

A photograph of two men in suits standing in front of a wooden wall with two flags. The man on the left is holding a framed document. The man on the right is also holding the document. The background features a wooden wall and two flags, one of which is the flag of the State of Israel.

Converging global standards for heritage foods? The impact of state intervention in the implementation of Geographical Indication policies

Hart N. Feuer

Kyoto University

Daniel Monterescu

The Academic College of Tel Aviv - Jaffa

This Project

Research in Asia supported by the Lotte Foundation of Japan (2017-2019) and Japanese government (JSPS - Japan Society for the Promotion of Science) (2020-2025)

- Interviews with relevant authorities in Japan, Southeast Asia
- Interview with certifiers, e.g. Ecocert
- Field visits to producers and producers groups



Case studies

Cambodia

- Palm sugar
- Pepper (2 regions)
- Oranges
- Fish paste
- Cardamom
- Rice & rice flakes
- Pomelo
- Fish sauce

Japan

- Persimmons (3 regions)
- Grape wine (3 regions)
- Hatcho miso
- Wagyu (2 regions)
- Matcha tea (1 region)
- Sake (5 regions)
- Mirin (1 region)

Other Regions

- Salt (S. Korea)
- Coffee (Uganda)
- Rice (China)
- Konjac (China)
- Sweet potatoes (China)
- Wine (Thailand)
- Kithoul (Sri Lanka)

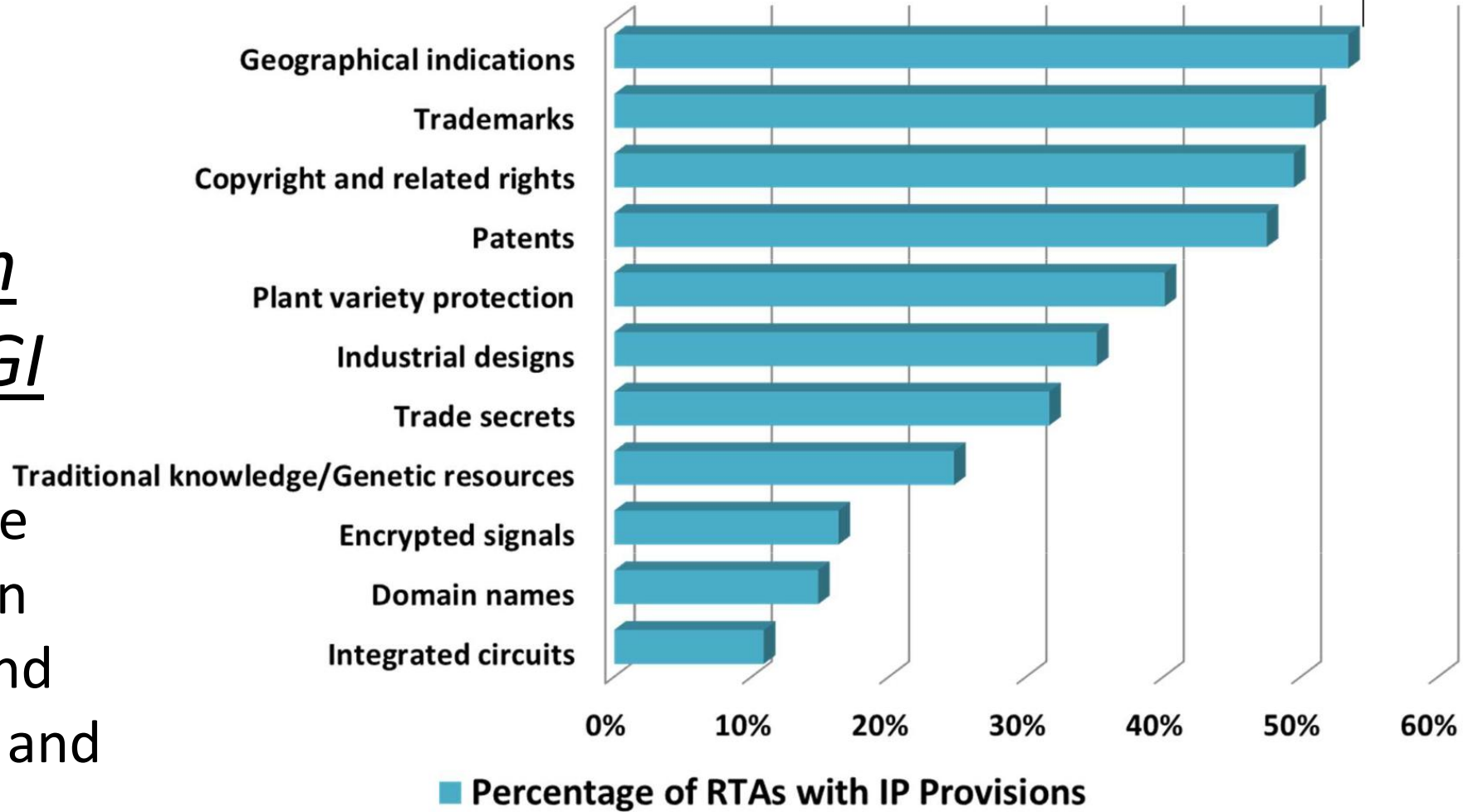
Percentage of FTAs with *Specific* IP Provisions



