



Colombian Coffee Protection: The Growers' Experience

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National Federation of Coffee Growers of Colombia
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Producing Colombian Coffee is a hard working task

Human Intensive Labor



Steep mountains



Washed



Hand Pick Selection



Basic Infrastructure





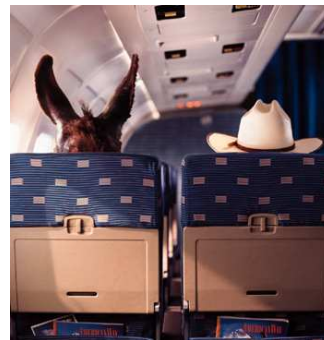
And definitely one to be proud of



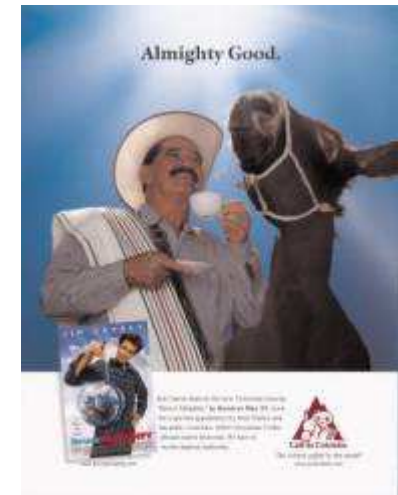


Since 1927 the National Federation of Coffee Growers of Colombia (FNC) has been promoting Colombian Coffee to the world.

Innovative Marketing Tools



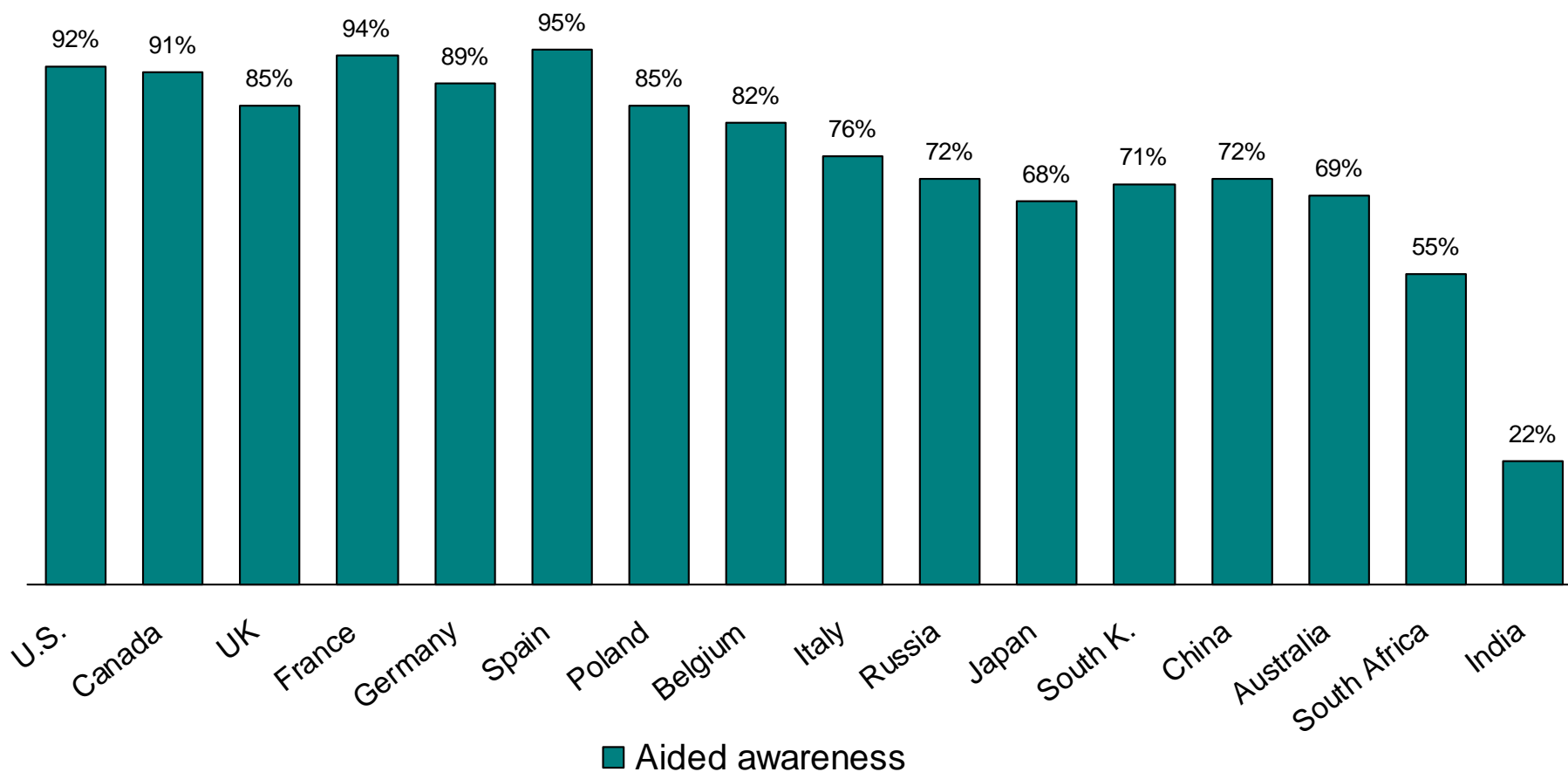
Colombian Coffee is now on board American Airlines.





