




MANUAL ON GEOGRAPHICAL INDICATIONS FOR CARIFORUM STATES





This guide has been elaborated by the CARIFORUM Intellectual Property Rights and Innovation (CarIPI) Project with the assistance of the International Consultant Ms. Audrey Aubard. The content of this guide is the sole responsibility of CarIPI and can in no way be taken to reflect the views of the European Union or the European Union Intellectual Property Office (EUIPO).

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Abbreviations and acronyms

AO	Appellation of Origin
CARIFORUM	Caribbean Forum
CarIPI	CARIFORUM Intellectual Property rights and Innovation Project
EEC	European Economic Community
EPA	Economic Partnership Agreement
EU	European Union
EUIPO	European Union Intellectual Property Office
GI	Geographical Indication
IP	Intellectual Property
IPR	Intellectual Property Rights
IPO	Intellectual Property Office
OLP	Origin-Linked Product
PDO	Protected Designation of Origin
PGI	Protected Geographical Indication
TRIPS	Trade-Related Aspects of Intellectual Property Rights
TSG	Traditional Specialty Guaranteed
WIPO	World Intellectual Property Organization
WTO	World Trade Organization

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Context and objectives of the manual

A. Context

A **Geographical Indication** (GI) is a sign or indication (a name in the EU) used on products that have a specific geographical origin and possess qualities, characteristics or a reputation that are due to that origin. Such products are sometimes referred to as “origin-linked products” (OLPs).

The term **Geographical Indication** is an umbrella name which covers different terms used in various jurisdictions worldwide, such as **appellation of origin**, **protected designation of origin** or **protected geographical indication**.

These types of protection may have a different definition or nuance in each jurisdiction. An **appellation of origin** generally consists of a geographical name or a traditional design used on products which have a specific quality or characteristics essentially linked to the geographical location where they are produced. Products with a **protected designation of origin** also owe their characteristics or specific quality to the geographical environment where they are produced, processed and prepared, including its name and human factors. Finally, a **protected geographical indication** identifies a product as originating in a given place, providing the product with specific qualities and reputation.

Geographical indications are **intellectual property rights**, belonging to the family of **distinctive signs**. They identify a good as originating in the territory of a particular country, or a region or locality in a country, where a given quality, reputation, or other characteristic of the good is essentially attributable to the physical place of origin.

In the EU, agricultural and food GIs are also considered as quality schemes.

Geographical Indications can support the development, production, and promotion of origin-linked products and are becoming an attractive intellectual property (IP) tool for producers in developing countries to add value to their business while also to promoting rural socio-economic development.

B. Objectives of the manual

This **practical guide** targets future GI **producers**, **examiners**, and **controllers** in the CARIFORUM States. It explains what Geographical Indications are, the application, examination and registration procedures, control and enforcement procedures, and the effects of protection of Geographical Indications.

As with other intellectual property rights, Geographical Indications applications are subject to examination by a competent authority which, in most CARIFORUM States, is the Intellectual Property Office/Registry. This examination is fundamental to assess the eligibility of the GI name and associated product specifications. It is a requirement to grant protection and to confer a legal right to genuine stakeholders of the GI product. As GI protection confers a restrictive right to a name, the examination of the GI application must be thorough, identifying possible objections and providing a level of transparency and authenticity to the process, to convey confidence and quality guarantee for both the genuine producers and the consumers.

This guide is based on the current legal background, the Model GI Law developed under the CARIFI project and the overall philosophy and practice on GIs. It takes account of the relevant rules and procedures applicable in the covered countries.

This Manual features 4 core parts:

- ➔ Chapter 1: General information concerning GIs
- ➔ Chapter 2: Manual for GI groups/producers
- ➔ Chapter 3: Manual for IPOs examiners and authorities
- ➔ Chapter 4: Manual for control bodies – GI controls and enforcement

CHAPTER 1 | Understanding geographical indications

A. What are geographical indications?

1. Legal concepts

The term **"Geographical Indication"** (GI) first appeared in the European regulation on Protected Designations of Origin (PDO) and Protected Geographical Indications (PGI) in 1992¹. In 1995, articles 22 to 24 of the WTO Agreement on trade-related aspects of intellectual property rights (TRIPS) set out multilateral legal provisions on GIs. The TRIPS defines GIs as:

"[...] identifying 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" (TRIPS Art. 22.1).

A GI is therefore a sign (mainly a name) used on products that have a specific geographical origin and possess qualities, characteristics, or a reputation that are linked to that origin.

While most GIs are protected only for goods (products) in most nations worldwide, very few jurisdictions, such as Brazil and Serbia, also protect geographical indications for services. This guide focusses exclusively on GIs used on goods (products).

Some famous GIs have already been protected around the world, such as "Rhum de la Martinique", "Darjeeling", "Café de Colombia", "Kampot Pepper", "Pisco", "Native Shetland wool", etc. Similarly, in the CARIFORUM region some GIs are already protected in their respective country, such as, "Trinidad Monserrat Hills Cocoa", "Demerara Rum" or "Jamaica Jerk".

The basic concept underlying GIs is simple, and familiar to any consumers who chooses "Roquefort" over blue cheese or "Darjeeling" over black tea. There are some well-known global examples of names associated with products of a certain nature and quality, known for their geographical origin and for having characteristics linked to that origin.

Most commonly, a GI includes or consists of the **name of the place of origin** of the good, such as "Jamaica Jerk" or "Darjeeling." In certain jurisdictions, non-geographical names, such as "Vinho Verde" (Portuguese wine), "Reblochon" (French cheese), "Feta" (Greek cheese) or Argan Oil (Moroccan Argan tree oil), or symbols and signs commonly associated with a place, can also constitute a GI. However, this is not common practice. These names can be considered GIs because they have been traditionally used and have gained geographical significance in the mind of consumers.

Moreover, to be eligible as a GI, the name must identify a product as originating in a given place. The **qualities or reputation** of the product should essentially be tied to the place of origin. **In other words: there is a link between the product and its place of origin.**

The purpose of a GI is to identify a product's origin and its link with particular characteristics related to that origin. When GIs are registered, they take different forms (such as Appellation of Origin,

¹ [Council Regulation \(EEC\) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs.](#)

Protected Designation of Origin, Protected Geographical Indication, Geographical indication) depending on the legal definitions given at national or regional level. In this guide, **the term "Geographical Indication" or "GI" refers jointly to those various legal concepts.**

2. Importance of geographical indications

Today, most countries in the world claim that their agricultural or traditional products, foods, or crafts belong to a cultural or gastronomic heritage and are symbols of their history or that of a community. The intangible qualities related to the traditions or history of a country often form part of the economic development strategies of that country, therefore, the cultural richness of a country can determine a GI product's place in the global market.

Consumers seek new, more humane, more sustainable, and fairer values in the products and services they consume. Demand for products is influenced by several key areas of concern in modern society: economic development, market access, improvement in living standards, and protection of the environment. The demand for sustainable values, and products, is reflected in a return to authenticity and in the desire to pass on these values to future generations.

The need for sustainability has its effects in marketing strategies particularly in developing countries where there is a proliferation of statements on products, logos, brands, etc., that do not necessarily guarantee the origin of a product nor the specific qualities or characteristics.

This type of marketing and the abuse of labelling instruments can be detrimental to the promotion and competitiveness of OLPs. Hence, GI protection has an important role to play in addressing this challenge because it:

- ➔ enables traditional know-how/production methods to be recorded and passed on from generation to generation;
- ➔ enables producers to generate more value;
- ➔ supports local development;
- ➔ provides guarantees to consumers, as regards the origin and quality of the product;
- ➔ allows for protection in other countries via direct application, bilateral agreements, or via the Lisbon Agreement on the International Protection of GIs;
- ➔ can be used in communication to raise consumers' awareness of the product and its qualities;
- ➔ fosters fair business practices, commercial activities, direct investment, and foreign exchange in the regions of concern.

3. Interest and potential impacts of GIs

Interest in GIs has grown significantly since the 2000s. The obligation, under the TRIPS Agreement, for Members of the World Trade Organization (WTO) to protect GIs has, to a large extent, triggered this increase in interest. They are now commonly seen as useful marketing and public policy tools.

Developing a business strategy is essential before trading products in the national or international market. Benefiting from a GI protection is also part thereof. Developing a GI strategy **consist of several important components**, such as:

- ➔ Protecting intangible elements of common heritage;
- ➔ Strengthening the cohesion of the group of producers and other stakeholders, who will be the pillars for the management of the GI scheme and protection and enforcement processes;

- ➔ Setting up standards, sometimes outlined in a code of practice, regulations of use or most commonly **specifications**. These documents usually set out the product's name, its characteristics, its geographical origin, and the production and processing methods. They may also describe the factors, natural and/or human, that are present in the region, and which contribute to the characteristics of the product, as well as any specific rules on packaging or labelling;
- ➔ Defining a mechanism to effectively assign the right to use the GI to any concerned/interested producer who produces the product within the established geographical area and according to agreed standards;
- ➔ Establishing traceability, verification, and **control schemes** to ensure quality and compliance with the code of practice or specifications;
- ➔ Devising **marketing strategies** possibly within a development strategy for the broader community;
- ➔ Obtaining legal protection for the GI and designing an enforcement strategy;
- ➔ Conducting public awareness and educational initiatives regarding GIs.

a. Geographical Indications as differentiation tools in marketing strategies: the truth about the origin of the products

Consumers not only pay increasing attention to the geographical origin of products, but also care about specific characteristics associated with the products they buy. In some cases, the "place of origin" suggests to consumers that the product will have a particular quality or characteristics that they value. Often, consumers are prepared to pay more for such products. This has favored the development of specific markets for origin-linked products.

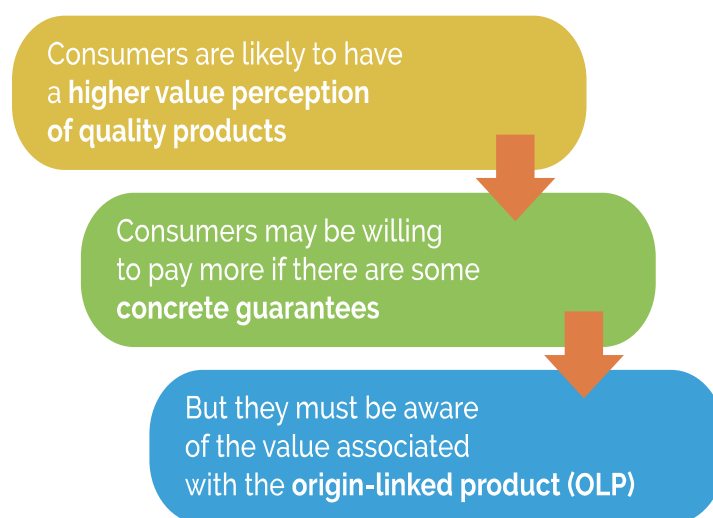


Figure 1 A differentiation tool that attracts consumers

Brand recognition is an essential aspect of marketing. Geographical Indications convey information about the origin-linked characteristics of a product. They therefore function as product differentiators on the market by enabling consumers to distinguish between products with geographical origin-based characteristics and products without those characteristics.

b. GIs as a factor of rural development

In some cases, GIs can contribute to the development of the rural areas or territories in which they are located. The choice to apply for GI registration generally lies with the group of producers who will benefit from the added economic value generated by the GI.

Because GI products tend to generate a higher price, they contribute to local employment creation. By construction, GI production cannot be displaced. Hence, a successful GI will prevent rural exodus. In addition, GI products often have important spin-off effects; for example, for tourism and gastronomy, or attracting collaboration with luxury brands.

GIs may bring value to a region not only in terms of jobs and higher income, but also by promoting the region as a whole. In this regard, GIs may contribute to the creation of a "regional brand."

However, the mere fact that a GI exists for a product does not guarantee automatic success or development for the region; the GI contributes to the development but requires other factors such as political, social, and economic initiatives.

c. Potential impacts of GIs

A GI strategy may have the following outcomes:

- ➔ Protecting the genuine producers against fraud, misuses, counterfeiting, etc.;
- ➔ Preventing the misappropriation of the GI name by a third party;
- ➔ Limiting the risk of the GI name to become a generic term and protecting the production of the good within the geographical area;
- ➔ Improving the product's position on the market as well as penetrating new markets (national, regional, or international);
- ➔ Contributing to the creation or increase of added value for the product/the territory (increasing production, improving the quality of the product, fostering innovation, preventing delocalization of production);
- ➔ Giving clear and transparent information to consumers on the quality and origin of the products they purchase;
- ➔ Enabling better promotion and improved reputation of the product and the producers;
- ➔ Improving the welfare of producers/farmers;
- ➔ Creating opportunities for employment;
- ➔ Improving local economy and rural development;
- ➔ Allowing for environmental sustainability and protecting biodiversity (for some types of products and under certain conditions);
- ➔ Promoting diversification, local tourism, and sometimes eco-tourism.



Figure 2 Geographical Indication: what for?

d. Success stories

BOX 1: GI Kampot Pepper²

Kampot Pepper, a product that traces its origin in the 13th century and is produced in the provinces of Kampot and Kep in Cambodia. The product was registered domestically as a GI in 2010 as the value chain was suffering from many abuses on the market at national and international level.

The European Union registered “Poivre de Kampot” as a Protected Geographical Indication in 2014 and “Kampot Pepper” obtained international registration under the Lisbon System in 2021.

Since the registration, the product saw a steep increase in its export sales, with about 70% of the production going towards the international market, as well as a three-fold increase in its average purchase price (at farm gate)—going from an average of USD \$7,5 pre-registration to USD \$22,7 ten years after registration. In 2019, the value of Kampot Pepper production amounted to more than USD\$1 million compared with USD\$ 70.000 of production value in 2009, according to the numbers released by the Department of Intellectual Property of the Ministry of Commerce of Cambodia.

With the higher market price of Kampot Pepper, the risk of fraud and counterfeit products also rises on local and international markets. The GI holders are now investing in their enforcement strategy.

² Based on World Intellectual Property Organization (WIPO) website : https://www.wipo.int/lisbon/en/news/2021/news_0001.html

BOX 2: Café de Valdesia

In 2010, Café de Valdesia was the first GI registered in the Dominican Republic. In 2016, it became the first-ever GI from an ACP country registered in the EU.

Between 2016 and 2017, the average export price for Café de Valdesia green coffee was 205% higher than NYSE (New York Stock Exchange) reference price.

In 2019, export FOB price into the EU reached 400€/100kg, compared to 200€/100kg in 2010 (year of registration).

- ➔ Café de Valdesia is produced from the coffee varieties of Typica and Caturra, both of which are Arabica species grown in the highlands of Ocoa, Peravia and San Cristobal provinces within a planting area of 125,000 hectares.
- ➔ Café de Valdesia is harvested throughout the year, but mostly between November and May. It provides jobs, income, and a secure livelihood for thousands of families in a mountainous area at an altitude of up to 1,300 meters.
- ➔ Depending on the roasting level, there are three types of Café de Valdesia available on the market: medium, medium-dark, and dark, each with different organoleptic properties.
- ➔ Main export markets are the US, Canada, and the EU.



B. Protection of geographical indications

Protection of OLPs by a GI, and communication about the product, can potentially increase the perceived value of the OLP and, concomitantly, its monetary value, similarly to a recognizable brand of notable quality or characteristic. As a GI conveys a particular uniqueness based on the origin of the product, the intellectual property rights conferred by GI recognition are a key condition to ensure that creation of economic value for the group of genuine producers and other stakeholders.

There are three main protection regimes in relation to GIs, as illustrated in figure 3.³

Notwithstanding some similarities among the regimes, they differ in terms of the conditions for

³ Graphical illustration is based on information contained in [International Trade Centre](#).

protection and/or the scope of protection.

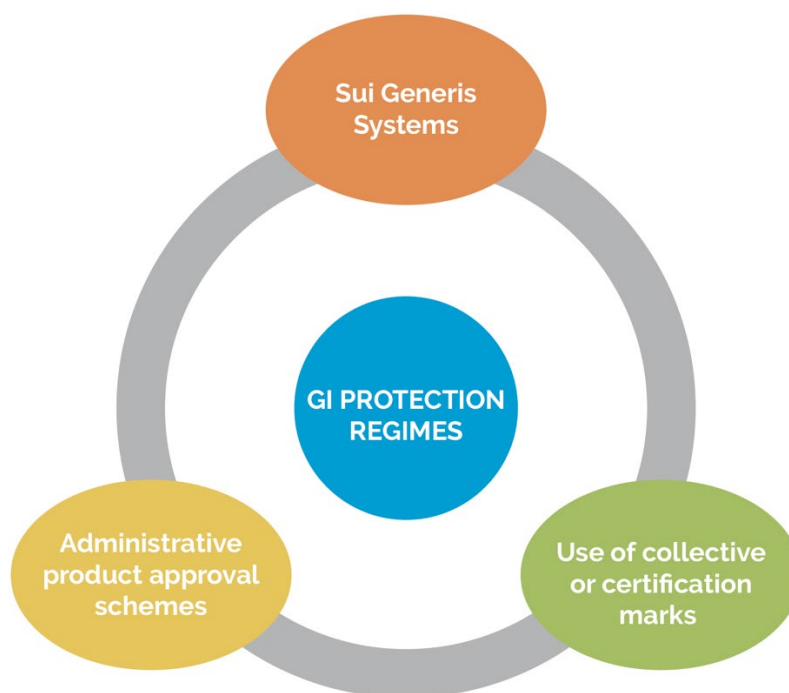


Figure 3 GI protection regimes

1. Sui Generis Systems (systems designed specifically for GIs)

The term *sui generis* is a Latin expression, which means unique in its characteristics or of its own kind or tailor-made.⁴

Sui generis systems are special regimes of protection. In other words, specific GI legislation is adopted to confer the desired level of protection (as opposed to protecting them as a kind of trademarks for example). This type of protection is established for **collective use by those who produce the product in the specific geographical area and comply with defined specifications**.⁵

Generally, under *sui generis* GI laws, protected names are afforded protection:

- ➔ Against the **direct commercial use** of a GI (word for word), and
- ➔ Against the **indirect commercial use** of a GI in situations where the fake indication of origin is used with a mention reinstating the true geographical indication expected (e.g: if expressions such as « type », « kind », « style », « fashioning », « imitation », « evocation » are used), even if the fake indication makes a reference to the true geographical origin expected.⁶

Some of the *sui generis* GI systems also provides for protection against translation, imitation, and evocation, while others include provisions on controls and enforcement.⁷

⁴ Giovannucci, Daniele, et al. [Guide to Geographical Indications: linking Products and their Origins](#). Available at SSRN 1736713 (2009).

⁵ World Intellectual Property Organization (WIPO) Geographical Indications: [What is a Geographical Indication?](#)

⁶ https://www.origin-gi.com/web_articles/legal-systems-to-protect-geographical-indications-en-gb-4/

⁷ [Legal Systems to protect GIs](#).

Usually, product names registered as GIs are labelled with a specific national seal or symbol being open for use by all GIs registered in the country. For example, Jamaica Jerk, in addition to any specific logos, can use the “Protected GI Jamaica” symbol as illustrated below.

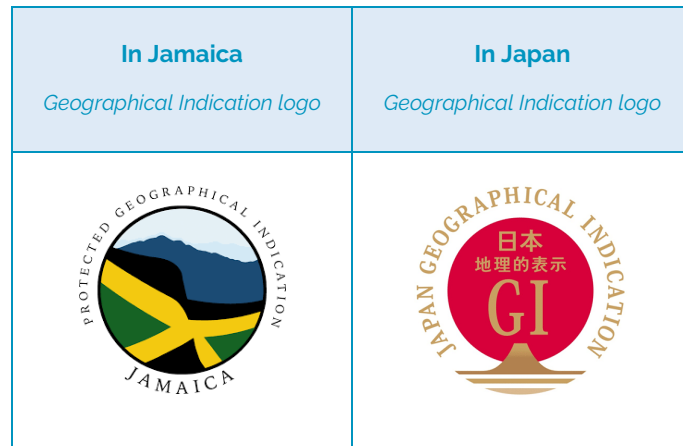


Figure 4 Illustrations of Sui Generis GI protection symbols

2. Use of Certification Marks or Collective Marks

Certification marks are owned by an entity/person who certifies the goods or services of other entities when those goods or services meet certain standards. These marks are used to certify that the products or services have specific characteristics in respect of material, mode of manufacture, quality, accuracy, and possibly geographical origin - without necessarily implying a link between the quality and the product that the mark identifies.

It should be noted that certification marks also exist in the European Union trademark system, however, they cannot be used to certify, specifically, the geographical origin of a product (as this is covered under GI legislation).

Generally, the owner of the certification mark must ensure that the goods or services, for which the mark is being applied to, possess the certified qualities. This certification process must be carried out in an independent and impartial manner. It must be underscored that a certification mark is not to be used by its owner, only rather authorized users use the mark. The owner however maintains control over the use of the mark.

Should it be reasonably believed that there has been an infringement of a certification mark, in principle, an action against the infringer can be initiated by the owner of the certification mark, given that the owner possesses the responsibility of ensuring that the products carrying the mark have the certified qualities.

<p style="text-align: center;">In Jamaica</p> <p style="text-align: center;"><i>Jamaica Blue Mountain Coffee</i></p>	<p style="text-align: center;">In Trinidad & Tobago</p> <p style="text-align: center;"><i>Trinidad & Tobago Fine or Flavour Cocoa</i></p>
	

Figure 5 Examples of certification marks

Collective marks are owned by an entity which allows its members to use the mark to indicate membership in the entity. Such marks indicate that the associated products or services were produced, provided, or commercialized by the members of an identified group. In this respect, collective marks are owned by a collective body such as a trade association, producers' association, or manufacturers' association. Members of said associations can use a collective mark to indicate that they are members of the collective body.

Under the certification mark system, the owner of the certification mark does not have the right to use the mark. In contrast, the owners of a collective mark are authorized to use it as well. The owner, or owners, of a collective mark may also bring an action for infringement in situations where a collective mark is owned by an association of producers but is used by a person who is not a member of that association.

- ➔ Certification marks indicate "HOW" a good/service was made/provided
- ➔ Collective marks indicate "BY WHOM" a good/service was made/provided

3. Laws governing Business Practices/Methods

Business Practices and Methods, such as for example administrative product approval schemes, can represent another tool that could be used to protect origin-linked products.

Laws governing unfair competition and labelling, or consumer protection laws represent tools to afford some legal protection to GIs.⁸ These legal tools are used generally in combination with other means of protection.

4. Legal Framework of CARIFORUM States and Cuba

What does the Legal Framework of CARIFORUM look like in respect of GIs, Consumer Protection and Unfair Competition/Trade Secrets? The following provides an overview.

⁸ International Trade Centre. [Guide to Geographical Indications: Linking Products and their Origins.](#)

a. Overview of Legal Framework governing Geographical Indications and Consumer Protection

GI legal framework may be covered by different types of law such as consumers protection law or GIs rules inserted in IP general law or in sui generis law.

State	Consumer Protection Laws	Geographical Indications
Antigua & Barbuda	Consumer Protection and Safety (CAP. 97)	Geographical Indications Act, 2003 Geographical Indications Regulations 2006
Bahamas	Consumer Protection Act (Cap. 337C)	Geographical Indications, 2015 (Act No. 44 of 2015)
Barbados	Consumer Protection Act CAP 326D	Geographical Indications Act (Cap. 320, consolidated as of 2002) Geographical Indications Regulations, 2001 (Regulations No. 132)
Belize	Consumer Protection Bill Draft	No GI specific laws identified
Cuba		Decreto-Ley N° 228, de 20 de febrero de 2002 de las Indicaciones Geográficas Decreto-Ley N° 203 de Marcas y otros Signos Distintivos
Dominica	No overarching consumer protection law	Geographical Indications Act 1999 (Act 13 of 1999)

State	Consumer Protection Laws	Geographical Indications
		<p>Geographical Indications (Amendment) Act, 2008 (Act 13 of 2008)</p> <p>Marks, Collective Marks and Trade Names Act, 1999 (Act 12 of 1999)</p>
Dominican Republic	Consumer Protection Rights Act (358-05)	<p>Law No. 20-00 of May 8, 2000, on Industrial Property</p> <p>Law No. 424-06 of November 14, 2006, on Implementation of the Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR)</p>
Grenada	Consumer Protection No. 2 of 2018	To date a draft GI Bill exists.
Guyana	Consumer Affairs Act 2011	Geographical Indications Act No. 15 of 2005
Haiti	No overarching consumer protection laws	
Jamaica	The Consumer Protection (Amendment) Act, 2012	<p>The Protection of Geographical Indications Act, 2004 (Act No. 5 of 2004)</p> <p>The Protection of Geographical Indications (Amendment) Act, 2018 (Act No. 11 of 2018)</p> <p>The Protection of Geographical Indications Regulations, 2009</p>

State	Consumer Protection Laws	Geographical Indications
		<p>The Trade Marks Act, 1999 (Act No. 32 of 1999, as amended up to Act No. 38 of 2013)</p> <p>Trade Marks (Amendment) Act, 2013 (Act No. 17 of 2013)</p>
St. Kitts and Nevis	Consumer Protection Act	Geographical Indications Act, 2007 (Chapter 18:39)
St. Lucia	Consumer Protection Act No. 9 of 2016	<p>Geographical Indications Act, 2000 (Chapter 13:14)</p> <p>Geographical Indications Regulations, 2003</p>
St. Vincent and the Grenadines	No overarching consumer protection law	<p>Geographical Indications Act, 2004 (Act No. 24 of 2004)</p> <p>Geographical Indications Regulations, 2008</p> <p>Trade Marks Act, 2003 (Act No. 46 of 2003, as amended by Act No. 50 of 2004)</p>
Suriname	Decree E-47 (Price Control law)	No GI specific law
Trinidad and Tobago	Consumer Protection and Safety Act Chap. 82:34	Geographical Indications Act (82:78), 1996

State	Consumer Protection Laws	Geographical Indications
		Geographical Indications (Amendment) Act No. 18 of 2000

When new IP Laws are introduced, they should generally be notified to WIPO and appear in WIPO Lex: <https://wipo.lex.wipo.int/es/legislation/members>.

b. Overview of Legal Framework governing Unfair Competition/Trade Secrets

Unfair competition or trade secrets laws also constitute legal bases to defend the OLP products.

These laws can be used in a complementary manner to prevent and fight usurpations.

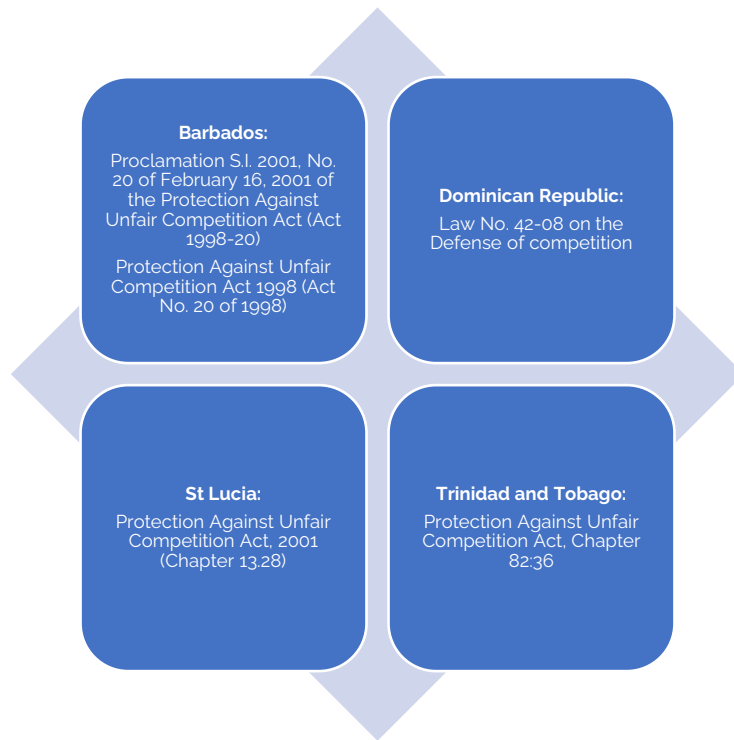


Figure 6 Notable laws across CARIFORUM Member Countries governing Unfair Competition and Trade Secrets

C. International agreements, standards, and best practices

1. Relevant International Agreements

There are five relevant international instruments which govern and guide standard practices and procedures in respect of GIs and their protection on an international level. These are noted in figure 7.

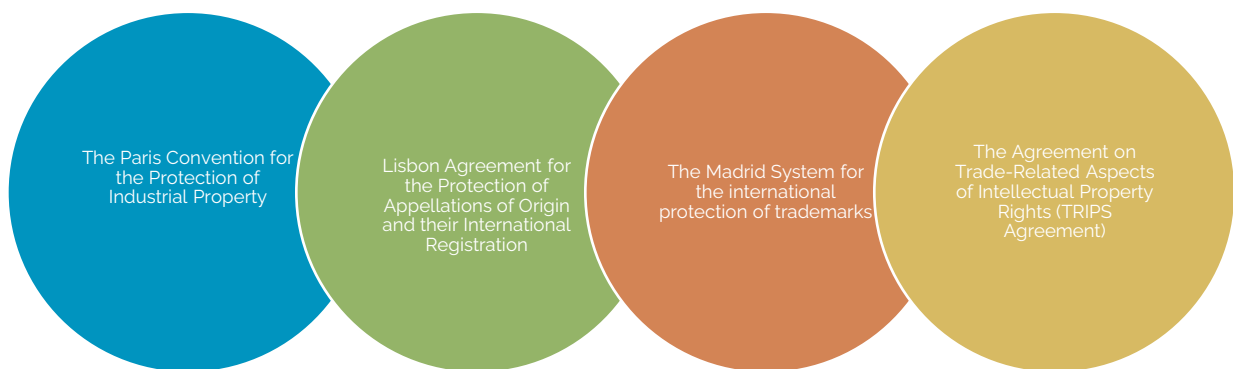


Figure 7 Relevant International Agreements⁹

➔ The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)

The TRIPS Agreement establishes minimum standards of intellectual property protection to be adopted by members of the WTO multilateral trading regime.

Article 22.2 of the TRIPS Agreement establishes that all WTO Members must provide the legal means for interested parties to prevent the use of geographical names corresponding to GIs in a manner which misleads the public as to the true geographical origin of the product or constitutes an act of unfair competition.

➔ The Madrid System – International Trademark System

The Madrid System provides for the central international registration of marks. Accordingly, it facilitates the extension of trademark protection on a multijurisdictional level, therefore removing the need for separate and multiple registration of trademarks in individual countries of interest. As a result, owners of trademarks have the possibility to file one application with the national Intellectual Property Office and specify other countries of interest if these countries are members of the Madrid System.

⁹ Graphic illustration based on information contained in International Trade Centre, Guide to Geographical Indications: Linking Products and their Origins.

The Madrid System therefore represents both an efficient and a cost-effective system for the registration and management of trademarks on an international level, given that registrants can file and pay for a single application which allows coverage in 129 countries at present.¹⁰

Where GIs are protected under trademark regimes, this can present one possible route for international protection.

➔ The Lisbon System - International system of Appellations of Origin and Geographical indications

The Lisbon Agreement was established in 1958 and operationalized in 1966. There have been several revisions since then, the most recent being the 2015 Geneva Act to the Lisbon Agreement. The Agreement, along with the Geneva Act, provides for the international protection of appellations of origin and GIs through a single registration process governed by WIPO. Under the Lisbon System, GI protection is achieved in selected member countries through a single registration process and, for certain member countries, the payment of fees.

In the CARIFORUM region, only Haiti and Cuba are currently members of the Lisbon System, as Parties to the Lisbon Agreement.

➔ The Paris Convention

The Paris Convention for the Protection of Industrial Property represents one of the oldest international agreements facilitating the protection of industrial property rights across national borders. The scope of the Agreement covers patents, marks, trade names, and AOs. The Paris Agreement does not specifically define indications of source or appellations of origin and is not explicit about the form of protection.

Article 10 of the Convention establishes the obligation to protect "indications of source" "against direct or indirect use of a false indication of the source of the goods or the identity of the producer, manufacturer, or trader." It does not explicitly speak to or include Appellations of Origin.

Article 10 therefore establishes that any false indication of the source of origin of a product is to be handled in the same manner prescribed for fraud and violation of other commercial laws. This prohibits fraudulent misrepresentation or utilization of geographical appellations of origin and source indications.

In addition to the above international agreements, it is also important to highlight the relevance of the World Intellectual Property Organization (WIPO).

➔ The World Intellectual Property Organization (WIPO)

WIPO was established in 1967 by the WIPO Convention and has served as the internationally recognized agency of the United Nations specifically set up to develop and facilitate the protection of international IP systems. WIPO is responsible for the administration of over 20 international agreements relating to Intellectual Property Rights, including GIs.

WIPO endeavors to collaborate with its membership to harmonize and strengthen national legislation and processes in respect of intellectual property. In addition, the organization supports capacity building, institutional strengthening, and legislative approximation.

¹⁰ World Intellectual Property Organisation, [Madrid – the International Trademark System](#).

➤ Economic Partnership Agreement between the CARIFORUM States and the European Community and its Member States

The CARIFORUM-EU Economic Partnership Agreement was signed in October 2008. It is not just a trade in goods agreement; it includes commitments on trade in services, investment, and trade-related issues, such as competition policy, government procurement, intellectual property rights, and sustainable development. The agreement covers intellectual property, which includes GIs.

Article 145 of the Agreement refers to Geographical Indications¹¹:

'A. Protection in the country of origin

1. Nothing in this Agreement shall require the EC Party and the Signatory CARIFORUM States to protect in their territories geographical indications that are not protected in their country of origin.

2. The Signatory CARIFORUM States shall establish a system of protection of geographical indications in their respective territories no later than 1 January 2014. The Parties shall cooperate through the CARIFORUM-EC Trade and Development Committee in accordance with the provisions of Article 164(2)(c) towards the development of geographical indications in the territories of the CARIFORUM States. To this end, and within six months from the entry into force of the Agreement, the CARIFORUM States shall submit to the consideration of the CARIFORUM EC Trade and Development Committee a list of prospective Geographical Indications originating in the CARIFORUM States for its discussion and comments.

3. The Parties shall discuss within the CARIFORUM EC Trade and Development Committee the effective implementation of this Article and exchange information on legislative and policy developments on geographical indications.

B. Term of protection

1. Protection afforded in respect of geographical indications in the EC Party and the Signatory CARIFORUM States shall be granted in accordance with the legal system and practice of the EC Party or the relevant Signatory CARIFORUM State as the case may be, and shall be indefinite (1).

2. Such protection shall ensure that the use of geographical indications of goods protected pursuant to paragraph 1 be exclusively reserved in the EC Party and the Signatory CARIFORUM States to goods originating in the geographical area concerned and that are produced in accordance with the relevant product specifications.

3. In respect of the protection of geographical indications, the EC Party and the Signatory CARIFORUM States shall prohibit and prevent, ex officio or at the request of an interested party:

(a) regardless of the class of product on which it is used, the use in their territory of any means in the designation or presentation of a good that indicates or suggests that the good in question originates in a geographical area other than the true place or origin in a manner which misleads the public as to the true geographical origin of the good; or any other use which constitutes an act of unfair competition within the meaning of Article 10bis of the Paris Convention;

(b) any use of the protected names for goods in the same class of product as the geographical indication which do not originate in the geographical area indicated, even where:

(i) the true origin of the good is indicated;

(ii) the geographical indication in question is used in translation;

¹¹ For the full text of the EPA see [Economic Partnership Agreement between the CARIFORUM States, of the one part, and the European Community and its Member States, on the other part](#)

(iii) the name is accompanied by terms such as 'kind', 'type', 'style', 'imitation', 'method' or other expressions of the sort.

4. It shall be possible to cancel the registration of a geographical indication. The procedure to this effect shall allow for the participation of any natural or legal person having a legitimate interest.

C. Generic terms, plant varieties, animal breeds

1. The EC Party and the Signatory CARIFORUM States shall not be required to apply the protection of geographical indications referred to in section B with respect to goods for which the relevant indication is identical with the term customary in common language as the common name for such goods in their respective territories.

2. Nothing in this Section shall require the EC Party and the Signatory CARIFORUM States to apply the protection of geographical indications referred to in section B with respect to products of the vine, plants or animals for which the relevant indication is identical with the name of a grape variety, plant variety or animal breed existing in the territory of the EC Party or the Signatory CARIFORUM State concerned as of the date of entry into force of this Agreement.

3. Homonymous geographical indications shall be protected by the EC Party and Signatory CARIFORUM States provided that there is a sufficient distinction in practice between the geographical indication first protected and the homonym subsequently protected, having regard to the need to treat the producers concerned in an equitable manner and not to mislead consumers. A homonymous name that misleads the consumer in to believing that products come from another territory shall not be protected by the EC Party or the Signatory CARIFORUM State concerned.

4. If a geographical indication of the EC Party or Signatory CARIFORUM State is homonymous with a geographical indication for a third country, Article 23(3) of the TRIPS Agreement applies *mutatis mutandis*.

D. Relationship between geographical indications and trade marks

1. A geographical indication shall not be registered in the EC Party or the Signatory CARIFORUM States where, in the light of a trade mark's reputation and renown and the length of time it has been used, registration is liable to mislead the consumer as to the true identity of the product.

2. From the date of entry into force of this Agreement, the registration of a trade mark which is identical with, similar to or containing a geographical indication protected respectively in the EC Party or in the Signatory CARIFORUM States pursuant to section B and relating to the same class of product shall be refused respectively in the EC Party or in the Signatory CARIFORUM States. Furthermore, the registration of a trade mark in such circumstances shall be refused respectively in the EC Party or in the Signatory CARIFORUM States if the application for registration of the trade mark was submitted after the date of application for protection of the geographical indication in the territory concerned and the geographical indication is subsequently protected.

3. Trade marks registered in breach of the preceding paragraph shall be invalidated.

4. The EC Party and the Signatory CARIFORUM States shall ensure that, subject to the provisions of section D(1), (2) and (3), a trade mark, the use of which corresponds to one of the situations referred to in section B(3), and which has been applied for, registered or established by use, if that possibility is provided for by the applicable legislation, in good faith within the territories of the EC Party or of a Signatory CARIFORUM State, before the date of application of the WTO obligations in the EC Party or a Signatory CARIFORUM State, or before the date of application for protection of the geographical indication in the respective territories, may continue to be used notwithstanding the registration of the geographical indication, provided that no grounds for the invalidity or revocation of the trade mark exist as specified by the legislation of the EC Party or of the concerned Signatory CARIFORUM State. In such case, the use of the geographical indication shall be permitted alongside the relevant trade mark.

E. Future protection agreement

The EC Party and the Signatory CARIFORUM States shall no later than 1 January 2014 commence negotiations aimed at an agreement on the protection of geographical indications in their respective territories, without prejudice to any individual requests for protection that may have been filed directly.

F. Internet use

The EC Party and the Signatory CARIFORUM States accept the need for a clear legal framework for geographical indications owners who wish to use their geographical indications on the Internet and to participate in the development of electronic commerce which includes provisions addressing whether the use of a sign on the Internet has contributed to the usurpation, evocation, acquisition in bad faith or infringement of a geographical indication or whether such use constitutes an act of unfair competition, and a determination of the remedies, including the eventual transfer or cancellation of the domain name. In this respect, the EC Party and the Signatory CARIFORUM States shall endeavour to apply the Joint Recommendation concerning the protection of marks, and other industrial property rights in signs, on the Internet, as adopted by WIPO at the Thirty-Sixth Series of Meetings of the Assemblies of the Member States of WIPO, 24 September to 3 October 2001.'

Negotiations on the agreement to protect Geographical Indications (GIs) are ongoing (Art. 145 E.). They can provide opportunities for GIs from the CARIFORUM EPA States to secure protection in the European Union, either at the entry into force of the agreement or later on.

2. International Best Practices

As highlighted above, there are three principal regimes of protection in respect of GIs: *sui generis*; collective and certification marks; or business practices and methods.

a. The European Union

➔ Context & legal framework

Across the globe, more than 100 nations, including the EU and most CARIFORUM countries, have enacted GI specific laws and hence rely on *sui generis* protection. The EU is regarded to have one of the most sophisticated regimes with over 5300 Geographical Indications currently protected under various legal basis.¹² That includes GIs from non-EU countries protected via bilateral agreements, direct protection, or the Lisbon Agreement.

In 1992, the EU, as an economic and political union, developed a common legal framework to ensure fair competition for farmers and producers of agricultural products and foodstuffs having value-added characteristics and attributes and, availability to consumers of reliable information on such products. This was achieved through the development of specific legal instruments protecting GIs complemented by laws governing unfair competition, trade secrets, and consumer protection.¹³ The general regional harmonized approach adopted by the EU could be of interest for the CARIFORUM Region; both in respect of the development of the governing legislative framework and of the practices and procedures to be adopted by producers, intellectual property offices, and control entities or regulatory bodies.

With the aim to constantly improve the GI system, the EU legislation has undergone several reforms in the past years. All reforms are based on extensive open consultations and in-depth studies on the functioning of the GI system.

On 9 October 2023, the EU Council adopted a new regulation to protect geographical indications for craft and industrial products such as Murano glass and Donegal tweed. Registrations under that new regulation will become possible as of 1 December 2025.

¹² Source: Database: GIView database (<https://www.tmdn.org/giview/>), December 2023.

¹³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32012R1151>

Without entering into many details on the European provisions on GIs, it is important to note that the European GIs system is an interesting example in terms of the development and management of GI schemes. This system has also been an inspiration for many other countries such as Cambodia and Indonesia for instance.

The following provides a list of relevant legislation governing the protection of GIs in the European Union :

For agricultural products, foodstuffs, and spirit drinks

- [EU Regulation on geographical indications for wine, spirit drinks and agricultural products, and quality schemes for agricultural products](#)

For craft and industrial products

- [EU Regulation on the protection of geographical indications for craft and industrial products](#)

➡ The GI requirements and registration process in the EU

- **Aim of EU quality schemes**

The EU quality policy aims at protecting the **names** of specific products **to promote their unique characteristics which are linked to their geographical origin as well as associated traditional know-how**.

The EU domestic GI registration systems define three notions of geographical indications, namely:

- [Protected designation of origin](#) (PDO), for food and wine;
- [Protected geographical indication](#) (PGI), for food and wine (the same expression will apply to craft and industrial products as of 1 December 2025);
- [Geographical indication](#) (GI), for spirit drinks.

The EU geographical indications system protects the names of products that originate from specific regions and have specific qualities or enjoy a reputation linked to the production territory.

The differences between PDO and PGI are linked primarily to how much of the product's raw materials must come from the area, or how much of the production process has to take place within the specific region. GI is specific for spirit drinks.¹⁴

Product names can be granted with a 'Geographical Indication' if they have a **specific link to the place where they are made**. Recognition of the GI enables **consumers to trust and distinguish quality products while also helping producers to market their products better**.

Geographical indications play an increasingly important role in [trade negotiations between the EU and other countries](#).

¹⁴ For more information on the EU quality schemes please visit:

https://agriculture.ec.europa.eu/farming/geographical-indications-and-quality-schemes/geographical-indications-and-quality-schemes-explained_en

https://single-market-economy.ec.europa.eu/industry/strategy/intellectual-property/geographical-indications-craft-and-industrial-products_en.

Figure 8 provides an overview of the main elements of a GI strategy:



Source: Aubard Consulting, 2020

Figure 8 Scheme of GI strategy

- **The Concept of a GI**

A GI emphasizes the relationship between the specific geographical place/region and the name of the product, where a particular quality, reputation or other characteristic is essentially attributable to its geographical origin.

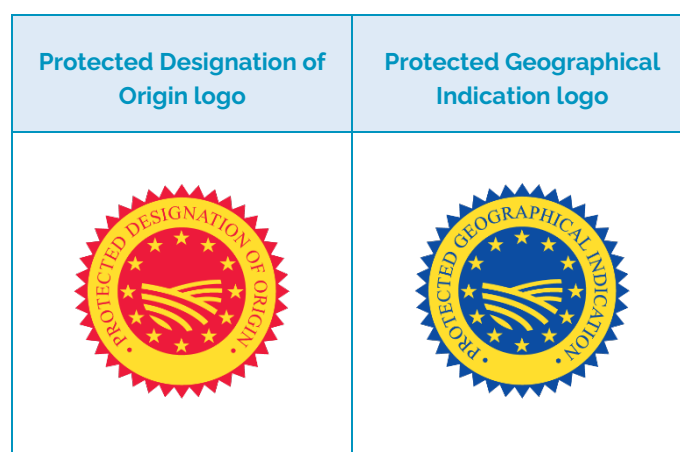
For most products, the so called “product specifications” must clearly explain the **link** between the specific quality, reputation or other characteristic of the product and its geographical origin.

This explanation will be based on

- the objective explication of the specified quality, reputation, or other characteristic of the product
- the stages of production, processing or preparation that must take place in the geographical area
- the natural and/or human factors and the impartial and objective link with the specific quality, reputation, or other characteristic of the product.

For instance, in the case of wine, this means that at least 85% of the grapes used must come exclusively from the geographical area where the wine is actually made.

The use of logos: the EU logos are compulsory and must be placed on the agricultural products and foodstuffs associated with the GI to promote the scheme and the efforts made by the producers.



