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The Geography of food: reconnecting with origin in the food system

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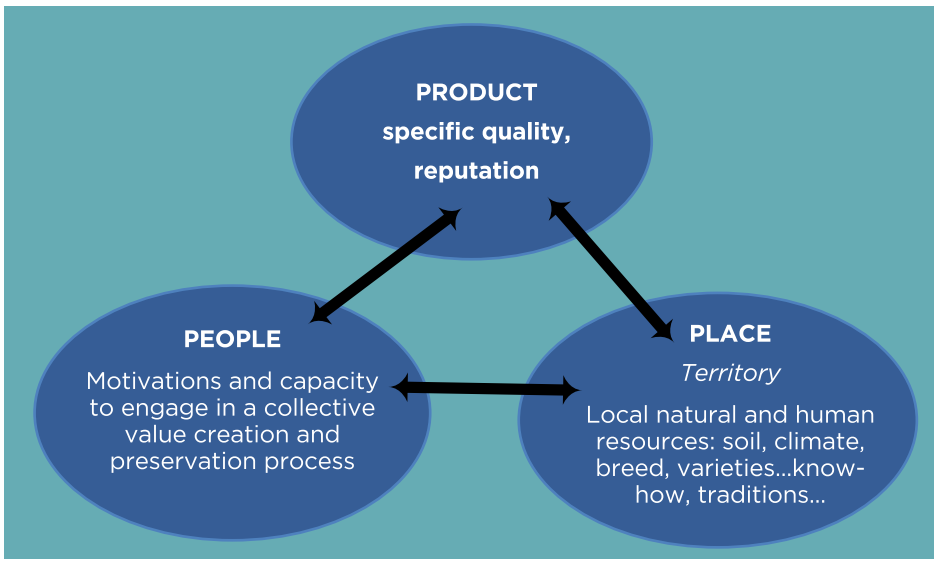
Index

Context

Some agricultural and food products display specific characteristics which are inherent to the place where they are produced and that give the product a reputation. Tequila, Parmigiano-Reggiano, Darjeeling or Champagne are only a few examples of product names which acquired a reputation linked to their geographical origin and are familiar to most of us.

There is a growing interest among consumers in developed and developing countries to purchase food or agro-processed products1 that have a "story" – are deeply-rooted in the various popular cultures or simply reputed for their specific place of origin. For producers and small and medium-sized companies, this new trend could imply new opportunities to differentiate product in the market and secure price premiums and/or increased sales. Origin-linked products, especially those traditionally produced, have the potential to promote and preserve the natural environment of their production area. This potential is based upon their specific characteristics, the result of a unique combination of natural resources (climatic conditions, soil characteristics, local plant varieties, breeds, etc.), local skills and historical and cultural practices, as well as traditional knowledge in producing and processing the products. The first step for local actors is to be aware of this potential by identifying the links between product, its qualities, its reputation, and the geographical environment where it is produced.

Interaction between people, product and place[2]



Strengthening the ties among local stakeholders, places and agricultural and food products is a major step towards sustainable rural development. These relations are based on local capacities to create value within a global market, while remaining anchored in a specific place. Origin-linked products described by geographical indications (GIs) are those that have specific quality attributes or reputation linked to the places where they are produced. These differentiated products may be able to access a specific and remunerative demand. A segment of consumers are increasingly concerned with the specific attributes of agricultural and food products, particularly in terms of their culture, identity and means of sustainable production. Moreover, within the vast diversity of origin linked products are many that contribute to biodiversity preservation, cultural heritage protection, and socio-cultural development. Particularly successful and renowned GIs produced in less-favoured areas may also contribute to rural poverty reduction. Through the effective marketing of these products, rural activities can be maintained and even diversified, so as to promote related industries, such as tourism, and also to prevent outward migration. Indeed, specific local resources involved in the production system, i.e. unique plant varieties, animal breeds or traditional landscapes, food traditions and culture are valuable also for tourism and gastronomy.

History of regional identities

Regional product identities have a long history. In ancient Egypt, places of origin were used to identify products and to signal their quality. In the Middle Ages, European guilds gave their products certain names to assure consumers of consistent quality, assure market exclusivity

and protect producers legally (INAO, 2005). The history of some well-known cheeses can be traced back to this period: Parmigiano Reggiano in Italy, Stilton in the UK, and Comté in France. The process of establishing a regional reputation went parallel with the emergence of the concept of individual brands. In both cases, producers tried to enhance their products' value by associating consumers with a name: a single producer in the case of a brand, on a collective scale in the case of regional products.

Several regional products identified in the marketplace by geographical names date from the 19th century, including Opperdoezer Ronde potatoes (Netherlands) and Washington apples (USA). While such regional indications remained important, their significance gradually shrank over time. National and international trade evolved, and technical grades and standards developed and became more important in trade. During the 20th century, internationalization expanded rapidly. The urge for economies of scale meant that certain regions began to specialize in producing a few products. Firms marketed their products over an ever-wider area. Product specialization also occurred: instead of producing a broad product assortment, companies specialized in a few, standard, products. This mass production resulted in the loss of many unique, specific regional products. In time, the globalization for business and markets increased further.

Global brands are standard products that are marketed across the globe with the same brand name. It is sometimes said that these weaken cultural boundaries and make tastes and preferences converge. But consumers are also aware of the loss of regional and specialist products. This desire for variety and for maintaining local products has stimulated the marketing of traditional regional products and triggered the search for new regional products to sell. The increasing interest in regional specialties can be seen throughout the world. 'Darjeeling', 'Antigua', 'Parma', 'Gorgonzola', 'Bordeaux', 'Roquefort', 'Blue Mountain Coffee', 'Sea Island Cotton', 'Porto', 'Ceylon' and 'Havana' are well known examples of geographical names that are associated throughout the world with specific products. Their reputation derives from the special qualities that products from those places possess (O'Connor and Company, 2005).

The image of the region and regional names are often used to market products that may have a strong reputation associated with their place of production. As Bérard and Marchenay (2005) point out, origin products do not just 'come from' a region; they 'are' from a region. This means that they convey values and culture – i.e., identity. In general, these products have, a greater or lesser extent, specific qualities based on human expertise and the natural environment where they are produced. The mix of these specific qualities and the regional image creates a unique identity for the product, so raising its value.[3]

Regional products in a general sense –can be defined as local products based on a territorial identity and reputation, and/or typical products based on specific modes of production and whose quality, reputation or any other characteristics are attributable essentially to their geographical origin. The geographical origins can be provinces, states, departments, countries, but also cross-border areas that are culturally, naturally or climatically homogeneous.

Traditional agricultural and food products represent an expression of culture and lifestyle resulting from the local climatic, agricultural and economic conditions that determine production and processing practices. As a consequence, the traditional nature of a product is based on a collective heritage and is linked to a specific territory although it is transmitted by the migration of individuals or populations. Rural areas can, therefore, offer a diversity of traditional regional agricultural and food products reflecting the human interaction with the environment over a long period of time. Tradition implies a skill or attribute that is handed down from one generation to the next. Traditional agricultural and food products present characteristics that distinguish them from similar and generic products, either in terms of composition (specific raw material and primary products – animal breed or plant variety – and their combination) or production and processing methods. As regards processed food products, these methods can give birth to specific culinary traditions[4].

2. Frameworks and tools for protection of origin-linked products

2.1. Existing instruments for protection of agricultural products

The form of protection must be in accordance with legal provisions applicable. At international level the most significant for the protection of names are the Paris Convention and TRIPS agreements within the WTO. These agreements have almost universal application, with the Paris Convention signed by 174 countries and TRIPS agreement by 159 countries. At the national level, names are protected by a variety of laws or instruments depending on the country. These can include: specific or sui generis laws protecting identified and defined GIs; trade mark laws; product labelling regimes; laws against unfair competition; consumer fraud protection laws such as those for truth in labelling; and occasionally specific laws or decrees that protect individual names for product of a specific origin.

2.2. Definitions and context

Generic status

Generic names are commonly excluded from registration both in trade mark and GI law. However, in positive registration systems for GIs there are explicit definitions of the meaning of generic. Product names become generic when the link between the territory and the product is lost. For example, according to India´s recent GI Act generic is "the name of a good which, although relating to the place or the region where the good was originally produced or manufactured, has lost its original meaning and has become the common name of such goods and serves as a designation for or indication of the kind, nature, type or other property or characteristic of the goods." Generic status is defined in similar terms in the Regulation EU No 1151/2012 on quality schemes for agricultural products and foodstuff within the limits of the European Union.

The feta cheese case.

Several cases have produced jurisprudence relevant to defining the generic status of a product. Feta cheese from Greece exemplifies an indirect or traditional GI because it is not a geographical name but it conveys an origin to consumers. Cheese has been produced and marketed under the name "Feta" in other countries for decades. For many decades, Greece had regulated Feta production and marketing as a specific product: it recognized a GI (technically a "protected designation of origin") in 1994 and applied for EU registration the same year. Germany, France and Denmark opposed the application with the argument, inter alia, that it was a generic term. To assess whether or not the designation had become generic, an opinion survey of 12 800 EU nationals was carried out, which showed the importance given to consumer perception in assessing the generic status of product names. An expert committee evaluated diverse evidence and concluded that the name "Feta" was not generic for consumers in the Union, and the name is now protected. A phase out period for existing users of the name was granted and in October 2007, Feta indications in the EU ceased to be used by producers outside Greece. [1]

The trade mark system

Marks are "distinctive signs whose purpose is not to protect an invention but to distinguish products for consumers and vis-à-vis competitors" protected by industrial property law. Article 15.1 of TRIPS gives a definition of the trade mark: "Any sign, or any combination of signs, capable of distinguishing the goods or services of one undertaking from those of other undertakings, shall be capable of constituting a trade mark". A trade mark provides

its owner an exclusive right to designate products and services, or to authorize another entity to use it, usually but not always in return for payment. The length of the protection varies (approximately ten years), but a trade mark can be renewed indefinitely by means of additional taxes. To be considered as a lawful trade mark, a chosen sign must be, inter alia:

- Distinctive: the sign must distinguish goods and services from other goods and services in the same category;

- Non-deceptive: the sign must not be of a nature that can generate confusion among consumers, including confusion as to origin.

There are three types of marks:

Individual trade marks: they are owned by a single specified natural or legal person. The main difference with geographical indications is that they apply to particular firms or other single organisations, and as such, are more restrictive as they do not give rights to new producers within a geographic zone to use the registered name without the consent of the owner;

Collective trade marks: they are owned by a public or private group of more than one legal entity (e.g. trade association) and commercial use of them is made via the members of the group. These trade marks are mainly used to guarantee some products characteristics such as geographical origin:

Example: The Melinda collective mark is used by the 5200 members of the 16 apple producing cooperatives working in Valle di Non and Valle di Sole (Italy) who established the Melinda Consortium in 1989. [5]

Certification mark: they are the property of a group which does not trade in the relevant product itself. Certification marks indicate that products have been produced subject to given standards which may include a geographic region of production. A certification mark is the instrument that "comes closest to the one established in Roman law countries regarding appellations of origin" (OECD, 2000).[6]

Example: The Woolmark symbol is the registered trade (certification) mark of the Woolmark Company. The Woolmark is a quality assurance symbol denoting that the products on which it is applied, are made from 100% new wool and comply with performance specifications set down by the Woolmark Company. It is registered in over 140 countries and is licensed to manufacturers who are able to meet these quality standards in 65 countries. [7]

Trade marks are often used to project an image of GI products in the form of a logo or image. It is common for products for which names are registered as GIs to also have logos registered as trade marks – Café de Colombia, Darjeeling, Roquefort, Parmigiano Reggiano all project their image using figurative trade marks, while all these names are entered in the EU GI register as well. The figurative trade marks do not normally prevent other operators from using the names on non-originating product since only the full image with all components is protected. GI protection of the term (without figurative elements) therefore gives a stronger protection of the name.

Word marks have been used to protect origin-based products in developing countries. Notable examples include the protecting of the coffee names Yirgacheffe, Harrar and Sidamo[8].

According to WIPO, after decreasing in 2009, trade mark and patent applications saw a return to growth in 2010. In 2010 over 5.5 million goods and services classes where specified in the estimated 3.6 million trade mark applications filed worldwide. Looking at the geographical distribution of the applications, Europe and Asia show the highest shares of application received for trade marks filing activity (accounting for over 75% of all trade marks filing activity worldwide). Africa accounted for only 2% of trade mark applications in 2010, South Africa being the country with the highest number of trade mark filing application in 2010 (30 549), followed by Morocco (29 829) (WIPO, 2012).[9]

The case of Yirgacheffee, Harrar and Sidamo Coffee.

The Ethiopian economy is heavily dependent on coffee exports. Whilst coffees such as Harrar, Sidamo, Yirgacheffee have a reputation around the world, only 5 to 10 percent of the retail price actually goes back to Ethiopia, most of the profit being captured by middlemen and distributors. With this challenge in mind, in 2004 the government launched the Ethiopian Coffee Trademarking and Licensing Initiative. The initiative is organized and run by the Ethiopian Fine Coffee Stakeholder Committee, which is made up of cooperatives, private exporters and the Ethiopian Intellectual Property Office (EIPO) as well as other Government bodies with direct responsibility for the development of the coffee sector in Ethiopia. The key strategy agreed by the stakeholder committee, under EIPO's leadership, was to achieve wider recognition of the distinctive qualities of Ethiopian regional coffees as brands and so position them strategically in the expanding specialty coffee market; while at the same time to protect Ethiopia's ownership of the names so as to prevent their misappropriation. This would lead to a greater share of the high retail price Ethiopian coffees demand going straight to rural producers. With trademarks secured now in 28 countries, Ethiopia is building a network of licensed distributors across the world. That is, Ethiopia is inviting coffee companies, large and small, who want to use these names in marketing these Ethiopia coffees, to sign a licensing agreement and to collaborate directly with Ethiopia on a long-term plan to ensure that the coffees are traded to everyone's benefit. This initiative aims to increase the prosperity and hope for all actors through the trading chain.

The government of Ethiopia was concerned about the practicality and expense of using an IPR system to protect smallholder rights. It decided to protect its commercial origin through trade mark registration. This was seen as an effective route of protection because it would grant the government of Ethiopia the legal right to exploit, license and use the trade marked names in relation to coffee goods to the exclusion of all other traders. Unlike a GI, a trade mark registration does not require proof and certification that a specific coffee is produced in a specific region or has a particular quality in connection with that region. The trade mark registrations allowed for more flexibility and avoided imposing costs on the 4 million smallholders, many of whom are already living below the poverty line. The Stakeholder Committee therefore opted for a trade mark-based solution, with the Ethiopian government as the owner of these marks. This strategy gave the Ethiopian government greater and more effective control over the distribution of its product, which ultimately increases revenue by exporting more goods, enabling a rise in prices and benefits to farmers.

Indication of source

Generally refers to a sign that indicates that a product originates from a specific geographical region, in particular some countries. In this sense, an indication of source covers a broader scope than the GI, which refers to a specific quality or reputation. According to the World Intellectual Property Organization (WIPO) an "indication of source" means any expression or sign used to indicate that a product or service originates in a country, a region or a specific place. Many source indications therefore do not constitute a GI[10], but may nevertheless be useful tools to market product and identity. Two international agreements (Paris Convention for the Protection of Industrial Property and the Madrid Agreement for the Repression of False or Deceptive

Indications of Source on Goods) use the term **indications of source**. Neither gives a formal definition, but the language used in the latter agreement makes clear that an indication of source is a general term.

Geographical Indications defined by the TRIPS Agreement in 1994, "are indications which identify a good as originating in the territory of a member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin"..

A GI encompasses four main elements: (i) a defined geographical area of production; (ii) specific production methods; (iii) specific product quality or reputation and; (iv) a name that identifies the specific product.

A GI is a name, usually geographical, that identifies a product to which quality, reputation or other characteristics are attributable. A GI signals to consumers that the goods have characteristics or reputation as a result of their geographical origin.

A global overview of GIs today[11]

While many thousands of products with the potential of being distinguished by a GI already exist, a recent study surveying the laws in 161 countries notes that only a small number of product names are legally protected. GIs are now increasingly perceived as an opportunity in many countries to differentiate products in the market. These physical and cultural assets form the basic value-giving characteristics upon which GIs are built.

