



Geographical Indication

Training of Trainers Program on Effective Intellectual Property Management by SMEs

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Geography and Indication

- France
- Germany
- Switzerland
- United States of America (USA)
- California
- South Korea
- Japan
- China
- Brazil
- India
- Egypt
- Russia

Geography and Indication

LEBANON

BEKKA VALLEY

The Lebanese Terroir

- According to a UNDP study, 30% of Lebanese can be categorized as poor.
- About 10% of the people are rural.
- Agriculture's share of GNP is 6-8% and declining.
- This decline is negatively affecting the rural poor who still rely on farming for their livelihoods. Also, contributing to the breakdown of traditional food production systems and to the loss of precious indigenous knowledge and to the degradation of agro-biodiversity.
- Lebanese cuisine in full growth.
- Lebanese terroir is rich in traditional food products (rose water, orange blossom water).

10,000 GEOGRAPHICAL INDICATIONS WORTH SOME US\$ 50 BILLION

- There are currently **more than 10,000 protected Geographical Indications** or GIs in the world with an estimated trade value of more than **US\$ 50 billion**.
- **Many are well-known names** such as Darjeeling tea, Bordeaux wine, Parmigiano-Reggiano cheese, and Idaho potatoes. Yet **many more are less known and often unprotected**.
- About **90% of GIs come from the 30 OECD countries** while in most of the more than 160 other countries, very few have been developed.
- GIs are now increasingly perceived as an opportunity in many countries that have unique physical and cultural attributes that can be translated into **product differentiation**. These **physical and cultural assets** form the basic value-giving characteristics upon which GIs are built.
- A GI signals a link not only between a product and its specific place of origin but also with its unique production methods and distinguishing qualities. A certain market **credibility** and **authenticity** are therefore implicit in many GIs.

DARJEELING



DARJEELING



- **The quality, reputation and characteristics of Darjeeling tea are essentially attributable to its geographical origin.**
- It possesses a flavor and quality which sets it apart from other teas, giving it the stature of a fine vintage wine. As a result it has won the patronage and recognition of discerning consumers worldwide for more than a century. Any member of the trade or public in ordering or purchasing Darjeeling tea will expect the tea to be cultivated, grown and produced in the defined region of the District of Darjeeling and to have the special characteristics associated with such tea.



DARJEELING



- Consequently, Darjeeling tea that is worthy of its name **cannot be grown or manufactured anywhere else in the world**. Darjeeling tea cannot be replicated anywhere. It is this equity that is sought to be protected by the Tea Board and the Ministry of Commerce under the norms of the **TRIPS Agreement of the WTO**.
- As champagne cannot be manufactured in any place other than the Champagne District of France (even though the grapes used are the same kind) but has to be referred to as sparkling wine, in the same manner only tea grown and produced in the defined area of the **Darjeeling District in the State of West Bengal, India** can be called DARJEELING tea. **Any tea grown in any other region from the same sort of tea plants cannot be called Darjeeling tea.**



DARJEELING



TAIWAN – November 18, 2009

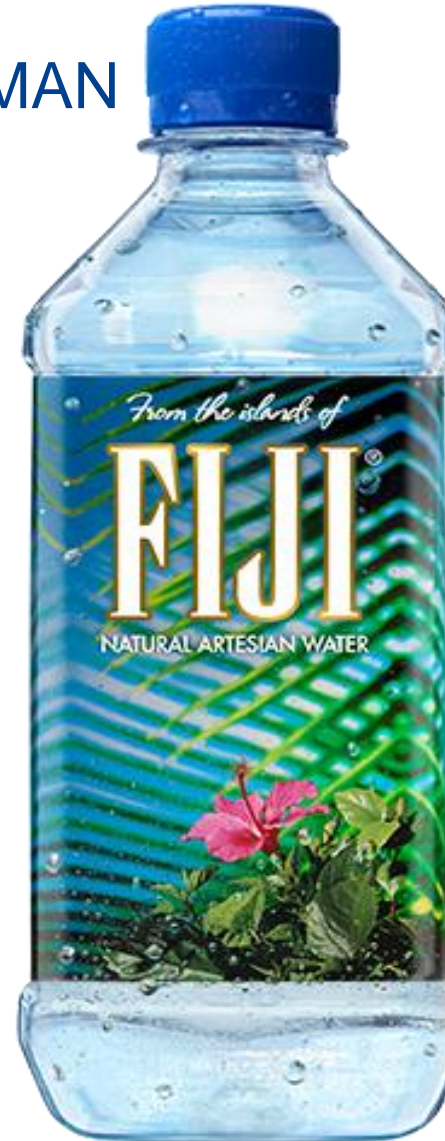
- Darjeeling registered in Taiwan by the French company, DELTA Lingerie in Class 25;
- The Tea Board objected to the registration based on its rights in the Darjeeling word and logo marks for tea;
- On November 18, 2009 the Taiwan Intellectual Property Office (TIPO) cancelled the registration, holding:
 - Darjeeling is a well known mark of origin represented by the geographical reach of registration, use, promotional and advertising activities world wide
 - DELTA Lingerie's mark was highly similar to the Darjeeling CTM owned by Tea Board
 - The use of DELTA Lingerie's mark would dilute of the Tea Board's strong Darjeeling Certification Mark.

