Colombian Coffee Protection: The Growers' Experience

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National Federation of Coffee Growers of Colombia
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Producing Colombian Coffee is a hard working task

- Human Intensive Labor
- Steep mountains
- Hand Pick Selection
- Basic Infrastructure
- Washed
And definitely one to be proud of
Since 1927 the National Federation of Coffee Growers of Colombia (FNC) has been promoting Colombian Coffee to the world.

Innovative Marketing Tools
Colombia as an origin, became well-known among consumers

Awareness of Colombia as a coffee-growing country

<table>
<thead>
<tr>
<th>Country</th>
<th>Aided Awareness</th>
</tr>
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<tbody>
<tr>
<td>U.S.</td>
<td>92%</td>
</tr>
<tr>
<td>Canada</td>
<td>91%</td>
</tr>
<tr>
<td>UK</td>
<td>85%</td>
</tr>
<tr>
<td>France</td>
<td>94%</td>
</tr>
<tr>
<td>Germany</td>
<td>89%</td>
</tr>
<tr>
<td>Spain</td>
<td>95%</td>
</tr>
<tr>
<td>Poland</td>
<td>85%</td>
</tr>
<tr>
<td>Belgium</td>
<td>82%</td>
</tr>
<tr>
<td>Italy</td>
<td>76%</td>
</tr>
<tr>
<td>Russia</td>
<td>72%</td>
</tr>
<tr>
<td>Japan</td>
<td>68%</td>
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<tr>
<td>South K.</td>
<td>71%</td>
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<tr>
<td>China</td>
<td>72%</td>
</tr>
<tr>
<td>Australia</td>
<td>69%</td>
</tr>
<tr>
<td>South Africa</td>
<td>55%</td>
</tr>
<tr>
<td>India</td>
<td>22%</td>
</tr>
</tbody>
</table>

KRC Research 2004/2005
Based on our Reputation we developed a trademark-based “Ingredient brand” strategy
The reputation of Colombian coffee created incentives for brand owners to highlight the origin “Colombian” in their labels.
And we found that in some cases the product was not even Colombian
Legal tools we used in the 1990’s

- Trademarks in an ingredient brand context: meant to be endorsers of someone else’s brand, higher degree of control.

- Certification Marks: enforcement is difficult and expensive.

- Plus, CM’s did not protect us against the use of “Colombian blend” or “Colombian type”

We needed an alternative that would help us to protect the Colombian origin and reputation.
The Café de Colombia G.I. Case

Organized Growers

A defined zone

Technical Assistance

A System behind the Product

Quality Control

Promotion & Advertising

R&D
We have learned that GIs are an effective tool for sustainable agricultural development

- Tool to transform raw material producers into exporters of high quality products

- Premium price for quality products on international markets

- “Light monopoly” on a name not on a product: no risk to prevent further development

- “Collective right” + “collective governance”: economies of scale for small agricultural producers that are “rightful owners” of their reputation

- It prevents the delocalization of production

- Spill-over effects on environment, job creation, tourism, gender issues, etc.

- Enhanced food security and traceability (consumers)
What we have accomplished

• Locally
  – Café de Colombia was recognized as the first Colombian Denomination of Origin in February 2005

• Andean Community
  – The G.I. recognition has been recognized by Peru, Ecuador and Bolivia

• European Union
  – In September 2007, “Café de Colombia” was granted the Protected Geographical Indication status by the European Commission.

• Other countries coming
The Café de Colombia PGI is both the recognition of a longstanding effort of Colombian coffee farmers, and a powerful tool for capturing more economic value and support their sustainability into the future.
Issues to be faced

• Not every one is an expert: Trademark offices and/or courts must be educated.

• Control Systems Credibility – Third parties evidence requested.

• G.I. must not be interpreted as a generic or descriptive term.
Café de Colombia: Protection Experience.

- **Colombiano Coffee Shop**: Domain Name Dispute Resolution.

**Claims:**
- Colombianocoffeshop was a bad faith registration.
- Reproduced COLOMBIAN COFFEE and CAFÉ DE COLOMBIA trademarks.
- Those certification marks and trademarks are well-known.

**The Resolution:**
- WIPO held Colombian Coffee and Café de Colombia were reproduced by colombianocoffeshop.
- The domain name registration was a bad faith registration.
• **Roaster client in Spain**: Former ingredient mark licensee, using COLOMBIA to identify a coffee from different origins.

Claims:

- TM infringement.
- Unfair competition: misleading the consumer.

Court Resolution:

- First instance: sustained FNC claiming.
- Second instance: Infringer committed unfair competition behavior, exploiting the reputation of the Origin to attract and mislead consumers.
- No TM infringement, since it had been authorized to use it through the TLA in the past.
Colombian Mountain Coffee: Opposition before CTO.

Claims:

- Applied for trademark was phonetically and grammatically similar to CAFE DE COLOMBIA.
- Most importantly, the applied for trademark had to be denied since GI are also protected against its translation by third parties.

CTO Resolution:

Sustained the claiming and denied the application for registration.
The road ahead

• Beyond Country Origin:
  – Regional Geographical Indications
  – Fine Tuning the link between geographical and organoleptic characteristics at the regional level.

• Develop a more sophisticated legal and marketing strategies
  – Develop the emotions associated with specific origins
It is possible to find regional differences correlated to specific geographic attributes
Through technology we have been successful at identifying objective criteria to differentiate and protect regional origins.

PCA Analysis NIRS spectrum of 5 “regions” with GI potential.
Growers have already started to make it their own

“Nariñense” Protect the origin of your coffee and defend your future
So far we have been successful in the protection of our intellectual property assets. But there is still a lot of work to be done.