Although most of the protected GIs occur in the more developed regions, there are many candidates and potential GIs in the developing parts of the world that have been postulated by experts, some have been through the test of registration, others are unproven. The best-known include Sidamo, Yirgacheffe and Harrar (coffees), Tequila (spirit drink), Darjeeling (tea), Pampas (beef), Tellicherry (pepper), Café de Colombia, Basmati (rice), Rooibos (infusion), Antigua (coffee), and many more, with or without formal protection. Currently, only a modest number have significant economic value and their identification as potential GIs does not necessarily imply that they would enjoy market success, particularly in more developed markets.

Distribution of protected GIs worldwide by country and by product category[12]

Given the strongly evolving consumer preferences that are simultaneously seeking diversity and the assurance of value and quality, considerable opportunities are likely to emerge for new GIs. For example, even though Kampot pepper (Cambodia), Argan oil (Morocco), Chontaleño cheese (Nicaragua), and Rooibos tea (South Africa) may not yet be formally protected in their own or other countries, in some markets the names are already recognized and rewarded nonetheless.

Many GIs are marketed globally; the largest markets being the European Union and the United States. In both these markets, there are a multitude of smaller individual GIs with claims to unique characteristics or particular qualities that coexist with many large-scale GI products.

Because of the different methods of registration and the lack of a central registry, it is difficult to assess accurately the actual number of GIs in many countries. In some cases, such as in the United States, a number may be protected as trade marks and cannot be readily distinguished from marks that are source indications. In others, such as China, different systems overlap or coexist and totals are not easy to ascertain.

2.3 International Legislative Framework for protection of origin-linked products

In addition to general references in the General Agreement on Tariffs and Trade (GATT), 1947 and 1994, several international agreements offer protection for origin-linked names, via trade marks or using specific references to GIs. The Paris Convention for the Protection of Industrial Property of 1883, signed by 173 states, administered by the World Intellectual Property Organization (WIPO) provides for international recognition and protection of trade marks and GIs. WIPO also administers the Madrid Agreement on Trade Marks accounting for 56 contracting parties (for international filing and protection of trademarks)[13], and the Lisbon Agreement for the Protection

of Appellations of Origin and Their International Registration (WIPO, 2005), which has 28 signatories. These are essentially registration mechanisms.

The most significant binding legal provision is however the trade mark (Section 2) and geographical indication provisions (Articles 22 to 24) of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement within the framework of the World Trade Organization (WTO, 2005) applied to all WTO 159 members. This agreement has since 1995 required WTO members to provide a minimum standard of legal protection to geographical indications. The deadline for this was extended up to 2006 for less-developed countries. This legal protection may appeal to very different judicial forms. Broad international obligations such as the TRIPS Agreement aim to protect intellectual property, including GIs, but it is individual members of WTO that set the actual specific rules and elect when and how to commit resources to enforcement.[14]

The Paris Convention for the Protection of Industrial Property (1883)

The Paris Convention was the first international multilateral treaty to include provisions relating to indications of geographical origin. Article 1(2) of the Convention recognizes "indications of source" and "appellations of origin" as subject matter for industrial property. The Paris Convention does not directly define either of these terms, although it contains language that allows one to infer the following definition of an indication of source: "an indication referring to a country, or to a place situated therein as being the country or place of origin of a product". An indication of source provides information about the geographical origin of a product, which may or may not have a special quality, characteristic or reputation of the product for which it is used. Examples of indications of source are the mention, on a product, of the name of a country, or indications such as "product of..." as well as GIs. An indication of source can also be composed of symbols or iconic emblems associated with the area of geographical origin. Indications of source offers a measure of protection for origin-based product names and icons without the burdens associated with demonstrating specificity and/or reputation, developing a binding product specification and instituting a system of certification control. Indications of source are particularly applicable for marketing through nation branding.

The Paris Convention stipulates that, in cases of use of false indications of source on goods, the goods in question are to be seized upon importation or, ultimately, to be subject to the actions and remedies available in the country of importation. It further sets forth the obligation of Member States to ensure appropriate legal remedies for repressing the use of false indications of source. The Paris Convention also requires its members to ensure effective protection against unfair competition. For example, the use of an indication of source on a good such that it could mislead the public as to the true geographical origin of the good could be considered an act of unfair competition.[15]

The Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods (1891)

The Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods extends the protection afforded to false indications of source under the Paris Convention to deceptive indications of source as well. Deceptive indications are those which, although literally true, may be misleading. This would be the case where, for example, there are homonymous place names in two different countries, but only one place is known for the production of a particular good. If the name were used on goods from the similarly named place, the indication of source would be considered deceptive as the public would likely be led to believe that the good came from a different place. The Madrid Agreement now includes 56 Contracting Parties (and 78 for the updated 1989 Madrid Protocol – 84 distinct Contracting Parties in total for the Madrid System).[16]

The TRIPS Agreement (1994)

The TRIPS Agreement, one of the WTO Agreements, is applicable to all WTO Members. It includes a section on the protection of trade marks in Section 2 and GIs in Section 3. Section 3 of the TRIPS Agreement sets forth a definition of a GI and contains a general obligation for WTO Members to provide the legal means for protection against misleading use of a GI and against

use that constitutes an act of unfair competition. It also requires Members to refuse or invalidate registration of a trade mark that contains or consists of a GI with respect to goods not originating in the territory indicated, if use of the indication on the trade mark for such goods might mislead the public as to the true place of origin. In addition to that general obligation, Section 3 of the TRIPS Agreement requires WTO Members to provide legal means for protection against any use of GIs for wines and spirits and against registration as trade marks of those indications, even if such use or registration does not mislead the public as to the true origin of the goods.

In addition to such international agreements, countries frequently pursue regional or bilateral trade agreement to facilitate protection or preferential market access for their products. Specific protection of GIs and origin names are now common components of many agreements. For example, the North American Free Trade Agreement (NAFTA, Article 313) tri-laterally protects the United States' Tennessee and Bourbon whiskies, Canadian whisky and Mexican tequila.[17]

Trade mark Protection abroad

Once a potential trade mark is identified, there are several ways in which to register it in countries of export. The National Route allows the business to apply to the trade mark office of each country in which it is seeking protection by filing the corresponding application in the required language and paying the required fees. The Regional Route can be also used to apply for protection in countries which are members of a regional trade mark, in which case registration will have effect in the territories of all Member countries by filing an application at the relevant regional office. The regional trade mark offices include: The African Regional Industrial Property Office; The Benelux Trade mark Office; The Office for the Harmonization of the Internal Market of the European Union; The Organisation Africaine de la Propriété Intellectuelle. Finally registration can be made using an International Route: when the home country is a member of the Madrid system and the trade mark has been registered or applied for in or with effect in that country. In this case the Madrid system (administered by WIPO) allows trade mark registration in the more than 70 countries that are party to the system.

Advantages of using the Madrid system

The principal advantages of using the Madrid system are that the trade mark owner can register the trade mark in all the countries party to the system by filing: a single international application; in one language; subject to one set of fees and deadlines. Thereafter, the international registration can be maintained and renewed through a single procedure.[18]

2.4. European frameworks for protection of origin-linked products

In 1992, the European Union approved two categories for the protection of GIs: Protected Designation of Origin (PDO) and Protected Geographical Indication (PGI). These intellectual property rights extend to agricultural products and foodstuffs with the exception of wine and spirits. It is important to understand that the level of protection for both these instruments is identical, and both are entered in the same, single register. So from the perspective of intellectual property protection there is no substantive legal difference whether the word or phrase protected as a GI in the EU is entered in the register as a PDO or as a PGI.

From a marketing point of view however, the PDO indicates a closer link with the place of production than the PGI and as such has greater cachet in the market place.

The definition of a PDO requires that all phases of the production process should be localized inside the production area and the quality of the product should be strictly related to a particular geographical environment by its inherent natural and human elements: having "quality or characteristics which are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors.". "Reputation" alone does not provide a sufficient ground for classification as a PDO. The PGI

covers agricultural products and foodstuffs linked to a geographical area, where at least one of the stages of production, processing or preparation takes place within the given area: having "a specific quality, reputation or other characteristics attributable to that geographical origin". The production chain of a PDO is fully realized in a territory but in the case of a PGI it may involve external inputs and activities.

Three types of trade marks may refer to a geographical name to indicate origin-designated goods: the word mark, or more usually the certification mark and the collective mark.

European Traditional Specialties Guaranteed

A traditional specialty guaranteed (TSG) is a "traditional agricultural product or foodstuff recognized (…) for its specific character".[19] In its preamble, the TSG regulation recognizes that "economic operators should be provided with instruments … to enhance the market value of their products while protecting consumers against improper practices and guaranteeing fair trade" and that "any references which may be made to the quality in trade are substantiated". TSG registration applies to agricultural products and foodstuffs.[20] In order to register a TSG, the agricultural product or foodstuff "shall either be produced using traditional raw materials or be characterized by a traditional composition or a mode of production and/or processing reflecting a traditional type of production and/or processing". Thus, TSGs are not tied to a geographical place but to the particular practices that generate a product with a 'specific character'. The group registering the TSG may include members from more than one country and there is no explicit localization of the product or the producers. However, the product may be made from specific raw materials or make use of environmental conditions in production processes and include them in the product's description.

Another tools exist to list and identify traditional products. The **Austrian register for traditional products** is an instrument that has the objective of recording the Austrian traditional foods in an official register administered by the Federal Ministry of Agriculture, Forestry, Environment and Water Management. It has been recognized by the World Intellectual Property Organization (WIPO) for protection of "traditional knowledge". Similarly, the law in **Italy** (Art. 8 of the Legislative Decree 173/98) includes the establishment and updating of a national database of traditional products not registered in the EU system. In **Germany**, a Bavarian database of traditional products and recipes follows the same principle. All the existing initiatives may contribute to the establishment of international standards for traditional knowledge attached to agri-food products.[21]

2.5 ACP-specific frameworks

In west and central Africa, the **African Intellectual Property Organisation (OAPI)** was set up in 1962, bringing together 16 mainly francophone states. In 1977, a protection regime for GIs was adopted within the framework of the Bangui Agreement on intellectual property. The Bangui Agreement was revised in 1999 to bring it into line with the WTO TRIPS agreements, with annex VI of the agreement covering GIs. This sub-regional legal and regulatory framework enables products of designated origin to be officially recognised with immediate effect across all the member states. However the member states themselves still need to define a number of administrative and regulatory provisions, including procedures for receiving and assessing requests for GIs at state level before then being transferred to OAPI for registration; the composition and functioning of national GI committees; control systems; etc.

Penja pepper, Oku honey and Ziama-Macenta coffee are to be awarded Protected Geographic Indications by the OAPI. In 2013, the sixteen member countries of the OAPI are to recognize these three products as GIs. Penja Pepper is already reputed by chefs all over the world. Ziama-Macecenta Coffee was first exported in 2003. Oku Honey is currently only known in its region of origin. These three products have a geographical name and a special quality linked to their region of origin and local know-how. They have a reputation and are more expensive than ordinary products. This means that they are vulnerable to being usurped by operators who use the same name for different products, or simply "bad players" who do not respect the proper methods of production.[22]

The Lusaka Agreement created the **African Regional Intellectual Property Organization (ARIPO).** The Council of ARIPO adopted the Banjul Protocol on Marks which empowers the ARIPO Office to receive and process trademarks applications on behalf of states party to the Protocol. According to the Banjul Protocol a GI can be registered as collective or certification marks; an applicant may file a single application either at one of the contracting states or directly with the ARIPO Office, and designate states where protection is sought. The Banjul Protocol on Marks adopted by the Administrative Council at Banjul (Gambia) on November 19,1993 and amended on November 28, 1997, May 26, 1998 and November 26, 1999 and as amended by the Council of Ministers on August 13, 2004. ARIPO has several initiatives with respect to GI and implementation challenges. ARIPO mandated the establishment of a regional legal framework for GI protection. Whilst a roadmap and milestones are currently being developed, empirical evidence at country and product level is needed to support members engaged in developing GI protection systems. ARIPO also promotes and encourages member states to harmonize national GI protection systems.

2.6. Bilateral agreements

The EU has proposed to cover intellectual property and geographical indications in the Economic Partnership Agreements that have been concluded or are under negotiation with 7 ACP regions. In the EPA concluded the CARIFORUM (Caribbean), the partner countries will establish systems of protection by 2014. In the Southern African Development Community (SADC) EPA negotiation, the EU is in discussions with South Africa to protect agri-food GIs, building on the current protection of wines and spirits GIs – the latter has formally asked the EU to protect the names of infusions Rooibos and Honeybush and Karoo for lamb meat in this context.

In parallel to the EPA discussions in sub-Saharan Africa, the EU has joined with the African Union Commission to promote GIs as a development tool that can protect the identity of local and indigenous products throughout Africa. At regional level, 16 countries in West and Central Africa are members of the Organisation Africaine de la Propriété Intellectuelle (OAPI) based in Cameroon, which has in place a system for GI protection. As mentioned above, the first African GIs under this system were registered in 2013. A further 18 countries across sub-Saharan Africa are members of the African Regional intellectual property Office (ARIPO) based in Zimbabwe. In December 2011 ARIPO decided to develop a GI system, and EU is in the process of providing technical assistance to this project.[23] On 26.11.2012, the European Commission (DG Agriculture and Rural Development) signed the Stone Town administrative Memorandum of Understanding for cooperation with the African Regional Intellectual Property Organization (ARIPO) to improve the protection geographical indications in Africa.

2.7. Other quality schemes

Regulation of traditional products can emerge from other specific regulatory qualifications. Indeed, traditional products can also be organic, farm-made, mountain or natural parks products. The different sets of requirements generally converge as there is obviously coherence among these qualities:

- Traditional methods and resources are often similar to organic principles;
- Household and on-farm food processing are generally a reservoir of traditions;
- Traditional products could survive more easily in remote and less developed areas, such as mountains because of difficulties of agricultural modernization – an obstacle can become an asset;
- Traditional products are a precious way for natural parks to maintain traditional landscapes and human-influenced biodiversity, and a valuable resource for attracting tourism.

Synergies between different quality schemes can lower the costs of implementation, particularly those related to controls and certification. Since organic production systems have been established in many transition economies (due to the high demand from Western European countries), these systems may be used to support tradition-related quality schemes.[24]

2.8. Comparison of legal protection

- The different instruments presented above all have in common that they protect origin linked designations. They differ in terms of the level of protection applied and the conditions for being covered by the instrument. Some of the main differences are outlined below.

- Indications of source, that include country names and "produced in" labels, do not need to be registered or listed. The descriptors are used for example in normal trading and commodity markets. The link with the territory does not need to show specific characteristics or reputation due to the production, but this is not excluded. The level of protection is based on mot misleading the consumer. Regarding trademarks, an indication of source would probably be considered not sufficiently distinctive to be registered as a trade mark.

- Trade marks provide IP protection for the owner of the mark. They have to be distinctive which usually prevents geographical names being registered as word marks. Collective and certification marks provide an instrument for protecting origin indications. The level of protection is that of exclusive use for the owner for the name registered. The mark does not have to be protected in its country of origin, which means that for ACP producers, trade mark registration is an option where local IP systems are weak. The protection is absolute for the name entered in the register in the same class of product; in addition misleading uses are protected. No specification is needed in the case of word marks and for certification marks the specification need not relate to any particular standard of production. Underlying all aspects of trade mark applications and protection however is the principle that the consumer must not be misled and applications must be formulated in good faith.

- GIs are another form of IP protection and one specifically designed for origin-related terms. The name must be protected in the country of origin and relate to a product defined by an enforced specification. The level of protection is generally superior to the other IP instruments, covering exclusive use for the name in the register for like product as well as translations and uses such as "like" "type" "style" etc. For wines and spirits, protection does not depend on misleading the consumer test and many jurisdictions apply this standard to other GI products. In addition, protection may extend in some jurisdictions to evocation of the GI (e.g. with imagery) and the GI may be registerable over a prior trade mark – leading to the situation that both coexist.

