GI registration, or concerned by setting up a GI identification and registration process with the actors in the field. Moreover, the confrontations of experiences between the participants themselves, or with the actors during the field visits in Switzerland, were both unexpected and very positive outcomes of the seminar.

The training focused on the application/registration procedures of GIs and the exchange of practical experiences in the implementation and the functioning of GI systems in European and participating countries. Our goal was to present the theme in a consistent way, using a learning-by-doing approach. As presented in the next scheme, we proposed a synergy between theoretical/general approaches and practical work/discussions. In the first stage of the seminar, speakers presented the general framework for Geographical Indications, including results from previous international research programs. During the second stage, practical field trips in Switzerland allowed the participants to compare their own experience and their specific national situations with the reality in a country where the legal protection of geographical indications is well developed but rather new. In a third stage, thematic working groups led to a general and synthetic vision of the issue, the GI related concepts, relationships and methods, necessary to progress with GIs in different contexts.
GEOGRAPHICAL INDICATIONS (GIs)

We are sure that the importance of the topic will grow in the near future, because the forthcoming discussions on the WTO agreements will be directed towards more free-trade at international level. For all rural areas worldwide which are rich in local productions, the protection of their geographical indications and the promotion of these traditional products will be an important factor of localised added value and income generation. A two-week seminar constitutes a unique opportunity to present and discuss the different trends and ways to promote success through geographical indications. Many governments and several development agencies, either national or international such as FAO, are now active in supporting these types of initiatives in several developing countries. They will be strongly involved in the next partnerships around trainings organized in the coming years, because we are convinced that only the cooperation between all the institutions will allow us to offer the participants the most up-to-date expertise in the field.
Part I

CONTEXT OF GI DEVELOPMENT AND LEGAL FRAMEWORK

During the presentation in the WIPO
Photo: Misnawi
The distinction between products and GIs (Geographical Indication)

The globalization of trade leads to the multiplication of indications of sources, goods coming from more and more geographical areas. But not all products coming from any designated geographical area may benefit from a GI potential value!

Not considering the specific qualities of any product (keeping in mind that any product has specific qualities, in the broadest sense of this notion), the reputation of a product is the basis for a recognition as a GI. But reputation itself is a very problematic concept, which may cover different kinds of reputation (according to different publics, markets, etc.), intensities (in particular, according to the existing substitutes), scales (geographical spread of reputation, from the more local to the more global), historical dimensions. Anyway, GIs are intellectual property rights different from patents and trademarks: reputation is the real ground for the protection.

The legal protection is granted to the association between a specific product and a geographical name; this association is based on particular links (quality, reputation, characteristics…) between the geographical area and its products. A question may arise for geographical names having a kind of “general reputation” (associated with landscapes, holidays, weather, etc., like Savoy, Himalaya, New Zealand, etc.): how large can be the range of products benefiting from the same GI?

As a consequence of their link with a specific territory, Origin Products are characterised by one or more of these key elements (even though with different intensity):
• material characteristics making them “special” (that is to say: one can not find other products being similar in characteristics);
• specificity of the resources used in the production process;
• history and tradition of the product, and links with history and tradition (know-how, etc.) of the people of the territory;
• collective dimension (many actors involved) and local shared (production and consumption) knowledge.

GI products are all the Origin Products that are designated or labelled with a GI (being or not a geographical name). The fact that a GI is used or not to designate the products concerned is the main difference between GIP and OP. GIP are also characterised by one or more of the key elements that characterize OP.

Art. 22.1 of the TRIPS Agreement gives a wide definition of GIs. The determination of whether or not a product is a “GI product” is a matter of interpretation. That interpretation consists in evaluating to what extent a product has a given quality, or a reputation, or another characteristic which is essentially attributable to its geographical origin. No matter in which frame and by whom the evaluation is made: authority registering PDOs-PGIs, court on requirement of interested parties (producers, consumers…), scientists, etc.
Recognised GI (RGI), or Recognised GI products (RGIP)
The term applies to the products themselves and the related supply chain. Hence, the protection of a GI by a special legal
mean of protection requires what we can call a “recognition”, that one being granted through a formal registration
process (e.g. PDOs and PGIs), or through juridical decisions made by courts.
In the RGI category, we must be careful not to use such terms like PDO in a general meaning, but only when one deals
with the specific legal categories as they reflect the various ways of implementing the protection of GIs by special legal
means.

One may also distinguish between several types of GIs, that is to say consider different aspects of the nature of GIs:

- GIs constituted only by a geographical name: a Gruyère (CH), a Bordeaux (F);
- GIs constituted only by a non geographical name referring to a geographical origin: a Tête-de-Moine (CH), an
  Abricotine (CH);
- GIs constituted by a geographical or non geographical name completed by a localizer, in some cases because the
  first has become generic: a Camembert de Normandie (F), a Fourme d’Ambert (F), a West Country Farmhouse
  Cheddar (UK);
- GIs constituted by the common name of the good and a localizing geographical name: Pain de Seigle du Valais/
  Valais Rye Bread (CH), Prosciutto di Parma/Parma Ham (I), Cardon épineux de Genève/Geneva Thorny Cardoon
  (CH), Fraise du Périgord/Périgord Strawberry (F);
- GIs constituted by a geographical name which covers several sub-designations:
  - Regional name for a mountain pastures cheese in addition to the name of each local mountain pasture or valley;
  - Regional name for wines, in addition to domain or village or sub-regional names: Beaujolais, Beaujolais Village,
    (Beaujolais) Moulin-à-Vent.
- Local toponyms, family names, etc., can also be indirect references to a GI (or, at least, a geographical area of source).

The identification of a real GI may also face different problems:

- The question of names is related to the different markets:
  - For locals, usually no need to specify the origin and even the type;
  - When several types of the same product on one market, or for remote markets, need to specify the geographical
    origin.
- Possible confusion between real GIs and mere indications of source!…
  - Limits of the consumers’ knowledge related to GIs;
  - Industries and retailers also use (and sometimes create) trendy GI-like labels.
- Problems of translation / transliteration
  - Parmigiano Reggiano // Parmesan;
  - US “Swiss Cheese”,
  - Different alphabets and languages: phonetic transcription?
- Problems of homonymy
  - Orange;
  - Champagne.
Geographical origin and specification

Once the object (geographical name + specific product) of intellectual property for which protection is granted or claimed has been identified, one could wonder why it should be necessary to define more precisely the product (geographical area, methods of production, controls, package, etc.). The main answer is that a product benefit from a certain reputation as long as the basis for such a reputation go on existing; in other words, protecting the Intellectual Property (IP) rights which are associated to the reputation requires maintaining the conditions of such a reputation.

- Reputation is linked to quality.
- Quality is a relative social concept:
  - For consumers, mere geographical origin is connected at least with ideas on landscapes, climate, traditions, taste;
  - Informal regulation of quality: social network, traditional framework of production, confidence deriving from short supply-chains…
- Dangers: opportunistic behaviours, competition on costs, remote markets with several or foreigner traders, etc.
- Consequences:
  - Need for a collective and mandatory definition of quality;
  - Effectiveness of the protection of a GI linked to a definition of the products benefiting from the GI.

The formalisation of the characteristics of the GI product is linked to the following issues:

- Definition of a standard
  - Role of the GI as a sign of confidence;
  - Quality minimum requirements;
  - General compliance with consumers’ associated expectations.
- Specificity and variability
  - Distinctiveness of the GI product amongst other products (including other Gi products);
  - Respect of the differences between producers (problem: several markets…).

Associated characteristics

Intellectual property as well as marketing issues have to be considered beyond the protection of the geographical name itself. Hence, many aspects in the ways of presenting and promoting the products may be linked to the identity and reputation of the GI product, or may be used by non legitimate competitors in order to create confusion in the consumers’ mind.

Some examples of characteristics associated to GIs:

### Distinctive shape and appearance

Example: Vacherin Mont-d’Or (CH-F)
A wood-ringed soft cheese in a wood box

Ex.: Glarner Schabzieger (CH)
A very hard green cheese presented in sawn-off cone
Conclusion

A Gi is not only a word! Considering all the issues of the relation between a geographical designation and a product as well as the associated characteristics, protection and promotion must be thought in their material aspects. In this regard, the intellectual property approach and the product/supply chain approach must be considered together.
THE PROTECTION OF GEOGRAPHICAL INDICATIONS AT THE INTERNATIONAL LEVEL

Communication and summary: Päivi LÄHDESMÄKI, World Intellectual Property Organization (WIPO), Geneva, Switzerland

Overview of National Legal Concepts Concerning the Protection of Geographical Indications

01. Protection of geographical indications on the national and regional levels is characterized by the existence of a variety of different legal concepts. Those concepts were developed in accordance with different national legal traditions and within a framework of specific historical and economic conditions. These differences have a direct bearing on important questions such as condition of protection, entitlement to use and scope of protection. The main existing concepts of protection may be defined as the following: unfair competition and passing off, protected appellations of origin and registered geographical indications, collective and certification trademarks, and administrative schemes of protection. Given the large variety in national laws and regulations concerned with the protection of geographical indications, a division into four different categories is necessarily artificial and may not precisely reflect the situation in every State. It is therefore possible that a mechanism of protection exists in a State that does not necessarily fall into any of those four categories as defined.

02. Furthermore, it is important to note that the mechanisms described do not necessarily apply on an exclusive basis. On the contrary, cumulative application of different means of protection is very common. Cumulative protection of geographical indications under different systems of protection is accentuated by the existence of different means of protection for different categories of products.

Overview of International Treaties

The Paris Convention for the Protection of Industrial Property

03. Article 1 (2) of the Paris Convention enumerates among the objects of the protection of industrial property indications of source and appellations of origin. More specific provisions concerning indications of source are contained in Article 10.

04. Article 10 of the Paris Convention sets forth that, in cases of “direct or indirect use of a false indication of the source of the goods or the identity of the producer, manufacturer or merchant,” Article 9 of the Paris Convention should be applicable. Article 9 provides that goods bearing a false indication of source are subject to seizure upon importation into countries party to the Paris Convention, or within the country where the unlawful affixation of the indication of source occurred or within the country of importation. This seizure shall take place at the request of the public prosecutor, or any other competent authority, or any interested party. However, Article 9 (5) and (6) of the Paris Convention allows countries party to the Paris Convention whose national laws do not permit seizure on importation or inside the country to replace those remedies by either a prohibition of importation or by any other nationally available remedy.

The Madrid Agreement on Indications of Source for the Repression of False or Deceptive Indications of Source on Goods

05. The Madrid Agreement on Indications of Source binds the States which are party to it to prevent not only the use of “false” indications of source, but also the use of indications of source which are “deceptive”, i.e., literally true but nevertheless misleading. This may be the case, for example, where a given geographical name exists in two different countries, but was used as an indication of source only for products originating from that place in one country. Use of that indication of source by producers from the other country cannot be regarded as use of a “false” geographical indication, although consumers may be deceived by such use.

06. Article 4 of the Madrid Agreement on Indications of Source contains a special provision for “regional appellations concerning the source of products of the vine” which constitutes an exception to the rule that, in application of the Agreement, the courts of each country are free to decide whether or not a given indication of source is a generic term. This article is noteworthy, since it constitutes a departure from the general rule that the conditions of protection of an indication of source and, in particular, whether a specific indication of source is considered generic, are to be determined by the country in which protection is sought.
The Lisbon Agreement for the Protection of Appellations of Origin and their International Registration

07. One of the results of the Lisbon Diplomatic Conference of 1958, which had attempted, *inter alia*, to improve the international protection for geographical indications within the framework of the Paris Convention and the Madrid Agreement on Indications of Source, was the adoption of the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration.

08. The Lisbon Agreement takes the protection of indications of source beyond the level of protection provided under the Paris Convention and the Madrid Agreement on Indications of Source. The main principle of the Lisbon Agreement is that the States which are party to it undertake to protect appellations of origin that are protected “as such” in the country of origin and registered in the international register administered by WIPO (Article 1 (2)). That means in practice that it is only applicable to appellations of origin which are already protected on the national level in the country of origin. Once a given appellation of origin is protected in its country of origin, that appellation of origin can be registered in the international register administered by WIPO. After its registration, the appellation of origin is published and notified to all other States party to the Lisbon Agreement.

09. Following the receipt of a notification of registration, a State that is party to the Lisbon Agreement may declare during a period of one year that it cannot protect the appellation of origin which was the subject of the notification.

10. According to Article 6 of the Lisbon Agreement, an appellation which has been granted protection in one of the countries party to that Agreement pursuant to the procedure under Article 5 cannot, in that country, be deemed to have become generic, as long as it is protected as an appellation of origin in the country of origin.

11. The scope of protection for internationally registered appellations of origin is broader than the protection for indications of source under the Paris Convention and the Madrid Agreement on Indications of Source. Thus, under Article 3 of the Agreement, not only misleading use of a protected appellation of origin is prohibited, but “any usurpation or imitation [of the protected appellation of origin], even if the true origin of the product is indicated or if the appellation is used in translated form or accompanied by terms such as ‘kind,’ ‘type,’ ‘make,’ ‘imitation’ or the like”.

12. Since its entry into force on September 25, 1966, 882 appellations of origin have been registered under the Lisbon Agreement, of which 808 are still in force. The Lisbon Agreement has currently 26 Contracting States, the latest countries to access the Lisbon Agreement being Georgia, in 2004, Democratic People's Republic of Korea and Peru, in 2005, Islamic Republic of Iran and Nicaragua, in 2006.

The TRIPS Agreement

13. Part II, Section 3 of the TRIPS Agreement is dedicated to geographical indications. The general norm of protection is provided by Article 22.2, which reads as follows:

“2. In respect of geographical indications, Members shall provide the legal means for interested parties to prevent:

(a) the use of any means in the designation or presentation of a good that indicates or suggests that the good in question originates in a geographical area other than the true place of the origin in a manner which misleads the public as to the geographical origin of the good;

(b) any use which constitutes an act of unfair competition within the meaning of Article 10 bis of the Paris Convention (1967).”

14. Article 22.2 is supplemented by Article 22.3 and 22.4. Article 22.3 deals specifically with the registration of trademarks containing or consisting of a geographical indication, for goods not originating in the territory indicated, if the use of those trademarks for such goods would be misleading as to the true place of origin of the goods. The remedy that must be available in that situation is refusal or invalidation of the trademark registration, either *ex officio*, if the applicable law so allows, or at the request of an interested party.

15. Article 22.4 stipulates that the protection under Article 22.1 to 22.3 must also be made available in respect of the use of deceptive geographical indications, i.e., geographical indications that are literally true, although they falsely represent to the public that the goods on which they are used originate in a different territory.
16. Article 23.1 provides for additional protection for geographical indications for wines and spirits. It reads as follows:

“Each Member shall provide the legal means for interested parties to prevent use of a geographical indication identifying wines for wines not originating in the place indicated by the geographical indication in question or identifying spirits for spirits not originating in the place indicated by the geographical indication in question, even where the true origin of the goods is indicated or the geographical indication is used in translation or accompanied by expressions such as “kind”, “type”, “style”, “imitation” or the like”.

Article 23.1 has a footnote with the following wording:

“Notwithstanding the first sentence of Article 42, Members may, with respect to these obligations, instead provide for enforcement by administrative action”.

17. Article 23.1 is supplemented by a paragraph dealing specifically with the registration of trademarks for wines containing or consisting of a geographical indication for wines, and the registration of a trademark for spirits containing of a geographical indication for spirits, where the wines and spirits in question do not have the indicated geographical origin. Registration of trademarks falling under that provision has to be refused or cancelled, either [ex officio] if the applicable law so allows, or at the request of an interested party.

18. Article 24 contains a number of exceptions to the obligations under Articles 22 and 23. Broadly speaking, there are three categories of exceptions, namely continued and similar use of geographical indications for wines and spirits, prior good faith trademark rights, and generic designations.

19. The first exception (Article 24.4) gives the right to a WTO Member to allow continued and similar use of a particular geographical indication of another Member identifying wines or spirits, in connection with goods or services by any of its nationals or domiciliaries who have used that geographical indication in a continuous manner with regard to the same or related goods or services in the territory of that Member either for at least 10 years preceding April 15, 1994, or in good faith preceding that date.

20. The second exception relates to rights in trademarks (Article 24.5). It basically states measures to implement the Section on geographical indications by a WTO Member shall not prejudice the registration of trademarks identical with or similar to geographical indications, the application for registration of such trademarks, or the right to use such trademarks, if the following conditions are met: An application for the registration of such a trademark has been filed, or the trademark has been registered, or, where the right to the trademark was acquired by use, that trademark has been used, in good faith, in the WTO Member concerned, before the TRIPS Agreement became applicable in that Member, or before the geographical indication in question is protected in its country of origin.

21. The third exception (Article 24.6) is related to geographical indications of a WTO Member which are considered by another WTO Member to be a term customary in common language as the common name for goods or services or, where the geographical indication is used for products of the vine, it is identical with the customary name of a grape variety existing in the territory of that Member as of the date of entry into force of the TRIPS Agreement.

22. Furthermore, Article 24.3 of the TRIPS Agreement provides that in implementing the Section of the TRIPS Agreement on geographical indications, a WTO Member shall not diminish the protection of geographical indications that existed in that Member immediately prior to the date of entry into force of the WTO Agreement.
GEOGRAPHICAL INDICATIONS (GIs)

Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating thereto

International Registration as Collective or Certification Mark

The Madrid system for the international registration of marks (the Madrid system) established in 1891 functions under the Madrid Agreement (1891), and the Madrid Protocol (1989). The Madrid system is administered by WIPO. Currently, the Madrid Agreement and the Madrid Protocol have 81 Contracting Parties.

Thanks to the international procedural mechanism, the Madrid system offers a trademark owner the possibility to have his trademark protected in several countries by simply filing one application directly with his own national or regional trademark office. The national or regional office submits the international application to WIPO, which registers the mark in the international register and notifies the offices of the countries designated by the applicant. An international mark so registered is equivalent to an application or a registration of the same mark effected directly in each of the countries designated by the applicant. If the trademark office of a designated country does not refuse protection within a specified period, the protection of the mark is the same as if it had been registered by that office. The Madrid system also simplifies greatly the subsequent management of the mark, since it is possible to record subsequent changes or to renew the registration through a single procedural step. Further countries may be designated subsequently.

Rule 9 (4) (a) (x) of the Common Regulations under the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating thereto, provides that “the international application shall contain […] where the basic application or basic registration relates to a collective mark, certification mark or guarantee mark, an indication to that effect…”. The concepts of collective mark and certification mark (in some countries guarantee mark) differ from country to country. Depending on the national law, a collective or certification mark may serve to indicate, inter alia, the origin of goods or services, and therefore may to some extent be suitable for the protection of a geographical indication. Currently around 1’100 collective or certification marks are registered internationally.

Bilateral treaties for the protection of geographical indications

As a general rule, the bilateral treaties between States and/or international intergovernmental organizations protect certain geographical indications, which may be listed in the annexes to those treaties.
DISCUSSION ON THE CURRENT INTERNATIONAL DEBATS

Communication and Summary: Alexandra Grazioli, Swiss Federal Institute of Intellectual Property (IPI), Bern, Switzerland

The protection of geographical indications at the international level

The Paris Convention for the Protection of Industrial Property of 20th March 1883

The Paris Convention for the Protection of Industrial Property of 20th March 1883 guarantees protection for indications of source and appellations of origin in signatory states, in accordance with their national procedure. What this means is that the system of protection laid down by a given country for its national geographical indications will apply (Article 2).

Article 10.1 of the Convention, together with Article 9, guarantees protection against the direct or indirect use of a false indication concerning the origins of a product (confiscation, seizure of imports, etc). Article 10 bis (also mentioned in Article 22.2.b) of the TRIPS Agreement) also obliges the responsibility of the signatory states to guarantee protection against unfair competition.

