

Syndicat du Pruneau d'Agen

THE CONCEPT OF PROTECTED GEOGRAPHICAL INDICATION WITH AGEN PRUNES AS AN EXAMPLE

Syndicat du Pruneau d'Agen

The P.G.I.

- What is a GI?
- Why making a PGI?
- Agen guidelines
- Agen P.G.I. today
- Some comments

GI: Ideal tool to bring local savoir faire into the market

What is a Geographical Indication?

A legal tool to protect names of goods when they represent

- Qualities
- Reputation
- Other characteristics

Specific geographical origin

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What is a GI?

TRIPS Agreement, part of the 1994 GATT/WTO Uruguay Round of Negotiations "Trade-Related aspects of Intellectual Property rights"

Article 22

Protection of Geographical Indications

1. Geographical indications are, for the purposes of this Agreement, indications which identify a good as originating in the territory of a Member, 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.

Examples of GIs

Food products → Roquefort (France), Tequila (Mexico), Argan oil (Morocco), Café de Veracruz (Mexico), Café de Colombia (Columbia), Parma ham (Italy), Parmigiano Reggiano cheese (Italy), Agen prunes (France), Basmati rice, Darjeeling tea (India), Long-Jing tea (China), Antigua coffeee (Guatemala), Kona coffee (HW, USA), Champagne (France), Napa Valley wines (CA, USA), etc.

Other traditional products → Kilim carpets (Turkey), Thai silk (Thailand), Murano cristal (Italy) etc.

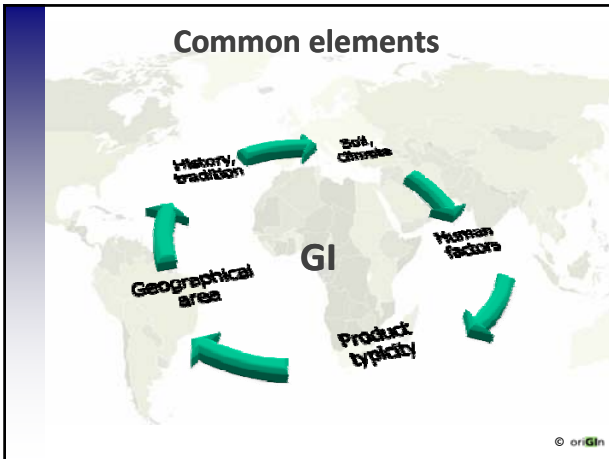
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Quality and characteristics linked to geographical origin

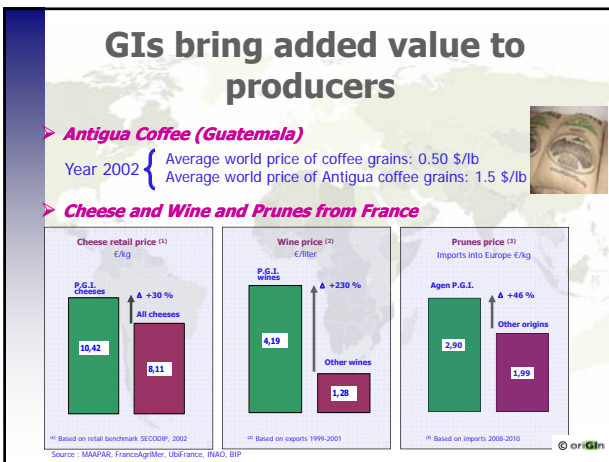
Argan Oil tree, Morocco

Antigua Coffee area, Guatemala

© origin



- ### Socio-economic rationale behind GIs
- Producers**
- Market geographical origin through differentiation
 - Turn commodities into “niche products”
 - “Capture” value added and increase revenues
- Consumers**
- More conscious and demanding (quality, health, methods of production, environmental concerns)
 - Ready to pay a premium price (GIs increase market transparency and reduce transaction costs)
- Markets**
- Trade regulations have been shifting towards traceability
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- ### GIs bring added value to consumers
- *GIs guarantee production methods, authenticity and quality to consumers*
- Study of European Consumers by the EC in 1999:
 - 43% ready to pay an extra 10% for GI products
 - 8% ready to pay up to an extra 20% for GI products
 - 3% ready to pay up to an extra 30% for GI products
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Comparison between GI and trademark

