



ACP MTS PROGRAMME



The Protection of Geographical Indications (GI): Generating Empirical Evidence at Country and Product Level to Support African ACP Country Engagement in the Doha Round Negotiations

Peer Review of the study and the methodology

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Issue:

Shall African ACP countries implement geographical indications (GIs) protection systems? Will the benefit compensate the costs? The study is expected to give some clues about the criteria of success for GIs from African ACP countries whether on the domestic or the international markets. Without doubts from the report it appears that there are many opportunities for origin reputed products from African ACP countries to be differentiated. One crucial element to maximize the benefits of implementing a GI system is the level of protection conferred: the additional level of protection will allow African ACP producers to fight against misuse easily and to really build a sustainable strategy whereas the standard protection means that there will be always uncertainty about the validity of their GIs which might jeopardize all efforts consented to build GIs. Thus the additional level of protection is not an additional burden for ACP countries aimed to protect foreign GIs in ACP countries but is first of all an essential condition to protect efficiently GIs in both domestic and export markets.

To better assess the opportunities of GIs in ACP countries, the reviewers make the following comments, being anyway concerned about the very short delay which was given to the consultants to work on such a complex issue.

I. Link between the quality/characteristic/reputation of the product and its geographical origin

a) Distinction between GIs and other schemes of certification

The report should better distinguish between GIs and other schemes of certification such as FSC, organic or fair trade standards as they do not certify the same aspects of a product. For example there is some confusion about specific and generic quality for Coffee from Ethiopia (p.84). The same confusion appears in the case of Yett (p.272). Generic quality refers to mandatory standards for all products, like for example the SPS requirements, whereas specific quality refers to a specific quality only obtained by specific producers such as quality attributable to the geographical origin. Indeed, GI will not exempt producers from complying with safety rules, such as chocolate definition in Europe, and other mandatory rules which are decided at the national or international level. Organic or fair trade standard are defined by third parties, the choice of producers being to go through this method of production or not. On the contrary, GIs specifications shall be decided by the producers and shall result in obtaining the product already reputed thanks to ancient and shared

practices. GIs are an endogenous tool, whose standard is decided by the producers, the reputation of the product being the consequence of the practices. As the report points, there can be interesting combinations between all the strategies of differentiation which though shall not lead to a risk of confusion of the consumers. For example a GI on Okoumé in Gabon can include more producers than those certified under FSC scheme (p.147) but there should indeed not be any risk of confusion between what is behind a GI and what is behind FSC.

b) Analysis of the reputation of the goods

The report is good regarding economic data about supplies chains and markets of important commodities and other products but there is few cross analysis with the concept of GI. For example the questionnaires are representatives of a methodology of standard economy whereas the issue behind GIs is related to quality economy. Therefore, the report should address more deeply the main issue of how to determine the given quality, reputation or other characteristics of products attributed to their geographical origin. Indeed there is a lack of discussion in the report about the reputation, quality or characteristics of the product which can support a GI. The perspective of the study is mainly about the major productions in terms of quantity and not the major « origin based » products. Therefore all the macroeconomic data are useful but not enough to assess the opportunity of GIs. On the other side some interesting origin based products might not be commodities but deserve some attention. In considering the link with the geographical origin, the concept of natural and/or human factors seems relevant to be used instead of the concept of biological attributes used in the report which is more restricted than natural factors.

Below are some examples for which the assessment of a link between the product and its origin shall be better analysed to avoid the situations where the denomination is more an indication of source than a GI. To improve this point, it is suggested to use the methodology of « inventory ».

- Okoumé of Gabon: What is the specificity of Okoumé timber of Gabon compared to Okoumé from neighbouring countries? What is the product bearing reputation? It seems that Okoumé of Gabon refers to two kinds of products, raw log and panels, but it is not clear which of them shall be designated by the GI. To get an answer, it should be looked at which product is reputed. If the reputation is attached to the process of making panels, it means that only the panels could benefit from the GI.

- Demerara sugar of Mauritius: the specificity of the sugar from Mauritius is not clear. Moreover, it seems that the name Demerara is widely recognised as generic, so the report should be more detailed on what might be the GI: “Demerara sugar” or “Demerara sugar from Mauritius”, and look

at its specificity.

