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Research on the Geographical Indication and Cultural Heritage of China's Yellow Tea

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Abstract The yellow tea falls within one of the six basic categories of tea, and it is a type of unique and ancient tea in China. Junshan Yinzhen is one of China's Top Ten Teas, and Yueyang City in Hunan Province is the hometown of yellow tea. The yellow tea now has 2 national geographical indication products, 4 national geographical indication trademarks, 1 national geographical indication of agricultural products, and 3 items of provincial intangible cultural heritage. The famous brand of yellow tea is just the brand cultural heritage. This article expounds the current situation of geographical indication and cultural heritage protection, and put forth the corresponding recommendations.

Key words Yellow tea, Geographical indication, Intangible cultural heritage, Tangible cultural heritage, Brand cultural heritage, Important agricultural cultural heritage

1 Introduction

As the origin of tea, China has a long history of tea cultivation, and rich tea cultural heritage, with many types of tea and numerous varieties^[1-2]. Yellow tea usually implies a special tea processed similarly to green tea, but with a slower drying phase, where the damp tea leaves are allowed to sit and yellow.

The tea generally has a very yellow-green appearance and a smell different from both white tea and green tea. The smell is sometimes mistaken for black if the tea is cured with other herbs, but similarities in taste can still be noticed between yellow, green and white teas.

It can, however, also describe high-quality teas served at the imperial court, although this can be applied to any form of imperially-served tea. Tea can be divided into six basic categories: green tea, black tea, yellow tea, white tea, dark tea, and oolong tea. Among them, yellow tea is an ancient tea unique to China, documented in the historical records as early as the Tang Dynasty. Yueyang City in Hunan Province is the hometown of Chinese yellow tea.

The famous varieties of yellow tea include Junshan Yinzhen, Beigang Maojian and Weishan Maojian in Hunan Province, Mengding Huangya in Sichuan Province, Yuan'an Luyuan in Hubei Province, Huoshan Huangya and Huoshan Huangda in Anhui Province, Dayeqing in Guangdong Province, Haimagong in Guizhou Province, and Mogan Huangya and Wenzhou Huangtang in Zhejiang Province^[2-3].

Among them, Junshan Yinzhen was rated as one of "China's Top Ten Teas" by "Panama Pacific International Exposition" in

1915 and "China's Top Ten Famous Teas" competition in 1959, and was awarded gold medal in Leipzig International Fair in August 1956. In addition, it should be noted that Zhejiang Jinyun tea is not yellow tea but green tea, a mutational variety newly discovered in 2005, with high content of amino acid, carotene and lutein^[4].

According to the survey results of China Tea Circulation Association^[5], the total output of China's yellow tea was about 6980 tons in 2013, accounting for 0.39% of total output of China's tea (1.79 million tons). The yellow tea production of three provinces [Hunan (3500 tons), Anhui (2700 tons) and Sichuan (650 tons)] accounts for 98% of the total output of China's yellow tea.

Junshan Yinzhen, Mengding Huangya and Huoshan Huangya occupy 90% of the yellow tea market share. Hunan Yueyang, Sichuan Ya'an and Anhui Huoshan establish the Chinese Yellow Tea Industry Alliance, which will implement the standardization strategy to increase efficiency and expand market; rely on the government of origin to implement the brand strategy for the organization and coordination of China's yellow tea industry.

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^[6-7]. In addition to the main factors such as natural and human factors^[8-9], geographical indication has the basic characteristics of regionality, group and product uniqueness.

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).

Using the main factors and basic features of geographical indication, we can create the regional public brand of agricultural products, promote the agricultural regional brand develop-

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ment^[10–11], and improve the rural poverty alleviation and development^[12–13]. The protection of natural heritage^[14], tangible cultural heritage^[15] and intangible cultural heritage^[16] is generally the focus of attention at home and abroad^[17–18].

Protection of geographical indication and heritage can promote the specialty brand development and traditional knowledge transmission. Carrying out brand building, protecting traditional crafts and maintaining quality characteristics of yellow tea are the key issues concerning the industrial development of China's yellow tea.

Therefore, this article researches the measures for geographical indication and cultural heritage protection of China's yellow tea.

2 The current situation of geographical indication protection of China's yellow tea

Geographical indication and origin naming system have had more than 100 years of history. 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:

Table 1 The national geographical indication products of yellow tea in China

| Geographical indication products | Date of approval | The scope of protection of geographical indication |
|----------------------------------|------------------|---|
| Mengshan tea | 2002.06.12 | Houyan Village in Bifengxia Town and Longxi Village and Mengquan Village in Longxi Township of Yucheng District of Ya'an City and Mingshan County of Ya'an City |
| Huoshan Huangya | 2006.04.16 | The administrative regions under jurisdiction of Huoshan County in Anhui Province |

2.2 Geographical indication trademark registration The geographical indication trademark is the mark shows where a commodity comes from, which can indicate the particular quality, reputation or other characteristics of this commodity are mainly determined by the natural factors or human factors in this area.

