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Worldwide Perspectives on Geographical Indications

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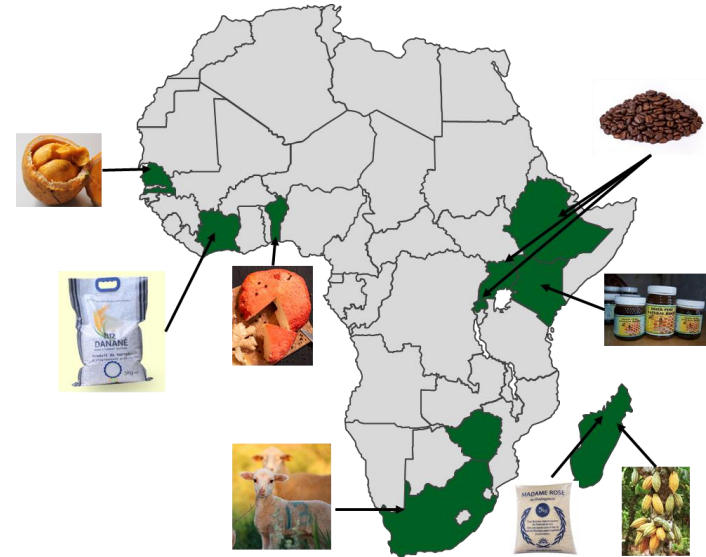
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11 projects to be implemented in 10 African countries

InterGI: An international reference in applied training for the acquisition of knowledge and skills on Geographical Indications



GI on ingredients and on intermediary product: Opportunities or Risks?

Which governance and certification innovations
for GI Products from People NOT from the same Place!

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1. INTRODUCTION

Issue

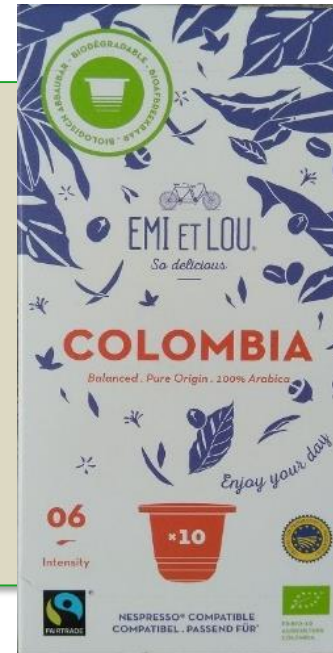
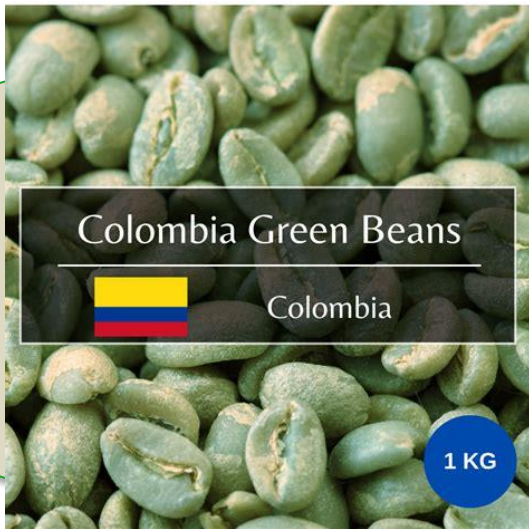
- Global Food System
- Parallel between
 - GI of products used as ingredients
 - GIs of intermediate products
- In both cases:
 - final product processed in another area than the GI area and is not covered by the GI product specifications

Issue

- Which possibilities to use the GI name on the final product?
- Opportunity to promote the geographical origin of the intermediate product/ingredient or risk of weakening the GI?
- Linkages between the actors when the production stages of the final product take place in different geographical areas than the ingredient/intermediary product ?
- How to valorise GI on ingredient/intermediary product without denaturing its quality
- For economic and social sustainability of GI



D.Marie-Viv



2. EVOLUTION OF THE REGULATIONS

EU guidelines of 2010 - 341/03

2.1 GI NAME IN THE LIST OF INGREDIENTS

GI Name in the list of ingredients

2010: Guidelines of the EU, based on case laws

- Always permitted to use an AO/IG product in a compound preparation
- always legal to mention the name of the GI in the list of ingredients with an indication of the proportion
- the percentage of incorporation of an ingredient with a PDO or PGI 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

EU 2010/C 341/03

EU guidelines of 2010 - 341/03

2.2 GI OF THE INGREDIENT AS THE PRODUCT NAME

GI of the ingredient as the product name

- The foodstuff should not contain any other “comparable ingredient”: which may partially or totally replace the GI ingredient :
 - Prohibited the use of the words ‘**Mc Cheese recipe with melted Beaufort**’ to designate a product containing 51% melted Beaufort, but also 15% cheddar.
 - The use of a name must not be likely to divert or weaken its reputation and undermine its specific character (Cass. crim., 30 June 2009).
- Ingredient in sufficient quantities to confer an essential characteristic on the foodstuff:
 - no minimum percentage to be uniformly applied (too diverse, spices, meat etc):
 - If very low: advertising likely to mislead the consumer