Source: DG Agri website

Figure 9 EU GI logos

- **GI Protection**

As part of the EU's system of protecting names of products registered as GIs are **legally protected against imitation and misuse within the EU and in non-EU countries where a specific protection agreement has been signed.**

For all quality schemes, each EU country's competent national authorities must take the necessary measures to protect the registered names within their territory. They should also prevent the unlawful production or marketing of products using such a name. This is what is called **ex officio protection.**

Non-European GIs/ product names may also be:

- Protected in the EU through Free Trade Agreements or specific bilateral GI protection agreements,
- registered via direct application for protection in the EU to the European Commission (the GI must be registered first in the country of origin),
- for countries that are members of the Lisbon Agreement for the International Protection of GIs (Geneva Act), the EU can be designated. It is required to protect GIs first in the country of origin.

- **GI Registration in the EU**

To register the name of an EU product, EU producers or producer groups need to define the product's specifications. The application is sent to national authorities for scrutiny and then forwarded to the European Commission, who will undertake the examination of the application based on the requirements defined in the EU regulations.

For non-EU products to be registered, producers send their applications directly, or via their national authorities, to the European Commission.

The European Commission has respectively a maximum of 12 and 6 months to examine the application and decide if the product could be protected under the GI scheme.

More information on how to register can be found on the European Commission website: https://agriculture.ec.europa.eu/farming/geographical-indications-and-quality-schemes/registration-name-gi-product/applications-register-new-gi-products_en

- **Components of a GI Scheme**

One important element of the GI scheme is its functioning. The GI application and management processes are detailed in a document referred to as the **specifications**. It is the identity card of the GI product. In the EU, the correct implementation of product specifications shall be checked by public authorities/bodies or by external control bodies based on a delegation of official controls by national public authorities.

- **Duties of the GI organisation or GI producers group**

One other important aspect of the GI scheme is that there are several producers of the product which is the subject of the GI protection. Most of the time these producers are working together under the umbrella of an association or a group. GI organisations or producer groups may arise from existing institutions or be created for the purpose of managing the GI.

Some main tasks or duties of the group of producers can be defined in the respective GI legislation /bill and include:

- Defining and managing product specification
- Ensuring standard production and quality of the product
- Representing the product to consumers and authorities
- Collective marketing of the product
- Protecting the product name
- Partnership with other stakeholders to enhance the promotion
- Developing promotional, rural etc. activities around the product

Specific duties of the producer group in relation to daily GI management also exist and may include:

- Regulation of the products' offer
- Monitoring of the specifications' compliance
- Census of stakeholders
- Monitoring for GI protection
- Communication about the OLP and its protection as a GI
- engage with local institution or authorities

social, environmental, or economic sustainability measures that may be agreed by the producers This explains why it is important to correctly identify who constitutes the "GI group" and which duties they could implement.

By way of example: Article 45 of the EU Regulation 1151/2012 defines the "role of the group"

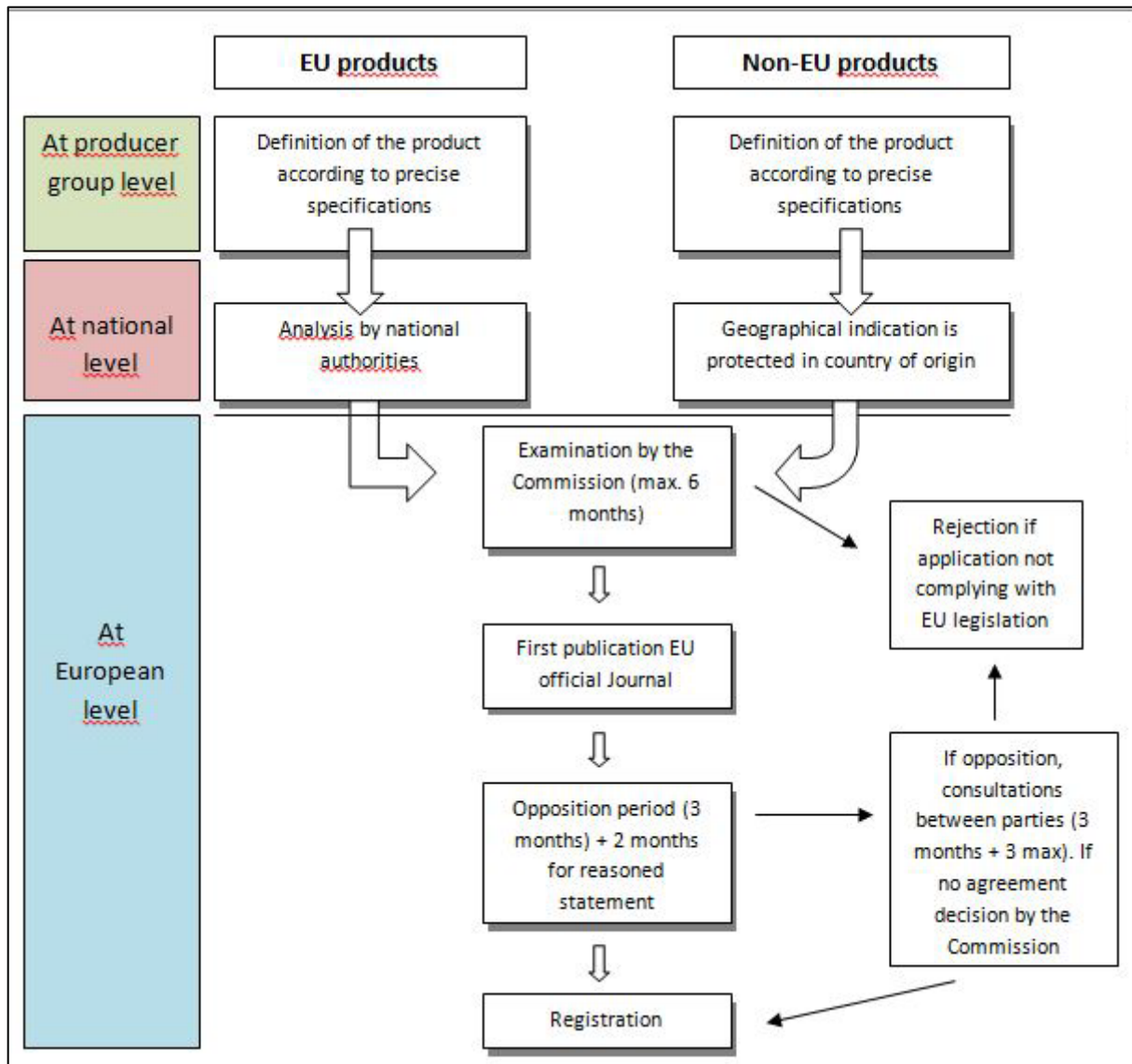
1. Without prejudice to specific provisions on producer organizations and inter-branch organizations (...), a group is entitled to:

- (a) *contribute to ensuring that the quality, reputation, and authenticity of their products are guaranteed on the market by monitoring the use of the name in trade and, if necessary, by informing competent authorities as referred to in Article 36, or any other competent authority within the framework of Article 13(3);*
 - (b) *take action to ensure adequate legal protection of the protected designation of origin or protected geographical indication and of the intellectual property rights that are directly connected with them;*
 - (c) *develop information and promotion activities aiming at communicating the value-adding attributes of the product to consumers;*
 - (d) *develop activities related to ensuring compliance of a product with its specification;*
 - (e) *take action to improve the performance of the scheme, including developing economic expertise, carrying out economic analyses, disseminating economic information on the scheme and providing advice to producers;*
 - (f) *take measures to enhance the value of products and, where necessary, take steps to prevent or counter any measures which are, or risk being, detrimental to the image of those products.*
2. *Member States may encourage the formation and functioning of groups on their territories by administrative means. Moreover, Member States shall communicate to the Commission the name and address of the groups referred to in point 2 of Article 3. The Commission shall make this information public.'*

- **EU GI application and registration process**

Here is an overview of the registration procedure of GIs in the EU:

Figure 10: Registration procedure of GIs in the EU



Source: European Union

Figure 10 Registration procedure of GIs in the EU for agri-food products

➔ Protection of foreign GIs in the EU

GI protection is often a feature of bilateral agreements pursued by the EU. The EU's bilateral agreement for example with Singapore has propelled this nation to enhance their national GI regime, resulting in the development of a robust framework for the protection of GIs. A specific GI agreement has been concluded, with China in 2018 and is in force. The agreement protects around 200 iconic European and Chinese agri-food names against imitation and usurpation, bringing mutual trade benefits and introducing consumers to guaranteed, authentic products from two regions with a rich culinary and cultural tradition. These are just some examples.¹⁵

The agreement being negotiated to fulfill EPA Article 145 E. between the EU and CARIFORUM, will establish the specific lists of GIs to be protected in the territories of the parties.

¹⁵ https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/negotiations-and-agreements_en

Alternatively, notably where no bilateral agreement is available, a direct application for GI protection in the EU can be made. The image below shows a screen shot of two GIs from CARIFORUM countries that have achieved protection at the EU level via direct application, namely Café de Valdesia and Demerara Rum.

Finally, GIs originating in countries which have acceded to the Geneva Act may gain protection in the EU through the multilateral GI register managed by the World Intellectual Property Organisation. This is the case for instance of Kampot Pepper.

All GIs protected in the EU can be found on the database GI View: <https://www.tmdn.org/giview/>.

More information on how to register can be found on the [European Commission website](#).

Café de Valdesia

Country/ies of origin	Type		
Dominican Republic	Protected Designation of Origin (PDO)		
Priority date	File number	Product type	Basis of protection
30/01/2014	PDO-DO-1197	Food	EU register
Status	Product category		
Registered	Class 1.8. Other products of Annex I of the Treaty (spices etc.)		
Legal instrument of protection at EU level			

Demerara Rum

Country/ies of origin	Type		
Guyana	Geographical Indication (GI)		
Priority date	File number	Product type	Basis of protection
28/06/2018	PGI-GY-02423	Spirit drink	EU register
Status	Product category		
Registered	1. Rum		
Legal instrument of protection at EU level			
Official Journal L 288, 4.8.2021			
Publications			
Official Journal C 120, 08.04.2021			
Official Journal L 288, 4.8.2021			

Figure 11 Examples of CARIFORUM GIs that have achieved protection already at EU level, via a direct application¹⁶

¹⁶ Based on GI view website : <https://www.tmdn.org/giview/>

CHAPTER 2 | GIs manual for producers

Introduction

This chapter aims at providing general principles underlying an application to register a geographical name under a GI system for producers of the concerned product.

The objective of a GI is to **protect a geographical name** of wines, spirits, agricultural, agri-food, handicraft, or industrial products whose characteristics, quality, type, and reputation are linked to a defined territory and specific know-how.

A GI provides a given product the **legal protection of its name**, which is made up of a geographical name or a name with geographical significance. Like with other IP Rights, they are territorial rights, meaning that the legal protection is only valid in those countries where the GI has been successfully registered.

This form of protection involves the reservation of a name for a specific product for only those producers or other stakeholders who comply with the product specifications. In a world where markets are free and competitive, **this form of reservation can only be justified if it is objective and duly established/evidenced.**

To apply to register a geographical name, an application must contain information demonstrating that:

- ➔ The GI applicant complies with the conditions as defined by the relevant legal framework; its statutes and/or its capacity to collectively manage the GI.
- ➔ A product from a certain area has characteristics that are due precisely to its origin, and which therefore distinguishes it from other products. A part of the application for GI protection, a specific document referred to as the "specification" must be created by the applicant.

A. Conditions of eligibility

1. Product eligibility

a. Requirements

- ➔ **The product must be well defined and covered in the scope of the applicable rules:**

The GI must designate a well-defined product. The product must be included in the scope of the applicable laws and regulations. That scope may change from one country to the other.

Most of types of products can be protected according to the current legal frameworks in CARIFORUM States. The most common types currently protected in the region are cocoa, coffee, fruit, honey, spices spirits and craft products.

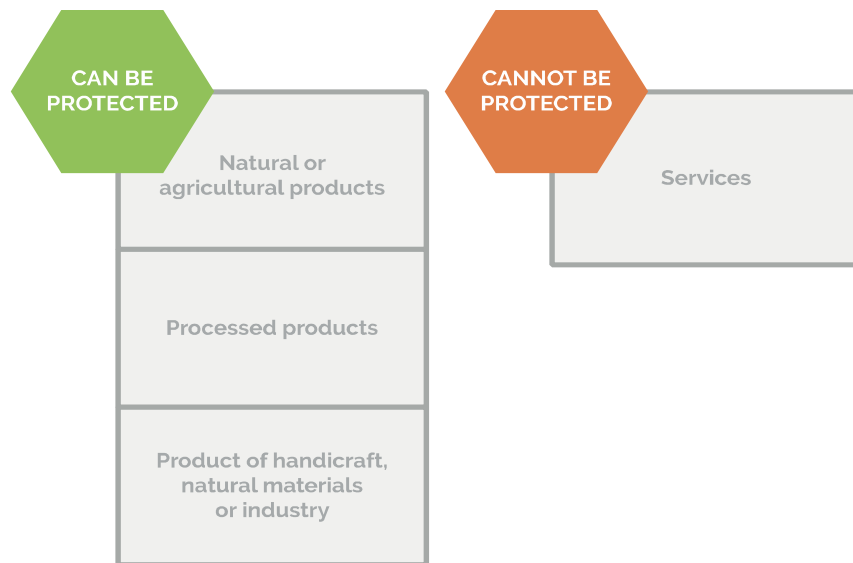


Figure 12 Type of products that can be protected as a GI in CARIFORUM countries

<p>'Larimar Barahona' <i>Semi-precious ornamental rock from República Dominicana</i></p>	<p>'Montserrat Hills' <i>Cocoa from Trinidad & Tobago</i></p>	<p>'Cigarro Dominicano' <i>Cigars from República Dominicana</i></p>	<p>'Café de Valdesia' <i>Coffee from República Dominicana</i></p>
			

Figure 13 Examples of different types of products in CARIFORUM countries

- The product must have specific characteristics, reputation, or quality; a shape, taste, color, or quality that makes it "unique/different" from others of the same category.
- The name or sign designating the product (to be protected as a GI) must either include a geographical name or be associated with a geographical location.

- The specific characteristics must be linked to the geographical origin of the product. This link can exist based on natural factors, human factors, reputation, or the combination of all of the above. Reputation can be enough to justify the link.
- The name or sign designating the product (to be protected as GI) must already benefit from a reputation linked to the product in question (mostly at local level but it can also be at national or international level).

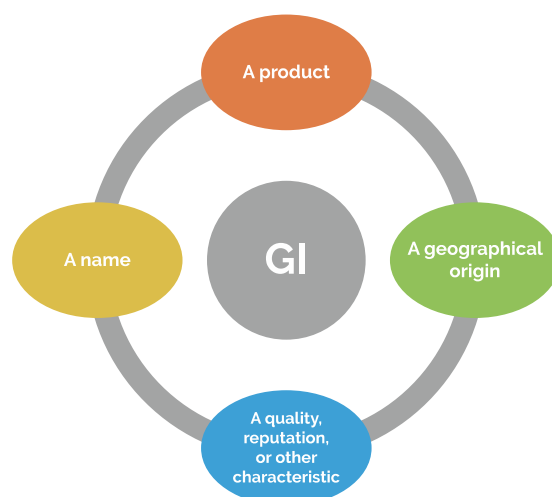


Figure 14 Link between a GI and its geographical origin



KEY TAKEAWAYS

- The GI product must be well defined
- The GI covers a name, which already benefits from a reputation
- The product must have specific characteristics, reputation, or quality; a shape, taste, color, or quality that makes it "unique/different" from others of the same category

b. What are the potential barriers to the recognition of a GI?

Several barriers, from a legal point of view, may arise when seeking GI protection for an OLP. Arguments against the registration of a GI may be raised, notably in the opposition phase of the procedure. Therefore, before applying for GI protection, it is advisable to check that the name of the product does not obviously fall, or risk falling, within any of the following cases:

➤ Misleading GIs

An application to protect an OLP as a GI may be refused if the competent authority considers that the geographical origin attributed to the GI is false or misleads the public about the true origin of the products. Using misleading information on a GI application is considered contrary to honest practice in industry and commerce.

➤ Conflict with a prior mark

A GI may be refused protection in a particular territory if the competent authority in that territory considers that the GI name used is identical or similar to a trademark previously applied for, registered or acquired through use, in good faith, and that use of the GI would result in a likelihood of confusion with the trademark. It is therefore important, before applying for the GI, to verify that there is no registered trademark containing the GI name.

Example: In France, "BACCARAT" is a registered trademark for glassware. This brand is well-known, but its name is also the name of the village where this know-how comes from. Other producers would have liked to register a GI using this name, however, due to the existence of the prior trademark, which is already well recognized by the public, and the potential risk of misleading the public, the GI could not be registered.

➔ Generic names

"Generic" refers to a name which has become common through use and is generally used for goods or services in the country where the GI would be registered. Such names have lost their geographical significance and can therefore not be registered as GIs. The assessment to qualify a name as generic or not is undertaken by the relevant competent authorities in each country.

➔ Homonymous geographical indications

Homonymous GIs are those that are spelled or pronounced alike, but which identify products originating in different places (and usually in different countries). In principle, these indications should coexist, subject to certain conditions. For example, they may have to be used in association with additional information about the origin of the product in order to prevent consumers from being misled.

An OLP for which GI protection is sought may be refused protection if, due to the existence of another homonymous indication, its use would be considered potentially misleading to consumers regarding the product's true origin.

Example (not a real one): In a case where a cheese "Antigua Cheese" which is registered as a GI in Guatemala, would seek protection in Antigua and Barbuda where a GI with the same name "Antigua Cheese" had been already registered, there could be a refusal for registration. Alternatively, parties may have to reach an agreement to further differentiate between GIs, amending the name or using a disclaimer associated with its use for example.

➔ Plant varieties and animal breeds

In certain jurisdictions, protection may be refused to a GI if it conflicts with the name of a plant variety or an animal breed and may, as a result, mislead the consumer as to the true origin of the product.

Example: In France, there is a cow breed known as "Blonde d'Aquitaine", which means blond-haired cow of the Aquitaine Region. Even though the name of the breed contains a geographical specification "Aquitaine", this denomination should not be registered as a GI as it is officially registered as an animal breed and may be used by any breeder wishing to breed such cows.

➔ Other barriers to GI protection eligibility

Besides the obstacles explicitly mentioned in the legal framework, there are additional barriers to the eligibility of OLP for GI protection:

- The use of which would be likely to deceive or cause confusion;
- The use of which would be contrary to any existing law; or
- Which would otherwise be disentitled to protection in a court.

2. Applicant eligibility

A GI is the name of a good that belongs to the **shared heritage of a territory**. Because of this specific element, the rights conferred by a GI must belong **collectively** to the **legitimate stakeholders** that produce the good according to recognized conditions of production that have been handed down from generation to generation.

Registration/protection of an OLP by a GI IP tool may be requested by **a group of stakeholders** or, in exceptional cases by a single applicant, located in the product's delimited geographical area (see section *B.1.6. Delimitation of the geographical area*).

An organized group of producers and other value chain stakeholders acting as a collective is in practice a key factor for the success of GI schemes developed for a specific OLP. Stakeholders who join a collective organization to apply for GI recognition are usually called the "**GI applicant group**", "**GI group**" or "GI association".

The GI applicant group can include stakeholders at different stages of the product value chain: producers, processors, raw material suppliers, distributors, traders, etc.

The term "GI producer" typically comprises the following stakeholders:

- Any producer of agricultural or natural products;
- Any processor of natural or agricultural or agri-food products;
- Any industry or manufacturer of products of handicraft;
- And any trader dealing in the products mentioned above.

The GI applicant group may take the form of a producer association, a producer consortium, a cooperative, an interbranch association, a professional union, an economic interest group, or any other **collective organization that represents them and is able to guarantee that the product meets the agreed GI specifications** (see section *B.1. Specifications*). Regardless of the legal structure, the GI applicant group must unite around a common strategy.

In some countries, recognition of a GI may also be requested by a competent authority (e.g., a local authority).

The GI applicant group must be empowered to deal effectively with all aspects involved in the management of a GI, because, in addition to drawing up the specifications, it should:

- Manage and control the use of the GI.
- Ensure that all its members respect the common rules defined in the specifications that covers the description of the product covered by the GI as well as the production methods;
- Handle promotional activities (see section *F. GI daily management*).
- Possibly, monitor unlawful uses of the GI on the market (by non-members) and take action to defend the genuine producers.



KEY TAKEAWAYS

- ➔ The GI must belong collectively to the **legitimate** stakeholders
- ➔ The GI registration should be requested by a **collective** group of stakeholders
- ➔ The stakeholders must unite around a **common strategy**

B. Content of a GI application

1. Overall content of a GI application

The GI application should provide information on two main aspects that will be examined by the IPO:

- ➔ Information on **the GI applicant group**, including on its nature and composition;
- ➔ **The 'specifications'**, including the name to be protected, the description of the product and the explanation given by the applicant to demonstrate that the product is eligible as a GI.

Example from the “GI model law”¹:

'Content of geographical indications' application:

(1) An application for the registration of a geographical indication shall specify:

(a) the name, address and nationality of the person making the application, and the capacity in which the applicant is applying for registration;

(b) name of the representative of the applicant if any;

(c) specifications, including the following particulars:

i. the geographical indication (name) for which registration is sought;

ii. the goods to which the geographical indication applies;

iii. the geographical areas to which the geographical indication applies;

iv. the quality, reputation or other characteristic of the goods in respect of which the geographical indication is used;

v. the process of production;

vi. the quality, reputation or other characteristic of the goods and how that quality, reputation or other characteristic (as the case may be) is essentially attributable to the place from which the goods originate,

vii. where the geographical indication for which registration is sought relates to a country other than the country of this application, evidence that the geographical indication has obtained recognition or registration as a geographical indication in the qualifying country or countries of origin, where applicable, and

viii. the reference to the control body;

ix. the labelling rules; and

(d) such other particulars as may be prescribed.'

2. GI applicant group

The following information should be included in this section of the application:

- ➔ **Name of the GI applicant group:** name of the producer group/any competent legal person and/or the acronym when it exists (e.g., “Jamaica Jerk Producers’ Association (JJPA)”) **AND the identification of its legal representative.** The representative is commonly the head of the organization. It can be the director of a governmental body. It can also be the lawyer/attorney that represents the interests of the applicant;
- ➔ **Contact details** of the GI applicant group and/or its legal representative: address, telephone, fax and email;
- ➔ **Nature and composition:** its legal nature (e.g., association, professional union, etc.), its missions, and the categories of operators concerned (e.g., producers, transformers, traders, etc.).

3. Specifications

The specifications will **set the conditions that must be shared and applied by all the stakeholders to benefit from the GI**. The specifications must reflect the reality of the product and the value chain. Therefore, the collective organization is of particular importance.

The drafting of the application can take time. A phase of consultation and deliberation within the GI applicant group is therefore essential because each operator may have a specific vision of the same product. This phase is all the more important as the specifications may, for certain types of products, determine the possibilities of improving the quality of the product and of adopting innovative practices.

Any lack of consensus between the different stakeholders when drafting the specifications could lead to decisions that only work for a minority, exposing some legitimate GI stakeholders to exclusion or excluding traditional practices of production. It is therefore necessary to consider the expectations and motivations of each stakeholder.

Having 100% of the stakeholders involved in the value chain of the GI applicant group is not compulsory but a good measure to ensure representation.



Figure 15 *The importance of the GI specifications*

The specifications must be submitted in an editable computer file (e.g., a document prepared with the Office Word® software or equivalent) to allow the responsible IPO to make changes when examining the GI application.

The following sections present the key elements classically requested by the legal framework in the process of a GI application. You may also find useful tips to draft GI specifications in the guides to applicants published by the European Commission.¹⁷

¹⁷ https://agriculture.ec.europa.eu/farming/geographical-indications-and-quality-schemes/registration-name-gi-product/applications-register-new-gi-products_en.

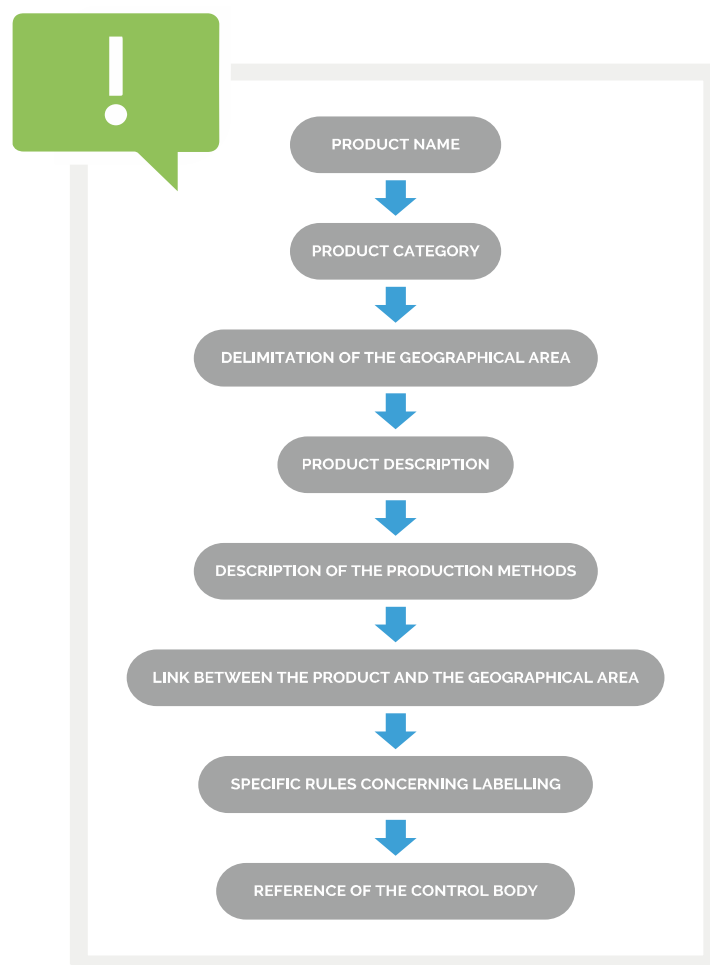


Figure 16 Key elements of the specifications

a. Product name

The presence of a geographical name or name with geographical significance is compulsory in the name of a GI.

The name given in the specifications **must be exactly the same as the name used in commerce or in the common language**, and only in the languages that are or were historically used to describe the specific product in the defined area. The original spelling of the name must be respected. The recognition of a GI does not aim to create new names, but to protect the use of a name linked to certain production practices.

The application is normally based on a product **with a geographical name attached** (e.g., “*Oignon doux des Cévennes*” (Mild Cévennes onions) in France, “*Parmigiano Reggiano*” in Italy, or “*Café de Valdesia*” in the Dominican Republic).

The GI name provides information to consumers as to the characteristics of the product.

GI names often include an indication of the product category (e.g. Café de Valdesia). However, this is not compulsory. Many GI names are composed exclusively of a geographical name, such as: “Champagne” (sparkling wine), “Cuba” (rum), “Roquefort” (cheese), “Parmigiano Reggiano” (cheese), etc. The geographical name is enough to point to the type of product.

Variety and breed names can be accepted if their protection as a GI does not cause confusion for the consumer.

Descriptive words such as “traditional”, “original”, “homemade”, “natural” or “authentic” should be avoided unless they are an inherent part of the name of the product.

The geographical name may be the name of an administrative or historical region, or the name of an administrative unit (for example, a city, district, region, etc.), or the adjective referring to a geographical name. However, it is not a requirement for the GI name to correspond to an administrative legal definition.

It must be noted that **the larger the territory covered by a geographical name, the more difficult it is to preserve and protect it**. On the other hand, protection cannot be requested for names that are not representative of the area of production.

The GI name is not a creation or a choice. It usually is indicative of the history and reputation of the product. If the name is new, creative, distinctive, and not related to tradition, then we are most likely not talking about a GI. In such cases, protection as a trademark (collective, certification) might be more appropriate.

It is important not to use a famous geographical name to take advantage of its notoriety. Its use needs to be justified and tied to the history of the product.



KEY TAKEAWAYS

- ➔ The GI name must be **exactly the same** as the one used in commerce
- ➔ A **geographical significance** must be attached to the name
- ➔ The name must come from a **history of use and reputation**



PRODUCT NAME		
<p>GI 'Piment d'Espelette' or 'Piment d'Espelette-Ezpeletako Biperra' (PDO)</p> <p><i>Chili pepper from France</i></p> <p>https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A52013XC0227%2802%29</p> <p><i>Images 1 and 3 under Creative Commons licences Image 2 ©Anne CLERMONTELLE</i></p>		<p>'Piment' means 'chili pepper' in French and 'Espelette' is the name of a small town located in the French Basque Country in southwest France famous as the center of chili pepper production with specific qualities. 'Ezpeletako Biperra' means 'Piment d'Espelette' in the traditional Basque language (Euskara language). Both national and local languages are accepted as a GI denomination.</p>
<p>GI 'Demerara Rum'</p> <p><i>Rum from Guyana</i></p> <p>Click here to access the full specification</p> <p><i>Images under Creative Commons licences</i></p>		<p>'Demerara' is the name of one of the three counties of Guyana located on the northern coastline of South America, bordering the Atlantic Ocean, just above the Equator. It gets its name from the Demerara river in eastern Guyana. 'Rum' is the name of a spirit drink made from sugar cane.</p>

Figure 17 Examples of 'product name' for existing GI products

b. Product category

The product category refers to the type/family of products to which the GI application relates.

Examples of product category include: tomatoes, fresh meat, processed meat, glassware, fabrics, coffee (beans, ground), etc.

Most of the time categories are not defined in the GI legal framework. GI applicants as well as IP Office refer to the main category of the product such as: vegetable, coffee, meat, fabrics, musical instruments etc....

In some countries, such as the Dominican Republic, the Nice Agreement classification is used, like for trademarks. Learn more about the Nice Classification on [Caribbean TM Class](#).

Product categories can also be set out in the national framework:

- ➔ At the domestic level;
- ➔ At the regional level. Example of EU categories: *Class 1.2. Meat products (cooked, salted, smoked, etc.); Class 1.8. Other products of annex I of the treaty (spices, etc.); Class 2.1. Beers, etc.*

The WIPO's Lisbon Express database shows for example the following categories:

- ➔ Beverages and related products
- ➔ Food products and related products
- ➔ Non-food products:
 - Games, playthings, sporting articles
 - Glass and crystal
 - Musical instruments
 - Religious, ornamental and handicraft objects
 - Salts and minerals
 - Stones and ceramic objects
 - Textile products
 - Other

c. Delimitation of the geographical area

This section of the GI application should include the **delimitation or definition of the geographical area to be covered by the GI**. It is an essential component of the GI scheme.

The geographical area refers to **the territory where the product is found or produced**. It is defined by a **list of administrative entities** (cities, regions, districts, etc.) **and/or by natural geographic limits** (topographical, climatic, etc.).

There is no requirement to make a correlation between the production area and the administrative area when delimiting the geographical area associated with the GI. In fact, this kind of connection is extremely rare since the administrative area can move during the history of a country.

Examples: In France, most of the GIs for cheeses bear the name of a city. The cities were in fact trading spots for cheeses, which took on their names as a result ("Roquefort", "Munster", etc.). However, in practice, the area of production is much larger than the city itself. It covers a broader area. If we

take the example of “Roquefort,” the city of Roquefort is one place to process the milk into cheese, but the geographical area of sheep breeders covers a larger area that includes the administrative department of Aveyron and some places around that department.¹⁸

Furthermore, the various operations taking place within this delimited area should be listed carefully and agreed by the GI applicant group. Those operations typically include, for instance, the harvest of raw materials (or for animal products, the birth, raising and/or slaughter of the animals), the processing stages, packaging, etc.).

The applicant must explain these criteria precisely and objectively.

Delimitation is the action whereby a production zone, within which the GI is produced, is circumscribed, and materialized.

In concrete terms, **the geographical area should integrate the elements that demonstrate the link the product has with its geographic origin** (section f “Link between the product and the geographical area”).

The geographical area must be described with precision and the criteria of its delimitation must be justified and linked to the product at hand.

A map showing the political, administrative, topographical, or other specific boundaries of the territory, region or locality identified, should also be provided, to complement the plain-language description of the boundaries of the geographical area. Traditionally, the map will define the exact geographical area covered by the GI, including all the villages, towns or regions that are included. If the GI is related to a natural factor, a topographic and/or climatic map may also be included.

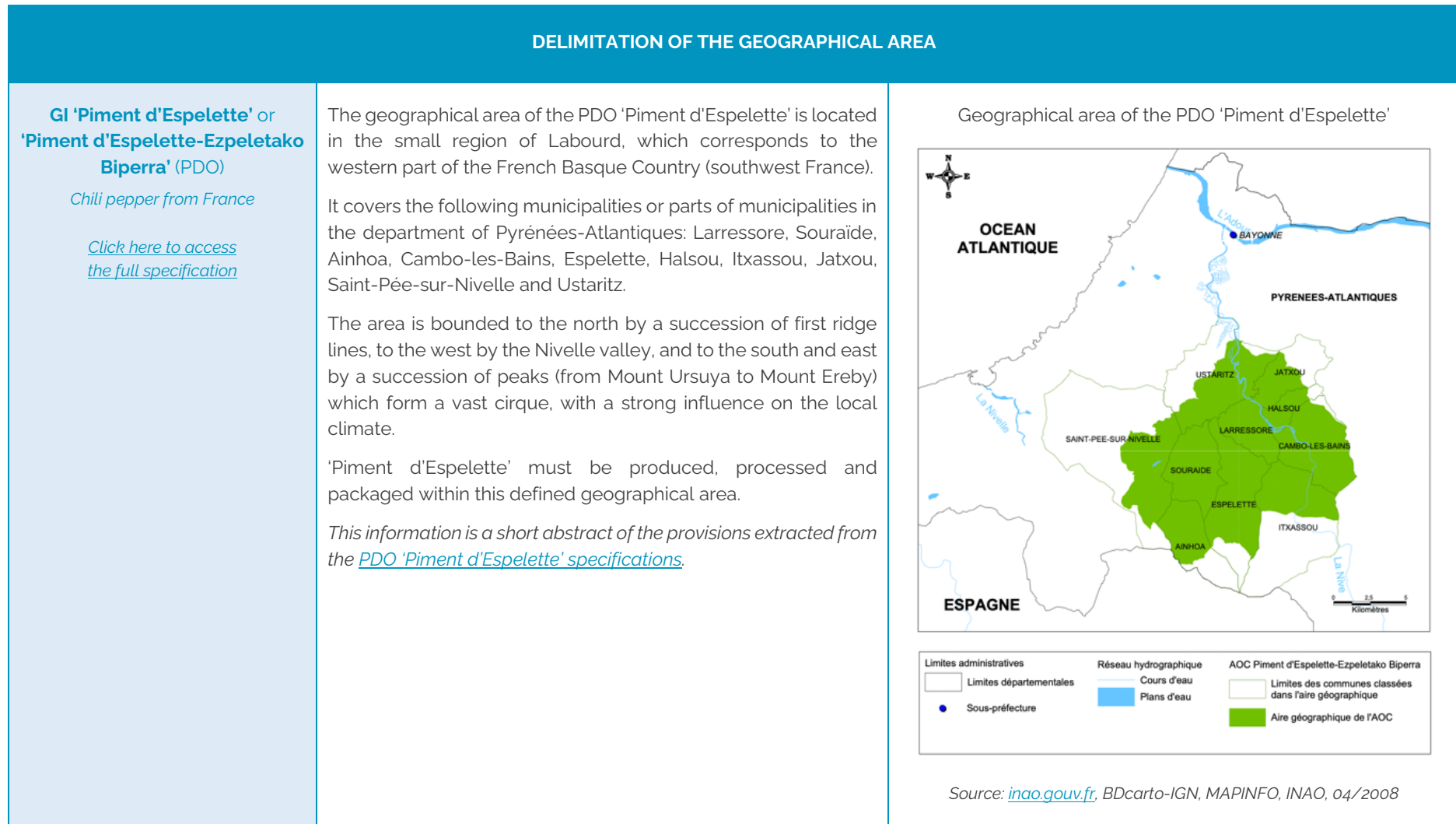


KEY TAKEAWAYS

- ➔ The geographical area refers to a **territory in which the GI good must be produced**
- ➔ That territory must correspond to the GI **production, history and reputation**
- ➔ It must be defined by a clear, plain language **list of boundaries**
- ➔ Those boundaries may be **administrative limits and/or natural/geographic ones.**
- ➔ **The production operations** that take place in the area must be carefully listed
- ➔ A **map** should be provided

¹⁸ See the [GI “Roquefort” Map](#).

Figure 18 Examples of 'geographical area' for existing GI products



GI 'Darjeeling' (PGI)

Tea from India

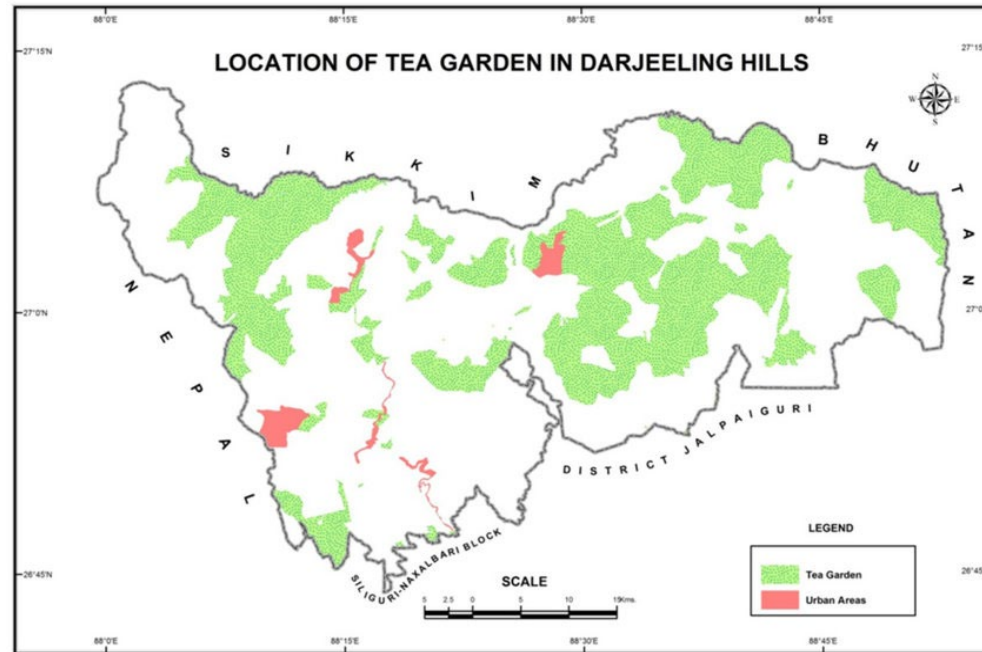
[Click here to access the full specification](#)

The geographical area of the GI 'Darjeeling Tea' is located in the district of Darjeeling, in the state of West Bengal, India.

The tea is grown and processed in the geographical area. The processing takes place in the Tea Estate Factories. Each processing steps (drying, fermentation, etc.) takes place in the tea gardens. It is important to note that no processing takes place outside the tea gardens where the Tea Estate Factories are located.

This information is a short abstract of the provisions extracted from the [GI 'Darjeeling' specifications](#).

Geographical area of the GI 'Darjeeling'



Source: [researchgate.net](https://www.researchgate.net/publication/354111111) ©Monica KANNAN

GI 'Café de Valdesia'

Coffee from Dominican Republic

[Click here to access the full specification](#)

The defined geographical area lies within the current political and administrative boundaries of the provinces of San Cristóbal, Peravia and Ocoa. It comprises the following municipalities: San Cristóbal, Villa Altagracia, Yaguatae, Bajos de Haina, Cambita Garabitos, San Gregorio de Nigua, Sabana Grande de Palenque and Los Cacaos (province of San Cristóbal), Bani and Nizao (province of Peravia) and San José de Ocoa, Sabana Larga and Rancho Arriba (province of Ocoa). It covers a total of 288 148,45 ha.

The coffee-berry production area, which is located between 600 metres and 1 300 metres above sea level, lies within this defined geographical area, and in the southern part of the Cordillera Central, which has the highest peaks to be found on any island in the Caribbean. More specifically, this production area lies within the following municipalities: Villa Altagracia, Cambita Garabitos, Los Cacaos, Bani, San José de Ocoa, Sabana Larga and Rancho Arriba. It covers a total of 125 066,98 ha.

The coffee beans must be grown and processed into green coffee and the green coffee processed into roasted coffee beans or ground roasted coffee within the defined geographical area.

Geographical area of the PDO 'Café de Valdesia'



This information is a short abstract of the provisions extracted from the [GI 'Café de Valdesia' specifications](#).

d. The quality, reputation, or other characteristic of the goods to which the GI is applied

This section should contain the **precise description of the product and its modes of presentation**. It aims at distinguishing the GI product from others in the same category.

All descriptors included must be **objective** and measurable.

This section of the application should not elaborate on the link between the specific characteristics of the product and the geographical origin: such elements must appear in the appropriate section of the application (see the section f. "*Link between the product and the geographical area*").

The product description can include the main organoleptic (shape, colour, aroma, flavour, texture, etc.), physicochemical (dimensions, dry matter content, sugar content, etc.), or microbiological characteristics of the product. What is included in the description will depend on what the GI applicant group agrees are the unique characteristics of the GI product.

Only relevant descriptors shall be included. It is recommended to avoid overloading this part of the application as all descriptors included shall be evidenced/tested.

When it comes to a processed product, the description can include the raw materials used and their percentage of incorporation into the finished product.

The product is described using commonly accepted definitions and standards, units of measurement and regularly used or technical comparisons, without including technical characteristics or mandatory legal requirements applicable to all products of this type.

This section can also include:

- ➔ The species, breed and / or type of animal,
- ➔ The plant variety or varietal type used.

When the product comes from a specific breed or variety used outside the geographical area, it is important to specify how the product differs from other products from this same breed or variety outside of the geographical area.

Regarding the mode of presentation, it should be indicated whether the GI is requested on the fresh or processed product, whole or cut, frozen or not, packaged or not. This allows the applicant to determine which stages of processing the product has the characteristics of the GI and therefore can benefit from the GI.

Examples:

For a cheese, it should be clearly indicated whether a GI is required for conditioned cheese or for the ripening stage.

Similarly, for a vegetable like asparagus, there should be clarity on whether the GI producer group wishes to extend the GI to the canned or frozen product.

The product description aims to list the characteristics of the product allowing it to be objectively distinguishable from other products of the same category. Some of the characteristics listed in this section, will also be included in the section "Link with the geographical area" as specific features of the product linked to its geographical environment.

It is important to remember that the designation of origin and the GI allow a diversity of practices, within the limits of production rules defined collectively in the specifications. This know-how helps to build the identity of the product.



