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Current Protection of Geographical Indication Specialties in Anqing Area and Future Development Strategies

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Abstract Current protection of geographical indications of specialty resources in Anqing area was introduced, development strategies for intellectual property right protection of geographical indications in the city were explored from the perspectives of protection of intangible cultural heritage, cultivation of high-quality specialties, technical specifications and quality control, poverty alleviation through industrial development.

Key words Geographical indication, Intangible cultural heritage, Poverty alleviation through industrial development, Dabie mountain area, Continuous destitute area, Anqing

According to *Poverty Alleviation and Development Outline of China Rural Areas* (2011–2020) issued by the Central Committee of the Communist Party of China and the State Council, key battlefields of poverty alleviation in the future decade cover 11 continuous destitute areas such as Dabie mountain area, and regions that have already received special supportive policies such as Tibet, southern Xinjiang, and Tibetan areas in Qinghai, Sichuan, Gansu and Yunnan. Dabie mountain area stretches over Anhui, Hubei and Henan Provinces. Anqing City, located in the destitute area of Dabie Mountain, has jurisdiction over 11 counties (districts), of which Taihu County, Susong County, Zongyang County, Yuexi County and Qianshan County are counties of national-level poverty.

Geographical indication is one of the 7 independent intellectual property rights specified in WTO Agreement on *Trade-related Aspects of Intellectual Property Right* (*TRIPS Agreement*), and also one of the top 3 items on the agenda of Doha Round Negotiations on Intellectual Property Right^[1–2]. It is a kind of intellectual property right protection for traditional high-quality specialties (specialties in a broad sense, such as agricultural products, liquors, foods, arts and crafts, and textiles)^[3–10].

Geographical indication and AOC (Controlled Appellation of Origin) were originated from France more than a century ago^[1–3]. However, geographical indication was not applied in China until 1995, 5 geographical indication protection systems have been invented and 3 of them have been maintained, namely, geographical indication product protection of General Administration of Quality Supervision, Inspection and Quarantine of the People's Republic of China, geographical indication trademark registration of State Administration for Industry & Commerce of the People's Republic

of China, geographical indication registration of agricultural products of Ministry of Agriculture of the People's Republic of China.

Anqing City is endowed with exceptional specialty resources. It is a key task for the further development of traditional specialty industry in Anqing City, and also a new direction of poverty alleviation for the city as a part of the continuous destitute area in Dabie mountain area to fully use the geographical indication specified in *TRIPS Agreement*^[1–10], combine with cultural heritage protection (especially intangible cultural heritage) of traditional specialties^[11–16], cultivate specialty brands of Anqing City, and improve its domestic and international competitiveness. In view of this, the authors explored current protection of geographical indication intellectual property right of specialty resources in Anqing City and strategies for future development.

1 Protection of geographical indication products

Products of geographical indication in *Protection Specifications for Products of Geographical Indication* refer to those produced in certain areas and named after geographical names by authorities, whose quality, reputation and other properties essentially depend on the local natural and humanistic factors. Products of geographical indication include planted and aquaculture products in the local areas; goods produced and processed in the local areas according to specific technology, whose raw materials are totally or partly local.

Since Shaoxing Wine became the first product of geographical indication of China on January 31, 2000, General Administration of Quality Supervision, Inspection and Quarantine has taken 957 products in China into the geographical indication protection according to *Specifications for the Protection of Products of Country of Origin, and Specifications for the Protection of Geographical Indication Products*. Sichuan, Guangdong, Hubei, Fujian and Henan are top 5 provinces on the list, and the products cover 15 major categories, specifically, fruits, Chinese herbal medicines, vegetables, foodstuffs, aquatic products, teas, art works, liquors, fowls, livestock, edible oil, flavorings, textiles, beverage and

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flowers. In addition, the General Administration has also taken 9 European specialties from France, Spain and Great Britain into the geographical indication protection.