Colombia as an origin, became well-known among consumers

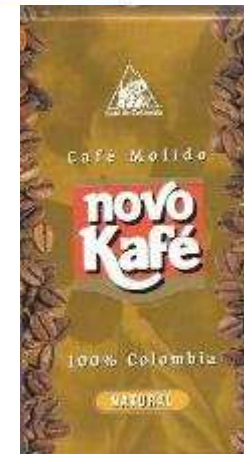
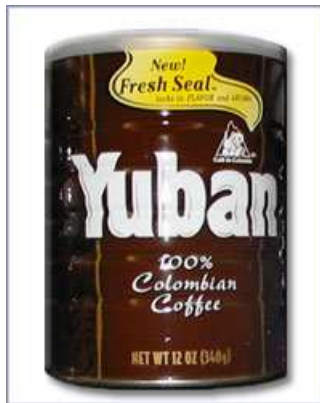
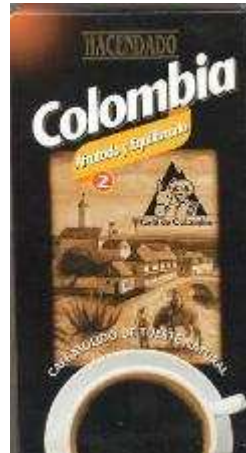
Awareness of Colombia as a coffee-growing country



KRC Research 2004/2005

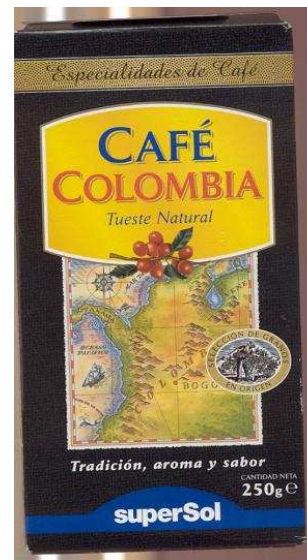


Based on our Reputation we developed a trademark-based **“Ingredient brand”** strategy



