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THE WAY AHEAD: DEVELOPING INTERNATIONAL PROTECTION FOR GEOGRAPHICAL INDICATIONS: THINKING LOCALLY, ACTING GLOBALLY[1]

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"But if this is a battle of names, some of them asserting that they are like the truth, others contending that they are, how or by what criterion are we to decide between them? For there are no other names to which appeal can be made, but obviously recourse must be had to another standard which, without employing names, will make clear which of the two are right, and this must be a standard which shows the truth of things." Plato, *Cratylus*, 438e.

"But if you say 'How am I to know what he means, when I see nothing but the signs he gives' then I say 'How is *he* to know what he means, when he has nothing but the signs either? '" Ludwig Wittgenstein, *Philosophical Investigations*.

"Nada se edifica sobre la piedra, todo sobre la arena, pero nuestro deber es edificar como si fuera piedra la arena." Jorge Luis Borges.

GEOGRAPHICAL INDICATIONS AND THE NATURE OF LANGUAGE

The uncertain and variable role of language in yoking together the word and the thing, the signifier and the signified, and the search for an objective way of mapping that permanently unfixed relationship, are questions that have vexed the best minds in philosophy and linguistics since those disciplines have existed. From his pathbreaking lectures in Geneva, Ferdinand de Saussure's fundamental insights into the contingent quality of language, and the arbitrary linkage between signifier and signified, sparked a new way of analysing social institutions. In analysing language, the context of language use became more important than any presumed innate meaning built into words or signs: "The idea or phonic substance that a sign contains is of less importance than the other signs that surround it; thus the value of a term may be modified without either its meaning or its sound being affected, solely because a neighbouring term has been modified."[2]

A greater opennness about the functioning of language, thinking about the functions of words in relation to one another, stigmatised the 'parish-pump positivism' that strove to discover the rigid logical link between language and the objective world. The career of Ludwig Wittgenstein followed this trajectory neatly, from a rigorously positivist endeavour to find a logical correspondence between language and the physical world, to an acceptance that language is, in effect, what the user makes of it.

Equally, as etymology records, the linkage between the name and what it points to has evolved, along with the general evolution of language (the English word 'rice' has its roots in an Ancient Greek geographical indication, ορυζον (oruzon) or ορυζα (oruza) meaning "of Eastern origin", but is of course a generic term), and different linguistic communities interpret signs in different ways ('Orange' on a wine bottle is likely to convey a different message to a resident of Provence than to a resident of Orange County). Indeed, as a reaction to global connectedness, communities may increasingly look to linguistic differences to define themselves in conscious contrast to one another.

These few truisms remind us why the debate about geographical indications (GIs) has proven to be intractable, ill-defined, and at times passionate. Questions that have vexed

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[2] Ferdinand de Saussure, *Course in General Linguistics*

philosophers since the dawn of their discipline are brought to a head in the debate. The debate potentially touches on the role of language in helping to define distinctive communities.

SUBJECTIVE JUDGEMENTS IN INTELLECTUAL PROPERTY LAW

These issues arise in other areas of intellectual property law, of course, and find practical if imperfect solutions: how to make a judgement, for instance, about whether a trade mark is distinctive, or whether there is a likelihood of confusion resulting from the use of a mark, or whether an article appears substantially to copy a registered design. This entails an endeavour to make an objective judgement about what would subjectively take place in other minds. This often comes down to individual judges, reporting on their own perceptions as to the likelihood of confusion between trade marks or as to the distinctiveness of a trade mark, this judgement serving in place of a collective determination as to how the relevant linguistic community would perceive the matter. Similarly, the lack of firm objective basis about similarity of designs has been acknowledged: "I cannot say that the present case is any exception to the rule that the eye, like the heart according to Pascal, has its reasons that reason does not know."[3]

In assessing the legal status of trade marks, judges may, in effect, need to set aside a singular, positivist view of language and accept that the signification of words may be more diverse than conveying objective meaning; that language has a diversity of functions. So Dixon CJ observed in a leading trade mark case:

> "The fallacy of asking what is the meaning of the phrase lies in the basal assumption that the words are intended to convey some definite meaning and perhaps the further assumption that the meaning has reference to the garments or the cottons. The assumption is fallacious because it overlooks the fact that language is not always used to convey an idea. Many uses of words are purely emotive. A word or words are often employed for no purpose but to evoke in the reader or hearer some feeling, some mood, some mental attitude. This is true of much advertising, which common experience shows to be full of meaningless but emotive expressions supposedly capable of inducing a generally favourable inclination in the almost subconscious thought of the passing auditor or hasty reader. Words put forward as trade marks are very likely indeed to be chosen in the same way."[4]

ADDRESSING THE INTERNATIONAL DEBATE ON GEOGRAPHICAL INDICATIONS

These considerations should be borne in mind as well, when we discuss how to clarify and move forward the international debate on geographical indications. Much of the misunderstanding that bedevils the international discussions does actually hinge on these deeper questions. A symposium of this nature is an opportunity to explore the issues more deeply than is normally possible in international negotiations, and not merely report on the formal positions taken. We might acknowledge, in particular, that the debate about GIs is at

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[3] In re Wolanski's Registered Design, (1953) 88 CLR 278, per Kitto J.
[4] Mark Foy's Ltd. V. Davies Coop & Co. Ltd. (1956) 95 CLR 190, at 194, per Dixon CJ

core a debate about the function of language, about contrasting views about how language should be used, and about the ownership of language. It reflects the inevitable tension that arises between linguistic communities where both see a particular interest, whether it be cultural or commercial, in a particular use of language, and those interests diverge. This is acutely so because of the nature of the legal mechanisms that are proposed for the definition and protection of GIs, mechanisms which at the international level differ in key respects from other forms of intellectual property rights (IPRs):

(a) the trend towards international agreements that, in effect, pre-empt national decision-making about the IP status of particular terms: agreements at the international level concerning particular outcomes, in particular that a word's status as a GI should prevail over other potential uses[5];

(b) the greater likelihood of the government administration making a preemptive judgement as to the status of a particular word, rather than determination based on assessment of its actual usage in the relevant linguistic community;

(c) the linkage together of these two trends, and their acceleration, through the introduction of GIs into trade negotiations, both trade negotiations at a bilateral level, and multilateral negotiations in the World Trade Organisation (WTO) concerning the implementation and further development of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

(d) This evolutionary pressure may lead over time to a change in the role of international IP rules: the traditional function of international agreements has been to provide for national treatment and minimum standards for the operation of processes within national legal systems to decide the status of individual IPRs; the role may lead towards establishing a quasi-universal determination of the status of a single, specific claim for IPR status with less scope for considering local factors and for the operation of national legal systems. Notwithstanding the similar potential of the Madrid trade mark system, the GI system seems to be leading in this trend, fuelled by the strong linkage between trade negotiations and the protection of geographical indications that has been so evident this month at Doha.

UNIVERSALITY OR DIVERSITY IN GIS: THE TRIPS DEBATES

This development is a challenge to linguistic diversity, and inherently curbs the capacity of certain words to mean different things to different people. This naturally comes to a head when the words are attached to goods which seek to find their way in truly global markets. In the past, the same term, despite its etymological roots in a geographical location, took on different significations in different communities, and these significations could change in both directions, as a discussion in 1919 showed:

"In an extensive survey made by the German Patentamt in 1914, concerning the name 'Pilsner Beer,' it was found that in ten countries (Australia, Canada, Chile, Denmark, Ecuador, Japan, Norway, Sweden, Spain and South Africa) it was considered as a designation of quality or kind of beer, while in fourteen others (Argentina, Austria,

[5] See for instance IP/C/W/247/Rev.1

> Belgium, China, Egypt, France, Great Britain, India, Italy, Mexico, the Netherlands, Switzerland, Turkey and the United States) it was considered exclusively or mainly as an indication of origin … It is curious to note that the name 'Camembert' for cheese was held [in 1926] to be a generic or descriptive term in France, where the community of Camembert is situated, and [in 1919] an indication of origin in Germany … [In the latter case, T]he Patentamt admitted that many foreign indications of origin have been applied to German cheese, and have become designations of the nature of the product. But by a change in public sentiment, these terms are again considered as indications of origin."[6]