The Madrid Agreement for the Repression of False and Deceptive Indications of Source on Goods of 14th April 1891

The Madrid Agreement for the Repression of False and Deceptive Indications of Source on Goods from 14th April 1891 also contains provisions for the protection of indications of source based on the national law of the country in which the protection applies, with the exception of regional appellations of origins for wines which are subject to the national law in the country of origin (Article 4). The Agreement protects indications of source against imprecise wording and references which could be misleading (Article 1). The protection covers indications which directly or indirectly attribute the product to a country which is a signatory to the Agreement, or to a location within that country. Under the terms of Article 3 bis, protection includes all commercial use, not just the use of indications of source on goods as under the Paris Convention.

The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) of 15th April 1994 (WTO)

The Agreement on Trade-Related Aspects of Intellectual Property Rights of April 15, 1994 (TRIPS Agreement) contains a special section dedicated to geographical indications (Part 2, Section 3). The three articles (22 to 24) are the result of the very difficult compromise reached in the Uruguay Round of WTO negotiations concerning one of the most contentious areas.

The TRIPS Agreement defines geographical indications in Article 22.1 and specifies that the quality, reputation or any other feature of a product may serve as the basis of a geographical indication if it is essentially due to the geographic origin of the product.

The Agreement lays down general protection for all products against use that could mislead the public or which constitutes an act of unfair competition (Article 22.2, TRIPS). The law in force in the country of protection applies.

Article 22.3 also mandates signatory states to examine trademarks in terms of being misleading or deceptive and to reject or annul those containing an unjustified geographical indication. Homonymous geographical indications, which are literally true as to the territory of origin of a product, but nevertheless can mislead the public into thinking they are from a different region, are not allowable (Article 22.4, TRIPS).

Article 23 of the TRIPS Agreement includes an additional protection for the geographical indications of wines and spirits which goes beyond the basic protection granted under Article 22. Geographical indications for wines and spirits are absolutely prohibited if the products do not originate in the designated place. It is not necessary to show that there is a risk of confusion or unfair competition to prevent such uses, as required under Article 22 TRIPS. A multilateral system of notification and registration for the geographical indications for wines and spirits in Article 23.4 strengthens protection for this category.

Article 24, paragraphs 4 to 9, of the Agreement includes a series of exceptions to the protection defined in Articles 22 and 23 TRIPS. There is a ‘continuing’ right-to-use for designations of wines and spirits not coming from the country of origin but which were in use prior to April 15, 1994. Similarly, the geographical indications which have become generic names prior to the Agreement in a country offering protection, or which are common names for grape varieties as well as trademarks acquired at this date in good faith which, however, correspond to geographical indications, may also continue to be used.
Bilateral treaties for the protection of geographical indications

As a general rule, the bilateral treaties on geographical indications protect certain geographical indications (listed by product group in an annex) against all commercial use and against use with delocalizing expressions. The names of countries and cantons are granted absolute protection. The protection of the designation ‘Switzerland’ is therefore not limited to certain types of product or goods (in accordance with the lists). This may include all industrial products (such as watches, chocolate, textiles, etc.) as well as natural products (such as wines and agricultural products). However, there is a general provision preventing uses of indications of source which mislead the public. These treaties specify that geographical indications must be used in conformity with the law of the country of origin (re-application of the law of the country of origin). The protection system also prohibits the illicit appropriation of an indication of source as a trademark. In addition, an indication of source cannot be transformed into a generic name in the country where it is protected. Finally, with regard to sanctions, the legislation of the country of origin applies. In the end, these bilateral treaties basically transfer the protection provided for in the country of origin to the other signatory states.

The following is a list of the bilateral treaties signed by Switzerland on the protection of geographical indications:

- Treaty of 7th March 1967 between the Swiss Confederation and the Federal Republic of Germany on the protection of indications of source and other geographic names;
- Treaty of 16th November 1973 between the Swiss Confederation and the Socialist Republic of Czechoslovakia on the protection of indications of source, appellations of origin and other geographic names;
- Treaty of 14th March 1974 between the Swiss Confederation and the Republic of France on the protection of indications of source, appellations of origin and other geographic names;
- Treaty of 9th April 1974 between the Swiss Confederation and Spain on the protection of indications of source, appellations of origin and similar names;
- Treaty of 16th September 1977 between the Swiss Confederation and the Republic of Portugal on the protection of indications of source, appellations of origin and similar names;
- Treaty of 14th December 1979 between the Swiss Confederation and the People's Republic of Hungary on the protection of indications of source, appellations of origin and other geographic names;
- Agreement of 21st June 1999 between the Swiss Confederation and the European Union on the exchange of agricultural products; Annex 7 on wines and annex 8 on spirits.

Imbalance in the international protection

The WTO TRIPS Agreement is currently the primary means for protecting geographical indications at the international level, because of the number of its signatory states (149). Unfortunately, it limits the most effective protection to wines and spirits. It does not strictly prohibit the use of GIs such as “Geneva Watch, made in USA”, “Gorgonzola type cheese, made in Argentina” or “Ceylon Tea made in Malaysia”. According to the present protection level, it is simply enough to indicate somewhere on the product its true origin in order for such use of a GI said to be not misleading and therefore legitimate. By contrast, the label “Spanish Tequila” or “Chianti-type Red Wine, produced in Algeria” is forbidden. Thus, producers of rice, coffee, cheese, watches and rugs are clearly discriminated against.

Protection under the TRIPS Agreement

The weakness of the TRIPS Agreement is that it provides two different levels of protection for geographical indications:

- **general protection** (under Article 22) for all products against the unjustified use of a GI in which the public is misled or an act of unfair competition is involved;
- **additional protection** (under Article 23) for wines and spirits. This protection is much more effective because it prohibits incorrect use of a GI, whether or not the public is misled or an act of unfair competition is involved, and even if the true origin of the product is indicated.
Why is the current international protection insufficient?

The TRIPS Agreement allows the misuse of geographical indications, for example, “Roquefort-type cheese made in Australia” or “American Basmati rice”, on all products except for wines and spirits. This hurts producers as much as it hurts consumers:

- **Producers** receive no remuneration for their investment in developing and marketing their products. They lose market share and can even be forced to lower prices to compete. In addition, the reputation of the original product is damaged;
- **Consumers** are misled because they are led to believe that they are buying an authentic product with certain qualities and clear characteristics, whereas, in fact, it is an inferior imitation from some other corner of the world.

How can the insufficient protection be improved?

The extension of protection would correct the imbalance existing presently in the TRIPS Agreement, would treat the producers in all product categories on an equal footing and would guarantee them efficient protection.

- **Producers** of beer, coffee, rice, carpets and cheese would be able to enjoy an efficient protection for their geographical indications. They would be able to quickly and effectively fight unauthorized use of indications, e.g., “Blue Mountain coffee, from Argentina” or “Parma ham, from New Zealand”. They would be able to develop new markets more easily and their investments in developing and marketing their GI products would be financially more profitable.
- **Consumers** would be protected better. They would no longer be misled to think they were buying an authentic product of a certain quality and with certain characteristics when in fact it was an imitation.
- Effective protection of geographical indications also has a positive effect on the **sustainable development of certain regions**. This includes sustaining a population living in a decentralized or disadvantaged area; preservation of the countryside; maintaining the biodiversity; encouraging diversification in production and traditional production methods as well as the development of parallel economic activities (e.g., tourism). These are all issues which are of great importance in many developing countries and in many industrialised country as well.
Creating a multilateral register would provide a strong and useful tool for the practical defence of geographical indications

An international register would make it possible for all WTO Members to recognize protected geographical indications. In addition, the registration of a geographical indication would facilitate the opposition proceedings for the injured party against the unauthorized use of a GI.

Acquired rights and other exceptions

Some countries have a long tradition in manufacturing products which were brought by immigrants with special knowledge and skills from their old to their new home country and which then were produced under the same geographical name as the one used in their country of origin. With regard to the question whether such use will be possible in case of 'extension', it is important to recall that this is not a new problem. When additional protection was negotiated for wines and spirits, a favorable solution for use by such "immigrants" was found. The exceptions set out in Article 24.4 TRIPS now safeguard the “acquired rights” of such producers of wines and spirits, who have a long tradition in using a particular GI not originating of that country in a continuous manner with regard to the same or related goods for at least 10 years. In case of ‘extension’, this solution as well as all other exceptions set out in Article 24 TRIPS shall also apply mutatis mutandis to products other than wines and spirits.

What is the role of the GI-Friends in the Doha negotiations?

Typical products such as cheese, beer, coffee, watches communicate an image of quality and know-how worldwide. These products are globally known and appreciated. In order to provide improved protection at the international level and to really benefit from the positive effects of improved protection for geographical indications, GI-Friends, more than 30 other WTO Member States, have been actively working for the extension of protection for geographical indications. These states include developed countries (such as EU Members, Bulgaria, Switzerland and Turkey) and many developing countries (such as Guinea, India, Jamaica, Kenya, Madagascar, Sri Lanka and Thailand).

The big agricultural products exporters such as the USA, Australia, Canada, Argentina and Chile are fiercely opposed to this effort.

The issue of improved protection for geographical indications at the international level is not a North-South issue

There is no logical, legal, economic or trade-related reason to protect only GIs of wines and spirits effectively and to leave the rest of the world's products with a second-class protection. Improved protection by extending protection to all product categories and the creation of an extensive register would have positive effects on trade and investment, especially for export-dependent developing and industrial countries. Every country produces products with specific qualities and characteristics which are due to their geographical origin. The GI-Friends and among them Switzerland are thus convinced that better protection for geographical indications for all products would be an important step for all WTO Member States.

GI-Friends are working towards having all WTO Member States recognizing and using the opportunity offered by the Doha Round to bring new balance into the TRIPS Agreement with regard to the protection of geographical indications. Thus, this issue needs to be included in the final results of the Doha Round.
GEOGRAPHICAL INDICATIONS: ONGOING NEGOCIATIONS/DISCUSSION IN THE WTO

Communication: Mrs. Thu-Lang TRAN WASESCHA, Intellectual Property Division, World Trade Organization (WTO), Geneva, Switzerland

Summary: Astrid GERZ, CIRAD, Montpellier, France

General remarks on the WTO and TRIPS

The World Trade Organization (WTO) deals with the rules of trade between nations at a near-global level. Its 150 Members (at the date of the presentation) represent some 95 per cent of trade in goods and services. The WTO has three basic functions: providing a set of rules for international trade (1), being a forum for negotiations (2) and a forum for monitoring of trade rules implementation and for resolving disputes between Members. The WTO is a member-driven organization, and takes decisions on the basis of consensus.

The TRIPS Agreement (Annex 1C of the WTO Agreement) covers the main areas of intellectual property: copyright and related rights (i.e., rights of performers, producers of phonograms and broadcasters), industrial property rights, including trademarks, geographical indications, industrial designs, patents, etc. The TRIPS Agreement provides for a minimum level of protection.

GIs represent a complex and controversial issue, both at national and international levels. They involve not only considerable commercial and economic stakes but also important socio-historical and cultural dimensions.

GIs in the TRIPS agreement

The requirements relating to GIs are contained in Section 3 of Part II of the TRIPS Agreement. Other TRIPS provisions are relevant too, for example: Article 1.1 (freedom of Members to determine the appropriate method of implementing TRIPS within their own legal system and practice), Article 3-4 (national and most-favored nation treatment); Part III (enforcement), etc.

The presentation of the three GI provisions (Articles 22-24) has made it possible for participants to deepen and clarify their knowledge regarding the different protection levels (basic protection, additional protection for wines and spirit, homonymous GIs) and protection exceptions. As far as these aspects have already been developed in the previous communications of WIPO and IPI (see summary above), the present synthesis will focus on current negotiations and discussions in the WTO.

Ongoing negotiations and discussions in the WTO

Geographical indications are being or have been addressed in various bodies or contexts in the WTO (see figure 1). Ongoing negotiations or discussions relevant to the issues of GIs are taking place at various levels, including within the context of the Trade Negotiations Committee (TNC), an ad hoc entity which has been set up by the Doha Declaration.
The Council for TRIPS: Notification of laws and review of legislation

The TRIPS Council is the body responsible for overseeing the functioning of the TRIPS Agreement. One of the key mechanisms for monitoring is the examination of each Member’s national implementing legislation by the other Members.

The mandate of the 2001 Doha Ministerial Declaration covers two main issues in the area of GIs: the creation of a multilateral register for wines and spirits, which is under negotiation within the Special Sessions of the TRIPS Council; and the extension of the higher level of protection currently accorded to GIs for wines and spirits to GIs for other products, which was dealt with in the regular session of the TRIPS Council until the end of 2002, and is being now under the aegis of the General Council and the TNC.

Regular sessions: notifications and review of national laws, regulations and practices relevant to all IP sectors, including GIs (Article 63.2 of the TRIPS Agreement) as well as the Article 24.2 review of the application of the TRIPS provisions on GIs (i.e. examination of the implementation).

Special sessions: for purposes of negotiations regarding the register of GIs for wines and spirits (Art. 23.4 + paragraph 18, 1st sentence of the Doha Declaration).

Figure 1: WTO bodies where GIs have been, or are being, addressed

1. Art. 63.2 notification/review + Art. 24.2 review (examination of implementation)
2. Negotiations on the establishment of a multilateral system of notification and registration of GIs for wines and spirits (Art. 23.4 + Doha)
3. Issues related to the extension of the protection of GIs provided in Art. 23 to products other than wines and spirits
4. [EC proposal in Agriculture negotiations for “claw-back” of use of certain GIs (Annex W of JOB(03)/12)+ 12/Add.1 + DSB(06)/190]]
5. Implementation of panel decisions

1. TRIPS Council (regular session)
2. TRIPS Council Special Session
3. GC/TNC + DG/DDG consultations
4. Committee Agriculture, Special Session
5. DSB
The multilateral Register for wines and spirits

Since the Doha Declaration, three written proposals have been submitted and put side by side in a secretariat paper (document TN/IP/W/12 of 15 September 2005). In addition to the two key issues of legal effects and participation, costs and other burdens that the future system might entail have been discussed. At the request of Members, the Secretariat has prepared a compilation of points raised and views expressed on the three proposals (TN/IP/W/12/Add. 1 and Corr. 1). All these documents are available online: [http://docsonline.wto.org](http://docsonline.wto.org) on the WTO website.

Extension of the protection of Article 23 to GIs for other products

The issue here is whether or not to expand the existing higher level of protection for wines and spirits to other products. Proponents for extension claim that the higher protection of GIs for wines and spirits is a discrimination, which could be corrected by extending that protection to GIs for other products. They see the higher level of protection as a way to differentiate more effectively their products and thus their marketing. The opposing countries hold the view that this discrimination could as well be corrected through suppressing Article 23 and limit the protection of GIs in all sectors to the one provided by Article 22. For them the existing level of protection is adequate and an enhanced protection would be a burden and would disrupt existing legitimate marketing practices. At the request of Members, the Secretariat has compiled the issues raised and views expressed (document WT/GC/W/546- TN/C/W/25). While the range of issues raised is very wide and include, for example, socio-cultural considerations, the most sensitive concerns expressed seem to touch upon: the possible benefits of GI extension to GI holders; the costs for non-GI holders; the costs for consumers, and the impact of extension in third markets.

Final remarks

The issue of GIs was and continues to be a highly sensitive matter, due not only to economic and commercial stakes but also to legal differences and socio-cultural considerations. Section 3 of Part II of the TRIPS Agreement represents a major step in the protection of GIs at the multilateral level. It is a delicate compromise between various approaches. There are many factors which make the current debate or negotiations difficult, for example: the lack of harmonization at national level; the differences of interpretation regarding the mandates; and the linkages made by certain Members with other areas of negotiations, in particular in Agriculture.

For further information visit the website of WTO: [www.wto.org](http://www.wto.org).
GIs, Trademarks & Indications of source: The Swiss Legal Framework and Institutions

Communication and summary: Alexandra GRAZIOLI, Swiss Federal Institute of Intellectual Property, Bern, Switzerland

General protection

The term ‘indication of source’ is used for all direct (such as ‘Bern’) or indirect (such as ‘the Matterhorn’ or ‘William Tell’) references to the geographical origins of products or services, including reference to properties or qualities associated with the source. Geographical indications enjoy general sui generis protection, regardless of any registration. As such, all products, whether agricultural or not, are protected, provided that the conditions referred to above set out in Section 2 of the Federal Law on the Protection of Trademarks and Indications of Source from 28th August 1992 (Trademark Law) are satisfied. The Trademark Law basically protects all direct or indirect references to the geographical origin of products or services against illicit usage (false or misleading geographical indications; Article 47, paragraph 3, Trademark Law). For example, the geographical indication ‘St-Gall’ is protected for embroidery products, even though it is not entered in any register at the federal or cantonal level. Only when the concerned parties do not consider a geographic name or sign as a reference to the origin of the products or services there is no protection. For example, the indication ‘North Pole’ for ice cream is not regarded as an indication of source because it is essentially symbolic. In the same way, generic terms, such as ‘Berliner’ pastries or ‘Frankfurter’ sausages, are not considered as indications of source and consequently are not protected under section 2 of the Trademark Law.

Examples:

- The trademark Swiss Terroir (N° 505 863) for mineral water, beer and alcoholic drinks may only be registered if the products originate in Switzerland. To avoid any form of misleading use, the list of products is limited to products of Swiss origin;
- The use of the term ‘Swiss Style Müesli’ for cereals from India is not authorized. The use of such expressions as ‘style’, ‘type’ or ‘method’ with an indication of source is not sufficient to avoid misleading consumers about the geographical origin of the products. In fact, such ‘delocalizing’ expressions tend rather to be used as a means of exploiting the reputation of a product;
- A Greek company cannot market financial services by making references to Zurich in its advertising if it has no link with Switzerland.

Specific protection for agricultural products and processed agricultural products

On July 1, 1997, the ordinance on the protection of appellations of origin and geographical indications for agricultural products and processed agricultural products of 28th May 1997 (Ordinance on PDOs and PGIs) came into force. At the federal level, it established a register for protected designations of origin (PDOs/AOC) and protected geographical indications (PGIs/IGP) for agricultural and processed agricultural products except wines. This includes all foodstuffs from the agricultural sector, the main categories being dairy products, fresh meat, salted, smoked and cold cooked meats, fruit, vegetables and other crops, processed products and spirits. Manufactured products and wines cannot be registered. Under the terms of this ruling, the commercial use of PDOs and PGIs is prohibited for all comparable products which do not meet the specifications as well as any other non-comparable product if it exploits the reputation of the protected indication.

Examples:

- Swiss trademark Sbrinz (N° 501 173) could be registered for dairy products only with a limitation of the product list: dairy products, namely cheese complying with the prescriptions of the PDO ‘Sbrinz’;
- The use of the name ‘GRUYENTAL’ for cheese from Argentina is not authorized as this could be confused with the PDO ‘Gruyère’.
**GEOGRAPHICAL INDICATIONS (GIs)**

**Specific protection for wines**

Wine appellations are protected under the 7th December 1998 Ordinance on Viticulture and the Importation of Wine. This ordinance defines the controlled appellations of origin (AOC) and indications of source. At the federal level, the Federal Office of Agriculture (FOAG) maintains a list of the protected Swiss appellations for wines, which are published at regular intervals (a federal register is in the process of being created). At the cantonal level, no similar list exists, but there is a land registry of wine producing zones which describes the specific properties of the vineyard. The cantons have to keep a list of the production areas for their controlled appellations of origin and indications of source and communicate them to the FOAG.

Various cantons have produced legislation on appellations of origin and indications of source (in particular, AG, BE, FR, GE, NE, SG, SH, TI, VD and VS). These cantons have issued regulations on the use of the appellations of origin and defined the production areas as well as the authorized blends. All of the cantonal legislation includes additional conditions to those set out in the federal wine ordinance.