- Geographic indications differ from trade marks. A trade mark is a sign used by an enterprise to distinguish its goods and services from those of other enterprises. It gives its owner the right to exclude others from using the trade mark. A geographical indication, on the other hand, tells consumers that a product is produced in a certain place and has certain characteristics or reputation that are due to that place of production (Table 2). All producers may use the geographical indication if the products share certain typical qualities, if they are made in the designated location, and if they according to procedures set out in the designated way (WIPO, 2005).[25] In the field of intellectual property, the rules have to deal with conflicts, and particularly where a name is already registered for another party. Under the "first in time, first in right" principle, producers of an originating product are prevented from seeking trade mark or GI registration if another party has already registered the name as a trade mark in good faith. In this case, producers have only two options: they can launch proceedings to obtain cancellation of the registered trade mark on the grounds that it lacks distinctiveness or is deceptive; or they can enter into negotiation with the owner of the trade mark in order to buy it. Both actions can be expensive. However, in countries that apply the "coexistence" principle, an application for a GI that is made after a trade mark has been registered can be approved – and then the GI and the trade mark will "coexist". In this case, the respective producers may be required to make clear the true origin of their respective products by a suitable label clarification. [26]

Table: Trademark versus sui generis : a comparative review

TRADEMARK	SUI GENERIS
Need of secondary meaning to register a name (except collective and certification marks)	No need of secondary meaning to register a name
"First in time, first in right"	Possible coexistence or cancellation of previous trademark
Individual right (except collective and certification marks)	Collective right
Ten-year protection, renewal and need to use	Indefinite protection, no need for renewal
Name not shielded from "genericity"	Registered names do not become "generic"
Protection: likelihood of confusion approach	Protection: no consumer confusion test; protection against translation, imitation, evocation, etc.
Registration costs	No registration costs/single fee
Private enforcement	Private and public enforcement

Source: Bagal M. N. & Vittori M. 2011. Practical Manual on Geographical Indications for ACP countries. CTA/OriGIn.

3. Socio-economic aspects of origin-linked products: contribution to rural development and lessons learned from GIs

3.1. Economic value

The market for GI products is significant, especially in the United States, Europe and the more affluent countries. The estimated value for sales of GI products worldwide is well over US$ 50 billion. The majority of that is for wines and spirits. A number of countries, ranging from Scotland to Australia and China to Chile have GI exports in excess of US$ 1 billion. Unfortunately, there are very few comprehensive estimates for the distinct origins but data for France suggest that the market value for their GI products is almost £19 billion, or close to 10% of the national food market's total value. Product registered under Italy's 430 GIs generate a value of some €12 billion and employ about 300,000 persons, while Spain's 133 GIs designated products generate approximately €3.5 billion. Products with GIs in seven other EU countries generated value of about €5.2 billion annually.[27]

Economic data on developing countries is harder to obtain, but some estimates do exist. For example, Basmati rice exports in 2007 were about US$ 1.5 billion from India alone and Pakistani exports in 2001 were US$ 250 million. Tequila's export sales were estimated at US$ 725 million in 2007 and Blue Mountain green coffee earned US$ 24 million for Jamaican exporters in 2008. A number of coffee and tea origins using GIs add several billion dollars to the trade figures.

EU Geographical Indications worth about €54 billion worldwide

The Commission published on 4 March 2013[28] a study analysing the value of the EU name protection scheme for all GIs (food and agricultural products and wines and spirits). 60% of sales of European GI products took place in the country where these products originate, while 20% took place in other EU countries and a further 20% were exported outside of the EU. Extra-EU exports represented some € 11.5 billion, mainly destined to the US (30%), Switzerland and Singapore (7% each), Canada, China, Japan and Hong-Kong (6% each). Dacian Ciolo, Commissioner for Agriculture and Rural Development, welcomed the findings: "Our GIs are worth €54.3 billion worldwide, and they represent 15 % of our total food and drinks exports. This shows their importance for the EU economy and the relevance of our efforts to promote and defend this scheme. GIs are key to generating local added-value - and jobs. They make farming in rural areas viable and the new Quality Regulation, which recently entered into force, will further reinforce this."

Over the period 2005-2010, wines accounted for 56% of all sales of food and agricultural products with a protected name produced in the European Union (€30.4 billion), agricultural products and foodstuffs for 29% (€15.8 billion), spirit drinks for 15% (€8.1 billion) and aromatised wines for 0.1% (€31.3 million).

The study also analyses the value premium of products bearing a GI, i.e. the premium that a GI can expect on the market, compared to similar non-GI products. In average GI products were estimated to be sold 2.23 times as high as compared to non-GI products.

Possible benefits by engaging a value creation and preservation process

- Maintaining and/or increasing local revenues and local employment in the different stages of the production process (production, processing, distribution).
- Allowing local people to stay and live in the production area.
- Preserving the environment and biodiversity - Maintaining traditional farming with its potential positive contributions to the landscape, favorable habitats for biodiversity and soil preservation.
- Maintaining traditional processing systems and recipes.
- Keeping alive local traditions and local culture related to the product.

A higher selling price is often one of the first aims of supporting a strategy for an origin-based product, but increased economic value also means better access to new or existing markets, thanks to the differentiation of the product.

In other words, it should allow local producers to participate in markets where they can obtain a price that covers production costs despite the presence of more lower-priced products from outside the area.

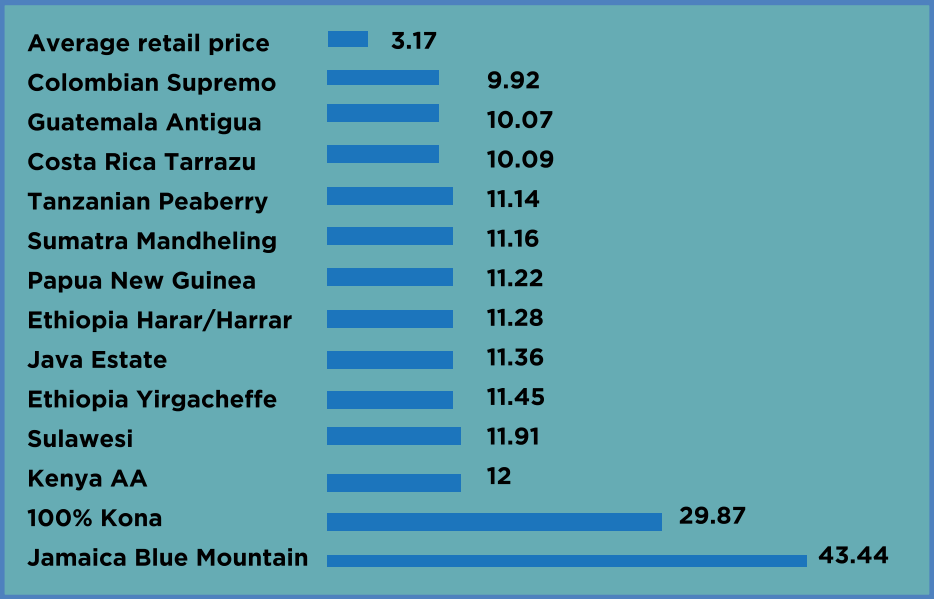
The table below shows the price premium attached to coffees marketed on the basis of origin compared with standard product. This illustrates the potential for using origin designations for accessing a higher price point. These names are not necessarily protected as trademarks or under GI systems (the Ethiopian names are protected as trade marks in the EU and US and café de Colombia is protected as a GI in the EU), but the origin identity of the products is maintained through the trading system and commodity exchanges.

One of the cases presented in the box below is for Ethiopian coffees, where trade mark protection has had positive results in terms of increased income and improved living standards of the coffee producers. Prior to the IP protection initiative, Ethiopia was receiving 6 percent of the final retail price for its coffees. Against the average final retail price ranging from US$ 20 to 28 per kilogram, the farmers were receiving as little as US$ 1 per kilogram. The trade marking and licensing scheme helped improve the situation: Yirgacheffee farmers' income doubled in 2007 in comparison with their income in 2006, with estimation that over the years the producers could secure their income at around US $6-8 per kilogram. Overall, Ethiopia's total coffee exports are expected to reach the level of US $1.2-1.6 billion as opposed to US $400 million prior to the Initiative.[29]

Premium price for differentiation

BOX 2: PREMIUM PRICE FROM DIFFERENTIATION

Comparison of prices between origin-differentiated and non-differentiated roasted coffees on international markets August - December 2006 (US dollars/pound)



Source: Teuber R, 2007

3.2. Contribution to Rural Employment

The estimation of the economic importance of traditional foods in trade and labour provision can be partially assessed through the analysis of the economic information on GIs, which constitute a well-defined and legally recognized sub-category.

Local employment provided by small food businesses contributes to maintaining economic activities and populations in rural areas, especially in less-favoured, remote zones. The specific qualities of traditional products are generally associated with an extensive system of production and handicraft processing.

In areas where mechanization is difficult or costly, such as mountainous areas, traditional production methods may be the only way to maintain activities and some employment. Production and supply costs of traditional products are generally higher than those of competitive industrial products; that is why their specific quality should be recognized and the consumer should be informed about their characteristics. Information on quality needs to be correctly shared throughout the market (individual consumer's knowledge, official quality labels and regulations on claims). Traditional products can obtain a good added-value with little investment in promotion/marketing and there is no need to create new products, and promotion is generally collective. Finally, considering the different cost structures, traditional products may not be more expensive for consumers than innovative industrial products which require high research and development (R&D) and advertising investments to enter markets.[30]

A few examples of the impact of protection on employment exist for developing countries.

Argane is an oil used for nutritional and cosmetic purposes that originates in south-west Morocco (the Souss-Massa Draâ and Essaouira regions). In addition to significantly increasing the exportation appeal, activities linked to the production of argane oil represent between 25% and 45% of the local population's income, determined by the area of production.[31] According to the figures presented by the High Commissioner for Waters and Forests and Against Desertification, the aggregated production of argane oil constitutes an equivalent of 7 million working days for families each year.[32] In 2006, about 100 female cooperatives existed, of which 93% were traditional. These cooperatives had more than 3000 members and reached an estimated average production of 125 litres per woman.

In the case of coffee in Colombia, the differentiation and positioning on the market of coffee on the basis of its geographical origin has proven to be successful. The price paid to producers (in dollars) has increased over the past few years, from $0.52 per lb in 2000–04 to $0.75 per lb in 2005–09. The establishment of the Café de Colombia GI has had positive social spillover effects in rural development as presently numerous indigenous communities in the area (including Cauca, Narino, Caldas and Sierra Nevada) produce coffee bearing the GI "Café de Colombia". In terms of jobs generated, around 4 million people work directly or indirectly in the coffee sector, which employs 35% of the total Colombian farming sector workforce. [33]

For Darjeeling tea, it is estimated that some 10,000 tons are produced annually, of which 70% is eventually exported. Furthermore, the Darjeeling tea industry employs more than 52,000 people on a full-time basis and an additional 15,000 people during harvesting season. Thus Darjeeling tea production brings benefits to the entire region, economically as well as socially. Many studies indicate that additional positive spillover effects on employment can be anticipated in sectors directly or indirectly linked to the tea industry.[34]

In Viet Nam's Phu Quoc GI about 90 firms that are primarily SMEs produce 10 million litres of Nuoc Mam, a traditional fermented fish sauce, and employ several thousand persons. Smaller firms have dominated the output of the GI and Unilever has signed a ten-year contract with a local consortium and agreed to invest up to US$ 1 million to upgrade production facilities as part of its deal to license the Phu Quoc appellation.[35]

South Africa is the only producer of Rooibos providing income and employment to more than 5000 people. In 2004 the turnover in the rooibos industry was estimated at 22.5 million Euro (Gerz et al., 2006). On average about 12 000 tons of Rooibos are produced in South Africa with a national consumption of 4'500 to 5'000 tons (SARC,

2008). Thus, 60% of the production is exported the rest of 40% is consumed domestically. South Africans` rooibos production area reached about 37'000 ha in 2005 and an increase in production is expected (USDA, 2006).[36]

3.3. Social aspects and territorial dynamics

Some origin-linked products have been produced for a long period in the same social and cultural environment. They incorporate know-how by producers regarding how to manage a sound production process and attain high specific quality within a particular local environment. The link between product, people and place often makes the origin-linked product an element of identity for local populations, transcending even its economic impact. As a consequence, the social dimension for certain products has many aspects:

- The origin-linked product is related to the preservation of the natural and cultural heritage, traditions, know-how and lifestyle in marginal areas.

- The collective dimension of the origin-linked product strengthens social linkages between local actors, not only through local organizations and greater equity in the production sector, but also externally, as all local stakeholders are involved (for example public actors, stakeholders of the tourism industry, schools, etc.).

- As a basis for a territorial quality strategy, stakeholders are not limited to the supply-chain operators but they cover a large network including other economic activities and cultural values (Tregear et al., 2007). Coordination of small-scale actors (horizontal and vertical relations along the supply-chain) of a traditional product both strengthens the local organizations and allows local actors to compete with integrated firms, thus realizing another model of reduction of the transaction costs rather than the mere vertical integration, and opportunity for public-private sector collaboration.

- Promotion of an origin-linked product increases self-esteem among local actors as their identity and related way of life, including the role of each actor (men and women, young and old people) is recognized and considered valuable. This is especially the case in remote areas, where the production system differs greatly from modern systems.

- Traditional production, and processing of these products often involves work undertaken by women, thus giving positive social and economic recognition to their work and providing an opportunity for their involvement in the creation of added value on farms or in small-scale factories.

- The sustainable management of various local resources used for food and agriculture contributes to food and livelihood security while the preservation of typical products offers consumers broader food diversity.

3.4. Origin-linked products, biodiversity and traditional knowledge

Biodiversity conservation requires healthy ecosystems and diverse plant and animal communities and populations. The sustainable use of its components should offer economic alternatives that are sustainable (i.e. relatively stable, long-term and equitable).[37] Biodiversity is not a direct objective of GI protection[38]. However, preservation of the national and regional identity heritage, including the products themselves but also know-how, plant varieties and animal breeds, biotypes and landscapes is a potential outcome of establishing such protection.

In biodiversity conservation, two subjects are dealt with separately: indirect contributions at the landscape and ecosystem level, and direct contributions to the sustainable use of biological and genetic resources[39]. Origin-linked products development can promote biodiversity conservation directly through the use of a specific natural resource. These directly derive from the fact that governance and market success contribute to the viability of rural livelihoods that depend on the sustainable use of specific biological and genetic resources. If the origin-linked products help the success of an economic activity

based on a biological resource, then the connection between them and resource conservation becomes evident. Thus, biological and genetic resource conservation is a direct consequence of the product value chain development.

Indirect conservation benefits can be obtained through production and management practices that include landscape and ecosystem considerations. A well-managed biological resource that sustains an origin-linked production system should also promote diversity within the biological system for the benefit of those biodiversity components that are not used.[40] Where GI specifications lay down restrictions on the intensity of production, this is likely to impact positively on natural resource sustainability and on biodiversity conservation. In this way the GI can give rise to "rational land use strategies"[41]. The Rooibos industry in South Africa which is located in an environmentally sensitive area has, in designing its product specification, considered biodiversity concerns and has aligned its code of practices with existing biodiversity initiatives (Bienabe et al, 2009). Thus the design of a code of practice can account for biodiversity considerations as described in the product specification (Bramley, 2011). Lybbert et al (2002) explains that resource commercialisation further leads to increases in the price of the harvested product which raises the local communities' valuation of their resource. By increasing the value of the resource, a GI thus increases the value of conserving the resource.

CASE STUDY: Cider, calvados, and perry in Normandy (Bérard & Marchenay, 2006)

Cider, perry (which resembles cider but is made from pear juice), pommeau, and calvados are beverages, or beverages that are then distilled; the basic ingredients of which are apples and pears. In Normandy in the west of France, their production has traditionally been based – and to a large extent still is – on the exploitation of the meadow orchard. This system of cultivating trees and grasslands over a long cycle provides on the same land various kinds of complementary products: fruit for beverages, grass, milk, and meat. A total of six cider-based products and six milk-based and cheese products have an AOC. The Norman meadow orchard corresponds to a historical and current reality which is simultaneously interesting to farming, the environment, the local economy, the cultural heritage, and biodiversity. Varietal diversity is particularly high there. Within the calvados area for example, there are 177 varieties officially listed and 477 designations (taxa) in the orchards identified by the Institut national des appellations d'origine. This diversity represents the production objectives: some varieties are more or less well suited for making ciders or perries for direct consumption, for the distillation of calvados, or the production of must for pommeau. In effect, the final result is often linked to the subtle mixture of different varieties. The diversity is also due to a strategy of protecting against the risks of alternation in the setting of fruit, a phenomenon that is frequent in traditional orchards. The AOC Domfront perry obtained in December 2002 is exemplary in terms of the conditions of production. On the one hand, the main variety is the plant de blanc, well-known locally, accompanied by complementary local varieties. On the other hand, this is the first AOC that strictly defines how the plant resources, pear trees, must be managed and the related agroecosystem, the orchard. Plant density (less than 150 trees per hectare), standard growth trained on high stem, association with a pasture, are criteria that correspond to local customs. This consideration of local norms and plant resources introduces a landscape dimension in the cider economy and falls within the perspective of conserving cultural biodiversity. In addition, as the traditional meadow orchard is a refuge for a certain number of animals, in particular insects, mammals, and birds, it contributes to saving many species because of the resulting biodiversity (Bérard et al. 2006).