Applying for the geographical indication trademarks is a common practice at present for protecting the specialty products in the international community (especially the United States, Germany, *etc.*). Through the application of geographical indication trademarks, we can reasonably and fully use and preserve natural resources, cultural resources and geographical heritage, effectively protect the high-quality specialty products, and promote the development of characteristic industry.

The geographical indication trademark registration work of the State Administration for Industry and Commerce started from 1995. Now the State Administration for Industry and Commerce

(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.

2.1 The protection of geographical indication products The geographical indication product protection work of the State Administration of Quality Supervision, Inspection and Quarantine began in 1999. The geographical indication products are formerly (1999–2005) called the geographical origin products.

Now China has 1280 kinds of national geographical indication products (including the geographical origin products), but only 2 of them are about yellow tea (Mengshan tea and Huoshan Huangya) (Table 1).

The national geographical indication product Mengshan tea, contains Mengding Huangya in the yellow tea; Mengding Ganlu, Mengding Shihua, Mengshan Maofeng, Mengshan Chunlu, Mengshan baked green tea, Mengshan roasted green tea and Mengshan steaming green tea in the green tea; Mengding Ganlu scented tea, Mengshan Maofeng scented tea, Mengshan Xiangming scented tea and other varieties of scented tea.

has registered 1889 geographical indication trademarks, and 4 of them are about the yellow tea (Mengdingshan tea, Huoshan Huangya, Mogan Huangya, Yueyang Yinzhen) (Table 2).

The national geographical indication trademark Mengdingshan tea includes 3 varieties (Mengding Huangya in the yellow tea; Mengding Ganlu and Mengding Shihua in the green tea), and the trademarks are Mengdingshan Tea (Registration No. 8301975), Mengdingshan Tea (Registration No. 3283044), and Mengdingshan Tea (Registration No. 8301976).

2.3 Registration of geographical indication of agricultural products The registration work of geographical indication of agricultural products for the Ministry of Agriculture started in 2008. Now there are 1485 kinds of national geographical indication of agricultural products in China, but only one is about yellow tea (Huoshan Huangda tea) (Table 3).

Table 2 The national geographical indication trademark of yellow tea in China

| Geographical indication trademarks | Registrants | Registration No. |
|------------------------------------|--|------------------|
| Mengdingshan tea | Mingshan Tea Association | 8 301 975 |
| Huoshan Huangya | Huoshan Tea Industry Association | 2 016 488 |
| Mogan Huangya | Moganshan Comprehensive Agricultural Service Center in Deqing County | 6 740 365 |
| Yueyang Yinzhen | Yueyang Tea Association | 4 784 387 |

Table 3 National geographical indication of agricultural product of yellow tea in China

| Geographical indication of agricultural products | Registrants | The scope of protection of geographical indications |
|--|----------------------------------|--|
| Huoshan Huangda tea | Huoshan Tea Industry Association | 16 towns and townships (Hengshan Town, Dahuaping Town, Taiyang Township, Taipingfan Township, Shangtushi Town, Manshuihe Town, Luoerling Town, Zhufoan Town, Heishidu Town, Foziling Town, Mozitan Town, Dongxi Township, Danlongsi Township, Xiafuqiao Town, Danjiamiao Town and Yuerjie Town) and 130 villages under the jurisdiction of Huoshan County in Anhui Province |

2.4 The main problems in the geographical indication protection

2.4.1 Many famous yellow tea varieties have not yet implemented the geographical indication protection. Since the Tang Dynasty, there have been many famous varieties of yellow tea in China. However, there are only 2 national geographical indication products, 4 national geographical indication trademarks and 1 national geographical indication of agricultural products at present. Clearly, many famous varieties of yellow tea have not yet implemented the intellectual property rights protection of geographical indication.

2.4.2 There is no variety of yellow tea implementing the protection of three geographical indication systems at the same time. Since there are administration problems in the geographical indication protection, there are three main systems for the geographical indication protection in China. As a result, the same specialty has to implement the geographical indication product protection, and register the agricultural product geographical indication while registering the geographical indication trademark. However, the enthusiasm for the geographical indication protection of the yellow tea is not high in China, and there is no variety of yellow tea implementing the protection of three geographical indication systems at the same time.

