

oriGIn 2023 Biennial Meeting

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GENEVA



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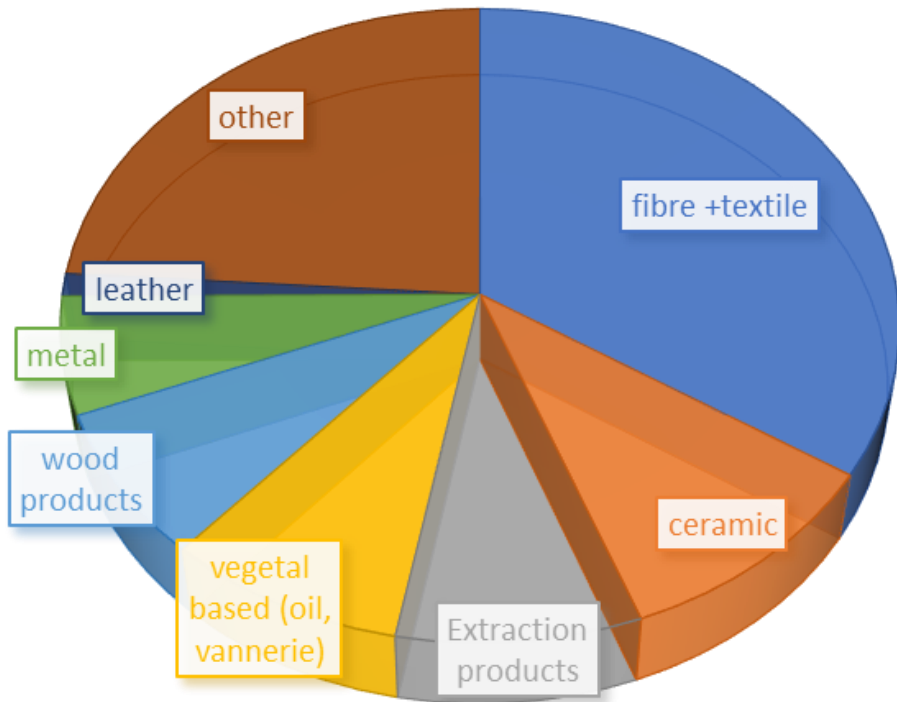
The EU Regulation on geographical indication protection
for craft and industrial products

Opportunities and Challenges

INTRODUCTION

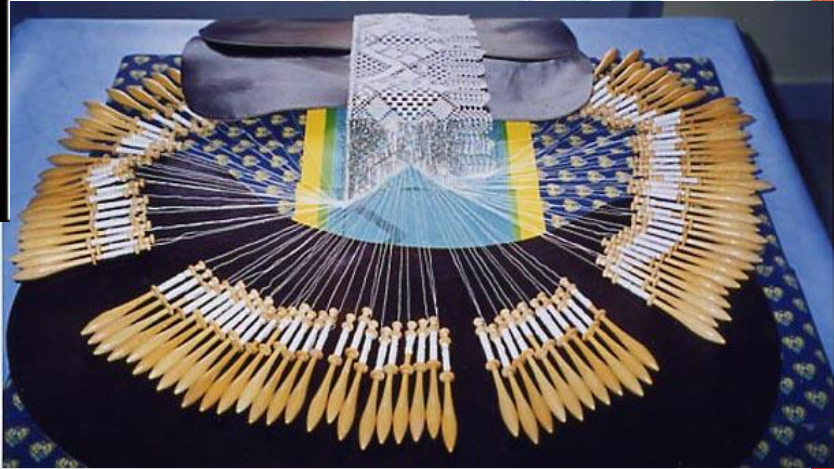
GIs for non-agri products : Worldwide Figures

GI + AO : KIND OF PRODUCT

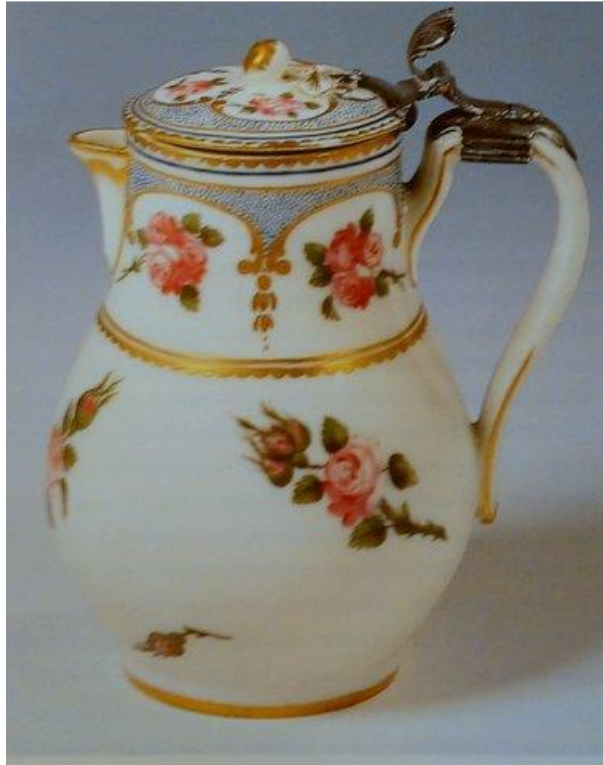


- GI & AO (OriGIn compilation, 2022):
 - 870 GIs
 - AO : 146 (WIPO Lisbon Express)
- India: 210 (out of 356 GIs, 2022)
- South America: 76 (out of 443, 2022)
- EU: 634 potential non-agricultural GIs (oriGIn study, 2013)
- France: 15 registered (2023)