- Flowers from Kenya: is there any reputation?
- Coffees from Rwanda: what are the specificities of coffees labelled “Bourbon Kivu” or “speciality Arabica coffee from the shores of lake Kivu”? The report should give more details about the specialities coffees in Rwanda: what are they? What is their price compared to others? Are the premiums for speciality coffees in Rwanda due to the geographical growing area or to other factors?
- Cloves from Zanzibar: is there any reputation?
- Cocoa from Ghana: what are the reputations of the six growing regions (see p.164)? Is the specificity of the cocoa due to the plant variety or to the geographical environment where the plant variety is cultivated?
- Kisii Soapstone: on which product would be a GI? On the raw material or on the handicraft goods obtained from the stone?
- Wild silk: why isn't there any market analysis?
- Bois Cherie tea: does it refer to a geographical area? What is the reputation?
- Kola from Nigeria: what is its specificity? Does it have any reputation? Which name shall be registered as a GI, Kola alone or Kola from Nigeria?
- Joal Yett in Senegal: what is the specificity of the product? Is this specificity obtained whatever the process is or the quality is obtained only with the traditional processing? What are the consequences of the fact that traditional quality aspects are no longer respected (p.266)? Is there any shared know-how among the stakeholders of the supply chain? It seems that the exporters have industrialised the process whereas for local market it is an artisanal process and that both processes do not conduct to the same product (see presentation of Mr Fall), which is an issue regarding what could be the content of a GI specification.

c) Analysis of the risk of misuses

In the report, there is little emphasize on the risks of misuses, whether on the international or national/local market whereas it helps to determine the existence of a reputation of a good and justifies the need of a protection. For example the report writes that Yett faces some imitations from China but no details are given about what are the imitations (p.270). The same happens with Kente cloth (Ghana p.152) which is said to be highly abused internationally but without details: are the imitations made out of synthetic raw material? Or is it just that those imitations are machine made instead of handmade (p.172)? What is the name used to designate the imitations? Such details are very helpful to determine what the specificity of the product bearing the GI is and therefore the content of the GI specification. Indeed, GIs are intellectual property rights and the existence of

misuse is a criterion to demonstrate the reputation and the need to protect the name.

d) Reputation of non end products

The report should point out the challenge of successful GIs for raw material such as green coffee. Such GIs are possible if exporters and customers consider that the quality of green coffee will impact the final product offered to the consumers. It is here necessary to analyse the interest of the exporters in GIs. For example, in the case of coffee from Rwanda, how do the exporters label the coffee? The same issue arises for Okoumé: how will the final consumer influence the intermediary operator?

e) Umbrella GIs

The report focuses mainly on « umbrella » GIs which are GIs at the level of a country whereas it might also be very interesting to get more details about regional and local GIs. For example it seems that more restricted areas of growing coffees can be identified in Rwanda (p.248).

II. Different markets

The study focuses mainly on products for the export market with the idea that GIs for local markets are ineffective (p.73) but on the contrary GIs can be first a very useful tool for the domestic market, as is shown by the example of white honey from Oku. In that sense, GI shall not always focus on the exportation demand which can indeed be a threat for local culture whereas the local demand will support the traditional process. For example, in the case of Yett from the little coast in Senegal, the report writes that GI is a reinforcement of the exporters and therefore the exporters' process and is a threat of the local culture and know-how. But the concept of GI means that the content of the specification is decided by producers and the method of production embedded in the specification shall lead to the reputed product so in this case it might well be the traditional process which gives the products its quality.

Another consideration is that depending on the volumes of production, markets are not the same. For small volumes it might be a niche market whereas for big volumes it can be a mass market including new markets. There is literature on the interest of GIs in an overabundant market or on the contrary in scarce market. Still, the question arises of the interest of a GI for a product which might disappear as might be the case of Yett.

GIs are a way to increase the volume of production but it can also help producers by increasing the price and not the volume (p.56, 58, 64). The issue of not increasing the volume but the prices might be very important for products whose increasing production is a threat to biodiversity (Rwandan

coffees p.260).

Proliferation of GIs is not a systematic problem (p.73). As for trademarks, it is sufficient that the GI is recognized in its market, whatever is its size. For example Yett is unknown in Europe whereas it is famous in Korea, Japan and West Africa.

The report points out the risk of exclusion on the consumer's as a consequence of the rise of prices: it might not be a problem if substitutable goods exist. GIs shall only apply to niche market for specific products having quality and benefiting from a premium price (p.59).