2.4.3 The brand cultural heritage of yellow tea is not highlighted. Junshan Yinzhen is one of the top ten traditional teas, with a long history. It was produced and became famous as early as the Tang Dynasty, and after Qing Dynasty Emperor Qianlong tasted Junshan Yinzhen, he lauded it and listed it as the tribute tea.

Mengding Huangya is a yellow tea variety in Mengshan tea (Mengdingshan tea). It was once the tribute tea from the Tang Dynasty to the Ming and Qing dynasties. "Junshan Yinzhen" and "Mengding Huangya" are the important brand cultural heritage of yellow tea.

However, when Yueyang Tea Association registered the national geographical indication trademark, it used the name "Yueyang Yinzhen", but left the brand cultural heritage "Junshan Yinzhen" in a new name without history. The national geographical indication product "Mengshan tea" contains Mengding Huangya in the yellow tea and Mengding Ganlu and Mengding Shihua in the green tea, synonymous with the national geographical indication trademark "Mengdingshan tea".

The important brand cultural heritage "Mengding Huangya" in the yellow tea and "Mengding Ganlu" and "Mengding Shihua" in the green tea are lumped together as "Mengshan tea (Meng-

dingshan tea)". These practices fail to highlight the yellow tea brand cultural heritage "Yueyang Yinzhen" and "Mengding Huangya".

2.4.4 The majority of geographical indication yellow teas have neither provincial local quality standards nor national quality standards. In order to protect and use such intangible intellectual property right as geographical indication, it is necessary to have strict quality and technical requirements of its carrier, geographical indication specialty, to develop corresponding national quality standards.

However, the yellow tea geographical indication (geographical indication products, geographical indication trademark, geographical indication of agricultural products) in China, only have one quality standard in Anhui Province DB34/T 319 – 2012 Geographical Indication Product Huoshan Huangya, and one national quality standard GB/T 18665 – 2008 Geographical Indication Product Mengshan Tea.

For other geographical indication yellow teas, there is neither provincial local quality standard nor national quality standard.

2.4.5 The special signs of geographical indication of the yellow tea are not used well. The use of special signs of geographical indication is an important step for the intellectual property protection of geographical indication, and also the key to brand effect and economic efficiency of protection of geographical indication product.

China currently has three special signs of geographical indication: the special signs of geographical indication of the State General Administration of Quality Supervision, Inspection and Quarantine; the special signs 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 signs 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 5485 companies or industry associations to use 621 kinds of "special signs of geographical indication products".

However, the special sign of geographical indication of the yellow tea is not used well, not a circumstance to Wuyiyan tea. For the two national geographical indication products, the number of enterprises using the special sign of geographical indication of Mengshan tea (including Mengding Huangya) and Huoshan Huangya is 19 and 10, respectively.

3 Current situation of cultural heritage protection of the yellow tea in China

The yellow tea in China has a long history, and is attached to religion. Its cultural heritage includes intangible cultural heritage, tangible cultural heritage, brand cultural heritage, important agricultural cultural heritage and so on.

3.1 Intangible cultural heritage The intangible cultural heritage is equivalent to "invisible" cultural heritage^[16]. 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^[18].

In National-level Intangible Cultural Heritage List, the intangible cultural heritage items 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.

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 of UNESCO. For the 34 items included in the intangible cultural heritage list of UNESCO, none of them has something to do with the tea culture.

The State Council released the first (May 20, 2006), second (June 7, 2008) and third (May 23, 2011) volumes of National Intangible Cultural Heritage List, a total of 1219 items^[16].

However, these national intangible cultural heritage items have basically nothing to do with the yellow tea. There are only three provincial intangible cultural heritage items related to the yellow tea: traditional production technique of Mengding Huangya; production technique of Huoshan Huangya; production technique of Yuan'an Luyuan yellow tea.

3.2 Intangible cultural heritage The "cultural heritage" in the traditional sense^[17] is the "visible" cultural heritage, the equivalent of Japan and South Korea's "tangible wealth", namely the tangible cultural heritage^[15].

The world cultural heritage, national key cultural relics protection units, famous Chinese historical cultural cities, towns, villages and streets, ecological museum, cultural and ecological protection areas, national archaeological park, Chinese folk culture and arts base and Chinese traditional villages, are all "visible" cultural heritage, which belongs to the intangible cultural heritage^[15].

Yellow tea culture becomes attached to religion. Mengding Huangya is produced in Mengdingshan Mountain of Ya'an City in Sichuan Province. Mengding Mountain is the birthplace of the world tea civilization, and the place with a written record of the earliest tea cultivation.