As the production areas are clearly indicated, wine producers within a given geographical zone have the right to use the indication of source or appellation of origin in question, provided the quality criteria is met.

**Example:**
- *The use of the traditional name ‘Goron’ for wine from the Canton of Vaud is illegal. The name ‘Goron’ is a geographical indication that can be used only in the Canton of Valais (see the Federal Court decision published in ATF 124 II 398).*

**Legal means**

a) **Civil law**

Any person who comes across an illegal use of an indication of source may demand a restraining order to stop the violation or to impede an imminent violation (action in performance of a service under Article 55, Trademark Law, or investigative action under Article 52, Trademark Law). Illegal use of a indication of source is said to take place when a third party uses an indication of source with a product which does not come from the place in question, or applies a PAO to a product which does not satisfy the conditions set out in the specifications. In the latter case, the rightful producers of a PAO, or a producer satisfying the official specifications, may request a court to stop the illegal act.

Any person authorized to take action against the illegal use of an indication of source may request the assistance of the customs office if the case involves imported products (Articles 70 ff., Trademark Law).

In addition to persons with a legal interest who suffer damages or risk a violation of their rights, the law also permits national or regional consumer associations and organizations to take direct legal action under the conditions set out in Article 56, Trademark Law.

b) **Criminal law**

Any person accused of using an inexact indication of source or a designation which could be confused with an inexact indication of source, or of creating a risk of deception by using a name, address or trademark in relation to products or services of a different source may be criminally liable (Article 64, Trademark Law). If the offender has acted in a professional capacity, the offence is prosecutable *ex officio*. For example, a person who imports products from China and affixes a label with his full Swiss address may also be subject to criminal prosecution because he misleads the buyer about the actual origins of the goods.

Criminal prosecution is the responsibility of the cantons. The status of the plaintiff is determined by the codes of criminal procedure at the cantonal level.

In addition to the general provisions of the Trademark Law, the Federal Law on Agriculture of 29th April 1998 (Article 172, LAgr) lays down specific criminal sanctions in the event of intentional illegal use of a PAO or PGI for agricultural and processed agricultural products, as well as for wines. Finally, the federal law on foodstuffs and objects in everyday use of 9th October 1992 (LDAI) also specifies criminal punishment for acts which risk misleading the consumer on the origins of products (Article 48, LDAI).
GEOGRAPHICAL INDICATIONS (GIs): THE SITUATION IN FRANCE

Communication: Lionel LALAGÜE, INAO, Paris, France

Summary: Astrid GERZ, CIRAD, Montpellier, France

In France there are currently 600 registered GI products with 142,000 producers and a turnover of 19 billions of Euros per year. The different GIs are divided as follows: the AOCs, a specific denomination in France (equivalent to the PDO within the EU), relate primarily to the wine and spirits sector (473 AOC-78,000 producers-15 € B/year), followed by the dairy sector (46 AOC-28,000 producers-2 € B/year). Other AOC (37 AOC-10,000 producers-0.20 € B/year) concern a variety of products, such as olive oil, onions, nuts, etc. PGI products (74-25,000 producers-1 € B/year) are mainly related to the meat sector.

The INAO structure and its missions

The National Institute of Origin and Quality1 (INAO), created in 1936, is a governmental agency affiliated with the French Ministry of Agriculture. Its Head office is in Paris, but it has 26 regional offices throughout France. Its budget amounts to 20 million €, of which 72% is managed by the State and 28% by the professionals. The 250 employees of the INAO accompany the producers in their approach for obtaining an official sign of origin and quality. The INAO works closely with four national committees (wine, spirits and alcoholic beverages PDO committee (1); dairy products, foodstuff and forestry products PDO committee (2); organic farming committee (3); Label Rouge, PGI and TSG committee (4)) composed by active economic organizations. INAOs permanent council (22 members) is responsible for defining the general policy of the institute and the budget. Another important and specific instance of the INAO is its control and approval council. It defines principles of control and approval, advises and evaluates control and inspection bodies.

INAO has three main missions or tasks:

- the definition and proposal for the recognition of an AOC or PDO (comprising the definition of the geographical production area as well as the product specifications);
- the assessment of a control system of the registered GI products;
- the protection of registered GIs.

Procedure of recognition of an AOC (or PDO)

The procedure involves several stages, mainly:

- a collective application submitted to the INAO services;
- submission of the request to the national committee, nomination of an enquiry commission for advice and validation;
- report on the application and definition of the production conditions;
- geographic area delimitation procedure;
- wording of the decree of recognition;
- transmission of the decree to the ministries for signature (or not), publication in the official journal.

Organization of controls

The controls of GIs relate to several factors (origin of the product, production conditions, quality, etc.) and are organized in several ways:

- auto-controls, performed by the producers;
- internal controls, organized by the defense and management body;
- external controls delegated by INAO to approved certification bodies.

Protection proceedings

Several groups and organizations are involved in the protection of GIs, including the INAO, ministries, protective syndicates and professionals, etc. There are two legal means or proceedings:

- the criminal proceeding in case of non-respect of specification with fine and prison sentence;
- the civil proceeding is the responsibility of the INAO. It applies in case of misuse of the name or in relation with trademarks. Sanctions are invalidity or revocation???

---

1 Formerly, National Institute of Designations of Origin, renamed the 1st January 2007 and guaranteeing nowadays also organic and Label Rouge certifications
GEOGRAPHICAL INDICATIONS (GIs)

COLLECTIVE MARKETING AND STATE SUPPORT TO SALES PROMOTION

Communication and summary: Martine JAQUES-DUFOUR, Association suisse pour la promotion des AOC-IGP, Berne, Switzerland

GI as a label giving added value to a product

A Registered Geographical Indication (RGI) is a legislative tool to protect traditional specialities, but it can also become a label giving an added value to a product. Indeed, the concept of GI must be well known and recognised by consumers in order to contribute to strengthen the position of a product on the market.

GGI products have better characteristics in terms of origin and quality, but these characteristics are not always directly perceptible by the consumer. When buying a product, a consumer can not see with his eyes and even not taste with his tongue that the product is anchored in a particular territory, that it contributes to the social and economic dynamics of its production area and to the protection of an artisanal, cultural and often ancestral heritage. These characteristics might however be important for the consumer. For this reason we believe that a RGI must become a label, which contains a message giving precious and valuable information to the consumers. It has to become a credible quality sign.

The RGI label is going to work as an umbrella mark or a caution mark allowing consumers to identify the product and to recognise its qualities. This RGI label will cover various products but all these products will share common qualities such as being unique and produced with a local know-how (savoir-faire) in a given area. It is therefore absolutely necessary to have a coherent registration system so that all the registered GI products have a number of common guarantees. Being a RGI may contribute to the reputation of the product, but the GIs reputation depends on the qualities of the registered products.

Importance of a collective marketing

To allow the RGI label to become a well known umbrella label, it is important that the various RGI supply chain actors group together to set up a widespread promotional campaign. It might be carried by the State but even then, it will be more efficient if the supply chain cooperate to give a clear and unique message for promoting the GI concept.

A collective marketing will aim to:

• have a unique logo for all the RGI label;
• build a common message based on the RGI guarantees, which will clearly inform the consumers on the RGI system;
• finance a promotion campaign based on consumer education.

This collective strategy will avoid having several different messages and logos for the RGI. It will also help to have more funds and to influence the public institutions in order to obtain support. Moreover, it will increase the credibility and reputation of the GI system so that the GI becomes a true and credible quality sign adding value to the products.

It is important to remember that this collective marketing will promote the GI concept (generic GI campaign) without hindering each supply chain to promote its own product. But it is also important to realise that the promotion of the GI concept will use the range of products to explain what a GI is. Nothing can better illustrate the GI philosophy than the products themselves!

The Swiss experience

In Switzerland, an association for the promotion of the PDO (Protected Designation of Origin or AOC) and PGI (Protected Geographical Indication or IG) has been created in 1999 to support a generic GI promotion campaign based on consumer education and the use of two logos, one for PDO and the other for PGI.

Most of the Swiss GI supply chains are today members of this association. Its promotional activities aim to inform producers, consumers, agricultural institutions, journalists, retailers, restaurant owners or politicians. The core message of their information is about origin, tradition, know-how, uniqueness and certification which characterises all the PDO and PGI products.
The association has developed promotional materials (a leaflet, a website, a magazine), organises product-tasting on point of sales and exhibitions, meets journalists, and presents the PDO-PGI system in schools. It also defends the supply chains against imitations and encourages new supply chains to register their product as GI.

The membership fees are based on the turnover of the GI product (0.2% for the promotion and 0.03% for the administrative costs). Thanks to a Swiss law encouraging collective marketing which aims to sell Swiss agricultural products, the association can get 50% of its promotional costs covered by the State (CHF ~400'000.- come from the State and CHF ~ 400’000.- come from the members).

The Swiss experience shows the importance of public policies sustaining collective marketing campaigns. This policy supports the wide promotion of the GI concept. Seven years after the registration of the first PDO product in Switzerland, consumers still know very little about PDO and PGI. But they are always very interested by theses labels and products when they are given the opportunity to learn about them.

In Switzerland, the perspectives for PDOs and PGIs are important because these labels contain valuable guarantees for the consumers. We know however that nothing is more important than the inner quality of the products. PDO-PGI labels and codes of practices are thus efficient tools to encourage producers to give special attention to quality aspects.

ROLES AND STRUCTURES OF GI SUPPLY CHAIN COLLECTIVE ORGANISATIONS

Communication and summary: Peter DAMARY, AGRIDEA, Lausanne, Switzerland

According to Barjolle et Sylvander (2000)1 “A primary factor in the success (of supply chain organisations) is the capacity of a set of firms in a supply chain… to effectively coordinate the management of the supply chain!”.

The importance of coordinating the actors of a supply chain or value chain, as it is sometimes called, to assure that the added value is shared equitably along the value chain by all actors, can not be underestimated. This is also true concerning GI supply chains.

A supply chain is a series of functions, undertaken by a number of actors, owning or working with a number of physical (fixed assets and inputs) and know-how assets, to create “Value” for the consumer.

“Value” for the consumer has numerous aspects:
• physical aspect of the good in question and it's quality as a food product (hygiene, taste, nutritious elements…);
• and also increasingly, non-physical attributes such as quality assurance, assurance of the promises made to the consumer2, image…

GI’s are a very useful tool to help coordinate the supply chain. Indeed, as a collective intellectual property, developed over generations, it is shared by all the actors of the supply chain.

The registration of a GI usually needs a collective organisation, assuring that the actors of the supply chain build an alliance. Thus the GI can give a sense of common identity to the actors of the supply chain.

The roles of this alliance are:
• to define the product (code of practice), and its specific qualities;
• to obtain legal protection of the name of the product, and to defend this protection;
• to assure quality control – thereby making sure the promise to the consumer is kept, and that there are no “free-riders” who will take advantage of the image of the product, whilst not respecting the code of practice;
• it may also play a role in the communication of the specific qualities (the marketing promise or USP) of the product to consumers.

The code of practice, necessary to define an RGI, is a codification of the quality, and this is central to lowering the transaction costs between the different levels of the supply chain. By mutualising certain costs (controls, marketing), actors of the GI supply chain, even small companies in remote rural areas, can remain competitive and continue producing high value products for the benefit of consumers and of sustainable development.

---

1 “Protected Designations of Origin and Protected Geographical Indications in Europe : Regulation or policy? Recommendations” Final report of the Dolphin study FAIR 1 - CT 95 – 0306, Dominique BARJOLLE and Bertil SYLVANDER, web publication (www.origin-food.org, June 2000.
2 Promises made to the consumers may vary from aspects linked to health (this product is good for your health), to social ethics (producers of this product get fair wages), or the environment (the production of this product does not damage the environment). In the case of GIs, the main promise is “this is an authentic product, made according to tradition and adapted to its terroir”.

34
PART II

PRACTICAL EXPERIENCES IN CONTEXTS WITH A LONG GI TRADITION AND METHODICAL APPROACHES

Learning the secrets of Ryebread production
Photo: Anna Perret
"FROM TOMME CHEESE TO TOMME CHEESE"

Communication: Pascale MOITY-MAÏZI, SupAgro Montpellier, France

Summary: Astrid GERZ, CIRAD, Montpellier, France

Introduction

This case study presents a qualification process for specific milk products, namely Pyrenean Tomme cheeses (from cows and ewes) in the Ariege region in France. Linked to the film «Les Pyrénées de tomme en tomme», the case study enhances some singular links between producers and «terroir», illustrates different interests, actors, and production frameworks involved in a collective process, explores local food supply chains as a system of relations, knowledges and actors embedded in global markets.

Territories and dairy products of the Ariege mountains

As for other “terroir” products, there is in France today, a (re)mobilisation in innovative valorisation dynamics for mountain dairy products, because they are at the crossroads of economic, social, cultural fields and biodiversity; valorised on diverse markets as specific “goods”…

Mountainous areas are perceived as strongly constraining environments benefiting for some decades from a good reputation, favourable to the valorisation of resources combining three dimensions: mountains, (fragile) living heritage, and biodiversity.

The abundance of grass generally explains the importance of breeding and cheese production in the French Pyrénées. With breeding systems given rhythm by the altitudes and seasons, breeders have never totally abandoned their seasonal transhumances, notably towards the upper meadows. If these streams of people and animals had slowed down, they are now reactivated, at least as the material and cultural symbols of a typically mountainous production: cheese manufacturing.

Pyrenean cheeses are well known but their production has for a long time been limited to the domestic needs or to nearby small seasonal markets. Moreover, the rustic mountain varieties have been abandoned, hybridised to the extent that today they are not representative in some regions any more, such as in Ariege. That’s why in this region nowadays, native breeds are perceived as specific resources by some actors (breeders or institutions) to strengthen the value of some local cheeses. But their revalorisation, as well as the commercial valorisation and official territorial qualification of mountain cheeses requires collective and critical thinking on various connected issues (breeding productivity and operations, resources management, cheese manufacturing practices, etc.).

This profusion of actors and organisations mobilises and justifies various courses of action, of development, of practices and discourses. The construction of a first claim for a PGI is certainly a material translation of this debate, still in progress.
History of the qualification process for Pyrenean Tomme cheese

Before 1996, the Pyrenean Tomme cheese was still little known, the variety of mountain cheeses was very large, milk volumes were declining and the region was experiencing complete “deagriculturisation”.

An association of manufacturers of Pyrenean cheese with untreated milk was created in 1996, the Syndicat de défense du fromage des Pyrénées au lait cru (the name changed in 2000), to protect and promote this product, grouping together farmers and ‘artisanal’ producers.

The industrial manufacturers of Tomme cheeses with black crust from pasteurised milk were the first to claim a PGI

The motivation for this first claim for a PGI for ONE type of cheese by these manufacturers was the aspiration to reach new markets. So, the valorisation of the cheese production with pasteurised milk through a PGI is translating an ambition: obtaining (or widening) official access to international markets ruled, among others, by the Codex Alimentarius, which imposes pasteurisation as a standard in the international exchanges.

The first request for a PGI, offensive on a commercial level for a group, may constitute for other groups (craftsmen), a total and rapid exclusion and the loss of their activity in the long term. This seems to be the starting position in the Ariège, readily denounced by the local trade associations. The creation of a PGI file is also a political construction (conflicting or negotiated), often dominated by leaders whose economic (or patrimonial) motivations are sometimes secondary with regard to political strategies.

A second request was formulated, this time by the artisanal cheese makers and the breeders. After a categorical refusal by the manufacturers to modify the first PGI file, the situation is today evolving towards a compromise. In this negotiation process, the Farmers Confederacy (Confédération paysanne) with a strong presence in the Tomme Cheese Union (Fédération Tomme), seems to be the leader, integrating the largest variety of dairy producers and cheese manufacturers.

This second initiative leads to a reorganisation of the local actors around the qualifying procedure of the Pyrenean Tomme cheese: creation of a federation comprising actors who kept their distance up to now, reinforcement of some local or national political networks (labour-unions, clientelist networks), and the exclusion of some of them… New social and professional configurations become institutionalised to communicate better, but also to protect their careers, products, networks and markets. The restructuring of the cheese making sector in this area of the Pyrénées is in fact more widely associated with a restructuring of the whole dairy sector (cattle and ovine varieties) in the Ariège.

The Pyrenean Tomme Cheese Federation demands a geographical protection in order to maintain the dairy production in these difficult mountainous areas, and the milk price for the producers. “Maintaining the number of dairy producers in the Pyrenean Massif is one of our priorities”. Requirements are thus different from those of the manufacturers for whom the PGI was an opportunity to strengthen the markets.

The future of the “artisanal” cheese dairies is at stake in the negotiations and rules, defended in a PGI file and with them, the future of the economic fabric in the mountainous areas.

Conclusion

The situation observed in Ariège reflects a phase of the collective revival of a traditional “range of cheese products”. Different actors within this traditionally dairy and cheese making region of the Pyrénées, are today involved in defending SEVERAL cheeses and ONE geographical space: breeder-cheese makers, dairies, dairy cooperatives, cheese factories, ripening cooperatives. All offer many types of dairy products (and several brands). Supported by a number of sponsoring organisations and associations, they form a negotiating group (Collectif) in order to build a joint procedure to obtain a PGI.

The claim for a PGI for the dairy products in Ariège creates a particular situation, in which an official label is created, here comprising various qualities and products (cow’s, goat’s, ewe’s, or mixed milk cheeses; manufactured or farm cheeses). It is as such, an integrative initiative that tends to reactivate, mobilise and bring various networks closer together, in order to build new cooperations, new solidarities, which are maybe also supposed to, at least, produce and spread an articulated and specific set of products, qualities and skills.
PROMOTION OF A REGIONAL IDENTITY: THE VALAIS RYE BREAD PDO CASE

Communication: Sophie RÉVIRON, Agri-food and agri-environmental Economics group, IAW-ETHZ, Zurich, Switzerland

Summary: Astrid GERZ, CIRAD, Montpellier, France, based on the communication and the paper of Sophie RÉVIRON “Promotion of a regional identity: Valais Rye Bread PDO”¹

The Valais region in Switzerland has developed a clear strategy for developing a bundle of high quality agri-food products with the objective of boosting agricultural production and providing positive economic, social and environmental rural development benefits. This strategy seeks to encourage synergies with tourism, one of the major economic activities in the region. The Valais Rye Bread PDO story shows how regional authorities may initiate a commercial project and then let private operators drive it forward. It shows how marketing and commercial performance can be tied into a strong territorial embeddedness. However, the initiative is not yet self-financing and is currently embarking on a scaling-up process that would allow it to reach a critical, self-sustaining, size. Yet, connecting to the national market carries the danger of changing the spirit of the initiative and redirecting the effects that it has upon rural development.

The history of the Valais Rye Bread PDO alliance

Marketing sustainable agricultural products is first and foremost a commercial affair, co-ordinated by a production system and a collective organisation, which links private operators. In this context, it is very rare to observe an origin labelled product that is initiated by public regional authorities. The Valais Rye Bread PDO case-study is a notable exception to this.

In the 1990s the Valais canton undertook strategic studies to identify the strengths and weaknesses of regional agri-food supply chains. The analysis highlighted that production for generic markets in Valais was not very competitive, but that the region did have specific advantages (unique topography/landscape and a range of products, namely cheeses, wines, fruits, dried meat, etc., both attracting tourists) for building up a different strategy, dedicated to high-quality, typical, origin-labelled products. An ambitious regional plan was put in place to develop sustainable and multifunctional agri-food supply chains as a means of fostering rural development. Promotion plays a very important tool in this, with the development of a multi-product regional Brand “Valais-Wallis”.