KEY TAKEAWAYS

- **The application must precisely describe** the GI product and its **modes of presentation**
- The description must contain the **unique characteristics** of the GI product
- The description may include organoleptic, physicochemical, or microbiological characteristics
- The descriptors must be **objective and controllable!**

Figure 19 Examples of 'special features' for existing GI products

PRODUCT SPECIAL FEATURES (product description)	
<p>GI 'Parmigiano Reggiano' (PDO)</p> <p><i>Cheese from Italy</i></p> <p>Click here to access the full specification</p>	<p>'Parmigiano Reggiano' is a hard cheese made from raw cow's milk, partially skimmed by natural surface skimming. It must be matured for at least 12 months. 'Parmigiano Reggiano' can be sold as a whole cheese, portions or grated. It has cylindrical in form. Diameter of the flat faces 35 to 45 cm, heel height 20 to 26 cm. Minimum weight: 30 kg. The colour of the body of the cheese: between light straw-coloured and straw-coloured. The taste is fragrant, delicate, flavoursome but not pungent.</p> <p><i>This information is a short abstract of the provisions extracted from the PDO 'Parmigiano Reggiano' specifications.</i></p>
<p>GI 'Demerara Rum'</p> <p><i>Rum from Guyana</i></p> <p>Click here to access the full specification</p>	<p>'Demerara rum' is a spirit drink with discernible sugar cane organoleptic characteristics, which is produced exclusively by fermentation and distillation of molasses or sugar cane-based substrate. Its complex range of aromatic flavours and its full-bodied nature distinguishes it from other rums. The complexity of the flavours is a result of the use of the traditional process of production and the specific mineral content of waters in the Demerara region of Guyana.</p> <p>Organoleptic requirements</p> <ul style="list-style-type: none"> ➔ Appearance: transparent with liquid consistency, density and viscosity of body varying with age; ➔ Colour: varying with age, from colourless for unaged, to pale light straw yellow for lightly aged, to amber/gold and deeper shades of copper/bronze/mahogany for higher aged rums; ➔ Aroma: is primarily derived from the fermentation of sugar cane based raw material, with the characteristic 'Demerara Rum' possessing hints of sugar cane sweetness. This is supplemented by the subtle fruity and floral notes that are enriched through the distillation process, and the sweet aromatic, nutty, spicy, woody, herbal, earthy or other tertiary aromas that evolve during the maturation process, to the extent that the distillate is high in targeted congeners and is aged; ➔ Flavour: distinct flavour profiles are pursued through specific styles of distillation, ranging from light/medium/heavy-bodied rums produced on wooden/copper/steel Pot and Column Stills of various configurations. 'Demerara Rums' are characteristically rounded, smooth and rummy varying from slightly sweet to dry, with tasting notes that complement the aromatic profile. The flavours may only be up to a maximum of 2,5 % of the volume of the finished product, and the rum must be free from added colouring matter (except where the colour is derived from wood during maturation or from caramel derived from sugars). <p>Chemical requirements</p> <p>Alcoholic strength is not less than 40 % by volume.</p>

	<p>The total sum of congener levels (including acetaldehyde, ethyl acetate, higher alcohols) expressed in grams per hectolitre of anhydrous ethyl alcohol is:</p> <table border="1" data-bbox="600 256 2033 477"> <thead> <tr> <th data-bbox="600 256 1077 323">LIGHT-BODIED DEMERARA RUM</th> <th data-bbox="1077 256 1554 323">MEDIUM-BODIED DEMERARA RUM</th> <th data-bbox="1554 256 2033 323">HEAVY-BODIED DEMERARA RUM</th> </tr> </thead> <tbody> <tr> <td data-bbox="600 323 1077 477">Less than 30,0 g/HL (and less than 10,0 g/HL esters)</td> <td data-bbox="1077 323 1554 477">Greater than 30,0 g/HL but less than 300,0 g/HL (and more than 10,0 g/HL but less than 50,0 g/HL esters)</td> <td data-bbox="1554 323 2033 477">More than 300,0 g/HL (and more than 50,0 g/HL esters)</td> </tr> </tbody> </table> <p>The total acidity, expressed in grams of acetic acid per hectolitre of anhydrous ethyl alcohol is:</p> <table border="1" data-bbox="600 544 2033 678"> <thead> <tr> <th data-bbox="600 544 1317 611">LIGHT-BODIED DEMERARA RUM</th> <th data-bbox="1317 544 2033 611">MEDIUM- OR HEAVY-BODIED DEMERARA RUM</th> </tr> </thead> <tbody> <tr> <td data-bbox="600 611 1317 678">Less than 20,0 g/HL</td> <td data-bbox="1317 611 2033 678">Greater than 20,0 g/HL and less than 200,0 g/HL</td> </tr> </tbody> </table> <p><i>This information is a short abstract of the provisions extracted from the GI 'Demerara rum' specifications.</i></p>	LIGHT-BODIED DEMERARA RUM	MEDIUM-BODIED DEMERARA RUM	HEAVY-BODIED DEMERARA RUM	Less than 30,0 g/HL (and less than 10,0 g/HL esters)	Greater than 30,0 g/HL but less than 300,0 g/HL (and more than 10,0 g/HL but less than 50,0 g/HL esters)	More than 300,0 g/HL (and more than 50,0 g/HL esters)	LIGHT-BODIED DEMERARA RUM	MEDIUM- OR HEAVY-BODIED DEMERARA RUM	Less than 20,0 g/HL	Greater than 20,0 g/HL and less than 200,0 g/HL
LIGHT-BODIED DEMERARA RUM	MEDIUM-BODIED DEMERARA RUM	HEAVY-BODIED DEMERARA RUM									
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LIGHT-BODIED DEMERARA RUM	MEDIUM- OR HEAVY-BODIED DEMERARA RUM										
Less than 20,0 g/HL	Greater than 20,0 g/HL and less than 200,0 g/HL										
<p>GI 'Café de Valdesia' <i>Coffee from Dominican Republic</i></p> <p>Click here to access the full specification</p>	<p>The green coffee has medium body, mild acidity, and a sweet taste, is well balanced and must give a clean cup. It may sometimes have particular attributes, such as a nutty or chocolatey aroma.</p> <p>The average chemical composition of the roasted coffee beans and the ground roasted coffee is determined by the degree of roast in accordance with the following specific figures:</p> <ul style="list-style-type: none"> ➔ medium roast: caffeine, 1,34 % and total sugars, 3,1 % ➔ medium-dark roast: caffeine, 1,43 % and total sugars, 3,9 %. ➔ dark roast: caffeine, 1,12 % and total sugars, 2,8 %. <p>Specific organoleptic characteristics:</p> <ul style="list-style-type: none"> ➔ medium roast: mild acidity, sweet taste, well balanced and with occasional aromatic notes of nuts and chocolate; ➔ medium-dark roast: medium-low acidity, sweet taste, with a roasted aftertaste and occasional aromatic notes of chocolate; ➔ dark roast: low acidity, spicy taste, with a prolonged aftertaste and occasional aromatic notes of bitter chocolate. <p><i>This information is a short abstract of the provisions extracted from the GI 'Café de Valdesia' specifications.</i></p>										

e. Description of the production methods

This section refers to the **method for obtaining the product** and contains the specifications for the elaboration of the product. This part is the **technical component of the application**. The description should be clear and without ambiguity. Any type of interpretation shall be avoided.

The production methods must include a description of the techniques used as well as the final product's technical criteria, highlighting the specificities of the GI product (see section f. "*Link between the product and the geographical area*").

The description under this section must include all the stages involving the specific location of the product, including, where need be, the packaging.

For example:

- **For animal-based productions:** breeds, breeding practices (pasture, food, weaning, suckling, age at slaughter, maturation, classification of carcasses, pH, etc.);
- **For plant-based productions:** varieties, fertilization, need of irrigation, date of sowing and harvesting, period for harvesting, method of harvesting, sorting, firmness, sugar, storage, shipping, sales, etc.
- **For processed productions:** description of the raw materials, description of the production process, technical parameters, etc.
- **For raw materials:** description of the raw material origin if linked with the quality of the product.

The production methods should be checked during the control procedures.

DESCRIPTION OF THE PRODUCTION METHODS	
<p>GI 'Piment d'Espelette' or 'Piment d'Espelette-Ezpeletako Biperra' (PDO)</p> <p><i>Chili pepper from France</i></p> <p>Click here to access the full specification</p>	<p>'Piment d'Espelette' come exclusively from the species <i>Capsicum annuum</i> L. The chili peppers are planted in the open ground, in bare soil or partially on plastic mulch. Cultivation under cover is forbidden. Systematic phytosanitary treatments are prohibited. The chili peppers are harvested by hand. Only chili peppers with at least 80% of their surface area red may be harvested. The chili peppers are sorted by hand. Injured, split or necrotic peppers are excluded. The peppers must be sorted at the producer's premises within 48 hours of harvest. After sorting, the chillies are either sent fresh, put in ropes, or ripened for powder production.</p> <p>Chillies intended for sale fresh whole must be stored before dispatch in a cool, dry place. Whole fresh chillies are packed in openwork boxes identified and used exclusively for 'Piment d'Espelette'. Chilli peppers intended for sale by rope are tied by hand on a food string. Chilli peppers intended for sale in powder form are matured for a minimum of 15 days in a warm and airy place. During this period, no sudden dehydration is allowed. The mixing of powders from two harvest years is prohibited. The addition of any colouring agent, additive or preservative is prohibited, with the exception of inert gas.</p> <p><i>This information is a short abstract of the provisions extracted from the PDO 'Piment d'Espelette' specifications.</i></p>
<p>GI 'Demerara Rum'</p> <p><i>Rum from Guyana</i></p> <p>Click here to access the full specification</p>	<p>'Demerara Rum' is elaborated from sugar cane substrate sourced in the geographical area in a multistage process, as set out below:</p> <ul style="list-style-type: none"> ➡ Yeast is propagated in the molasses or sugar cane based substrate diluted with ground water from Demerara artesian wells. Once sufficient mass of yeast cells is propagated, the culture is transferred to the fermenter tank; ➡ The yeast converts the sugars in the fermenting wash to alcohol in the fermenter. The fermented wash is then fed to the distillation stills; ➡ The fresh distillates of 'Demerara Rum' are diluted to 70-80 % using deionized water sourced from Demerara artesian wells, then filled into casks for various periods of maturation; ➡ Distillates of the desired marques and ages can be blended together, as required. The blends are diluted to the required alcoholic strength using deionized water extracted from Demerara artesian wells, and are rested in tanks or vats to allow the blends to marinate and be fine-tuned. ➡ The bottled rums must be free of permanent sedimentation or suspended matter of any type. <p><i>This information is a short abstract of the provisions extracted from the GI 'Demerara rum' specifications.</i></p>

Figure 20 Examples of 'production methods' for existing GI products

f. Link between the product and the geographical area

This section of the specifications refers to the **link** between the product and the requested geographical area. **This is the fundamental point that justifies a GI application and the GI product eligibility for registration.**



The application must specifically establish the **link between the specificities of the product and the geographical area**. This link may be the result of **natural factors** and/or **human factors**.

There are three elements to bear in mind when identifying the specificities of the product:

- A given quality;
- Reputation;
- Or other characteristic(s).

Below is an explanation of how these elements can be related to the geographical area in question and how the resulting delimitation criteria and product specifications can be determined.

➞ A given quality

Here, the GI applicant group must identify a specific quality that differentiates the GI product from other products of the same category (from another geographical areas).

This specific quality may be the result of natural factors (geography, soil, climate, local varieties, breeds, biodiversity, landscape, etc.) and/or human factors (know-how, traditions, common practices, etc.), and is always linked to the geographical origin.

This can be highlighted using:

- The color of a meat (due to characteristics of local animal feed), the color of a cheese (due to the milk used);
- A local variety or landrace;
- A particular soil or climate that provides a cultivated product with a unique shape or taste
- Maturation or salting using salt from the area (for transformed products).

This information is essentially used to explain why the location leads to a different quality of the product and how geography influences its unique characteristics.

➞ Reputation

Reputation is most usually composed of **three elements**:

- History;
- Past reputation; and
- Current reputation.

To prove a link on the basis of reputation, it is important to demonstrate that the product has a long history with the geographical area in question. Its reputation can be local, national or international. The historical reputation of the product should be mentioned in the section where a geographical area is defined, as it serves to reinforce the application.

As for the current reputation, the application can include information on the local and national economic importance of the industry.

➡ Other characteristic(s)

Reference can be made here to a specific know-how, which can be highlighted by comparing it to more usual techniques:

- Breeding methods;
- Cultural techniques;
- Manufacturing processes, etc.

It is essential to describe the link between quality, reputation and other characteristics such as cultural techniques, breeding and manufacturing activities and the geographical area.

In this sense, the breeding methods, cultural techniques, and manufacturing processes must highlight the characteristics that are a result of the geographical area, and thereby justify the geographical delimitation. The applicant must have formalized these criteria precisely and objectively.

In concrete terms, the requested geographical area must take into account the elements that have been highlighted in order to demonstrate the link the product has with its geographical origin. The use of a reputed geographic name, without having established these links with the product's geographic origin, would not be acceptable.

This section must set out, very clearly, the criteria selected to justify the geographical area. These criteria are based on the history of the product, its reputation, current production and the specific production conditions, linked to its location, all of which make it a unique product.

TO BE NOTED 

This section must comply with the following presentation rules:

- I. **Specificity of the geographical area:** description of the natural and/or human factors identified);
- II. **Specificity of the product:** description of the specific quality identified;
- III. **Causal interaction between the geographical area and a quality, reputation, or other characteristic(s):** link between the specificity of the geographical area and the specificity of the product + elements of reputation, if any.



KEY TAKEAWAYS

- ➔ The application must clearly explain the **link between the product specificities and the geographical area**
- ➔ This is the fundamental point **that justifies** a GI application!
- ➔ This link can be the result of **natural** and/or **human factors**
- ➔ 3 notions to bear in mind to establish the link: a **given quality; reputation; and other characteristics**

LINK BETWEEN THE PRODUCT AND THE GEOGRAPHICAL AREA	
<p>GI 'Piment d'Espelette' or 'Piment d'Espelette-Ezpeletako Biperra' (PDO)</p> <p><i>Chili pepper from France</i></p> <p>Click here to access the full specification</p>	<p>The climate of the small region of Espelette brings together the conditions of temperature and humidity allowing to satisfy the plant and its transformation into a spice with a distinct character: flavoured and spicy without being hot.</p> <p>The local varietal type is the result of a centuries-old massal selection by local producers, originally only women. From the selection of the seed to the conservation of the spice with all its organoleptic characteristics, each phase is carried out according to traditional and adapted local know-how that has allowed the product to maintain its originality over the centuries.</p> <p>If the 'Piment d'Espelette' allowed the women who produced it to benefit from a financial autonomy, today about sixty farms draw an important part of their income from it. In the local gastronomy and culture, the 'Piment d'Espelette' has a preponderant place: it is, in France, the spice of the Basque Country. The chefs of the great French gastronomy are faithful to the 'Piment d'Espelette', which often constitutes one of the secrets of their recipes.</p> <p><i>This information is a short abstract of the provisions extracted from the PDO 'Piment d'Espelette' specifications.</i></p>
<p>GI 'Bayerisches Bier' (PGI)</p> <p><i>Beer from Germany</i></p> <p>Click here to access the full specification</p>	<p>The quality and reputation of 'Bayerisches Bier' can be attributed to a centuries-old brewing tradition under the 1516 Bavarian Purity Law. The production process to be followed has been laid down by law since the 15th century. Over the centuries, a large number of different recipes evolved as the Bavarian brewers' expertise developed, which has led to a range of varieties that is unique worldwide. Bayern is the birthplace of wheat beer and the site of the world's largest wheat beer brewery. Weihenstephan is home to one of the most famous brewing institutions in the world. The ancient brewing tradition, the resulting range of varieties and the predominant use of top-quality raw materials from Bayern mean that 'Bayerisches Bier' is generally highly regarded among consumers.</p> <p><i>This information is a short abstract of the provisions extracted from the PGI 'Bayerisches Bier' specifications.</i></p>
<p>GI 'Demerara Rum'</p> <p><i>Rum from Guyana</i></p> <p>Click here to access the full specification</p>	<p>The specificity of 'Demerara Rum' lies in the combination of many factors stemming from the agroecological conditions of the defined geographical area and the authentic character of the production process, which brings together nature, tradition, art and science.</p> <p>The clay soils in the area are particularly suitable for sugar cane production and the humid atmosphere rich in microflora ensures optimal fermentation of the sugar cane. The quality water used in the whole production of 'Demerara Rum' is sourced exclusively from artesian wells in the area and the tropical climatic conditions of year-round contribute crucially to the accelerated pace of maturation. The knowledge and know-how of the production processes that were developed in Demerara were handed down over</p>

	<p>the centuries, including the philosophical approach to distilling where complex flavour profiles are pursued, which has remained largely unchanged from the original methods.</p> <p>All these natural and human factors lead to a rum renowned for its flavourful character and smoothness, and the distinctive sugar cane sweetness on the aroma. 'Demerara Rum' has been known for more than 300 years in the artisanal rum production. Reference to 'Demerara Rum' is found in all good histories of rum as well as in French and Danish listings of quality rums.</p> <p><i>This information is a short abstract of the provisions extracted from the GI 'Demerara rum' specifications.</i></p>
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Figure 21 Examples of 'link between the product and the geographical area' for existing GI products

g. Specific rules concerning labelling

This section deals with the labelling of the GI product. The GI applicant group must carefully think about the future use of the GI and start to develop a marketing strategy around the product.

In practice, the labelling of the GI product must include the name of the GI product as indicated in the specifications, e.g., "Coffee from + *geographical name*", usually accompanied by the term "Geographical Indication" or "Protected Geographical Indication" (as applicable).

GI official logo may be defined by national/regional laws. The use may be compulsory or not in the labelling. The specifications may refer to the use of national/regional logo.






In Jamaica	In the EU	In St. Lucia (not yet in use)	In Thailand
<p>GI logo</p> 	<p>PDO logo</p>  <p>PGI logo</p> 	<p>GI logo</p> 	<p>GI logo</p> 

Figure 22 Examples of national GI logos/seals




In addition to any official logo that may be imposed by national rules, the GI applicant group may design a specific logo to be applied to the GI product (see section "Designing a GI group logo and defining labelling rules").

The labelling, appearance, and advertising of the GI product must avoid causing confusion in the mind of the consumer.

The labelling rules set out in this section should not repeat any general labelling requirements which may apply in the country of origin of the product, because this may prove problematic if protection is thought afterwards in other jurisdictions. Hence, this section of the specifications should be limited to any additional, specific rules agreed by the GI applicant group.

This labelling section can also include specific rules on the use of GI names when they are used as ingredients of other products, depending on the conditions decided by the GI applicant group.

Figure 23 Examples of 'rules concerning labelling' and logos for existing GI products & product examples

SPECIFIC RULES CONCERNING LABELLING		
<p>GI 'Piment d'Espelette' or 'Piment d'Espelette-Ezpeletako Biperra' (PDO) <i>Chili pepper from France</i></p> <p>Click here to access the full specification</p>	<p>The labelling of fresh, rope or powdered chilli peppers with the designation of origin 'Piment d'Espelette' or 'Piment d'Espelette-Ezpeletako Biperra' includes the name of the designation of origin in characters at least 1.3 times the size of the largest characters on the labelling.</p> <p>The labelling includes the EU PDO logo (see below). The logo is accompanied by the name of the designation, without any intermediate wording.</p> <p>The labelling may also include the words 'appellation d'origine protégée' ('protected designation of origin' in French) or 'AOP' ('PDO' in French) immediately before or after the name of the designation, without any intermediate wording.</p> <p>The labelling of 'Piment d'Espelette' must also be in accordance with the EU Regulation on the provision of food information to consumers (Reg. (EU) No. 1169/11).</p>	<p>Example of 'Piment d'Espelette' packaging</p>  <p>Source: argiko-azia.fr</p>
	 <p>'Piment d'Espelette' GI group logo</p>	 <p>French version of the EU PDO logo</p>
	<p><i>This information is a short abstract of the provisions extracted from the PDO 'Piment d'Espelette' specifications.</i></p>	

GI 'Demerara Rum'

Rum from Guyana

[Click here to access the full specification](#)

The following should appear on the principal display panel of the label of 'Demerara rum': brand name; product name; alcoholic content; net content; address of the manufacture; country of origin; statement of age or statement of maturity.

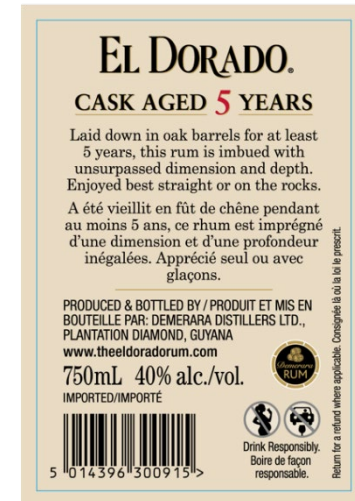
Each bottle of rum bears the 'Demerara rum' denomination and the GI group logo as illustrated below.



'Demerara rum' GI group logo

This information is a short abstract of the provisions extracted from the [GI 'Demerara rum' specifications](#).

Example of 'Demerara rum' packaging



Source: WIRSPA (West Indies Rum and Spirits Producers' Association Inc.)

GI 'Café de Valdesia'

Coffee from Dominican Republic

[Click here to access the full specification](#)

The sacks of green coffee and roasted coffee beans must be marked as follows:

- ➔ 'Producto de la República Dominicana';
- ➔ 'Café de Valdesia DOP';
- ➔ Batch number;
- ➔ Exporter (and any other commercial name used by the exporters for a given type of coffee);
- ➔ ICO code;
- ➔ Café de Valdesia certification logo.

The packaging of ground roasted coffee must bear a label giving, among other information, the following details: the designation 'Café de Valdesia DOP', degree of roast (which must be: 'café oscuro' (dark roast), 'café medio oscuro' (medium dark roast) or 'café medio' (medium roast)) and the grind (which must be: 'molienda gruesa' (coarse ground), 'molienda media' (medium ground) or 'molienda fina' (fine ground)), and the 'Café de Valdesia' logo must be prominently displayed on the main face of the packaging.

The packaging of the ground roasted coffee must also bear a printed, pre-numbered guarantee stamp. The Spanish version of the Café de Valdesia logo is shown below:



'Café de Valdesia' GI group logo

This information is a short abstract of the provisions extracted from the [GI 'Café de Valdesia' specifications](#).

Example of 'Café de Valdesia' packaging



Source: qcoffee.com.do

h. Control body

The name, contact details, and accreditation reference of the organization responsible for GI controls (e.g., national bureau of standard) should be indicated in this section.

According to the approved system of GI control in the country, this section can mention:

- The reference to official/public control body and/or
- The reference to a private control body

In the case of a certification body, a reference to the official accreditation number should be added. For more information, please consult Chapter 4 of this Manual.

4. Cases of foreign GIs

If a GI applicant originates from one country but wishes to protect its GI in another country, the GI should be recognized or registered in their country of origin first. The applicants must present an official proof of protection in the country of origin (regulation or certificate of GI registration/recognition).

The applicant is usually requested to translate the GI specifications and all supporting documents in an official language of the country or region where it applies for protection.

Before submitting such application, it is important to check:

- The GI application complies with the national rules (for instance specific rules concerning products, health, labelling etc.);
- The existence of potential conflict with existing trademarks;
- The specification contains information which is not clear for the examiners. (e.g. explanation of specific tools in national language)

In addition, some countries allow foreign GI products to use their national logo but are not required to do so.

<p>GI 'Poivre de Kampot' (or 'ក្រូចកំពត' / 'Mrech Kampot')</p> <p><i>Pepper from Cambodia</i></p>	<p>GI 'Darjeeling'</p> <p><i>Tea from India</i></p>
 <p>Source : Chabiothe.fr</p>	 <p>Source : Carrefour.fr</p>

Figure 24 Examples of non-EU GI products that have been registered in the EU and are using the official EU logo on the packaging

5. Controllability document

a. Traceability elements proving the origin of the product

In this section, the product specifications should identify the procedures that are in place to ensure the origin and authenticity of the product. This is linked with the traceability system and all the documentation and processes implemented by producers to justify their compliance with the specifications.

Example of traceability system: According to the specifications of the PGI "Rice from Camargue" (France), the Union of Rice Growers in France (GI right holder) has set up a traceability system, or specifications, from harvesting to marketing of the product. Such system includes the following steps:

<p>PRODUCTION STAGES</p>	<p>TRACEABILITY DOCUMENTS TO BE PROVIDED</p> <p>Example with the PGI "rice of Camargue"</p>
<p>N.A.</p>	<p>A list of producers (according to multi-year commitments and annual statements of plots).</p>
<p>RECEPTION</p>	<p>At the storage agency:</p> <p>Each delivery of rice from an identified producer and declared in the production area (controlled by the union) is accompanied by an official document of customs - a receipt - which includes:</p>

	<ul style="list-style-type: none"> ➤ Owner's name; ➤ Place of production; ➤ Product/type, family, variety; ➤ Date of transport; ➤ Destination; ➤ Weight. <p>This document is archived by the storage agency.</p> <p>At a producer or conditioner:</p> <p>Each delivery is identified on a register that includes:</p> <ul style="list-style-type: none"> ➤ Name of the supplier; ➤ Product/type, family, variety; ➤ Date; ➤ Amount.
<p>STORAGE</p>	<p>Either being the storage agency, the producer, or the conditioner:</p> <p>Each storage unit is identified according to its content and its provenance from Camargue. Any movement of rice in the cells involved is mentioned in a register.</p>
<p>ELABORATION</p>	<p>Each batch passing to elaboration is registered including:</p> <ul style="list-style-type: none"> ➤ Provenance; ➤ Gross amounts involved; ➤ Net amounts at the end of elaboration; ➤ Quantities of by-product released; ➤ The name Camargue.
<p>PACKAGING</p>	<p>A document is placed on the package, noting:</p> <ul style="list-style-type: none"> ➤ Unit provenance; ➤ Quantity, type, family; ➤ Date; ➤ Identification of the conditioning lot; ➤ Destination. <p>Labelling of packaging includes Identification of conditioning lot (date, etc.).</p>
<p>TRANSPORT</p>	<p>A document is prepared relating the transport, noting:</p> <ul style="list-style-type: none"> ➤ Product Name; ➤ Family, cell, weight; ➤ Source/Destination; ➤ Date.

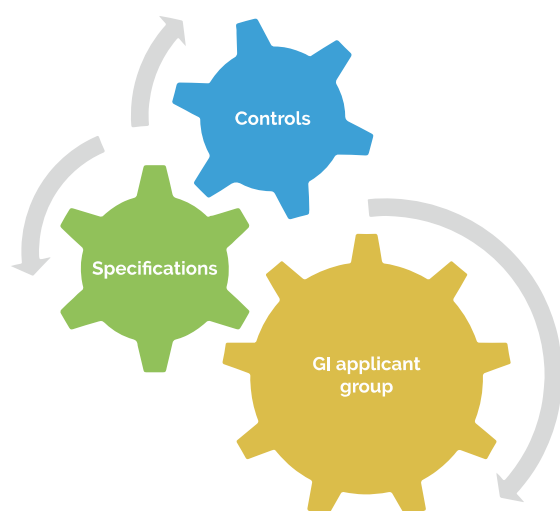
All these documents should be archived by the producers and the GI group.

These operations (excluding packaging) can only be done in the geographical area. They are subject to internal checks from the group of producers and external control.

b. Control plan

It is essential **to set up a control system to ensure compliance** with the specifications.

The control document or control plan should demonstrate how the producers of the GI can comply with the rules set out in the specifications, especially concerning the description of the production method (see section B.3.e of this chapter). This document must relate the provisions of the product specifications to the evaluation method used. This means that the GI applicant group must provide information on the future control of the GI. The GI Applicant group must therefore identify the elements that can be used for the traceability of the product throughout the production process. The GI applicant group must also define the modalities of the controls (internal and/or external, frequency, etc.).



The controllability document is a working tool and must be approved by the designated external control body.

A control plan established by an external control body can also be provided at this stage (in this case, there is no need to provide the controllability document).

Figure 25 The proper functioning of a GI

Sometimes and if defined by law, **the control plan may be required** by competent authorities before any approval of the specifications by the responsible intellectual property office /registry.

The control services, whether internal or external, must offer sufficient guarantees of objectivity and impartiality to all stakeholders.

Note: There usually is no specific GI control before its registration, however, the GI applicant group must justify certain elements to ensure the viability of future controls, in particular:

- ➔ It should establish a list of all the producers who would like to use the GI: **these producers are the original producers of the GI** (the producers behind the GI application);
- ➔ It should itself or through a control body, verify the ability of the producers to comply with the GI specifications.

6. Note for instance

Prior to starting the GI registration process, it is advisable that the value chain stakeholders collectively determine the merits of having a registered GI and its technical and potential economic impact. The GI applicant group must present and justify the GI application in **a note for instance**. This document can contain the following type of information:

➤ Grounds for the application and its positioning in relation to products of the same category:

- Present the reflections that led to the choice of this GI approach for this product (need for name protection, economic development, building of a value chain, etc.);
- Position the approach vis-à-vis any other products in the same category, or even other origin pre-existing labelling on these products;
- Present the valuation (especially economic) expected by the process;
- Demonstrate the ability for producers to comply with the specifications (necessary investments) and bear the cost of control;
- Present and develop any interactions of the proposed name with names of race, varieties, or brands (names repeating all or part of the name of the appellation) in addition to "Product name" of the specifications.

➤ Presentation of the production chain:

This should make it possible to locate production in its economic context with the following information:

- Description of the sector;
- Number of stakeholders in the sector by category (producers of the raw material, manufacturers, refiners, conditioners, etc.) and their geographic location;
- Potential for production growth;
- Summary description of the production systems of the holdings (share of the production operator activity, degree of farm specialization, etc.);
- Volumes produced (by type of operator, if applicable). For example, for a cheese: milk producers, farm producers, cooperative dairies, dairies private, refiners;
- Product marketing channels;
- Selling prices (from the farm and during the final marketing of the product);
- Packaging(s)/presentation methods used.

These data should be seen in the context of the market for other products of the same type.

This document is not usually required in a GI application; however, it will provide useful information on the OLP and value chain stakeholders to the intellectual property office or other administrative body responsible for GI registration. This document is recommended for the GI strategy of the GI applicant group.

7. Integration of measures linked with sustainability into the GI specifications

Public opinion's expectations on products have evolved significantly in recent years, with the desire for production methods to meet **more rigorous sustainability criteria**. **The environment and animal/human welfare have become major concerns for consumers** who are becoming more aware, and concerned, of the ecological impact of the products they consume.

The consumer is even **more demanding when it comes to officially certified products such as GIs** - whose prices are generally higher than those of non-certified products - and will be more inclined

to buy them if they stand out from other products and [offer social and/or environmental guarantees](#). In fact, when the consumer chooses to buy GIs, he/she chooses quality, and expects production methods that are consistent with the principles of sustainable development. Moreover, it is important to remain consistent with the initial objective of official agri-food certifications, which is to offer consumers quality products. And quality does not stop at organoleptic requirements exclusively.

The consideration of sustainability issues in GI specifications has been the subject of some [proposals in recent times](#). For instance, the [European Parliament](#) reaffirmed its importance, and one of the most notable evolutions is the [integration of the contribution to sustainable development into the GI specifications](#) in the provisions of the EU Regulation No 2021/2117 amending EU Regulation No 1151/2012 on quality schemes for agricultural products and foodstuffs, which entered into force on December 7, 2021.



Producer groups in the CARIFORUM States are strongly advised to assess their performance in terms of sustainable development and to define axes of progress by integrating social and/or environmental measures into their GI specifications, where possible, in order to meet these new expectations and build consumer confidence.

The French Institute for Quality and Origin (INAO), in charge of GIs at the national level, recently published a brochure *"Agro-environment and official signs of origin and quality"*¹⁹ with recommendations regarding the integration of agro-environmental measures.

INAO suggests **three options to meet these challenges**:

- A. The producer group integrates agro-environmental measures directly into the GI specifications;
- B. The producer group undertakes, outside the GI specifications, to collectively support producers to commit to an official environmental certification process - such as organic farming;
- C. The group integrates an official environmental certification requirement into the GI specifications – such as organic farming.

Examples of agro-environmental measures to be inserted in the GI specifications

These measures should respect the general principles of sustainable development.

Some concrete examples translated from the INAO are noted below:

➔ Preserve and develop biodiversity

E.g.: planting of hedges and grass strips; reduction or even banning of herbicides; biodiversity of pastures and diversity of flora; development of agroforestry, etc.

➔ Controlling and reducing fertilisation

E.g.: limiting the use of chemical fertilisers; encourage the cultivation of green fertilisers, etc.

➔ Limit the use of pesticides

¹⁹ INAO. 2021. *Agro-environnement et signes officiels d'origine et de qualité*. Consulted on inao.gouv.fr

E.g. : use of varieties or breeds that are more resistant to some diseases; reduce the action of parasites through more natural methods, etc.

➔ Promote better water management

E.g. : respecting good irrigation practices; rainwater harvesting; use of drought-resistant plants, etc.

➔ Adapting livestock production to local resources

E.g. : reducing the use of medicines, especially antibiotics; favouring local origin of food; banning GMOs in animal feed, etc.

➔ Use of more suitable genetics

E.g. : favourable use of indigenous and/or locally adapted varieties and breeds, etc.

➔ Carbon footprint

E.g.: try to source local raw materials, define some rules to limit the carbon footprint

C. Registration procedure

The GI application form must be filed with the competent authority, which in the CARIFOURM countries usually is the Intellectual Property Office or Registry (IPO). The IPO will carry out an administrative and a substantive examination of the application before registration. The GI applicant and the IPO usually need to have an easy and efficient method of communication in relation to application submitted by the GI applicant group.

If the application is deemed acceptable by the IP office, its approval will be subject to a prior publication in view of possible oppositions by other interested parties. Should that be the case, the GI applicant group may have to intervene in the proceedings and submit arguments to counter those of the opponents and possibly seek a solution with them.

Once the application is approved, the IPO will issue the GI registration certificate and publish the registration.

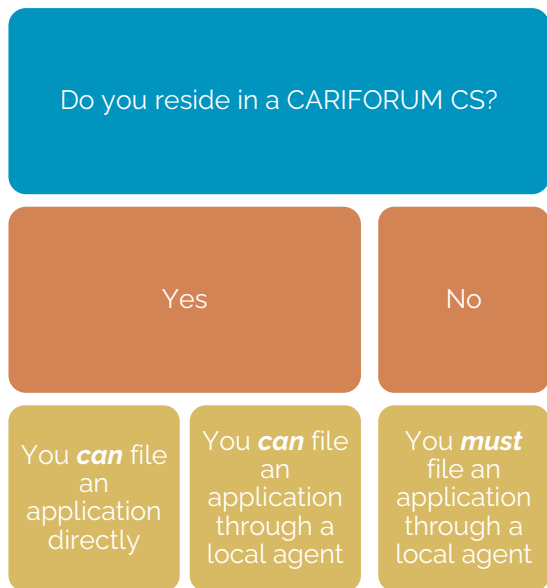


Figure 26 GI registration application



Figure 27 GI registration process

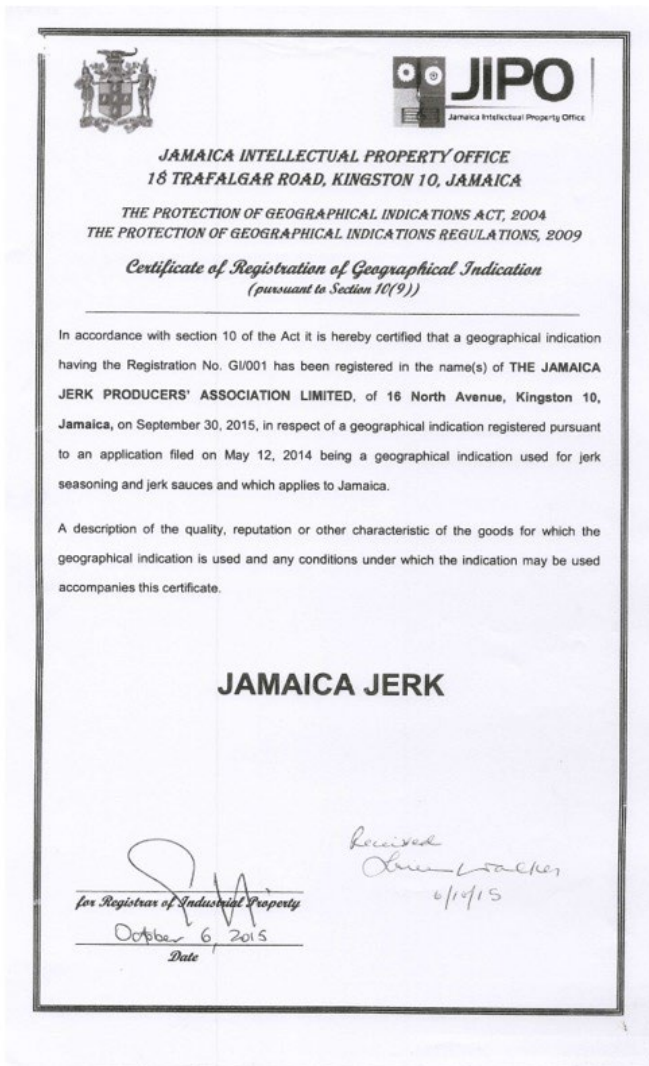


Figure 28 Example of GI certificate for Jamaican Jerk

D. GI daily management

1. General responsibilities

When the GI is registered within the IP Office, the “GI applicant group” become the “GI **rights holder**” or “GI owner”. In practice, they are usually collectively represented by the GI applicant group, which we will be referring to as “**the GI rights holder**” throughout this section.

The GI rights holder has to manage, promote, and monitor the use of the GI, either independently or in collaboration with public institutions. **It should have the capacity to organize its members to work collectively** (to manage activities for which stakeholders are not necessarily used to working together).

Normally, all producers able to meet and follow the defined specifications can be members of the GI rights holder organization.

The role of the GI rights holder is therefore not restricted to setting up the specifications. It must continue throughout the life of the GI product.

This role involves several aspects:

- The GI rights holder manages its own organisation: meetings, boards of directors, general assembly, operating budget;
- The GI rights holder acts as the interface between the GI users and the State;
- The GI rights holder ensures that all its members abide by the GI specifications;
- The GI rights holder provides production and technical assistance and information to the producers (including information on the specifications, HACCP, new standards, etc.)



Figure 29 The GI rights holder, the centre of it all

- The GI rights holder keeps statistical information on the sector (data recovery and statistical processing)
- The GI rights holder oversees the promotion of the GI product (putting in place a marketing strategy, a communication strategy for the GI, visuals, brands, etc.)
- The GI rights holder should act to defend the GI against misuses.

In a nutshell, the GI rights holder coordinates, supports, and implements the activities necessary for the collective development of the product. Its work should be guided by a **vision**, as well as an **implementation and management strategy**, which must be collectively shared by its members.

GI PRODUCERS' GROUP	
Main responsabilités	Main costs ²⁰
<p>Organisation of the GI value chain</p> <ul style="list-style-type: none"> ➤ Federation of producers/value chain around a common strategy; ➤ Drafting of the GI application. <p>Drafting of the GI application</p> <ul style="list-style-type: none"> ➤ Presentation of motivations; ➤ Drafting of the GI specifications; ➤ Drafting of the control plan in collaboration with the control body. <p>Follow-up of the GI application</p> <ul style="list-style-type: none"> ➤ Application instruction to the administration: link between the producers, the competent IPO and the control body; ➤ Organisation/participation in meetings between these 3 entities; ➤ Development of arguments in case of objections. <p>Daily management of the GI</p> <ul style="list-style-type: none"> ➤ Day-to-day management of the legal structure (meetings, boards of directors, general assemblies, etc.); ➤ Management of the operating budget; ➤ GI protection activities management: monitoring of potential GI violations (monitoring of producers' compliance with the GI specifications, monitoring of violations on the Internet, etc.), legal proceedings in case of violations, etc.; ➤ GI promotion activities management: development of a marketing and communication strategy (development of visuals, brands, advertisements, etc.), management of social networks and website, animation of the GI (participation in fairs, exhibitions and other promotional events); ➤ Provision of statistical information on the GI value chain; ➤ Provision of technical assistance, support 	<p>Service provision costs (<i>in case the GI group uses an external consultancies to assist in applying for the GI</i>)</p> <ul style="list-style-type: none"> ➤ Research studies; ➤ Consulting services. <p>Office accommodation costs</p> <ul style="list-style-type: none"> ➤ Rent; ➤ Taxes (if applicable); ➤ Insurance; ➤ Gas/electricity/water; ➤ Office maintenance (cleaning, etc.). <p>Office equipment costs</p> <ul style="list-style-type: none"> ➤ Computer (and Internet subscription); ➤ Phone (and phone subscription); ➤ Printer/scanner (and user costs); ➤ Equipment maintenance; ➤ Office supplies; ➤ Equipment replacement; ➤ General documentation. <p>Administrative costs</p> <ul style="list-style-type: none"> ➤ Staff costs (full/part-time for the GI group manager); ➤ Travel costs; ➤ Bank charges; ➤ Accountant fees; ➤ Meeting costs (general assemblies and other relevant meetings); ➤ Administrative files management costs; ➤ Postage costs. <p>GI protection costs</p> <ul style="list-style-type: none"> ➤ GI application fees; ➤ Domain names registration; ➤ Legal representative; ➤ Legal proceedings.

²⁰ The costs listed in this table shall be perceived as indicative. They shall normally be covered by the producers' fees.

<p>and information to producers (information on specification provisions, HACCP, new standards, etc.);</p> <ul style="list-style-type: none"> ➤ Consumer service management. ➤ If foreseen in the control plan: internal controls management. 	<p>Promotional costs</p> <ul style="list-style-type: none"> ➤ Staff costs; ➤ Travels; ➤ Communication tools and materials; ➤ Advertising; ➤ Promotional events (fairs, exhibitions, etc.). <p>Control costs</p> <ul style="list-style-type: none"> ➤ Control plan drafting costs; ➤ If requested, mock audits (to test the draft control plan before its final registration); ➤ External controller fees (or staff cost, including trainings, if controls are internal)
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Figure 30 Table of GI producers' group main responsibilities and costs

2. Communication strategy

The GI group should ideally define and implement a collective communication strategy. If you do not unite around a single communication strategy, you may create confusion among consumers and damage the reputation of your GI products.

a. Preparing the GI before promoting it



The GI group must be ready before promoting its GI.

You must anticipate the production of your GI before promoting it: if you run a promotion campaign that works great but producers are not able to meet the demand, this can greatly damage the image of the product.

You should therefore adapt your promotion strategy to your collective production capacity and develop both in parallel.

b. Designing a GI group logo and defining labelling rules

The first step to promote a GI is often to create a **visual identity** that will allow the consumer to easily identify the GI product in the marketplace.

For that, you may consider designing a specific **logo** for the GI product, which would typically combine the GI name and a graphic representation (colors, typography, etc.) that can be reused on various communication tools and channels (website, social networks, etc.). A consistent visual identity that is **UNIQUE** to all producers will allow the consumer to identify more easily your GI on the market. The existence of a collective logo does not prevent GI producers from also using their own individual trademark and visuals to distinguish their products within the group.

Since the GI scheme only protects a name but not a design or a logo, the GI applicant group may wish to register the logo as a collective or certification trademark. Labelling rules on the use of a logo may be part of the specifications when applying for the GI (see Chapter 3 D1). You should consider requiring the display the GI logo on the front-of-pack label so that consumers can easily identify the GI product in the marketplace.

<p>'Piment d'Espelette'</p> <p><i>Chili pepper from France</i></p>	<p>'Demerara rum'</p> <p><i>Rum from Guyana</i></p>	<p>'Café de Valdesia'</p> <p><i>Coffee from República Dominicana</i></p>	<p>'Monteserrat Hills'</p> <p><i>Cocoa from Trinidad & Tobago</i></p>	<p>'Parmigiano Reggiano'</p> <p><i>Cheese from Italy</i></p>	<p>'Darjeeling'</p> <p><i>Tea from India</i></p>

Figure 31 Examples of GI group logos

c. Adapting your presence in the digital sphere

Once the visual identity has been created for the GI, it is advised that the group adapt their presence in the digital space accordingly. The Internet is an essential tool to promote quality products and improve their positioning on the international marketplace.

➔ Creating a website dedicated to the GI product

The GI group should create a website dedicated to the registered GI. The website should tell the story of the GI product, its geographical origin, its reputation, the know-how developed in the area, and provide all information useful for the public: a list of current producers and their contact, ideally with a geolocation map, the places to find the product, etc. It is also recommended to include a section to explain how to recognize the authentic GI product on the market (presentation of the GI logo, for example) and for full transparency, the GI specifications.

The website URL should ideally be short and include the exact name of the GI so that consumers can come across it easily when searching the Internet. Below are some best practices for GI websites and URLs:

- ➔ For 'Piment d'Espelette' - <https://www.pimentdespelette.com/>;
- ➔ For 'Parmigiano Reggiano' - <https://www.parmigianoreggiano.com/>;
- ➔ For 'Champagne', <https://www.champagne.fr/en/homepage>.

You should consider making the website available at least in English, and possibly in the languages of your main export markets, to reach international audiences and support export sales.

IMPORTANT: You should consider registering the GI name in the domain name system under several extensions, especially if the GI is, or becomes, popular. This will prevent attempts at Internet fraud and enable the creation of a website with the desired URL. The GI name should be protected under the extension of the country of origin of the GI (Country Code Top-Level Domains such as: .jm for Jamaica; .gy for Guyana; .tt for Trinidad & Tobago; etc.), and possibly also under the so-called 'generic' extensions that have an international dimension and are particularly popular (Generic Top-Level Domains such as: .com, .org, .net, etc.). Moreover, in the last few years, new generic extensions have

appeared, and it is now possible to use public authorities name in a top-level domain name such as .demerara; .kingston; etc., it would therefore be wise to register extensions with the name of the respective countries, regions, or GI areas.

For example, for "Demerara rum", the GI group could protect the following domain names: demerararum.com; demerararum.org; demerararum.net; demerararum.gy; demerararum.guyana; rum.demerara, etc.

The more domain names protected, the more you prevent the GI from potential Internet frauds.

➔ Creating social network pages dedicated to the GI product

Social networks allow the group to enlarge the visibility of GI products, to increase their visibility and to reach an international audience. It is essential to be present on social networks nowadays, especially since the Covid-19 crisis where the Internet has taken a prominent place in people's lives. Consumers are moving away from physical commerce to online commerce, making the Internet a central marketplace. However, there is a real need to assess the relevant networks to work with as not all of them are used the same ways in each country.

Below are examples of best practices for GI pages on social networks:

- ➔ For 'Piment d'Espelette': [Facebook](#); [Twitter](#); [Instagram](#)
- ➔ For 'Parmigiano Reggiano': [Facebook](#); [Twitter](#); [Instagram](#); [Linkedin](#); [Youtube](#)
- ➔ For 'Champagne': [Facebook](#); [Twitter](#); [Instagram](#); [Linkedin](#); [Youtube](#); [Wechat](#); [Pinterest](#).

➔ Referencing GI products on e-commerce platforms

It is also advisable to reference the GI products on e-commerce platforms to improve product positioning on the international marketplace and potentially increase export sales. Here are some examples of e-commerce platforms adapted to agri-food products: [Alibaba](#), [Range.me](#), [ImportFood](#), but there may be some others used in the Caribbean region.

d. Organising and participating in physical promotional activities

➔ Participating in existing agri-food fairs and exhibitions

It will also be important to include a strategy to exhibit the GI products as much as possible in agri-food fairs organised in national, regional and international markets. It is essential to take advantage of the visibility offered by these fairs to make the GI products known and increase their visibility and positive reputation. It is also an opportunity to build customer loyalty and expand contacts outside the usual geographical area to increase sales. An agri-food fair also offers the opportunity to identify potential competition, to better position product offerings and to develop the product to better adapt to market trends.