We should recognise that the trend is towards a universal GI, and away from this notion of responsiveness to a 'change in public sentiment,' which after all is a microcosm of linguistic evolution, the uncertainty between signifier and signified in the way language is actually used. This paper takes no position on whether this trend towards a universal determination is to be encouraged and welcomed or not; but the fact of this trend should be acknowledged if we are to chart a productive way forward in international debate. Equally, in the set-piece debates concerning overlapping trade mark and GI rights, the invocation of the principle of *qui prior est tempore potior est jure* (or 'first in time, first in right') may simply act to set aside the right of a linguistic community itself to determine the signification of a word, in that the ultimate question is not about choosing between competing exclusive rights, but whether there is sufficient policy basis for any exclusive rights to be bestowed at all on particular usages of a word. In recognition of this underlying interest, for instance, trade mark law provides for well established rules to determine when a trade mark has become generic and returns to the public domain, in effect, when a 'change in public sentiment' has decided it to be so.

A recent policy paper put to the TRIPS Council sets out the argument in favour of the universalist approach, as against a case-by-case approach taking into account the actual impression made by the use of the word in question:

> "The requirement of the 'misleading test' in Article 22 of the TRIPS Agreement results in legal uncertainty as to the enforcement of protection for an individual geographical indication at the international level. It is up to the national courts and the national administrative authorities to decide whether or not the public is being misled by a particular use of a geographical indication, and to enforce their decision. However, whether or not the public is being misled and how the legal and administrative authorities apply and interpret this discretionary element of 'misleading the public' differs from country to country. The results are inconsistent decisions and legal uncertainty regarding the protection granted to geographical indications and its enforcement at the international level. Such legal uncertainty undermines and damages the good functioning of international trade in goods having the added value of a geographical indication."[7]

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[6] Ladas, S.P., *The International Protection of Industrial Property,* Harvard University Press, 1930, pp.674-5 and note 9.

[7] IP/C/W/247/Rev.1

The WTO's debate on GIs takes place on the fault line between the principle of universal determination and the principle of accommodation of changes or diversity in public sentiment. This is apparent in the two general issues currently under consideration:

(a) The nature of the multilateral register of GIs to be established under Article 23.4 of TRIPS, a 'built-in' negotiating mandate to which the Doha Ministerial has given a firm deadline: the key question here is the degree to which a country's notification of a GI should trigger a *presumption* of protection, either substantively or procedurally, in all other WTO Members.

(b) The proposed extension of the so-called 'higher' protection of Article 23.1 to GIs associated with products other than wine and spirits: the key question here is whether the actual state of mind of the linguistic community concerned, the consumers of the product, and the actual function of the use of the term in question should be weighed in assessing the eligibility of a term for GI protection, or whether there should instead be objective GI rights in the term in any case, regardless of the information it conveys to consumers; the outcome of the Doha Ministerial on this point is somewhat attenuated, but has been interpreted, for instance, by the European Commission as 'a mandate for negotiations on extension of GI coverage has been agreed for the benefit of products around the world.'[8]

(c) In a deep irony, these debates lose sight of the real obstacles to the universalist trend, as they leave aside the two key issues: firstly, the very application of the definition of 'geographical indication' and, secondly, the operation of the exceptions to GI protection that are provided for in Article 24 of TRIPS, the optional avenues TRIPS provides for the exercise of linguistic diversity. The elaborate and arcane debate that has built up about the TRIPS review agenda has taken for granted these more important issues.

On the first point, the debate can lose sight of the fundamental nature of the GI, its purpose being to indicate and its definition being based on whether it functions to indicate. TRIPS defines *geographical indications* as '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.' While this definition has an objective flavour to it, the fundamental question is whether a claimed GI is, *a priori*, an indication, and then whether it serves to *identify* a good *as* originating in a certain location. This is a judgement about the function of the term in itself, and in turn, about the way it is used by a linguistic community. So the word 'suede' fails to meet the definition of 'geographical indication' in the first place, notwithstanding its derivation from '(gants de) Suède' (or 'Swedish gloves'), it is therefore unnecessary to apply any *exception* to GI protection to allow for its generic use, even if the 'higher' protection of TRIPS Article 23.1 were to apply to leathergoods.

