



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

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# Landmark Legislation :UAE

- Federal Law No 24 of 2006

# GI Initiative of Arab Society of Geographical Indications

- Doan Honey, Mocha Coffee , Masaf, Olive oil products
- Masafi from UAE
- Handicrafts
- Traditional Dances
- Protecting Najdean Traditional Architecture buildings in Saudi Arabia

# Geographical Indications

- An indication, appellation, device that is used to identify
  - Agricultural, natural or manufacture 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 (not 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 Miryeok-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

# 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	

농협도보보서

제37회 보성다향제

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**Thank You.**