

Geographical Indications for Non-Agricultural Products

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Summary

- I. Introduction to Non-Agricultural GIs
- II. Numbers / Examples
- III. Challenges & Opportunities

Introduction to Non-Agricultural GIs

ori**GI**n

oriGIn: the global alliance of GI producers



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Our interest for non-agri GIs

- Members: Fédération de l'industrie horlogère Suisse, Erzincan Chamber of Commerce and Industry (Turkey), Andhra Pradesh Technology Development and Promotion Centre (India), etc.
- Research: Study on GIs for non-agri products in the Internal Market (DG Market, 2013), Study on potential GIs in Cote d'Ivoire (Trade.Com, 2010), Manual on GIs for ACP Countries (CTA, 2011), Study on GIs other than wines, spirits and agricultural products (DG Trade, 2009)
- Worldwide GI Compilation Project

Non agri GIs: “negative” definition

Agricultural
Products

Cotton, Silk
(?)

Handicrafts,
pottery,
ceramics,
knives

Wines

Cigars (?)

Stones,
marble, clay,
glass

Spirits

Mineral
Waters (?)

Hats, leather,
fabrics,
jewellery

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Services (?)

Identifying categories of non-agri GIs

- It matters for countries adopting a sector-specific approach to GIs (EU)
- It does not matter for countries adopting a general law on GIs with a broad definition (India, Russia, China, Brazil, Colombia, OAPI, etc.)

Definition (I): The Lisbon Agreement (WIPO)

“(1) ... appellations of origin means the geographical name of a country, region, or locality, which serves to designate the a product originating therein, the quality or characteristics of which are due exclusively or essentially to the geographical environment, including natural and human factors. (2) The country of origin is the country whose name, or the country in which is situated the region or locality whose names constitutes the appellation of origin which has given the product its reputation” (art. 2)

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Definition (II): the TRIPS Agreement (WTO)

“Geographical indications are, for the purposes of this Agreement, indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin.”

(Article 21.1)

The GI scheme

Product with
quality,
characteristics,
reputation

Linked to a
geographical
environment

Added value
at local level

Collective
approach

Need of legal
protection

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II. Numbers / Examples

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A few numbers

96 non-agri GIs registered under the Lisbon Agreement

WORLD INTELLECTUAL PROPERTY ORGANIZATION

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No.	Appellation
1. 9	CARLSBAD SALT / KARLOVARSKÁ SŮL / KARLSBADER SALZ / SEL DE KARLOVY VARY
2. 10	CARLSBAD SPRUDEL SALT / KARLOVARSKÁ VŘÍDELNÍ SŮL / KARLSBADER SPRUDEL SALZ / SEL DE SPRUDEL DE KARLOVY VARY
3. 11	ECHTES NATÜRLICHES KARLSBADER SPRUDEL SALZ / GENUJNE NATURAL CARLSBAD SPRUDEL SALT / KARLOVARSKÁ PŘÍRODNÍ VŘÍDELNÍ SŮL / VÉRITABLE SEL NATUREL DU SPRUDEL DE KARLOVY VARY
4. 21	INSTRUMENTS DE MUSIQUE DE KRASLICE / KRASLICKÉ HUDEBNÍ NÁSTROJE
5. 22	DENTELLES DE KRASLICE / KRASLICKÉ KRAJKY
6. 27	ČESKÝ PORCELÁN / FINE BOHEMIAN CHINA / PORCELAINE FINE DE BOHÊME
7. 28	DUCHCOVSKÝ PORCELÁN / PORCELAINE DE DUX (DUCHCOV)
8. 29	CARLSBADER QUALITÄTSPORZELAN / KARLOVARSKÝ PORCELÁN / PORCELAINE DE CARLSBAD
9. 55	VALAŠSKOMEZIŘÍČSKÝ GOBELIN
10. 56	JINDŘICHOHRADECKÝ GOBELIN
11. 61	LA BOUE DE PIEŠŤANY / PIEŠŤANSKÉ BAHNO / PIEŠŤANY MUD / PISTYAN SCHLAMM
12. 62	JABLONEC GLASS, GABLONZ GLASS WARE / JABLONEC-GLAS, GABLONZER GLASWAREN / JABLONECKÉ SKLO / VERRE DE JABLONEC, VERRERIE DE GABLONZ / VIDRIO DE JABLONEC/GABLONZ
13. 63	CRISTALERÍA DE JABLONEC/GABLONZ / CRISTALLERIE DE JABLONEC, CRISTALLERIE DE GABLONZ / JABLONEC CRYSTAL WARE, GABLONZ CRYSTAL WARE / JABLONEC-KRISTALLERIE, GABLONZER KRISTALLGLASWARE / JABLONECKÁ KRISTALERIE
14. 64	ARTICLES DE JABLONEC, PRODUITS DE GABLONZ / JABLONEC WARE, GABLONZ GOODS / JABLONEC-WAREN, GABLONZER WAREN / JABLONECKÉ ZBOŽÍ / PRODUCTOS DE JABLONEC, ARTICULOS DE GABLONZ
15. 65	BIJOUTERIE DE JABLONEC, BIJOUTERIE DE GABLONZ, BIJOUX DE JABLONEC/GABLONZ / BISUTERIA DE JABLONEC/GABLONZ, JOYAS DE JABLONEC/GABLONZ / JABLONEC JEWELLERY, GABLONZ JEWELLERY / JABLONEC-BIJOUTERIE, GABLONZER SCHMUCK, GABLONZER SCHMUCKWARE / JABLONECKÁ BIŽUTERIE
16. 66	ŽELEZNOBRODSKÉ SKLO / GLAS AUS ŽELEZNÝ BROD / GLASS OF ŽELEZNÝ BROD / VERRE DE ŽELEZNÝ BROD / VIDRIO DE ŽELEZNÝ BROD

