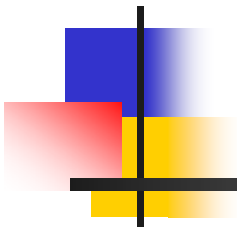
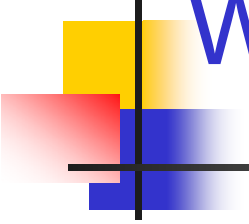


THE GI SYSTEM PRACTICAL EXPERIENCE IN EU

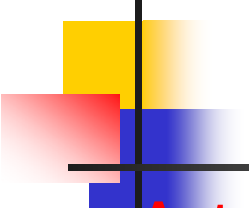


Véronique FOUKS
Head of the legal and
international department
INAO



What is a Geographical Indication ?

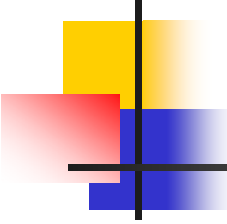
- A GI is the name of region which is used to designate a product
- The product is special because it comes from a specific place
- A GI is related to know how and tradition
- A system of guaranty of the product's characteristics
- A GI is not created, it is recognized. It applies to an already existing production.



Five key elements for the success of GIs

- A typical product (« typicité ») : the difference has to be objective
- Motivation and cohesion of applicants and partners
- Relevance of the market : informed and interested consumers, ready to pay
- Adequate system of protection and control
- Public support

Some figures ...



PDO Wines, spirits

470 Appellations
75 000 farms
57% of the viticultural area
wines : 11 B € turnover,
Spirits : 2 B € de CA

IGP

80 IGP
25 000 Producers
1 B € de CA

PDO dairy products

48 Appellations
28 000 producers
2,1 B € turnover
17,3% of the production

PDO other products

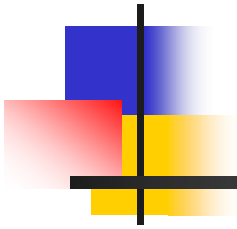
39 Appellations
12 000 producers
0,2 B € de CA

The features of the French system

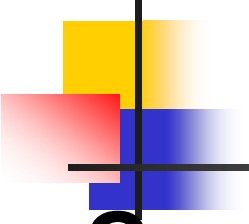


- PDOs and PGIs are part of an official quality signs policy as a strong economic tool in the agricultural sector.
- Association of producers and Administration in the monitoring of the system
- Existence of a specific public body (INAO)
- Involvement of the State in the protection of GIs

First step



The recognition of the
geographical indication



Registration – general view

Group of producers or processors (*application*)



INAO (*checking and proposal*)

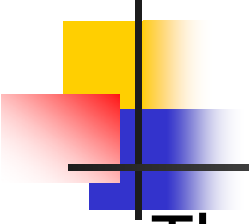


Government

(*decision and submission or forwarding to the EC*)

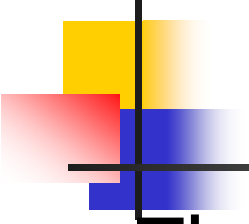


EUROPEAN COMMISSION (*scrutiny and
registration or publication*)



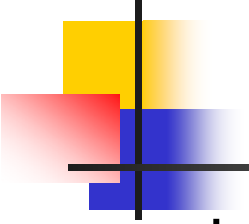
The competent authority

- The competent authority must be able to judge the capacity to register a product as a GI
- this means to get legal and technical skills along with a good knowledge of products : the administrative organization is adapted to this demanding nature
- Missions must be clearly define : from scrutiny of the application to the controls of the GI products
- In France : mission of INAO (a public body leads by producers under the authority of the ministry of agriculture)



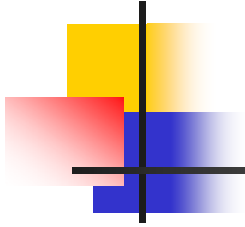
The applicant

- The applicant is an organization representing the community of stakeholders.
 - Essential point regarding the consequences of the GI's registration as for the protection of the geographical name
 - A specific support from the administration or experts could be necessary especially on technical points
 - Role :
 - preparation of the application and precisely of the file (technical, historical and economic components)
 - After registration, the GI's follow-up, support to producers, protection



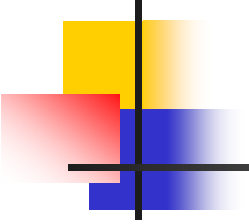
Contents of the application

- a description of the good, and particularly its physical or chemical characteristics;
- the boundaries of the geographical area as well as a description of its characteristics in terms of geology, pedology, climate, or hydrography;
- the documents proving the good originates from within the boundaries of the geographical area;
- a description of the method of production;
- the documents proving the good's link to the geographical environment or geographical origin;
- the method of controls;
- elements related to the notoriety of the good;
- the specific labelling rules.