GI of the ingredient as the product name

- Qualities of ingredients not preserved = exploitation of reputation
 - Potato sauce with a label featuring the words '*mit Spreewälder Gurken*' (with gherkins from the Spree forest) Landesgericht Berlin, 2005: prohibited
- Qualities of ingredients preserved: any risk of weakening reputation?
 - "*Arla yoghurt with a Champagne flavor*" (C.com.Stockholm, 2002): Prohibited
 - "*Rougié Sarlat Whole duck foie gras with 2 peppers and Champagne*": advertisements evoke the delicacy of Champagne, on the packaging, the AO appears in elegant English letters while the other mentions are in straight capital letters (Ccass 25 Paris, nov 2014): Prohibited
 - « *Champagner Sorbet* » (German Federal Court 19 July 2018): authorised

New Regulations

1143/2024 for agrofood, wines&Spirits

2411/2023 for handicraft goods

2.3 GI OF THE INGREDIENT AS THE PRODUCT NAME

AgroFood - Wines Spirits

Guidelines 2010 + new provisions – (Art 27)

- Producers of a **prepacked food** containing a GI ingredient wanting to use the GI name in the name of the prepacked food :
 - shall give a prior written notification to the Registered Producer Group (RPG)
 - Acknowledgement of receipt of that notification in writing by RPG within four months.
 - RPG **may** attach non-binding information on the use of the GI
 - producer of prepacked food may start using the GI name following the receipt of that acknowledgment or after the expiry of four months, whichever occurs first.
- RPG and the producer of prepacked food **may** conclude a contractual agreement:
 - about the specific technical and visual aspects of how the ingredient GI is presented etc
- Symbols referring to GIs only for products designated in the specification (Art 37)

Craft and industrial GIs (art 41)

- A GI of a part or component of a manufactured product:
- Can be used to indicate that a manufactured product contains such GI part or component if
 - honest commercial practices
 - does not exploit, weaken, dilute, or is not detrimental to the reputation
- Shall not be used in the sales designation of that product,
 - except where the applicant of the GI component **has given its consent**

3. CONTRAST WITH GIS WILLING TO BE VALORISED

Ceylon Tea

Wish of valorisation of the origin in processed products



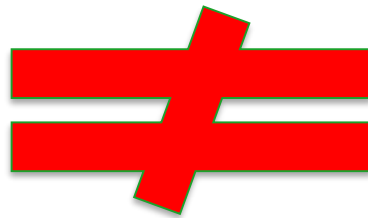
Particular issue of intermediary products

Coffee GIs

- Intermediary products = green coffee
- Coffee farmers would like downstream processors of the final products to use their GI but roasters are not always willing to pay more and valorise the origin of the beans
- Example : Buon Ma Thuot Coffee in Vietnam



Different of powers



But same issue of maintaining the quality of the ingredient/intermediary product

How to valorise GI on Ingredient/intermediary product without denaturing its quality?

For economic and social sustainability of GI

4. DISCUSSION

Different rationale of the concept of GI

- Concept of TM (licence) vs GI (right of use)
- Which control of the downstream stakeholders to maintain the qualities of the ingredient/intermediary product and not weaken the GI reputation ?

Different options

Preservation of the quality of the ingredient/intermediary product

- EU Reg 1143/2024, Art. 39 : control of activity of the GI specification carried out in another country

Specification with different geographical areas?

- GI Specification with steps of production located in different geographical areas in different countries in order to include all processed goods in one single specification?
- A solution for limiting processed products to only those desired by the producers of the initial product?
- Allows control from upstream to downstream

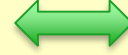
Contractual Arrangement

- To link upstream and downstream VC actors
- Tequila : model agreement for bottling outside Mexico
 - mandatory agreement for all exporters of Tequila in bulk
 - between Authorized distilleries and Approved Bottler
 - registered with the Mexican Institute of IP
 - no transfer or sale of Tequila in bulk to third parties:
 - no intermediaries
 - provide the Tequila Regulatory Council with the report



Conclusion: GIs for all

- GIs as ingredient / intermediary products: global food systems
- Organising the collective action of VC actors
- Taking the GI collective management organization as a model...and not the trademark licencing
- Address inequalities by capacity building of primary producers / ingredients producers in front of big players such as processors:
 - Also for raw material producers of GI where all steps are localized
- To keep the promise of GIs : benefit sharing and quality



Interprofesional body of Gruyère = minimum price for the milk



Phu Quoc Fish Sauce Association = not including the fisherman



Thank you for following this presentation

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