WATER WITH A SPIRITUAL MESSAGE – WATER THAT PURIFIES THOUGHTS AND DEEDS



<http://bestinpackaging.com/2008/12/25/water-with-a-spiritual-message-water-that-purifies-thoughts-and-deeds/>

DISCOVER EARTH'S FINEST WATER PERFECTED BY NATURE, UNTOUCHED BY MAN

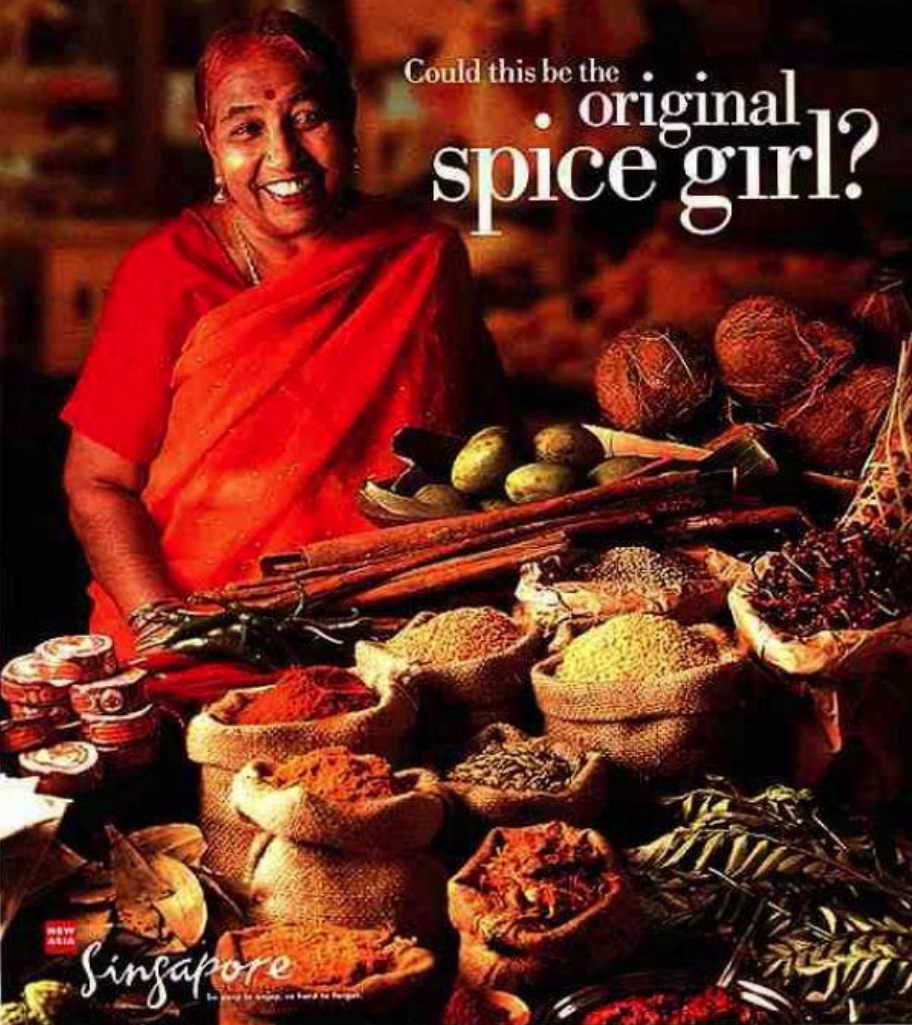


WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

<http://www.telegraph.co.uk/earth/earthnews/8585182/Fiji-Water-accused-of-environmentally-misleading-claims.html>

