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Protection of Geographical Indication and Intangible Cultural Heritage of the Chrysanthemum Resources

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Abstract We conduct an analysis on the current protection of geographical indication intellectual property and intangible cultural heritage of chrysanthemum resources. The following recommendations are explored and set forth: (i) Collecting and sorting the intangible cultural heritage related to chrysanthemum, and declaring the provincial and national list; (ii) Establishing the productive protection demonstration bases of intangible cultural heritage related to chrysanthemum; (iii) Strengthening the declaration of geographical indication intellectual property protection of chrysanthemum; (iv) Encouraging the use of special marks of geographical indication, and cultivating chrysanthemum brand; (v) Establishing various kinds of national quality standards of geographical indication of chrysanthemum; (vi) Implementing the double protection of intangible cultural heritage and geographical indication of traditional chrysanthemum.

Key words Chrysanthemum, Intangible cultural heritage, Geographical indication, China

After drawing on the experience of oriental countries (Japan, South Korea, etc.) and learning from the formulation of "intangible wealth", UNESCO passed *Convention for the Protection of Intangible Cultural Heritage* on October 17, 2003, which was the prelude to the protection of the world's intangible heritage^[1]. Since the State Council issued *Views on the Strengthening China's Intangible Cultural Heritage Protection Work* and *Notice on Strengthening Cultural Heritage Protection* in 2005, the rescue and protection of intangible cultural heritage has formed the climax in contemporary China, and yielded fruitful results^[2–6].

In the seven major types of intellectual property rights covered by the *TRIPS Agreement*, geographical indication, as an independent type of intellectual property, is provided in special sections. It is one of the three topics of the Doha Round of negotiations on intellectual property, and a hot topic drawing widespread attention^[7–8]. Geographical indication rights are an important part of agricultural intellectual property, mainly for the intellectual property protection of traditional famous and high-quality specialty (the specialty in a broad sense, such as agricultural products, wine, food, arts and crafts, textile)^[7–13].

Geographical indication and origin naming system have had more than 100 years of history^[7–8]. France is one of the birthplaces of the system. From the beginning, France mainly used the system to protect champagne and other types of liquor produced at home. However, China's geographical indication protection system was implemented in 1995, with serious conflicts and high degree of repeat. There were mainly five geographical indication protection systems successively. Currently, there are still three of them

as follows: (i) The geographical indication product protection of the State Administration of Quality Supervision, Inspection and Quarantine; (ii) The geographical indication trademark registration of the State Administration for Industry and Commerce; (iii) The agricultural product geographical indication registration of the Ministry of Agriculture.

Chrysanthemum, a perennial herb of the family Compositae, is of the value of ornamentation, medicinal use and food. Chrysanthemum is one of China's top ten famous flowers, with more than three thousand years of cultural history. It was introduced to Europe in the beginning of the seventeenth century. Chrysanthemum is not only of ornamental value, but of medicinal and dietary value. Hangbai chrysanthemum, Chu chrysanthemum, Huangshan tribute chrysanthemum and Huai chrysanthemum are authentic Chinese herbal medicines. Chrysanthemum wine, chrysanthemum porridge, chrysanthemum tea, chrysanthemum cakes, chrysanthemum dish, and chrysanthemum soup, are of good health efficacy.

Based on the unique advantages of chrysanthemum resources, how to use the geographical indication intellectual property provided in the special section under the WTO's *TRIPS Agreement*, in order to cultivate the chrysanthemum brand and enhance the international competitiveness of chrysanthemum, is an important issue for the further development of the chrysanthemum industry in China. Therefore, this article will focus on the analysis of the current situation and development countermeasures concerning the geographical indication intellectual property protection of chrysanthemum resources in China.

1 Intangible cultural heritage protection

In August 2004, China joined *Convention for the Protection of Intangible Cultural Heritage*. Kunqu opera became the first batch of world intangible cultural heritage in 2001. So far, China has become the world's superpower of intangible cultural heritage, and 34 items have been included in the intangible cultural heritage list

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of UNESCO. In the 34 items included in the intangible cultural heritage list of UNESCO, there are no resources associated with the chrysanthemum.

