



Promoting Intellectual
Property Rights in the
ASEAN Region

CAPACITY BUILDING WORKSHOP ON GEOGRAPHICAL INDICATIONS

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HOW TO DRAFT GEOGRAPHICAL INDICATION SPECIFICATIONS ?

Introduction

Why a specification?

- GIs identify a product where
 - a given quality, reputation, or other characteristic
 - is essentially attributable to its geographical origin
- Need to define
 - Product with its quality, characteristics, reputation
 - The geographical origin
 - The link between both
- In a specification or code of practices or book of requirements
- Exclusive right of use of the GI to all those complying with the specification: **exclusion/inclusion issue**

Few international guidelines

- GI defined in TRIPs (WTO) and GI/AO in Geneva Act of Lisbon Agreement (WIPO)
 - But no clue about how to interpret it and how to set up a GI specification
- WTO members have implemented their own legislation
 - With details about the content of the GI specification or without...
- Still, always a case by case analysis:
 - GI is a tailor-made “voluntary standard”

General principles to build a specification

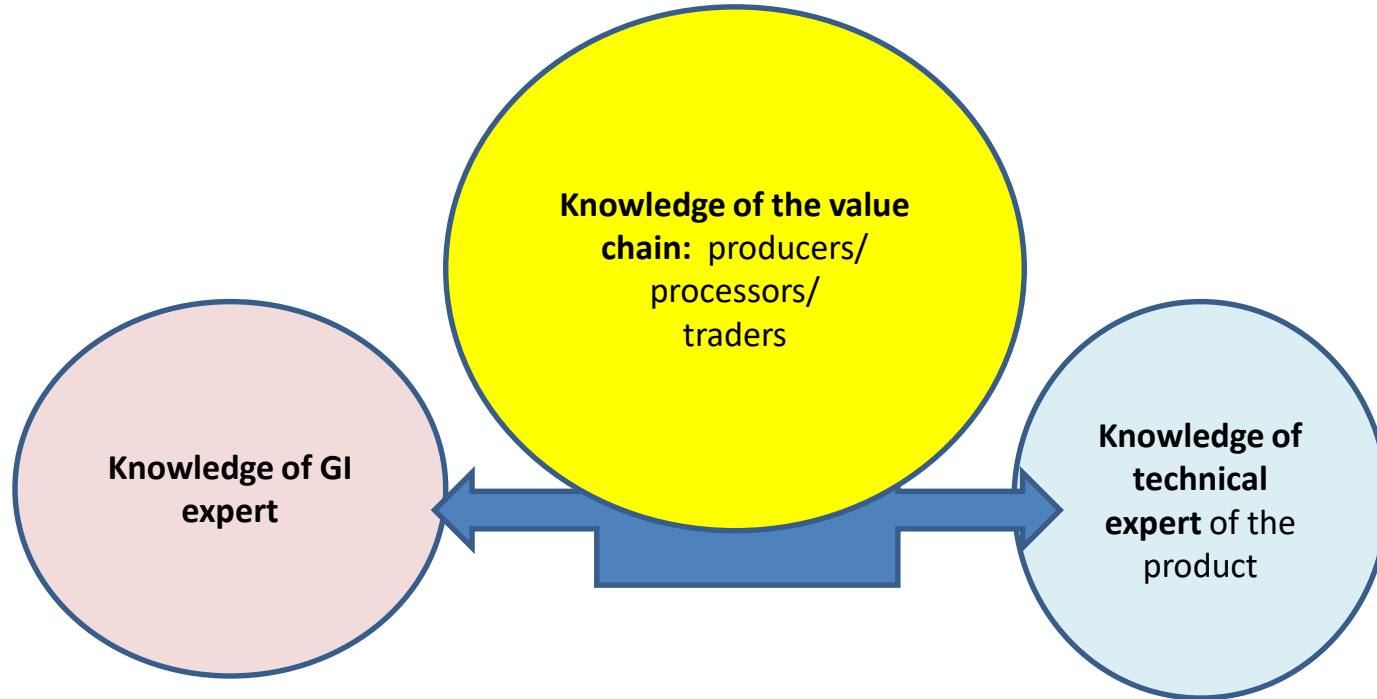
General principles

- Clear and precise, without risk of confusion, quite brief!
- Only elements necessary to the specificity of the product and that can be controlled :
 - Is not a manual of good practices, but rules to follow to obtain the specific product
 - Need to identify the key steps for the specificity keeping in mind their controllability
- Take into consideration the economic situation of the chain:
 - To obtain the specificity of the product + meet market demand
- Learning process:
 - Test the rules. Include a period for testing and adjusting rules.
 - Modify the book of specifications, when necessary

General principles

- In cooperation with actors of the value chain
- Identify producers/ processors/ traders/ chief cooks/ gourmets who have a very good knowledge of the product = resource people = connoisseurs
 - To share the history of the product and to give elements on the link to the origin
 - influence of the river, altitude, quality of plants, reputation, know-how of production and processing, preferred sourcing zones...
 - To take part in the internal control
- Technical expert of the product: Universities, research...
- GI expert :
 - Work with product expert + producers/ processors/ traders, to identify necessary information for the GI specification

Combination of knowledge to elaborate the specification



Laboratory analysis + Sensorial analysis