<http://www.fijiwater.com/the-water/>

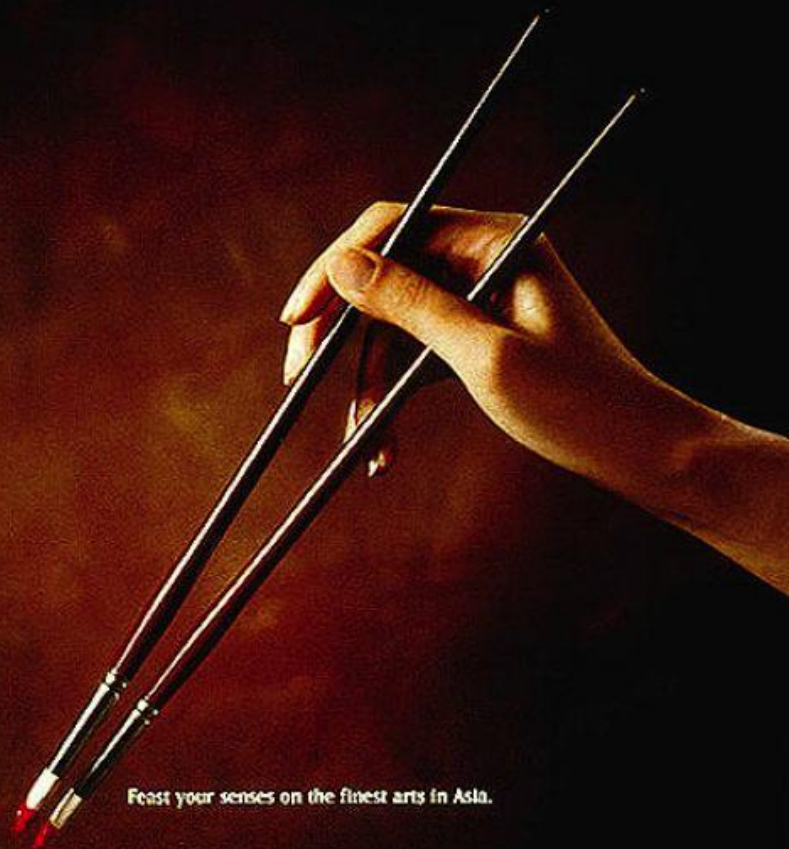
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spice girl?



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GEOGRAPHICAL INDICATION

1. What is geographical indication?
2. Why is it important?
3. How to obtain protection?
4. Examples
5. Recent developments



WHAT IS GEOGRAPHICAL INDICATION?

- A geographical indication is a **sign** used on goods that have a specific geographical origin and possess **qualities**, a **reputation** or **characteristics** that are essentially attributable to that **place of origin**.

TRIPS AND GEOGRAPHICAL INDICATION

■ TRIPS Article 22

Protection of Geographical Indications

- 1. Geographical indications are, for the purposes of this Agreement, **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.

- 2. In respect of geographical indications, Members shall provide the legal means for interested parties to prevent:
 - (a) the use of any means in the designation or presentation of a good that indicates or suggests that the good in question originates in a geographical area other than the true place of origin in a manner which **misleads** the public as to the geographical origin of the good;

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

TRIPS AND GEOGRAPHICAL INDICATION

■ TRIPS Article 22

Protection of Geographical Indications

- 3. A Member shall, ex officio if its legislation so permits or at the request of an interested party, refuse or invalidate the registration of a trademark which contains or consists of a geographical indication with respect to goods not originating in the territory indicated, if use of the indication in the trademark for such goods in that Member is of such a nature as to mislead the public as to the true place of origin.
- 4. The protection under paragraphs 1, 2 and 3 shall be applicable against a geographical indication which, although literally true as to the territory, region or locality in which the goods originate, falsely represents to the public that the goods originate in another territory.

TRIPS AND GEOGRAPHICAL INDICATION

■ TRIPS Article 23

Additional Protection for Geographical Indications for Wines and Spirits

- 1. Each Member shall provide the legal means for interested parties to prevent use of a geographical indication identifying wines for wines not originating in the place indicated by the geographical indication in question or identifying spirits for spirits not originating in the place indicated by the geographical indication in question, even where the true origin of the goods is indicated or the geographical indication is used in translation or accompanied by expressions such as “kind”, “type”, “style”, “imitation” or the like. [\(4\)](#)

- 2. The registration of a trademark for wines which contains or consists of a geographical indication identifying wines or for spirits which contains or consists of a geographical indication identifying spirits shall be refused or invalidated, *ex officio* if a Member’s legislation so permits or at the request of an interested party, with respect to such wines or spirits not having this origin.