However, GIs and other origin-linked products do not automatically give rise to positive environmental dynamics such as biodiversity preservation and the impact is likely to vary from case to case.[42] Fournier and colleagues (2009) affirm that the impacts of GI protection on biodiversity conservation are more theoretical than empirically supported.[43] Especially in developing countries, the challenges are greater than in developed economies because the institutional context tends to be weaker with regard to fraud repression, intellectual property, and natural, biological and genetic resource management.

Successful marketing of any product that leads to a significant increase in demand could place pressure on fragile ecosystems. In order to avoid the detrimental impacts of this, GI product standards could include sustainable production provisions (Downes and Laird, 1999).

CASE STUDY: Tequila (Bowen & Zapata 2009)

Bowen & Zapata examine in detail the social, economic, and ecological impacts that the agave–tequila industry has had on one community in tequila's region of origin, the town of Amatitan. They show that persistent cycles of surplus and shortage of agave and changing production relations in the agave–tequila industry have led to: (1) economic insecurity among farm households; (2) increased use of chemical inputs, at the expense of more labour-intensive cultivation practices; and (3) overall declines in fertilizer application, especially during periods in which there was a surplus of agave. The authors link these effects to the design and structure of the tequila GI which failed to protect the link between the terroir of tequila's region of origin and the quality of tequila. Terroir here is defined as reflecting not only the environmental characteristics of the region, but also the cultural practices that have evolved to maintain these resources over time. Although Mexican GI legislation explicitly requires GI products to exhibit a link to terroir, the demonstrable link to terroir was not enforced in practice. The tequila GI is virtually limited to just specifying the boundaries of production. The norms for tequila production do not specify appropriate agricultural practices or include measures designed to protect the local environment, which is progressively being degraded. Furthermore, because tequila companies tend to source their agave from across the very large, biologically heterogeneous GI region, the link between particular places and the quality and taste of tequila has been eroded. Finally, many supply chain actors (including, most importantly, the most powerful actors such as the large tequila companies and the National Chamber of the Tequila Industry) do not value the cultural practices that have influenced the evolution of tequila over the past 400 years. Consequently traditional agave cultivation techniques (i.e. intercropping with corn or beans, manual pruning) and artisanal tequila production processes (e.g., the use of wood-burning ovens to roast the agave) are threatened.[44]

GIs may lead to genetic preference in those instances where the GI product is derived from a specific resource to the exclusion of other species (Boisvert, 2006). In fact, over half of the GI cases analysed by Larson (2007) involve relevant contributions from the perspective of genetic resource conservation showing that GI specificity is closely linked to the use of unique and locally-adapted genetic resources and that governance includes the sustainable management of local landraces or breeds. Genetic resources of specific plant varieties or breeds, for example, are the result of an intentional selection made by farmers over many years. Specific agronomic, breeding techniques and raw material processing, have been locally developed, taking into account the specificities of the local environment and materials. This knowledge is often "context-specific" and "non-formalized" (non-written). It is shared within the local community, passed on through practices and usage, and it has adapted to the local changing environment and within organizations through a learning-by-doing process.[45]

GI differentiation can create a space for visibility of the sustainable use of wild biological resources and rare and endemic genetic resources in agriculture, both in public policy and in the minds of consumers. It is also an important collective governance space in which to promote and develop creative agreements and actions for the in situ conservation of biodiversity coordinated with ex situ (regional and national) conservation, characterization and breeding efforts. On the other hand, the potentially negative trends identified lie in the specialization of GIs in particular genetic resources (landraces or breeds) while excluding others; or the intention to promote the widespread use of selected clones homogenizing huge surfaces (e.g. sugar maple stands). In the former, using the name of a specific genetic resource or variety in the GI name will tend to marginalize other local varieties. In the latter case, productivity objectives emphasize the use of modern breeds or the homogenization of the resource base and thus become a threat – rather than an incentive - to diversity. In both cases, there is evidence that in developed countries either government or the governing bodies of the GIs are aware of the

potential risks of specialization and are either taking action to promote diversity (e.g. Scotch Whisky) or are developing flexible regulations that do not tie the GI to a specific genetic resource but recognize and make use of available diversity.[46] This solution is exemplified by a recent GI case in France, which localizes the generic whilst recognizing several varieties. The Chataigne d'Ardeche, shows that producers decided to maintain 19 varieties within the GI (in fact a protected designation of origin) (from an original census of 65, all local); the name describes the product, Chataigne, and the region, the Ardeche, without fixing a variety (Berard and Marchenay 2007).

In conclusion, registration of a GI alone will not generate biodiversity conservation. GI development can contribute to fulfilling such goals if certain pitfalls are avoided and opportunities are seized creatively. To do so, collective governance in value chains emerges as being one of the the fundamental qualitative features of GIs that is of use in achieving development goals.[47] As in the case of rural development, biodiversity dynamics around GIs are highly dependent on the GI's specific local dynamics and on the policy environment. In designing the latter Boisvert (2006) highlights that a participatory approach is crucial and that economic and conservation considerations cannot be separated. [48] If GIs are to make concrete contributions to long-term environmental conservation and rural development, the specification of sustainable production practices within the legal framework of GIs is essential. Bowen and Zapata (2009) argue that within GI supply chains, the preservation of the link to terroir is both a critical strategy for local actors and a guarantee of the diversity and specificity of the product.[49]

Traditional Knowledge and biodiversity conservation

It is mainly in the areas of biodiversity and agriculture that the contribution of traditional practices and traditional knowledge is being given renewed interest in Europe. For centuries, local communities have been using their practical knowledge to develop and maintain complex ecosystems, unique agroforestry systems and highly diversified local plant varieties and animal breeds, the diversity of which, together with traditional production methods, has also led to a variety of local agricultural foodstuff. At the same time, this local knowledge is not stable but the result of continuing adjustments to nature and to the needs of the local community. Local ecological knowledge is characterized by the human interaction with the environment over centuries, by the conservation mentality of local communities, and as being "holistic, inherently dynamic and constantly evolving through experimentation and innovation, fresh insight and external stimuli."[50] Biodiversity components become resources only once they are harvested or used; use is mediated by the traditional and innovative knowledge and practices (TK) of the inhabitants of a particular territory. Although wildlife may sometimes be conserved by isolating a territory from human activities, conservation of agricultural diversity relies on the TK of peasant and indigenous communities. When such communities use their biological resources to develop marketable products based on their TK, new challenges arise regarding governance of these resources and practices. Communities and organizations must build or strengthen such governance capacities, otherwise they run the risk of losing their resource-base or control over their TK. GIs are a means of providing the necessary governance to retain control over resources, TK, and the names of products that can be successfully differentiated in the market.[51] Generally, in global IPR and biodiversity negotiations, GIs have been identified as a potential tool to enhance local control over resources and promote the conservation of natural and cultural diversity (Addor & Grazioli 2002). Posey (1999) identified nine categories of "traditional resources/ indigenous intellectual property" that could be protected by peoples or communities. At least five of these could make use of GIs as part of their protection strategy: knowledge on current and previous use of plant and animal species; knowledge on preparation, processing and storage of useful species; formulations involving more than one ingredient; planting methods, management practices and selection criteria; and ecosystem conservation practices. GI registration makes the knowledge and practice publicly available. This is a form of preventive protection.

CASE STUDIES: CEVENNE NATIONAL PARK AND BREGENZERWÄLDER BERGKÄSE5[2]

In the Cévennes National Park, local ecological knowledge linked to natural resources contributed to the conservation of a highly diverse ecosystem: this national park is inhabited by more than 40 000 people, essentially farmers and livestock breeders, who have been maintaining their traditional knowledge systems over centuries, forming an important part of their cultural identity. Through traditional agricultural practices, open land like meadows or prairies are being maintained, thereby making the Cévennes National Park home to a large number of threatened plants and to 48 indigenous plant species. A good example for local knowledge used in traditional production of agricultural foodstuff is the "Bregenzerwälder Bergkäse", a traditionally produced Austrian hard cheese. The traditional practices and skills involved in the processing of regional natural resources have become a distinctive element of the cultural identity of the local community of the Bregenzerwald. These are not more but two examples which show that local communities in Europe are holding considerable local ecological knowledge and local practices in the fields of biodiversity and agriculture, safeguarding cultural heritage with long traditions.

To conclude, origin marketing devices including GIs are tools making it possible to take account of this combination of cultural and biological diversity, as long as those concerned so desire. These are options that give the opportunity to initiate, then maintain the dialogue in a concrete way between scientists, managers, the agricultural world, local authorities, and other interested individuals. Protecting local products means conserving varied local ecosystems at various levels: animals, plants (breeds and local varieties), plant associations, microbial ecosystems, including the places for maturing cheeses and the landscapes. This is also a way of maintaining in a formal way shared knowledge and practices and making them publicly available. This is all the more interesting, given that most of the products having a designation of origin label are produced in extensive systems which associate localised practices and biological diversity.[53]

3.5 Main lessons learned from GIs

GIs in comparison to other origin marketing tools have plusses and minuses. There are some potentially negative aspects associated with GIs, though these are largely the result of poor design or having inadequate governance structures. For example, badly managed GIs can be dominated by limited political interests or just a few enterprises. In some cases, GIs can exclude the poorest producers or even stimulate inappropriate outcomes such as the dissolution of traditional practices or the destruction of biodiversity.[54]

GIs are not easy to establish. Success on a large scale is often measured over years and decades and requires patient application and sustained commitment. They can entail costs, not just for organizational and institutional structures but also for ongoing operational costs such as marketing and legal enforcement.

GIs are not a viable option in many areas, particularly those whose output lacks distinguishing characteristics. Some researchers note that using GIs as a means of differentiation can benefit high-quality producers but that low-quality or the poorest producers may not benefit.[55]

The costs associated with GIs remain one of the biggest challenges to developing countries (CIRAD, 2009). In addition to costs related to the institutional framework, development of the production chain, promotion and enforcement costs, there is likely also to be costs linked to achieving and maintaining the unique qualities of the product. These include costs in defining the product specification, establishing producer organisations and control costs. CIRAD (2009) finds that costs related to quality control generally fall on the producer in developing countries and Hughes (2009) cautions in this respect that a GI will not result in an economic rent if any potential premiums go into expensive quality control. This raises again the need for developing countries to carefully estimate the net benefit of GIs through an empirical calculation of the cost of protection and profitability, bearing in mind also the indirect GI benefits and policy objectives.

On the positive side, GIs are not exclusively commercial or legal instruments, they are multi-functional. They exist in a broader

context as an integral form of rural development that can powerfully advance commercial and economic interests while fostering local values such as environmental stewardship, culture and tradition. GIs are the embodiment of 'glocalization' i.e. products and services participating in *global* markets and at the same time supportive of *local* culture and economies.

On the business side, GIs are market-oriented. They often align with emerging trade demands since they tend to have standards for quality, traceability and food safety. GIs possess many of the characteristics of an upmarket brand. They can have an impact on entire supply chains and even other products and services in a region and thereby foster business clustering and rural integration. GIs capture the distinctive aspects that emerge from a *terroir* and its associated traditional methods of production and processing that are often difficult to duplicate in other regions or countries. This differentiation from commodities can offer a valuable competitive advantage that is difficult to erode.

Examination of the existing evidence leads to the conclusion that GIs can indeed increase incomes and boost competitiveness, but do not necessarily in all cases. This is often conditioned upon, and related to, certain distinct circumstances.

They can, however, be a unique and powerful tool when adequately managed. GIs can offer a comprehensive framework for rural development since they can positively encompass issues of economic competitiveness, stakeholder equity, environmental stewardship, and socio-cultural value.

Literature review suggests that, for a GI to be successful, four components are essential:

1. *Strong organizational and institutional structures* to maintain, market, and monitor the GI. The core processes of: (i) identifying and fairly demarcating a GI (ii) organizing existing practices and standards and (iii) establishing a plan to protect and market the GI all require building local institutions and management structures with a long-term commitment to participatory methods of cooperation.

2. *Equitable participation* among the producers and enterprises in a GI region. Equitable is here defined as the participating residents of a GI region sharing reasonably in not only costs and benefits but also in the control and decisions regarding their public assets.

3. *Strong market partners* committed to promote and commercialize over the long term. Many of the GI market successes are the result of mutually beneficial business relations via which consistent market positioning and effective commercialization have led to a long-term market presence.

4. *Effective legal protection* including a strong domestic GI system. Carefully chosen protection options will permit effective monitoring and enforcement in relevant markets to reduce the likelihood of fraud that can compromise not only the GI's reputation but also its legal validity.

While GIs do have some private characteristics, they are intrinsically a 'public good'. They broadly affect the people and the resources of a region so it is critical that GI governance and legal protection are both structured to serve the greatest number and avoid capture by a few elites. GIs can thus serve as useful frameworks to drive an integrated form of market-oriented rural development that can facilitate equitable participation among all of its stakeholders.

3.6 Trade marks to Protect Geographical Names: pros and cons.

Generally speaking trade mark protection of regional agricultural products can have positive economic, social and environmental impacts comparable to the ones associated with GI adoption. As shown for example by the graph in the Box 2, coffee price premiums are significant both under GI and other protection systems, if only with different magnitudes. However, the appropriateness of one mode of protection or the other needs to be evaluated on a case-by-case basis.

A. Relative advantages of trade mark protection[56]

Procedurally, the trade mark system has an advantage given its relative convenience and cost effectiveness of registration. Any natural or legal

person can apply for a collective trade mark registration. In the case of EU MSs, since the European Union's accession to the Madrid Protocol for the International Registration of Marks, based on a valid home registration, applicants can simply designate the TM system when applying for an international registration.

Licensing allows the proprietor the freedom to choose who is to use the trade mark, how they are to use it and whether royalties will be paid. In contrast to the GI, trade marks are flexible in allowing the proprietor to also select the territories where the mark will be exploited. An individual TM may be licensed exclusively or non-exclusively for use in the whole, or one state, or a region. For example, in order to build consumer recognition of its coffees, the Ethiopian government, proprietor of CTMs for 'Sidamo', 'Harrar' and 'Yirgacheffe', chose to begin with a licensing strategy. Multinational corporations, such as Starbucks, that wish to market its coffees, are required to sign a non-exclusive, royalty-free licence. Because the licensor's power to grant licences is unrestricted, non-exclusive licensing allows Ethiopia to establish partnerships with coffee importing, roasting and distributing companies, thereby serving to increase control over marketing and supply. Lacking the financial means to fund a worldwide advertising campaign, Ethiopia is able to use non-exclusive licences to effectively subcontract the task and the cost of advertising to those in the supply chain that have the motivation and means to educate consumers.

In comparison with GIs, which rely on the past experience of consumers, the advantage of the trade mark also lies in its ability to shape the perceptions of the consuming public. Indeed, the modern mark exists a means of communicating with consumers providing consumers with various kinds of information on the goods identified by them. In order to successfully enter a market, producers may first need to create a distinguishing sign, together with the reputation that accompanies it. In particular, in the case of origin products from developing countries, the trade mark may be a good way for producers to launch a marketing strategy based on geographical origin. Thus, the figurative mark, 'Café de Colombia', incorporating the archetypal coffee grower Juan Valdez, provides a means of communicating the quality and tradition-based qualities of the product.[57] The trade mark license offers producers considerably more flexibility in choosing the most appropriate means to distribute and sell their product. This freedom is particularly helpful at the start of a promotional campaign to raise consumer awareness of a specialty product.

Clearly, each producer group needs to evaluate the product specification and the trade mark license as a potential vehicle for commercialization in light of the particular needs of their undertaking. On the one hand, the case of Parma Ham v Asda shows how producers can employ a well drawn specification to resist wholesalers and retailers driving down prices by returning the costs of processing to the 'farm gate'. On the other hand, Ethiopia chose trade mark licensing as the optimal means of taking control of the supply chain and relieving producers of promotional costs.