The report recommends a comparison with similar product benefiting of GIs for same kind of product (p.64): this comparison is very useful for export market but is not so efficient for domestic market. The comparison could also up to look at differences between trademarks, certification trademarks and GIs for same kind of products (coffees, cacao, honeys...). But an issue is that the reputation might be completely different even for same kind of products: for example it is difficult to compare the experience of Blue Mountain coffee with Indian coffee. It shall also be kept in mind that GIs are not an export tool as such but first a protection tool, an intellectual property right which protects the reputation of the good and supports its position in the market but is not an automatic door to market, as marketing actions have to complement GI protection.

III. Coordination between stakeholders of the supply chain

A good share of the added value will depend on how the content of the GI specification, the code of practices, has been negotiated among the stakeholders of the supply chain. The report should focus more on the essential aspect which is that the content of the GI specification shall be decided by the producers and is usually examined by public authorities in GI sui generis systems. Therefore they should be a limitation of the risk of exclusion on the producer side: GIs should not be imposed by external stakeholders (p.60) and producers shall participate to the definition of the GI specification. The methodology proposed in the report describes the necessity to know about the complexity of the value chain and the number of producers (p.66) but it should also mention that an important aspect for GIs is the coordination between producers. Moreover, the collective building and management of a GI is an opportunity to specify more and more precisely the product. This effect is only sensible in the middle/long term, but can be of great importance. But it is not granted from the beginning, and depends on many factors.

The feedback on experiences on collective/certification trademarks could help to assess the issue of coordination between stakeholders. For example, how is managed the use of the US collective trademark "Silverback coffee of Rwanda" (p.52): who is the owner, who can use the trademark, under which conditions is obtained the right to use the trademark?

For example, is there a risk of exclusion of producers who are not members of any producer's associations/cooperatives even if they respect the GI specification and what are the conditions to become members of cooperatives?

In the case of Demerara sugar, are all the producers members of Mauritius Sugar syndicate? What are the conditions to become member of the syndicate? In the case of Yam from Nigeria is the trademark "PEPA Yam" an individual trademark or a collective/certification trademark? What is the link between the State, owner of the trademark and the producers? How can the producers use the trademark?

The coordination of stakeholders is a key element of the GI system which shall be properly looked at.

IV. National framework and role of the State

a) Different national frameworks

The study should strengthen the analysis on the different systems existing to protect GIs, whether it is through trademark system or any sui generis GI system (p.72) and it should give some clues about what shall be the different options suitable for African ACP countries. For example there is little emphasizing on the need of examination capacities in case of sui generis GIs which are different than for trademarks (see for example the national committees for OAPI countries). The technical aspects behind GIs shall be looked at in the country of origin. Beyond this is the issue of which institution shall welcome such examining expertise and monitoring of GIs: Intellectual property offices, Ministry of Agriculture, of Commerce, of Industry.

The cost of running and training of such examination experts shall be considered together with the advantages and benefit given to producers by a sui generis system (p.66).

b) Risk of conflict between public authorities and producers regarding the ownership of GIs

The risk of conflict between public authorities and producers is identified in the tables summarizing for each case the advantages and disadvantages of GIs but it shall be more surveyed. For example, what could be the learning of the case of Ethiopian coffees where the State is the owner of the trademarks: how did the State decide about the conditions embedded in the proclamation? In the case of Coffee from Rwanda, Rwanda Development Board says that public authority shall manage GIs on coffee but this is not asserted by the study. In the case of Zanzibar cloves it is stated that the Zanzibar Clove Board could be the owner of the GI but the GI Act (section 60) provides that only

farmers can apply for GIs.

The study could also point out the issue of the risk of corruption of public authorities for example during controls.

V. Traceability and controls

Traceability and controls are key elements of a GI system. The study should look more at those very important aspects. For example there are lots of data on Rwanda coffee but little about the source of coffee marketed with a geographical name such as “Bourbon Kivu” or “speciality Arabica coffee from the shores of lake Kivu”: is this coffee coming from Kivu? What are the traceability procedures to guarantee the origin of coffee regarding in particular the problem of blending (p.252, 256)? Another example is given by the product labelled « 100% Okoumé of Gabon » where there are no details about how the product labelled is traced and controlled.

The study should give more emphasise about which scheme of certification and control is possible in African ACP countries: by public authorities and/or by private bodies, by producers or third parties, regarding the realities in the countries and the provisions of legal texts. The report also fails to point out who will bear those costs (p.67).