TRIPS AND GEOGRAPHICAL INDICATION

■ TRIPS Article 23

Additional Protection for Geographical Indications for Wines and Spirits

- 3. In the case of homonymous geographical indications for wines, protection shall be accorded to each indication, subject to the provisions of paragraph 4 of Article 22. Each Member shall determine the practical conditions under which the homonymous indications in question will be differentiated from each other, taking into account the need to ensure equitable treatment of the producers concerned and that consumers are not misled.

- 4. In order to facilitate the protection of geographical indications for wines, negotiations shall be undertaken in the Council for TRIPS concerning the establishment of a multilateral system of notification and registration of geographical indications for wines eligible for protection in those Members participating in the system.

TRIPS AND GEOGRAPHICAL INDICATION

■ TRIPS Article 24

International Negotiations; Exceptions

- 1. Members agree to enter into negotiations aimed at increasing the protection of individual geographical indications under Article 23. The provisions of paragraphs 4 through 8 below shall not be used by a Member to refuse to conduct negotiations or to conclude bilateral or multilateral agreements. In the context of such negotiations, Members shall be willing to consider the continued applicability of these provisions to individual geographical indications whose use was the subject of such negotiations.
- 2. The Council for TRIPS shall keep under review the application of the provisions of this Section; the first such review shall take place within two years of the entry into force of the WTO Agreement. Any matter affecting the compliance with the obligations under these provisions may be drawn to the attention of the Council, which, at the request of a Member, shall consult with any Member or Members in respect of such matter in respect of which it has not been possible to find a satisfactory solution through bilateral or plurilateral consultations between the Members concerned. The Council shall take such action as may be agreed to facilitate the operation and further the objectives of this Section.
- 3. In implementing this Section, a Member shall not diminish the protection of geographical indications that existed in that Member immediately prior to the date of entry into force of the WTO Agreement.

TRIPS AND GEOGRAPHICAL INDICATION

■ TRIPS Article 24

International Negotiations; Exceptions

- 4. Nothing in this Section shall require a Member to prevent continued and similar use of a particular geographical indication of another Member identifying wines or spirits in connection with goods or services by any of its nationals or domiciliaries who have used that geographical indication in a continuous manner with regard to the same or related goods or services in the territory of that Member either (a) for at least 10 years preceding 15 April 1994 or (b) in good faith preceding that date.
- 5. Where a trademark has been applied for or registered in good faith, or where rights to a trademark have been acquired through use in good faith either:
 - (a) before the date of application of these provisions in that Member as defined in Part VI; or
 - (b) before the geographical indication is protected in its country of origin;
- measures adopted to implement this Section shall not prejudice eligibility for or the validity of the registration of a trademark, or the right to use a trademark, on the basis that such a trademark is identical with, or similar to, a geographical indication.

TRIPS AND GEOGRAPHICAL INDICATION

■ TRIPS Article 24

International Negotiations; Exceptions

- 6. Nothing in this Section shall require a Member to apply its provisions in respect of a geographical indication of any other Member with respect to goods or services for which the relevant indication is identical with the term customary in common language as the common name for such goods or services in the territory of that Member. Nothing in this Section shall require a Member to apply its provisions in respect of a geographical indication of any other Member with respect to products of the vine for which the relevant indication is identical with the customary name of a grape variety existing in the territory of that Member as of the date of entry into force of the WTO Agreement.
- 7. A Member may provide that any request made under this Section in connection with the use or registration of a trademark must be presented within five years after the adverse use of the protected indication has become generally known in that Member or after the date of registration of the trademark in that Member provided that the trademark has been published by that date, if such date is earlier than the date on which the adverse use became generally known in that Member, provided that the geographical indication is not used or registered in bad faith.
- 8. The provisions of this Section shall in no way prejudice the right of any person to use, in the course of trade, that person's name or the name of that person's predecessor in business, except where such name is used in such a manner as to mislead the public.
- 9. There shall be no obligation under this Agreement to protect geographical indications which are not or cease to be protected in their country of origin, or which have fallen into disuse in that country.

