

CDIP/21/14

ORIGINAL: SPANISH

DATE: APRIL 30, 2018

Committee on Development and Intellectual Property (CDIP)

Twenty-First Session Geneva, May 14 to 18, 2018

INTELLECTUAL PROPERTY, TOURISM AND GASTRONOMY IN PERU: PROMOTING THE DEVELOPMENT OF TOURISM AND GASTRONOMY IN PERU THROUGH INTELLECTUAL PROPERTY

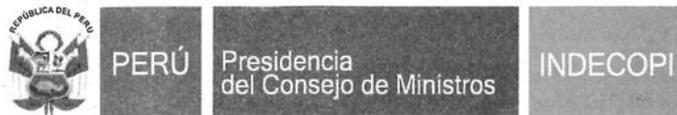
Prepared by the Secretariat

1. In a letter dated April 27, 2018, addressed to the Secretariat, the National Institute for the Defense of Competition and Intellectual Property of Peru proposed a project entitled “Intellectual property, tourism and gastronomy in Peru: promoting the development of tourism and gastronomy in Peru through intellectual property”, for discussion at the twenty-first session of the CDIP.

2. The above-mentioned letter and its enclosures are presented in the annex to this document.

3. *The CDIP is invited to consider the information contained in the annex to this document*

[Annex follows]



PERU: Presidency of the Council of Ministers

"Decade of Equal Opportunities for Women and Men"
"Year of Dialog and National Reconciliation"

Presidency
annex 1101

LETTER No. 36 -2018/PRE-INDECOPI

Lima, April 27, 2018

Mr. Mario Matus
Deputy Director General
World Intellectual Property Organization (WIPO)

Dear Sir,

We hereby extend our compliments and present to your office the project entitled "Intellectual property, tourism and gastronomy in Peru: promoting the development of tourism and gastronomy in Peru through intellectual property". The project seeks to accelerate the development of two sectors critical to the national economy by promoting the intensive use of intellectual property tools.

In this regard, we cordially request that you submit this proposal to the WIPO Committee on Development and Intellectual Property (CDIP) for discussion, in the hope that we obtain your cooperation within the framework of the support that your organization lends to special intellectual property projects at the global level.

You will find attached a brief document outlining the aims, strategic objectives and actions of the project.

Thank you in advance for attending to this request and may we seize this opportunity to reaffirm our institution's attachment to the strengthening of cooperation ties and the sharing of experiences and skills.

Yours sincerely,

Ivo Gagliuffi Percechi
Chairman of the Board of Directors
INDECOPI

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PROJECT

1. SUMMARY	
<u>Title</u>	Intellectual property, tourism and gastronomy in Peru: promoting the development of tourism and gastronomy in Peru through intellectual property.
<u>Brief description of the project</u>	<p>The project seeks to build awareness and promote the use of intellectual property (IP) in the tourism and gastronomy sectors with a view to boosting the development of Peruvian gastronomy and ensuring the sustainable and rational exploitation of the country's extensive and rich tradition and culture to lend added value to the related products and services offered.</p> <p>To that end, strategies and actions are proposed that involve the major public and private sector stakeholders in the tourism, gastronomy and IP sectors, working together to draw up a practical protocol for developing tourism and gastronomy through the use of IP tools.</p> <p>Furthermore, as part of a strategy to raise awareness among stakeholders, it is proposed that an event be organized to publicize the benefits of IP use in tourism and gastronomy.</p> <p>Meanwhile, in a bid to preserve traditional Peruvian culinary practices, it is proposed that traditional specialties guaranteed (TSGs) be regulated. This would require analysis of the existing IP regulations in Peru and a review of the impact that this legal framework has had at the international level.</p>
<u>Expected outcomes</u>	<p>Preserve the quality of traditional Peruvian gastronomy and encourage its innovation.</p> <p>Boost economic activity and increase added value in the gastronomy and tourism sectors through the intensive use of IP (for instance, guaranteeing traditional culinary practices, geographical origin and quality of ingredients, correct handling of food, etc.) as a resource for leveraging the significant diversity of local products and traditional knowledge which constitute the basis for developing these activities.</p>
<u>Project duration</u>	36 months
<u>Project budget</u>	

2. PROJECT DESCRIPTION

2.1. Introduction to the topic

Tourism currently generates significant revenue for countries and serves as one of the main sources of revenue for some developing countries.