It is also a good strategy to participate in major international agri-food fairs, e.g., [Salon International de l'Alimentation Paris](#) (SIAL Paris) in France, [Americas Food and Beverage Show](#) and [Summer Fancy Food Show](#) in United States, [CIBUS International Food Exhibition](#) in Italy, [Expoalimentaria](#) in Peru, etc., in order to make your quality products known to an international audience and increase export sales.

➔ Organising your own promotional events

It will also be important to organise your own events around the GI products. For example, you can consider proposing partnerships to your respective municipalities or regions to organise an annual or bi-annual local festival around your quality products. Municipalities/regions may be particularly interested in this kind of partnership, which allows for the possibility to promote the quality products of the region and develop local tourism. For example, the producers of 'Piment d'Espelette' can promote their GI product during [La Fête du Piment](#) (the chili pepper festival) organised each year by the little municipality of Espelette in partnership with the 'Confrérie du Piment d'Espelette' ('Piment d'Espelette brotherhood') during which the production of 'Piment d'Espelette' is honoured. The event includes tastings of 'Piment d'Espelette' dishes, Basque dances, an election for the most beautiful chilli peppers stand, the 'Piment d'Espelette' of the year award, chilli peppers stringing workshops, etc. This festival now has a reputation that goes far beyond the Basque Country and is reported in local and national newspapers, which gives the GI product a very high visibility.

Another world-famous festival is the [Oktoberfest](#) (beer festival) organised by the city of Munich in Germany where producers of 'Bayerisches Bier' can promote their GI product to a wide international audience.



You can also organise public competitions in your region where producers compete for the prize of the best GI product. For example, for 'Piment d'Espelette', producers have organised in 2021 the 4th edition of the ['Concours officiel du Piment d'Espelette – Ezpeletako Biperra AOP'](#) ('Official competition of Piment d'espelette-Ezpeletako Biperra PDO'), rewarding the best powders tasted during this event. The local press often picks up on this type of event.

Figure 32 'Piment d'Espelette' powder Source: ©Anne CLERMONTTELE

e. Carrying out communication campaigns

➔ Public media

It will also be important to set up communication campaigns using public media such as local and national newspapers, radio or television. In this case, the GI group can have partnerships with TV shows to make TV reports on the GI producers' sites to promote the terroir of the region and the GI product. In the case of champagne, which probably has one of the best promotional campaigns for a GI product, TV reports are regularly organised on the famous wine, which increases its reputation day by day.



Figure 33 Bottle of 'Champagne' Source: ©Anne CLERMONTTELE

➤ Partnership with chefs or celebrities

Partnerships with renowned chefs who could feature the GI product in signature recipes to give it visibility can also be pursued.

To take again the case of 'Champagne', producers have many partnerships with famous chefs to promote their product. For example, the G.H. Mumm 'Champagne' brand (111.9 million euros in turnover in 2013) has been organising its '[Menus de Légende](#)' ('Legendary Menus' in French) every year since 2009, where guest chefs revisit historical meals in their establishments over a period of two weeks to one month: menus served at the Élysée Palace, at the 'Belle Époque', on board the Orient Express or created by monuments of French cuisine such as François Vatel, Antonin Carême, Auguste Escoffier or Fernand Point. In total, 56 great chefs have participated in the various editions of the 'Menus de Légende'. The chefs are not directly remunerated for these partnerships, but the producers make their products available free of charge. When a product is not known, it is likely that

you will have to offer a certain quantity of your product in exchange for the partnership.

**Figure 34 Conjure Cognac vinyl**

The GI '[Sel de Guérande](#)' (Salt from France) has also become a flagship product for great chefs thanks to its exceptional qualities, Pierre Hermé, Cyril Lignac, Paul Bocuse and Eric Frechon are just some of the great names in French cuisine who have come up with numerous [recipes](#) using this GI product.

We can also talk about partnerships between French spirits houses and US rappers and mention in particular the partnership between the Birkedal Hartmann Cognac house and the rapper Ludacris in 2009, who co-created the [Conjure Cognac](#) brand, which was a huge success. The rapper promoted the brand through his social networks, [video advertisements](#), [vinyls](#), etc., which gave the brand and Cognac huge visibility.

➤ Tourist circuits: the gastronomic 'routes'

Finally, consideration can be given to the gastronomic routes which can give great visibility to GIs while contributing to local tourism and rural development: e.g. the Tequila route in Mexico '[La Ruta del Tequila](#)' (Mexican alcoholic beverage), the Pisco route in Peru '[La ruta del Pisco](#)' (Peruvian alcoholic beverage), the Ossau-Iraty cheese route '[La route du fromage Ossau-Iraty](#)' (French cheese), the Savoie cheeses route '[La route des fromages de Savoie](#)' (French cheese), the Périgord walnut

route '[La route de la noix du Périgord](#)' (French walnut), the Bordeaux wine route '[La route des vins de Bordeaux](#)' (French wine), etc.



These gastronomic routes allow the public to discover the terroir of their favorite products, to meet the producers and to taste and purchase authentic GI products directly at the production site. They give great visibility to the GI product and demonstrate its authenticity. It is also an opportunity to make direct sales to consumers.

These routes can be done on foot, by bike, car or bus, depending on the size of the area and the facilities available.

Figure 35 Map of the Pisco route 'La Ruta del Pisco'

E. Protection granted with Geographical Indications

1. Effect of GI registration and protection

The protection of a GI name is based on regulatory provisions specific to geographical indications defined at the national, regional, or international level. The qualities of a GI are also closely tied to issues related to deception, fraud, unfair competition, and parasitism (which consists of taking advantage of the reputation attached to a GI without submitting to the same rules and constraints).

In *sui generis* legislations, GI registrations are not subject to a specific period of validity. This means that the protection for a registered GI will remain valid unless the registration is cancelled.

However, in some CARIFOURM GI legal frameworks and in territories where protection is based on the trademark system, registered GIs may be protected for renewable ten-year periods.

- ➔ GI protection covers the use of GIs by unauthorized parties or the lack of GI specification compliance, which may be detrimental to legitimate producers and to consumers. Such uses deceive consumers, misleading them to believe they are buying a genuine product with specific qualities and characteristics. Producers suffer damage because valuable business is taken away from them, and the established reputation of their products may be affected by consumers unknowingly buying fakes with inferior qualities.
- ➔ Protecting a GI enables those who have the legitimate right to use the indication to take measures against others who use it without permission and who benefit from its reputation free of charge ("free-riders"). Protecting a GI is also a way to forestall registration of the indication as a trademark by a third party, and to limit the risk of the indication becoming a generic term.

Figure 36 addresses GI protection and the legal effects of registration.

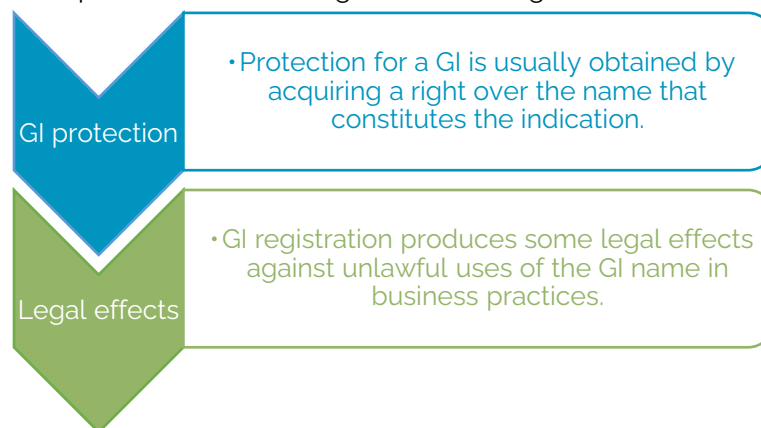


Figure 36 GI protection

A geographical indication right enables GI right holders to **prevent its use by a third party** whose product does not conform to the defined standards.

BOX: 'Darjeeling' protection

In jurisdictions where the Darjeeling GI is protected, producers can exclude use of the term "Darjeeling" for tea not grown in their tea gardens or not produced according to the standards set out in the code of practice/specifications for the GI.

In this case, the Tea Board hired a Worldwide Watch agency called Compumark, whose job it is to monitor and report cases of unauthorized use and any other attempt to register products under the brand name "Darjeeling." This is how the Tea Board prevents the misuse of the brand name.

As a result of these measures, a company called "Bulgari" agreed to withdraw its application to use the tag "Darjeeling Tea fragrance for men."

The acquiring of this GI had positive consequences. It in fact secured premium prices, which in turn benefited the workers. Because of the protection, Darjeeling tea was able to maintain stability even when the tea sector experienced a crisis. It also brought about consolidation of ownership and new investments in Darjeeling tea.



However, a protected GI does not enable the right holder to prevent someone from making a product using the same techniques as those set out in the standards for that indication. Protection for a GI is usually obtained by acquiring a right over the sign (which is mainly a name) that constitutes the indication.

GIs can never be considered as having a generic character and falling into the public domain once they are registered.

GI protection covers different types of issues. It is also sometimes necessary to take action when the GI faces an infringement likely to weaken the value chain and the image of the product.

In practice, some activities which can be implemented against infringers may include:

- Identification of cases of GI infringements (direct or indirect): by the group of producers, by the producers themselves, by the consumers, by the public bodies, etc.
- Identification of issues between GIs and trademarks: establishing a system of monitoring trademark applications likely to impact the GI (in some countries and international databases, automatic alerts can be set-up).
- Enforcement activities, *ex officio* actions (enforcement of intellectual property laws, criminal enforcement, etc.), and relationships with *ex officio* competent authorities (e.g. frauds department, customs, police).

It is useful to distinguish between:

- ➔ GI protection (as referred to above)

and

- the person or institutions entitled to protect the GI. Normally, GI group and every right holder may have the competency to protect the GI. When the legal framework covers the *ex officio* protection (protection directly implemented by public bodies), some specific authorities such as the frauds department, consumers protection department, or customs may take direct actions to protect the GI.



KEY TAKEAWAYS

- The use of a registered GI is restricted to the products **that meet the established specifications** and gives producers an exclusive right to use the registered name for their products
- There are **legal means** legitimate users can resort to protect the GI name

2. GI protection scope

Classical provisions will cover the **different types of GI infringements**²¹:

No person shall:

(a) in the designation or presentation of goods, by any means, indicate or suggest that the goods originate in a geographical area other than the true place of origin in a manner that misleads the public as to the geographical origin of the goods;

(b) use a registered geographical indication for direct or indirect commercial misuse in respect of goods that are identical or comparable to those of the registered geographical indication where the misuse benefited or would benefit from the reputation of the geographical indication;

(c) use a registered geographical indication for direct or indirect commercial misuse in respect of goods that are non-identical or non-comparable to those of the registered geographical indication where the misuse benefited or would benefit from the reputation of the geographical indication;

(d) use a registered geographical indication identifying goods not originating in the place indicated by the geographical indication in question even where the true origin of the goods is indicated or the geographical indication is used in translation or accompanied by expressions such as "kind", "type", "style", "imitation" or the like, including imitation, evocation or translation of the registered geographical indication;

(e) engage in conduct which constitutes an act of unfair competition, being an act of competition contrary to honest practices in industrial or commercial matters and including:

(i) all acts of such a nature as to create confusion by any means whatever with the establishment, the goods, or the industrial or commercial activities, of a competitor;

(ii) false allegations in the course of trade of such a nature as to discredit the establishment, the goods, or the industrial or commercial activities, of a competitor; and

(iii) indications or allegations, the use of which in the course of trade, is liable to mislead the public as to the nature, the manufacturing process, the characteristics, the suitability for their purpose, or the quantity, of the goods.

The figure 37 summarizes the main types of GI infringements:

²¹ Based on the GI Model Law developed in the framework of the CARIPI project, by the CARIFORUM IP Offices

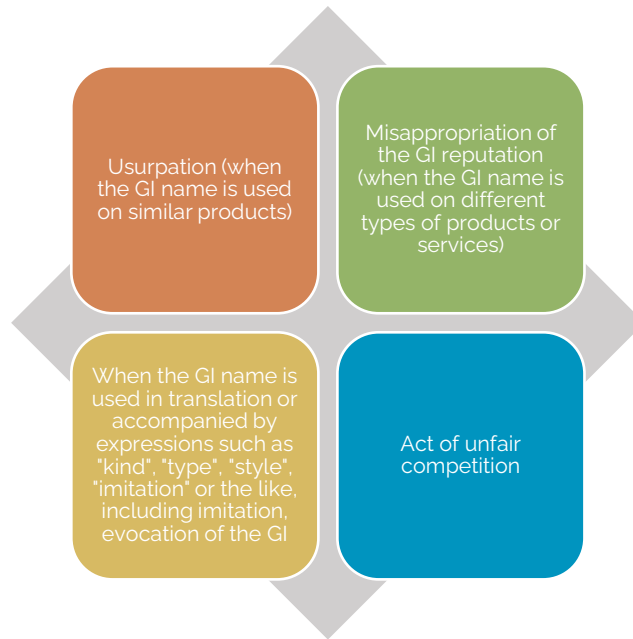


Figure 37 Typology of GI infringements

The GI infringements may be identified in different ways: in local markets, supermarkets, magazines, professional booklets, fairs, trademark application publications, on the internet (websites, social media, online marketplaces, etc.).

The figure 38 provides examples of GI enforcement. Specifically, GI rights enforcement applies to:

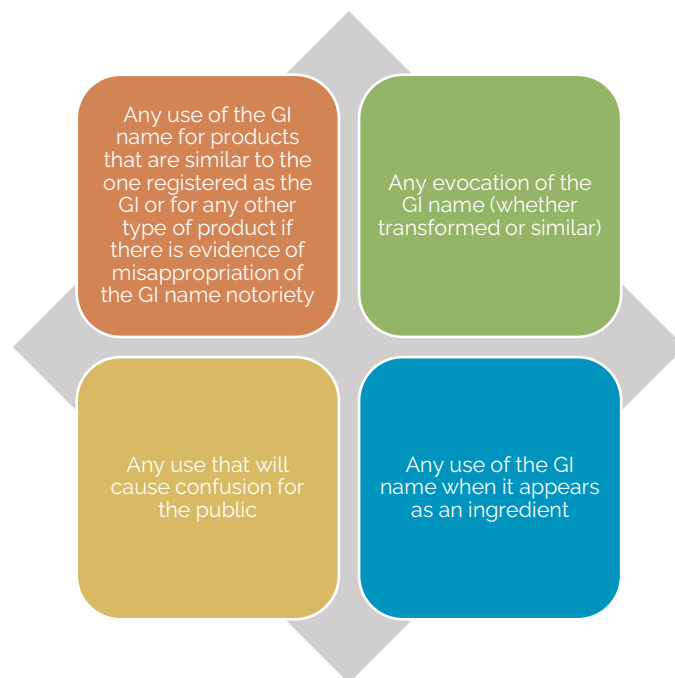


Figure 38 GI rights enforcement

BOX: GI 'Champagne' and Champanillo name case Case of misappropriation of the GI notoriety

The Court of Justice of the European Union (CJEU) rendered an important judgment on September 9, 2021, on the question of the protection of the evocation of the GI Champagne in the case (C-783/19) of a chain of Spanish tapas bars called "Champanillo" (meaning "little champagne" in Spanish) and the Interprofessional Committee of Champagne Wine (CIVC). The company, governed by Spanish laws, designates and promotes its establishments under the Champanillo brand. In its advertisements, especially on social networks, it uses a graphic medium representing two glasses tapping against each other.

The question here is whether the GI Champagne can extend to actions targeting catering services. In its decision, the CJEU answers in the affirmative and specifies that the scope of protection granted by a GI is not limited to products, it also extends to services.



KEY TAKEAWAYS

- ➔ GI protection covers a wide range of situations
- ➔ The objective is to **protect the producers** involved in the GI process **as well as the consumers**

3. How to enforce GI rights

GI protection is typically enforced by the 'applicant' this is the group that registered the GI:

- ➔ In relation to the GI producers – to check if they correctly implement and respect the GI specifications
- ➔ In relation to third parties (at national and international level) – to fight against GI usurpations and infringements.

However, sometimes the legal framework also provides for *ex officio* protection, or protection implemented by public bodies (e.g. when customs can act directly upon a shipment of infringing goods).

a. Enforcement by the GI group

Like all intellectual property rights, GI rights are enforced by the application of national legislation, typically in a court of law. The right to act could rest with a competent authority, the public prosecutor, or any interested party, whether a natural person or a legal entity and whether public or private. The sanctions provided for in national legislation could be civil (injunctions restraining or prohibiting unlawful acts, actions for damages, etc.), criminal, or administrative.

The GI right holders may need to take action to ascertain their rights.

The GI Group should adopt a two-step approach in case it identifies a misuse of the GI:

- **Step one:** Sending a warning letter to the infringer (a warning letter may solve many conflicts)
- **Step two:** Initiating legal action if no positive outcome following step one

b. Ex officio protection

Defined national public bodies (such as the frauds department, consumers protection department or customs) may take appropriate administrative and judicial steps to prevent or stop the unlawful use of the name of products that are produced or marketed in the country.

In practice, when producers realize there is a misuse of the GI, they can ask customs or consumer offices to intervene and remove the product from the market in addition to requiring specific legal provisions for protection of the GI name.

4. Protection of GIs used as ingredients

a. Context

This section aims to provide **recommendations on what can or cannot be put on the label of a processed product using a GI as an ingredient.**

Some processors do not hesitate to use the reputation of GIs to add value to their processed product. It can indeed be very convenient for them to use a GI as an ingredient, on the one hand to benefit from their inherent quality, but also and above all to be able to advertise them and thus benefit from their notoriety, since consumers are increasingly concerned about the authenticity of the products they consume.

The use of a GI as an ingredient can also present several opportunities for producers, including:

- An increase in production volumes by diversifying commercial outlets;
- An increase in the value and promotion of their GI product by giving it visibility.

This approach can also pose some challenges including:

- A risk of creating confusion among consumers between their GI and the processed product;
- A damage to the reputation of their GI product.

If the final quality of the processed product that uses the GI is not considered as high enough, this can be very damaging to producers.

b. European guidelines

There is no mandatory legislation on the labelling of processed products using GIs as ingredients, but there are European guidelines giving basic instructions, which are presented below.

Indeed, in 2010, the European Commission (EC) adopted guidelines in the form of a communication which aims to illustrate the legislative provisions of the ["Regulation \(EU\) No 1151/2012 on quality schemes for agricultural products and foodstuffs"](#) to help economic operators determine their room for maneuver in this area. This communication is entitled ["Guidelines on the labelling of foodstuffs using protected designations of origin \(PDOs\) or protected geographical indications \(PGIs\) as](#)

[ingredients.](#)" It is based on agricultural and foodstuffs, but the principles could be implemented for other types of GI products.


The European Commission guidelines are as follows:

According to the European Commission, a name registered as a GI may legitimately be included in the list of ingredients of a foodstuff.

The Commission also considers that a name registered as a GI may be mentioned in or close to the trade name of a foodstuff incorporating products benefiting from a registered name, as well as in the labelling, presentation and advertising relating to that foodstuff, [provided that the following conditions are met:](#)


- 1. The foodstuff in question should not contain any other 'comparable ingredient'**, i.e. any other ingredient which may partially or totally replace the ingredient benefiting from a GI. As a non-restrictive example of the concept of 'comparable ingredient', the Commission considers that a blue-veined cheese (commonly known as 'blue cheese') could be considered comparable to 'Roquefort' cheese.
- 2. This ingredient should also be used in sufficient quantities to confer an essential characteristic** on the foodstuff concerned. However, given the wide range of possible scenarios, the Commission is not able to suggest a minimum percentage to be uniformly applied. As an example, the incorporation of a minimum amount of a spice benefiting from a GI in a foodstuff could, if appropriate, be sufficient to confer an essential characteristic on that foodstuff. By contrast, the incorporation of a minimum amount of meat benefiting from a GI in a foodstuff would not a priori be sufficient to confer an essential characteristic on a foodstuff.
- 3. Finally, the percentage of incorporation of an ingredient with a GI should ideally be indicated in or in close proximity to the trade name of the relevant foodstuff** or, failing that, in the list of ingredients, in direct relation to the ingredient in question.

On the assumption that the above conditions are met, the Commission feels that the **Geographical Indications terms, abbreviations or symbols** accompanying the registered name should be used in labelling, within or close to the trade name or in the list of ingredients of the foodstuff **only if it is made clear that the said foodstuff is not itself a GI**. Otherwise, the Commission takes the view that this would result in the undue exploitation of the reputation of the GI and result in consumers being misled. For example, the trade names 'Pizza au Roquefort' (Pizza with Roquefort) or 'Pizza élaborée avec du Roquefort AOP' (Pizza prepared with Roquefort PDO) would hardly give rise to a dispute in the eyes of the Commission. By contrast, the trade name 'Pizza au Roquefort AOP' (Pizza with Roquefort PDO) would clearly be ill-advised, in as much as it could give the consumer the impression that the pizza as such was a product benefiting from a PDO.




1. NO COMPARABLE INGREDIENTS

The foodstuff **should not contain any other 'comparable ingredient'**, i.e. any other ingredient which may partially or totally replace the GI.



2. ESSENTIAL CHARACTERISTIC

The GI should be used in **sufficient quantities to confer an essential characteristic** on the foodstuff in question.



3. PERCENTAGE TO BE MENTIONED

The **percentage of incorporation** of a GI should be indicated in or in close **proximity to the trade name** of the foodstuff in question.

GIs TERMS, ABBREVIATIONS AND LOGOS

If the above conditions are met, the GIs **terms, abbreviations and logos** can accompany the registered name in the labelling, within or close to the trade name or in the list of ingredients of the foodstuff **only if it is made clear that the said foodstuff is not itself a GI**.









Figure 40 Guidelines on the labelling of foodstuffs using GIs as ingredients

The Commission takes the view that, **if an ingredient comparable to an ingredient benefiting from a GI has been incorporated in a foodstuff, the name registered as a GI should appear only in the list of ingredients**, in accordance with rules similar to those applicable to the other ingredients mentioned. In particular, it would be appropriate to use characters that are identical in terms of font, size, color, etc.

Here are some examples of Geographical Indication's names and logos used in processed products to benefit from their reputation in order to increase consumer interest.

GI name and logo (if any)	Processed product using the GI as an ingredient	
<p>GI « Grana Padano » Italian cheese</p> 	<p><i>Bolognese lasagna</i></p> 	<p>In this case, the name of the "Grana Padano" GI (PDO) and the logo of the GI right holder are applied on the front of the processed product's marketing packaging.</p> 
<p>GI « Parmigiano reggiano » Italian cheese</p> 	<p><i>Pesto sauce</i></p> 	<p>In this case, the logo of the GI right holder is applied on the front of the processed product's marketing packaging.</p> 
<p>GI « Beurre Charentes-Poitou » Charentes-Poitou butter (France)</p> 	<p><i>Chocolate croissant</i></p> 	<p>In this case, the name of the "Beurre Charentes-Poitou" GI (PDO) and the logo of the GI right holder are applied on the front of the processed product's marketing packaging.</p>

<p>GI « Piment d'Espelette » Espelette sweet chili (France)</p> 	<p>Chocolate bar</p> 	<p>In this case, the name of the "Piment d'Espelette" GI (PDO) is applied on the front of the processed product's marketing packaging.</p> <p>The GI group drafted a specific note on the use of the GI as ingredient agreed to by the public authorities.</p> 
<p>GI « Sel de Guérande » French salt</p>	<p>Crisp packet</p> 	<p>In this case, the name of the "Sel de Guérande" GI (PGI) is applied on the front of the processed product's marketing packaging.</p> 

c. EU case law

The Association of European Regions for products of Origin (AREPO), which is a European network of Regions and producer associations that deals with EU quality schemes and more specifically GIs, recently published a study on EU Geographical Indications used as ingredients in processed products.²² The study is available to download and is the result of research carried out involving AREPO member Regions and associations of producers.

d. Recommendations

As recommended by AREPO and by AND International and al. in their report on the "Evaluation support study on Geographical Indications and Traditional Specialties Guaranteed protected in the EU,"²³ it is necessary for the institutions to make it compulsory to establish upstream contracts between the GI right holders and operators seeking to use the GI as an ingredient and in the sales name of their finished product, to avoid any conflict between stakeholders later on.

²² AREPO. 2021. The use of EU Geographical Indications as ingredients. Consulted on arepoquality.eu.

²³ AND International and al. 2021. *Evaluation support study on Geographical Indications and Traditional Specialties Guaranteed protected in the EU*. Final report. Consulted on op.europa.eu.

The GI group can define a common rule for the use of the GI name in a list of ingredients and to disseminate this common rule among all the stakeholders (retailers, processors, etc.). This will avoid future conflicts.

Additionally, legal protection of GIs as ingredients may be conferred by the law.

CHAPTER 3 | GIs manual for IPO examiners and authorities

A. GIs application

1. Administration responsible for assessing the application

The competent authority (“the Authority”) plays a very important role in the protection of Geographical Indications: it is responsible for, and empowered to, perform all functions in respect of the administration of Geographical Indications in the relevant jurisdiction. In most CARIFORUM States, the Authority would be the Registrar of the IPO, the Director of the IPO, or a Ministry. Nonetheless depending on the jurisdiction the responsibilities may be shared between different bodies.

The responsibilities of the Authority typically include”:

- Assisting potential GI applicants in the preparation of their application;
- Examining the GI applications (including product specifications), what implies conducting substantive examination of national GI applications, including technical evaluation of the application for registration, and the preparation of the decision to grant or reject the GI application, either directly or supported by external experts
- Preparing materials, undertaking administrative tasks, completing the formality check requirements documents for the registration of GIs;
- Publishing valid GI applications for possible objections and handling any objection raised;
- Where applicable, coordinating the GI Commission, Board or external experts;
- Maintaining a register of protected GIs and delivering GI protection titles;
- Monitoring the use of the registered GIs (this may include for example maintaining a list of 'legitimate' GI users) and the compliance with the specifications;
- Cancelling registered GIs (if the conditions are met);
- Monitoring trademarks registrations when the trademarks use a protected GI name or sign;
- Advising or facilitating the protection of domestic GIs in foreign countries, for instance through applications for GI protection under the Geneva Act or under the GI system of another jurisdiction, and/or international negotiations that cover GI matters.
- Conducting any other action as set out in the domestic legal framework or, more generally, to administer GIs and support GI right holders.

The Authority may also explore the eligibility of potential GI products, indicating to producers/stakeholders the compliance requirements for their products and their production processes under the GI regime, as well as the potential positive impacts that GI registration could have for their products and ecosystem. It may also elaborate a list of potential GIs that could be created if an interest exists. The duties of the Authority are normally prescribed by the Law.

INTELLECTUAL PROPERTY OFFICES	
Main responsibilities	Main costs
<p>Handling GI d</p> <ul style="list-style-type: none"> ➤ Processing of applications for GI registration; ➤ Organisation/participation in meetings with the producers (and the control body); ➤ If necessary, on-site visits to some producers to understand the product process and the ecosystem; ➤ Verification of the information contained in GI applications; ➤ Verification of the potential grounds to reject or limit the GI application; ➤ Validation of the control plan, if agreed to have one; ➤ Registration of the GI application; ➤ Management of potential GI objections/opposition <p>Monitoring of trademark applications</p> <ul style="list-style-type: none"> ➤ Management of potential conflicts (e.g. trademarks containing a GI name or sign). <p>Supervision of GIs</p> <ul style="list-style-type: none"> ➤ Design and printing ➤ Promotion and communication on the GI policy (e.g. through promotional events, existing communication tools, leaflets, etc.); ➤ Supervision of GIs (economic monitoring, market monitoring for potential violations, etc.); ➤ Supervision of the GI control system (evaluation and accreditation of the control bodies in charge of controlling compliance with the specifications); ➤ Identification of new potential GIs in its area of intervention and assistance to potential GI applicants. 	<p>Administrative costs</p> <ul style="list-style-type: none"> ➤ Staff (full/part-time); ➤ Staff training; ➤ Travels; ➤ Meetings and hearings; ➤ Document management; ➤ Certification files management; ➤ Postmail services ; ➤ IT services. <p>Office equipment costs</p> <ul style="list-style-type: none"> ➤ Office supplies; ➤ Equipment maintenance. <p>Promotional costs</p> <ul style="list-style-type: none"> ➤ Communication tools and materials; ➤ Advertising; ➤ Promotional events.

Figure 39 Table of the main (typical) responsibilities and costs for the Authority

2. Prohibitions/limitations of GI registration

In practice, there are cases where GI protection cannot be granted. Normally, these cases are defined in the legal framework, based on the TRIPS Agreement. The following is a review of some cases of GI registration limitations:

➔ Generic names

The Authority shall refuse the registration of a GI if the term for which protection is sought is generic. "Generic" refers to a name for which the relevant indication is identical with the term customary in common language as the common name for such goods or services in the territory of the concerned country. Such names that have lost their geographical significance, hence they cannot be registered as GIs. Genericity is an absolute ground²⁴ for refusal to register a GI. An assessment of genericity is based on the principle of territoriality: such assessment can only be made on, and apply to, the territory of a jurisdiction. Whether the term is generic or not in another jurisdiction is irrelevant.

➔ Homonymous Geographical Indications

Homonymous GIs are those that are spelled or pronounced alike, but which identify products originating in different places, usually in different countries, such as "Guryère" (cheeses from Switzerland and from France) or "Pisco" (spirits from Peru and from Chile). In principle, these indications should coexist, however, such coexistence may be subject to certain conditions. For example, it may be required that they be used in association with additional information as to the origin of the product to prevent consumers from being misled.

The Authority should refuse protection to a GI if, due to the existence of another homonymous geographical indication, its use would be considered potentially misleading to consumers regarding the true origin of the product.

➔ Plant varieties and animal breeds

In certain jurisdictions, protection may be refused to a GI if it conflicts with the name of a plant variety or an animal breed and may, as a result, mislead the consumer as to the true origin of the product.

Example: In France, there is a cow breed "Blonde d'Aquitaine", which means blond-hair cow of the Aquitaine Region. Despite the fact that the name of the breed contains a geographical name "Aquitaine", this denomination should not be registered as a GI as this denomination is officially registered as an animal breed and may be used by any breeder wishing to breed such cows.

➔ Conflict with a prior mark or legitimate use:

A GI will be refused protection if the Authority considers that the GI is identical or similar to a trademark previously applied for, registered or acquired through use, in good faith, and that use of the GI would result in a likelihood of confusion with the trademark. In these circumstances, the existence of the mark prevails over the recognition of the GI.

➔ GIs that have fallen into disuse

²⁴ Absolute grounds for refusal refer to legal grounds upon which a GI application may be refused registration.

A GI that has been registered or recognized in the past may not be functioning in practice for several reasons, such as for example:

- the GI producers disappeared or ceased to produce the GI product (for economic reason most of the time);
- the GI producers and the GI group did not protect the GI against many infringements, allowing several unfair uses that have led to the genericity of the GI name. The specific link disappeared in practice.

The GI is no longer used during trade and has disappeared from the marketplace. In this context, the Authority shall cancel the GI.

These GI limitations or prohibitions shall be evidenced by the concerned stakeholders and scrutinized by the examiners for each application.

3. Type of applicant

"GI applicant" normally means any organization identified by law to be an applicant for a GI registration to exercise legal rights representing the interests of the community who seeks to register a Geographical Indication in relation to specific goods.

Indeed, establishing and maintaining a GI is a **voluntary** and **collective endeavor**, which requires the producers, processors and/or traders, as well as all the other operators and organisations involved in the process or linked to the value chain (such as chambers of commerce or local authorities), to be fully committed to the process (local regulations can also enable local authorities or consumers' associations to be part of the applicant).

To act collectively, the relevant stakeholders should set up an **organization representing all the GI value chain stakeholders** (referred to as "**the GI group**") that will support and follow up the GI application as well as manage the future GI.

In practice, **any of the following types of organizations should be entitled to apply for a GI:**

- ➔ Associations;
- ➔ Cooperatives;
- ➔ Enterprises;
- ➔ Interbranch organization;
- ➔ Economic interest groups;
- ➔ Governmental bodies;
- ➔ Industrial unions;
- ➔ Chamber of Commerce and Industries or Chamber of Agriculture.

The legal form of the GI group usually is of little relevance to the examiner.

BOX: Case of single applicant or single producer

The possibility of GI registration for a single person shall be considered in **exceptional situations**, and only if allowed in the national legal framework. This case can occur in some

cases where only one producer produces a product eligible as a GI. There may be a risk that production stops. A single applicant can usually be accepted. However, as GIs are collective rights, **the single GI applicant must accept other future producers** who may establish production in the area and abide by the GI specifications. If this is not the case, the GI would effectively award a monopoly, and hence not deliver the expected impacts for local communities and the territory. . If such situation happens, the Authority shall take these specific conditions into account during the examination.

The GI group must be representative of the various categories of operators involved in the value chain of the product. It should also be an inclusive organisation, allowing all relevant producers to be represented, without arbitrary exclusion.

The information contained in the application must generally demonstrate the GI group's:

- capacity to legitimately represent the GI producers in the course the GI product trade;
- inclusiveness: the use of the GI must be accessible to all the producers who comply with the specifications within the geographical area;
- mission and the way it manages the GI, defends the operators, and ensures controls.

The GI group should act as the main contact point with national authorities, draw up the specifications (and update them as needed), protect the GI and enforce the associated IPRs. The GI group will represent the GI in front of all types of stakeholders. Once the GI is registered by the Authority, the applicant becomes in practice the GI right holder (or the representative of the right holders).

Although there is no rule as to the legal status of the applicant, the examiner shall ensure that the GI applicant is capable of representing the GI stakeholders and to carry out GI related duties.

BOX: Case of several applicants

It may happen in certain cases, which are rare in practice, that the same GI name may be applied by two groups. **This situation happens when different visions on the manufacturing processes exist.**

When the competent authority faces such a situation, the following activities should be implemented:

- understand the context and ecosystem of each application;
- **try to unite the groups of producers**, especially if the products and production methods are identical or are not so different;
- **promote dialogue** to avoid legal actions;
- in the event of no agreement, **assess**, on the one hand, **which group is truly representative of the production of the product** in question on the territory concerned and, on the other hand, the eligibility of the request for a GI (criteria set out in the specifications presented). The perception of consumers on the product may also be ascertained.

4. Content of the application

The application form solicits information in respect of the applicant and specifications in relation to the product which is the subject of the GI application. An example of application form is presented when discussing the GI registration procedure below.

B. GIs registration procedure

1. Overview of the GI Registration Process

- ➔ Upon receipt of an application for GI Registration, the competent authority must firstly undertake a formal examination of the structure and formal content of the application.
- ➔ If the application is formally complete, then the competent authority must proceed with the substantive examination of the GI application. Sometimes this responsibility is given to a specialised board made up of staff from public authorities in charge of agriculture, industry, trade, and inspections, and/or experts with the specific competence required for this type of examination (producers, researchers, academics, etc.). In case this examination is positive, the GI is then registered by the competent authority and published in the national GI registry.
- ➔ As illustrated in the diagram below, once all requirements are met, the GI is registered and the GI certificate is issued. A sample of the GI Certificate is also presented below.

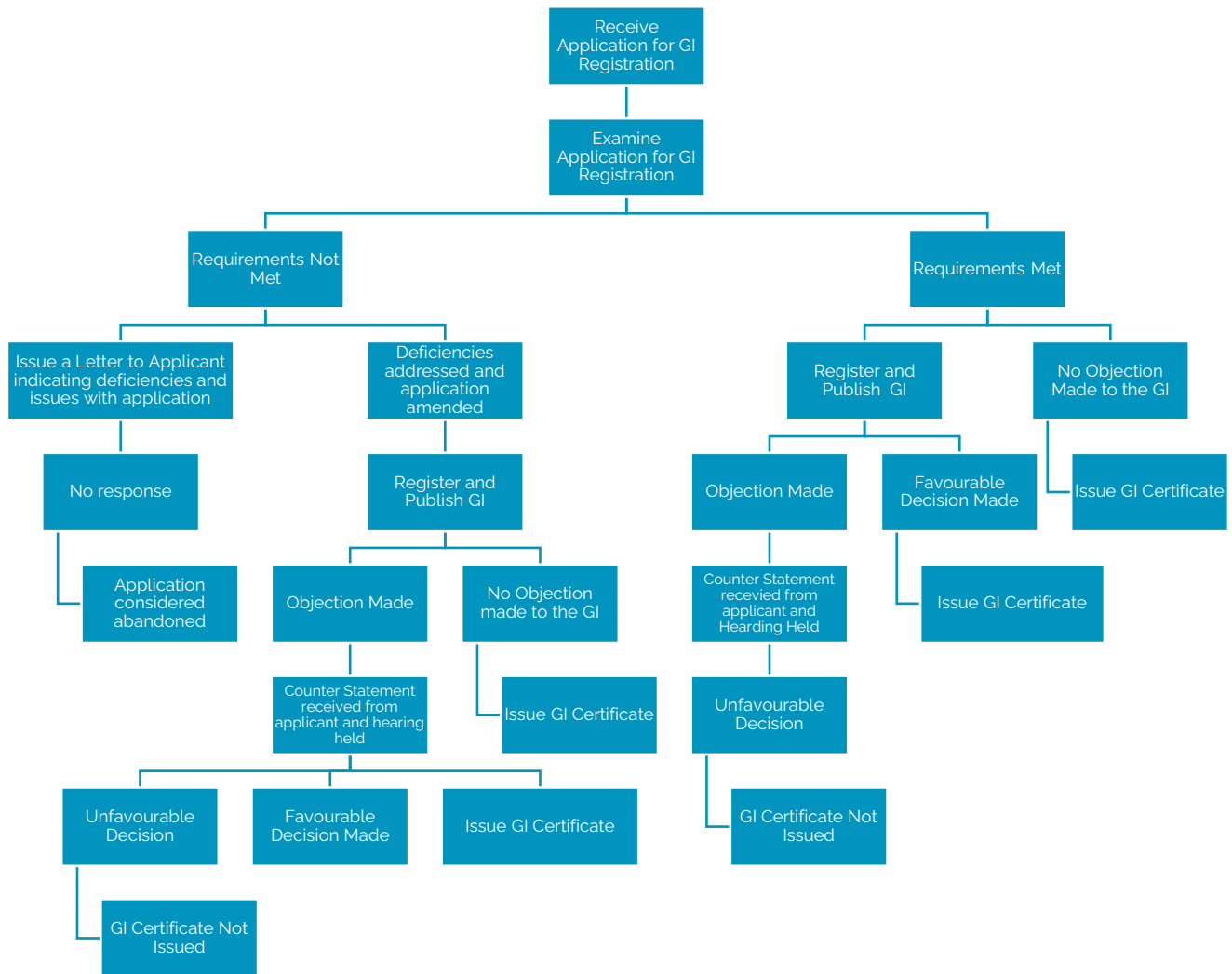


Figure 40 Snapshot of the GI Registration Process²⁵

²⁵ The GI Registration Process presented is based on the 2021 version of the GI Model Law developed.

Name of the country

GEOGRAPHICAL INDICATION ACT

**GEOGRAPHICAL INDICATION
CERTIFICATE**

(Pursuant to section 18 of the GI Act)

In accordance with section 18 of the Act, it is hereby certified that the Geographical Indication.... NAME OF THE GI has been registered

REGISTRATION N°:

DATE OF REGISTRATION:

APPLICATION N°:

FILLING DATE :

In the name of APPLICANT / REPRESENTATIVE

TYPE OF GOODS COVERED BY THE GI

GEOGRAPHICAL AREA

A description of the quality, reputation or other characteristics of the goods for which the geographical indication is used and any conditions under which the indication may be used accompanies this certificate.

GI LOGO (if any)

Date:
IPO SIGNATURE & STAMP

ANNEX

GI specification

Figure 41 Sample of a GI Certificate

2. Process of GI registration

Drawing up the application is only the first phase in the recognition and/or registration of the Geographical Indication. This application must then undergo a specific procedure, defined by the legal framework on GIs and carried out by the official competent authority,

The Examiner shall bear in mind that their decision shall be linked with the compliance of the GI definition & criteria, as requested and explained in the section "GI application".

with responsibility for the official recognition and registration of GIs.

- a. Who should an Application for Registration of a Geographical Indication be accepted from?

There are two categories of applicants who may apply to register a Geographical Indication.

- Person/Group of Persons representing Producers
- Organisation/Competent Authority

It is important to note that the second category of applicants is not as frequent as the first, since most applications for the registration of GIs are made by producers. The figure 42 provides an overview of the different categories of applicants.

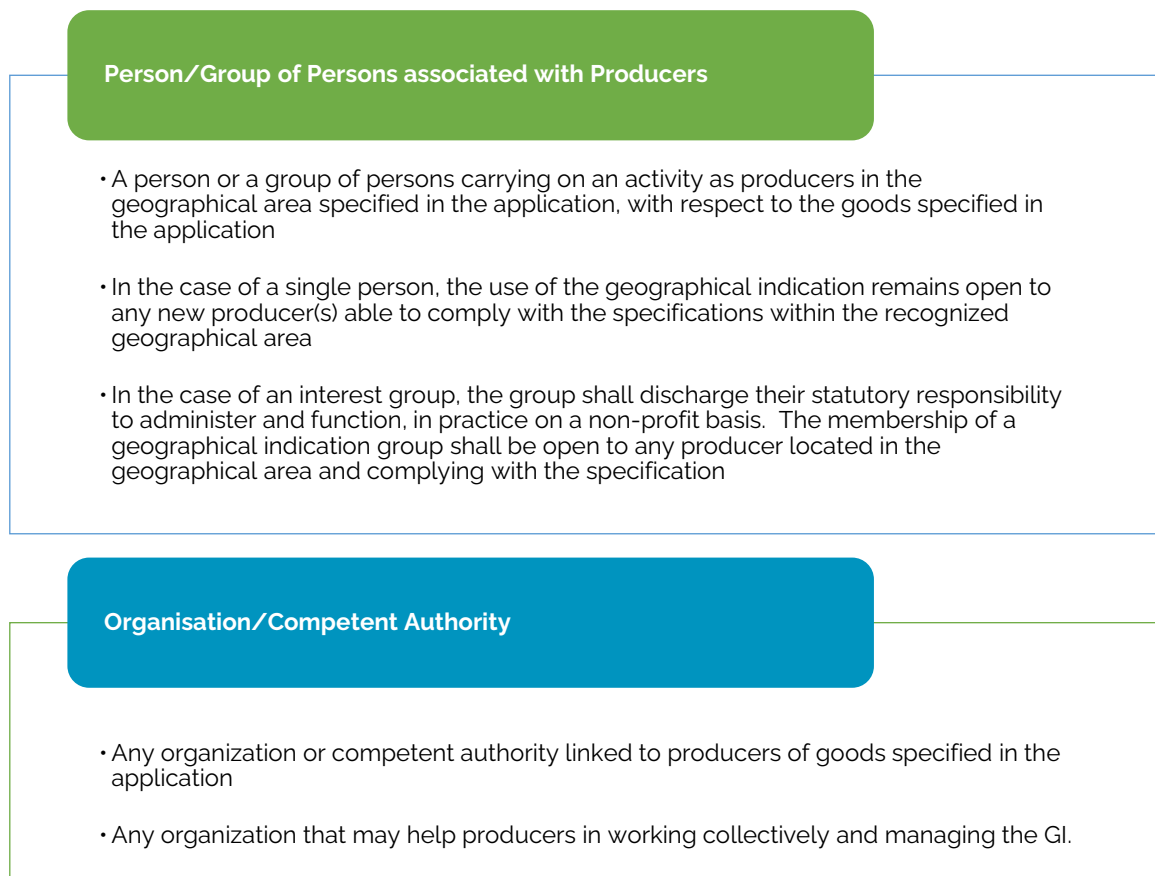


Figure 42 Acceptable applicants for GI registration



KEY TAKEAWAYS

- You should keep in mind the importance of **the role of the GI group**: the group will liaise with the Competent GI Authority throughout the registration process and beyond.
- The competent GI authority must check the compliance of the applicant **with the mission linked to the GI**: management, controls, protection etc.

b. What Procedure should be accepted when receiving a Geographical Indication Application?



Process: Applicant files the application for Geographical Indication registration with Competent GI Authority

The Competent GI Authority must only accept an application that is signed by the Applicant or the Applicant's Duly Authorized Agent



Acceptable Forms of Application: The Competent GI Authority may accept applications which are filed (depending on the legal provisions):

- Using the provided/official GI application form
- At its physical office location
- By Postal Mail
- Through Electronic Platforms, Systems, or other Acceptable Means



Additional/Supplementary Documents: The Competent authority must ensure that the application file contains all documents required by the relevant national rules.



Application Fee: If national rules establish GI application fees, the competent authority must ensure that the fee has been paid

c. What information should be contained in an application?

When applying to register a GI, it is important that all relevant information, in respect of (a) **the applicant** and (b) **the specifications** are reviewed and assessed. As such, these particulars must be

included in the application form. Key information to be included in the application to register a GI are presented below.

BOX: Information to be presented in an Application Form

A. General Information on the Applicant

- Name;
- Address;
- Nationality;
- Capacity in which the applicant is applying for registration;
- Name of the representative of the applicant, if any.