- From the elements/criteria provided by the resource people = physico-chemical analyses of the product, soil, etc...
 - Only analysis of elements influencing the specificity of the product.
 - If soil doesn't influence, it is not necessary to analyze it in details.
- Sensorial analysis:
 - by a group of experts (producers, consumers, etc.) trained to recognize the GI product specificities through five senses

Main elements of the GI specification

Content of Specification in the EU

- Name to be protected as a GI
- Description of the product
- Definition of the geographical area
- Description of the method of production
- Link between the product and the geographical origin
- Control mechanisms/Inspection structure
- Traceability (evidence that the product comes from the place of origin)
- Labelling

CHOICE OF THE NAME

Which name?

- Geographical name ?
 - geographical name + denomination of the good:
 - Sweet onion from Cévennes (France), Kampot Pepper (Cambodia)
 - Q: restrict to the nature of the product?
 - single geographical name:
 - Champagne or Roquefort
 - non-geographical name:
 - Basmati (India/Pakistan), Feta (Greece), Argane oil (Marocco), Khao Kai Noi (Laos PDR)
 - historical geographical name :
 - Rice from Camargue in France, Malabar Pepper in India

Which name?

- Name used by producers/traders in trade, common language:
 - not created ex-nihilo
- not necessary name of the administrative zone
- Name of the place of production, processing or of trade (Bordeaux wine)
- No other descriptive word: 'original', 'traditional', 'farmhouse', 'natural',

No name likely to confuse public

- No GI if same name as plant variety/ animal breed
 - add a geographical name : “San Marzano tomato from Agro Sarnese-Nocerino”
 - change the name of the plant variety/breed: cultivars of wines, Maine-Anjou cow breed re-named “Rouge des Prés”
- No homonymous GI if confuse public

No generic name

- designation of any kind of goods = no link between product and the origin
- Eau de Cologne
- Dijon mustard
- Camembert: “Camembert of Normandy” is protected as a GI

DESCRIPTION OF THE PRODUCT

Description of the product

- Category of product
- Form of the product
 - Fresh or processed, in whole or cut, packed :
 - from which stage of processing or until which stage of processing does the product present the characteristics of the GI?
 - But the product form is not necessarily in the name of the GI
 - Ex: Kampot Pepper = GI name
5 kinds = red, black, green, white, full berries or clusters (grapes)
 - Ex: Kampong Speu palm sugar = GI name
4 kinds = Sugar powder; Sugar paste; Sugar block; Sugar syrup