The Valais Rye Bread initiative is part of this larger integrated regional strategy. The initiative was launched in 1997 by a group that included the Director of the Chamber of Agriculture, a high ranking official from the regional Ministry of Agriculture, the two regional mills and two representatives of the Valais Bakers’ Association.

The emergence and development of the PDO organisation for Valais Rye Bread can be seen as consisting of six main stages, each of which culminated in reaching an important milestone.

The first step in 1997 was building up a clear and unique selling proposition based around the quality, typicity, origin of the product. The initiative would promote a special artisan rye bread, baked in bakers' shops within the Valais region. The product is currently enjoying a revival, linked to changing fashions in eating habits and the importance attached to traditional whole cereals as part of a healthy and balanced diet. It has presently fills a clear ‘niche’ within the regional market for wholemeal speciality breads.

The second step was codifying the baking and production practices of Valais Rye Bread. These criteria were developed by bakers and millers. Primary producers were not involved in this stage, what may explain that they still not fully committed to the project and sometimes display opportunistic behaviour. It is a weakness of the initiative that could have been avoid during construction of the discussing group.

The third stage was to enrol producers and expand interest among bakers. The price premium paid to the producers offered them an incentive and this helped reverse the trend of declining rye production in the region.

At this point a formal organisation, the Valais Rye Bread Association, was created (fourth stage). This is an inter-professional association with members from different levels of the supply chain: producers, mills, and bakers (see figure 1). This organisational form is commonly used for co-ordinating the production and sales of PDO products. It has no direct commercial activities but concerns itself with issues linked to the code of practice, quality control and traceability, marketing issues and promotion. Notably the regional authorities are not members of the association, which only includes private operators with direct, commercial links. Despite this, the Chamber of Agriculture has continued to support the initiative: paying the salary of the facilitator and costs for housing, legal services, promotion and so on. The Valais Ministry of Agriculture has also provided timely support, both financial and in terms of expertise. These two institutions left the space for the operators to develop the project themselves but provided much-welcomed financial and non–financial support.

The PDO registration was accepted in 2004 (fifth stage). There was strong opposition to the application, mainly from the Coop, which was selling a similar but industrially produced rye bread, which claimed that the designation for “Valais Rye Bread” was generic. The Federal Ministry of Agriculture (OFAG) defended the initiative and its support helped to get a positive legal decision.

Once the PDO registration was obtained and the reputation of the product established the bakery unit of Migros-Valais, a major Swiss retailer applied to join the organisation. The initiative decided to accept a partnership with the regional division of Migros as a baker.

Figure 1: The collective organization of Valais Rye Bread
Challenges

The organisation now faces a difficult strategic problem: it has recently decided to continue to scale-up, but has to decide how to best do this. The initiative has met its initial objectives and so can be considered as a success story. A historic product has been revitalised to fit with new consumer trends and a reputation built based on symbolic capital and trust. PDO registration has defended this symbolic capital from appropriation, prohibiting the encroachment of industrial copies.

At the present time the alliance is still on the same track, continuing to mobilise producers in order to meet the full potential regional demand. This means enrolling the remaining traditional bakers within the region who are not yet members of the alliance (around 20%), so as to increase the potential volume of the regional market.

Yet, because of the PDO registration and the extent of tourism within the Valais region, there is now also an external demand for the Valais Rye Bread. Visitors to the region want to be able to buy the bread at home too. The intense and efficient promotion by the Swiss Association for the Promotion of PDO-PGI Products reinforces this demand. Scaling-up the initiative to meet this demand and increase the market is of interest, at least to the mills, as it would help secure their position.

But scaling-up the initiative means embarking on a new development strategy and building commercial links outside of the Valais region. The organisation will have to make strategic decisions concerning sales to retailers outside the Valais region: Which partners should be chosen for selling the product outside the region? The big retailers offer the largest potential market, but are their commercial position compatible with the product’s image and symbolic capital? What kind of packaging is needed to improve conservation without compromising the image attributes and guarantee traceability? What should the status of these new commercial partners be and what implications will this have? And most tellingly, who is going to bake the bread? According to the PDO regulation, processing has to be done in the region. But if the retailers’ bakeries do the baking of bread for external sales this would profoundly alter the balance that currently exists between the artisanal bakers and the industrial ones.

Conclusion

This example highlights how a PDO product, initiated by regional authorities can be taken over by operators. The internal network (crystallized in an inter-professional PDO association) was separated with success from the external territorial network (with two major institutions: the Regional Ministry of Agriculture and Chamber of Agriculture). This case-study shows how a territorial administration may initiate a supply chain initiative, but must allow space for the operators to decide upon its evolution.
DAMASSINE Case Study

**Summary:** Anna PERRET, AGRIDEA, Lausanne, Suisse & Hubert DEVAUTOUR, CIRAD-INRA, Montpellier, France

The Damassine fruit was introduced to the Canton of Jura, in the north Switzerland, by crusaders during the medieval times (900 years ago). This small reddish plum, now officially called “Damasson rouge”, has a unique flavour and aroma related to the land, the climate and the production methods. The main points explaining this tipicity are cool nights from mid August developing color and aroma, cropping fruits very mature (gathering only fruits fallen on the soil) and fermentation in barrels.

Traditionally, the Damasson rouge has been transformed into a spirit called Damassine and consumed at the beginning of the winter during a peasant feast (La Fête Saint Martin). All the parts of a pig are eaten for the occasion and the Damassine is served with the desert.

The emergence of the initiative for the registration of Damassine as a protected denomination of origin (PDO) was triggered by the registration as a trademark of the name Damassine by a local company in 1988. This event triggered off a crisis in the Canton of Jura which led to a social and cultural debate about the defence of the name “Damassine” as a local cultural heritage. When the Swiss law on PDOs and PGIs was passed in 1998, the Jura government encouraged the initiative of a PDO registration by informing producers about this new tool and helping in the set up of a working group.

A first conflict, internal, emerged with the PDO application between the producers growing the Damasson rouge on wild Damassinier (official name for the Damassine tree) and those growing them on grafted trees. In consequence, two rival applications for the PDO registration of Damassine were presented to the Swiss Federal Office for Agriculture (FOAG) who rejected both. FOAG advised that a consensus had to be found between the two parties, two applications for the same product being unacceptable. A common application was presented to the FOAG in 2005 with a code of practice requiring the distinction on the bottle’s label between the Damassine made with Damasson rouge from grafted trees and the one made with Damasson rouge from wild trees. The code of practice was revised 10 to 15 times by the FOAG and small changes were made. For example, the aging process was taken out of the code of practice and a description of the taste was added. All the things mentioned in the code of practice must be controllable by the certification body.

Besides this internal conflict which has become less important, a second, more external conflict came up concerning the delimitation of the production area. Indeed, many oppositions (11) were filed against the PDO registration by Damassine producers outside the proposed delimited area of production, i.e. the Republic and Canton of Jura. According to the code of practice, the fruit production, the storage, the fermentation, the distillation and the bottling have to be made inside this area.

The decision about the zone is still ongoing, with agreements to include contiguous production zones but ongoing disagreements concerning zones which are further away.

Last but not least, the third conflict is with the trademark owner. Ongoing discussions concern agreements on the royalties which have to be paid and on the period of ownership before the trademark owner will have to give the user rights for free to the group of producers.
The Damassine supply chain is very short and the actors mainly local. It is composed of the nurseries, the fruit producers (100-200 in total, 10-50 certified producers/year that already follow the PDO code of practice in view of the registration), the distillers (2 professional ones) and some distributors. In general, the fruit producers bring their harvest to the distilleries which process the fruit for them as a paid service. The fruit producers then market their own spirits and thus keep a good part of the value added. Interestingly, even though the Damassine is sold for a much higher price than other spirits, the distillers ask the same price for the service of distillation of Damassine than for the distillation of other fruit. About 5'000-12'000 litres are produced every year which represents no more than 3% of the Swiss production of Abricotine (apricot spirit). The consumers are mostly local. Two thirds of the production is consumed locally, one third in other parts of Switzerland. Damassine is a cultural drink and thus consumers are willing to pay a good price for it (>80 CHF/Lt - 72 US$). In terms of marketing, the product is an ambassador of the region together with the Tête de Moine cheese and the Ajoie sausage. Representatives of the canton export the products out of the canton on official occasions. In order to be transparent towards the consumers the exact place of production must be mentioned on the label as well as the production method (wild trees or grafted trees). For most producers the Damassine production is a secondary income. Mr. Perret, with his 3 hectares of Damassinier and 4 hectares of other fruit trees, is the only producer with a main activity on production of Damassine in the canton. He produces 20 to 50 tonnes per year, all of which is transformed into alcohol and is sold directly to local consumers (within 50-100 km).

The inter-professional body encompasses 50% of the producers and 60% of the production volume. Its committee is composed of three representatives of the former “wild Damassinier” working group and three representatives of the former “grafted Damassinier” working group. Three are producers, one is a biologist and politician, one is a nurserymen and one is a distiller. The committee meets regularly, especially the 2 co-presidents and the secretary. Its current role is to obtain the PDO registration and also to ensure the quality and authenticity of the Damassine sold on the market. There is no common marketing and distribution strategy for now but it is a project. Anyway, today the production volume would be too small to extend the distribution zone. The annual budget comes from the membership fees and the fees per litre (once registered). The control by a certification body (Organisme intercantonal de certification OIC) was set up and started in 2004 in order to be ready for the PDO registration. The certified producers can mention on the label that the product was certified by the OIC according to the Damassine code of practice but can’t use the PDO sign yet.

In terms of impacts, the current economic impacts of the PDO registration procedure are an increasing demand as the product has become famous through the public debates during the PDO application procedure, the maintenance of a high price as the demand is bigger than the offer and the maintenance of a high profit for the producers as they market their product themselves. Socially, the main impact has been an increasing recognition of the Damassine name due mainly to the legal and political struggle. Besides, the seasonal employment during harvest time has been maintained. Also, there has been a positive impact on the quality of the product since the inter-professional body introduced a yearly spirit competition. Thus the local know-how for Damassine production has not only been kept alive but it has even been improved.

The perspectives are various. One essential limiting factor of the development of the supply chain is the very small production volume which has been stable for years. The initial investment being high it is difficult for young producers to get stared. The first harvest can only be made 6-7 years after the plantation of the trees and there is no financial help available. One interesting strategy seems to be the diversification of the growers and direct selling although that requires infrastructure and services (fridges to keep the fruit, a shop on a good place, tasting sessions, etc.). Nevertheless, 2 young producers seem to be interested in starting an orchard. A second issue is the differentiation of the Damasson rouge from other plums. A genetic study shows that there are many plums which are genetically close to the Damasson rouge. One important part of the differentiation is linked to the story that was created around the fruit. If the genetics is not a factor of tipicity, the influence of agroclimatic and human factors could be improved. A third question is the number of Damassine producers that will to join the inter-profession and produce Damassine PDO. According to one interview informant, the production will be managed by maybe 50 producers out of the 200 with currently produce Damassine.
GRUYÈRE Case Study

Summary: Erik THÉVENOD-MOTTET, AGRIDEA, Lausanne, Suisse & Denis SAUTIER, CIRAD, Montpellier, France

The Gruyère cheese is a product with a very long tradition dating back to the Middle-Ages, originally produced in the region around the city of Gruyères, capital of the county of the same name (now a part of the Canton of Fribourg). The origin of this cheese is to be found in the alpine pastures economic system, which required the conservation of the milk produced by the cows gathered in the summer pastures into a product that could be traded far away. The trade of Gruyère expanded significantly during the 18th century and generated a far-reaching reputation for this cheese.

Traditionally, Gruyère was elaborated in the alpine pastures with the help of wood fire in order to get a pressed raw milk cheese which would require several months of aging to reach its specific qualities. This long preservation potential, also linked to the size of the cheeses (30-40 kilos), allowed the cheeses to be brought down to the valleys as well as to be traded further away.

During the 18th century, the production of Gruyère spread into the valleys and plains, and thanks to the progress of agriculture the small village dairy plants (cooperatives owned by the milk producers) were able to produce it all year long. In the beginning of the 1990’s, in addition to the alpine pastures (familial processing), there were about 250 village dairy plants producing Gruyère, mainly in the Canton of Fribourg and in the surrounding cantons of French-speaking Switzerland (except Geneva and Valais).

Gruyère was first protected in Switzerland in the 1950's through a specific law on the designations of cheeses in relation with the Stresa Agreement. This protection was afforded whereas the international framework authorised French producers to use the name Gruyère with the real indication of source. The emergence of the initiative for the registration of Gruyère as a protected denomination of origin (PDO) is related to the threats that appeared in the beginning of the 1990’s with the creation of big industrial plants producing Gruyère in German-speaking Switzerland. Most of the producers and factories gathered and adopted in 1992 a Charter defining the geographical area and the methods of production; the aim of getting a PDO was also mentioned even though the legal basis for PDOs did not yet exist in Switzerland. The Gruyère network of actors was an important player in support of the establishment of a Swiss legislation on PDOs and PGIs in 1997. The interprofession of Gruyère (IPG) was created the same year; at this time, the Gruyère supply-chain was constituted by 3’200 milk producers, 240 cheese factories and 7 ripeners and traders, for an annual production of 24’000 tons.

It took three years of negotiations to define the PDO registration of Gruyère in 2001.

The geographical area had to integrate some remote factories in German-speaking Switzerland which had produced Gruyère for years before the PDO registration.

Besides protection issues (protection of the Gruyère denomination, production areas and traditions), the registration was also motivated by evolving market and quality concerns.
Field visit and analysis results

During the two days field visit the participants met the Director of IPG who explained about the role, the missions and the running of this interprofessional supply chain body. They visited a village dairy processing and ripening unit (Peney-le-Jorat), a milk producer (Peney-le-Jorat), a large ripener-trader (Mifroma, owned by the biggest Swiss multi-store retailer, Migros) and an alpine pasture milking and processing plant (Le Cerney, Jura). These different meetings provided them with deep insights on the diversity, management and co-ordination mechanisms inside the supply chain.

Outstanding elements pointed out by the participants’ analysis include:

- the strong role of the IPG (Interprofession de Gruyère) supply chain organization: negotiations on prices, regulation of quantities, quality control, collective promotion of the product, dialog with Swiss and foreigner actors, etc.;
- the interest of young farmers and cheese-makers to join and invest in the GI system because of market stability. However, to secure this orientation (considering the higher costs of Gruyère production), the price of the milk for Gruyère should be higher than the price of plain industrial milk;
- the role of generic sanitary regulations which in some cases may threaten the production of high-quality and strictly controlled raw-milk cheeses and cheeses from mountain pastures;
- the fact that at the international level, the protection of the designation Gruyère is not easy because its name is used throughout the world; an agreement has been concluded with the French producers in order to allow the registration of a European PDO for French Gruyère.

More info on [http://www.gruyere.com](http://www.gruyere.com)
Introduction

Proving positive effects of Geographical Indications (GIs) on rural territories is a major political stake. It would reinforce interest/concern towards the protection of GIs and help to explain and justify regional/national/European public support. It would change the political vision about the relative efficiency of competing food systems, if reliable methods could compare the global performance (economic, social, and environmental) of conventional supply chains and various alternative food systems.

Identifying key factors of the global performance of Protected Denomination of Origin (PDO) initiatives has also an internal interest. Improving the PDO collective organisations management could enhance these positive effects. Performance is assessed by various criteria. Some criteria are assessed by measures to get objective quantitative data; others cannot be measured directly (such as landscape aesthetic). Recently, researchers have developed new methods to measure stakeholders’ acknowledgment of the effects of a PDO initiative on rural development, compared to their main competitors. These surveys provide subjective quantitative data by using two main methods:

- the diachronic methods, which are designed to assess the effects of a PDO product registration (according to a before/after historical approach);
- the synchronic methods, which compare:
  - two supply chains in the same region at the same time: one with, the other without a PDO (according to a with/without approach);
  - or various PDO initiatives in the same sector (according to a benchmarking approach).

Results synthesis

Methodological difficulties

The main methodological difficulties are linked to:

- the choice of the reference point (to compare the GI-initiative performance);
- the identification of relevant and reliable data (variables and possible values);
- the choice between objective quantitative data methods and subjective quantitative data methods with their specific limits;
- separating causes (many factors are working together).

GIs positive effects on rural development

Studies highlight positive effects mainly on employment, high price premiums the producers, higher farm incomes, slow down of rural exodus, preservation of an outstanding landscape, development of agri-tourism; effects which favour farm and small processing enterprises transmission. Limited scale of producers and processors is observed.

Environmental effects are by-side effects of the production system, even if they do not appear in the code of practices. They are linked to a labour intensive production.

Effects of the technical/marketing positioning (code of practices, artisan extensive production) and effects of the protection scheme

It is quite difficult to separate effects produced by the initiative itself from those resulting from the protection scheme. In most cases, positive effects come firstly from the core of the GI project and were pre-existent to the PDO registration. Protection schemes reinforce the initiatives’ spirit and boost it. Studies highlight that the written code of practices is the master piece of collective action. Setting it up according to a participative process creates strong links between partners, who learn to negotiate and work together. The organisation rules are shaped collectively. Because all partners comply with the code of practice requirements, global impact on the territory is increased (compared with a set of individual decisions).
GIs products have the ability to create high positive effects on rural development, because of their internal economic and non economic objectives. Protection schemes do not guarantee these positive effects but have the power to reinforce them. Collective organisation management and territorial networking are key success factors. Registration requests should look carefully at the initiatives' present effects on rural development because protection will not create them (it may increase them). The area limits, which may lead to the exclusion of some operators’, may have important consequences on the initiatives size and then on its global impact on rural development.

**GIs are very welcomed in marginal areas**

Most studies were conducted in marginal areas, which are not competitive on generic products markets, because of difficult farming conditions. This does not mean that GIs are tools reserved to marginal areas (see in northern Italy or in the south western French regions). But in marginal areas, GIs are a very welcomed tool to create added value and wealth (even at a small scale: positive effects have to be evaluated according to the regional/local needs). They maintain an agricultural and food activity in these regions, with positive economic, social and environmental effects on rural development. The association of different GIs products and synergies with tourism activities may be very helpful to increase impacts in the concerned area.

**GIs disconnect producers from the global markets**

GIs develop a “against the courant” strategy, in opposition to the agricultural commodities main stream and this is now an economic strength. Positive economic effects of GIs are linked to their ability to provide a price premium to the producers and to link producers and consumers, with high transparency. They do not try to dominate by lowest costs but on the contrary, develop differentiation strategies, which increase reputation day after day. This anchorage in the high quality food market may help to disconnect the concerned farmers and processors from the conventional products agricultural markets. Because GIs products development depends on reputation, they increase stability and open new perspectives in regions which cannot fight on commodities markets.
EFFECTS OF TWO DISTINCT GI PROTECTION SYSTEMS ON RURAL DEVELOPMENT

Communication: Sarah BOWEN, University of Wisconsin-Madison, United States

Summary: Astrid GERZ, CIRAD, Montpellier, France

GI protection is promoted as having positive effects on rural development, mainly on farm incomes, competitiveness, preservation of employment, local know-how and culture. The degree to which GI protection spurs rural development depends in large part on two factors:

- the design and the structure of the GI protection scheme;
- the political and economic context of production.

The present communication, based on the dissertation of the author, compares two GI protection systems (Tequila in Mexico and Comté cheese in France) with regard to their socioeconomic and ecological effects, in order to identify the key factors that contribute to more sustainable and equitable production systems.

Main characteristics of the two supply chains

Tequila, an alcohol, produced by fermenting and distilling the roasted heart of the blue agave plant (*Agave tequilana Weber*), is originated in the Amatitán Valley (Mexico) in the 16th century. During the last 15 years, the tequila industry has grown substantially (209.7 million liters produced in 2005). Tequila was awarded a GI in 1974. Owned by the Mexican state, the GI requires that tequila must be produced with at least 51% *Agave tequilana Weber* and within the GI region, which comprises 180 municipalities, including areas without appropriate climatic and/or environmental conditions or agave cultivating tradition. The main actors of the agave-tequila supply chain are agave farmers (12'000) and agricultural day-laborers (11'200), tequila companies (114 firms), bottlers and distributors (mainly in Mexico and USA). The management body is the Tequila Regulatory Council (CRT), created in 1994.