Anhui Province has taken 29 specialties into the national geographical indication protection, 2 of which are produced in Anqing City, namely, Tianzhu Mountain Snakegourd Seeds and Yuexi Water Bamboo.

Tianzhu Mountain Snakegourd Seeds was approved on September 3, 2007, ranking 347 on the approval list. The range of geographical indication protection covers administrative areas of 16 towns in Qianshan County, including Wanghe Town, Youba Town, Meicheng Town, Huangni Town, Huangpu Town, Doumu Town, Tianzhushan Town, Shuihou Town, Wumiao Town, Cuo-shui Town, Yujing Town, Longqian Town, Huangbai Town, Guanzhuang Town, Yuantan Town and Tafa Town. There are 4 enterprises using the special mark, and 4 trade marks.

Yuexi Water Bamboo was approved on September 3, 2007, ranking 351 on the approval list. The range of geographical indication protection covers administrative areas of 17 towns in Yuexi County, including Wenquan Town, Shiguan Town, Weiling Town, Zhubu Town, Yaohe Town, Toutuo Town, Huangwei Town, Laibang Town, Heping Town, Qingtian Town, Baojia Town, Hetu Town, Gufang Town, Zhongguan Town, Changpu Town, Tiantou Town and Maojianshan Town. There is no any enterprise using the special mark, and no trademark.

2 Register of geographical indication trademark

Geographical indication trademark indicates the trademark signifying origin of the product and that certain properties, reputation or other features of the product are determined by local natural or humanistic factors. Application for geographical indication trademark is an internationally-accepted practice (especially in USA and Germany) for protecting local special products, with which local natural resources, humanistic resources and geographical heritage can be reasonably and fully used and conserved, high-quality specialties protected effectively and development of specialty industry promoted greatly.

State Administration of Industry & Commerce launched the registration of geographical indication trademark in 1995, and since then, 1 004 geographical indication trademarks in total have been registered (including Chishang Rice in Taiwan). Zhejiang, Shandong, Fujian, Sichuan, Jiangsu and Hubei have registered the most geographical indication trademarks, covering 16 major categories such as fruits, vegetables, teas, foodstuffs, Chinese herbal medicine, livestock, fowls, aquatic products, art works, flavorings, flowers, textiles, edible oil, liquors, beverage and tobacco.

In addition, 36 geographical indication trademarks from Thailand, USA, Mexico, Jamaica, Italy, Great Britain, Germany and South Korea have been registered in the State Administration.

Anhui Province has registered 26 national geographical indication trademarks, and Anqing City has 2 national geographical

indication trademarks, namely, Tongcheng Cress and Yuexi Cuilan Tea. Registrant of Tongcheng Cress is Tongcheng City Vegetables and Subsidiary Foodstuffs Producing and Marketing Office, and the register number is 3 173 278, while registrant of Yuexi Cuilan Tea is Yuexi County Tea Industry Association, and the register number is 5578268.

3 Geographical indication register of agricultural products

Geographical indication of agricultural products indicates the special mark of agricultural products named after their producing areas and signifying that properties and features of the products depend on local natural ecological environment, historical and humanistic factors.

Ministry of Agriculture launched the geographical indication register of agricultural products in 2008, and since then, 966 geographical indications of agricultural products have been registered according to *Register Procedure of Geographical Indication of Agricultural Products and Application Specifications of Geographical Indication of Agricultural Products*. Shandong, Sichuan, Heilongjiang, Shanxi, Jiangxi and Henan have the most national geographical indications of agricultural products, covering 14 categories such as fruits, vegetables, foodstuffs, livestock, aquatic products, Chinese herbal medicine, teas, fowls, edible oil, beverage, flowers, textile raw materials, tobacco and flavorings. Anhui Province has registered 12 national geographical indications of agricultural products, but Anqing city has no any national geographical indication of agricultural products.