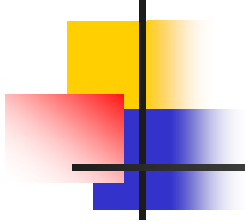
Scrutiny

- A scrutiny of the product and its economic context
 - Definition of the characteristics
 - Link with geographical origin or environment
 - Image and notoriety of the product (proof of reputation based on documentation, consumer surveys, price ...)

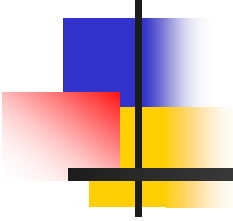


Specifications

- Definition of rules of production
 - Name of the product
 - Description of the product
 - Boundary of the geographical area
 - Method of obtaining
 - Controls
 - Rules of labelling

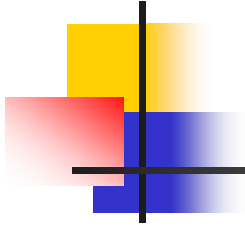


- The recognition of a GI depends on the application by a group of producers and leads to the definition of specifications, worded by producers, that producers must comply with in order to be entitled to use the geographical name.
- Controls are operated before marketing.

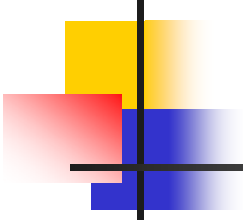


Second step

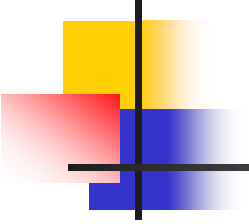
The control of the geographical
indication



- The compliance to those rules sets up a guaranty for consumers and provides fair competition among producers

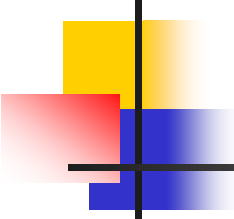


- The approval of products aims at :
- The compliance with specifications
- By analysis, that the products complies with particular criteria and an aptitude for consumption
- By tasting that the products presents specific organoleptic features (typicité)