Some countries, and linguistic communities within them, may perceive the same term in very different ways: for some, it does serve as an indication, identifying a good as originating from somewhere; for others, it might (in the words of Dixon CJ cited above) 'evoke in the

[8] http://trade-info.cec.eu.int/europa/2001newround/pl4.php

reader or hearer some feeling, some mood, some mental attitude;'[9] for others still, it might concretely describe a particular physical quality independent of geographical origin. Hence a word that qualifies as a GI in one social or legal context may not in other contexts. Any claim for GI protection hinges, naturally, first of all on whether the term does actually meet the definition of Article 22.1, does it *indicate* at all, and if so, does it identify a good as coming from some specific location? This will depend, to large extent, on whether a universalist or objective (even 'positivist') approach is taken to the application of this interpretation, or whether greater weight is given to the subjective, and the diverse functions of language.

On the second point, the actual operation of GI agreements shows that the more immediate and tangible trade benefits have flowed not from general agreements on the broad principles that should apply, but as a result of bilateral negotiations in which it is agreed in effect to suspend the balance of interests (between competing claims of geographical signification and generic use or other fair use), and ascribe enhanced protection to individual GIs regardless of their actual linguistic signification in the domestic marketplace (this process, familiar from bilateral negotiations on wine, for instance, comes much closer, in the writer's view, to good faith implementation of Article 24.1 of TRIPS than the suggested interpretation that would have it as a mandate to broaden the scope of products included in Article 23.1 of TRIPS).

By definition, such concessions amount to a conscious recalibration of language operating in a domestic market, and a setting aside of a current linguistic usage, in the interests of the claimant of GI rights. This offers direct benefit to the trading interests associated with the GI, as they have newly exclusive entitlement to use a commercially valuable word to present their products to the market. There is also a possibility that this can potentially, if indirectly, serve the interests of the domestic producers who are denied the use of a generic descriptive term. In the Camembert case, cited above, the Patentamt argued that 'severity in the prohibition of foreign indications of origin will have the advantage of compelling German manufacturers to improve the quality of their products and thus enable them to compete more successfully in foreign markets.'[10] By this argument, the loss of linguistic diversity is compensated for by commercial benefits. Public perceptions change, as well, potentially in response to changes in the legal status of terms, and the public may benefit from a more rigorous use of terms, as their capacity to provide useful information to consumers may increase.

TRADE INTERESTS AND TRIPS

Behind these negotiations is an increasing perception that localisation of the signified source of products is associated with increased value and reach into global markets. In effect, export-focussed producers learn to act globally by thinking locally. This has increased the sense of what is at stake in the identification and protection of geographical indications – and in the overlap and conflict of GIs with trade mark rights, and with domain name registrations.

The wine trade serves as the model of successful use of geographical indications, and indeed in the TRIPS negotiations there is considerable pressure for the particular status that wine and spirit producers have marked out for them to be enjoyed more widely among other

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[9] Note 4 *supra*
[10] Ladas, op.cit., p. 675

producer groups. Wine producers have demonstrated for many years that something as geographically localised and immovable as *terroir* can paradoxically be an effective way of gaining access to globalised markets. Distinctive local characteristics provide the elusive 'value added' that exporters, faced with declining prices for commodities and agricultural products, are striving to find. The debate has been difficult and tendentious; there is a sense that fundamental interests at stake, but those interests are so obscurely expressed that the remedies proposed may be fruitless, for the reasons discussed above. The debate has been the centrepiece of the work of the TRIPS Council for several years, but has yet shown little sign of moving closer to resolution, neither resolution in the sense of an agreed outcome, nor even resolution in the sense of greater clarity. Indeed, there is a possibility of a negotiated outcome on TRIPS preceding, or taking the place of, the more important conceptual work on the nature of the GI, and on the actual scope of GI rights that is required by TRIPS, which is required for more concrete benefits to flow from GI protection.

Some of this mismatch between negotiating efforts and substantive interests can be seen in the dynamics of the TRIPS Council itself. Actual negotiating ambitions are likely to be to secure greater international exclusivity over the use of some very specific terms, which are claimed as GIs but are used elsewhere in different ways. Some of these terms would not meet the definition of GI as applied in some countries. The aim would be for the negotiations to lead to the effective transfer of exclusive rights over these specific terms to the representatives of the geographical region concerned. Yet these precise ambitions are deflected into a debate about general principles, such as equity between product groups (eradication of the special status of wine and spirits), and the removal of the consumer deception test for GI protection. This is likely to lead to a mismatch of ambitions and outcomes, due also to the lack of attention to how and where the real benefits are attained, in other words the failure to review the actual effect of implementation of GI protection at a domestic level.