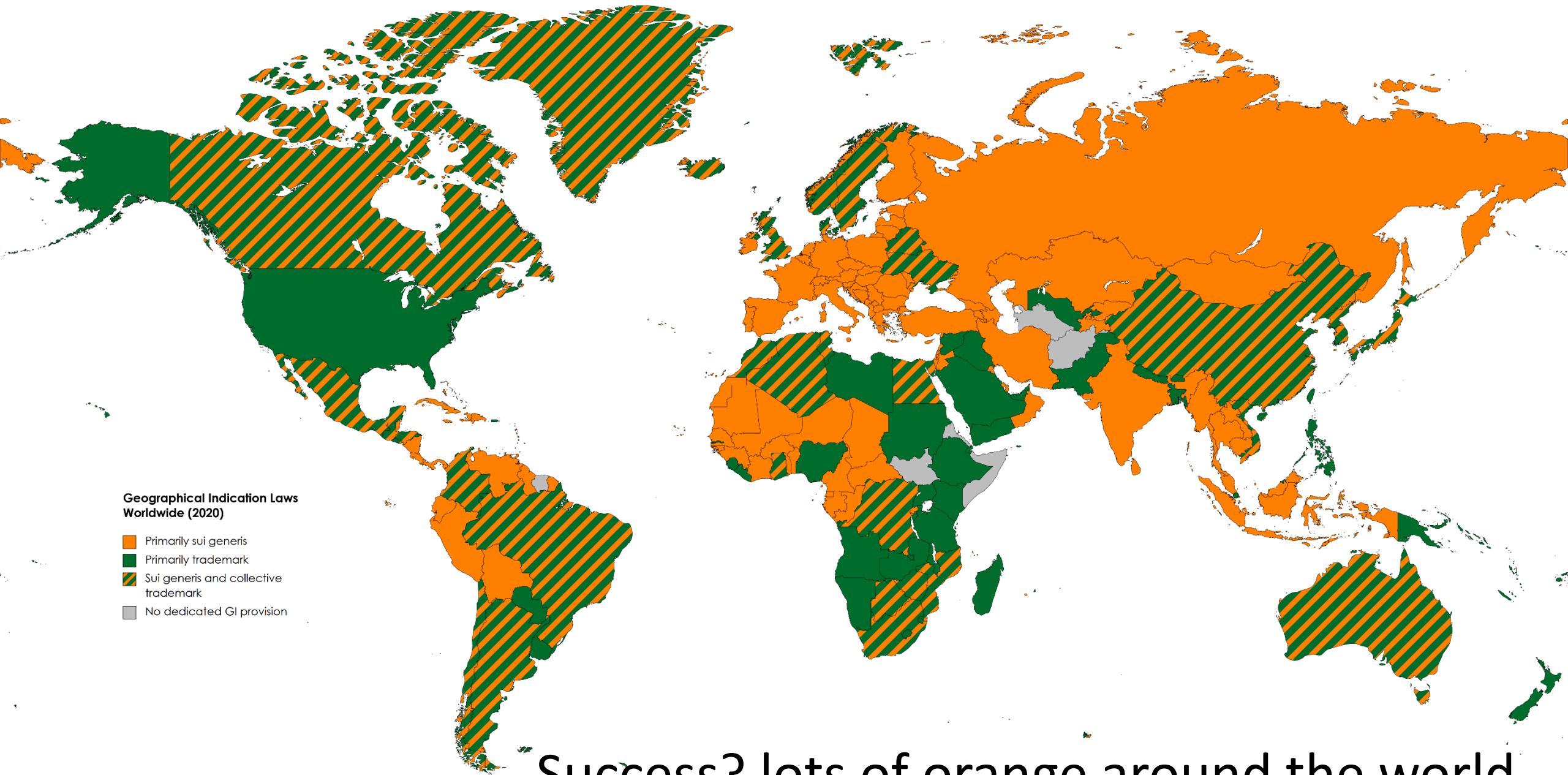
Europe's aggressive push for sui generis GI

