

# Geographical Indications

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# Geographical Indications

A form of Intellectual Property Protection

and for

Culture  
Tradition  
Environment

## Geographical Indications

- GIs are defined differently in different places
- A GI identifies a good as originating in a delimited territory where a noted quality, reputation or other characteristic of the good is **essentially attributable** to its geographical origin and the human or natural factors there.
- When formal, they may be protected in different forms:
  - trademarks, certification marks, collective marks, *sui generis* systems such as denominations of origin.

## The Guide to GIs

### Objectives:

- ⇒ **Distills relevant lessons** for developing regions - review of nearly 200 pubs. and original cases.
- ⇒ Outlines **pros / cons of different choices** & assesses instruments and approaches i.e. public benefits, costs, etc.

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### ⇒ Co-authors:

Tim Josling (Prof. Emeritus Stanford), William Kerr (Editor, Journal of International Law & and Trade Policy), Catarina Illsley (Head, GEA), Bernard O'Connor (EU Attorney - author of 'The Law of GIs'), Dwijen Rangnekar (Sr. Fellow Centre for Study of Globalisation and Regionalisation Warwick U.), et al.

## Success factors determining “+” outcomes

- ⇒ Commercially successful GIs will not simply emerge
- ⇒ There is **no one-size-fits-all** approach
- ⇒ Success is often measured in decades - requires social, commercial and political **patience**
- ⇒ Critical to consider **equitable participation** among those in a GI region, and not easy to accomplish
- ⇒ **Legal Protection** including a strong domestic GI system

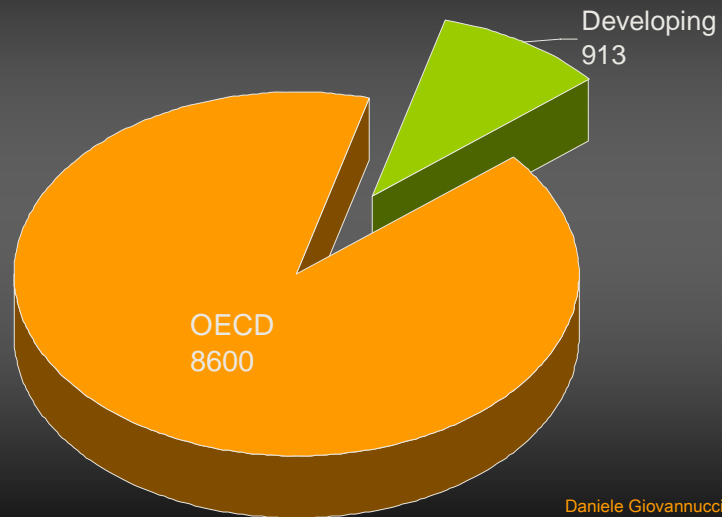
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## GIs & developmental characteristics

- ⇒ emphasize the **local**.
- ⇒ value **cultural** aspects and **traditional methods** that are intrinsic to product.
- ⇒ value the land and its particular **agro-ecological characteristics**
- ⇒ integrate **standards** and **traceability**
- ⇒ integrated form of **endogenous rural development**

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## Distribution of Geographical Indications



## GIs may not always make sense

- ⇒ **Establish** organizational and institutional structures.
  - to create, maintain, market, and monitor GI
- ⇒ All start with **popular product** and **controls**.
- ⇒ Most successes built with **strong marketing partners**.
- ⇒ **Sustained commitment** of resources for ongoing operational costs.

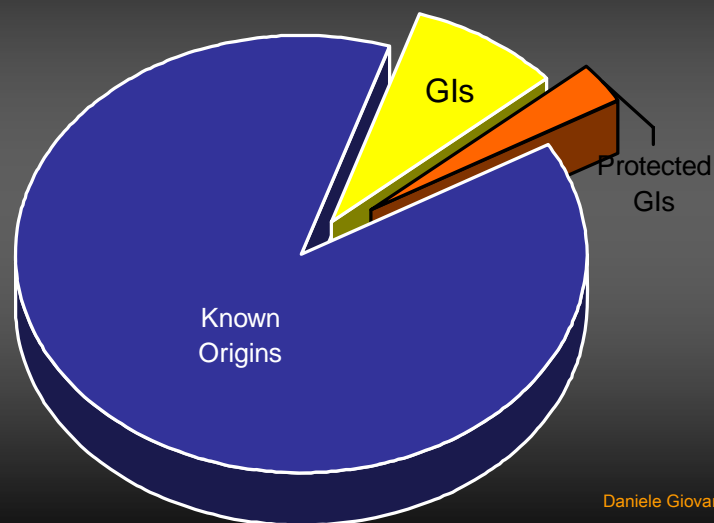
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## Caveats

- ⇒ Where is the value in the supply chain?
  - Mozzarella di Bufala Campana PDO mfrs receive premiums but producer dairies do not vs. Parmigiano
  - Darjeeling vs. Kona vs. Antigua vs Jamaica vs Colombia
- ⇒ Failure of institutions - GI a danger to the environmental & cultural assets (Mezcal)

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## Potential of Geographical Indications



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## GI questions

- ➔ What difference will it make in my supply chain?
  - Costs, Legal requirements, Control...
  - Quality, Producer benefits, Consumer value...
  
- ➔ What are my options as a business?
  - Disregard, Challenge, Undermine *i.e.* similar name...
  - Ask for exclusive, Facilitate market access ...
  
- ➔ What are my options as an origin?
  - There are better and worse ways - learn the lessons

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