



Geographical Indications in Progress...Do Latin America Countries Represent a Third Path of Development?

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Abstract

Geographical Indications (GIs) are names of regions, specific places or, in exceptional cases, countries, used to describe an agricultural product or a foodstuff (EC 510/2006, Art. 2). They have received much attention in the last years not only at the European level, where they stem from, but also at different international forums such as at the World International Organization (WTO). Being a particular form of intellectual property, these certifications schemes could have the potential to be applied also to non-agrifood commodities or even services. Furthermore, due to the severe menace of biodiversity loss caused by globalization, GIs could serve as a tool to promote biodiversity if linked to plant varieties menaced by disappearance or rare animal species. However, international negotiations to achieve these purposes are long and results are minimal. For these reasons, the purpose of this paper is to introduce a new stance on the topic of GIs borrowing from the Latin American implementation of GIs which in some aspects can be considered quite innovative. In the remainder of this paper, the authors will present a short description of GIs as they are discussed at different international forums. Further, the innovative implementation of GIs in Latin America will be illustrated by means of three examples: the Sombrero of Montecristi, the GIs of a Brazilian technology and science park (TSP), and the cacao Nacional Arriba. Eventually, some conclusions will be presented.

Keywords: Geographical Indications, WTO, TRIPS, local culture, biodiversity, Latin America, niche products

1. Introduction

The World Intellectual Property Organisation (WIPO) defines Geographical Indications (GIs) as "a sign used on products that have a specific geographical origin and possess qualities or a reputation that are due to that origin" (http://www.wipo.int/geo_indications/en/). These qualities are particularly appreciated by the consumer, causing a differentiation of similar products and allowing the producer to receive a premium in price. The GI is also known as the "Appellation of Origin" and in order to be used, it must be shown that the product has exceptional qualities over other similar products, and that these qualities or attributes are due to human and/or natural factors associated exclusively to the geographical area where this good is produced.

Because natural factors such as climate, soil and altitude are so important in the constitution of a GI right it is mostly agricultural and livestock products that have benefitted from this protection. However, since ancestral knowledge concerning production methods, i.e. human factors, provides as well the right to obtain a GI, also processed goods can be protected in this way. Depending on the legal system in which GIs are embedded, products may enjoy different types of legal protection worldwide. Since the legal literature of GIs is quite complex, in the following we will provide an overview of the discussion on

geographical indications at different international forums.

2. The discussion on geographical indications at different international forums

The European Union has three instruments to obtain the above outlined goals: Protected Designations of Origin (PDO), Protected Geographical Indications (PGI) and Traditional Specialty Guaranteed (TSG). Originally, GIs were developed by the French legal system and evolved, under the aegis of the WIPO, throughout three main agreements: the Paris Convention of 1883, the Madrid Agreement of 1891 and the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration of 1958. At the European level, it is interesting to observe that GIs achieved popularity mainly throughout the Southern part of Europe. In fact, northern European countries posed a strong opposition to these certification schemes in the second half of 20th century. Despite this, the European legislator succeeded to overcome this initial reluctance and nowadays the GIs-regime counts with a detailed corpus of Regulations (2081/1992, 1107/1996, 510/2006, 509/2006, 628/2008, 110/2008, 1151/2012). This success was possible also by means of a well structured web of lobbying actions supported by multiple interest groups such as producer associations, NGOs, political actors as well as influential external institutions such as FAO.

