

Geographical Indications as IPRs

A Word from NGOs

WIPO-INDECOPI

Worldwide Symposium on Geographical Indications

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ori**G**In

Summary

- I. oriGIn: The Global Coalition of GI Producers
- II. Common Challenges Faced by GI Producers at the Global Level and oriGIn Response
- III. A Few Conclusions



I. oriGIn: The Global Coalition of GI Producers



Growing interest for GIs at global level

- Several third-country GIs protected in the EU
- 146 GIs currently protected in India (+ China, South Korea, Cambodia, etc.)
- Dynamism in Central and South America
- Proliferation of technical assistance projects in Africa
- Producers' interest in “skeptical” countries (US, Argentina)

Proliferation of “voluntary standards”



Specific features of the GI scheme

- Standards decided by producers themselves
- Public policy: further guarantee for consumers

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Why does origin matter?

- Annual turnover of GI sector in the EU (DG Agri)
 - 14.2 billion EUR at producers' level
 - Over 21 billion EUR at retailers' level
- Premium price: Blue Mountain Coffee: 43.44 US\$ per pound, against 3.17 US\$ for non-differentiated coffee (Teuber R)
- Spill-over effects: “Routa del Tequila”, UNESCO World Heritage

oriGIn: Unity is strength!

- oriGIn: the organisation of GI producers' groups
- Established in 2003 as a non-for profit organisation
- Some 250 members from 45 countries
- Secretariat based in Geneva
- Presidency: Mr. Ramón González Figueroa, Director General, Consejo Regulador del Tequila (CRT)



oriGIn goals

- Strengthen the protection of GIs at the national, regional and international level
- Promote GIs as a tool for sustainable development
- Facilitate exchange of “best practices” among GI producers and specialists



II. Common Challenges Faced by GI Producers at the Global Level and oriGIn Response



i. Complexity in a fast-changing world

- Proliferation of fora and negotiations (WTO, WIPO, ACTA, bilateral agreements, etc.)
- Evolution of laws and regulations
- Growing phenomenon of imitations: need to monitor markets
- New trends in communication and marketing

oriGIn response

- Active participation in international fora (WIPO committees, EU working groups, WTO, etc.) and advocacy
- Reports and studies (GIs in the US; how to protect GIs in the BRICs; GIs and development)
- GIs Market Watch
- Opportunities of exchange for producers



ii. “Weak” international legal framework



ii. “Weak” international legal framework



*Mr. Brown Blue Mountain
Blend Instant Coffee*

As a result

- Loss of market shares for GI producers
- Incentive to misleading marketing techniques
- Negative impact on the reputation of origin products
- Consumers are confused and misled
- At stake the sustainability of the “GI business” itself

oriGIn response: at WTO

- “GI Extension”
- Multilateral Registry for all GIs
- oriGIn helped to forge the coalition of 110 WTO countries supporting “Draft Modalities on TRIPS Related Issues”



oriGIn response: at WIPO

- Regular participation in the Working Group on the reform of the Lisbon Agreement
- In favour of extending the Lisbon Agreement scope of application to GIs (TRIPS art. 22.1 definition) + maintaining the current definition of AO
- Proposal to allow GI groups to request registration via the Lisbon System
- Opposition to the introduction of 2 levels of protection for GIs and AO

iii. Protecting and enforcing GIs

GI/TM to complement each other when possible + pragmatism when not possible



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iii. Protecting and enforcing GIs

When only TMs are available (e.g. US)

- Registration costs: 10,000 US\$ in the US
- “Non-participatory approach”: Kona Coffee registered as CM by the State of Hawaii (10% Kona Coffee requirement)
- Monitoring the use of the CM (including license requirements): more 200,000 US\$ per year spent by the Idaho Potato Commission (IPC)

iii. Protecting and enforcing GIs

- Protecting TMs from dilution and becoming generics as well as preventing the registration of confusingly similar marks (USPTO approach in dealing with TM requests containing CMs)
- An opposition proceeding can exceed 100,000 US\$ (FNC spent over 500,000 US\$ in oppositions in 2007)
- Litigation: more than 1,000,000 US\$ spent by the IPC in enforcement cases in NY over the past 12 years

Solid protection under *sui generis* laws



Parmetta considered by a German Court
an **evocation** of the PDO “Parmigiano Reggiano”
(length of proceedings: 6 months)

GI Producers saving TIME and MONEY

oriGIn campaigns at the EU level

- Issue of TMs application conflicting with PDOs-PGIs
- Streamlining registration procedures
- Implementation of *ex officio* in EU Member States
- GIs used as ingredients in prepared food

Reform of the EU Quality Policy: “Quality Package”



III. A Few Conclusions

- Common challenges faced by GI producers worldwide: unity is strength!
- Need of a fair and transparent international level playing field (no discrimination for GIs)
- Pragmatic approach by producers (GIs/TM/etc.) but solid protection through *sui generis* systems
- Need for TM offices to play a more active role in dealing with TM requests containing GIs or certification and collective marks



To know more about oriGIn

- Our fifth General Assembly, **29-30 September 2011**
(Guadalajara, Mexico)



- I hope to see you there!

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Thank you for your attention

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