A fresh look at GIs in the TTIP

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Summary

I. oriGIn: the global alliance of GIs groups

II. GIs and sustainable development

III. Common challenges faced by EU and US GIs and opportunities offered by the TTIP
I. oriGIn:
the global alliance of GIs groups
oriGIn: Unity is strength!

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

- Strengthen the protection of GIs at the national, regional and international level
- Promote GIs as a tool for sustainable development
- Facilitate exchange of “best practices” among GI groups and specialists
An example of how we operate
Challenge: Complexity in a fast-changing world

- Proliferation of fora and negotiations (WTO, WIPO, ACTA, TPP, ICANN, bilateral and regional agreements, etc.)

- Evolution of laws and regulations

- Growing phenomenon of imitation: need to monitor markets
Our response

- Active participation in international negotiations (WIPO, ACTA, WTO, bilateral negotiations, etc.) and advocacy

- Periodical reports and studies for members

- Monitoring GI abuses in foreign markets and lobby @ national authorities
II. GIs and sustainable development
From an economic point of view: added value at the local level

- Premium price & revenues for produces: Blue Mountain Coffee sold at 43.44 $ per pound, against 3.17 $ for non-differentiated coffee (2008, Teuber R)

- Phu Quoc: 300% increase in export price between 2000-2003 / GI protection obtained in 2001 (UNDP)

- Job creation: half a million coffee producers in Colombia / direct jobs (FNC)

- Spill-over effects on other sectors such tourism: “Routa del Tequila”, UNESCO World Heritage
From an organisational point of view: The collective approach

- Several producers join forces
- Economies of scale: product specification, promotion, protection, product development, etc.
- Collective governance: experience sharing
- Better distribution of added value
From a social and environment point of view

- GIs encourage the preservation of biodiversity (plant, animal, microbiological) and landscapes

- GIs as vehicle to preserve local “savoir-faire” and TK

- GIs prevent the standardization of food

- GIs prevent delocalisation, reduce rural exodus and contribute to social cohesion
III. Common challenges faced by EU and US GI groups and opportunities offered by the TTIP
Growing importance of origin products in the US

- American Viticultural Areas (AVAs)
- State and County Wine Appellations
- Certification, collective and commercial trademarks as well as unregistered products’ names
- oriGIn/Berkeley School of Law list of candidate US GIs
Challenges (I):
Definition of GI unique qualities in the US

▪ “Non-participatory approach”: 100% Kona Coffee v. 100% pure Kona Coffee

▪ “100% Kona Coffee” registered as certification mark by the State of Hawaii (10% Kona Coffee requirement to use the certification mark). No direct involvement of producers in defining such requirement

▪ The Kona Coffee Farmers Association (KCFA) – member of oriGIn – is working on the label “100% pure Kona Coffee”
Challenges (II): costs in the US for both European and American groups

- Registration costs: 10,000 US$

- Control of the mark (including license requirements): more 200,000 US$ per year spent by the Idaho Potato Commission

- Monitoring + protecting TMs from dilution and becoming generics (an opposition proceeding can exceed 100,000 US$)

- USPTO “passive” approach in dealing with requests containing registered CMs (Esempio Parmigiano Reggiano, vedi con Giorgio)

- Litigation: more than 1,000,000 US$ spent by the Idaho Potato Commission in enforcement cases in NY over the past 12 years
Challenges (III):
Obtaining recognition in the UE for US GIs protected via certification marks

- Legal issues for certification marks (not owned by associations of GI producers/transformers, but rather by independent certifying bodies) with respect to the possibility to lodge a GI application under the relevant EU law (art. 49 of Reg. 1151/2012)
Challenges (IV):
Fighting misappropriations for both EU and US GI groups
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A Few Conclusions

- The TTIP is a unique opportunity to address those challenges in an ambitious way.

- By doing so, obstacles that reduce the sustainable development potential of GIs on both sides of the Atlantic will be eliminated.
Thank you for your attention!

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