Textiles



Ceramics



Catálogo dos produtos autorizados pela IG

- 1- Assadeira
- 2- Panela de caldos
- 3- Panela de pirão e arroz
- 4- Caldeirão
- 5- Frigideira



Hats



Stones



EU REG 2023 CHALLENGES: A SELECTED OVERVIEW

EU Reg 2023 Challenges: a selected overview

- Sui generis GI system with the 2 pillars:
 - Product specification examined by the public authority
 - Control of the compliance of the product
- Harmonization with the agri-products GI system

SUBSTANTIVE EXAMINATION OF THE LINK TO THE ORIGIN

Examination of the link to the origin

- 1st step at the national level or direct application at EUIPO by specific departement dealing with GIs (art 7)
- Which competencies at EUIPO ?
 - Advisory Board = composition?
 - Support of the applicant by the local/regional authorities/entities (art 8) : to bring expertise?

Technical expertise via broader consultation process?

- France: no field visit & no advisory board but
- Consultation of stakeholders (L 721-3) : 2 months
 - Public inquiry **open to anyone** including experts of the product:
 - Public consultation : for interested parties: Inao, local authorities, professional, consumers association
- EU: opposition by
 - competent **authority** MS/3rd country, person having **a** legitimate interest (art 25)
 - Could be more opened?

VERIFICATION OF COMPLIANCE WITH THE CORRESPONDING PRODUCT SPECIFICATION FOR EU GI

Self-declaration

- **Producer or its representative : self-declaration**
 - a document in which producers, or their authorised representative, indicate on their sole responsibility that the product is compliant with the specification
 - resubmitted every three years (art 51)
- **The competent authority responsible for the controls**
 - objective, impartial, transparent, qualified staff, efficient (art 50)
 - check the consistency and completeness of the self-declaration i
 - issue a certificate of authorisation to use the GI (art 51)

External controls: optional...

- Controls which **can** take place before and after commercialization
- **shall** be carried out,
- **based on a risk analysis**,
- and, if available, on **notifications by interested producers of the GI**
- by
 - competent authority; or
 - product accredited certification bodies or
 - natural persons (art 55) (not possible for for third countries GI - art 53)
- Control after commercialization: by competent authorities (art 54) with
 - police, anti-counterfeiting agencies, customs, IP offices, market surveillance and consumer protection authorities and retail inspectors (art 62)

Internal controls by producers groups?

- EU: optional (art 45)
- France: also optional (mandatory external control)
- Impact in practice:
 - No control of the product, no sensorial analysis
 - Only control of the method of production:
 - Ex: Linge basque, Porcelain de Limoges, Absolue de Grasse vs Huile essentielle de Lavande de Haute Provence
 - Weak collective action:
 - Quality management is at the core

Need to strengthen controls

- Because same logo as agri – food GIs, should bring same guarantees to consumers
- Towards more harmonisation...

HARMONIZED SYSTEM WITH THE AGRI- FOOD GI

Why not PDO and unique system for all products in Europe with a PDO/PGI EU office?

- Some handicrafts are made from local raw materials:
 - clay, wood, wool, cotton, water of the river,...
- Many handicraft are based on human factors alone:
 - tradition-based cultural factor, know-how, reputation
- Same situation of agri-food processed products

	Natural factors + Human factors	Human factors
Agri-food products	Comté, champagne, olive oil...	Melton Mowbray Pork Pie
Handicraft products	Pashmina shawls Toile Cholet, Granit from Bretagne	Kancheepuram silk Pochampally Ikat Dentelle du Puy

Validity of the link with origin based on human factors

- Natural environment:
 - influences the “know-how”
- Historical depth and collective practices in the area
 - strengthen the continuity of the link to the origin, while maintaining the quality, which is refined over time.
- A level of sophistication and of tradition as an additional requirement for registration?
- Origin of the raw materials
 - mandatory mention of this ‘external’ source in the labelling?

CONCLUSIONS

- GI sui generis system:
- Importance of controls
 - Of the compliance of the product: need of external or internal control beyond self-control: even CTM has external control
 - Of the link to the origin: strong substantive examination with experts in the field + open public inquiry + specific guidelines for products linked to origin via human factors
- To justify use of the same logo than agri-Gis
- Maybe one day a unique PDO/PGI EU office...?



Thank you very
much for your
attention

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