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A fresh look at GIs in the TTIP

Riccardo Deserti, oriGIn VP, Europe

ori**G**In

Summary

- I. oriGIn: the global alliance of GIs groups
- II. GIs and sustainable development
- III. Common challenges faced by EU and US GIs and opportunities offered by the TTIP

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I. oriGIn: the global alliance of GIs groups



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oriGIn: Unity is strength!

- Established in 2003 as a non-for profit organisation
- Based in in Geneva
- Today: some 400 members from 40 countries from all sectors (agri, non-agri, wines and spirits)

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Some of our members



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Our goals

- Strengthen the protection of GIs at the national, regional and international level
- Promote GIs as a tool for sustainable development
- Facilitate exchange of “best practices” among GI groups and specialists

An example of how we operate

Challenge: Complexity in a fast-changing world

- Proliferation of fora and negotiations (WTO, WIPO, ACTA, TPP, ICANN, bilateral and regional agreements, etc.)
- Evolution of laws and regulations
- Growing phenomenon of imitation: need to monitor markets

Our response

- Active participation in international negotiations (WIPO, ACTA, WTO, bilateral negotiations, etc.) and advocacy
- Periodical reports and studies for members
- Monitoring GI abuses in foreign markets and lobby @ national authorities

II. GIs and sustainable development

From an economic point of view: added value at the local level

- Premium price & revenues for produces: Blue Mountain Coffee sold at 43.44 \$ per pound, against 3.17 \$ for non-differentiated coffee (2008, Teuber R)
- Phu Quoc: 300% increase in export price between 2000-2003 / GI protection obtained in 2001 (UNDP)
- Job creation: half a million coffee producers in Colombia / direct jobs (FNC)
- Spill-over effects on other sectors such tourism: “Routa del Tequila”, UNESCO World Heritage

From an organisational point of view: The collective approach

- Several producers join forces
- Economies of scale: product specification, promotion, protection, product development, etc.
- Collective governance: experience sharing
- Better distribution of added value

From a social and environment point of view

- GIs encourage the preservation of biodiversity (plant, animal, microbiological) and landscapes
- GIs as vehicle to preserve local “savoir-faire” and TK
- GIs prevent the standardization of food
- GIs prevent delocalisation, reduce rural exodus and contribute to social cohesion



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III. Common challenges faced by EU and US GI groups and opportunities offered by the TTIP

Growing importance of origin products in the US

- American Viticultural Areas (AVAs)
- State and County Wine Appellations
- Certification, collective and commercial trademarks as well as unregistered products' names
- oriGIn/Berkeley School of Law list of candidate US GIs



Challenges (I): Definition of GI unique qualities in the US

- “Non-participatory approach”: 100% Kona Coffee v. 100% pure Kona Coffee
- “100% Kona Coffee” registered as certification mark by the State of Hawaii (10% Kona Coffee requirement to use the certification mark). No direct involvement of producers in defining such requirement
- The Kona Coffee Farmers Association (KCFA) – member of oriGIn – is working on the label “100% pure Kona Coffee”



Challenges (II):

costs in the US for both European and American groups

- Registration costs: 10,000 US\$
- Control of the mark (including license requirements): more 200,000 US\$ per year spent by the Idaho Potato Commission
- Monitoring + protecting TMs from dilution and becoming generics (an opposition proceeding can excess 100,000 US\$)
- USPTO “passive” approach in dealing with requests containing registered CMs (**Esempio Parmigiano Reggiano, vedi con Giorgio**)
- Litigation: more than 1,000,000 US\$ spent by the Idaho Potato Commission in enforcement cases in NY over the past 12 years

Challenges (III):