INDICATION OF SOURCE AND AOC

- Appellation of origin is special kind of geographical indication
 - used on products that have a specific quality
 - that is **exclusively or essentially due to the geographical environment** in which the products are produced.
 - Commonly used for wines and spirits
 - the concept of geographical indication encompasses appellations of origin.

- Indication of Source
 - simply indicates where goods originated
 - no linkage with geographical environment

WHY IS GI IMPORTANT?

- Agricultural products and foodstuffs play an important role in the economy
- Improves incomes of farmers
- Retains rural population.
- Consumers attach greater importance to the quality of foodstuffs in their diet
- Consumer need clear information about the product origin

WHY IS GI IMPORTANT?

- Helps consumers differentiate between products coming from a particular region and similar products coming from a different region
- Differentiated goods
- Information asymmetry
- Checks free riding

WHY IS GI IMPORTANT?

- Impact of GI on price
 - Consumers willing to pay higher price
 - 40% of consumers willing to pay a 10% premium (EU consumer survey 1999)
 - Jamaican blue mountain coffee (14.50 dollars per kg premium)
 - 'Poulet de Bresse' sells at a premium of 4 times higher than regular French chicken
 - A pomerol will fetch \$15 more per bottle than an average Bordeaux wine

PROTECTION OF GI

- In accordance with national laws and under a wide range of concepts
 - Unfair competition and passing off
 - Protected appellations of origin and registered geographical indications
 - Collective and certification marks
 - Administrative schemes

PROTECTION OF GI

- In essence, unauthorized parties may not use geographical indications if such use is likely to mislead the public as to the true origin of the product
- Applicable sanctions range from court injunctions preventing the unauthorized use to the payment of damages and fines or, in serious cases, imprisonment

TRADEMARK AND GI

A trademark 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 trademark.

A geographical indication tells consumers that a product is produced in a certain place and has certain characteristics that are due to that place of production.

It may be used by all producers who make their products in the place designated by a geographical indication and whose products share typical qualities.

INTERNATIONAL PROTECTION OF GIs

- Paris Convention
- Madrid Agreement (repression of false indications)
- Madrid Agreement and Protocol
(international registration of marks)
- Lisbon Agreement
- Bilateral Agreements
- Regional Agreements
- TRIPS Agreement

European Union



EUROPE



Fruit, vegetables and cereals



Oils and fats / Olive oils



Cheeses



Other Annex I products (spices etc.)



Fresh fish, molluscs and crustaceans and products derived therefrom



Table olives

FRANCE



- * Ail rose de Lautrec
- * Chasselas de Moissac
- * Fraise du Périgord
- * Lentille verte du Puy
- * Mâche nantaise
- * Melon du Quercy
- * Muscat du Ventoux
- * Noix du Périgord
- * Pâtes d'Alsace
- * Pomme de terre de l'Île de Ré
- * Pommes et poires de Savoie
- * Pruneaux d'Agen
- * Asperge des Sables des Landes
- * Coco de Paimpol
- * Haricot Tarbais
- * Lentilles vertes du Berry
- * Melon du Haut Poitou
- * Mirabelles de Lorraine
- * Noix de Grenoble
- * Olive de Nice
- * Piment d'Espelette
- * Pomme de terre de Merville
- * Poireaux de Créances
- * **Riz de Camargue**

SPAIN



- * Alcachofa de Benicarló o Carxofa de Benicarló
- * **Arroz de Valencia o Arròs de València**
- * Avellana de Reus
- * Calasparra
- * Cerezas de la Montaña de Alicante
- * Judías de El Barco de Ávila
- * Lenteja de La Armuña
- * Manzana Reineta del Bierzo
- * Nísperos Callosa d'En Sarriá
- * Peras de Rincón de Soto
- * Pimientos del Piquillo de Lodosa
- * Uva de mesa embolsada "Vinalopó"
- * Alcachofa de Tudela
- * **Arroz del Delta del Ebro**
- * Berenjena de Almagro
- * Calçot de Valls
- * Cítricos Valencianos o Cítrics Valencians
- * Kaki Ribera del Xuquer
- * Manzana de Girona o Poma de Girona
- * Melocotón de Calanda
- * Pera de Jumilla
- * **Pimiento Asado del Bierzo**
- * **Pimiento Riojano**

STILTON CHEESE (1)