Yuan'an Luyuan tea originated from Luyuan Temple as the

Buddhist mecca in Yuan'an County of Hubei Province, and was initially cultivated by the monks at the temple.

So far it has had a 750-year history of cultivation. The Chinese historical and cultural city of Yueyang is the hometown of Chinese yellow tea, and the famous Chinese cultural village Zhangguying Village in Zhangguying Town of Yueyang County, is within the protection scope of national geographical indication trademark Yueyang Yinzhen.

However, the existing world cultural heritage in China and national key cultural relics protection units are not significantly related to the yellow tea.

3.3 Brand cultural heritage The brand cultural heritage, with brand as the carrier, contains unique cultural heritage, and represents the most advanced culture and science and technology in a certain period, comprehensively reflecting the essence of technological civilization, industrial civilization and commercial civilization, so it should be protected as the common wealth of mankind because of its outstanding universal value^[19].

The historical famous brands of yellow tea, such as Junshan Yinzhen, Beigang Maojian, Weishan Maojian, Mengding Huangya, Yuan'an Luyuan tea, Huoshan Huangya, Huoshan Huangda, Guangdong Dayeqing, Haimagong tea, Mogan Huangya and Wenzhou Huangtang, are the brand cultural heritage.

There is no special protection system for the brand cultural heritage, so this article carries out discussion from China famous trademark^[20], China time-honored brand^[21] and Chinese brand-name products^[22].

Since the "Tongrentang" trademark of Beijing Tongrentang Co., Ltd. was identified as first famous Chinese trademark in 1989, there have been a total of 4498 famous Chinese trademarks.

Among them, there are 82 famous Chinese trademarks about the tea, and 10 famous Chinese trademarks about the yellow tea (Table 4). Many trademark registrants of these famous Chinese trademarks sell the yellow tea.

Table 4 The famous Chinese trademarks about the yellow tea

| Province | Trademark registrant | Famous Chinese trademarks |
|----------|-------------------------------------|---------------------------|
| Anhui | Huoshan Tea Industry Association | Huoshan Huangya |
| Beijing | Beijing Zhangyi Yuan Tea Co., Ltd. | Zhangyi Yuan |
| | Beijing Wuyutai Tea Co., Ltd. | Wuyutai |
| | China Tea Co., Ltd. | Houwangpai |
| | China Tea Co., Ltd. | Zhongcha |
| Hunan | Hunan Junshan Yinzhen Tea Co., Ltd. | Junshan |
| | Yueyang Dongtingshan Tea Co., Ltd. | Balingchun |
| | Hunan Xiangfeng Tea Co., Ltd. | Xiangfeng |
| Sichuan | Mingshan Tea Industry Association | Mengdingshan tea |
| Zhejiang | Taishun Tea Industry Association | Sanbeixiang |

The Ministry of Commerce started work to identify China time-honored brand in 2006, and 1128 brands were identified as China time-honored brands in 2006 and 2010 in two batches. Among them, there are 36 China time-honored brands about the tea, and 17 China time-honored brands about the yellow tea (Ta-

ble 5).

However, for these China time-honored brands, there are basically the yellow tea sellers who do not produce the yellow tea.

So far, China Famous Brand Agricultural Product Promotion

Committee has identified 196 kinds of Chinese brand-name agricultural products. Among them, there are 26 kinds of Chinese brand-name products about the tea, and one is about the yellow tea (Table 6).

Table 5 The China time-honored brand about the yellow tea

| Province | China time-honored brands | Registered trademarks | Province | China time-honored brands | Registered trademarks |
|----------|-------------------------------------|-----------------------|----------|--|-----------------------|
| Beijing | Beijing Wuyutai Tea Co. , Ltd. | Wuyutai | Liaoning | Shenyang Zhonghefu Tea House | Zhonghefu |
| | China Tea Co. , Ltd. | Zhongcha | Shandong | Zibo Rende Tea Co. , Ltd. | Rende |
| | Beijing Yuanchanghou Tea Co. , Ltd. | Yuanchanghou | Shanxi | Taiyuan Fruit and Tea Corporation | Qianhexiang |
| | Beijing Zhangyiyuan Tea Co. , Ltd. | Zhangyiyuan | Shanghai | Shanghai Huangshan Tea Co. , Ltd. | Xuyou |
| | Beijing Tea Co. , Ltd. | TP | Tianjin | Tianjin Qingzhen Zhengxingde Tea Wholesale Company | Zhengxingde |
| | Beijing Qiyuan Tea Co. , Ltd. | Qiyuan | | Tianjin Tea Co. , Ltd. | Chunrui |
| | Beijing Yong'an Tea Co. , Ltd. | Fuyu | | Tianjin Zhengxingde Tea Co. , Ltd. | Chengxing |
| Jiangsu | Beijing Tea Co. , Ltd. | Jinghua | | Tianjin Zhengxin Trading Co. , Ltd. | Gangchuan |
| | Xuzhou Laotongchang Tea Co. , Ltd. | Laotongchang | | | |