Comté, a cooked and pressed cheese made from unpasteurized cow milk, is produced since the 12th century in the Jura Massif region (France). Its GI, established in 1958, is owned and managed by a collective group of chain actors, namely the Inter-professional Gruyère and Comté Committee, created in 1963. It is the most important GI cheese in France (50'000 tons in 2005), only produced in the Jura Massif (entire department of Jura and parts of the departments of Doubs and Ain) according to a strict set of GI rules (e.g. the milk must be collected within a maximum radius of 25 km of the fruitière, the stocking rate limited to 1 cow per hectare of grassland pasture, etc.). Nowadays the supply chain comprises 3'200 dairy farmers, 169 fruitières (small cheese producing units) and 20 affineurs (cheese ripeners).

Socioeconomic and ecological effects of GI protection

<table>
<thead>
<tr>
<th></th>
<th>Tequila GI</th>
<th></th>
<th>Comté GI</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>+</td>
<td></td>
</tr>
<tr>
<td>+</td>
<td>The agave-tequila industry constitutes the backbone of the local economy (jobs, value added agriculture, tourism)</td>
<td>The Comté industry has an important positive impact on the local economy:</td>
<td></td>
</tr>
<tr>
<td>-</td>
<td>Cycles of surplus and shortage of raw material (agave) threaten the sustainability of the industry</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>-</td>
<td>Farmers income vary greatly from year to year due to fluctuations in the price of agave</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>-</td>
<td>Having started to produce their own agave, tequila companies are becoming increasingly self-sufficient in their agave supply. It is thus very difficult for independent farmers to sell their agave and maintain their plantations</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>-</td>
<td>Only a very small part of the total value-added generated by the tequila industry accrues to the agave farmers; the biggest part profits to tequila companies and retailers/distributors</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>-</td>
<td>Increased environmental degradation resulting from the variability of cycles and the use of mechanized, chemically intensive cultivation practices</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Positive environmental effects, because of a more extensive, grazing-based milk production system</td>
</tr>
</tbody>
</table>
Primary factors that explain the differences between the two cases

Valueization of “terroir”

<table>
<thead>
<tr>
<th>Tequila GI and “terroir”</th>
<th>Comté GI and “terroir”</th>
</tr>
</thead>
<tbody>
<tr>
<td>The terroir is not considered as having an important influence on the quality of tequila.</td>
<td>Factors related to “terroir” (soil qualities, native grass species, microclimate) are considered as contributing significantly to the quality of the milk and thus to the taste of the cheese.</td>
</tr>
<tr>
<td>Agave is sourced from the entire GI-region; selection is not based on environmental factors but on price and transport costs.</td>
<td>The GI does not outline any rules for defining the quality of the raw material (agave).</td>
</tr>
<tr>
<td>Of nine agave varieties traditionally used in the tequila production, the GI permits only one (Agave tequilana Weber); it has thus contributed to a reduction of biodiversity.</td>
<td>GI rules include requirements related to the quality of the raw material (cow milk), such as a minimum of pasture per cow, no silage, etc.</td>
</tr>
</tbody>
</table>

Valorization of farmer knowledge

<table>
<thead>
<tr>
<th>Tequila supply chain</th>
<th>Comté supply chain</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farmer knowledge and traditional practices are not valued by the rest of the supply chain or by the GI: agave cultivation practices are increasingly dictated by the tequila companies to the detriment of traditional methods</td>
<td>Recognition that dairy farmers are also cheese producers has a positive effect on the quality of the final product (motivation) and the relations among the different actors (cooperative efforts).</td>
</tr>
</tbody>
</table>

Cooperation and trust among actors

<table>
<thead>
<tr>
<th>Tequila supply chain</th>
<th>Comté supply chain</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fundamental divide between the agave farmers and the tequila distilleries, exacerbated by the exclusion of the agave farmers from the supply chain, the unequal distribution of the added-value, etc. Consequences: lack of cooperation, no common vision, goals, actions and cohesion among actors</td>
<td>Shared vision and collective goals between the different actors, including expansion of sales, maintenance of product quality, and preservation of artisanal methods.</td>
</tr>
</tbody>
</table>

Conclusions

The comparison of the two GI protection schemes reveals differences in their design and their effects for local regions. Even if both production systems constitute the major economic activity in their region, their socioeconomic and ecological effects are very different.

The GI for Comté cheese contributes to the maintenance of small farms and cheese producing factories, as well as to a more extensive, grazing-based system of dairy production that has positive effects on the environment. The GI for tequila, for its part, effectively excludes the local farmers, as the tequila companies have started to produce their own agave, adopting unsustainable, chemical-intensive production methods. Furthermore it does not recognize or protect the terroir in tequila’s region of origin and its link to the quality of tequila. Quality is more a political tool, employed by certain supply chain actors (mainly tequila distilleries) in their struggle of power and profits vis-à-vis other actors. On the other hand, the Comté GI is exemplary in the valorization of terroir of origin and the actors of the supply chain share a collective vision around the preservation of the Comté quality and the maintaining of the artisanal structure of the supply chain.

These differences are related to the specific political-economic contexts in which the GIs are embedded. The level of state involvement in GI and agricultural policy is very different in France and Mexico. France has a long history in GIs; it was the first country to establish a national system for GI protection (1919) and the national GI institution (INAO) exists since 1935. In opposite to France, Mexico’s history of recognizing GI products is quite recent (1974, the GI for tequila) and it does not have a specific institution dedicated to GIs. While the French and the EU GI systems are similar and complementary, Mexico is strongly influenced by the United States, which does not recognize GIs and since the signing of NAFTA in 1994, agricultural subsidies have largely disappeared contrary to France, where farmers continue to receive substantial financial support.

The cultural background varies in both countries; the wider French and European culture explains that Comté producers self identify with their GI product, their region and their supply chain, while agave farmers do not have a broader GI culture to draw from.
FACTORS OF RELEVANCE AND SUCCESS FOR THE PROTECTION OF GIs

Communication: Erik THÉVENOD-MOTTET & Frédéric BRAND, AGRIDEA, Lausanne SWITZERLAND

Summary: Jean-Pierre BOUTONNET, INRA, Montpellier, France & Peter DAMARY, AGRIDEA, Lausanne, Switzerland

Group brainstorming Wednesday, May 23rd

**FACTORS OF SUCCESS OF GIs**

<table>
<thead>
<tr>
<th>Product or GI specificity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Well defined geographical area</td>
</tr>
<tr>
<td>Well rooted in “terroir” by culture and know-how</td>
</tr>
<tr>
<td>Differentiation of the product - Niche product</td>
</tr>
<tr>
<td>Name: conveys the message linked to the “terroir”</td>
</tr>
<tr>
<td>Reputation inside and abroad: can be an opportunity or a threat</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Supply chain: solidarity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Common interest and common objectives, shared between all the actors of the chain</td>
</tr>
<tr>
<td>Transparency, accessibility and sharing of technical and economic information</td>
</tr>
<tr>
<td>Knowledgeable actors (producers, processors, distributors, consumers)</td>
</tr>
<tr>
<td>Fair distribution of value</td>
</tr>
<tr>
<td>Balanced power in the inter-professional body</td>
</tr>
<tr>
<td>Recognition of the specific contributions of each level of the supply chain (and in particular of the raw material producers) to the value creation for the consumer</td>
</tr>
<tr>
<td>Quality management (strong coordination and communication skills)</td>
</tr>
</tbody>
</table>
## Market: control

- Market trends and type of markets targeted
- Promotion and extensive marketing by retailers
- Capacity to control product quantities

- Private/Public alliance to support national and international marketing
- Effective management of product image and collective brand name by the inter-professional body
- Foster linkages between producers, professional bodies and other stakeholders

## State: support and legitimate

- Training producers and other actors
- Financial support for starting
- Guarantee and support certification schemes

- Political will, and consistency of national position: representation of all stakeholders at international negotiations (WTO)

- Implement and manage the legal framework

- Establish links with other public policies: trade, rural development, tourism...
Controversial/open questions on GI

<table>
<thead>
<tr>
<th>Questions</th>
<th>Elements for discussion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are GIs more useful for export or domestic markets?</td>
<td>Depends on the specific product:</td>
</tr>
<tr>
<td>Is there a need for a strong local/domestic market?</td>
<td>International products with huge global companies:</td>
</tr>
<tr>
<td>Small countries with small markets: are GIs useful in those contexts and how to develop them?</td>
<td>coffee-cocoa-tea</td>
</tr>
<tr>
<td></td>
<td>Local products with more small and medium companies</td>
</tr>
<tr>
<td>Relevance of markets: where is the product sold, through which market channels, to which type of consumer?</td>
<td>Long chains (big processing companies and supermarket chains)</td>
</tr>
<tr>
<td>Which type of supply chain is more relevant for marketing GI products: a specific type or a diversity of chains/complementarities?</td>
<td>Long chains (small and medium processing companies and small independent retailers)</td>
</tr>
<tr>
<td></td>
<td>Short local chains</td>
</tr>
<tr>
<td>Means for guaranteeing fair distribution of the added value?</td>
<td>Recognition of the specific contributions to quality (and value creation) of each level of the supply chain</td>
</tr>
<tr>
<td>Motivation of the producers?</td>
<td>Nature of the threat,</td>
</tr>
<tr>
<td></td>
<td>Price,</td>
</tr>
<tr>
<td></td>
<td>Find a market where producers can sell their product</td>
</tr>
<tr>
<td>Are environmental and social criteria relevant for GI success?</td>
<td></td>
</tr>
<tr>
<td>Do GIs meet contemporary consumer behaviours?</td>
<td></td>
</tr>
<tr>
<td>Consistency of code of practices and control scheme?</td>
<td></td>
</tr>
<tr>
<td>How to build up a fair, balanced, relevant code of practices and area of delimitation?</td>
<td></td>
</tr>
</tbody>
</table>
COMPARISON OF INVENTORIES OF ORIGIN BASED PRODUCT IN SWITZERLAND AND LEBANON

Communication and summary: Frédéric BRAND, AGRIDEA Lausanne, Switzerland & Stéphane BOISSEAUX, Inventory of Swiss Culinary Heritage, Lausanne, Switzerland

Main issues of the speech

1. What is the purpose of making an inventory of culinary heritage?
   ✓ CH: Make the Swiss closer to their culinary heritage/ awareness of the value and the diversity of the traditional Swiss products.
   ✓ Lebanon: Identification of the candidate Geographical indication in order to create an appropriate regulation to protect GI

2. Which products belong to the inventory?
   ✓ CH: traditional, actually available, close link to CH (production know-how, consumption habits, identity).
   ✓ Lebanon: traditional or geographical name, collective, specificity, history, geographical area.

3. Project organization and fundraising
   ✓ CH: 75% public grants + 25% private sector (partly to be found)/Central project team (7 people) + local correspondent (26) + scientific committee + network of professional bodies.
   ✓ Lebanon: 100% public (technical cooperation), small project team (2 people) + university (UAB) + Ministry of trade (intellectual property).

4. Presentation of the output (Inventory survey)
   ✓ CH: 400 products, history/production/consummation/business significance.
   ✓ Lebanon: 41 products (sample/the objective was not to be exhaustive) same as CH + legal aspects/market/supply chain.

5. Problems and solution during the research process
   ✓ CH: Identify relevant production items, describe the evolution of the products, and describe properly the consumption habits.
   ✓ Lebanon: establish the reputation, difference between products and recipes, supply chain, labeling.
This methodological guide was presented in order to prepare the forthcoming Damassine and Gruyère field studies. The experts underlined that there are two ways or means to use this framework:

- as a “field or investigation tool” to build up an “actor-orientated” data base of a supply chain and of “GI qualification processes”;
- as an analytical framework to compile/synthesize various existing official data/documents in order to analyse which important information/data we need to collect on the local field to have an “exhaustive” inventory of OP and RGI products.

It can thus be used to create data base and to support a qualification process.

**Summarized methodological guide for the analysis of GI field studies**

Each case study is designed to highlight:

- the motivations of the action of qualification;
- the methods put into use from the beginning for building the quality scheme;
- the stakes and the expected results of the approach;
- the actors involved in the action;
- the institutional bodies in charge of maintaining, promoting, supporting the quality scheme;
- the difficulties encountered during the process of qualification.

It must be read and used as a canvas so as not to forget major elements of analysis. All questions have to be replaced in a chronological perspective, the GI system being continuously influenced by internal and external evolutions. Regarding the impacts, the perspectives refers mainly to the differences between the situation before and the situation after a specific institutional (even if it is only a private one) system has been established.

1. **Emergence Conditions** (elements of the GI system):

   - knowledge of the product and the production;
   - knowledge of the supply chain and of the market;
   - collective organisation set up around the product;
   - statutory Environment.

2. **Description of the method of qualification** (process of qualification):

   - principal object of the method of qualification;
   - putting the method into place;
   - implication of the producers in this method;
   - mobilised Resources.

3. **Assessment or expected impacts** (effects related to objectives):

   - at the economic level;
   - on the social level;
   - on the level of traditions;
   - on the environmental level.
Kind of actors to interview:

- collective body in charge of the denomination;
- producers involved in the quality scheme;
- producers not involved in the scheme and producing the standard product;
- local associations of producers;
- processors and their professional associations;
- distributors/dealers;
- retailers (small individual as well as supermarkets) in the area;
- public authorities;
- control and certification bodies.
PART III

PARTICIPANTS COUNTRY SITUATIONS

Presentation of the situation in India
Photo: Monica Stoye

Presentation of the situation in Serbia
Photo: Monica Stoye
KENYA: PERSPECTIVES ON GIs

Communication: Geoffrey M. RAMBA, Kenya Industrial Property Institute

Summary: Astrid GERZ, CIRAD, Montpellier, France

Context
Kenya is situated astride the Equator giving it unique climate/soils and unique products. Coffee and tea are the most important and well known products throughout the world for their unique qualities, but this reputation is threatened by misuse. Indeed, exported, unprocessed or semi-processed bulk coffee and tea is blended with cheaper varieties and sold worldwide as “Kenyan Coffee” and “Kenyan tea”; a practice which harms the quality and thus the reputation of the products.

Besides protection against usurpation, there exits also a range of products that the stakeholders feel deserve special treatment as GIs, for instance:
- the “Ukambani” honey, well known at least locally for its unique characteristics (taste and sugar content) and stemming from plants found in “Ukambani”, an arid and semi-arid area;
- the thriving dairy sector offers also potential products for GI-protection, such as cheese and ghee. Unique livestock traits and rearing methods contribute to the specific quality of these products, already finding a unique niche in the Eastern and South Eastern countries and especially so in the COMESA region;
- traditional brews (e.g. “Muratina”, made from honey + yeast), red and white wine from the Yatta vineyard (Eastern provinces) and papaya wine, represent promising beverages.

Legal Framework
Kenya is member and signatory to the TRIPS agreement since January 1995. Together with the EU and various countries, Kenya seeks the expansion of GI protection to all goods in order to avoid the misuse of registered GIs by producers and manufacturers located outside the designated region of origin. It has not yet acceded to the Lisbon agreement; this bilateral agreement is therefore not applicable in Kenya but required for mutual protection of GIs with other countries.

Approaches on national and regional level for the protection of GIs
On the national and regional level, a variety of different legal concepts to protect GIs have been developed in accordance with different national traditions and the specific historical and economic conditions.

Though, Kenya does not have yet a specific law in force for the protection of GIs, a draft is currently in debate and a certain number of legal mechanisms (unfair competition, passing off, protection of certification and collective marks, etc.) offer protection for GIs.

Kenyan geographical indication bill (Draft) of January 2001
The GI Bill is extensive and provides for a wide scope of protection. The bill when acted into law will be administered by the Kenya Industrial Property Institute. It mainly provides for registration upon payment of application fees but subject to an examination process.

Major provisions
- **GI Definition:** “Geographical Indication” in relation to goods or services means a description or a presentation used to indicate the geographical origin, in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristics of goods or services are exclusively or essentially attributable to geographical environment, including natural factors, human factors or both.

- **Availability of protection regardless of registration:** a GI will be protected whether registered or not. However, registration of a GI under the Act (Part II) shall, in any proceedings under this Act raise a presumption that such indication is a GI within the meaning of the Act.

Regarding the use of Homonymous Indications the provisions are identical with those in Art. 22.4 of the TRIPS agreement.
Registration exclusions concern indications which do not correspond to the definition as provided in the bill; which are contrary to public order or morality; which are not or cease to be protected in their country of origin, or which have fallen into disuse in that country.

GI registration procedure and requirements
The bill provides that the application may be submitted by natural persons or legal entities carrying on activities as producers in the defined geographical area, with respect to the goods specified in the application, as well as groups of groups of producers.

The contents of the application shall include the references of the applicant, specifications regarding the goods and the geographical area to which the geographical indication applies, and other common requirements.

The application shall be subject to payment of the fees prescribed in accompanying regulations and shall be subject to an examination, Advertisement, and Opposition proceedings before registration.

Duration and use of the registered GI
- **Duration of Registration:** the registration of a geographical indication shall be for a period of ten years, but may be renewed from time to time in accordance with the provisions of the section and the Regulations.
- **Right of Use:** only Producers carrying on their activity in the geographical area as specified in the Register shall have the right to use a registered geographical indication, in the course of trade.

The bill provides as well the cancellation and rectification of the GI registration by any interested person or any competent authority in case of failures regarding the specified geographical area or the products characteristics. Special provisions and exceptions related to the registration of misleading trademarks and to marks conflicting with a GI for wines, spirits or other goods (similar to Art. 22.3 and 23 of the TRIPS agreement) are also provided.

Potential GI Products

- Dairy products: Cheese, Butter, and Yoghurt;
- Various handicrafts: batiks, leather articles, etc.;
- Mineral Waters (Mt Kenya, Mt Kilimanjaro, etc.);
- Gum Arabic, used in the cosmetic, confectionery and pharmaceuticals industry;
- Papaya Wine (paw-paw wine);
- Traditional honey from Ukambani and other arid and semi-arid areas;
- Silk and silk products (wild silk variety);
- Rangeland beef and other beef products etc.;
- Fruits: Voi Oranges, Ngoe mangoes;
- Khat-(Miraa).
SOUTH AFRICA: PERSPECTIVES ON GIs

Communication: Phumlani MENTANI, Department of agriculture Economics division, Elsenburg & Chris GLADWIN, National Agricultural Marketing concil, Pretoria, South Africa

Summary: Astrid GERZ, CIRAD, Montpellier, France

Institutional and Legal Framework
South Africa does not have a specific GI legislation yet, excepted for wines and spirits which benefit from a specific act and administrative body. In the case of other products, only minimum protection, as required under South Africa’s international obligations, is provided by piecemeal laws of general application. The law of trade marks, as regulated by the trade marks act of 1993, is the only means to establish a registered GI in South Africa.

Common law protection
• Unlawful competition;
• Passing off.

Statutory law protection
Trade Marks Act 194 of 1993: Possibility of GI registration as a collective trademark or in limited circumstances as a certification mark.
Trade Practices Act 76 of 1976: This act protects public from being misled. It provides some form of protection to GI in that no person is allowed to make false representations regarding the properties or nature of the good.
Merchandise Marks Act 17 of 1941: Prohibits the application of false trade descriptions to goods.
Liquor Products Act 60 of 1989: This act provides higher level of protection for Wines and Spirits (TRIPS). The Wine of Origin Scheme, created under this act, provides an administrative scheme protecting the names of wine production areas.

