



# **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 Miryeok-myeon Boseong county Jeon-Nam)
- Collective Mark, Displayed Goods and Classification : 30th Green Tea (Boseong Green Tea)

**PRESENTACIÓN DEL PRIMER QUESO CERTIFICADO CON DENOMINACIÓN DE ORIGEN PROTEGIDA "QUESO DE FLOR DE GUÍA Y QUESO DE GUÍA"**

MIÉRCOLES 17 DE JUNIO DE 2009  
Gabinete Literario  
Las Palmas de Gran Canaria



# 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<br>(보성녹차)              | P        | 30   |   |
| 2           | Green Tea         | Hadong Green Tea<br>(하동녹차)               | P        | 30   |   |
| 3           | Wine              | Gochang Black Raspberry Wine<br>(고창복분자주) | W        | 33   | Fruit 'wine' covered by Regulation (EC) No 510/2006 |
| 4           | Garlic            | Seosan Garlic<br>(서산마늘)                  | A        | 31   |   |
| 5           | Red Pepper Powder | Yeongyang Red Pepper Powder<br>(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<br>(양양송이버섯)  | F        | 31   |              |
| 2           | Oak-mushroom    | Jangheung Oak-mushroom<br>(장흥표고버섯)  | F        | 31   |              |
| 3           | Persimmon Dried | Sancheong Persimmon Dried<br>(산청곶감) | F        | 29   |              |





**Thank You.**