



Trademarks and geographical indications: synergies, conflicts & case law analysis:

Contribution of GIs & TM to regional economic development

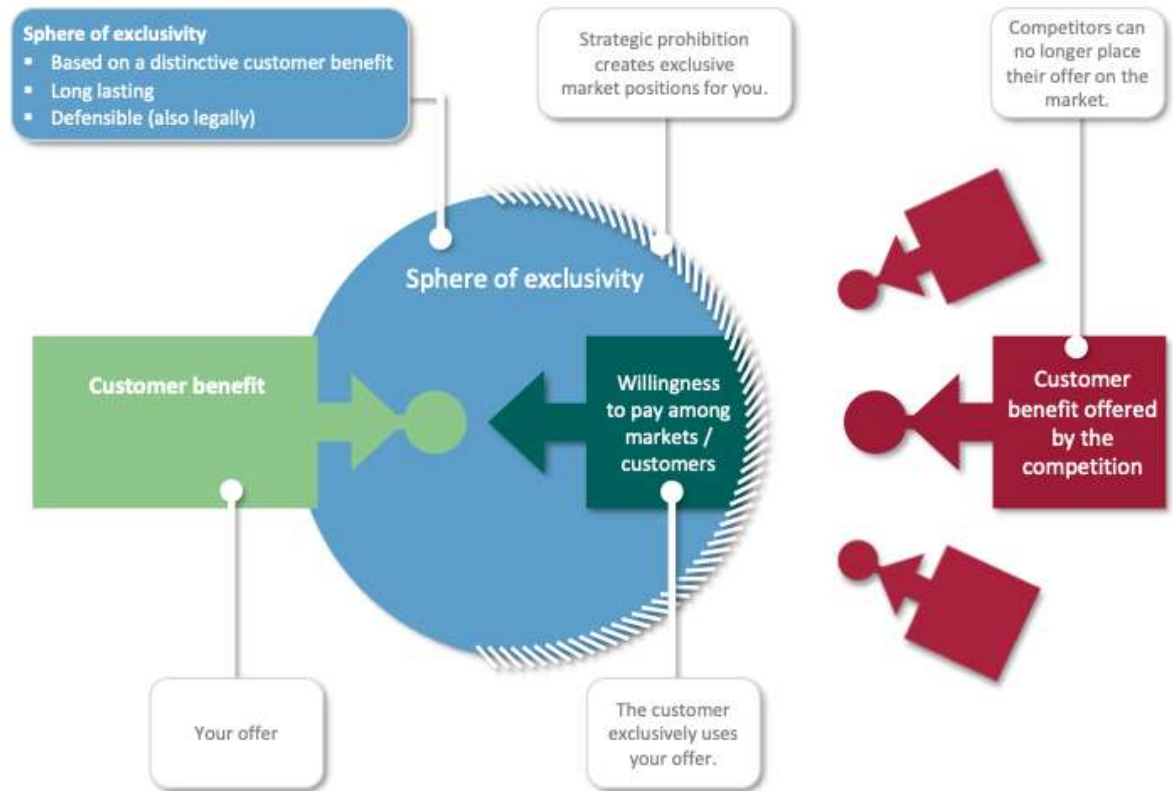


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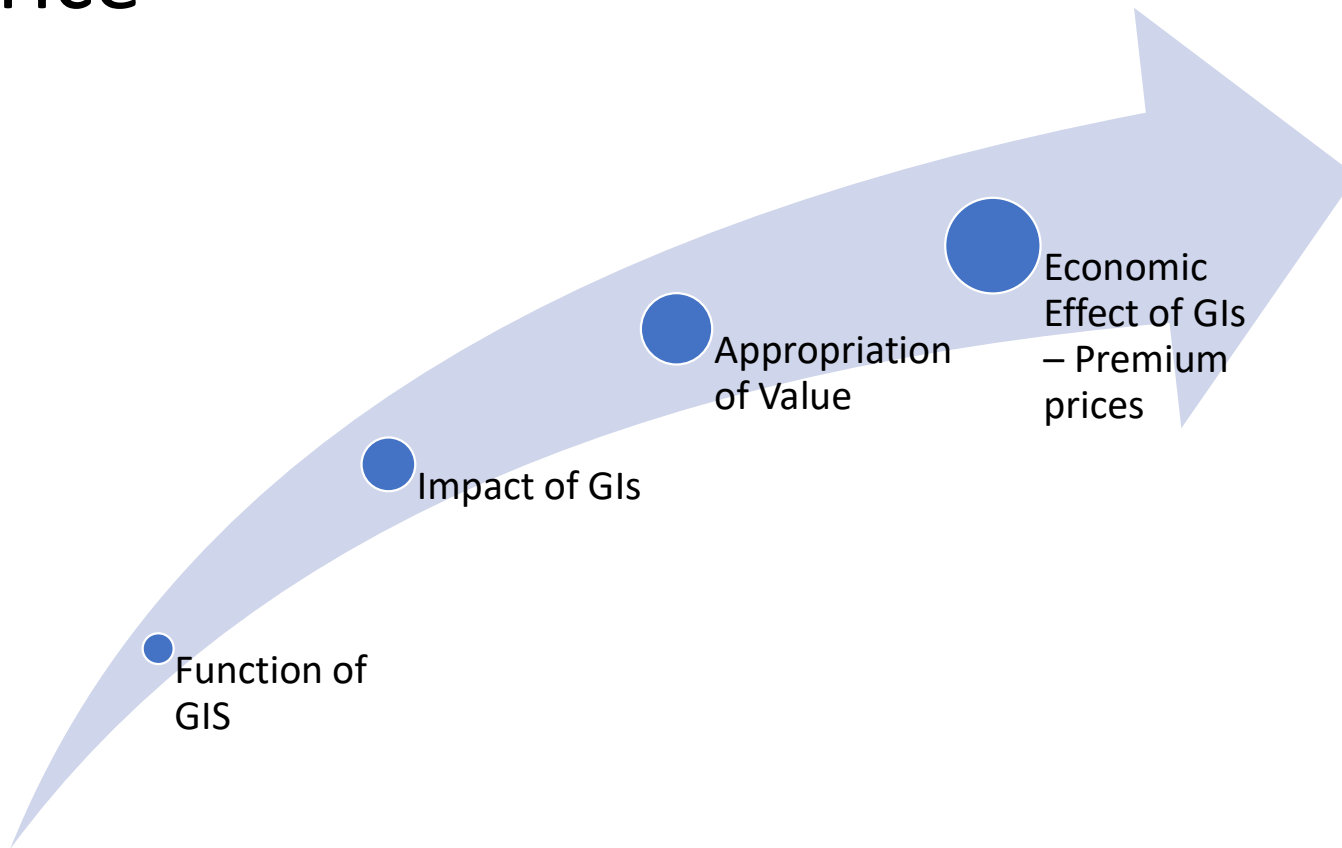
Erica K. Smith PhD

Graphical Illustration of Effect of Use of IPRs to Develop Exclusivity



Source: Wurzer, Alexander. CEIPI, 2021

Using GIs to Gain Premium Price



“Since consumers are willing to pay more for such goods, this encourages farmers to invest in making the transition from producing un-differentiated bulk commodities, towards producing higher quality niche products”

Dev Gangjee, RELOCATING THE LAW OF GEOGRAPHICAL INDICATIONS 93–96 (2012)