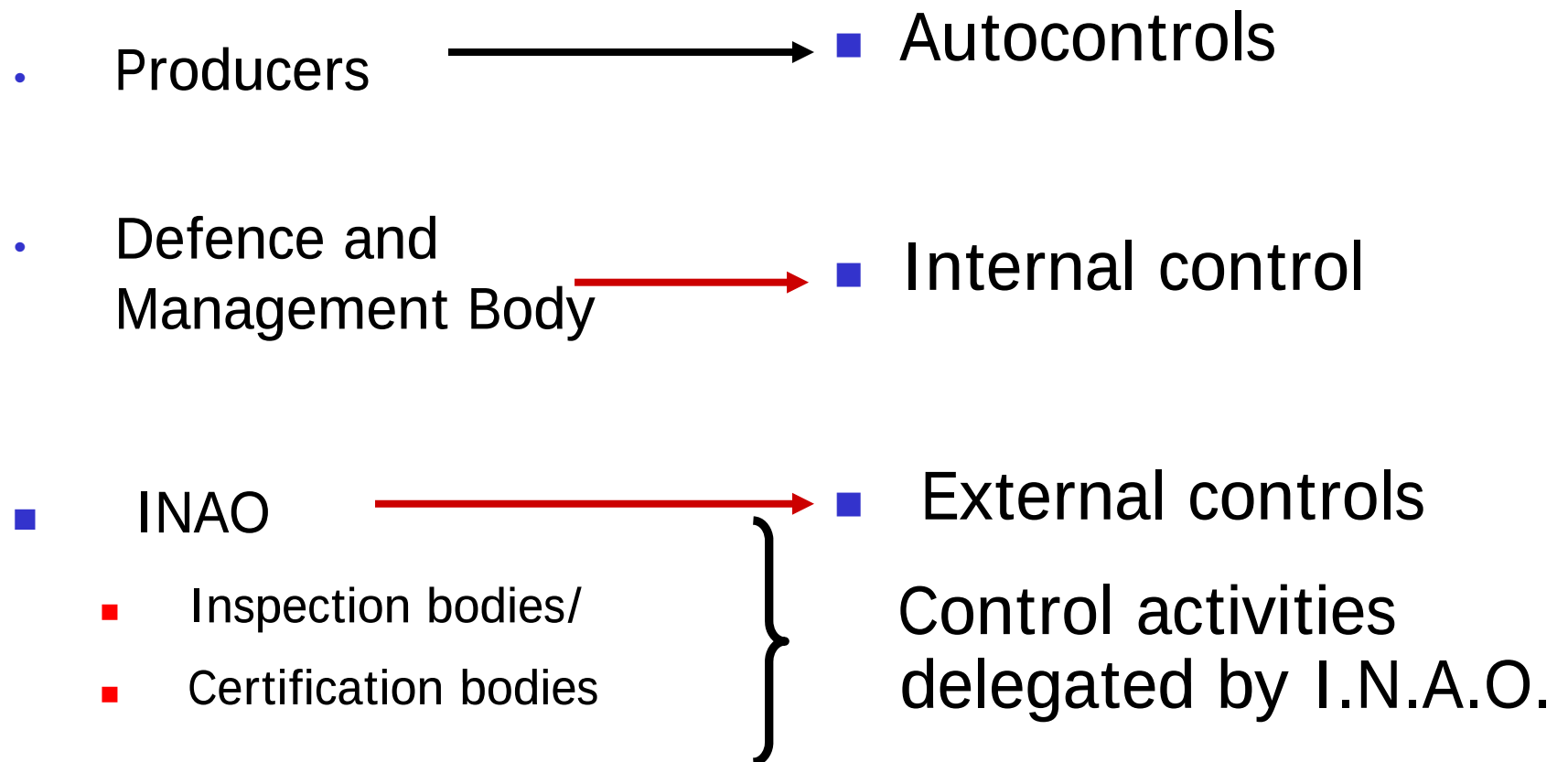


General rules

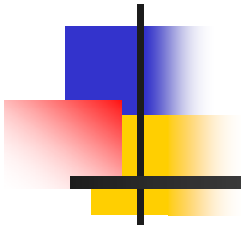
- An organization must be responsible for the controls of the compliance with the specifications
 - Public : the competent authorities of the State is responsible for the control
 - Private : a certification body organizes and carries out the controls
- Principles : independence, competence and impartiality
- Those controls don't stand for general controls : compliance with sanitary rules for example



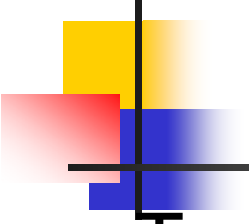
Organization of controls



Third step

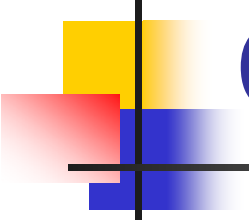


the Protection of GI



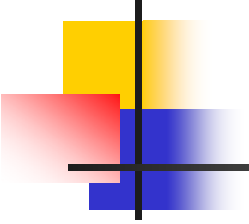
Objectives of protection

- To encourage a fair competition between producers
- To help the consumers, giving them information on the specific characteristics of the products
- To protect a national and economic heritage: terroirs, know-how, products



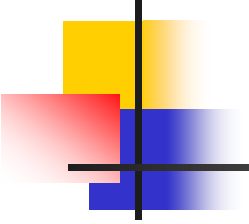
Consequences of registration

- Protection for an unlimited length
- But rules for cancellation of the registration
 - Any interested person may submit that a condition laid down in the specifications of a good covered by the Geographical Indication is no longer insured.
 - Any person with a legitimate interest



Protection of specifications

- In case of non-compliance to specifications by any producers, these producers shall lose the right to use the Geographical Indication.
- Criminal Proceedings
- Fine -37 500 €- and prison sentence – 2 years

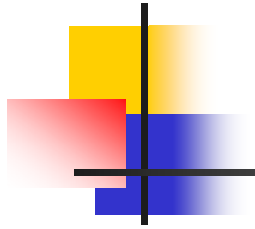


Protection of names

- A wide protection of names : misuse, usurpation, false or misleading indication
 - direct or indirect commercial use
 - misuse, imitation or evocation (even in translation or accompanied by expressions such as « type » or « style »)
 - false or misleading indication
 - any other practice liable to mislead the public as to the true origin of the product