4 Protection and development strategies for the geographical indication of specialties in Anqing City

4.1 Collecting, sorting out intangible cultural heritage related to traditional specialties, inheriting traditional industrial and cultural heritage and agricultural cultural heritage

UNESCO passed the *Convention for the Safeguarding of the Intangible Cultural Heritage* on October 17, 2003, which is a prelude of the safeguarding of global intangible heritage^[11]. In China, rescuing and safeguarding of cultural heritage (especially intangible cultural heritage) has become highlights and achieved considerable fruits since the State Council issued *Notice on Enhancing the Safeguarding of Cultural Heritage*, and General Office of the State Council printed and distributed *Suggestions for Enhancing the Safeguarding of Intangible Cultural Heritage in China* in 2005^[11-16].

None of the 34 World Intangible Cultural Heritage items in China is located in Anqing City. In addition to the World Intangible Cultural Heritage, national and local (provincial, municipal and county) intangible cultural heritage registration systems have gradually been established in China. In the *List of National Intangible Cultural Heritage*, 56 items are located in Anhui Province, but only 6 items are related to Anqing area, namely, Huangmei Opera, Tongcheng Song, High-pitched Tunes (Yuexi High-

pitched Tunes), Wennan Opera, cross-stitch work (Wangjiang cross-stitch work), mulberry (bark) paper making technique. Wangjiang cross-stitch work and mulberry (bark) paper making technique belong to national intangible cultural heritage and are closely related to traditional specialties.

In the *List of Anhui Provincial Intangible Cultural Heritage*, 25 items of the total 239 cultural heritage are related to Anqing area, namely, Huangmei Opera, Dongxiang martial arts, October Flora, puppet show, Qianshan Tanqiang (Tanqiang is also known as Huidiao, or Hui Tunes), legend of The Peacock Flies to South-east, broken-string gong and drum, legend of Xiaogu Mountain, Wenan Opera, flower-top clapper dance, music play, Tongcheng Song, legend of Liuchi Lane, Wangwei Lantern Show, Lianxiang Dance (Lianxiang stick is a bamboo stick with copper sheets or copper coins), Yuexi High-pitched Tunes, violet gold inkstone making technique, Yuexi Cuilan Tea making technique, Snow-top Cake making technique, Doumu pottery handmade crafts, Wanghe Su Mat, mulberry (bark) paper making technique, Wangjiang cross-stitch work, prepared salt making technique, cast tyre cloisonne enamel. The latter 9 items are closely related to traditional specialties.

Therefore, Anqing City should devote more in collecting and sorting out intangible cultural heritage related to traditional specialties (especially those of traditional crafts, traditional arts, and production folk customs), promoting the popularity of humanistic factors embodied in specialties, so as to better inherit industrial cultural heritage and agricultural cultural heritage of the local area accumulated in the period of agricultural civilization.

4.2 Further investigating traditional specialty resources, enhancing factor analysis of geographical indication and application of geographical indication protection There are only 2 national geographical indication products in Anqing City, namely, Tianzhu Mountain Snakegourd Seeds and Yuexi Water Bamboo; and 2 national geographical indication trademarks, namely, Tongcheng Cress and Yuexi Cuilan Tea; and no national geographical indication agricultural product.

However, Anqing City is famous for abundant specialty resources, such as Anqing crawfish, Zongyang dried lily flower, Zongyang radish, Zongyang buckwheat, Zongyang yam, Zongyang wild duck, Dabie Mountain flower mushroom, Dalong Mountain orange, Jiaxian rice, Maling melon seeds, Mailongxiang Mozi flaky pastry, Qianshan tea-tree mushroom, Qianshan edible manna lichen, Qianshan bamboo shoots, Qianshan mat, Susong pressed salted duck, Susong black sesame, Susong fern, Susong dried peeled shrimp, Susong silver fish, Taihu silk noodles, Taihu red water chestnut, Tianzhu Jianhao Tea, Tianzhu glossy ganoderma, Tianzhu Mountain arrowroot flour, Tianzhu spiced smoked dried Tofu, Tongcheng rice, Tongcheng wheat fish, Tongcheng cress, Tongcheng silk jujube, Tongcheng small orchid, Wangong tribute cake, Wanjiang mitten crab, miniature farming tools, Yixiu white eel, Yixiu snakegourd seeds, Yuexi chestnut, Yuexi Cuilan Tea, Yuexi tuckahoe, Yuexi water bamboo and Yuexi Osmunda.

