

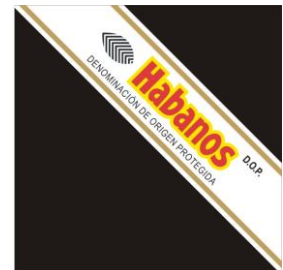
The need for institutional upgrade within a *sui generis* system of protection for GIs



Summary

- I. oriGIn
- II. Legal tools to “capture” the value behind a product’s geographical origin
- III. Best practices within *sui generis* systems and institutional upgrade

I. oriGIn – the global alliance of GIs



II. Legal tools to “capture” the value behind a product’s geographical origin



Why does origin matter?

Producers perspective

- Market geographical origin (differentiation)
- Turn agricultural products into “niche products”
- Protect tradition & investments (IPRs)
- “Capture” value added and increase revenues at local level

Consumers perspective

- More conscious, demanding (information on quality, health, methods of production, environmental concerns, ...) and ready to pay premium price for quality
- GIs increase market transparency and reduce transaction costs

Why does origin matter?

Markets perspective

- Trade regulations: reduction of tariffs and increase on non-tariffs issues (health, traceability)
- Efforts towards sustainability (economic, social and environmental components)



Key factors for GIs success

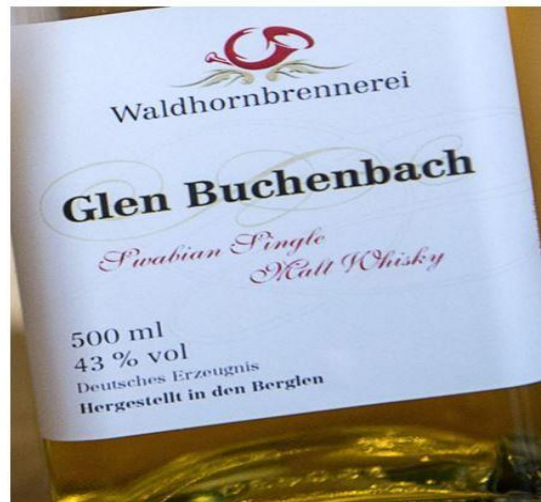
- Quality linked to a given geographical area
- Collective approach
- Solid system of controls
- Robust protection & enforcement



Sui generis systems: solid legal tool to ensure GIs success factors

- i. GIs as an independent category of IPRs (transparency)
- ii. Involvement of producers in the recognition/registration process
- iii. Analysis of products' specifications
- iv. Robust protection beyond the mere risk of confusion for consumers

Concept of evocation in the EU Regulations and case law



The WIPO Geneva Act of the Lisbon Agreement



Some figures

- i. **Some 8.800 GIs** currently recognized/registered in national jurisdictions (**some 7.500 protected under *sui generis* systems**)
- ii. Sectors: agricultural products (cheese, fruits, vegetables, coffee, ...), wines, spirits, non-agricultural products (handicrafts, industrial products)
- iii. **Majority of countries have adopted *sui generis* systems:** EU, Russia, China, India, ASEAN countries, OAPI, Morocco, Colombia, Peru, Chile, Canada, New Zealand (wines), ...

III. Best practices within *sui generis* systems and institutional upgrade

- i. Support of local authorities to producers
- ii. Technical expertise in the evaluation of products' specifications (coordination among authorities)
- iii. Efficient registration procedures (transparency, predictability)
- iv. Online registry (transparency and enforcement)

III. Best practices within *sui generis* systems and institutional upgrade

- a. Names protected cannot become generic
- b. Robust protection
- c. General framework for controls

Rationale for robust Gis protection

- Reputation, commercial success = infringements
- Gis value chains: Small producers
- High legal costs cannot be undertaken



Controls



Many thanks for your attention!

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