Beyond European borders, at the international level, the GIs are discussed in the Trade Related Aspect of Intellectual Property Rights Agreement (TRIPS) of 1995 which came in force for developing countries in 2000. According to Escobar Ebell et al. (2012) it is the most comprehensive multilateral agreement on Intellectual Property (IP). Thanks to this treaty IP has become an integral part of the multilateral trading system established in World Trade Organization (WTO) (ibid). However, in contrast to wines and spirits (Art. 23, TRIPS), here GIs enjoy only a general protection (Art. 22, TRIPS), and the possibility of a specific protection, i.e., the extension of Art. 23 to all products, is still in discussion. On this line, in 2005 the EU presented a proposal for the compulsory mutual recognition of geographical indications based on a shared GIs' register. On the contrary, other countries such as USA, proposed the option to set a voluntary (although suggested) mutual recognition system of GIs. Additionally, in 2006 the EU presented the EC Regulation 510/2006 which turned the GIs protection more accessible to third party states. Since the discussion on GIs at the WTO-TRIPS level proceed quite slowly, supporters of GIs hope to make some progress on a third venue, e.g., the negotiations for the transatlantic and trade investment partnership (T-TIPS) between the EU and the USA. Although GIs are only a small section within the T-TIPS, it seems that the growing segment of demanding consumers in the US could constitute the main motivation for the US to lose the historical reluctance since this sui generis system could be attractive for a non neglectable part of the US food industry (Profeta et al. 2009).

All in all, the discussion around GIs has been very vivid since the 1990s as the different negotiation tables have shown. However, these multiple forums have not succeeded to solve some ambiguities intrinsic in the GIs system yet. For instance, both the EU and the WTO lack an ad-hoc legislation of GI-protection for non agrifood products. However, in several occasions participants have voiced the possibility to extend intellectual property rights also to non-agrifood products. Another leak in the pipeline is represented by the biodiversity

preservation claim of the GIs regime. Although GIs are presented as a panacea for preserving biodiversity (Thual & Lossy 2011), this is not always the case since only few GIs products enclose in their code of specification the explicit obligation to prefer raw material stemming from autochthone plants or rare cattle (Arfini et al. 2010, Sidali & Spiller 2014). Against this background, we claim that many Latin American countries have shown innovative impulses in the implementation of GIs as we will discuss in the following.

Proposition #1: being extraneous to the bureaucratized “red tape” of the European Union and less influenced by the historical reluctance of the Commonwealth countries towards GIs, many Latin American countries have shown an innovative implementation of the GIs regime extending it to non-agrifood products and using different certification schemes (UNESCO and GIs) synergically. In the remainder of the article we will illustrate this proposition by analyzing two cases: the GI protection of an artisan product, e.g., the Ecuadorian Montecristi hat and that of a service, namely the Brazilian innovation cluster of Recife.

Moreover, we will show how the implementation of GIs in Latin America countries has explicitly aimed to protect the biocultural heritage, which leads to our second proposition:

Proposition #2: many Latin American countries have actively linked the specification files of their geographical indications with specific species or varieties of plants/animals as well as with ancestral knowledge thus showing a real effect of this protection on the defense of biocultural heritage and an effective tool against biopiracy. In the article we provide empirical evidence of this second proposition by showing the case of successful protection of the Ecuadorian Cacao Nacional Arriba.

3. Experiences of GIs’ implementation in Latin America

3.1 The case of the artisanal hat Montecristi

The artisanal toquilla art in Ecuador

Although the process of making hats with the Toquilla palm leaf¹ is spread in several Ecuadorian regions, the origin of the "sombbrero Montecristi" (Montecristi hat) is centred on the Ecuadorian coast, particularly in the city of Montecristi - Manabí. Archaeological discoveries have shown ceramic figures wearing these hats made on the Ecuadorian coast. Oral tradition relates that, after the "discovery of Ecuador" of 1526 by Francisco Pizarro and Diego de Almagro, the Spaniards that first saw natives with these hats thought that the translucent material that they were made off came from vampire skin"(Buchet et al. 1995). Despite their Ecuadorian origin, these hats are known worldwide as Panama hats due to the fact that workers used to wear it during the construction of the Panama Canal channel (ORIGIN 2013). The first attempt of Montecristi weavers to register their hat as a A.O. in Ecuador stems from 1995 (Escobar Ebell et al. 2012). However, due to the opposition of other hat artisans of the country above all those located in Cuenca, only in 2008 the Montecristi hat was registered in the National Direction of Industrial Property of IEPI as a A.O./GI.