Regarding the inspection of retail outlets, it might be under frauds repression and it seems quite unrealistic to do it yearly (p.66, 67).

The report could do a more valuable use of data generated by other scheme of certification to understand better how a GI control system could work efficiently. When there are collective or certification trademarks, data on the traceability and controls could usefully give some ideas of what could be a GI certification and control scheme. For example, how is functioning the actual scheme of certification of Yett from little coast in Senegal? Can the same system be taken for the GI control?

VI. Consumers

The study could analyse more precisely the role of consumers who support the demand for origin products and are a criteria for the success of GIs. In the report, the impact of consumer driven value chain is presented in a confused way which shall be explained (see p.10 and p.63.) For example, in the case of Ethiopian coffee, the strategy was built up following the action of the NGO Oxfam against Starbucks.

VII. Outcome from already existing GIs

The report should have identified easily 3-5 cases of economically significant African products that currently enjoy GI protection through certification trademarks even if those are not sui generis GI systems and even if the trademarks are very recent. For example, coffee and tea from Kenya are already protected as certification trademarks. In particular the following outcome could emerge: who is the owner of the trademarks, what is specified in the certification/collective trademarks rules, how is regulated the use of such marks, who is entitled to use them, how many producers have been certified...Why have they been abandoned in the US? (In many countries, descriptiveness is normally not a criterion for certification or collective trademarks).

VIII. Additional protection

The report should discuss more the interest of the additional protection compared to the standard protection for African ACP GIs and make a link between the economic data on origin based products and the negotiations at WTO. First the report could list the countries within the African ACP group which does or does not provide for additional protection. For example the description of the Mauritius GI Act draft shows that it does not provide for additional protection. On the contrary Bangui Agreement provides for the additional protection to all GIs whatever the products designated are.

Then, the report should highlight that the additional protection will help protecting GIs registered for African ACP products and not only for foreign products. As African countries do not produce wine and spirit the actual situation of additional protection conferred only to wine and spirits is unfair to them. It does not seem either that African companies may claim “prior rights” against GIs from foreign countries so there is no risk of loss of domestic industry related to a product which they could consider as generic and that could be threatened by an additional protection of foreign GIs.

For example, if we take the hypothesis of “Okoumé” alone being the denomination protected as a GI, which is not sure regarding the fact that Okoumé is the name of a plant variety which might be used in other countries, the use of the indication “Okoumé wood from Marroco” can not be prohibited under the standard protection whereas it can be prohibited under the additional protection. Moreover, in the report there is no reference to the decision of the WTO panel which provides for the possibility to introduce in national legal frameworks the principle of co-existence between prior trademarks and GIs. This possibility could be mentioned to solve some problems emerging in the case of cocoa from Ghana where there are many prior trademarks (p.166) or on coffees from Kenya

or coffees from Rwanda.

The report should also highlight the interest for ACP African countries to have both the additional protection for GIs and the mention of the source of the generic resources in patents as it is now under negotiation at WTO.

IX. GIs, biodiversity and traditional knowledge (TK)

GIs can be a useful tool to promote the TK and to preserve it, but it protects a name and will not protect TK as such against misuse. It is a tool for its preservation as it helps to maintain method of production of goods which are traditional. Such goods are maintained in the market thanks to their added value which can be increased with a GI protection strategy (see for ex Oku honey p.126). But GI will not help to fight against usurpation as such of traditional knowledge as the traditional method of production, the know-how, can be reproduced elsewhere, even if it is assumed that when reproduced elsewhere, the traditional knowledge, which can be combined to the geographical environment, shall give birth to different products which can not be named with the denomination protected as a GI.

GIs can be very useful for biodiversity conservation but it has to be surveyed case by case. For example the report does not highlight that Oku honey is very specific because it comes from an ecosystem which is a biodiversity high spot with specific birds and trees. The reputation of Oku honey is directly attributable to the high level of biodiversity of the ecosystem supporting the production of honey. On the contrary the increase of demand following a GI registration can be a threat for biodiversity (example of the case of Rooibos).