According to the “Market survey to analyze gastronomic tourism in Peru”, presented by the Peru Export and Tourism Promotion Agency (PROMPERÚ) in 2017, the main attractions for tourists are traditional cuisine (59%), Machu Picchu (60%) and various natural landscapes (61%). The survey found that 82% of tourists view Peru as a gastronomic destination. Accordingly, in 2017, World Travel Awards recognized Peru as the world's best culinary destination for a sixth consecutive year.

The sheer variety of high-quality Peruvian products that are rooted in the national history, environment, and traditional forms of farming, production and processing has been recognized worldwide, thanks to Peruvian gastronomy.

Peruvian gastronomy includes, inter alia, dishes and recipes, agricultural products, ingredients, production and cooking techniques (the pachamanca, for example), cooking equipment, and eating habits. Moreover, Peruvian gastronomy opens up opportunities to develop agriculture, livestock and fishing by creating demand for Peruvian products. It also fuels the creation of new businesses and the demand for higher quality in the Peruvian countryside.

The international recognition of Peruvian restaurants has fueled the high demand for gastronomic tours that enable visitors to discover the culinary art of past generations of Peruvians that has endured thanks to fusion cuisine and innovative culinary techniques. These gastronomic tours include visits to gourmet restaurants, farms that grow the ingredients used in Peruvian dishes as well as markets and shops that sell food items. Visitors also participate in cookery classes and tastings.

The above information shows that there is a golden opportunity to create enabling conditions for economic and social development in communities that have potential tourist areas; attract investments; and generate a platform for IP proposals.

It is important to note that the services provided through restaurants, hotel associations and tour operators involve a large number of skilled workers, thus yielding a high percentage of well-paid jobs and raising the value of traditional products to the benefit of farming families and restaurant chefs.

Consequently, gastronomy industry stakeholders play a key role in providing high quality services to tourists by meeting their specific needs. Hence, they could greatly benefit from strategic use of the IP system in their activities. For instance, chefs could use trademarks, trade names and advertising slogans to market the products and services offered in their restaurants and could even own copyrights to the original wording of their menus. Suppliers (e.g. farmers) of the items used by chefs could also

benefit from the IP system through the use of collective marks, certification marks, appellations of origin, plant varieties, and traditional knowledge and folklore, among other things.

Another way to protect our gastronomy and its constituent elements is through TSGs, which seek to protect traditional products and recipes.

All the above notwithstanding, there is no intensive use of IP in the Peruvian tourism and gastronomy sectors. This is evident from the statistics generated by INDECOPI, which show that only 5.6 per cent of all trademarks registered in 2017 by Peruvian residents relate to catering and hospitality services.

Furthermore, elements like TSGs are not regulated under Peruvian law, a situation that limits the possibility of protecting national traditional products and recipes.

2.2. Objectives

Overall objective:

Promote the use of the IP system in the tourism and gastronomy sectors.

Specific objectives:

1. Build the capacity of economic stakeholders involved in tourism and gastronomy, and of national authorities, including IP offices, to use and leverage IP tools and strategies to add value that differentiates their products and services, and to diversify their economic activities while respecting local traditions and culture.
2. Develop and regulate the concept of TSGs as a way of preserving and protecting traditional Peruvian products and recipes.

2.3. Strategy

The strategy is aimed at developing specific activities to achieve project objectives and it includes the following:

1) Strategy 1: Dissemination and awareness-raising:

Action 1.1: Institute a public-private round table that brings together the main tourism, gastronomy and IP stakeholders in Peru: MINCETUR, PROMPERÚ, APEGA, AHORA, INDECOPI and opinion leaders in the sector (Gaston Acurio, Virgilio Martinez, and others).

Action 1.2: Prepare a baseline report on the IP situation in the tourism and gastronomy sectors to identify IP-related areas throughout the value chain.

Action 1.3: Organize an international seminar in Peru on IP, gastronomy and tourism to demonstrate how IP can help to develop these sectors (for example, promoting the use of products with appellations of origin, adopting collective marks for traditional products, and building a reputation through the use of IP tools).

2) Strategy 2: Connections to the market

Action 2.1: Develop a protocol that uses IP tools to link economic activities related to tourism and gastronomy to markets and that serves as a guide to facilitate the use of these tools by market stakeholders.

Action 2.2: Assess the outcomes of implementing the protocol referred to in Action 2.1, with a view to gathering the evidence needed to make adjustments or changes that would achieve a greater impact.

3) Strategy 3: Regulation

Action 3.1: Evaluate the Peruvian institutional framework, and then develop and implement TSG regulations in order to use this tool to build a reputation that promotes economic activities in the gastronomy sector and facilitates sector expansion and protection at the international level.

[End of Annex and of document]