Most of these traditional specialty resources are not taken into the protection of geographical indication intellectual property rights. Therefore, the specialty resources have to be fully investigated, and their geographical indication features studied from the perspectives of humanistic and natural factors. Then, application of geographical indication intellectual property rights protection for specialties should be enhanced, for example, more products can be taken into the geographical indication product protection of General Administration of Quality Supervision, Inspection and Quarantine, or be registered for geographical indication trademarks of State Administration for Industry & Commerce, and also geographical indication agricultural products of Ministry of Agriculture.

4.3 Encouraging the application of various special marks of geographical indication, integrating specialty brands of national geographical indication in the protection range of geographical indication, cultivating high-quality specialty brands

Application of special marks of geographical indication is a significant step for the protection of geographical indication intellectual property rights, and a key section to develop brand effects and economic efficiency of geographical indication products. Geographical indication and AOC are invented to build brands of regional specialties. Therefore, to better cultivate brands and fully use brand effects of geographical indication, enterprises are encouraged to use special marks of geographical indication in the protection range of geographical indication specialties (including geographical indication products, geographical indication trademark, and geographical indication agricultural products).

Among the 957 domestic geographical indication products specified by General Administration of Quality Supervision, Inspection and Quarantine, 4 055 enterprises are authorized to use 443 special marks of geographical indication products, and 218 of them are authorized to use geographical indication special marks of Wuyi Rock Tea. However, special marks of national geographical indication products in Anqing City are not effectively applied, and only 4 enterprises use the special mark of Tianzhu Mountain Snakegourd Seeds, and that of Yuexi Water Bamboo is not used by any enterprise. Therefore, such cultural heritage of industrial and agricultural brand as national geographical indication products, national geographical indication trademarks, national geographical indication agricultural products should be fully used, and brands of national geographical indication specialties in the protection range of geographical indication should be integrated to cultivate high-quality brands of Anqing City.

4.4 Establishing national quality standards for various geographical indication specialties, improving technological standards and quality monitoring functions General Administration of Quality Supervision, Inspection and Quarantine and Standardization Administration have issued national quality standards of 144 products of geographical indication since 2005 according to *Protection Specifications for Products of Geographical Indication and General Requirements for Products of Country of Origin*

(GB17924 – 1999) or *General Requirements for Products of Geographical Indication* (GBT17924 – 2008).

Geographical indication specialties have geographical indication intellectual property rights with national identification. To protect and use such intangible intellectual property rights, there must be strict quality and technological requirements for the geographical indication specialties as a kind of carrier, and national quality standards must be specified. However, there are only local quality standards for national geographical indication specialties in Anqing City, for example, Tianzhu Mountain Snakegourd Seeds, Yuexi Water Bamboo, Tongcheng Cress and Yuexi Cuilan Tea. Thus it is imperative to make national quality standards for such geographical indication specialties to better protect geographical indication intellectual property rights, improve the technological standards and quality monitoring function.

4.5 Enhancing the protection of intellectual property right for intangible cultural heritage, applying the duplicate protection of geographical indication and intangible cultural heritage Intellectual property right protection of intangible cultural heritage has won increasing attention in recent years^[14–16]. Although many intangible cultural heritages are irrelevant to geographical indication intellectual property rights, some traditional specialties show features of geographical indication and include intangible cultural heritage. For example, Enshi Jade-dew Tea, Top One famous tea in Hubei Province, is a product of national geographical indication, and also one of the rare steamed green tea in China. Making technique of Enshi Jade-dew Tea belongs to the intangible cultural heritage (of traditional arts and crafts), and the tea is an intangible heritage (of agricultural brand), Enshi Jade-dew tea cultural system of Bajiao Dong Nationality is a significant traditional agricultural system or landscape.