Advantages Offered by Gis/TMs

Exclusivity

Ability to block competitors

Market positioning

Quality Assurance

Transparency

Facilitate informed decision-making by consumers

Cultural diversity

Local and rural development

Employment of women

Economic development of value chain

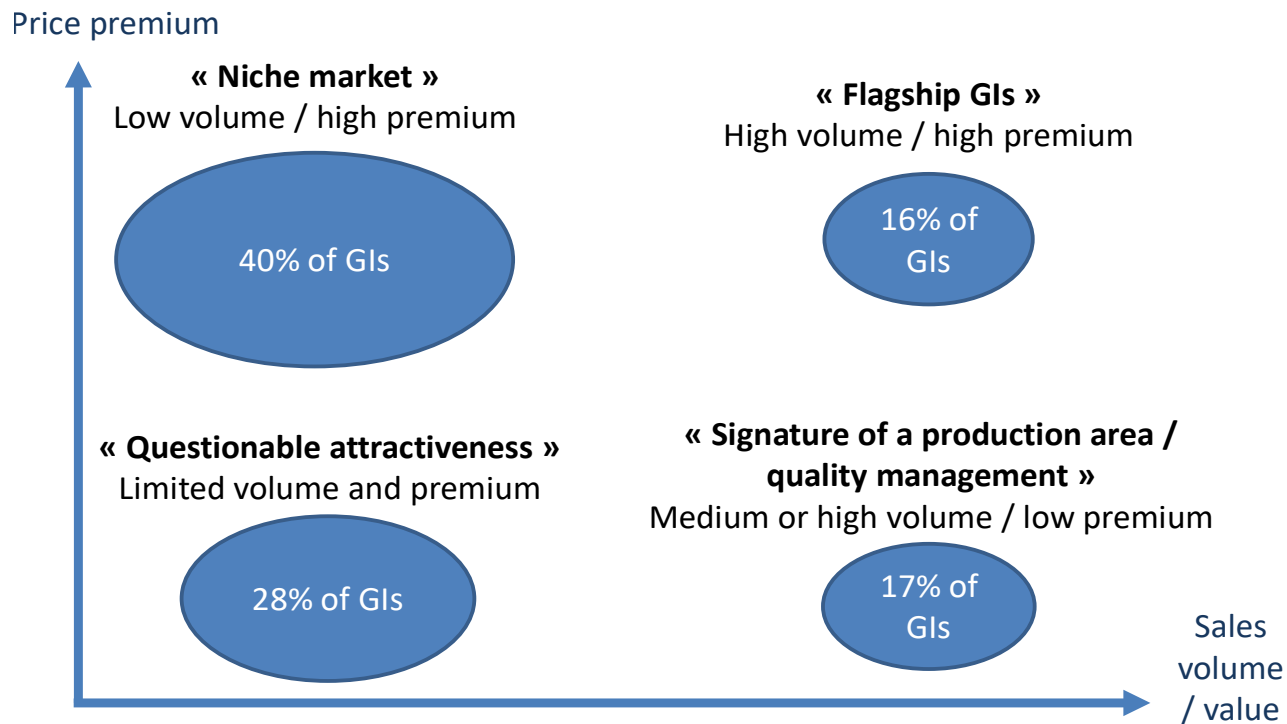
"...the argument that substantially stronger GI protection will benefit developing countries simply mistakes the piling up of laws for the piling up of capital investment"

Justin Hughes, Champagne, Feta and Bourbon: The Spirited Debate About Geographical Indications, 58 HASTINGS L. J. 299, 370 (2006).

Some Concerns About GIs

- Studies have shown that there are many GIs registered which have not brought to their producers “more than some modest returns and, at times, the same returns as non-GI products”
- Are GIs the cause of premium pricing or is there simply a correlation? Limited empirical studies, particularly in developing countries
- Unauthorised use of GIs/TMs can lead to genericisation of the mark
- Improper planning and management can result in negative environmental and sustainability impacts

Clustering of GIs based on price premium and size of GIs



The Argument for GIs in the Caribbean

Competitive Market

Source of Competitive Advantage

Cost leadership strategy	Cost Focus
Differentiation leadership strategy	Differentiation Focus

Factors which can hinder or facilitate the effectiveness of GIs

An enabling institutional environment and governance systems

Investment in advertising and marketing

Quality control and monitoring systems

Effective enforcement mechanisms

Ability of each actor in the supply chain to appropriate benefits



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