

Names and representations referring to a place are very often used by local actors and consumers to identify the origin and particular quality of origin-linked products. These geographical indications (GIs) therefore play an important role in the value creation process by differentiating origin-linked products from others of the same category. This collective reputation can be subject to misuse inside and outside the territory or zone.

Objectives

The use of GIs requires a localized definition of common rules in order to improve coherence between local producers and avoid unfair practices and the misleading of consumers. The recognition by society and/or public authorities of the collective rights of local producers to use of a GI and its associated rules can be a fundamental step in engaging in the qualification of the product.

Key concepts

A GI is the name of a place (or occasionally a country) that identifies a product to which quality, reputation or other characteristics are attributable. A GI signals to consumers that the goods have special characteristics as a result of their geographical origin. A GI is therefore more than an Indication of source or provenance; it is a reference to a quality, unlike a “Made in” label, which does not refer to a specific quality. In certain cases, a traditional name can be accepted as a geographical indication, even though it does not contain a geographical reference.

There are many types of identifier that may constitute a GI:

- a geographical name alone can become the name of the item, or the origin of the product can be combined with its common name;
- a name, symbol or words referring to a place and its local people, although they are not names of geographical places;
- additional associated characteristics that should also be considered as geographical identifiers; for example, images of famous places like mountains, monuments, flags, specific objects or folklore symbols;
- the specific traditional shape and appearance of the product, such as unique packaging or a common element on the label.

Process

A set of common rules defined at the local level by the producers and processors in the supply chain is required in order to prevent misuse or expropriation of GIs and allow them to play their role as signs of a specific quality linked to geographical origin for producers, consumers and local and global stakeholders. These rules must:

- clearly identify the product and its name, and define its production and processing practices shared by stakeholders using the GI;
- avoid unfair production and trade practices, preventing abuse or damage to the GI reputation through the making and selling of products with different and/or lower quality characteristics while benefiting from the reputation of the quality sign;
- guarantee the quality of the product and its geographical origin, fostering consumer confidence;
- guide the behaviour of local producers and support coordination and cohesion to create, preserve or improve the GI product's reputation and name value.

In order to enforce these local rules, local stakeholders can explore ways of ensuring conformity with the rules established and protecting their rights to use the GI under a protection and guarantee system. A precise assessment

of the situation is necessary in order to establish linkages between the legal issues to be addressed based on the available normative framework, market realities and producer strategies.

The regulation of GIs is based first and foremost on a system of self-enforcement by producers. GIs can also be enforced through informal mechanisms, such as mutually agreed social controls and unwritten rules of practice and standards. Self-regulation and self-enforcement alone can apply locally in very specific contexts. When relationships among producers are not strong and/or marketing abuses (imitation of the product and GI usurpation) are common either nationally or internationally, legal protection of the GI may be considered by local stakeholders as a tool for effective regulation (see sheet 6.1). Even when no problems of imitation or divergence in local production practices emerge, the establishment of formally recognized rights over the GI could be important, inasmuch as a formal recognition of the GI, whether legal or not, could prevent registration of the GI by other actors.

Summary

- Geographical indications (GIs) are names with a geographical component, qualifying origin-linked products.
- They identify product from a specific place, a territory, bringing identity and value in the market place.
- To preserve the specific qualities and their associated reputation, as well as consumer trust, it is important to define production and usage rules for the GI (codes of practice or specifications).
- The legal protection of these geographical identifiers may be crucial for producers, so that they can then initiate promotional efforts without fear that these will benefit imitators.

GEOGRAPHICAL INDICATIONS AMONGST NORMS AND LABELS

There are numerous possibilities to differentiate an agricultural and food product to stimulate a buying preference. In particular, through labels, i.e. a specific mention (sign or words) on the package, that may communicate certain specific values of the product to the consumers (we speak in this case of B2C or Business to Consumer norms). These mentions should usually be certified. Amongst labels, we can identify:

- Those that communicate on the agricultural and processing practices that are respectful of the environment, in particular the labels of organic agriculture, or labels developed for specific types productions on the protection of biodiversity (for example Rainforest Alliance, Forest Stewardship Council, Marine Stewardship Council, etc.)
- Those who communicate on fair trading practices, associated with the respect for social norms for the producers (working conditions, minimum income, ...)
- Those that communicate on "superior" or traditional quality, amongst which you find GIs.

It may be noted here that there are also private management norms, covering aspects such as food safety, the reasoned use of pesticides and fertilisers and workers rights (for example : HACCP, GlobalGap, BRC). Large buyers and distributors (in particular in Europe and North America) increasingly require from their suppliers certification of conformity with these norms. But these norms are not communicated to the final consumer through labels. In this case we speak of B2B or Business to Business norms

Geographic Indications have a number of specificities when compared to other B2C norms:

- All GIs have their own specific Code of Practice, which allows adaptation to the local context,
- This Code of Practice is usually developed and proposed for official recognition by the up-stream supply actors, so we can say it is a bottom-up approach,
- The GI is associated to an intellectual property linked to a territory and must benefit all the stakeholders based in the territory.

However, a GI cannot be developed for all products and in all contexts. It is essential to know the potential of a product and the demands of the markets aimed at to be able to choose the most appropriate form of differentiation.