Ongoing Development
The South African government is in process of adopting a Comprehensive IP Amendment Bill. The role players in the promotion and development of a specific GI protection system are:
• Department of Trade and Industry → IP Authorities;
• Dept. Agric (National) and others (incl. NAMC) → Agric Marketing/ Trade Policy;
• Provincial Agricultural Departments → Implementation;
• Universities & Associated Research Institutions → Research.

Market Situation in South Africa
Structure of the Market:
• Duality in the market: Land reform, commercial sector/emergent sector (Challenges and Opportunities);
• Developmental Programmes in place.

Current trends are:
• Market sophistication and its diversity, as well as a strong focus on natural products;
• Regional approach and revitalisation of collective action approach (Emerging sector), there are numerous forms of collective action groups - supply chains – in South Africa.
Potential GI products

South Africa has a range of products with a high potential for GI protection, namely:

- Rooibos and Honeybush tea;
- Karoo Lamb;
- Camdeboo Mohair;
- Klein Karro Ostrich;
- Aloe Verox;
- Idumbe;
- Hoodia;
- Bhugu.

ROOIBOS CASE STUDY

Main features

Rooibos is an herbal tea made from Aspalathus linearis, which is an endemic plant growing in the fynbos biome in South Africa. It's recognized as a specific product form South Africa. Cultivation and processing practices are traditional and Rooibos is only processed in its region of production. It has become a popular tea worldwide, especially appreciated for its polyvalence and health benefits.

The productions area (Fynbos)

The area, which is part of the fynbos biome, covers 400 km². It's a winter rainfall, mostly highlying and rural scattered area, with well drained, sandy, acidic soil (pH below 7). Different qualities of the teas are attributed to different soil and climate conditions, with some areas recognised for their better quality.

The Rooibos Industry

The supply chain comprises 350 farmers, 98% commercials, 2 Resource poor – cooperatives (Heiveld and Wupperthal). There are 8 large processors; the most important is Rooibos Ltd (75%). The markets are: domestic (4’000 t) and export 6’400 t (Europe, dominated by Germany) mainly as bulk. There is a boom in the export market due to Rooibos health attributes and a niche-market segmentation (fair trade, organic, wild harvest).

The Rooibos Processing

1. Harvesting of the Rooibos plants.
2. Transportation to the first step processing place, the ‘tea court’, generally on farm.
3. Chopping of the stems and leaves into pieces.
4. Enzymatic oxidation of the pieces gathering into heaps with water.
5. Sun drying of the Rooibos.
7. Packaging.

Rooibos and its indications as a potential GI product

- Upward potential in pricing: already huge bulks exported, organic products achieve higher prices.
- Incentives for high quantities: still a niche product in big export markets (notably Europe), health effects (no caffeine or other harmful stimulants).
- Positive potential for biodiversity and traditions: safeguards traditional methods, obvious touristic asset.
INDIA: Legal Framework of GI protection and Pochampally Ikat case

Communication: Ajay DUA, Secretary, Ministry of Industry and Commerce & Komath BIJU, G.I. Registry, Government of India

Summary: Jean-Pierre BOUTONNET, INRA, Montpellier, France

International Context
In WTO negotiations, India is likely to take a formal position on having a Multilateral Register of GI, not restricted to only wines and spirits but covering all products, as a challenge is that of many GIs becoming generic. Developing countries in particular are handicapped because they do not have the capacity and means to track the genericization trend and prevent it. We recommend a uniform approach in classification of goods as in the case of trademarks and also suggest the examination of the feasibility of fixing minimum standards of inspection and quality parameters for recognition.

Legal Framework
Prior to the GI act, Indian courts repeatedly held that the use of GI as trademarks is a false trade description under the Trade Marks Act (as early as 1980, mainly for Scotch whiskies). A separate sui generis legislation protects the Geographical Indications of Goods (Registration and Protection Act, 1999). After the rules and procedures were notified, the law came into force from 15th September, 2003. The GI protection extends to all natural, agricultural and manufactured goods originating from or manufactured in a origin or locality, where a given quality, reputation or a particular characteristic is essentially attributable to its geographical origin. So far 37 products have been registered and no foreign GI has been registered, though a foreign application from Chile has been received.

Salient Features
- The establishment of a Geographical Indications Registry.
- Registration of authorized users of the registered geographical indications.
- Provision for invalidating Trade marks containing GIs.
- Appeal against Registrar's decisions to the Intellectual Property Appellate Board.
- Prohibition of assignment of geographical indication being a public property.

Who can Register?
- Producer:
  - any association of persons or producers;
  - or Any Organization/authority established under law;
  - which represent the interests of the producers of the concerned goods.
- Authorized User.

Indian experience
- 93 applications received so far.
- 37 GIs have been registered.
- 25 more applications advertised.
- It takes around 12 months for registration from filing of application.
- Thousands of potential GIs across the country.
- Capabilities need to be built.
- G.I Registry is organizing awareness seminars and capacity building workshops.
Pochampally Ikat
A Case Study in the State of Andhra Pradesh, India

Description of the Product and its Uniqueness
Pochampally Ikat is a handloom fabric, made of natural materials such as cotton or silk or a combination of both. Goods are saris, kerciches, carpets, mats etc., through specific tying and dyeing method of the threads, called “ikat”. The product is visually identified by the “chowka” design which is a diamond within a square or its derivatives.

Geographical Area
Originated from Pochampally village near Hyderabad, the capital of Andhra Pradesh, Pochampally Ikat is now produced in Nalgonda and Warangal districts of Andhra Pradesh. Raw materials are procured from outside.

History
The term IKAT stems from the Malay-Indonesian expression “Mangikat” meaning to bind, knot or wind around. It is believed that Ikat technique was brought to Pochampalli from Chirala, a few generations ago. Chirala, near Pochampally, is the oldest centre for weaving Pochampally Ikat. It was renowned for an exquisite type of cotton sari, lungi, and rumal in a range of Ikat techniques. They were exported to Burma (Myanmar), the Middle East and East Africa. One of the products of this place is known as telia rumal, a many-purpose cloth used as lungi, loin-cloth, shoulder-cloth and turban cloth which were used in India by fisher folks and cowherds.

Due to the heavy use of tel (oil), in the process of preparing the yarn for weaving, this variety of textile has deserved the name telia, meaning “oily”. Also large mills were widely copying the Pochampally Ikat, producing at lower cost. As it affected weavers economic interests, they approached Govt. of Andhra Pradesh for a possible solution. Pochampally Handloom Weavers’ Co Op. Society Ltd”, and “Pochampally Handloom Tie & Dye Silk Saris Manufactures Association” have applied together for G.I Registration under G.I Act, 1999 on 15th December 2003. The Registration certificate was issued on 31st December 2004.

Presently, about 40’000 small household units weave the handloom with traditional design.

Inspection Structure
The inspection structure involves:
- the representatives of both societies;
- member from Textile committee under the Ministry of Textiles, Govt. of India;
- member from Weavers Service Centre, Govt. of India;
- member from Directorate of Handloom and Textiles, Govt. of Andhra Pradesh.

Textile committee acts as testing agency.

Post Registration Impact
- Customer awareness is increased due to media publicity and discussions on the G.I Registration: increase in the customer base.
- First lawsuit under the G.I Act was instituted against an infringer which ended up in compromise.

Future
- A textile park for Pochampally Ikat is expected to complete by 2008.
- Production thereby is expected to be increased.
- Planning to enter international market leveraging the G.I. Registration.
INDONESIA: INITIATIVE ON GEOGRAPHICAL INDICATIONS IN INDONESIA-
Specialty coffee of Kintamani, Bali

Communication: MISNAWI, Coffee and Cocoa Research Institute, Indonesia
Summary: Astrid GERZ, CIRAD, Montpellier, France

Context
Indonesia is a nation of 17'508 islands in the South East Asian Archipelago. The Indonesian Archipelago, home of the Spice Islands, has been an important trade destination since early Chinese sailors began to find profit in the spice trade during ancient times.

Indonesia has a wide range of well known quality products, such as specialty coffees (Kintamani and Toraja), passion fruit of Medan, mango of Indramayu, white pepper, Cianjur rice, etc., but currently just one, the Kintamani coffee of Bali island, benefits from a GI.

Legal Framework
Indonesia is member of the TRIPS Agreement and recognizes thus GI as a part of Intellectual Property Rights. The GI protection is currently regulated under the Indonesian trademark law n° 15 of 2001, but a specific law is under legislation (in draft to be signed), specifying the scope of GI, the procedures of GI registration (application procedures and conditions), etc. According to the Governments’ Regulation draft the applicant should be an institution representing the society in the specified area of production, comprising actors in the production and marketing chains of agricultural and/or handicraft goods.

The following scheme illustrates the GI registration procedure at national level.

Concerning the duration of legal GI protection, Indonesians Trademark law does not fix a time limit, provided that the features and/or the quality on which the protection has been conferred still exist.
The case of the first Indonesian registered GI: Kintamani Bali Arabika Coffee

The historical production of Arabica Coffee in the Kintamani highland of Bali dates since 18th century, when Dutch brought it from Java. After the eruption of the Agung volcano in 1963, the Arabica coffee production dropped significantly for almost 15 years and was redeveloped in the end of 1970’s with governments support. The qualification process for this coffee started recently, with the support of research partners, namely CIRAD and ICCRI.

The steps undertaken in developing GI protection for Bali-Kintamani Coffee are as follows:

- empowerment of farmer’s organization through training, equipment and financial aid;
- coffee quality improvement by introducing wet processing method and good manufacturing practices (2002-2004);
- defining unique taste characteristics;
- certification as organic product (2005);
- training on GI application (chief of farmers’ groups and extension specialists);
- preparing and training of GI Managing Group (GIMG) on their future roles/tasks;
- examination of various factors: delimitation of the production area, product history, sensory and statistical analyzes, etc.;
- development of the book of specifications;

1The marketing is based on a model of mutual partnership between farmers’ group and exporter, while ICCRI plays the role of mediator. This model provides advantages for both partners: selling guarantee for farmers and reasonable prices (according to the world market situation) for exporters.
LAOS: SITUATION AND PERSPECTIVES ON GIs

**Communication:** Khaothong LUANGCHANDAVONG, Local development agency, Laos

**Summary:** Astrid GERZ, CIRAD, Montpellier, France

**Context**

The Lao People’s Democratic Republic is bordered by Burma (North-West), China (North), Vietnam (East), Cambodia (South) and Thailand (West). The total surface is 236'800 km² with a population of 5.6 million.

With the support of the French government, a project on geographical indications of agricultural products (PEIG) has been implemented in January 2007 for two years duration. The main goal of the project is creating GIs for selected Lao products in order to promote their exports.

The following scheme summarizes the projects’ agenda.

---

**Projet de l’Établissement d’Indications Géographiques au Laos**

*(PEIG)*

<table>
<thead>
<tr>
<th>Activities</th>
<th>I. Study the feasibility</th>
<th>II. Geographical Indication in place</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Legal framework and institution</td>
<td>6 months (Jan-July 2007)</td>
<td>18 mois August 2007-Jan 2009</td>
</tr>
<tr>
<td>2. Potential Products and market analysis</td>
<td>All products</td>
<td>Selection of products to be GI</td>
</tr>
<tr>
<td>3. Code of practice/ specification</td>
<td></td>
<td>one or two products to be GI in place</td>
</tr>
</tbody>
</table>
Institutional Framework
The institutional framework of GIs in Laos is currently directly linked to the PEIG one. On the one hand, the Steering Committee including the Ministry of Agriculture and Forest, the Ministry of Justice, the Ministry of Commerce and the Science Technology and Environment Agency (STEA), on the other hand the backstopping organizations, namely the Centre for International Cooperation in Agronomic Research for Development (CIRAD), the National Institute of Designations of Origin (INAO) and the Lao Consulting Groups (LCG).

Potential GI products
The products perceived as potential candidates for GI in Laos are coffee, green tea (Paksong and Xiengkhoang), alga, silk and small Chicken Rice (Khao Kai Noi). Among these products, the case of small chicken rice was highlighted.

The case of Small Chicken Rice (Khao Kai Noi)
The number of identified sticky and non-sticky rice cultivars in the country exceeds 1300, but Khao Kai Noi or small chicken rice is the most local-specific one. It grows at 1'200 m above sea level in the Xiengkhoang province, especially in 3 of 7 districts and the planted area covers 19'000 ha. 40% of the farmers in this area are planting rice on the valley and the average yield is about 3 to 3, 5 tons per ha.

Its specific features and indications as a potential GI product
Khao Kai Noi is a small and round grain variety with black and white husks. It has a soft and sticky texture and an aromatic taste, especially the black husk. It only grows in a specific area, the northern part of Laos and it's cultivated according to organic farming practices.

Market situation
The main export market for small chicken rice is Vietnam, with a price at farmer gates of 2000---Œ2'300 kip/kg (Cent20Œ23). Lao farmers’ products company sell it in France for 15 US$ per kg, against 2 US$ on the local market.
GEOGRAPHICAL INDICATIONS IN MONGOLIA

Communication: Tseelei ENKH-AMGALAN, Research (PhD), Mongolia

Summary: Astrid GERZ, CIRAD, Montpellier, France

Context
Mongolia is a landlocked country between Russia and China, divided in 21 provinces, 340 soums (districts) and 1'200 bags. Its territory covers a surface of 1'564'100 km² with a population of 2,5 million people. Almost 50% of the land terrain consists of semi-desert steppes and steppe plains. The southern part is taken up by the desert (19%), while the northern and western parts are mountainous (22%).

The sharp continental climate is marked by four seasons, with extreme cold winters (-26°C in average).

Mongolians economy is mainly based on agriculture, dominated by pastoral herding which accounts for 80% of agricultural production and 30% of export earnings. Pastoral herding (sheep, goats, camel, etc.) is the main livelihood source for more than 50% of the population.

Legal Framework
The Trade mark and Geographical Indications Law was promulgated in May 2003 as well as a regulation for its implementation. The main national authority, responsible for GI legislation, is the Intellectual Property Office of Mongolia (IPOM). The first GI was registered in 2006.

GI registration requirements
The applicant may be a citizen, a legal entity or a collective organization/group. The application must contain the following specifications: the name and definition of the product, its history and reputation, its area of origin, the link between its characteristics and the geographical area, the organization and management mechanisms of the GI group, the certification and inspection procedure, and a distinctive sign/logo.

Potential GIs
Mongolia has a special potential for the development of natural grassland land based GIs, such as diary products from the Arkhangai region or camel wool from the Gobi dessert.

1Bag = subdivision of the soum, mostly of virtual nature. Their purpose is to sort the families of nomads into groups, without a permanent human settlement.
Currently four GI products have been identified: Yack cheese and wool, Camel milk cheese, and the Sea buckthorn plant from the western region.

**Camels**

**Sea buckthorn plant**

**Yack**

**Concluding remarks**

GIs are a new tool in Mongolia. It is thus important to stress awareness raising and capacity building of the local stakeholders and producers on GI concepts, benefits and procedures. For a small and emerging economy like Mongolia, one of the main interests of GIs is to gain access to international markets.
GIs IN DENMARK: a Focus on Carrots from Lammeefjorden

**Communication:** Monica STOYE, Danish Institute of Rural Research and Development, Denmark

**Summary:** Astrid GERZ, CIRAD, Montpellier, France

---

**Legal Framework**

Denmark does not have a specific national registration system for GIs. However, the EU-regulations (Council Regulation No. 510/2006) on the protection of geographical indications and designations of origin for agri-foodstuff products applies.

An application to register a GI must be submitted to the Danish Veterinary and Food Administration (Ministry of Family and Consumer Affairs), the national authority which is responsible for review and approval of the application before forwarding it to the European Commission.

---

**Denmarks GIs**

Currently, Denmark has three registered PGI: two cheeses, whose geographic area comprises the whole country and one vegetable linked to a specific area.

---

**The Carrots from Lammeefjorden case**

The Lammeefjord carrot, registered as PGI under the name “Lammeefjordsgulerod”, comes from the area of the Lammeefjord, which is physically delimited by the Ringkanal and the Audebo dam. Lammeefjord is situated in Odsherred on Zealand, Denmark. About 100 years ago the inlet was drained, leaving exceptionally fertile soils for the production of vegetables. Lammeefjord carrots have been cultivated for more than 50 years on the reclaimed mud flats of the Lammeefjord. In 1996 ‘The Six’ (a group of producer) found together to apply for a PGI on their most famous product: the carrots. Since the producers established ‘The Vegetable Guild of Lammeefjorden’ and the PGI rights were handed over by ‘The Six’ to the guild.

Nowadays the production of carrots and all other vegetables is under heavy pressure, as far as the number of individual farms has dropped and farm sizes have increased (fewer but bigger producers). The number of Lammeefjord carrots producers amounts to 40.

---

**GI Perspectives**

The Vegetable Guild of Lammeefjorden will apply for further PGI’s, namely for:

- asparagus from Lammeefjorden (the qualification process started in 2007);
- potatoes from Lammeefjorden (foreseen in 2008);
- leeks from Lammeefjorden (no date yet fixed).

With a focus on the local market, the guilds’ mission is to promote vegetables from Lammeefjorden as ‘luxury bulk products’.
The Danish arena

The low development of PGI in Denmark is due to various factors:
- supermarkets use private labels and block out PGI-labels;
- PGIs are used by bigger producer cooperations as a market strategy;
- many actors try to open up the market for origin labelled food products without connecting to the EU-labelling system.

Networks of small-scale food producers are about to be established locally, regionally, and nationally, but generally these networks are recent and vulnerable. Based on project means and voluntary work and comprising a diversity of producers (producers from the same territory rarely produce the same type of product) they do not have a solid institutional setting and cohesion. They have only weak links to the market, the administration and the advisory system. Even if they are interested in PGIs and discuss quality attributes and definitions all together, they are far from being skilled to undertake a PGI qualification process.
ITALY: An overview about the protection of GIs

Communication: Massimo VITTORI, International Trade Center, Geneva, Switzerland

Summary: Astrid GERZ, CIRAD, Montpellier, France

Socio-economic Context
One of the key economic strengths of Italy lies in the processing and the manufacturing of goods. Foodstuff belongs to the major export goods and agriculture as well as tourism plays a key role in the socio-economic system. The sector is dominated by small and medium-sized family-owned firms.

Italians “typical food products” are considered as a strategic asset. Food production is largely characterized by origin, typicity and local traditions. On the one hand, a range of niche products (Parma ham, parmesan cheese, etc.), well known in the rest of the world through emigration but threatened by misappropriations; on the other hand, the wine sector which is very important for Italian agribusiness. In particular, interest and demand for high quality wines such as Chianti, Barberesco, Barolo and Barbera, Brunello di Montalcino, Montepulciano d’Abruzzo, Nero d’Avola, is expanding.

Legal framework of GI Protection
There are two main levels of legal protection:

1. International legislation: Multilateral treaties (Paris Convention, Madrid Agreement, Lisbon Agreement and TRIPS); regional (EU) and bilateral agreements (France, Germany, Spain and Austria).

2. National legislation: Italy has not enacted a general national registration system for GIs. However, several sector- and product-specific agreements have been concluded, e.g.
   - The general discipline for dairy products (1954);
   - The general discipline for wines (1963);
   - Laws on specific products (Parma ham, San Daniele ham olive oils, etc.) passed in the 1970’s and 1980’s;
   - Implementation of the EC Regulation 2081/92 protecting GI and DO for agricultural and foodstuff products throughout the EU.

The general structure of the national PDO and PGI system is the one originally thought for wines, focused on hereinafter because the most relevant.