The perception, in the TRIPS Council and related fora, of a stark division of fundamental interests that neatly divides the world in two is a misleading artefact of the negotiating environment, and may serve to obscure the more diverse and subtle range of interests that lie behind different countries' negotiating stances. Nonetheless, some positive outcomes from this process can already be discerned: in particular, the active role of developing countries in this debate, and in pressing for a negotiating mandate on this issue at the Doha Ministerial, has led to a long overdue focus to the interests and potential IP assets of developing countries, who feel they are still awaiting tangible, positive benefits from TRIPS and are looking to realize their IP assets.

FUTURE DIRECTIONS IN THE GI DEBATE

An ideal multilateral approach would look behind the assumption that the debate is a simple bipolar contest, and seek to clear up the innate uncertainty as to what 'protection' of a GI is, and what groups of interests it is intended to serve. Is the protected GI an exclusive IP right, a form of regional industry promotion, or a consumer protection mechanism? What different interests can it potentially serve, and how can those interested be reconciled in an optimal way, both domestically and in international trade? And should the debate be about the extent of so-called 'higher protection' and equal treatment of product groups, the application in domestic law of the very definition of geographical indication, the elimination of 'fair use' exceptions, or the practical scope of the exclusive GI right itself? These questions open up, in turn, to deeper questions about the nature of international norms we are

seeking to establish and apply. For instance, is it desirable to work towards a global presumption, procedural or substantive, of an exclusive right to use a claimed GI?

(a) should we aim at a unique global outcome for an individual IP right, or maintain exceptions for different linguistic applications, such as generic terms, evocative use, or

(b) given the TRIPS Agreement's linking of GI protection to Paris Convention rules on unfair competition, how are these international standards on unfair competition to be interpreted and applied: should there be international rules against usurpation, evocation, slavish imitation – or perhaps dilution – of geographical indications?

(c) can and should localised historic, cultural, commercial and linguistic patterns be maintained? And what is the role of the consumer's perception?

In exploring these issues, it might be possible to tease out some of the apparent paradoxes of the international debate on GIs:

Generally, those advocating the active exercise of public policy exceptions to balance the monopolistic effect of other IPRs appear to be urging their elimination in the movement for 'strong' protection of Gis, a TRIPS Council paper submitted by several European and developing countries calls for 'absolute protection'[11] of GIs.

(a) While there are expressions of concern about the erosion of national sovereignty in the removal of discretion over the grant or refusal of IP rights in national systems, the argument is made that national courts should not have jurisdiction over GI determinations, and the test of consumer deception should therefore be suspended,[12] when this would probably not be acceptable for other IP rights.

(b) Similarly, the concern generally expressed that claims to IP should not be extended to material in the public domain tend not to be expressed in the case of GIs.

(c) One other aspect of diversity which may be impacted by further negotiations on GI protection is that of regulatory diversity. There is currently a wide range of legal mechanisms used in this area, some specifically established for the recognition and protection of GIs (or similar legal concepts), and others with much more general objectives consistent with GI protection. Articles 22.1 and 23.1 require that 'legal means' be available to achieve protection of GIs, but leave the exact choice of mechanism to the discretion of individual WTO Members. Accordingly, the laws notified by WTO Members in relation to GIs cover a wide range of legal mechanisms:

[11] IP/C/W/204/Rev.1
[12] IP/C/W/247/Rev.1, cited above

(i) trade practices/consumer protection/unfair competition legislation

(ii) trade mark legislation (protection against registration of recognised GIs as trade marks, registration of GIs as certification/collective marks)

(iii) distinct registration systems for Gis

(iv) industry-specific regulatory systems (e.g. for wine industry)

(v) food labelling and standards regulations

(vi) non-legislative common law remedies such as 'passing off'

Each legal means chosen reflects a particular approach to reconciling the various interests engaged by GI protection that may suit the particular needs of a specific community, but may not deliver identical outcomes to the different legal means used in other jurisdictions. A number of these legal means may also not be compatible with an international registration system with presumptive effect: such a system is likely to require a capacity to make a firm decision as to the GI status of a given term, in the absence of any particular use of the term in the domestic market, or any documented linguistic certainty among the relevant community.