GIs may be considered uniquely suitable in their potential to protect the names of product associated with traditional (including indigenous) knowledge. However, this geographical indications does not protect the underlying knowledge as such which – in the absence of other forms of protection – could be used by third parties without restrictions based on the existence of such indication.[58]

B. Potential Shortcomings of Trade Mark Protection

Even though collective and certification marks do not present the problem of a geographical name in order to acquire a distinctive character to be protected, a few problems are posed by these instruments in terms of breadth of protection, costs of protection and enforcement mechanisms, such as:

- The specifications of the product (level of details and of requirements) are defined by the owner of the trade mark, without any involvement from the public authorities. US certification marks that are defined at state levels and that imply the participation of numerous farmers and processors makes the link between appellation and quality reputation uncertain (Marette & al., 2008).

- They are costly in terms of registration. This registration formality must be renewed periodically (generally every ten years).

- The protection against misuse and usurpation is based on private actions. For each case of alleged violation of their rights, the owners must prove consumer confusion. The costs linked to the trial or, upstream, to the monitoring of compliance with the defined standards are covered entirely by the owners. For example, the FNC had experienced numerous examples of third parties using terms such as 'Colombian blend' or 'Colombian type' coffee. TM protection will not necessarily prevent third parties using such terms, without a showing of unfair advantage and damage to reputation.

- There is no protection against copies that are named "type", "style" or translated names or many evocations of the registered name.[59]

In order to take advantage of the broader protection and greater cost effectiveness, the FNC decided to also protect the name under the GI system. When 'Café de Colombia' was granted the status of PGI it obtained exclusive use of the name in relation to the advertising and marketing of its coffee beans in the EU. It is now clear that references to the registered PGI that imply an association with, or are evocative of the protected designation, are prohibited.[60]

Conclusions[61]

In terms of comparative advantage, GI system seem offering the broader protection against direct competition, prohibiting unauthorized references to registered PGIs or PDOs, such as 'Feta-style' or 'Colombian blend', that are evocative of the protected designation. In contrast, while the trade mark system cannot offer geographical names the same breadth of protection, its chief advantage is lies in its flexibility as an instrument capable of accommodating variations in land use, climate, crop yields, the sourcing of raw materials and production outputs.

While producer groups should take a case-by-case approach to the choice of the TMs or GI, a few considerations may be useful when considering the alternative use of the TM and GI systems. At the start of a marketing campaign, assuming that the link between the product and the place is relatively unknown to consumers, a trade mark-based strategy offers significant advantages in promoting awareness of the linkage among relevant consumers. On the other hand, where the link between the geographical name and the product relies on consumers' existing knowledge of agricultural or culinary traditions and thus is easy to demonstrate, then the GI system offers producer groups decided advantages, notably in the breadth of protection; and associated cost efficiencies in enforcing the intellectual property. Moreover, where the linkage with the place has become so tenuous that the geographical name is subject to claims that it is generic for the product, the GI system may be more appropriate in reclaiming the reputation associated with the product for the use of local producers. Nevertheless, in order to enjoy the advantages the GI system offers, the actual conditions of production must be congruent with the definitional requirements of national GI. The more territorially extensive, the less structured an agricultural enterprise, the more likely the TM will be the more appropriate form of protection. Equally, the advantages of GI system are contingent upon producers being able to sustain the costs of a product inspection or certification system. In short, some common problems faced by applicants for a GI, including the need to establish a link between product reputation and place of production, changes in methods or volumes of production, and difficulties establishing inspection structures, can be avoided by utilizing the greater flexibility of the TM system. Once the link between the reputation of the product and the place is established and the conditions of production stabilize, the agricultural undertaking is well placed to offset the reduced flexibility of the GI system against the breadth of protection it provides. It is then opportune to consider dual registration under CTM and GI systems.

4. Overview and case studies of origin-linked products at regional and local level

4.1.The US

The United States has many regional products and origin-based products, and historically demonstrated interest for a specific origin indication instrument in wines.

The history of GIs in the United States shows a more product-oriented application, primarily as a marketing tool with which to recognize and reward producers and quality production. Many of the most popular agri-food GIs in the United States are wide-reaching and even state-wide in scope (e.g. Idaho potatoes) and serve as a market identity (e.g. Washington apples and Florida citrus, Kona coffee and wines under the American Viticultural Areas (AVA) system. There has been less focus on the development of diverse or distinct rural areas. However, recent interest in local foods has triggered a number of new and mostly small scale initiatives including the Missouri Regional Cuisines Project that promotes local cuisine and culture via GIs.[62]

Within the framework of the oriGIn's Worldwide Compilation of Geographical Indications (GIs) protected in the world, Richard Mendelson and Zachary Wood of the University of California Berkeley School of Law finalized a preliminary list of candidate U.S. GIs, together with a methodology developed to assemble such list.[63]

4.2. China, India, Indonesian and the Asian context

In Asia, activities surrounding GI protection and registration are moving forward[64]. Turkey has 67 registered GI products, based on law 555 of 1995 (Ilbert, pers. com). Pakistan does not have a sui generis system of GI protection (Shah 2003) but they have certain protection in the Pakistan Trade mark Ordinance of 2001. In addition, they foresee a GI registration system akin to that of trade marks but in which communities would file the application.

India passed a GI law in 1999 – the Geographical Indications of goods registration and protection act 47 - which covers all types of goods, including natural resources (e.g. coal and bauxite) and manufactured goods (e.g. Kanchipuram sarees and Kohlapuri sandals).

They add the clarification that non-geographical names with geographical meaning are included and explicitly define that a "geographical indication shall be deemed to be deceptively similar to another geographical indication if it so nearly resembles that other geographical indication as to be likely to deceive or cause confusion"; also clearly stating those that shall not be registered, including generic indications. To date, 28 GIs have been registered including Darjeeling, several fabrics (silks, shawls, towels) and foodstuffs.

GI system in China

China maintains two parallel and independent systems for protecting Geographical Indications. The first is a trade mark registration system administered through the Trade mark Office as collective trade mark and the second is the Special Label programme for the Protection of Geographical Indications or Marks of Origin through the Administration for Quality Supervision, Inspection and Quarantine (AQSIQ).. The Special Label system specifically deals with GIs and distinguishes them with a special label indicating a registered 'geographic indication product'. The governing agencies administering China's two GI systems are separate and operate independently of each other. There were 100 registered certification trade marks in 2003 (out of 233 existing applications) A GI registered under the Special Label programme may subsequently also be registered as a certification or collective mark. It appears that several producer groups choose to register their GI under both regimes. In addition, the Ministry of Agriculture operates its own GI initiative, with the intention of emphasizing environmental protection and specific traditional agricultural production methods. In practice it happens for GIs to be protected under two of the three legal acts at the same time. If a GI meets the requirements of all the three legal acts and is registered respectively under the three legal frameworks it could even be protected under all of them at the same time. As the two main systems operate independently under

different governing legislation, the relationship between Special Labels and certification/collective marks is ambiguous, and sometimes there is little precedent to gauge how rules are to be interpreted.

GI system in India

As far as India is concerned, although the country has had in its possession a considerable number of products that could qualify as geographical designators, the initiatives to exploit this potential began only recently when the country established a sui generis system of GI protection with the enactment of 'The Geographical Indications of Goods (Registration & Protection) Act, 1999' (GI Act), coupled with the 'Geographical Indications of Goods (Registration and Protection) Rules, 2002 (GI Rules). Prior to this legislation there was no separate law dealing specifically with GIs in India. The GI Act was drafted as a part of the exercise in the country to set in place national intellectual property laws in compliance with India's obligations under TRIPS. Under the purview of the GI Act, which came into force, along with the GI Rules, with effect from 15 September 2003, the Central Government of India has established the Geographical Indications Registry with all India jurisdiction in Chennai. The GI Act is being administered by the Controller General of Patents, Designs and Trade Marks - who is the Registrar of Geographical Indications. Interestingly, unlike TRIPS, the counterpart of Article 23 in the GI Act does not restrict itself to wines and spirits only. Instead it has been left to the discretion of the Central Government to decide which products should be accorded such higher level of protection. This approach has deliberately been taken by the drafters of the Indian Act with the aim of providing the Article 23-type stringent protection to GIs of Indian origin, most of which do not relate to wines or spirits. However, other WTO Members are not obligated to ensure Article 23-type protection to all Indian GIs, thereby leaving room for their misappropriation in the international arena.[65]

Among the first registered GIs in India are such well-regarded names as: Darjeeling tea; Chanderi saree; Kancheepuram silk; Kullu shawl; Kangra tea; Coorg orange; Nanjanagud banana; Mysore sandalwood oil; Mysore sandal soap; Bidriware; Channapatna toys and dolls; Mysore rosewood inlay; Kasuti embroidery; and Mysore traditional paintings.66 Many other well-known GIs are recognized in India, yet remain unregistered. A number of lesser-known products with modest production and local markets (e.g. Mysore Jasmine and Pochampally Ikat) have quickly been granted protection, indicating interest in GI protection not only for exports, but for the domestic market as well. Policymakers believe that registering GIs for handicrafts and textiles could help the revival of traditional Indian crafts that are disappearing. Nevertheless, many are aware that GI registration alone will be insufficient and that these sectors need other complementary forms of development. In agriculture, GIs are perceived as one means to resuscitate traditional 'heirloom' varieties, such as Coorg Oranges, which suffered declining interest.[67]

GIs in Indonesia

Indonesia is a very large country, consisting of thousands of islands, and the geographical, social and traditional conditions vary widely. As a consequence, the country produces many products with specific local characteristics and market reputations, such as Toraja coffee from southern Sulawesi, Muntok white pepper from Bangka Island, Deli tobacco from northern Sumatra, Bali vanilla from Bali and Banda nutmeg from Banda Island. These products could obtain protection from a GI system. Shortly after ratifying the WTO TRIPs Agreement, Indonesia established Law 15 of 2001 regarding trade marks, in which GI protection is mentioned in Chapter 56. Since this is a new system in Indonesia, a pilot project was carried out focusing on Arabica coffee in the Kintamani highlands of Bali in order to study implementation aspects of GI protection. The Indonesian Government decided to develop a GI system to improve product competitiveness on the basis of quality and legal protection. The constitution of a GI system is also expected to avoid intellectual property conflict over the use of geographical names, such as the coffee trade mark conflict in Japan over the use of the name "Toraja" (Key Coffee, 2002). A pilot project to implement a GI system in the Kintamani highlands was initiated by improving the quality and consistency of Bali coffee. The government launched a quality improvement programme in the area in collaboration with the private sector in 1997, but more concentrated activities have been carried out since 2002 in parallel

with execution of the pilot GI project. The pilot project has borne fruit in the shape of a certificate of GI protection for Kintamani Bali Arabica coffee issued by the Directorate General for Intellectual Property Rights of the Ministry of Law and Human Rights on 5 December 2008. "Kopi Arabika Kintamani Bali" is the first GI protected product in Indonesia.[68]

As shown by the Indonesian example, a clear and adequate legal framework that protects GIs domestically is a useful early step. However, most of the development work occurs at ground level in the region where the GI is located. To be most effective, GIs require decentralization of necessary power and resources to local management structures that include a balance of decision-making power vested in both public and private sector participants, and not just government.[69]

Sri Lanka, which relies overwhelmingly on its most famous Ceylon Tea GI,50 set up provisions for GI protection (2003) in intellectual property law, giving the same protection to agricultural products as to wines and spirits. It is a sui generis protection system without registration, similar to copyright[70].

Korean Ginseng was the country's first GI scheme restricting the use of this designation to raw materials from Korea (1996), further localizing Red and White Ginseng to local raw materials. It later adopted a protection system closely resembling AO protection applied to raw materials and processed agriculture and fisheries goods (Agro-fishery Products Quality Management Act, December 1998, in force since July 1999).

4.3. Developing countries

Certain aspects of GIs make them especially attractive to developing countries. Contrarily to other IPRs, GIs can be a tool to preserve local know-how by transforming traditional knowledge into commercial products. GIs would protect the value and identification of local differentiated products. Secondly, GIs encourage alliances among producers and processors to standardize their production and processing practices. In addition to strengthening local capacity and increasing local cohesion and identity, this also counters the delocalization of production by large enterprises as GIs can only be produced in a given place which gives the product its added value. GIs facilitate access to markets where consumers – from North and South – have shown preference for such distinct products. Eventually this should have positive impacts on the economy, for instance by increasing producers' revenues, favouring tourism development, reducing urban migration. GIs could also allow for a better redistribution of the added value obtained in the production chain, thus keeping more value at the collective producer level.[71]

Bramley (2009) divides the potential socio-economic benefits of GI protection among: quality signaling in support of consumer and producer welfare, improved market access through differentiation and value creation, rural development dynamics, preservation of traditional knowledge and preservation of biodiversity. In general, Fournier considers developing countries to protect GIs less against counterfaction and more for product promotion and socio-environmental benefits (Fournier et al.).

Central and South America

Most Latin American countries have legal protection systems in place to protect traditional agricultural products, usually through AO, codified in industrial property law. The Andean Community countries have mutually recognised national AO registers and have high confidence in the potential origin protection could provide for their TK and genetic resources[72]. Central America have statutory protection of AO but no equivalent of PGIs. GIs are being discussed within the scope of EPAs ratification by CARICOM countries[73]. For CARICOM countries, full compliance with the EPA will require the implementation of approximately 10 international IPR-related agreements that will substantively affect regional IPR protection. Protection required under EPA's unification standards of GIs is expected to benefit local producers, especially the smaller ones. Many products covered by origin-protection such as Blue Mountain Coffee and Appleton Rum in Jamaica are expected to grow with the implementation of the EPA by establishing a specific GI regime. In Guyana, Jamaica, Saint Vincent and the Grenadines sui generis laws have been adopted but have not yet entered into force or have

not yet been implemented[74]. In the Caribbean, the Blue Mountain coffee from Jamaica is protected as a GI under trade mark rules[75]. This coffee has a Renowned origin and built its way back from a notoriously low-quality producer to one of the most remunerative GIs with strong state support. As the origin becomes fully established, the controls have become more private-sector oriented with the government playing more of a regulatory than commercial role. Cuba also has 19 protected GIs for tobacco and cigars, placing as one of the countries with the largest number of protected GIs[76]. Dominican Republic registered 6 GIs for tobacco and bananas.

Asia and Pacific

In Asia, activities are generally moving forward rapidly (Wagle, 2007). For instance, Turkey has about 67 registered GIs, protected under law 555 of 1995 (Larson 2007). However, in the Pacific little to no development currently exists concerning origin-linked legislation andat the moment there are no GIs registered in the Pacific.

Africa as Apart from over 200 wine GIs in South Africa, only three geographical indications for foodstuffs exist in sub Saharan Africa.

In **Africa**, Zambia registered a GI for handicraft[77]. For foodstuffs, Penja pepper, Oku honey and Ziama-Macenta coffee are to be awarded Protected Geographic Indications by the OAPI. In 2013, some sixteen African countries are to recognize these three products as PGIs. Penja pepper (Cameroon) is highly sought after by the greatest chefs and gourmets. Its quality stems from the specificities of the terroir in Penja, in terms of both soil and climate, and the particular skills of small-scale producers in the region. Oku honey (Cameroon) is a rare honey recognisable by its white colour and naturally creamy texture. The bees live on the slopes of Mount Oku, at heights of up to 2000 m above sea level or thereabouts, in the protected forest of Kilum-Ijim, a biodiversity hotspot covering an area of some 20 000 ha. The beekeepers install hives colonized beforehand in grassland areas. Ziama-Macenta coffee (Guinea) has characteristics similar to those of an arabica: a slightly acid taste with little bitterness, high aromatic intensity and a persistent strong, fine aroma. These characteristics, which are remarkable for a robusta, stem from the soil and microclimate around Mount Ziama in Forest Guinea.[78] In addition both Kenyan coffee and Kenyan tea are registered in Kenya through certification marks. Argan oil from the Souss Massa Dra region in Morocco is also registered. Increasingly African origin-based products are registered in third countries as trademarks: Rwandan coffee is registered as US trade mark whilst the three Ethiopian coffee names are registered as trade marks in 28 countries including the EU[79].