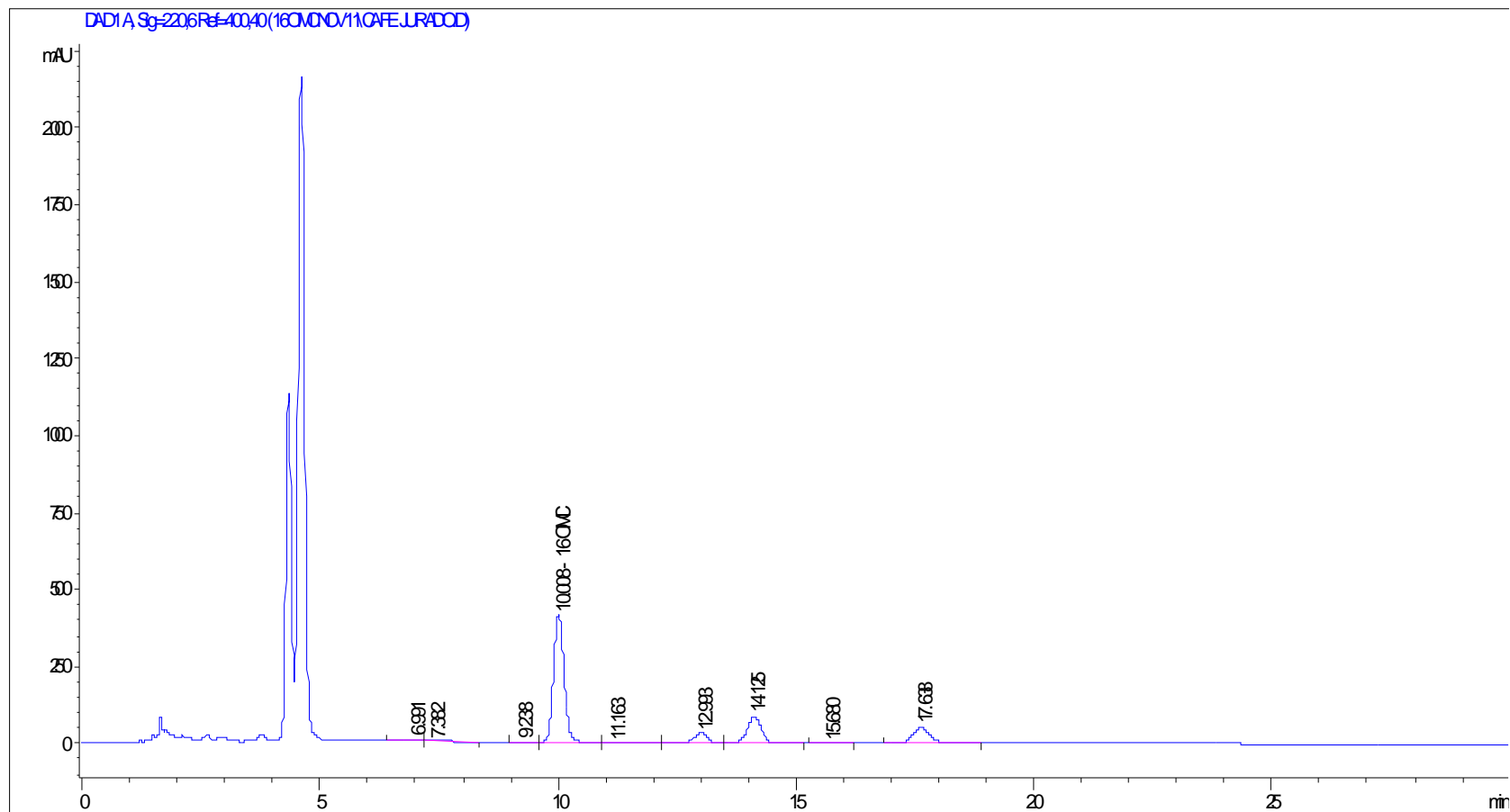


The reputation of Colombian coffee created incentives for brand owners to highlight the origin "Colombian" in their labels





And we found that in some cases the product was not even Colombian





Legal tools we used in the 1990's

- Trademarks in an ingredient brand context: meant to be endorsers of someone else's brand, higher degree of control.
- Certification Marks: enforcement is difficult and expensive.
- Plus, CM's did not protect us against the use of "Colombian blend" or "Colombian type"

We needed an alternative that would help us to protect the Colombian origin and reputation



The Café de Colombia G.I. Case



Organized Growers



Technical Assistance



Quality Control



La crème de la crème.

**Promotion
& Advertising**

R&D



A System behind the Product



We have learned that GIs are an effective tool for sustainable agricultural development

- Tool to transform raw material producers into **exporters** of **high quality products**
- **Premium price** for quality products on international markets
- “**Light monopoly**” on a **name** not on a product: no risk to prevent further development
- “**Collective right**” + “**collective governance**”: economies of scale for **small agricultural producers** that are “rightful owners” of their reputation
- It prevents the **delocalization** of production
- **Spill-over effects** on environment, job creation, tourism, gender issues, etc.
- Enhanced **food security** and **traceability** (consumers)



What we have accomplished

- Locally
 - Café de Colombia was recognized as the first Colombian Denomination of Origin in February 2005
- Andean Community
 - The G.I. recognition has been recognized by Peru, Ecuador and Bolivia
- European Union
 - In September 2007, “Café de Colombia” was granted the Protected Geographical Indication status by the European Commission.
- Other countries coming



The Café de Colombia PGI is both the recognition of a longstanding effort of Colombian coffee farmers, and a powerful tool for capturing more economic value and support their sustainability into the future.