- A large protection of the GI :
 - ➔ for a similar product : forbidden (usurpation)
 - ➔ for a different kind of product : excluded if risk of weakening or altering the notoriety of the geographical indication

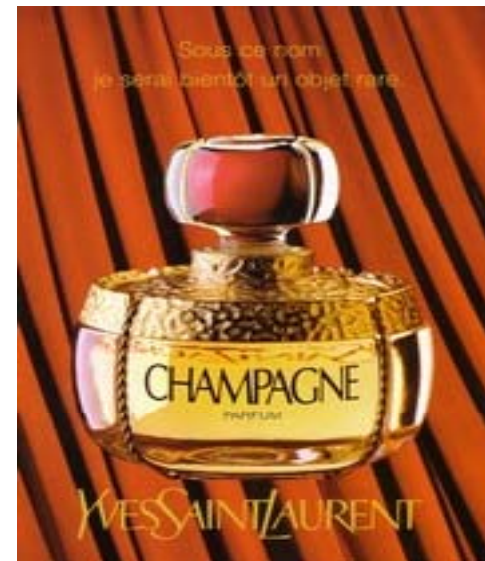
Conflicts between trademarks and GI

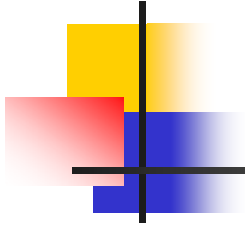


- The registration of a trademark misusing a previous GI is impossible
- Relation with previous trademarks : there is a coexistence between GI and a previous trademark and a case by case examination depending on the good faith and the risk of confusion for the public as to the true origin or essential qualities.
- A protection of trademarks reputation and renown

Infringements on GIs

- Counterfeiting by similar products
- Unfair competitions acts





***An official policy coherent
with private policies***

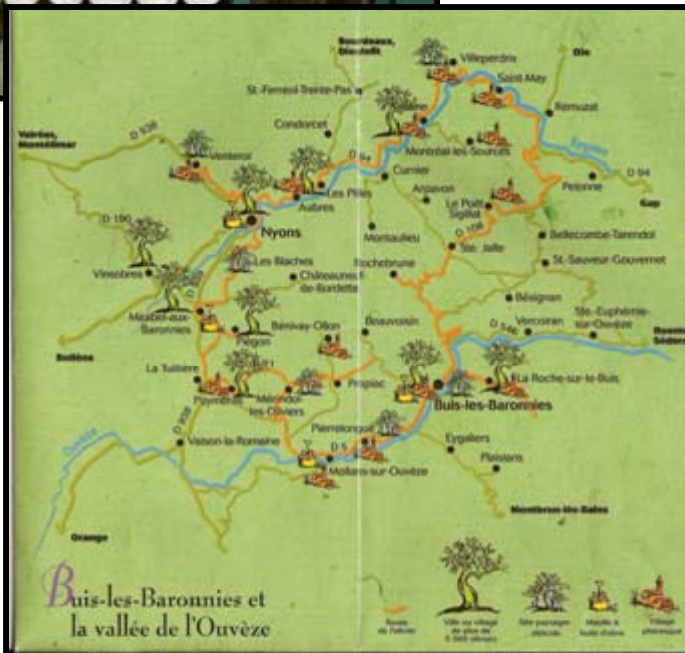
A policy of institutional advertising



20% of olive oil production in France

Retail price of GI products is **higher** than the price of similar products : 29%

Part of the rural development



Association between trademarks and GI

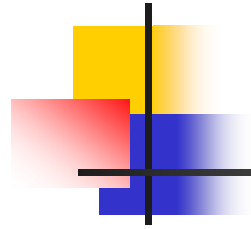


**Appellation
d'origine (PDO)
Roquefort**

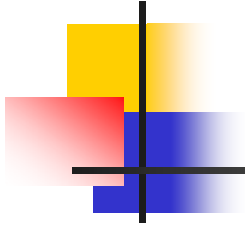
Trademark



As a conclusion



- A demanding approach : a commitment of all producers supported by a public policy
- Developed Products, Men and Territories.



Merci de votre attention

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