Trademark	Geographical indication
Area of production not relevant	Production rooted in a region
Emphasis on the company owning them	Emphasis on the origin of the product
Protection only available to the company that owns the brand	Protection available to all producers of the area who meet the guidelines

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Comparison between GI and trademark

Trademark	Geographical indication
Exclusive Right bought by first petitioner	Exclusivity granted by Gov't upon evidence of long-time reputation and specificity and traceability
Limited-in-time validity with renewal fee	Permanent right – no renewal fee

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Better protection of GIs needed!

Increasing abuses of GI products

- Undermine the reputation of famous local products
- Result on devastating effects for producers
- Mislead the consumers as to the identity of the goods
- Chase away demanding consumers
- Cases of abuses exist all around the globe

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Examples of GI misuses around the world

- IN Kasmati, Jasmati Rice → USA
- IT Parmesan cheese → USA
- IT Parma Ham → Canada
- ES Turrón de Alicante → Mexico
- ES Manchego cheese → Argentina
- FR Roquefort cheese → New Zealand
- MX Tequila → Israel
- etc.

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www.origin-gi.com

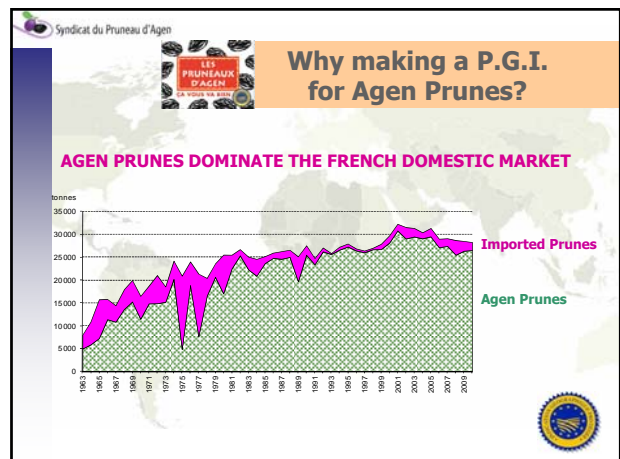
- **OriGIn**
ORganization for an International Geographical Indications Network
 - a NGO launched in June 2003 by producers from all over the world
- Headquarters in Geneva (Switzerland)
 - President from Mexico, Vice-presidents from Africa (North, Sub-Saharan), Asia (China, India), America (North, Central, South), Europe (Western, Eastern)
- An International organization of GI producers:
 - Over 350 organizations of producers from 40 countries

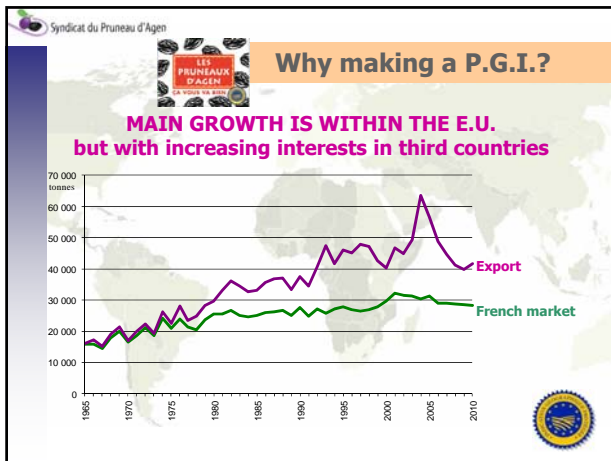
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About Agen Prunes

- Why making a PGI?
- Misleadings
- Agen guidelines
- Agen P.G.I. today
- Some comments





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Why making a P.G.I.?

IN FRANCE, AGEN PRUNES ENJOY ENVIABLE REPUTATION

- What does the town «Agen» remind you?