In addition to the declaration of world intangible cultural heritage, China has gradually established the "four-level" (national, provincial, municipal and county) registration system of intangible cultural heritage roster system. The State Council on May 20, 2006, June 7, 2008, May 23, 2011, announced the first, second and third batch of *National-level Intangible Cultural Heritage List*, respectively, involving 1219 items. Various provinces and autonomous regions actively carry out the protection of intangible cultural heritage, successively releasing the provincial-level intangible cultural heritage list. Currently, these lists are basically the same as *National-level Intangible Cultural Heritage List*, which can be divided into 10 categories; folk literature, traditional music, traditional dance, traditional theater, folk art, traditional sports, recreation and acrobatics, traditional art, traditional craft, traditional medicine, folklore. Obviously, the intangible cultural heritage related to food products basically falls into the type of traditional art.

In *National-level Intangible Cultural Heritage List*, there are only two items associated with chrysanthemum: traditional brewing technique of chrysanthemum liquor, Xiaolan Chrysanthemum Exposition (Table 1). In the provincial intangible cultural heritage, there are only three items related to chrysanthemum: productive technique of Chu chrysanthemum, brewing technique of chrysanthemum liquor, Xiaolan Chrysanthemum Exposition (Table 2).

2 Protection of geographical indication products

On January 31, 2000, Shaoxing wine became China's first origin product (namely the geographical indication product). By August 15, 2012, in accordance with *Provisions on the Protection of Origin Products and Provisions on the Protection of Geographical In-*

dication Products, the former State Bureau of Quality and Technical Supervision, and the State General Administration of Quality Supervision, Inspection and Quarantine, had implemented the geographical indication product protection on 957 kinds of products at home, involving 15 categories (fruits, herbs, vegetables, grain, tea, aquatic products, handicraft article, wine, poultry, livestock, spices, edible oil, textile, beverages, and flowers).

In addition, the State General Administration of Quality Supervision, Inspection and Quarantine approved the geographical indication product protection on 9 European specialties.

Among them, there are four national geographical indication chrysanthemum products in China: Hangbai chrysanthemum, Chu chrysanthemum, Huangshan tribute chrysanthemum, Huai chrysanthemum (Table 3).

Table 1 National intangible cultural heritage list related to chrysanthemum

Type	Item	Reporting area or unit
VIII traditional craft	Traditional brewing technique of chrysanthemum liquor	Beijing Renhe Wine Co. , Ltd.
X folklore	Xiaolan Chrysanthemum Exposition	Zhongshan City , Guangdong Province

Table 2 Provincial intangible cultural heritage list related to chrysanthemum

Type	Item	Reporting area or unit
VIII traditional craft	Productive technique of Chu chrysanthemum	Chuzhou City, Anhui Province
	Brewing technique of chrysanthemum liquor	Beijing Renhe Wine Co. , Ltd.
X folklore	Xiaolan Chrysanthemum Exposition	Zhongshan City , Guangdong Province

Table 3 National geographical indication chrysanthemum products in China and the use of special marks

Geographical products	indication	Approval time	Approval ranking	The scope of protection of geographical indication	Use of special marks	
					Number of enterprises	Number of trademarks
Hangbai chrysanthemum		2002.06.12	9	The administrative area under the jurisdiction of Tongxiang City, Zhejiang Province	14	17
Chu chrysanthemum		2002.11.08	22	8 townships in Nanqiao District and 6 townships in Quanjiao County (Fuxing, Machang, Shiwei, Zhongang, Xiwang, Guanba), Chuzhou City, Anhui Province	6	6
Huangshan tribute chrysanthemum		2004.08.09	83	The administrative area under the jurisdiction of She County, Anhui Province	6	5
Huai chrysanthemum		2003.08.07	50	Wuzhi County, Wen County, Boai County, Qinyang City, Mengzhou City, Xiuwu County, Henan Province	14	13

3 Registration of geographical indication trademark

The geographical indication trademark registration work of the State Administration for Industry and Commerce started from 1995. So far, the State Administration for Industry and Commerce has registered 1004 geographical indication trademarks in 32 provinces, cities and autonomous regions (including Chihshang rice in Taiwan Province), involving 16 major categories (fruits, vegeta-

bles, grain, edible oil, tea, Chinese herbal medicine, livestock, poultry, aquatic products, handicrafts, spices, flowers, textiles, wines, beverages, tobacco).

In addition, the State Administration for Industry and Commerce registration registered the geographical indication trademarks of products from Thailand, the United States, Mexico, Jamaica, Italy, the United Kingdom, Germany and South Korea.