¹ the *Carludovica Palmata* species which grows in the western coastal region of Ecuador

The GI protection of Montecristi hat and the UNESCO inscription of traditional weaving of the Ecuadorian toquilla straw hat

Certainly, for the A.O. to exist, there must be laws that permit it. In the case of Ecuador, the legislation comes into force, starting with Article 321 of the Constitution of the Republic of Ecuador which recognizes and guarantees the right to property in their public, private, community, state, associative, cooperative and mixed forms; further on, Article 322 recognizes the intellectual property in accordance with the conditions stipulated by the Law; in this case, the Law of Intellectual Property which supports the legal existence of the Ecuadorian appellation of origin and therefore permits the protection of the handicrafts. It should be noted that the use of appellations of origin with respect to natural, agricultural, handicraft or industrial goods shall be reserved exclusively for the producers, manufacturers and craftsmen who have their production or manufacturing facilities within the locality or designated region or evoked by that appellation. The right of exclusive use of the Ecuadorian appellations of origin has been recognized since the declaration to that effect issued by the National Office of Industrial Property. Their use by unauthorized persons shall be considered an act of unfair competition, even where they are accompanied by expressions such as "like", "kind", "type", "style", "imitation" and other similar expressions that also mislead the consumer.

The A.O. consists of the word "MONTECRISTI" the same that identifies the straw hat, and is the name of a county located in the coastal region, in Manabí province, whose coordinates are: latitude S 1° 10' / S 1° 0' and Longitude W 80° 45' / W 80° 30'. Its boundaries are: to the north with Jaramijó county; to the south by the Pacific Ocean and Jipijapa county, to the east with Portoviejo and Jipijapa counties and to the west by Manta county. The vegetable fiber called toquilla grows in Montecristi county. Its qualities are claimed to be unique in the world, since they are the result of a hot, humid climate and coastal soil that is particularly rich in salt and lime (calcium compounds). The harvest is specifically carried out in winter time, because of the heavy rains.

The certification process implies a historical reconstruction of the traditional process of fabrication of Montecristi hat by revising archives and consulting other historical sources. Dating back to 1630, it was shown that the shape of the hat was gradually modified to make them resemble the Spanish "Tocas" (Escobar Ebell et al. 2012). According to Chiluiza and Rodriguez (2003), this led to the hat's name of "Toquillas" and the straw's name of "Paja Toquilla". The straw weaving was consolidated in the seventeenth century, when cotton production declined and Europeans begin to demand straw hats as a substitute to cloth. The weavers of Montecristi and Jipijapa, specialized in developing the hat under the European model. They were considered true masters in the weaving of straw hats. For several generations, the town of Montecristi has been dedicated to the production and processing of toquilla straw, which by the 1900s represented the main center of production and sale of this product and up to 75% of the hats in Ecuador were made of the straw produced in the area. The specification file provides also technical guidelines such as the timing of the cut, which is important because the shoot should still be green, young and yet firm; even the lunar cycles are taken into account by the cutters, as well as the age of the plant or the temperature of the day.

In the same way, the Ecuadorian Government supported the inscription of the traditional weaving of the Ecuadorian toquilla straw hat in the representative List of Intangible Cultural Heritage of Humanity which took place on 5 December 2012. This process was carried out by INPC (Instituto Nacional de Patrimonio Cultural) and as a consequence nowadays the traditional weaving of the toquilla straw of all Ecuadorian artisans is protected (<http://www.unesco.org/culture/ich/index.php?lg=es&pg=00011&RL=00729>).

Conclusion

The Ecuadorian Government was able to sedate conflicts among hat producers by using a twofold strategy: the GI protection for the Montecristi hat and the UNESCO nomination for the traditional weaving of the Ecuadorian toquilla straw. Concerning the former, it seems that the historical as well as biological evidence have been particularly important to legitimize it. Historical documents dating back to the Spanish colonization legitimize human factors whilst the biological sources refer to the location (the palm species that only grows in the coast of Ecuador between 100 and 400 meters over sea level in a specific soil). At the same time the UNESCO nomination is particularly suitable to honor and increase the value of the traditional knowledge related to the hat production representing an important element of the cultural heritage of the communities living in Ecuador.