Table 6 The brand-name product of yellow tea in China

| Enterprise | Registered trademark | China brand-name product |
|----------------------|----------------------|--------------------------|
| Hunan Tea Co. , Ltd. | Junshan | Junshan Yinzhen |

3.4 Important agricultural cultural heritage To protect and support the world's agricultural heritage system, FAO initiated a project aimed at protecting the traditional agricultural system of global significance-Globally Important Agricultural Heritage (GI-AHS) in 2002.

Since 2005, China has started to participate in the globally important agricultural heritage project, and now there are 8 GI-AHS pilot programs (Zhejiang "rice-fish farming system"; Yunnan "Honghe Hani rice terrace system"; Jiangxi "Wannian rice culture system"; Guizhou "Congjiang Dongxiang rice - fish - duck system"; Yunnan "Pu'er tea garden and tea culture"; Inner Mongolia "Aohan dry farming system"; Zhejiang "Shaoxing Kuaijishan ancient Torreya grandis group"; Hebei "Xuanhua urban tradition vineyard").

The farming culture in China on which the Chinese civilization heritage is based has a long history. In order to strengthen the tapping, protection, inheriting and use of China's important agricultural cultural heritage, the Ministry of Agriculture started to tap the China's important agricultural cultural heritage in 2012, and established the first batch of China's important agricultural heritage in 2013. However, the CIAHS list does not involve the yellow tea and yellow tea culture.

4 The protection measures for the geographical indication and cultural heritage of China's yellow tea

4.1 Perfecting the protection system of geographical indication intellectual property It is necessary to make a detailed survey of various natural and human factors concerning the yellow tea, in order to reveal the geographical indication characteristics of yellow tea; enhance the geographical indication reporting, implement the national geographical indication product protection, register the national geographical indication trademark, and register the national geographical indication of agricultural products; for-

mulate the national quality standards for geographical indication yellow tea, integrate the existing brands, encourage and support more companies to use the corresponding geographical indication special signs within the scope of protection of geographical indication, to perfect the geographical indication property protection system of the yellow tea.

4.2 Strengthening the intangible cultural heritage reporting

The yellow tea culture in China has a long history, and the yellow tea making skills are unique. However, there is no national intangible cultural heritage item.

Therefore, it is necessary to include the production techniques of Junshan Yinzhen, Beigang Maojian, Weishan Maojian, Mengding Huangya, Yuan'an Luyuantea, Huoshan Huangya, Huoshan Huangda, Guangdong Dayeqing, Haimagong tea, Mogan Huangya and Wenzhou Huangtang in National Intangible Cultural Heritage List, and strive to include the Chinese yellow tea in the UNESCO's "Representative List of the Intangible Cultural Heritage of Humanity".

4.3 Strengthening the tangible cultural heritage protection

It is necessary to strengthen the establishment and application of famous Chinese historical and cultural towns and villages, national key cultural relics protection units, eco-museum and Chinese traditional villages in the traditional producing areas of yellow tea; integrate the yellow tea culture into the ecological civilization building of Chinese historical and cultural city of Yueyang; strengthen the protection of tangible cultural heritage related to the yellow tea.

4.4 Protecting the brand cultural heritage It is necessary to protect the brand cultural heritage with some famous historical brands of yellow tea as the carriers (Junshan Yinzhen, Beigang Maojian, Weishan Maojian, Mengding Huangya, Yuan'an Luyuantea, Huoshan Huangya, Huoshan Huangda, Guangdong Dayeqing, Haimagong tea, Mogan Huangya, Wenzhou Huangtang) and certify the famous Chinese trademarks and China time-honored brands.

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4.5 Reporting the nationally and globally important agricultural cultural heritage

Yellow tea is an old tea, originating much earlier than dark tea, scented tea, white tea, green tea, *etc.* Mengding Huangya, Junshan Yinzhen, Yuan'an Luyuan tea and other yellow tea varieties originated from the Tang and Song dynasties.

Mengshan Huanghuang tea garden and tea culture system, Junshan tea garden and yellow tea culture system, and Yuan'an Luyuan tea and Buddhist culture system and other agricultural cultural heritage systems of yellow tea all reach China Important Agricultural Heritage and Globally Important Agricultural Heritage Standards, so they should strengthen the reporting to be included in the GIAHS and CIAHS list.

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