Description of the product

- Several varieties in the same GI:
 - If they are close enough and represent the same « pool » of varieties or if there is a common reputation for all these varieties
 - ex PGI «Cítricos Valencianos » Spain

Description of the product

- avoid subjective and imprecise descriptions such as 'delicious', 'perfect', 'tasty', 'beautiful', 'housewives' favourite', etc.
- avoid exaggerations: 'best', 'most sought after', etc.
- precise language of the area concerned: agronomy, food technology, textile sciences

Description of the product

- Organoleptical characteristics :
 - form, appearance, weight, consistence, fluidity, aroma, texture, flavor, taste, smell ...
- physico-chemical characteristics (dimensions, dry matter content, sugar content ...) or microbiological :
 - not to describe the intrinsic physical, microbiological, chemical and organoleptic characteristics of the type, variety; but only the specific characteristics
 - documents: results of test, research, studies...

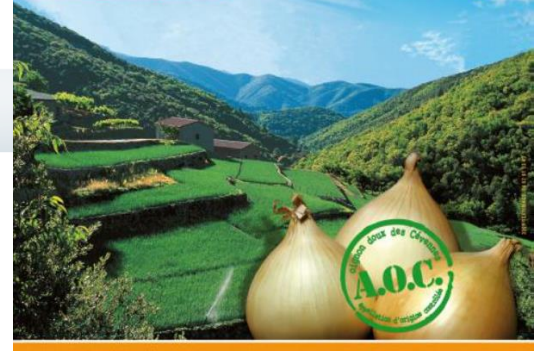
Description of the product

- Description of raw material for processed products:
 - description of the raw materials, their source if important for the specificity of the processed product
 - their generic quality: grade, plant variety, kind of wood for woodcraft, kind of fibre for textile

Example

- Oignon doux des Cévennes (France):

‘Oignon doux des Cévennes’ is a storage onion cultivated on terraces. It is pearly white to coppery in colour, with a roundish to elongated bulb, a shiny appearance and fine and translucent tunics. The scales are thick with a white, moderately firm and juicy flesh. The dry matter content is less than 10 %. Eaten raw, the flesh is crunchy but not sharp or bitter and has a fine, balanced flavour. Eaten cooked, it keeps its shine and becomes translucent, unctuous, juicy and sugary in taste, with no bitterness and a roasted, chestnut flavour.



DESCRIPTION OF GEOGRAPHICAL AREA

Geographical area

- Delimitation according to the link to the origin
 - coherent with the natural and/or human factors described in the link with the origin
 - homogeneous zone in terms of production practices and natural conditions (soil, climate,...).
- defined in a detailed, precise way
 - no ambiguities: physical boundaries (e.g. rivers, roads) or administrative boundaries, going up to the plot of land, or the communes, map of the area
- no systematic relation with administrative area
 - Roquefort: not limited to administrative area of town: milk is sourced outside the city

Geographical area

- Which steps must take place in the delimited geographical area?
 - Cultivation, collect of the raw material
 - Processing
 - Packaging
- Several geographical areas are possible for each step if the link to the origin for each located step can be justified

Example

- Kampot Pepper: area is described in part 5.1 with a list of districts, but in “§ 6. Production Methods” mentioned that plot of land has to fulfil specific conditions: soil and location: hillock or base of the mountain, or if located in the foothill and plateau, in area well drained or natural declivity soil
- Cévennes sweet onions (France): grown on parcels identified by INAO on the basis of location of the parcels and the production conditions

METHOD OF PRODUCTION

Method of production

- Description of the production steps that take place within the defined geographical area(s).
- Only describe mandatory steps of production
 - Do not describe optional: step such as GAP
 - avoid unclear wording such as “can, could, is” but use “has to, must”
- Target values must be precise
- If compulsory steps out of the zone
 - Described as specific rules.