3.2 The case of the science and technological park of Recife

Brazil is one of the most important actors with an active role in terms of GIs in South America. Its large economy (largest of the region), its biodiversity and cultural richness make it adequate to increase the added value of their products by obtaining GIs. On the other hand, China, India and Mexico are examples of developing nations who have been working hard to obtain a significant number of GIs for their traditional products as well. However, the number of GIs that Brazil has obtained in the last decade is still far from these countries, given the size of its economy (de Souza 2012). Brazil has subscribed to the following agreements in terms of GIs protection: Paris convention for the Protection of Industrial Property, Madrid Agreement for the repression of False or Deceptive Indications of source on goods, and Trips Agreement.

One interesting difference with other countries is that their National Legislation for Industrial Property (LPI –Law No 9279 of 14 May 1996) defines that a GI can be obtained for products and services as well. Even though the major focus for Brazil on GIs has been on agriculture according to some authors (Wilkinson & Cerdan 2011), there are some very interesting cases on different industries. One of these cases is “Porto Digital”, the first institution in Brazil and one of the very few in the world, to possess a service GI. Porto Digital, an urban open scientific and technology park (STP), was granted a GI for its software service and according to its Director of Innovation and Business competitiveness, the set of features and brand values present in the service GI are: quality assurance, innovation, competitiveness, coo-petition (cooperation among competitors), social and environmental responsibility, among others. Accordingly to Querette et al. (2013) Porto Digital is not as many of the other STP in Brazil and in the world. Its great success depends heavily on the embedded culture inserted in the institution and in the region. This culture is reflected on high

level of social capital and collaboration, which plays a key role for the transfer of knowledge. Another important differentiation for Porto Digital is that it presents a hybrid structure between a technology park and a cluster (Querette et al. 2009). Furthermore, although it is closely related to the Academia it is not located within a university campus and has a focus on market demand. Summarizing, Porto Digital has built a unique infrastructure and appropriate culture for a STP, bringing together more than 200 companies (including multinationals), 4000 collaborators and a great reputation in the technology industry in the world. Porto Digital's accomplishment sets an important milestone in the GIs market, opening up a new spectrum of opportunities for developing countries in Latin America. First of all, it may cause different economies across regions to gain competitive advantages by acquiring a GI for their services. Thus, similarly to Brazil's use of the STP of Recife, we shall explore the possibility of extending GI-protected services to a tourism economy. We present two possible cases, one in Mexico and the second in Ecuador.

Possible extensions of GI protection to the area of tourism.

As we mentioned before, this paper explores the possibility to extend GI-protected services to a tourism economy in a similar way, as Brazil has done for the technology park of Recife. In fact, the tourism industry is mainly focused in delivering high quality services to their costumers in order to succeed in the market. The first case concerns Mexico, a Latin American country that has been working hard to improve its tourism industry in the last decade as being part of a strategic decision to achieve the national development goals (GEM, 2006). As a result, the Mexican Tourism Secretary (SECTUR) created a special program called "Mexico's Magical Villages". originally called: "Programa de Pueblos Mágicos", to promote tourism of "traditional" Mexican communities. Despite being a well known tourist destination, Mexico had to innovate and created a program that boosts the cultural and gastronomic identity of such communities and offer tourists a "True Mexico" experience, thereby revitalizing the community culture (Gross 2011). Any village that matches the objectives and criteria imposed by SECTUR, could become a "magical village", offering several benefits, such as, government funding to improve their infrastructure, restoration works and development of innovative products and services (www.indetec.gob.mx). Gross (2011) considers "magical villages" a successful project led by the federal government. However, it has also been criticized on the basis that this program has caused more damage than benefits to the population living in these villages. Opponents of the program claim there has been an alteration to the traditional culture and identity because of international companies entering into the market and dispersing their own traditions (Uhnák 2014). As a result, some "magical villages", like Tequila, are now seen as privatized and managed by big industries (Hernández López 2009). Finally, it can be seen how an interesting project as "Magical Villages" in México was affected by "free-riders", transforming the culture and economic development in some places. The case of Mexico shows that any economy, including tourism, needs to innovate to be competitive and keep growing. This innovation process consists of obtaining added value that let industries offer new services and enhanced experiences for the customers. On the other hand, multinationals can become an important threat for local tourism operators because of their economic power. Furthermore, not only are