X. Factual comments

From our knowledge on some of the cases, we make the following comments on the cases:

a) Okoumé from Gabon

It appears that "Okoumé wood" is designated as "gabun" ou "gaboon" wood in Germany, Sweden, USA, UK, Nederland which means that there is strong link between Okoumé and Gabon (L'okoumé (*Aucoumea klaineana*): monographie, Nogent-sur-Marne : CIRAD-CTFT, 1990 . - 102 p.). This fact allows drafting the hypothesis of a GI « Okoumé ».

b) Demerara sugar

Demerara is widely recognised as generic, and is originating from Guyana, which is a strong argument against a potential GI on Demerara sugar from Mauritius.

c) Coffees from Ethiopia

Ethiopian coffees trademarks Harrar, Yirgacheffee and Sidamo, owned by the State are regular trademarks and not certification trademarks contrary to what is in the report, which is quite important in terms of strategy and right conferred. For example it seems that those trademarks were registered in Europe only because the examiners did not know they were geographical names, otherwise they might have been considered as descriptive and refused. According to Mr Getachew Mengistie Alemu, the trademarks correspond to coffee profiles which are not linked to geographical area. Such data are very important to discuss the strategy of registration of regular trademark.

d) GI Act in Rwanda

GIs in Rwanda shall benefit producers but not necessary small producers (incorrect statements p. 262).

e) GI Act in Kenya

The delegate from Kenya mentioned there was a factual error in the report regarding the GI Law and the assertion that tea industry was in decline.

f) Bois Cherie tea

It seems that Bois Cherie is a trademark owned by the Aubin family.

g) GI protection in EU and US

The list of products protected under EU regulation is not definitive as it might be amended (p.80). This list should be used to assess whether the products of the case studies can be protected in the EU. For example Okoumé wood or handicraft goods can not be registered as GIs in the EU. US regulation on certification trade marks is for any kind of goods and not only any food or agricultural products.

h) Oku white honey

More information could have been found in the article: *Indications géographiques en Afrique de l'Ouest et du Centre : raisonner la diversité* (in L. SEINY-BOUKAR, P. BOUMARD (éditeurs Scientifiques), 2010; Actes du colloque « Savanes africaines en développement : innover pour durer », 20-23 avril 2009,

Garoua, Cameroun. Prasac, N'Djaména, Tchad ; Cirad, Montpellier, France, céderom.
[http://hal.cirad.fr/docs/00/47/43/25/PDF/020_bridier.pdf]

Here is only recalled the main points which have to be more detailed or corrected. The report says that “specificity of Oku white honey is attributed to the climate of this region. Oku and Ijim, two villages located at a high altitude, have a particularly cold climate and very distinctive vegetation, a constitutive material crucial to producing the white honey (p. 121)”. The specificity of Oku honey can clearly be attributed to the vegetation of the forest, mainly three special trees: *Croton macrostachyu*, *Nuxia congesta*, *Schefflera abyssinica*. If the climate stays the same, but the forest is destroyed, there will no longer be White honey in the surroundings.

The report continues with “the specific production area of Oku white honey, currently under delineation, is focused on the slope of the Oku Mountains on which the village lies (p 121)”. Mount Oku presents two slopes called Kilum et Ijim. Thus the forest is called « Kilum Ijgin forest ». This forest has a very high biodiversity interest. It is now managed by communities themselves. This management helped to reduce the destruction rate of the forest. But demographic pressure is very high and the destruction of the forest remains a very important risk. Main towns or villages for honey production are Oku and Jakiri (Kilum slope), and Belo, Njinikom, Fundong (Ijim slope).

The report says that “...in terms of technique, production of white honey is identical to the production of ordinary honey. [...] Oku white honey is produced based on know-how of the particular placement of the hives. [...] The people of Oku village seem to have particular expertise...” These affirmations lack of consistency and accuracy. There is indeed a special know-how involved, especially about the colonization of bee hives in the plain, their transport to the forest, and their installation.