A few numbers

- i. South and Central America: out of 335 GIs currently protected, 52 are for non agricultural products
- ii. India: out of 178 GIs currently protected, some 120 are for non agricultural products
- iii. Cote d'Ivoire: out of 11 potential GIs, 3 are non-agri: Pagnes de Tiébissou, les Toiles de Fakaha, la Poterie de Katiola
- iv. Switzerland: 49 non agricultural GIs
- v. EU: 834 potential non-agri GIs (oriGIn study, 2013)

GOIABEIRAS (Brazil, protected under Federal Law 9279/96)

- District of Goiabeiras, State of Espírito Santo (East of Brazil)
- Goiabeiras: clay pots, hand made (women, 120 families)
- Indigenous knowledge transmitted over generation



POCHAMPALLY IKAT(INDIA, the 1999 GI Act and the 2002 GI Rules)

- Region of Nalgonda, Warangal Districts, State of Andhra Pradesh
- Fabric (cotton, silk or a combination of both) through a specific process of tying and dyeing the yarn prior to weaving
- Uniqueness: human skills in the design and production methods
- Pochampally Handloom Weavers' Co-op Society Ltd (30.000 weavers)

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LES TOILES DE FAKAHA (COTE D'IVOIRE, potential GI)

- Village of Fahaka (town of Korhogo), north of Cote d'Ivoire
- Cotton painted with natural colours (originally liturgical purposes, then decorative ones)
- What makes the product unique: Sénoufo ethnic group skills (they excel in the art of weaving using vegetables oils)

GIs and TK

- TK: Knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles (Article 8(j) of the Convention of Biological Diversity)
- “More than other major types of intellectual property, GIs have features that respond to norms for use and management of bioresources and traditional knowledge that are characteristic of the culture of many indigenous and local economies.” **UNCTAD Biotrade Initiative**

Non-agricultural GIs in the EU

- i. Agricultural products and foodstuff (Regulation No 1151/2012)
- ii. Wines (Regulation No 1234/2007)
- iii. Spirits (Regulation No 110/2008)
- iv. Non agricultural GIs: not yet harmonized

Non-agricultural GIs in the EU (oriGIn study, 2013)

- i. National sui generis system (Czech Republic, Hungary, Estonia, etc.)

- ii. Specific laws/decrees protecting a sector (ceramics in Italy, crafts in Spain at regional level) or a product (Solingen for knives in Germany, Swiss for watches in Switzerland)

- i. Community or national trademarks

Italian Law

on artistic and traditional ceramics

- i. Law 188/1990 (amended in 1996)
- ii. It establishes the “Consiglio Nazionale Ceramico” and identifies 33 production areas
- iii. The Council approves the product specifications
- iv. A national figurative mark created by decree
- v. Not clear the protection provided and enforcement mechanisms
- vi. Producers (Deruta, Faenza and Vetri sul Mare) felt a need for additional protection through national and Community TMs

Main conclusions of the study

- i. Non agri GIs in the EU: relevant in number and economic impact
- ii. Fragmentation of legal frameworks
- iii. Phenomenon of usurpations & need of effective legal instruments of protection
- iv. Need for a harmonised EU system (stakeholders survey)
- v. EU bilateral negotiations
- vi. Specific issues related to the instrument eventually to be adopted (GI/AO, level of protection, agency in charge, etc.)

III. Opportunities & Challenges

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Opportunities

- Number of non-agricultural traditional products around the word
- Potential in developing countries (no delocalisation, promotion of tourism)
- Potential in terms of production/adding value to local traditions, “savoir-faire”, and TK

Challenges

- Establish the link between the product and its geographical environment (objective criteria)
- Need of technical assistance in developing countries

CELEBRATING
10
years

VI oriGIn General Assembly

Bordeaux, France
20-22 May 2013

Thank you!

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