multinational companies a threat to locals: also people from other cities who are attracted by the popularity of the city can become a problem. These visitors can be seen as well as free-riders who stay and benefit from the city heritage by creating small business, but, at the same time, transforming the original culture and traditions. As said before, Mexico's magical villages is an example of this problem that affects local communities. This is precisely an example of how a "possible" GI service, as the one obtained by Porto Digital, could be successfully used to complement the original idea from the Mexican Federal Government and promote and protect the "traditional villages" while increasing their GDP. In this case, the GI protection would have let Mexican traditional cities, to innovate their product and services, be recognized as a "Traditional Mexican Village", but also generating a legal barrier that protected them from opportunistic actors.

The second case of possible GI protection of a touristic service regards Ecuador, a small South American country that possesses a GI for the "Cacao Arriba" (see section 3.3). Rather than focusing on the IT industry, we explore the potential of the development of a tourism industry with GI protection since in this country several communities have organized themselves to offer a new experience to their tourists based on their culture and traditions. This is also known as "Community Tourism", which focuses on showing a more genuine experience led by communities rather than multinationals (<http://www.feptce.org/>). Cotacachi communities are an example of this kind of tourism experience. According to Ramirez et al (2008), the community developed a project that takes advantage from the agrobiodiversity of the region and delivers innovative products and services based on the ethnic, cultural and social value of their native crops. On this behalf, these communities structured the project in four stages: conservation of native crops, development of artisanal food products, agrobiodiversity education and agro-tourism. Comparatively, if the case of Mexico's "Magical villages" is compared with Cotacachi-based communities, it can be seen that these communities have an important added value with their cultural richness, but lack the visibility that the "Magical villages" have. As a result, if Cotacachi-based communities could obtain a GI for the tourism services, they could incorporate an important added value in terms of visibility and protect the cultural richness at the same time.

Conclusion

The case of the GI obtained by Porto Digital establishes an important milestone in the region. In addition, it demonstrates how a quality service delivered in a particular region can increase a competitive advantage by having a GI. Mexico's "Magical villages" are an important case study in terms of innovation in tourism. However, there have been several negative effects that could be diminished by obtaining a GI for each "Magical Village". The case of Cotacachi-based community is another example of potential markets for GIs services. It presents an opposite scenario compared with "Magical Villages" because they have focused more on their cultural values rather than on their market visibility. In both scenarios, the industry is completely different from Porto Digital, but they present specific social and cultural values that will become more competitive by obtaining a GI. On the other hand, these conclusions are based on anecdotal evidence and more studies need to be done on this behalf.

3.3 The case of cacao Nacional “Arriba”

The cacao production in Ecuador

In 2011, Ecuador produced 224263 MT of cacao from 399,467 ha harvested (521,091 ha are reported as planted) (PROECUADOR, 2013). In 2012 the main destinations of the Ecuadorian cacao were in descending order: USA, Netherland, Malaysia, Mexico, Germany and Brazil. The main varieties of cacao planted in Ecuador are the high-quality cacao Nacional “Arriba” genetic group and the less quality-valuable but high-producing CCN-51 variety. Fine Ecuadorian cacao (Nacional “Arriba”) covers from 60 to 70% of the world’s production maintaining Ecuador as the first producer worldwide (PROECUADOR, 2013; FAO-IICA, 2008; El Comercio, 2014a).