Special provisions related to wine GIs
The protection of certain wines dates back to the 18th century (Grand Duke of Tuscany) and attests the value of wine in Italy. The special protection for designations of origin for wines is anchored in the Law N. 164 of February 10, 1992 (substituting the law from 1963), which distinguishes 3 types of appellations:

- Typical Geographical Indication (IGT): name of the area where the wines are produced (e.g. “Marche”, “Feudo Monaci”) – wines produced in extensive viticulture areas with a homogeneous environment;
- Controlled Designation of Origin (DOC): used to indicate a renown, high quality product whose characteristic are connected to the local environment (e.g. “Marino”, “Canadese”);
- Controlled and Guaranteed Designation of Origin (DOCG): particular valuable DOCs (e.g. “Barolo”, “Chianti”).

The registration procedure of wines is administered by the National Ministry of Agriculture, who recognises DOCs, DOCGs and IGTs according to the rules fixed in the Decree President of the Republic N° 348 of April 20, 1994. The regional governments are involved in this process (consultation).

For each wine, production specifications (rules of processing and product features) are established to set production and quality standards, which are legally binding. A special Committee of experts was therefore instituted by law, which is also responsible for quality checks.
Moreover, quality controls (e.g.: organoleptic analysis) are carried out by special commissions (operating within local Chamber of Commerce districts) during each period of production. To review the results of these exams the Ministry of Agriculture can constitute 3 appeal bodies (by territorial competence: North; Centre; South).
GIs for other agricultural products

- Italy implemented the EC Regulation 2081/92 – the law provides for PDOs and PGIs (some 130 names in the EC Register).
- Previous rules are still applicable as long as they are compatible with the EC regulation (e.g. the National Committee for Plant Oils is still called upon to give opinions on the approval of codes of conduct before an application before the EU is made).
- Ministerial decree of 2 November 1995 establishes the “Ispettorato Centrale Repressioni Frodi” as the central inspection body.

PDOs and PGIs: registration procedure

- Both public (e.g. Regions) and collective private entities (e.g. consortia, association of producers) can apply.
- The application must contain the product specifications (rules governing all stages of the production process, quality standard, packaging, etc.).
- Application must be sent to the National Committee for Designations of Origin and then forwarded to the Ministry of Agriculture.

Inspection (Law 128/98)

- For every registered product there must be an independent inspection body formally authorised by the MOA.
- The “Ispettorato Centrale Repressioni e Frodi” and the competent local authorities supervise the inspection work.
- Each body might be in charge for of inspecting one or more products.
PROTECTION OF GEOGRAPHICAL INDICATIONS IN THE REPUBLIC OF SERBIA: Legal Framework and case study

Communication: Branislav RAKETIC, Serbian Ministry of Agriculture Water Management and Forestry & Dragan ROGANOVIC, NGO IDA, Belgrade, Serbia

Summary: Astrid GERZ, CIRAD, Montpellier, France

Legal Framework
Serbia is member of several WIPO treaties, among others:
- the Lisbon agreement since 1999;
- the TRIPS agreement since 1995.

It’s not yet member of the WTO

The national legislation related to industrial property comprises:
- new Trademark Law from 2004;
- new law on Indications of Geographical Origin from 2006.

Law on Indications of Geographical Origin
According to Article 14, producers, chambers of commerce, processors and municipalities may request a GI. Any foreign person or association may also apply for registration of a PDO or PGI if the GI in question is protected in the country of origin.

Article 16 - The application must include the generally required specifications in the code of practices (geographical name to be protected, production methods and characteristics, product quality, etc.).

The code of practices is reviewed by the Ministry of Agriculture. In case of negative opinion, the registration procedure is stopped.

Art. 27 (Initiation of the Proceedings for the Authorized User)
The application may be submitted by natural or legal persons who, within a certain geographical area, produce products marked by the name of this geographical area, as well as associations of such natural or legal persons.

Art. 42 (Use of the registered appellation of origin or a geographical indication)
- Registered appellation of origin or geographical indication may be used only by the registered authorized users.
- Authorized users have the right to use the appellation of origin or the geographical indication to mark the product that the appellation of origin or the geographical indication has been related to.
- Authorized users of the appellation of origin have the exclusive right to mark their products with the indication “controlled appellation of origin”.

GI interest and promotion
The general interests of GIs (providing added value and income for rural populations, new markets; etc.) are also valid for Serbia. They are especially interesting for Serbians agriculture and rural development because they favour the structuring and vertical coordination of food supply chains (Serbia has only horizontal coordination).

The state supports the promotion of GIs, traditional products and food quality, by using the positive image of certain regions (e.g. Fruska Gora, Stara Planina) to promote products and conversely the positive image of certain products (wine, cheese, etc.) to promote regions.

In 2006, the Ministry of Agriculture launched the campaign “Originality under protection”. The objective was to establish a data base for all products with a specific link to geographical origin or traditional production methods and to promote the benefits of PDO/PGI protection, thereby encouraging producers and processors to initiate the registration process.
Registered and potential products
Currently Serbia has two PGIs, registered under the new law: Sremski kulen and the Sausage from Backi Petrovac. Twenty products have been registered under the old law, but most of them do not have authorized assess because the producers don’t manifest interest (1), the code of practices does not reflect the reality (2) and the people in Serbia still don’t recognize PDO (3).

Four other products are in process of being registered, namely three cheeses (Zlatarski, Kajmak from Kraljevo and Pirotski cheese) and the “Bermet” wine.

Perspectives and needs
To foster the promotion and implementation of GIs, Serbia needs to establish certification bodies, a Commission for PDO\PGI, as well as a clear procedure and adequate rules for registration. Further challenges are the development of markets and benefits for producers, processors and consumers and the building up of national labels of PDO\PGI products.

THE CASE OF A GI PROJECT IN WESTERN SERBIA
The Serbian local NGO, IDA, based in Western Serbia, has initiated a project for the promotion and the protection of traditional agricultural products in this region. The goal of the project is to set up an appropriate identification, protection and promotion system of traditional agricultural and agro food production, as one possibility for the development of the mountainous and hilly areas and the protection of tradition and farmers livelihoods.

To achieve this objective the projects main activities are:
• making an inventory of the traditional agricultural and agro-food products;
• promoting the GI concept through information campaigns directed to farmers and local authorities;
• identifying and promoting traditional products with a high potential for PDO/PGI protection and providing technical support to farmers in registering the products as GI;
• promoting registered GI products and traditional products of Western Serbia.

Preparatory activities (trainings, discussions, promotion of the GI concept, etc.) have been realized in a first stage. The field assessment and analysis of high potential products has allowed to already select two products and to develop their code of practices.

“Kraljevo kajmak”, one of the identified traditional products
The “Kraljevo kajmak” is a soft cheese, produced in the municipality of Kraljevo. The production area covers 1’500 km² for 150’000 inhabitants. There are about thousand big and small scale producers (milk producers and cheese makers), producing 6 t/week of kajmak and 18 t/week of cheese. The production value amounts to about 2.8 mil euros/year.

The markets are local (35%), national (55%) and international (10%). A potential market is the ex Socialistic Federal Republic of Yugoslavia (SFRY). The current disadvantages of this product and its supply chain are mainly: the low level of producers organizing, the production conditions, the reduction of the production area and the lack of balance in profit. On the other hand there are a number of advantages, namely the motivation of farmers, the existence of markets, the natural resources potential and the enabling environment (strong supports from the Ministry of Agriculture Water Management and Forestry, as well as local authorities).
Legal Framework

The Industrial Property Law (LPI Law nº 9.279/96) regulates rights and obligations regarding industrial property. The protection of industrial property rights, considering the social interest and the technological and economic development of our country, is afforded inter alia by means of the repression of false geographical indication. It constitutes two kinds of geographical indication (GI):

- **Indication of Origin (OI):** is the geographical name of country, city, area or place of its territory that has gained a reputation as extraction or production of the product or service;
- **Denomination of Origin (OD):** is the geographical name of country, city, area or place of its territory, that designates product or service whose qualities or characteristics are due exclusively or essentially to the geographical factors, included natural and human factors.

The use of the geographical indication is restricted to the producers established in the place. In the case of Origin Denomination, they have to comply with special quality requirements.

The National Institute of Industrial Property (INPI) is responsible for the registration of the geographical indications. The holder of the GI sets the rules (self regulation) and makes the controls (self controls).

Publication

MAPA has settled a special organisation “Coordination of Incentives to Geographical Indications” (CIG) whose missions are as follows:

- subsidize and promote the subjects that involve the recognition of GI of the Brazilian agricultural products;
- increase the list of protected products;
- reinforce the differentiation and cultural identity;
- improve the quality of the agricultural products;
- enlarge the consuming market;
- foster the generation of income and employment in the area.

Certification

The Decree nº 5.741/2006 organizes the Unified System of Attention to the Agricultural Sanity – SUASA and it delegates to the MAPA the competence to institute and coordinate the sanitary and phytosanitary certification as well as the certification that have as objective to guarantee the origin, the quality and the identity of the certified products and to give credibility to the traceability process.

Mapa’s Challenges

- defining the agricultural products with potential of protection for GI;
- participating in the control of agricultural GI;
- contributing to the protection of GI against frauds (national and international).

Strategies

- promoting the patterns of quality improvement;
- promoting the agricultural credit;
- promoting the training of managers and the rural producers;
- promoting instruments of partnerships.
Vale dos Vinhedos
A Case Study in the State of Rio Grande do Sul, Brazil

Description of the Product and Its Uniqueness

This name is a traditional designation to a specific geographical area producing wine. It means “Vineyards Valley”.

**Fine wine production:** 7,620 thousand litres.

**Red varieties:** Cabernet Franc, Cabernet Sauvignon, Merlot, Pinot Noir, Sangiovese, Ancelotta, Gamay.

**White varieties:** Chardonnay, Sauvignon Blanc, Trebiano, Moscato, Gewürztraminer, Chenin Blanc.

Geographical Area

Situated in the Southern part of Brazil, covering a total area of 81,123 km² (of which 2,123 hectares of vineyards), with an average altitude of 742 m, and an average temperature of 17°C.

History

The history of Brazilian grape growing and wine making industry started in 1875, when Italian immigrants settled in the State of Rio Grande do Sul, in the south of Brazil. Their long tradition in grape growing and wine making soon conferred great economic importance upon the activity - by 1884, more than 8 million litres of wine had been produced in the region. Over recent years, wine making industry has made a great investment in research and technology by developing advanced crops and production techniques, labour qualification, acquisition of modern equipment, renewal and expansion of vineyards, grapevines grown in trellis, and control of production, thus reducing quantity and improving grape quality.

Events that triggered the protection action:

- necessity of recognising the quality of the product;
- security in the origin with quality;
- conquest of new markets.

In 2002 the geographical indication was obtained. It is held by APROVALE (producers association of the valley = 24 members). Working group including APROVALE, the Municipalities, Agriculture and Environment Secretaries from the three City Halls concerned.

Criteria for getting the stamp of “Vale dos vinhedos”:

- to prove the origin of the grape;
- to produce the wine;
- to bottle the wine;
- to submit the wine, individually, to rigorous analytical and organoleptic tests. Testing made by specialists of the Embrapa (Brazilian Company for Agriculture and Livestock Research), Grape and Wine department, and the APROVALE.
- Wine cellars must be installed in the Valley of the Vineyards and associated to APROVALE.
Market for the product
The main market is the national one, but the export has increased after the registration of the indication of origin. The wine from the geographical indication maintained its price, whilst the generic wine has had to lower its price. Nowadays on the domestic market, Brazilian wines compete with imported wines, mainly from Chile and Argentina, at low prices.

Impact in Geographical area
- Valuation of the country properties increased from 200% to 500% in five years time.
- Increase in planted area.
- Bigger job offers.
- Increase in tourist visits.

Planning and awareness of the Working group
Preservation of the flora and fauna as well as water resources.
HONDURAS: Towards a Denomination of Origin for “Márcala” coffee

Communication: Joel Ulises SEVILLA, Instituto Hondureño del Café, Honduras

Summary: Jean-Pierre BOUTONNET, INRA, Montpellier, France

History
Márcala, is the best known name for the Honduran coffee quality in the international market. The recognition for this particular coffee, was based in the rich tradition of producing and preparing through wet milling a very good mild Arabica coffee.

However this fame well established by German immigrants and local producers, provoked in the last few decades negative connotations on Márcala’s name. An increase in coffee volume, bad processing and misusing of the name Márcala, led slowly but steadily to confusion and loss of recognition by the buyers and consumers, and to the decrease of income and social well being for the region. During the worst part of the international coffee crisis ever from 2000-04, a local group of producers of Márcala got the idea of recovering the name and reestablishing the producing region to the Honduras top coffees.

Legal Framework
1. Name and Trade Mark Inscription of the PDO Márcala within the Industrial Property Institute (IP-MIC), the first DO registry in Honduras and Central America.

2. Legal Incorporation & public recognition of the PDO Márcala Regulator Council.

Present Organization
Coffee farmers (3’000 families)
Middle Men
Wet Mill Processors
Coffee exporters (8 companies):
➢ Becamo (Neumann Group);
➢ Sogimex (ECON);
➢ Bon Café;
➢ CoHonducafé;
➢ Excamar;
➢ Comarca;
➢ Café Orovila;
➢ Cooperative COHORSIL.

DO Regulator Council
1. Defense of the DO name.
2. Application of DO norms & regulations.
3. Promotion & Marketing plan.

Validation, implementation and control
Under the System of Traceability from farm to market (SITCA).

Characterisation of the Product
• Delimitation of the territory: part of La Paz, Comayagua and Intibucá Depts.
• 1’200 -1’800 meters above see level.
• Shade, coffee varieties, processing.
JAMAICA: Recently Established Registration Systems for GI

Communication: Edward G. BRIGHTLY, Jamaica Intellectual Property Office (JIPO)

Summary: Astrid GERZ, CIRAD, Montpellier, France

Context
Jamaica is an island nation of the Greater Antilles, situated in the Caribbean Sea. It is about 620 kilometers northeast of the Central American mainland and 145 kilometers south of Cuba. Jamaican famous things are Reggae and related to foodstuff, “Jerk”, Rum and Blue Mountain Coffee.

Legal Framework
The Jamaican Protection of Geographical Indications Act dates from 2004. Its phrasing and content is very similar to that of the TRIPS Agreement (section 3, articles 22-24, especially regarding the definition1 of a geographical indication (article 22.1) and international negotiations; exceptions (article 24.42 and 24.53). According to the TRIPS Agreement, the act distinguishes two protection regimes: a high protection level for indications relating to wines and spirits and a lower level for indications relating to other products than wines and spirits.

The act excludes the following GIs from protection:
- indications which are not or have ceased to be protected in their country of origin, or have fallen into disuse (identical to TRIPS Agreement, article 24.9);
- indications contrary to public order or public morality;
- indications which have become generic.

The Registration procedure
The applicant for the GI registration can be any producer or group of producers carrying on an activity in the geographical area, or a recognized organization. The application must be submitted to the Jamaica Intellectual Property Office (JIPO), especially to the Registrar of Industrial Property, and must contain the common information required in the book of specifications.

The Registrar examines and approves the application before proceeding to the registration. He shall register all GIs whose application has been accepted complying with the requirements of the GI Act and either:
- whose registration has not been opposed; or
- it has been opposed and the opposition has been decided in favour of the applicant.

The act provides as well the cancellation of registration if the GI does not qualify or no longer qualifies for protection. The right of appeal against the decision of the Registrar of Industrial Property, by a Judge of the Supreme Court sitting in Chambers, exists.

The duration of protection is not time limited under the current act.

---

1A geographical indication is defined as “an indication which identifies a good as originating in the territory of a country, 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”.

2The act preserves the continued and similar use in Jamaica of a geographical indication of a WTO members identifying wines or spirits in connection with goods or services produced by any Jamaican citizen or resident who has used the indication continuously with regard to the same or related goods or services in Jamaica for at least 10 years preceding April 15, 1994 or in good faith preceding that date.

3Trade marks applied for or registered in good faith or trade mark rights acquired through use in good faith before the coming into force of the Act or before the geographical indication is protected in its country of origin will not be prejudiced on the basis that the trade mark is identical with or similar to a geographical indication.
Present Status of Registrations
Currently no registration has been made, because the regulations which will contain detailed registration procedures as well as the fees have not yet been finalized. JIPO decided to hold consultations with stakeholders to determine in particular, the procedure with respect to certification of “quality, reputation or other characteristic of the good”, an absolutely necessary process as Jamaica has no experience and infrastructure for registering indications of origin. A number of goods have been identified for registration. JIPO is working with the producers of these goods to establish the necessary infrastructure.

Potential GI products

1. Jamaica Blue Mountain Coffee, which is only grown in the beautiful Blue Mountains of Jamaica.

2. Jamaica Jerk Seasoning, a fiery spice mixture.

One of the main producers of Jerk Seasoning is Walkerswood Caribbean Foods, located in the Walkerswood Community in the parish of St, Ann, Jamaica. This product is owned by the community which provides most of the inputs.

3. Jamaica Rum, especially Appleton Rum

One of the main producers is J Wray and Nephew Limited. The rum is made at the Appleton Estate which has been producing rum since 1749. The Appleton Estate is located in the community of Appleton in the parish of St. Elizabeth, Jamaica.
CLOSING SESSION: OPEN QUESTIONS AND DISCUSSION

Summary: Jean-Pierre BOUTONNET, INRA, Montpellier, France & Peter DAMARY, AGRIDEA, Lausanne, Switzerland

1) How to foster favourable conditions for a negotiation on the fair distribution of added value within the supply chain:

How to identify and evaluate (measure) the actual added value brought by the GI?
Need of an institution able to measure the added value, and to define the rules for the redistribution (price fixing...) to the local producers?
Additional costs of the GI: Qualification process, controls, traceability?

Discussion results:

Information access: it is important that all “external support” actors make sure that all the supply chain actors start with the same level of access to information about markets, consumers’ preferences, quality and prices, etc., that all are made aware of the issues and potentials of the GI supply chain. But is this enough to assure a fair distribution?

To assure a satisfactory integration of primary producers in the chain, it may be necessary to strengthen farmers’ capacity through technical training and awareness building.

Different contribution and risk sharing: different actors of the supply chain make different contributions. Some contributions will be financial, others in kind, others yet in know-how or work. But they will also take different risks, so it is important to consider how risk is shared in the supply chain.

Quality definition: different actors of the supply chain may see quality differently; it is thus essential to achieve an agreement on what quality is and what quality levels are needed. In particular, quality values for the consumers must be agreed upon, and this may mean different levels of quality in the GI supply chain (as for example normal Gruyère and “Gruyère d’Alpage”).

As a GI has a delimited zone of production it reduces the possibilities of switching suppliers for the “down stream” levels of the supply chain, thereby giving some protection to the producers of the raw material. Bargaining power may be very dependent on the Code of Practice.

Creating trust: to assure transparency and build up confidence between different levels of the supply chain, it is clearly important to set up a forum in which the different actors can be represented and freely express their point of view. All these aspects must be discussed very early on, when setting up the GI supply chain.

2) How to achieve a good agreement on the product specifications and area delimitation?

- Procedure of decision making as regards to the:
  - handling of diversity?
  - technical prescriptions and their consequences (exclusion);
  - procedure for product evaluation;
  - delimitation of the area.
To assure that primary producers maintain certain bargaining strength, it is important to identify quality defining aspects that are in the hands of the primary producers. For example: in the case of Yak wool from Mongolia, it is the fact that the Yak must be hand combed on a regular basis.

It is recommended, if possible, to first engage in discussions on the horizontal level before getting the different levels to define together the attributes of a good product.

3) How to ensure consistency between controls (rules and means) and the code of practices?

How to build up the control system?
How to insure relevant, feasible, affordable, and trustworthy control criteria and procedures?

Discussion results

All participants agreed that there must be a legal framework for the controls and certification, but they did not agree on how much controls should be undertaken by government bodies or private agencies. The government may help in reducing the certification costs for small producers. It should invest in building up (initial investments) a GI certification body and a fair and efficient control system.

