

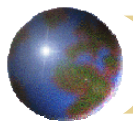


PROTECTION OF GEOGRAPHICAL INDICATIONS FOR ECONOMIC AND SOCIAL BENEFITS

BY P. KANDIAH
KASS INTERNATIONAL SDN BHD

"The IP Experts"

1



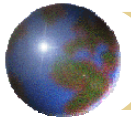
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Fiji Bottled Water



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2



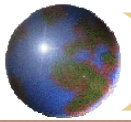
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Persian Carpet



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3



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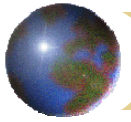
Champagne



Scotch Whisky

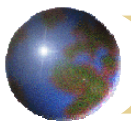
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4



Geographical Indication

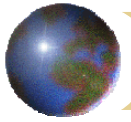
An indication which any goods as originating in a country or territory, or a region or locality in that country or territory, where a given quality, reputation or other characteristic of the goods is essentially attributable to their geographical origin



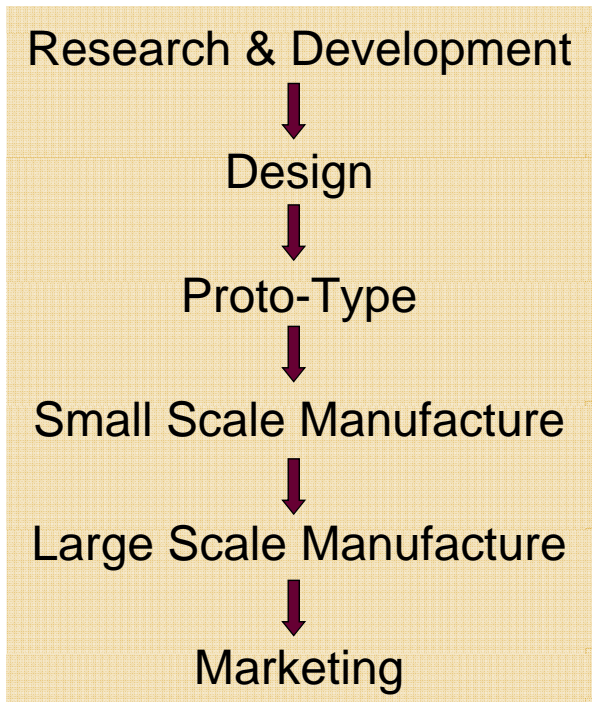
Relationship

Trademarks





Globalisation of Trade

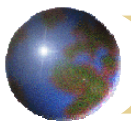


BEFORE

Used to be done in one place, one country

NOW

Advantageously done at separate locations and countries

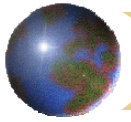


Emergence of Multinational Companies

Global Manufacturing & Marketing Power

Power of Advertising, Marketing & Sales through internet

(Level Playing Field ??)



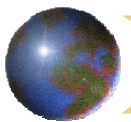
Battle of Wines

Old World vs New World

[Europe]

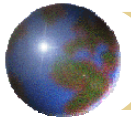
[Australia, South Africa, New Zealand, Chile, Peru, Argentina, India, California, China (?), Turkey, Brazil]

- Strike back using GIs
- Trade Settlement on right to use GIs and market access.
- Ref: www.dfat.gov.au/trade/negotiations/disputes (dispute on GIs for agricultured products and foodstuff)



Battle of Whiskeys

- GI – “Scotch Whiskey”
- What is “Scotch Whiskey”
- Entitlement to call or describe whiskey as “Scotch Whiskey”
- Case in Malaysia, India, Canada
- Beyond “Scotch Whiskey”
- Use of symbols, indications referring to Scotland
E.g. Scottish Kilts, word such “Glen”, “Mac”, “Mc”
“GI + Plus” – e.g. taste like “Champagne”

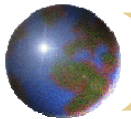


Battle of Chocolates

- “Swiss Chocolates”
 - GI or Certification Mark or Collective Mark?
- Malaysia case: use of words “Maestro Swiss”

BANCO ZURICH??

ZURICH PHARMACY??

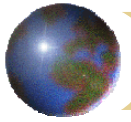


GIs serve

- to promote the sales of a product (with a trademark)
- to defend encroachment into the market (as a weapon of mass destruction?)

GI is a trade weapon in the market place!

Frontiers of GIs are constantly being extended



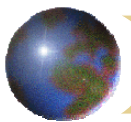
GIs are not forever!

Need to maintain characteristic of GIs

- Enforcing rights
- Maintain quality
- Strictly adopt regulations of use

Otherwise GIs degenerate into descriptive product

E.g. Swiss Knife



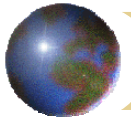
Lessons for developing countries

- Identify uniqueness of product in country (exotic, fresh, virgin, etc)

Product → Natural products, e.g., fruits, crops, etc

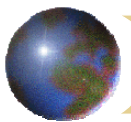
→ Agricultural goods, e.g., wine, chocolates, cheese

→ Handicrafts / Industrial



Lessons for developing countries (Cont'd)

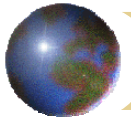
- Draft Rules, Terms & Conditions of Use of GIs
- Register GIs in own country and in other countries
- Marketing of Products
- Enforcement of Rights, e.g. PONNI rice in Malaysia



Battle for GIs in Coffee

- Columbia, Kenya, Ethiopia, Rwanda, Vietnam





Examples of GIs

MALAYSIA

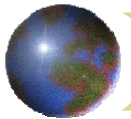
- ❖ Sabah Tea
- ❖ Sarawak Pepper
- ❖ Bario Rice
- ❖ Tenom Coffee
- ❖ Borneo Virgin Coconut Oil
- ❖ Sabah Seaweed
- ❖ Buah Limau Bali Sungai Gedung

INDIA

- ❖ Basmati Rice
- ❖ Darjeeling Tea
- ❖ Kanchipuram Silk Sarees
- ❖ Alphonso Mangoes
- ❖ Nagpur Oranges
- ❖ Kolhapuri Chappal
- ❖ Ponni Rice

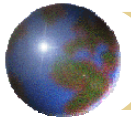
USA

- ❖ Florida Oranges
- ❖ Idaho Potatoes
- ❖ Washington State Apples
- ❖ Vidalia Onions



Australia: www.winediva.com.au
(battle for distinctiveness of each wine producing region in Australia)

Japan: Distinct agricultural regions for crops (akin to GIs)



KASS

THANK YOU

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