Cacao certified as cacao Nacional “Arriba” stems from the native cacao group known as cacao with strong floral aroma known as “Arriba” of the coastal region of Ecuador. Past studies have shown the hybrid nature of most of the modern Nacional cacao. Loor et al., (2009) studied 322 accessions of cacao collected in the coastal region of Ecuador. A group of ancient highly homozygous cacao HoN which could be the ancestors of the high quality cacao Nacional was identified. Most of the cacao trees in the genebanks appeared as hybrids that mainly shared alleles (i.e., genes) with the typical Trinitario type UF676 - Criollo, Forastero and Trinitario genetic groups are known worldwide- and with the HoN individuals, confirming the hybrid nature of the still high quality modern Nacional cacao. In order to determine the putative centre of origin of Nacional and trace its domestication history, Loor-Solorzano et al. (2012) used (SSR) markers to analyse the relationships between these potential Nacional cacao founders and 169 wild and cultivated cocoa accessions from South and Central America. The highest genetic similarity was observed between the Nacional pool and some wild genotypes from the southern Amazonian region of Ecuador, sampled along the Yacuambi, Nangaritza and Zamora rivers in Zamora Chinchipe province. This finding indicates the territorial origin of cacao Nacional².

The production of cacao Nacional “Arriba” in Ecuador started in 1590 with the Spanish colonists growing and exporting it (Boa et al., 2000). According to Loor-Solorzano et al. (2012) new germplasm was introduced for the first time into Ecuador in the 1890’s (ibid). Two serious plagues decimated the production in the XXth century: the Witches Broom (*Moniliophthora perniciosa*) in the 1920s and the Monilla (*Moniliophthora roreri*) in the 1940s. This encouraged the introduction of foreign germoplasm (Loor et al., 2009) and, in this way, the origin of CCN-51.

² These data correlate with the highest levels of genetic diversity for cacao in South America observed in the Upper Amazon areas from southern Peru to the Ecuadorian Amazon and the border areas between Colombia, Peru and Brazil by Evert et al. (2013). According to Loor-Solorzano et al., 2012 there is archaeological evidence of commercial exchange between the Amazonian, Andean and coastal regions of Ecuador in the putative area of origin of Nacional cacao dating 3000 BC. However, there is no specific archeological evidence about the dispersion of the Cacao Nacional from the Amazonia to the Coastal Region that could have been done by men or animals.

In 1965, an Ecuadorian independent researcher named Homero Castro Zurita developed a strain of cacao that had notably increased disease resistance, much higher yields, and the ability to grow in full sun. It was named CCN-51, an acronym for *Collección Castro Naranjal* (Winkel, 2013). As mentioned before, the Nacional cacao is the ancient and high quality variety reported since colonial times that gained good reputation in Europe. Furthermore, it grows in an agroforestry system more diverse and organic than the modern variety CCN-51. The cultivation of cacao Nacional “Arriba” includes neighbor trees (shade) or companion depending on the stage of development of cacao plantation e.g. maize, cassava (with cacao seedlings) and later Inga, coconut, citrus, among others. The cacao Nacional “Arriba” itself could be shade for coffee (Boa et al., 2000). This characteristic qualify Nacional cacao for Bio trade initiatives (Biocomercio, 2005).

However, compared to CCN-51, cacao Nacional “Arriba” is less productive in terms of Tons/ha, what has led to an increasing cultivation rate of CCN-51. According to the scarce statistics the CCN-51 is covering between 30% and 50% of the exported cacao production in the last years (Stoler, 2012; *El Comercio*, 2014 b ; -Not official data-).

The certification of cacao Nacional “Arriba”