Issues to be faced

- Not every one is an expert: Trademark offices and/or courts must be educated.
- Control Systems Credibility – Third parties evidence requested.
- G.I. must not be interpreted as a generic or descriptive term.



Café de Colombia: Protection Experience.

- **Colombiano Coffee Shop:** Domain Name Dispute Resolution.

Claims:

- Colombianocoffeshop was a bad faith registration.
- Reproduced COLOMBIAN COFFEE and CAFÉ DE COLOMBIA trademarks.
- Those certification marks and trademarks are well-known.

The Resolution:

- WIPO held Colombian Coffee and Café de Colombia were reproduced by colombianocoffeeshop.
- The domain name registration was a bad faith registration.



Café de Colombia: Protection Experience.

- **Roaster client in Spain:** Former ingredient mark licensee, using COLOMBIA to identify a coffee from different origins.

Claims:

- TM infringement.
- Unfair competition: misleading the consumer.

Court Resolution:

- First instance: sustained FNC claiming.
- Second instance: Infringer committed unfair competition behavior, exploiting the reputation of the Origin to attract and mislead consumers.
- No TM infringement, since it had been authorized to use it through the TLA in the past.



Café de Colombia: Protection Experience.

- **Colombian Mountain Coffee:** Opposition before CTO.

Claims:

- Applied for trademark was phonetically and grammatically similar to CAFE DE COLOMBIA.
- Most importantly, the applied for trademark had to be denied since GI are also protected against its translation by third parties.

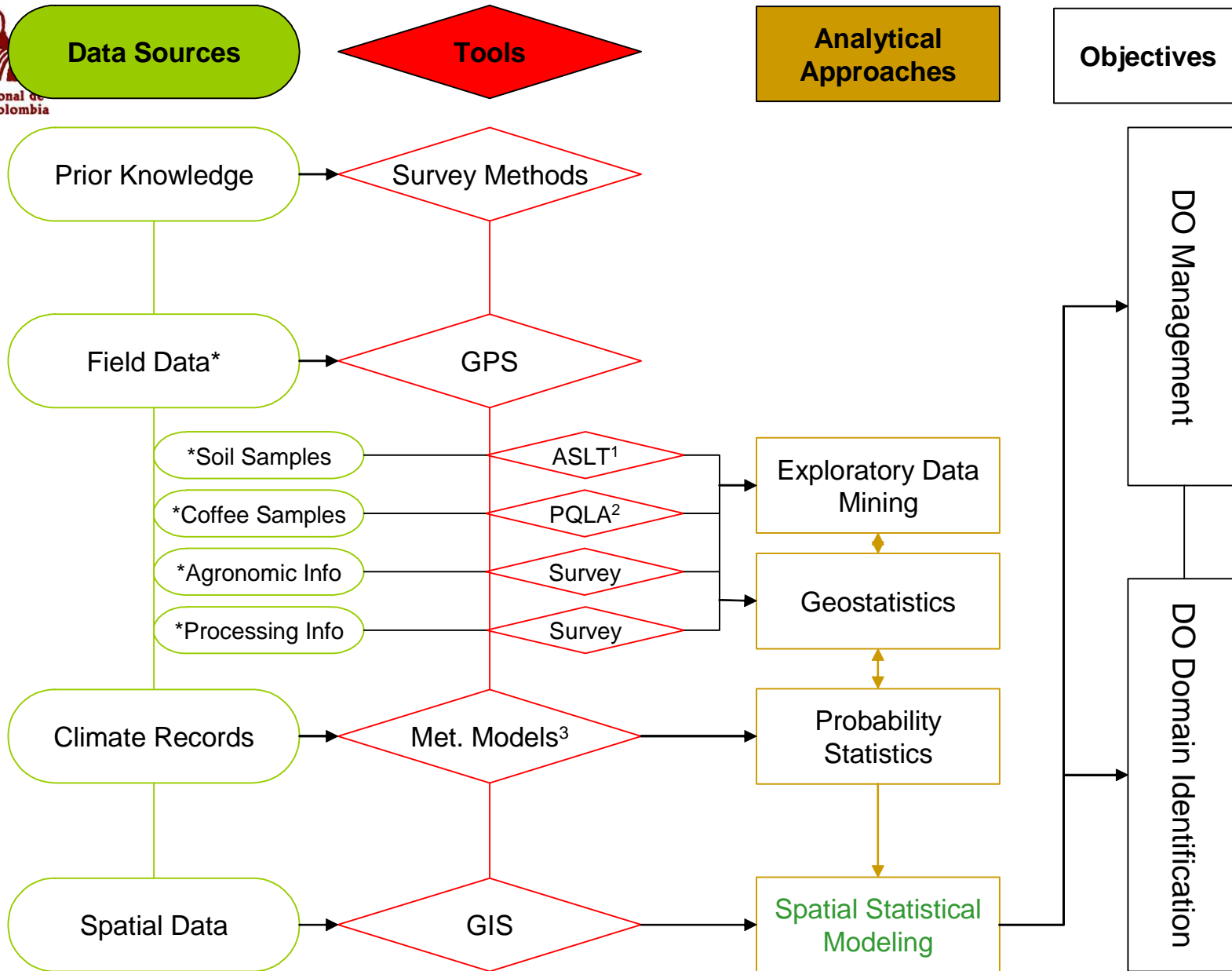
CTO Resolution:

Sustained the claiming and denied the application for registration.



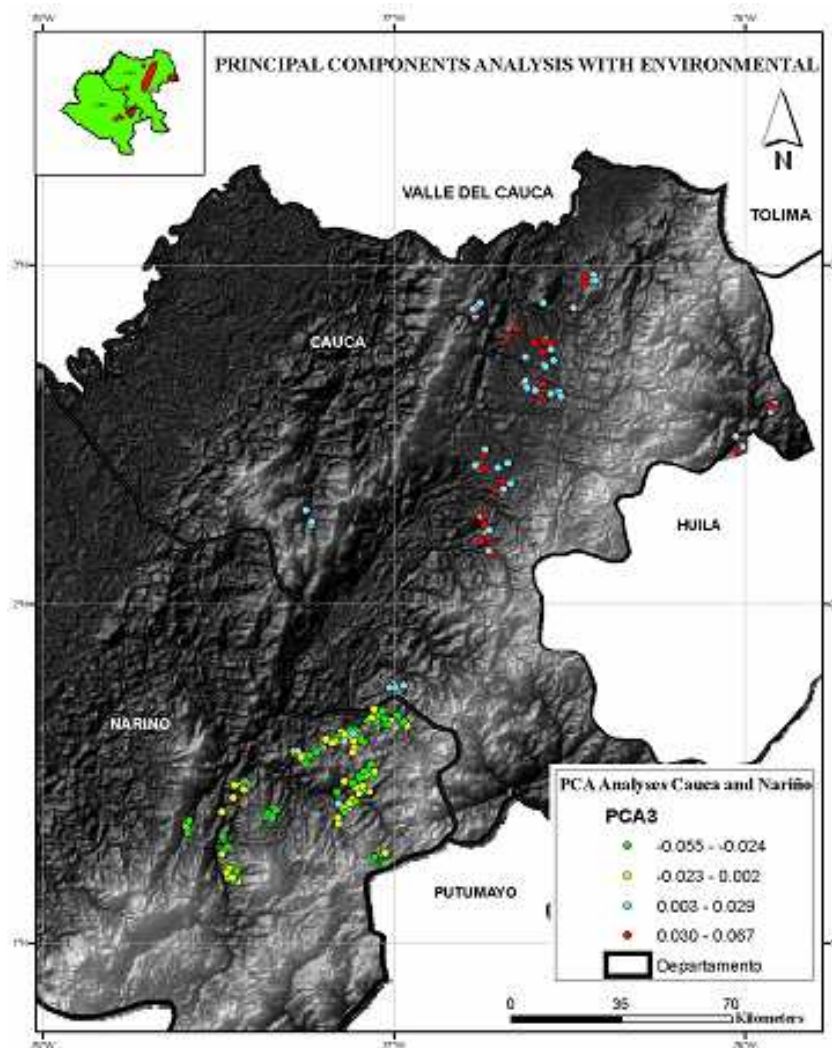
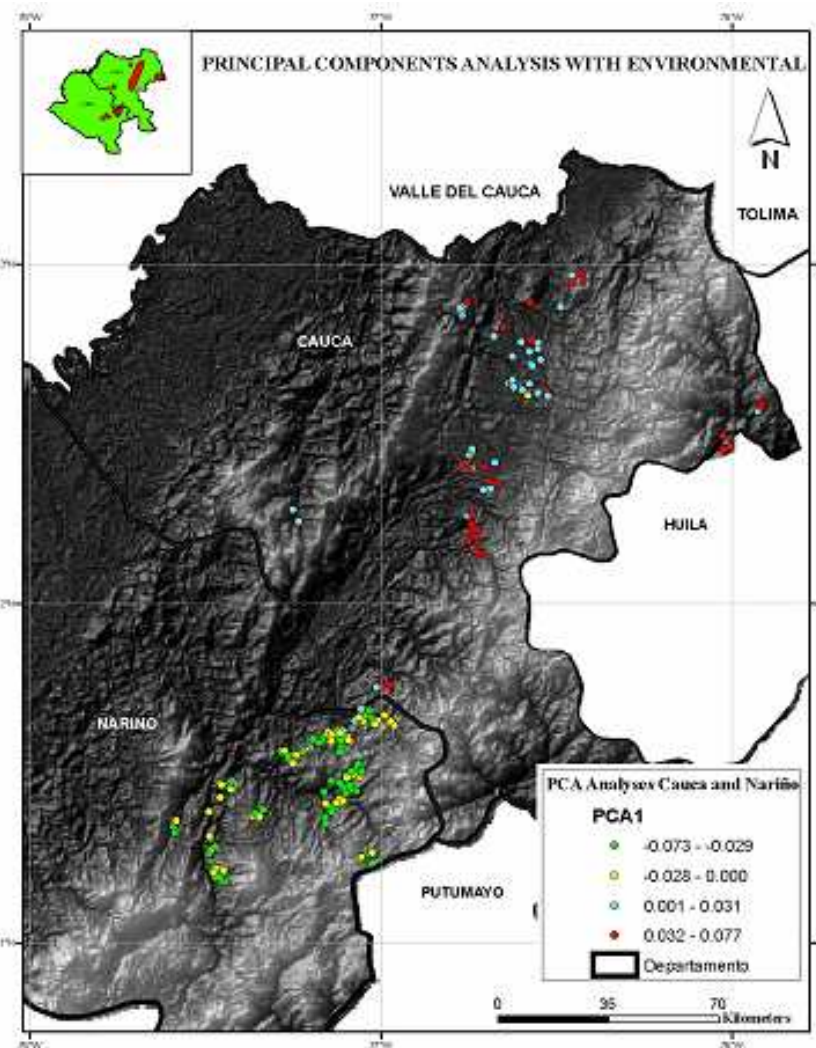
The road ahead