Pressure from “more developed nations in WTO’s accession” and stipulations of RTAs and FTAs

(Le Thi Thua Hua 2017)



Source: WTO RTA Database



Dynamics of the new GI world order

- Now countries are playing competitive “catch up” to Europe on GI
- New-entry GI nations are not bound to view *sui generis* GI as a normative framework, but rather an arena for achieving various goals

Research Dilemma

Where is the dividing line between state “support” of GI law implementation to jump-start GI sector and overt *politicization*? (aligning GI to support state goals – picking winners – rather than aligning to common global GI norms)

Differing perceptions outside of EU core

“Core views” or Principles of GI by consumers, heritage producers

- An elite government “brand” honoring distinct heritage agri-food producers
- Maintenance of territorial traditions, diversity and traditional knowledge
- Fraud prevention and mark of high subjective quality
- Financial advantages for terroir producers

By government, recent agri-food producers, EU/trading partners

- Focus on high objective/technical quality
- Collective certification can be efficient for large and small producers
- Protecting rural livelihoods and preserving traditional culture
- Smooth integration to international trade agreements
- Support tradition within modernity; small producers and industrial actors

Contradicting perceptions outside of EU core

“Core views” or Principles of GI by consumers, heritage producers

- An elite government “brand” honoring distinct heritage agri-food producers
- Maintenance of territorial traditions, diversity and traditional knowledge
- Fraud prevention and mark of high subjective quality
- Financial advantages for terroir producers

By government, recent agri-food producers, EU/trading partners

- Focus on high **objective/technical quality**
- Collective certification can be **efficient for large** and small producers
- Protecting rural livelihoods and preserving traditional culture
- Prioritization of **export-ready products**
- Support tradition within modernity; small producers and **industrial actors**

Relevant Authorities range widely

160 countries survey (origin & Insight Consulting)

- Ministries of Commerce and/or Trade (~43%)
 - (intellectual property or patent office is around half)
- Ministries of Agriculture or Rural Dev't (~31%)
- Ministries of Economy (~12%)
- Specialized authority, e.g. Tax Authority (~9%)
- Other, e.g. Ministry of Justice (~5%)



Cambodian Minister of Commerce

Choice of relevant authority both *reflects* state goals for GI, and *shapes* details of implementation

Perceptions of GI Governance

Principles vs Realities

Ideal of European GIs

- Bottom-up collective approach centered around producer group
- Content of the GI defined by consensus and negotiation
- Patrimony and reputation of the product is defining concern, centered around heritage culture, diversity, and exclusivity