B. Information specific to the Geographical Indication (Specifications)

- Geographical indication (name) for which registration is sought;
- Goods to which the Geographical Indication applies;
- Geographical areas to which the Geographical Indication applies;
- Process of production;
- Quality, reputation or other characteristic of the goods in respect of which the Geographical Indication is used;
- Quality, reputation or other characteristic of the goods and how that quality, reputation or other characteristic (as the case may be) is essentially attributable to the place from which the goods originate;
- Where the Geographical Indication for which registration is sought relates to a country other than the country where the applicant is submitting the application, evidence that the Geographical Indication has obtained recognition or registration as a Geographical Indication in the qualifying country or countries of origin, where applicable;
- Reference to the control body;
- Labelling rules; and
- Other relevant information which may be required and prescribed.

A Sample Application Form for Geographical Indication Registration is presented below.

Figure 43 Sample Application Form for the Registration of a Geographical Indication

Name of the country

GEOGRAPHICAL INDICATION ACT

Form No. XXXX

APPLICATION FOR GEOGRAPHICAL INDICATION REGISTRATION

(For official use only)
[Country]:
Application Number :
Date of receipt/Filling :
Fees received on:
Gazette details:
IPO stamp

Application is hereby made for

Registration of the geographical indication

Details of which accompany this Form, in the name of the Applicant(s) acting in the capacity of (State capacity in accordance with section.... Of the Act)

The particulars required for the purposes of the application are set out below.

PARTICULARS

I – APPLICANT(S)

(Principal applicant must complete this section)

(a) Name :.....

(b) Address :.....

Phone Number:Fax Number:

Email :

(c) Nationality or citizenship/country:

(d) Legal status :.....

(e) Residence:

II– REPRESENTATIVE/ATTORNEY-AT-LAW/DULY AUTHORIZED AGENT

The following (Attorney-at-Law) has been appointed by the Applicant in Authorization of Agent

- Accompanying this Form
- To be filed within 2 months from the filing of the application for registration (Regulation XXXX)

Name and Address for communication

.....
.....

Phone Number:..... Fax Number:

Email :

Where an Attorney-at-Law has been appointed, the address of the Attorney-at-law shall be treated as the address to which any communication shall be transmitted (Regulation XXXX).

III - DETAILS OF GEOGRAPHICAL INDICATION APPLICATION / SPECIFICATIONS

A - The geographical indication for which registration is sought is the following :

.....
.....
.....

B- Goods to which the geographical indication applies:

.....
.....
.....

C- Geographical area:

Description of the geographical area to which the goods for which the applied geographical indication originate:

.....
.....
.....

Additional information, possible in graphic form, maps, etc...

- Accompanies this form
- Is contained in the Annexed Schedule (GI specifications) which is incorporated in this Form

D - Description of the production methods/process of production

.....
.....
.....

Additional information, possible in graphic form, maps, etc...

- Accompanies this form
- Is contained in the Annexed Schedule (GI specifications) which is incorporated in this Form

E - Quality, reputation of other characteristics

The quality, reputation or other characteristics of the goods for which the geographical indication is used are the following:

.....
.....
.....
.....
.....

Additional information

- Accompanies this form
- Is contained in the Annexed Schedule (GI specifications) which is incorporated in this Form

F- Quality, reputation or other characteristics of the goods and explanation on how quality, reputation of other characteristics is essentially attributable to the place from which the goods originates.

.....
.....
.....
.....
.....

Additional information

- Accompanies this form
- Is contained in the Annexed Schedule (GI specifications) which is incorporated in this Form

G – For foreign geographical indications applications, evidence that the geographical indication has obtained recognition or registration in its country of origin

.....
.....
.....

H- References to the control body

Type of control:

.....
.....
.....

[Method to control the of the product to which the geographical indication applies including the origin, quality, traceability and authentication of the:]

.....
.....
.....

Type, activity, name and address of the control body:

.....
.....

Phone Number:Fax Number:

Email:

I – The labelling rules

.....
.....
.....

IV – OTHER PARTICULARS

.....
.....
.....

V – FEES

Accompanying this Form

VI – ANNEXES SCHEDULE

- A- Power of Attorney;
- B- Evidence of the registration/protection of the geographical indication in the country of origin;
- C- Statute and Regulations of the Applicant;
- D- Specifications;
- E- Map of the Defined Geographical Area;
- F- Related documents required by the Department of Intellectual Property Rights;
- G- Fee payment

VII- SIGNATURE OF THE APPLICANT OR ATTORNEY-AT-LAW

- A- **Signature:**
- B- **Name of Signatory:**
- C- **Title:**
- D- **Date:**

<p>(For official use only) [Country]: Application Number : Date of receipt/Filing : Fees received on: Gazette details: IPO stamp</p>

ANNEX

If the space provided in any of the boxes is insufficient, use traditional sheets and attached to this form.

- Where an applicant's ordinary residence or principal place of business is outside the relevant jurisdiction, the applicant must be represented by an attorney-at-law **who is resident and practicing as an attorney-at-law in that jurisdiction**.
- The application form shall be completed by the GI applicant. An incomplete application cannot be examined by the competent authority. The competent authority shall acknowledge receipt of the complete GI file and inform the applicant that the substantial examination will start.

d. How to Examine and Process an application for registration of Geographical Indication

A Three (3) Step Process is to be undertaken after the application is received. This process is presented in the Figure 44.

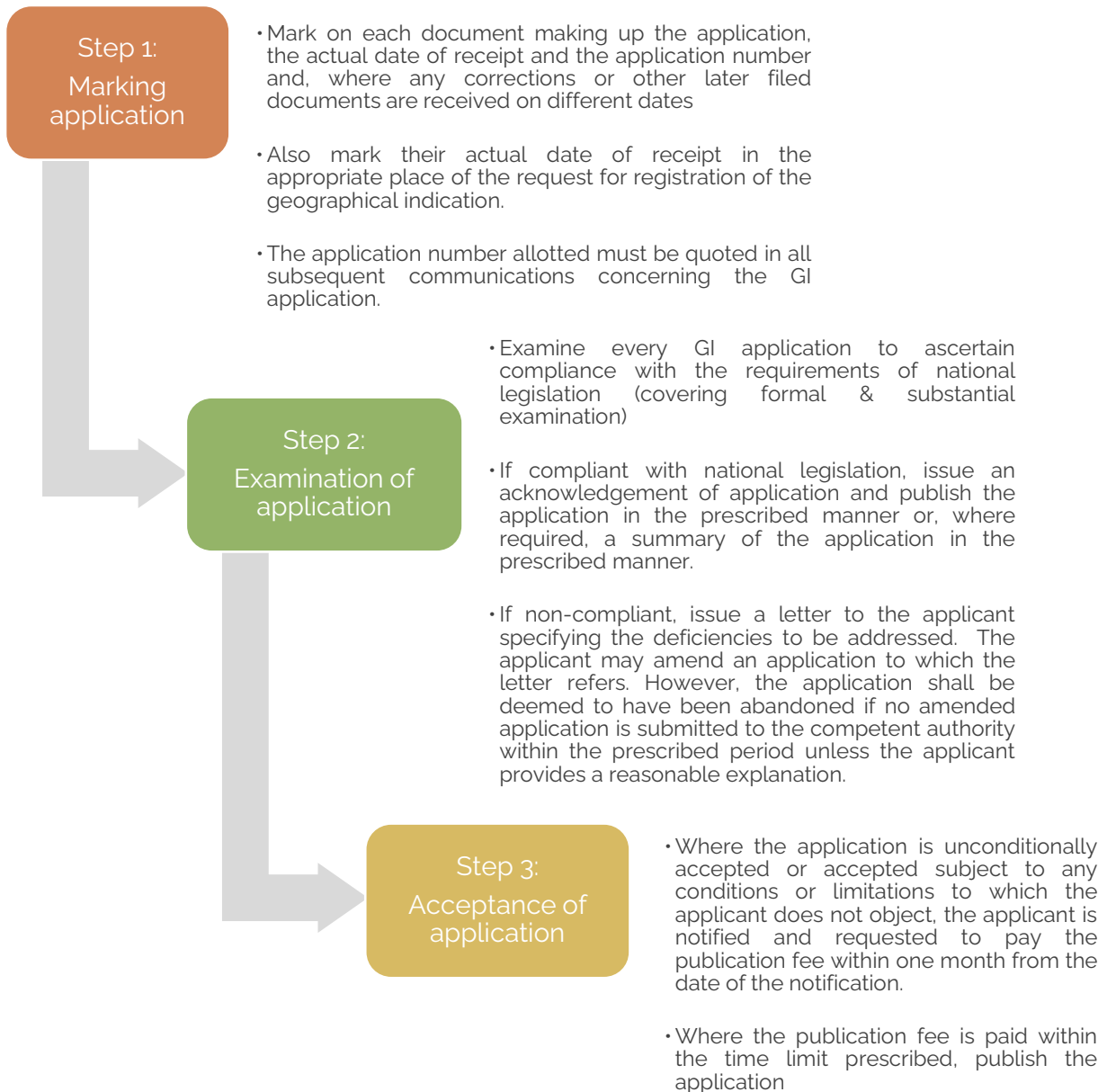


Figure 44 Three Step Process associated with the Examination and Processing of an application for registration of a Geographical Indication

BOX: Key pieces of information to include in the publication

- The Geographical Indication name for which registration is sought;
- The name, address and nationality of the individual or legal entity filing the application, and the capacity in which the applicant is applying for registration;
- The name and address of any agent;
- The address for service if an agent has not been appointed in accordance with the legislation;
- The demarcation of the geographical area to which the Geographical Indication applies;
- The goods for which the Geographical Indication is used;
- The quality, reputation or other characteristic of the goods for which the Geographical Indication is used, and any conditions under which the indication may be used;
- The filing date and number of the application; and
- The Geographical Indication specifications are annexed.

➤ **This information covers the content of the GI specifications.**

The Competent Authority must examine the information presented in respect of the specifications to ensure that the information submitted aligns with the GI criteria. This represents a critical element for the GI controls system, as one must ensure **compliance of the rules set out in the specifications and that the close interaction between specifications and the control plan is maintained.**

The GI specifications must feature the production practices, the definition of the product's main characteristics as well as traceability procedures. The application shall always indicate how controls will be organized. In some situations, GI specifications include a **control plan**. The national GI framework can establish a GI control and supervision mechanism to be performed by public and/or private bodies such as certification and accreditation bodies or national bureaus of standards.

e. **How to Complete the Registration Process of a Geographical Indication**

Figure 45 highlights the steps in completing the registration process.

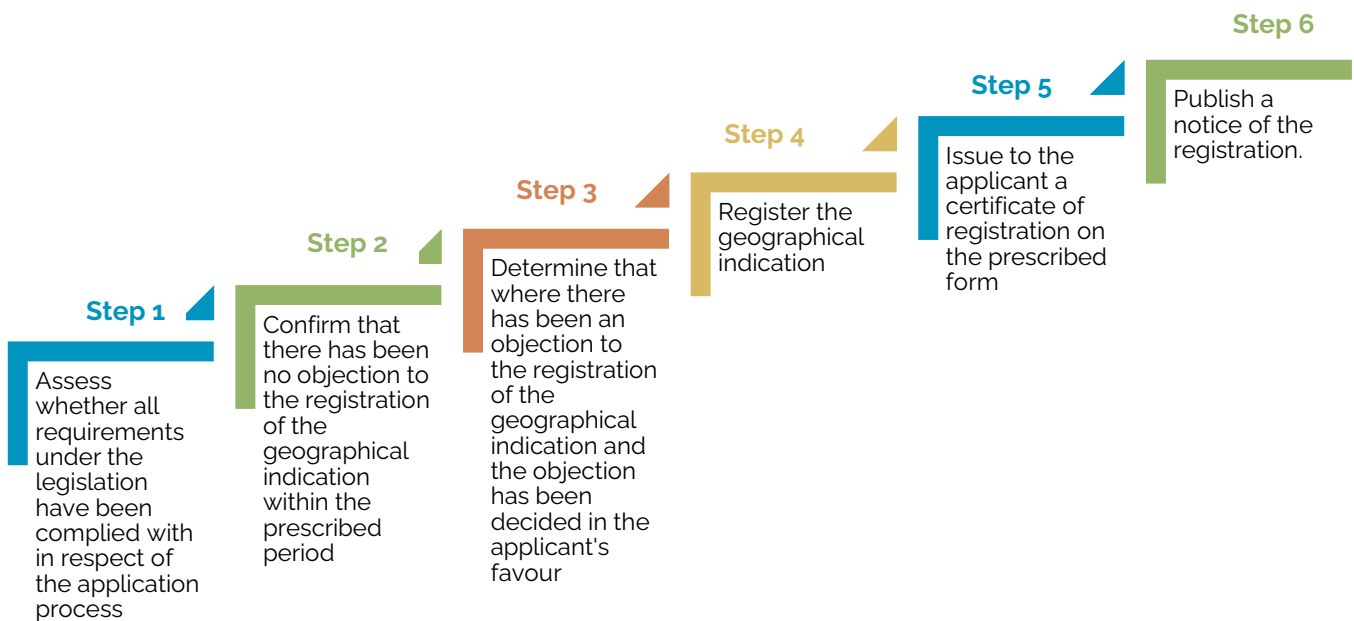


Figure 45 Steps to complete the Registration Process of a Geographical Indication



KEY TAKEAWAYS

- The effective date when the GI enters into force is deemed to **be the date of filing** (submission of the Geographical Indication application).
- If necessary (based on the examination of objections), the competent authority may grant **a phase-in period to allow producers holding stocks of products not complying with the registered GI** to market their existing stocks without having to re-label them. National rules would specify the duration of the phase-in period.
- Where, on the basis of on an objection or any other reason, the competent authority is satisfied that the application for registration of a Geographical Indication does not comply with the requirements of the legislation **the competent authority shall refuse the application.**

3. Conditional acceptance of GI application

a. What is the Procedure when there is a Conditional acceptance of an application for Registration of a Geographical Indication?

Where upon examination, the Authority decides to accept the application subject to amendments, modifications, conditions or limitations, it shall communicate the decision to the applicant in writing. These amendments, modifications may concern substantive or more formal content of the GI specification/application.

If the applicant objects to the amendments, modifications, conditions or limitations proposed by the Authority, he/she shall, within a defined time from the date of the communication, justify their arguments in writing and may request a hearing.

Where the applicant does not object to the amendments, modifications, conditions or limitations he/she shall notify the Director/Registrar in writing and amend the application accordingly.

The figure 46 illustrates the process associated with conditional acceptance of an application.

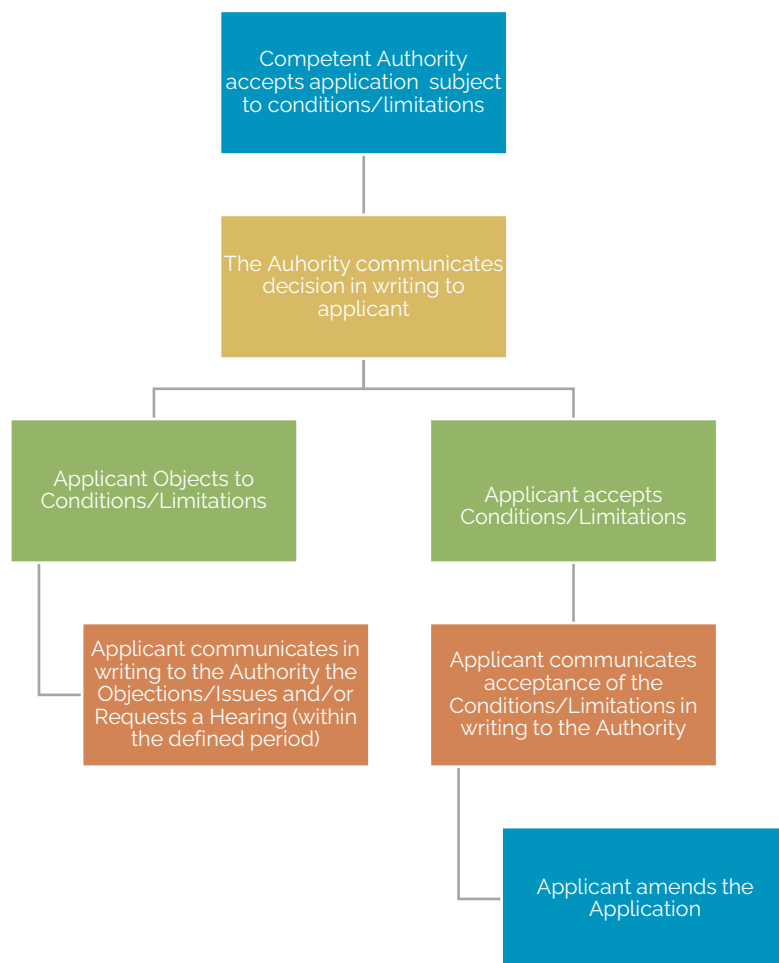


Figure 46 Conditional Acceptance of Application

- ➡ Where the applicant does not respond within the set period, the authority shall consider that the application has been withdrawn.

- b. What is the Process when there is a Refusal of an application or conditional acceptance to which the applicant objects/opposes?

Where after a hearing or after consideration of the applicant's amendments or observations in writing the Registrar refuses the application or accepts it, subject to any amendments, modifications, conditions or limitations to which the applicant objects, the Authority shall communicate the decision to the applicant in writing.

The applicant may, within a defined time from the date of the communication, request the Authority to state, in writing, the grounds of the decision and the material used in arriving at the decision.

4. Objection/Opposition procedure

- a. What is the Procedure when there is an Objection/Opposition?

Where the competent authority or any interested party objects to or opposes the application for registration of a Geographical Indication, the Competent Authority shall notify the applicant in writing of the objections with all the relevant details such as compliance with the law.

The Authority must invite the applicant to either amend the application, submit his/her observations in writing or apply for a hearing within a defined time from the date of the notification of the opposition or the objection.

In complex situations, the Authority should organize a hearing between the parties to perfectly understand the context.

If the applicant does not comply with the invitation within the set period, or does not present counter arguments, the application is deemed to have been withdrawn. Figure 47 summarizes the Objection/Opposition Procedure.

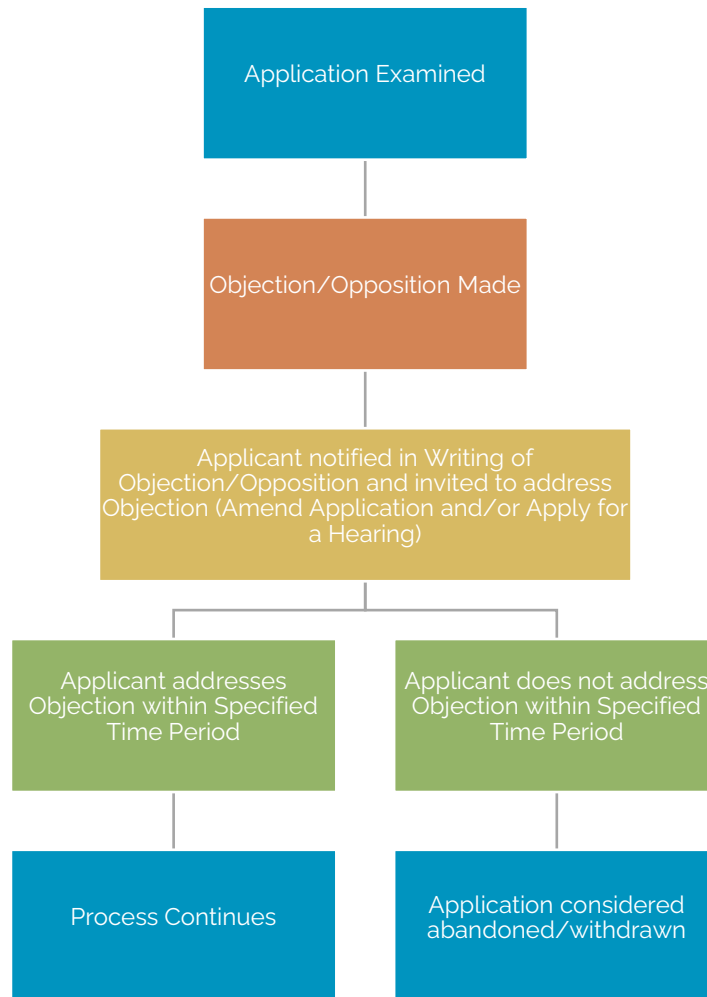


Figure 47 Objection/Opposition Procedure

A Sample of a [Notice of Objection to register a Geographical Indication](#) is presented in figure 48. Any party that can justify an interest may file an opposition in the manner and form prescribed by the applicable rules.

The competent authority shall check that:

- ➔ the opponent justified **an interest** to lodge the opposition/objection;
- ➔ the criteria presented correspond to the ones set for **in the Law**;
- ➔ opposition/objection fees have been paid

Figure 48 Sample of a Notice of Objection

Name of the country

GEOGRAPHICAL INDICATION ACT

Form No. XXXX

NOTICE OF OBJECTION TO REGISTRATION OF GEOGRAPHICAL INDICATION

(Pursuant to section 17 of the GI Act)

(For official use only)
[Country]:
Date of receipt/Filing :
Fees received on:
IPO stamp

Application is hereby made for

objection of geographical indication registration

Details of which accompany this Form, in the name of the Applicant(s) acting in the capacity of (State capacity in accordance with section.... Of the Act)

The particulars required for the purposes of the application are set out below.

PARTICULARS

I – APPLICANT(S)/NAME OF PERSON/PARTY OBJECTING TO THE REGISTRATION

(Principal applicant must complete this section)

(a) Name :

(b) Address :

Phone Number:Fax Number:

Email :

(c) Nationality or citizenship/country:

(d) Legal status :

(e) Address for service in COUNTRY

II– REPRESENTATIVE/ATTORNEY-AT-LAW/DULY AUTHORIZED AGENT

The following (Attorney-at-Law) has been appointed by the Applicant in Authorization of Agent

- Accompanying this Form
- To be filed within 2 months from the filing of the application for registration (Regulation XXXX)

Name and Address for communication

.....
.....

Phone Number:..... Fax Number:

Email :

Where an Attorney-at-Law has been appointed, the address of the Attorney-at-law shall be treated as the address to which any communication shall be transmitted (Regulation XXXX).

III - DETAILS OF GEOGRAPHICAL INDICATION OBJECTION TO REGISTRATION

A - The geographical indication for which objection is applied is the following :

N°.....
Name.....
Published in the (date) N° + page

B – Explanation of the applicant’s interest for the present application

.....
.....
.....

Additional information

- Accompanies this form
- Is contained in the Annexed Schedule which is incorporated in this Form

C- Grounds for the objection to geographical indication registration

1. failure to satisfy the definitions relating to geographical indication within section 3 of the GI Act.

.....
.....
.....

Additional information

- Accompanies this form
- Is contained in the Annexed Schedule which is incorporated in this Form

2. The applied geographical indication cannot be registered as a geographical indication as stated in Article 7, 8, 13, 14 & 15 of the GI Act and its regulations.

.....

.....
.....

Additional information

- Accompanies this form
- Is contained in the Annexed Schedule which is incorporated in this Form

3. The geographical indication infringes an existing user of the name or similar name or evocation of the name.

.....
.....
.....

Additional information

- Accompanies this form
- Is contained in the Annexed Schedule which is incorporated in this Form

4. The geographical indication infringes prior registered trademark(s);

.....
.....
.....

Additional information

- Accompanies this form
- Is contained in the Annexed Schedule which is incorporated in this Form

5. The geographical indication is homonym with another geographical indication and that no differentiations can be made between the two indications.

.....
.....
.....

Additional information

- Accompanies this form
- Is contained in the Annexed Schedule which is incorporated in this Form

IV – FEES

- Accompanying this Form

V – ANNEXES SCHEDULE

- A- Power of Attorney;
- B- Statute and Regulations of the Applicant;
- C- Supporting evidences
- D- Related documents required by the Department of Intellectual Property Rights;
- E- Fee payment

VI- SIGNATURE OF THE APPLICANT OR ATTORNEY-AT-LAW

- A- **Signature:**
- B- **Name of Signatory:**
- C- **Title:**
- D- **Date:**

<p>(For official use only) [Country]: Date of receipt/Filing : Fees received on: IPO stamp</p>

ANNEX

If the space provided in any of the boxes is insufficient, use traditional sheets and attached to this form.

- b. On what basis can a person object/oppose the registration of a Geographical Indication?

An objection/opposition **must be based on grounds defined by law.**

BOX: Grounds for objection/opposition to the registration of a Geographical Indication

- ➔ the name fails to satisfy the definition of a Geographical Indication within the meaning of and as prescribed by the legislation;
- ➔ the product falls with one of the categories which are excluded from being registered under the legislation;
- ➔ the protection of the name would infringe an existing use of the name;
- ➔ the protection would infringe prior trademark(s) registered in good faith; or
- ➔ the name is homonymous with another Geographical Indication and no differentiation can be made between the two indications.

- c. What is the procedure to handle an objection/opposition?

Upon receipt of the notice of objection/opposition, the competent authority must check that the opponent has filed the notice within the time period set by the publication for opposition (usually prescribed by law) and paid the applicable fee.

If so, then the Authority must send a copy of the notice to the applicant and invite them to provide a counter-statement within a clear time period (usually prescribed by law).

Importantly, the competent authority must assess the following to ensure that the opposition/objection filed is acceptable:

- ➔ **The interest of the opponent** to lodge the opposition/objection
- ➔ **Content of the opposition/objection** - it must be consistent with national legislation and cover the possible grounds only.

- d. What Steps are to be taken when an Applicant responds to a Notice of Objection?

Upon receipt of a counter-statement by the GI applicant, the Authority must send to the competent authority a written counter-statement of the grounds on which the applicant relies for the application along with any supporting evidence. The Authority shall send a copy of the counter-statement to the objector/opponent. This process is presented in Figure 49.

If no counter-statement is submitted within the deadline, then the Authority shall consider that the applicant has abandoned the application.



Figure 49 Steps to be taken when applicant responds to a notice of objection

e. How to handle an objection/opposition hearing?

The competent authority may hear the parties, where either or both parties wish to be heard, or should the competent authority decide to do so to obtain further information and understand better the context behind the arguments of the two parties.

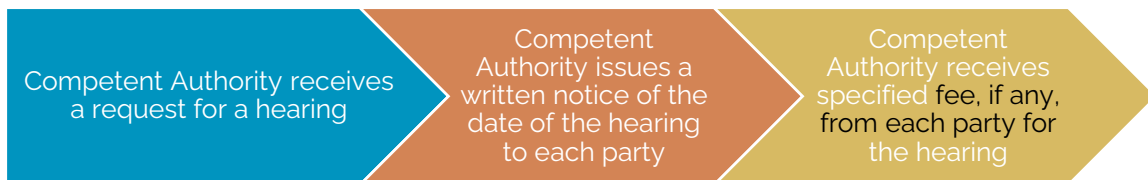
The competent authority shall accept requests for hearings lodged by either the applicant or the opponent at any time after the filing of the notice of objection / opposition but not later than a defined time after the expiry of the specified period for filing the counter-statement.

The competent authority shall give the parties a written notice of the date set for the hearing and make sure that each party pays any hearing fee established by law before the hearing.

Where the objector/opponent or the applicant does not reside or carry-on business in the jurisdiction in which the objection/opposition is to be heard, the competent authority may require that party to give security for the costs of the objection/opposition proceedings for such an amount as the competent authority thinks fit.

An overview of the process is presented in Figure 50

Figure 50 Procedure for convening a Hearing by the Competent Authority



A Sample counter-statement form is presented in Figure 51.

Figure 51 Sample of Objection to Registration of a Geographical Indication Counter Statement

Name of the country

GEOGRAPHICAL INDICATION ACT

Form No. XXXX

**OBJECTION TO REGISTRATION OF GEOGRAPHICAL INDICATION
COUNTER-STATEMENT**

(Pursuant to section 17 (4) of the GI Act)

(For official use only)
[Country]:
Date of receipt/Filing :
Fees received on:
IPO stamp

Counterstatement is hereby made in relation to an objection of geographical indication registration

Details of which accompany this Form, in the name of the Applicant(s) acting in the capacity of (State capacity in accordance with section.... Of the Act)

The particulars required for the purposes of the application are set out below.

PARTICULARS

I – APPLICANT(S)/NAME

{Principal applicant must complete this section}

(a) Name :

(b) Address :

Phone Number: Fax Number:

Email :

(c) Nationality or citizenship/country:

(d) Legal status :

(e) Address for service in COUNTRY

II– REPRESENTATIVE/ATTORNEY-AT-LAW/DULY AUTHORIZED AGENT

The following (Attorney-at-Law) has been appointed by the Applicant in Authorization of Agent

- Accompanying this Form
- To be filed within 2 months from the filing of the application for registration (Regulation XXXX)

Name and Address for communication

.....
.....

Phone Number:..... Fax Number:
Email :

Where an Attorney-at-Law has been appointed, the address of the Attorney-at-law shall be treated as the address to which any communication shall be transmitted (Regulation XXXX).

III - DETAILS OF GEOGRAPHICAL INDICATION OBJECTION TO REGISTRATION COUNTER-STATEMENT RELATES

A - The geographical indication for which objection is applied is the following :

N°.....
Name.....
Published in the (date) N° + page

B- Grounds for the objection to geographical indication registration

1. failure to satisfy the definitions relating to geographical indication within section 3 of the GI Act.

.....
.....
.....

Additional information

- Accompanies this form
- Is contained in the Annexed Schedule which is incorporated in this Form

2. The applied geographical indication cannot be registered as a geographical indication as stated in Article 7, 8, 13, 14 & 15 of the GI Act and its regulations.

.....
.....
.....

Additional information

- Accompanies this form
- Is contained in the Annexed Schedule which is incorporated in this Form

3. The geographical indication infringes an existing user of the name or similar name or evocation of the name.

.....
.....
.....

Additional information

- Accompanies this form
- Is contained in the Annexed Schedule which is incorporated in this Form

4. The geographical indication infringes prior registered trademark(s);

.....
.....
.....

Additional information

- Accompanies this form
- Is contained in the Annexed Schedule which is incorporated in this Form

5. The geographical indication is homonym with another geographical indication and that no differentiations can be made between the two indications.

.....
.....
.....

Additional information

- Accompanies this form
- Is contained in the Annexed Schedule which is incorporated in this Form

C- Grounds relied on for making the application

.....
.....
.....

Additional information

- Accompanies this form
- Is contained in the Annexed Schedule which is incorporated in this Form

IV – FEES

- Accompanying this Form

V – ANNEXES SCHEDULE

- A- Power of Attorney;
- B- Statute and Regulations of the Applicant;
- C- Supporting evidence
- D- Related documents required by the Department of Intellectual Property Rights;

E- Fee payment

VI- SIGNATURE OF THE APPLICANT OR ATTORNEY-AT-LAW

A- **Signature:**

B- **Name of Signatory:**

C- **Title:**

D- **Date:**

(For official use only)

[Country]:

Date of receipt/Filing :

Fees received on:

IPO stamp

ANNEX

If the space provided in any of the boxes is insufficient, use traditional sheets and attached to this form.

f. What is the procedure to communicate the decision of the Competent Authority on an objection/opposition?

After having received the counter-statements, or after the hearing, the competent authority must consider the merits of the case and determine whether the Geographical Indication should be registered or not. The competent authority shall notify that decision to **both the applicant and any objector/opponent** in writing, stating the reasons for the decision.

Where appropriate, the Authority should encourage the parties to work out -

- proposed rules of coexistence; and
- a phase out period in case of prior Geographical Indication use as grounds of opposition.

An applicant or objector/opponent aggrieved by a decision of the Competent Authority may, within a period specified by the national law, appeal against the decision to the Court or to the designed appeal body.

5. Cancellation and amendment procedure

In certain cases, the Authority may have to cancel, rectify or amend the registration of a Geographical Indication.

a. What are the Grounds for the cancellation of the registration of a Geographical Indication?

A Geographical Indication right holder, or any interested party or person with sufficient interest, may apply either to the competent authority or to the Court of competent jurisdiction for the cancellation of the registration of a Geographical Indication on the grounds that:

- The geographical indication does not comply with the legislative requirements. This can occur in situations where the product specifications changed due to new processes of productions, new raw materials, climate change. Hence the GI product no longer complies with what has been registered.
- The right holders of the registered Geographical Indication have requested cancellation. This can occur when the name of the GI is no longer used by the producers or not recognised as relevant.
- The goods associated with the registered Geographical Indication have lost their special characteristic as geographical indication goods; or
- It is a foreign Geographical Indication which is not or has ceased to be protected in its country of origin or has fallen into disuse in that country. This usually occurs if the GI protection is cancelled in the country of origin, the producers failed to protect the GI on time, or the GI name is used by anyone with no connection with a specific product.

A Sample of the Application Form for Cancellation of Registration of a Geographical Indication is presented in figure 52.

Figure 52 Sample Application Form for the Cancellation of Registration of a Geographical Indication

Name of the country

GEOGRAPHICAL INDICATION ACT

Form No. XXXX

APPLICATION FOR CANCELLATION OF GEOGRAPHICAL INDICATION REGISTRATION

(Pursuant to section 20 (1) (a) of the GI Act)

(For official use only)

[Country]:

Date of receipt/Filing :

Fees received on:

IPO stamp

Application is hereby made for

- Cancellation of geographical indication registration

Details of which accompany this Form, in the name of the Applicant(s) acting in the capacity of (State capacity in accordance with section.... Of the Act)

The particulars required for the purposes of the application are set out below.

PARTICULARS

I – APPLICANT(S)

(Principal applicant must complete this section)

(a) Name :

(b) Address :

Phone Number:Fax Number:

Email :

(c) Nationality or citizenship/country:

(d) Legal status :

(e) Address for service in COUNTRY

II – REPRESENTATIVE/ATTORNEY-AT-LAW/DULY AUTHORIZED AGENT

The following (Attorney-at-Law) has been appointed by the Applicant in Authorization of Agent

- Accompanying this Form
- To be filed within 2 months from the filing of the application for registration (Regulation XXXX)

Name and Address for communication

.....
.....

Phone Number:..... Fax Number:
Email :

Where an Attorney-at-Law has been appointed, the address of the Attorney-at-law shall be treated as the address to which any communication shall be transmitted (Regulation XXXX).

III - DETAILS OF GEOGRAPHICAL INDICATION CANCELLATION'S APPLICATION

A - The geographical indication for which cancellation is sought is the following :

N°.....
Name.....
Registered.....

B – Explanation of the applicant’s interest for the present application

.....
.....
.....

Additional information

- Accompanies this form
- Is contained in the Annexed Schedule which is incorporated in this Form

C- Grounds of the cancellation of geographical indication registration

1. The geographical indication does not comply with articles 2, 7, 12, 13 & 15 of the Act and its regulations;

.....
.....
.....

Additional information

- Accompanies this form
- Is contained in the Annexed Schedule which is incorporated in this Form

2. the owner or right holder of the registered geographical indication has requested cancellation;

.....
.....
.....

Additional information

- Accompanies this form
- Is contained in the Annexed Schedule which is incorporated in this Form

3. the goods of registered geographical indication have lost their special characteristic as geographical indication goods;

.....
.....
.....

Additional information

- Accompanies this form
- Is contained in the Annexed Schedule which is incorporated in this Form

4. they are foreign geographical indications which are not or have ceased to be protected in their country of origin or have fallen into disuse in that country.

.....
.....
.....

Additional information

- Accompanies this form
- Is contained in the Annexed Schedule (which is incorporated in this Form

IV – FEES

- Accompanying this Form

V – ANNEXES SCHEDULE

- A- Power of Attorney;
- B- Statute and Regulations of the Applicant;
- C- Related documents required by the Department of Intellectual Property Rights;
- D- Fee payment

VI- SIGNATURE OF THE APPLICANT OR ATTORNEY-AT-LAW

- A- **Signature:**
- B- **Name of Signatory:**
- C- **Title:**

D- Date:

(For official use only) [Country]: Date of receipt/Filing : Fees received on: IPO stamp
--

ANNEX

If the space provided in any of the boxes is insufficient, use traditional sheets and attached to this form.

b. What are the Grounds for rectification/amendment?

A Geographical Indication right holder or any interested party or person with sufficient interest may apply either to the competent authority or to the Court of competent jurisdiction for the rectification or amendment of the registration of a Geographical Indication on the grounds that the product specifications and/or the geographical area do not correspond to the Geographical Indication anymore, for instance because of the development of technologies and sciences and the delimitation of the geographical area.

The amendment of the specifications shall be made if the amendment does not vitally affect the registration of the Geographical Indication (e.g. important modification of the specifications).

c. Notice of the request for cancellation or rectification/amendment

In any proceedings for the cancellation, rectification or amendment of a Geographical Indication, notice of the request for cancellation or rectification shall be applied by either the GI right holder or any interested party or person with sufficient interest. The notice must, by a publication by the competent authority in the prescribed manner, be given to all persons having the right to use the Geographical Indication under the legislation. Such persons and any other interested person may, within such period as the competent authority or the Court of competent jurisdiction specifies in the published notice, apply to be joined in the proceedings. A Sample [Application Form for the Rectification/Amendment of the Geographical Indication Registration](#) is presented in Figure 53.

Figure 53 Sample Application Form for the Rectification/Amendment of the Geographical Indication Registration

Name of the country

GEOGRAPHICAL INDICATION ACT

Form No. XXXX

**APPLICATION FOR RECTIFICATION/AMENDMENT OF GEOGRAPHICAL INDICATION
REGISTRATION**

(Pursuant to section 20 (1) (b) of the GI Act)

(For official use only)
[Country]:
Date of receipt/Filing :
Fees received on:
IPO stamp

Application is hereby made for

Rectification/Amendment of geographical indication registration

Details of which accompany this Form, in the name of the Applicant(s) acting in the capacity of (State capacity in accordance with section.... Of the Act)

The particulars required for the purposes of the application are set out below.

PARTICULARS

I – APPLICANT(S)

(Principal applicant must complete this section)

(a) Name :

(b) Address :

Phone Number:Fax Number:

Email :

(c) Nationality or citizenship/country:

(d) Legal status :

(e) Address for service in COUNTRY

II- REPRESENTATIVE/ATTORNEY-AT-LAW/DULY AUTHORIZED AGENT

The following (Attorney-at-Law) has been appointed by the Applicant in Authorization of Agent

- Accompanying this Form
- To be filed within 2 months from the filing of the application for registration (Regulation XXXX)

Name and Address for communication

.....
.....

Phone Number:..... Fax Number:

Email :

Where an Attorney-at-Law has been appointed, the address of the Attorney-at-law shall be treated as the address to which any communication shall be transmitted (Regulation XXXX).

III - DETAILS OF GEOGRAPHICAL INDICATION RECTIFICATION/AMENDMENT'S APPLICATION

A - The geographical indication for which rectification/amendment is sought is the following :

N°.....
Name.....
Registered.....

B – Explanation of the applicant’s interest for the present application

.....
.....
.....

Additional information

- Accompanies this form
- Is contained in the Annexed Schedule which is incorporated in this Form

C- Grounds of the rectification/amendment of geographical indication registration

1. The geographical area specified in the registration does not correspond to the geographical indication

.....
.....
.....

Additional information

- Accompanies this form
- Is contained in the Annexed Schedule which is incorporated in this Form

And/or

2. The specifications shall be amended, particularly the elements related to the development of technologies and sciences and the delimitation of the geographical area. The amendment of the specifications shall be made if it does not vitally affect the decision of geographical indication registration.

.....
.....
.....

Additional information

- Accompanies this form
- Is contained in the Annexed Schedule (which is incorporated in this Form)

IV – FEES

- Accompanying this Form

V – ANNEXES SCHEDULE

- A- Power of Attorney;
- B- Statute and Regulations of the Applicant;
- C- Related documents required by the Department of Intellectual Property Rights;
- D- Fee payment

VI- SIGNATURE OF THE APPLICANT OR ATTORNEY-AT-LAW

- A- **Signature:**
- B- **Name of Signatory:**
- C- **Title:**
- D- **Date:**

<p>(For official use only) [Country]: Date of receipt/Filing : Fees received on: IPO stamp</p>

ANNEX

If the space provided in any of the boxes is insufficient, use traditional sheets and attached to this form.

d. What must the Publication of notice of the request for cancellation or rectification/amendment contain?

The publication of a notice of the request for cancellation or rectification shall:

- identify the Geographical Indication by setting out the particulars of the Geographical Indication registration;
- identify the person who, or the authority which, has applied for the cancellation or rectification/amendment of the registration of the Geographical Indication by setting out the name and address of the person or authority, and of the representative or any agent; and
- specify the period within which the persons having the right to use the Geographical Indication may apply to join in the proceedings.

e. What must be contained in a publication of notice of the decision of cancellation or rectification/amendment?

Where the Court or the competent jurisdiction²⁶ hears proceedings for the cancellation, rectification or amendment of a Geographical Indication, the Court or the competent jurisdiction shall notify the competent authority of the decision or the decision on any appeal therefrom. The competent authority must record the decision and publish a notice of the decision as soon as possible but not later than one month from the date of the notice or publication.

The publication of the reference to the cancellation or rectification/amendment of the registration of a Geographical Indication shall:

- identify the Geographical Indication by setting out the particulars of the Geographical Indication registration;
- indicate that the registration of the Geographical Indication has been cancelled or rectified/amended and, if rectified or amended, specify the way the registration has been so rectified; and
- cite the decision of the Court, if any, by which the registration of the Geographical Indication has been cancelled or rectified/amended.

The cancellation of the Geographical Indication registration shall be considered to take effect from the date of the notice of decision.

An applicant or objector/opponent aggrieved by a decision of the Competent Authority may, within a period specified by the national law, appeal against the decision to the competent Court.

²⁶ [Where the competent jurisdiction/authority is the Registrar, the Registrar shall notify the interested parties of the decision or the decision on any appeal therefrom. The Registrar shall record it and publish a notice of the decision as soon as possible. This decision may be subject of appeal.]

6. Timeframe for the registration procedure and protection

a. What is the Period of validity of registration of the Geographical Indications?

The registration of a Geographical Indication shall be valid from the date of the filing of the application provided that its registration is not cancelled or invalidated according to procedures under the relevant legislation.

b. What is the term of protection of Geographical Indications?

The term of protection of Geographical Indication shall be prescribed by legislation. Most countries have no limitations for the term of protection. Currently in CARIFORUM countries you may find one of the following two provisions:

- (a) of indefinite duration; or
- (b) of limited duration such as where protection is granted for 10 years and renewable for further periods of 10 years.

c. Renewal of protection (Only in case of limited duration of protection)

The GI applicant or right holder may, within a prescribed period before the registration of the Geographical Indication expires, make a request in the prescribed form to the competent authority for the renewal of the registration. Failing this, the request for renewal may be made within up to six months after the expiry date.

7. How to Deal with Foreign GI Applications

Where the GI originates in a foreign country, it must firstly be recognized or registered in its country of origin.

The protection can be sought under several legal basis:

- **Direct application** filed by a producer group located in a foreign country, following the established procedures in that country's national legislation;
- Application through the **WIPO administered Lisbon System** for the international protection of GIs (if your country is a member of the Lisbon System);
- Via **bilateral or regional agreements** with foreign countries, such as the agreement between the CARIFORUM and the EU, which is under negotiation.

These mechanisms of protection can be alternative or cumulative.

When examining applications for the protection of foreign GIs, the Authority must check that the application file contains an **official document** or **certificate of GI registration/recognition in the country of origin**. To check the validity of those documents, the Authority may cases rely on those official registers which are available online (such as eAmbrosia, the EU register of geographical indications for agri-food, wine and spirit GIs.)

Other than that, the requirements and procedure for foreign GI applicants under the national GI framework should be the same as for national GI applications. However, in the context of an international agreement, however, simplified procedures may be agreed with the partner; hence the examiner should refer to the applicable requirements.

- a. What are the criteria to be met for a foreign GI seeking registration under the national GI framework?



Figure 54 *Criteria to be met for a foreign GI*

- b. What is the procedure for the Registration of a Foreign Geographical Indication?

The application for a foreign Geographical Indication registration shall be filed with the competent authority.



KEY TAKEAWAYS

- ➔ The procedure for registering a foreign GI essentially mirrors that of the registration of a local GI.
- ➔ However, the examination cannot be as detailed as the one for national GIs (e.g. reputation, qualities linked to territory).
- ➔ The competent authority will mostly examine the legal eligibility of the applied GI.
- ➔ If the specification contains unclear information, the authority should invite the foreign GI applicant to provide clarifications.
- ➔ The application file must contain a valid proof of GI protection in the country of origin.
- ➔ The competent authority may register a foreign Geographical Indication only if the application is made by a legal agent, administrative representative or foreign representative as defined in the legislation.

A simplified version of the process is presented at Figure 57.

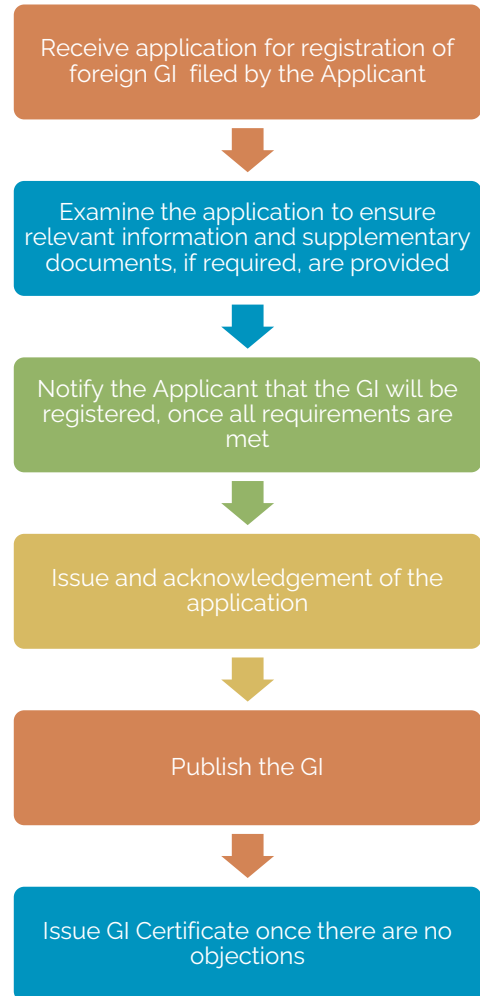


Figure 57 Procedure for Registering a Foreign GI

8. Official fees

Official fees²⁷ are specified in the Schedule to the CarIPI GI Model law Regulations and may be payable in respect of the following matters contained in the below table to which they relate.