1. Competent service of the Member State: Name: United Kingdom - Department for Environment, Food and Rural Affairs; Tel: 020 7238 6687; Fax: 020 7328 5728
2. Applicant group: a) Name: The Stilton Cheese Makers' Association; b) Address: PO Box384A, Surbiton, Surrey, KT5 9YL; c) Composition: producer/processor (7)
3. Name of product: White Stilton Cheese
4. Type of product (see list in Annex VI): Cheese Class 1.3
5. Specification - Summary of requirement under Article 4(2)): a) Name: White Stilton Cheese
b) Description of Product: White cheese made in cylindrical form from full cream cow's milk with no applied pressure and forming its own crust

STILTON CHEESE (2)

c) Geographical area: The Counties of Leicestershire, Derbyshire and Nottinghamshire.

d) Proof of origin: The cheese gained its reputation from being sold at the Bell Inn, a coaching inn, in the town of Stilton on the Great North Road in the early 18th century. The first literary evidence is in Daniel Defoe's "Tour through England and Wales" published in 1727 where he notes that in 1722 he passed "through Stilton, a town famous for cheese." Stilton was then made in the Melton Mowbray area of Leicestershire and the name has for at least the last 80 years been used in connection only with cheese made in the designated area.

STILTON CHEESE (3)

e) Method of production: Milk comes from the designated area except in times of shortage when it may come from the surrounding counties of Cambridgeshire, Northamptonshire, Warwickshire, Staffordshire, Greater Manchester, Cheshire, Yorkshire and Lincolnshire . Starter cultures and rennet are added. Curds are formed which are cut, milled into walnut sized pieces and salted. Then put into cylindrical cheese moulds for up to seven days. The moulds are turned top to tail to drain. Mould is then removed and the surface sealed. It is usually sold within 3 weeks.

f) Link The geographical conditions in the area produce a rich high quality milk. There is a unique pool of knowledge and expertise in the area which has been passed down through the generations. Unique local recipe.

g) Inspection bodies: Product Authentication International Ltd; Address: Rowland House, 65 High Street, Worthing, West Sussex, BN11 1DN.

INDIA

Geographical Indication	Product	State	Registration
Darjeeling Tea	Tea	West Bengal	29.10.04
Pochampally Ikat	Textile	Andhra Pradesh	31.12.04
Chanderi saree	Textile	Guna, Madhya Pradesh	28.01.05
Kotpad Handloom fabric	Textile	Koraput, Orissa	02.06.05
Kota Doria	Textiles	Kota, Rajasthan	05.07.05
Kancheepuram silk	Textiles	Tamil Nadu	02.06.05
Bhavani Jamakkalam	Textile, carpets	Erode, Tamil Nadu	05.07.05
Mysore Agarbathi	Incense sticks	Mysore, Karnataka	02.06.05
Aranmula Kannadi	Metal Mirror	Kerala	19.09.05
Salem Fabric	Textiles	Tamil Nadu	19.09.05
Solapur Chaddar	Textiles	Maharashtra	19.09.05
Solapur Terry Towel	Textiles	Maharashtra	19.09.05
Mysore Silk	Textiles	Karnataka	28.11.05
Kullu Shawl	Textiles	Himachal Pradesh	12.12.05
Madurai Sungudi	Textiles	Tamil Nadu	12.12.05
Kangra Tea	Tea	Himachal Pradesh	12.12.05

Source: Sanjay Kumar, May 2006

INDIA

Geographical Indication	Product	State	Date of Registration
Coorg Orange	Horticulture Product	Karnataka	30.01.2006
Mysore Betel Leaf	Horticulture Product	Karnataka	30.01.2006
Nanjanagud Banana	Horticulture Product	Karnataka	30.01.2006
Mysore Sandalwood Oil	Essential Oil	Karnataka	30.01.2006
Mysore Sandal Soap	Soap	Karnataka	30.01.2006
Bidriware	Handicrafts	Karnataka	30.01.2006
Channapatna Toys and Dolls	Handicrafts	Karnataka	30.01.2006
Coimbatore Wet Grinder	Wet Grinder	Tamil Nadu	30.01.2006
Mysore Rosewood Inlay	Handicrafts	Karnataka	30.01.2006
Kasuti Embroidery	Embroidery (Textiles)	Karnataka	30.01.2006
Mysore Traditional Paintings	Paintings	Karnataka	30.01.2006

Thank you for your attention!

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