The report writes that “...the production of white honey originated in Oku [...] white honey from Cameroon is known beyond the country borders as “Oku” white honey; [...] producer groups and cooperatives are based in Oku”. That affirmation “...the production of white honey originated in Oku” should be more founded, as it is not the shared opinion. Some collective organizations are based in Oku, but not all, not even the majority. The report comprises some contradictory statements about whether many producers are members or not of cooperatives or to producers groups (p.123).

i) OAPI: The Bangui agreement and the PampIG project

The Bangui agreement (1977) has been revised in 1999. The Annex VI, which was devoted to “appellation of origin” (Lisbon agreement definition) was replaced by a new text about “geographical indications” (TRIPS definition). It constitutes the common IP law for the 16

countries so no national legislations have to be implemented. Is so, it should be consistent with the Bangui agreement. According to Annex VI, indications for any product can become a GI: agricultural, artisanal, natural or industrial...There are few provisions on the process of recognition. Additional protection is provided. Taking into account the fact that no African GI has been registered by OAPI until now, a project is currently being implemented by OAPI. Funded by AFD, and supported by Cirad, the project covers the years 2008-2012. Following the preparatory work (meeting, studies, etc.) of the years 2000-2007, the project aims to help the recognition of 4 pilot products in 3 countries: Oku honey and Penja pepper in Cameroon, Korhogo clothes in Ivory Coast and Ziama coffe in Guinea. A common methodology is used for each of these products adapted to each case. The support is brought to the products stakeholders through national (mainly) and international consultants. The following fields may be concerned by this support:

- Rising awareness of producers, reinforcing structures, helping in creation of a collective
- Marketing strategy, promotion
- Writing of the code of practices
- Delimitation of the area
- Definition of the control plan and process
- Writing of the GI application

The project takes into account the fact that the GI concept is not common in Africa. Training capacities is an important part of the project, in the perspective of identifying products eligible to become a GI. As the concept is not common, the project asks to find products « who are not the same elsewhere ». Member countries are requested to fill of a form describing each local product. It supposes to mobilize *ground level skills*. The project team then screen the forms, eventually asks for more information. Some of the more promising products will receive a mission by an international expert, and an action plan will be devised for the recognition of the product as a GI.

XI. General comments on the study

a) Bibliography

The reviewers have been surprised that very few considerations have been taken to previous research or dissemination projects in the field of GIs. Other recent documents of different kind have not been used which impedes the global quality of the work.

For instance, at least two important research projects have been funded by EU during the last ten years:

- Dolphins: 1998-2002 (Development of origin labelled products, humanity, innovation and sustainability (Dolphins: http://www.origin-food.org/index_dolphins.htm)
- SINER-GI: Strengthening INternational Research on Geographical Indications (SINERGI: <http://www.origin-food.org/2005/base.php?cat=20>) whose FINAL CONFERENCE took place in Geneva on June 23-24 2008

No reference is either made to the Quality & Origin program of the FAO : FAO is implementing a program to support the development of procedures focusing on origin-linked specific quality that will contribute to rural development (<http://www.foodquality-origin.org/eng/index.html>).

This program organized regional seminar, funded case studies, published a Guide: “Vandecandelaere, E., Arfini, F., Belletti, G. and Marescotti, A., Linking people, places and products: A guide for promoting quality linked to geographical origin and sustainable Geographical Indications, Food and Agriculture Organization of the United Nations (FAO) and SINER-GI, 2009, 220 p”.

Another useful work had been done by CTA (ACP/EU Technical Centre for Agricultural and Rural Cooperation) who organized on March 24th-27th, 2009, an expert seminar about “Challenges related to geographical indications (GIs) for ACP countries”. Although it was more oriented towards the role of GI in the rural development than towards international negotiations, the cdrom compiled in this occasion gathered nearly 20 product information sheet, as well as expert conferences. All this information material is written both in French and English, and would have been precious for the authors and participants to the conference. (<http://www.cta.int/en/About-us/What-we-do/Agricultural-Trade-Programme/Main-areas-of-work/Product-differentiation/CTA-AFD-CIRAD-Workshop-on-GIs>). In this occasion a 25’ video film has been produced, presenting existing GIs, as well as main concepts, and reactions / thoughts from the participants. A synthesis article (« Protected Geographical Indications for ACP Countries: A Solution or a Mirage? » <http://ictsd.org/i/news/tni/52376/>) was published by ICSTD (ICTSD - International Centre for Trade and Sustainable Development. Moreover, one of the outputs of this seminar had been the setting up of an internet forum, which would have been a good way to find stakeholders active in the field of GI. The information about the CTA 2009 Seminar was easy to find (when typing on google “indications géographiques”, the ICSTD article about this seminar giving the address of the forum about GIs: www.dgroups.org/cta/GI can be found in first position).

We cite extensively the case of this CTA seminar, but there are other examples of studies or meeting about GIs, like the seminars organized by Trade Com in Douala, Capetown, Port of Spain and Brussels.