Rwanda launched a program to connect farmers to retail coffee market with the aim to develop a brand, which will be owned by farmers and will help them have 100% of the gross brand margin. This will be done through the establishment of a trust fund where companies will return 16% of profit to the farmers via the Trust Fund. [80]

Table 2:
Available Legal Regime for GI Protection in 47 African Countries

Country	Legal Regime	WTO Member
Algeria	Specific GI protection regime	No
Angola	Trademark regime	Yes
Benin*	Specific GI protection regime	Yes
Botswana**	Trademark regime	Yes
Burkina Faso*	Specific GI protection regime	Yes
Burundi	Trademark regime	Yes
Cameroon*	Specific GI protection regime	Yes
Central African Republic*	Specific GI protection regime	Yes
Chad*	Specific GI protection regime	Yes
Congo Republic*	Specific GI protection regime	Yes
D. R. Congo*	Specific GI protection regime	Yes
Egypt	Trademark regime	Yes
Equatorial Guinea*	Specific GI protection regime	Yes
Ethiopia	Trademark regime	No
Gabon*	Specific GI protection regime	Yes
Gambia**	Trademark regime	Yes
Ghana**	Trademark regime	Yes
Guinea*	Specific GI protection regime	Yes
Guinea Bissau*	Specific GI protection regime	Yes
Ivory Coast*	Specific GI protection regime	Yes
Kenya**	Trademark regime	Yes
Lesotho**	Trademark regime	Yes
Liberia	Trademark regime	Yes
Libya	Trademark regime	No
Madagascar	Trademark regime	Yes
Malawi**	Trademark regime	Yes
Mali*	Specific GI protection regime	Yes
Mauritania*	Specific GI protection regime	Yes
Mauritius	Specific GI protection regime	Yes
Morocco	Specific GI protection regime	Yes
Mozambique**	Specific GI protection regime	Yes
Namibia**	Trademark regime	Yes
Niger*	Specific GI protection regime	Yes
Nigeria	Trademark regime	Yes
Rwanda	Trademark regime	Yes
Senegal*	Specific GI protection regime	Yes
Seychelles	Trademark regime	No
Sierra Leone**	Trademark regime	Yes
South Africa	Trademark regime (except for wines and spirits)	Yes
Sudan**	Trademark regime	No
Swaziland**	Trademark regime	Yes
Tanzania**	Trademark regime	Yes
Togo*	Specific GI protection regime	Yes
Tunisia	Specific GI protection regime	Yes
Uganda**	Trademark regime	Yes
Zambia**	Trademark regime	Yes
Zimbabwe**	Specific GI protection regime	Yes

Source: O'Connor/Insight Consulting 2007

In the future, it is likely that the number of protected origin-linked product names, including as registered GIs, in ACP countries will increase. The ratification of EPAs by CARIFORUM and other countries, the increasing interest demonstrated at local and international level on the subject of GI and protection of traditional agricultural products as well as the recent MoU between ARIPO and EU are likely to result in increased interest in GIs registered in developing countries.

The following names have been identified as origin linked product, and while few have been through the test of an examination system, they give an indication of the kinds of origin-linked product names that may be seen more in international commerce:

- Zanzibar cloves from Tanzania
- Rift Valley Coffee from Tanzania
- Sidamo coffee from Ethiopia
- Rooibos from South Africa
- Karoo lamb from South Africa
- Beurre de karité du plateau Massif from Burkina Faso
- Miel blanc d'Oku from Cameroon
- Poivre blanc de Penja from Cameroon
- Shama shea butter from Ghana
- Ghana Fine Flavour Cocoa
- Café Diama from Guinea
- Rwanda Mountain Coffee
- Mount Kenya Roses
- Ngoro Ngoro Mountain coffee from Kenya

- Rodrigues Limes from Mauritius
- Karakoel pelt from Namibia
- Senegal Yett
- West Nile district cotton from Uganda
- West Nile Honey from Uganda[81]

The variety of products originating from ACP countries, together with studies showing evidence of consumer interest in origin marketing both in developed and developing countries' consumers[82], demonstrate that the approach has the potential to become an opportunity for sustainable development in ACP countries.

4.3.1. Specific cases of protection of agricultural food products in ACP countries

Local staple food GARI (cassava semolina) from Savalou (Bénin)[83]

Gari is the favorite staple food all over Western Africa. It is made from toasted cassava semolina. In the village of Savalou (Benin, West Africa), a special type of Gari, called Gari missè, is produced and its fame is widespread throughout the country. Quality control is carried out at the processing and trading stages by a group of Savalou women processors. They only allow women whom they know and trust into their processing. The women processors themselves treat directly most of the products. Within the group, a social control is imposed to respect correct processing rules and marketing practices. A lack of respect for the rules entails the risk of being expelled from the group.

The link with the physical environment PICO DUARTE COFFEE (Dominican Republic)[84]

A study carried out by the Dominican Institute of Research on Agriculture and Forest (IDIAF) and CIRAD for the PROCA2 Project assessed the quality potential of different production zones in the Dominican Republic. Researchers bought coffee made from 100 percent red cherries and processed it in order to obtain an optimal quality (pulping within a few hours of harvesting, controlling of the fermentation cycle, double washing with clean water, controlling the humidity rate and so on). The coffee quality was assessed physically (size, number of defects, density and colour of the beans) and cup attributes. This study revealed the specificity and potential of each of the Dominican coffee production zones. This activated many projects for developing origin-linked coffees, including by means of GIs. Indeed, a discussion between local actors in different production areas arose based on the scientific findings, aiming to define more precisely the geographical boundaries, especially altitude and administrative boundaries. One of the GI initiatives is Pico Duarte Coffee.

Registering a GI to prevent the private registration of a geographical name (Dominican Republic)[85]:

In the Dominican Republic, as in other countries, many geographical names have been registered as private trade marks by individual firms. For example, many coffee trade marks are registered according to national Dominican law. This has caused serious problems for local initiatives to qualify local coffee by means of a Geographical Indication, because all the "meaningful" geographical names (such as the name of the Pico Duarte, the highest mountain in the Caribbean region) have already been privately registered.

The role of travellers and of emigrants in promoting the product and building its reputation – MAMOU CHILI (Guinea)[86]

In Guinea-Conakry (Western Africa), chili from Mamou, which cannot be obtained elsewhere, is famous throughout the entire nation because of its strong taste. Guineans who travel abroad always choose Mamou chili as a gift. It is also very popular and recognized among the Guinean communities abroad. This product enjoys a strong external network of faithful consumers abroad, who prefer this product and give it a high symbolic value. This wide diffusion through travellers and migrants is clearly a very important support for this local product.

Rural development through ROOIBOS HERBALTEA (South Africa)[87]

Rooibos is unique to the Cape floral kingdom, known locally as the fynbos and grows exclusively in the Northern and Western Cape province of South Africa. Rooibos herbal tea is endemic to a part of the country and considered as part of the South African patrimony. The main motivation of leading producers for developing a GI was to fight product usurpation, risk of delocalization of the activities and to address the rapid increase in demand. However,

defining a common strategy was not easy. Rooibos tea is competing on the world tea market with green teas as well as with herbal teas and benefits from the favourable trend for these products in developed countries.[88]

- GIs in national law: In South Africa only wine and spirits are protected by the Wine of Origin Scheme which has to date 22 regulations including also delimitation of the Geographic areas. For non-alcoholic products the current legal framework only provides for the protection of GIs as collective trade marks. But South Africa regards the word rooibos as a national good, so it cannot nationally be registered as privately owned trade mark (Gerz et al., 2006).

- Challenges for South Africa's Rooibos tea: The major problem is that about 95% of the product is currently exported in bulk and it follows a significant opportunity for down-stream value adding exists (Troskie, 2007; Biénabe et al., 2008). The weak position at the international market is one of the most serious challenges South African Rooibos producers face. There is evidence that teas with very low proportion of actual rooibos or mainly sticks are labelled and marketed as Rooibos (Biénabe et al., 2007). Between 1993 and 2003 the export market grew by 742% and usurpation was the main driving force for the Rooibos GI initiative (Biénabe et al., 2008). For several years Rooibos Ltd. was involved in a Law suit dealing with the problem of trade mark protection of a generic term "rooibos" to retrieve the right to sell the companies products under the name rooibos in the United States.

However, also some difficulties would have to be overcome before/with the introduction of a GI. A clear challenge would be to ensure better control over the rooibos quality and to combine the GI and the biodiversity conservation strategy, as rooibos is being produced in and attached to a highly biodiverse area (Biénabe et al., 2007). As most rooibos producers are not smallholders, but are large scale producers and the processing sector is also highly concentrated, large players have a powerful market position as well as the financial means to make the investments needed to capture benefits from commercial rooibos markets (Gerz et al., 2006).

5. Positioning origin-linked products and demand side considerations

The realization of the potential benefits of GI label rest on the policy presumption that there is an increasing interest of consumers in qualitative aspects of foodstuffs[89].

The demand for credence attributes in food products has been increasing in recent years due to consumers' interest in food safety, health, and the environment[90]. Consumers are strong drivers of the change towards high quality and short supply chains. As people earn more, they consume a wider range of products: they are less concerned with quantity and more with quality (Malassis, 1996). And as the source of food becomes more distant both geographically and culturally, consumers tend to want guarantees that their food is genuine and safe. Livestock-disease scares, pesticide contamination and transgenic crops raise worries among consumers about what they eat. Regional products that are guaranteed to come from a specific area (this is known as 'traceability') and are made in a particular way are one way to restore trust among consumers. But reassurance is not just a matter of health or hygiene. More fundamentally, it is linked to the unique relation between people and food: food is the only consumer good that consumers literally 'in-corporate'. For many consumers, food is life, and food is culture. This 'incorporation principle' (Fischler, 1990) explains why people are so sensitive to food scares. But also means that food can carry values and link producers with consumers – ties that simply do not exist with manufactured products such as shoes or soccer balls.[91]

According to Unnevehr et al. (2011), information is crucial for determining, maintaining, and communicating food product quality, differentiation, and safety. In this context, food labels could mitigate the imperfect information problems, promoting market incentives (Caswell & Padberg, 1992; Unnevehr et al. 2011) and highlighting product attributes that may be desirable for specific niche markets (Golan et al. 2001; Unnevehr et al. 2011).[92] In theory, the information asymmetry between the producer and the consumer can be addressed through informative labelling, conveying significant information to consumers in a simple manner.

5.1. Origin-linked products and consumers perceptions and uses

Consumers show great awareness for origin but less for specific GI-related labels in EU

According to a Eurobarometer poll from 1999 this is how European consumers perceive GIs (poll carried out between 29 October 1998 to 10 December 1998, in EU-15 of 16 214 people):[93]

- 37 percent think of GIs as a guarantee of origin
- 37 percent think of GIs as a guarantee of quality
- 56 percent think of GIs as a guarantee of place and method of production
- 17 percent associate GIs with tradition and European consumers' willingness to pay price premiums:
- 43% were willing to pay up to an extra 10% for GI products
- 8% were willing to pay up to an extra 20% for GI products
- 3% were willing to pay up to an extra 30% for GI products

These results demonstrate that almost half of the European consumers claim to be willing to pay a price premium for being guaranteed the origin of the product. Furthermore, the results imply that Europeans to a great extent recognize origin labelling and associate it with a guarantee of a specific origin.

Another Eurobarometer poll from 1998 (carried out in a similar manner to the one in 1999, described for above) showed only 6.3 percent of the consumers knew the three letters "PDO", and 13.5 percent the full denomination "protected designation of origin". Moreover, a third of the consumers knew that the PDO label implies that the product has a well-defined geographical origin, and a quarter could say that the main ingredients must all come from the production area.[94]

More recently, Eurobarometer (February 2005) presented a study on Europeans' perception of the European agricultural policies (the CAP).72 The survey was conducted among 25 000 European citizens from all 25 member states. The

poll did not address specific GI concerns, but it did reveal that issues such as food quality and origin of food products are of importance to European consumers.[73] It also showed that 45 percent of the EU consumers found that the CAP plays its role well in protecting the specificity and taste of European agricultural products.[95]

Taking the polls together, one can conclude that quality and origin is of importance to the European consumers, which signals that they would be prepared to pay price premiums for products which guarantee origin and production methods. However, it is unclear how familiar the typical EU consumer is with the labelling used to designate origin within the Union (the PDO/PGI designations), and hence, it is also unclear if the PDO/PGI label in itself contributes to the existence of price premiums.[96]

Consumers are willing to pay more for origin-linked products

There is evidence of consumer preferences for regional products in developing countries, even though these are generally not labelled as such. A recent study showed urban consumers in Vietnam identify up to 265 'local specialty' food products that associate the place of production with the expectation of a higher quality (Tran, 2005). Market data on coffee in Costa Rica show that customers in supermarkets and small shops alike rank place of origin as the first criteria that determines coffee quality (Galland, 2005). A review of local foods and the expertise of preparing it in West Africa shows the relevance of these foods for women's employment and income generation, as well as their broad spread in urban diets, including in restaurants and street food vendors (ALISA, 2003).

The results of the work on consumer perceptions of GI logos above, show how unlikely it is for consumers to be moved to buy a product because of the administrative and technical registration instrument the name is protected – any more than people will buy a brand of clothing because the brand name is or is not entered in the Madrid system of trade mark registration. Instead, other motivations, such as taste, origin, quality and perceived food safety (which is related to traceability) are likely to be much stronger (Gerz and Dupont 2006). Van Ittersum et al. (2007)'s study covers six different GI products from three different European countries, namely Italy, Greece and the Netherlands. The main result is that consumers' image of regional certification labels consists of a quality warranty and an economic support dimension. The quality warranty dimension means that consumers perceive these products as being of a higher quality which results in a positive willingness to buy (WTB) and willingness to pay (WTP). Additionally, a positive WTB and WTP can be a due to the economic support dimension, i.e. the belief to support the local economy by buying these products. The results highlight that the GI label without additional information has got no positive impact on perceived quality of the product while the GI label, if explained by the vendor with the story behind the product, influences the quality perception and purchase intention positively. It can be summarized that the empirical evidence so far suggests that the most important aspect for the success of a product registered as a GI is the perceived higher quality compared to non-protected products. In this context it must be stressed that quality is a social construct and may vary for specific products and between individuals. Moreover, quality in relation to regionally denominated foods is closely related to other socially constructed concepts such as "authenticity", "healthy" and "tradition". This notion is important in that respect, that if regionally denominated products are perceived as being of a higher quality, this higher quality can comprise many different aspects. [97]

Consumers tend to have little understanding of GI labels and are confused about their meaning

If the quality warranty aspect of GI labels is central to consumers, it is important for consumers to understand the meaning of such labels. However, the presence on the market of labels highlighting peculiar features of quality products does not seem to completely fill the information gap between consumers and producers and, thus, solve asymmetric information problems. Research shows that consumers tend to have a low perception of specific GI logos. In a study only 51 % of respondents stated correctly that the symbols signal that the product is produced in a specific area. About one fourth of the respondents erroneously believe that these symbols signal an environmentally friendly production.[98]

Therefore, consumers "acceptability of food labelling programs may depend on the level of available information on the market and on consumers" awareness of the food characteristics guaranteed by such labels.[99] According to Lusk & Briggeman (2009), when people have little knowledge or experience on food product attributes, the corresponding measured preferences may be less stable. (See also Aprile et al. 2009). A study[100] demonstrated that providing information on the meaning of food labels – i.e. the story behind the product – changed in an economically important way consumers' WTP for a certain product. This finding is consistent with the hypothesis that consumers' valuation for European quality labels is directly linked to the level of knowledge about the meaning of these labels.

5.3 The importance of effective market positioning

Truthful, meaningful and educational labelling in itself contributes to the creation of a fair competition environment. Another positioning choice regards the role played by the logo or brand of individual producers. In some situations producers take advantage and give more emphasis to the firm brand (when the internal concurrence is strong and there is a need for differentiation, or when quality levels inside the GI system are very differentiated). In other situations, producers prefer to give more emphasis to the GI and collective logo. Another strategy for positioning the GI product is to associate the GI label with another differentiation label such as "fair-trade", or to participate in national or international food fairs in order to obtain formal recognition by professional peers. One essential element for positioning is to associate the GI product with specific values relevant for each consumer segment; for example, tradition, taste, environmental responsibility, social equity, fair distribution of revenues, and so on. In this regard, a logo or labelling referring to the specific quality of a certain GI (common to all products coming from the firms using such a GI) gives the consumer the possibility to recognize and position the related values (terroir, origin, etc.) of the products and prefer them; thus the importance of a collective organization to develop such a strategy. Moreover, different quality attributes do interact with each other, which can lead to possible conflicts[101]. One important aspect in this regard is the interaction of regional certification labels with brands.