Among them, there are 5 kinds of national geographical indication chrysanthemum trademarks: Tongxiang Hangbai chrysanthemum, Suichang chrysanthemum-bud, Macheng Fubai chrysanthemum, Jiaozuo Huai chrysanthemum, Chuzhou tribute chrysanthemum (Table 4).

Table 4 National geographical indication chrysanthemum trademarks

Trademark	Registrant	Registration No.
Tongxiang Hangbai chrysanthemum	Zhejiang Origin Hangbai Chrysanthemum Product Protection Office	3 729 657
Suichang chrysanthemum – bud	Zhejiang Suichang Chrysanthemum – bud Industry Association	4 428 161
Macheng Fubai chrysanthemum	Macheng Fubai Chrysanthemum Industry Association	6 256 443
Jiaozuo Huai chrysanthemum	Jiaozuo Huaiyao Industry Association	5 922 659
Chuzhou tribute chrysanthemum	Chu Chrysanthemum Association in Chuzhou City, Anhui Province	6 752 024

Table 5 National geographical indication chrysanthemum products in China

Agricultural product name	Applicants	The scope of protection of geographical indication agricultural products
Macheng Fubai chrysanthemum	Fubai Chrysanthemum Industry Association in Macheng City	The northern mountainous areas in Macheng City, including 5 towns (main producing area: Futianhe Town; sporadic cultivation area: Huangtugang Town, Chengmagang Town, Sanhekeou Town, Shunheji Town).
Kaifeng chrysanthemum	Kaifeng Chrysanthemum Association	In Kaifeng City, mainly in Nanjiao Township, Xijiao Township, and Longting District.
Xiaoxiang chrysanthemum	Jihanyuan Chrysanthemum Cultivation Cooperative in Gongyi City	Nancunzhai Village, Sihe Village, Xiaoxiang Village, Dongzhuang Village, Zhaocheng Village

5 Conclusions

China has a long history of cultivation and medicinal use of chrysanthemum, with rich flower cultural heritage and medicinal cultural resources. There are only two national intangible cultural heritage related to chrysanthemum (Traditional brewing technique of chrysanthemum liquor, Xiaolan Chrysanthemum Exposition), and three provincial intangible cultural heritage related to chrysanthemum (Chu chrysanthemum productive technique, brewing technique of chrysanthemum liquor, Xiaolan Chrysanthemum Exposition).

There are four national geographical indication chrysanthemum products (Hangbai chrysanthemum, Chu chrysanthemum, Huangshan tribute chrysanthemum, Huai chrysanthemum); there are five national geographical indication trademarks (Tongxiang Hangbai chrysanthemum, Suichang chrysanthemum – bud, Macheng Fubai chrysanthemum, Jiaozuo Huai chrysanthemum, Chuzhou tribute chrysanthemum); there are three kinds of national geographical indication of agricultural products (Macheng Fubai chrysanthemum, Kaifeng chrysanthemum, Xiaoxiang chrysanthemum).

6 Recommendations

6.1 Collecting and sorting the intangible cultural heritage related to chrysanthemum, and declaring the provincial and national list China has a long history of cultivation and medicinal

4 Registration of geographical indication of agricultural products

The geographical indication agricultural product trademark registration work of the Ministry of Agriculture started from 2008. So far, in accordance with the *Geographical Indication Registration Procedure of Agricultural Products* and *Geographical Indication Usage Norms of Agricultural Products*, the Ministry of Agriculture has registered 966 kinds of geographical indication of agricultural products, involving 14 major categories (fruits, vegetables, grain, edible oil, tea, Chinese herbal medicine, livestock, poultry, aquatic products, handicrafts, spices, flowers, textiles, wines, beverages, tobacco).

Among them, there are 3 kinds of national geographical indication chrysanthemum products in China: Macheng Fubai chrysanthemum, Kaifeng chrysanthemum, Xiaoxiang chrysanthemum (Table 5).

nal use of chrysanthemum, with rich flower cultural heritage and medicinal cultural resources. However, there are only two national intangible cultural heritage related to chrysanthemum (Traditional brewing technique of chrysanthemum liquor, Xiaolan Chrysanthemum Exposition), and three provincial intangible cultural heritage related to chrysanthemum (Chu chrysanthemum productive technique, brewing technique of chrysanthemum liquor, Xiaolan Chrysanthemum Exposition). Therefore, there is a need to collect and sort intangible cultural heritage related to chrysanthemum, and declare the national and provincial intangible cultural heritage list.