Reality in many new GI regions

- In East Asia, governance of GIs has been predominantly state-centered
- State plays an interventionist coordinating role or final cultural arbitrator
- Economic development and global trade focus



Cambodia Ministry of Commerce List

1. Kampot Pepper
2. Takeo Pepper
3. Mondulkiri Coffee
4. Siem Reap Sausage
5. Siem Reap Prahok (Fish Paste)
6. Steung Treng Pineapple
7. Kampot Durian
8. Svay Rieng Red Rice
9. Kampong Speu Palm Sugar
10. Kampot Fish Sauce
11. Battambang Orange
12. Battambang Nem
13. Neang Am Rice (Kratie)
14. Koh Trong Pomelo
15. Kratie Kralang (roasted rice)
16. Cardamom Mountains Cardamom

Not on original list

Kampot Salt

Mondulkiri Honey

Takeo Crayfish



Japan Ministry of Agriculture Prioritization

1. Wagyu Varieties (despite short history)
2. Elite fresh fruit (strawberry, melon, cherry, tomato)
3. Seafood (*merroir*)
4. Dried fruit (100+ year history)
5. Heirloom chicken (half historical, half modernized)
6. Traditional ingredients (miso, vinegar, katsuoboshi)



Ignored items so far

1. Mirin (unclear boundary with alcohol)
2. Fermented foods (natto, pickles, umeboshi)
3. Rice
4. Confectionary (sweets, cakes, mochi)
5. Konjac



GI Registration Pace

Country	Enaction Year	Total GIs	Non-food GIs	Average Agri-Food Registrations/yr
Japan	2015	191	43	14.80
Italy	1996	877	544	11.48
France	1996	774	492	9.72
Thailand	2004	138	20	5.62
Vietnam	2006	94	5	4.68
Indonesia	2007	85	11	4.11
South Korea	2000	106	8	3.92
Malaysia	2000	79	24	2.20
Laos	2017	6	2	0.50
Cambodia	2007	7	0	0.39

Emerging Policy Approaches

Consultative: Policy approach to resolving individual conflicts among producers

- Forcing framework of existing rural institutions despite contradictions
- Allowing leading company to govern (trademark behavior)



Coherent: Policy approach to balancing inclusiveness with exclusivity

- Ignoring exclusivity (all producers join regardless of terroir differences)
- Creating new sense of exclusivity (taking advantage of global norms)



Findings

- State intervention (in Asia) typically prioritizes
 1. products emblematic of national culture
 2. producers with existing (colonial) export value chain
 3. producer groups promising economic expansion
 4. tourism value
 5. heritage value
- Precision of GI standards reflects modern producer context rather than historical patterns (global supply chain privileges PGI over PDO)
- Evaluation of applications is both pre-emptive (choosing who to support) and arbitratative (compromising rather than embodying normative goal)