To be noted: not all referred fees are compulsory but will depend on the functioning of the competent authority and the fees normally existing in the IPR administration process.

OFFICIAL FEES	
Matter or Proceeding	Fee \$
1. Application for registration of Geographical Indication	
2. Request for hearing	
3. Request to the Director to state in writing, grounds of decision to refuse application, or to accept it subject to conditions	
4. Publication fee	
5. Notice of objection to registration of Geographical Indication	
6. Counter-statement to notice of objection	
7. Application for cancellation or rectification/amendment of Geographical Indication registration	
8. Registration fee	
9. Renewal registration fee	
10. Request to refuse or to invalidate the registration of a misleading trademark (A Sample of this is presented below)	
11. Hearing relating to request to refuse or to invalidate the registration of a misleading trademark	
12. Request to refuse or to invalidate the registration of a trademark which conflicts with a Geographical Indication for wines and spirits	
13. Hearing relating to request to refuse or to invalidate the registration of a trademark which conflicts with a Geographical Indication for wines and spirits	
14. Inspection of Register	
15. Request for certified copies of extracts from Register or for copies of documents (per page)	
14. Request for correction of error	
15. Request for extension of time	
16. Integration in the list of GI users	
17. Use of the national GI logo	

²⁷ For guidance, see Malaysia's IPO office website at <https://www.myipo.gov.my/en/geographical-indications-form-fees/>.

C. GIs protection

In this chapter the beneficiaries will learn the following aspects:

1. Effect of GI registration and protection

Registration of a GI provides legal protection for the OLP and produces some legal effects against unlawful uses of the GI name in practice.

A Geographical Indication right enables those who have the legal right to use the indication, to prevent its use by a third party whose product does not conform to the applicable standards. For example, in the jurisdictions in which the Darjeeling Geographical Indication is protected, producers of Darjeeling tea can exclude use of the term "Darjeeling" for tea not grown in their tea gardens or not produced according to the standards set out in the specifications for the Geographical Indication.

However, a protected Geographical Indication does not enable the holder to prevent someone from making a product using the same techniques as those set out in the standards for that indication. Protection for a Geographical Indication is usually obtained by acquiring a right over the name/ sign that constitutes the indication.

GI protection will have to cover in practice:

- ➔ cases of GI infringements
- ➔ Relationships between GIs and trademarks
- ➔ Enforcement aspects and ex officio actions (such as reference in other legal texts as IP law, Criminal enforcement etc.) and definition of ex officio competent authorities.

Normally, in practice, it is useful to distinguish:

- ➔ the GI protection rules
- and
- ➔ the person or institutions entitled to protect the GI.

Classical provisions will cover the different types of infringements concerning GIs. From CarlPI GI Model Law:

No person shall :

(a) in the designation or presentation of goods, by any means, indicate or suggest that the goods originate in a geographical area other than the true place of origin in a manner that misleads the public as to the geographical origin of the goods;

(b) use a registered geographical indication for direct or indirect commercial misuse in respect of goods that are identical or comparable to those of the registered geographical indication where the misuse benefited or would benefit from the reputation of the geographical indication;

(c) use a registered geographical indication for direct or indirect commercial misuse in respect of goods that are non-identical or non-comparable to those of the registered geographical indication where the misuse benefited or would benefit from the reputation of the geographical indication;

(d) use a registered geographical indication identifying goods not originating in the place indicated by the geographical indication in question even where the true origin of the goods is indicated or the geographical indication is used in translation or accompanied by expressions such as "kind", "type", "style", "imitation" or the like, including imitation, evocation or translation of the registered geographical indication;

(e) engage in conduct which constitutes an act of unfair competition, being an act of competition contrary to honest practices in industrial or commercial matters and including :

(i) all acts of such a nature as to create confusion by any means whatever with the establishment, the goods, or the industrial or commercial activities, of a competitor;

(ii) false allegations in the course of trade of such a nature as to discredit the establishment, the goods, or the industrial or commercial activities, of a competitor; and

(iii) indications or allegations, the use of which in the course of trade, is liable to mislead the public as to the nature, the manufacturing process, the characteristics, the suitability for their purpose, or the quantity, of the goods.

In practice, GI protection will be implemented:

- to any use of the GI name for any kind of products: similar products as the one registered as GI and other types of products if there is evidence that there is misappropriation of the GI name.
- The GI name is also protected against evocation: as transformed or similar name (example: GI Champagne and Champin name, or the use of specific images evoking in the mind of the consumer a relation to a GI)
- Any use that will result in confusion for the public.

BOX: Case of GI evocation

Court of Justice of the European Union, 9 September 2021, C-783/19 "CHAMPANILLO"

It should be recalled that Article 103 § 2b of Regulation 1308/2013 protects wine PDOs/PGIs against "any usurpation, imitation or evocation, even if the true origin of the product or service is indicated or if the protected name is translated, transcribed, transliterated or accompanied by an expression such as "kind", "type", "method", "manner", "imitation", "taste", or a similar expression".

According to the settled case law of the CJEU "to establish the existence of an evocation, [the consumer] must establish a link between the term used to designate the product in question and the protected geographical indication. This link must be sufficiently direct and unequivocal" (point 59 of the judgment). This can happen in several cases: in the event of partial incorporation of a PDO in the contested name, of a phonetic and/or visual relationship of this name with this PDO (for example, the sign "Verlados" which evokes "Calvados": CJEU, 21 January 2016, Viniiverla, case C-75/15, ECLI:EU:C:2016:35, pt 21), or even a conceptual proximity between the said name and the protected name (for example, the word "Glen" which means "valley" in particular in Scotland and which, affixed to a whiskey label, evokes the indication "Scotch whisky": CJEU, June 7, 2018, Scotch Whiskey Association v. Klotz, case C-44 /17, ECLI:EU:C:2018:415, item 56).

This decision was taken in the context of a dispute between the Comité Interprofessionnel du Vin de Champagne (CIVC) and a company "GB" using the sign "CHAMPANILLO" ("little champagne" in Spanish) associated with a graphic medium representing two cups filled of a sparkling drink that clash, to designate and promote tapas bars.

Considering that there was an infringement of the "Champagne" PDO, the CIVC seized the Spanish courts to prohibit the use of the sign "CHAMPANILLO". The Spanish courts have turned to the CJEU to interpret provisions of EU law on PDOs.

After specifying that, in this case, the regulation "on the common organization of the markets in agricultural products" (EU 1308/2013) applies in this case, the CJEU first ruled that this text is applicable "to with regard to acts relating to both products and services".

To reach such a conclusion, the Court considered in particular that the regulation aims to assure consumers that "agricultural products bearing a geographical indication registered under the said regulation (...) offer a guarantee of quality due to their geographical origin, with the aim of enabling agricultural operators who have made real qualitative efforts to obtain better income in return and to prevent third parties from taking abusive advantage of the reputation resulting from the quality of these products". For the Court, the regulation "therefore establishes very broad protection which is intended to extend to any use aimed at profiting from the reputation associated with the products covered by one of these indications."

Next, the Court broadly interpreted the concept of "evocation" of a PDO, which is sanctioned by the regulation by holding that this "evocation" "on the one hand, does not require, as a prior condition, that the product benefiting from a PDO and the product or service covered by the contested sign are identical or similar and, on the other hand, is established when the use of a product name, in the mind of a European consumer means, normally informed and reasonably observant and circumspect, a sufficiently direct and unequivocal link between this designation and the PDO. The existence of such a link may result from several elements, in particular, the partial incorporation of the protected designation, the phonetic and visual relationship between the two designations and the resulting similarity, and even in the absence of these elements, of the conceptual similarity between the PDO and the denomination in question or even of a similarity between the products covered by this same PDO and the products or services covered by this same denomination. In the context of that assessment, it is for the referring court to take account of all the relevant factors surrounding the use of the name in question."

Thus, a simple "conceptual proximity" between the protected name and a sign may be sufficient to characterize an evocation prohibited by European regulations. Thanks to this broad interpretation of EU law on PDOs, their protection is strengthened.

Some concrete examples of different types of misuses are presented below.

- ➔ The use of a registered GI is restricted to the products that meet the established specifications, and therefore, producers are given an exclusive right to use the registered name for their products. This means that registered GI names shall be protected.
- ➔ Legal means are given to the legitimate users to protect the GI name.

2. GI users identification/list

The concept of "GI user" is important to know exactly who the GI users would be or what are the uses covered by the legal framework. It is important to define clearly how the GI will be used and who will be entitled to use the GI once the GI is registered and protected. The management of users or users' list should be clearly defined to avoid misuses in practice.

A list of such producers or legitimate users can be created and the management of such a list conferred to a competent authority (IPO and or GI applicant/[owner*]).

The list of GI producers/stakeholders can evolve over time for different reasons (retirement, closure of enterprise, death, new producers added, withdrawal of GI certification, etc.). The producers present

at the very beginning of the GI application process may not be the same some years later. The main issue is: how to provide an updated list of “GI-able” producers?

For instance, for non-agricultural GIs in France, the IP office (INPI) provides an updated list of GI producers through its [online GI database](#).

Here the example of the GI Porcelaine de Limoges (Limoges China):

The screenshot shows the INPI website interface for the GI 'Porcelaine de Limoges'. The header includes the INPI logo and navigation tabs: 'COMPRENDRE la propriété intellectuelle', 'PROTÉGER vos innovations', 'VALORISER vos actifs', and 'INNOVATION la galerie'. Below the header, the page is titled 'Organisme de défense et de gestion' and lists the 'Association pour l'Indication Géographique Porcelaine de Limoges' with its address: 7bis rue du Général Cérez, 87000 Limoges, France, and phone number 804606366. The 'Liste des opérateurs' section lists numerous producers, including COMPAGNIE DES PORCELAINES DE LIMOGES, PORCELAINES DE LA FABRIQUE, PORCELAINES LACHANETTE, ETABLISSEMENTS MERIGOUS, A. RAYNAUD ET Cie, CHRIS DECOR LIMOGES, KAOLINE UCDA, ARTORIA SAS, ARCANA SARL, BERNARDAUD SA, Société Limousine de Fabrication de Porcelaine, SARL LS ART CREATION, SARL Porcelaine Jacques PERGAY, ATELIER DU BLANC - Aurélie VRIGNON, SARL EDCO - Animal Fabuleux, Maison SAZERAT, IL COQUET SA, EGO DECO SAS, M. RUIVIF Jean-Louis, HAVILAND SAS, SARL ROYAL LIMOGES, L'ATELIER DE LEANDRE, SARL PORCELAINES MP SAMIE, ELDA CREATIONS, SARL PORCELAINE CARPENET, DECOR CERAM, SAS GARANCE CREATION, and SARL ATELIER DE PORCELAINE. The 'Zone géographique' section lists 'Haute-Vienne'.

Figure 55 List of producers for the GI 'Porcelaine de Limoges'

3. Relationships between GI and trademarks

Clear provisions concerning the relationships between GIs and marks are important.

a. Types of Relationships between GIs and Trademarks

There are different [types of relationships between GIs & trademarks](#):

- ⇒ A case of posterior trademarks: trademarks shall not be registered after GI recognition/registration if the trademark would be in conflict with the GI. The Authority shall refuse or invalidate any application for registration of a trademark which is identical with, or confusingly similar to an earlier GI.
- ⇒ A prior trademark registered in good faith can challenge/prevent the registration of a GI.
- ⇒ famous/well-known trademarks can prevent GIs from registration.
- ⇒ Coexistence: The use of a trademark and which has been registered, in good faith, before either the date of protection of the GI or the filing date of the application for GI registration, the trademark may continue to be used if there are no grounds for invalidation.

b. Considering trademarks during the GI application process

The Authority may consider the existence of prior trademarks when a GI is applied for registration.

Prior trademarks may prevail over the GI as the right has been granted first, in good faith and is being used on the market. The existence of a previous trademark may prevent the GI registration.

The Authority may refuse the GI registration, based on the existence of a prior trademark, either:

- Directly, or
- On the basis of a request to refuse or invalidate registration of a mark conflicting with a GI.

Figure 56 Sample of a Request to refuse or to invalidate the registration of a misleading trademark

Name of the country

GEOGRAPHICAL INDICATION ACT

Form No. XXXX

**REQUEST TO REFUSE OR INVALIDATE REGISTRATION OF A MARK CONFLICTING WITH A
GEOGRAPHICAL INDICATION**

{Pursuant to section 34 of the GI Act}

(For official use only)
[Country]:
Date of receipt/Filing :
Fees received on:
IPO stamp

I. IN THE MATTER OF:

Application for Registration/Registration No.* of Mark:

Filing/Registration*
Date:

Application/Registration* Published in the periodical

N°..... Page.....Date....

II – APPLICANT(S)/NAME

(Principal applicant must complete this section)

(a) Name :.....

(b) Address :.....

Phone Number:Fax Number:

Email :

(c) Nationality or citizenship/country:

(d) Legal status :.....

(e) Address for service in COUNTRY

III – REPRESENTATIVE/ATTORNEY-AT-LAW/DULY AUTHORIZED AGENT

The following (Attorney-at-Law) has been appointed by the Applicant in Authorization of Agent

- Accompanying this Form
- To be filed within 2 months from the filing of the application for registration (Regulation XXXX)

Name and Address for communication

.....
.....

Phone Number:..... Fax Number:

Email :

Where an Attorney-at-Law has been appointed, the address of the Attorney-at-law shall be treated as the address to which any communication shall be transmitted (Regulation XXXX).

IV – GROUNDS FOR REQUEST

The grounds for request to refuse or to invalidate the registration of the above identified mark are as follow

.....
.....
.....

Additional information

- Is contained in the Annexed Schedule which is incorporated in this Form
- Supporting evidence accompanies this form

IV – FEES

- Accompanying this Form

V – ANNEXES SCHEDULE

- A- Power of Attorney;
- B- Statute and Regulations of the Applicant;
- C- Supporting evidence
- D- Related documents required by the Department of Intellectual Property Rights;
- E- Fee payment

VI- SIGNATURE OF THE APPLICANT OR ATTORNEY-AT-LAW

A- **Signature:**

c. GIs and trademarks, as complementary tools

Frequently producers use both GIs and trademarks in their marketing strategy:

- ➔ GIs usually protect the geographical name of a product produced by a group/association of producers. Trademarks can be used by individual producers to complement the protection, for example a single producer within the GI group who wants to protect his own trademark.
- ➔ Where GIs protect the name, the trademark will enable producers to protect other visual elements such as a logo to further visually identify the GI name to be promoted and recognised by the consumers.

However, such trademarks shall not prejudice/conflict with the GI. Some specific conditions exist for the GI and the trademarks to co-exist in practice:

- ➔ The owner of the trademark can be either the GI group of producers (or GI owner*) or one of the GI producers recognized as a GI user;
- ➔ The owner of the trademark cannot appropriate the name of the GI already protected; (possibility to add a disclaimer inside the trademark application)
- ➔ The owner of the trademark can establish some conditions of use of this trademark : how the visual elements can be used (size, colour etc...), etc.

Examples of trademarks used together with a GI:

In these examples you can see the use of the EU official logo with a specific GI trademark/logo. In these cases, only products that comply with the GI certification and verified by the control body can use the GI trademark/logo on the packaging.

<p>GI 'Piment d'Espelette' (PDO) <i>Chili pepper from France</i></p>	<p>GI 'Parmigiano Reggiano' (PDO) <i>Cheese from Italy</i></p>
<div style="text-align: center;">  </div> <p style="text-align: center;">Source: ©Anne CLERMONTILLE</p> <p>GI Protection: words 'Piment d'Espelette' and PDO yellow/red logo of the EU</p>	<div style="text-align: center;">  </div> <p style="text-align: center;">Source: parmigianoreggiano.com</p> <p>GI Protection: the words 'Parmigiano Reggiano' and the use of the yellow/red PDO logo of the EU</p>

TM Protection: visual elements that compose the label on the product.	TM protection: visual elements that compose the label on the product.
--	--

Figure 57 Examples of trademarks used in collaboration with a GI

d. Difference between DO and GI

'GI' is a term commonly used to describe a name of a product linked to a specific geographical origin. Different terms such as 'protected designation of origin', 'protected geographical indication', 'appellation of origin'/'designation of origin', and 'geographical indication' cover the "GI" concept.

Some national or regional legal frameworks such as in Europe cover both DO and GI concepts.

Protected Designation of Origin logo	Protected Geographical Indication logo
	

Figure 58 Examples of EU PDO and PGI logos



Protected Designation of Origin logo	Protected Geographical Indication logo
	

Figure 59 Examples of DO and GI logos in Morocco

DO and GI protect the name of a product originating in a specific place/region, which follows a particular production process, sometimes traditional. However, there are differences between the two concepts, which are primarily based **on how strong the link between the product name and the geographical place in which the product is.**

The difference between a DO and a GI depends on the link with the geographical area in question, they consequently have different requirements for protection. For example, protection granted to a specific name as a DO may require that all raw materials be sourced from the geographical area where the product originates or have requirements on how many steps within the production process must take place in the defined area.

Product names registered as a **DO are those that have the strongest links** to the geographical place: the product must be shown to have characteristics that are due to the natural environment and to the skills (= know-how) of the producers in the geographical area of origin. Additionally, every part of the production, processing and preparation process must take place in the specific geographical area identified in the product specification.

A GI emphasizes the relationship between the geographical area and the name of the product, where a particular quality, reputation or other characteristic is essentially attributable to its geographical origin. At least one of the stages of production, processing or preparation takes place in the designated area.

The figure 60 illustrates the differences between a DO and a GI designation.

For wines products

DO	GI
<ul style="list-style-type: none"> The grapes must come exclusively from the geographical area where the wine is made 	<ul style="list-style-type: none"> At least 85 % of the grapes used have to come exclusively from the geographical area where the wine is made.

For meat/ham/pork processed products

DO	GI
<ul style="list-style-type: none"> all stages of ham production have to take place in the place of origin. The specific place of origin (understood as "terroir") confers specific characteristics (flavor, color and texture) and quality to the product 	<ul style="list-style-type: none"> at least one of the stages of the production process must have taken place in the region of origin. The place of origin is a determining factor for the product to obtain specific quality of the product

Figure 60 Difference between DO and GI

In jurisdictions where no difference is made between a DO and a GI, the GI concept will protect both DO-type and GI products.

4. Enforcement mechanisms

With regards to enforcement of the rights conferred to GI rights holders, the legal framework must make provision for the establishment of an administrative enforcement mechanism – i.e., a system by which the Member State or public authorities may be responsible for policing and ensuring GI rights are enforced. The GI groups or associations and producers are obliged to set up the necessary control bodies and procedures, so that products that do not meet the requirements of the registered GI specification must be removed from the market.

Depending on the legal means as provided by the national legal framework, the GI groups or associations, their producers and sometimes the official GI competent body can take legal action to enforce GI rights in the market and to obtain compensation for the damage suffered as a result of infringement of the IPR. There are different types of legal actions which can be taken to enforce a GI right:

- civil litigation (particularly in the field of intellectual property);
- by becoming a civil party in the context of criminal proceedings, initiated based on the reports and reports drawn up by the main competent authorities responsible for the repression of fraud concerning protected Geographical Indications.

Customs can also take measures to stop counterfeited products at points of border entry or within the country.

Like all intellectual property rights, the rights to Geographical Indications are enforced by the application of national legislation, typically in a court of law. The right to take action could rest with a competent authority, the public prosecutor, or to any interested party, whether a natural person or a legal entity, whether public or private. The sanctions provided for in national legislation could be civil (injunctions restraining or prohibiting unlawful acts, actions for damages, etc.), criminal, or administrative.

5. Miscellaneous

➤ GI license

GI rights are not transferable in practice. A GI designation is conferred to a right holder which is most of the time a group or an association that represents the producers and other essential stakeholders in the value chain. The GI rights holder has as its main duty to manage the GI and its use by its members, who come together and unite around common principles and practices. Therefore, GIs are not subject to transfer or licenses. The right of use shall be open to the producer/enterprise that are established in the GI territory and produce the product in compliance with the specifications.

The fact that the GI right of use shall be open and the specifications a compromise among a wide range of producers, is essentially why GIs have been proven useful tools for rural and economic development.

D. GIs promotion

1. Designing a national GI logo and defining labelling rules

The first and possibly most important step to be carried out by the competent authorities to promote the GI system as a quality scheme is to design a national GI logo that will raise awareness among producers and enable consumers to identify the authentic GI products from their respective countries.

It is good practice to design a single logo for all GIs to maximise its recognition by consumers and avoid confusion, or several logos in countries which implement various GI schemes (for example, to distinguish between Protected Designations of Origin (PDOs) and for Protected Geographical Indications (PGIs), like in the EU or Morocco).

In parallel, the Authority should also introduce rules on the use of this logo, and notably a requirement to display the national GI logo on front-of-pack labels. This requirement will give visibility to the GI scheme, provide a guarantee and transparency to the consumer and raise interest among producers. Below are some examples of national logos developed for GIs.

Figure 61 Examples of official national/international GI logos

European Union	Jamaica	Morocco	Japan	Turkey	France
<p>PDO logo</p> 	<p>GI logo</p> 	<p>PDO logo</p> 	<p>GI logo</p> 	<p>GI logo</p> 	<p>Industrial and craft GI logo</p> 
<p>PGI logo</p> 		<p>PGI logo</p> 			

2. Promoting the GI quality scheme

Firstly, the Authority is advised to promote the GI quality scheme among producers to raise their awareness and interest on Geographical Indications as a mechanism to protect their OLPs in their target markets. There is no point in promoting the GI scheme to the public if no GI is recognised in country. In this case, it is best to start by identifying national quality products that may meet the

requirements of a GI scheme and contacting producers directly to promote the benefits of the scheme, in particular the protection and added market value it can bring to their products.

As a good practice, the competent authorities usually add a 'Geographical Indications' section to their website, with a plain language presentation of the GI scheme, its objectives, its value for producers and consumers and the procedure for obtaining it. Most competent authorities would also publish a database with registered GIs (possibly including GIs being registered) and their associated specifications to give visibility to quality and origin products and to provide concrete examples for producers to better understand the GI scheme and to help them build their own specifications.

Below are some examples of complete and well-structured GI databases:

- ➔ European Union GI register [eAmbrosia](#);
- ➔ EUIPO GI database [Glview](#);
- ➔ French IPO [GI database](#) for industrial and artisanal GIs.
- ➔ [Indian GI database](#)

Another option to promote GI schemes is for competent authorities and other relevant stakeholders to host information booths at agricultural fairs/exhibitions or other trade shows/exhibitions held in country.

CHAPTER 4 | GIs manual for control bodies

A. Why is it important to implement controls for Geographical Indications?

1. Importance of controls for GI products

This chapter aims at helping control bodies to better understand the aim of GI controls and to communicate on the protected name of the GI products, the products' characteristics and attributes to buyers, consumers and the public, thereby ensuring:

- ➔ the respect of GIs as intellectual property rights;
- ➔ the fair competition among all stakeholders of GI products, having value-added characteristics and attributes;
- ➔ the availability for consumers of reliable and fair information to such products;
- ➔ the integrity of the market(s).

A GI framework can support the production of origin-linked products and their production systems for which an intrinsic link exists between products' characteristics and their geographical origin, thereby contributing to the achievement of rural development and economic development policy objectives.

When applying for GI registration, the GI group must therefore identify, depending on the national legal framework, the relevant control body for their GI. This control body must be independent and have the relevant competency to ensure compliance with the provisions of the GI control scheme.



KEY TAKEAWAYS

- ➔ A sound control system is necessary to **guarantee the specific link** between the GI product and its origin.
- ➔ GI controls are **compulsory** for all of the operators who wish to use the GI.
- ➔ The role of the GI group is fundamental to guarantee **the correct implementation of the production rules**.

2. Some definitions

Audit: Audits are assessments of procedures, typically by independent bodies. Audits are a vital part of the management system approach or certification process as they enable a company or an organization to check how far their achievements meet their objectives and show conformity to the standard (= GI specification and control plan).

Certification: a process that provides assurance to all interested parties that a product, process or service meets specified requirements. The value of a certification resides in the degree of confidence that is created after an impartial and competent third-party demonstration of compliance (source: ISO).

Certification Body: private inspecting organization or inspecting entity, accredited by an accreditation body (usually a public authority), able to deliver GI certification in accordance with ISO/IEC 17065:2012 standard for the product certification or with the relevant national rules.

Certification program: a set of specific requirements, rules and procedures applying to the GI certification, such as ISO / IEC 17065:2012_ Conformity assessment – Requirements for bodies certifying products, processes and services; national Laws on GIs, its regulation & relevant procedures and other related laws and regulations. The certification program shall be respected and implemented by the GI group, the GI producers and the certification body.

Geographical Indication control plan: a document, giving details on methods to control and inspect the production process according to the GI specifications as well as establishing rules of corrections/sanctions for non-conformity to the GI specifications. The objective of the control plan is to provide assurance that the produced good meets the required characteristics/attributes as validated through the Geographical Indication registration. The control plan can be included in the specifications but this is not compulsory. Most of the times, this document is separated from the specifications but is usually regarded as an essential element of the GI control or certification program.

Geographical Indication controls: the action of verifying the compliance of goods with the specifications of GI registered by the competent authority. The GI controls may include three levels of control: auto control, internal and external control.

GI control program: a set of specific requirements, rules and procedures applying to the GI certification such as national Laws on GIs, its regulation and relevant procedures and other related laws and regulations. The GI control program shall be respected and implemented by the GI group, the GI producers, and the control body.

GI group: the person or legal entity that, in accordance with specified standards has the right to monitor and exercise control over the use of the GI.

Conformity assessment: a set of processes carried out by an independent body to show that the product meets the requirements of the GI specifications. Undergoing the conformity assessment process has several benefits as it provides consumers and other stakeholders with added confidence.

Control Applicant: the GI group or its members individually (i.e. GI producers) that request the control for their products.

Inspection: the regular checking of a product to make sure it meets specified criteria.

Internal control system (ICS): the GI control system implemented by the GI group or association internally for their members. An ICS is not compulsory.

Labelling: any words, signs, trademark, brand name, pictorial matter or symbol relating to a product and used on any packaging, document, notice, label, ring or collar accompanying or referring to such product in the course of trade. Labelling is a means for providing accurate and verifiable information to consumers.

Private Control Body: private inspecting organization or inspecting entity which may provide GI controls according to national standard law, relevant laws with regard product standards, and other related laws, to ensure conformity with the specifications of GI products.

Public Control Body: public inspecting organization or inspecting entity which may provide GI controls according to national standard law, relevant laws with regard product standards, and other related laws, to ensure conformity with the specifications of GI products.

Specifications: all supporting documents and information as requested for the GI application, specifying the product name, the production geographical area, production conditions, the quality control process of Geographical Indication goods. The specifications explain how the GI product has to be produced, how its traceability must be ensured and how the link between the origin and the product is evidenced. The specifications are a central element of all GI schemes quality because the specifications must be controlled to verify the compliance with the rules set up within. This document is examined and approved by the competent authority during the GI registration process.

Testing: the determination of one or more of an object or product's characteristics and is usually performed by a laboratory or by a competent panel composed of skilled and regularly trained persons.

3. Rationale for a GI control system.

The GI controls are important as they are at the heart of the **credibility of the GI system**. These controls guarantee the authenticity of the products and thus **protect both**:

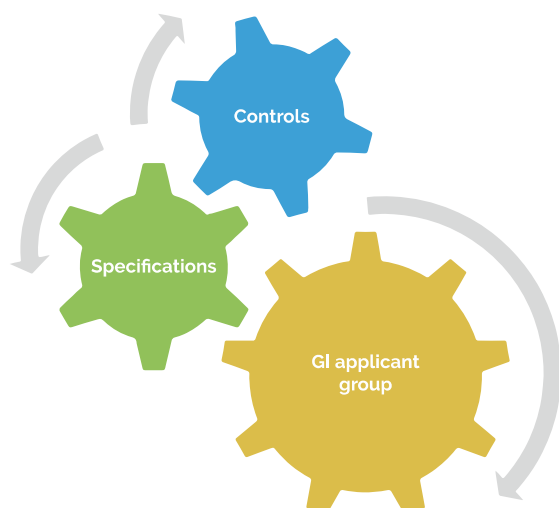
- ➔ **producers**, against frauds, counterfeiting, unfair competition, etc., and
- ➔ **consumers**, by guaranteeing traceability, true labelling, quality and origin of the product as defined in the GI specification

a. GI control system shall ensure compliance with the specifications

The GI control system should demonstrate how the producers committed in the GI scheme can comply with the rules set out in the specifications, especially as it relates to

- ➔ the description of the characteristics of the product
- ➔ the description of the production methods.

The control system must relate the provisions of the product specifications to the evaluation method used. The GI applicant group must identify the elements that can be used for the traceability of the product throughout the production process. It should also define modalities of the controls (internal and/or external, frequency, etc.). Figure 62 shows the interrelationship among the key elements of a functioning GI system.



A control plan established by an external control body can also be provided, mostly in case of certification process.

Figure 62 The proper functioning of a GI

In any case, **a control plan will be required** before any approval of the specifications by the competent authority.

The control services, whether internal or external, must offer **sufficient guarantees of objectivity and impartiality to all stakeholders.**

Even though there is normally no GI control before the GI is formally recognized through registration, the GI applicant group must justify certain elements in the control plan to ensure the viability of future controls, in particular:

- it should establish a list of all the producers who would like to use the GI: **these producers are the original producers of the GI** (the producers behind the GI application);
- It should verify, by itself or through a control body, the ability of the producers to comply with the GI specifications or the relevancy of the control method to be used in the future.



KEY TAKEAWAYS

- GI controls **are a centerpiece of the whole GI system** as they guarantee the credibility of all the GI system
- The control system must efficiently relate **the provisions of the product specifications to the evaluation method used.**
- The control services, whether internal or external, must offer sufficient guarantees of **objectivity and impartiality** to all stakeholders.

b. Scope of GIs controls

A product registered as a Geographical Indication within the national competent authority according to the applicable legal framework is subject to controls. In quality management, two types of control systems exist: product controls and systems controls.

- Products controls cover the control system of a type of product. In these controls, the quality and the process of the product's production will be checked. These controls make it possible to know whether or not the products comply with the product specifications.
- Systems controls apply to a company or an organization. They are based on measurements progress compared to predetermined standards. They aim to keep the organization running smoothly.



Figure 63 Different types of controls²⁸

A GI control system belong to the product controls category as GI controls verify compliance with the conditions set out in the GI product specifications.

c. Basic elements on GI controls

GIs controls rely on important and easy principles (see Figure 64):

²⁸ Source : Aubard Consulting

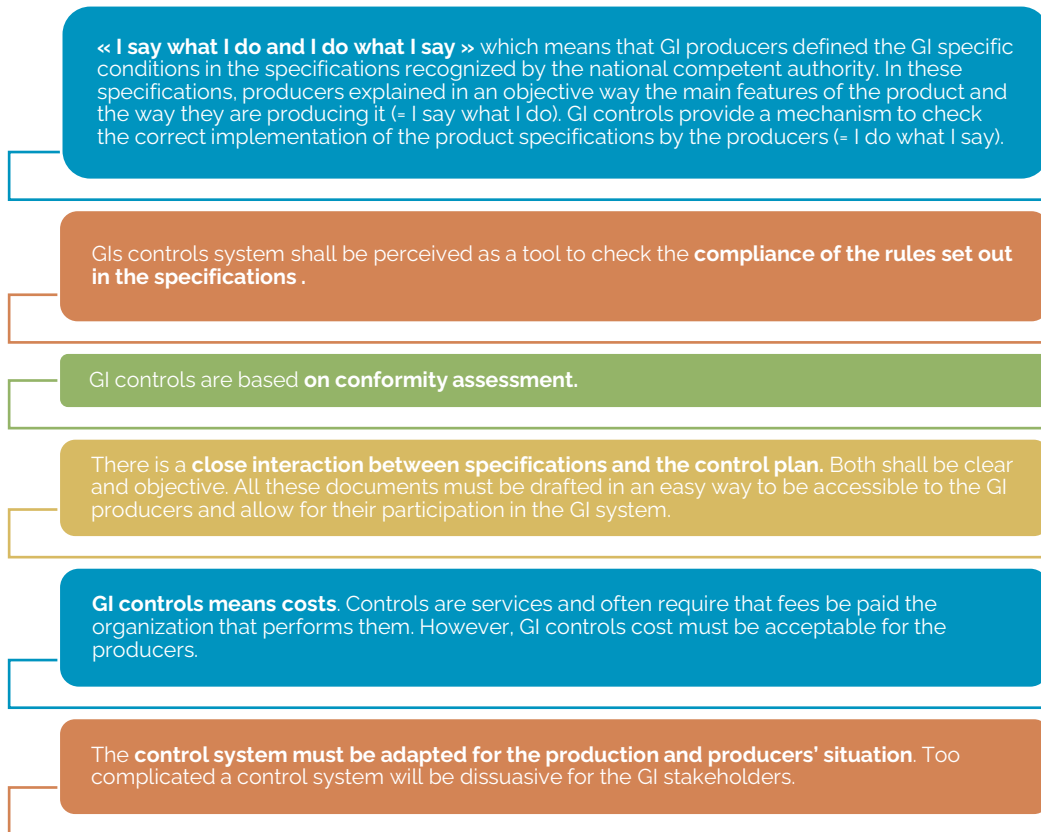


Figure 64 Basic elements on GI controls

d. GI controls stakes

GI product controls are based on three main **stakes** as presented in Figure 65:

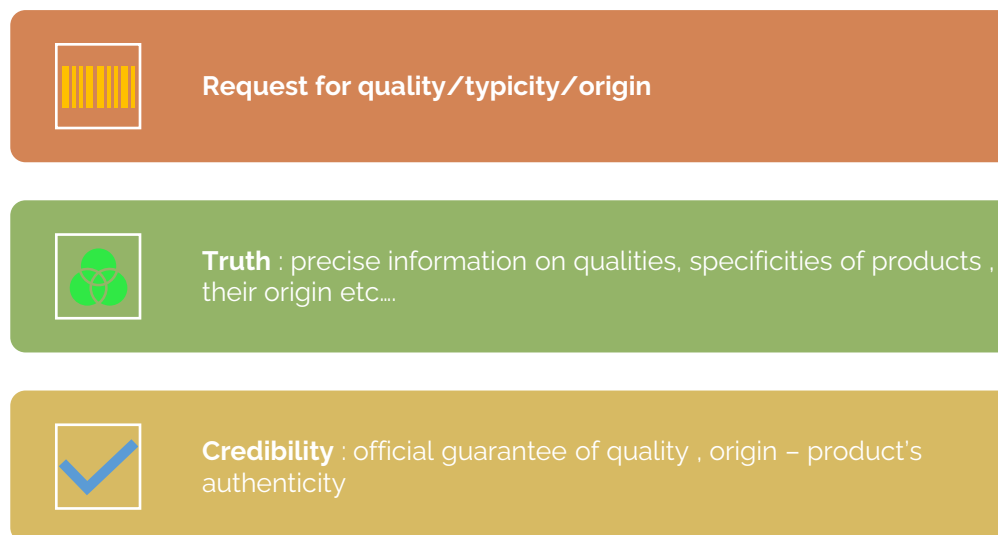


Figure 65 Three main stakes for GI controls²⁹

In addition, GI controls may achieve **several objectives**:

- **They must be impartial and objective** in order to avoid varied or inconsistent interpretations and unfair competition between GI producers;
- They must give producers/group of producers **a sense of responsibility**;
- They provide assurance to consumers that the products covered by the GI scheme have **guaranteed characteristics, quality and/or origin**;
- They provide the opportunity for producers to profit on the national and/or international markets by promoting the specific qualities of their product and by being able to provide evidence that their products are produced according to verifiable specifications

There are 3 main areas that shall be verified during the GI controls process:

1. The origin of the product (traceability's respect of the production chain);
2. The respect of the production conditions;' steps
3. The products, their specificities and quality if defined.

²⁹ Source: Aubard Consulting, 2020

e. GI controls applicant

Before using a registered GI, the GI group and/or the GI producers must request, in writing, to be subject to a GI control process or extension to the control body and declare its commitment to comply with the GI control requirements.


Eligible producers who can be subject of GI controls are the following:

- Any legal entity representing a **GI group**. This organization should be recognized as representing the GI users. It would usually be the GI group that has applied for the registration of the GI.

And/or

- Any **producer** of the concerned GI goods, having a production or processing activity linked with the GI goods. The producer should be involved in any of the steps of production or processing laid down in the GI specifications.

Stakeholders subject to GI control: GI producers are all subject to controls. In addition, in case of a collective GI group, each member located in geographical area of the GI or enterprise doing business in relation to the GI product is also subject to GI controls. It is recommended to have only one single control body appointed by the GI group to provide certification of compliance to the controls among all the GI producers.

 The significance of having only one single control body: each control body has its own vision of the controls and its own methodology. Having several control bodies for one GI may be risky if the controls are implemented with different methodologies.

Duties and responsibilities of the GI control applicant:

Moreover, the GI group must, where it exists, set up an internal quality control system.

The GI control applicant must:

- comply with the GI specifications as registered by the competent Authority;
- be willing to comply with the control scheme of the GI;
- provide information upon request of the control body;
- accept the inspection/control plan including the terms, conditions, notification of change of important production information and occurred expenses;
- agree to let a representative or auditor of the control body perform all necessary controls and, in case of control oversight, to let a representative of the national competent authority office attend the inspection as an observer;
- object to the chosen auditor in case the auditor does not have equity or for any objective and justified reason. The objection can be made and sent to the control body who must consider the facts and appoint another auditor.

B. GI Control procedures

1. Type of controls and nature of the control bodies

The national GI framework may set out a GI control mechanism to be performed or supervised by the State and/or by external control bodies such as certification bodies. Besides, the GI specifications should normally set out the applicable traceability procedures. In some cases, GI specifications includes a control plan.

a. Types of controls

A GI control system typically involves **three levels of control**:

- **Self-control or auto control** by producers and other operators of the value chain
- **Internal control** by the group of producers or GI group, regularly based on an internal control system/procedure. This type of control would be set out in the GI specifications or accompanying documentation; it is not compulsory.
- **External control** by an external control body. Where the GI group implements internal control, external control consists in checking the internal control by the group of producers as well as the auto-control. External control may also be implemented if no auto control or internal controls.

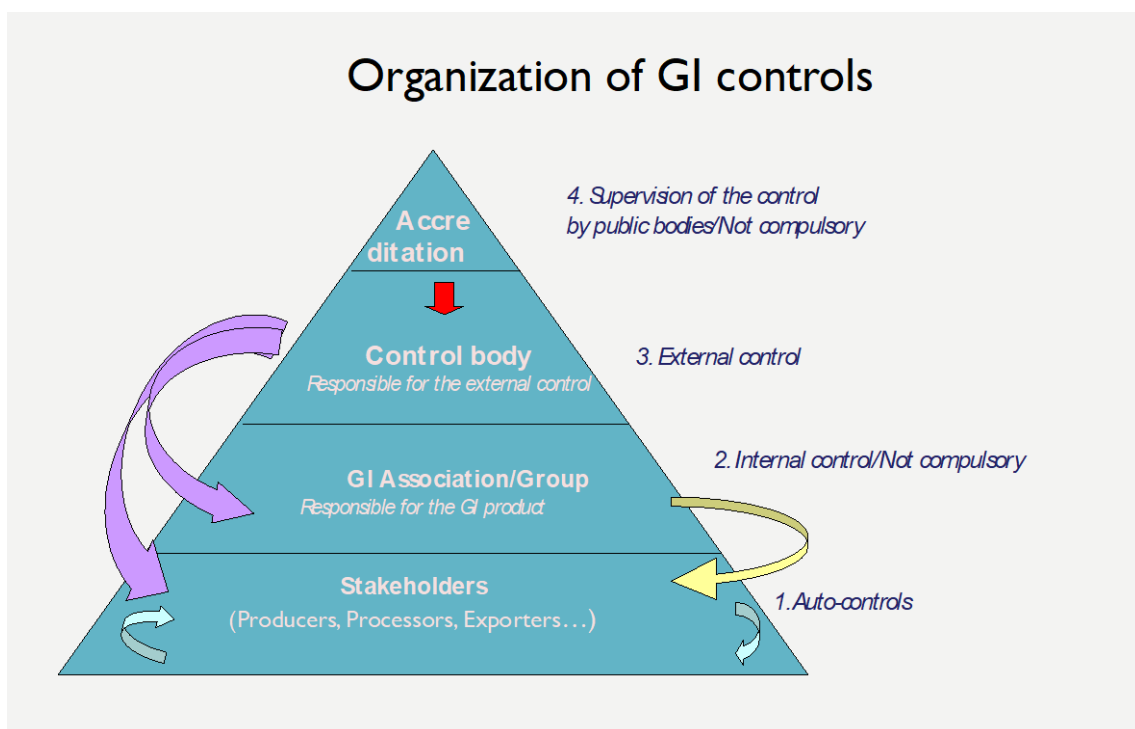


Figure 66 Scheme of GI controls organization³⁰

³⁰ Source: Certipaq & Aubard Consulting, 2020.

External control is compulsory in most jurisdictions and, even where it is not, it is very highly recommended.

Control plans

The **Internal control plan** is prepared and implemented by the GI Group for its members. Internal controls are based on an association's own **internal control system** established for the concerned product and includes the frequency of inspections.

To implement an internal control system, the GI group must have the capacity to undertake relevant inspection and management. The GI group must also have an appropriate structure and quality management to ensure the independence of the controls from the other activities of the GI Group and to undertake the task per the specifications and control plan.

Where internal control is in place, new members of the GI group wishing to use the GI must be internally inspected before using the GI and have their name in the list of registered members or GI recognized users.

The **external control plan** shall be implemented by an external control body chosen by the GI producers/GI group.

- In the case of individual control or certification, the auditor from the control or certification body shall inspect the GI producer requesting the control/certification, based on the GI specifications;
- For the members of a GI group, the auditor will review the implementation of the Internal Control System, if available, that has been implemented by the GI group. The auditor will then control if a number of randomly selected members complied with the GI specifications. The auditor will then check all records and relevant information in relation to the internal inspection performed.

The number of members to be randomly selected for inspected should be defined in the control plan as a representative percentage of all the members applying for the control and certification. The percentage can be increased if the control body considers that this is necessary. That could be the case, for example, if the internal control system is not effective and the evaluation results of the control body are not consistent or are too different among the selected producers.

↻ Inspection and Evaluation

The methods and frequencies of control are defined, based on each GI product's specifications, and control plan.

The control body should implement various types of control techniques or methods. They are not all compulsory and should be selected as relevant, based on each GI product, to verify the compliance with the concerned specifications. These techniques can be:

Documental	Inspective	Visual	Analytical: laboratory tests on the product, if applicable to the product specification
			

➔ Additional ad hoc inspections

Sometimes, and if defined in the control plan, an **additional inspection** can be carried out:

- ➔ In the case of **major findings of non-conformity** which are liable to endanger the correct implementation of the GI specification and the final quality of the product;
- ➔ If, upon **request of the GI group**, a member's reliability must be verified
- ➔ In cases where the GI group member communicates **significant changes to the production/process** or to the facilities (variations requiring an additional inspection to assess whether the changes may impact the conformity requirements set out in the control plan and in the GI product specification).

b. Control bodies: competence, experience, independence

GI controls may be carried out by different types of control bodies or entities. GI applicants and competent authorities shall therefore verify that the control organization/body has the necessary:

- ➔ **qualifications and experience** regarding the control process, the type of product and system to be controlled, etc.
- ➔ **independence** to monitor and enforce the control system. This allows for the prevention of fraud and negative consequences on the GI.

➔ What matters is the competency, the objectivity and impartiality of the control body.

The different types of control bodies can include:

- ➔ Public authorities of control: this can cover official control bodies (for food product, for safety etc...). Sometimes a GI competent authority can oversee the GI controls but in this case, this authority needs to have the competencies to implement the control process.
- ➔ Certification or private organisms, such as standards and quality organizations (in the CARICOM Region, there is CROSQ and National Bureaus of Standards) which have to be competent for the products and processes covered by the GI controls. When it relates to the certification process, the certification body shall be accredited by an accreditation body, according to the ISO 17065.
- ➔ Other kinds of organisations/entities specialized in implementing controls or specially created for such a purpose (technical team, commission, local community, etc.).

**KEY TAKEAWAYS**

- The GI group must select the control body while drafting the specifications. To ensure compliance with the specifications, the GI group should pay attention to the competency of the body.
- When the regulation foresees the intervention of a certification body, such a body must be accredited by an internationally recognized body (ISO 17065). Evidence of accreditation shall normally be presented in the GI application.
- The GI group must ensure its own ability to support producers: The control system should not be used just to verify compliance with the specifications, but should be part of a global approach to progress.

