Geographical Indications for Non-Agricultural Products

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Summary

I. Introduction to Non-Agricultural GIs

II. Numbers / Examples

III. Challenges & Opportunities
Introduction to Non-Agricultural GIs
oriGIn: the global alliance of GI producers
Our interest for non-agri GIs

- Members: Fédération de l’industrie horologère Suisse, Erzincan Chamber of Commerce and Industry (Turkey), Andhra Pradesh Technology Development and Promotion Centre (India), etc.

- Research: Study on GIs for non-agri products in the Internal Market (DG Market, 2013), Study on potential GIs in Cote d’Ivoire (Trade.Com, 2010), Manual on GIs for ACP Countries (CTA, 2011), Study on GIs other than wines, spirits and agricultural products (DG Trade, 2009)

- Worldwide GI Compilation Project
Non agri GIs: “negative” definition

- Agricultural Products
- Wines
- Spirits
- Cotton, Silk (?)
- Cigars (?)
- Mineral Waters (?)
- Handicrafts, pottery, ceramics, knives
- Stones, marble, clay, glass
- Hats, leather, fabrics, jewellery
- Services (?)
Identifying categories of non-agri GIs

- It matters for countries adopting a sector-specific approach to GIs (EU)

- It does not matter for countries adopting a general law on GIs with a broad definition (India, Russia, China, Brazil, Colombia, OAPI, etc.)
Definition (I): The Lisbon Agreement (WIPO)

“(1) ... appellations of origin means the geographical name of a country, region, or locality, which serves to designate the product originating therein, the quality or characteristics of which are due exclusively or essentially to the geographical environment, including natural and human factors. (2) The country of origin is the country whose name, or the country in which is situated the region or locality whose names constitutes the appellation of origin which has given the product its reputation” (art. 2)
Definition (II): the TRIPS Agreement (WTO)

“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.” (Article 21.1)
The GI scheme

- Product with quality, characteristics, reputation
- Linked to a geographical environment
- Added value at local level
- Collective approach
- Need of legal protection
II. Numbers / Examples
A few numbers

96 non-agri GIs registered under the Lisbon Agreement
A few numbers

i. South and Central America: out of 335 GIs currently protected, 52 are for non agricultural products

ii. India: out of 178 GIs currently protected, some 120 are for non agricultural products

iii. Cote d’Ivoire: out of 11 potential GIs, 3 are non-agri: Pagnes de Tiébissou, les Toiles de Fakaha, la Poterie de Katiola

iv. Switzerland: 49 non agricultural GIs

v. EU: 834 potential non-agri GIs (oriGIN study, 2013)
GOIABEIRAS (Brazil, protected under Federal Law 9279/96)

- District of Goiabeiras, State of Espírito Santo (East of Brazil)
- Goiabeiras: clay pots, hand made (women, 120 families)
- Indigenous knowledge transmitted over generation
POCHAMPALLY IKAT (INDIA, the 1999 GI Act and the 2002 GI Rules)

• Region of Nalgonda, Warangal Districts, State of Andhra Pradesh

• Fabric (cotton, silk or a combination of both) through a specific process of tying and dyeing the yarn prior to weaving

• Uniqueness: human skills in the design and production methods

• Pochampally Handloom Weavers’ Co-op Society Ldt (30,000 weavers)
LES TOILES DE FAKAHA (COTE D’IVOIRE, potential GI)

- Village of Fahaka (town of Korhogo), north of Cote d’Ivoire

- Cotton painted with natural colours (originally liturgical purposes, then decorative ones)

- What makes the product unique: Sénoufo ethnic group skills (they excel in the art of weaving using vegetables oils)
GIs and TK

- TK: Knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles (Article 8(j) of the Convention of Biological Diversity)

- “More than other major types of intellectual property, GIs have features that respond to norms for use and management of bioresources and traditional knowledge that are characteristic of the culture of many indigenous and local economies.” UNCTAD Biotrade Initiative
Non-agricultural GIs in the EU

i. Agricultural products and foodstuff (Regulation No 1151/2012)

ii. Wines (Regulation No 1234/2007)

iii. Spirits (Regulation No 110/2008)

iv. Non agricultural GIs: not yet harmonized
Non-agricultural GIs in the EU (oriGIn study, 2013)

i. National sui generis system (Czech Republic, Hungary, Estonia, etc.)

ii. Specific laws/decrees protecting a sector (ceramics in Italy, crafts in Spain at regional level) or a product (Solingen for knives in Germany, Swiss for watches in Switzerland)

i. Community or national trademarks
Italian Law
on artistic and traditional ceramics

i. Law 188/1990 (amended in 1996)
ii. It establishes the “Consiglio Nazionale Ceramico” and identifies 33 production areas
iii. The Council approves the product specifications
iv. A national figurative mark created by decree
v. Not clear the protection provided and enforcement mechanisms
vi. Producers (Deruta, Faenza and Vetri sul Mare) felt a need for additional protection through national and Community TMs
Main conclusions of the study

i. Non agri GIs in the EU: relevant in number and economic impact

ii. Fragmentation of legal frameworks

iii. Phenomenon of usurpations & need of effective legal instruments of protection

iv. Need for a harmonised EU system (stakeholders survey)

v. EU bilateral negotiations

vi. Specific issues related to the instrument eventually to be adopted (GI/AO, level of protection, agency in charge, etc.)
III. Opportunities & Challenges
Opportunities

- Number of non-agricultural traditional products around the world
- Potential in developing countries (no delocalisation, promotion of tourism)
- Potential in terms of production/adding value to local traditions, “savoir-faire”, and TK
Challenges

- Establish the link between the product and its geographical environment (objective criteria)
- Need of technical assistance in developing countries
Thank you!

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