Better labelling and attention to marketing

The packaging and labelling contributes to value creation. Labelling provides important information about product characteristics (composition, nutritional facts, description of how to use the product), about specificity related to the GI. In terms of quality and origin, when the GI logo is affixed to the product, the label guarantees the existence of a verification/certification system. Information can also be given that reinforces the image of the GI attributes; for example information, on the specificity of the production process and on natural resources used in it, the know-how, the link with the culture of the production area, etc. A label can also suggest possible utilization of the product in culinary preparations by "non-expert" consumers; for example, providing traditional recipes, suggestions for conservation, and so on. This can facilitate usage by consumers and increase opportunities to buy and consume the product. By means of an appropriate design of the brand and proper packaging and labelling it is possible to create several product lines originating from the same GI product in order to address the consumer's needs for a more choices, especially in terms of "services" included with the product.[102].

Local and international markets involve two very different production and market scales. Origin-linked products and GI cases from developed countries showed that regional and national markets are the most important for traditional foods because the consumers are both physically and culturally closer to producers. Thus, it is useful to explicitly address the promotion of and access to regional and national markets, recognizing their economic and cultural specificities and the fact that they will be growing steadily over the next century, in developing countries[103].

CONSUMER SUPPORT: EXAMPLE OF SLOW FOOD

Slow Food is an international association operating since 1986 to safeguard the international oenogastronomic heritage through the enhancement of typical products and the promotion of agrifood quality and taste education of consumers. The Slow Food Foundation for Biodiversity was born in 2003 with the objective to protect agricultural biodiversity and the folk as well as food traditions in the world. More specifically, the Foundation is active in the realization of the following projects:

- the Ark of Taste, inventory of traditional quality agrifood products that are disappearing;
- Slow Food Presidia, specific projects created to protect small producers and save plant species, animal breeds and quality folk products and;
- The Earth Markets, focused on small-scale producers of origin-linked quality products, which offers an important commercial opening to local communities.

Every two years Terra Madre allows producers from all over the world and operators of the sector (cooks, universities, journalists; 167,000 visitors in 2006) to meet and raise awareness of their food products and sample other food products during the Salone del Gusto.

Source: www.slowfoodfoundation.org

Conclusion

No panacea but strategic choices and trade-offs...

Given such a varied and disparate global legal landscape, when it comes to deciding whether or not to promote a product based on its origin it is important to identify clearly the origin-linked attributes, the capacity of the producers, the availability of systems of designation and protection, and the commercial potential of the product. Origin marketing and labelling might successfully rest on traceability and transparency in the value chain for much product. Where product has good prospects of obtaining a geographical indication in the domestic and export markets, the producers can create and adhere to a specification for the product, and the costs of controls and certification can be supported, then registration as a GI offers a good option. The decision to obtain a GI, or trade mark that endorses both the name and its origin link, often proves to be more tactical than strategic. Many producers use both instruments to protect and promote different attributes – a figurative trade mark is ideal form to project a designed image for a product, for example. Trade marks can be used as a way of protecting a product name and controlling a marketing campaign at the same time.[104]

Sustainability factors are key

Potential benefits of GIs[105] and origin-based marketing tools have been shown to include market access increase, price premium and value added retained in the region; local employment, empowerment of producers and preservation of cultural values and traditions. In addition, linking market development of a product to traditional and low-intensity farming practices may promote biodiversity conservation directly through the use of a specific genetic resource (an autochthonous breed or plant variety) or indirectly through production and management practices that include landscape and ecosystem considerations. Direct benefits in terms of sustainability in rural landscapes derive from the fact that governance and market success contribute to the viability of rural livelihoods which depend on the sustainable use of specific biological and genetic resources.

Some potential problems of protection instrument include exclusion of actors, potential conflicts within the supply chain (monopoly in favour of the most powerful actor in the system or unfair exclusion of certain actors), need for external support, the role in the global regional strategy and the synergies with other regional products. These can translate into considerable challenges for developing countries are the lack of specific skills in the public institutions and support organisations, especially where a formal GI registration system is under consideration (e.g. delimitation of the region of origin,

determination of core elements of the specificity to be put in the code of practices; and capacity of the farmers to adhere to a specification and quality standard, year-on-year, and irrespective of climate events and other natural variables.). These factors argue for close attention to feasibility in designing the specification and selecting the instrument.

To achieve political goals regarding sustainable agriculture and rural development, there is a necessity to select tools that are fit for purpose and appropriate to the circumstances producers, administrations and traders actually face. In the alternative, it is pointed out that a comprehensive policy promoting tools like GIs can only be successful if combined with other support policies.[106]

Origin marketing is intrinsically a collective undertaking and collective rights should apply to the instruments like GIs and other tools. The origin designation broadly affects a group of people and the resources of a region.

In the specific case of GIs, without care and attention to these factors, protection can require capacity and resources, which are limited in developing countries and least-developed countries. These countries need to ensure the mechanisms promoted to farmers match the legal and administrative resources available and the capacities of producers to apply and benefit from them. If the intellectual property route is chosen (essentially trade marks or GIs), capacity is needed for asset identification, protection, exploitation and management. It is important to make sure that stakeholders own the whole process.

In the future, it is likely that the use of origin marketing tools, like indications of source, trade marks and GIs in ACP countries will increase. The ratification of EPAs by CARIFORUM and other countries, the increasing interest demonstrated at local and international level for origin marketing, and interest in the protection of traditional agricultural products point in this direction. In addition the registration of the first 3 GIs by OAPI and the recent MoA between ARIPO and DG AGRI of the EU are indicators of the growing interest in developing countries. The variety of products originating from ACP countries, together with studies showing evidence of consumer interest in GIs both in developed and developing countries' consumers[107], demonstrate that the approach has the potential to become an opportunity for sustainable development in ACP countries. In this context, it is critical to have solid data on the impact of GIs and other origin marketing tools in the context of ACP countries.

Lessons from the case studies and the literature review suggest that, for origin marketing, and particularly for a GI, to be successful, four components are essential[108]: (i) Strong organizational and institutional structures to maintain, market, and monitor the GI; (ii) Equitable participation among the producers and enterprises in a GI region; (iii) Strong market partners committed to promote and commercialize over the long term; (iv) Effective legal protection including a strong domestic GI system. Those factors require a substantial financial, technical and human resources which should be done on the basis of a careful analysis of opportunities.

At the same time alternative systems exist that can be used in combination with GIs or where some or all of the components above are not in place. The literature review and case studies show that a regional name can be trade marked even if it is not protect in the country of origin and that indications of source used in commodity markets can be successful ways of accessing price premia on international markets. These instruments place fewer burdens on producers and may not require specific production methods to be adhered to and certified. This has the disadvantage of reducing quality of the guarantee to the consumer, but as an intermediate step or as a marketing strategy in itself, these instruments deserve attention in the ACP context.

In sum, origin is a valuable asset and one that every ACP product has. Different instruments are available for protection and to assist marketing of the intangible origin designation and should be used according to appropriateness. Taking a lesson from some of the world's leading origin-marketed products, a combination of instruments is often the optimum: a GI to protect the name and figurative trade mark help combine to protect the valuable asset and convey the story behind the name to secure a price premium in the market.

GLOSSARY[109]

Accreditation

Independent third-party attestation by competent independent authorities that a certification body, a control body or a laboratory has provided formal demonstration of its competence to carry out specific conformity assessment tasks with a view to granting marks or certificates, or establishing relations, in a given field.

Appellation of origin (AO)

"The geographical name of a country, region or locality that serves to designate a product originating therein, the quality and characteristics of which are due exclusively or essentially to the geographical environment, including natural and human factors" (Lisbon System). Appellation of origin was one of the earliest forms of GI recognition and protection (Paris Convention, 1883). Although mentioned in earlier treaties, the 26 contracting parties to the Lisbon System in 1958 first formally recognized the term "appellation of origin" as a form of GI by using a single registration procedure, effective for all the signatories.

Certification

A procedure by which a third party, the official certification body, provides written assurance that an organization system, a process, a person, a product or a service is in conformity with requirements specified in a standard or other frame of reference. In the case of GIs, the certifying body certifies that the GI product is in conformity with the relative code of practice. Certification may, if appropriate, be based on a range of activities: on-site inspection, auditing of quality assurance systems, examination of finished products etc.

Certification body

A body responsible for providing certification, sometimes referred to as the "certifier", which may be public or private and is normally accredited and/or approved by a recognized authority.

Certification mark

Any word, name, symbol or device that signals certification of the characteristics of a product, which may include geographical origin. It conforms to specifications laid down by the owner and may apply to the place of origin and/or production methods. The mark requires some verification by a third party, which defines whether the attributes are present. Unlike trade marks, certification marks identify the nature and some type of quality of the goods and affirm that these goods have met certain standards. Certification marks also differ from trade marks in three ways: first, a certification mark is not used by its owner; second, any entity that meets the certifying standards set by the owner is entitled to use the certification mark; and, third, it applies only to the product or service for which it is registered.

Claw back

The rather descriptive term used in negotiations and proposals to restore GI rights in countries where they have been lost for various reasons. This most often references the EU's wish for certain original GIs to regain exclusive ownership of their names in other countries where existing trade marks or even claims of genericism have taken over their legal use.

Code of practice (CoP) (or book of requirements, product specification, disciplinary document

Document describing the specific attributes of the GI product in relation to its geographical origin through a description of the product and its manner of production, laying down requirements regarding not only modes of production but also those of processing, packaging, labelling etc., as applicable. Any party using the GI must meet the requirements laid down in the CoP, which is the outcome of a consensus among the stakeholders in the value chain concerned with the GI.

Collective action

Brings stakeholders together for common objectives that go beyond individual interests.

Collective/public good

A good that can be used simultaneously by several actors without any diminution of its attributes. Its use by an additional actor does not reduce that of the others (the principle of non-competition) and no individual can be prevented from using this good (the principle of non-exclusion). As an intellectual property right, a geographical indication can be considered a collective or public good. However, misuse by individuals or groups of the reputation linked to a geographical name threatens the value of the collective resource.

Collective mark (United States)

A mark used by the members of a cooperative, association or other group to identify their goods or services as having a connection to the collective mark and its standards. The collective mark may have a geographical identity and may advertise or promote goods produced by its members.

Collective (trade)mark (European Union)

Trade marks used by the members of a group to distinguish their product from that of non-members. A group that has the benefit of a registered "protected designation of origin" (PDO) or "protected geographical indication" (PGI) may also apply for a collective trade mark for the name or graphic representation of its GI product. The PDO/ PGI designation provides a protected indication of quality and relationship of origin that is separate from other intellectual property rights. Certain aspects of a PDO/ PGI can therefore subsequently be marketed under a collective trade mark, conferring additional protection via intellectual property rights. Conversely, a product or graphic representation that has been registered as a collective trade mark cannot subsequently be registered as a PDO or a PGI, inasmuch as a GI cannot in general override an existing trade mark.

Collective marketing

Occurring when individuals involved in commercial activities, for example small farmers, decide to form an organization to coordinate (and if necessary directly carry out) a number of marketing operations required to satisfy consumer demand. Local stakeholders can increase their income and efficiency by joining with other stakeholders to market their food products and benefit from collective action, for example to obtain a better bargaining position or a larger volume of sales. Collective marketing is commonly carried out by a collective organization (see definition of "Organization").

Conformity assessment

Demonstration, through a systematic examination carried out by one party on the request of another, that specified requirements relating to a product, process, system, person or body are fulfilled. Such demonstration is based on a critical study of documents and other types of inspection or analysis, allowing verification that the specified requirements are being met.

Control plan

A specific, adaptable document that lays down how compliance with the various rules in the CoP is to be checked. It is a management tool identifying the control points constituting the critical stages in the production process and the means of verifying their conformity with CoP requirements.

Differentiation strategy

Voluntary development of a product or service offering unique attributes that are valued by consumers, who perceive them to be better than or different from competing products. A differentiation strategy is based on market segmentation and may be supported by a voluntary approach in order to obtain a specific certification or label (for example in connection with organic farming or traditional products).

DO – Denomination of Origin

The legal term for protected GIs in many developing countries.

DOC – Controlled Denomination of Origin (EU)

GI notation for wine and spirits GIs in Europe (*Denominazione di Origine Controllata* in Italy). DOC is a quality assurance label in some regions that was the basic GI term for wine and food products produced within a specified region using defined methods and meeting defined quality standards. After 1992, DOC became compliant with Regulation 2081/92 that formalized PDO and PGI terms in the EU.

DOCG – Controlled Denomination of Origin Guaranteed (EU)

Sub-regions of DOC that are subject to more rigorous controls and quality testing.

DOP – Protected Denomination of Origin (EU)

Translation of PDO used as common abbreviation for French, Spanish, Italian, Romanian and Portuguese.

Endemic: refers to a plant resource that is found only in a specified geographical zone.

Enforcement

The process by which a norm, or legislation in general, comes into legal force and effect. The rules collectively established for the GI product (the CoP) must be enforced against those misappropriating the GI. The producers of the GI can enforce these rules through a court or may themselves be given official standing by national authorities.

Expropriation occurs when the GI is registered outside the territory before the local legitimate stakeholders have been recognized as such and have obtained protection for their GI.

Free-rider

A person or group that benefits from a good or service without paying for it. In the case of GI products, the geographical name of the GI product may be used by certain stakeholders hoping to gain a benefit (for example a higher price) without contributing to the reputation (see "Reputation") of the product or to any collective effort.

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

Generic name

A term or sign is considered "generic" when it is so widely used that consumers see it as designating a class or category name for all goods or services of the same type, rather than as referring to a specific geographical origin.

Generic (or basic) quality

This term corresponds to the minimum quality a product must have in order to be placed on the market. It thus has a normative effect, inasmuch as governments must ensure the safety, health and information of consumers and the proper working of the market as part of their mission to protect the public good.

Geographic(al) indication (GI)

The WTO 1994 Trade-Related Aspects of Intellectual Property Rights (TRIPs) Agreement states: "Geographical indications [...] identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin" (art. 22.1). All WTO member countries have to establish basic provisions for the protection of GIs. The term "GI" can be used to distinguish the identification of a product's origin and its link with particular characteristics and a reputation related to that origin. When GIs are legally registered they take such forms as AOs, PDOs and PGIs, depending on the categories defined in the various countries, and, as such, they become enforceable. The TRIPs Agreement does not provide any specific legal system of protection for GIs, leaving this task to member countries. If a member country has established a formal registration process to recognize GIs within its territory, then a product registered in this way can be referred to as a "protected GI". However, a GI may exist without protection or without seeking protection, unless the name or product is considered generic. In certain situations, a collective mark or certification mark is the most effective legal protection for a GI.

Geographic(al) sign

A graphic symbol indicating a GI.

GI group

Group of stakeholders directly concerned with the product, acting as a representative group for all the stakeholders who pooled their efforts in order to elaborate the quality of the end product: producers, processors and agents linked with distribution and trade.

GI system

A system including all stakeholders and activities that contribute to the production of the GI product. A GI system thus includes the GI producers and the other stakeholders involved directly or indirectly in the value chain, including but not limited to public authorities, NGOs, research institutions, extension services and other institutions directly linked to the GI product (for example tourism activities in the production area).

Good agricultural practices (GAP) are practices that ensure that farming is environmentally, economically and socially sustainable and produces healthy, good-quality food and non-food products.

Governance

Concept referring to the complex systems covering mechanisms, processes, relationships and institutions through which individuals and groups articulate their interests, exercise their rights and obligations, and mediate their differences.

Guarantee system

The mechanisms existing or implemented in order to ensure the existence of certain attributes and the compliance with certain specifications as mentioned in the CoP (assessable criteria and critical points, control plan: what is to be controlled, when and by whom, and the type of sanction), documentation (attestation) and information.

Identification

The precise identification of a terroir product and the local resources needed for its production is the first step in the process of activating a virtuous circle of origin-linked quality. This stage depends to a large extent on the local producers' increased awareness of the potential associated with specific local resources – which is what constitutes the basis for collective action to gain recognition for the value of a product. It depends therefore on identification of the specific quality of the product and the local resources involved, but also on the motivation of local stakeholders and the potential to devise a strategy for the optimization/preservation of the product.

Identifier

Various types of identifier can make up a GI:

- a geographical name – alone, so that it becomes the name of the product (as with Roquefort), or in association with the common name of a product (as with Cotija cheese);
- a name, symbol or words referring to a zone and its local inhabitants, but which is not a geographical name (e.g. Arriba cocoa);
- associated supplementary characteristics that may also be considered geographical identifiers, such as pictures of famous places (mountains or monuments), flags, specific designs or folklore symbols;
- the traditional form and appearance of the product, such as specific packaging or a common element on the label

IGP – Protected Geographical Indication (EU)

Translation of PGI, used as an abbreviation in French (Indication Géographique Protégée), Italian (Indicazione Geografica Protetta), Spanish, Romanian, and Portuguese.