2. Key content for establishing a control plan

A control plan is a formal document that defines the necessary elements to control the main characteristics of a process – the GI process. The purpose of the plan is to ensure that the product meets the requirements as set out in the specifications and to support continuous improvement.

In a production environment, it is important to create the standard operating conditions that contribute to process management and keep it up to date. A control plan must be developed, implemented and employed to document control and inspection activities: either from receipt of raw materials (if any) to final shipment of the final product or from the process of production to the final product.

a. The essential elements of the control plan

The control plan must contain the following elements:

- The type of producers/production process steps to be controlled
- the identification of control points in the steps of the process and the characteristics (indicators, variables) to be controlled: what type?
- the elements (specifications, requirements) to be observed;
- the frequency of sampling / inspection;
- the sample size;
- the control and analysis methods;
- the measuring instrument and the inspector;
- the actions to be taken when non-compliance is detected.

b. Main information to be laid down in the control plan

When drafting the control plan, the GI group must:

- ➔ Identify the specific product and the associated process.
- ➔ Define the main stages of the process.
- ➔ Define indicators, requirements (targets) and tolerances.
- ➔ Define the means of control, the measuring devices and those responsible.
- ➔ Define the control frequencies:
 - How many producers will be controlled?
 - How many times a year?
- ➔ Consider the use of official laboratories or panel testing (only if some specific characteristics of the products in terms of organoleptic and/or chemical features are defined)
- ➔ The plan should be:
 - identified with a specific number;
 - identified with the Reference to the Product Specification
 - approved and dated by the GI applicant/owner;
 - periodically updated and contain a revision number.

Example of control plan heading:

Control Plan n°...	GI (name of the GI)	Approved by Date	Version n° Date
--------------------	---------------------	---------------------	--------------------

c. Controllability of the specifications

There is a close link between the GI specifications and the control plan as both must be taken into consideration when developing a management system which can be easily implemented by the GI producers. Consequently, the GI specifications must **be specific, objective, measurable and pragmatic**. They shall not contain any subjective elements as each statement would become a potentially controversial control point.

GI producers should avoid developing overloaded specifications that would result in irrelevant controls and therefore disproportionate costs. The specifications should not contain any elements with no added value or which cannot be easily controlled.

The controllability of the GI specifications drafted is hence important before applying for the GI.

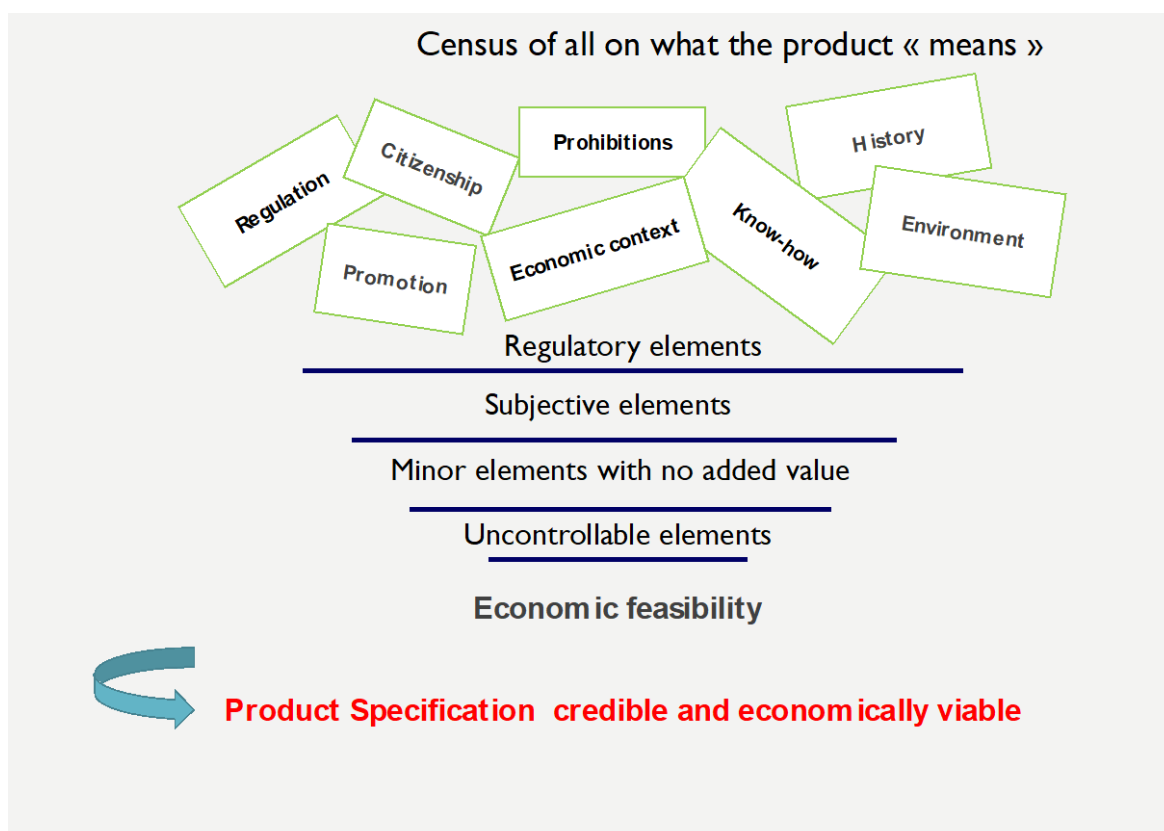


Figure 67 The controllability of the GI specification

d. Structure of the GI control plan

A GI control plan shall follow this type of structure:

1. Reference to the GI and the product specifications
2. Scope of application of the control plan
 - Applicant's information (contact, address, existence of certifications)
 - Productions to be controlled: raw materials, plant productions, animal productions, processing activities, storage, placing products in the market etc.
3. Organization of controls
 - Staff involved on the controls process
 - GI audits of producers and GI group- 1st audit and follow-up audits
 - Need of analysis or panel testing
4. Modalities of controls
 - Auto controls
 - Internal controls (not compulsory)
 - External controls

5. Treatment of failures to comply (sanctions)

e. Modalities of GI controls: how to read a control plan

In order to carry out their controls or audits, the controller or auditor should follow the steps set out in control grids. In practice, control grids are drafted either by the GI group itself or by the control body (mainly in case of accredited certification) or based on a collaboration of both entities. Depending on the legal content of the GI specifications, the grid may be included in the GI application. Sometimes this grid is left as independent and internal document for the GI group. Most of the control plans and the controls grids are built according to the same content, in line with certification process.

1. Criteria in relation to the product or control point
2. Monitoring plan: type of follow-up, frequency, responsible person in relation to the control point, corrective action to be implemented
3. References (documents, analysis, pieces of evidence etc...)

The following provides examples of the key elements of a control plan (Figure 68) and its applicability to a specific example (Figure 69),

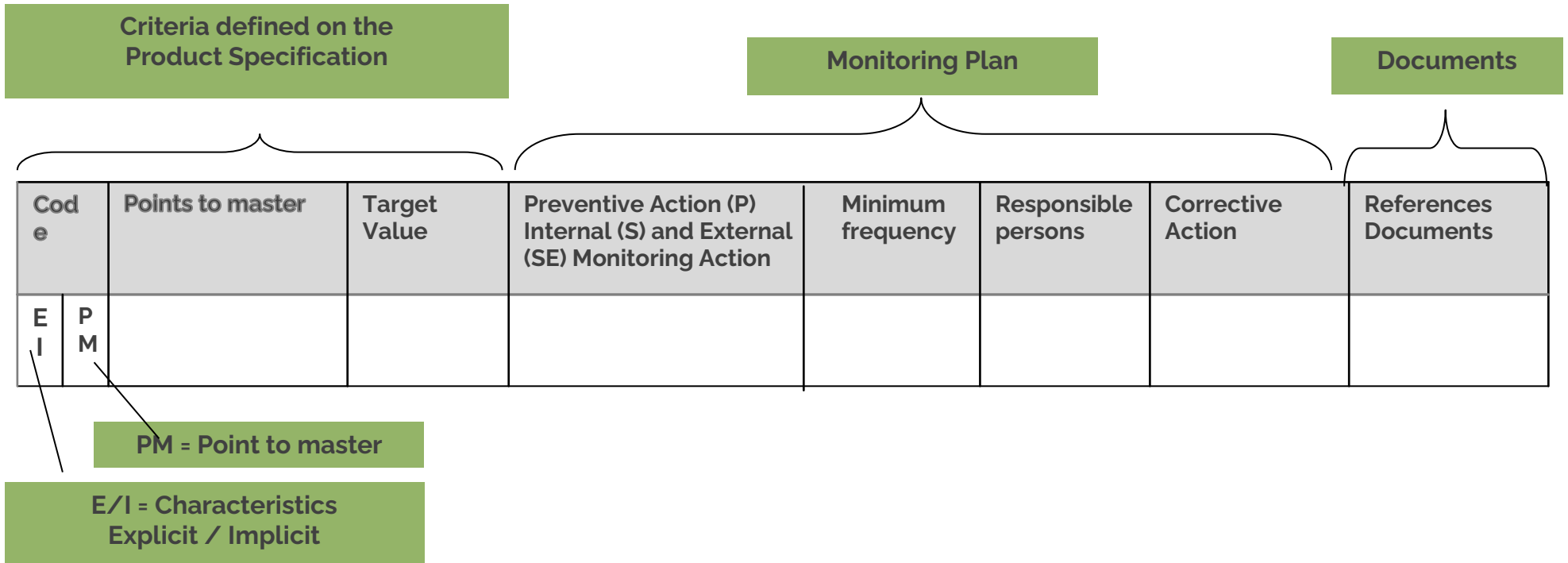


Figure 68 Example of a control plan presentation

Figure 69 Example of a control plan for the GI 'Clémentine de Corse' (certified by the control body 'Certipaq', France)

GI Specification: rule concerning the size of the fruits

Code	Characteristics	Qualitative objective
CE21	Only sizes 1-5 are selected for certification as clementines of Corsica: Size 1 : 63-68 mm; size 2 : 58-63mm; size 3 : 54-58mm; size 4 : 50-54mm; size 5 : 46-50mm	The elimination of large fruits (> 68mm) and small fruits (<46mm) aims at maintaining the image of the Corsican clementine, usually known as a "small fruit".

GI control plan (source: Certipaq)

Code	Point to master	Target value	PA	Preventive Action	Frequencies minimum	Responsible of control
			AC	Auto-Control		
			IC	Internal Control		
			SE	External Monitoring action		
CE21	References diameters sizes 1-5	Diameter comprised between 46 and 68 mm	PA	Information of the station responsible person	Continuously	Quality Manager station
			AC	Visual control of certifiable fruits	1 time/ week	Quality correspondent station or organization of producers
			IC	Visual control of certifiable fruits	2 times / campagne	APRODEC
			SE	Visual and documentary control of certifiable fruits	1 time/ year / station	External Auditor CERTIPAQ

Figure 70 Example of a control grid of GI group

Points to master	Checkpoints	Method of external control
General and Documentary organization	Respect the general conditions of certification (commitment of stakeholders, management of new applications...)	<ul style="list-style-type: none"> ➤ Exam and follow up: ➤ Statutes and internal regulation of the GIG ➤ Organization and management of the GIG ➤ Agreement on the certification of the GIG/ Certification Body ➤ Accession Agreements ➤ Product Specification and Control Plan of the PGI
	Documents managed by the GIG	<ul style="list-style-type: none"> ➤ Monitoring and follow up of the official documents, quality control documents and documents CERTIFICATION BODY: Procedure of document control and document distribution ➤ Verify the updated lists of authorized operators/stakeholders
	Management of the material accounting	<ul style="list-style-type: none"> ➤ Verify keeping statistics of labelling and sales ➤ Verify the coherence between the produced quantities and the sold quantities
Point to master	Checkpoints	Method of external control
Training and information of operators / stakeholders	Dissemination of quality documents to operators /stakeholders	<ul style="list-style-type: none"> ➤ Verify the dissemination of informative documents, registration documents and traceability documents of the authorized operators

	Training	<ul style="list-style-type: none"> ➤ Follow up on the respect of the established training plan ➤ Verify the registration of training conducted
Follow up of operators /stakeholders	Training and qualification of staff	<ul style="list-style-type: none"> ➤ Exam.: The competence of internal controllers
	Follow the internal controls	<ul style="list-style-type: none"> ➤ Monitoring compliance of: ➤ The management of internal control (frequency, controls and tests) ➤ The procedure for handling identified deficiencies in internal and / or external ➤ Monitoring and Review: ➤ reports of internal control: support of controls, record reading failure ➤ records relating to the management of failures ➤ Files registering the sanctions

In some cases, for control points relating to the GI product itself, the control plan should include provisions on **analysis or testing panels**. The main objective of such controls would be to check if the characteristics as set out in the specification are guaranteed in the final products. If these tests are made, they shall be provided by competent laboratories or panels duly trained and skilled to test the GI products.

CONTROL MANUAL

Organoleptic Test Report

- Name of Panelist
- Jerk Seasoning Jerk Sauce

- Sample ID Code

- Decision by Panelist**
- Note:
 - Only a sample with a maximum of 1 "Fair, just passed" result can be accepted as "Jamaica Jerk".
 - A sample with 1 "Poor" result cannot be accepted.

- Congratulations! Your product has been accepted as "Jamaica Jerk" GI.

- Sorry, please try again, your product cannot be accepted as "Jamaica Jerk".
Reasons and recommendations for improvement.

- Signature: _____
Panelist

Jamaica Jerk Producers' Association

Table 4: Organoleptic Test Checklist

Characteristics	Excellent	Very Good	Good	Fair (Just passed)	Poor (Unacceptable)	Comment
Colour	Brownish, Brownish-green	Red, Brown, Green	Brownish, Green	Brownish or Greenish	Any colour not specified here	
Aroma	Spicy	Peppery	Pungent	Sour	Flat	
Texture	Consistent, Thick	Consistent	Smooth	Granular	Soggy	
Taste	Flavourful	Spicy, Salty	Sweet, Sour	Acidic	Bland	
Appearance*	Colourful, Visible	Fresh	Smooth	Moist	Watery	

*See Figure 2 below for Jerk Models

Figure 71 Example of Jamaican Jerk organoleptic test report and checklist

f. Corrective actions in case of non-compliance

The GI control plan should list corrective measures to be decided, or at least proposed by the controller in case of non-compliance. The control plan must clearly empower the control body to implement the corrective actions in case a control concludes that the GI group or a producer do not comply with either the GI specifications or the control plan. The control plan should ideally set out three levels of corrective measures, depending on the scope and scale of the case.

➤ Level 1: Warning

1. If the GI group or producer does not comply with some minimum requirements that will not endanger the overall compliance with the GI specifications or control plan, the control body shall issue warning(s) to make a correction to comply with the GI specifications within a specified timeframe, defined in the control plan.
2. The correction period is the time period that the control body defines from the date of warning to provide a correction of the non-conformity.
3. If the controlled GI group or producer do not demonstrate willingness and expediency in making the correction within the specific agreed period, the control body shall propose the next level of sanctions, i.e. the GI suspension.

➤ Level 2: Suspension of the GI Right of Use

Suspension refers to the action performed by the control body against a GI group or producer to **temporarily suspend** the use of a GI when non-compliant with the specifications. In this case audit conclusions made by the control body may also be sent to the GI group for final decision.

In case of non-conformity that has a severe impact on the GI product's integrity, consumer protection, food safety or other product standard quality, the control body can consider the suspension of the GI right of use without the warning process.

- ➔ Suspension of the GI right of use shall be applied when the GI group or producer cannot correct the non-conformity and after notification by the control body.
- ➔ This suspension may be applied to the GI association or producer when any part or the entire GI production system is found unsatisfactory by the control body.

After the suspension of GI right of use, the timeframe of correction shall be defined by the control body. The GI association or producer shall complete the correction actions prior to the removal of the suspension and within the expiration limit in accordance with the rules defined in the control plan.

- ➔ During the suspension, the GI association or producer shall not use the name of the GI product or national logo, or other documents related to the GI.
- ➔ If the GI group or producer provides any evidence that the non-conformity correction has been performed within the period required by the control body. The control body shall consider the cancellation of the suspension.
- ➔ If the cause of suspension is not solved within the required period, other sanctions shall be considered by the control body.

➤ Level 3: Cancellation/removal of the GI right of use

Cancellation of the GI right of use refers to the action performed by the control body against a GI group or producer to cancel the use of a GI when they do not comply with the specifications and the non-compliance impacts the credibility of the GI product.

1. The cancellation of the GI right of use shall apply to the following cases:
 - The controlled GI association or producer cannot correct the non-conformity(ies) within the timeframe defined in the control plan and/or;
 - The non-conformity(ies) of the production/process impacts the quality of the product, GI product integrity, consumer protection, food safety or other product quality standard.
2. The GI association or producer whose GI right of use is cancelled cannot re-apply for a GI control to a control body, before a certain timeframe which shall be no less than 6 months from the date of cancellation, based on the audit conclusions of the control body and sometimes validated by the national competent authority.
3. The GI association or producer can re-apply for GI control once the grounds for the cancellation are no longer relevant.

All these disciplinary sanctions shall be subject to **appeal**. An appeal procedure shall be defined either in the control plan or within the control body's procedures.

3. Procedure for controlling GIs

a. Introductory elements

As mentioned earlier, GIs controls are based on audits performed on GI producers and sometimes GI groups. The purpose of the audit is to verify the operator's ability to meet and comply with the requirements of the GI specifications.

The evaluation covers all the control points and target values determined by the GI control plan which includes 2 or 3 types of control: self-control, internal control (not compulsory) and external control according to the frequencies defined by the GI group and agreed with the control body.

The audit is carried out by an evaluation visit carried out on site by an auditor mandated by the control body and is the subject of an audit report.

The process explained below may be implemented for official controls, inspection or certification.

b. Process

1. Implementation of the certification

Once the GI is registered, the GI owner shall inform the control body and submit the last version of the GI specifications.

The control body shall send the documents relating to the implementation of the GI control process to the GI owner (usually, the GI group). That information should be centralized within the GI group. The documents must include:

- ➔ Up-to-date control plan
- ➔ GI producer identification document

- ⇒ A contract (compulsory for certification process)
- ⇒ Information on control costs
- ⇒ Other documentary materials relevant to GI controls

2. Application for GIs controls

Any request for a GI control process/audit or extension of control must be the subject of a **written request** to the control body. The GI group or producer must also provide a declaration of **commitment to comply** with the relevant GI control requirements. In case of certification, the certification body and the applicant must sign a **contract**.

Each producer who wishes to use the GI, and in case of certification to be GI certified, must request the GI audit. If the producer is a member of the GI group, this application can be made through the GI group that will inform the control body. If there is no GI group, the producer will directly ask the control body.

The GI group must maintain a register of the GI producers, based on a **GI identification document (GIID)** for each producer. A GIID shall at least contain information on:

- ⇒ the identity of the producer:
 - Name of producer (individual, enterprise etc...)
 - Contact person
 - Responsible person(s) (important in case of identification of sanctions)
 - Current contact address
 - Contact information (e.g. telephone number, fax number, e-mail address);
 - Type of product;
 - Type of activity (production, process, packaging, labelling) concerned by the GI control;
 - If relevant, cultivated area in hectares or number of plants/number of heads breeding in case of products of animal origin
 - Location of the field / farm / enterprise/ production premise of the producer;
 - If relevant, estimated production volume;
 - Individual control/certification or association control/certification;
 - Any other required information
- ⇒ the producer's commitments
 - Respect the production conditions set out in the specifications;
 - Carry out auto-controls and accepts the GI controls;
 - (If necessary) Bear the costs related to the aforementioned controls;
 - Agree to appear on the list of GI producers/users (if any).

The GI group shall require each producer to fill in and provide a GIID. Once the GIID is returned to the GI group, the GI group registers the producer in the file of identified GI producers that it must keep updated in case of new producers entering in the GI group or if producers are leaving the GI.

As soon as the GIID is complete, the GI group sends it to the control body. The GI group must record the date of receipt of the GIIDs.

The control body must check the completeness of the GIID and contact the GI group and/or the producer if necessary.

3. Review of the application

The control body must review the application. This review is based on the classical certification/inspection process.

Once the control body receives the application for GIs control audit, it shall:

- Undertake a feasibility study to assess whether there is a conflict of interest and its capacity and competencies to undertake the controls.
- Prepare a financial quote for the GI group or producer, usually based on the time needed for the auditors to carry out the audit.

Then, the control body shall send the following documents to the GI producer or group:

- Contract
- The financial quote (proposed costs)
- In the case of certification, the rules of use of the certification body trademark.

The producer/GI group will have to sign the control contract and the quote (if accepted) and send them back to the control body. In the case of an individual producer, the GI group shall be informed to follow up (e-mail copy is sufficient).

Then, the control body will undertake the finalization of the review of the application and start the GI audit process.

4. Initial audit or first GI audit

As mentioned earlier, before using the registered GI name and any associated logo(s) on the products, producers shall firstly be audited.

Once the producer applies for the GI audit and fulfils all documentary steps, the control body shall plan the first audit and propose an appointment with the producer. It should also inform the GI group (e-mail copy is sufficient).

The auditor shall be:

- **competent:** the person must know about the GI system, about the control product and value chain; and
- **independent:** there is no link between the auditor and the GI value chain (GI group, producers etc.)

During the audit, the GI producers must have ready to produce the following information:

- Specifications of the GI
- GI control plan (sometimes integrated into the specifications)
- All or part of the documents/information cited in the GI specifications: traceability elements (documentation, test analysis etc...)
- Recording of corrective actions, if any.

After the audit, the auditor must **report in writing**. The report must be justified and, where appropriate, include **non-compliance sheets**. The control body must send the report and any non-compliance sheet to the producer as soon as possible after the completion of the audit.

Control bodies shall keep the GI group informed of the progress of the controls audit and the results thereof.

In case of non-compliance, the producer shall explain to the control body the solutions that will be implemented to be compliant (at short, medium or long term).

The auditor should qualify any non-compliance case:

- Major: major breaches may impact the overall credibility of the GI. Hence, the producer must provide proof of corrective action to the control body;
- Minor: no delay – the control body will note the lifting of the non-respect/compliance during the next follow-up audit

The control body must evaluate the relevance of the proposed corrective actions:

- If satisfactory, the control body will propose to grant the GI use/certification
- If the response is unsatisfactory or if there is a lack of response within a defined time (e.g. 6 months) of sending the audit report, the control body can refuse to grant the GI use/certification or refuse the right to renew the initial GI control application.

5. Acceptance of GI use/decision of certification

If the control body is satisfied that the producer group/producer complies with the requirements of the GI specification, the producer will be authorized to use the GI. This authorization is granted :

- through a decision of the control body directly or
- by the GI group, based on the conclusions of the control body.

Each control body must define rules for the granting of the **compliance decision**.

In case of a certification process, the granting of the **certification decision** will adhere to the rules set out in the ISO 17065 'Conformity assessment Requirements for bodies certifying products, processes and services'

The GI compliance decision takes the form of:

- A decision letter from the control body and
- A certificate attesting to the granting of the GI certification to the producer.

The control body should issue those two documents at the same time. It shall send the two documents to the producers and copies to the group of producers and, where requested by law, to the GI competent authority.


The GI certification is issued for an indefinite period. The period of validity of the compliance decision is decided by the control body from the date of compliance decision and under the condition that the producer complies with the GI specifications.

The GI group must keep an up-to-date list of certified producers which can be transmitted to the GI competent authority upon request. In some countries, this list is published by the competent authority.

6. Follow-up audits/surveillance

The control body shall carry out follow-up audits every X years (according to the frequencies set out in the GI control plan and accepted by the producers). The control body must plan the follow-up audits and make an appointment with the producer.

During the follow-up audit, the auditor will check the compliance of the producer with the GI specification and follow up on any deficiencies, identified during the previous audit(s).

 **Warning:** a repeated finding of minor non-compliance already noted in a previous audit and not corrected can qualify as a major one.

The audit must be subject of a report which must be justified and, where appropriate, include non-compliance sheets. This report and these sheets must be sent to the producer as soon as possible after the completion of the audit.

If deficiencies are identified, the producer shall provide answers. The auditor will check the relevancy of the corrective actions and may request additional information.

At the end of the follow-up audit, the following decisions can be taken by the control body:

- ➔ maintaining the GI use/the certification
- ➔ suspension of GI use/certification: if no corrective actions to remove all major deficiencies within 2/3 months in general
- ➔ withdrawal of GI use/certification: if there are no corrective actions to remove all major deficiencies within 6/7 months in general

The GI group shall be informed (e-mail copy is sufficient).

c. GI control scheme

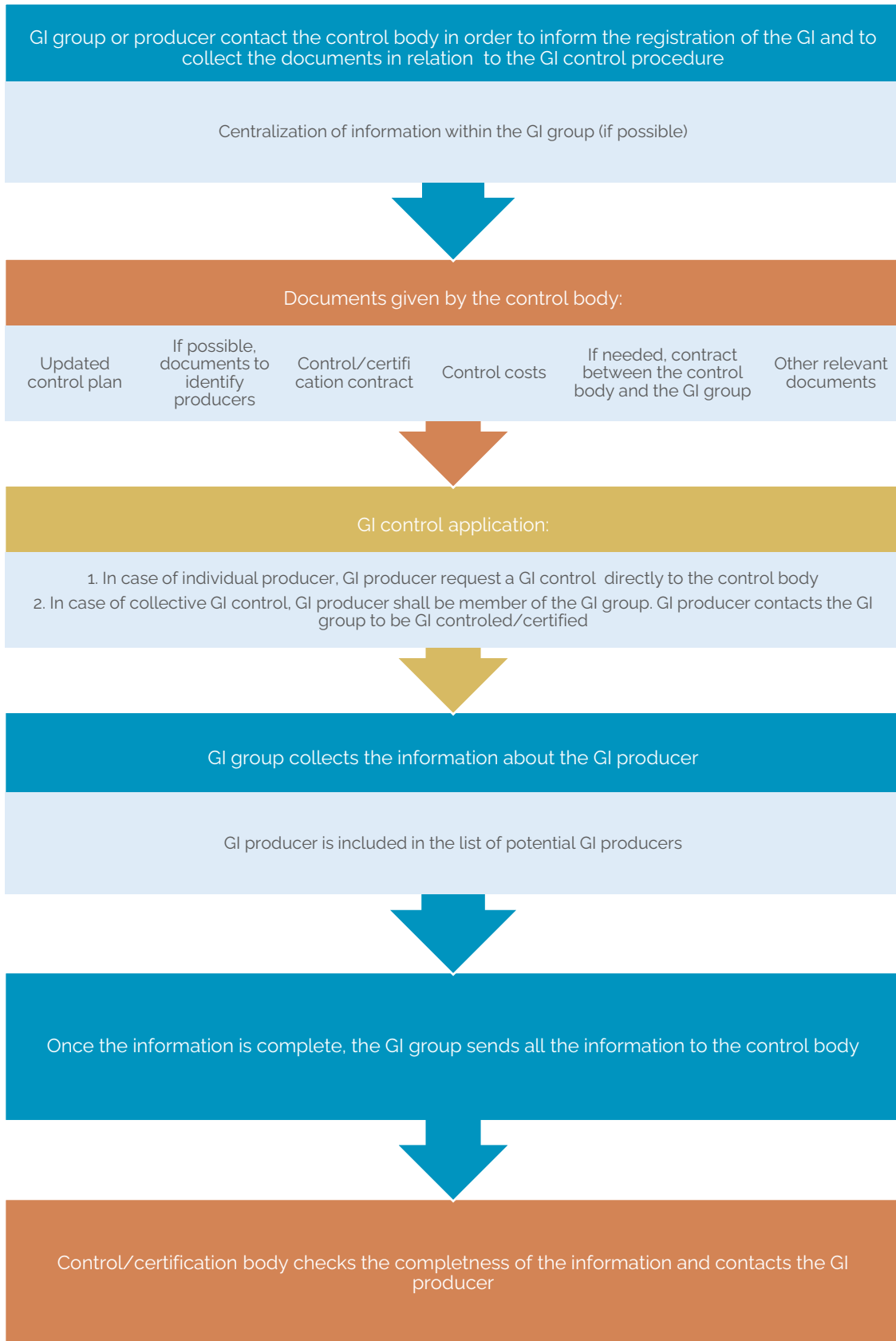
These diagrams of GI control scheme are based on the GI certification scheme, as requested by ISO norms. Some of the steps can be adapted according to each GI product situation.

Figure 72 GI control scheme diagrams steps 1-5

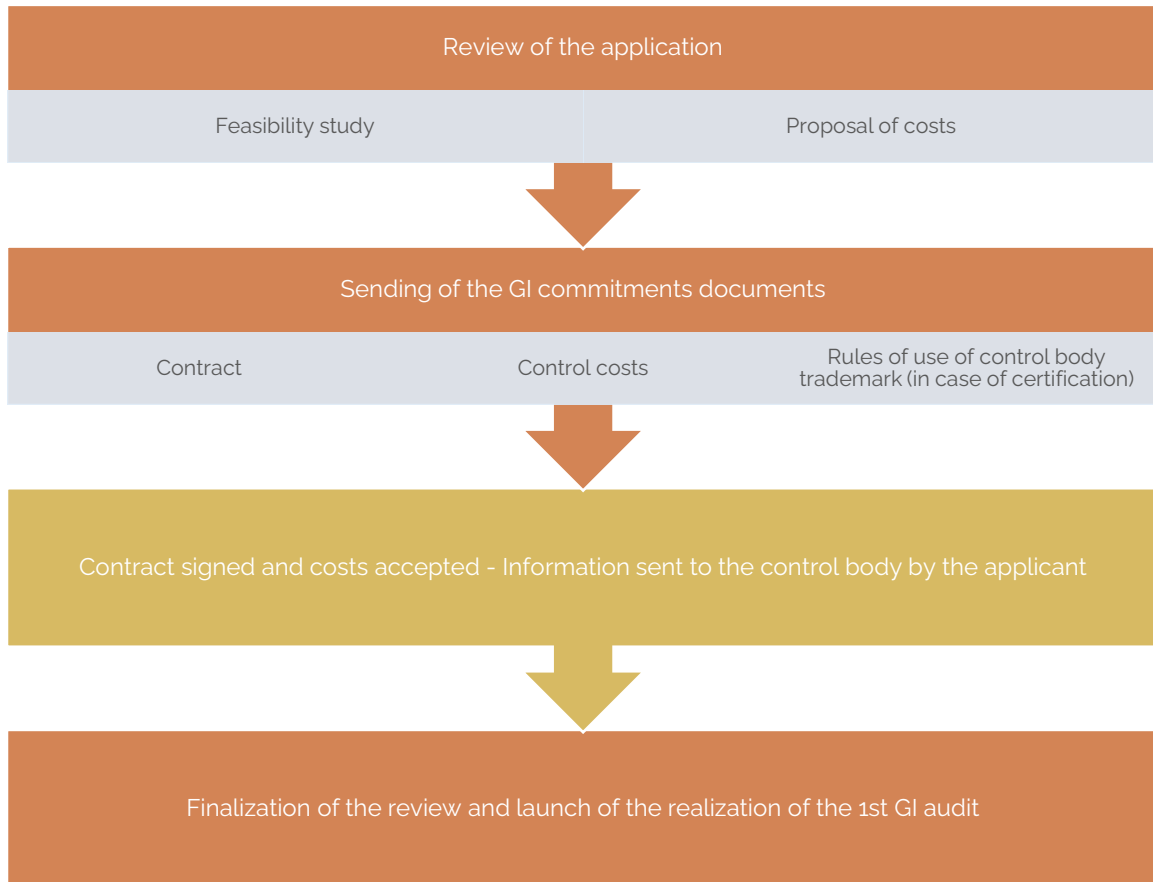
Diagram legend:



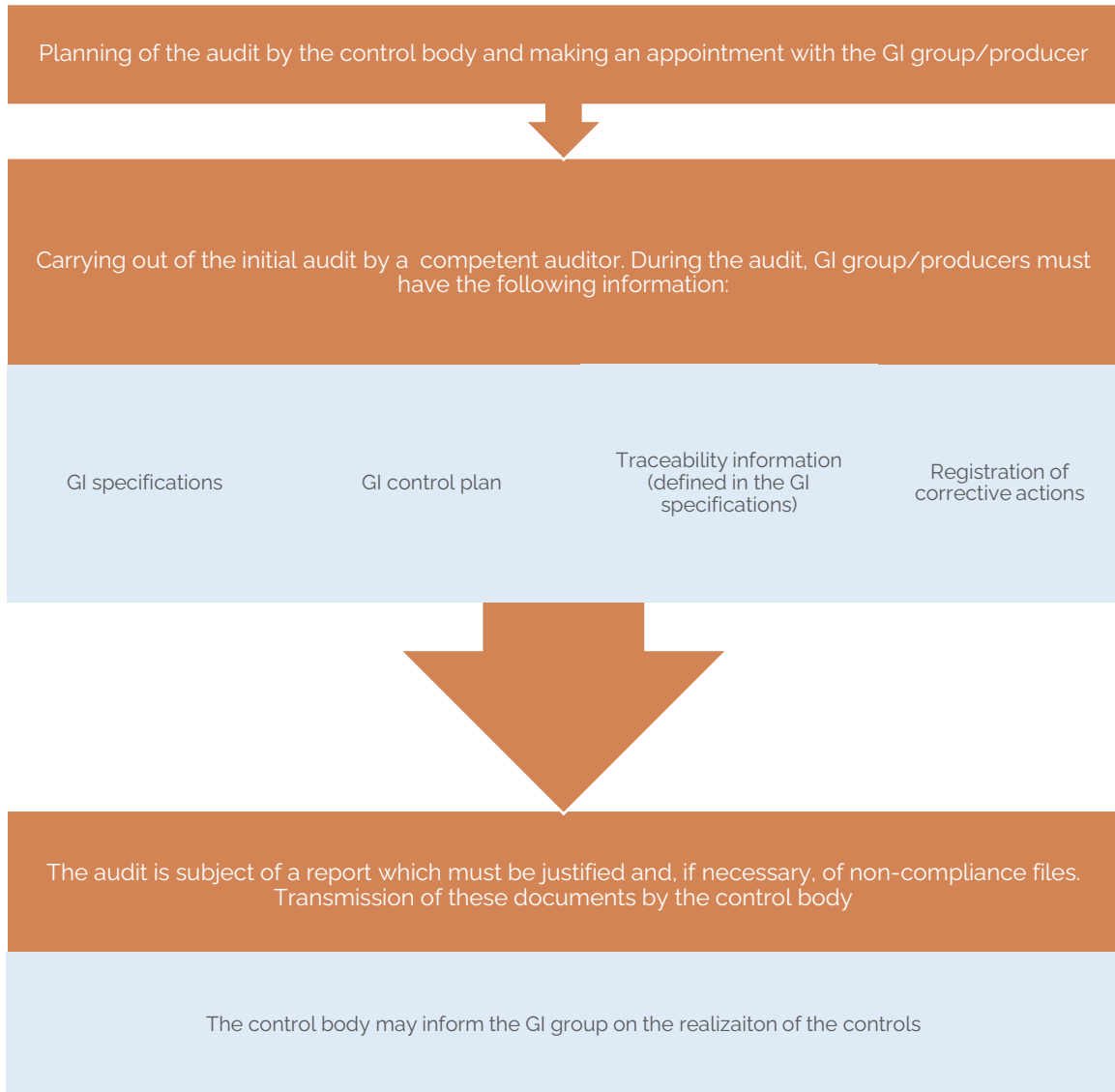
STEP 1: implementation and application for certification



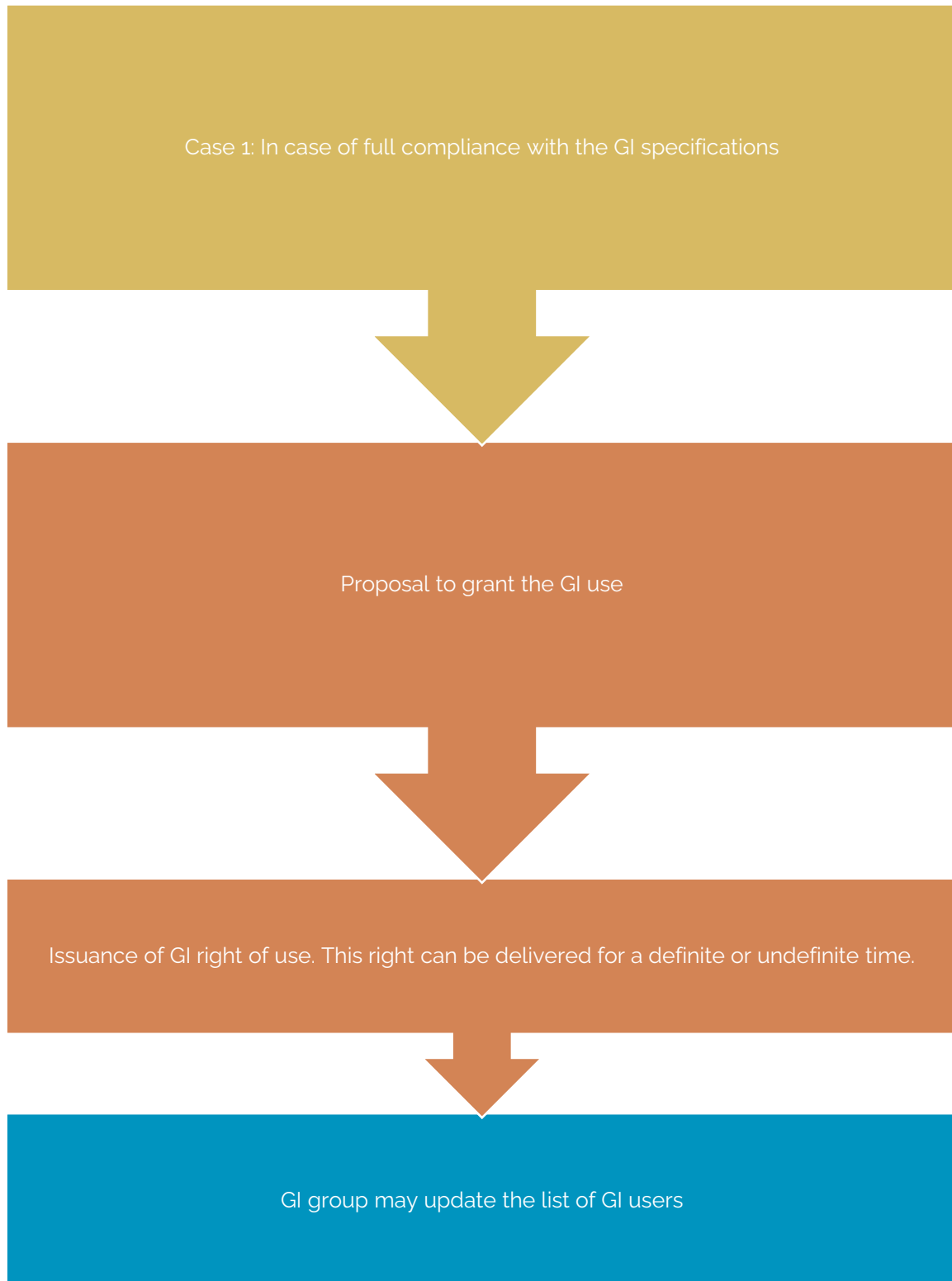
STEP 2: Review of the application

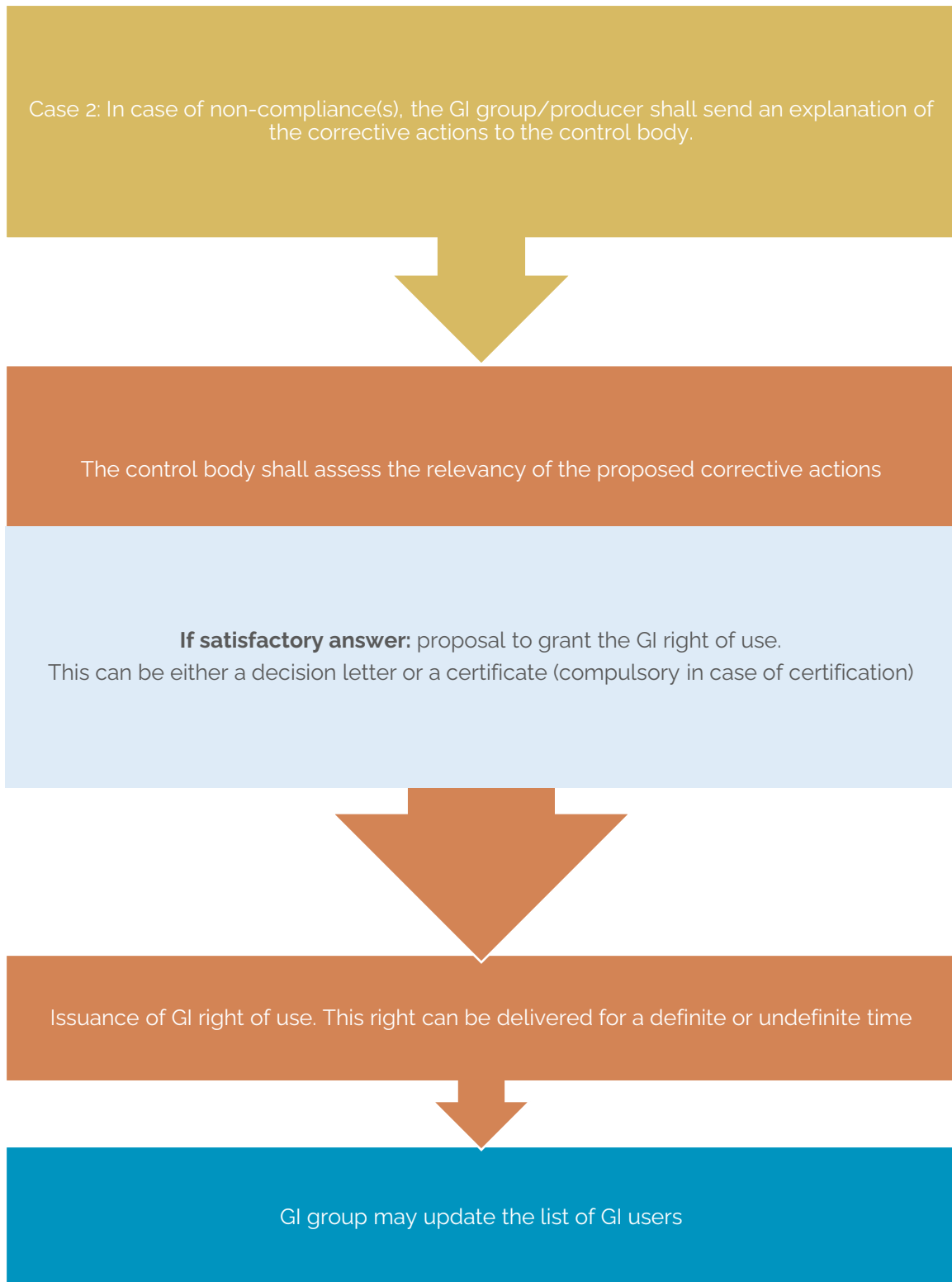


STEP 3: Initial audit



STEP 4: Decision





STEP 5: Follow-up audit



CONTROL BODIES	
Main responsibilities	Main costs
<p>Implementation of the control procedure before the GI registration</p> <ul style="list-style-type: none"> ➤ Organisation/participation in meetings between the control body, the producers and the competent IPO; ➤ On-site visits to some producers to understand the product process; ➤ Drafting of the control plan/SOP: definition of control procedures (internal/external), definition of control frequencies, implementation of non-compliance measures, etc.; ➤ If requested by the producers, organisation of mock audits to test the draft control plan. <p>Implementation of the control procedure after the GI registration</p> <ul style="list-style-type: none"> ➤ Evaluation of the GI group and, if foreseen in the control plan, delegation of internal control to the GI group (in this case, delivery of training to the GI group to train an internal controller); ➤ GI accreditation or certification of producers (identification of producers, controls of producers, delivery of the decision to grant/refuse the GI accreditation or certification); ➤ Implementation of external controls according to the control plan, organisation of test panels or chemical analyses if applicable, documentary verification of internal controls if any, etc.; ➤ Following the external controls: delivery of the decision to grant/suspend/refuse the GI accreditation or certification. 	<p>Administrative costs</p> <ul style="list-style-type: none"> ➤ Staff costs (full/part-time); ➤ Staff training costs; ➤ Travel costs (e.g. on-site visits); ➤ Meetings costs; ➤ Administrative files management costs; ➤ Control files management costs; ➤ Postage costs; ➤ In case of ISO accreditation, official accreditation costs. <p>Office equipment costs</p> <ul style="list-style-type: none"> ➤ Office supplies costs; ➤ Measuring tools costs (thermometer, multimeter, scale, precision gauges, etc.); ➤ Equipment maintenance.