Obtaining recognition in the UE for US GIs protected via certification marks

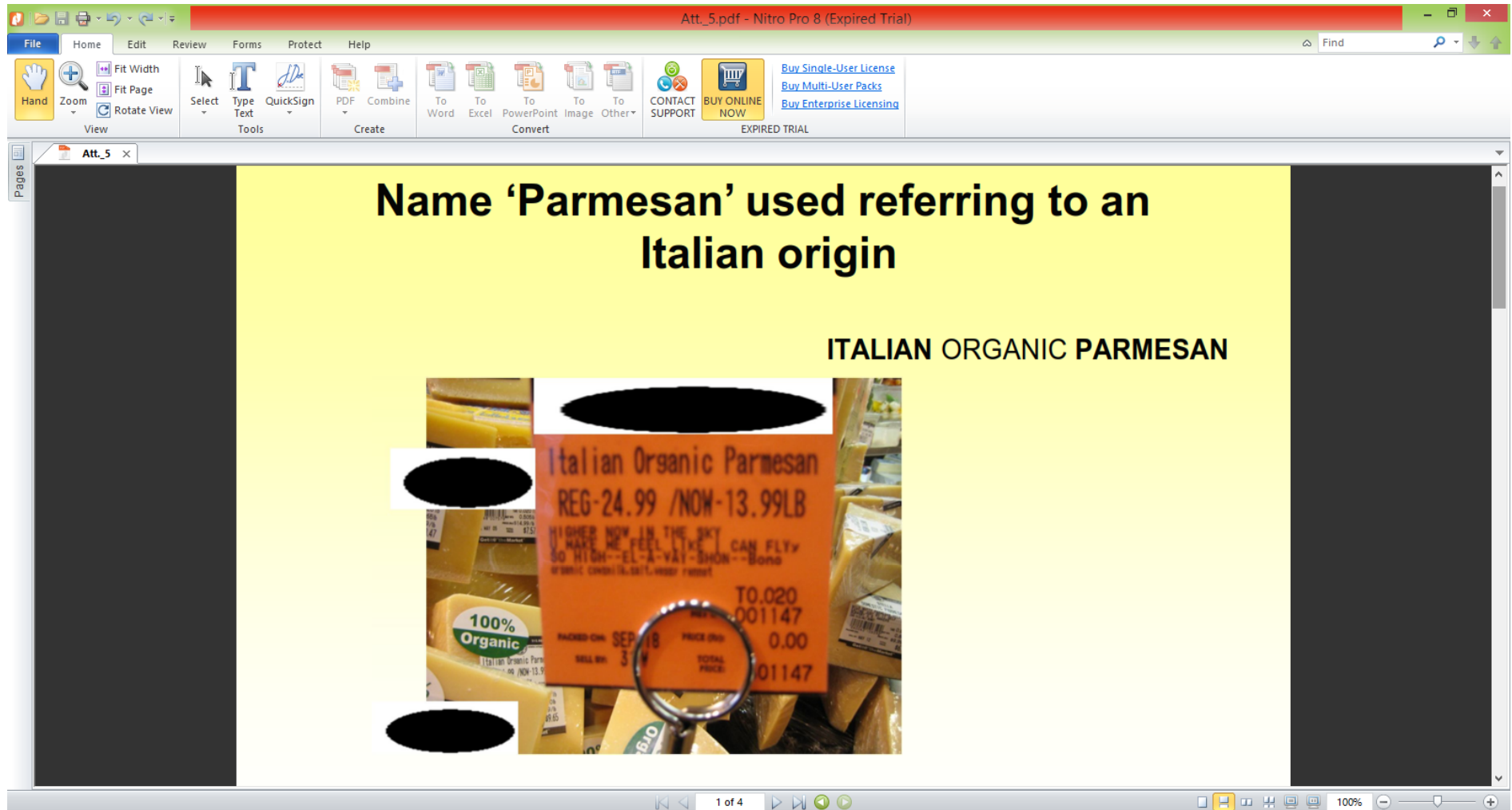
- Legal issues for certification marks (not owned by associations of GI producers/transformers, but rather by independent certifying bodies) with respect to the possibility to lodge a GI application under the relevant EU law (art. 49 of Reg. 1151/2012)

Challenges (IV): Fighting misappropriations for both EU and US GI groups



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Challenges (IV): Fighting misappropriations for both EU and US GI group



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A Few Conclusions

- The TTIP is a unique opportunity to address those challenges in an ambitious way
- By doing so, that obstacles that reduce the sustainable development potential of GIs on both side of the Atlantic will be eliminated

Thank you for your attention!

www.origin-gi.com

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