6.2 Establishing the productive protection demonstration bases of intangible cultural heritage related to chrysanthemum To further promote the productive protection of intangible cultural heritage and strengthen intangible cultural heritage protection, according to the requirements of *Notice of the General Office of the Ministry of Culture on Carry out the Construction of Productive Protection Demonstration Bases of National Intangible Cultural Heritage*, The Ministry of Culture announced the first batch of 41 productive protection demonstration bases of national intangible cultural heritage on October 31, 2011. These demonstration bases involve 41 enterprises or units, and 39 national list items are included. However, these demonstration bases are irrelevant with chrysanthemum.

On the basis of protection, the productive protection of intangible cultural heritage is to focus on the rational use, to promote

intangible cultural heritage to be better integrated into contemporary period, the public and the life; to play an important role in nourishing people's spiritual life, and promoting coordinated economic and social development.

Therefore, it is necessary to actively construct productive protection demonstration bases of intangible cultural heritage related to chrysanthemum; play an exemplary and leading role and actively explore and summarize the practices and experience of productive protection of intangible cultural heritage; further strengthen the protection of intangible cultural heritage, to promote Chinese traditional culture, meet the people's growing spiritual and cultural needs, and promote comprehensive, coordinated and sustainable economic, political, cultural and social development.

6.3 Strengthening the declaration of geographical indication intellectual property protection of chrysanthemum China has rich chrysanthemum resources, but currently there are only four national geographical indication chrysanthemum products, five national geographical indication trademarks, and three kinds of national geographical indication of agricultural products. Obviously, there are still a lot of chrysanthemum resources not yet implementing geographical indication intellectual property protection.

Therefore, it is necessary to strengthen the survey on traditional chrysanthemum resources, research the geographical indication characteristics from natural factors and human factors, and then strengthen the declaration of geographical indication intellectual property protection of chrysanthemum; (i) Implementing the geographical indication product protection of the State General Administration of Quality Supervision, Inspection and Quarantine; (ii) Registering the geographical indication trademark of the State Administration for Industry and Commerce; (iii) Registering the geographical indication of agricultural products of the Ministry of Agriculture.

6.4 Encouraging the use of special marks of geographical indication, and cultivating chrysanthemum brand China currently has three special marks of geographical indication: the special marks of geographical indication of the State General Administration of Quality Supervision, Inspection and Quarantine; the special marks of geographical indication of the State Administration for Industry and Commerce; the geographical indication of agricultural products of the Ministry of Agriculture. Among them, the use of special marks of geographical indication of the State General Administration of Quality Supervision, Inspection and Quarantine is used best.

So far, the State General Administration of Quality Supervision, Inspection and Quarantine has approved 4 055 companies or industry associations to use 443 kinds of "special mark of geographical indication products". The special mark of geographical indication of some specialties is used well, for example, now more than 218 enterprises can legally use the special mark of geographical indication product of Wuyiyan tea.

However, as shown in Table 3, the special marks of national geographical indication chrysanthemum products are not used

well. Hangbai chrysanthemum and Huai chrysanthemum use the special marks of geographical indication in 14 companies, while Chu chrysanthemum and Huangshan tribute chrysanthemum use the special marks of geographical indication in only 6 companies.

The use of special marks of geographical indication is the important step in geographical indication intellectual property protection, and also the key to brand effect and economic efficiency of geographical indication product protection.

Obviously, in order to better cultivate brand and make full use of the brand effect of geographical indication, within the scope of protection of geographical indication chrysanthemum (geographical indication products, geographical indication trademarks, geographical indication of agricultural products), it is necessary to encourage and support more companies to use corresponding geographical indication special marks (the special marks of geographical indication of the State General Administration of Quality Supervision, Inspection and Quarantine; the special marks of geographical indication of the State Administration for Industry and Commerce; the geographical indication of agricultural products of the Ministry of Agriculture).

6.5 Establishing various kinds of national quality standards of geographical indication of chrysanthemum Geographical indication chrysanthemum (geographical indication products, geographical indication trademarks, geographical indication of agricultural products) all have national identified geographical indication intellectual property. In order to protect and use this intangible intellectual property of geographical indication, it is necessary to have strict quality and technical requirements on the geographical indication flower, and develop national quality standards.