Therefore, we should protect intangible cultural heritage (especially traditional arts and crafts) of Anqing specialties of geographical indication (such as Yuexi Cuilan Tea), and apply for National Intangible Cultural Heritage List. Geographical indication of intangible cultural heritage should be well protected, such as Wangjiang cross-stitch work, mulberry (bark) paper making technique, prepared salt making technique, violet gold inkstone making technique, snow-cake-top tribute cake making technique, Doumu pottery handmade crafts, Wanghe Su Mat, cast tyre cloisonne enamel. Traditional specialties should be protected according to protection standards of geographical indication intellectual property rights and intangible cultural heritage.

4.6 Cultivating and strengthening high-quality specialty pillar industry, devoting more in poverty alleviation by developing geographical indication specialty industries Protection of geographical indication intellectual property rights is significant for traditional specialties. For example, it is able to develop comparative advantages of high-quality specialties; play the guiding role of market and organizational effect of enterprises, promote the industrialization of high-quality specialties; use technological standards and quality monitoring function, enhance the quality standardiza-

tion of high-quality specialties; support and promote brand strategies of specialties by using market awareness and reputation background of products; explore connotations of natural cultures and historical cultures, and expand comprehensive functions of specialty industry; improve international competitiveness of specialties, promote the development of specialty trade; improve additional value of specialties and peasants' income, help settle issues concerning "agriculture, rural areas and peasants". *Poverty Alleviation Development Outline for China Rural Areas* (2011 – 2020) defines the specific objectives of poverty alleviation and development in terms of special and competitive industries. First, achieving 1 income-increasing item for 1 household by 2015; second, establishing characteristic pillar industry system preliminarily. In the future decade, the key tasks for poverty alleviation are to develop industries for alleviating poverty, cultivate and strengthen a characteristic pillar industry, and further develop characteristic industries. Therefore, it is to fully develop eco-environment and natural resource advantages in poor areas, cultivate and strengthen pillar industries of high-quality characteristic specialties, enhance the poverty alleviation development of specialties of geographical indication in Anqing City, especially in counties of national-level poverty.

5 Conclusion and suggestion

Anqing City is endowed with abundant specialty resources, but has only 2 products of national geographical indication, and 2 national geographical indication trademarks, and no any geographical indication of agricultural products. On the basis of researches on current protection and development strategies of geographical indication in Anqing City, the authors proposed the following suggestions: collecting and sorting out intangible cultural heritage related to traditional specialties, inheriting traditional industrial cultural heritage and agricultural cultural heritage; further investigating traditional specialty resources, enhancing factor analysis of geographical indication and application of geographical indication protection; encouraging the application of various special marks of geographical indication, integrating specialty brands of national geographical indication in the protection range of geographical indication, cultivating high-quality specialty brands; establishing national quality standards for various geographical indication specialties, improving technological standards and quality monitoring functions; enhancing the protection of intellectual property right for intangible cultural heritage, applying the duplicate protection of geographical indication and intangible cultural heritage; cultivating and strengthening high-quality specialty pillar industry, devoting more in poverty alleviation by developing geographical indication specialty industries.

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factor; the impact is higher than age and gender; political affiliation and spouse fail to reveal the impact on farmers' behavior of recognizing opportunities. In the aspect of opportunity recognition ability, older people can expand their network size and accordingly increase their recognition probability through their rich social experience. Farmers' level of education is an important guarantee for improving farmers' behavior of opportunity recognition. However, the overall quality of farmer entrepreneur is low. In the aspect of enterprising idea, it is recommended to liberate and attract young and women farmers to start an undertaking; in the education system, it should strengthen rural elementary education, expand farmers' continuing education, launch enterprising education for farmers, and establish comprehensive education system to ensure smooth undergoing of farmers' enterprising activities; in education content, it should stress the innovation ability and guidance of innovation activities, to improve farmers' recognizing entrepreneurial opportunities, and raise farmers' value creation potential.

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