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GIs The “Darling” of Europe, But Protection A Challenge For All, Producers Say

By Catherine Saez, Intellectual Property Watch on 28/05/2013 @ 4:09 pm



[1]

Bordeaux – The challenges for geographical indications in the 21st century were explored at a recent conference co-organised by two organisations promoting this type of intellectual property protection. Among issues presented were the protection of geographical indications, and the value of geographical indications at the European level.

The French Aquitaine region encompasses five “départements”, each one richer in geographical indications (GIs) and appellations of origin (AOs) than the last. Périgord’s walnut, Limousin’s apples, Agen’s prune, Espelette’s pepper, or Charentes-Poitou’s butter are but a few examples of GIs and AOs in the region.

GIs and AOs are a collective intellectual property protection referring to products having a specific geographical origin from which they derive particular qualities, reputation or characteristics. AOs require stricter standards than GIs.

On 21 May, the Geneva-based Organization for an International Geographical Indications Network ([oriGIN](#) [2]) and the Association of European Regions for Products of Origin ([AREPO](#) [3]) organised the conference, bringing GI and AO producers from several countries together with governmental and intergovernmental organisations.

Control and Protection of GIs, AOs

Luis Fernando Samper, chief communication and marketing for the [Colombian Coffee Growers Federation](#) [5], said the federation represents over 500,000 coffee growers in Colombia. The federation, he said, put in place a detection system based on Near InfraRed Spectroscopy (NIRS) technology to facilitate testing and “avoid endless argumentation,” as the system can identify the geographical source of the coffee. Some 45,000 samples were evaluated in 2012 prior to exportation, he said.

Café de Colombia is on the verge of becoming the first foreign GI recognised in Switzerland, and has 415 trademark registrations, and 11 GI certification marks in different countries, he said.

For Mario Pomares, Caballero, managing partner at Berenguer&Pomares Abodagos, and member of oriGIN’s Executive Committee, the “proliferation of online shops,” where consumers can shop from home, has been a growing worry. A number of websites are offering products that are infringing GIs and AOs and merely offer copies of traditional brands, he said.

Infringing products can also be found on social networks or platforms such as eBay, he said, citing as an example a cheese produced in Germany and sold under the name parmesan. The name parmesan is considered as a translation of parmigiano reggiano, which is an AO, and cannot be used in countries where it is protected.



[4]

Catherine Lepage: Director of the French Bureau National Interprofessionnel du Cognac (Photo Credit: Catherine Saez, IP-Watch)

On 26 February 2008, the Court of Justice of the European Communities, in the case “Commission of the European Communities v Federal Republic of Germany,” found ^[6] that “the name ‘Parmesan’ is an evocation of the PDO ‘Parmigiano Reggiano’, which is in principle prohibited. In so doing, the court dismissed the argument put forward by Germany that the term ‘Parmesan’ has become a generic name which precluded it from amounting to an evocation.”

Internet service providers should be more engaged against fraudulent use of GIs once they are informed of the infringement, he said, adding that their responsibility should be engaged if the fraudulent content is not removed.

Cognac is the oldest French AO, said Catherine Lepage, director of the French Bureau National Interprofessionnel du Cognac, dating back to 1909. Some 20,000 people are working in this activity, she said. Cognac being a luxury product, it constitutes a prime target for counterfeits and infringement, she said, but Cognac benefits from a near wide-world protection, she said.



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Michael Erhart: European Commission Directorate-General for Agriculture and Rural Development (Photo Credit: Catherine Saez, IP-Watch)

France, Spain, Greece, Largest GI Holders, EU says

Michael Erhart, head of agricultural product quality policy at the European Commission, said the new EU agricultural product quality policy (dubbed quality package ^[7]), entered into force in January. In particular, it improves the quality of procedures, with faster protection through shorter deadlines, increases the protection against use in services, and improves the quality of control provisions, he said.

He said the EU had commissioned an external study ^[8] published last October on the value of production of agricultural products, wines and spirits protected by a GI. The study covered 2,768 GIs in the 27 EU member states in 2010. More than

80 percent of GIs are registered in six countries: Italy, France, Spain, Greece, Portugal and Germany, he said.

The sale value of EU GIs was some €54.3 billion (about US\$ 70 billion) in 2010, he said, with more than half for wines, a third by agricultural products, and 15 percent for spirits. The average value premium for GI products was found to be 2.23, which means that GI products were sold 2.23 times as high as the same quantity of non-GI products, which showed that using GIs can achieve a higher market price. A further study to be published in 2014 is currently examining to what extent this premium is actually translated into “more money in the pockets of producers,” or if higher prices are reflecting higher cost of production and control, he said.

International Treaty Update Progresses

Matthijs Geuze, head of the International Appellations of Origin Registry for the World Intellectual Property Organization, presented the process achieved by the Working Group on the Development of the Lisbon System on appellations of origin (*IPW, WIPO, 3 May 2013* ^[9]).

There are several difficulties in the negotiation of an international system protecting GIs and AOs, he said. One of them is terminology with substantive implications. Another one is differences in concepts, with certification marks, GIs, AOs, to name only a few, he said. Additional differences lie in definitions, even after the conclusion of the 1994 World Trade Organization Agreement on Trade-Related Intellectual Property Rights, which established a definition for GIs worldwide, he added.

Some predicted that TRIPS would signal the decline of the Lisbon system, he said, but on the contrary, the Lisbon system attracted more members after TRIPS, he said. Considering the registrations, “we see that the system is very much alive,” he said. Since 1995, Geuze said, there have been over 1,000 registrations.

Related Articles:

- [GIs Rub Against Trademark Protection In WIPO Discussions On Protection](#) ^[10]
- [GIs Closer To International Status As WIPO Committee Recommends Treaty Negotiation](#) ^[9]
- [GI Protection Gets Boost In BRICs; Common Definition Needed For International Debates](#) ^[11]

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[1] Image: <http://www.ip-watch.org/weblog/wp-content/uploads/2013/05/039.jpg>

[2] oriGIn: <http://www.origin-gi.com/index.php>

[3] AREPO: <http://www.arepoquality.eu/en/about-arepo>

[4] Image: <http://www.ip-watch.org/weblog/wp-content/uploads/2013/05/035.jpg>

[5] Colombian Coffee Growers Federation: http://www.federaciondecafeteros.org/particulares/en/quienes_somos

[6] found: <http://www.ip-watch.orgfile:///C:/Users/Catherine/AppData/Local/Temp/Court%20of%20Justice%20of%20the%20European%20Communities>

[7] quality package: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:343:0001:0029:en:PDF>

[8] external study: http://ec.europa.eu/agriculture/external-studies/2012/value-gi/final-report_en.pdf

[9] *IPW*, WIPO, 3 May 2013: <http://www.ip-watch.org/2013/05/03/gis-closer-to-international-status-as-wipo-committee-recommends-treaty-negotiation/>

[10] GIs Rub Against Trademark Protection In WIPO Discussions On Protection: <http://www.ip-watch.org/2013/05/02/gis-rub-against-trademark-protection-in-wipo-discussions-on-protection/>

[11] GI Protection Gets Boost In BRICs; Common Definition Needed For International Debates: <http://www.ip-watch.org/2012/10/09/gi-protection-gets-boost-in-brics-common-definition-needed-for-international-debates/>