Indication of source or provenance

Any expression or sign used to indicate that a product or a service originates in a specific country, region or locality, without any other element of quality or reputation (Madrid Agreement, 1891, Art. 1.1; Paris Convention, 1883).

Inspection

A systematic examination to verify conformity with a specified standard, carried out by a public authority or a party invested with equivalent authority. "Inspection" also refers to verification carried out by stakeholders themselves: (1) self-inspection carried out by each stakeholder of his or her own practices (record-keeping); or (2) internal inspection carried out by the organization for each of its members.

Intellectual property rights (IPRs)

An umbrella legal term covering various legal entitlements attached to certain names, supports and inventions, written or recorded. The holders of these legal entitlements may exercise various exclusive rights in relation to the subject matter of the intellectual property. The adjective "intellectual" indicates that the term concerns creations of the mind, while the noun "property" indicates that the mind's production process is analogous to the construction of tangible objects. Intellectual property laws and their enforcement vary widely between one jurisdiction and another. There are intergovernmental efforts to harmonize them through international treaties, such as the 1994 WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs), while other treaties may facilitate registration in more than one jurisdiction at a time. GIs are recognized as intellectual property rights in the same way as patents, trade marks or software.

Interprofessional association/body

An organization bringing together upstream and downstream partners from the same value chain with the purpose of regulating the market for the product, participating in the implementation of agricultural policy provisions, analysing the implications of various contractual arrangements, encouraging improvement in performance along the chain and defending its collective interests.

Inventory

The inventory is the most exhaustive list of agricultural and food products from a given zone for which at least one of the stages of preparation takes place in the zone (agricultural production or manufacture). The aims of carrying out the inventory must be defined and will guide the choice of data to be assembled on these products.

Label

Any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, embossed or impressed on, or attached to, a container of food.

Management

The organization, coordination, control and monitoring of activities, resources and people in order to reach defined objectives. This is achieved by defining policies and programmes that allocate resources and responsibilities to processes and people. In GI organizations, each member generally has managerial functions to carry out. In a GI system, appropriate management is a fundamental factor for the success of the GI process.

Mark

A term used interchangeably to indicate trade marks, collective marks and certification marks. Depending on the context, “mark” can refer to a regular trade mark, a GI-related mark, a collective mark or a certification mark.

Market segmentation

The process of dividing the market into a number of homogeneous groups of consumers in order to implement targeted marketing strategies and actions.

Marketing

All the operations and tasks necessary to meet consumer demand. Marketing involves such operations as market research, handling, product quality and safety, packaging, branding, transport, and various decisions regarding sale itself (how, where and when). Differentiation labels, such as GI ones, can be an important part of marketing strategy. In GI organizations, marketing is carried out both by the organization itself (collective marketing) and by its individual members. It is therefore very important to decide how the collective marketing of the organization and the individual marketing operations of its members will be coordinated.

Marketing plan

A document describing the actions to be undertaken to achieve the marketing objectives according to the marketing strategy adopted. The marketing strategy is therefore put into practice with definition of the marketing leverages of product, price, placement and promotion.

Niche market

A market segment that addresses a need for a product or service not being met by mainstream suppliers. A niche market may be seen as a narrowly defined group of potential customers and usually develops when a potential demand for a product or service is not being met by any supply, or when a new demand arises as a result of changes in society, technology or the environment. Despite the fact that niche markets are of their nature very limited in volume as compared with the mainstream market (and hence do not have the benefit of an economy of scale), they may be very profitable, thanks to the advantages of specialization and of their focus on small and easily identified market segments.

Origin-linked product

A product in which a specific quality is essentially attributable to its geographical origin, as a result of a combination of unique climatic conditions, soil characteristics, local plant varieties or breeds, local know-how, historical or cultural practices, and traditional knowledge concerning the production and processing of certain products. The interaction among these elements

(which constitute what is known as the *terroir)* confers specific characteristics that allow the product to be differentiated from other products in the same category.

Partnership

A cooperative agreement or alliance between independent economic units sharing certain objectives, combining their resources and expertise to reach these objectives in the interests of each participant. In the sphere of GIs, a strategic partnership can be established between producers and processors to coordinate production and marketing. A partnership entails collective bargaining and some form of collective organization.

Protected designation of origin (PDO) (European Union)

According to EC Regulation 510/2006, "'designation of origin' means the name of a region, a specific place or, in exceptional cases, a country, used to describe an agricultural product or a foodstuff (a) originating in that region, specific place or country, (b) the quality or characteristics of which are essentially or exclusively due to a particular geographical environment with its inherent natural and human factors, and (c) the production, processing and preparation of which take place in the defined geographical area." Note that the acronyms "DO(C)" ([controlled] denomination or designation of origin) and "AOC" (controlled appellation of origin) correspond to designations of origin that existed in individual countries (France, Italy and Spain) prior to the European Union's Regulation 2081/92.

Protected geographical indication (PGI) (European Union)

According to EC Regulation 510/2006, "'geographical indication' means the name of a region, a specific place or, in exceptional cases, a country, used to describe an agricultural product or a foodstuff (a) originating in that region, specific place or country, (b) which possesses a specific quality, reputation or other characteristics attributable to that geographical origin, and (c) the production and/or processing and/or preparation of which take place in the defined geographical area."

Quality

"The totality of features and characteristics of a product or service that bear on its ability to satisfy stated or implied needs" (International ISO standard 8402).

Quality assurance

A set of activities implemented in the context of a "quality system" with the aim of demonstrating effective management of quality, bearing in mind the critical points identified, in order to ensure that a good or service meets all quality requirements and to instill a certain level of confidence among both customers and managers.

Qualification

The term refers to the process by which society (consumers, citizens, government offices, other stakeholders in the value chain etc.) is in a position to recognize the value associated with a terroir product. This phase in the virtuous circle of origin-linked quality involves a precise description, enjoying unanimity among producers, of the characteristics of the zone, the production process and the quality attributes of the product.

Registered right holder

A registered right holder is the first to register that mark and enjoys exclusivity over any later users of the mark to ensure consumers are not confused by the two uses.

Relocalization of a geographical name

Consists of adding an extra geographical qualifier referring to the origin zone (for example *Normandy* Camembert) to the name of a product of origin-linked quality that has become generic (a name that could be geographical, for example Camembert is a soft cheese that took its name from a village in Normandy in France), inasmuch as it has become common usage or is now used in different regions.

Reputation

Term referring to the recognition acquired by the GI product in the market and in society as the outcome of consumption history and traditions. In a general sense, "reputation" expresses what is commonly believed or stated about the abilities and/or qualities of a person or thing. In terms of trade,

reputation denotes the renown and/or recognizable character of an enterprise and/or a product produced by this enterprise. Economic theory stresses the role that reputation can play in solving certain problems arising from information asymmetry between producers and consumers in high-end markets. In the case of origin-linked products, reputation is a factor that can lead to a higher price based on the recognized excellence and tradition of the product. Such a reputation often requires the use of legal instruments to protect the product name.

Source identifier

A trade mark term meaning the capacity of a sign to clearly distinguish the goods or services of one enterprise (including a collective group of producers) from those of another enterprise.

Specific quality

A set of characteristics associated with a good or service that is recognized as distinct from mainstream products, either in terms of composition, production methods or marketing of the product in question. These characteristics thus allow the product to be differentiated in the market on the basis of a voluntary approach and specification of the product on the part of economic actors and to the extent that the prerequisites regarding generic quality (or basic quality with regard to consumer protection and respect for the rules of the market) are assured.

Stakeholder (or Actor)

In the value-creation process for origin-linked products, any person, group or organization with a direct or indirect stake in the outcome of the process, inasmuch as they can affect or be affected by its results. Local producers and their associations, companies involved in the value chain (processors, distributors, suppliers etc.), consumers, the government and any institution playing a part in the GI system are all key stakeholders.

Standard

A document established by consensus that provides, for common and repeated use, rules, guidelines or characteristics for activities or their results, guaranteeing an optimum degree of order in a given context. Standards are set up by various types of organization to facilitate coordination among stakeholders and reduce uncertainty concerning the quality of a good or service. WTO defines a standard as a document approved by a recognized body, which provides, for common and repeated use, rules, guidelines or characteristics for products or related processes and production methods, with which compliance is not mandatory. It may also include or deal exclusively with terminology, symbols, packaging, marking or labeling requirements as they apply toa product, a process or a production method. Standards drawn up by the international standardization community are based on consensus.

Strategic marketing

Marketing that follows a strategy developed to reach consumers and hold its own against competitors. It entails a thorough analysis of consumers' needs and their typology ("segmentation" of the market) so that the product can be addressed to the most "appropriate" consumers (the "target" market).

Sui generis

A Latin expression, literally meaning unique in its characteristics or of its own kind. In intellectual property law this expression is mainly used to identify a legal classification that exists independently of other categorizations due to its uniqueness or the specific creation of an entitlement or obligation.

Sustainability

A term indicating an evolution that allows the preservation, maintenance and improvement of the quality of natural resources and the maintenance of environmental balance, with a view to managing them for the future. Sustainable development was defined in the Report of the Brundtland Commission (1987) as "a development that meets the needs of the present without compromising the ability of future generations to meet their own needs". For OECD (2001), sustainability is a resource-oriented, longterm, global concept. It is resource-oriented because we do not know what use future generations will make of the resources and in what economic activities they will engage. It is viewed as essentially goal-oriented,

indicating that resources should be used in such a way that the entire capital (including its option value) is not reduced and an unbroken stream of benefits can be obtained.

Territorial strategy

The territorial strategy covers two aspects: the strategy (objectives and definition of resources) of the stakeholders in development in order to achieve local development (understood in the sense of economic and social development for all stakeholders in the zone on the basis of optimization of local resources); and the strategy devised for a specified administrative or political area, in this case by the competent political actors.

Terroir

A delimited geographical space in which a human community has built up a collective intellectual or tacit production know-how in the course of history, based on a system of interactions between a physical and biological environment and a set of human factors, in which the socio-technical trajectories brought into play reveal an originality, confer a typicity and engender a reputation for a product that originates in that terroir.

Typicity

Typicity is an inheritance which has historical and geographical origins and which is anchored to a territory through a cultural identity and heritage.

Traceability

Defined by the International Organization for Standardization (ISO) as “the ability to trace the history, application or location of that which is under consideration”. In the case of GI products, a traceability system has varying degrees of complexity (depending on the decisions taken by stakeholders and/or the normative framework) and allows clear identification of the various points in the origin and movement of the product and its raw materials all the way along the value chain until it reaches customers and consumers, including all the enterprises that have been involved in the production, processing and distribution process etc., to make sure that the CoP has been correctly applied and to intervene in the case of non-respect.

Trade mark

In some countries, geographical indications can be protected as trade marks. Geographical terms or signs cannot be registered as trade marks if they are merely geographically descriptive or geographically misdescriptive. However, if a geographical sign is used\ in such a way as to identify the source of the goods or services, and if consumers have over time come to recognize it as identifying a particular company, manufacturer or group of producers, it no longer describes only the place of origin, but also the “source” of the uniqueness of the goods or services. At this point, the sign has thus acquired a “distinctive character” or “secondary meaning” and can therefore be trade marked.

Tradition

The tradition surrounding a product is the body of knowledge and customs that make up the identity of the product for its historically affiliated community, its consumers and, more generally, people familiar with it.

TRIPs

The Trade-Related Aspects of Intellectual Property Rights (TRIPs) Agreement overseen by the World Trade Organization (WTO). Under this agreement, the national intellectual property legislation of WTO members must establish the minimum level of protection for these rights as defined in the 73 articles of the agreement.

TSG – Traditional Specialty Guaranteed (EU)

A TSG in the EU means that a product must be traditional, or established by custom (for at least one generation or 25 years) and have characteristics that distinguish it clearly from other similar agri-food products. TSGs may have geographic affiliations but their production can take place anywhere in the world, subject to appropriate controls, so they are not treated as GIs here. Haggis, Mozzarella, Lambic, and Eiswein or Icewine are well-known examples.

Typicity

The typicity of an agricultural or food product is a characteristic belonging to a category of products that can be recognized by experts or connoisseurs on the basis of the specific attributes common to such products. Typicity expresses the possibility of distinguishing an origin-linked product from other similar

or comparable products, and thus underlies the identity of the product. It includes a degree of internal variability within the category, but such variations do not compromise its identity. These properties of the category are described by a set of characteristics (technical, social, cultural) identified and defined by a human reference group, based on know-how distributed among the various stakeholders in the value chain: producers of raw materials, processors, regulators and consumers.

Unique character

A product has a unique character linked to its geographical origin if it cannot be replicated in another zone for objective reasons, whether these concern the physical characteristics of the natural environment or human factors (traditional know-how).

Value chain

A chain of activities through which a product (or a service) is produced and distributed to customers. A product goes through a series of processes and activities in the chain, at each stage gaining some value that is added to that from the previous steps.

Value creation process

A term used to indicate activation of a "quality virtuous circle" based onrecognition of the values of an origin-linked product through the identification and development of its specific attributes. Four main stages in this virtuous circle have been identified: identification of resources (raising local awareness); product qualification; product remuneration; and the reproduction and enhancement of local resources.

WIPO

World Intellectual Property Organization is the United Nations organization for global intellectual property issues whose mandate is to facilitate discussion and learning on Intellectual Property (IP). WIPO has cooperation agreements with the World Trade Organization (WTO) and administers 24 international treaties including most of those relevant to GIs (in particular the Madrid and Lisbon Agreements). It also keeps the International Register of Appellations of Origin. See chapter 3 for more details.

Virtuous circle of origin-linked quality (and associated strategy)

The virtuous circle of origin-linked quality and the associated strategy correspond to the process of promoting a product from the terroir (or a product of origin-linked quality). It allows a contribution to be made to sustainable local development through a series of steps (identification, qualification, remuneration, reproduction), which boost one another in a feedback loop.

Zone (or locality, or territory)

The zone or locality to which the link to the *terroir* refers is a specific geographical area, with physical limits separating it from neighbouring zones. The nature of the boundary of the zone depends on the element that determines its identity and may thus be political, cultural, physical, historical etc.

ACRONYMS

AO	Appellation of Origin
AOC	Controlled Appellation of Origin (in several languages, i.e. Appellation d'origine controlée)
CAP	Common Agricultural Policy
CIRAD	Agricultural Research Center for International Development (France)
CoP	Code of practice
CTM	Community Trade mark (EU)
DO	Denomination of Origin
DOC	Controlled Denomination of Origin (EU)
DOCG	Controlled Denomination of Origin Guaranteed (EU)
DOP	Protected Denomination of Origin (EU)
EU	European Union
EURONATUR	European Nature Heritage Fund
FAO	Food and Agriculture Organization of the United Nations
GAP	Good Agricultural Practices (basic standard)
GATT	General Agreement on Tariffs and Trade
GI	Geographical Indication
GMO	Genetically Modified Organism
IFOAM	International Federation of Organic Agriculture Movements
IGP	Protected Geographical Indication (EU)
IGT	Typical Geographical Indication (EU)
INRA	National Institute for Agricultural Research (France)
IP	Intellectual Property
IPR	Intellectual Property Rights
IUCN	International Union for Conservation of Nature
NGO	Non-Governmental Organization

OAPI	African Intellectual Property Organization
ORIGIN	Organization for an International Geographical Indications Network
PDO	Protected Designation of Origin
PGI	Protected Geographical Indication
PGS	Participatory Guarantee System
SINER-GI	Strengthening International Research on Geographical Indications project of the EU
STREP	Specific Targeted Research or Innovation Project of the EU
TM	Trade Mark
TRIPS	Trade-Related Aspects of Intellectual Property Rights Agreement
TSG	Traditional Specialty Guaranteed (EU)
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNCTAD	United Nations Conference on Trade and Development, Italy
UNDP	United Nations Development Programme
UNIDO	United Nations International Development Organization
WEF	World Economic Forum
WFP	UN World Food Programme
WHO	World Health Organization
WIPO	World Intellectual Property Organization
WMO	World Meteorological Organization
WRI	World Resource Institute
WTO	World Trade Organization
WWF	World Wildlife Fund

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