Figure 73 Control bodies main responsibilities and costs

Annexes

Annex 1: Examples of GI specifications

Figure 74 Example of the GI 'Piment d'Espelette'/'Piment d'Espelette-Ezpeletako Biperra' (PDO)

<p>GI 'Piment d'Espelette' or 'Piment d'Espelette-Ezpeletako Biperra' (PDO)</p> <p><i>Chili pepper from France</i></p> <p>Click here to access the full specification</p>	
<p>PRODUCT NAME</p> <p><i>Images 1 and 3 under Creative Commons licences</i></p> <p><i>Image 2 ©Anne CLERMONTÉLLE</i></p>	
<p>PRODUCT CATEGORY</p>	<p>'Piment' means 'chili pepper' in French and 'Espelette' is the name of a small town located in the French Basque Country in southwest France famous as center of chili pepper production with specific quality. 'Ezpeletako Biperra' means 'Piment d'Espelette' in the traditional Basque language (Euskara language). Both national and local languages are accepted as GI denomination.</p> <p>Class 1.8. Other products of Annex I of the Treaty (spices, etc.)</p>

<p style="text-align: center;">DELIMITATION OF THE GEOGRAPHICAL AREA</p>	<p>The geographical area of the PDO 'Piment d'Espelette' is located in the small region of Labourd, which corresponds to the western part of the French Basque Country (southwest France).</p> <p>It covers the following municipalities or parts of municipalities in the department of Pyrénées-Atlantiques: Larressore, Souraïde, Ainhoa, Cambo-les-Bains, Espelette, Halsou, Itxassou, Jatxou, Saint-Pée-sur-Nivelle and Ustaritz.</p> <p>The area is bounded to the north by a succession of first ridge lines, to the west by the Nivelle valley, and to the south and east by a succession of peaks (from Mount Ursuya to Mount Ereby) which form a vast cirque, with a strong influence on the local climate.</p> <p>'Piment d'Espelette' must be produced, processed and packaged within this defined geographical area.</p> <p><i>This information is a short abstract of the provisions extracted from the PDO 'Piment d'Espelette' specifications.</i></p>	<p style="text-align: center;">Geographical area of the PDO 'Piment d'espelette'</p>
<p style="text-align: center;">PRODUCT SPECIAL FEATURES</p>	<p>The PDO 'Piment d'Espelette' is characterised by an olfactory intensity dominated by fruity and/or grilled aromas, sometimes complemented by an aromatic nuance of cut hay and associated with a strong but not burning spiciness that is expressed on the palate. The 'Piment d'Espelette' is red in colour when mature and comes in three forms: as a whole fresh chilli pepper; in rope form; and as a powder.</p> <p><i>This information is a short abstract of the provisions extracted from the PDO 'Piment d'Espelette' specifications.</i></p>	

<p>DESCRIPTION OF THE PRODUCTION METHODS</p>	<p>'Piment d'Espelette' come exclusively from the species <i>Capsicum annuum</i> L. The chili peppers are planted in the open ground, in bare soil or partially on plastic mulch. Cultivation under cover is forbidden. Systematic phytosanitary treatments are prohibited. The chili peppers are harvested by hand. Only chili peppers with at least 80% of their surface area red may be harvested. The chili peppers are sorted by hand. Injured, split or necrotic peppers are excluded. The peppers must be sorted at the producer's premises within 48 hours of harvest. After sorting, the chillies are either sent fresh, put in ropes or ripened for powder production.</p> <p>Chillies intended for sale fresh whole must be stored before dispatch in a cool, dry place. Whole fresh chillies are packed in openwork boxes identified and used exclusively for 'Piment d'Espelette'. Chilli peppers intended for sale by rope are tied by hand on a food string. Chilli peppers intended for sale in powder form are matured for a minimum of 15 days in a warm and airy place. During this period, no sudden dehydration is allowed. The mixing of powders from two harvest years is prohibited. The addition of any colouring agent, additive or preservative is prohibited, with the exception of inert gas.</p> <p><i>This information is a short abstract of the provisions extracted from the PDO 'Piment d'Espelette' specifications.</i></p>
<p>LINK BETWEEN THE PRODUCT AND THE GEOGRAPHICAL AREA</p>	<p>The climate of the small region of Espelette brings together the conditions of temperature and humidity allowing to satisfy the plant and its transformation into a spice with a distinct character: flavoured and spicy without being hot.</p> <p>The local varietal type is the result of a centuries-old massal selection by local producers, originally only women. From the selection of the seed to the conservation of the spice with all its organoleptic characteristics, each phase is carried out according to traditional and adapted local know-how that has allowed the product to maintain its originality over the centuries.</p> <p>If the 'Piment d'Espelette' allowed the women who produced it to benefit from a financial autonomy, today about sixty farms draw an important part of their income from it. In the local gastronomy and culture, the 'Piment d'Espelette' has a preponderant place: it is, in France, the spice of the Basque Country. The chefs of the great French gastronomy are faithful to the 'Piment d'Espelette', which often constitutes one of the secrets of their recipes.</p> <p><i>This information is a short abstract of the provisions extracted from the PDO 'Piment d'Espelette' specifications.</i></p>

**SPECIFIC RULES
CONCERNING
LABELLING**

The labelling of fresh, rope or powdered chilli peppers with the designation of origin 'Piment d'Espelette' or 'Piment d'Espelette-Ezpeletako Biperra' includes the name of the designation of origin in characters at least 1.3 times the size of the largest characters on the labelling.

The labelling includes the EU PDO logo (see below). The logo is accompanied by the name of the designation, without any intermediate wording.

The labelling may also include the words 'appellation d'origine protégée' ('protected designation of origin' in French) or 'AOP' ('PDO' in French) immediately before or after the name of the designation, without any intermediate wording.

The labelling of 'Piment d'Espelette' must also be in accordance with the EU Regulation on the provision of food information to consumers (Reg. (EU) No. 1169/11).



'Piment d'Espelette' GI group logo



French version of the EU PDO logo

This information is a short abstract of the provisions extracted from the [PDO 'Piment d'Espelette' specifications](#).


Example of 'Piment d'Espelette' packaging



Source: argiko-azia.fr

Figure 75 Example of the GI 'Parmigiano Reggiano' (PDO)

<h2 style="text-align: center;">GI 'Parmigiano Reggiano' (PDO)</h2> <p style="text-align: center;"><i>Cheese from Italy</i></p> <p style="text-align: center;"><u>Click here to access the full specification</u></p>	
<p>PRODUCT NAME</p> <p><i>Images 1 and 3 under Creative Commons licences</i></p> <p><i>Image 2 ©Anne CLERMONTILLE</i></p>	 <p>'Parmigiano' comes from 'Parma' and 'Reggiano' from 'Reggio Emilia', two Italian provinces located in the Emilia-Romagna region of Northern Italy.</p>
<p>PRODUCT CATEGORY</p>	<p>Class 1.3. Cheeses</p>

<p>DELIMITATION OF THE GEOGRAPHICAL AREA</p>	<p>The defined geographical area of 'Parmigiano Reggiano' is located throughout the territory of the provinces of Parma, Reggio Emilia, Modena and the adjacent municipalities in the provinces of Mantova (to the right of the Po river) and Bologna (to the left of the Reno river), forming a continuous perimeter in the Emilia Region in Italy.</p> <p>The production of milk, its processing into cheese, minimum maturation and packaging take place exclusively in this geographical area.</p> <p style="text-align: center;">Geographical area of the PDO 'Parmigiano Reggiano'</p>  <p style="text-align: center;"><i>This information is a short abstract of the provisions extracted from the PDO 'Parmigiano Reggiano' specifications</i></p>
<p>PRODUCT SPECIAL FEATURES</p>	<p>'Parmigiano Reggiano' is a hard cheese made from raw cow's milk, partially skimmed by natural surface skimming. It must be matured for at least 12 months. 'Parmigiano Reggiano' can be sold as a whole cheese, portions or grated. It has a cylindrical in form. Diameter of the flat faces 35 to 45 cm, heel height 20 to 26 cm. Minimum weight: 30 kg. The colour of the body of the cheese: between light straw-coloured and straw-coloured. The taste is fragrant, delicate, flavoursome but not pungent.</p> <p style="text-align: center;"><i>This information is a short abstract of the provisions extracted from the PDO 'Parmigiano Reggiano' specifications</i></p>

<p>DESCRIPTION OF THE PRODUCTION METHODS</p>	<p>The milk comes from cows reared in the defined geographical area. The cows are fed primarily on fodder from the geographical area. At least 75 % of the dry matter of the fodder must be produced within the geographical area. Feeding stuffs may make up at most 50 % by weight of the dry matter of the animal food. The use of silage of any kind is prohibited. The milk must be produced and processed within the defined geographical area. The milk obtained from the evening milking and the morning milking is delivered in whole raw state to the dairy. Native whey is added to the milk. Following coagulation, obtained exclusively by the use of calf rennet, the curd is broken up and cooked. After sedimentation, the cheese mass is transferred to the appropriate moulds where markings are affixed. After 2/3 days the wheels of cheese are immersed in brine and then matured for a period of at least 12 months. The minimum 12-month maturing must be carried out in the defined geographical area. After the minimum maturing period, tests are carried out to check compliance with production specifications. The grating, portioning and subsequent packaging operations must be carried out in the defined geographical area.</p> <p><i>This information is a short abstract of the provisions extracted from the PDO 'Parmigiano Reggiano' specifications.</i></p>
<p>LINK BETWEEN THE PRODUCT AND THE GEOGRAPHICAL AREA</p>	<p>The peculiar physical, chemical and microbiological properties of the milk which ensure the specific characteristics and quality of 'Parmigiano Reggiano' cheese are basically due to the manner in which the dairy cows are fed, on a basis of fodder from the original area, strictly excluding the use of silage of any kind.</p> <p>The minimum twelve-month maturing period, carried out within the geographical area defined by virtue of its specific climatic conditions is a necessary phase in order to ensure that the product obtained from the processing of the milk can acquire, through particular enzyme processes, the characteristics proper to a 'Parmigiano Reggiano' cheese.</p> <p><i>This information is a short abstract of the provisions extracted from the PDO 'Parmigiano Reggiano' specifications.</i></p>

**SPECIFIC RULES
CONCERNING
LABELLING**

In order to guarantee authenticity and allow the correct identification of 'Parmigiano Reggiano' placed on the market pre-packaged, grated and in portions, each package must bear a graphic consisting, in the upper part, of the figure of a slice and a wheel of 'Parmigiano Reggiano' and a small knife as well as, in the lower part, the word 'PARMIGIANO REGGIANO', as shown in the graphic representation below.

In addition, packages of 'Parmigiano Reggiano', in portions and grated, must bear the words 'denominazione di origine protetta' ('protected designation of origin' in Italian) or the corresponding abbreviation 'DOP' ('PDO' in Italian) and the corresponding EU PDO logo.

The labelling of 'Parmigiano Reggiano' must also be in accordance with the EU Regulation on the provision of food information to consumers (Reg. (EU) No. 1169/11).



'Parmigiano Reggiano' GI group logo



Italian version of the EU PDO logo


This information is a short abstract of the provisions extracted from the [PDO 'Parmigiano Reggiano' specifications](#).

Example of 'Parmigiano Reggiano' packaging



Source: parmigianoreggiano.com

Figure 76 Example of the GI 'Darjeeling' (PGI)

GI 'Darjeeling' (PGI) <i>Tea from India</i> Click here to access the full specification	
PRODUCT NAME <i>Images under Creative Commons licences</i>	 <p>'Darjeeling' is the name of a district located in the northern state of West Bengal in eastern India, in the foothills of the Himalayas.</p>
PRODUCT CATEGORY	Class 1.8. Other products of Annex I of the Treaty (spices, etc.)

<p>DELIMITATION OF THE GEOGRAPHICAL AREA</p>	<p>The geographical area of the GI 'Darjeeling Tea' is located in the district of Darjeeling, in the state of West Bengal, India.</p> <p>The tea is grown and processed in the geographical area. The processing takes place in the Tea Estate Factories. Each processing steps (drying, fermentation, etc.) takes place in the tea gardens. It is important to note that no processing takes place outside the tea gardens where the Tea Estate Factories are located.</p> <p><i>This information is a short abstract of the provisions extracted from the GI 'Darjeeling' specifications.</i></p> <p style="text-align: center;">Geographical area of the GI 'Darjeeling'</p> <div data-bbox="806 502 1803 1157" data-label="Figure"> </div> <p style="text-align: center;">Source: researchgate.net ©Monica KANNAN</p>
	<p>PRODUCT SPECIAL FEATURES</p>

	<p>The organoleptic characteristics of the Darjeeling tea brew is commonly referred as mellow, smooth, round, delicate, mature, sweet, lively, dry and brisk.</p> <p><i>This information is a short abstract of the provisions extracted from the GI 'Darjeeling' specifications.</i></p>
<p>DESCRIPTION OF THE PRODUCTION METHODS</p>	<p>The plucking of Darjeeling tea begins in end February/early March and ends by mid-November. It is mainly done by highly skilled women workers because the green leaves require soft handling with care to retain its quality. After harvesting, the tea leaves are processed in the traditional orthodox method only in the factories situated within the specified gardens within the defined tea growing area only. Once the leaves reach the factory, it is 'withered' to evaporate the moisture. The leaves are then removed from the trough and loaded and twisted in the rolling machines and fermented. The oxidised leaf is taken for roasting. After final grading has been completed, nomenclatures are assigned according to the size of the grade (3 categories). On each package the licence number of the producer/packer under the Darjeeling Protection Certified Trademark Scheme 1999 governed by the Tea Board of India is affixed.</p> <p><i>This information is a short abstract of the provisions extracted from the GI 'Darjeeling' specifications.</i></p>
<p>LINK BETWEEN THE PRODUCT AND THE GEOGRAPHICAL AREA</p>	<p>The tea gardens are situated at altitude between 600 to 2 250 meters on steep slopes which provide ideal natural drainage for the generous rainfall the district receives. Coupled with this, the intermittent cloud and sunshine combine to impart the unique character of 'Darjeeling' tea. The soil is rich, and the hilly terrain provides natural drainage for the generous rainfall the district receives. This tea is processed in the traditional orthodox method only, where human effort and traditional skill/knowledge is involved in every stage. 'Darjeeling' tea is a tea of considerable renown because its flavour is so unique that it cannot be replicated anywhere else in the world.</p> <p><i>This information is a short abstract of the provisions extracted from the GI 'Darjeeling' specifications.</i></p>

SPECIFIC RULES CONCERNING LABELLING

On each 'Darjeeling' package, the licence number of the producer/packeter under the 'Darjeeling' GI protection has to be provided, as well as the registered 'Darjeeling' GI group logo. The 'Darjeeling' GI group logo is a stylized representation of an Indian woman holding tea leaves in a roundel. The woman design element has a stylized circular earring and a nose stud. The designation 'Darjeeling' skirts the left portion of the roundel. All these elements blend together to constitute the 'Darjeeling' logo.



'Darjeeling' GI group logo


This information is a short abstract of the provisions extracted from the [GI 'Darjeeling' specifications](#).

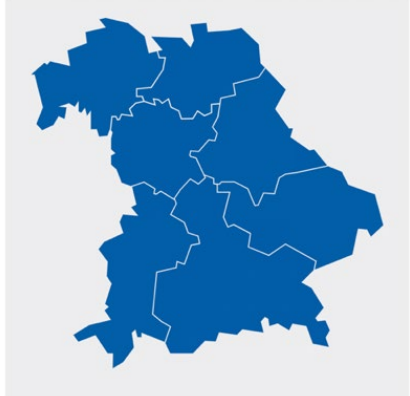
Example of 'Darjeeling'
tea packaging



Source: [amazon.in](https://www.amazon.in)

Figure 77 Example of the PGI 'Bayerisches Bier'

<p style="text-align: center;">GI 'Bayerisches Bier' (PGI) <i>Beer from Germany</i> Click here to access the full specification</p>	
<p style="text-align: center;">PRODUCT NAME</p> <p style="text-align: center;"><i>Images ©Anne CLERMONTTELE</i></p>	 <p>'Bayerisches' comes from 'Bayern' which is the name of a German state located in the southeast of Germany and 'Bier' means 'beer' in German and a famous place of beer production.</p>
<p style="text-align: center;">PRODUCT CATEGORY</p>	<p>Class 2.1. Beers</p>

<p>DELIMITATION OF THE GEOGRAPHICAL AREA</p>	<p>The geographical area of the 'Bayerisches Bier' is located in the southeast of Germany, in the state of Bavaria, which is divided into 7 governmental regions.</p> <p>The entire production process, from processing to bottling, takes place in the defined geographical area.</p>	<p>Geographical area of the PGI 'Bayerisches Bier'</p> <p>Bayerisches Bier</p> <p>Bayrisches Bier</p> 																						
<p>PRODUCT SPECIAL FEATURES</p>	<p>Depending on the variety, 'Bayerisches Bier' has a subtly tart to malty aromatic taste. The main types consumed all year round (Weißbier, Helles, Export) are complemented by seasonal specialities, such as Lenten strong beers during Lent, Josephi-Bock from mid-March, Maibock from mid-April, light summer beers in the hot months, festival beers from mid-September or the somewhat stronger, often dark winter beers.</p> <p>The table below provides the chemical requirements and the organoleptic characteristics for each type of 'Bayerisches Bier'.</p> <table border="1" data-bbox="593 994 2027 1334"> <thead> <tr> <th>Name and description of the beer type</th> <th>Original wort [%]</th> <th>% alcohol by volume</th> <th>Colour (EBC)</th> <th>Hop bitter content (EBC)</th> <th></th> </tr> </thead> <tbody> <tr> <td>Schankbier (full-bodied, soft and tangy with less alcohol and calories than full beer)</td> <td>7-9</td> <td>2,5-3,5</td> <td>5-20</td> <td>10-30</td> <td>Bottom-fermented</td> </tr> <tr> <td>Hell/Lager (delicately spicy, light, full-bodied, mild)</td> <td>11-12,5</td> <td>4,5-5,5</td> <td>5-20</td> <td>10-25</td> <td>Bottom-fermented</td> </tr> </tbody> </table>						Name and description of the beer type	Original wort [%]	% alcohol by volume	Colour (EBC)	Hop bitter content (EBC)		Schankbier (full-bodied, soft and tangy with less alcohol and calories than full beer)	7-9	2,5-3,5	5-20	10-30	Bottom-fermented	Hell/Lager (delicately spicy, light, full-bodied, mild)	11-12,5	4,5-5,5	5-20	10-25	Bottom-fermented
Name and description of the beer type	Original wort [%]	% alcohol by volume	Colour (EBC)	Hop bitter content (EBC)																				
Schankbier (full-bodied, soft and tangy with less alcohol and calories than full beer)	7-9	2,5-3,5	5-20	10-30	Bottom-fermented																			
Hell/Lager (delicately spicy, light, full-bodied, mild)	11-12,5	4,5-5,5	5-20	10-25	Bottom-fermented																			

	Pils (pronounced, finely tart hop bitterness)	11-12,5	4,5-6	5-15	30-40	Bottom-fermented
	Export (full-bodied, rounded bitterness)	12-13,5	4,5-6	5-65	15-35	Bottom-fermented
	Dunkel (malt aromatic, full-bodied)	11-14	4,5-6	40-65	15-35	Bottom-fermented
	Schwarzbier (roast aromatic, slightly malt aromatic, hop-bitter)	11-13	4,5-6	65-150	15-40	Bottom-fermented
	Märzen/Festbier (malt accentuated with slight hop bitterness)	13-14,5	5-6,5	7-40	12-45	Bottom-fermented
	Bock (full-bodied, malty, fine hop note)	16-18	6-8,5	7-120	15-40	Bottom-fermented
	Doppelbock (distinctively full-bodied, malty, light caramel note)	18-21	7-9,5	10-150	15-35	Bottom-fermented
	Weizenschankbier (tangy, yeasty aromatic)	7-9	2,5-3,5	7-30	5-20	Bottom-fermented
	Weizenbier (wheat aromatic, fruity, slightly malty)	11-13,5	4,5-5,5	5-65	10-30	Bottom-fermented
	Kristallweizen (wheat-aromatic, rezent)	11-13,5	4,5-5,5	5-18	5-20	Bottom-fermented
	Rauchbier (full-bodied and smoky)	11-14,5	4,5-6	30-60	20-30	Bottom-fermented

	<p>Kellerbier/Zwickelbier (slight hop bitterness, unfiltered, low carbonated, with little carbonic acid)</p>	11-13,5	4,5-6	5-60	10-35	Bottom-fermented
	<p>Eisbier/Icebier (very mild, very soft)</p>	11-13	4,5-5	5-20	10-25	Bottom-fermented
<p>DESCRIPTION OF THE PRODUCTION METHODS</p>	<p>The 'Bayerisches Bier' wort is produced from crushed malt and different malt heaps and water. This is then boiled with the addition of hops, whereby the brewmaster determines the original wort, i.e. the later strength of the beer, by the boiling time and temperature depending on the recipe. After the boiling process, the beer wort is cooled and transferred to fermentation vats; the addition of yeast causes the sugar to ferment into alcohol and carbon dioxide. The young beer is then matured for a certain time in storage tanks before it is filtered or bottled unfiltered.</p> <p><i>This information is a short abstract of the provisions extracted from the PGI 'Bayerisches Bier' specifications.</i></p>					
<p>LINK BETWEEN THE PRODUCT AND THE GEOGRAPHICAL AREA</p>	<p>The quality and reputation of 'Bayerisches Bier' can be attributed to a centuries-old brewing tradition under the 1516 Bavarian Purity Law. The production process to be followed has been laid down by law since the 15th century. Over the centuries, a large number of different recipes evolved as the Bavarian brewers' expertise developed, which has led to a range of varieties that is unique worldwide. Bayern is the birthplace of wheat beer and the site of the world's largest wheat beer brewery. Weihenstephan is home to one of the most famous brewing institutions in the world. The ancient brewing tradition, the resulting range of varieties and the predominant use of top-quality raw materials from Bayern mean that 'Bayerisches Bier' is generally highly regarded among consumers.</p> <p><i>This information is a short abstract of the provisions extracted from the PGI 'Bayerisches Bier' specifications.</i></p>					

**SPECIFIC RULES
CONCERNING
LABELLING**

Each 'Bayerisches Bier' bottle/package must bear the EU PGI logo with the indication 'geschützte geografische Angabe' ('protected geographical indication' in German) and the designation 'Bayerisches Bier' in the same field of vision. The beer labelling is based on the product designation 'Bayerisches Bier' in conjunction with a type of beer named under the item product description.

The labelling of 'Bayerisches Bier' must also be in accordance with the EU Regulation No. 1151/2012.



German version of the EU PGI logo
compiled with the PGI name

This information is a short abstract of the provisions extracted from the [PGI 'Bayerisches Bier' specifications](#).

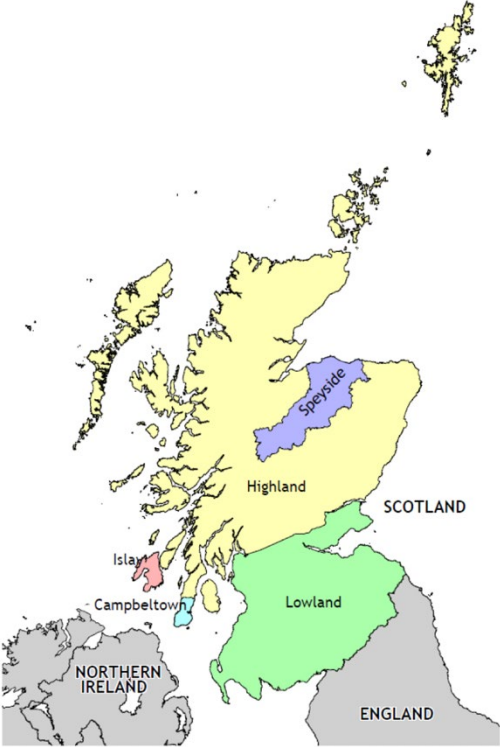
Example of 'Bayerisches Bier' packaging



Source: ©Anne CLERMONTILLE


Figure 78 Example of the GI 'Scotch Whisky' (GI)

<p style="text-align: center;">GI 'Scotch Whisky' (GI) <i>Whisky from United Kingdom</i> Click here to access the full specification</p>	
<p>PRODUCT NAME</p> <p><i>Images under Creative Commons licences</i></p>	 <p>'Scotch' is a contraction of 'Scottish' derived from 'Scot' which is a word used to refer to an inhabitant of Scotland and 'whisky' comes from the Irish Gaelic word 'uisge beatha' or 'uisce beatha' which means 'eau-de-vie' (spirit drink).</p>
<p>PRODUCT CATEGORY</p>	<p>Category 2. Whisky or whiskey (Regulation (EC) No 110/2008 on geographical indications of spirit drinks)</p>

<p>DELIMITATION OF THE GEOGRAPHICAL AREA</p>	<p>The geographical area of the PGI 'Scotch Whisky' is located in Scotland and more precisely in the regions of Campbeltown, Islay, Highland, Lowland and Speyside.</p> <p>Scotland is located in the northern region of the United Kingdom, which is off the Northwestern coastline of continental Europe. Scotland is bordered by England in the South, the Sea of the Hebrides, the Atlantic Ocean and the North Sea.</p> <p>'Scotch Whisky' must be produced in Scotland and must be more specifically:</p> <ul style="list-style-type: none"> ➔ distilled at a distillery in Scotland; ➔ processed at that distillery into a mash; ➔ converted at that distillery into a fermentable substrate; ➔ fermented at that distillery; ➔ matured only in Scotland. <p><i>This information is a short abstract of the provisions extracted from the PGI 'Scotch Whisky' specifications.</i></p>	<p>Geographical area of the PGI 'Scotch Whisky'</p>  <p>Source: PGI 'Scotch Whisky' specifications ©Crown copyright and database right 2011</p>
<p>PRODUCT SPECIAL FEATURES</p>	<p>The types of whiskey manufactured by distilleries in Scotland are: Scotch Malt Whisky and Scotch Grain Whisky. Products are widely known as 'Single Malt Scotch Whisky' or 'Single Grain Scotch Whisky'. 'Blended Scotch Whisky' is the mixture of 'Single Malt Scotch Whisky' and 'Single Grain Scotch Whisky'. Scotch Whisky has an amber-coloured liquid with different gradients of colour. The alcohol concentration is at least 40% by volume.</p> <p><i>This information is a short abstract of the provisions extracted from the PGI 'Scotch Whisky' specifications.</i></p>	

<p>DESCRIPTION OF THE PRODUCTION METHODS</p>	<p>Scotch Malt Whisky is made with three natural ingredients: barley, water and yeast. First, malting. This can take between 8-12 days. During this period the barley has to be returned from time to time. Then you have to dry the barley in a kiln to stop germination, using a natural fuel: peat. This will give a smoky flavoured and special taste to Scotch Whisky. The germinated barley is ground and mixed with hot water in a mash ton. This process will change the starch barley liquid that will give sweetness known. Scotch Malt Whisky is distilled twice or even three times. Scotch Grain Whisky is made from cereal grains such as wheat or corn that are ripened with steam at high pressure to convert starch into sugar grains. This enables the fermentation. Spirits are high in large wooden barrels kept in cold and dark rooms in Scotland. After maturing for at least three years, a new spirit will turn into Scotch Whisky. Most Scotch Whiskies are high for much longer, from 5 years to 15, 20, or 25 years or even more. This process is done during the cold season in the middle of pure air in Scotland to allow air to seep into wooden barrels to give the products a unique character.</p> <p><i>This information is a short abstract of the provisions extracted from the GI 'Scotch Whisky' specifications.</i></p>
<p>LINK BETWEEN THE PRODUCT AND THE GEOGRAPHICAL AREA</p>	<p>The uniqueness of nature and people of this region, which is inherited skills back from over a century ago, make up the unique manufacturing process, quality, and characteristic of Scotch Whisky. The origin of the renowned Scotch Whisky are the cereal grains which are used to make them (barley, wheat, maize). These cereal grains are brought from all parts of Scotland. The cold and wet climate of Scotland is important in the maturation of spirits. The sea has an influence on the characteristic of the various smells of different scotch whiskies. One unique smell found in many Scotch whiskies is the smell of the flower called heather, which gives the last part of the product. The human factor plays a significant role in the manufacturing process, from fermentation, distillation, maturation, and mixing, which are all traditional methods developed and inherited until today. The history and manufacturing of Scotch Whisky were recorded since 1494. The name of Scotch Whisky spread throughout the 20th Century. Today, Scotch Whisky remains a fine choice for many countries since.</p> <p><i>This information is a short abstract of the provisions extracted from the GI 'Scotch Whisky' specifications.</i></p>

Figure 79 Example of the GI 'Prosciutto di Parma' (PDO)

GI 'Prosciutto di Parma' (PDO) <i>Ham from Italy</i> Click here to access the full specification	
PRODUCT NAME <i>Images under Creative Commons licences</i>	 <p>'Prosciutto' means 'ham' in Italian, and Parma is the name of a little Italian province located in the Emilia-Romagna region of northern Italy.</p>
PRODUCT CATEGORY	Class 1.2. Meat products (cooked, salted, smoked, etc.)

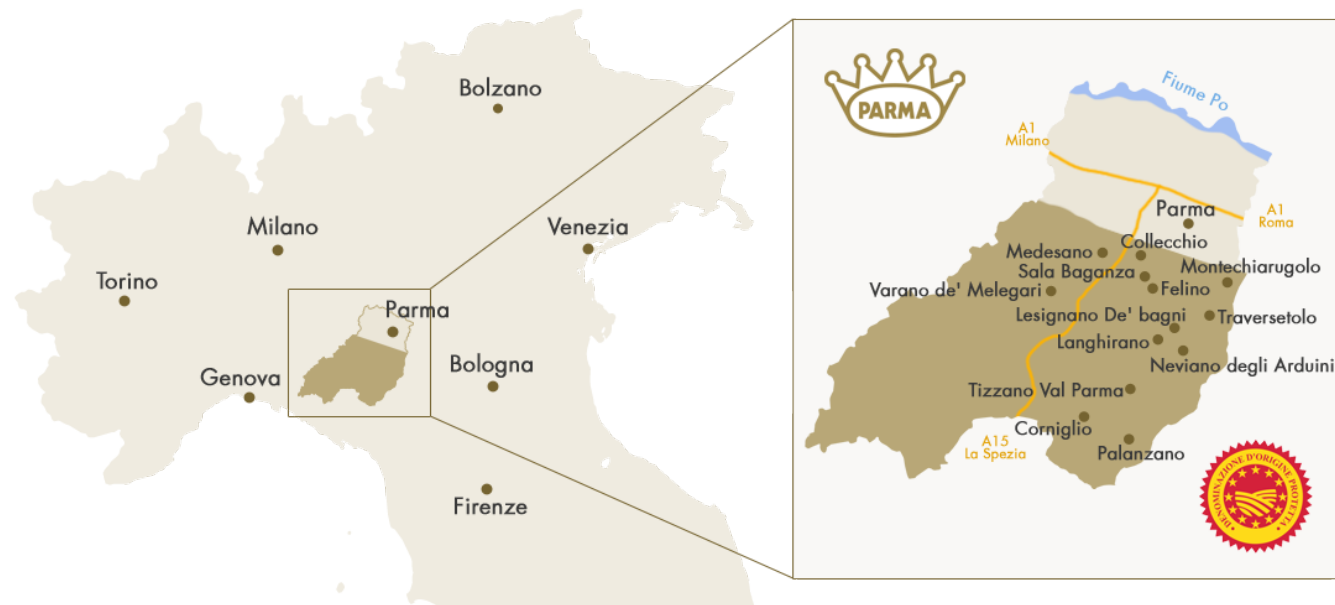
DELIMITATION OF THE GEOGRAPHICAL AREA

The geographical area of the PDO 'Prosciutto di Parma' is located in the province of Parma (Emilia-Romagna region, Italy) and includes the land to the South of the Via Emilia, at a distance of not less than 5 km from it, and up to a maximum altitude of 900 metres, bounded to the east by the Enza river and to the west by the Stirone river.

The processing plants (ham curing plants) and the slicing and packaging plants shall be located within the defined area. The raw material comes from a geographical area that is larger than the production area, and which includes the administrative districts of the following Italian Regions: Emilia-Romagna, Veneto, Lombardy, Piedmont, Molise, Umbria, Tuscany, Marche, Abruzzo and Lazio.

This information is a short abstract of the provisions extracted from the [PDO 'Prosciutto di Parma' specifications](#).

Geographical area of the PDO 'Prosciutto di Parma'



Source: prosciuttodiparma.com

<p>PRODUCT SPECIAL FEATURES</p>	<p>'Prosciutto di Parma' is an aged raw ham. External shape is rounded: a maximum of 6 cm of meat standing proud of the head of the femur. The weight is usually between 8/10 kilograms but no less than seven. The colour when cut: uniform pink to red, interspersed with pure white where fat is present. Aroma and taste: delicate and sweet tasting, not very salty and with a fragrant and characteristic aroma.</p> <p><i>This information is a short abstract of the provisions extracted from the PDO 'Prosciutto di Parma' specifications.</i></p>
<p>DESCRIPTION OF THE PRODUCTION METHODS</p>	<p>'Prosciutto di Parma' is obtained only from pure-bred or hybrid pigs of the traditional breeds Large White and Landrace; from pigs of the Duroc breed or from pigs of other breeds, mixed or hybrid. The raw material used for the production of is characterised by a consistency of the fat, a depth of the fat covering of the external part of the fresh, trimmed hind leg. At the crown, the layer of fat must be such that the hide cannot separate from the underlying layer of muscle fibre. Fresh, trimmed hind legs, weighing preferably between 12/14 kg. Hind legs from pigs slaughtered less than 24 hours or more than 120 hours previously shall not be used. Fresh hind legs are subject to specific treatments, with the sole addition of sea salt, for a period of no less than 12 months, comprising the following stages: isolation; cooling; trimming; salting; rest; washing and drying; pre-ageing; finishing; sugnatura; ageing; slicing and packaging. The minimum ageing period before being released for consumption is 12 months. After the logo is affixed, hams may be marketed whole, boned and packaged and shapes or sliced and properly packaged. Slicing and packaging processes must be carried out in the production area and the EU PDO logo must be indelibly affixed to the package.</p> <p><i>This information is a short abstract of the provisions extracted from the PDO 'Prosciutto di Parma' specifications.</i></p>
<p>LINK BETWEEN THE PRODUCT AND THE GEOGRAPHICAL AREA</p>	<p>The specific characteristics of 'Prosciutto di Parma' are all strictly dependent on natural and human factors. The raw material and the ham produced are closely connected and, together with the production, economic and social development of the geographic area, have produced unique characteristics. In central-northern Italy, the breeding of heavy pigs for late slaughter has developed over time from the Etruscan period to today. The area gives it its characteristic and unique ecological, climate and environmental conditions due to the air from the sea of Versilia which calms as it passes through the olive groves and pine belts in Val di Magra, dries as its crosses the Apennine passes, acquiring the scent of chestnut groves and reaches the production area to dry the 'Prosciutto di Parma', lending the hams their exclusive sweet aroma. Thanks to the unique conditions and the local people's specific skills that this area has given rise to such a high-quality product as 'Prosciutto di Parma', protected with a specific law, as a Designation of Origin in Italy since 1970.</p> <p><i>This information is a short abstract of the provisions extracted from the PDO 'Prosciutto di Parma' specifications.</i></p>

**SPECIFIC RULES
CONCERNING
LABELLING**

The most important element that distinguishes 'Prosciutto di Parma' when presenting the product for sale is the "Ducal Crown" logo trademark.

The specifications require the following packaging indications:

- for whole bone-in: 'Prosciutto di Parma – Denominazione di origine protetta' and the address of the production plant;
- for whole packaged or packaged in pieces: 'Prosciutto di Parma – Denominazione di origine protetta'; the address of the packing plant; and the production date, if the seal is no longer visible;
- sliced or pre-packed: all packets shall have a part that is common to all, located on the top left corner indicating the "Ducal Crown" logo trademark and the wording: 'Prosciutto di Parma denominazione di origine protetta ai sensi della Legge 13 febbraio 1990 n° 26 e del Regolamento (CEE) n. 1107 del 12.06.1996'; the location of the packaging plant; and the production date.

The labelling of 'Prosciutto di Parma' must also be in accordance with the EU Regulation on the provision of food information to consumers (Reg. (EU) No. 1169/11)



'Prosciutto di Parma' GI group logo



Italian version of the EU PDO logo


This information is a short abstract of the provisions extracted from the [PDO 'Prosciutto di Parma' specifications](#).

Example of 'Prosciutto di Parma' packaging



Source: cibo-italia.com

Figure 80 Example of the GI 'Demerara rum'

<p>GI 'Demerara Rum'</p> <p><i>Rum from Guyana</i></p> <p>Click here to access the full specification</p>	
<p>PRODUCT NAME</p> <p><i>Images under Creative Commons licences</i></p>	
<p>PRODUCT CATEGORY</p>	<p>Category 1. Rum (Regulation (EC) No 110/2008 on geographical indications of spirit drinks)</p>
<p>DELIMITATION OF THE GEOGRAPHICAL AREA</p>	<p>'Demerara Rum' is fermented and distilled on the low coastal plains of Demerara county and is bound by the Boeraserie River on the west and the Abary Creek on the east.</p>
<p>PRODUCT SPECIAL FEATURES</p>	<p>'Demerara rum' is a spirit drink with discernible sugar cane organoleptic characteristics, which is produced exclusively by fermentation and distillation of molasses or sugar cane based substrate. Its complex range of aromatic flavours and its full-bodied</p>

nature distinguishes it from other rums. The complexity of the flavours is a result of the use of the traditional process of production and the specific mineral content of waters in the Demerara region of Guyana.

Organoleptic requirements

- ➔ Appearance: transparent with liquid consistency, density and viscosity of body varying with age;
- ➔ Colour: varying with age, from colourless for unaged, to pale light straw yellow for lightly aged, to amber/gold and deeper shades of copper/bronze/mahogany for higher aged rums;
- ➔ Aroma: is primarily derived from the fermentation of sugar cane based raw material, with the characteristic 'Demerara Rum' possessing hints of sugar cane sweetness. This is supplemented by the subtle fruity and floral notes that are enriched through the distillation process, and the sweet aromatic, nutty, spicy, woody, herbal, earthy or other tertiary aromas that evolve during the maturation process, to the extent that the distillate is high in targeted congeners and is aged;
- ➔ Flavour: distinct flavour profiles are pursued through specific styles of distillation, ranging from light/medium/heavy-bodied rums produced on wooden/copper/steel Pot and Column Stills of various configurations. 'Demerara Rums' are characteristically rounded, smooth and rummy varying from slightly sweet to dry, with tasting notes that complement the aromatic profile. The flavours may only be up to a maximum of 2,5 % of the volume of the finished product, and the rum must be free from added colouring matter (except where the colour is derived from wood during maturation or from caramel derived from sugars).

Chemical requirements

Alcoholic strength is not less than 40 % by volume.

The total sum of congener levels (including acetaldehyde, ethyl acetate, higher alcohols) expressed in grams per hectolitre of anhydrous ethyl alcohol is:

LIGHT-BODIED DEMERARA RUM	MEDIUM-BODIED DEMERARA RUM	HEAVY-BODIED DEMERARA RUM
Less than 30,0 g/HL (and less than 10,0 g/HL esters)	Greater than 30,0 g/HL but less than 300,0 g/HL (and more than 10,0 g/HL but less than 50,0 g/HL esters)	More than 300,0 g/HL (and more than 50,0 g/HL esters)

The total acidity, expressed in grams of acetic acid per hectolitre of anhydrous ethyl alcohol is:

LIGHT-BODIED DEMERARA RUM	MEDIUM- OR HEAVY-BODIED DEMERARA RUM

	Less than 20,0 g/HL	Greater than 20,0 g/HL and less than 200,0 g/HL
<p>DESCRIPTION OF THE PRODUCTION METHODS</p>	<p><i>This information is a short abstract of the provisions extracted from the GI 'Demerara rum' specifications.</i></p> <p>'Demerara Rum' is elaborated from sugar cane substrate sourced in the geographical area in a multistage process, as set out below:</p> <ul style="list-style-type: none"> ➤ Yeast is propagated in the molasses or sugar cane based substrate diluted with ground water from Demerara artesian wells. Once sufficient mass of yeast cells is propagated, the culture is transferred to the fermenter tank; ➤ The yeast converts the sugars in the fermenting wash to alcohol in the fermenter. The fermented wash is then fed to the distillation stills; ➤ The fresh distillates of 'Demerara Rum' are diluted to 70-80 % using deionized water sourced from Demerara artesian wells, then filled into casks for various periods of maturation; ➤ Distillates of the desired marques and ages can be blended together, as required. The blends are diluted to the required alcoholic strength using deionized water extracted from Demerara artesian wells, and are rested in tanks or vats to allow the blends to marinate and be fine-tuned. ➤ The bottled rums must be free of from permanent sedimentation or suspended matter of any type. <p><i>This information is a short abstract of the provisions extracted from the GI 'Demerara rum' specifications.</i></p>	
<p>LINK BETWEEN THE PRODUCT AND THE GEOGRAPHICAL AREA</p>	<p>The specificity of 'Demerara Rum' lies in the combination of many factors stemming from the agroecological conditions of the defined geographical area and the authentic character of the production process, which brings together nature, tradition, art and science.</p> <p>The clay soils in the area are particularly suitable for sugar cane production and the humid atmosphere rich in microflora ensures optimal fermentation of the sugar cane. The quality water used in the whole production of 'Demerara Rum' is sourced exclusively from artesian wells in the area and the tropical climatic conditions of year-round contribute crucially to the accelerated pace of maturation. The knowledge and know-how of the production processes that were developed in Demerara were handed down over the centuries, including the philosophical approach to distilling where complex flavour profiles are pursued, which has remained largely unchanged from the original methods.</p> <p>All of these natural and human factors lead to a rum renowned for its flavourful character and smoothness, and the distinctive sugar cane sweetness on the aroma. 'Demerara Rum' has been known for more than 300 years in the artisanal rum production. Reference to 'Demerara Rum' is found in all good histories of rum as well as in French and Danish listings of quality rums.</p>	

	<p><i>This information is a short abstract of the provisions extracted from the GI 'Demerara rum' specifications.</i></p>	
<p>SPECIFIC RULES CONCERNING LABELLING</p>	<p>The following should appear on the principal display panel of the label of 'Demerara rum': brand name; product name; alcoholic content; net content; address of the manufacture; country of origin; statement of age or statement of maturity.</p> <p>Each bottle of rum bears the 'Demerara rum' denomination and the GI group logo as illustrated below.</p> <div data-bbox="936 464 1196 724" data-label="Image"> </div> <p style="text-align: center;">'Demerara rum' GI group logo</p> <p><i>This information is a short abstract of the provisions extracted from the GI 'Demerara rum' specifications.</i></p>	<p style="text-align: center;">Example of 'Demerara rum' packaging</p> <div data-bbox="1682 344 1906 767" data-label="Image"> </div> <div data-bbox="1666 798 1921 1161" data-label="Image"> </div> <p style="text-align: center;"><i>Source: WIRSPA (West Indies Rum and Spirits Producers' Association Inc.)</i></p>

Annex 2: Forms

Since 2020 CarlPI has worked to develop a model Geographical Indication (GI) law, which can be used by CARIFORUM States to modernise their legal frameworks and practices. As a first step, a review of the currently applicable legislation on GIs in the 16 CARIFORUM states was conducted. Two regional consultation meetings involving IP Offices, EPA coordinators and legal drafters were held where feedback was shared and discussed. Bilateral meetings to clarify specific aspects and concerns followed these consultations. Secondly, a draft of the GI Model Law and Regulations, as well as all forms required to be used in the GI registration process, have been prepared:

Draft GI model law

- [Draft GI model law \[PDF - 0.25MB\] \[EN\] \[ES\] \[FR\]](#)

Explanatory notes

- [Explanatory notes \[PDF - 0.84MB\] \[EN\] \[ES\] \[FR\]](#)

Draft Regulations

- [Draft Regulations \[PDF - 0.38MB\] \[EN\] \[ES\] \[FR\]](#)

Draft Forms

- [GI application form \[PDF - 0.18MB\] \[EN\] \[ES\] \[FR\]](#)
- [GI amendment form \[PDF - 0.18MB\] \[EN\] \[ES\] \[FR\]](#)
- [GI cancellation form \[PDF - 0.19MB\] \[EN\] \[ES\] \[FR\]](#)
- [GI objection form \[PDF - 0.19MB\] \[EN\] \[ES\] \[FR\]](#)
- [GI objection counter statement form \[PDF - 0.19MB\] \[EN\] \[ES\] \[FR\]](#)
- [GI certificate template \[PDF - 0.15MB\] \[EN\] \[ES\] \[FR\]](#)
- [Request misleading marks form \[PDF - 0.18MB\] \[EN\] \[ES\] \[FR\]](#)
- [Request conflicting marks form \[PDF - 0.18MB\] \[EN\] \[ES\] \[FR\]](#)
- [GI transfer form \[PDF - 0.17MB\] \[EN\] \[ES\] \[FR\]](#)

Annex 3: List of CARIFORUM GIs

According to the information we have from the CARIFORUM IPOs to date, this should be the complete list of GIs actually registered in their countries of origin:

Dominican Republic (10)

1. Cigarro Dominicano
2. Cacao Dominicano
3. Mangos Dominicanos
4. Banano Orgánico Dominicano
5. Café de Valdesia (already registered directly in EU)
6. Café Barahona
7. Café Juancalito
8. Larimar Barahona
9. Oro verde cambita
10. Ron Dominicano (recently registered in DO)

Guyana (3)

11. Demerara Rum (already registered directly in the EU)
12. Demerara Molasses
13. Demerara Sugar

Trinidad and Tobago (1)

14. Trinidad Monserrat Hills Cocoa (application submitted in 2018 first)

Jamaica (2)

15. Jamaica Jerk
16. Jamaica Rum



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