- Beyond Country Origin:
 - Regional Geographical Indications
 - Fine Tuning the link between geographical and organoleptic characteristics at the regional level.
- Develop a more sophisticated legal and marketing strategies
 - Develop the emotions associated with specific origins



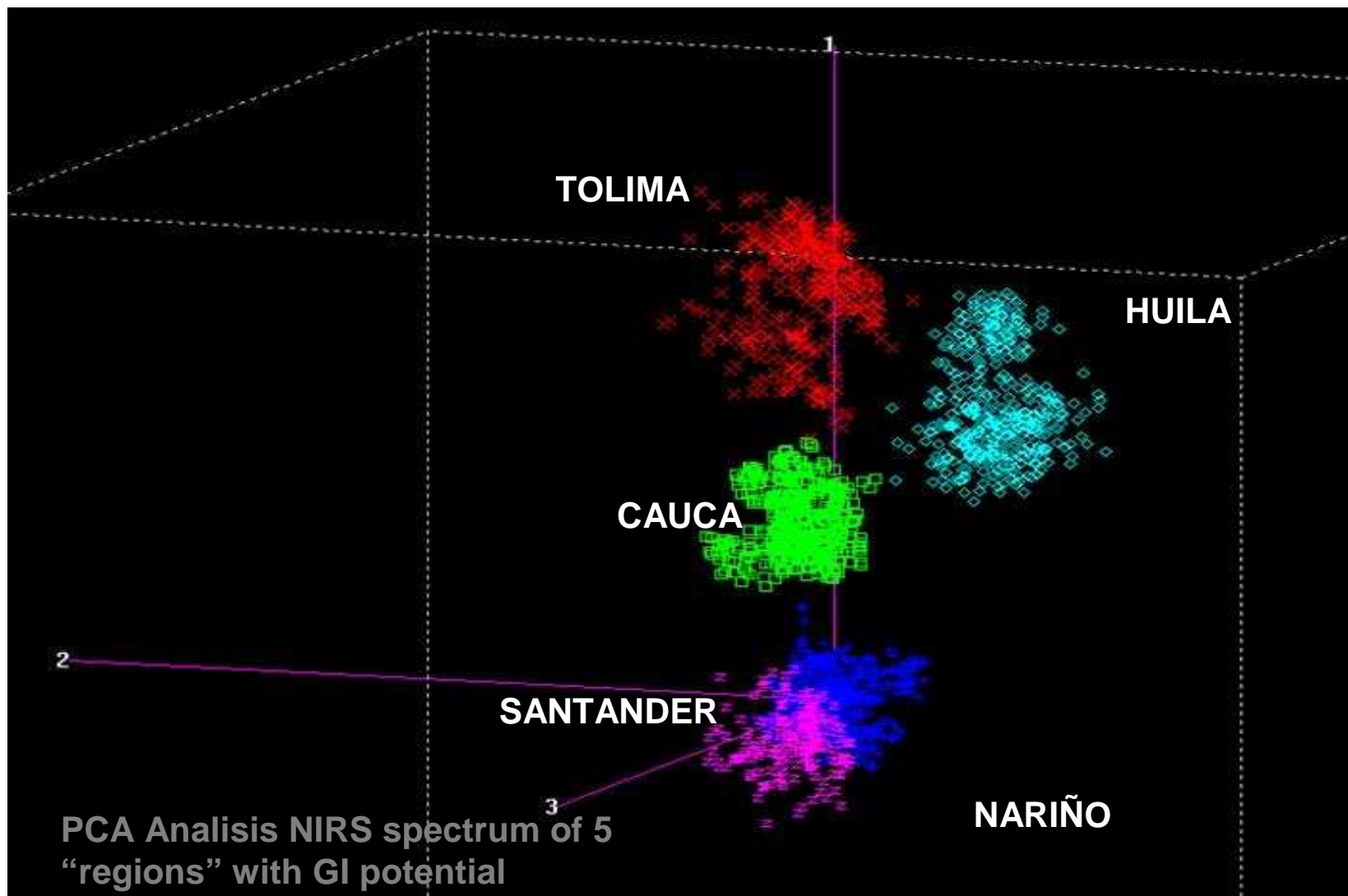


It is possible to find regional differences correlated to specific geographic attributes





Through technology we have been successful at identifying objective criteria to differentiate and protect regional origins



Growers have already started to make it their own

“Nariñense” Protect the origin of your coffee and defend your future

NARIÑENSE

Proteja el origen de su café y defienda su futuro.

Inscriba la producción estimada de su cosecha con el extensionista del Comité de Cafeteros y asegúrese de que la excelente calidad de su café le siga trayendo sobrepagos y mejores oportunidades en el mercado internacional.

Recuerde que esta medida no lo obliga a venderle su producción a la Federación Nacional de Cafeteros.



Occidente Ltda.

Comuníquese con el Comité de Cafeteros



WORLDLEADERS: INTERNATIONAL IP AWARDS 2008



www.ipworld.com

Award for *In-house Trademark Management*

Latin America/Caribbean



Host Adrian Finighan of CNN presents the award to Juan Camilo Ramos of National Federation of Coffee Growers

National Federation of Coffee Growers

About the winner

The National Federation of Coffee Growers is a not-for-profit organisation representing more than 500,000 coffee growers in Colombia. Since the creation of its intellectual property department in 2003, the organisation has shown that IP is an excellent tool to protect and promote development and wealth for rural communities.

In 2002 the Federation decided to unify its trademark family in more than 80 jurisdictions around the Juan Valdez logo. There are now Juan Valdez coffee shops in countries such as Chile, Colombia, Ecuador, Spain and the US. Juan Valdez branded coffee and merchandising is available in nearly 130 coffee shops and in thousands of grocery stores, supporting Colombia's coffee growers' income and reducing the impact of commodity price fluctuations.

In 2004 the Federation began the process of obtaining legal recognition for recognition of Café De Colombia as a geographical indication. Recognition was finally granted in September 2007, and registration of the Café de Colombia indication has also been achieved in Peru, Equador and Bolivia. ✪

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So far we have been successful in the protection of our intellectual property assets.

But there is still a lot of work to be done.