LINK BETWEEN THE PRODUCT AND ITS GEOGRAPHICAL ORIGIN

Link to the origin

- demonstrate in what way the product's quality, characteristics or reputation are due to the geographical area
- 3 sub-parts :
 - the **specificities of the geographical area**
 - explained by natural factors and/or historical and human factors
 - the **specificities of the product**
 - how these two **are linked**.

Specificities of the geographical area

- **Natural factors**
 - climate, soil, specific elements of the environment: topography, exposure, altitude, water, air, humidity, wood used for smoking, clay for casting, local variety, local animal breed...
- Explain the localization of production
 - characteristics of the zone that
 - are adapted to the product
 - are influencing the current techniques and uses
 - are giving particular characteristics to raw material
- should not include features of the area that have no influence on the specificity of the product.

Specificities of the geographical area

- History
 - Of the product: when the production of the product started?
 - Of the use of the name: When was such name used at local / national/international level?
- **Human factors:** specific know-how, practices, traditional skills, savoir-faire of producers in the production area
 - in what way the methods of production are different from the others and contribute to specific and distinctive character?
 - shared among the community of producers
 - for a certain time: for ex transmitted between 2 generations
- Kampot Pepper
 - Comparison between farmer practice in Kampot province and other region

Specificities of the product

- **Reputation**
 - name widely known in the sector of production or trade: awards, references in professional books or press, special mentions in cooking publications, consumer surveys...
- Salted anchovies from Ligurian Sea (Italy):
 - Since XVIth century in Liguria, fishing and trading both fresh and salt-preserved anchovies were governed by the statutes of the Ligurian coastal towns. (...) The traditional quality ...was, and still is, renown in nearby regions and in Piedmont, where these anchovies became the main ingredient of one of the most famous regional dishes, the 'bagna cauda'.
- Darjeeling tea (India):
 - professionals books, press media articles, surveys among chefs of restaurants.

Specificities of the product

- **Characteristics/quality**: comparison with other products of the same type
 - what makes this product special compared to similar products: only for the particular characteristics of the product due to origin

Example

- Kampong Speu sugar palm :

Analysis of palm sap coming from different districts/provinces: in the GI, sugar concentration highest

- Riso del Delta del Po

The special characteristics of Riso del Delta del Po are its high protein content, the size of the grains, high absorption capacity, low rate of starch loss and superior quality, all of which give it a good cooking firmness. It also has a particular flavour and aroma which distinguish it from rice not grown in brackish water.

Causal link: influence of the specificity of the geographical area on the specificity of the product

- *The link has to be causal and not coincidental.*
- Kampong Speu Sugar Palm
 - The production area is within the districts mentioned in § V zones are characterized by the presence of “Red-yellow podzol soil” (sandy soils, with good drainage capacities). All professionals of palm sugar (producers and local traders) acknowledge that the localization of trees on deep sandy soils is a key factor of the quality of the sugar. Sap appears to be more concentrated, which explains the rich aromatic level of Kampong Speu palm sugar. In addition, the Kampong Speu area is characterized by low rainfall that contributes to the high sugar concentration of the sap.

Example: Riso del delta del Po (Italy)

The salt deposits on this area of drained land, coupled with the specific nature of the water used and the existence of a high table of saltwater, influence the character of the rice organoleptically and as a traded commodity — as a result, it is instantly recognisable and held in high esteem on the market. The alluvial soils, highly fertile because of the presence of minerals (particularly potassium), are conducive to a high protein content and enhanced cooking firmness. Also, the soils, though of varying consistency, are characterized by high salinity levels (EC of over 1 mS/cm) which gives the rice its special flavour and aroma. The constant sea-breeze radically reduces humidity levels in the micro-climate of the rice fields, thus also strongly diminishing the need for fungicides and helping to produce rice of a high quality.

Controls and Traceability

Information concerning the labelling

- Name of the product:
 - what size, which languages
- If it exists, the logo of the association
- The National logo of Malaysian GI
- Possibly the logo of PGI of other country where the GI is registered
- No need of description on mandatory labelling (food safety rules for example)



Thank you for your attention

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