As shown in the previous chapter, the fruitful development of CCN-51 constitutes a serious menace to cacao Nacional. This was displayed for instance in the price difference: in October 2007 the price of CCN-51 was 2000 usd/Ton whilst that of cacao arriba was 2300 usd/ton (FAO-IICA, 2008) which generates no incentives for producers of cacao Nacional “Arriba”. Most of the Ecuadorian cacao is exported as beans (85%) versus 1% as chocolate (PROEcuador, 2013). Thank to the international recognition of Nacional cacao as a “Superior Scent Cacao”, the Ecuadorian government decided to start a campaign aimed to add value the niche product. In 2000, the Ecuadorian Ministry of Agriculture funded a project on the improvement of production of “cacao de Arriba” which implied two main steps such as the certification in 2006 of 7600 ha of cultivation of cacao Nacional under the standards of organic certification and fair trade (FAO-IICA, 2008) and the process for achieving the Origin Denomination (DO) for the “Cacao Arriba” in cooperation with the IEPI (Ecuadorian Institute on Intellectual Property Rights). The DO was applied for all regions where Cacao Nacional “Arriba” is currently produced (coastal and Amazonia), developing a map of flavors and describing all organoleptic, morphological, production and post-harvest characteristics to identify unequivocally the special commodity.

Conclusion

Based on the information afore provided it appears that the certification of cacao Nacional “Arriba” has followed a logic of protection of a traditional and genetically unique species. From the perspective of classical economic theory the rationale has clearly been that of valorizing a niche for a high-segment customer (both Business-to-Business and end user) while at the same time sustaining the mass production of cacao CCN-51 for the mass low-segment customer. The end consumer market is covered by countries importing high quality cacao at low prices and transforming it in a high valuable commodity (chocolates) for export. This system clearly does not favor the small-farmer economy. The Nacional Arriba can help small-size producers to achieve higher negotiating power with processors serving a gourmet

segment. The lower qualitative profile of CCN-51 in comparison to the cacao Arriba is compensated by higher yields, which make it ideal for another type of end-market, e.g. that interested in higher production with an acceptable money-for-value. Bio-based economy could valorize the diverse production system where Nacional cacao is been produced, supporting small-farmers based on principles of the Convention on Biological Diversity and the International Treaty on plant genetic resources for food and agriculture “the right to equitably participate in sharing benefits arising from the utilization of plant genetic resources for food and agriculture”.

4. Final remarks

The scope of this article was to provoke a discussion on geographical indications, a topic which has been increasing in popularity for years, by offering a different stance. Our main claim is that Latin American countries are an interesting observation point since they have shown innovative impulses in the interpretation as well as in the implementation of GIs. To corroborate our first proposition, i.e., the successful extension of GIs regimes also to non-agrifood products, we have showcased two examples: the Montecristi hat and the science and technology park of Brazil. In both cases it deals with a denomination of origin’s protection. The case of the Montecristi hat demonstrated how a geographical indication can be used to correct false images (the erroneous association of the hat to another country, e.g. Panama). Furthermore, it shows how the certification of the natural and human factors linked to a territory is also possible for protecting artisanal products. A third point is the synergy of two different certification schemes: whereas the denomination of origin unfolds economic advantages for the weavers of the region such as improved bargaining power, the UNESCO nomination as intangible cultural heritage of humanity serves above all to create an emotional linkage with consumers which GIs definitely not have. Furthermore, positive repercussion on tourism are expected, since it is commonly believed that being listed by UNESCO results in attracting more tourists (Huang et al. 2012). The case of the GI obtained by Porto Digital establishes an important milestone in the region. In addition, it demonstrates how a good quality service delivered in a particular region can increase their competitive advantage by having a GI. Next, we explored the possibility to extend GI-protected services to the tourism economy. To this end, we have compared the Mexican case of “Magical villages” with that of Cotacachi tourism in Ecuador. Both realities would profit from a GI protection, although to different extents. Finally, the case of cacao Arriba has been used in this article to corroborate the biodiversity claim related to GIs. As we have shown before, through the certification of cacao Nacional “Arriba”, Ecuador has followed a logic of protection of a traditional and genetically unique species, valorizing this niche for a high-segment market. Other important bio-based consequences strictly connected to the GIs are the proper management of irrigation, fertilizer use and application of improved cultural practices (Escobar Ebell et al., 2012).

All in all, we think that a more incisive role of Latin American countries in the international negotiations could be advantageous both for the countries involved as well for policy makers and scholars, who could gain a fresh look on this complex topic. This paper relies on theoretical considerations and as such we hope that it could serve as a basis for

further, more empirical, research.

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