Answers:

- prunes	84 %
- rugby	16 %
- sun, warmth	10 %
- the South	9 %

SOFRES POLL 1996
SAMPLE OF 1051 FRENCH

Legal conflicts on the name

**from Japan...
selling California Prunes**

from Chile...

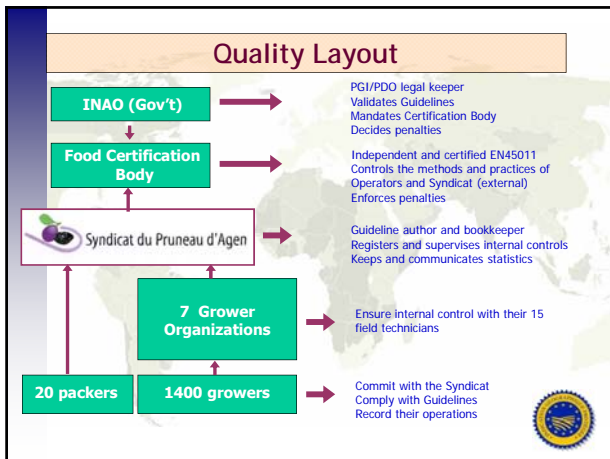
Legal conflicts on the name

from Argentina...

Forged pack found in Algeria

- ### What we do against misleadings
- In Europe**
- ❑ Legal protection of PGI since 2002, promotion of PGI/PDO
- Out of Europe**
- ❑ Lobbying with multilateral WTO negotiators (OriGIn)
 - ❑ Protection initiatives in producing countries (Chile and Argentina)
 - ❑ Defence and prevention within consuming countries:
 - ❖ Certification mark in Algeria, enforced 2011
 - ❖ Legal protection by EU in bilateral agreements e.g. with China, Korea, Peru, Colombia...

- ### How the P.G.I. works
- P.G.I.** The guidelines include:
- Geographic area
 - Variety « d'Ente »
 - Guarantees of traceability
 - Main identity requirements:
 - Annual pruning, minimum size and max defects
 - Ripeness, harvest in several passes
 - Compliance with specific standards
 - Control procedures



Our P.G.I. today

INDUSTRY MASSIVE SUPPORT TO THE APPROACH

- 94% of French production within area
- 1400+ producers, i.e. 98.8%
- 100% of the field-buying packers
- 80% of the farm-door sellers (less than 0.5% of sales as a whole)

Our P.G.I. today

AN OUTPUT GUARANTEE

- The PGI was registered in 2002
- It covers 94% of the French production, which is 97% of the European production. **However an average of 60% of the production only is agreed to receive the denomination** as meeting the quality requirements
- **The PGI does not directly increase prices but saves an image of difference**
- The French market absolutely requires the authentic denomination «Pruneau d'Agen»
- Agen Prunes **reputation is growing** over other EU and non-EU markets as a high quality segment
- The producers have succeeded in linking the market with their terroir

Geographical Indication Specificities

- Unlike a trademark, which belongs to a company, a G.I. is an inalienable public asset linked to a territory: a GI can neither be sold nor leave its territory (see Napa Valley case)
- A Gov't certified control body, which is independent to operators, guarantees that each operator fulfills the traditional production rules as registered in the Guidelines
- Each operator can use his own trademark within a Geographical Indication

Examples associating Brand + GI

The image shows two examples of product packaging that combine a brand name with the Geographical Indication (GI) 'Pruneaux d'Agen':

- Pruneaux d'Agen**: A white and purple package with the GI logo.
- COUFIDOU Pruneaux d'Agen**: A red package with the brand name 'COUFIDOU' and the GI 'Pruneaux d'Agen'.

G.I. stakes

- Our World is more and more an open one. International trade is developing. Traditional quality values, which local quality products are part of, are threatened of being dissolved and killed by standard or low quality cheaper products
- GI is a tool for maintaining a common asset which can be accessed by farmers, craftsmen and small businesses
- GI does not impede free trade. It just clarifies the identity of differentiated products by preventing consumers of being confused
- GI fits well with the modern need of quality differentiation