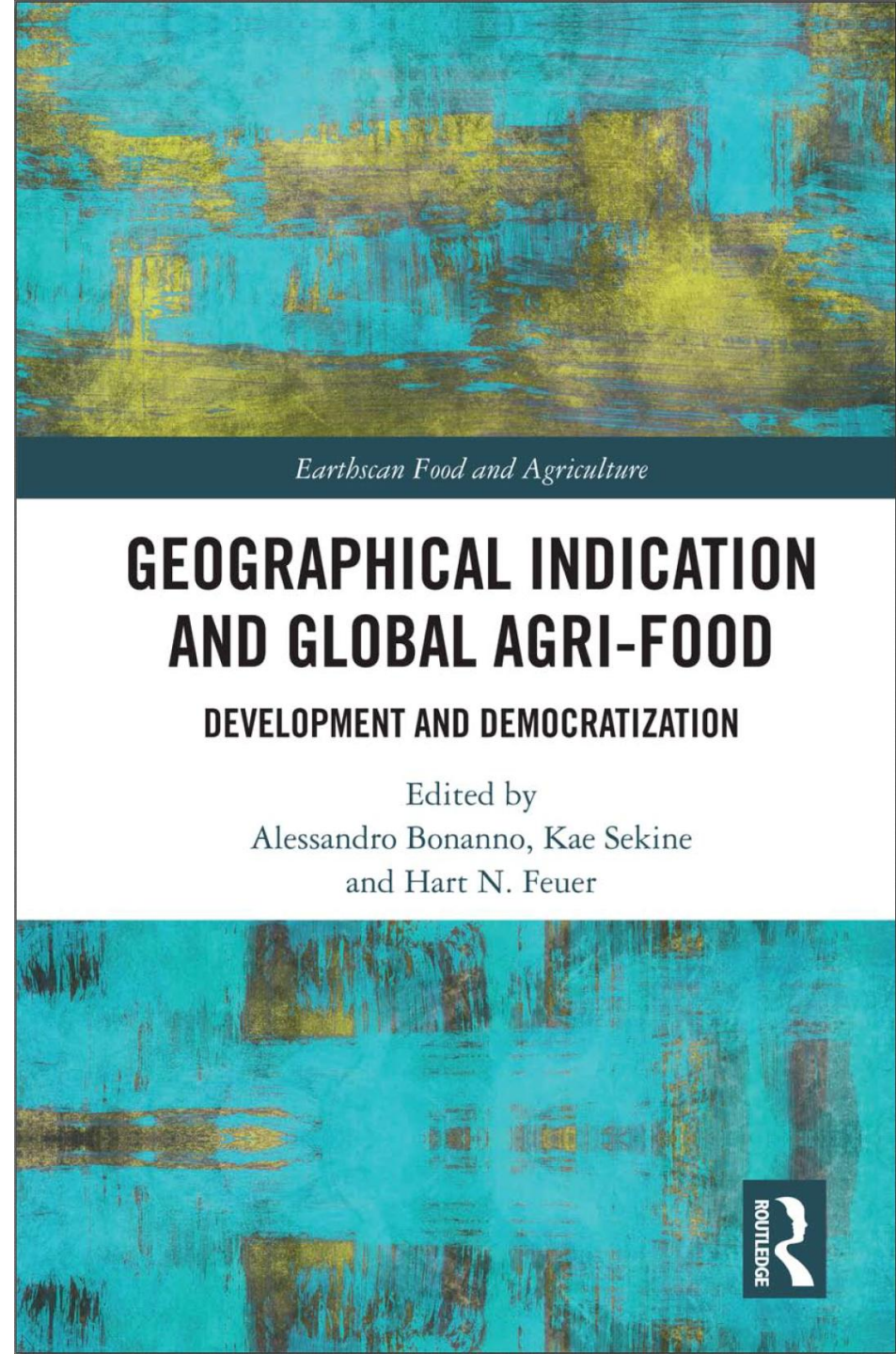
Conclusions

- Systemic and ad-hoc political mediations of GI frameworks in new countries diminishes the pressure of institutional isomorphism emanating from Europe (convergence on a standard)
 - Decreasing comparability of GI systems at the country level
 - Increasing opportunities for institutional innovation (diversification of terroir)
- Bounce-back effect: “core” GI countries in Southern Europe reveal considerable variation and slippage in following historical principles and patterns (Penker et al. 2022).

Thank you!

Contact:

feuer.hartnadav.4e@kyoto-u.ac.jp



Appendix

- The following goods and services are registered as regional collective trademarks.

The regional collective trademark system was introduced in April 2006, and 592 regional collective trademarks have been registered in Japan since the system was initiated (as of the end of February 2016).

The Numbers of Regional Collective Trademarks Registered for Respective Goods and Services



Because some regional collective trademarks are registered and used to indicate multiple goods and services, the number of registered collective regional trademarks and that of total goods and services are different from each other.