However, in the above geographical indication chrysanthemum, there are only four national quality standards at present: GB/T 18862 – 2008 *Geographical Indication Product: Hangbai Chrysanthemum*, GB/T 19692 – 2008 *Geographical Indication Product: Chu Chrysanthemum*, GB/T 20359 – 2006 *Geographical Indication Product: Huangshan Tribute Chrysanthemum*, GB/T 20353 – 2006 *Geographical Indication Product: Huai Chrysanthemum*. Other geographical indication chrysanthemums only have local quality standards, and the corresponding national quality standards are not established. Therefore, to improve intellectual property protection of geographical indication, there is an urgent need to develop a variety of national quality standards of geographical indication chrysanthemum.

6.6 Implementing the double protection of intangible cultural heritage and geographical indication of traditional chrysanthemum Many kinds of intangible cultural heritage, in fact, have nothing to do with the specialty, and the geographical indication. However, the intangible cultural heritage of traditional craftsmanship is closely related to human factors of geographical indication. Some traditional food products have characteristics of geographical indication, and contain intangible cultural heritage. For example, Chu chrysanthemum is a national geographical indication specialty, while the productive technique of Chu chrysanthemum is

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Table 5 Clustering analysis of membrane celery at different sowing periods in Hulu River Valley

Section	Sowing period			Seedling period			Growing period		
	Early period	Middle period	Later period	Early period	Middle period	Later period	Early period	Middle period	Later period
Xinying	Mid April	Early April	EarlyMay	Late May	E arlyJune	Mid June	Late June	EarlyJuly	Mid July
Jiqiang	EarlyApril	Mid April	Late April	Mid May	Late May	Late May	EarlyJune	Mid June	Late June
Xiaohe	EarlyApril	Mid April	Late April	EarlyMay	Mid May	Late May	EarlyMay	EarlyJune	Mid June
Xinglong	Late March	EarlyApril	Mid April	EarlyMay	Mid May	Mid May	Mid May	Late May	Late May
Section	Leaf growing period			Harvest period					
	Early period	Middle period	Later period	Early period	Middle period	Later period			
Jiqiang	Mid July	Late July	Early August	Late July	Mid August	Late August			
Xiaohe	Late June	Early July	Mid July	Late July	EarlyAugust	Mid August			
Xinglong	Mid June	Late June	Early July	Mid July	Late July	EarlyAugust			

3 Discussion and conclusions

Firstly, according to the general climate and extreme value, clustering analysis was applied to divide the celery industry climate in Hulu River Valley in Xiji County in Ningxia into two sections. One is the Xinglong – Xiaohe warm section. The average temperature was between 13.8 and 14.9 ℃. The precipitation was no less than 370.0 mm. The accumulated temperature was between 2 826.1 and 3 016.1 ℃·d. The other is Jiqiang – Xinying section. The average temperature was between 12.6 and 13.1 ℃. The precipitation was between 336.2 and 356.6 mm. The accumulated temperature was between 2 593.0 and 2679.1 ℃·d. These two general areas can be further divided into four sections, which have certain reference value to the celery industry and introduction of refined species. With the accumulation data in automatic meteorological data, this work needs further study.

Secondly, based on the climate characteristics in Xiji, the growth period of celery is divided into plantation period, seedling period, leaf growth period and inner leaf growth period, and harvest period. The appropriate time to plant celery, the fertilizer plan, field management and time to market was concluded. Because of

short observation period of celery, there are many ways to divide the climate category and the conclusion needs further prove.

Thirdly, the weather was quite dry in Xiji and in summer the hail occured now and then. The underground water in Hulu River Valley had decreased in recent years and the water resource was limited. The celery needed to be watered for eight or nine times. After being put on the market, lots of water was consumed to clean the celery. During the development of irrigation, it was necessary to think of cloud resources and to improve the technology of artificial precipitation.

Fourthly, the weather in Xiji in spring was quite cold. Meteorological department had made accurate prediction of temperature before the plantation of celery each year and feasible suggestions to adjust the plantation period are given.

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the intangible cultural heritage of traditional craftsmanship, and the geographical indication name "Chu chrysanthemum" is the intangible heritage of agricultural brand. Therefore, we should implement double protection on intangible cultural heritage and geographical indication of the traditional chrysanthemum.