



**° Collective Marketing: Adding
Value With Geographical
Indications, Certification Marks
and Collective Marks**

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Geographical Indications

- An indication, appellation, device that is used to identify
 - Agricultural, natural or manufactures goods
 - Originating from a specified geographical region
 - And essential qualities of the goods attributable to the region
- Most Commonly GIs comprise of name of the place of origin- Not mandatory
However

Essentials

- A Product (no a process/service)
- A geographical Region
- Link between the Product and the Region

Examples



Boseong Green Tea Geographical Indication Collective Mark Registration

- Date Registered: Dec. 3rd 2008
(Head of Korea Industry Property Office)
- Geographical Indication Collective Mark Registration No: No.0000018
- Geographical Indication Collective Mark Owner:
Boseong Green Tea Agricultural Cooperative Association (752-4 Dogae-ri Myeok-myeon Boseong county Jeon-Nam)
- Collective Mark Displayed Goods and Classification:
30th Green Tea (Boseong Green Tea)



GI Laws Provide...

- Restriction on use of GI without authorization
- Prevents Registration/Use of GI as Trademarks
- Grant of monopoly to owner of the GI and its registered users
- Remedies for infringement

International Conventions

- Article 22.1 of the TRIPS Agreement defines geographical indications as

“...indications which identify a good as originating in the territory of a Member [of the World Trade Organization], 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 1(2) of the Paris Convention for the Protection of Industrial Property of 1883 (Paris Convention) refers to “indications of source” and “appellations of origin” as objects of industrial property

- **Lisbon Agreement on Protection of Appellations of Origin 1958: Article 2 defines Appellations of Origin**
“...the geographical denomination of a country, region, or locality, which serves to designate a product originating therein, the quality or characteristics of which are due exclusively or essentially to the geographical environment, including natural and human factors.”
- **Protection of Appellations of Origin through registration**
- **Protection accorded for? (Article 3)**
“...any usurpation or imitation, even if the true origin of the product is indicated or if the appellation is used in translated form or accompanied by terms such as "kind," "type," "make," "imitation," or the like.”

Registration of GI

- International Registration
- Under Lisbon System- *Subject to refusal or invalidation, an appellation of origin which has been the subject of an international registration is to be ensured protection from the date of the international registration in each contracting country...*
- National Registration
- Most countries have registrations systems for GI either under a special Statute or under Trademark Statute.

Collective Marks and Certification Marks

- **Collective Marks** are Trademarks distinguishing goods/services of members of an Association of Persons from non members
- **Certification Marks** are marks applied on the goods and services certified by the proprietor of the mark to distinguish them from the goods and services not so certified

Protection of Collective/Certification Marks

- Registration provided under Trademark Laws
- International Recognition sought under Madrid System
- Protection of use of a mark by a group of people

Indian Scenario

- **The Geographical Indications Act 1999**
 - Any association of persons, producers, organisation or authority can apply
 - A producer of goods can apply for registration as an authorised user
 - Registered proprietor or authorised users may initiate legal actions for infringement
- **Even foreign applications are allowed**

Registrations- Statistics

- As in January 2013
 - Total Registrations- **184**
 - Total Pending Applications- **200**
 - Foreign Registrations- **08**
 - Foreign Pending Applications- **121**
 - Total Authorised User Application- **1100**

Some Popular Registrations

- Darjeeling Tea
- Agra Petha
- Kashmiri Pashmina
- Mysore Silk

Indian

- Scotch Whisky
- Napa Valley Wine
- Peruvian Pisco
- French Champagne

Foreign

Position in South Korea

Law	Trademark Act	Agricultural Product Quality Control Act
Definition	an indication that identifies a good as originating in a certain region where a given quality, reputation or other characteristic of the good is essentially attributable to that region	an indication displaying that agricultural products or processed agricultural products (excluding processed agricultural products in which marine products are used as a principal material or main ingredient: hereinafter the same shall apply) the reputation, quality and other attributes of which are essentially originated from the geographical characteristics of a specific region are produced and processed in the specific region;
Scope	All products: Geographical names can be registered as trademarks if they are “conspicuous” and have acquired sufficient distinctiveness through use.	Agricultural products and their processed products
Regulatory Authority	Korean IPO	Minister for Food, Agriculture, Forestry and Fisheries- (National Agricultural Products Quality Control Service)
Enforcement/ Remedies	Remedies for Infringement- prevention, damages, accounts of profit, recovery	Prevention of Infringement and false Indications, Claim of Compensation

Some Examples

1. Agro-livestock products

Reg. No (1)	Item (2)	Registered name (3)	Note (4)	Possible corresponding Trademark Class (5)	Comments (6)
1	Green Tea	Boseong Green Tea (보성녹차)	P	30	
2	Green Tea	Hadong Green Tea (하동녹차)	P	30	
3	Wine	Gochang Black Raspberry Wine (고창복분자주)	W	33	Fruit 'wine' covered by Regulation (EC) No 510/2006
4	Garlic	Seosan Garlic (서산마늘)	A	31	
5	Red Pepper Powder	Yeongyang Red Pepper Powder (영양고춧가루)	P	30	

2. Forest products

Reg. No (1)	Item (2)	Registered name (3)	Note (4)	Possible corresponding Trademark Class (5)	Comments (6)
1	Pine-mushroom	Yangyang Pine-mushroom (양양송이버섯)	F	31	
2	Oak-mushroom	Jangheung Oak-mushroom (장흥표고버섯)	F	31	
3	Persimmon Dried	Sancheong Persimmon Dried (산청곶감)	F	29	



Thank You.