Similarly, more information about the case studies could have been gathered before the field trips. To type « OAPI IG » on Google would have allowed the consultant to find in 8th position; the “Guide du demandeur d’Indication géographique...”, whose reading would have allow less approximate information about the OAPI GI project and the recognition process.

It would also have been very easy to find more information about some products. To type « Miel Oku » would have allowed to find an article by Bridier & Chabrol, where would have been found information that consultant did not find: volume of production, link to the origin (the forest), prices... (Indications géographiques en Afrique de l’Ouest et du Centre : raisonner la diversité http://hal.cirad.fr/docs/00/47/43/25/PDF/020_bridier.pdf

Out of all these resources, we also suggest the following papers and documents from the academic literature:

Barjolle D., Sylvander B. 2000. “Some factors of success for Origin Labelled Products in Agri-Food supply chains in Europe: market, internal resources and institutions”, in: Sylvander B. Barjolle D. Arfi ni F. (Eds), “The socio-economics of Origin Labelled Products in Agri-Food Supply Chains: Spatial, Institutional and Co-ordination Aspects”, INRA Actes et Communications, n.17-1, pp.45-71.

Bérard, L. Marchenay, P. 2008. From Localized Products to Geographical Indications. Awareness and Action. Ressources des Terroirs – CNRS, 61 p. Available at www.ethno-terroirs.cnrs.fr/IMG/pdf/Localized_Products_to_GI.pdf

Bramley, C., Biénabe, E. and Kirsten, J., "The economics of geographical indications: Towards a conceptual framework for geographical indication research in developing countries", Geneva, 26 and 27 November, 2007, International Roundtable on the Economics of Intellectual Property Rights, WIPO, 44 p.

Bowen S., Ana Valenzuala Zapata A. 2008. Geographical indications, terroir, and socioeconomic and ecological sustainability: The case of Tequila. *Journal of Rural Studies* (2008).

Van de Kop, P. Sautier, D. Gerz, A. 2006. Origin-based Products: Lessons for pro-poor market development. Bulletin 372, KIT (Royal Tropical Institute, Amsterdam) and CIRAD (French Agricultural Research Centre for International Development). Available at www.kit.nl/net/KIT_Publicaties_output/ShowFile2.aspx?e=921.

b) Lack of quotation of sources

There are too few references for the cases studies which lead to unclear statements. The list of persons interviewed is presented at the beginning of each case but it could be useful, for each statement within the description of the case to quote the source and then get an explanation of some contradictory statements. For example, it is not clear, regarding Okoumé wood, when the ban on raw log was implemented and what are the consequences (why then are they still taxes on exports, see p.143).

c) GI= Club good?

The study takes the hypothesis of GI being qualified as a club good which is still controversial. For example, regarding legal actions (p.67), no legal framework provides for the exclusion of the producer to any “club” whether being the association owner of a collective trademarks or a GI group which are internal matters and very variable depending on the statutes of the association. But legal frameworks provide for the prohibition of using the GI when not complying with the specification or rules of use. Indeed the use of the name is not restricted in certification trademark system and in sui generis GI system by something else than the respect of the GI specification which shall be open to anybody. The extra condition of access to a club shall not define a GI system. Literature also discusses this concept in the light of the participation of the public authorities in determining the scope of the GI specification in the case there is a substantive examination (sui generis GI systems).

d) Methodology

There is maybe a gap between the details of the questionnaires which are very good and the realities in the countries.

Regarding the methodology for production of quantitative data, the hypothesis of the study has been to start from an already defined GI to see its economic impact (p.62) which might be replaced by a reverse methodology, i.e. to first look at the value chain whose analysis can help to define the GI specification and scheme of control.

XII. Conclusions

How the identified ACP origin based products can fit into the WTO debate on GIs? African / ACP countries are late comparing to India, Indonesia, China, Brazil...The concept is still to be promoted and explained. Therefore there is a need to build capacities (public AND private sector: producer’s organisations, consultants, etc.). There should also be more pilot projects to be implemented, and

monitored. Though the study already shows that there are real opportunities for some African ACP countries products linked to their origin to benefit from a GI system. Implementing a GI system at the national and product level require some efforts and costs on producers and State's side. All efforts to build a GI can be rewarded and all the benefit can be maximised only if there is the guarantee of a sufficient level of protection and facilities to protect the GI at the domestic and international level.