It is important that the elements in the code of practice are clearly defined and controllable (for example “sheep should be fed mainly on grass” is not a good criterion, as it is too imprecise and should be replaced by a “maximum of 60 kg of cereals per sheep a year”).

It is also important to identify a few criteria which define the typicity of the product, and to assure that these are well defined and controllable. Not every element of the production must be controlled, only those important for the typicity of the GI product.

To reduce costs, certifications should be aligned and certain elements of internal controls should be considered, as it is done amongst small organic producers in developing countries.
CONCLUSIONS: a short assessment and future perspectives

Summary: Denis SAUTIER, CIRAD, Montpellier, France & Dominique BARJOLLE, AGRIDEA, Lausanne, Switzerland

Held in the beautiful setting of Prangins village overlooking the Geneva Lake, this first International Short Course Training on Geographical Indications provided a very dense learning experience for both trainees and trainers, while offering opportunities for first-hand observations on current Geographical Indications experiences. This type of training certainly constitutes a worthwhile tool for professionals and institutions to learn by practice and exchange about GIs, and further sessions should therefore be organized in a near future.

Trainees interacted very strongly during the two weeks course, spent either in plenary sessions, working groups or on field visits. The consistency of the contents about GI definition, implementation and assessment was ensured by exploring these topics in three dimensions: theoretical (plenary sessions), practical (on-field case studies) and reflexive (presentations of participants’ country cases and analysis of specific topics in small working groups). This pedagogical framework provided an important opportunity for sharing practices and helped defining a common understanding between lawyers and rural extensionists. It also stimulated the integration of experienced professionals coming from four continents and from diverse cultural and economic backgrounds.

The observation of “living GIs” is of course a key component of such a training. This is especially true for those participants coming from countries where GI experience is new, because its legal framework has been defined only recently. Comparable positive and negative aspects have been freely scrutinized and debated during this short course. One of the most striking points for many participants has been the high sense of GI ownership frequently demonstrated by farmers, rural agro-industries and agro-food companies. This shows the strong existing interactions between the GI and the supply chain organization, which are indeed one of the key success factors of GI systems.

Last, but not least, all participants gained access to a worldwide scope of GI experiences and to a large network of other GI professionals and specialists, with whom they can remain in touch and exchange ideas and advices – in Europe, Asia, Africa or Latin America. GI development in developing countries requires indeed more experience and information sharing, for example between specialists dealing with tropical products such as coffee, rice, etc.

Trainers also learned a lot during this interactive training. Thanks to the contributions of such diverse countries and high quality professionals – intellectual property specialists, economists, agronomists, livestock specialists- we discovered diversified contexts, products, GI-systems and new perspectives and challenges for action and research... We learned also about methods and pedagogical aspects. At the beginning, the seminar was designed to highlight all the theoretical aspects of geographical indications: legal, as well as economic, organisational and promotional aspects. We also wanted to address the difficult question of controls and certifications, the costs and impact issues of such a protection. At the end, we have to recognize that we underestimated the necessary time to answer directly all acute and relevant questions of the trainees. We lacked also time to allow more exchanges between the participants. The rich experiences and cases brought in by the trainees could not only be presented in the plenary, but had to serve as inputs for pedagogical activities. Finally, the time for field visits and later discussing was also too short. In the next seminar, we will take stock of these observations and give more importance to these two activities.

In the future, we should also make better use of trainees’ ability to make efficient and rapid use of numeric media to create interactive presentations: slideshows, short movies...

On the whole, the course has proved to be an enriching and exciting experience, thanks to the high-quality inputs, the active participation and the positive social climate and attitude within the group.

Finally the whole group wishes to thank the Swiss team (and related institutions, farmers and enterprises) for their hospitality and contributions. And we are already preparing the next edition of the Short Course Training to be held in France, with new participants, products, dynamics, inputs, methods, surprises...
Participants in front of the castle of Prangins
Photo: Monica Stoye
## List of participants

<table>
<thead>
<tr>
<th>M./Ms</th>
<th>Name</th>
<th>Activity</th>
<th>Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>M.</td>
<td>Biju komath</td>
<td>GI registration administration</td>
<td>India</td>
</tr>
<tr>
<td>Ms.</td>
<td>Bivanilda Almeida Tapias</td>
<td>GI supply chain</td>
<td>Brazil</td>
</tr>
<tr>
<td>M.</td>
<td>Branislav Raketic</td>
<td>Ministry of Agriculture, Forestry and Water management</td>
<td>Serbia</td>
</tr>
<tr>
<td>M.</td>
<td>Christopher Gladwin</td>
<td>GI registration administration</td>
<td>South Africa</td>
</tr>
<tr>
<td>M.</td>
<td>Dragan Roganovic</td>
<td>NGO</td>
<td>Serbia</td>
</tr>
<tr>
<td>M.</td>
<td>Edward Brightly</td>
<td>Intellectual Property Office</td>
<td>Jamaica</td>
</tr>
<tr>
<td>Ms.</td>
<td>Enkh-Amgalan Tseelei</td>
<td>Research (PhD)</td>
<td>Mongolia</td>
</tr>
<tr>
<td>M.</td>
<td>Geoffrey M. Ramba</td>
<td>GI registration administration</td>
<td>Kenya</td>
</tr>
<tr>
<td>M.</td>
<td>Joel Ulises Sevilla</td>
<td>Local development agency</td>
<td>Honduras</td>
</tr>
<tr>
<td>M.</td>
<td>Khaothong Luangchandavong</td>
<td>Local development agency</td>
<td>Lao PDR</td>
</tr>
<tr>
<td>M.</td>
<td>Massimo Vittori</td>
<td>GI expert</td>
<td>Italy</td>
</tr>
<tr>
<td>M.</td>
<td>Misnawi</td>
<td>Local development agency</td>
<td>Indonesia</td>
</tr>
<tr>
<td>Ms.</td>
<td>Monica Stoye</td>
<td>Research (PhD)</td>
<td>Denmark</td>
</tr>
<tr>
<td>M.</td>
<td>Phumlani Mentani</td>
<td>GI supply chain</td>
<td>South Africa</td>
</tr>
<tr>
<td>Ms.</td>
<td>Sonia Desimon</td>
<td>GI inter-professional body</td>
<td>Brazil</td>
</tr>
<tr>
<td>Ms.</td>
<td>Wahkeen La Shan MURRAY</td>
<td>GI registration administration</td>
<td>Jamaica</td>
</tr>
</tbody>
</table>
International Training Module

Geographical Indications
a way forward for local development

Dates and location
Monday 14th – Friday 25th of May 2007
Château de Prangins
1197 Prangins

Participants
Local development agents and experts
Officials from GI registration administrations (ministries or intellectual property offices)
Stakeholders from GI producer organizations, supply chains or inter-professional bodies

Context
Labeling food and artisan products with Geographical Indications (GIs) contributes to regional development, by facilitating the participation of local entrepreneurs in the regional, national or international markets, with their specific skills and know-how

Objectives
Participants will learn about:
The contributions of GI recognition to the development of GI supply chains
The conditions needed to ensure effective contributions to rural development
International rules and institutions governing the protection of GIs, and the current state of international negotiations
National legislations and institutions (Swiss and EU) concerning PDOs and PGIs, trademarks and indications of source
Regional and national policies for the support and promotion of rural development through GIs
International programs for the establishment and implementation of GI legislation
The different forms of collective organisation of GI producers and how they are managed
The methods for setting up of specifications for GI products
The importance of controls and certification to assure the authenticity of products to the consumers and methods to assure their efficiency
The specific marketing of GI products
Methods to create an inventory of products potentially eligible for recognition as GIs

With the financial support of the SECO and the IPI
Methods

This course will be based on interactive methods. Participants will be asked to present their experience, and work in groups on different case studies.

Presentation in class by experts, followed by meetings with important stakeholders of the international negotiations based in Geneva, national and local administrators of GI registrations, will give a good knowledge of the legislative framework.

Group field case studies based on the study of documents, interviewing the actors of the supply chains, producers, processors, directors of inter-professional bodies of GI products, will contribute to the in-depth study of real case situations.

Restitutions, debriefings and class room discussions will complete the interactive learning methodology.

Before the course

Participants will be asked to collect information concerning the situation of GIs in their country (current legislation, registered GIs, other potential GIs) and prepare a short presentation.

After the course

So as to assure a good transfer of the knowledge gained, participants will be asked make a study on return to their country (“home country study”). The topic of the study will depend on the specific interests of the participant (legislation, institutional support, a specific GI supply chain) and will be discussed with the course organisers before the end of the training. Once the report handed in and accepted, the participant will obtain a certificate.

Notice

The course will be held in English

Persons in charge

Peter Damary, AGRIDEA Lausanne
Tel: 0041 21 619 44 55
peter.damary@agridea.ch

Anna Klingemann, AGRIDEA Lausanne
Tel: 0041 21 619 44 61
anna.klingemann@agridea.ch

Selection procedure

Given the limited number of places, candidates will be selected according to their personal dossiers. At the individual level, preference will be given to candidates with good English and French skills and who are seriously involved in a GI project. At the group level, importance will be given to diversity regarding the participants country, age, gender and type of activity in relationship with GIs.

Participation Fee

For all participants: CHF 1900

Accommodation and food: Those costs are included in the participation fee mentioned above

Grant: Candidates with little financial means may apply on the application form for a grant covering all expenses (accommodation and travel expenses included). Only a limited number of candidates will receive the grant (according to the selection procedure described above), the other ones will automatically be disqualified

Registration

Please fill in the registration form
### Program

<table>
<thead>
<tr>
<th>Date &amp; Time</th>
<th>Presentation, activity</th>
<th>By</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>14th AM</strong> 9h-10h45</td>
<td>Introduction and presentation of the participants</td>
<td>Peter Damary (AGRIDEA) Participants</td>
</tr>
<tr>
<td>11h-12h</td>
<td>General introduction to the GI concept: history, link to the “terroir” and justification for special protection</td>
<td>Frédéric Brand (AGRIDEA)</td>
</tr>
<tr>
<td>12h-13h</td>
<td>General introduction to the stakes and questions related to the protection of GIs</td>
<td>Erik Thévenod-Mottet (AGRIDEA)</td>
</tr>
<tr>
<td><strong>14th PM</strong> 14h-15h</td>
<td>Introduction to Switzerland, to Swiss and European agricultural policies and markets</td>
<td>Dominique Barjolle (AGRIDEA)</td>
</tr>
<tr>
<td>15h-15h30</td>
<td>GIs, Trademarks &amp; Indications of source: The Swiss Legal Framework and Institutions</td>
<td>Alexandra Grazioli (Swiss Federal Institute of Intellectual Property, IPI)</td>
</tr>
<tr>
<td>15h30-16h</td>
<td>Geographical Indications (GI): the situation in France</td>
<td>Lionel Lalagüe (Institut National de l'Origine et de la Qualité, INAO)</td>
</tr>
<tr>
<td>16h30-17h30</td>
<td>Round table</td>
<td>Dominique Barjolle (AGRIDEA) Alexandra Grazioli (IPI) Lionel Lalagüe (INAO)</td>
</tr>
<tr>
<td><strong>15th AM</strong> 9h-10h30</td>
<td>Inventory of place-based products: purpose and methods</td>
<td>Stéphane Boisseaux (Inventory of the Swiss food heritage) Frédéric Brand (AGRIDEA)</td>
</tr>
<tr>
<td>10h45-11h15</td>
<td>Film “Les Pyrénées de tome en tome” : A first example of a GI supply chain organisation</td>
<td>Pascale Maizi (UMR Innov.) Peter Damary (AGRIDEA)</td>
</tr>
<tr>
<td>11h15-12h30</td>
<td>Group exercise based on the Film “Les Pyrénées de tome en tome”</td>
<td>Pascale Maizi (UMR Innov.) Peter Damary (AGRIDEA)</td>
</tr>
<tr>
<td><strong>15th PM</strong> 13h30-15h00</td>
<td>PDOs and PGIs in Switzerland (How to register a GI in Switzerland – procedures, content of the specifications)</td>
<td>Jacques Henchoz (Federal Office for Agriculture, FOAG)</td>
</tr>
<tr>
<td>Time</td>
<td>Session</td>
<td>Participants</td>
</tr>
<tr>
<td>----------</td>
<td>-------------------------------------------------------------------------</td>
<td>--------------</td>
</tr>
<tr>
<td>15h-17h</td>
<td>Presentation of national situations (1\textsuperscript{st} session)</td>
<td>8 Participants</td>
</tr>
<tr>
<td>16\textsuperscript{th} AM 9h30-11h</td>
<td>Controls and certification – practical application</td>
<td>Corinne Couillerot (OIC Certification office)</td>
</tr>
<tr>
<td>11h15-12h30</td>
<td>Misuses of Geographical Indications: What can be done for the producer?</td>
<td>Bernard Klein (Head of the Official food law enforcement agency at Epalinges)</td>
</tr>
<tr>
<td>16\textsuperscript{th} PM 14h-15h</td>
<td>Initiative “Pain de seigle du Valais” (Rye bread of Valais): the story of the supply chain - before and after the PDO registration</td>
<td>Sophie Réviron (ETH Zürich, Agricultural Economics - Agri-food &amp; Agri-environmental Economics Group) Nelly Claeyman (Association du Pain de seigle Valaisan AOC)</td>
</tr>
<tr>
<td>15h30-16h30</td>
<td>Visit of the mill in Sion</td>
<td>Marguerite Paus (ETH Zürich, Agricultural Economics - Agri-food &amp; Agri-environmental Economics Group) Nelly Claeyman (Association du Pain de seigle Valaisan AOC)</td>
</tr>
<tr>
<td>16h45-17h30</td>
<td>Visit of a bakery in St.Léonard: baking of the “Pain de seigle du Valais”</td>
<td>Marguerite Paus (ETH Zürich)</td>
</tr>
<tr>
<td>17h30-evening</td>
<td>Visit of the underground lake of St. Léonard and then “Raclette” dinner</td>
<td>Marguerite Paus (ETH Zürich)</td>
</tr>
<tr>
<td>17\textsuperscript{th} AM 9h-10h</td>
<td>Roles and structures of GI supply chain collective organisations</td>
<td>Peter Damary (AGRIDEA)</td>
</tr>
<tr>
<td>10h15-11h30</td>
<td>Collective marketing and state support to sales promotion</td>
<td>Martine Jacques-Dufour (Association suisse pour la promotion des AOC-IGP)</td>
</tr>
<tr>
<td>11h30-12h30</td>
<td>Guided tour of the Prangins Castle (Swiss national museum) and its gardens</td>
<td></td>
</tr>
<tr>
<td>17\textsuperscript{th} PM 14h-15h00</td>
<td>Introduction to case studies (Gruyère &amp; Damassine) and case study methodology</td>
<td>Pascale Maizi (UMR Innov.)</td>
</tr>
<tr>
<td>15h00-16h00</td>
<td>Preparation of the case studies</td>
<td>Participants (in groups)</td>
</tr>
<tr>
<td>16h30-17h30</td>
<td>Presentation of national situations (2\textsuperscript{nd} session)</td>
<td>4 Participants</td>
</tr>
<tr>
<td>Time</td>
<td>Session</td>
<td>Speaker</td>
</tr>
<tr>
<td>--------</td>
<td>------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>18th AM</td>
<td>Protection of GIs: International context</td>
<td>Alexandra Grazioli (IPI)</td>
</tr>
<tr>
<td>10h-11h15</td>
<td>Intellectual property rights: GIs, trademarks and indications of source – registration and conflicts</td>
<td>Alexandra Grazioli (IPI)</td>
</tr>
<tr>
<td>11h30-12h30</td>
<td>Implementation of the Lisbon and Madrid agreements: the role of WIPO</td>
<td>Mme Päivi Lähdesmäki (World Intellectual Property Organization, WIPO)</td>
</tr>
<tr>
<td>18th PM</td>
<td>Geographical indications in the WTO</td>
<td>Thu-Lang TRAN WASESCHA (World Trade Organisation, WTO)</td>
</tr>
<tr>
<td>21st All day</td>
<td>Case studies – field visits: Gruyère &amp; Damassine</td>
<td>Peter Damary, Anna Klingemann, Erik Thévenod-Mottet (AGRIDEA)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Denis Sautier &amp; Hubert Devautour (UMR Innov.)</td>
</tr>
<tr>
<td>22nd AM</td>
<td>Case studies – field visits: Gruyère &amp; Damassine</td>
<td>Peter Damary, Anna Klingemann, Erik Thévenod-Mottet (AGRIDEA)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Denis Sautier &amp; Hubert Devautour (UMR Innov.)</td>
</tr>
<tr>
<td>22nd PM</td>
<td>Presentation of national situations (3rd session)</td>
<td>4 Participants</td>
</tr>
<tr>
<td>15h-17h</td>
<td>Preparation of the restitution of the case studies Gruyère &amp; Damassine</td>
<td>Participants (in groups)</td>
</tr>
<tr>
<td>23rd AM</td>
<td>Restitutions of the case studies Gruyère &amp; Damassine and discussion of lessons learned / comparison with participant’s cases</td>
<td>Participants (in groups)</td>
</tr>
<tr>
<td>11h15-12h30</td>
<td>To the point: a check-list of favourable conditions in which a GI protection could work and be useful</td>
<td>Erik Thévenod-Mottet &amp; Frédéric Brand (AGRIDEA)</td>
</tr>
<tr>
<td>23rd PM</td>
<td>Introduction to the “home country study”: methodology and expectations</td>
<td>Peter Damary (AGRIDEA)</td>
</tr>
<tr>
<td>15h30-17h</td>
<td>Preparation of “home country study”: Identification of the aspects to be deepened</td>
<td>Individually, in discussion with course coordinators</td>
</tr>
<tr>
<td>24th AM</td>
<td>Impacts on Rural development - theoretical considerations</td>
<td>Marguerite Paus &amp; Sophie Réviron (ETH Zürich)</td>
</tr>
<tr>
<td>Time</td>
<td>Session</td>
<td>Speaker(s)</td>
</tr>
<tr>
<td>--------------</td>
<td>-------------------------------------------------------------------------</td>
<td>---------------------------------------------------------</td>
</tr>
<tr>
<td>10h15-11h15</td>
<td>Impacts on Rural development – case studies</td>
<td>Marguerite Paus &amp; Sophie Réviron Réviron (ETH Zürich)</td>
</tr>
<tr>
<td>11h15-12h30</td>
<td>Socioeconomic effects of GIs</td>
<td>Sarah Bowen (University of Wisconsin)</td>
</tr>
<tr>
<td>9h-12h30</td>
<td>Presentation of the “home country studies” and discussion</td>
<td>Participants</td>
</tr>
<tr>
<td>14h-17h30</td>
<td>Experiences in the establishment of protection frameworks for GIs: adapting to various social and institutional contexts</td>
<td>Dominique Barjolle &amp; Erik Thévenod-Mottet (AGRIDEA)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Denis Sautier (UMR Innov.)</td>
</tr>
<tr>
<td>Evening</td>
<td>Closing dinner in the presence of numerous personalities of the Swiss GI world and with opening remarks by M Luzius Wasescha, Swiss Ambassador to the international organisations in Geneva</td>
<td>All + guests</td>
</tr>
<tr>
<td>14h-15h30</td>
<td>Building GIs: Main considerations in a global economy - Wrap-up remarks</td>
<td>Dominique Barjolle (AGRIDEA)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Denis Sautier (UMR Innov.)</td>
</tr>
<tr>
<td>16h-17h30</td>
<td>Conclusion, course evaluation, discussion of follow-up</td>
<td>Peter Damary (AGRIDEA)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Peter Schwab &amp; Niels Rump (AGRIDEA)</td>
</tr>
</tbody>
</table>