GEOGRAPHICAL INDICATIONS PROTECTION: POLICY CONSIDERATIONS

An ideal approach to moving this issue forward would take more explicit account of the full range of interests that are at stake, and consider how the choice of legal means at the national level can be calibrated and applied to find an optimal balance of those interests. What interests are engaged by GI protection? The consumer has an interest in avoiding deceptive, confusing or misleading labelling, and in maintaining a choice between legitimate (or non-deceptive) competing products. The general public interest is served by the repression of unfair competition, and the promotion of promotion of legitimate competition; but these interests may be offset by programs to identify and promote distinctive national or regional qualities in products for domestic and export markets.

Two sets of producers or traders have interests that need to be weighed: on the one hand, producers with a distinctive reputation or tradition of production have an interest in the preservation of product differentiation as a guarantee of holding value for their produce in a global market; on the other hand, producers and traders have an interest in unrestricted use of common product descriptions, personal names, unregistered trade marks and business names. In addition, legitimate, good faith trade mark rights overlap with GI protection and are vulnerable to the movement towards a higher presumption of GI protection.

Each of these interest groups is likely to be present to some degree in each WTO Member: inasmuch as the international debate is about how these various interests can and should be reconciled, the debate should inform and be informed by parallel domestic debates and legal evolution. It is generally true that international standards for IP protection are most effective and workable when they give effect to models that have first been shown to work at a domestic level. Calls in the TRIPS Council for a more focussed review of national experience in GI protection, in line with the Article 24.2 review agenda, have perhaps been seen as a delaying or diversionary tactic, a means of avoiding negotiations on possible

revisions to TRIPS; but in fact this would be compatible with the development of more reliably beneficial international standards.

CONCLUSION

It is necessary to look beyond the immediate image of the international GI debate as a starkly polarised debate between the proponents of 'strong' or 'weak' protection of geographical indications. The quest for a global GI system will inevitably lead to pressure for greater conformity in the signification that the legal system accords to certain key terms. An analogy can be drawn with the rush for registrations of .com domain names, in the realization that the registration system was unable to accommodate the spectrum of linguistic usages and functions, and geographical differences, that might cluster around a single word.

The question of global top level domain name registrations is now dealt with according to a good faith test, coupled with first-in-time rights. The dynamics of the GI debate suggest that it will be resolved internationally in a different way, through a more calculated exchange of concessions between the trade interests represented in the negotiations. This is certainly the case if bilateral negotiations influence the process at the end-game stage of multilateral negotiations.

Ultimately, however, policymakers and negotiators will need to bear in mind that the underlying spectrum of interests engaged by this process comprises, on the one hand, the trade interests that are served by greater legal predictability, clarity and harmonisation, and the concomitant reduction in transaction costs and the increase in added value trade; and, on the other hand, the interests of language users and product consumers, who may wish to see the current forms of linguistic diversity preserved. Ultimately, however, some form of constraint on individual sets of interests is inevitable, as in any legal or policy compromise, as is mirrored in the very compromise that defines a linguistic community:

> "Language furnishes the best proof that a law accepted by a community is a thing that is tolerated and not a rule to which all freely consent."[13]

A common goal would be to pursue 'better' protection of GIs, rather than 'absolute' protection, or protection as an end in itself: as the debate about other forms of IP has stressed, IP protection needs to serve broader public policy interests, and policymakers need to bear in mind those sets of interests which have not been effective in making their voice heard in the policy debate. From a trade point of view, there is an additional concern to ensure that IP protection does not create barriers to legitimate trade, this may translate into a legitimate entitlement on the part of consumers and emerging industries to make use of generic terms, in domestic and export markets. A pressing need for developing countries especially is for legal and technical support in their programs to identify, document and protect what they are increasingly seeing as untapped GI assets.

To this end, the international debate could focus more fruitfully on the *how* of the legal means for protection of GIs under TRIPS (including greater attention to the operation of existing GI systems), not the *what* of the TRIPS standards. Tangible benefits flow from the GI as applied in practice, not from the inert treaty language in itself; equally, treaty

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[13] Ferdinand de Saussure, *Course in General Linguistics*

negotiations will not in themselves trigger enhanced promotion of GI-related interests, without more effective recognition and enforcement of actual GI assets at a national level.

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